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THE PROCEEDINGS AND DEBATES

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OF THE

SIXTY-SECOND CONGRESS, THIRD SESSION.

VOLUME XLIX.

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VOLUME XLIX, PART III.

CONGRESSIONAL RECORD,

SIXTY-SECOND CONGRESS, THIRD SESSION.

HOUSE OF REPRESENTATIVES.

SUNDAY, *January 26, 1913.*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore, Mr. FITZGERALD.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we realize that there are problems of life which have not been solved by reason or the subtle methods of logic.

But we bless Thee for those qualities of soul—faith, hope, and love—which solve all doubt, all fear in an infinite Father who has never failed his children. We are here to-day because Thou hast taken from us a servant of the people.

Warm in his friendships, strong in his convictions, earnest in his endeavors to fulfill the obligations of life in his home, his State, and Nation.

> There are nettles everywhere,
> But smooth green grasses are more common still;
> The blue of heaven is larger than the cloud.

Strengthen our faith, quicken our hopes, glorify our love, that we, with his dear ones, may go forward without fear to the larger life which waits on Thy children, where all questions will be solved, doubts dissipated, and harmony prevail in every heart. For Thine is the kingdom and the power and the glory forever. Amen.

The SPEAKER pro tempore. The Clerk will cause the Journal of the proceedings of yesterday to be read.

Mr. MERRITT. Mr. Speaker, I ask unanimous consent that the reading of the Journal be dispensed with.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to dispense with the reading of the Journal. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. Without objection, the Journal will stand approved. [After a pause.] The Chair hears no objection. The Clerk will read the special order for to-day.

The Clerk read as follows:

Ordered, That Sunday, January 26, 1913, at 12 o'clock m., be set apart for addresses upon the life, character, and public services of Hon. GEORGE R. MALBY, late a Representative from the State of New York.

Mr. MERRITT. Mr. Speaker, I offer the following resolutions.

The SPEAKER pro tempore. The Clerk will report the resolutions.

The Clerk read as follows:

House resolution 795.

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. GEORGE R. MALBY, late a Member of this House from the State of New York.

Resolved, That as a special mark of respect to the memory of the deceased and in recognition of his distinguished public career the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The question was taken, and the resolutions were unanimously agreed to.

Mr. TAYLOR of Ohio. Mr. Speaker, it is not my purpose to deliver a studied eulogy on our lamented colleague, but rather to pay a heartfelt tribute to one who was my very dear, very close, friend. My acquaintance with Mr. MALBY did not extend over a long period of years. In fact, I had no personal acquaintance with him until his arrival in Washington at the opening of the Sixtieth Congress. I knew him by reputation and was proud when he chose to number me among his friends. Our acquaintance at once ripened into a genuine and lasting friendship and affection, which continued without a cloud until his sudden and untimely departure last July.

> I can not say, and I will not say
> That he is dead—he is just away.
> With a cheery smile and wave of the hand,
> He has wandered into an unknown land,
> And left us dreaming how very fair
> It needs must be since he lingers there.

Surely these lines of James Whitcomb Riley must have been written especially for dear Uncle George. There is no living person but remembers him in the best of health and spirits. He left Washington early in July with kindly wishes and goodbyes for everyone and went to New York. He greeted all that he met there jovially and pleasantly, said that he was tired of the long drawn-out session and warm weather, and was so very glad that he was going home. He knew that he would be all right when he once more reached his own town of Ogdensburg and breathed the invigorating air of his native country, his beautiful land of the St. Lawrence River. No man ever lived that was more appreciative, more full of sentiment in regard to his own people, his wife, his lads, as he called them, and his well-beloved home.

Mr. MALBY was a real American, of Scotch descent, and justly proud of his lineage. Many are the reminiscences and interesting tales that he has related to me about his people and the early days of his life. He had a wonderful sense of humor and a way of expressing things with a chuckle all his own. It was my great privilege to have been his traveling companion in the early days of our friendship, and, as such, his continued courtesy and kindliness made our association a more than happy one. I shared his stateroom all the way to Panama and back on one occasion and enjoyed every minute of it. His friendship to me is one of the brightest spots in my life, and I can not in words express how greatly I miss him now. "The heart can feel what the lips can not utter." While he was several years my senior and had accomplished much, he was never too busy or too much occupied with his own affairs to pause willingly and cheerfully and listen to my minor trials and tribulations and help me all he could.

I wish to acknowledge my deep sense of gratitude and obligation to him for the always wise counsel and advice he affectionately imparted. He was a man of sterling qualities and noble impulses, made innumerable friends and always kept them. He was as true as steel. He had no devious ways, he was straight from the shoulder, always steadfast and sincere, clear and forceful, brusque sometimes to almost sternness, but underlying all was one of the sweetest, most affectionate natures God ever gave to man.

Just to exchange morning greetings with him always helped me out a lot—sort of seemed to make the whole world brighter, to sweeten things and make them more endurable. He was most unostentatious, never aspiring to the limelight of display of any kind. When he spoke in the House it was always because he was either for or against a measure, not for oratorical effect. He was no grandstand player. He was direct and resolute. All who came in contact with him were at once impressed with his earnest manner, his unflinching honesty, and fearless defense of what he considered right. When he believed in a principle, he believed in it absolutely. He never compromised. His good Presbyterian faith and conscience always pointed the way, and when he once espoused a cause he never deserted it. When once convinced that a thing was right, he stood firm as adamant. His party faith was a part of his creed. He was a most unusual man, and it required an intimate knowledge of him to really appreciate him. His friendship and fidelity made me love him; to have been so closely allied with him these few short years, I count a priceless heritage.

He now sleeps quietly beneath the sod of his native State, still living in the hearts and minds of all who knew him. Their respect and confidence and love were his during his entire career. They revere him in death, and can say with truth, "Here lies a man who loved his fellows." The mysteries of God are unfathomable. The untimely cutting down of this man so dear to us is hard to reconcile. His loss seems unpayable, irreparable. Let consolation be our antidote for grief. He is home, while we are still upon our stumbling journey, and though his voice is forever stilled and no more in this life will we feel his presence, somewhere he will wait for us, some day we will join him.

> O Lord of Light, steep thus our souls in Thee,
> That when the daylight trembles into shade,
> And falls Thy silence of mortality,
> And all is done, we shall not be afraid,
> But pass from light to light, from earth's dull gleam,
> Into Thy very heart and heaven of our dream.
>
> —Gildey.

Mr. MERRITT. Mr. Speaker, it is with a great deal of hesitation that I undertake to present to this House something of the career and services of the late GEORGE R. MALBY, my predecessor in this body. Mr. MALBY was born in the town of Canton, St. Lawrence County, N. Y., September 16, 1857, and passed away in the city of New York on the 5th of July, 1912, being at that time 55 years of age. His career in this House and the services which he rendered here were a part only of a long life of public service. It was the expansion and the flower, perhaps, of the labors which he had performed in his own State as a representative in the legislature of that State of a part of the congressional district which he here represented. He was educated at St. Lawrence University; he studied law and practiced that profession in the city of Ogdensburg, and in 1890 he entered the Legislature of the State of New York as an assemblyman, succeeding the Hon. N. M. Curtis, who was for many years a distinguished Member of this body. During the few years in which he was a member of the lower house of our

State legislature he occupied the various positions of leader of his party, chairman of important committees, and speaker of that body. After five years of service in the assembly of the State he was elected to the State senate, and continuously represented his senatorial district there until he was chosen a Representative in Congress for the twenty-sixth district of New York. During the years in which Mr. MALBY was a member of the State legislature the State of New York went through a condition of transition in its business affairs. It grew from small to great things. He was identified with the labors of the bodies of which he was a member for 16 years, and in a great part was responsible for the policies there inaugurated and for the carrying out of those policies. He was responsible for the institution of the great college of agriculture at Cornell in so far as it grew to what it now is—a great institution of learning. It was by reason of his deep interest in the subject, having been born a farmer's boy, that he had said to me and had said to others that when the time came, if he had the power to do something for the farming interests which would be far-reaching, which would help to elevate and lift and enlarge the scope, interest, power, and value of the industry of agriculture, that he should do it; and in the course of his legislative career the opportunity came, and, perhaps almost by himself, he succeeded in establishing on a firm foundation that greatest institution of its sort in America or in the world.

During those years, Mr. Speaker, the State of New York, in its financial development, was substituting a system of indirect for direct taxation, and during those years Mr. MALBY gave his time unsparingly and with great effect to assisting and developing that system in our State. It was appreciated by the people, it was appreciated by the legislature, and he grew before he left the senate of our State to be the predominant personage in that body, the one man, I think, in the whole legislature in his last term, who was consulted on every important topic and without whose advice nothing serious was undertaken. That was a preparation for service to his district, to his State, and to the people of the United States which qualified him beyond any man we ever sent from our locality, and I believe fairly beyond any man whom the State of New York has sent to the Congress of the United States in many years.

You are familiar with his position in this House. We have believed that he had made extraordinary progress in influence and power in the comparatively few years that he had been a Member of the House of Representatives. He had the confidence, I believe, of the leaders of this House on both sides. He had the respect, he had the affection of every man who knew him. His death was a tremendous shock to the community from which I come. No public man in my time has passed away and left behind such deep regret, so much of sadness, so much of a feeling of personal loss, as was felt when we heard that Mr. MALBY had passed away. He was the friend of all his people; he was consulted in a thousand ways. Not only was his position at the bar a distinguished one, but in the long years of public service he had rendered to thousands of people personal service, personal kindness, acts of thoughtfulness and consideration, acts rendered without a thought of a reward, of a return of favor, acts which came from his great heart and great brain, and splendid character and disposition, which had endeared him to our people as no other man has ever been endeared, so far as the records of our country go. And when I say "our country," I mean that northern section of the State of New York, which, to those who have been born and brought up there, is the dearest spot on earth.

It is very hard to be reconciled to such bereavements, particularly when they have a personal touch and come close to one. Numbers of men have associated with Mr. MALBY, not only in this body, but in the other bodies to which he had at times belonged, and have had the same feeling toward him that I am trying to express here—confidence, respect, and love.

Death comes to all. It is the most natural thing in the world. It is the thing easiest to understand in a way. We grieve, we must grieve, we ought to grieve, but we must bear our bereavements, our disappointments, and our griefs, as Christian men. I believe that if Mr. MALBY had been spared, all the service and experience which he had gone through as a public servant would have proven but the beginning, the foundation of more distinguished work and of greater usefulness. I know that he appreciated the opportunities of office from that standpoint, which is a good, sound, American standpoint. It was the opportunity to serve and not to receive the idle honor of the place.

As the gentleman who preceded me has said, he never made a speech for oratorical effect, he never thought anything of personal advantage. According to his lights, according to his conscience and his judgment, he always did what he regarded as his full duty as a public servant. It will be many years before such a man will represent our people, combining, as he did, the qualities of statesman, public man, good citizen, and loyal friend.

He will not be forgotten among those who have known him as we knew him. Thousands will possess the same feeling as was expressed by Burns in his "Ode to Glencairn":

The bridegroom may forget the bride
Was made his wedded wife yestreen;
The monarch may forget the crown
That on his head an hour has been;
The mother may forget the bairn
That smiles sae sweetly on her knee;
But I 'll remember thee, Glencairn,
And a' that thou hast done for me!

[Mr. MERRITT at this point assumed the chair as Speaker pro tempore.]

Mr. TALCOTT of New York. Mr. Speaker, the death of Mr. MALBY was so sudden and unexpected that it was a great shock to each one of us. It was one of the many instances that have occurred during this Congress to remind us of the uncertain tenure of human life.

Mr. MALBY had a distinguished career in the Legislature of New York before he came to Washington as a Representative in Congress. I first met him at Albany when he was the leader of his party in the Senate of the State of New York, and it is not overstating the fact to say that few men at that time possessed a greater influence than he in the public affairs of the State.

I did not have the privilege of intimate personal acquaintance with him, but I know the value of his service here and the efficient work which he performed so ably and so well as a Member of this body.

He was true to the people whom he represented; he was loyal to their interests; he was uncompromising in his convictions of public duty. The death of a man of such wide experience, strength of mind, and decision of character can not but be a positive and serious loss to his district, to his State, and to the membership of this House.

Mr. FAIRCHILD. Mr. Speaker, I have been deeply impressed with what I have listened to here to-day at this special session of the Members of the House of Representatives, called for the purpose of doing honor to the memory of our late brother, Congressman GEORGE R. MALBY. I have hesitated to take part in these services, not because I do not believe in the custom which is responsible for this gathering, not because I am not desirous of paying tribute to Congressman MALBY's worth as a man, as a friend, as a citizen, and as a public servant, but because I feel utterly incapable of portraying him as I really knew him, and because I realize that I lack the power of expression to correctly let the public see, as I should like to have it see, the finer, nobler, grander qualities that made such a deep impress upon me. It is one thing to know a man and to recognize his splendid attributes, but it is another thing to have the ability that shall make others see as you yourself have seen. Just as we admire in a beautiful picture the genius of the artist and yet are powerless to reproduce the painting, so sometimes in a friend we may see noble qualities, qualities that attract and make everlasting impress, qualities that arouse great admiration and deep regard, and yet be unable to portray those qualities to our own satisfaction. It is because I feel that I can not do Congressman MALBY justice that I must be content to say that, while there are others here to-day who knew him far better than I, others who had greater opportunity to measure his public usefulness, I do not believe he had in all the world a friend—and this is a strong statement, because I know the standard of his friendships—who placed a higher estimate upon his value to the country that he was serving so earnestly, so ably, and so faithfully, or who held him in kindlier regard.

New York has sent to the Congress of the United States many men of great note. It has sent men who have achieved reputations which will last as long as fame shall last, but among all its list of distinguished men it will be hard to find any who by reason of natural fitness, of patriotic motive, and of real unassuming ability are better entitled to a wreath of commendation than the Hon. GEORGE R. MALBY.

Congressman MALBY and I came to Congress at the same time. I had known him before coming here because of his long service at Albany, but I had seen but little of him. We located in the same hotel in Washington, and as I gradually became better acquainted with him I began to recognize his ability, his earnestness, his fairness, and his kindly, generous nature, a nature slow to think ill and tempered always with a mantle of charity broad enough for all humanity. At the Chicago con-

vention, where we were fellow delegates, I saw him frequently. I congratulated him upon his apparent recovery from a long illness in Washington, and looked forward with great pleasure to seeing him here again this winter. But it was willed otherwise. The Grim Reaper beckoned our friend in the very height of his usefulness, and he went away, and when he went sorrow came not only to his wife and to all his family, but to all who knew his bigness of soul and heart and mind.

New York mourns the loss of a citizen who honored her in State and national life. Congressman MALBY's memory will be cherished not only by all friends and associates at the National Capital, but by all who knew him, and particularly by the people of his home city and home county, whom he loved better than all the world beside.

Abou Ben Adhem (may his tribe increase!)
Awoke one night from a deep dream of peace,
And saw, within the moonlight in his room,
Making it rich, and like a lily in bloom,
An angel writing in a book of gold:
Exceeding peace had made Ben Adhem bold,
And to the Presence in the room he said,
"What writest thou?" The vision raised its head,
And with a look made of all sweet accord,
Answered, "The names of those who love the Lord."
"And is mine one?" said Abou. "Nay, not so,"
Replied the angel. Abou spake more low,
But cheerily still, and said, "I pray thee, then,
Write me as one that loves his fellow men."
The angel wrote and vanished. The next night
It came again with a great awakening light,
And showed the names whom love of God had blessed,
And lo! Ben Adhem's name led all the rest.

[Mr. FITZGERALD addressed the House. See Appendix.]

[Mr. FITZGERALD at this point resumed the chair as Speaker pro tempore.]

Mr. MERRITT. Mr. Speaker, a number of gentlemen desired to participate in the proceedings of to-day who are unavoidably absent. I therefore ask unanimous consent that all gentlemen so desiring may have leave to extend their remarks in the RECORD as part of the proceedings of this day.

The SPEAKER pro tempore. The gentleman from New York [Mr. MERRITT] asks unanimous consent that gentlemen unavoidably absent to-day may have leave to extend in the RECORD their remarks as part of this day's proceedings. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. MERRITT. Mr. Speaker, I desire to ask unanimous consent to include in the RECORD the proceedings of public memorial services held at Ogdensburg, N. Y., July 8, 1912, the day before Mr. MALBY's funeral.

The SPEAKER pro tempore. The gentleman from New York [Mr. MERRITT] asks unanimous consent to print as part of the proceedings of this day the addresses and proceedings of memorial services in the city of Ogdensburg at the time of the death of Mr. MALBY. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The proceedings are as follows:

[Public memorial services held at Ogdensburg, N. Y., July 8, 1912.]

"Hon. GEORGE E. VAN KENNEN, mayor of the city of Ogdensburg. Will the house please come to order. We have assembled here to-night to mourn the loss of one of our most distinguished citizens. I have been asked to preside upon this sad occasion.

"I assume that many speeches of eulogy will be made here to-night. I suppose that none of us knew how great a man Congressman MALBY was except those who saw him sitting among men whose names were household words in the land. I therefore move that the Chair appoint a committee of three to draft suitable resolutions of memorial.

"Motion seconded. Carried.

"Mr. VAN KENNEN. I will appoint upon that committee Mr. R. E. Waterman, Dr. Fred Van Dusen, and Dr. W. B. Hanbidge. I suggest that these gentlemen retire and consider the memorial that may be offered to this meeting later.

"Ladies and gentlemen, while we are waiting for the report of this committee we have thought it proper to have a few remarks made by our citizens with reference to the death of Senator MALBY, and I shall now take the liberty of calling upon Mr. Thomas Spratt to say a few words concerning him.

"Mr. SPRATT. Mr. Chairman, ladies and gentlemen, the death of Mr. MALBY was a great shock, not only to this community but to the people of northern New York. To people generally, Mr. MALBY was enjoying his usual good health. We knew of the fact that he was attending to his duties in Congress, and that during the Republican convention, which was held at Chicago, he took a very important part in the councils of his party, and certainly it was like a bolt from a clear sky when it was announced in the various homes of the people here in Ogdensburg that he had passed to the unknown.

"Mr. MALBY as a young man came up on the farm; from the farm to the school, from the school to the university, from the university to the practice of the law. In fact, Mr. MALBY was a typical, ambitious young American. He practiced law for some years, and while living in Ogdensburg, attending to the duties of that profession, he became well acquainted with all of us, and that acquaintance became intimate in many instances, and to the bar of Ogdensburg he was always reckoned upon as one of the men that you could rely upon when it was necessary to make any extraordinary exertion. But it seemed as though fate had in store something other than the practice of the legal profession for Mr. MALBY, because after the late lamented Gen. Curtis decided to resign and ceased to be a candidate for the office of member of assembly, upon the meeting of the heads of the Republican Party of this district, although Mr. MALBY was not anxious for the position himself, he became, with the consent and at the request of his friends, a candidate for that office, and a very peculiar thing happened at that time. As I understand it, as I said before, Mr. MALBY, at that time was not anxious for this nomination. But the fact was that the men who represented another portion of the district urged his candidacy, and the advice was followed and Mr. MALBY was nominated. The responsibility of that nomination was laid upon the heads of the political leaders of the Republican Party at this end of the district, and the result was that a very excellent man at the other end of the district thought he had been wronged and that the people of Ogdensburg were rather inconsiderate, and many of us thought that when the courthouse was destroyed at Canton and an effort was made to bring it here by a number of our citizens we were unsuccessful by reason of a little resentment that was carried along, but the truth was that Mr. MALBY was in no way to blame for any misunderstanding, and the nomination was really brought about by men outside of the city of Ogdensburg. However, Mr. MALBY entered into the assembly; he remained there several years; he became the highest officer in that body; he was probably the strongest man there, and his nature, his mind, and his character is stamped upon the laws which were passed during the time that he was a member of that body, both as an ordinary member and as a leader of the house and as its speaker.

"I feel a great pleasure in knowing that, in the early days of Mr. MALBY's progress in the legislature, our Democratic friends had a great deal to do with giving him position. I remember very distinctly when Mr. Sheehan, who was the Democratic leader, had made up his committee and our friends thought that Mr. MALBY ought to be put on the committee on ways and means, Mr. Sheehan said: 'I will be very glad to help you, but the truth is that I have made up my committee, and I do not see how I can give so important a position to so young a member.' But, with the aid of our friends of the more southern portion of the State, he reversed his position, and Mr. MALBY was placed upon that important committee, and it gave him a great opportunity to impress the people on that committee with the extent of the ability which he had, and we were all very much pleased, and especially that it was one of the things that the Democrats in northern New York had performed.

"From the assembly he went to the senate. It is really unnecessary for me to recite what he accomplished there. He began at once to hold positions there on the most important committees. He was really the dominant figure in the great senate of the State of New York while he remained in that body, and after he was promoted to be a Member of Congress from this congressional district he took rank with the ablest men of the Nation. There was this about Mr. MALBY, perhaps you have never thought about it. He was a wonderful man in becoming acquainted and mingling with the great men wherever he was called. He seemed to understand that it was absolutely necessary, in order to make progress, to get with the body of men who would stand up and be able to express their ideas and always have ideas. So we find him in the assembly, senate, and Congress. The result was that Mr. MALBY, under Speaker CANNON, received recognition that no other new Member ever received in the House of Representatives. The good work he did there was appreciated by the Democrats, and at the time of his death no man stood higher in the House of Representatives than GEORGE R. MALBY.

"Now, gentlemen, it is very easy to say this man has done that, or the other man has done something else, but it is a very important thing, a wonderful thing, to find a man that is not only able to perform the acts that come to him, but whe

can go out among men who are seeking to rise to the front or to positions of various kinds and to so control and manage affairs that his party will not be separated or disintegrated, but that it will follow the leader. Now, GEORGE R. MALBY had that faculty to a great extent, which ability he showed in the halls of Congress. He had great ability in keeping his party together, in organizing his friends, in maintaining his party organization, and so he was not only a great legislator but he was a great statesman in the highest sense of the word.

"What is the value of such a life, or, rather, what is the loss to that community when such a man dies? You might say as to the value, he was elected as a member of assembly, and he performed well the duties of his office. He was made senator, and he never was found wanting. He was elevated to the halls of Congress, and he found his place among men. He was a valuable man in that way. On the other hand, you might say that 55 years ago there were a great many thousand people in northern New York—a great many thousand residing here in this congressional district. Let your mind run back for 50 years, those of you who are old enough, and scan the men who have lived and who have died and who are living now, and see how many George R. Malbys there are in northern New York now, and when you find how many there are you can tell somewhat of the greatness of this man and what this community has suffered by his death.

"I know there are other people who wish to speak of Mr. MALBY, but I wish to call your attention to another side of Mr. MALBY, and that was his kind-heartedness. He lived opposite to me for many years. I knew how much he loved his children and his neighbor's children. There was nothing in the world that pleased Mr. MALBY as much as to get the children of the neighborhood together, especially on the Fourth of July, when he would surround himself with his own children and my children and Mr. Hannan's children, and the thing that he most enjoyed was to come under my window with the children and fire off those giant firecrackers and then hear how the fathers of the children took it. And I tell you the man who can bring children to him and to whom children will go has a great and a good heart.

"Mr. MALBY was more than fortunate in his marriage. In the earlier days of his life it was a great benefit to him that he had, in Mrs. Malby, a true helpmate. She was a woman who was thoroughly devoted to her own household duties. She never allowed Mr. MALBY to be worried by small matters of one kind and another when he came home from his legislative duties, and she loved her husband beyond anything I can describe, and he certainly was a kind and loving husband. There was no wish of her's that he did not grant if it were possible. He was a kind and loving father, a beautiful husband, a man to whom we can all look up and say GEORGE R. MALBY was a truly representative man of northern New York.

"But he is gone, and what can we do for him? We can simply show by gathering together to-night our appreciation of his greatness and goodness. We can gather together to-morrow and close our places of business and be there present with his family and lay his body to rest on the shores of the Oswegatchie River which he loved so well.

"I wish to say that in the loss of Mr. MALBY the State of New York has lost an able citizen, his district has lost a good Representative, and the city has lost one of the best citizens it has ever produced and certainly the vacancy which is caused by his death will long remain unfilled.

"Mr. VAN KENNEN. I would like to call upon Hon. John M. Kellogg with reference to the man whose career has been closed.

"Hon. JOHN M. KELLOGG. Mr. Chairman, ladies, and gentlemen, Congressman MALBY was my dearest lifelong friend. It seems impossible that I can say anything here and it seems impossible for me to remain silent. Speaking of the man, it seems that he and I came to this town about the same time. I was a practicing lawyer, he was a boy beginning his studies. We found ourselves in the office of Stillman Foote, I a practicing lawyer, he my law student. Our relations were close and confidential. We stood shoulder to shoulder for a period of 20 years. If an assault was made upon one, there were always two to answer the call. He was faithful and firm in his friendship, unswerving in his loyalty. When I became supreme court judge my relations, as an active friend in politics with him ceased, but my interest in his career continued, our friendship remained and I think the various successes that have come to him in life furnished to me just as much satisfaction as they did to him.

"I speak of these things, first, because I can not help it; second, because it seems to me that I always knew the man and understood the man better than anybody else, aside from his own family, and I want to be on record as saying that that friendship has had an important bearing upon my life. His success in life did not arise from accident. It was from the inherent characteristics of the man himself. He was a great big man. A man absolutely self-reliant; honest to himself and friends; he acted upon his own judgment, and when he made up his mind that a thing ought to be done he did it. He had the courage of his convictions. A faithful, reliant man; honest in all the relations of life; loyal to his constituents and his friends. With the great big mind and the fact that when he was serving the public he believed that the public business was his business, he familiarized himself with the business of the State and the Nation as a business man familiarizes himself with the details of his own business. These qualities—the greatness of his mind, the perseverance and push of the man, and the good nature and general goodness—made him what he was. It seems to me that GEORGE R. MALBY stands as one of the greatest men that northern New York has known in our day.

"Mr. VAN KENNEN. I take the liberty of calling on Maj. William H. Daniels to say a few words with reference to the man who has brought nothing but honor to the section in which he lived.

"Maj. WILLIAM H. DANIELS. Mr. Chairman, ladies, and gentlemen, I would much appreciate not having been called upon to-night after having listened to the two speeches that have b-en made. Knowing GEORGE R. MALBY as I knew him, he is entitled to all the praise that has been spoken in his behalf. I wish I could find words to tell of the strong friendship that existed between GEORGE R. MALBY and myself. I wish that I could find words to really express the deep feeling that I have over his loss. Mr. Chairman, you know and many others know that for a long number of years I was closely allied with Mr. MALBY in many ways, and I became well acquainted with him, and a strong friendship was formed between us, and it seemed that as year after year went by that friendship grew stronger and stronger.

"I do not feel like saying very much here to-night; I can not. Mr. Spratt spoke so nicely that while I feel we have met with a severe loss my thoughts go over to that other house where that dear wife and mother is sitting with her head bowed in grief surrounded by her two children, for we know that their loss is irreparable and our hearts go out to them. There are many things I would like to say, but I can not. It is hard to speak at all. GEORGE R. MALBY and I were warm friends, friends for years, and as I look back I see the many pleasant hours that I have spent with him and I realize now that he has gone. It strikes deeply into my heart and I think I may say that outside of his family I doubt if there is another person in the city to-night to whom his death has brought a keener sorrow than it has to me.

"But I wish to read a telegram that I received from Bishop Conroy just previous to my coming here.

"WATERTOWN, N. Y., *July 8, 1912.*

"Maj. W. H. DANIELS, *Ogdensburg, N. Y.:*

"Permit me to share, by telegram, in the public expression of honor to our late lamented Congressman. GEORGE MALBY was a big man in Ogdensburg, a bigger man in Albany, and bigger still in Washington; the abler his company and the broader his sphere, the more did his personal ability and broadness become manifest. His friend and fellow citizen, I regret him as a private and a public loss and I lay upon his bier the tribute of my esteem, gratitude, and sorrow. To his bereaved family I tender my sincerest sympathy.

"J. H. CONROY."

"Mr. VAN KENNEN. I will call upon Mr. Fred J. Gray.

"Mr. FRED J. GRAY. Mr. Chairman, ladies, and gentlemen, the duty we are called upon to perform seems to be sad, yet it is entirely proper and fitting that we step aside and pay a slight tribute of our love and respect for that beloved member of this community, that distinguished neighbor, that honored citizen. There can be no eulogy pronounced commensurate with the ability, energy, and devotion that he gave to his public services, with that great heart overflowing with kindness and love to all, with that charity which so characterized his life.

"It was my good fortune to study law in his office, to be his student. It was there I first learned of Senator MALBY. He made the most humble who came into his presence his equal. He was never conscious of his position in life. He was a natural leader of men, not by imperious command but by that kindness, that quality of his nature which attracted men to him, and they followed him without leading.

"As it has been said, he started in life in an humble position—from the farm to the humble schoolmaster. By tireless energy and devotion to duty he continued until he became a member of the bar, and he soon rose in the estimation of the people and the legal fraternity until he was considered one of the leaders of the bar of northern New York. His wise counsel and sound judgment brought to him a large clientage, but later and very soon a wider field opened before him, and it has been said here,

he was called to the Legislature of the State of New York, and by the same tireless energy and devotion to duty he won his way from place to place until he held almost every important position in the legislature of this great Empire State. Not an important statute, during the long years of his service in the legislature, was placed on our books, hardly an important measure passed the legislature that did not receive his approval. He was soon recognized in the legislature as one of the foremost and strongest minds, and was there given place. His counsel and advice were sought by men from all over the Empire State, and he became one of the strongest and ablest men in his party and in the State of New York. But soon again the field of opportunity widened, and notwithstanding the deep regret that he had in leaving the associations, leaving the ties which bound him to the State of New York, leaving the many friendships and the place where he had worked so long and known so well, yet when this position was offered him and he accepted a place in the Congress of the United States, the same tireless energy, the same devotion to duty, that same ability with which he had risen step by step through the Legislature of the State of New York, carried him upward and ever onward in the Halls of Congress, until he was known as, it has been said here to-night, one of the ablest and strongest legislators in the Legislature of our country.

"But that was not the greatest thing that Senator MALBY possessed. Not fame, honor, position, place, title, but kind words, kind and noble deeds survive. We who knew him best loved him most. He was happy when he was doing some person a kind act, and most unhappy when he was unable, by the influence of his position or otherwise, to grant the favor requested. That great heart went out in kindness and love to all. Sad, extremely sad his death; untimely, extremely untimely. At noonday, in the meridian of life, with full power directing every energy in the discharge of his public duties, radiant with hope and ambition, he entered the dawn of the eternal morning.

"The stricken and bereaved family have lost a devoted husband, a kind and loving father; this community a useful, valiant friend; this State a most able and honored son; this Nation a most wise and valiant counselor; and when we tenderly and lovingly lay him away and bid him our last farewell, we can not but exclaim—

"The stately ships go on
To their haven under the hill,
But, oh, for the touch of a vanished hand
And the sound of a voice that is still.

"Mr. VAN KENNEN. We have here present to-night Hon. E. C. Stewart, of Ithaca, who knew Senator MALBY a great number of years and who was attracted to him by his genial personality and who has come this distance to unite with us in paying tribute to his memory.

"Hon. E. C. STEWART. Mr. Mayor, ladies, and gentlemen, I am meeting with you to-night to express my deep sorrow at the loss which we have met. During my legislative experience, covering a period of 11 years, Senator MALBY was my dearest friend and my closest adviser. I think few of us here to-night appreciate the loss which has come upon us. Much of his work for the State is yet to develop. We of the southern tier, or southern portion of the State, appreciate particularly the great act which he performed in the interest of agriculture in establishing the State College of Agriculture. We know that, had it not been for his efforts, that great act never would have become a law. My first visit to your city was as the guest of Senator MALBY at the time the location for your State armory was selected. That, friends, is a period of nearly 20 years ago. I have in the meantime been his guest in your beautiful city.

"It is needless for me to try to express to you how much I shall miss him and how I enjoyed his friendship.

"Words fail me, friends, upon this occasion to fully express myself.

"Mr. VAN KENNEN. I desire to call upon Mr. M. R. Sackett to say a word with reference to Senator MALBY.

"Mr. M. R. SACKETT. Mr. Chairman, ladies, and gentlemen, I would be very glad to lay a wreath of equal beauty with those already placed upon the bier of our dead friend.

"I recall, as it were yesterday, the first time I ever saw GEORGE R. MALBY. Some of you remember, along in the later eighties, when the district convention of the first district of this county was always held in Gouverneur, that there was a sharp judicial controversy in this county. In this convention there was a difference of opinion between the leaders from Ogdensburg and Gouverneur. By the way, I think there always was a difference of opinion between the leaders of these two communities. Hon. George M. Gleason, whom you all remember, who have been at all familiar with political affairs for the last 25 years, led one part of that convention and this young stripling from Ogdensburg led the other. I was there as an interested spectator. I had never seen the young man before to my knowledge. I was particularly struck with his presence, with his manner of putting the question, with his debate with Mr. Gleason touching the various points in the controversy.

"Not many years after that I was present in Gouverneur in the old Grand Army Hall when this same young man asked this district for the nomination to the legislature. He defeated two townsmen of Gouverneur, Hon. Daniel Rich, who had the town of Fowler, I think, and Hon. Newton Aldrich. I remember very distinctly that I was exceedingly glad on that occasion of the defeat of my townsmen, and as Judge Kellogg has well said, it turned out a magnificent thing for the first district of St. Lawrence and for the entire section of northern New York, and when I heard of the death of our distinguished friend it seemed as if everything had gone to pieces pretty much.

"During these 25 years which have gone I came to know Mr. MALBY in the many phases of his character, public and private. He became known to me. I think he trusted me. I think he valued my friendship. I certainly valued his, and there is no one that I know of in the world outside of my immediate family whom I can say was a better friend to me than was he. Dead at 55. His work all done. We were about the same age. Our tastes were alike in many respects. Dead at 55, and you say untimely. You say, what a short life. True it was short as we measure things; but when you think of the nonagenarians who have died, who have breathed and breathed and breathed, and then think of their lives, I tell you GEORGE R. MALBY, measured by that standard, has lived. It is not given to every man, it is only given to one now and then, to put himself into the innermost love of a people, of a community, and make them all mourners when he departs.

"I wonder if you have thought, Mr. President, ladies, and gentlemen, of the wreck and ruin in the lives of our noted men in the past 25 years. I recall in Gouverneur George H. Gleason, Newton M. Aldrich, Dr. McFalls; over in Potsdam there was that man whom you would think would live forever, Senator Erwin, John McIntyre, Judge Tappan; over in Canton the scholarly Russell, John Keeler, D. M. Robertson; here in your own city Charles A. Kellogg, Newton M. Curtis, and now, GEORGE R. MALBY. Truly, friends, there have been giants in St. Lawrence County. I have read about Silas Wright, Preston King, and Calvin T. Hurlbut. I knew A. X. Parker exceedingly well; I knew Judge Russell; I knew exceedingly well Mr. Littauer. These have all been Members of Congress representing this district, but I tell you I believe when we go far enough away from this day so that the perspective of history will tell the truth, GEORGE R. MALBY will stand out the peer of everyone.

"The other day, and it was only the other day, I came over the river to see him. I went up to his office over there, went into the back door, into the back room, shut the door and stayed there an hour and we talked and talked and talked, as friends will talk, and he told me a number of things, and he seemed so well and he looked so well and he looked so hearty and so healthy and so strong, and I remarked all of these things. Just the other day the news came that he was dead. On his way home to see us all. To see his home, and his wife, and his children. Died there in that hot hotel in that great city, all alone. And it seems so pitiful and so horrible and so sorrowful. That strong man with so many friends over all the State and Nation, and not one there to bring a cup of water or to hold his hand or to wipe away the death dew as he met the Destroyer. Alone! Alone!

"GEORGE R. MALBY was endowed with courage, and you who knew him, and I, can well believe that in that room there was no fear, no terror, except perchance that mere physical fear and terror which may come, but that great heart knew no terror. The lesson of this life has been told in fitting words. It ought to be an inspiration, particularly to the young men of St. Lawrence County. Typical American boy; born poor; born in the fresh air which is good; rising above obstacles, winning friends and honors. A marvelous career. A marvelous life. The country is richer for it. Youth is better, manhood is better, citizenship is better because GEORGE R. MALBY lived and worked. We sorrow, and have a right to sorrow. Great lessons remain and it is for us to learn the lessons which have been pointed out to us by wiser heads than mine; lessons which we must not throw away. American life is speeded up so high, we work so fast, we hurry, and the machinery of a physical frame that ought to run for years is speeded up until it breaks, so with our friend.

"Mr. VAN KENNEN. I take the liberty of calling upon Hon. E. A. MERRITT, Jr., of Potsdam, who has known Congressman MALBY for many years and has known how loyal he has always been to the cause he advocated.

"Hon. E. A. MERRITT, Jr. Mr. Chairman, ladies, and gentlemen, it is with a great deal of hesitation that I undertake to say anything. We are here, I take it, as the friends of Mr. MALBY. No more severe shock can come to this community or to this county than his unexpected departure. I can give no reason for it, no explanation. We must bear our loss with such fortitude as we can, with such fortitude as GEORGE MALBY would have borne a similar shock.

"I have known him in his public capacity and in his private life for many years. I owe him many kindnesses. I loved him. What can one say on such an occasion as this? All men fear death as children fear the dark, and yet it is the commonest thing in life, the commonest thing that we see, much less mysterious to me or my thought than life itself; explained in a thousand ways, a mystery; well, perhaps a mystery, because we know not what follows, but certainly simple in itself.

"For many years I have associated with Senator MALBY in public affairs. We were, I think, able to work together in the interest of our county and of this great country here that we call the north country. Much of such success as I have been able to attain has been due to his assistance. I have helped, as far as I could, in doing the things that he thought worth while. I believe that this is not a time to adequately at all discuss his public career or his services to this county. It is too near the hour of his departure. It requires some reflection and thought to arrange and marshal the facts. No man has ever lived in our community more typical of the ambitions, the labors, and the successes of the men who came from our community, a community which has changed but little since the first settlers came into this country and opened up the farms and settled them. Our people are now much the same as were their grandsires. There is some mixed blood in St. Lawrence County. Scotch and Irish and English and New Englander have made this county what it is; and of this mixture of blood and effort and service I think Mr. MALBY was the highest type and represented in his life all the phases that go to make up the citizenship of the North. His labors here will be appreciated more and more.

"The friends whom he has loved will cherish his memory with greater tenderness and regard from year to year. Although he passed away at an early age as compared with some men who have lived to the utmost span, he had, as has been said, accomplished much. My own feeling has always been one not only of personal affection but of a very high regard for his stanchness and courage. While it is a shock to think that when he passed he was alone, I do not believe that he was afraid. As men grow and live and suffer and succeed, he had no reason to be afraid. I know he never feared the face of any man, and I do not think he need fear anything else in heaven or on earth.

"Mr. VAN KENNEN. I venture to call upon Rev. A. M. Wight to say a word in reference to our esteemed friend, whose death has been such a distinct loss to the Nation, the State, and particularly to this north country.

"Rev. A. M. WIGHT. Mr. Chairman, ladies, and gentlemen, it is not for me to speak of the man who calls together this audience here to-night as one who knew him in the halls of the legislature or of Congress or even in the legal profession, for I knew him not in any one of these particulars; but from my deep heart I wish to lay a tribute with the others that we have listened to to-night to him as a man. For 15 years, going in and out and up and down our streets, I do not believe there was hardly one man in that walk and in the relationship, day by day, that so deeply impressed me as did that man. And I was thinking, while listening to these words of the men who had known him in the struggle of the political arena and known him so intimately in the citizenship of our city, of those words of Ralph Waldo Emerson—

"What you are speaks so loud, I can not hear what you say.

"There was a day, one year ago this month, that never will go out of my memory. Coming from my home on the west side to the center of the city, and about crossing Ford Street where it intersects with State Street, I heard my name called, and I turned and it was the voice of Senator MALBY. He said, 'Are you busy for a moment this morning?' I said I was not particularly. He said, 'Let us take a little walk,' and we took a little walk. We sat a little while on the veranda on this other corner, and there for a little while heart spoke to heart of the things that appertain to the other life. The honorable speaker that preceded me and others have intimated that GEORGE R. MALBY was not afraid to die. I know he was not, for he referred so tenderly to that scene when another gathering like this paid tribute to Gen. Curtis, and it was my privilege at that time, in the Presbyterian Church, to carry God's message of comfort to the sorrowing ones in prayer, and that man remembered the words of that prayer. And that is one thing I leave here to-night—the tribute to the man who was honest in his convictions and loyal to his principles. And I was reading this afternoon in Holy Writ of another gathering like unto this, and one said 'We shall miss him, for his seat will be vacant.' GEORGE R. MALBY's seat at Washington and in other gatherings here in our city will be vacant in the days to come. But it is for us to be thankful that we did know him and that God let him live. And truly to-night the earth is poorer and Heaven is richer, the one in losing and the other in receiving GEORGE R. MALBY.

"Mr. VAN KENNEN. Before calling for the report of the memorial committee I should like to ask if there is anyone else who would like to say a word in honor of our departed friend. I take the liberty of calling upon Col. Archie E. Baxter, of Elmira.

"Col. ARCHIE E. BAXTER. It has been truly said that nothing dies but that something mourns. When the humble, obscure citizen falls by the way, the household grieves; but when a man who has grown up in your midst from obscurity until he stood in the blazing limelight of publicity and known to all the world falls by the way the whole State mourns as the State of New York is buried in grief and is mourning bitterly for the death of GEORGE R. MALBY to-night.

"When I heard, unexpectedly, of the great loss that had fallen upon this community, it seemed as if death had entered my own home; that I heard the rustle of the dark wings and the cold waft of the shadow of death in my own household. I knew and loved him well.

"I chanced to be in New York when it was decided that he was not to be returned as speaker of the assembly. It was at the time a crushing disappointment. He said to me, 'Politics is an ungrateful business; I shall give it up.' I said, 'George, no; there is too much in you to be crushed by such a disappointment as this. There are great things ahead of you, but press forward manfully.' And there were great things ahead of him—Senator, Congressman, adviser of governors and Senators in the United States Senate, Congressmen. Presidents even took counsel from him. He was, perhaps, as has been well said, the ablest man among the many able sons that that grand old county of St. Lawrence has ever given birth to.

"I shall not, at this late hour, trespass upon your attention, and, as my friend the speaker has well said, this is not the time or the hour to enter into any lengthy eulogies of the life and of the services of GEORGE R. MALBY. That time will come later. But in the meantime we can all fittingly join with minds and hearts in paying some faint tribute to one we all loved so well, and to-morrow, when we tenderly lay him away amongst the evergreens and flowers, it will rise up in every heart to say, 'Farewell, farewell, oh, friend! May you rest in peace.'

"Mr. VAN KENNEN. I take the liberty of calling upon the memorial committee to report.

"Mr. WATERMAN. Mr. Chairman and friends, I fell this occasion most deeply; and if in reading this memorial which your committee has prepared I should hesitate and falter, I hope that you will forgive me. I shall do the best I can.

"The people of the city of Ogdensburg, gathered together by common impulse to commemorate the life and deeds of a brave and faithful public servant, who for more than a generation truly represented them in the councils of State and Nation, thereby reflecting great credit upon himself and those whose interests he held in sacred trust, desiring to perpetuate their action, do render this

"TRIBUTE.

"A great man has departed from among us; great in intellect; great in heart; great in all things that make for better conditions in the world; a lawyer and lawmaker of commanding ability; a statesman of rapidly increasing power and influence. In the pride of a splendid manhood, with a future looming large in the foreground, and a political horizon commensurate with his genius, GEORGE R. MALBY surrendered his life to his duty on the conceded threshold of greater achievement. Born in the home town of Silas Wright, educated within sight of the grave of that illustrious patriot, he early conceived those lofty ideals which molded his after life and conduct. Most men are ambitious. This man was no exception to the rule. Many seek to gratify their ambitions at the expense of others. This man never did. He scorned to rise upon the shoulders of other men. Rather would he put his own shoulder at the service of some one less fortunate. His was one of those big, generous natures that love peace and order and harmony. But he could strike and strike hard in what he believed to be a righteous cause; and when he was aroused he moved with a dynamic directness and precision that crushed opposition. And he was independent in thought and action. He made this plain at the beginning of his public career at Albany, and later in the halls

of Congress at Washington it was abundantly demonstrated. There never was any indecision about him or any doubt about where he stood in matters of public concern. GEORGE R. MALBY was born great. Whenever he appeared one knew intuitively that this was no ordinary man. His presence commanded immediate and respectful attention, and brought to mind the lines of Sir Walter Scott:

"When as the Palmer came in hall,
Nor lord, nor knight, was there more tall,
Or had a statelier step withal,
Or looked more high or keen.

"Always serene, self-poised in victory and defeat alike, with unfaltering step he moved steadily onward and upward in the service of his people, knowing no distinction save only that of right and wrong. With him it was justice on the one side and injustice on the other. The line was sharply drawn. There was no middle ground of expediency or compromise. And he was modest. No man in public life used the first personal pronoun less frequently. It was his strong, forceful individuality, never self-assertive, that brought him to the fore in every enterprise in which he was engaged.

"The outside world knew him as the lawyer and statesman and respected and honored him as such. We, who are here assembled, knew him as a friend and neighbor, and we loved him. He is gone. We shall never again clasp his hand or look into his kind and sympathetic face. But such men do not die. They vanish in the concrete form, and that is all. One of his distinguished predecessors in the councils of the Nation, the late William H. Seward, was fond of repeating the following lines of unknown origin:

"There is no death; the stars go down
To rise upon some fairer shore,
And bright in heaven's jeweled crown
They shine forevermore.

"There is no death; an angel form
Walks o'er the earth with silent tread.
He bears our best-loved things away,
And then we call them dead.

"Born into that undying life,
They leave us but to come again;
In all, in everything, the same,
Except in grief and pain.

"And ever near us, though unseen,
The dear immortal spirits tread,
For all the boundless universe is life:
There are no dead.

"So shall we think of him in loving remembrance, not as dead, but as living and breathing in his works, and in the shining example of faith and courage which he has left us, a rich heritage for all the years to come.

"Mr. VAN KENNEN. Having heard the memorial resolutions, there being no objection thereto, I declare the same adopted.

"What is the further pleasure of the meeting?

"Mr. SPRATT. I move that the meeting adjourn.

"Maj. DANIELS. Second the motion.

"Mr. VAN KENNEN. It is moved and seconded that we adjourn. Carried."

The SPEAKER pro tempore. In accordance with the resolution previously adopted the Chair declares the House adjourned until 12 o'clock to-morrow morning.

Accordingly (at 12 o'clock and 47 minutes p. m.) the House adjourned to meet to-morrow, Monday, January 27, 1913, at 12 o'clock noon.

SENATE.

MONDAY, *January 27, 1913.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

FRANK O. BRIGGS, a Senator from the State of New Jersey, appeared in his seat to-day.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

HOMESTEAD ENTRYMEN IN NORTH IDAHO (S. DOC. NO. 1037).

The PRESIDENT pro tempore (Mr. GALLINGER) laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a statement showing by what authority of law and reason of facts there is inserted in patents issued to certain homestead entrymen in north Idaho a clause making the patents and the title of the entrymen subject to the application and rights of the Washington Water Power Co., which, with the accompanying paper, was referred to the Committee on Public Lands and ordered to be printed.

DISEASES AMONG INDIANS (S. DOC. NO. 1038).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a report prepared by the United States Public Health Service in accordance with the act approved August 24, 1912, of the investigations into the prevalence of contagious and infectious diseases among the Indians of the United States, which, with the accompanying paper and illustrations, was referred to the Committee on Indian Affairs and ordered to be printed.

DISPOSITION OF USELESS PAPERS.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, schedules of papers, books, and so forth, in the Interior Department not needed in the transaction of public business and of no historical or permanent value. The communication and accompanying papers will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Chair appoints as the committee on the part of the Senate the Senator from Arkansas, Mr. CLARKE, and the Senator from New Hampshire, Mr. BURNHAM. The Secretary will notify the House of Representatives of the appointment of the Committee on the part of the Senate.

HOUSE JOINT RESOLUTION REFERRED.

H. J. Res. 380. Joint resolution authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect on March 4, 1913, etc., was read twice by its title and referred to the Committee on Public Buildings and Grounds.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bill and joint resolution:

S. 2666. An act granting an increase of pension to William P. Clark; and

S. J. Res. 145. Joint resolution to provide for the maintenance of public order and the protection of life and property in connection with the presidential inaugural ceremonies in 1913.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 23451) to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims for damages to and loss of private property.

The message further announced that the House had passed the following bills, each with amendments, in which it requested the concurrence of the Senate:

S. 7160. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 8034. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 8035. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 3967. An act granting an increase of pension to John R. Fugill;

H. R. 27806. An act granting a pension to Mary MacArthur;

H. R. 27874. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 28282. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 28379. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the President pro tempore:

S. 2666. An act granting an increase of pension to William P. Clark;

S. 6380. An act to incorporate the American Hospital of Paris;

H. R. 23451. An act to pay certain employees of the Government for injuries received while in the discharge of their duties;

S. J. Res. 145. Joint resolution to provide for the maintenance of public order and the protection of life and property in connection with the presidential inaugural ceremonies in 1913; and

H. J. Res. 210. Joint resolution authorizing the President to appoint a member of the New Jersey and New York Joint Harbor Line Commission.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a memorial of the Union of American Hebrew Congregations held at Cincinnati, Ohio, remonstrating against the adoption of the so-called illiteracy-test amendment to the immigration bill, which was ordered to lie on the table.

Mr. NELSON presented memorials of the congregations of the Seventh-day Adventist Churches of Stillwater, Litchfield, Foldahl, Hutchinson, Pipestone, Mankato, and Alexandria, all in the State of Minnesota, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of the Minneapolis Drug Co. of Minnesota, praying for the repeal of the duty on sponges, which was referred to the Committee on Finance.

He also presented resolutions adopted by Local Branch No. 28, National Association of Letter Carriers, of St. Paul, Minn., favoring the enactment of legislation providing compensation to Federal employees injured in the line of duty, which were referred to the Committee on the Judiciary.

Mr. BRISTOW presented a memorial of sundry citizens of Salina, Kans., remonstrating against the parole of Federal life prisoners, which was ordered to lie on the table.

He also presented a memorial of Local Union No. 459, Farmers' Educational and Cooperative Union, of Caldwell, Kans., remonstrating against the passage of the so-called agricultural extension bill, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Ransom, Kans., remonstrating against the enactment of legislation authorizing the Government of the United States to issue bonds for the loan of money to the farmers of the country, which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of the congregations of the Seventh-day Adventist Churches of Great Bend and Pleasanton, in the State of Kansas, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Baldwin City, Kans., and a petition of sundry citizens of Mound Valley, Kans., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Lawrence, Kans., praying that an investigation be made into the refusal of the Department of the Interior to permit the leasing of Osage Indian lands to the Uncle Sam Oil Co., etc., which was referred to the Committee on Public Lands.

Mr. SUTHERLAND presented a resolution adopted by the German-American Historical Society of Philadelphia, Pa., favoring an appropriation for the erection of a national archives building in the city of Washington, D. C., which was referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of the congregation of the Seventh-day Adventist Church of Provo, Utah, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. GARDNER presented a petition of Local Grange, Patrons of Husbandry, of Hartland, Me., and a petition of Mystic Tie Grange, Patrons of Husbandry, of Kenduskeag, Me., praying for the passage of the so-called Page vocational education bill, which were ordered to lie on the table.

Mr. RICHARDSON presented a petition of the congregation of the First Baptist Church of Dover, Del., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. HITCHCOCK presented memorials of the congregations of the Seventh-day Adventist Churches of Bridgeport, Crawford, Sartoria, Bartley, and Holbrook, all in the State of Nebraska, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. PENROSE presented a resolution adopted by the board of directors of the Philadelphia Bourse, of Pennsylvania, and a resolution adopted by the Board of Trade of Philadelphia, Pa., praying for a reduction to 1 cent of the rate of postage on first-class mail matter, which were referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted by members of the Board of Trade of Philadelphia, Pa., favoring an appropriation for the erection of a customhouse building at that port, etc., which was referred to the Committee on Public Buildings and Grounds.

Mr. SHIVELY presented memorials of the congregations of the Seventh-day Adventist Churches of Peru, Unionville, Pleasant View, and Kennard, all in the State of Indiana, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented memorials of W. H. Mack, B. E. Kirkpatrick, Dr. T. W. Powell, and 56 other citizens of South Bend, Ind., remonstrating against the repeal of the law providing for the closing of post offices on Sunday, which were referred to the Committee on Post Offices and Post Roads.

Mr. McLEAN presented a petition of the State board of agriculture of Connecticut, praying for the passage of the so-called agricultural extension bill, which was ordered to lie on the table.

Mr. CRANE presented a petition of sundry citizens of Ashburnham, Mass., praying for the passage of the so-called Kenyon "red light" injunction bill, which was ordered to lie on the table.

Mr. BROWN presented a petition of sundry citizens of Minden, Nebr., praying for the passage of the so-called Kenyon "red light" injunction bill, which was ordered to lie on the table.

He also presented petitions of the Central Labor Union of Lincoln, Nebr.; of the Central Labor Union of Elkhart, Ind.; of the Boot and Shoe Workers' Union of Therrin, Ill.; and of the Boot and Shoe Workers' Association of Brockton, Mass., praying for the enactment of legislation to limit the effect of the regulation of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured by convict labor or in any prison or reformatory, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Laurel, Nebr., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. ROOT presented a petition of M. D. Russell Camp, No. 2, United Spanish War Veterans, of Troy, N. Y., praying for the enactment of legislation granting pensions to widows and minor children of Spanish War veterans, which was referred to the Committee on Pensions.

He also presented memorials of sundry members of the Seventh-day Adventist Churches of Adams Center, Lincklaen Center, Albany, Oneida, Elmira, Schenectady, West Pierpont, Jeddo, Ogdensburg, Watertown, Olean, Vienna, Rome, Lockport, Ellicottville, and Buffalo, all in the State of New York, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. POINDEXTER presented resolutions adopted by members of the Benevolent and Protective Order of Elks of Bremerton, Wash., favoring an appropriation for the purchase of Mount Vernon by the Government, which were referred to the Committee on the Library.

Mr. GALLINGER presented the petition of Rev. Henry G. Ives, of Proctor Academy, Andover, N. H., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. SUTHERLAND, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 7772) to authorize the condemnation of land for a park at the intersection of Twenty-sixth Street, Twenty-seventh Street, and Q Street NW., and a highway from said park along the boundary of Oak Hill Cemetery and across the north part of square 1284 to Twenty-ninth and R Streets, reported it with an amendment and submitted a report (No. 1157) thereon.

Mr. MARTIN of Virginia, from the Committee on Commerce, to which was referred the bill (S. 8182) granting to the Inter-City Bridge Co., its successors and assigns, the right to construct, acquire, maintain, and operate a railway bridge across the Mississippi River, reported it without amendment and submitted a report (No. 1158) thereon.

Mr. McCUMBER, from the Committee on Pensions, submitted a report (No. 1155), accompanied by a bill (S. 8274) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 43. William Q. Mahan.

S. 646. Elmer Howe.

S. 657. Annie George.

S. 716. Flavius J. Jordan.
S. 929. Ellen E. Payne.
S. 1017. Sarah A. Perkins.
S. 1034. John Murphy.
S. 1906. John M. Guthrie.
S. 2368. Fannie L. Graham.
S. 2431. Reuben Bronson.
S. 2523. Mary E. Briggs.
S. 2686. Susannah Elmore.
S. 2984. John Dodgion.
S. 3230. Wiley C. Hunter.
S. 3430. James A. Swaney.
S. 3450. Aldano Neal.
S. 3521. Samuel Elliott.
S. 3537. William Cook.
S. 3544. Henry E. Hayes.
S. 3670. Samuel M. Skelton.
S. 3671. Elijah H. Spencer.
S. 3724. James H. Cowan.
S. 3731. William H. Chapman.
S. 3735. Warner P. Price.
S. 3744. Jacob Bowser.
S. 3785. Henry Basemann.
S. 3789. Elmer Joseph.
S. 3790. Lorenzo Birch.
S. 3919. Daniel Van Syckel.
S. 3976. Frederick H. Williams.
S. 3982. Titus Rexroad (now known as Titus S. Rector).
S. 4122. Martha A. Johnson.
S. 4177. John Moulton.
S. 4199. James B. Davis.
S. 4532. Sarah F. Elwell.
S. 4921. Lyman B. Gillett.
S. 4971. Sarah J. Wilson.
S. 5000. Oliver Jones.
S. 5103. Abel Grovenor.
S. 5236. Henry Harris.
S. 5264. Byron M. Standish.
S. 5281. Jane Starrett.
S. 5531. William H. Warren.
S. 5634. George W. Sills.
S. 5795. James R. C. Fink.
S. 5822. Arthur F. McNally.
S. 5940. Walter Niles.
S. 6005. Amos R. Sutton.
S. 6032. John H. Howlett.
S. 6106. George W. Youngs.
S. 6116. Frankie E. Bedell.
S. 6206. Joseph Cole.
S. 6211. Jonas Skinner.
S. 6280. William Monks.
S. 6291. Inger A. Steensrud.
S. 6345. Renhard Habig.
S. 6430. Marion O. Brown.
S. 6474. John E. Watkins.
S. 6552. Samuel Green.
S. 6638. George H. Batchelder.
S. 6702. George H. Torrence.
S. 6769. Levi H. Hahn.
S. 6788. Joseph Johnson.
S. 6790. Arbell Skaggs.
S. 6825. Clara H. Scott.
S. 6836. Charles W. Ash.
S. 6844. William H. Clouser.
S. 6846. Thomas S. Underwood.
S. 6900. Charlotte Lewis McMahon.
S. 7075. George W. Thompson.
S. 7092. Frederick D. Skinner.
S. 7103. Catherine Benson.
S. 7113. William Putnam.
S. 7177. Ezekiel R. Thomas.
S. 7212. Lucius E. Fletcher.
S. 7231. Samuel E. Merriam.
S. 7233. William J. Heal.
S. 7234. Andrew E. Clark.
S. 7235. Isaac A. Conant.
S. 7314. Thomas McKenna.
S. 7345. Ophelia A. Comstock.
S. 7359. Mary J. Weeks.
S. 7386. Luriette S. Case.
S. 7417. Adaline Minnett.
S. 7477. John G. K. Ayers.
S. 7541. Anna M. Johnson.
S. 7555. Thomas B. Foutty.
S. 7575. Moses Rowell.
S. 7616. Huldah Nesbitt.
S. 7645. Charles S. Penley.
S. 7646. David H. Gray.
S. 7682. John Snyder.
S. 7710. Mary M. Croft.
S. 7712. Riley Hawley.
S. 7823. Mary E. Workman.
S. 7857. Hellen L. Chatfield.
S. 7900. John Sanderson.
S. 7922. Caroline J. McBratney.
S. 7949. John C. Vennum.
S. 7964. John Painter.
S. 7965. Lefford Mathews.
S. 7981. Francis W. Crumpton.
S. 7986. John Wells.
S. 7995. Charles Herbstreith.
S. 8018. Joseph Girdler.
S. 8049. Harvey T. Smith.
S. 8063. Francis M. Bishop (alias Marion F. Bishop).
S. 8069. Richard T. Blaikie.
S. 8078. Marcellus B. Kent.
S. 8095. George W. Seymour.
S. 8119. Lucinda M. Fuller.
S. 8146. John Emanuel Smith.
S. 8149. Catherine Soper.

Mr. McCUMBER, from the Committee on Pensions, submitted a report (No. 1156), accompanied by a bill (S. 8275), granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 199. John W. Slaughter.
S. 443. Warren Hilliard.
S. 824. Louisa A. Thatcher.
S. 1360. George Hollederer.
S. 1766. Charles W. Camp.
S. 2213. George R. Smith.
S. 3669. Edward Seaton.
S. 3720. Florida Kennerly.
S. 3845. Charles M. Baughman.
S. 3943. Elizabeth S. Lewerenz.
S. 5751. Minnie Wadsworth Wood.
S. 5778. Francis Redmond.
S. 6015. Charles E. Harris.
S. 6236. Annie V. Smith.
S. 6969. Barbara B. Haws.
S. 7016. Martha A. Hughes.
S. 7088. Charles L. Stevens.
S. 7097. Emily W. Tilley.
S. 7228. James McMahon.
S. 7320. Israel Wood.
S. 7347. George W. Thurman.
S. 7436. Andrew G. Aiken.
S. 7458. James P. Bartlett.
S. 7579. Mary F. Read.
S. 7739. William Cornell.
S. 7756. Michael Hoffman.
S. 7808. Orman F. Hibbard.
S. 7860. Emma Myers.
S. 7930. Frederick M. Douglass.
S. 7950. Sara S. Dowdy.
S. 8015. Green Hines.
S. 8074. Esther B. Shultz.

Mr. CUMMINS, from the Committee on the Judiciary, to which was referred the bill (H. R. 25002) to amend section 73 and section 76 of the act of August 27, 1894, reported it with amendment and submitted a report (No. 1159) thereon.

Mr. LODGE. From the Committee on Finance, I report the bill (H. R. 12813) to refund duties collected on lace-making and other machines and parts or accessories thereof imported subsequently to August 5, 1909, and prior to January 1, 1911, without amendment, and I submit a report (No. 1160) thereon. I ask that the report of the House committee be printed as the Senate report to accompany the bill.

The PRESIDENT pro tempore. Without objection, it is so ordered.

INAUGURAL CEREMONIES.

Mr. SUTHERLAND. From the Committee on Public Buildings and Grounds, I report back favorably without amendment the joint resolution (H. J. Res. 380) authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect on March 4, 1913, and so forth, and I ask for its immediate consideration.

I was authorized by the Committee on Public Buildings and Grounds to report this House joint resolution with an amendment providing that one of the spaces in the city of Washington, namely, that opposite the south front of the Treasury Building, should be set apart for the use of the Woman Suffrage Association upon the occasion of their pageant on the 3d day of March. But I was further instructed by the committee that if satisfactory arrangements were made in the meantime with the Secretary of War and the inaugural committee by which the ladies could have the use of this space, then I was to withhold that amendment. Those satisfactory arrangements have been made, and I am in receipt of letters, both from the War Department and from the chairman of the inaugural committee, to that effect. Therefore, in accordance with the instructions of the committee, I report the joint resolution without amendment.

The PRESIDENT pro tempore. The Senator from Utah asks for the present consideration of the joint resolution.

Mr. BRISTOW. Let us have it read. I have not the slightest idea what is in it.

The PRESIDENT pro tempore. The joint resolution will be read for the information of the Senate.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PANAMA CANAL TRAFFIC AND TOLLS.

Mr. SMOOT. From the Committee on Printing I report favorably, with amendments, Senate concurrent resolution 33, providing for the printing, binding, and distribution of 6,000 copies of the Report upon Panama Canal Traffic and Tolls, prepared by Emory R. Johnson, special commissioner, and I ask for its present consideration.

The amendments were, in line 3, before the word "thousand," to strike out "six" and insert "four," and in line 11, after the words "House of Representatives," to strike out "and 3,000 shall be delivered to the superintendent of the House document room for distribution" and insert "and 1,000 for the use of the Committee on Interoceanic Canals of the Senate," so as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring), That there shall be printed and bound in cloth, with accompanying maps, 4,000 copies of the Report upon Panama Canal Traffic and Tolls, prepared for the President by Emory R. Johnson, special commissioner on traffic and tolls; that the copies here ordered shall be printed from plates recently prepared for the Isthmian Canal Commission and now in the possession of the Government Printing Office; and that of the copies printed 1,000 shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 1,000 for the use of the Committee on Interoceanic Canals of the Senate.

The amendments were agreed to.

The concurrent resolution, as amended, was agreed to.

STATUE OF THOMAS JEFFERSON.

Mr. SWANSON, from the Committee on Industrial Expositions, to which was referred Senate resolution 407, providing for the appointment of a committee of Senators to attend and represent the Senate at the unveiling and dedication of a memorial statue to Thomas Jefferson at St. Louis, Mo., on April 30, 1913, in commemoration of the acquisition of the Louisiana Territory, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Whereas the president of the Louisiana Purchase Exposition Co. has informed the Senate that with the approval of Congress, as expressed by an act of March 4, 1909, the Louisiana Purchase Exposition has erected upon the site of the World's Fair in the city of St. Louis a memorial to Thomas Jefferson at a cost of $450,000, in commemoration of the acquisition of the Louisiana Territory; and

Whereas this statue of Mr. Jefferson is to be unveiled and dedicated on the one hundred and tenth anniversary of the signing of the Louisiana Purchase treaty, the 30th of April, 1913; and

Whereas the trustees in charge of this great memorial have, through the president of the exposition company, requested the presence of a committee of the United States Senate to participate in the dedicatory services on the day named: Therefore be it

Resolved, That a committee of Senators, to be composed of Mr. ROOT of New York, chairman of the Committee on Industrial Expositions; Mr. BACON of Georgia, and Mr. GALLINGER of New Hampshire, the Presidents pro tempore of the Senate; Mr. MARTIN of Virginia; Mr. CUMMINS of Iowa; Mr. REED of Missouri; Mr. NELSON of Minnesota; and Mr. STONE of Missouri, be appointed to attend and represent the Senate in the unveiling and dedication of said memorial.

CAROLINE O. BALLARD.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution No. 439, to pay to Caroline O. Ballard a sum equal to six months' pay of her late husband, William S. Ballard, a Senate messenger, submitted by Mr. PENROSE on the 23d instant, reported it without amendment.

CONTRIBUTIONS FOR CAMPAIGN PURPOSES.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution No. 418, amending Senate resolution No. 79, agreed to August 26, 1912, submitted by Mr. CLAPP on the 6th instant, reported it without amendment.

FUNERAL EXPENSES OF THE LATE SENATOR JEFF DAVIS.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution No. 425, authorizing the Secretary of the Senate to pay the actual expenses incurred by the committee attending the funeral of the late Senator JEFF DAVIS, submitted by Mr. BRISTOW on the 7th instant, reported it without amendment.

MEMORIAL SERVICES FOR THE LATE VICE PRESIDENT.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution No. 435, setting apart a day for appropriate exercises in commemoration of the life, character, and public services of the late Vice President, submitted by Mr. CUMMINS on the 18th instant, reported it without amendment.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

Mr. McCUMBER. On behalf of the senior Senator from Kansas [Mr. CURTIS], who is necessarily absent from the Senate, I introduce two bills, which I ask may be read twice by their titles and referred to the Committee on Pensions.

By Mr. McCUMBER (for Mr. CURTIS):

A bill (S. 8276) granting a pension to Emily C. Thompson; and

A bill (S. 8277) granting a pension to Mrs. John S. Brannan; to the Committee on Pensions.

By Mr. MARTINE of New Jersey:

A bill (S. 8278) to provide for the construction of a lighthouse and fog-signal station in the vicinity of Goose Island Flats, Delaware River, N. J.; to the Committee on Commerce.

By Mr. WORKS:

A bill (S. 8279) to amend an act approved October 1, 1890, entitled "An act to set apart certain tracts of land in the State of California as forest reservations"; to the Committee on Public Lands.

By Mr. PENROSE:

A bill (S. 8280) for the relief of Louisa Weaver; to the Committee on Claims.

A bill (S. 8281) granting an increase of pension to John R. Jones (with accompanying papers); and

A bill (S. 8282) granting a pension to Mary A. Heck (with accompanying papers); to the Committee on Pensions.

By Mr. NELSON (for Mr. CLARK of Wyoming):

A bill (S. 8283) to promote and encourage the construction of wagon roads over the public lands of the United States; to the Committee on Public Lands.

A bill (S. 8284) granting an increase of pension to Mary R. Kendall (with accompanying paper); to the Committee on Pensions.

By Mr. GARDNER:

A bill (S. 8285) for the relief of Effie M. Rowse (with accompanying papers); to the Committee on Claims.

By Mr. CRANE:

A bill (S. 8286) for the relief of Charles A. McHugh; to the Committee on Claims.

By Mr. McLEAN:

A bill (S. 8287) granting an increase of pension to James T. Mather (with accompanying papers);

A bill (S. 8288) granting an increase of pension to Eliza A. Foulkes (with accompanying papers); and

A bill (S. 8289) granting an increase of pension to Ralph Kent, jr. (with accompanying papers); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 8290) for the erection of a public building at Washington, Ind.; to the Committee on Public Buildings and Grounds.

By Mr. POINDEXTER:

A bill (S. 8291) granting an increase of pension to Bernhardt R. Britton; and

A bill (S. 8292) granting an increase of pension to Margaret Kuster; to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BRANDEGEE submitted an amendment proposing to appropriate $80,000 for improving the harbor at New Haven, Conn., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. MARTINE of New Jersey submitted an amendment providing for the further improvement of the Hudson (North) River channel of New York Harbor, intended to be proposed by him to the river and harbor appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Commerce.

He also submitted an amendment relative to the compensation of letter carriers in the City and Rural Delivery Services and clerks in the first and second class post offices who are injured while performing their duties, etc., intended to be proposed by him to the Post Office appropriation bill, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. CLARKE of Arkansas submitted an amendment providing for the revetment and improvement of the right bank of the Mississippi River near North Helena, Ark., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $30,000 for completing the work now being done in protecting the north bank of Arkansas River in front of the Crawford County levee, south of Van Buren, and so forth, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. GRONNA submitted an amendment proposing to appropriate $10,000 for the establishment of a national game preserve, to be known as the North Dakota National Game Preserve, upon the land embraced within the boundaries of the Sully's Hill National Park, N. Dak., and so forth, intended to be proposed by him to the agriculture appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. SHIVELY submitted an amendment proposing to change the location and straighten the course of the channel of the Grand Calumet River through the lands of the Gary Land Co. and the Indiana Steel Co., and so forth, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. OWEN submitted an amendment proposing to appropriate $25,000 for payment of salaries of employees and other expenses of advertisement and sale in connection with the disposition of the unallotted lands and other tribal property belonging to the Five Civilized Tribes, and so forth, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment authorizing the Secretary of the Interior to make a per capita payment of such amounts as he may deem advisable to the enrolled members of the Five Civilized Tribes entitled under existing laws to share in the funds of those tribes, and so forth, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to expend $10,000 out of any funds in the Treasury belonging to the Choctaw Tribe of Indians of Oklahoma, for the use and benefit of the Old Goodland Indian Industrial School near Hugo, Okla., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment providing for the expenses incident to and in connection with the collection of rents of unallotted lands and tribal buildings, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. CRANE submitted an amendment proposing to appropriate $1,500 to pay to the town of Winthrop, Mass., being one-half of the cost of a sidewalk and edgestones to be constructed on that portion of Revere Street abutting the Fort Banks Military Reservation, intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

CANCELLATION OF HOMESTEAD ENTRIES.

Mr. PERKY. I submit a resolution and ask unanimous consent for its present consideration.

The Secretary read the resolution (S. Res. 442), as follows:

Resolved, That the Secretary of the Interior be directed to advise the Senate whether or not the department contemplates the cancellation of any homestead entries upon any of the United States reclamation projects in Idaho because of the failure of entrymen to make payment covering the operation and maintenance charges, and if so, the names of the entrymen and a description of the location of their entries.

Mr. SMOOT. I should like to ask the Senator from Idaho if he has received any intimation that such a move was to be made on the part of the Secretary of the Interior?

Mr. PERKY. I have received information in regard to the matter from very reliable sources and from associations whose membership is directly interested in the subject.

Mr. SMOOT. I should like to have the resolution again read, as I did not hear the first part of it.

The PRESIDENT pro tempore. The resolution will be again read.

The Secretary again read the resolution.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent and agreed to.

ERNEST C. STAHL.

Mr. CATRON. I move to reconsider the vote by which the bill (S. 7620) for the relief of Ernest C. Stahl was indefinitely postponed.

The motion to reconsider was agreed to.

Mr. CATRON. I move that the bill be recommitted to the Committee on Military Affairs.

The motion was agreed to.

NATIONAL INSTITUTE OF ARTS AND LETTERS.

Mr. ROOT. A few days ago the Senator from Massachusetts [Mr. LODGE] asked that an order be entered to recall from the House the bill (S. 4355) incorporating the National Institute of Arts and Letters, and the bill (S. 4356) incorporating the National Academy of Arts and Letters. I move that the votes by which the bill (S. 4355) incorporating the National Institute of Arts and Letters was passed be reconsidered, and that the bill be postponed indefinitely.

The motion was agreed to.

Mr. ROOT. From the Committee on the Judiciary, I report favorably without amendment the bill (H. R. 18841) incorporating the National Institute of Arts and Letters. The bill is identical with the Senate bill which has just been postponed indefinitely, and I ask unanimous consent for its present consideration.

Mr. SMITH of Georgia. Mr. President, unless it is absolutely necessary that the matter be disposed of immediately, I should like to see what the bill is before we act upon it.

Mr. LODGE. The request is simply to substitute the House bill for the Senate bill which has passed the Senate. The bills are identical. The Senate bill was recalled from the other House on my motion to permit the substitution to be made.

Mr. SMITH of Georgia. Very well.

Mr. SHIVELY. I ask that the bill be read, and I understand the Senator from New York to say that the bill is identical with the one which passed the Senate and that the only purpose of this movement is to expedite its final passage.

Mr. ROOT. Precisely.

Mr. SHIVELY. Very well.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. LODGE. Mr. President, in the absence of the Senator from New York, I made the request that the bill (S. 4355) incorporating the National Institute of Arts and Letters and the bill (S. 4356) incorporating the National Academy of Arts and Letters be recalled from the House. I ask that the order recalling Senate bill 4356 be vacated.

The PRESIDENT pro tempore. In the absence of objection that order will be made.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 26680) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WETMORE. I move that the Senate insist on its amendments and accede to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. WARREN, Mr. WETMORE, and Mr. FOSTER the conferees on the part of the Senate.

AMERICAN HOSPITAL OF PARIS.

Mr. MARTIN of Virginia submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6380) to incorporate the American Hospital of Paris, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same.

J. H. GALLINGER.
CHARLES CURTIS,
THOMAS S. MARTIN,
Managers on the part of the Senate.

HENRY D. CLAYTON,
JOHN W. DAVIS,
JOHN A. STERLING,
Managers on the part of the House.

The report was agreed to.

IMMIGRATION OF ALIENS.

Mr. LODGE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses to the bill (S. 3175) entitled "An act to regulate the immigration of aliens to and the residence of aliens in the United States" having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

Strike out the text inserted by the House amendment and insert in lieu thereof the following:

"That the word 'alien' wherever used in this act shall include any person not a native born or naturalized citizen of the United States, or who has not declared his intention of becoming a citizen of the United States in accordance with law; but this definition shall not be held to include Indians not taxed or citizens of the islands under the jurisdiction of the United States That the term 'United States' as used in the title as well as in the various sections of this act shall be construed to mean the United States and any waters, territory, or other place subject to the jurisdiction thereof, except the Isthmian Canal Zone; but if any alien shall leave the Canal Zone and attempt to enter any other place under the jurisdiction of the United States, nothing contained in this act shall be construed as permitting him to enter under any other conditions than those applicable to all aliens. That the term 'seaman' as used in this act shall include every person signed on the ship's articles and employed in any capacity on board any vessel arriving in the United States from any foreign port or place.

"That this act shall be enforced in the Philippine Islands by officers of the General Government thereof designated by appropriate legislation of said Government.

"SEC. 2. That there shall be levied, collected, and paid a tax of $5 for every alien, including alien seamen regularly admitted as provided in this act, entering the United States. The said tax shall be paid to the collector of customs of the port or customs district to which said alien shall come, or, if there be no collector at such port or district, then to the collector nearest thereto, by the master, agent, owner, or consignee of the vessel, transportation line, or other conveyance or vehicle bringing such alien to the United States, or by the alien himself if he does not come by a vessel, transportation line, or other conveyance or vehicle. The tax imposed by this section shall be a lien upon the vessel or other vehicle of carriage or transportation bringing such aliens to the United States, and shall be a debt in favor of the United States against the owner or owners of such vessel or other vehicle, and the payment of such tax may be enforced by any legal or equitable remedy. That the said tax shall not be levied on account of aliens who shall enter the United States after an uninterrupted residence of at least one year, immediately preceding such entrance, in the Dominion of Canada, Newfoundland, the Republic of Cuba, or the Republic of Mexico, nor on account of otherwise admissible residents of any possession of the United States, nor on account of aliens in transit through the United States, nor upon aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory: *Provided*, That the Commissioner General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, by agreement with transportation lines, as provided in section 23 of this act, may arrange in some other manner for the payment of the tax imposed by this section upon any or all aliens seeking admission from foreign contiguous territory: *Provided further*, That said tax, when levied upon aliens entering the Philippine Islands, shall be paid into the treasury of said islands, to be expended for the benefit of such islands: *Provided further*, That in the cases of aliens applying for admission from foreign contiguous territory and rejected, the head tax collected shall upon application be refunded to the alien: *Provided further*, That the provisions of this section shall not apply to aliens arriving in Guam or Hawaii; but if any such alien, not having become a citizen of the United States, shall later arrive at any port or place of the United States on the North American Continent the provisions of this section shall apply.

"SEC. 3. That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous; persons who have had one or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars; vagrants; persons afflicted with tuberculosis in any form or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living; persons who have committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who admit their belief in the practice of polygamy; anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all forms of law, or who disbelieve in or are opposed to organized government, or who advocate the assassination of public officials; persons who are members of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocate or teach the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally of the Government of the United States or of any other organized government, because of his or their official character; prostitutes, or women or girls coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who procure or attempt to bring in prostitutes or women or girls for the purpose of prostitution or for any other immoral purpose; persons who are supported by or receive in whole or in part the proceeds of prostitution; persons hereinafter called contract laborers, who have been induced, assisted, encouraged, or solicited to migrate to this country by offers or promises of employment, whether such offers or promises are true or false, or in consequence of agreements, oral, written or printed, express or implied, to perform labor in this country of any kind, skilled or unskilled; persons who have come in consequence of advertisements for laborers printed, published, or distributed in a foreign country; persons who have been deported under any of the provisions of this act, and who may again seek admission within one year from the date of such deportation, unless prior to their reembarkation at a foreign port the Secretary of Commerce and Labor shall have consented to their reapplying for admission; persons whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes; persons whose ticket or passage is paid for by any corporation, association, society, municipality, or foreign Government, either directly or indirectly; stowaways, except that any such stowaway may be admitted in the discretion of the Secretary of Commerce and Labor; all children under 16 years of age, unaccompanied by one or both of their parents, at the discretion of the Secretary of Commerce and Labor or under such regulations as he may from time to time prescribe; persons who can not become eligible, under existing law, to become citizens of the United States by naturalization, unless otherwise provided for by existing agreements as to passports, or by treaties, conventions, or agreements that may hereafter be entered into. The provision next foregoing, however, shall not apply to persons of the following status or occupations: Government officers, ministers or religious teachers, missionaries, lawyers, physicians, chemists, engineers, teachers, students, authors, editors, journalists, merchant, bankers, and travelers for curiosity or pleasure, nor to their legal wives or their children under 16 years of age who shall accompany them or who subsequently may apply for admission to the United States, but such persons or their legal wives or foreign-born children who fail to maintain in the United States a status or

occupation placing them within the excepted classes shall be deemed to be in the United States contrary to law, and shall be subject to deportation as provided in section 19 of this act.

"That after four months from the approval of this act, in addition to the aliens who are by law now excluded from admission into the United States, the following persons shall also be excluded from admission thereto, to wit:

"All aliens over 16 years of age, physically capable of reading, who can not read the English language, or some other language or dialect, including Hebrew or Yiddish: *Provided*, That any admissible alien or any alien heretofore or hereafter legally admitted, or any citizen of the United States, may bring in or send for his father or grandfather over 55 years of age, his wife, his mother, his grandmother, or his unmarried or widowed daughter, if otherwise admissible, whether such relative can read or not; and such relatives shall be permitted to enter. That for the purpose of ascertaining whether aliens can read the immigrant inspectors shall be furnished with slips, of uniform size, prepared under the direction of the Secretary of Commerce and Labor, each containing not less than 30 nor more than 40 words in ordinary use, printed in plainly legible type in the various languages and dialects of immigrants. Each alien may designate the particular language or dialect in which he desires the examination to be made, and shall be required to read the words printed on the slip in such language or dialect. No two aliens coming in the same vessel or other vehicle of carriage or transportation shall be tested with the same slip. That the following classes of persons shall be exempt from the operation of the illiteracy test, to wit: All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Commerce and Labor that they are seeking admission to the United States solely for the purpose of escaping from religious persecution; all aliens in transit through the United States; all aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory: *Provided*, That nothing in this act shall exclude, if otherwise admissible, persons convicted of an offense purely political, not involving moral turpitude: *Provided further*, That the provisions of this act relating to the payments for tickets or passage by any corporation, association, society, municipality, or foreign Government shall not apply to the tickets or passage of aliens in immediate and continuous transit through the United States to foreign contiguous territory: *Provided further*, That skilled labor, if otherwise admissible, may be imported if labor of like kind unemployed can not be found in this country, and the question of the necessity of importing such skilled labor in any particular instance may be determined by the Secretary of Commerce and Labor upon the application of any person interested, such application to be made before such importation, and such determination by the Secretary of Commerce and Labor to be reached after a full hearing and an investigation into the facts of the case; but such determination shall not become final until a period of 30 days has elapsed. Within three days after such determination the Secretary of Commerce and Labor shall cause to be published a brief statement reciting the substance of the application, the facts presented at the hearing and his determination thereon, in three daily newspapers of general circulation in three of the principal cities of the United States. At any time during said period of 30 days any person dissatisfied with the ruling may appeal to the district court of the United States of the district into which the labor is sought to be brought, which court or the judge thereof in vacation shall have jurisdiction to try de novo such question of necessity, and the decision in such court shall be final. Such appeal shall operate as a supersedeas: *Provided further*, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants: *Provided further*, That whenever the President shall be satisfied that passports issued by any foreign Government to its citizens or subjects to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holder to come to the continental territory of the United States to the detriment of labor conditions therein, the President shall refuse to permit such citizens or subjects of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone: *Provided further*, That nothing in this act shall be construed to prevent, hinder, or restrict any alien exhibitor, or holder of a concession or privilege for any fair or exposition authorized by act of Congress, from bringing into the United States, under contract, such alien mechanics, artisans, agents, or other employees, natives of his country, as may be necessary for installing or conducting his exhibit or for preparing for installing or conducting any business authorized or permitted under any concession or privilege which may have been or may be granted by any such fair or exposition in connection therewith, under such rules and regulations as the Commissioner General of Immigration, with the approval of the Secretary of Commerce and Labor, may prescribe both as to the admission and return of such persons: *Provided further*, That nothing in this act shall be construed to apply to accredited officials of foreign Governments nor to their suites, families, or guests: *Provided further*, That nothing in this act shall exclude the wife or minor children of a citizen of the United States.

"SEC. 4. That the importation into the United States of any alien for the purpose of prostitution, or for any other immoral purpose, is hereby forbidden; and whoever shall, directly or indirectly, import, or attempt to import, into the United States any alien for the purpose of prostitution or for any other immoral purpose, or shall hold or attempt to hold any alien for any such purpose in pursuance of such illegal importation, or shall keep, maintain, control, support, employ, or harbor in any house or other place, for the purpose of prostitution or for any other immoral purpose, any alien, in pursuance of such illegal importation, shall in every such case be deemed guilty of a felony, and on conviction thereof shall be punished by imprisonment for a term of not more than 10 years and by a fine of not more than $5,000. Jurisdiction for the trial and punishment of the felonies hereinbefore set forth shall be in any district to or into which said alien is brought in pursuance of said importation by the person or persons accused, or in any district in which a violation of any of the foregoing provisions of this section occur. That any alien who shall, after he has been excluded and deported or arrested and deported in pursuance of the provisions of this act which relate to prostitutes, procurers, or other like immoral persons, attempt thereafter to return to or to enter the United States shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment for a term of not more than two years. In all prosecutions under this section the testimony of a husband or wife shall be admissible and competent evidence against a wife or husband.

"SEC. 5. That it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way to induce, assist, encourage, or solicit the importation or migration of any contract laborer or contract laborers into the United States, unless such contract laborer or contract laborers are exempted under the provisions of section 3 of this act, and for every violation of any of the provisions of this section the person, partnership, company, or corporation violating the same shall forfeit and pay for every such offense the sum of $1,000, which may be sued for and recovered by the United States, or by any person who shall first bring his action therefor in his own name and for his own benefit, including any such aliens thus offered or promised employment as aforesaid, as debts of like amount are now recovered in the courts of the United States; or for every violation of the provisions hereof the person violating the same may be prosecuted in a criminal action for a misdemeanor, and on conviction thereof shall be punished by a fine of $1,000, or by imprisonment for a term of not less than six months nor more than two years; and under either the civil or the criminal procedure mentioned separate suits or prosecutions may be brought for each alien thus offered or promised employment as aforesaid.

"SEC. 6. That it shall be unlawful and be deemed a violation of section 5 of this act to induce, assist, encourage, or solicit any alien to come into the United States by promise of employment through advertisements printed, published, or distributed in any foreign country, whether such promise is true or false, and either the civil or the criminal penalty imposed by said section shall be applicable to such a case: *Provided*, That States or Territories, the District of Columbia, or places subject to the jurisdiction of the United States may advertise, and by written or oral communication with prospective alien settlers make known, the inducements they offer for immigration thereof, respectively.

"SEC. 7. That it shall be unlawful for any person, association, society, company, partnership, corporation, or others engaged in the business of transporting aliens to the United States, including owners, masters, officers, and agents of vessels, directly or indirectly, by writing, printing, or oral representation, to solicit, invite, or encourage any alien to come into the United States, and anyone violating any provision hereof shall be subject to either the civil or the criminal prose-

cution prescribed by section 5 of this act; or if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any owner, master, officer, or agent of a vessel has brought or caused to be brought to a port of the United States any alien so solicited, invited, or encouraged to come by such owner, master, officer, or agent, such owner, master, officer, or agent shall pay to the collector of customs of the customs district in which the port of arrival is located or in which any vessel of the line may be found the sum of $400 for each and every such violation; and no vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine, or while the fine imposed remains unpaid; nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit with the collector of customs of a sum sufficient to cover such fine: *Provided further*, That whenever it shall be shown to the satisfaction of the Secretary of Commerce and Labor that the provisions of this section are persistently violated by or on behalf of any transportation company, it shall be the duty of said Secretary to deny to such company the privilege of landing alien immigrant passengers of any or all classes at United States ports for such a period as in his judgment may be necessary to insure an observance of such provisions: *Provided further*, That this section shall not be held to prevent transportation companies from issuing letters, circulars, or advertisements confined strictly to stating the sailings of their vessels and terms and facilities of transportation therein.

"SEC. 8. That any person, including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or shall attempt, by himself or through another, to bring into or land in the United States, by vessel or otherwise, or shall conceal or harbor, or attempt to conceal or harbor, or assist or abet another to conceal or harbor in any place, including any building, vessel, railway car, conveyance, or vehicle, any alien not duly admitted by an immigrant inspector or not lawfully entitled to enter or to reside within the United States under the terms of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $1,000, or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment for each and every alien so landed or brought in or attempted to be landed or brought in.

"SEC. 9. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel, to bring to the United States any alien afflicted with idiocy, insanity, imbecility, epilepsy, tuberculosis in any form, or a loathsome or dangerous contagious disease, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation, and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $200 for each and every violation of the provisions of this section. It shall also be unlawful for any such person to bring to any port of the United States any alien afflicted with any mental or physical defect of a nature which may affect his ability to earn a living, as contemplated in section 3 of this act, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was so afflicted at the time of foreign embarkation, and that the existence of such mental or physical defect might have been detected by means of a competent medical examination at such time, such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $25 for each and every violation of this provision. It shall also be unlawful for any such person to bring to any port of the United States any alien who is excluded by the provisions of section 3 of this act because unable to read or who can not become eligible, under existing law, to become a citizen of the United States by naturalization, as provided in section 3 of this act, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that these disabilities might have been detected by the exercise of reasonable precaution prior to the departure of such aliens from a foreign port such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $100 for each and every violation of this provision. And no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fine, or while the fine remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit of a sum sufficient to cover such fine and costs, such sum to be named by the Secretary of Commerce and Labor.

"SEC. 10. That it shall be the mandatory and unqualified duty of every person, including owners, officers, and agents of vessels or transportation lines, other than those lines which may enter into a contract as provided in section 23 of this act, bringing an alien to any seaport or land border port of the United States to prevent the landing of such alien in the United States at any time or place other than as designated by the immigration officers, and the failure of any such owner, officer, or agent to comply with the foregoing requirements shall be deemed a misdemeanor and on conviction thereof shall be punished by a fine in each case of not less than one hundred nor more than one thousand dollars or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment; or, if in the opinion of the Secretary of Commerce and Labor it is impracticable or inconvenient to prosecute the owner, master, officer, or agent of any such vessel, a pecuniary penalty of $1,000 shall be a lien upon the vessel whose owner, master, officer, or agent violates the provisions of this section, and such vessel shall be libeled therefor in the appropriate United States court.

"SEC. 11. That whenever he may deem such action necessary the Secretary of Commerce and Labor may, at the expense of the appropriation for the enforcement of this act, detail immigrant inspectors and matrons of the United States Immigration Service for duty on vessels carrying immigrant or emigrant passengers, or passengers other than first and second cabin passengers, between ports of the United States and foreign ports. On such voyages said inspectors and matrons shall remain in that part of the vessel where immigrant passengers are carried. It shall be the duty of such inspectors and matrons to observe such passengers during the voyage, and report to the immigration authorities in charge at the port of landing any information of value in determining the admissibility of such passengers under the laws regulatng immigration of aliens into the United States. It shall further be the duty of such inspectors and matrons to observe violations of the provisions of such laws and the violation of such provisions of the "passenger act" of August 2, 1882, as amended, as relate to the care and treatment of immigrant passengers at sea, and report the same to the proper United States officials at ports of landing. Whenever the Secretary of Commerce and Labor so directs, a surgeon of the United States Public Health Service, detailed to the Immigration Service, not lower in rank than a passed assistant surgeon, shall be received and carried on any vessel transporting immigrant or emigrant passengers, or passengers other than first and second cabin passengers, between ports of the United States and foreign ports. Such surgeons shall be permitted to investigate and examine the condition of all immigrant and emigrant passengers in relation to any provisions of the laws regulating the immigration of aliens into the United States and such provisions of the "passenger act" of August 2, 1882, as amended, as relate to the care and treatment of immigrant passengers at sea, and shall immediately report any violation of said laws to the master or commanding officer of the vessel, and shall also report said violations to the Secretary of Commerce and Labor within 24 hours after the arrival of the vessel at the port of entry in the United States. Such surgeon shall accompany the master or captain of the vessel in his visits to the sanitary officers of the ports of call during the voyage, and, should contagious or infectious diseases prevail at any port where passengers are received, he shall request all reasonable precautionary measures for the health of persons on board. Such surgeon on arrival at ports of the United States shall also, if requested by the examining board, furnish any information he may possess in regard to immigrants arriving on the vessel to which he has been detailed. While on duty such surgeons shall wear the prescribed uniform of their service and shall be provided with first-class accommodations on such vessel at the expense of the appropriation for the enforcement of this act. For every violation of this section any person, including any transportation company, owning or operating the vessel in which such violation occurs shall pay to the collector of customs of the customs district in which the next United States port of arrival is located the sum of $1,000 for each and every day during which such violation continues, the term "violation" to include the refusal of any person having authority so to do to permit any such immigrant inspector, matron, or surgeon to be received on board such vessel, as provided in this section, and also the refusal of the master or commanding officer of any such vessel to permit the inspections

and visits of any such surgeon, as provided in this section, and no vessel shall be granted clearance papers pending the determination of the question of the liability of such fine, or while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of all such questions upon the deposit of a sum sufficient to cover such fines and costs, such sum to be named by the Secretary of Commerce and Labor.

"SEC. 12. That upon the arrival of any alien by water at any point within the United States on the North American Continent from a foreign port or a port of the Philippine Islands, Guam, Porto Rico, or Hawaii, or at any port of the said insular possessions from any foreign port, from a port in the United States on the North American Continent, or from a port of another insular possession of the United States, it shall be the duty of the master or commanding officer, owners, or consignees of the steamer, sailing, or other vessel having said alien on board to deliver to the immigration officers at the port of arrival lists or manifests made at the time and place of embarkation of such alien on board such steamer or vessel, which shall, in answer to questions at the top of said list, contain full and accurate information as to each alien as follows: Full name, age, and sex; whether married or single; calling or occupation; personal description (including height, complexion, color of hair and eyes, and marks of identification); whether able to read; nationality; country of birth; race; country of last permanent residence; name and address of the nearest relative in the country from which the alien came; seaport for landing in the United States; final destination, if any, beyond the port of landing; whether having a ticket through to such final destination; by whom passage was paid; whether going to join a relative or friend, and if so, what relative or friend, and his or her name and complete address; whether ever before in the United States, and if so, when and where; whether ever in prison or almshouse or an institution or hospital for the care and treatment of the insane or supported by charity; whether a polygamist; whether an anarchist; whether a person who believes in or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or who disbelieves in or is opposed to organized government, or who advocates the assassination of public officials, or is a member of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character; whether coming by reason of any offer, solicitation, promise, or agreement, express or implied, to perform labor in the United States; the alien's condition of health, mental and physical; whether deformed or crippled, and if so, for how long and from what cause; and such master or commanding officer, owners, or consignees shall also furnish information in relation to the sex, age, class of travel, and the foreign port of embarkation of arriving passengers who are United States citizens. That it shall further be the duty of the master or commanding officer of every vessel taking passengers from any port of the United States on the North American Continent to a foreign port or a port of the Philippine Islands, Guam, Porto Rico, or Hawaii, or from any port of the said insular possession to any foreign port, to a port of the United States on the North American Continent, or to a port of another insular possession of the United States to file with the immigration officials before departure a list which shall contain full and accurate information in relation to the following matters regarding all alien passengers, and all citizens of the United States or insular possessions of the United States departing with the stated intent to reside permanently in a foreign country, taken on board: Name, age, and sex; whether married or single; calling or occupation; whether able to read; nationality; country of birth; country of which citizen or subject; race; last permanent residence in the United States or insular possessions thereof; if a citizen of the United States or of the insular possessions thereof, whether native born or naturalized; intended future permanent residence; and time and port of last arrival in the United States or insular possessions thereof; and such master or commanding officer shall also furnish information in relation to the sex, age, class of travel, and port of debarkation of the United States citizens departing who do not intend to reside permanently in a foreign country, and no master of any such vessel shall be granted clearance papers for his vessel until he has deposited such list or lists with the immigration officials at the port of departure and made oath that they are full and complete as to the name and other information herein required concerning each person of the classes specified taken on board his vessel; and any neglect or omission to comply with the requirements of this section shall be punishable as provided in section 14 of this act: *Provided*, That in the case of vessels making regular trips to ports of the United States the Commissioner General of Immigration, with the approval of the Secretary of Commerce and Labor, may, when expedient, arrange for the delivery of such lists of outgoing aliens at a later date: *Provided further*, That it shall be the duty of immigration officials to record the following information regarding every resident alien and citizen leaving the United States by way of the Canadian or Mexican borders for permanent residence in a foreign country: Name, age, and sex; whether married or single; calling or occupation; whether able to read; nationality; country of birth; country of which citizen or subject; race; last permanent residence in the United States; intended future permanent residence; and time and port of last arrival in the United States; and if a United States citizen, whether native born or naturalized.

"SEC. 13. That all aliens arriving by water at the ports of the United States shall be listed in convenient groups, the names of those coming from the same locality to be assembled so far as practicable, and no one list or manifest shall contain more than 30 names. To each alien or head of a family shall be given a ticket on which shall be written his name, a number or letter designating the list in which his name, etc., is contained, and his number on said list, for convenience of identification on arrival. Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer, or the first or second below him in command, taken before an immigration officer at the port of arrival, to the effect that he has caused the surgeon of said vessel sailing therewith to make a physical and oral examination of each of sail aliens, and that from the report of said surgeon and from his own investigation he believes that no one of said aliens is of any of the classes excluded from admission into the United States by section 3 of this act, and that also according to the best of his knowledge and belief, the information in said lists or manifests concerning each of said aliens named therein is correct and true in every respect. That the surgeon of said vessel sailing therewith shall also sign each of said lists or manifests and make oath or affirmation in like manner before an immigration officer at the port of arrival, stating his professional experience and qualifications as a physician and surgeon, and that he has made a personal examination of each of the said aliens named therein, and that the said list or manifest, according to the best of his knowledge and belief, is full, correct, and true in all particulars relative to the mental and physical condition of said aliens. If no surgeon sails with any vessel bringing aliens the mental and physical examinations and the verifications of the lists or manifests shall be made by some competent surgeon employed by the owners of the said vessels, and the manifests shall be verified by such surgeon before a United States consular officer.

"SEC. 14. That it shall be unlawful for the master or commanding officer of any vessel bringing aliens into or carrying aliens out of the United States to refuse or fail to deliver to the immigration officials the accurate and full manifests or statements or information regarding all aliens on board or taken on board such vessel required by this act, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that there has been such a refusal or failure, or that the lists delivered are not accurate and full, such master or commanding officer shall pay to the collector of customs at the port of arrival or departure the sum of $10 for each alien concerning whom such accurate and full manifest or statement or information is not furnished, or concerning whom the manifest or statement or information is not prepared and sworn to as prescribed by this act. No vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine, or while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such question upon the deposit with the collector of customs of a sum sufficient to cover such fine.

"SEC. 15. That upon the arrival at a port of the United States of any vessel bringing aliens it shall be the duty of the proper immigration officials to go or to send competent assistants to the vessel and there inspect all such aliens, or said immigration officials may order a temporary removal of such aliens for examination at a designated time and place, but such temporary removal shall not be considered a landing, nor shall it relieve the transportation lines, masters, agents, owners, or consignees of the vessel upon which said aliens are brought to any port of the United States from any of the obligations which, in case such aliens remain on board, would, under the provisions of

this act bind the said transportation lines, masters, agents, owners, or consignees: *Provided*, That where removal is made to premises owned or controlled by the United States, said transportation lines, masters, agents, owners, or consignees, and each of them shall, so long as detention there lasts, be relieved of responsibility for the safekeeping of such aliens. Whenever a temporary removal of aliens is made the transportation lines which brought them and the masters, owners, agents, and consignees of the vessel upon which they arrive shall pay all expenses of such removal and all expenses arising during subsequent detention, pending decision on the aliens' eligibility to enter the United States and until they are either allowed to land or returned to the care of the line or to the vessel which brought them, such expenses to include those of maintenance, medical treatment in hospital or elsewhere, burial in the event of death, and transfer to the vessel in the event of deportation, excepting only where they arise under the terms of any of the provisos of section 18 thereof. Any refusal or failure to comply with the provisions hereof to be punished in the manner specified in section 18 of this act.

"SEC. 16. That the physical and mental examination of all arriving aliens shall be made by medical officers of the United States Public Health Service, who shall have had at least two years' experience in the practice of their profession since receiving the degree of doctor of medicine, and who shall certify, for the information of the immigration officers and the boards of special inquiry hereinafter provided for, any and all physical and mental defects or diseases observed by said medical officers in any such alien; or, should medical officers of the United States Public Health Service be not available, civil surgeons of not less than four years' professional experience may be employed in such emergency for such service, upon such terms as may be prescribed by the Commissioner General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor. Medical officers of the United States Public Health Service who have had especial training in the diagnosis of insanity and mental defect shall be detailed for duty or employed at all large ports of entry, and such medical officers shall be provided with suitable facilities for the detention and examination of all arriving aliens in whom insanity or mental defect is suspected, and the services of interpreters shall be provided for such examination. That the inspection, other than the physical and mental examination, of aliens, including those seeking admission or readmission to or the privilege of passing through or residing in the United States, and the examination of aliens arrested within the United States under this act, shall be conducted by immigrant inspectors, except as hereinafter provided in regard to boards of special inquiry. Immigrant inspectors are hereby authorized and empowered to board and search for aliens any vessel, railway car, conveyance, or vehicle in which they believe aliens are being brought into the United States. Said inspectors shall have power to administer oaths and to take and consider evidence touching the right of any alien to enter, reenter, pass through, or reside in the United States, and, where such action may be necessary, to make a written record of such evidence; and any person to whom such an oath has been administered, under the provisions of this act, who shall knowingly or willfully give false evidence or swear to any false statement in any way affecting or in relation to the right of any alien to admission, or readmission to, or to pass through, or to reside in the United States shall be deemed guilty of perjury and be punished as provided by section 125 of the act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States." Any commissioner of immigration or inspector in charge shall also have power to require the attendance and testimony of witnesses before said inspectors and the production of books, papers, and documents touching the right of any alien to enter, reenter, reside in, or pass through the United States, and to that end may invoke the aid of any court of the United States; and any district court within the jurisdiction of which investigations are being conducted by an immigrant inspector may, in the event of neglect or refusal to respond to a subpœna issued by any commissioner of immigration or inspector in charge, or refusal to testify before said immigrant inspector, issue an order requiring such person to appear before said immigrant inspector, produce books, papers, and documents if demanded, and testify; and any failure to obey such order of the court shall be punished by the court as a contempt thereof. That any person, including employees, officials, or agents of transportation companies, who shall assault, resist, prevent, impede, or interfere with any immigration official or employee in the performance of his duty under this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment for a term of not less than six months nor more than two years, or by a fine of not less than two hundred nor more than two thousand dollars; and any person who shall use any deadly or dangerous weapon in resisting any immigration official or employee in the performance of his duty shall be deemed guilty of a felony and shall on conviction thereof be punished by imprisonment for not less than 1 nor more than 10 years. Every alien who may not appear to the examining immigrant inspector at the port of arrival to be clearly and beyond doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry. In the event of rejection by the board of special inquiry, in all cases where an appeal to the Secretary of Commerce and Labor is permitted by this act, the alien shall be so informed and shall have the right to be represented by counsel or other advisor on such appeal. The decision of an immigrant inspector, if favorable to the admission of any alien, shall be subject to challenge by any other immigrant inspector, and such challenge shall operate to take the alien whose right to land is so challenged before a board of special inquiry for its investigation.

"SEC. 17. That boards of special inquiry shall be appointed by the commissioner of immigration or inspector in charge at the various ports of arrival as may be necessary for the prompt determination of all cases of immigrants detained at such ports under the provisions of the law. Each board shall consist of three members, who shall be selected from such of the immigrant officials in the service as the Commissioner General of Immigration, with the approval of the Secretary of Commerce and Labor, shall from time to time designate as qualified to serve on such boards. When in the opinion of the Secretary of Commerce and Labor the maintenance of a permanent board of special inquiry for service at any sea or land border port is not warranted, regularly constituted boards may be detailed from other stations for temporary service at such port, or, if that be impracticable, the Secretary of Commerce and Labor shall authorize the creation of boards of special inquiry by the immigration officials in charge at such ports, and shall determine what Government officials or other persons shall be eligible for service on such boards. Such boards shall have authority to determine whether an alien who has been duly held shall be allowed to land or shall be deported. All hearings before such boards shall be separate and apart from the public. Such boards shall keep a complete permanent record of their proceedings and of all such testimony as may be produced before them; and the decision of any two members of a board shall prevail, but either the alien or any dissenting member of the said board may appeal through the commissioner of immigration at the port of arrival and the Commissioner General of Immigration to the Secretary of Commerce and Labor, and the taking of such appeal shall operate to stay any action in regard to the final disposal of any alien whose case is so appealed until the receipt by the commissioner of immigration at the port of arrival of such decision, which shall be rendered solely upon the evidence adduced before the board of special inquiry. In every case where an alien is excluded from admission into the United States, under any law or treaty now existing or hereafter made, the decision of a board of special inquiry if adverse to the admission of such alien shall be final, unless reversed on appeal to the Secretary of Commerce and Labor: *Provided*, That the decision of a board of special inquiry, based upon the certificate of the examining medical officer, shall be final as to the rejection of aliens affected with tuberculosis in any form or with a loathsome or dangerous contagious disease, or with any mental or physical disability which would bring such aliens within any of the classes excluded from admission to the United States under section 3 of this act.

"SEC. 18. That all aliens brought to this country in violation of law shall, if practicable, be immediately sent back, in accommodations of the same class in which they arrived, to the country whence they respectively came, on the vessels bringing them. The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessels on which they respectively came. That it shall be unlawful for any master, purser, person in charge, agent, owner, or consignee of any such vessel to refuse to receive back on board thereof, or on board of any other vessel owned or operated by the same interests, such aliens; or to fail to detain them thereon; or to refuse or fail to return them in the manner aforesaid to the foreign port from which they came; or to pay the cost of their maintenance while on land; or to make any charge for the return of any such alien; or to take any security from him for the payment of such charge; or to take any consideration to be returned in case the alien is landed; or knowingly to bring to the United States at any time within one year from the date of deportation any alien rejected or arrested and deported under any provision of this act, unless

prior to reembarkation the Secretary of Commerce and Labor has consented that such alien shall reapply for admission, as required by section 3 hereof; and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that such master, purser, person in charge, agent, owner, or consignee has violated any of the foregoing provisions such master, purser, person in charge, agent, owner, or consignee shall pay to the collector of customs of the customs district in which the port of arrival is located, or in which any vessel of the line may be found, the sum of $300 for each and every violation of any provision of this section; and no vessel shall have clearance from any port of the United States while any such fine is unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such question upon the deposit with the collector of customs of a sum sufficient to cover such fine. If the vessel by which any alien ordered deported came has left the United States and it is impracticable for any reason to deport the alien within a reasonable time by another vessel owned by the same interests, the cost of deportation may be paid by the Government and recovered by civil suit from any agent, owner, or consignee of the vessel: *Provided further*, That the Commissioner General of Immigration, with the approval of the Secretary of Commerce and Labor, may suspend, upon conditions to be prescribed by the Commissioner General of Immigration, the deportation of any alien found to have come in violation of any provision of this act if, in his judgment, the testimony of such alien is necessary on behalf of the United States Government in the prosecution of offenders against any provision of this act; and the cost of maintenance of any person so detained resulting from such suspension of deportation, and a witness fee in the sum of $1 per day for each day such person is so detained, may be paid from the appropriation for the enforcement of this act, or such alien may be released under bond, in the penalty of not less than $500, with security approved by the Secretary of Commerce and Labor, conditioned that such alien shall be produced when required as a witness and for deportation. No alien certified, as provided in section 16 of this act, to be suffering from tuberculosis in any form, or from a loathsome or dangerous contagious disease other than one of quarantinable nature, shall be permitted to land for medical treatment thereof in any hospital in the United States, unless with the express permission of the Secretary of Commerce and Labor: *Provided further*, That upon the certificate of a medical officer of the United States Public Health Service to the effect that the health or safety of an insane alien would be unduly imperiled by immediate deportation, such alien may, at the expense of the appropriation for the enforcement of this act, be held for treatment until such time as such alien may, in the opinion of such medical officer, be safely deported: *Provided further*, That upon the certificate of a medical officer of the United States Public Health Service to the effect that a rejected alien is helpless from sickness, mental or physical disability, or infancy, if such alien is accompanied by another alien whose protection or guardianship is required by such rejected alien, such accompanying alien may also be excluded, and the master, agent, owner, or consignee of the vessel in which such alien and accompanying alien are brought shall be required to return said alien and accompanying alien in the same manner as vessels are required to return other rejected aliens.

"SEC. 19. That any alien, at any time within three years after entry, who shall enter the United States in violation of law; any alien who within three years after entry becomes a public charge from causes existing prior to the landing; except as hereinafter provided, any alien who is hereafter sentenced to imprisonment for a term of one year or more because of conviction in this country of a crime involving moral turpitude, committed within three years after the entry of the alien to the United States; any alien who shall be found an inmate of or connected with the management of a house of prostitution or practicing prostitution after such alien shall have entered the United States, or who shall receive, share in, or derive benefit from any part of the earnings of any prostitute; any alien who is employed by, in, or in connection with any house of prostitution or music or dance hall or other place of amusement or resort habitually frequented by prostitutes, or where prostitutes gather, or who in any way assists, protects, or promises to protect from arrest any prostitute; any alien who shall import or attempt to import any person for the purpose of prostitution or for any other immoral purpose; any alien who, after being excluded and deported or arrested and deported as a prostitute, or as a procurer, or as having been connected with the business of prostitution or importation for prostitution or other immoral purposes in any of the ways hereinbefore specified, shall return to and enter the United States; any alien convicted and imprisoned for a violation of any of the provisions of section 4 hereof; any alien, at any time within three years after entry, who shall enter the United States by water at any time or place other than as designated by immigration officials, or by land at any place other than one designated as a port of entry for aliens by the Commissioner General of Immigration, or at any time not designated by immigration officials, shall, upon the warrant of the Secretary of Commerce and Labor, be taken into custody and deported: *Provided*, That the provision of this section respecting the deportation of aliens convicted of a crime involving moral turpitude shall not apply to one who has been pardoned, nor shall such deportation be made or directed if the court sentencing such alien for such crime shall, at the time of imposing judgment or passing sentence, make a recommendation to the Secretary of Commerce and Labor that such alien shall not be deported in pursuance of this act; nor shall any alien convicted as aforesaid be deported until after the termination of his imprisonment: *Provided further*, That the provisions of this section, with the exceptions hereinbefore noted, shall be applicable to the classes of aliens therein mentioned irrespective of the time of their entry into the United States. In every case where any person is ordered deported from the United States under the provisions of this act or of any law or treaty now existing, the decision of the Secretary of Commerce and Labor shall be final.

"SEC. 20. That the deportation of aliens provided for in this act shall, at the option of the Secretary of Commerce and Labor, be to the country whence they came or to the foreign port at which such aliens embarked for the United States; or, if such embarkation was for foreign contiguous territory, to the foreign port at which they embarked for such territory; or, if such aliens entered foreign contiguous territory from the United States and later entered the United States, or if such aliens are held by the country from which they entered the United States not to be subjects or citizens of such country, and such country refuses to permit their reentry, or imposes any condition upon permitting reentry, then to the country of which such aliens are subjects or citizens, or to the country in which they resided prior to entering the country from which they entered the United States. If effected at any time within five years after the entry of the alien, such deportation, including one-half of the entire cost of removal to the port of deportation, shall be at the expense of the contractor, procurer, or other person by whom the alien was unlawfully induced to enter the United States. or, if that can not be done, then the cost of removal to the port of deportation shall be at the expense of the appropriation for the enforcement of this act, and the deportation from such port shall be at the expense of the owner or owners of such vessels or transportation line by which such aliens respectively came, or, if that is not practicable, at the expense of the appropriation for the enforcement of this act. If such deportation is effected later than five years after the entry of the alien, or, if the deportation is made by reason of causes arising subsequent to entry, the cost thereof shall be payable from the appropriation for the enforcement of this act. A failure or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Secretary of Commerce and Labor to take on board, guard safely, and transport to the destination specified any alien ordered to be deported under the provisions of this act shall be punished by the imposition of the penalties prescribed in section 18 of this act: *Provided*, That when in the opinion of the Secretary of Commerce and Labor the mental or physical condition of such alien is such as to require personal care and attendance, he may employ a suitable person for that purpose, who shall accompany such alien to his or her final destination, and the expense incident to such service shall be defrayed in like manner. Pending the final disposal of the case of any alien so taken into custody he may be released under a bond in the penalty of not less than $500 with security approved by the Secretary of Commerce and Labor, conditioned that such alien shall be produced when required for a hearing or hearings in regard to the charge upon which he has been taken into custody, and for deportation if he shall be found to be unlawfully within the United States.

"SEC. 21. That any alien liable to be excluded because likely to become a public charge or because of physical disability other than tuberculosis in any form or a loathsome or dangerous contagious disease may, if otherwise admissible, nevertheless be admitted in the discretion of the Secretary of Commerce and Labor upon the giving of a suitable and proper bond or undertaking, approved by said Secretary, in such amount and containing such conditions as he may prescribe, to the United States and to all States, Territories, counties, towns, municipalities, and districts thereof, holding the United States and all States, Territories, counties, towns, municipalities, and districts

thereof harmless against such alien becoming a public charge. The admission of such alien shall be a consideration for the giving of such bond or undertaking. Suit may be brought thereon in the name and by the proper law officers either of the United States Government or of any State, Territory, district, county, town, or municipality in which such alien becomes a public charge.

"SEC. 22. That wherever an alien shall have taken up his permanent residence in this country, and shall have filed his declaration of intention to become a citizen, and thereafter shall send for his wife or minor children to join him, if said wife or any of said children shall be found to be affected with any contagious disorder, such wife or children shall be held, under such regulations as the Secretary of Commerce and Labor shall prescribe, until it shall be determined whether the disorder will be easily curable or whether they can be permitted to land without any danger to other persons; and they shall not be either admitted or deported until such facts have been ascertained; and if it shall be determined that the disorder is easily curable and the husband or father or other responsible person is willing to bear the expense of the treatment, they may be accorded treatment in hospital until cured and then be admitted, or if it shall be determined that they can be permitted to land without danger to other persons, they may, if otherwise admissible, thereupon be admitted.

"SEC. 23. That the Commissioner General of Immigration shall perform all his duties under the direction of the Secretary of Commerce and Labor. Under such direction he shall have charge of the administration of all laws relating to the immigration of aliens into the United States, and shall have the control, direction, and supervision of all officers, clerks, and employees appointed thereunder; he shall establish such rules and regulations, prescribe such forms of bond, reports, entries, and other papers, and shall issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this act and for protecting the United States and aliens migrating thereto from fraud and loss, and shall have authority to enter into contract for the support and relief of such aliens as may fall into distress or need public aid, and to remove to their native country, at any time within three years after entry, at the expense of the appropriations for the enforcement of this act, such as fall into distress or need public aid from causes arising subsequent to their entry and are desirous of being so removed; he shall prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico, so as not to unnecessarily delay, impede, or annoy persons in ordinary travel between the United States and said countries, and shall have power to enter into contracts with transportation lines for the said purpose; it shall be the duty of the Commissioner General of Immigration to detail officers of the Immigration Service from time to time as may be necessary, in his judgment, to secure information as to the number of aliens detained in the penal, reformatory, and charitable institutions (public and private) of the several States and Territories, the District of Columbia, and other territory of the United States and to inform the officers of such institutions of the provisions of law in relation to the deportation of aliens who have become public charges. He may, with the approval of the Secretary of Commerce and Labor, whenever in his judgment such action may be necessary to accomplish the purposes of this act, detail immigration officers, and also surgeons of the United States Public Health Service employed under this act for service in foreign countries. The duties of commissioners of immigration and other immigration officials in charge of districts, ports, or stations shall be of an administrative character, to be prescribed in detail by regulations prepared under the direction or with the approval of the Secretary of Commerce and Labor: *Provided*, That for the purpose of making effective the provisions of this section relating to the protection of aliens from fraud and loss, and also the provisions of section 30 of this act, relating to the distribution of aliens, the Secretary of Commerce and Labor shall establish and maintain immigrant stations at such interior places as may be necessary, and, in the discretion of the said Secretary, aliens in transit from ports of landing to such interior stations shall be accompanied by immigrant inspectors.

"SEC. 24. That immigrant inspectors and other immigration officers, clerks, and employees shall hereafter be appointed and their compensation fixed and raised or decreased from time to time by the Secretary of Commerce and Labor, upon the recommendation of the Commissioner General of Immigration and in accordance with the provisions of the civil-service act of January 16, 1883: *Provided*, That said Secretary, in the enforcement of that portion of this act which excludes contract laborers, may employ, without reference to the provisions of the said civil-service act, or to the various acts relative to the compilation of the official register, such persons as he may deem advisable and from time to time fix, raise, or decrease their compensation. He may draw annually from the appropriation for the enforcement of this act $50,000, or as much thereof as may be necessary, to be expended for the salaries and expenses of persons so employed and for expenses incident to such employment; and the accounting officers of the Treasury shall pass to the credit of the proper disbursing officer expenditures from said sum without itemized account whenever the Secretary of Commerce and Labor certifies that an itemized account would not be for the best interests of the Government: *Provided further*, That nothing herein contained shall be construed to alter the mode of appointing commissioners of immigration at the several ports of the United States as provided by the sundry civil appropriation act approved August 18, 1894, or the official status of such commissioners heretofore appointed.

"SEC. 25. That the district courts of the United States are hereby invested with full and concurrent jurisdiction of all causes, civil and criminal, arising under any of the provisions of this act. That it shall be the duty of the United States district attorney of the proper district to prosecute every such writ when brought by the United States under this act. Such prosecutions or suits may be instituted at any place in the United States at which the violation may occur or at which the person charged with such violation may be found. That no suit or proceeding for a violation of the provisions of this act shall be settled, compromised, or discontinued without the consent of the court in which it is pending, entered of record, with the reasons therefor.

"SEC. 26. That all exclusive privileges of exchanging money, transporting passengers or baggage, or keeping eating houses, and all other like privileges in connection with any United States immigrant station, shall be disposed of after public competition, subject to such conditions and limitations as the Commissioner General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, may prescribe, and all receipts accruing from the disposal of such exclusive privileges shall be paid into the Treasury of the United States. No intoxicating liquors shall be sold at any such immigrant station.

"SEC. 27. That for the preservation of the peace and in order that arrests may be made for crimes under the laws of the States and Territories of the United States where the various immigrant stations are located, the officers in charge of such stations, as occasion may require, shall admit therein the proper State and municipal officers charged with the enforcement of such laws, and for the purpose of this section the jurisdiction of such officers and of the local courts shall extend over such stations.

"SEC. 28. That any person who knowingly aids or assists any anarchist or any person who believes in or advocates the overthrow by force or violence of the Government of the United States, or who disbelieves in or is opposed to organized government, or all forms of law, or who advocates the assassination of public officials, or who is a member of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, to enter the United States, or who connives or conspires with any person or persons to allow, procure, or permit any such anarchist or person aforesaid to enter therein shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine of not more than $5,000 or by imprisonment for not more than five years, or both.

"SEC. 29. That the President of the United States is authorized, in the name of the Government of the United States, to call, in his discretion, an international conference, to assemble at such point as may be agreed upon, or to send special commissioners to any foreign country, for the purpose of regulating by international agreement, subject to the advice and consent of the Senate of the United States, the immigration of aliens to the United States; of providing for the mental, moral, and physical examination of such aliens by American consuls or other officers of the United States Government at the ports of embarkation, or elsewhere; of securing the assistance of foreign Governments in their own territories to prevent the evasion of the laws of the United States governing immigration to the United States; of entering into such international agreements as may be proper to prevent the immigration of aliens who,

under the laws of the United States, are or may be excluded from entering the United States, and of regulating any matters pertaining to such immigration.

"SEC. 30. That there shall be maintained a division of information in the Bureau of Immigration and Naturalization; and the Secretary of Commerce and Labor shall provide such clerical and other assistance as may be necessary. It shall be the duty of said division to promote a beneficial distribution of aliens admitted into the United States among the several States and Territories desiring immigration. Correspondence shall be had with the proper officials of the States and Territories, and said division shall gather from all available sources useful information regarding the resources, products, and physical characteristics of each State and Territory, and shall publish such information in different languages and distribute the publications among all admitted aliens at the immigrant stations of the United States and to such other persons as may desire the same. When any State or Territory appoints and maintains an agent or agents to represent it at any of the immigrant stations of the United States, such agents shall, under regulations prescribed by the Commissioner General of Immigration, subject to the approval of the Secretary of Commerce and Labor, have access to aliens who have been admitted to the United States for the purpose of presenting, either orally or in writing, the special inducements offered by such State or Territory to aliens to settle therein. While on duty at any immigrant station such agents shall be subject to all the regulations prescribed by the Commissioner General of Immigration, who, with the approval of the Secretary of Commerce and Labor, may, for violation of any such regulations, deny to the agent guilty of such violation any of the privileges herein granted.

"SEC. 31. That any person, including the owner, agent, consignee, or master of any vessel arriving in the United States from any foreign port or place, who shall knowingly sign on the ship's articles, or bring to the United States as one of the crew of such vessel, any alien, with intent to permit such alien to land in the United States in violation of the laws and treaties of the United States regulating the immigration of aliens, or who shall falsely and knowingly represent to the immigration authorities at the port of arrival that any such alien is a bona fide member of the crew, shall be liable to a penalty not exceeding $5,000, for which sum the said vessel shall be liable and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense.

"SEC. 32. That no alien excluded from admission into the United States by any law or treaty of the United States regulating the immigration of aliens, and employed on board any vessel arriving in the United States from any foreign port or place, shall be permitted to land in the United States, except temporarily for medical treatment, or pursuant to regulations prescribed by the Secretary of Commerce and Labor providing for the ultimate removal or deportation of such alien from the United States, and the negligent failure of the owner, agent, consignee, or master of such vessel to detain on board any such alien after notice in writing by the immigration officer in charge at the port of arrival, and to deport such alien, if required by such immigration officer or by the Secretary of Commerce and Labor, shall render such owner, agent, consignee, or master liable to a penalty not exceeding $1,000, for which sum the said vessel shall be liable, and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense.

"SEC. 33. That it shall be unlawful and be deemed a violation of the preceding section to pay off or discharge any alien employed on board any vessel arriving in the United States from any foreign port or place, unless duly admitted pursuant to the laws and treaties of the United States regulating the immigration of aliens: *Provided*, That in case any such alien intends to reship on board any other vessel bound to any foreign port or place he shall be allowed to land for the purpose of so reshipping, and may be paid off, discharged, and permitted to remove his effects, anything in such laws or treaties or in this act to the contrary notwithstanding, provided due notice of such proposed action first be given to the principal immigration officer in charge at the port of arrival.

"SEC. 34. That any alien seaman who shall desert his vessel in a port of the United States or who shall land therein contrary to the provisions of this act shall be deemed to be unlawfully in the United States, and shall, at any time within three years thereafter, upon the warrant of the Secretary of Commerce and Labor, be taken into custody and brought before a board of special inquiry for examination as to his qualifications for admission to the United States, and if not admitted said alien seaman shall be deported at the expense of the appropriation for this act as provided in section 20 of this act.

"SEC. 35. That it shall be unlawful for any vessel carrying passengers between a port of the United States and a port of a foreign country, upon arrival in the United States, to have on board employed thereon any alien afflicted with idiocy, imbecility, insanity, epilepsy, tuberculosis in any form, or a loathsome or dangerous contagious disease, if it appears to the satisfaction of the Secretary of Commerce and Labor, from an examination made by a medical officer of the United States Public Health Service, and is so certified by such officer, that any such alien was so afflicted at the time he was shipped or engaged and taken on board such vessel and that the existence of such affliction might have been detected by means of a competent medical examination at such time; and for every such alien so afflicted on board any such vessel at the time of arrival the owner, agent, consignee, or master thereof shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $25; and no vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine and while it remains unpaid: *Provided*, That clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine: *Provided further*, That such fine may, in the discretion of the Secretary of Commerce and Labor, be mitigated or remitted.

"SEC. 36. That upon arrival of any vessel in the United States from any foreign port or place it shall be the duty of the owner, agent, consignee, or master thereof to deliver to the principal immigration officer in charge of the port of arrival lists containing the names of all aliens employed on such vessel, stating the positions they respectively hold in the ship's company, when and where they were respectively shipped or engaged, and specifying those to be paid off and discharged in the port of arrival; or lists containing so much of such information as the Secretary of Commerce and Labor shall by regulation prescribe; and after the arrival of any such vessel it shall be the duty of such owner, agent, consignee, or master to report to such immigration officer, in writing, as soon as discovered, all cases in which any such alien has deserted the vessel, giving a description of such alien, together with any information likely to lead to his apprehension; and before the departure of any such vessel it shall be the duty of such owner, agent, consignee, or master to deliver to such immigration officer a further list containing the names of all alien employees who were not employed thereon at the time of the arrival, but who will leave port thereon at the time of her departure, and also the names of those, if any, who have been paid off and discharged, and of those, if any, who have deserted or landed or been duly admitted; and in case of the failure of such owner, agent, consignee, or master so to deliver either of the said lists of such aliens arriving and departing, respectively, or so to report such cases of desertion, or landing, such owner, agent, consignee, or master shall, if required by the Secretary of Commerce and Labor, pay to the collector of customs of the customs district in which the port of arrival is located the sum of $10 for each alien concerning whom correct lists are not delivered or a true report is not made as above required; and no such vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine and, in the event such fine is imposed, while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such question upon deposit of a sum sufficient to cover such fine.

"SEC. 37. The word 'person' as used in this act shall be construed to import both the plural and the singular, as the case may be, and shall include corporations, companies, and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any director, officer, agent, or employee of any corporation, company, or association acting within the scope of his employment or office shall in every case be deemed to be the act, omission, or failure of such corporation, company, or association, as well as that of the person acting for or in behalf of such corporation, company, or association.

"SEC. 38. That this act, except as otherwise provided in section 3, shall take effect and be enforced from and after July 1, 1913. The act of March 26, 1910, amending the act of February 20, 1907, to regulate the immigration of aliens into the United States; the act of February 20, 1907, to regulate the immigration of aliens into the United States, except section 34 thereof; the act of March 3, 1903, to regulate the immigration of aliens into the United States, except section 34 thereof; and all other acts and parts of acts inconsistent with this act are hereby

repealed on and after the taking effect of this act: *Provided*, That this act shall not be construed to repeal, alter, or amend existing laws relating to the immigration or exclusion of Chinese persons or persons of Chinese descent, nor to repeal, alter, or amend section 6, chapter 453, third session, Fifty-eighth Congress, approved February 6, 1905, or the act approved August 2, 1882, entitled 'An act to regulate the carriage of passengers by sea,' and amendments thereto: *Provided*, That nothing contained in this act shall be construed to affect any prosecution, suit, action, or proceedings brought, or any act, thing, or matter, civil or criminal, done or existing at the time of the taking effect of this act, except as mentioned in the last proviso of section 19 hereof; but as to all such prosecutions, suits, actions, proceedings, acts, things, or matters, the laws or parts of laws repealed or amended by this act are hereby continued in force and effect."

H. C. LODGE,
WM. P. DILLINGHAM,
LE ROY PERCY,
Managers on the part of the Senate.
JOHN L. BURNETT,
AUGUSTUS P. GARDNER,
Managers on the part of the House.

Mr. LODGE. Mr. President, I regret very much to say that after the conference report had been agreed to in the other House it was found that a change which had been made in one of the Senate provisions had been put in the wrong place. The conference committee desired to mitigate or relax, if they could, the law in regard to aliens who had taken out their first papers declaring their intention to become citizens of the United States. In doing that a provision was placed at the beginning of the bill, where it would have the effect, as was found on examination, of nullifying the deportation clause in case of the white-slave traffic and also in cases of disease or crime. It therefore becomes absolutely necessary to transpose the clause to the proper place. It is with regret that I do so, Mr. President, but the error is such that it is absolutely necessary to take back the conference report, so that the error may be corrected. I therefore move that the Senate further insist on its disagreement to the amendment and ask for a further conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. LODGE, Mr. DILLINGHAM, and Mr. PERCY conferees on the part of the Senate.

PENSIONS AND INCREASE OF PENSIONS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 7160) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. McCUMBER. I move that the Senate disagree to the amendments of the House of Representatives, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. MCCUMBER, Mr. BURNHAM, and Mr. GORE conferees on the part of the Senate.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 8034) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. McCUMBER. I move that the Senate disagree to the amendments of the House of Representatives, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. MCCUMBER, Mr. BURNHAM, and Mr. GORE conferees on the part of the Senate.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 8035) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors.

Mr. McCUMBER. I move that the Senate disagree to the amendments of the House of Representatives, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. MCCUMBER, Mr. BURNHAM, and Mr. GORE conferees on the part of the Senate.

HOUSE BILLS REFERRED.

The following House bills were severally read twice by their titles and referred to the Committee on Pensions:

H. R. 3967. An act granting an increase of pension to John R. Fugill;

H. R. 27806. An act granting a pension to Mary MacArthur;

H. R. 27874. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 28282. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 28379. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

DONATION OF CONDEMNED CANNON.

Mr. SMITH of Georgia obtained the floor.

Mr. SANDERS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Tennessee?

Mr. SANDERS. It is for a matter which I think will cause no debate.

Mr. SMITH of Georgia. I yield.

Mr. SANDERS. I ask unanimous consent for the present consideration of the bill (S. 8273) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. CATRON. I move to amend the bill by inserting——

The PRESIDENT pro tempore. The Chair will first ask is there objection to the present consideration of the bill?

Mr. McCUMBER. I object. I desire to have the bill go over until to-morrow for an amendment.

Mr. SANDERS. Mr. President, I might state for the information of Senators that this is a kind of omnibus bill, covering various other bills on this subject that have been introduced, and I shall therefore feel at liberty to accept any amendment which may be suggested by the Senator from North Dakota, if he wishes to offer one on a similar line.

Mr. McCUMBER. I think there was a bill on the subject introduced last summer. I will ask the Senator if he will not allow the bill to go over until to-morrow, so that I can look into it and see what amendment I desire to offer.

The PRESIDENT pro tempore. The bill goes over on the objection of the Senator from North Dakota.

AGRICULTURAL EXTENSION DEPARTMENTS.

Mr. SMITH of Georgia. I move that the Senate proceed to the consideration of House bill 22871, known as the agricultural extension department bill.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 22871) to establish agricultural extension departments in connection with agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto.

The PRESIDENT pro tempore. The pending question is on agreeing to the amendment in the nature of a substitute offered by the Senator from Vermont [Mr. PAGE].

Mr. SMITH of Georgia. Mr. President, I desire to offer two amendments to the original bill. I send them to the desk and ask that they be read.

The PRESIDENT pro tempore. The first amendment offered by the Senator from Georgia will be stated.

The SECRETARY. At the end of section 2, page 2, line 10, it is proposed to insert "and the farm management and farm practice work of the Bureau of Plant Industry of the Department of Agriculture."

Mr. SMITH of Georgia. I desire to state, Mr. President, that that is the amendment perfected by the Senator from Ohio. Representatives of the department who presented it to him have added a few more words to it. It is in the language sub-

mitted by them, with the signatures of the gentlemen who had it under consideration.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The second amendment proposed by the Senator from Georgia will be stated.

The SECRETARY. At the end of section 8 it is proposed to insert the following:

The provisions of this act are hereby extended to the Territories, namely, to Hawaii, Alaska, and Porto Rico: *Provided, however,* That no distribution of funds shall be made to the agricultural colleges of such Territories until the Secretary of Agriculture shall determine that such colleges are prepared to avail themselves of the same.

Mr. SMITH of Georgia. I wish simply to say, Mr. President, that that amendment was also prepared in deference to the request of the Senator from Wyoming [Mr. CLARK] and other Senators.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. HITCHCOCK. Mr. President, I should like to inquire of the Senator whether the amendment refers to Porto Rico as a Territory?

Mr. SMITH of Georgia. Yes; Porto Rico is referred to as a Territory.

Mr. HITCHCOCK. I think that is not technically correct.

Mr. SMITH of Georgia. I know that; and for that reason, while referring to them as Territories, the amendment names the three, because just exactly what they are I do not know.

Mr. HITCHCOCK. I shall object to that, because I think it is rather deplorable to incorporate into the law a designation of this sort which is incorrect. Hawaii is a Territory, and I suppose Alaska is or is to become one; but I suggest that, in place of using the term "Territory" in connection with Porto Rico, we insert the words "and the District of Porto Rico" or "Porto Rico," so as to make a distinction.

Mr. SMITH of Georgia. Would the Senator also say "the District of Alaska"?

Mr. HITCHCOCK. I think the language is not so objectionable with regard to Alaska.

Mr. SMOOT. Mr. President, I was informed by the Senator from Minnesota [Mr. NELSON] that the Supreme Court had decided in a certain case before the court not very long ago that Alaska is a Territory.

Mr. SMITH of Georgia. We might avoid trouble by simply retaining the three names without designating them as Territories or otherwise.

Mr. HITCHCOCK. I think that would be desirable.

Mr. CUMMINS. Mr. President, I am not opposed to the amendment at all, but I rise to make a parliamentary inquiry. As I understand, the pending question is upon the amendment proposed by the Senator from Vermont [Mr. PAGE]. Is it in order now to amend the original proposition until the substitute is perfected?

The PRESIDENT pro tempore. The Chair is clearly of the opinion that it is in order to first perfect the original bill and then the substitute will be presented.

Mr. CUMMINS. I think the Chair is right. I wish to suggest to the Senator from Vermont that he make the same modifications in his substitute that have been made in the original bill, so that it will be taken care of in either event.

The PRESIDENT pro tempore. The Senator from Georgia modifies his amendment. The amendment as modified will be read.

The SECRETARY. At the end of section 8 it is proposed to add the following:

The provisions of this act are hereby extended to Hawaii, Alaska, and Porto Rico: *Provided, however,* That no distribution of funds shall be made to the agricultural colleges of Hawaii, Alaska, and Porto Rico until the Secretary of Agriculture shall determine that such colleges are prepared to avail themselves of the same.

The PRESIDENT pro tempore. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

The PRESIDENT pro tempore. The question is now upon the amendment in the nature of a substitute.

Mr. McCUMBER. Mr. President, for the purpose of perfecting the bill I offer an amendment to come in on page 3, line 20. I ask that the amendment be read.

The PRESIDENT pro tempore. The amendment proposed by the Senator from North Dakota will be read.

The SECRETARY. On page 3, line 20, after the word "Treasury," it is proposed to insert the following:

Provided further, That no State shall pay out any part of the appropriation provided in this act to any agricultural college until the governor of said State and the Secretary of Agriculture of the United States shall jointly approve the questions or departments of study that are being or are proposed to be offered in said college or colleges.

Mr. McCUMBER. Mr. President, I made an inquiry about the necessity for this amendment when last we had the matter before us. The inquiry was assumed to be answered by reading sections of the bill, but I do not think there is anything in the bill which renders unnecessary the proposition contained in this amendment. Section 7, on page 6 of the original bill of the Senator from Vermont [Mr. PAGE], provides:

SEC. 7. That for the support in each State college of agriculture and the mechanic arts of an extension department or division the sum of $640,000 annually, beginning with the fiscal year ending June 30, 1913, of which annual appropriation $10,000 shall be allotted to each of the 48 States for the benefit of such extension departments.

The object of this amendment is to insure that this appropriation of $640,000 annually shall be given to those colleges which the governor of the State and the Secretary of Agriculture jointly shall hold are colleges whose principal purpose is instruction in agriculture, and that this is the prime purpose of the colleges. We have agricultural colleges in our States that we are unable to differentiate from any other college, except that they give some little instruction in agriculture. The course ought to be such that we would be able to differentiate the agricultural college from the ordinary State university or college. Certainly no harm can come from requiring that this sum shall be paid only when the course taught in agriculture shall be such as shall be approved by the governor of the State and by the Secretary of Agriculture.

Mr. CUMMINS. Mr. President, I ask for the reading of the amendment.

The PRESIDENT pro tempore. The proposed amendment will be again read.

The Secretary again read the proposed amendment.

Mr. SMITH of Georgia. Mr. President, I hope the amendment will not pass. Our agricultural colleges have been organized for years. The large majority of them are doing splendid work. The report of the Secretary of Agriculture shows that they receive from the States and from other sources several times as much as they receive from the National Government. At this late day, to make the departure that is proposed, that the Secretary of Agriculture shall have the right to fix the courses of study in the State colleges of agriculture, I think would be a great mistake.

I wish I could feel sure that the Government would permanently have in the office of Secretary of Agriculture a man who is the equal of the average president of the State colleges of agriculture. I do not believe there is a stronger body of men engaged in public service, certainly not in educational service, than the presidents and faculties of our colleges of agriculture. This amendment subjects their entire course of study to the approval of the Secretary of Agriculture——

Mr. TILLMAN. Whoever he may be.

Mr. SMITH of Georgia. Whoever he may be—good or bad. I think it would be a great mistake.

Mr. McCUMBER. Mr. President, I think the Senator did not listen carefully to the reading of the amendment or he would realize that he is in error in the statement that this matter is to be determined exclusively by the Secretary of Agriculture.

Mr. SMITH of Georgia. It says "the governor of said State and the Secretary of Agriculture."

Mr. McCUMBER. It is to be determined by the governor of the State and the Secretary of Agriculture.

Mr. SMITH of Georgia. But suppose they disagree? Then it has not been approved by both.

Mr. McCUMBER. I can not imagine that the Secretary of Agriculture, whose sole function is to look after the agricultural interests of the country, would disagree with the governor of the State, unless that disagreement were based upon the belief that the agricultural course was insufficient, and that in reality the funds were being used for other purposes.

The only object of this amendment is that we may know definitely what is the scope and purpose of the appropriation—that it is for agricultural purposes, and that it should be limited to agricultural purposes. The States are now appropriating enough for their State universities for general education; and if we are to appropriate the millions of dollars that are provided in this bill for agricultural purposes, there ought to be some authority to determine whether or not an institution is complying with what Congress itself intends shall be complied with in the matter of the extension of this agricultural work.

Mr. SMITH of Georgia. I understand perfectly the object of the amendment, and I sympathize, in part, with it. I am thoroughly in favor of making these agricultural colleges genuine agriculture colleges. So far as my own State is concerned,

there could be no possible embarrassment from the adoption of this measure in its practical operation, because I am glad to say that our agriculture college is distinctively an agricultural college and is subject to none of the criticisms that were evidently in the minds of those who drew the original amendment which the Senator from North Dakota presented on Friday. But I do not believe a Secretary of Agriculture ought to be given the power of passing on the courses of study in all the agricultural colleges of the United States.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from North Dakota?

Mr. SMITH of Georgia. I do.

Mr. McCUMBER. May I ask the Senator who should have the power of determining that question?

Mr. SMITH of Georgia. I think the authorities of the State can properly determine it. I can not doubt but that there is an influence in the States for agricultural education that can be trusted. There are many whose opinions I would rather have than that of the average man who might be Secretary of Agriculture. I would rather have the opinion of the president of the Wisconsin College of Agriculture or the president of the Iowa College of Agriculture or the president of the Illinois College of Agriculture, or half a dozen more whom I might mention, than the opinions of the men I am sure would fill the office of Secretary of Agriculture. I do not think we could ask at this late time——

Mr. McCUMBER. If the Senator will allow me——

Mr. SMITH of Georgia. Let me finish my sentence, and then I will yield.

Mr. McCUMBER. Certainly.

Mr. SMITH of Georgia. At the end of 50 years of operation of our agricultural colleges, I do not think we should now undertake to remove from the present authorities their power to handle this matter.

Now, I will answer the Senator's question.

Mr. McCUMBER. There is considerable complaint in several of our States—there is complaint in my own State from some quarters—that the agricultural college is duplicating, to some extent, the work of the State university. I do not know to what extent that is true, because I do not know the curriculum of the agricultural college. But I do believe that we should have some means of knowing the extent and the scope of agricultural education in those colleges which will be benefited by the appropriations provided. We should know what their work should be limited to. We should have that clearly defined. We should, if possible, see that those colleges shall be more and more definitely agricultural in their character, and especially that they shall not be unduly duplicating, as is now the case in some of the States, the work of the State universities.

Mr. SMITH of Georgia. I thought the Senator was asking me a question.

Mr. McCUMBER. Let me just finish my sentence.

Mr. SMITH of Georgia. The Senator asked me to yield for a question. I think I have the floor.

Mr. McCUMBER. I do not wish to have the money expended for duplicated work.

The PRESIDENT pro tempore. The Senator from Georgia has the floor, and Senators desiring to interrupt him will please get permission through the Chair.

Mr. SMITH of Georgia. I wanted the Senator to finish his question and let me answer it. I will answer now, Mr. President, not his question, but his statement.

I want to say that I cordially sympathize with the desire to prevent these colleges of agriculture from duplicating in any sense the classical work of the universities. That trouble has existed in a number of places. I am glad to say that in my own State we have completely relieved our institution of the trouble. It is rather a local question than a national question.

So far as the present appropriation goes we have included provisions that will guard the appropriation from misuse. The amendment offered by the Senator from North Dakota goes not simply to this appropriation, but to the entire course of study of these agricultural colleges. It goes to the original act providing for them and the amendments thereto through which the work of the college proper is governed.

Personally, I think the laws have not been as completely enforced as they might be in that regard. I think the reports now required to be made to the Secretary of the Interior might perhaps be enlarged without giving to any particular part of the Government the exclusive privilege of passing upon the courses of study.

So far as this appropriation is concerned the bill provides that the Secretary of Agriculture shall not certify to the Treasury the extension work appropriation unless he has examined the reports made by those managing the work to the governor of the State and sent to the Secretary of Agriculture by the governor of the State, and unless, as a result of those reports, the Secretary of Agriculture finds that the college is in good faith carrying out the purposes of this appropriation and doing the actual work which it contemplates. Otherwise the Secretary of Agriculture will not certify that particular State to the Treasury for its check. The Secretary of the Treasury will not pay the money to the State until the Secretary of Agriculture gives his certificate that the work is being done by the college as this bill requires. In case the Secretary of Agriculture shall find that the college is not doing the work required by this bill, then he shall report the fact to Congress, and unless Congress disagrees with his view and directs payment the payment will not be made.

So, if the Senator from North Dakota will observe the provisions of the bill so far as this fund is concerned, he will see that we have sought to guard the proposition fully; and I think we have guarded it, because this money must be spent in the way directed by the bill or else the Secretary of Agriculture will not give his certificate for the next year's appropriation, and the appropriation can not be had unless Congress overrules the Secretary of Agriculture.

So far as the actual study that is being done in the colleges, this bill does not touch it. It concerns the work of the experiment stations and the scientific investigations of the colleges. I do not believe the majority of the States would be willing to see the courses of study at their colleges of agriculture subject simply to the views and the approval of the Secretary of Agriculture.

I have tried to draft an amendment that might meet the requirements of the Senator and yet not be objectionable; but I am not sure that it would, and I am not really satisfied with it myself.

Mr. CUMMINS. Mr. President, I join the Senator from Georgia in the hope that this amendment will not be adopted. It would be most disastrous in my own State.

In Iowa we have a State university and a distinct agricultural college. The college is properly described as a college of agriculture and the mechanic arts. The course of study there includes instruction not only in agriculture but in engineering, in home economics, and in all branches that naturally are allied with engineering and with domestic economy.

We are now engaged in a very earnest dispute with regard to the courses of study that should obtain in the agricultural college. That dispute must finally be determined by the general assembly of our State. There is no other tribunal. Speaking in part for my own State, I would be entirely unwilling to allow the governor of the State and the Secretary of Agriculture to determine whether our college should teach engineering or whether it should teach domestic economy.

I assume that no one will question, in a general way, the merit of the Iowa College of Agriculture. I think I may say without vanity that among agricultural colleges it holds a very enviable position in the country. I have no fear that any Secretary of Agriculture, or any governor, either, would ever seriously interfere with the course in agriculture. But to submit to a Secretary of Agriculture the determination of the question whether we shall teach in that college other things that are directly within the act which founded the college, or be compelled to abandon these courses of instruction at the command of either the Secretary of Agriculture or the governor, or both, would, I think, be entirely intolerable to our people, who ultimately will settle that controversy as it ought to be settled.

If this amendment were limited to the merit of the course in agriculture; that is, to determine whether or not the school really taught agriculture in a way that entitled it to recognition, that would be quite a different matter. But to submit our whole college of agriculture and mechanic arts to an officer in Washington would not meet with the approval of our people, and the result would be that we would receive no part of this additional contribution.

I therefore hope very much that the amendment will not be adopted.

Mr. McCUMBER and Mr. WILLIAMS addressed the Chair.

Mr. McCUMBER. I wish to answer the objection——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Mississippi who has addressed the Chair?

Mr. WILLIAMS. I rose to obtain recognition in my own right. I thought I had risen first.

Mr. McCUMBER. I merely wish to briefly answer the objection made by the Senator from Georgia first, and then that made by the Senator from Iowa.

The bill now provides, as stated by the Senator from Georgia, that the Secretary of Agriculture must give a certificate of approval before the appropriation can be used for the next

ensuing year. If the Secretary of Agriculture may give that certificate as to the continuance of an appropriation, what earthly objection could be made to the Secretary of Agriculture passing in the first instance upon what the course shall be, as to whether the appropriation shall be made?

Mr. SMITH of Georgia. This has nothing——

Mr. McCUMBER. Just a moment.

Mr. SMITH of Georgia. I thought the Senator had finished his question.

Mr. McCUMBER. It seems to me the bill is faulty if it makes an appropriation for this year in aid of the colleges, and provides that if in the ensuing year the Secretary of Agriculture finds that the appropriation has not been properly used, then the Secretary may make a certificate that the institution is not conforming to what was intended by the act and the appropriation that went with it. For my part I can not see that the action of the Secretary of Agriculture would be any more dangerous in the first instance than it would be in the second instance. If there is any justification whatever for the Secretary of Agriculture passing upon the question whether there should be a continuance of an appropriation there certainly must be equal justification for an amendment that he should pass in the first instance on whether the course is such that it should receive the appropriation.

Now, Mr. President, the Senator evidently does not understand the amendment as I do. The principal question in this case is whether the money which is appropriated shall be used exclusively for agricultural purposes. I do not believe that under this amendment anyone could construe it as intending to grant authority to the Secretary of Agriculture to discontinue or to refuse to authorize the appropriation in case civil engineering is also taught in the same institution, but what it is intended to accomplish is that the money appropriated shall not be used in such a way that it may go into the coffers of the institution to pay out instructors in teaching civil engineering or domestic economy or anything else, but that every cent of it shall be expended absolutely and unconditionally for agricultural purposes.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. McCUMBER. I yield, Mr. President.

Mr. CUMMINS. Is not the Senator from North Dakota of the opinion that the appropriation must be spent for agricultural education or demonstration? Could any part of it, under the terms of the bill as now presented, be paid out for courses of engineering or domestic economy; I mean as far as this part is concerned?

Mr. McCUMBER. I think section 7, that I read, does not leave it sufficiently clear that it shall be all expended for agricultural purposes, and that is why I offered this amendment. I would have no objection to inserting after the words "jointly approved" the word "agricultural," so as to read "jointly approve the agricultural courses, or departments, of study that are being, or are proposed to be, offered in said college or colleges."

Mr. CUMMINS. If the Senator from North Dakota will limit it to the approval of the agricultural courses taught in the college and entirely exclude any supervision over the general work of the college my objection would disappear.

Mr. McCUMBER. I will ask leave to amend the amendment by inserting, after the words "approve the," the word "agricultural," so as to read:

Shall jointly approve the agricultural courses or departments of study that are being, or are proposed—

And so forth.

The PRESIDENT pro tempore. The Senator from North Dakota modifies his amendment. The modification will be stated.

The Secretary read as follows:

Provided further, That no State shall pay out any part of the appropriation provided in this act to any agricultural college until the governor of said State and the Secretary of Agriculture of the United States shall jointly approve the agricultural courses or departments of study that are being, or are proposed to be, offered in said college or colleges.

Mr. CUMMINS. That contains the whole difficulty. The Senator does not strike out "departments of study" proposed to be pursued in the college.

Mr. McCUMBER. That means agricultural courses or agricultural departments. The word "agricultural" applies to both.

Mr. CUMMINS. Will the Senator strike out "or departments of study," and leave it simply refer to agricultural courses?

Mr. McCUMBER. So that there will be no question, I will also consent to strike out "or departments of study," as I do not know that those words add anything or detract anything.

The PRESIDENT pro tempore. The Secretary will read the language as now modified.

The SECRETARY. After the word "courses" strike out the comma and the words "or departments of study," so that it will read:

Provided further, That no State shall pay out any part of the appropriation provided in this act to any agricultural college until the governor of said State and the Secretary of Agriculture of the United States shall jointly approve the agricultural courses that are being, or are proposed to be, offered in said college or colleges.

Mr. WILLIAMS. Mr. President, there seems to be a sort of vague impression that a man with two arms and two legs who happens to hold a position as a State official is in some way less competent to attend to the public business than a man who holds a like position as a Federal official. It seems to be taken for granted that State officials will not attend to their duties in a competent way or will not attend to them with good faith. Undoubtedly the State officials are just as good judges and are just as capable of acting bona fide in connection with the application of an appropriation like this as the Secretary of Agriculture.

This question has opened up for consideration, at any rate—and it would do the country good to consider it—a great defect in our educational system. The defect is not to be corrected by going further into the line in which we have already gone, but, if possible, by correcting some of the things that we have done. There has been too much Federal control of these institutions already. There has been too much limitation upon the rights of the State.

The truth is, Mr. President, that agriculture and the studies of all the different branches interlock themselves inextricably with the whole educational system. The truth is the appropriations ought to have been made to establish agricultural schools in the State universities, and that where there is no State university in a privately endowed university selected by the legislature of the State to act as a State university for the time being. It is abhorrent to my mind that you should send a farmer out into the world with no knowledge of anything except his specific business. If you are going to have a separate institution for agriculture and the mechanic arts, you must teach the people who go there English; you ought to teach them geography and physical, descriptive geography; you ought to teach them history. It is abhorrent to my mind that you should take it for granted that the farmer of all men should be sent ignorantly to the plow. There is no business in the world which requires more encyclopedic information than that of an up-to-date farmer.

I said a moment ago that the colleges interlock. Here is a State university that is teaching chemistry, for example. It is just grading off to teach agricultural chemistry. The State university is teaching zoology and botany. You are merely grading off when you go further and teach entomology, which is absolutely necessary to agriculture, and when you teach soil analysis, which is a chemical art in this way, and when you teach agrostology, which gives you a more peculiar and detailed knowledge of special plants that are to be raised in agriculture. So necessarily these two institutions must duplicate one another's work, and you can not help it.

The difficulty took place when you made them separate institutions. They ought to have originally been one institution. A great State university teaching civil engineering as one branch, mining engineering as a branch, electrical engineering as a branch, agriculture in all its phases is one of the greatest schools, the study of peculiar specialized branches applicable to each interlocking with the general branches that form the foundation for their use.

Nobody can understand agricultural chemistry without having gone through a course of general chemistry. Nobody can do a thing with entomology or the diseases of plants without having gone through a general course of information concerning plants themselves, botany generally. So what the Senator is seeking is something he can not obtain without repealing a course which has gone too far now to be repealed.

In my own State, I am sorry to say, instead of having one great university with an agricultural college which was interlocked with all the various cognate studies that must go to make an up-to-date farmer, a separate agricultural and mechanical college finds it necessary to teach common mathematics, of course, and history, and English. Mathematics is taught up to a tolerably high grade, not as high as it is carried at a State university or at a polytechnic institute, of course not as high as they carry it at Annapolis or West Point, but pretty high. The consequence is that we have two sets of professors receiving duplication of pay and doing the same work in two separate parts of the State.

It grew out of the insane sectional jealousies of parts of a State. People said north Iowa has a university—I just say this because I know nothing about what part of Iowa has it—

but the north part of the State has a university and let us give the south part of the State the agricultural and mechanical college. So they proceed to do it, much to the detriment of the State, much to the detriment of agriculture, and much to the detriment of mankind's progress generally and the diffusion of information which is so necessary to its progress under a free government.

It is perfectly abhorrent to my mind to have the Federal Government go down to either the State university or the A. and M. College of Mississippi and attempt to dictate to the local authorities there as to what course of study they should pursue. Of course, unless they do devote the money to agricultural purposes the Secretary of the Treasury can, under this bill, refuse to give his certificate and they can not get the money. That is the string, as it seems to me, that the Federal Government ought to have upon the application of the money.

The present Secretary of Agriculture has been a blessing to America. He has been the greatest Secretary of Agriculture we have ever had and the only great one, by the way, that we have had under any administration. He has tried his best to confine himself to his work and uplift the agricultural system of the country. But, as far as my own State is concerned, I doubt if even he is as competent to judge as to what shall be taught to the farmer lads in the State of Mississippi in order to equip them for farming as they are down there. He might be more competent to judge as to what would be proper to be taught them in Iowa, because he would know just how far the common schools and graded schools and other things had diffused various branches of information amongst them.

But in order to make an agricultural college or an agricultural school in a university of much benefit you must have a very low grade of entrance examination, and that necessitates the teaching of a great many things that are somewhat remotely auxiliary to agriculture. But they are all auxiliary and they ought not to be interfered with.

I hope the amendment will not be adopted.

Mr. SMITH of Georgia. The Senator from North Dakota offered an amendment to the bill providing that no college should receive the appropriation for the extension department in which demonstration work is to be done alongside the home of the farmer unless the course of study taught at the college has first met the approval of the governor of the State and the Secretary of Agriculture.

This bill has nothing to do with the course of study taught in the college. It is expressly for work in the interest of those who do not attend the college. It is expressly for the purpose of taking the scientific information, the established truths, from the experiment station and the college and placing them in the most practical form at the home of the farmer. What has the course of study at the college, prescribed for the students at the college, to do with taking the truths that have been demonstrated at the experiment station and the college and carrying those truths into the country to the home of the farmer?

The Senator says that the bill provides that the Secretary may withhold a certificate and thereby stop the next year's appropriation in case the money for the year previous has not been spent according to the requirements of the act, and he seemed to think he had found a happy thought when he suggested that if the Secretary can stop it for the next year why not prescribe the condition before the first money is spent? The bill prescribed the way in which the money shall be spent which the bill appropriates. It gives the details of the use as far as it could be prescribed in advance. The bill says that 75 per cent of the money must be spent in actual demonstration work on the farm; that not over 5 per cent of it shall be spent for specialization, for publication, for literature, and that the other 20 per cent may be spent in such detailed way as may be deemed advisable. Now, what would the fact that the Secretary has to pass upon the course of study in the agricultural college have to do with this work? Nothing at all.

The amendment offered by the Senator would not in any sense affect or touch the first year's work to which he refers. The Senator's amendment goes entirely to something else. The Senator's amendment reaches back into the colleges, entirely disconnected with the demonstration work, and seeks to put the hand of the Secretary of Agriculture on our State colleges of agriculture all over the United States and force them to adopt a course of study subject to the approval of the Secretary of Agriculture. I am opposed to it. I do not think the Secretary of Agriculture knows as well as the board of trustees of the State College of Iowa what kind of college they ought to have, or the board of trustees of Wisconsin, or the board of trustees of Missouri, or the board of trustees of Georgia, and I do not think the governors of States, as a rule, have known as well how to handle State colleges of agriculture as the trustees of the State colleges of agriculture. I am willing for neither the Secretary of Agriculture nor the governor to have the right to limit the course of study to what meets his approval.

The amendment proposed by the Senator does not reach this appropriation at all for its purposes. It uses this appropriation to reach somewhere else, to reach back into the course of study in the college and to hold up this appropriation which has nothing to do with the course of study in the college and to enable the Secretary of Agriculture to control the course of study in the college.

I think we are doing well with these colleges. If the Senator's own State is not doing as well, his power and influence should right the wrong and correct what is being done in North Dakota and not seek at this late day to put up any authority in Washington City to interfere with the splendid work that is being done, and not at this late day to give even the governor of a State the right to interfere with the courses of study of our agricultural colleges.

Mr. McCUMBER. Mr. President, there are practically two bills in one before the Senate, and any amendment that is proposed will have to be proposed in anticipation of that kind of a completed bill which, as has been suggested, was framed by the Senator from Vermont [Mr. PAGE] and the Senator from Georgia [Mr. SMITH]. I can not get around section 7 of the proposed amendment. The Senator from Georgia says that the bill does not propose to pay anything to colleges; that it is, if I understand him——

Mr. SMITH of Georgia. I did not say that. The Senator from North Dakota misunderstood me.

Mr. McCUMBER. That it is not proposed for the support of a college, but that it is proposed for certain extension work, and for that exclusively. Granting what he says, let us read the first part of section 7, which provides:

> That for the support in each State college of agriculture and the mechanic arts of an extension department or division—

It is for the support of an agricultural college in the extension department that this money is to be paid to the Agricultural Department. I do not know what that extension means. One college may have one kind of an idea of what such an extension is and another college may have an entirely distinct and different understanding of the character of work this extension service may be; but the money is to be paid "for the support in each State college of agriculture and of the mechanic arts of an extension department or division."

I certainly can see nothing that should frighten the Senator in a provision that the money so expended should absolutely be expended for the extension work, and that it should not be paid over to any college generally to swell its funds, and then allow that college alone determine to what extent it will go into the matter of extending the agricultural service. There ought to be some authority that would pass upon that subject, and the Senator's own bill provides for an authority that shall determine, in the second instance, whether the college has conformed to the requirements of law; but he seems to be bitterly opposed to the same head of a department—the Agricultural Department of the United States—having anything to do with whether the course of study in extension work is such as is contemplated in the bill.

Mr. LA FOLLETTE. Mr. President, I only want to say a word upon this amendment. We have in the State of Wisconsin in connection with our State university one of the great agricultural colleges of the world. I think the adoption of this amendment would be tantamount to denying that agricultural college any participation in this fund. Without meaning to disparage any person, I say for the record that there never has been a governor of the State of Wisconsin, and I say that there never has been a Secretary of Agriculture, who was qualified or competent to fill the position of dean of the agricultural college of Wisconsin, and I sincerely hope that the determination of the courses of study in the agricultural colleges of this land will not be turned over to the Secretaries of Agriculture who may hereafter be named.

Mr. McCUMBER. If the Senator will insist on construing the amendment as it is now amended, which relates only to the courses in agriculture, as having an effect that would prevent the other courses being given in the same college, then, of course, there is no use of arguing that question. I am afraid, however, that the Senator did not pay attention to the amendment as it has been amended, which applies only to the agricultural line of study. The amendment provides:

> *Provided*, That no State shall pay out any part of the appropriation provided in this act to any agricultural college until the governor of said State and the Secretary of Agriculture of the United States shall jointly approve the courses or departments of study that are being, or are proposed to be, offered in said college or colleges.

That has nothing to do with any other courses, and the fact——

Mr. LA FOLLETTE. I understand that.

Mr. McCUMBER. The fact that other courses are being taught will not prevent the college from receiving its proper proportion of this appropriation.

Mr. LA FOLLETTE. I understand the amendment perfectly, and I have no qualification to make of what I have said.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from North Dakota [Mr. McCUMBER].

The amendment was rejected.

The PRESIDENT pro tempore. The question now is upon the amendment in the nature of a substitute proposed by the Senator from Vermont [Mr. PAGE].

Mr. SMITH of Georgia. Mr. President, has that amendment really been presented? As printed it is stated that it is an amendment intended to be proposed.

The PRESIDENT pro tempore. The Chair is of the opinion that the Senator from Vermont has not formally presented the amendment. The Chair would inquire if the Senator submits it now?

Mr. GRONNA. Mr. President, before we take up the substitute of the Senator from Vermont, I should like to ask the Senator from Georgia a question in regard to the provision of his bill on page 4, beginning with line 18, which reads as follows:

And provided further, That in each State which shall assent to the provisions of this act there shall be expended each year for field instruction and demonstrations not less than 75 per cent of all moneys available under the provisions of this act.

I should like to inquire of the Senator, because I know he has given it a great deal of study, if that is not placing too strict a limitation on what shall be done with a large percentage of this money which it is proposed to appropriate?

Mr. SMITH of Georgia. It is perhaps a little larger than I myself would have suggested, but I believe it is true that the practical demonstration work is the great work that will be accomplished by this bill.

Mr. GRONNA. Mr. President, the Senator does not understand me. What I should like to know is what is meant by "demonstration work." The bill says "field demonstration." I have no objection to the taking of 75 per cent of the appropriation for demonstration in agriculture, but I should certainly object—and I want to make it strong enough, so that the Senator will understand me—and I shall certainly have to vote against the bill if this limitation is placed so that this money can be used for nothing but field demonstration.

Mr. SMITH of Georgia. I do not so understand it. It is for field instruction and demonstration.

Mr. GRONNA. I ask the Senator from Georgia if he would be willing to strike out the word "field" and after the word "demonstrations" to add the two words "in agriculture," so as to make it read:

That in each State which shall assent to the provisions of this act there shall be expended each year for instruction and demonstrations in agriculture not less than 75 per cent, etc.

Mr. SMITH of Georgia. The entire appropriation is for instruction in agriculture. If we eliminate the word "field," and simply leave the word "instruction," it would take away any limitation at all in the bill as to the amount of demonstration work that is to be done. I understand that the object of that provision—it was a House amendment; it was not in the original bill—was to prevent the danger of the expenditure of any of this money at the college by requiring that the money be spent either in field instruction; that is to say, instruction on the field where the work was being illustrated by what was being done, or by demonstrations where the work was being demonstrated in reference to stock or cattle or dairying or actual farm work. Field instruction and demonstration require 75 per cent of the fund to be actually spent in practice in the illustration of scientific truths and in the presence of the farmers.

Mr. GRONNA. What I fear, Mr. President, is that this money can be used for no other purpose than field instruction. It may be that it would be unfortunate to strike out the word "field"; and I will ask the Senator if he would have any objection to inserting the two words "in agriculture" after the word "demonstrations"?

Mr. SMITH of Georgia. So as to read "field instruction and demonstrations in agriculture"?

Mr. GRONNA. Yes.

Mr. SMITH of Georgia. Not at all.

Mr. GRONNA. I offer that amendment.

Mr. SMITH of Georgia. I should like to ask the Senator whether he has any doubt about the fact that "demonstrations in agriculture" would cover dairying?

Mr. GRONNA. In my opinion, that language would cover dairying.

Mr. SMITH of Georgia. That is a matter which I would prefer to have passed upon by Senators who are familiar with dairying. Would the Senator have it read "demonstrations in agriculture," or "demonstrations in farm work"? Which would the Senator prefer?

Mr. GRONNA. I would prefer "in agriculture."

Mr. SMITH of Georgia. Very well. I accept that amendment, Mr. President—after the word "demonstrations," in line 20, page 4, to add "in agriculture."

The PRESIDENT pro tempore. The amendment will be reported.

The SECRETARY. On page 4, section 4, line 20, after the word "demonstrations," it is proposed to insert the words "in agriculture."

The amendment was agreed to.

Mr. PAGE. Mr. President, in accordance with notice given on the 24th instant, I will offer an amendment.

I offer as a substitute for the bill now before the Senate, House bill 22871, the amendment which has been printed and placed upon the desk of each Senator. If I may be allowed to do so at this time, however, I should like to perfect my proposed amendment by adopting the amendments which have been adopted this morning to the original Lever bill, House bill No. 22871. Those amendments are as follows:

On page 2, section 2, line 22, after the words "demonstration work," to add the words:

And the farm management and farm-practice work of the Bureau of Plant Industry of the Department of Agriculture.

That, I will state, is an amendment that has been agreed to this morning to the so-called Lever bill.

On page 4, section 4, line 19, after the word "demonstrations"——

Mr. SMITH of Georgia. Mr. President, I should like to make a suggestion to the Senator from Vermont. As he has embodied in his substitute the exact bill as it came from the House, would it not be better to let that bill stand and offer his bill, beginning with section 10, as an amendment to the House bill? Then the Senate can consider the various lines of work in his amendment. It may adopt a number of them or it may adopt none of them, but those that it adopts it will simply add to the House bill; and the House bill will then go into conference, if any of them are adopted, with certain amendments setting out certain specific plans for additional work.

Is it necessary for the Senator to offer this now as a substitute, in view of the fact that he embodies as the first nine sections exactly the bill that came from the House? Would it not be easier just to offer the additional sections as amendments to the House bill?

Mr. PAGE. It seems to me, Mr. President, that from a parliamentary standpoint the proper way at this time is to move to strike out all after the enacting clause and insert. Later on, if it is thought best to amend the bill in the way suggested by the Senator from Georgia, that may be done.

Mr. SMITH of Georgia. This is, therefore, an amendment proposing to strike out and reinsert exactly the same language. It is a motion to strike out nine sections and reinsert the nine sections.

Mr. PAGE. It is a motion to substitute a new bill from beginning to end, I confess, Senator. If there is a parliamentary objection, I shall, of course, yield to that.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Iowa?

Mr. PAGE. I do.

Mr. CUMMINS. I am very much interested in this measure, and I hope the Senator from Vermont will accept the suggestion of the Senator from Georgia. It will greatly simplify the whole proceeding. The issue is very plain. The Senator from Georgia has proposed, or the House has proposed, an additional contribution to agricultural education. The Senator from Vermont has not only proposed that contribution to agricultural education, but a contribution to vocational training or education.

I think it would simplify matters very much if the Senator from Vermont would allow the bill presented by the Senator from Georgia to stand, inasmuch as he does not propose to change it, and simply offer as an amendment that part of his bill which deals with the vocational education and additional appropriations for agricultural education. I believe we would get along with it a little faster if that were done.

Mr. PAGE. Mr. President, I am very anxious to adopt whatever is the best and most proper course here. My suggestion on the 24th instant was that I would offer the amendment which has been placed upon the desks of Senators this morning. But I recognize the fact that the Senator from Iowa is a warm friend of the whole measure, and I am rather inclined to accept his wishes and his views, if the Chair informs me that that is the proper parliamentary procedure.

Having given notice that I would introduce this amendment as a whole, I will ask, as a matter of parliamentary procedure, whether I may properly omit at this time from my proposed amendment the first nine sections, which really are identical with House bill No. 22871, and move to amend the House bill by adding to it all of that portion of the proposed amendment which follows section 9?

The PRESIDENT pro tempore. That is the Senator's privilege. The Senator has not formally submitted his proposed amendment, and he can modify it in any way he chooses.

Mr. PAGE. Very well. Then I move, as an amendment to House bill No. 22871, now under discussion, the addition of all that portion of the amendment which I propose to submit, and which has been printed, after section 9, commencing with the words "Vocational Schools," on page 7.

Mr. SMITH of Georgia. Mr. President, I suggest that the Secretary read the proposed amendment. It has never been read.

The PRESIDENT pro tempore. The amendment, as now offered, will be read.

The SECRETARY. Add to the bill the following additional sections:

VOCATIONAL SCHOOLS.

SEC. 10. That for the salaries of special instructors in agriculture and in home economics, giving training in these subjects to boys and girls over 12 years of age in rural high schools, the sum of $2,000,000 shall be, and hereby is, annually appropriated out of any money in the Treasury not otherwise appropriated, beginning with the fiscal year ending June 30, 1916, such sum to be allotted annually to the States and the District of Columbia in proportion to the number of persons engaged in agricultural pursuits as shown by the Federal census next preceding the year for which such allotment is made. The moneys appropriated under this section shall be known as the rural-school fund: *Provided*, That the meaning of the words rural high schools as used in this act shall be determined (for each of the States and the District of Columbia) by the board for vocational education for each State and the District of Columbia; and that such instructors in agriculture shall have had actual experience in farming and such practical and technical preparation in agriculture as would be evidenced either by graduation from or not less than two years' attendance upon a college of agriculture or its equivalent; that such instructors in home economics shall have had actual experience in home making, and such practical and technical preparation in home economics as would be evidenced by not less than two years' special training in the subject or its equivalent; and that such special instructors in agriculture shall be required to give all their time, in connection with the school, solely to instruction in the theory and practice of agriculture, and to the direction and supervision of the work of pupils on the school or the home farm.

SEC. 11. That for the maintenance of instruction in the trades and industries and home economics in separate industrial or home economics schools giving vocational preparation of less than college grade, for work in the trades and industries or in the home through all-day, part-time, continuation, or evening classes designed to meet the vocational needs of persons over 14 years of age, the sum of $4,000,000 annually, beginning with the year ending June 30, 1916, such sum to be allotted annually to the States and the District of Columbia in proportion to their population engaged in trades and transportation and in manufacturing and mechanical pursuits, as shown by the Federal census next preceding the year for which such allotment is made. The moneys appropriated under this section shall be known as the industrial-school fund: *Provided further*, That such separate industrial or home economics school shall mean either a school having a separate plant and equipment and separate organization of teachers and courses of study under a distinctive management, or a separate and distinct vocational department or division, whose controlling purpose is to fit for useful employment, carried on in a regular school building under a separate head or director, together with a separate organization of pupils, studies, and teachers; that the part-time and continuation classes benefited by this act shall be those for persons engaged in or experienced in industrial or home-making vocations; that the evening classes benefited by this act shall be those for persons above 16 years of age employed during the day in the respective vocations for which they are given instruction; and that no such separate industrial or home economics school shall receive the benefit of this act which does not spend more than $5,000 annually for maintenance.

SEC. 12. That for the maintenance of instruction in agriculture and home economics in agricultural high schools, as hereinafter provided, the sum of $3,000,000 annually, beginning with the fiscal year ending June 30, 1916, such sum to be allotted annually to the States in proportion to the number of persons engaged in agricultural pursuits, as shown by the Federal census next preceding the year for which such allotment is made; and for each State with less than 100,000 people engaged in agriculture, according to such Federal census, the additional sum of $5,000 for the fiscal year ending June 30, 1916, and annually thereafter. The moneys appropriated under this section shall be known as the agricultural high-school fund.

SEC. 13. That for the preparation of teachers to give instruction in or closely related to agriculture, the trades and industries, and home economics in departments or divisions of education in the State colleges of agriculture and the mechanic arts of the respective States, the sum of $640,000 for the fiscal year ending June 30, 1913, and annually thereafter; of which annual appropriation $20,000 shall be allotted for the use and benefit of said departments or divisions in land-grant colleges in each of the 16 States which maintain separate land-grant colleges for persons of the colored race, $10,000 of which shall be for the education of persons of the white race and $10,000 for the education of persons of the colored race; and $10,000 shall be annually allotted for the use and benefit of said departments or divisions of education in each of those States which do not maintain separate land-grant colleges for persons of the colored race. The moneys appropriated under this section shall be known as the college teachers' training fund.

SEC. 14. That for the preparation of teachers to give instruction in or closely related to agriculture, the trades and industries, and home economics in State normal schools and in State universities and in other schools furnishing special training for teachers, the sum of $1,000,000 annually, beginning with the fiscal year ending June 30, 1913, to be allotted annually to the States and the District of Columbia in proportion to their population as shown by the Federal census next preceding the year for which such allotment is made; and, for such instruction as in this section is provided, in each State with less than 300,000 inhabitants the additional sum of $3,000 for the fiscal year ending June 30, 1913, and annually thereafter. The moneys appropriated under this section shall be known as the teachers' training fund.

SEC. 15. That the sum of $40,000 annually, beginning with the fiscal year ending June 30, 1913, to be expended under the direction of the Secretary of the Interior in paying the necessary expenses of administering the provisions of this act relating to the rural-school fund, the industrial-school fund, the agricultural high-school fund, the college teachers' training fund, and the teachers' training fund; the sum of $15,000 annually, beginning with the fiscal year ending June 30, 1913, to be expended by the Secretary of Agriculture in paying the necessary expenses of giving advice and assistance, as herein provided, to the Secretary of the Interior in the administration of the provisions of this act relating to all schools giving training in agriculture and home economics and to the preparation of teachers in these vocations; the sum of $15,000 annually, beginning with the fiscal year ending June 30, 1913, to be expended under the direction of the Secretary of Commerce and Labor in paying the necessary expenses of giving advice and assistance, as herein provided, to the Secretary of the Interior in the administration of the provisions of this act relating to instruction in the trades and industries and to the preparation of teachers for these vocations. The moneys appropriated under this section shall be known as the administration fund.

SEC. 16. That the Secretary of the Interior is hereby charged with the duty, and to him is hereby given all necessary power, to administer the provisions of this act relating to the rural-school fund, the industrial-school fund, the agricultural high-school fund, the college teachers' training fund, and the teachers' training fund, to secure advice and assistance from the Secretary of Agriculture and the Secretary of Commerce and Labor in carrying out the provisions of this act, in the making of investigations concerning education in the industries, home economics, and agriculture, and in the making of reports thereon; to cooperate with the State boards of vocational education herein provided for the respective States and the District of Columbia in developing the work of schools and in the training of teachers benefited by this act; and to give to such boards for vocational education such advice and assistance as will best enable them to carry out the provisions of this act.

SEC. 17. That the Secretary of Agriculture is hereby charged with the duty, and to him is hereby given all necessary power, to aid the Secretary of the Interior by giving advice and assistance to him in carrying out the provisions of this act relating to instruction in agriculture and home economics and to the preparation of teachers for these vocations, and to make such investigations in relation to agriculture and home economics and such reports thereon as may be necessary in discharging this responsibility.

SEC. 18. That the Secretary of Commerce and Labor is hereby charged with the duty, and to him is hereby given all necessary power, to aid the Secretary of the Interior by giving advice and assistance to him in carrying out the provisions of this act relating to instruction in the trades and industries and to the preparation of teachers for these vocations, and to make investigations relating to education and research in the trades and industries and issuing reports thereon.

SEC. 19. That in order to secure the benefits of the rural-school fund, the industrial-school fund, the agricultural high-school fund, the college teachers' training fund, or the teachers' training fund any State shall, through the legislative authority thereof, accept the provisions of this act relating to such fund and shall appoint the State treasurer custodian, to be known as custodian for vocational education, for all moneys received by such State from such fund, and shall provide for the proper custody, administration, and disbursement of such moneys, as herein provided; and the District of Columbia shall, through the commissioners thereof, accept the provisions of this act relating to such fund, and shall appoint a custodian of all the moneys received by the District of Columbia under this act, to be known as custodian for vocational education, and shall provide for the proper custody, administration, and disbursement of such moneys. Any State or the District of Columbia may accept the benefit of any one or more of such funds and may defer the acceptance of the benefit of any one or more of such funds, and shall be required to meet only the conditions imposed in relation to those funds the benefit of which it has accepted.

SEC. 20. That no State or the District of Columbia shall be entitled to the benefit of the rural-school fund, the industrial-school fund, the agricultural high-school fund, the college teachers' training fund, or the teachers' training fund until the legislative authority thereof shall, by law, have created or designated a board of control, to be known as the board for vocational education, consisting of not less than three members, and having all necessary power to cooperate with the Secretary of the Interior in the administration of the provisions of this act relating to such fund; and such a board for vocational education for any State or the District of Columbia may consist of the board of education or other body having charge of the administration of public education therein.

SEC. 21. That no State shall be entitled to the benefit of the agricultural high-school fund until it has, through the legislative authority thereof or through its board for vocational education, divided the State into districts, providing in each district for one agricultural high school; and in any State where separate agricultural high schools are provided for the negro race the legislative authority of such State may divide the entire State into districts, providing in each district for one such school for the white race, and may divide the entire State into other and different districts for the negro race, which need not be coterminous with those for the white race; but no such agricultural high school shall receive the benefit of this act which does not expend annually more than $10,000; but the total number of such agricultural high schools in any State shall not be less than 1 for each 15 counties nor more than 1 for each 5 counties or fraction of five counties. Any such agricultural high school shall be open to admission without tuition charges and upon the same conditions to all persons otherwise

qualified as herein provided residing in the district in which such school is located; but such school may be supported and controlled by the State, or by the district in which it is located, or by a portion thereof.

SEC. 22. That in order to secure the benefit of the rural-school fund, the agricultural-school fund, the college teachers' training fund, or the teachers' training fund, the board for vocational education for each State and the District of Columbia shall adopt, with the approval of the Secretary of the Interior, and place in operation a general administrative scheme or plan, with such modifications as may be made from time to time, for the proper distribution of moneys to schools and colleges as herein provided; for the inspection and approval of such schools and colleges under the provisions of this act; and for the formulation and application in such inspection and approval of standards and requirements in vocational education as to types of schools, location, course of study, qualifications of teachers, methods of instruction, conditions of admission, and employment of pupils. In order that such a plan may be adapted to the needs of the State or the District of Columbia in which it is to become operative, the Secretary of the Interior shall, in passing upon it and its modifications from time to time, take into consideration the social, economic, industrial, educational, and administrative conditions, and all other relevant circumstances in such a State or the District of Columbia. It shall be the duty of such board for vocational education for any State or the District of Columbia to make annually to the Secretary of the Interior a full and detailed report of its administration of the provisions of this act relating to all such schools and colleges as herein provided, and to make such additional statements and reports as may be required by the Secretary of the Interior in the discharge of his responsibility under this act.

SEC. 23. That any school or college receiving funds under this act in any State or the District of Columbia shall, in order to receive the benefits of this act, conform to the requirements of the board for vocational education of such State or the District of Columbia; shall cooperate with such board in the development of the work of such school or college as herein provided; shall make to the board for vocational education of such a State or the District of Columbia a full and detailed report of its operations in the administration of the funds received by it under this act, including a detailed statement of receipts and expenditures from all sources for this purpose; and shall make such additional statements and reports as may be required by such board for vocational education in the discharge of its responsibility for such school under this act.

SEC. 24. That in order that any State or the District of Columbia may receive the benefit of the rural-school fund, the industrial-school fund, the agricultural high-school fund, the college teachers' training fund, or the teachers' training fund under this act it shall be the duty of the custodian for vocational education of such State or the District of Columbia, as herein provided, to make annually to the board for vocational education of such State or the District of Columbia a full and detailed report of his administration of the moneys received by him from such fund, as herein provided, and to make from time to time such additional statements and reports relating to moneys received by him from the rural-school fund, the industrial-school fund, the agricultural high-school fund, the college teachers' training fund, or the teachers' training fund as may be required by such board for vocational education.

SEC. 25. That the Secretary of the Interior shall annually, upon the basis of the annual reports and recommendations made by the board for vocational education for any State or the District of Columbia, together with such of his responsibility, ascertain whether such State or the District of Columbia is using moneys received by it out of the rural-school fund, the industrial-school fund, the agricultural high-school fund, the college teachers' training fund, or the teachers' training fund, in accordance with the spirit and terms of this act. On or before the 1st day of July in each year after this act becomes operative he shall certify to the Secretary of the Treasury as to each State or the District of Columbia whether it has complied with the provisions of this act and is entitled to receive its share of such fund, as herein provided for such State or the District of Columbia, and the amounts from such fund which each State or the District of Columbia is entitled to receive. Upon the certification of the Secretary of the Interior, as herein provided, the Secretary of the Treasury shall pay quarterly in advance to the custodian for vocational education of such State or the District of Columbia the moneys to which it is entitled for such schools under this act. Upon the requisition of the board for vocational education of such State or the District of Columbia such custodian shall pay to the governing board of any school or college or other authority legally qualified to receive moneys for such school or college the sum which it is entitled to receive under the provisions of this act.

SEC. 26. That the rural-school fund shall be used only for distinctive studies in or closely relating to agriculture and home economics; the industrial-school fund shall be used only for distinctive studies in or closely relating to the trades and industries and home economics; the agricultural-school fund shall be used only for distinctive studies in or closely relating to agriculture and home economics; the college teachers' training fund shall be used only by departments or divisions of education in these colleges and only in the preparation of teachers to give practical or technical instruction fitting for useful service in agriculture, the trades and industries, or the home; the teachers' training fund shall be used only for distinctive studies which are given in separate units organized as departments or divisions of State normal schools, universities, or other training schools under a properly qualified head, and which are designed to prepare teachers to give practical or technical instruction fitting for useful service in agriculture, the trades and industries, or home economics.

SEC. 27. That if any portion of the moneys received by the custodian for vocational education of any State or the District of Columbia under this act, for any given purpose named in this act, shall, by any action or contingency, be diminished, lost, or misapplied, it shall be replaced by such State or the District of Columbia, and until it is so replaced no subsequent appropriation for such purpose shall be paid to such State; no portion of any moneys appropriated under this act for the benefit of the States or the District of Columbia shall be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings or equipment, or to the purchase or rental of lands; and no portion of such moneys shall be expended other than in institutions supported and controlled by the public.

SEC. 28. That whenever it shall appear to the Secretary of the Interior, from the annual statement of receipts and expenditures of the custodian for vocational education of any State or the District of Columbia or otherwise, that a portion of the preceding annual disbursement made to such State or the District of Columbia from the rural-school fund, the industrial-school fund, the agricultural high-school fund, the college teachers' training fund, or the teachers' training fund remains unexpended, a sum equal to such portion or amount shall be deducted by him from the next succeeding annual disbursement from such fund to such State or the District of Columbia.

SEC. 29. That each State and the District of Columbia shall receive for the respective purposes herein provided only such portion of the full amount of any fund to which such State or the District of Columbia would otherwise be entitled as in the judgment of the Secretary of the Interior, in the discharge of his responsibility under this act, it has made ample preparations to use to advantage. And all such moneys as would otherwise be allotted to the respective States and the District of Columbia, but as are not so allotted by the Secretary of the Interior, shall remain in the Treasury.

SEC. 30. That the Secretary of the Interior may withhold a certificate from any State or the District of Columbia for the whole or any part of its annual allotment of money out of any fund to which he decides it not to be entitled under the provisions of this act. If the Secretary of the Interior, as herein provided, shall withhold a certificate from any State or the District of Columbia for the whole or any part of its allotment, the facts and reasons therefor shall be reported to the President, in order that the State or the District of Columbia may, if it shall so desire, appeal to Congress from the determination of the Secretary of the Interior. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury.

SEC. 31. That the moneys received by any State or the District of Columbia for any given purpose under the provisions of this act shall be used only for such purpose and shall be distributed among the institutions entitled to the benefit of such moneys in proportion to the amount which each expends out of other income derived from general or from local public funds for the same purpose during the same period; or such money shall be distributed on some other basis and according to some other plan previously adopted by the board for vocational education or by legislative authority for such State or the District of Columbia with the approval of the Secretary of the Interior; but there shall in no case be disbursed under the terms of this act to any school or college out of moneys derived from the rural-school department fund, the industrial-school fund, the agricultural-school fund, the college teachers' training fund, or the teachers' training fund, as provided by this act, more money than 50 per cent of the amount which is supplied and expended during the same period for the same purpose for which such fund is to be expended out of either State and local or State or local public moneys.

SEC. 32. That all States, Territories, and the District of Columbia accepting the benefit of any fund under this act shall provide other moneys with which to pay the cost of providing the necessary lands and buildings, and to pay the entire cost of all construction, supplementary to the practical and technical instruction provided for in this act, necessary in order to complete well-rounded courses of training, the main purposes of which are to give vocational as well as general preparation for agriculture, the trades and industries, and home making, or to prepare teachers for these vocations, suited to the needs of the respective sections and communities of the United States.

SEC. 33. That the Secretary of the Interior shall make an annual report to Congress on his administration of the rural-school department fund, the industrial-school fund, the agricultural high-school fund, the college teachers' training fund, and the teachers' training fund, under the provisions of this act, and on the work of the boards for vocational education of each State and the District of Columbia in their administration of the moneys received from such funds under the provisions of this act; and he shall make one or more reports to Congress, not later than June 30, 1915, concerning the organization of vocational education as provided for in this act.

SEC. 34. That Congress may at any time alter, amend, or repeal any or all the provisions of this act.

SEC. 35. That this act shall take effect immediately on its passage.

During the reading of the amendment,

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States.

Mr. SMOOT. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Utah asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered. The reading will proceed.

Mr. SMITH of Georgia. Mr. President, it might be well, as we read the amendment section by section, if any amendments are desired to be made to the paragraphs themselves, to consider them. I do not know what the Senator from Vermont would prefer. It just occurred to me that it would be well to adopt that course. Perhaps, though, the Senate ought to hear all of it, and then go back and take up the sections.

The PRESIDENT pro tempore. The Chair thinks it desirable that the amendment should be read in the first place.

After the conclusion of the reading of the amendment,

Mr. SMITH of Georgia. I suppose the Senator from Vermont will discuss the bill before we proceed to act upon it in detail. There are a number of suggested amendments that I want to make when we reach that stage of treating the subject.

Mr. PAGE. Mr. President, I have previously discussed this bill somewhat at length. I presume the views of every Senator touching the bill are pretty well formed, and I do not care to take very much time, except as I may be asked concerning any point about the bill upon which any Senator desires information.

I will state my purpose in moving the amendment to the Lever bill, so called, H. R. 22871: For many months I have been trying to get action upon the original Senate bill No. 3. That action, as the junior Senator from Georgia well understands, has been postponed and objected to from time to time until he believes—and I do not know but that I agree with

him in that belief—that to pass now the original bill, Senate bill No. 3, and send it to the House would probably mean that it would go into the Committee on Agriculture of that body, and that it would there die the death which comes to so many bills which we send over to the House toward the close of a session.

The bill which comes to us from the House and is under discussion at this time gives Federal aid to the adult farmer on the farm. There is no contention that it affords the slightest aid to industrial education or any education of any kind to the boys. If we are at this session of Congress to grant Federal aid to industrial education, it must be done by substituting Senate bill No. 3 for the House bill. In other words, Senators who are in favor of extending industrial education to the boy as provided by Senate bill No. 3 must vote for the amendment which I have offered, for it is probable that in no other way can we reach this legislation at this session. If the amendment which I have offered substituting the Page bill for the Lever bill is adopted, then the matter goes into conference, and out of that conference, it is believed, some bill carrying with it a measure of Federal aid to industrial education will result.

The claim has been made here that practically all the agricultural colleges of the country are against the so-called Page bill, Senate bill No. 3, and in the report of the Senator from Georgia on what is known as the Lever-Smith bill a large number of letters were printed from college men throughout the country, and notably college men connected with the colleges established under the so-called Morrill Act, to show their approval of the Lever bill.

I wish to say to the Senate that those letters of approval were quite largely written because of the belief that we could not at this session reach action on Senate bill No. 3, but that we might perhaps secure some legislation under what is known as the Lever bill.

I want to read some letters showing the real situation as to this matter. Here, for instance, is a letter from Connecticut. In the report of the Senator from Georgia on the Smith-Lever bill he quotes as follows:

President Connecticut Agricultural College: "My personal opinion is that carrying of the latest scientific knowledge to the working farmer is one of the most important duties of the land-grant colleges. I sincerely hope that this bill will have favorable consideration by the present session of Congress."

I have a letter bearing date December 28, 1912—months and months after the above was written—in which the president of the Connecticut Agricultural College, Charles L. Beach, uses this language:

I am informed that the Lever extension bill and the Page vocational bill are scheduled for consideration in the Senate. I have urged our Connecticut Senators, FRANK B. BRANDEGEE and GEORGE P. MCLEAN, to use their influence in securing favorable action on the Lever bill for the reason that I believed that this was the only measure which could be passed the present session.

Senator MCLEAN writes me, however, that the Page vocational bill can be passed in the Senate.

Personally, I am in favor of the broader bill, as I believe the time is ripe to make a beginning in vocational education. I am writing Senators BRANDEGEE and MCLEAN to this effect.

Mr. HITCHCOCK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Nebraska?

Mr. PAGE. I do.

Mr. HITCHCOCK. As we are likely to come to a vote upon the bill this afternoon and as the author of the substitute is now upon the floor, I venture to suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Nebraska suggests the absence of a quorum, and the roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Crawford	Johnston, Tex.	Sanders
Bourne	Culberson	Kern	Shively
Bradley	Cullom	La Follette	Simmons
Brandegee	Cummins	McCumber	Smith, Ariz.
Briggs	Dillingham	McLean	Smith, Ga.
Bristow	Dixon	Martine, N. J.	Smoot
Brown	du Pont	Myers	Stephenson
Bryan	Fletcher	Newlands	Sutherland
Burnham	Gallinger	O'Gorman	Swanson
Burton	Gamble	Overman	Thornton
Catron	Gardner	Page	Tillman
Chamberlain	Gronna	Percy	Wetmore
Chilton	Heiskell	Perkins	Williams
Clapp	Hitchcock	Perky	
Clark, Wyo.	Johnson, Me.	Richardson	
Clarke, Ark.	Johnston, Ala.	Root	

Mr. THORNTON. I wish to announce the necessary absence of my colleague [Mr. FOSTER] on account of sickness in his family. I ask that this announcement may stand for the day.

Mr. SMITH of Arizona. I wish to announce the necessary absence of my colleague [Mr. ASHURST]. I desire to let this announcement stand for the day.

Mr. KERN. I desire to announce the unavoidable absence of the Senator from South Carolina [Mr. SMITH].

Mr. SMITH of Georgia. I wish to state that the senior Senator from Georgia [Mr. BACON] is detained at his home by a bereavement in his family.

Mr. SMOOT. I desire to announce that the Senator from Michigan [Mr. SMITH], the Senator from Washington [Mr. JONES], the Senator from Iowa [Mr. KENYON], the Senator from Ohio [Mr. POMERENE], the Senator from Arizona [Mr. ASHURST], and the Senator from Michigan [Mr. TOWNSEND] are at the present time in Michigan attending the funeral of the late Congressman WEDEMEYER.

Mr. SANDERS. I wish to announce the unavoidable absence of my colleague [Mr. LEA].

The PRESIDENT pro tempore. On the call of the roll 61 Senators have answered to their names. A quorum of the Senate is present.

Mr. PAGE. Mr. President, I was referring to the fact that in the report which accompanied the Lever bill it was made to appear that the educators of this country were opposed to the Page bill and in favor of the Lever bill. I have had the letters which appeared in the report on the Lever bill placed side by side with those which I have personally received, and in many cases the fact appears that their opposition, if they have opposition, to the Page bill was because they feared it could not pass and they wanted the Lever bill to pass rather than have no legislation.

I do not propose to take up the time of the Senate by reading these letters, but I think I will read one more as a sample of the many I have received showing these college presidents have been induced to favor the Lever bill under the impression that it would be impossible to pass any other bill at this session. J. J. Vernon, the dean of the College of Agriculture of Florida, is one of those said to favor the Lever bill. I want to ask Senators to carefully listen while I read his letter to me stating why he had indorsed the Lever bill:

Hon. CARROLL S. PAGE:

Replying to your communication of the 16th ultimo, which came to this office during my absence on extension work for boys' and girls' clubs, I wish to say that I consider the Page bill the best educational bill which has ever been prepared and presented for congressional action. It is a bill comprehensive and practical, and will meet the southern needs. I am satisfied that the leading educators of the whole country are in favor of the Page bill, but it seems to be largely a question of getting a bill through carrying such a large appropriation at the present session of Congress.

I want you to know that I am entirely with you for the Page bill at any time it can be passed, but I am sure that you and your forces will, if it becomes necessary, transfer your support to the best measure that is most likely to be enacted into law.

I consider the seconday educational part the most important feature of the Page bill. It would reach the greatest number of young men and young women at the age when most could be done, and therefore I consider all the other parts of the bill of lesser importance. If there is anything I can do to assist you, please command me.

J. J. VERNON.

Note that Dean Vernon thinks the Lever bill of secondary importance and that the most important part is that which pertains to the secondary-education features of the Page bill.

I have a letter from the dean of the school of commerce, accounts, and finance, of New York University, Joseph French Johnson, in which he says:

NEW YORK UNIVERSITY SCHOOL OF COMMERCE,
ACCOUNTS, AND FINANCE,
New York City, January 3, 1913.

Hon. CARROLL S. PAGE,
The Senate, Washington, D. C.

MY DEAR SENATOR PAGE: I have examined very carefully the provisions of Senate bill 3, for the encouragement of vocational education among the States, and shall consider it a national calamity if this bill or something very much like it does not become a law.

My own education was of the old-fashioned kind. When I left college I was able to do nothing except teach school. As I was qualified to teach only languages and literature, and not well fitted even for that work, the profession of teaching did not appeal to me. I broke into newspaper work at a few dollars a week, and after four years' apprenticeship became the financial editor of a Chicago daily. I then had occasion to discover that few bankers and business men had been specially trained for their vocations and that many of them in consequence were making costly blunders. I resolved that if ever I became teacher again I would devote myself to working out a scheme of education for business men. The call came in 1893, and since then I have been engaged in vocational education.

You are entirely right in your contention that vocational education will have a cultural effect. My own view is that culture is a by-product of education. It should not be the thing aimed at. Young people are not interested in it, and we old folks can't define it. Most of our children don't want to go to school because they can't see any possible connection between school and life.

The measure for which you are fighting, if it becomes a law, will do much more than furnish several thousand young people an opportunity to fit themselves for useful careers. It will give the American people

an object lesson in real education and will set them to wondering why they are spending so many million dollars on a public-school system that is wasting a tremendous amount of their children's time and energy.

So I am heartily in favor of the bill for which you are sponsor, and I congratulate you on having made a very luminous and convincing presentation of its merits.

Very truly, yours, JOS. FRENCH JOHNSON.

I do not know how Mr. Gompers may be regarded personally by Senators here, but if there is any man authorized to speak for that great labor organization, the American Federation of Labor, it is Samuel Gompers. He has written a letter of considerable length in support of the vocational education features of the Page bill, and, with the consent of the Senate, I will ask that it be printed without reading. I want to shorten debate as much as possible.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

The letter referred to is as follows:

AMERICAN FEDERATION OF LABOR,
Washington, D. C., January 24, 1913.

Hon. CARROLL S. PAGE,
United States Senate, Washington, D. C.

SIR: In connection with pending legislation on industrial education, I beg to hand you herewith the report which the executive council of the American Federation of Labor submitted to the last annual convention, held at Rochester, N. Y., November 11–25, 1912, the report of the committee on education, to which this matter was referred, and the action of the convention thereon.

These matters are submitted to you for your information as to the declaration of the last annual convention of the American Federation of Labor on this subject and for your serious consideration in connection with pending legislation.

Very respectfully, yours,

SAML. GOMPERS.
President American Federation of Labor.

(Report of the executive council of the American Federation of Labor on industrial education, submitted to the Rochester convention of the American Federation of Labor, November 11–25, 1912.)

INDUSTRIAL EDUCATION.

In December, 1911, a conference was called by Senator PAGE, of Vermont, to give technical consideration to his bill, S. 3, which provided for vocational education and trade training. Reference to this bill has been made by us in our previous reports. Prominent educators, agriculturalists, and representative employers, together with the legislative committee of the American Federation of Labor, considered proposed amendments to the bill and the best methods to pursue in order to secure favorable action. Senator PAGE reintroduced his bill with the suggested changes. Most of these were embodied in the technical features and in the agricultural extension sections of the bill. They were not applicable to the interests of urban labor represented by the American Federation of Labor. The result was that when the amended bill was considered by the Senate Committee on Agriculture, Senator PAGE was ordered to report it favorably to the Senate. This was done on February 26, 1912.

The Senate considered the bill on June 14, July 24, August 10, 18, and 22. It still holds its place upon the Senate calendar, and, in accordance with a tacit agreement among the Senators, will be given further consideration in the third session of the Sixty-second Congress. It is the opinion of some enthusiastic supporters of the measure that it will be passed. Its enactment will depend upon the nature of the support given by those who have been urging its passage. This industrial education bill has been handicapped to some extent by the persistency with which several Congressmen, particularly some from the Southern States, have been urging the passage of that section of the bill relating to agricultural colleges and experiment stations, without regard to the other provisions of the bill dealing with industrial and vocational education and training.

The bill H. R. 22871, by Representative LEVER, of South Carolina, was introduced by him on April 4. It is limited to agricultural educational extension work exclusively. It was referred to the House Committee on Agriculture.

Representative WILLIAM B. WILSON, of Pennsylvania, had previously reintroduced his bill (new number H. R. 21490), which had been changed to conform to its companion bill, S. 3, by Senator PAGE. Mr. WILSON'S bill was also referred to the House Committee on Agriculture. A tentative understanding was reached between the chairman of the House committee, Mr. LAMB, and Mr. WILSON that no action should be taken on the Lever bill until after an opportunity had been afforded Mr. WILSON and the friends of his bill to be heard by the House committee. In accordance with this understanding, Mr. WILSON arranged with the chairman for hearings on his bill, to commence on April 23. He invited those desiring to be heard to come prepared to make their statements before the committee on that date. He took charge of the hearings, which continued for four days. The legislative committee of the American Federation of Labor, appearing in cooperation with other advocates, urged that the Wilson vocational trade-training bill be favorably reported. The Lever bill was reported favorably by the committee on April 13, passed by the House on August 23, and referred to the Senate Committee on Agriculture August 24.

At our meeting in January, after the industrial education bill had been given some consideration, we directed Secretary Morrison to request the members of the special committee on industrial education to meet concurrently with our next meeting, May 9. The Page bill was discussed by several members of the committee at that meeting.

A digest of the special report of the United States Commissioner of Labor on industrial education was discussed by us. The American Federation of Labor committee on industrial education recommended to us that Mr. Charles H. Winslow be requested and authorized to prepare a final report for the committee, this report to be submitted to this convention as directed by the Atlanta convention. We complied with that request, and Mr. Winslow performed this service.

At the following meeting of the executive council we had before us the report of Mr. Winslow as accepted by the American Federation of Labor special committee on industrial education. It was discussed, and it was decided that inasmuch as the document was of such great public value, was such a magnificent contribution to the literature upon the questions of industrial education, vocational training, household economics, and civics, that it should be made a public document by authority of Congress. Senator PAGE readily obtained the consent of the United States Senate to have it printed as a Senate document. It has been so printed, and is known as Senate document 936, Sixty-second Congress, second session. Several thousand copies of this document have already been distributed, and a sufficient number are at the convention so that each delegate may have a copy. The members of affiliated organizations should request their respective United States Senators to send them copies for educational institutions and for the labor unions.

(Report of committee on education and action of convention thereon.)

INDUSTRIAL EDUCATION.

The committee has considered that portion of the executive council's report under the caption "Industrial education," and desires to express its appreciation of the splendid work of both the special and the general committees on that question. The work and the report of the general committee on education includes a study of every scheme of vocational education in the United States and presents in detail in the briefest possible manner the work done in the schools investigated. The report, which is printed in pamphlet form and contains 114 pages, will be distributed to the delegates to this convention, and we urge that each delegate read carefully this very valuable handbook on this matter which is so extremely important to our members.

The original action taken concerning vocational education was in accordance with a resolution adopted by the Denver convention of 1908. A special committee on industrial education was appointed to investigate and report on the subject matter to the Toronto convention. In compliance with the resolution, the committee made a preliminary report, but later, by authority of the Toronto convention, the life of the committee was extended so that it might further pursue its studies in the light of a searching investigation, which was being carried on by the United States Bureau of Labor.

The investigation and report made by the United States Bureau of Labor, undertaken at the request of the American Federation of Labor's committee on industrial education, is believed to be the most comprehensive inquiry ever made on the subject in the United States.

Text of the resolution creating the special committee on industrial education is as follows:

"The president, in conjunction with the executive council of the American Federation of Labor, be, and is hereby, authorized to appoint a special committee of at least 15, to be composed of the majority of trade-union members of this convention, who will serve without compensation and incur no expenses other than the necessary and legitimate expenditure within the judgment of the president and the executive council, to investigate the methods and means of industrial education in this country and abroad, and to report its findings, conclusions, and recommendations to the next annual meeting of the American Federation of Labor."

The final make-up of the committee follows:

John Mitchell, chairman, Frank Duffy, secretary, Samuel Gompers, Frank Morrison, James Duncan, D. A. Hayes, William D. Huber, Joseph F. Valentine, John R. Alpine, H. B. Perham, Mrs. Raymond Robins, Miss Agnes Nestor, Dr. Charles P. Neill, Hon. W. B. Wilson, Rev. Charles Stelzle, Charles H. Winslow, Edward Hirsch, John Golden, James Wilson, James O'Connell, John B. Lennon, Hugh Frayne, James Roach, Stuart Reid.

SCOPE OF THE RESOLUTION.

From the terms of the resolution under which the committee was constituted it is evident that what was desired was:

1. A thorough investigation of the needs of industrial education.
2. A statement of the extent to which the needs are now met by existing institutions.
3. As the result of such investigations, some definite suggestions for the promotion of industrial education in such manner as might best serve the interests of the whole people.

POINT OF VIEW AND RECOMMENDATIONS OF THE COMMITTEE.

The committee entered upon its duties without fixed notions as to the form industrial education should take throughout the country, and in consequence, its inquiries and studies have made the most profound impression upon its members.

Keeping in mind the scope of the resolution, as well as the complexity of the situation, the committee addressed themselves to the following questions in an effort to bring out practical suggestions toward the solution of the problem:

1. Should trade, vocational, technical, and industrial schools be established as a part of the public-school system?
2. Should private industrial educational institutions be tolerated?
3. Under what conditions and terms should industrial schools, either public or private, be countenanced and supported?
4. Under what conditions should the semiprivate or semipublic industrial schools, namely, the so-called cooperative industrial schools, be approved or disapproved?
5. Should they be free or supported by the city, county, or State in which they are located?
6. Should they be under the control or partial control of the National Government?
7. Should their instructors be practical men from the ranks of trade occupations, or should they be men who know nothing of the trade itself except its theoretical side?
8. What should be taught under the head of "industrial education"; the cultural side, the professional side, the practical side, or all combined?
9. To what extent, if any, should labor headquarters, labor temples, and labor halls be used to furnish industrial education?
10. To what extent should "prevocational courses" be encouraged?
11. What disposition shall be made of the product of industrial schools?

POINT OF VIEW.

After an extensive as well as intensive study of the entire subject, covering a period of more than three years, examining the many experiments now in vogue, ascertaining through first-hand information the purposes and merits of the several type of school now prevailing, the committee is prepared to offer the following as a partial solution of the above questions.

In regard to 1: Should trade, vocation, technical, and industrial schools be established as a part of the public-school system?

We believe that technical and industrial education of the workers in trades and industry, being a public necessity, should not be a private

but a public function, conducted by the public, the expense involved at public cost and as part of the public-school system. In order to keep such schools in close touch with the trades and industries there should be local advisory boards, including representatives of the industries, the employers, and organized labor.

In regard to 2: Should private industrial educational institutions be tolerated?

Organized labor's position regarding the injustice of narrow and prescribed training in selected trades by both private and public instructions, and the flooding of the labor market with half-trained mechanics for the purpose of exploitation, is perfectly tenable, and the well-founded belief in the viciousness of such practices and the consequent condemnation is well-nigh unassailable.

In regard to 3: Under what conditions and terms should industrial schools, either public or private, be countenanced and supported?

We believe in private initiative, coupled with active cooperation between the school authorities and the trade-unions, or private undertakings which are manifestly for the educational advancement of trade-union members.

In regard to 4: Under what conditions should the semiprivate or the semipublic industrial schools, namely, the so-called cooperative industrial schools, be approved or disapproved?

The problem is divided into two parts, as follows:

(a) Public control of cooperative schools, as follows:

(b) Private control of cooperative schools.

As to (a) the cooperative-school plan is an attempt to combine training in the processes and practices of trades, in manufacturing or other establishments, with general instruction in a school which includes theory plus academic studies that bear directly on the trade work. The details of such systems vary, but the most popular is the half-time plan.

In the last analysis industrial education will be measured by intensely practical men of the industrial world on the basis of skill and intelligence as developed by undertakings to fit the youth of the country for wage-earning occupations. In order to meet this test successfully apprentices must be trained under real conditions in productive industry, thereby making the cooperative-school plan a necessary feature of our public-school system.

The public schools should teach the theory of the trade, while the actual practice and processes should be taught in the shop. This method permits of continuous development of capacity and relieves the manufacturer of the expense of the theoretical instruction, and provides a means of weeding out boys who are not adapted to particular trades.

By this method the boy, the employer, and the community are benefited. The obligation to provide industrial education of a theoretical nature, therefore, should rest entirely with the public schools.

As to (b) private control of cooperative schools:

The committee reaffirms its position in condemning any system of public instruction privately controlled, or any scheme of private selection of pupils, and calls attention to the introduction of a plan which is being put into operation in several localities and fostered by manufacturers' associations.

This cooperative scheme is a limited plan for industrial education, carried on between the high school, which engages a teacher for the purpose, one satisfactory to the manufacturers, and a group of the latter who indenture such boys as they desire to have. The idea is, of course, to give a thorough training. But—

(a) The manufacturer is not obliged to take any boys or to keep any boy.

On the other hand the high school is obliged to educate all duly qualified boys, to give them all that the city provides.

Therefore those who study in such a cooperative course do so on sufferance.

In regard to 5: Should they (the schools) be free, supported by the city, county, or State in which they are located?

The committee reaffirms its advocacy of free schools, free text books, the raising of the compulsory school age, and a close scrutiny of courses and methods of instruction.

In regard to 6: Should they (the schools) be under the control or partial control of the National Government?

Results vast in importance and magnitude have come from the action in Congress in 1862 in giving land grants to each State to be used for State colleges of agriculture and mechanic arts. This appropriation of lands, followed by direct appropriation of moneys in 1890 and 1907, provides these colleges with a fund averaging about $65,000 per State, or a total of over $3,000,000 annually. While the funds so appropriated were for a long time used largely for general studies, the subjects of mechanic arts, agriculture, and home economics were finally developed, so that they now compete on nearly equal terms with the literary and scientific courses.

Since most of this fund is in demand to train engineers, technical agriculturists, and teachers in the mechanic, agriculture, and home economics subjects, comparatively little is available to give school training to those who wish to become experienced workmen, farmers, or home makers.

There is a movement at present, in which labor is taking a prominent part, to still further develop education to which these colleges were dedicated. Since only one college in a State can do little more for our greatly enlarged population than to provide courses of study for those who are to become technicians, and can not give equal opportunity in liberal and practical education to all of the industrial classes, this new movement is crystallizing around a plan for including the secondary public schools under the scope of additional similar grants, thus creating and giving direction to a complete national scheme of education in which labor should receive recognition and its just share of attention.

In regard to 7: Should their instructors be practical men from the ranks of trade occupations, or should they be men who know nothing of the trade itself except its theoretical side?

The committee believes that experience in European countries has shown that academically trained teachers have been dismal failures. Notwithstanding this experience, many so-called trade or vocational schools in the United States have in the recent past attempted experiments with academically trained teachers with very unsatisfactory or disastrous results.

The teachers of trade and manual vocations must keep up with modern shop practices and processes in establishments which are doing regular productive work; otherwise they will fall far behind and be teachers of obsolete methods and processes. Successful teachers must be men of practical experience, with more than a text-book acquaintance with the industrial world.

A good trade teacher needs at least a fair general education, with specialized knowledge of such arts or sciences as may be related to the trade he is to teach; a practical knowledge of the trades such as is usually gained only by working at them under the ordinary shop conditions and in addition an understanding of the general principles of teaching, that he may be able to impart his knowledge to others. The combination is not a common one. To be a skilled trade worker presupposes years of training and experience in the shop, and men possessing this have usually begun work by 16, with only a grammar-school education at most. Even if they have added to this by night study they have had no experience in teaching and find much difficulty in imparting their own knowledge to learners. The trained teachers, on the other hand, while thoroughly familiar with the theory and underlying principles of the trades, usually lack concrete and practical experience with industrial processes. As a general rule, therefore, the school has to choose between the skilled worker not trained as a teacher and the professionally trained teacher who knows the theory of the trades but has little, if any, practical experience.

In regard to 8: What should be taught under the head of "industrial education"; the cultural side, the professional side, the practical side, or all combined?

The committee believes that the course of instruction in a school giving industrial education should include English, mathematics, mechanics, physical trades, elementary mechanics, and drawing; the shop instruction for particular trades and for each trade represented; drawing, mathematics, mechanics, physical and biological science applicable to the trade, the history of that trade, and a sound system of economics, including and emphasizing the philosophy of collective bargaining. This, it is believed, will serve to prepare the pupil for more advanced subjects and, in addition, disclose his capacity for a specific vocation.

In regard to 9: To what extent, if any, should labor headquarters, labor temples, and labor halls be used to further industrial education?

The committee is convinced that there are conspicuous activities throughout the country known as "educational hours" at central labor-union meetings which might well be exemplified to advance and organize a propaganda for industrial education. Such meetings might also be turned into an educational "forum" in the interest or advocacy of membership by trade-unionists on both State and municipal educational boards and committees.

In regard to 10: To what extent should "prevocational courses" be encouraged?

For more than a decade the introduction of properly balanced courses in trade training and the enrichment of these courses have embarrassed the advocates of industrial education not a little; in fact, attempts to scientifically analyze processes and practices of the trades have met with resentment on the part of superintendents, supervisors, and foremen of large industrial establishments. The reason for this resentment is that those usually seeking such information are manual-training school teachers, unfortunately the greater number of whom are women. Moreover, it is conceded that such teachers have very little sympathy with trades, as such, but look upon manual and trade instruction as a way out of the difficulty of educating the subnormal pupil. Hence, the objection of those interested in trades or trade education to thrusting upon industry the dull boy.

On the other hand, even public trade school instructors in some instances have turned a deaf ear to what they call impertinent inquiries as to methods of procedure. Such instructors usually consider the proper kind of equipment, processes, and practices necessary for the training of apprentices "their stock in trade." However, insistent demand that rule-of-thumb methods be abolished has resulted in genuine attempts to teach the trades scientifically, systematically, and sympathetically.

As a result of this new era in the advancement of scientifically arranged courses with the necessary equipment, it seems eminently proper at this time to point out the overwhelming desire on the part of the advocates of manual-training schools to establish within such schools and elsewhere "prevocational courses" for pupils between the ages of 12 and 14.

While we welcome practical courses for those who are to later enter upon specialized vocational and industrial courses, we maintain that "prevocational courses" should be taught by tutors with practical knowledge of the vocations toward which the pupils are to be pointed; in other words, we can not too strongly condemn any attempt to thrust upon school systems courses of instruction which presume to try out the adaptability of the pupils for particular vocations and which are taught by women teachers with absolutely no practical knowledge of the metal, woodworking, and such other trades for which instruction may be offered.

If "prevocational courses" are to be offered in publicly administered schools in an effort to establish a scheme of vocational guidance, then we insist that such courses be given by men tutors, who not only have a practical knowledge of the particular trades, but, in addition, teaching experience coupled with an insight into the adaptability and inclination of the pupils for such vocations. (Same to apply to trades and vocations in which women are exclusively employed.)

Finally, we favor and advocate increasing the number of men teachers in industrial schools, as well as "prevocational schools," to the end that all practical instruction in trades be given by properly trained teachers, who have had in addition to their teaching experience at least four years' practical experience at particular trades.

In regard to 11: What disposition shall be made of the product of industrial schools?

A most serious and troublesome question arises concerning the disposition of the product of industrial schools. If the teaching of any trade in its entirety is to turn out journeymen, near journeymen, or all-round workmen, then there must necessarily be a product which will have a commercial value. If it is not, the work has not been carried on as it would be under real commercial conditions and the training therefore is imperfect.

If the product of these schools is to be put upon the market in any way, there is likely to be much opposition from manufacturers, contractors, and organized labor. Since it will inevitably come into competition with the product of regular establishments, it has been pointed out that if the students were regular apprentices in industrial establishments, they would be working as much in competition with apprentices and journeymen in other establishments as if they were doing the same kind of work and producing the same kind of articles in the schools. This meets the objection only partially from the standpoint of labor and not at all from that of the employer. In both cases the objection is to what may be called subsidized competition; competition which is not hampered by the necessity of making its product pay for its own cost of production. The difficulty does not, of course, arise in apprenticeship schools in which a manufacturer trains his own em-

ployees, but in philanthropic and public industrial schools it presents a serious problem, for which as yet no satisfactory solution has been found.

As previously stated in this report, the committee believes that instruction should be given for its educational value, or, in other words, it should be "construction for instruction rather than instruction for construction."

An agreement between school authorities and contractors who are erecting public buildings, whereby pupils of schools given instruction in building trades, shall be permitted during a part of the time to make practical application of their training, on buildings in course of erection, the pupils to receive credit for such work as part of their course, has been suggested as a feasible and unobjectionable plan. Similarly the work under the various city departments has been suggested to provide practice for pupils in many other trades.

This in no way is a new experiment, as practical application of the same is being made in foreign countries with considerable success.

A minor difficulty in connection with a product having a commercial value is the temptation to increase output by keeping the student longer at one machine or operation than is absolutely necessary for practical educational purposes; in other words, there may be a tendency, for the sake of revenue, to follow the example of the shop and specialize instead of giving well-rounded training. This, however, is a matter of school administration, but, nevertheless, of great concern and can be easily guarded against if the right attitude is shown by school administrators.

RECOMMENDATIONS.

The committee after due consideration of the importance of the several systems of schools now in operation throughout the country, recommend the following specific types of schools for the advancement of the prospective apprentice to the trades, as well as for those who have already entered the trades:

1. Supplemental technical education: Supplemental technical education for those already in the trades. The demand for such instruction is measured by the necessity for training in particular trades and industries, and the chief aim of such instruction should be to present those principles of arts and sciences which bear upon the trades either directly or indirectly. Such schools are commonly known as "continuation schools," whether their sessions are held in the day, evening, or on the part-time plan.

2. Industrial education: The establishment of schools in connection with the public-school systems, at which pupils between the ages of 14 and 16 may be taught the principles of trades, not necessarily in separate buildings but in schools adapted to this particular education by competent trade-trained teachers.

3. Trade-union schools: The committee recomends the continuance of progressive development in supplemental trade education as inaugurated by trade-unions, such as the supplemental trade courses established by the International Typographical Union; School for Carpenters and Bricklayers, Chicago, Ill.; International Printing Pressmen's Technical School, at Rogersville, Tenn., and the School for Carriage, Wagon and Automobile Workers, of New York City. The establishment of the Printing Pressmen's Technical Trade School, following the example set by the International Typographical Union, marks another epoch in the introduction of trade education by trade-unions.

That the typographical union and the printing pressmen should be the first trades-unions to establish such schools was a foregone conclusion, for in proportion as occupation makes claim on the intellect of the workers greater educational opportunities become necessary.

Those trades which call for the greatest intellectual or technical skill on the part of the worker afford the most available opportunities for educational activity.

It is not because the personnel in the printing trades is better, but rather because these occupations are becoming increasingly more technical and subdivided in their character.

The committee further recommends that all trade-unions which have not adopted a scheme of technical education give the matter the consideration it so richly deserves; and they further believe that the undertakings of the above unions call for the most enthusiastic admiration and are entitled to the most cordial and loyal support.

4. We recommend that if in the course of time schools under public administration with a broad and liberal course of instruction (with an advisory committee composed of employers as well as trade-unionists) shall demonstrate practical efficiency in trauing workers for the highly skilled trades, we favor the recognition of that portion of time spent in the schools which, after an examination by the union at interest of the practical and theoretical ability of the apprentice, can be considered comparable to actual training in particular trades as a substitute for a period of the apprentice's time spent entirely in the industry.

FEDERAL AID.

In addition to the above recommendations and in compliance with the action of the St. Louis convention regarding Federal aid for vocational education, this committee urges a greater interest in the education of the 25,000,000 children of school age in the United States, 50 per cent of whom leave school by the end of the sixth grade at approximately 14 years of age.

Not only are we confronted by this state of affairs, but of the 50 per cent who remain in school only 1 child in 3 finishes the eighth grade, only 1 in 5 enters the high school, and only 1 in 30 finishes the high-school courses. Some idea of the extent of this vast problem can be gleaned when it is realized that the cost of maintenance of the common schools of the country is $500,000,000 a year. In addition to this sum there has been expended for the equipment in these school plants $1,000,000,000, and the benefits of this enormous expenditure are enjoyed by only 50 per cent of the children of school age.

The vocational education bill, known as Senate 3, introduced by Senator PAGE, of Vermont (a similar bill having been introduced in the House of Representatives by Congressman WILSON) is one of several introduced in Congress to advance the cause of vocational education throughout the States by a liberal Federal grant for agriculture, the trades and industries, as well as home economics. The passage of this bill has been hindered somewhat by the activities of certain Senators who are opposed to its provisions but in favor of another bill much narrower in scope and relating only to colleges and experiment stations, while the Page bill includes all such provisions and in addition creates a plan for Federal grants to secondary public schools, thus giving direction to a complete scheme of education in which all the children of the Nation should receive a just and equitable share of attention.

Much time and attention has already been given to this bill by the president of the American Federation of Labor, as well as by the legislative committee, and considerable hope has been expressed for its ultimate success. It still holds its place on the Senate calendar and is to be considered early in the third session of the Sixty-second Congress, which meets in December of this year. Every effort should be made to secure such legislation guaranteeing high Federal standards with the widest possible latitude within the States for adaptation to the specific needs of the various communities.

Respectfully submitted.

Joseph F. Valentine, chairman, John H. Walker, secretary, James J. Freel, D. A. Carey, Ben Commons, Paul Scharrenberg, James L. Gernon, Phil H. Mueller, Agnes Nestor, John F. Pierce, John D. Crane, Thomas Wright, Fred W. Sulton, Edwin W. Weeks, W. T. Brown, committee on education.

A motion was made and seconded that the report of the committee be concurred in.

Delegate Lynch (J. M.): As an encouragement to the unions that may have under consideration following the example set by the International Typographical Union, I may state that we now have 3,500 students of our craft. I think there are very few colleges that have as large a student body, and as a result those printers who have taken it have benefited by it; a great many of them have been able to secure a scale of wages in excess of the prices running from $2 to $15 a week. So we are getting practical results through the education we are conducting through an educational commission made up entirely of printers and located in Chicago. I make this as a statement of facts, not theory.

Treasurer Lennon, in discussing the question, said in part: I want to say just a few words on this question because of my contact with educators, and because of the knowledge of the situation that they believe, at least, confronts them. They are not intentionally antagonistic in the main to our movement.

Many of them, as a matter of course, do not understand. The idea of vocational or trade education is becoming very general among the educators of this country. The first question they ask is, "Where are we to get the teachers that you trade-unionists advocate shall be used?" Now, my friends, that is not a question that can be answered offhand; it is a question we must help the educators and school boards to solve. We can not stop the trend in the direction of this kind of education in the schools; but we can, if we cooperate with the educators, have it come our way. There will be some mistakes made, as a matter of course, but we can afford to overlook them and correct them.

I know of members of our organizations who have been furnished with the reports of the special committee and have never taken the trouble to read them. How can they intelligently meet the question with the educators of their various communities? In the various States this question is going to the country schools, not only to the city schools, but the little schools at the crossroads. They are proposing to teach domestic science and a moderate knowledge of the carpenters' trade and the blacksmiths' trade. Now, if we will cooperate with the educators we will see that this is done in a way that is beneficial and not detrimental to those trades.

I desire to impress upon the trades-unionists here, and through the men here those at home, the necessity of giving careful examination to what the special committee has done during the last three or four years. It is great work and it is entitled to consideration, because it is more important, as it has to do with the welfare of our children and grandchildren, than possibly any other matter that has been or will be considered by this convention.

Delegate Frey, in discussing the question, said, in part, "This question of industrial education is such an important one to us as trades-unionists, and has never yet received that careful study it deserves, that I feel warranted in taking up a few moments of the convention's time to express a thought or two in connection with the subject. Every one of us is familiar with the fact that the trend of modern industry is to specialize, and that that specialization instead of making expert mechanics tends to develop a man in a single, narrow channel where he is only made familiar with a small part of the work required to finish the product of the industry in which he is engaged The result is that there may be a decreasing amount of mechanical skill and general knowledge of the trade developing in our country. I think we are warranted in saying at least that there is no increase in the degree of mechanical skill among the boys who are now learning the trade in the various industries."

Some educators have noticed this tendency, and a large number of employers have also noticed the same tendency, and they have endeavored to establish schools where boys will be taught a specialty in the trade, where they will be prepared on two or three months' or a year's training to take the place of mechanics and make it more difficult for us to win strikes or to maintain our organizations. I think we might as well face the fact that the present system of education, so far as training a boy or girl to be self-supporting in the industries, is faulty and that we require a revolution in some of the methods. I believe our movement is the one that must set that revolution on foot and make the change that is absolutely essential. We take the boy and girl now with a little smattering of knowledge from the schoolroom and throw them into the industries; we separate them in one day from the schoolroom and place them in the factory. Some of our good friends have suggested that the boy and girl, after working all day in the factory or mill, might go to a night school to get some added knowledge they require to make them more proficient to earn a livelihood in their industries. In one country the question, while not solved, at least is solving itself. They have the continuation schools, and, instead of taking the young man and woman out of a school and throwing them into the industry for all time, they say there shall be a graduation of that school period. They take the young person and for the first six months or the first year of their employment in factory or mill force the employer to allow that individual during work hours to go to school to secure an education that will allow him to better hold his own in the industry in which he is engaged.

I believe what we need to-day is to adopt some emphatic declaration in favor of a continuation-school system that will say to the employer, "You can not take the child from the common school or even from the high school and force him to work the regular working hours of your establishment. That chold must go to a continuation school, where he will be taught the theory and taught something of the practice of the industry he is engaged in."

There is one danger we have in the industrial form of education we have in this country to-day, and that is that it is subsidized very largely by those who are antagonistic to our movement; and, while carried on by private parties, they hope to put it in the mildest form, where it will work out to their benefit without conferring the kind of education we think is necessary for wageworkers. I think we should

commit ourselves definitely in favor of a vocational education that will be entirely under the charge of the public-school system, where our children will be able after leaving schools to have an opportunity to learn something about the theory of industry in which they are engaged and where, gradually tapering off for three or four years, they will have an opportunity to be educated in the public schools and prepare themselves for the vocation they will follow in this life.

Delegate Simpson, in discussing the question, said in part: The previous speaker referred to continuation schools. I think the organized workers interested in the work of the American Federation of Labor should also be acquainted with the methods that are being adopted in other countries along this practical line. Little has been said about a system of continuation schools that will meet with the approval of organized labor. There are two systems of continuation schools in Germany. In Berlin there is a system of continuation schools which permits of the boys going to this school up to 7 o'clock at night, the employers being compelled to send the apprentices to those schools up to that hour. In Munich the law is somewhat better and, I think, would meet more with the approval of organized labor. If a boy works from 8 o'clock in the morning till 5 o'clock at night he is compelled to attend school during those hours, and the employer is compelled to pay the boy's wages during those hours. I contend that between the two systems the latter is far preferable in the interest of organized labor and should be supported if there is going to be an establishment of the continuation schools.

I think the suggestion of the previous speaker is an excellent one, because you will find, if you go through the schools of the United States, both the eastern and western parts, that the continuation school as instituted in Germany has not been developed in this country to any great extent, and it should be the duty of the employer to pay the apprentice after he has gone into the factory and is a producer and an important factor in that industry. The employer should pay him during the time he is in school, because it is to the benefit of the employer that the boy shall be made a more efficient worker by going to those schools.

Delegate Simpson discussed at length the question of technical education and described the evolution of the skilled trades where formerly work was done by hand and is now being done by machinery.

The motion to adopt the report of the committee was carried.

Mr. PAGE. The Southern Commercial Congress has taken pains to place itself on record as in favor of the Page bill. That is one of the great organizations of this country so far as the uplift of the South is concerned; and, without reading it, I will simply say that the letter indorses the Page bill, and ask that it be printed.

The PRESIDENT pro tempore. Without objection, that order will be made.

The letter referred to is as follows:

THE SOUTHERN COMMERCIAL CONGRESS,
Washington, D. C., December 14, 1912.

Senator CARROLL S. PAGE, *Capitol, City.*

MY DEAR SENATOR: I have before me a letter of December 11 from Mr. H. H. Gross, president of the National Soil Fertility League, of Chicago, Ill., to yourself and other Senators. Mr. Gross says:

"We are in accord—with the Page bill—except upon two points—one is expediency and the other relates to a feature of the bill."

In the matter of expediency Mr. Gross says:

"The main sections deal with youth, schools, and education."

"The other branch of the bill deals with extension work, teaching the adult farmer behind the plow. This feature is necessary to complete and make effective what was contemplated when the land-grant colleges were established a half century ago. This follows precedent, and completes a plan to which the Federal Government has been committed for 50 years."

This quotation very clearly shows the narrowness of the National Soil Fertility League in urging the Lever-Smith bill and opposing the Page bill. Will that measure complete and make effective what was contemplated when the land-grant colleges were established half a century ago? Does it complete the idea of vocational education to simply provide extension teaching and demonstration farming to "adult farmers behind the plow"?

Mr. Gross clearly implies that it is not necessary to complete the land-grant act of 1862 to provide extension work, such as night schools and continuation schools for adult workmen in the trades and industries. He practically says that the land-grant act is completed by taking care of the adult farmer, even though nothing is done for the adult farmer's wife, nor for the wife of the adult worker in the trades and industries. Mr. Gross further assumes that the farm boy who is to be the producer of cheaper foods, the farm home maker who is to manage the work of raising strong farm youth, the workers in the trades and industries who are to economically produce and transport our foreign and domestic manufactured products, the home makers in the trades and industries who are to have charge of raising the children of the people who work in the shop, in the transportation company, in merchandising, and in other nonagricultural lines. It is fortunate for the Senate and for the country thus to have set forth at this opportune time the narrow views of Mr. Gross and his confrères, some of whom are in our State agricultural colleges and in our State engineering colleges.

This astonishing letter further says:

"The vocational education branch of the bill breaks new ground and inaugurates a new system of education. If the bill were divided on the natural line of cleavage the legislation required would be more simple and administration less complex. It would strengthen the bill. We think this should be done."

When the land-grant act of 1862 was passed there had been no definite separation between high school and collegiate courses. The founders of the bill, as shown by their discussions on the floors of Congress, had no intention of making a "line of cleavage" which would cause practically all the funds of agricultural colleges to be used in what are now collegiate courses, with a four-year high-school course separating them from the common schools of the open country and the elementary schools of the cities and towns.

The State agricultural and mechanical colleges have made "the line of cleavage" by confining their work to the preparation of technicians, thus forgetting the farm boy and girl who are to return to the farm and the boy and girl in the city who are not to attend college; that 90 per cent who are to do the productive work and the home making of our country. This unnatural cleavage made by our State colleges of agriculture and mechanic arts shows how thoroughly these colleges have failed to interest themselves in classes which the land-grant act of 1862 was intended to reach.

To show the unfortunate attitude of the colleges and universities, attention is called to the use they have made of the Nelson fund, provided by Congress in the Nelson amendment passed in 1907. The Nelson amendment gives to each State college $25,000 a year from the Federal Treasury, and Congress indicated the purpose for which this money was to be used in the following language:

"That State colleges may use a portion of this money for providing courses for the special preparation of instructors for teaching the elements of agriculture and the mechanic arts."

No one has questioned the fact that Congress intended this fund of $1,200,000 annually, of which $4,000,000 has been already spent, to be used by the agricultural and mechanical colleges to meet the everywhere crying need for teachers prepared to teach agriculture, the trades and industries, and home economics.

Commissioner of Education Claxton, a year ago in a public hearing held under the auspices of the Southern Commercial Congress, said that these colleges are using very little of this money in the preparation of instructors for teaching the elements of agriculture and the mechanic arts in the lower schools. It is a fair estimate to say that they are using far below 20 per cent of this money for that purpose, and this in spite of the fact that in many States consolidated rural schools are crying for teachers of agriculture and home economics and find it necessary to utilize teachers from the small denominational schools and from normal schools who have no adequate preparation in either agriculture or home economics. In other words, these colleges are at once neglecting their greatest opportunity and practically disregarding the clearly expressed wish of Congress, the hand that feeds them.

Even a worse condition exists in relation to the mechanical colleges of these State colleges and universities than in the case of the agricultural colleges. Almost none of them have even discussed the matter of preparing teachers under the Nelson amendment for trade schools. And comparatively few of these great institutions, liberally financed by public funds from the Federal and States Treasuries, have done anything at preparing teachers in home economics for the schools either of city or country. This "line of cleavage" between the farm boy and the technician has been carried so far as to be so ridiculous that it is pitiful.

It is admitted that the Lever-Smith bill would provide legislation more simple Some of the administrators of agricultural-college funds are not hunting for complex language that will say "shall" instead of "may" in appropriations from Congress. They would like to continue the "line of cleavage" which would prepare only college graduates, comparatively few of whom enter the ranks of the producing classes. Nothing could more clearly state the fact that the State colleges of agriculture and the mechanic arts are not leading in taking the new science and technique of agriculture, the trades and industries, and home economics down to the people through our otherwise wonderfully developed secondary school system than their use of the Nelson fund. They are campus colleges. They are not State colleges. They are colleges to prepare the aristocratic few. The Nelson fund was designed to make of them colleges to prepare vocational teachers for the secondary schools and thus provide technical instruction to all classes and make successful all the people, as well as the few who attend college.

It is disingenuous for Mr. Gross to say that separation would strengthen the bill, forgetting the farmer's wife, the laboring man, the laboring man's wife, the boy who is to be a farmer, the girl who is to be a farmer's wife, the boy who is to work in the trades and industries, and the girl who is to be the wife of the man who works in the trades and industries.

There has been strong feeling on the part of the leaders of the several tens of millions of people who favor the Page bill, that Mr. Gross and a relatively small number of his supporters throughout are using the Lever-Smith bill to destroy the Page bill. The terms of Mr. Gross's letter, when widely published, will confirm that belief.

THE IMPRACTICAL FEATURE.

Mr. Gross says:

"The one main reason why we can not support the Page bill is that provision calling for district agricultural high schools of secondary grade with branch experiment stations."

Mr. Gross here so thoroughly discloses his ignorance concerning the appropriation for agricultural high schools in the Page bill that ridicule rather than argument would be the normal way of replying to his letter.

He says, truly:

"Such schools will necessarily be from 40 to 75 miles apart." He says, also: "Not over 5 per cent of the farm youth could attend these and live at home." He also says: "The safety of the individual requires home life and influences between the ages of 13 and 17 years. To attend such schools the vast majority would have to be provided for in dormitories on the school premises. The colonization of several hundred boys and girls of that age would involve a moral hazard few parents would assume. * * * To us the objection is insuperable and would present an anomaly to the State and Federal Government building a school that really would serve but a township. Again, the attendance of these schools would involve an expense that many farmers would not meet. Many of the youth are required night and morning to do the chores and help maintain the farm activities. If the money contemplated (and the amount should be increased tenfold) were used to aid in the consolidation of the rural schools into the township unit, it would be of priceless benefit to the country boy and girl, and give them real help in gaining an education that they desire and ought to have, and which the State and Government should undertake to furnish."

In the first place, the Page bill recognizes that we are to have consolidated rural schools. It recognizes the fact that the 2,500 successful experiments with no failures in consolidating six or eight one-room schools into four to seven room schools may be taken as absolute evidence, from a business point of view, that our one-room schools are to be generally consolidated. This means that all farm pupils will be given agriculture and home economics along with their general school studies from the ages of 13 to 16 years. If it means anything, it means that the State colleges of agriculture and supplementary schools throughout, including State normal schools and State agricultural high schools, will finally be led to prepare a sufficient number of teachers to place at least one teacher of agriculture and one teacher of home economics in each consolidated rural school. This will require between forty and fifty thousand teachers of agriculture and as many teachers of home economics.

The Page bill does not contemplate that the 10 more or less agricultural high schools in each State will do the work of the consolidated rural school but will be a step higher, and will, for the most part,

confine themselves to the last two years of high-school work. These schools will take the graduates of the consolidated rural school at about the end of the tenth school year, which is the middle of the high-school course, and will, under a faculty of technical teachers in agriculture and home economics and of general teachers in the ordinary high-school subjects, give a course which will further fit them for the management of farms and farm homes, and will further train large numbers to become teachers of agriculture and home economics, and other subjects in the consolidated and other rural schools; and that the highly educational and inspirational courses of the best equipped of these schools do prepare country life leaders to return to their home communities has been proven in a dozen States.

Three or four hundred agricultural high schools distributed throughout the country will also standardize the agricultural and home economics instruction in rural and town schools. Without such standardizing influence, agriculture in our secondary school system will always be at ragged ends. With such standardization and leadership, country life education can be the most efficient and the most inspirational part of our public educational system.

Agricultural colleges have generally placed their entrance at the close of the high-school course, but in most States they have done almost nothing to make the agricultural high school practical for those who can not attend the college. Therefore the agricultural colleges are reaching in a vital way only a small part of 1 per cent of the men and women who become managers of farms and farm homes.

The consolidated rural and village schools, which are local, will care for all pupils of 13 to 17 years of age; the proposed agricultural high schools, which are not local, but are practically in each congressional district, will take some of those pupils through the next step in their education when they are 17 to 20 years of age, thus rounding out both their high-school course and their vocational training to manage the farm and the farm home.

Illustrating the absurdity of Mr. Gross's statements is the fact that already the agricultural high schools of Minnesota have established a minimum age limit of 17 years.

The quotation from Assistant State Superintendent Phillips, of Minnesota, quoted in Mr. Gross's letter, could not have applied to the original agricultural high school at St. Anthony Park, to the agricultural high school at Morris, nor to the agricultural high school at Crookston, Minn., because the ages given by Mr. Gross do not apply to those schools. Minnesota has this year established 50 consolidated rural schools, and is rapidly placing agriculture in the village and town schools, but it has no notion of doing away with its three agricultural high schools with their twelve to fifteen hundred students for the last half of the high-school course. Minnesota's plan is to have one teacher of agriculture and one teacher of home economics in every rural school, either in a consolidated rural school in the open country or in a village or city school to which the farm youth of the surrounding country are hauled at public expense. Mr. Gross's quotation does not fit into the Minnesota conditions and can hardly have been used for his purpose with the knowledge and consent of Mr. Phillips.

Agricultural high schools such as that at St. Anthony Park, Minn., with its nearly 1,000 students, have young farm people from 17 to 25 years of age, who prove to be more earnest, more moral, than the average students in the universities and colleges of this country, and the blow struck by the National Soil Fertility League at coeducation in State agricultural high schools will naturally be resented by the schools of the entire country.

Mr. Gross says that an agricultural high school would serve but a township. Each of the agricultural high schools of Alabama, Georgia, Oklahoma, Arkansas, Minnesota, and other States serves a congressional district or larger area. Their students come not from local homes, but are more thoroughly distributed throughout all the counties of the State than are the students of the State colleges and universities which get their students largely from the cities, while the agricultural high schools get their students from the rural schools. In failing to differentiate between the consolidated rural school and the agricultural high school, Mr. Gross places himself in the position of such dense ignorance that his advice regarding separating the bill becomes impotent and he places his supporters in a most unenviable light.

The Page bill contemplates the expenditure of $3,000,000 by the Federal Government and $3,000,000 by the State governments for agricultural high schools. Mr. Gross says this should be increased tenfold to accommodate all the consolidated rural schools. This is equivalent to requesting that Congress appropriate $30,000,000 and require the States to appropriate an equal amount, devoting $60,000,000 to vocational education for farm boys and girls in their home rural-school districts. This would provide $1,500 for each 40,000 consolidated and village rural schools for the teaching of agriculture and home economics. Senator PAGE nor any of his associates have thought of suggesting anything so radical. The Page bill proposes to bring the work of the agricultural and mechanical colleges down nearer to the people who manage our farms, our farm homes, and who work in the trades and industries and manage the homes of our industrial workers by producing local leaders and teachers for the rural schools and county demonstration farm workers. It leaves the financing of the local schools to the States and communities. Mr. Gross has shown that the Page bill is really a conservative measure.

The Lever-Smith bill, on the other hand, fails to recognize that already the Federal Government and the States have farm-efficiency men in more than one-third of the counties of the United States. Nearly all counties in the Southern States, under the leadership of Dr. Knapp, are thus supplied in part with Federal, in part with State, and in part with private and local, funds. The Federal Government, the State governments, and private and local organizations are rapidly extending this work into the Northern States. Both the Page bill and the Lever bill propose to extend this work to all counties and to systematize and standardize it; but to say that this minor matter, which is largely working itself out, completes the land-grant act of 1862 is, in the face of the above-stated facts, absurd, to say the least.

The Page bill, by providing some hundreds of agricultural high schools in the country by providing some hundreds of trade schools in the large centers of population, by providing vocational courses of study in the general run of secondary or high schools of the country, by providing for college extension, and then by providing that in the State colleges of agriculture and State normal schools teachers shall be trained for these lines of work, proposes a system which really does supplement and look to thoroughly completing the purpose of the land-grant act of 1862.

That the proposed branch experiment stations are needed is shown by the fact that the United States Department of Agriculture and the State experiment stations are establishing branch stations of this kind in many States. Under the Page bill these branch stations would be systematically placed beside the agricultural high schools, where, besides serving as investigational farms, they would have an immediate educational value to the students as well as a general educational value to the farmers of the agricultural regions in which these schools are placed.

The Page bill has been wrought out by men best acquainted with vocational education in this country. The Gross letter shows that his propaganda for the Lever-Smith bill is in the hands of men who do not know concerning agricultural high schools, trade schools, agriculture, trades and industries, and home economics in the public schools, and who do not know or appreciate the need of preparing teachers for these schools and for extension work.

Very sincerely, yours,

CLARENCE J. OWENS,
Managing Director Southern Commercial Congress.

Mr. PAGE. Mr. President, something has been said here about the right of the Federal Government to enter upon the secondary educational work of the country. I received a very interesting communication recently on the constitutional features of this bill. The communication is from an attorney who was formerly Assistant Secretary of the Navy, Hon. Frank Warren Hackett. I will only read one paragraph, and will ask that the entire article may be printed, if there is no objection.

The paragraph referred to is as follows:

The grand object of this bill, as we have seen, is to render aid in furnishing vocational education to the American boy and girl. Here a question of the power of Congress involves something more than an examination into what has heretofore been done by Federal authority to help along the cause of education in general. An underlying purpose is to check the growing evil that is threatening the well-being of the body politic. There is, and for some time has been, disquietude in the field of labor. No longer is it prudent to allow a great majority of the boys and girls of the land to grow up without early training in the art of earning a livelihood. Something better must be furnished than an ordinary school training. It is the part of wisdom to heed betimes the warning, and diligently to seek and apply the remedy.

He treats the matter from the standpoint of constitutional rights, and I ask that his article may be inserted in full in the RECORD.

The PRESIDENT pro tempore. Without objection, that order will be made.

The matter referred to is as follows:

IS THE PAGE VOCATIONAL EDUCATION BILL CONSTITUTIONAL?

The Page bill now pending in the Senate proposes to appropriate nearly $15,000,000 annually, beginning in 1916, in order to cooperate with the States in encouraging instruction in agriculture, the trades and industries, and home economics in secondary schools; in maintaining instruction in these vocational subjects in State normal schools; and in maintaining extension departments in State colleges of agriculture and the mechanic arts. It has been carefully drawn, after consultation with our leading educators. The plan it embodies appears eminently practical. It is sensible and businesslike. The bill has earnest supporters in every part of the country.

A leading purpose is to encourage a State to appropriate a reasonable sum of money for teaching boys how to succeed in industrial pursuits, and to instruct the girl likewise for such occupation as may be suited to her as well as to educate her in what is styled "home economics." A sum is offered to the State, according to the amount that the local community shall have raised for the purpose. The State will appropriate an amount equal to the Federal appropriation, and the local community is expected to contribute as much as the State and Federal appropriation combined. This method is a judicious one, and the expenditure of the fund is well safeguarded.

The moving cause of this most important enterprise is found in the conditions that confront the great majority of our American boys just as they are leaving the public school. What they have been taught there, however valuable for some purposes, has not had the direct effect of fitting them to earn a living. Many of these boys, losing a chance to become useful citizens, fall in obtaining regular employment, while some of them, sad to say, degenerate into the criminal class.

Says an observer interested in the welfare of young men: "Our reformatories and jails are still filled with mere boys." The period is that where the boy's nature is impressionable; his aspirations are awakened, and he deserves to have a fair opportunity presented where he can follow his bent. What he has been compelled to apply himself to at school has not been much to his liking. He looks around him, and he feels that he does not have a chance to make a man of himself. Not a little of the unrest existing to-day among workingmen is to be traced to a conviction on the part of a father that somehow his children are not getting fair treatment. While not a subject for recrimination, it is a source of danger that every good citizen must stop and think about. What a recent writer says is unhappily true: "Too many boys are being turned loose in the world to live in a makeshift way."

This deplorable state of things, which has been going on from bad to worse, brings a duty home to the legislator. In all seriousness, it must be admitted that action should be taken, and that speedily, to meet and correct this growing evil. It is not too much to say that, aggravated as it is by the character of the immigration of recent years, the situation constitutes a menace to the peace and safety of the State. It is not simply a check to prosperity, it is a peril to our institutions.

What can be done to help these boys that will make of them good citizens and thereby conserve law and order? The Page bill endeavors to answer this question.

While this inquiry presses upon our attention, we find ourselves face to face with another factor in our national life hardly less disturbing. The country has come to realize the truth that much of our soil has been overworked, its fertility exhausted, and that we must work hard to restore to it, if we can, it former productivity. Already the Department of Agriculture has done praiseworthy work in the direction of enabling the farmer to raise heavier crops. To the Morrill Act of 1862 and to the Hatch Act of 1887 is due the gratitude of the entire country for fine and efficient service rendered by the agricultural college. Much remains to be accomplished in order to bring home to the tiller of the soil a knowledge of scientific farming. It is here that the Page bill seeks to benefit the people in every part of the country. Experimental farms are projected where practical work will be done by the students

with a result that the adult farmer will profit by what has been demonstrated, after research and experiment, in some instances not far from his home. When we reflect that in 1907 Germany, as compared with the United States, in less than one-half the area, harvested nearly double the bushels of wheat, oats, barley, rye, and potatoes, we need not be told that it would be folly in us not to bestow our best thought upon the problems of our future food supply.

The Page bill would improve our farming, and by making it more profitable would attract our boys by interesting them in the science of crop raising, thus checking the tendency to desert the healthful surroundings of rural life in order to crowd into the cities. Farm life would have a new meaning. The legislation in view would rescue land from wasteful treatment and bring it under the influence of men eager to cultivate it by the best methods, because they are widening their knowledge of how to make their possessions more and more productive.

Enough has been said to indicate that this measure contemplates the attainment of objects of vital interest and of almost incalculable value to every community in the land. The thought naturally occurs, Is an appropriation of money for such purposes as these within the power of Congress? Is the Page bill constitutional?

Were this question the first of its kind, the reply that most lawyers would make offhand, it is likely, would offer no contradiction to the views expressed by President Buchanan in his message of February 24, 1859, vetoing a bill for giving public lands to the States to establish agricultural colleges: "I presume the general proposition is undeniable that Congress does not possess the power to appropriate money in the Treasury raised by taxes on the people of the United States for the purpose of educating the people of the respective States."

Yet three years later Abraham Lincoln signed the bill and it became a law, bearing the honored name of "the Morrill Act." One ground upon which its constitutionality was vested was that Congress had power to dispose of the public lands. In January, 1887, when a bill to establish agricultural experiment stations was under debate in the Senate, an amendment was adopted adding after the words "money in the Treasury" the further words "proceeding from the sales of public lands," although the Senator in charge of the bill remarked in accepting the amendment that he thought it unnecessary. During the debate Senator Vest said: "We have established a Bureau of Agriculture. It is very questionable whether the power to do that exists or not. Some of the best lawyers in the United States doubted it when established and doubt it to-day, but it was done and that bureau is now in existence." Senator Butler expressed a like doubt, but added: "It has been acquiesced in so long as to have become an acknowledged and accomplished fact."

The Department of Agriculture, it must be admitted, exists under no express grant of power to Congress, but only because that body, in obedience to public sentiment, found a power to create and maintain it in the "general-welfare" clause of the Constitution. The Bureau of Education, worth to the country many times over what it has cost, can refer its existence to the same clause. So of other forms of expenditure by Congress that have responded to public needs in contributing to the general welfare.

This section of the Constitution (Art. I, sec. 8) begins as follows:

"The Congress shall have power to lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defense and general welfare of the United States * * *."

In the earlier days it was generally understood that these words "provide for * * * the general welfare" would not support an appropriation of money to carry out a purpose other than is to be discerned in the language of the enumerated powers conferred upon Congress. A strict constructionist may hold to this doctrine at the present time. But the growth of the country, the change in its needs, and the imperative demand for the means to carry into effect what it is the obvious duty of the National Government to accomplish sustains Congress in appropriating money, for the benefit of the entire people, for objects not embraced within the language of the enumerated powers. Where the Nation requires action to be taken for its safety or its welfare, in a sense that everyone must experience the advantage of the protection and help afforded, Congress has demonstrated that it has felt itself justified in voting an appropriation therefor.

The furtherance of agriculture, the preservation of forests, the conduct of mining are some of the purposes which have induced Congress to take upon itself the responsibility of appropriating money under the "general-welfare" clause. This action has been followed apparently by no successful attempt to set aside the law for lack of constitutional power, and it may be inferred that the people are willing to trust Congress and the President that the limits of a wise discretion are not transgressed.

So far as the bill under consideration, therefore, proposes that money be appropriated for teaching the elements of agriculture, it is apprehended that no serious objection will be advanced on the score of a lack of power in Congress under the Constitution to vote money for such a purpose. The policy of making annual appropriations of this character has now become firmly fixed, and a further discussion here of constitutional power in regard to it would be merely academic.

The grand object of this bill, as we have seen, is to render aid in furnishing vocational education to the American boy and girl. Here a question of the power of Congress involves something more than an examination into what has heretofore been done by Federal authority to help along the cause of education in general. An underlying purpose is to check a growing evil that is threatening the well-being of the body politic. There is and for some time has been disquietude in the field of labor. No longer is it prudent to allow a great majority of the boys and girls of the land to grow up without early training in the art of earning a livelihood. Something better must be furnished than an ordinary school training. It is the part of wisdom to heed betimes the warning and diligently to seek and apply the remedy.

Well it has been said in an editorial upon the subject of this bill:

"Battleships and standing armies are not the only means of protection for a nation. Danger from a foreign foe is a remote possibility. Danger from ignorance, inefficiency, and poverty is an ever-present peril."

A like thought is conveyed in the following extract from Senator PAGE'S speech in advocacy of his bill:

"National defense is just as effectually provided for in promoting good citizenship as in building battleships. An illiterate, uneducated citizen, disloyal and anarchistic, as he oftentimes is, is a greater menace to our safety than the combined battleships of Great Britain, France, and Germany."

These expressions, uttered in all sincerity, points the way unwittingly to the real power that exists in Congress to put this proposed enactment upon the statute books. One need not resort to the "general-welfare" clause, though the measure is entitled to the protection and encouragement which these words afford. Its constitutionality may securely be vested on another ground, and that is the power conferred upon Congress to provide for "the common defense."

These words, "the common defense," are found in the preamble of the Constitution. They occur also in the Articles of Confederation. Our forefathers had them ever in mind. They but expressed that instinct of self-preservation which governs every organized society. Of course they are entitled to be liberally construed. The framers of the Constitution doubtless had chiefly in view the dangers to be apprehended from a foreign enemy, but they employed the term in no restrictive sense. Domestic enemies are not omitted from the reckoning. Congress, as we would naturally expect, is authorized to resort to every measure that in its judgment is needful and proper to insure the safety of a common country.

There is no call for argument. It surely will not be denied that the people, through their Congress, can seasonably guard against dangers that threaten the fabric of Government. If the peace and happiness of the country demand that a larger and a better opportunity of education be given to the boy or the girl before going out into the world, Congress will not hesitate from any lack of power to provide for the "common defense" of our institutions by hastening forward this salutary legislation.

Another consideration is not altogether without merit, and that is the attitude of the several States themselves toward this proposed extension of aid. So fair and so strong is the inducement we may with reason assume that every State in the Union will join in the work of putting into successful operation this admirably conceived plan for strengthening and elevating the American people. As State after State falls into line, what in the sequel will have become of any fancied objections that State rights have been invaded or that Congress, in holding out a helping hand to the State, had entered a field which the Constitution had not authorized it to occupy?

FRANK WARREN HACKETT.

JULY 26, 1912.

Mr. PAGE. Mr. President, I presume that before this discussion is concluded there may be a good many interrogatories which I may be called upon to answer. I simply wish to say that, having discussed this matter at considerable length on a previous occasion, I am now inclined to let other Senators continue the discussion, although I should be very glad to answer any question or correct any wrong impression regarding the bill.

Mr. ROOT. Mr. President, I have a brief letter from a very distinguished educator in regard to this bill which states better than I myself can state some questions I should like to have answered. I will ask to have the letter read from the desk.

The PRESIDENT pro tempore. The letter will be read as requested.

The Secretary read the letter, as follows:

THE CARNEGIE FOUNDATION FOR
THE ADVANCEMENT OF TEACHING,
OFFICE OF THE PRESIDENT,
New York, January 26, 1913.

Hon. ELIHU ROOT,
United States Senate, Washington, D. C.

MY DEAR SENATOR ROOT: I venture to call your attention to what seems to me very serious objections to the Page bill now before the Senate, which contemplates a large appropriation by Congress for the support of vocational education in the secondary schools of the various States.

This bill seems to me unwise both from the standpoint of public policy and from that of education.

Here for the first time Congress undertakes to appropriate money for secondary schools. If Congress is to enter upon this policy it should be only after a fair discussion of the whole question. It is difficult to see where Congress is to stop if it is to begin the practice of appropriation to local State agencies. There is no enterprise of the local or State government which may not with equal justice ask for a grant from the National Treasury. One does not need to be a State rights man in the party sense to appreciate that this is a most far-reaching change in our fundamental policy and one to be entered upon only after thorough understanding of what it means. Elementary schools, mining schools, hospitals, schools for defectives, or any charitable or educational agency are within the scope of such legislation. All sorts of paternalistic possibilities are here included.

Educationally the measure seems to me of very doubtful wisdom. It provides for a system of education without adequate educational supervision. In order to secure some sort of educational control vocational schools are brought by this bill under the jurisdiction of the Secretary of the Interior, and elaborate requirements for expenditure and courses of study and even of personnel are included. No such centralization of educational power has ever before been attempted. Secondary education would practically be directed by the Secretary of the Interior. It is possible that the Secretary of the Interior would exercise this authority wisely; it may be that he would direct the secondary schools of the various States better than the States themselves; but it is certainly open to question whether the natural, systematic development of their own school systems by the various States is not a wiser thing. In order to secure an appropriation from the General Government the States are here asked not only to accept a very large degree of direction in the matter of secondary and vocational education but the plan of education proposed has little or no relation to the present State school systems, and seems more likely to produce educational confusion than educational order. The experience of the Morrill Act shows that money expended without educational planning may be made to do harm as well as good. The effort in this bill to compel the States accepting the money to do wisely in its expenditure goes to the other extreme, but it contains no greater assurance of wise educational oversight than did the Morril bill, after which it is patterned. The questions involved both in public policy and in education seem too important to be settled in the hurry of a short session.

I am,
Very sincerely, yours,

HENRY S. PRITCHETT.

Mr. PAGE. Mr. President, I am well aware that a few States—notably Massachusetts and New York—have taken the attitude of Dr. Pritchett in his letter written to the senior Sena-

tor from New York. The strong objection, it seems to me, of Dr. Pritchett is that contained in the following words:

It provides for a system of education without adequate educational supervision. In order to secure some sort of educational control vocational schools are brought by this bill under the jurisdiction of the Secretary of the Interior, and elaborate requirements of expenditure and courses of study and even of personnel are included. No such centralization of educational power has ever before been attempted. Secondary education would practically be directed by the Secretary of the Interior. It is possible that the Secretary of the Interior would exercise this authority wisely; it may be that he would direct the secondary schools of the various States better than the States themselves, but it is certainly open to question whether the natural systematic development of their own school systems by the various States is not a wiser thing.

From the first I have realized that this was a most serious objection to the Page bill as originally drawn, and I addressed myself to the task of so revising the original bill as to eliminate as far as possible this objection.

One of the leading friends of the Page bill is a Representative in Congress from the city of New York, Hon. WILLIAM C. REDFIELD. He is, as is well known, the president of the National Society for the Promotion of Industrial Education. We were early in conference as to these objectionable features of the Page bill, but we were both anxious to construct the best possible measure, and, after repeated conferences, we reached what we thought was a fair solution of this problem; and he brought back word from New York that the rewritten bill as it now appears in the amendment which I have offered to the Lever bill was generally satisfactory to the educators of his State.

The valuable aid of Dr. Snedden, head of the educational system of Massachusetts, was secured in the effort to so rewrite the Page bill as to eliminate the objection of Dr. Pritchett and others who felt as he did. The result, was, let me repeat, that after a good deal of painstaking labor the Page bill was so reconstructed as to these objectionable features as to secure the warm approval of both New York and Massachusetts. Dr. Snedden was so delighted with the rewritten bill that he sent me a telegram, in which he said:

I hope the bill as now drawn may pass without the change of a single line.

Mr. President, I would like to call the attention of the Senator from New York to a statement made by the chief magistrate of the New York municipal court, Judge William McAdoo, in his annual report. He says:

There is growing up in this city a menacing army of boys and young men who are the most troublesome element the authorities have to deal with. From the ranks of these lawless, reckless rowdies, who are organized in bands or bound up with chums or pals, come most of the crop of burglars, truck thieves, holdup men, and other criminals and dangerous characters.

Another New York City judge, Judge Merritt W. Pinckney, of the New York juvenile court, says that apparent neglect and incompetence are responsible for most of the delinquency which brought to his court three-fifths of the 12,000 children who have passed through it during his incumbency of that office.

Prof. George Walter Fiske, in his series of lectures on "Boy life and self-government," makes the following significant statement:

Our reformatories and jails are still filled with mere boys. The maximal age for malicious mischief is only 14; for petty larceny and assault, 15; for crimes against property, 16; while the maximum curve for fornication is at 17. Early and middle adolescence is still the great crime period. The shirking of the average home largely accounts for this boy waste, but the ethical failure of the public school is, to a degree, responsible also.

Mr. President, by the college extension features of Senate bill No. 3, which are exactly the same as the provisions of the Lever bill, we are appropriating $3,480,000 for the benefit of the adult farmer on the farm. In my judgment, the time has arrived when we should reach down and take the hands of the neglected boys who, in far too large numbers, are being turned adrift, and are to-day—to use the language of Judge McAdoo—"developing into a crop of burglars, truck thieves, holdup men, and other criminals and dangerous characters."

Mr. President, out of our unparalleled prosperity and our great wealth we must do something for the sons of our laboring men. That New York, the great Empire State, has lamentably failed in this particular is shown by the statements of Judges McAdoo and Pinckney, and I presume other States are equally guilty of wrong in this particular.

If the States will not act in the matter, we must do so, because without some change for the better in this regard we can not have good citizenship.

I believe that the boys now growing up must have a different kind of education from that which they are now receiving, or we are going to produce in the next generation a race of anarchists; and if the States themselves will not do this work, it seems to me that we ought to go ahead and blaze the trail, pointing the way whereby it may be done, not by a single State, but under one great plan of cooperation between the several States and the Federal Government.

I know that away back in 1856 the constitutional question was raised. James Buchanan vetoed the first Morrill agricultural college bill, but the Congress of 1862 again passed that bill, and to-day, in speaking of Abraham Lincoln, we often say that his first and greatest act was the liberating of 4,000,000 slaves, and second to it only, was his signing of the Morrill agricultural college act. No one to-day would think of repealing that law. But, more than this, in 1887, we passed the Hatch Act; a little later the Adams Act; in 1907 we passed what is known as the Nelson amendment; and from time to time we have established repeated precedents for granting Federal aid to education.

I am not a lawyer and do not care to discuss constitutional questions. I only know that something must be done or, in my judgment, we are going to raise up, in the next decade, a race of very undesirable citizens.

Mr. SMOOT. Mr. President, I have in my hand the amendment offered January 24, 1913, as a substitute for the so-called Lever bill. I notice that section 16 reads as follows:

SEC. 16. That the Secretary of the Interior is hereby charged with the duty, and to him is hereby given all necessary power, to administer the provisions of this act relating to the rural-school fund, the industrial-school fund, the agricultural high-school fund, the college teachers' training fund, and the teachers' training fund, to secure advice and assistance from the Secretary of Agriculture and the Secretary of Commerce and Labor in carrying out the provisions of this act, in the making of investigations concerning education in the industries, home economics, and agriculture, and in the making of reports thereon; to cooperate with the State boards of vocational education herein provided for the respective States and the District of Columbia in developing the work of schools and in the training of teachers benefited by this act; and to give to such boards for vocational education such advice and assistance as will best enable them to carry out the provisions of this act.

I also notice in section 22 a statement almost similar, but I believe going a little further, for it provides:

SEC. 22. That in order to secure the benefit of the rural-school fund, the agricultural-school fund, the college teachers' training fund, or the teachers' training fund, the board for vocational education for each State and the District of Columbia shall adopt, with the approval of the Secretary of the Interior, and place in operation a general administrative scheme or plan, with such modifications as may be made from time to time, for the proper distribution of moneys to schools and colleges as herein provided; for the inspection and approval of such schools and colleges under the provisions of this act.

Do I understand, under this bill, that the Secretary of the Interior, through the advice and the assistance of the Secretary of Agriculture and the Secretary of Commerce and Labor, is given the power to administer the provisions of the act relating to the distribution of the appropriations and to prescribe the instruction which may be given in a State which participates in the fund? Is that what it means?

Mr. PAGE. Mr. President, if the Senator will read the bill through he will find that it has been changed from the form of the original bill for the express purpose of meeting the ideas which he now advances; in other words, it provides that the suggestions of the Secretary of the Interior shall not be mandatory. On the contrary, the board for vocational education shall formulate the plans for the school work under the provisions of this bill.

Mr. CRAWFORD. That is a State board.

Mr. PAGE. Yes; the State board for vocational education. I do not know, Mr. President, that I can answer the Senator from Utah any better than by saying that for a year a fight has been on to protect the autonomy of the States. It has come from various quarters, notably from New York and from Massachusetts. One of the commissioners of education from Massachusetts came here to Washington and stayed two weeks to assist in getting this bill into such shape that it would meet the views of those States which insisted that the autonomy of the States should not be materially disturbed. At the same time it was conceded that there should be thrown around these appropriations some measure of Federal supervision.

Mr. SMOOT. But, Mr. President, as I read section 16 it is not in the alternative. It is a direct power to them to cooperate with State boards for vocational education, and so forth.

Mr. PAGE. Will the Senator let me read a part of section 19?

Mr. SMOOT. Section 16 refers to all of the different school funds, and, it seems to me, is the section that would cover the point I am trying to reach, and that is this: If I read that section aright, it gives to the Secretary of the Interior power to administer the provisions of the act and virtually to control the expenditure of the money.

Mr. PAGE. Does the Senator understand that one section can be picked out and not read in connection with all the other sections of the measure?

Mr. SMOOT. I do not so understand, and I should be very glad to have the Senator read the section to which he refers.

Mr. PAGE. I should like to call attention to section 19:

SEC. 19. In order to secure the benefit of the secondary school department fund, the industrial or home economics school fund, the district agricultural school fund, the college teachers' training fund, or the normal teachers' training fund, the board for vocational education for each State and the District of Columbia shall adopt, with the approval of the Secretary of the Interior, and place in operation a general administrative scheme or plan, with such modifications as may be made from time to time, for the proper distribution of moneys to schools of secondary grade and to colleges and normal schools as herein provided; for the inspection and approval of such schools and colleges under the provisions of this act.

Note that the board for vocational education adopts and places in operation the general administrative scheme or plan. The Secretary of the Interior can only approve the plan adopted by the State board for vocational education.

It is true that the Secretary of the Interior has a supervisory power, but it would be entirely contrary to the spirit of this bill for him to exercise other than a supervisory power.

Mr. SMOOT. Mr. President, from what print of the amendment was the Senator reading? The one I have is different from the one he read.

Mr. PAGE. I read from the original bill. There has been no change in the text of the last 15 sections of the bill, although the sections are renumbered. It is number 16 in the amendment. I do not know from what section the Senator was reading.

Mr. SMOOT. Section 16 of the amended amendment was what I was reading from.

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from South Dakota?

Mr. SMOOT. Certainly.

Mr. CRAWFORD. I simply wish to suggest that the provisions to which the Senator refers are those which touch these officials, the Secretary of the Interior and the Secretary of Agriculture; but nowhere in the bill, as I read it, is there imposed upon these officials the duty of controlling the distribution of any of these expenditures. The language used here relates to the provisions in the act with which they have to do.

Mr. SMOOT. Mr. President, I take it the wording of section 16, if the Senator will bear with me, refers particularly to a power that is conferred upon the Secretary of the Interior, for it states——

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. Just a moment, and then I will gladly yield. Section 16 provides:

That the Secretary of the Interior is hereby charged with the duty, and to him is hereby given all necessary power, to administer the provisions of this act relating to the rural-school fund—

And all the other funds. It seems to me that that is wide power given him.

Mr. CRAWFORD. Does the Senator object to having that power in the Secretary of the Interior to administer this act so far as its relation to the Federal Government is concerned?

Mr. SMOOT. No; but it goes further than that, Mr. President, as I have already called attention to, and as I was about to proceed to elaborate; but I yield to the Senator from Iowa, as I said I would.

Mr. CUMMINS. Mr. President, if the Senator from Utah is of the opinion that this bill authorizes the Secretary of the Interior to distribute the fund among the teachers of the schools in each and every State, he has greatly, I think, misread it. The Secretary of the Interior administers it, in so far as it is necessary for him to determine whether the States shall have the money. If he determines that the particular State is entitled to the money, then it is paid over to the authorities of the State, to be distributed, I assume, in the ordinary way as a school fund. In the amendment that is now before us, as the Senator will see if he will turn to section 22, it becomes perfectly clear:

That in order to secure the benefit of the rural-school fund, the agricultural-school fund, the college teachers' training fund, or the teachers' training fund, the board of vocational education—

And that board must be organized in each State before it is entitled to any part of the appropriation—

shall adopt, with the approval of the Secretary of the Interior, and place in operation a general administrative scheme or plan, with such modifications as may be made from time to time, for the proper distribution of moneys to schools and colleges as herein provided.

Mr. SMOOT. Now go on.

Mr. CUMMINS. That is the administrative feature of this bill, as far as these schools and colleges are concerned.

Mr. SMOOT. I do not disagree with the Senator as far as that is concerned; but I will ask the Senator to proceed and read from that point on—from the word "provided," in line 9, page 17.

Mr. CUMMINS. The language is:

For the inspection and approval of such schools and colleges under the provisions of this act, and for the formulation and application in such inspection and approval of standards and requirements in vocational education as to types of schools, location, course of study, etc., qualifications of teachers, etc.

Undoubtedly, under the bill, each State, through its vocational board, must present a plan for the distribution of the money so far as vocational training is concerned, and that plan must be approved by the Secretary of the Interior. That is the general idea of the bill. But there, I think, the power and responsibility of the Secretary of the Interior end.

Mr. SMOOT. It seems to me that it specifically states that the Secretary of the Interior will have the power to pass upon the question of the types of schools, the location of the schools, the course of study, the qualifications of the teachers, the methods of instruction, the conditions of admission, and the employment of pupils.

Mr. CUMMINS. Undoubtedly. That is the purpose of this bill.

Mr. SMOOT. I rather think that is a dangerous power to give to the Secretary of the Interior.

Mr. CUMMINS. But the vocational board must make this plan and present it to the Secretary of the Interior, and if he approves it the State gets the money. If he disapproves it, the State does not get the money.

Mr. PAGE. The Senator from Utah has failed to read the whole bill. I will read it.

Mr. SMOOT. Before the Senator reads further, I should like to ask him whether or not he agrees with the statement just made by the Senator from Iowa.

Mr. PAGE. My attention was called away by my clerk and I did not hear the statement.

Mr. SMOOT. I will make the statement again. Does the Senator agree that under section 22 the Secretary of the Interior has the power to pass upon the qualifications of the teachers, the methods of instruction, the conditions of admission, and the employment of pupils?

Mr. CUMMINS. I hope the Senator from Utah does not put that as though it were a proposition to which I agree. It is the plan that is submitted to the Secretary of the Interior—not the detail of the qualifications of the teachers or the employment of pupils.

Mr. SMOOT. It seems to me, Mr. President, that if the Secretary of the Interior has the power to reject the plan that must be approved before the money will be given to the State for this particular purpose, he has it in his power to say whether or not the State shall have any of the appropriation.

Mr. PAGE. That matter was taken up in our committee with a great deal of care; it was thrashed out very thoroughly; and we finally thought that we had put up the bars safely by this section.

Mr. SMOOT. What section is it?

Mr. PAGE. Section 30. I will read it:

If the Secretary of the Interior or the Secretary of Agriculture, as herein provided, shall withhold a certificate from any State or the District of Columbia for the whole or any part of its allotment, the facts and reasons therefor shall be reported to the President, in order that the State or the District of Columbia may, if it shall so desire, appeal to Congress from the determination of the Secretary of the Interior or the Secretary of Agriculture. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury.

That seemed to satisfy those who made objections to the bill substantially such as have been made by the Senator from Utah. I think it is a pretty good safeguard.

Mr. CUMMINS. I think the Senator from Vermont misunderstands the Senator from Utah. The Senator from Utah is objecting because the bars have been put up too effectually—not because they have not been put up sufficiently.

Mr. CRAWFORD. Mr. President, I should like to ask the Senator from Utah if he means that this bill should leave to the discretion of the State authorities the use they should make of this fund, so that while they were receiving it for the purpose of providing some method of vocational education they might divert it to a use entirely different, and there should be no supervisory control left in the Secretary of the Interior or the Secretary of Agriculture to prevent the misuse of the fund?

Mr. SMOOT. No, Mr. President; that is not my position at all.

Mr. CRAWFORD. This language provides for the submission to the Secretary of a plan which must receive his approval before the money is turned over to the State authorities.

Mr. SMOOT. Yes; but it is not the plan that would be adopted by the president of the agricultural college, or the board of the agricultural college, or the board of the State. They say how the plan shall be formulated. It must conform to certain requirements before it will be approved by the Secretary of the Interior.

Mr. PAGE. That is it.

Mr. SMOOT. It seems to me that that puts a power into their hands that is hardly justifiable. I think the Secretary of the Interior ought to have power to see that the money is expended for that particular purpose. But to extend that power to cover the form in which it shall be expended, as provided in section 22 of the proposed amendment, I think is going too far.

Mr. PAGE. I should like to read another section that was introduced here for the express purpose of preventing the Secretary of the Interior from making an arbitrary decision which is in conflict with the views of the State authorities.

Section 31 of the amendment reads:

That the moneys received by any State or the District of Columbia for any given purpose under the provisions of this act shall be used only for such purpose and shall be distributed among the institutions entitled to the benefit of such moneys in proportion to the amount which each expends out of other income derived from general or from local public funds for the same purpose during the same period.

Here is the modification:

Or such money shall be distributed on some other basis and according to some other plan previously adopted by the board for vocational education or by legislative authority for such State or the District of Columbia with the approval of the Secretary of the Interior.

Mr. SMOOT. Why does not the Senator rest his whole amendment upon that provision rather than to have section 19 put in here, as it is, virtually in conflict with that?

Mr. PAGE. I think the two provisions will have to be taken together. We do not want to remove from the Federal Government some power of supervision. The States may bring forward any plan or scheme they see fit. It is true that the Federal Government, through the Secretary of the Interior, must supervise. But if the Secretary of the Interior withholds the money, the amendment gives Congress the final power to give it back, and it provides, beyond that, in about the strongest terms it can, that it shall be expended under the provisions of this act or under some other provision to be formulated by the board of vocational education. In fact, Mr. President, we have gone a little further than I thought we ought to go in trying to establish State autonomy. But that was the view of Massachusetts and of New York and of some of the other States, and I did not believe it would work out with any harm, so I consented to give the States this almost unlimited power to arrange the matter according to their own wishes.

Mr. CRAWFORD. Mr. President, I do not wish to detain the Senate for any length of time, but I want to make a few brief observations in regard to the Page amendment.

If any of the Senators here ever acted as a member of a local board of education and witnessed the graduating classes each year in the high schools and even in the grammar schools, whether in agricultural States or in States with great cities and congested population, he must have been impressed by the fact that only a small portion, indeed, of the children that flock to our public schools graduate from the high schools or the grammar schools, and that only an infinitesimal portion of them ever enter a college of higher education. He must have been impressed by the fact that often two-thirds and sometimes three-fourths of the graduating classes in the high schools are girls, and that the great army of boys from the families of moderate circumstance and from the homes of the poor leave these schools before they reach the age of 14 years. They are compelled to leave these schools by the demand that they go forth and seek employment to win bread for their families. It is even so in the villages in the agricultural States, and it is lamentably true in the great congested centers and the factory districts of this country. More and more, Mr. President, are we looking squarely into the face the question, "How are these people of the future to earn a living? How can we add to their efficiency and make them more capable of self-support and more useful citizens?"

We have not hesitated here in maintaining the great Agricultural Department to appropriate money from the United States Treasury to send men out into the fields in Georgia, in Mississippi, and elsewhere, and have them play the part of local educators, to tell men how to treat the soil and how to plant the seed and how to supervise the growth of products. We have not stopped because we feared we were extending Federal authority too far and extending Federal functions beyond the limits of the Constitution of the United States. We have not hesitated in taking steps to protect the health of our people, to pass pure-food laws and meat-inspection laws. We have been legislating for years indirectly to help great industries through protective tariffs and one thing and another, and here we face a question of humanity.

Not long ago I rode through one of the manufacturing districts. A gentleman and I were looking out of the train window down one of the streets, and he pointed to a row of "company houses," as he called them, on each side of the street as far as you could see. He said: "These people live in houses owned by the barons who own the manufacturing plants and pay rent to them and they are protected by law, and in the case of these families many a time the boys who grow up there feel that a few inches above their heads is a steel ceiling above which they can not rise."

These schools are to reach into fields like that and increase the efficiency of the coming race, and I believe in them with all my heart.

Every dollar appropriated here requires another dollar to meet it in the State and another dollar in the municipality. The inspiration to this great work will come from this law. We establish and support, through our States, great universities for higher education, schools for the law, medicine, and all that sort of thing, and help a very few of our people. We ought to do that. But here we are laying the foundation for reaching the boy who has before him the stern struggle of life. We are making him more fit.

Mr. SMITH of Georgia. Will the Senator allow me to ask him a question?

Mr. CRAWFORD. Certainly.

Mr. SMITH of Georgia. I understood the Senator to say that the bill required that for each dollar the National Government gave the State should give a dollar and the municipality a dollar.

Mr. CRAWFORD. That was the statement of the author of the measure here on Friday.

Mr. SMITH of Georgia. I do not see that anywhere in the amendment.

Mr. PAGE. If I may be allowed to explain, the bill provides that for every dollar furnished by the Federal Government two dollars more shall be contributed by the State and local authorities.

Mr. CRAWFORD. Very well. That is the same thing in effect.

Mr. SMITH of Georgia. Will the Senator call my attention to the place where that is found?

Mr. PAGE. Yes; in just a moment.

Mr. CRAWFORD. Mr. President, I rose only to make a few general observations about this bill. It does not affect the people of my State very much. As I said the other day, we have no great cities. We come directly in contact with the benefits of the agricultural extension system. We are an agricultural community. We know what the experiment stations are doing in our midst. We know what the experiments with drought-resisting plants are doing in parts of our State that are sometimes afflicted by drought. We know how directly we benefit from all that, and, of course, we welcome the provisions of what is known here as the Lever bill. But I think we should take a broader view of the situation than that which affects us in our localities. When we consider the conditions prevailing in the United States generally, in its great cities, in its congested centers, and the stern problems of life that the children who are growing up to-day must face from this time on, I believe the provisions of this bill are reaching out in the right direction, and I am in favor of it.

Mr. PAGE. Mr. President, answering the Senator from Georgia, I would refer to section 31, the latter part of which reads as follows:

But there shall in no case be disbursed under the terms of this act to any school or college, out of moneys derived from the secondary school department fund, the industrial or home economics school fund, the district agricultural school fund, the college teachers' training fund, or the normal teachers' training fund, as provided in this act, more money than 50 per cent of the amount which is supplied and expended during the same period for the same purpose, for which such fund is to be expended, out of either State and local or State or local public moneys.

In other words, the Federal Government pays 50 per cent and the State and local authorities 100 per cent, making 2 for 1.

Mr. McCUMBER. Mr. President, there is a theoretical and a practical side to the provisions of this bill. I suppose if I deal with the practical side of it I shall subject myself to the charge of pessimism. I am willing, however, to chance that charge if I may bring to the attention of the country at large, and especially to the farming population, some provisions of this bill to the end that they shall not be deceived in regard to what it means for them.

I represent a farming section—one purely agricultural. I know the needs of that section. I know what kind of a bill will benefit it. I have seen resolutions and bills pass the Senate and the House designed to make farm life more genteel and pleasing, with the intent that some benefit would be derived by the farming community from them. But there is just one thing in the world that will take the people from the congested cities to the farm, and that is to make farming more profitable. There is the foundation, and there necessarily must be the foundation, of any legislation that is to affect our farming industry—make farming profitable.

Population will always drift to the field of greatest remuneration. That is a law which no character of legislation can possibly change; and the only way we can by legislation effect the drift of population from one section of the country to another is to make it more profitable for the people of one section of the country to go to another section of the country.

The one thing that makes farming unprofitable to-day more than any other one thing is the cost of farm labor, and the reason for the cost of the farm labor lies in the scarcity of farm help due to the greater remuneration in the great cities, and the lesser hours of labor in all lines of employment.

I appreciate the theoretical side of this bill, namely, that we are attempting to overcome the lack of labor to operate our farms as they should be operated by teaching intensified agriculture, so that a given amount of labor expended by the farmer and his family upon the farm, where he can not secure labor outside, may be more profitable to him, and to that extent that portion of the bill which relates purely to agricultural extension and agricultural education may operate to the benefit of the farmers of the country. But by an amendment which has come into the bill since it was originally introduced we have abandoned the original policy. Instead of educating the owner of a business to make that business more profitable by seeking to introduce methods that will economize in labor and expense, we go outside of that, in section 10 of the amendment, and provide for the industrial education of the laborer employed in such business. We do not do this for the farmer.

There is not a single line in this bill that educates a boy to become a farm laborer. This bill, by section 10, is designed to furnish and increase the supply of skilled labor for work in the cities, but nowhere do we seek to increase the supply of farm laborers. There is that which educates the owner of the land so to economize or so to intensify his farming operations as possibly to make them more profitable.

We want to get the boys away from the cities and back on the farms. We want the boys, of whom the Senator from Vermont has been speaking, those who grow in ways of idleness, and who become criminals, to abandon their evil associates in the cities and to get out onto the farms where temptations are few indeed and the surroundings morally healthful.

Will we be able to accomplish this under this bill? I can hardly believe that we are adopting the proper method in carrying this bill beyond the question of instruction in agriculture at the present time. We are not extending it to instruction in agricultural labor. And if we do not extend it to instruction in agricultural labor, why should we extend it to education in other kinds of labor?

I could see some consistency in the two portions of the bill if section 10, for instance, provided that education should be given for the purpose of economizing in the operation of mines or economizing in the operation of factories, so that a given amount of labor in the mine or in the factory would produce a greater result. Then you would have two sections of the same bill which reached toward the same purpose. But I believe you could properly take section 10 as an independent measure and entitle it "A bill to induce the boys on the farm to enter into the cities and obtain a vocational education."

We already teach that vocational education of the character provided in this bill in every city of any importance in the land and in every little town. Take the case of a boy on the farm; let us look at the practical side of this matter as it affects him. He knows that he has to labor from 12 to 16 hours a day on the farm. He knows that his remuneration for that 16 hours a day is never, on the average, a dollar a day. He knows that. There is not a farmer in the country, if he were compelled to pay the wages that are paid in the cities for a given number of hours of energy upon the farm, that would not go into bankruptcy in less than six months.

Now, you invite the farm boy, by reason of the greater remuneration and the lesser number of hours in the city, to abandon the farm and go into the nearest little town and there obtain a vocational education to become a carpenter, a bricklayer, a blacksmith, or any other skilled laborer. It will certainly benefit him under present conditions to leave the farm, and I believe under section 10 we are expending the general funds of the country to draw the young man from the farm rather than to induce the people of the overcrowded cities to migrate to the farm. I am speaking now from the farmer side of the question, from the practical side of it. While we may get some benefit from this intensified farming, which is, of course, the real purpose of this bill, I doubt if that will not be overcome by the excessive prices of farm labor brought about by taking the boys from the farm and leading them to the cities and teaching them city vocations.

I wish, Mr. President, not only to bring to the attention of the Senator who asks us to go into this new field of producing labor the importance of entering other fields, but so that the country at large when reading the record of this debate will at least know that there has been one Senator who represents a farming community who believes that there may be as much injury resulting from section 10 to the farming interests as there will be benefits derived under the other portions of the bill.

Mr. PAGE. Mr. President, I wish to say to the Senator from North Dakota that the National Grange, which is perhaps the strongest farmers' organization in the Northern States, has given this bill extended and very careful consideration and have unanimously passed resolutions indorsing it. The National Farmers' Congress, which is very strong in the South, have taken it up not in a perfunctory way but with a great deal of painstaking care, and having decided that this bill is what they want, they have indorsed it. I do not know of a single national farmers' organization in this country that has not put its stamp of approval on the bill except possibly the Dry Farming Congress. The executive secretary of that body has written me that he is for the Page bill, and I understand from another source that the organization has indorsed the Lever bill.

Mr. McCUMBER. Mr. President, I have no doubt but that any farm organization feeling that they would get a benefit from some provision of the bill would pass a resolution in favor of it without considering very much possibly what the effect might be of some other provision of the bill. Their minds would be centered only upon the question of the benefits to be derived under a certain section. I should like to have some farm organization, however, answer the proposition I have made here, that the practical operation of section 10 would be to draw the farm boy from his home and send him to the nearest town and learn some vocation.

Mr. HITCHCOCK. Mr. President——

Mr. PAGE. Just a word, if the Senator from Nebraska will allow me. In the Senator's State and in the great Northwest the bankers' association have taken this matter under advisement and have discussed it at length. They have sent me a report of their meetings devoted to this particular feature. I do not know what the bankers of the East wish, but I know that the bankers of North Dakota, of Minnesota, and that section of the country have devoted to the Page bill at least one-third of its annual report, and they are assuming to speak for the best economic interests of the great Northwest.

Mr. McCUMBER. May I ask the Senator, because he has read it, what the banking or agricultural organizations have said specifically as to the operation of section 10 of the bill? Have they said anything?

Mr. PAGE. I interrupted the Senator from Nebraska and will not longer trespass upon his time now. I shall perhaps answer the Senator from North Dakota later.

Mr. HITCHCOCK. Mr. President, I rose to express the hope that the Senate will accept the amendment offered by the Senator from Vermont to the House bill. I favor the House bill. I have some doubt whether the amendment offered by the Senator from Vermont has been well digested, but I believe that such changes as are necessary to perfect his amendment can be well worked out by the conference committee, to which the bill will probably ultimately go.

I do not agree fully with what my friend the Senator from North Dakota [Mr. McCUMBER] has said as to the effects of this amendment upon the rural population. The great fact that we are compelled to confront is that over the course of recent years there has been an enormous increase in the relative population that lives in our cities. At the present time something in the neighborhood of one-half of all the population of the United States live in what we call the large towns or cities, which constitute the urban population. We may deplore this. We may wish that the proportion were not so large. We may wish that more boys would stay upon the farm. We may differ as to the reasons which tend to increase the population in our cities. But whatever the reason and however we argue, the great fact is that half the population of the United States have selected that mode of life. This being the fact, it seems to me that when we come to legislate and provide national aid to encourage the States to help in making useful citizens we should bear in mind not only those who are on the farms, but those who, for one reason or another, are within the cities.

I agree fully with what the Senator from South Dakota [Mr. CRAWFORD] said, that the education which we are giving in our public schools is not well calculated at the present time either to hold the boys in the schools or to make of those who attend the schools useful citizens. Those who graduate in our public schools have theoretical knowledge, no doubt; they have education of a certain sort; but they are not receiving that

education which fits them to be useful and valuable members of society. This fact is appreciated in most of the States, and many of these city educators appreciate it to some extent, but in spite of all that appreciation the various States and the various cities go on with their education largely of a theoretical nature. Congress has the power by appropriating a certain sum of money to be used under certain conditions to modify to some extent this education in our public schools. I believe this bill affords that opportunity.

The Senator from North Dakota [Mr. McCUMBER] has said that the effect of section 10 of the amendment will be to draw the boys from the farms to the schools in the city in order that they may get an education which will fit them better to fight the battle of life and fit them better to enjoy the opportunities of success in life. I doubt whether that is so, but if it is true it is a concession to the excellence of this bill. To my mind those who leave city life and go into country life are those who have learned to do something with their hands as a rule.

You find that carpenters will go into country life at certain periods and try their chances upon farms, because they have learned to do something with their hands. So with bricklayers—and the Senator has referred to bricklayers. I believe that by cultivating a knowledge of manual work, by teaching some useful employment, by teaching the city-bred boy to use his hands and his body in some useful work, you are more apt to lay the foundation for ultimately inducing him to go on a farm where all that training will ultimately be of some benefit.

So, Mr. President, whatever the cause may be which has led to the congestion of the population in our great cities, I believe we should recognize the fact that it exists, and in passing a measure to encourage useful training and to make valuable citizens we should take the city as well as the country into account, and help all the thousands and tens of thousands of boys and girls who are now getting a smattering of an education, theoretical knowledge, to acquire something that will be useful to them in future life.

This refers not to the cities only but, as I understand the character of the Senator's bill, it provides for teaching in household economics, which is of particular value to women. If this country is in need of any particular thing it is a knowledge of household economics, and it should be encouraged among the women of the land, among whom it has lately fallen into very serious desuetude.

Before taking my seat, Mr. President, however, I wish to call the attention of the Senator from Vermont to what seems to be an omission in several of the sections here. I think if he will turn to section 11 he will find that he has failed to make provision for the appropriation of the money which he mentions there, and the same is true of section 12 and also of sections 13, 14, and 15. I suppose it is due to the fact that he hastily drew this substitute. I would therefore suggest to him, if he will take the memorandum, that on page 9, line 6, after the word "sixteen," he insert the words "is hereby appropriated," and again, on page 10, line 11, after the word "sixteen," to insert the words "is hereby annually appropriated."

Mr. LODGE. If I may say a word——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. HITCHCOCK. I do.

Mr. LODGE. I think that matter of appropriation would have to be made in the annual bill. If the law establishes the service, whatever it may be, and fixes the amount, the appropriations from year to year would have to be made in the regular bill. We could not make an annual appropriation in this bill in the nature of a fixed charge. Of course, the appropriation bills would have to carry the appropriations, because it is necessary that they should carry everything that is needful to enforce existing law.

Mr. HITCHCOCK. That occurred to me, but I notice that in section 10 the author of the bill makes the appropriation annually thereafter, and in the sections I have referred to it is omitted.

Mr. LODGE. I think that is perhaps unusual. The bill authorizes the appropriation just as a bill fixes a salary. It does not appropriate; it fixes the salary of an office; and then the annual appropriation bill, being required by statute, makes the appropriation year after year for that purpose.

Mr. SMOOT. Mr. President——

Mr. HITCHCOCK. If the Senator will permit me, I will read the language of section 12 as an illustration to show that something is lacking to indicate plainly that Congress intends to have this as an annual appropriation hereafter. It reads as follows:

That for the maintenance of instruction in agriculture and home economics in agricultural high schools, as hereinafter provided, the sum of $3,000,000 annually, beginning with the fiscal year ending June 30, 1916, such sum to be allotted annually to the States in proportion to the number of persons engaged in agricultural pursuits—

And so on.

There is no statement as to what is to be done annually.

Mr. SMOOT. This is an allotment and not the appropriation. If you make the appropriation direct and make it apply for this year and the year hereafter, then at any time when any change is made the law itself would have to be amended, whereas if you make the allotment now for this year——

Mr. HITCHCOCK. I realize there would have to be an appropriation annually from time to time, as is always the case, I understand, with fixed annual appropriations.

Mr. SMOOT. That is, providing it simply says "annually," but if it says "hereafter," then it is a fixed amount, and the only way it could be changed would be by changing the law itself.

Mr. CLARK of Wyoming. If the Senator from Utah will read the section carefully he will find that there is not an appropriation or allotment or anything else. There is an entire absence of anything affirmative.

Mr. HITCHCOCK. There is evidently the omission of some words to indicate what is to be done. I propose to cure it by inserting the words "annually appropriated." The sentence is incomplete; it is not finished.

Mr. THORNTON. Mr. President, I have for nearly a year past told the junior Senator from Vermont, the author of the pending amendment, that I would vote for it, and if I had the opportunity to vote for it as a separate proposition I would still do so. I have always told him, however, that my own State would not be able to receive any benefit from the measure, because of her inability to comply with the conditions that were attached to the grant from the General Government. Yet I told him that would not prevent me from voting for a bill which I recognized would bring a large measure of benefit to large sections of the country, because under those circumstances the fact that it brought no benefit to my immediate State or my section would not justify me, in my opinion, in voting against it.

But the proposition now before us is this: If I vote for the Page bill as a substitute for the Smith bill I assist in eliminating from further consideration entirely the Smith bill, which, while it is not of such general scope in its application, yet will bring material benefit to every State in the Union.

Mr. HITCHCOCK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Louisiana yield to the Senator from Nebraska?

Mr. THORNTON. Certainly.

Mr. HITCHCOCK. I think, perhaps, the Senator is under a misapprehension as to the present status. The Senator from Vermont is not offering his bill as a substitute for the Smith-Lever bill, but is accepting the Smith-Lever bill as it has been perfected, and is merely proposing to add certain sections to it to incorporate his views and provide for industrial education. So the Smith-Lever bill will remain a part of the bill, if it is adopted with this amendment.

Mr. THORNTON. Mr. President, I will give the answer to that. I have taken pains to investigate, through inquiries among Members of the House, as to what would be the chances of the Page bill passing the House if it was passed by the Senate, and I am justified in assuming that there would not only be the gravest doubt about the passage of the bill, but that the probability would be against it. That would apply to the very case that is now submitted by the Senator from Nebraska, because there are so many of the provisions of the Page bill which added to the Smith bill would be objectionable to the House that I most seriously doubt its passage there. As between the proposition of voting for a bill which has already passed the House and will become a law if it passes the Senate and voting for a bill which, if it passes the Senate, will not, in my opinion, pass the House, I could not hesitate. For these reasons I am obliged to vote against the substitute.

Mr. CUMMINS. Mr. President, I beg to remind the Senator from Louisiana who has just spoken that there is another way in which this can be accomplished. I am as much interested in the House bill as he can possibly be, but I am likewise interested in some of the features of the Page bill, so called.

Now, if we attach a part or all of the Page bill to the House bill as an amendment, or amendments, then the subject is in conference, and we will get at the least the House bill. We may get, I hope will get, a part or all of the so-called Page bill.

I hope, therefore, that no Senator will vote against the amendment proposed by the Senator from Vermont for the reason that he fears that if it should be adopted it will not receive the concurrence of the House, because we can not in any event lose the House bill.

I believe it commands a very large majority in the Senate, and we have a right to assume that it will continue to have a majority in the House. Therefore we ought not to decide this matter upon any such proposition.

The real truth is we ought to come back to the issue stated by the Senator from North Dakota. A Senator who does not believe in vocational training ought to vote against the amendment proposed by the Senator from Vermont. One who does believe in vocational education ought to vote for the proposal of the Senator from Vermont, or at least help to so adjust that proposal that it will be workable, if it is not already so.

I for one believe in vocational education. I do not believe in the policy that would pour out money from the Treasury of the United States for the benefit of the farmer and leave the worker in the cities without aid. I think the Senator from North Dakota has possibly analyzed it with a good deal of accuracy. I suppose it is true that if we were in this country to pursue a policy which would make the lives of those who work in the cities or towns at the trades as miserable and as hopeless as possible, there would be a greater tendency and a greater temptation for them to return or, if not to return, to go to the country and enter agricultural pursuits.

But I do not believe that this country can be carried on upon any such policy of education. It does not make any difference what effect it has upon the wages of agricultural labor, it is our duty—and I am not now speaking particularly about the duty of the Federal Government, but I am speaking of the duty of members of society—it is our duty to make as happy and as comfortable and as efficient the workers in trades as we try to make the workers who pursue agriculture as a means of livelihood.

Indeed, the problem of the city is vastly more serious than the problem of the country. If neither the State nor the General Government ever extended one particle of aid to those who live in the country—I mean aid in training, aid in education, aid in formulating character—there would still be no menace from those who live in the country. The very conditions which surround them protect society against the excesses which are so often observed in the crowded populations. If we could do but one thing, it would be our first duty to help to train the boys who, above all other boys, need training.

There is not much danger from the country boy. He will never go far wrong. There is danger from the city boy and the town boy. I need not describe the influences which affect the life of the one and the life of the other. Therefore I have always thought that we ought in our school system to give our first concern to the culture, the training, the education of the boy who through his life as a man would probably be surrounded by many temptations, by many difficulties.

I am for vocational education. I regard it as of the highest necessity for the future, if we would guard ourselves against the dangers which are now so apparent. Upon this point all careful observers are in agreement that we ought to give these boys, and these girls, too, because it is not limited to boys, every opportunity to become upright, self-respecting, self-supporting, efficient members of society.

I am speaking in behalf of a people largely engaged in agriculture, because in my State that is the dominant industry. I would feel a sense of humiliation if we were now to enlarge our appropriation or contribution for agriculture and not make a beginning, at least, in this even greater work of training our young men and our young women in the trades and industries.

I know that there are some objections to this bill in its present form. They are not, however, serious. If we do not in the very first instance succeed in getting a perfect bill, there will be abundant opportunity in the future to correct any inadequacies that may now creep into it.

I earnestly hope that, having now the opportunity, we will join the States in the efforts they are making for vocational training. The contribution is not great, it is true, but it points the right policy. It indicates that the General Government intends to do something that is adequate and enduring in this grave problem before us, and I think it would be a profound mistake if we did not now add to this contribution to the agricultural interests of the country—and no one supports that contribution with more heartiness than I—a contribution for beginning this other work. I mean beginning it on the part of the Government of the United States, because it has already been begun in every intelligent and patriotic community in the country. Let us go hand in hand with these two great branches of education and carry them on together.

I realize when it is said in the letter from a distinguished educator of New York that we might as well do a great many other things as to do this the force of the suggestion. I do not know when I will be willing to stop making contributions to worthy purposes; I hope I will never be able to stop if the contributions will promote the object sought to be accomplished. My friend Pritchett is wrong about this bill. He is a very learned man; he is one of the best men in the United States, and is profoundly interested in education. Of course you all know him as one of the advisers and administrators of Mr. Carnegie's benevolence, charity, and philanthropy; but he is wrong about this bill. He seems to assume that the Government of the United States is to enter the secondary schools of the several States and readjust them, participating in their conduct and management. It is a mistake. There is nothing in this bill that proposes anything of that kind. The utmost that it proposes is that a board of vocational education shall prepare a plan for the expenditure of money for this particular purpose, and that that plan shall be submitted to the Secretary of the Interior, and, if approved by him, then the money passes into the treasury of the State, to be paid out under the regulations of the vocational board. I think if Mr. Pritchett did not overlook these provisions of the bill he at least did not fully realize their force.

Before I conclude, Mr. President—and I had but a word to say about it—I intend to offer an amendment to the amendment. Senators will note a print of the Page bill which was presented on the 17th of January that has been changed, as explained by the Senator from Vermont [Mr. PAGE] after a consultation with or a conference with the Senator from Georgia [Mr. SMITH]. The Senator from Vermont, as he told the Senate the other day, accepted certain changes, and among them he rewrote section 3 of the print of January 17, and it has become section 10 of the print of January 24.

I do not like the substitute as well as I like the original. My chief objection to it is that it strikes out the appropriation for the trades and industries in the secondary schools and limits the help to agricultural and domestic economy. In my State the secondary schools are filled with pupils who have more interest in the trades and industries than they have in agriculture. They are all in cities or towns, and it would be vastly better for the State I in part represent if this aid were given to the trades and industries in the secondary schools as well as to agriculture.

Again, I do not exactly understand the name used in the new print. What is a "rural high school"?

Mr. SMITH of Georgia. Mr. President, I should like to say to the Senator from Iowa that I disclaim any responsibility for that name or for the details of that paragraph. I do not think it reaches at all what I had in view.

Mr. CUMMINS. I did not mean to have it inferred from anything that I have said that the Senator from Georgia is responsible for it.

Mr. SMITH of Georgia. I merely want to express my agreement with the Senator.

Mr. CUMMINS. I only know that the Senator from Vermont said the other day that the Senator from Georgia had made certain suggestions to him with regard to this particular phase of the matter, but I did not understand that the Senator from Georgia had rewritten the section.

Mr. SMITH of Georgia. No.

Mr. CUMMINS. Then I ask the Senator from Vermont what is meant by "rural high school"?

Mr. SMITH of Georgia. My suggestion would be that you strike out the word "high" and let it read "rural schools."

Mr. CUMMINS. I myself prefer, Mr. President, the language of the section as it was, namely, "secondary school," and I offer section 3 of the print of January 17 for section 10 of the print of January 24; that is to say, I move to strike out section 10 of the amendment proposed by the Senator from Vermont and to substitute in lieu of the part stricken out section 3 in the print of January 17.

The PRESIDING OFFICER (Mr. CLARK of Wyoming in the chair). The Senator from Iowa proposes an amendment to the amendment which will be stated.

The SECRETARY. On page 7 it is proposed to strike out from line 17 down to and including line 22, on page 8, and to insert:

That for the maintenance of instruction in agriculture, the trades and industries, and home economics in departments or divisions of schools of secondary grade, other than the separate industrial or home economics schools and the separate district agricultural high schools for which provision is hereinafter made, the sum of $3,000,000 annually, beginning with the fiscal year ending June 30, 1916, such sum to be allotted annually to the States and the District of Columbia in proportion to their population as shown by the Federal census next preceding the year for which such allotment is made. The moneys appropriated under this section shall be known as the secondary school department fund.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Iowa [Mr. CUMMINS] to the amendment of the Senator from Vermont [Mr. PAGE].

Mr. SMITH of Georgia. Mr. President, I do not think the amendment offered by the Senator from Iowa [Mr. CUMMINS] is sound. My objection to it is that I do not think it is possible to do any good with an appropriation of this character used in the way section 3 provides. It proposes to appropriate $3,000,000, $3,000,000 more to be appropriated by the States, making $6,000,000, to be used in our secondary schools throughout the entire country for the purpose of giving instruction in three things—agriculture, the industries and trades, and home economics. There are over 13,000 schools of the secondary grade, and to undertake to distribute $6,000,000, or even $12,000,000, to 13,000 and more schools for the purpose of giving instruction in agriculture, instruction in the industries and trades, and instruction in home economics is to provide for the distribution of your fund so thinly that nothing can be done with it. You can not put this instruction into the ordinary high school; you can not mix agriculture and the industries and trades in all these high schools; you can not introduce the industries and the trades into high schools by the use of a thousand dollars to the school, and you would not have that much if you had $12,000,000. If you had $13,000,000, you would only have, I believe, a thousand dollars to the school.

My observations as well as my advice is that to do industrial and trades work you must have a distinct plant, and you must equip it with experts—experts both in the hand and in the head. I suggested to the Senator from Vermont that his section 3 would be simply a waste of money; I objected to it because I believed it was an impracticable appropriation, one from which nothing could come, and that it would be far better to put the whole of it into his next section and make our appropriation apply to schools that have distinctive departments, plants, equipment, and officers, to really do something in the line of instruction in the industries and trades.

Mr. President, while I am on my feet, I wish to add that I am going to vote against the proposed amendment of the Senator from Vermont because I do not think it is well digested. I am in favor of vocational education; I am intensely in favor of special training upon the line of the trades and industries; I believe thoroughly in instruction in home economics, and I sincerely believe in agricultural training; but I do not believe that the amendment offered by the Senator from Vermont has been yet worked out. One great trouble with it when we undertake to involve the National Government in this class of work, is the question of how far the National Government is to simply turn the money over to the States and let it alone, and how far the National Government is to follow the money and undertake to interfere with the secondary school and the plans of education in detail in the States.

I am opposed to this amendment as it is now drawn, because it retains too much power in the National Government with reference to secondary schools. I am utterly opposed to the Commissioner of Education interfering in any way with our high schools in Georgia or our rural schools. There might be a man in that position—there have been men in that position—that I would not mind interfering. Take old Dr. Harris, who was the great Commissioner of Education of 20 years ago. If I had a guaranty that such a man as he would always be the Commissioner of Education, I would not object; but only last year we had brought to our attention the fact that the Commissioner of Education had undertaken to grade, through some one of his employees, the colleges of the United States, and to say just what each amounted to. He did it in such an absurd and utterly inaccurate manner that it was almost ludicrous. I would not want any national money to come to Georgia for our secondary schools if the plan of their management and the rules of their conduct were subject to his supervision and direction. We would rather do it for ourselves.

I believe that problem can be worked out. There is too much power left nominally in the Secretary of the Interior, but, in reality in the Commissioner of Education, to satisfy me with this measure as it stands. I believe that if we would let the House bill pass and take up the bill of the Senator from Vermont when it is reached on January 30, and proceed with the consideration of it, we would accomplish better results. It is a great piece of legislation; it is a new line of work; and even if we do not get through with it at this session we will have made progress. I think if we could have a commission composed of men from different parts of the country work on it for us, and make suggestions, that before the end of 12 months we could work out the problem.

The Senator from Vermont has invited me to make suggestions, and I have made them; but I could not to-day draft a bill for which I myself would be willing to vote. I do not as yet sufficiently understand the matter as it bears upon all parts of the country to know just what shape the bill ought to assume.

I am for vocational education. I hope to see a plan worked out by which the National Government will contribute toward vocational education and help inspire additional work both for the boy in the vocational school and for the grown artisan, after the plan pursued in Germany, especially in Berlin, where their part-day schools advance the standard of skill of their full-grown artisans; but I can not vote for this amendment as it stands. I am going to vote against it.

Mr. LODGE. I send to the desk an amendment, which, at the appropriate time, I intend to offer to the so-called Lever bill, and I ask that it be printed and lie on the table.

The PRESIDENT pro tempore. That order will be made.

Mr. McCUMBER. Mr. President, I would say nothing further on this bill did I not consider that the remarks of the Senator from Iowa [Mr. CUMMINS] have rather placed words in my mouth, or a construction on my words, which is entirely inconsistent with my own intendment or with my words themselves. The Senator assumed, though I can scarcely understand the basis of that assumption, that if I raised a question concerning a bill introduced primarily for the purpose of assisting the rural communities of the country in agricultural education but providing more benefit to and bestowing more attention upon urban education, I therefore must be opposed to vocational education.

Mr. President, I think I can safely make a suggestion as to this bill without being accused of opposing vocational education. I do not oppose it in any way. I think it one of the advanced steps which should be taken in education in our great cities, but, Mr. President, we must look at this bill under present conditions, and we must and should understand just exactly what its effect may be.

The great trouble in the cities now is that they are oversupplied with labor. That is the complaint on the part of the labor unions, it is the complaint on the part of the cities, that there is not work enough for the labor in the great cities. On the contrary, the rural districts are not supplied with a sufficient amount of labor, and yet we have a provision here that exaggerates rather than mitigates the evil of the lack of labor in the rural districts and an oversupply of labor in the urban districts.

This bill, Mr. President, goes much further in urban education than it does in rural education. There is, as I have said, not a sentence in the bill that provides for the education of farm labor. All of the appropriations which are to be used in the urban districts are for the purpose of teaching people to earn a livelihood; in other words, it is to instruct the boys in education along vocational lines. In every city in the country we now have those facilities. I do not think there is a boy in the city of Washington who can not obtain a vocational education if he desires to obtain it. That is not true as regards agricultural labor in the country. I can appreciate the fact why it is difficult that it could be made true that you could teach a boy the vocation of a farm laborer. In the city of New York, and in every other city in the Union, I believe, there are sufficient schools to accommodate those who desire to learn any vocation. The objection that I find to this bill is that we are giving more attention to the urban than we are to the rural districts in the line of education.

Mr. President, I intend to vote for the Page amendment. I intend to vote for it with the hope that when the bill goes to conference we can probably find some way of so amending it that even better provision can be made for the interests of the rural population without any injustice to the urban population; but I certainly shall not retract any words which I have uttered that will put the farming population in possession of the truth in reference to this bill. It does not mean, because I prefer to make this bill purely an agricultural one, that I am necessarily opposed to vocational education, nor does it mean, because I assert that the farm laborer can not under present conditions receive as much for his service as do those who labor in the city, that I must therefore be in favor of starving those in the city into a condition in which they must go to the farm. I think we can reach a proper result without injustice to any class of labor.

Mr. SMOOT. Mr. President, the Senator from Nebraska has called attention to the fact that in certain sections of the bill certain sums of money were provided but were not appropriated. I believe the mistake happened in this way: I find that section 2 of the original bill, S. 3, provides as follows:

> That the several sums as herein provided in section 3 to section 10, inclusive, be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated—

And so forth.

In the substitute almost the exact words of other sections have been used, but section 2 has been omitted. I call the attention of the Senator from Vermont to the fact that section 2 should be included in his substitute if he wishes to use the language that he uses in sections 10, 11, 12, and a few others.

Mr. PAGE. Mr. President, the Senator from Nebraska has very kindly aided me in this matter, so that it will take only a moment to change the phraseology satisfactorily. The Senator is right. In drawing the new bill to make it harmonious with the Lever bill section 2 was omitted.

I move that on page 9, line 6, after the word "sixteen," the words "is hereby appropriated" be inserted.

The amendment to the amendment was agreed to.

Mr. PAGE. On page 10, line 11, after the word "sixteen," I move to insert the words "is hereby annually appropriated."

The amendment to the amendment was agreed to.

Mr. SMOOT. Why not say "is hereby appropriated," so as to use the same language in all of the sections? I suggest using in one section whatever language is used in the other, viz, "is hereby appropriated."

Mr. PAGE. I think the Senator will find that that is right as it is now. The Senator from Nebraska has very carefully gone over it. The language is slightly different. I should like to use the words "is hereby annually appropriated."

In section 13, page 11, line 2, after the word "thereafter," I move to insert the words "is hereby appropriated."

The amendment to the amendment was agreed to.

Mr. PAGE. On the same page, in section 14, after "1913," line 21, I move to insert the words "is hereby annually appropriated."

The amendment to the amendment was agreed to.

Mr. PAGE. In the same section, on page 12, at the end of line 2, after the amount "$3,000," I move to insert the words "shall be allotted."

The amendment to the amendment was agreed to.

Mr. PAGE. In section 15, line 8, page 12, after "1913," I move to insert the words "is hereby annually appropriated."

The amendment to the amendment was agreed to.

Mr. PAGE. On the same page, line 14, after the word "annually," I move to insert the words "is hereby appropriated."

The amendment to the amendment was agreed to.

Mr. PAGE. In line 23, on the same page, after "1913," I move to insert the words "is hereby appropriated."

The amendment to the amendment was agreed to.

Mr. PAGE. That, I believe, makes the appropriation part of the bill entirely correct.

Mr. BRANDEGEE. Is there not another place on page 12, or did the Senator state that?

The PRESIDENT pro tempore. The Senator has the right to modify his amendment without the Senate voting on these amendments. The Chair understands that is a pending amendment. The Senator from Vermont, however, has modified his amendment as indicated. The question is upon the amendment submitted by the Senator from Iowa to the amendment of the Senator from Vermont, which will be stated.

The SECRETARY. In the proposed amendment it is proposed to strike out section 10 and insert the following as section 10:

That for the maintenance of instruction in agriculture, the trades and industries, and home economics in departments or divisions of schools of secondary grade other than the separate industrial or home economics schools and the separate district agricultural high schools for which provision is hereinafter made, the sum of $3,000,000 annually, beginning with the fiscal year ending June 30, 1916, such sum to be allotted annually to the States and the District of Columbia in proportion to their population as shown by the Federal census next preceding the year for which such allotment is made. The moneys appropriated under this section shall be known as the secondary school department fund.

Mr. CUMMINS. Mr. President, I do not intend to delay the Senate by arguing the matter further, except to say that I understand the provision is very inadequate; but it is no more inadequate than the one for which it is to be substituted. In fact, it is more adequate because it appropriates $3,000,000, whereas the one which I seek to strike out appropriates but $2,000,000.

But the Senator from Georgia is very much mistaken about one thing. That is that this admits the General Government to the management or control of the secondary schools of the State. I think he overlooks the fact that before any money can be paid out to the States under this section a plan must be formulated by the vocational board, or the board of vocational education, and must be submitted to the Secretary of the Interior and approved by him.

Unless the board can present a plan by which this money will accomplish the purpose in view, of course there would be no money paid out under it. If it were shown that the $1,000 for each school or $2,000 for each school could not be expended so as substantially and materially to aid in the work of the school, of course the Secretary of the Interior would not approve the plan, and that State would not receive any part of this appropriation.

Broadly speaking, I do not believe you can make a more effective regulation than to give it into the hands of the vocational board. If we have a plan prepared by that board and approved by the Secretary of the Interior, I think we can assume that while the aid would be inadequate it would not be useless.

I do not see any difference on that score, however, between what I have proposed as a substitute for section 10 and section 10 itself, save that instead of calling these "secondary schools," as they are ordinarily called, they are called "rural high schools." I think that is a misnomer, because some of them would be rural and some of them would not be. Take the high school in my own city, a city of 100,000 people; would it be called a rural high school.

Mr. SMITH of Georgia. Not at all. The modification, as I understand, was this, if the Senator will permit me: A million dollars of the amount appropriated here was transferred to the next section, so as to give $4,000,000 for industrial vocational education in schools that had approved plans and that were really prepared to do substantial work in the industries and trades. Then the industries and trades were omitted from section 3; and the two millions left were to be used for farm and domestic or home economics work.

Mr. CUMMINS. I think I understand that; but there is no definition of "rural high school," so far as I know.

Mr. SMITH of Georgia. Where the author got the idea of a rural high school I do not know. In discussing the matter with me, he contemplated having a leader in agricultural work who would take a section of territory and visit the rural schools and teach the teachers and teach the children, especially in agricultural lines, covering a territory of rural schools.

Mr. CUMMINS. I do not depreciate the value of that kind of work; but the next section does not take in any high school that may have a department for the trades and industries. They must be, as I quote now—

In separate industrial or home economics schools.

No matter how well equipped a high school might be to carry on the vocational education, it would not be able to receive any aid under the following section—formerly section 4, now section 11—because it would not be a separate economics or industrial school.

I have nothing further to say about the amendment I have offered to the amendment.

The PRESIDENT pro tempore. The question is upon the amendment of the Senator from Iowa to the amendment of the Senator from Vermont.

The amendment to the amendment was agreed to.

Mr. CLARK of Wyoming. Mr. President, I move to insert, on page 1, line 6, after the word "State," the words "and Territory."

The PRESIDENT pro tempore. The Chair will suggest to the Senator from Wyoming that that portion of the amendment has been abandoned. Doubtless his amendment would apply to the House bill.

Mr. CLARK of Wyoming. I am reading from the amendment proposed by the Senator from Vermont to-day—from the print of January 24.

Mr. PAGE. That has been changed.

Mr. CLARK of Wyoming. Then I will change my motion and move that the Secretary be instructed to insert in the bill at the proper place the words "and Territory" in connection with the word "State," the intention being to secure for the Territories the benefit of the bill.

The PRESIDENT pro tempore. The proposed amendment to the amendment will be stated.

The SECRETARY. On page 1, line 6, after the word "State," it is proposed to insert "and Territory."

Mr. SMITH of Georgia. Was the Senator on the floor this morning when an amendment was adopted extending it to Hawaii, Alaska, and Porto Rico and providing that, before any money should be paid to either, the Secretary of Agriculture should determine that their colleges were ready to proceed with the work?

Mr. CLARK of Wyoming. No; I was not here, Mr. President. I regret that I was not here.

Mr. SMITH of Georgia. That amendment was adopted this morning as a part of the main bill.

Mr. CLARK of Wyoming. Then I will not urge the amendment that I have proposed, although I may present it later to the bill if the bill should not pass to-night. I have an indistinct recollection that Hawaii even now comes under the provisions of the old act; and if it comes under the provisions of the old act it ought not to have more restrictions placed upon it than are placed upon like States and Territories in the bill. But I will withdraw my amendment to the amendment for the present.

Mr. BRANDEGEE. Mr. President, in view of what has been said by the Senator from Georgia as to the adoption of an

amendment this morning—I was not on the floor at that time, and I may not be when the bill is perfected—I should like at this point to suggest that there are several other places in the bill that I think ought to be looked at.

For instance, on page 5, the amendment provides that money shall be paid out of the Treasury of the United States—

to the treasurer or other officer of the State duly authorized by the laws of the State to receive the same.

I think perhaps that language would not cover the District of Alaska. They may not have what is known as a State treasurer there.

Similar language appears on page 14, in line 22, where it provides that the States—

shall, through the legislative authority thereof, accept the provisions of this act relating to such fund, and shall appoint the State treasurer custodian.

I think these expressions, perhaps, ought to be modified if the amendment has been adopted.

Mr. SMITH of Georgia. I hardly think that is true. I think a general provision extending the provisions of the bill to Hawaii, Alaska, and Porto Rico would carry with it such a construction as would make the necessary modification of the particular language theretofore used with reference to the States. But that is a matter which can be investigated in detail a little later on.

Mr. BRANDEGEE. That is the only purpose I had in saying what I did. I do not know whether the district of Alaska has any such official as would compare with the treasurer of a State of the Union. My object is simply to draw attention to that point.

Mr. SMITH of Georgia. Under the terms of the bill it would be some one duly authorized by the Legislature of Alaska to receive it.

Mr. BRANDEGEE. The bill itself provides in one place that the State shall designate the State treasurer or some other officer to receive this money.

Mr. SMITH of Georgia. Yes; the duly constituted authorities of the State.

Mr. BRANDEGEE. Then, on the other page that I alluded to it is provided that the State treasurer shall be the custodian. All my interest in it is to have the terms of the bill in harmony, so that it will be workable.

While I am on my feet I should like to make another suggestion to the Senator from Vermont. On page 19, in section 25, the amendment provides:

That the Secretary of the Interior shall annually * * * ascertain whether such State or the District of Columbia is using moneys received by it out of the rural-school fund, the industrial-school fund, the agricultural high-school fund, the college teachers' training fund, or the teachers' training fund in accordance with the spirit and terms of this act.

The terms of the act are perfectly visible, but the spirit of it may not be. I move to strike out the words "spirit and," so that the law may be administered according to its terms.

Mr. PAGE. I accept that amendment.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The Senate will receive a message from the House of Representatives.

Mr. SMITH of Georgia. Mr. President, I should like to give notice that on Wednesday morning, at the close of the morning business, I shall ask the Senate to resume the consideration of House bill 22871.

DEATH OF REPRESENTATIVE SYLVESTER C. SMITH.

A message from the House of Representatives, by J. C. South, its Chief Clerk, communicated to the Senate the intelligence of the death of Hon. SYLVESTER C. SMITH, late a Representative from the State of California, and transmitted resolutions of the House thereon.

Mr. PERKINS. I ask the Chair to lay before the Senate the resolutions just received from the House of Representatives.

The PRESIDENT pro tempore. The Chair lays before the Senate resolutions of the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES,
January 27, 1913.

Resolved, That the House has heard with profound sorrow of the death of Hon. SYLVESTER CLARK SMITH, a Representative from the State of California.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy to the family of the deceased.

Resolved, That as a further mark of respect this House do now adjourn.

Mr. PERKINS. Mr. President, I offer the resolutions I send to the desk, for which I ask present consideration.

The PRESIDENT pro tempore. The resolutions submitted by the Senator from California will be read.

The Secretary read the resolutions (S. Res. 443), as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. SYLVESTER C. SMITH, late a Representative from the State of California.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the late Representative SYLVESTER C. SMITH the Senate do now adjourn.

The PRESIDENT pro tempore. The question is on agreeing to the resolutions.

The resolutions were unanimously agreed to; and (at 4 o'clock and 51 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 28, 1913, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 27, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, draw near to us as we draw near to Thee and fill our minds with clear perceptions, noble desires, pure convictions, and the courage to live them, that we may be one with Thee in the furtherance of every good, and thus be strengthened by imparting strength, wise by imparting wisdom, pure by imparting purity as we journey through life's rugged way, and so glorify Thee in a faithful service to our fellow men.

Once more in the dispensation of Thy providence death has entered our family and taken from us a faithful servant. Comfort us and his bereaved family by the blessed hope of the life eternal; in Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

DISTRICT DAY.

The SPEAKER. This is District day, and the gentleman from Kentucky [Mr. JOHNSON] is recognized.

GERMAN ORPHAN ASYLUM ASSOCIATION.

Mr. JOHNSON of Kentucky. Mr. Speaker, I call up the bill S. 7508.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 7508) to amend an act entitled "An act to reincorporate and preserve all the corporate franchises and property rights of the de facto corporation known as the German Orphan Asylum Association of the District of Columbia."

Be it enacted, etc., That the act entitled "An act to reincorporate and preserve all the corporate franchises and property rights of the de facto corporation known as the German Orphan Asylum Association of the District of Columbia," approved on the 6th day of February, 1901, be, and the same is hereby, amended by adding to and making a part of section 1 of the said act the following:

"And the said German Orphan Asylum Association of the District of Columbia may hereafter fix, limit, and determine the number of directors to constitute its board of directors by any constitution or constitutions which may hereafter be adopted by the said association, and the number of its said directors may be decreased or increased as provided by any constitution or constitutions, or any amendment or amendments thereto, which the said association may lawfully adopt."

Mr. EDWARDS. Mr. Speaker, I make the point of no quorum, and move a call of the House.

The SPEAKER. The Chair will count.

Mr. EDWARDS (during the counting). Mr. Speaker, I withdraw the point temporarily.

The SPEAKER. The gentleman from Georgia [Mr. EDWARDS] withdraws the point temporarily.

Mr. MANN. I should like to ask the gentleman from Kentucky [Mr. JOHNSON] a question. If this bill should pass, giving to this corporation the authority to increase or decrease this board of directors as it pleased in the future, would that be practically in conformity with the general law in reference to corporations?

Mr. JOHNSON of Kentucky. I may say, Mr. Speaker, that I have no more information on that subject, and perhaps not so much, as the gentleman from Illinois [Mr. MANN] himself.

Mr. MANN. I do not remember, I will say to the gentleman.

Mr. JOHNSON of Kentucky. I do not remember either; but the committee was simply endeavoring to do what those in charge of the German Orphan Asylum desired, and we did not believe that there was any question as to their motives.

Mr. KAHN. I think they have a charter from the Congress.

Mr. MANN. As I understand from the report and the statements, they wish to increase the number of their board of directors. But suppose hereafter they should wish to decrease it to one; would that same power exist in reference to an ordinary corporation?

Mr. JOHNSON of Kentucky. I am sure I do not know. I did not go into it with such detail as that, having absolute confidence in the management.

Mr. MANN. The management in the course of time might change.

Mr. JOHNSON of Kentucky. I do not think it would change for the bad in this matter.

Mr. KAHN. I do not think that they would decrease it to one.

Mr. MANN. I think under this law they could increase it to a hundred or decrease it to one.

Mr. KAHN. The purpose is to give them additional power to that which they have.

Mr. MANN. This gives them the power to increase or decrease hereafter as they choose.

Mr. JOHNSON of Kentucky. Some of the managers of the asylum said the law was absolutely necessary in order to enable them to carry on their business.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was read a third time and passed.

FIFTH REGIMENT MARYLAND NATIONAL GUARD.

Mr. JOHNSON of Kentucky. Mr. Speaker, I now call up Senate joint resolution 153.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (S. J. Res. 153) granting to the Fifth Regiment Maryland National Guard the use of the corridors of the courthouse of the District of Columbia upon such terms and conditions as may be prescribed by the marshal of the District of Columbia.

Resolved, etc., That the marshal of the District of Columbia be, and he is hereby, authorized to permit the Fifth Regiment Maryland National Guard to occupy and use the corridors of the courthouse of the District of Columbia, from 6 o'clock in the evening of March 3 to 7 o'clock in the evening of March 4, 1913, upon such terms and conditions as the marshal of the District of Columbia shall impose upon the colonel of the Fifth Regiment Maryland National Guard.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

CAPITAL PUNISHMENT BY ELECTROCUTION.

Mr. JOHNSON of Kentucky. Mr. Speaker, I desire to call up Senate bill 7162.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

An act (S. 7162) to amend section 801 of the Code of Law for the District of Columbia.

Be it enacted, etc., That section 801 of an act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, as amended by the acts approved January 31 and June 30, 1902, and subsequent acts to and including March 4, 1911, be, and the same is hereby, amended to read as follows:

"SEC. 801. The punishment of murder in the first degree shall be death by electrocution. The punishment of death must, in every case, be inflicted by causing to pass through the body of the convict a current of electricity of sufficient intensity to cause death, and the application of such current must be continued until such convict is dead. The punishment of murder in the second degree shall be imprisonment for life or for not less than 20 years. In all cases where the accused is found guilty of the crime of murder in the first degree the jury may qualify their verdict by adding thereto 'without capital punishment,' and whenever a jury shall return a verdict as aforesaid the person convicted shall be sentenced to imprisonment for life."

Mr. MANN. Mr. Speaker, is the gentleman from Kentucky [Mr. JOHNSON] sure as to what effect the passage of this bill would have upon the persons now under sentence of death in the District?

Mr. JOHNSON of Kentucky. I will say to the gentleman from Illinois that I do not regard that as a question of importance. It is my opinion, however, that those who are now under sentence of death in the District of Columbia must be executed under the laws which were in existence at the time of the conviction and passage of sentence. We had practically the same subject in Kentucky two or three years ago, and my recollection is that that was determined to be the law there when we changed the method of capital punishment from hanging to electrocution.

Mr. MANN. My recollection is—and I am not certain how far it is correct—that there is a general law providing that where a law is repealed and changed it shall not affect a prosecution then being carried on. How far it would affect a case where sentence had been imposed I do not know. Here, for example, is a sentence, sentencing a man to be hanged until he is dead. Now, if you take away the power to hang that man, he probably goes free. There is now no way of punishing him.

Mr. JOHNSON of Kentucky. I will say to the gentleman from Illinois that I understand the bill was prepared by the United States district attorney for the District of Columbia, and I will further say that I myself in committee voted against the bill. This bill comes in with a report from the majority of the committee. I am in favor of inflicting the most ignominious kind of death possible upon a man guilty of deliberate murder. I believe that hanging is a more ignominious death than the other form, and for that reason I was against this bill. But I am here supporting it in accordance with the majority vote of the committee.

Mr. MANN. I presume that the district attorney in drafting the bill gave consideration to its effect upon sentences now in existence, although there is nothing in the letter of the commissioners upon that subject, as there should be.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

UNLAWFUL DEPOSITS IN THE POTOMAC RIVER.

Mr. JOHNSON of Kentucky. Mr. Speaker, I desire to call up Senate bill 1072.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

An act (S. 1072) to amend section 895 of the Code of Law for the District of Columbia.

Be it enacted, etc., That section 895 of the Code of Law for the District of Columbia, making harbor regulations, is hereby amended by adding thereto the following:

"SEC. 895 a. That it shall be unlawful for any owner or occupant of any wharf or dock, any master or captain of any vessel, or any person or persons to cast, throw, drop, or deposit any stone, gravel, sand, ballast, dirt, oyster shells, or ashes in the water in any part of the Potomac River or its tributaries in the District of Columbia, or on the shores of said river below high-water mark, unless for the purpose of making a wharf, after permission has been obtained from the Commissioners of the District of Columbia for that purpose, which wharf shall be sufficiently inclosed and secured so as to prevent injury to navigation.

"That it shall be unlawful for any owner or occupant of any wharf or dock, any captain or master of any vessel, or any other person or persons to cast, throw, deposit, or drop in any dock or in the waters of the Potomac River or its tributaries in the District of Columbia any dead fish, fish offal, dead animals of any kind, condemned oysters in the shell, watermelons, cantaloupes, vegetables, fruits, shavings, hay, straw, ice, snow, filth, or trash of any kind whatsoever.

"That nothing in this act contained shall be construed to interfere with the work of improvement in or along the said river and harbor under the supervision of the United States Government.

"That any person or persons violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding $100, or by imprisonment not exceeding six months, or both, in the discretion of the court."

Mr. JOHNSON of Kentucky. Mr. Speaker, on page 2, line 11, I move to strike out the words "ice, snow" and to insert in lieu thereof the word "or," and also to strike out the words "or trash." That means sweepings.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, line 11, by striking out the words "ice, snow" and inserting in lieu thereof the word "or," and also striking out the words "or trash."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. Mr. Speaker, the idea of this bill is to prevent the depositing of stone, gravel, sand, and so forth, in the Potomac River within the District of Columbia, unless for the purpose of making a wharf after permission has been obtained from the Commissioners of the District of Columbia.

Supposing somebody wants to build a wharf down at Alexandria, does he have to obtain the consent of the Commissioners of the District of Columbia?

Mr. JOHNSON of Kentucky. I think the gentleman will find the jurisdiction accurately described in line 11, on page 1.

Mr. MANN. No. It reads:

In the water in any part of the Potomac River or its tributaries in the District of Columbia, or on the shores of said river below high-water mark.

The words "or on the shores of said river below high-water mark" do not seem to be limited to the District of Columbia.

Mr. JOHNSON of Kentucky. The gentleman from Illinois has often criticized bills that come from the Municipal Building, and he is pretty nearly always right.

Mr. MANN. I am not criticizing it.

Mr. JOHNSON of Kentucky. I think I agree with the gentleman that this might have been more accurately drawn, but I think nobody will hesitate to give it the meaning that it applies to the District of Columbia alone.

Mr. LOBECK. Why did you strike out the word "trash"?

Mr. JOHNSON of Kentucky. If they sweep the deck of a boat on the river, must they carry the sweepings ashore? We thought that was too small a matter to deal with, and so we concluded to strike it out.

Mr. LOBECK. All right.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

UNAUTHORIZED USE OF VEHICLES.

Mr. JOHNSON of Kentucky. Mr. Speaker, I desire to call up the bill (S. 6919) to amend subchapter 2 of chapter 19 of the Code of Law for the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That the Code of Law for the District of Columbia be amended by adding to subchapter 2 of chapter 19 the following section:

"SEC. 826b. Unauthorized use of vehicles.—Any person who, without the consent of the owner, shall take, use, operate, or remove, or cause to be taken, used, operated, or removed from a garage, stable, or other building, or from any place or locality on a public or private highway, park, parkway, street, lot, field, inclosure, or space, an automobile or motor vehicle, and operate or drive, or cause the same to be operated or driven for his own profit, use, or purpose, shall be punished by a fine not exceeding $1,000 or imprisonment not exceeding five years, or both such fine and imprisonment."

The bill was ordered to a third reading, and was accordingly read the third time and passed.

OBSCENE OR VULGAR PICTURES.

Mr. JOHNSON of Kentucky. Mr. Speaker, I call up the bill (S. 2600) to authorize the Commissioners of the District of Columbia to prevent the exhibition of obscene, lewd, indecent, or vulgar pictures in public places of amusement in the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia, in addition to the police powers now vested in them, be, and they are hereby, empowered and directed to prevent the exhibition of obscene, lewd, indecent, or vulgar pictures in any theater, moving-picture show, or other public place of amusement in the District of Columbia, and to make all needful and necessary regulations for such purpose.

SEC. 2. That no picture film or picture intended for exhibition in any such theater, show, or other public place of amusement shall be exhibited without previous submission to the said commissioners for investigation and approval, and be approved, found, and determined by said commissioners, after opportunity to be heard, not to be obscene, lewd, indecent, or vulgar. Every violation of this act or of any regulation made under the authority hereof shall be punished by a fine not exceeding $40, on prosecution by information in the police court of the District of Columbia, filed in the name of said District of Columbia by the corporation counsel or any of his assistants.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

CATHERINE MARONEY.

Mr. JOHNSON of Kentucky. Mr. Speaker, I desire to call up from the Private Calendar the bill (H. R. 23939) to legalize titles in the District of Columbia to certain citizens.

The SPEAKER. This bill is on the Private Calendar. The House will have to go into Committee of the Whole.

Mr. JOHNSON of Kentucky. I ask unanimous consent to consider it in the House as in Committee of the Whole.

Mr. MANN. May we have the bill read first to see what it is?

The SPEAKER. The Clerk will report the bill.

The bill was read as follows:

Be it enacted, etc., That Catherine Maroney, a citizen of the United States and a resident of the city of Leadville, in the State of Colorado, be, and she hereby is, authorized to acquire, hold, and dispose of any and all real estate lying in the District of Columbia, as heir at law of Mary Shugrue, a citizen of the United States and late of the District of Columbia, notwithstanding the alienage of the common ancestor of said Mary Shugrue and Edward D. Brown, son of said Catherine Maroney by her first husband, through whom the said Catherine Maroney traces her right to acquire the said real estate, and that all forfeitures incurred by reason of any act of Congress or law in force in the District of Columbia in respect of said real estate are hereby remitted; and further, that the United States hereby quitclaim and release in favor of said Catherine Maroney, her heirs and assigns, any and all title which they, the said United States, have in or to any real estate in the city of Washington and District of Columbia of which the said Mary Shugrue died seized and possessed.

The SPEAKER. Is there objection to considering this bill in the House as in Committee of the Whole?

There was no objection.

Mr. BORLAND. Mr. Speaker, I move to strike out the last word. I should like to have some explanation of the necessity for this legislation.

Mr. RUCKER of Colorado. Mr. Speaker, if the gentleman from Kentucky [Mr. JOHNSON] will permit me, I will say in answer to the gentleman from Missouri [Mr. BORLAND] that Mrs. Maroney, whom the bill is designed to benefit, owns, or thinks she owns, a small piece of land with a building upon it here in Washington. She has sought to dispose of it a number of times, asking the guaranty companies to pass upon the title, but by reason of certain confiscatory acts providing that title held by aliens should not pass, they would not certify this title to be perfect and it was deemed necessary to introduce this bill to relieve her of the embarrassment in the sale of this property. The Supreme Court of the United States passed upon a similar case, but left it in some doubt, and the Commissioners of the District, in writing upon this subject, disclose the fact that there is yet some doubt as to whether the acts of Congress heretofore enacted upon the subject of these titles, accompanied and fortified as they are by the decision of the Supreme Court of the United States, are effective. The bill can do no possible harm, and in this particular case it will enable the owner to sell it.

Mr. BUCHANAN. What does the property consist of?

Mr. RUCKER of Colorado. It is a small piece of real estate in the District of Columbia. I have not the description so that I can answer the gentleman's question. It is a piece of property that she fell heir to.

Mr. BORLAND. Mr. Speaker, this is a form of legislation that would not be permitted in any State in the Union that I know of. It would be forbidden by the constitution of almost every State in the Union. It is not permissible to validate private title by legislative act in this way. If the Congress of the United States has passed an act forbidding title by descent through aliens it does not seem to me that it is proper by private act to change that in individual cases. If that act is unjust, it ought to be repealed. If there is any other way to arrive at justice in this case, Congress ought not to be required to sit here and pass private acts. We have no information before us as to the extent of the interest of the United States in this property. The bill says that whatever interest the United States has shall be quitclaimed by this act and released in favor of said Catherine Maroney. I take it from that that the United States must have some interest necessary to be quitclaimed.

Mr. RUCKER of Colorado. That does not follow at all. The commissioners have found that this act on the face of it is to confirm the title to this claimant. It is not taking anything from the United States. It is to enable the owner to pass the property that has been in the possession and in the control and in the use of this party and beneficiaries and their ancestors for two generations. It is no use to make a bugbear of a matter of this sort. The gentleman knows very well that the United States has no title to this property, that if it had it would have been discovered. Many acts have been passed, and it is conceived by the legal adviser of the District of Columbia that there is no doubt about the title being in this woman at the present time, but he does not, nor does the Supreme Court of the United States, pass on this identical question.

Mr. BORLAND. Mr. Speaker, notwithstanding the gentleman's objection, the report contains a letter from the Commissioners of the District in which they say:

The commissioners, however, are advised by their legal officer that there is a very great doubt of the necessity for the legislation in view of the Statutes of 11 and 12 of William III, chapter 6, as construed by the Supreme Court of the United States in McCreery's Lessee *v.* Comerville (9 Wheat., 354); the act of Congress of March 2, 1897 (29 Stat. L., 619), made applicable to this District by an act of February 23, 1905 (33 Stat. L., 733); of the act of Congress of March 3, 1857 (24 Stat., 576); of the Maryland act of 1791 (Albert's Compilation, p. 46); and sections 396 and 960 of the Code of Law for the District of Columbia, all of which relate to the holding of an inheritance of land by or through aliens.

Now, if the woman has any valid claim under the statutes of the United States and under the decision of the Supreme Courts of the United States, she would not need this legislation. If this legislation is to convey to her a title which she is not able to establish at law, it seems to me Congress ought not to pass the bill.

Mr. JOHNSON of Kentucky. Mr. Speaker, I might say that if I am correctly informed there is no necessity for the passage of this bill except to meet the requirements of one corporation in the District of Columbia that seems to stand higher in the District than all the laws and all the courts themselves—the company that guarantees titles. In my judgment, the title to this property is clear in these people, but no matter how good a title may be in the District of Columbia, unless this guarantee title company accepts the title in so far as getting a loan the title is absolutely worthless. This bill is intended to meet the exactions of that title company and not the requirements of the law. [Applause.]

Mr. BORLAND. Mr. Speaker, I think the statement of the chairman is absolutely correct. There were two title guaranty companies in this District, and some years ago they amalgamated, or came under a common management, and now there is but one title guaranty company in the District. That company issues all the certificates of title; no abstracts are examined by lawyers in the District of Columbia, but they are required to get a certificate from this company, the only one in existence.

The only way in which that can be corrected with justice to the citizens of the District of Columbia, and with justice to the committee in Congress, is to put the registration of land titles in the District of Columbia under law and let that guaranty certificate be issued by the District of Columbia itself,

and not by a private corporation that is fattening upon the condition of land titles in the District of Columbia. [Applause.]

The SPEAKER. The Clerk will read the bill for amendment.

The Clerk read the bill.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. LITTLEPAGE, for two days, on account of important business.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. SPARKMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 28180, the river and harbor appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the river and harbor appropriation bill, with Mr. MOON of Tennessee in the chair.

The CHAIRMAN. The Clerk will read.

Mr. MOORE of Pennsylvania. Mr. Chairman, before the Clerk proceeds, I desire to offer the following amendment at the point where we left the bill on Saturday.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add as a new paragraph, page 47, after line 2:
"Philadelphia, Pa., to connect the Delaware River with the back channel at the navy yard, with a view of securing a width and depth sufficient to accommodate the largest naval vessel afloat."

Mr. MOORE of Pennsylvania. Mr. Chairman, the purpose of this amendment is to direct attention to the very great necessity of a connection between the Delaware River and the back channel at the Philadelphia Navy Yard. The Government of the United States has a basin back of the navy yard, which is sufficient to accommodate the entire battleship fleet. An agitation is on for a dry dock, which is to extend from the Delaware River to the back channel, a distance of 1,700 feet. There is some question whether that can be accomplished through the Committee on Naval Affairs, which I understand has not favorably reported upon the project. Whatever is done here necessarily involves dredging, and as the business of the Government is involved, and this connection between the Delaware River and the back channel is necessary in order that the vessels of the Navy may swiftly and easily move, it seems proper to introduce at this time this provision for a survey that will give us an estimate of the cost of construction of a connecting link between the Delaware River and the back channel.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Certainly.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, did I understand the gentleman to say that the Committee on Naval Affairs had not reported this or had refused to report this?

Mr. MOORE of Pennsylvania. I understand the Committee on Naval Affairs, which has not yet presented its report for printing, is not favorable to the project.

Mr. HUMPHREYS of Mississippi. It is clearly a naval affair.

Mr. MOORE of Pennsylvania. Not necessarily. That channel should be cut through for the benefit of commerce as well as for the Navy. The Navy essentially is to protect commerce.

Mr. HUMPHREYS of Mississippi. Oh, yes; I understand that.

Mr. MOORE of Pennsylvania. And this would be incident to the proper movement of commerce, both in time of peace and in time of war.

Mr. HUMPHREYS of Mississippi. Let me ask the gentleman another question for information. This dry dock that the gentleman speaks of, if completed, will go from the Delaware River back?

Mr. MOORE of Pennsylvania. Unquestionably.

Mr. HUMPHREYS of Mississippi. And if that were constructed, then there would be no necessity for any other channel.

Mr. MOORE of Pennsylvania. First, we must have the channel. I want to say to the gentleman that there is very little opposition to this project on the part of Members of Congress who have already been upon the ground. A short time ago the city of Philadelphia made an appropriation for the purpose of having an inspection made of this particular project, and some 57 Congressmen, Members of this House and of the other body, went from Washington to Philadelphia to look it over, and as a result there were some speeches and a good many promises in regard to what ought to be and what would be done.

Mr. TRIBBLE. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. TRIBBLE. Mr. Chairman, I would ask the gentleman if he did not state in the hearings before the Naval Affairs Committee that that dry dock was absolutely impracticable; that to place that dry dock there as was proposed would put it in a hole, and you could not get out on either side.

Mr. MOORE of Pennsylvania. Oh, no; the gentleman is entirely in error, and I will repeat to the gentleman the statement I did make to the Committee on Naval Affairs.

Mr. TRIBBLE. Let us have that.

Mr. MOORE of Pennsylvania. It is this: That the bill introduced to obtain a 40-foot depth for this dry dock would be building a hole in the ground that would be absolutely unnecessary, and would practically kill the meritorious part of the project. In other words, with a depth of river channel of only 30 feet, a little less than that on the inside, it would be the height of folly to dig a hole 40 feet deep when there was no necessity for it, and I said to the committee that it was my belief that some one inserted the 35-foot proposition in the Chesapeake & Delaware Canal project with a view of killing that project, and when we get back to it I want to say something about that. If the gentleman will agree with me, if he is one of those who went to Philadelphia——

Mr. TRIBBLE. I was there.

Mr. MOORE of Pennsylvania. That there was the most remarkable unanimity of sentiment upon this proposition, and everybody, especially some of the leaders of this House, were entirely favorable to granting us this little bit of consideration at the Philadelphia Navy Yard.

Mr. TRIBBLE. Now, the gentleman is asking for a channel to carry the largest boats of the Navy——

Mr. MOORE of Pennsylvania. Yes.

Mr. TRIBBLE. Is not it true the Delaware River will not convey these boats up to this point? Does the gentleman want dredging at Philadelphia——

Mr. MOORE of Pennsylvania. That positively is not true; this river is dredged to-day to 30 feet and capable of accommodating the largest naval ships built, and——

Mr. TRIBBLE. You have not a sufficient depth to carry all these vessels without dredging——

Mr. MOORE of Pennsylvania. It is to cut through from the Delaware and dig a channel to reach the storage basin, where these——

Mr. TRIBBLE. Does the gentleman approve of the dry dock which he condemns here on the floor of the House?

Mr. MOORE of Pennsylvania. I have not condemned the dry dock; I have approved of it; but I am asking the gentlemen upon that side to make good their promises and give this matter consideration.

Mr. TRIBBLE. Did not the gentleman oppose it in the Naval Committee, and did not the gentleman state to the Naval Committee——

Mr. MOORE of Pennsylvania. I did not; most assuredly I did not. Now, I would like to ask the gentlemen who promised this dry dock to give it to us now; here is the opportunity.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TRIBBLE. Mr. Chairman, I move to strike out the last word; I would like to ask the gentleman another question. Did not the gentleman use as an argument in the Naval Committee against that dry dock at Philadelphia that it is not a river of more than 28 feet of water?

Mr. MOORE of Pennsylvania. I did not use that argument.

Mr. TRIBBLE. Is not that the argument the gentleman made in the hearings before the Naval Committee?

Mr. MOORE of Pennsylvania. That argument is not in the hearings before the Committee on Naval Affairs, and if the gentleman wants to get a further answer to his question I think I can explain to him that some one asked me at what draft a vessel could get in that dry dock and I said 27 feet; but I say to the gentleman now we have got a 30-foot depth of the Delaware to Philadelphia, while the city of Baltimore has 35 feet and the city of New York has 40, and while the city of Boston is moving on from 35 to 40 feet, I am asking you gentlemen now, who are in control of Congress, with influential Representatives from Pennsylvania upon the Committee on Naval Affairs and the Committee on Rivers and Harbors, that you loosen your control and let the city of Philadelphia move on with the other cities along the Atlantic seaboard.

Mr. LEE of Pennsylvania. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will be glad to do so; this is my opportunity.

Mr. LEE of Pennsylvania. Is it the gentleman's purpose in offering this amendment to kill the dry-dock proposition?

Mr. MOORE of Pennsylvania. Not at all. I am wholly in favor of the dry dock, and if the gentleman will vote for it, as he did not vote for the survey for the Frankford Creek, as he did not vote for the survey of the Schuylkill River, as he did not vote for dredging out the shoals behind the breakwater, I will be very much obliged to him.

Mr. LEE of Pennsylvania. Is the gentleman for that dry dock or for a channel?

Mr. MOORE of Pennsylvania. I am for a dry dock, but I want the channel first, because it is necessary to dig it out before you get the dry dock.

Mr. GALLAGHER. I want to ask the gentleman a question. The gentleman speaks of the delegation——

Mr. MOORE of Pennsylvania. There were 57 Congressmen reported by the newspapers to have been there, and I did not report the fact.

Mr. GALLAGHER. Do you know whether any member of the Rivers and Harbors Committee made any promises on that occasion?

Mr. MOORE of Pennsylvania. I remember of one or two of the most distinguished gentlemen of this House being there and speaking——

Mr. GALLAGHER. I asked if there was any member of the Rivers and Harbors Committee there.

Mr. MOORE of Pennsylvania. I think they are very cautious. They have been so right along. That is my trouble.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Division, Mr. Chairman. I would like to see how many votes we can get for this meritorious project of the dry dock at Philadelphia.

The committee proceeded to divide, and the Chair announced that the ayes were 4.

Mr. LEE of Pennsylvania. Mr. Chairman, a parliamentary inquiry. I would like to ask if the amendment is for the channel or dry dock.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again read.

Mr. LEE of Pennsylvania. I wish to call the Chair's attention to the fact that the gentleman from Pennsylvania [Mr. MOORE] made a statement that the amendment was for a dry dock.

The CHAIRMAN. The parliamentary inquiry has been answered by the reading of the Clerk. Those opposed to the amendment will rise and stand until counted.

The vote was announced as ayes 4 and noes 33.

So the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Chairman, I make the point that there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and seven gentlemen are present—a quorum—and the Clerk will read.

The Clerk read as follows:

Big Annemessex River, Md., with a view to providing a suitable channel from Clear Creek Point to Muddy Creek Point.

Mr. GARRETT. Mr. Chairman, I move to strike out the last word. I ask unanimous consent that the Resident Commissioner from the Philippine Islands [Mr. QUEZON] may have permission to address the House for five minutes.

The CHAIRMAN. The gentleman from Tennessee [Mr. GARRETT] asks unanimous consent that the Resident Commissioner of the Philippine Islands may have permission to address the House for five minutes. Is there objection?

There was no objection.

Mr. QUEZON. Mr. Chairman, to-day's morning papers publish a dispatch from Manila to the effect that on the 23d of January there was an engagement between the Moros on the one hand and the scouts and constabulary on the other, and in connection with this report it is stated that Aguinaldo and other Filipinos are engaged in political activities and preparing for a revolt. During the last two months, and immediately following the victory of the Democratic Party, reports of this character have been published almost daily throughout the United States, apparently with the purpose of defeating the Democratic proposition to give the Filipinos their independence, by impressing the American people with the fact that independence will be followed by a revolution in the islands.

THE TRUTH ABOUT THE MORO TROUBLE.

It is my desire to comment but little upon the engagement between the Moros and the scouts and the constabulary. Nobody need be alarmed about it. Those who are familiar with what is going on in Jolo and Mindanao will find nothing new in this case. I know of no time when there was not an occasional outbreak among the Moros, except when they were under the wise and gentle hand of Gen. Wood, as governor of Mindanao. For the last two years there has been a regular warfare between the Moros and the American troops, due to an ill-considered policy of the official in charge of the Moros; but it was then to the interest of somebody to conceal this fact from the American people and no reports were therefore given out to the press about it. The explanation of this well-planned secrecy will, perhaps, be found in the following speeches delivered at Zamboanga two years ago before ex-Secretary of War Dickinson by two scarcely educated Moros:

First. "We have only a little to say, and that is that we are happy to be under the sovereignty of the Americans. There has been some talking about that the Filipinos want to tear themselves off from Americans, and that they want to tear us away too, thus tear us away with them. If the Americans should give the Moro country over to the Filipinos they would be responsible to God for the blood that would be shed, because it would be the same thing as if you put two fighting cocks into one bag, for there would be fighting sure."

Second. "* * * The Secretary of War must look the matter in the face. We are a different race; we have a different religion; we are Mohammedans, and if we should be given over to the Filipinos how much more would they treat us badly, when they have treated even the Spanish badly who were their own mothers and their own fathers in generation? How did they treat them? Think about it. Think twice. We far prefer to be in the hands of the Americans who are father and mother to us now than to be turned over to another people."

Of course, after wide circulation was given throughout the United States of these protestations of friendship and love, and they were printed even in the CONGRESSIONAL RECORD, the warfare that followed soon afterwards between the Moros and their American "fathers and mothers" could not be given out to the press, lest the report should convey to the American people an accurate idea of the terrific manner in which a Moro shows his friendship and love. [Laughter.]

But two years have gone by. The result desired at the time has been accomplished, to wit: To show the American people that the United States was a blessing to the Moros. It is now thought that any report of disturbance in the Philippine Islands will foster the policy of retaining the islanders under American control, especially if, in connection with it, it could be said that a general revolt is being contemplated by the Filipinos, and an insignificant clash between a group of Moros and a small detachment of scouts and constabulary is promptly given to the press. This same clash, if it had happened a year ago, would not have been published, or, if it had to be published at all, would have been reported as an engagement between "police officers" and "outlaws"; now it is said to be between "American troops" and "rebels."

The whole truth about the Moro situation is this: They have never been content under their present rulers; they will be better satisfied under a Philippine government; and, at the worst, they can be governed by the Filipinos in the same way that they are governed to-day.

FALSE DISPATCHES ABOUT AGUINALDO.

But, as I said before, I do not wish to discuss at present these Moro troubles. They are not as serious to-day as they were a year ago, when nothing was said about them. What I do wish to call to the attention of the House are the malicious and absolutely false dispatches printed in the newspapers of this country about Aguinaldo and other Filipinos being engaged in revolutionary preparations.

The following is what the morning papers say on this subject, after giving an account of the Moro outbreak:

Emilio Aguinaldo, the leader of the revolt against the United States after the Spanish-American War, and who has reentered politics, is reported to be taking an active part in revolutionary propaganda. There are many rumors that the Katipunan, a Filipino secret society, is renewing its activities against the Americans. Aguinaldo has been insistent in the conferences of the native chieftains that his sole purpose in renewing his activities has been to organize them to accomplish their independence.

AGUINALDO'S POSSIBLE MOTIVE.

It is possible that Aguinaldo's real motive for his activity comes from a fear that the Jones bill, providing for Filipino independence, may not be passed, and that he is scheming to forestall control of the expected discontent of the natives.

The foregoing dispatch reads very much like the one published in the New York Sun of January 24 from its Manila correspondent, which is as follows:

(Special cable dispatch to the Sun.)

MANILA, *January 23.*

Aguinaldo, the infamous leader of the revolt against Americans in the Philippines, has reentered politics while all the time protesting against being interrupted in his farm work. He has frequent conferences with Filipino revolutionary committees of chieftains ostensibly

for the purpose of organizing the militia preparatory to the accomplishment of independence of the islands. It is believed, however, that the real motive for the activity of Aguinaldo is an outgrowth of the fear that the Jones bill providing for Philippine independence may not be passed, and he is prompted by the desire to forestall control of the anticipated discontent among Filipinos because of the nonfulfillment of the promise of politicians.

Mr. Chairman, the statements contained in these dispatches are both false and slanderous. There are no Filipino revolutionary committees, and if there were, Aguinaldo would be the last man to connect himself with them. It is true that Aguinaldo attended the monster meeting held at Manila to celebrate Democratic victory in the United States, but so did thousands of other prominent Filipinos and some Americans. Of this meeting Justice Moreland, of the supreme court, said to me:

If the American people could have witnessed this great demonstration they would give you your independence to-morrow. It was a most impressive sight to witness such a great gathering so orderly that not even one policeman was necessary to preserve order.

Justices Carson and Trent both indorsed this view.

Gen. Aguinaldo was not one of the selected speakers, but he responded very briefly to the call made upon him for a speech. He spoke scarcely a minute, and what he said was this:

I am pleased to join you in celebrating the victory of the Democratic Party, which means to us that the day of our independence is approaching; but I wish to impress upon you that you must not depend too much upon outside influences to secure that independence. You must show the world by your actions that you are capable of governing yourselves.

WHO SENT THESE DISPATCHES.

These were almost his exact words, and yet for saying them he has been shamefully abused and misrepresented by an American correspondent of a New York newspaper, who has been guilty of conduct so outrageous that he has been driven out of office. This man is now revenging himself upon my people for exposing his conduct by sending such dispatches as these to America.

AGUINALDO'S DENIAL.

I have to-day received the following cablegram from Señor Osmeña, speaker of the Philippine Assembly, which I shall publish in the RECORD in this connection. It contains the indignant denial of Gen. Aguinaldo, who, whatever his enemies may say of him, has never been investigated for and found guilty of grafting:

MANILA, *January 27, 1913.*

QUEZON, *Washington, D. C.:*

The following from Aguinaldo: "Please deny very strongly the truth of the dispatches from Manila accusing me of political agitation preparatory to a revolt. On the contrary, I am trying to help preserve union among all elements to insure public order, which is necessary to the stability of a future Filipino government, because I am confident, and the people are also confident, that the Jones bill will be passed. I say this in spite of the possible machinations of the enemies of Philippine independence, who are said to be trying to brew all sorts of disturbances and to employ all means to prevent the passing of said bill."

OSMEÑA.

THE FILIPINO PEOPLE WILL NOT REVOLT AGAINST THE UNITED STATES.

Now, Mr. Chairman, I want to say right here to the American people that the Filipinos are not preparing for revolt. They have faith in the sense of justice of the American people, and they expect to get from the generosity of the American people their freedom and independence. They will never fight the United States [applause], and much less will they fight the United States after the Democratic Party has come into power [applause], the party that is solemnly pledged to give the Philippine Islands independence. In spite of the fact that it is occasionally said that your political platforms mean nothing——

The CHAIRMAN. The time of the gentleman from the Philippine Islands has expired.

Mr. BORLAND. Mr. Chairman, I ask that the gentleman have five minutes more.

The CHAIRMAN. The gentleman from Missouri [Mr. BORLAND] asks unanimous consent that the gentleman from the Philippine Islands have five minutes more. Is there objection?

There was no objection.

THE FILIPINO PEOPLE BELIEVE THE DEMOCRATIC PARTY WILL GRANT THEM INDEPENDENCE.

Mr. QUEZON. In spite of the fact, I say, that we are being told that your party platforms mean nothing, we have a different conception of the great political parties of the United States. We believe that those parties stand by what they say to their people and to our people. We can not believe that your national platforms are meaningless. We believe that they are the official and responsible statements to the American people and to the world of what the party that is coming into power is going to do. [Applause.] Is it conceivable that under these conditions, believing as we do most implicitly in the promises and pledges of the Democratic Party, that my people will take up arms against the United States? What possible reason could there be for such an unnatural and suicidal course? Can any sensible American, whether he believes the Fliipinos capable of self-government or not, credit these untruthful and inspired reports? Unfortunately we have learned from the saddest of experiences what armed opposition to the power of the United States means. It has cost us hundreds of thousands of lives, drenched our fair land with blood, and destroyed millions of dollars worth of property. We have, I say again, learned from a hard experience what it means to oppose with arms the forces of America.

Mr. SHERWOOD. Mr. Chairman, if the gentleman will permit, how many lives have been lost in the Philippine Islands?

Mr. QUEZON. Well, according to a newspaper report attributed to Gen. Bell, the present commanding general of the Philippines, in the island of Luzon alone 600,000 men, women, and children were killed during the war or died as a result thereof.

Mr. DIES. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. QUEZON. Yes.

Mr. DIES. You understand, of course, that in killing your people we did it for their good? [Laughter.]

Mr. QUEZON. Mr. Chairman, I do not care to speak of these harrowing incidents except for the purpose of convincing the House, if that be necessary, that it is impossible for us to again think of such a thing as engaging in an armed conflict with American troops, even if there were some reason for revolting against the United States, because we know too well what the result would be; such being the case, how any sane person could conceive of us revolting when there is no reason to-day for so doing—and I hope that there will never be any reason for so doing, because the administration shortly to come into power in the United States is pledged to grant the Philippines independence. I hope that if the Filipinos ever go to war they will go to war in support of the United States and not against the United States. [Applause.]

And it is very easy to accomplish this. It is very easy to make every Filipino ready to die for the American flag, if you will only heed their cry and give them what they are asking for and longing for—their independence. [Applause.]

If this is done, and the time should ever come when you should have a war in the Far East, gentlemen, you will find every man, woman, and child in my country fighting for you and for your flag. [Applause.]

[Mr. QUEZON, by unanimous consent, was given leave to revise and extend his remarks in the RECORD.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Coan River, Va., with a view to deepening and widening the channel at and near its main entrance.

Mr. CALLAWAY. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Texas [Mr. CALLAWAY] moves to strike out the paragraph.

Mr. CALLAWAY. Mr. Chairman, on Saturday, in discussing this bill, I referred to some examinations that I had been connected with the making of, and based a statement on that that I had no confidence in the engineers' reports after the committee cited me to these volumes of the engineers' reports for information on that subject. In that statement I made reference to some statements made before the Committee on Insular Affairs with reference to Benguet Road. This morning I got a letter from Col. McIntyre correcting some statements that I had made with reference to the Benguet Road. It was my impression that the Army engineers made the estimate on that road, estimating that it would cost $75,000 when in fact it cost over $2,000,000. They inform me that it was not an Army engineer who made that estimate and report, but that it was an ordinary civilian; that the Army engineers went ahead and carried out the work.

There is one further thing to which I wish to call the attention of the committee. On Saturday I made the statement that the road was 10 or 12 miles long. This letter from the Army engineer tells me that it is 30 miles long. I want to cite the hearings on that question. When Mr. QUEZON was testifying before the Committee on Insular Affairs he made the statement that it was 10 or 12 miles long. I read from the record of the Committee hearing, February, 1912:

Mr. HELM. How long is the road?
Mr. QUEZON. The Benguet Road is about 10 or 12 miles—the colonel will be able to tell you.
The CHAIRMAN. How far is it from Camp 1 to Baguio?
Mr. QUEZON. I think that is about 10 or 12 miles.
Mr. HELM. Is that where the $2,000,000 was spent?
Mr. QUEZON. Pretty nearly.
Mr. LITTLEPAGE. Is there any tunneling on the road?
Mr. QUEZON. No, sir.

Col. McIntyre was at that time sitting at the table, and Gen. Edwards was in the room, and they made no contrary statement. This letter states that the road was about 30 miles long.

I based my statement that it was 10 or 12 miles long on the fact that the statements which I have read were made before the Insular Affairs Committee in the presence not only of Col. McIntyre, but of Gen. Edwards.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CALLAWAY. I ask unanimous consent to proceed for five minutes.

Mr. SPARKMAN. I will not object now, but I give notice that I shall object to any further extension, because this is entirely irrelevant to this bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CALLAWAY. Mr. Chairman, the relevancy of this will appear before I conclude. I call attention to another report of engineers on which this House acted, expending $540,000 in Arizona on the Pima Indian Reservation, on the Gila River. The expenditure was made on a Government engineer's report in the Indian service.

Mr. HUMPHREYS of Mississippi. These appropriations were not reported through the River and Harbor Committee, were they?

Mr. CALLAWAY. No; but I am talking about engineers generally. There was an investigating committee went down to examine this project last summer. The Indian Bureau knew that; they made a report before the Indian Affairs Committee, on which they asked the Indian Affairs Committee to appropriate $20,000 for the maintenance and operation of that project. On December 2 they stated as follows before that committee:

The number of Indians on the reservation is 4,246; the land now irrigated on the reservation, 12,000 acres.

There is not an acre irrigated by these wells of which they are speaking and asking for this $20,000 to maintain and operate.

Land to be supplied with pumped water, 12,000 acres.

And the Indians under that project refused to accept that water. They told the Government before it ever started that expenditure that they would not accept it; that it would kill the land; and they never have accepted it, and this Government has no power to make them accept it. But notwithstanding the facts, notwithstanding their knowledge that this committee made this investigation last summer, they had the unbridled effrontery to ask an additional appropriation of $20,000.

Mr. HUMPHREYS of Mississippi. Who was that engineer?

Mr. CALLAWAY. This comes from the Indian Bureau and the Reclamation Service. Mr. W. H. Code was the original engineer.

Mr. HUMPHREYS of Mississippi. A United States Army engineer?

Mr. CALLAWAY. No; other kind of engineers. They all look alike to me.

Now, I was cited by this committee—and that is what I want to get down to—to the engineers' report, to which they look for information and guidance in appropriating $40,000,000 of the public money. Their bill cites this little pamphlet, containing 262 pages, and I am going to read the back of it:

A letter from the Secretary of War, transmitting a letter from the Chief of Engineers' reports of the survey of the Boston (Mass.)-Beaufort (N. C.) section of the proposed inland waterway, from Boston, Mass., to the Rio Grande River.

On this end of the project from Norfolk, Va., to Beaufort Inlet, N. C., which is about 100 miles, they say it will cost ultimately $5,400,000.

Now, Mr. Chairman, I have stated to the committee these things to show them what the estimates of the engineers working for the Government are worth when it comes to final work. The estimate on this canal from Norfolk, Va., to Beaufort Inlet, N. C., is $5,400,000. That is the initial step in this intercoastal canal, running from Boston, Mass., to the Rio Grande, the ultimate cost of which God Almighty only knows.

In this bill, Mr. Chairman, there is this provision:

Provided, That no part of this amount shall be expended until the canal and appurtenant property belonging to the Chesapeake & Albemarle Canal Co. shall have been acquired by the United States by purchase in accordance with the agreement entered into between the Secretary of War and said company under date of February 17, 1912.

That is this pamphlet here, and they now appropriate $800,000—this initial step in a waterway, the end of which no man born of woman can see. This is the point I make to this House and to the people of the United States, that a chain is no stronger than its weakest link. This proposition is as rotten, from the standard of statesmanship or profit, so far as the American people is concerned, as anything that was ever devised by the mind of man. This proposition is the substructure on which the whole bill stands, and is the standard by which it should be measured. In this bill we are asked to appropriate $800,000 as the initial step in this intercoastal waterway for this particular segment, which is only 100 miles long, and, according to the engineer's estimate, will cost to complete $5,400,000. This is a 100-mile segment of an intercoastal canal 2,500 miles long.

The Clerk read as follows:

Inland waterway from Norfolk, Va., to Beaufort Inlet, N. C., with a view to determining whether there should be any change in that part of the route from Alligator River southwardly to Neuse River from that heretofore recommended in House Document No. 391, Sixty-second Congress, second session, and heretofore adopted, and whether it would be desirable to extend the route from Alligator River to Pungo River, thence to Goose Creek, thence from the head of Goose Creek to Jones Bay, and thence to Neuse River, or whether any modification of said part of the route is desirable.

Mr. CALLAWAY. Mr. Chairman, I move to strike out the paragraph. Now, Mr. Chairman, I have been cited by the chairman of this committee to 4,000 pages of stuff that he says if I am patriotic enough and energetic enough to search through I can find the reason why this committee has brought in this bill.

I have not been able to search these 4,000 pages of stuff, but I have looked at these engineers' reports, Mr. Chairman, and I do not find that these engineers give any estimate of what the present waterways carry, or what the increased tonnage will be if there is a change as proposed in this bill, nor what the difference in freight charges for such carriage will be if the changes are made as proposed in this bill.

There is not a man that has got any business sense, from Kalamazoo to kingdom come, whose estimate of a project is worth a cent unless the estimate shows what it will be when constructed, what it will cost in construction, what the maintenance charges are to be, and what the income will be from the project when completed. That is enough to beat any project. But there is another question that ought to enter in here, and that is what particular section will this benefit—whether the whole people of the United States are to be benefited by it. There is no effort to show on the part of these engineers what any of these projects will be worth to the country at large and what the difference in tonnage carried will be. They do not even state the mileage in many instances.

Mr. Chairman, I have never thought anything better of the Republicans, I have never hoped for anything better of them, and I do not think this country at large has expected anything better of them; but we as Democrats came in here on an economy platform and the reduction of expenditures. Here is a bill that increases the expenditures for rivers and harbors almost 50 per cent. The bill carries $40,000,000. The committee in its reports says that is $14,000,000 more than last year. That does not look to me like Democratic economy. Then they come in here on the reports of the same engineers that furnished the data to the Republicans, on which they based their expenditures from year to year. This Democratic House is led by the same bunch of heads of departments and engineers under their charge that the Republicans were led by, that led them to the slaughter of 1910 and into the ignominious defeat of 1912; and if the Democratic Party follows this pork-barrel system the Republicans followed, led by the engineers who are interested in feathering their own nests and furthering their own interests, then the Democratic Party will come to the same bad end that the Republican Party came to.

Mr. DAVIDSON. Mr. Chairman, will the gentleman yield?

Mr. CALLAWAY. Yes.

Mr. DAVIDSON. Is the gentleman opposed to the item in the bill which he is discussing, namely, an inland waterway from Boston to the Rio Grande?

Mr. CALLAWAY. Mr. Chairman, I am opposed to every item in this bill except the items to keep in preservation the projects we now have. Everybody in this country but Congressmen in this House knows that the waterways have played out; that transportation has quit going by the water route; that the railways are carrying the freights. This committee had the charge flung in their faces on Saturday that every ton of freight that the Mississippi carried last year cost this Government $30.

Mr. DAVIDSON. Is the gentleman in favor, then, of discontinuing that portion of this inland waterway which extends from Sabine to the Rio Grande?

Mr. CALLAWAY. Yes. I am opposed to every segment of this intercoastal waterway.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. TRIBBLE. Mr. Chairman, I move to strike out the last word. I have before me the hearings of the Naval Committee, and I want to do the gentleman from Pennsylvania [Mr. MOORE] absolute fairness and justice. The question under discussion before the Naval Committee at the time to which I refer was the 28-foot channel, and it was not contradicted that

the Delaware River did not have over 28 feet. Here is the testimony of the gentleman from Pennsylvania [Mr. MOORE]:

The CHAIRMAN. I understood that you have a mean low water of 30 feet.

Mr. MOORE. We have a rise in the tide there of 7 feet.

It will be noticed that there is a rise in the tide there. Continuing:

Our mean low water now exists—

But he did not say how much. He takes a very mild position on that—

It is legislatively now 30 feet, and it is substantially—

Substantially. He does not assert that it is 30 feet—

substantially 30 feet all the way up for 60 miles.

Here is the particular issue that came before the Naval Affairs Committee, and is up before the House here to-day. I read from the hearings the exact language of the gentleman:

There is probably not more than 20 or 25 feet of depth, and in the upper end it was shown that they did not have 30 feet, so that the cutting of a canal to 35 feet seems an absurdity——

Mr. MOORE of Pennsylvania. To what does that refer?

Mr. TRIBBLE. I am reading what the gentleman from Pennsylvania said.

Mr. MOORE of Pennsylvania. Does that refer to the Delaware River or to the back channel?

Mr. TRIBBLE. Wait until I get through.

Mr. SPARKMAN. Mr. Chairman, I insist that the gentleman confine his remarks to the pending amendment.

The CHAIRMAN. The gentleman from Florida makes the point of order that the gentleman from Georgia is not confining his remarks either to the amendment, to the amendment to the amendment, or to the paragraph. The point of order is sustained. The question is on the amendment of the gentleman from Pennsylvania, to strike out the paragraph.

Mr. HEFLIN. Mr. Chairman, I ask unanimous consent that the gentleman from Georgia [Mr. TRIBBLE] be permitted to read what he was stating to the House regarding the hearings in which the gentleman from Pennsylvania [Mr. MOORE] was involved, subject matter that has been discussed by the gentleman from Pennsylvania upon this floor.

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object, the gentleman should read into the RECORD exactly what is in that statement and not take it by piecemeal, because I stand on that statement.

Mr. HEFLIN. I hope the time will be granted to my colleague.

Mr. TRIBBLE. I only want about three minutes.

The CHAIRMAN. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Chairman, if the gentleman will publish the entire statement I will not object, but if he is not going to publish the entire statement, I will.

Mr. TRIBBLE. I will read every word in it—one-fourth of a page of the hearings.

The CHAIRMAN. The Chair hears no objection.

Mr. TRIBBLE (reading)—

* * * We would have a hole in the ground, which would mean that if you ever built a vessel in there drawing 35 feet it could not get out and would simply have to pass between Chesapeake Bay and Delaware Bay and stay there * * *.

That is exactly what I said here.

Mr. MOORE of Pennsylvania. That is absolutely correct.

Mr. TRIBBLE (reading)—

* * * The difficulty with the bill of Mr. LEE, which contemplates opening up the entire enterprise at once, is that if you make the depth and width of this 1,700 feet to correspond with the depth and width of the Panama Canal you will dig a hole in the ground between the Delaware River and the Schuylkill River out of which you can not get at all. It would seem to be——

Mr. DONOHOE (interposing). Any vessel that got in should certainly be able to get out.

Mr. MOORE. That is true; but I do not understand the necessity of digging 10 feet below the river depths.

Mr. DONOHOE. The further deepening of the Delaware River is certainly in contemplation.

Mr. MOORE. Yes, sir; we are trying to get 35 feet.

Mr. DONOHOE. We do not know what depth we may have to go in the future; it will be limited only by the size of the ships?

Mr. MOORE. That is true.

Mr. DONOHOE. Mr. LEE'S bill proposes to construct the dry dock corresponding with the depth of locks of the Panama Canal, which will limit the width and depth of ships in the future; and so if we build it properly now we will not have to rebuild it in the future?

Mr. MOORE. That argument would go if you could get up the Delaware River and out the Back Basin.

Mr. DONOHOE. It would do no harm?

Mr. MOORE. No, sir; it would do no harm; but there are 60 miles of channel that do not now exceed 30 feet, and therefore you would simply be digging a 40-foot hole 1,700 feet long to connect two bodies of water not more than 30 feet deep.

Mr. DONOHOE. That would have to be taken up in the future if we did not get it deep enough now.

* * * * * * *

Mr. BUTLER. What size vessels can go up there?

Mr. MCCREARY. The mean depth is about 29 feet.

Mr. MOORE. Any war vessel the Government has can go up there.

Mr. BUTLER. I mean can it go up there?

Mr. MOORE. Yes, sir.

The CHAIRMAN. I understood that you have at mean low water 30 feet?

Mr. MOORE. We have a rise in the tide there of 7 feet. Our mean low water now exceeds 28 feet. It is legislatively 30 feet and is substantially 30 feet all the way up the 60 miles.

Mr. GREGG. What is the length of the dry dock you have there?

Mr. MOORE. About 750 feet—to be exact, 744.6½ over all. The *Utah*, built across the river by the New York Shipbuilding Co., is one of the very largest vessels the Government has thus far built. She is one of the new *Dreadnoughts*, and she has been in the dock.

* * * * * * *

* * * The question is the construction of a new dry dock. We have a dry dock at Philadelphia about 750 feet long. It is not the biggest dry dock in the United States, but it is an excellent dry dock. It was capable of housing the dreadnought *Utah* and did it very well, but there is some difference of opinion as to the possible capacity in the matter of the entrance at the caisson for the admission of such vessels as may be constructed in the near future.

Mr. MOORE of Pennsylvania. Mr. Chairman, I would like to call the attention of the Chair to the fact that the gentleman is not reading the statement in full, as the gentleman agreed to do, but he is reading page by page and skipping as he goes along. If the gentleman will consent that I have just five minutes to answer him after he is through, he can make as many extracts as he pleases.

Mr. TRIBBLE. That is all, Mr. Chairman.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that he may proceed for five minutes. Is there objection?

Mr. TRIBBLE. Mr. Chairman, reserving the right to object, I shall ask for five minutes to show the gentleman's position before the Committee on Naval Affairs. He is asking for an 800-foot dry dock. He has a 750-foot dry dock there now. He seeks another 800 feet. Mr. LEE is pressing his bill for 1,700——

Mr. HUMPHREYS of Mississippi. Mr. Chairman, for the benefit of the gentleman from Georgia, I will state I am not going to object to the request of the gentleman from Pennsylvania; consent has been granted on this side. Now the gentleman from Georgia asks for five minutes on this side. I shall object then to any further discussion.

Mr. EDWARDS. Mr. Chairman, reserving the right to object, I think it is come to a time now that we should close up this bill. It has been pending for several days. I dislike to be discourteous to anyone, but I am on this committee, and we are tired of this matter, and therefore I demand the regular order, and I object.

The CHAIRMAN. The regular order is demanded. The regular order is the motion of the gentleman from Texas.

The question was taken, and the motion was rejected.

The Clerk read as follows:

Beaufort Harbor, N. C., with a view to providing a suitable turning basin and anchorage area in front of the town or Beaufort.

Mr. CALLAWAY. Mr. Chairman, I move to strike out the last paragraph. The gentleman from Wisconsin [Mr. DAVIDSON] asked me awhile ago if I was not in favor of the digging of an intercoastal canal along that southern coast of Texas.

Mr. SPARKMAN. Mr. Chairman, I make the point of order the gentleman is not discussing his amendment.

The CHAIRMAN. The point of order is well taken. The gentleman can proceed in order.

Mr. MANN. How much time does the gentleman want on this subject?

Mr. CALLAWAY. Oh, I just want a few minutes, 5 minutes or 10 minutes.

Mr. MANN. The gentleman has been——

Mr. CALLAWAY. I will yield. I desire to conform to the rules of the House; I do not want to ask any favors.

Mr. MANN. It is not a matter of favor. Let us arrange, if we can——

Mr. SPARKMAN. Mr. Chairman, unless I am mistaken, we will reach the point after a little while, when we will return to certain pages and lines passed over, and where the discussion that the gentleman is going through with now will, perhaps, be in order.

Mr. CALLAWAY. Mr. Chairman, here is the item from Norfolk, Va., to Beaufort, N. C. I was talking about an intercoastal waterway that runs to Beaufort, N. C., from Norfolk, Va. This is the initial project and part of the same system designed to run finally around to the Gulf of Mexico and the Rio Grande River, providing this Nation lives long enough and the United States Treasury holds out. I was asked by the gentleman from Wisconsin [Mr. DAVIDSON] about that part of it running along the southern coast of Texas.

If I were a pork-barrel politician, here to get my hands into the Treasury, I would favor that section along the coast of Texas and submit to the whole project, Mr. Chairman, not

because it would help the people of the State of Texas, not because the people of Texas would generally get any due return on the money expended, but because the money would be spent in Galveston, Houston, and Beaumont; because they would employ men to work who would spend the money at the saloons, grocery stores, and dry-goods establishments, and ride on the railways and the street cars, buy electric lights, and so forth. If this money was taken out of the Federal Treasury and given out in equal amounts to the individuals of Texas, Texas would be more benefited than burdened, but the whole people of the United States would not. That is the reason, if I was a pork-barrel politician, I would favor the Gulf coast section. That is the way the Republicans did. We opposed that system. We came in saying we were going to economize public expenditures, but we invited the same heads of departments to make recommendations and the same engineers to give reports, and went on doling out appropriations in the same way the Republicans had been doling them out. You ask me how much of this I am against. I see here, on the second page of this voluminous report of two pages, that the maintenance items total $2,222,650. The Democrats ought to appropriate that; evidently what we have is worth maintaining, but we ought not to expend one cent more unless it is conclusively shown to be a good business investment, such as an individual would make for himself.

Mr. HUMPHREYS of Mississippi. Does the gentleman believe that on this subject we ought to follow the Democratic platform's declarations?

Mr. CALLAWAY. Yes; I believe we ought to follow the Democratic platform's declarations honestly and wisely——

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment of the gentleman from Texas to strike out the paragraph.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Clearwater Harbor and Little Pass, Fla., with a view to securing a channel with suitable depth and width from the Gulf of Mexico to a point at or near the town of Clearwater.

Mr. SPARKMAN. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Florida offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 40, line 17, strike out the word "Little" and insert in lieu thereof the word "Big."

The CHAIRMAN. Does the gentleman from Florida desire to address the committee?

Mr. SPARKMAN. I do not.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Florida.

The amendment was agreed to.

Mr. CALLAWAY. If we have reached the clear water on the Gulf of Mexico, line 19, page 49, I vote to strike out the paragraph.

Mr. HUMPHREYS of Mississippi. We have reached it. Now is the time.

Mr. CALLAWAY. Mr. Chairman, what I want to call the committee's attention to is what seems to be a part of this same canal proposition.

Mr. SPARKMAN. It has nothing to do with the intercoastal waterway or any part of the intercoastal waterway.

Mr. CALLAWAY. I can not understand how a harbor would reach clear water if you would not have to go inland in order to reach clear water, and this intercoastal waterway is the only proposition in this bill that would reach clear water, I believe.

Mr. SPARKMAN. I say it kindly, but it only demonstrates the fact that the gentleman is totally unacquainted with the subject he is trying to discuss. I hope he will pardon the statement, because I say it in all kindness.

Mr. CALLAWAY. You have my pardon.

Mr. SPARKMAN. If the gentleman from Texas will take the time to read, not the 4,000 pages that he refers to there, but that smaller document that he has before him there, the title of which he called our attention to a while ago, he will find that the intercoastal waterway does not touch Clearwater Harbor at all; that starting in somewhere about Boston and going down the coast——

Mr. CALLAWAY. Mr. Chairman, I want to know if the gentleman is speaking in my time or in his.

Mr. SPARKMAN. I was trying to inform the gentleman, assuming that he wants information.

The CHAIRMAN. Does the gentleman yield?

Mr. CALLAWAY. I will state, Mr. Chairman, that I read this thing, which is the report of the Army Engineers on the intercoastal waterway project, and that is the thing that made me mad. [Laughter.] That is the thing that has made me lose confidence in the judgment of the committee. That is the thing that has made me question every item in this bill. That is the thing that has put me "on the warpath," and I propose to stay on it as long as this committee brings into the House such propositions as this and asks that the public money be expended on such unheard-of propositions.

Mr. SPARKMAN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Florida?

Mr. CALLAWAY. Yes.

Mr. SPARKMAN. Has the gentleman read everything in that report?

Mr. CALLAWAY. Yes; I have read everything in that report. I put in Saturday night and all day Sunday, Sunday night, and Monday morning reading it.

Mr. SPARKMAN. Then, if the gentleman has read everything in that report, I can not account for his anger except on the theory that the engineers have turned down so much of the project, because they have actually reported adversely everything in it except a very few links in the chain.

Mr. CALLAWAY. They have advised a project that runs along the coast from Boston to the Rio Grande River.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. CALLAWAY. I do.

Mr. MOORE of Pennsylvania. What is the title of the document the gentleman refers to?

Mr. CALLAWAY. "Tidal Waterway from Boston, Mass., to Beaufort, S. C."

Mr. MOORE of Pennsylvania. That is it.

Mr. CALLAWAY. "Letter from the Secretary of the Treasury, transmitting a report of the Engineers on the proposed inland waterway running from Boston, Mass., to the Rio Grande River."

Mr. MOORE of Pennsylvania. That is sufficient. Will the gentleman yield further?

Mr. CALLAWAY. Yes.

Mr. MOORE of Pennsylvania. I know something about this intercoastal waterway, having gone from one end of it along the Atlantic coast to the other, and I wish to say that I wish the gentleman would differentiate the Atlantic from the Gulf project; that he will disassociate the project from Boston to Beaufort from the project that runs through the State of Florida, along the Gulf of Mexico, and into the State of Texas. That is an entirely different project.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. MOORE of Texas. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection?

Mr. EDWARDS. I object, Mr. Chairman. We must finish this bill.

Mr. MOORE of Pennsylvania. I am sorry for the gentleman from Texas. I think he should have more time.

Mr. CALLAWAY. Never mind; I will jump on the next paragraph. [Laughter.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. CALLAWAY].

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Harbor at Tampa, Fla., with a view to securing increased depth and width in the channel from the Gulf of Mexico through Tampa and Hillsboro Bays to the head of the estuary in the city of Tampa.

Mr. CALLAWAY. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Texas [Mr. CALLAWAY] moves to strike out the paragraph.

Mr. CALLAWAY. Now I will yield to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, I was about to say that it is fair for the gentleman from Texas [Mr. CALLAWAY] to criticize the intercoastal waterway if he does not approve the project, but he should differentiate the project as reported on by the engineers, running from Massachusetts to Beaufort, N. C., from this project which the committee has reported. The intracoastal waterway, so called, mentioned in this report has nothing whatever to do with the project that runs across the State of Florida and into the Gulf of Mexico.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. MANN. I understood the gentleman from Texas to say that the reading of the report of the intercoastal waterway from Boston to Beaufort somewhat excited his ire. Does the gentle-

man think he will be able to read the report at all on the project from Beaufort to the Rio Grande, which the gentleman from Pennsylvania intimates is a great deal worse? [Laughter.]

Mr. MOORE of Pennsylvania. Will the gentleman yield for one statement there? Bear in mind that the engineers have reported only upon the section which is described in the report which the gentleman has in his hand. There has been no report yet on the project below Beaufort, nor in Florida, nor along the Gulf of Mexico, so far as I am informed.

Mr. CALLAWAY. In answer to the gentleman's statement I will say that I read this report, which reports on a segment of that canal which they recommend, based on the proposition that ultimately the canal is to be dug from Boston, Mass., to the Rio Grande. That is what I am talking about. That is the only way this report can be considered. You can not consider this matter in segments. It is not made by the engineers for consideration in segments. This segment is reported on by the engineers with the view ultimately of building it from Boston, Mass., to the Rio Grande, and no sensible man can consider it any other way than as a whole canal.

Now, I am wise enough to know that they are going to pick the best segments first, and when they get a segment here and a segment there and a segment yonder that are the least expensive and the most plausible for a beginning they will insist that these segments must be joined in order to make the project complete and valuable. I am wise enough to know another thing, that the people of this country are wise enough to know—that is the way you will do it. If you were wise, you would stop this thing here at its initial point—not begin it. The people of this country will hold you responsible, and they ought to do it. The people understand this pork-barrel business, and it is a matter of ridicule all over the country, except at places where the money is spent.

The money goes to the saloons, groceries, and dry goods houses from the contractors and people who do the work. They are interested in it. They do not care what becomes of the Government or how they burden the people. The question with them is to feather their own nests and further their own interests. And these engineers are the same way. Why, I have a cousin by marriage who is an engineer working in this river and harbor business, and I saw his wife last winter. They are good people. I love them. The man is smart and educated. Something came up about rivers and harbors, and his wife said she hoped I would vote for the biggest appropriation that is offered for rivers and harbors, because "that will help our job."

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CALLAWAY. I would like two minutes more. If you will extend my time two minutes, I will give you a rest and go to lunch.

Mr. MANN. I ask unanimous consent that the gentleman have five minutes more.

There was no objection.

Mr. CALLAWAY. The remark made by that man's wife was natural and human. This House ought to know these engineers are interested not only in furthering their own interests and holding their own jobs and raising their salaries, but they are interested in getting particular friends of theirs into places all along the line. That is human and natural, and the commercial spirit has been cultivated until every man holding a job under the Government looks at the improving of it as a business; he thinks about it as a business, not from the standpoint of the welfare of the whole people or the country.

Then we base our bills on engineers' reports. This report says they did not do all that the engineers asked them to do; that the engineers reported on 170 different projects, and the committee have only taken 60 out of the 170, and that they only recommended 79 for them to look into for another year, and that was all. Where, in heaven's name, is the matter going to stop?

A statement was made on the floor of the House Saturday, which I presume is true—I have not heard a member of the Rivers and Harbors Committee deny it—that every ton of freight floated on the Mississippi River last year cost the Government $30. I will say further that I have not heard any member of the Rivers and Harbors Committee give one single reason that looked either statesmanlike, sound financially, or sensible for the passage of this bill. I have heard no Member deny what the gentleman said—that every ton of freight that went on the Mississippi River cost the people of this country $30. Is that true? That is the greatest inland waterway of the country; that is the biggest river in the whole business. He said not only that, but that the Mississippi River did not carry one-half the tonnage now that it carried 20 years ago. That shows that your work on the Mississippi River "to improve commerce and navigation" has not added to the tonnage. It shows that river and canal commerce is doomed. The railways have superseded them.

The CHAIRMAN. The time of the gentleman has expired, and the question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FINLEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 380. Joint resolution authorizing the granting of permits to the Committee on Inauguration of the President-elect on March 4, 1913, etc.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 6380) to incorporate the American Hospital of Paris.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 26680) making appropriations for legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, disagreed to by the House of Representatives; had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon; and had appointed Mr. WARREN, Mr. WETMORE, and Mr. FOSTER as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 33.

Resolved by the Senate (the House of Representatives concurring), That there shall be printed and bound in cloth, with accompanying maps, 4,000 copies of the Report Upon Panama Canal Traffic and Tolls, prepared for the President by Emory R. Johnson, special commissioner on traffic and tolls; that the copies here ordered shall be printed from plates recently prepared for the Isthmian Canal Commission and now in the possession of the Government Printing Office, and that of the copies printed 1,000 shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 1,000 for the use of the Committee on Interoceanic Canals of the Senate.

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Ochlockonee and Crooked River, Fla.

Mr. SPARKMAN. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

On page 50, between lines 1 and 2, insert the following: "Crooked Channel, Fla."

The amendment was agreed to.

The Clerk read as follows:

Mobile Harbor and bar, Alabama, with a view to securing such additional depth and width of channel as the interests of commerce may require.

Mr. CULLOP. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee a question for information. Who controls the piers or wharfage in Mobile Harbor? Are they controlled by the railroad companies or by the city of Mobile?

Mr. SPARKMAN. I am not fully advised on that subject, but I will say to the gentleman that I am under the impression that the railroad companies do not control them. They may own their own dock facilities; very likely they do. I am not advised as to that.

Mr. CULLOP. I would like to ask another question in that connection, and that is, While the Engineers are ascertaining the desirability of these improvements and the probable cost, would it not be well to ascertain also who owns the piers and wharfage of Mobile?

Mr. SPARKMAN. I will say to the gentleman that I think that a very pertinent inquiry. In the river and harbor bill of last year there was carried a provision authorizing an examination and such inquiries as will bring that information. We have not the reports in yet, but when they come in I dare say we will have full information on all those subjects.

Mr. CULLOP. Now, Mr. Chairman, while we are considering this matter and making large appropriations for improvement of harbors, I think it would be well to know whether we are appropriating and expending this money to build up the railroad properties of the country or whether we are expending it for the purpose of improving waterways belonging to all the people.

Mr. EDWARDS. Will the gentleman yield?

Mr. CULLOP. Yes.

Mr. EDWARDS. That proposition was carried in the bill of last year. The engineers, under the directions in that bill, are getting up the very data that the gentleman is now referring to.

Mr. CULLOP. I understand, Mr. Chairman, in the testimony taken in the hearings before a number of committees, very large volumes of it, that nearly the entire wharfage or piers in every great harbor in this country is monopolized as terminal facilities by the great railways of the country.

I want to ask the gentleman and Members of this House whether it is right to go into the pockets of the people and appropriate their money to build up the private property of these great corporations? It is undoubtedly a fact that in many of the harbors of this country the piers and landing places are so controlled by the great railways of the country that a ship not controlled by these companies can not land at a single pier. Does the gentleman from Florida believe that he in his official capacity is doing justice to the American taxpayer when he is going into their pockets and taking millions simply to improve the property of these great corporations who hold a monopoly in their terminal facilities along these great highways of commerce which belong to the people?

The docks at these great points of commerce should be preserved for the benefit of the public and not turned over to the control of private enterprise and then employed for the purpose or restricting commerce. This evil which I am calling attention to exists in many places as a public detriment and very injurious to the commerce of the country, and a speedy remedy should be furnished for it.

Mr. SPARKMAN. Mr. Chairman, I want to say to the gentleman that his remarks are timely and pertinent. At the same time the evil of which he complains has not gone, perhaps, to the extent he thinks it has. At all events we are taking steps to remedy it.

Mr. CULLOP. Will the gentleman permit a question?

Mr. SPARKMAN. As soon as I have finished. There is no doubt but that in some, yes, in many places in the country railroads have had control if not of the entire dock facilities, at least a large part of them. In some places they owned them, in others they controlled without owning them. But a few years ago the River and Harbor Committee began to make inquiries into the subject and we have set on foot investigations that will give us the information upon which we can legislate wisely on the subject and correct the evil.

Mr. CULLOP. Mr. Chairman, will the gentleman permit an interruption at that point?

Mr. SPARKMAN. Yes.

Mr. CULLOP. The testimony before the Committee on Interstate and Foreign Commerce in a number of instances has shown that at some of our greatest shipping points certain railroad terminals have obtained possession of the entire frontage of the waterway and simply control the landing and the handling of all the commerce at such places. I am informed that testimony of that character has recently been given—but is not yet published—before the Committee on Fisheries and Merchant Marine regarding this same harbor.

Mr. SPARKMAN. To which harbor does the gentleman refer?

Mr. CULLOP. To the one at Mobile. I am informed that testimony is not yet published, but that it has been given by witnesses who claim to have possession of the facts, and that they say that the terminal facilities of railroads practically control the piers and the wharfage in that city. I will say this, that if they do not do it in Mobile, then that city stands alone almost in that regard in this country. They have been wise and have built wisely in that respect, by obtaining possession and control of those facilities simply for the purpose dominating the commerce at such points. It has been very clearly demonstrated that in certain of our larger cities in the East these facilities are absolutely controlled by the railroad terminals.

Mr. SPARKMAN. Mr. Chairman, I want to say to the gentleman that he is largely correct, at least so far as quite a number of the harbors are concerned.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. CULLOP. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SPARKMAN. Mr. Chairman, I think this a very important question.

Mr. CULLOP. Mr. Chairman, the gentleman admits the importance of the question, and that we ought not to take the public money to improve the property of these corporations.

Mr. SPARKMAN. I fully agree with the gentleman in that.

Mr. CULLOP. There is no justification for it, he admits. Now, I will ask him if in certain harbors along the Atlantic coast where this is true any appropriations have been provided for in this bill to be expended for the improvement of them solely to advance the value of the private property of these corporations? If so, does not the gentleman believe that he ought to return to those items and have them eliminated from the bill?

Mr. SPARKMAN. Mr. Chairman, I am glad to answer that question, and I will answer it by saying that I know of no harbor for which we are making an appropriation in this bill the terminal facilities of which are entirely owned or controlled by railroads. I know of no harbor where they own any very considerable part of the terminal facilities, except at places where efforts are now being made, successful efforts, too, to correct the evil. Municipalities in many places are acquiring a sufficiency of dock facilities to control the situation. Let us take the city of Jacksonville, Fla., for instance. There railroads and private parties did gain control of nearly all the frontage on the river; but that city, seeing the need of municipally owned docks, has authorized the issue of bonds and will at great expense—nearly a million of dollars—provide sufficient dock facilities to take care of her rapidly growing commerce. Other cities are doing likewise. This is true at Philadelphia, as I understand; it is also true in New York, where they propose to spend many millions of dollars for similar purposes; and, as I said a moment ago, I know of no place for which we are making the appropriations in this bill where the wharfage property and other terminal facilities are entirely controlled by railroads. I think all harbors and rivers improved by the Government should be open to all on equal terms; and if we go ahead as we are going now the time is not far distant, I take it, when we will have reached a point where no appropriation will be made by Congress for the improvement of a river or for the development of a harbor unless ample dock and terminal facilities are provided for such harbor or river free and open to general commerce. [Applause.]

Mr. FOWLER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 50, at the end of line 6, by adding the following: "*Provided*, That the report thereon shall disclose the ownership and control of the wharves, docks, and piers in said harbor."

Mr. FOWLER. Mr. Chairman, I feel, in view of the disclosures which have been made in reference to the ownership of these conveniences in this harbor, that it would be proper and just to the American people that the report on this project should disclose the ownership of the wharves, docks, and piers of this harbor. It has been said here, with some degree of earnestness and also with some degree of authority, that the railroads have a complete control of the approaches to these docks, wharves, and piers. If that be true, Mr. Chairman, I feel that it would be unwise for the Government to make great outlays in the way of expenditures of money for the purpose of improving private property for the benefit of private corporations. I trust, Mr. Chairman, in view of the statements which have been made by members of the committee upon this question, that this amendment will carry. I see no reason why it should not carry; I see no reason why this investigation should not disclose to the American people in its report who are the owners of these approaches for the purpose of commerce, and give to us the advantages of the information concerning the ownership of railroads of such private ownership. I do not know what the committee may think of it, but I see no reason why they should not agree to such an amendment. In fact, I say, Mr. Chairman——

Mr. EDWARDS. Will the gentleman yield for a question?

Mr. FOWLER. Certainly.

Mr. EDWARDS. Does not the gentleman know that the very provision which he seeks to put in by amendment is now the law?

Mr. FOWLER. Mr. Chairman, I know, to the contrary, that if there is a syllable of information in any report made by any investigation of any of these harbors disclosing the ownership and control of these approaches I have no knowledge of it; and I say to the gentleman who propounded that question that he can not make good his statement, making it clear that there is a report or any investigation made disclosing these facts.

Mr. TAYLOR of Alabama. Will the gentleman allow me to interrupt him?

Mr. FOWLER. Yes.

Mr. TAYLOR of Alabama. The gentleman is now offering an amendment in regard to Mobile Harbor?

Mr. FOWLER. Yes.

Mr. TAYLOR of Alabama. I say to the gentleman that the last report on Mobile Harbor, which I think is No. 967, in which this harbor was reported, gives the mileage and the ownership of every particle of wharfage there is in that situation. [Applause.] Now, I want to say further to the gentleman that if he will read he will find in the last river and harbor bill, and it now becomes the general law, that the engineers are required to make report as to the ownership of wharfage in a city when further improvements are sought to be made. I simply want to give the gentleman that information along the line of his present discussion.

Mr. FOWLER. Mr. Chairman, I have no doubt whatever the distinguished gentleman from Alabama is anxious to get at the information which I seek by this amendment, but I repeat that I have never seen a report from any of these investigating engineers disclosing the information which this amendment seeks.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAYLOR of Alabama. Mr. Chairman, so far as the harbor of Mobile is concerned full information was given to this Congress three years ago when the last project was adopted extending the depth of Mobile Harbor to 27 feet, in House Document 657, Sixty-first Congress, second session. Information was given as to the wharves in that locality. Since that time, within the last two or three years——

Mr. FOWLER. Will the gentleman yield for a question?

Mr. TAYLOR of Alabama. I think I will answer the gentleman's question as I proceed, but I will be glad to answer it now.

Mr. FOWLER. Does that report disclose that the railroads have any interest in wharves, piers, and docks, in the harbor of Mobile?

Mr. TAYLOR of Alabama. That report discloses that the Mobile & Ohio, Southern, Louisville & Nashville, and Mobile, Jackson & Kansas City Railroads have considerable terminal facilities in Mobile.

Mr. FOWLER. Does it disclose it has an interest in all the docks and piers of that harbor?

Mr. TAYLOR of Alabama. On the contrary, it discloses it has the interests not only of docking and wharfage, which has not yet been made into important——

Mr. FOWLER. Is it not a fact that this railroad has almost the exclusive right in that harbor to the approach of the piers, docks, and wharves?

Mr. TAYLOR of Alabama. I do not think it is almost an exclusive right. It has at the present time, I think, the largest single wharf frontage. If the gentleman will allow me to give him the information on the subject, I will be glad to do so.

Mr. FOWLER. Is there not complaint now of the crowding out of others in that harbor, and that they can not get there to discharge the duties which devolve upon them now, because of the fact of this railroad's ownership of piers and docks in that harbor?

Mr. TAYLOR of Alabama. Is that question stated as fully as you desire to put it?

Mr. FOWLER. For the present.

Mr. TAYLOR of Alabama. My answer to that is that the Turner-Hartwell Dock Co. owns a splendid dock, with the latest modern improvements upon it, and which is a very large and comprehensive one. That dock is on the wharf front in Mobile, but it happens to be along the line of the Louisville & Nashville Railroad and not along the line of the Mobile & Ohio Railroad. The latter railroad and the Louisville & Nashville Railroad do not discharge their freight at the same places in the city of Mobile, nor do they discharge their freight from the same terminal.

Mr. FOWLER. Does not this——

Mr. TAYLOR of Alabama. Let me answer it.

Mr. FOWLER. I thought you had answered it fully.

Mr. TAYLOR of Alabama. I have not. The Turner-Hartwell Dock Co. claim the Mobile & Ohio Railroad ought to absorb certain switching charges on freight that is shipped to them and directed to them on the way to Europe and elsewhere. The Mobile & Ohio Railroad Co. contend they ought not to be called upon to absorb the switching charges. That question has been before the Interstate Commerce Commission for two years or more—the question between the Turner-Hartwell Dock Co. and the Mobile & Ohio Railroad Co.

Mr. FOWLER. Does not this Mobile & Ohio Railroad Co. control that great frontage there of easy approach to that harbor?

Mr. TAYLOR of Alabama. A part of it.

Mr. FOWLER. And the greatest part to the deep channel?

Mr. TAYLOR of Alabama. I do not think it does control the greatest part.

Mr. FOWLER. I have been so informed, and that is the object of my amendment.

The CHAIRMAN. The time of the gentleman from Alabama [Mr. TAYLOR] has expired.

Mr. FOWLER. Mr. Chairman, I move an extension of his time for five minutes.

Mr. TAYLOR of Alabama. Mr. Chairman, I ask unanimous consent to proceed and clear this situation up, if I can, without interruption.

The CHAIRMAN. Is there objection to the request? [After a pause.] The Chair hears none. The gentleman from Alabama [Mr. TAYLOR] will proceed for five minutes.

Mr. TAYLOR of Alabama. The Turner-Hartwell Dock Co. is represented largely by Horace Turner, of Mobile, who is one of the most progressive men in the United States; certainly one of the most progressive men in Alabama and throughout the South. He wants—instead of what we have in Mobile now, 300-feet bottom width in our channel—a bottom width of 1,200 or 1,500 feet in our river channel. He will be greatly surprised to hear that the controversy between the Mobile & Ohio Railroad and the Turner-Hartwell Dock Co. could have impressed the mind of any man, far less a Member of Congress, with the view that he has interposed, or desires to interpose, or that there ought to be any interruption in the development and deepening of the channel at Mobile by the United States. Now, this call for another survey is pressed more vigorously by the Turner-Hartwell Dock Co., perhaps, and those who take their view of the situation, than probably any other business interests in Mobile. They are settling their controversy as well as they are able to do before the Interstate Commerce Commission. In addition to that the public of Mobile are now being very much agitated and are exceedingly interested, as am I and as is every citizen in the State of Alabama, in the development of a belt-line railroad similar to that in New Orleans. We do not know whether we can obtain it or not, but we are agitating the question now, and that is for the purpose of improving the dock facilities at the city of Mobile so as to keep pace with the growth of commerce and the development of our channel and harbor at Mobile.

I can not recollect the number of yards or the number of feet or the exact capacity of the different docks in Mobile, but I am quite safe in saying that I do not think the Mobile & Ohio Railroad owns a controlling interest in our wharf and frontage. The trouble between them, and the dispute between them, is not a question as to the amount of dockage or wharf frontage.

Mr. CRUMPACKER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. TAYLOR of Alabama. Yes; I would be very glad to.

Mr. CRUMPACKER. Section 3, containing the legislative provisions in this bill, seems to cover this whole question?

Mr. TAYLOR of Alabama. Yes.

Mr. CRUMPACKER. It requires every report to contain information respecting both public and private terminals and transport facilities, and to report especially respecting the public docks and wharves; and if there be none, on their inadequacy. The report must contain the opinion of the local engineer respecting the number and the location. It seems to me this whole question is covered by section 3 on page 53 of the bill—is covered as the gentleman from Illinois [Mr. FOWLER] would require.

Mr. TAYLOR of Alabama. Yes; I stated that, and the gentleman from Illinois stated that it was not so. He disputed the fact.

Mr. CRUMPACKER. I think it is so.

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. TAYLOR of Alabama. Yes.

Mr. FOWLER. Does that law that the gentleman refers to, and to which the gentleman from Indiana [Mr. CRUMPACKER] has just referred, require that there shall be in the report on every one of these surveys of harbors a statement of the ownership of the wharves and the piers and the docks and the control thereof?

Mr. TAYLOR of Alabama. I think so, as nearly as the English language can make it.

Mr. FOWLER. I have never seen it.

Mr. TAYLOR of Alabama. Look at it, on page 53 of this bill, the particular bill that the gentleman has before him, or, if the gentleman desires, I will read it to him. The gentleman from Indiana [Mr. CRUMPACKER] has repeated an abstract of it to him.

Mr. FOWLER. Yes; but he has not repeated what this amendment calls for, and I do not think the gentleman from Alabama can.

Mr. TAYLOR of Alabama. I will only read what is here, and this is made to cover all authorities for surveys. But I

replied to the gentleman from Illinois as to this particular point in Mobile that such report had already been done in the last survey, as required by law.

Mr. FOWLER. If this amendment should carry, it would prevent the Mobile & Ohio Railroad from controlling commerce from that port to the Panama Canal, and the gentleman knows it.

Mr. TAYLOR of Alabama. No; I do not know it. I have nothing to do with the Mobile & Ohio Railroad, but I do not believe in legislation on a river and harbor bill to control a question of interstate and foreign commerce.

The CHAIRMAN. The time of the gentleman from Alabama has expired. The question is on the adoption of the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. MOORE of Pennsylvania. Mr. Chairman, the discussion between the gentleman from Georgia [Mr. TRIBBLE] and myself was left in a rather unsatisfactory condition, and in order not to take up the time of the House I ask unanimous consent that the full statement made by me as to the navy yard before the Committee on Naval Affairs be inserted in the RECORD.

The CHAIRMAN (Mr. HEFLIN). The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent to insert in the RECORD a statement concerning the controversy he had with the gentleman from Georgia [Mr. TRIBBLE] with reference to the hearing before the Committee on Naval Affairs. Is there objection?

There was no objection.

The statement is as follows:

NEW DRY DOCK AT PHILADELPHIA NAVY YARD.

Argument of Hon. J. HAMPTON MOORE, Member of Congress, before the House Committee on Naval Affairs.

Mr. Chairman and gentlemen of the committee, there has been a custom for several years, certainly since I have been in Congress, to come before the committee and present the claims of the Philadelphia Navy Yard. This year we are in a somewhat different position as a delegation in that we have two members of what was once the minority party, now the majority party in Congress, very closely associated with this work. Mr. DONOHOE, of Philadelphia, is a Democrat. We have not had the pleasure of having a Democrat with us for several years, and Mr. LEE, a member of the Democratic Party, is a member of this committee.

Mr. DONOHOE. Is it a pleasure?

Mr. MOORE. A very great pleasure [laughter], because it drives us all forward to do the best that is in us.

I think there is no division of sentiment in regard to what we would like to have done for the Philadelphia Navy Yard.

The CHAIRMAN. We never have any politics in this committee.

Mr. MOORE. I understand that this committee is a semijudicial body and will treat us fairly without regard to our party relations. Mr. DONOHOE, of course, will speak for himself, but on behalf of Gen. Bingham, Mr. MCCREARY, Mr. MOON, Mr. REYBURN, and the other members of the delegation I desire to ask the committee to be as considerate of the Philadelphia Navy Yard as possible, more particularly since this year there has been a cut in the estimates from $160,000 to $140,000. We ask that every one of the items presented in the estimates be approved in full. They consist of the sanitation system, reserve basin, to complete, $45,000; Pier No. 5, to extend, $85,000; and water-closets, $10,000. A previous act provided an appropriation for Pier No. 5, but it was not sufficient to complete the work, and the work has not actually been begun, and the appropriation of $85,000 is now absolutely necessary in order to enable the authorities at the yard to begin the work and to give the yard the benefit of that additional pier, which is badly needed.

Mr. GREGG. Were any of those items cut below the estimates?

Mr. MOORE. The amount appropriated last year was $160,000, and the amount submitted by the department this year is $140,000. In speaking of a cut I mean it was a cut from last year's appropriation.

Mr. GREGG. I thought maybe the department had cut out something.

Mr. MOORE. The department cut out a number of things, notably the extension of streets and avenues, which are highly important in a yard of that kind, where we have a great deal of vacant territory that ought to be made available for the purposes of the yard, and the department also cut out one or two of the recommendations made by the officials at the yard. They wanted to extend their electrical and steam power system so that it might be utilized on the vessels at the docks, and so that they might be prepared for permanent improvements over the yard on ground that is not now generally improved. The authorities very properly looked forward to the improvement of the yard on a permanent basis, and having much waste land they are hoping for the opening up of the streets and for the extension of their various sources of power. This is very important in a yard of this kind, because the expense of hauling is very great, and there are times, especially in a season like this, when the streets are heavy and the wagons and drays that carry the material in the yard are stuck in the mud.

In some respects the yard is not up to date in the matter of common ordinary transportation facilities. If it were possible to increase that appropriation in any one respect, we would like to have it done. The extension of the streets, pavements, water, and electric-railroad systems are estimated by the authorities of the yard at $15,000.

Mr. TALBOTT. Was not that all taken up with Admiral Hollyday?

Mr. LEE. Yes, sir.

Mr. MOORE. That was cut out by the department. Whether you propose to go beyond the department's recommendation or not I do not know. All we can do is to urge you to do the best you can with respect to the streets extensions and the construction of a crane for one of the buildings there—building No. 10. This is important at this time for the carriage of freight and materials.

Our main plea is that nothing less than has been submitted by the department be allowed for that yard, particularly inasmuch as we observe that in some of the other yards there have been increased appropriations, notably at the city of Washington. In all fairness it must be stated that the department itself, following the lines of economy which this Congress seems to have sought to work out, and following the general tendency of the departmental administration in Washington, has cut down estimates for appropriations at other yards, so that we may not comparatively be suffering very much. But when we look at the appropriations running up to hundreds of thousands for other yards, we sometimes wonder why, in a general estimate from the department for a great yard like that at Philadelphia, we are left with a total estimated appropriation from the department of only $140,000.

Now, so much for the general conditions at the yard. A question has arisen which is regarded as highly important by certain citizens of Philadelphia, and one that properly should be presented to this committee in a general way by the delegation. In this matter there is, perhaps, a friendly rivalry, particularly so far as the newspapers of Philadelphia are concerned, and it may be that members of the delegation have entered into a friendly rivalry upon this question, but as to the ultimate object there is no difference of opinion whatever. Some of us who have been in Congress for some time feel that a question of this magnitude ought to be approached with very great caution and that this committee ought to be thoroughly fortified with opinions and estimates from the department before it proceeds to go into a matter of so much consequence. The question is the construction of a new dry dock. We have a dry dock at Philadelphia about 750 feet long. It is not the biggest dry dock in the United States, but it is an excellent dry dock. It was capable of housing the Dreadnought *Utah* and did it very well, but there is some difference of opinion as to the possible capacity in the matter of the entrance at the caisson for the admission of such vessels as may be constructed in the near future.

Mr. GREGG. When Admiral Hollyday was before the committee Mr. LEE went very fully into that matter. Have you read the hearing?

Mr. MOORE. No, sir; but I have talked with Admiral Hollyday on the subject and I have been at the yard a number of times, and have talked with officers there. The question seems to be as to the capacity at the entrance. The officers at the yard, supported very largely by public sentiment in the vicinity of the yard and in the city of Philadelphia, and by some newspaper comment, which is more or less limited, have insisted that there should be constructed there a dry dock that would extend from the Delaware River into the back channel which leads in from the Schuylkill River and completes the island, a distance of 1,700 feet. Now, ordinarily this committee would be startled, perhaps, and Congress itself would be somewhat surprised at having a suggestion made that at any yard there should be constructed a dry dock 1,700 feet long. Nobody ever heard of a dry dock 1,700 feet long. There is certainly nothing of the kind anywhere in the known world, but in this particular instance the proponents of the 1,700-foot dry dock contend that by reason of the configuration of the ground and the peculiar adaptability of the situation to the construction of a dry dock that should be continuous and reach from stream to stream, that it ought to be started in the city of Philadelphia. We agree with that and we would be very glad to have this committee take up that question and have some start made upon the proposition.

Some day you will have to have one great dry dock on the Atlantic coast and another one on the Pacific coast to provide for the very largest battleships that may be constructed, although I am one of those who want to limit the size of battleships, as I want to limit the depth of the artificial channels which cost this Government so much money and accommodate only certain great battleships and commercial vessels. But if you have to consider some day the centralization of the dry-dock facilities, naturally there is no point along the Atlantic coast where such a dry dock would be offered more advantages than at the port of Philadelphia and at the League Island Navy Yard, where you have fresh water, a desideratum not found anywhere else in the United States nor in the world, so far as navy yards are concerned.

Now, then, while the proposition may be startling at first blush, the truth is there is an island which presents a peculiar opportunity for the construction of a continuous dry dock that will lead from the Delaware River into the back channel which leads from the Schuylkill River. The distance happens to be 1,700 feet, and that accounts for the peculiar figures that are presented.

Leaving aside all the agitation and the perturbation of mind of a few of our newspaper friends who insist that something should be done, and done immediately, let us see just what the committee can do and let us present our claims as a delegation, so far as I am able to speak for the delegation.

The officials—that is, the local officials, at least—would like to have that dry dock. They believe a start should be made on the work. We will agree that all the citizens of Philadelphia would like to have it done. We contend that it would be a great advantage to the United States in general, and particularly to the Navy Department, in having such facilities in case of emergency. How are we going to present it? As a result of this agitation, Mr. DONOHOE became quite interested and active, and Mr. LEE, a member of this committee, also did us the honor to come to our city and inspect the navy yard—he has been there several times, and he has done it interestingly, as a good Congressman ought to do—and they have concluded that some big work should be started. We have not been oblivious, those of us who have been longer in the service, to the desire of many people to have this dry dock started, but we were always confronted with the peculiar proposition of the 1,700 feet and the enormous cost and the difficulties that we would face when we came before the Naval Affairs Committee of Congress.

In consequence of this agitation and after much thought upon the subject I presented a bill in the House on December 21, 1911, authorizing an appropriation for a dry dock at the Philadelphia Navy Yard. It provided for the construction at that navy yard of a dry dock "sufficient to float the largest battleship of the Navy," and appropriated $1,500,000. I was informed that a 1,700-foot dock would cost over $4,000,000, and it seemed to me that it would be almost a killing proposition to come before this committee and ask for $4,000,000.

Mr. BUTLER. What is the length of your proposed dry dock?

Mr. MOORE. I proposed to have a start and fixed the start at $1,500,000, which would be sufficient to build a dry dock at least 800 feet long—as long as any existing dry dock in the United States—and this bill, which is one paragraph provided——

The CHAIRMAN (interposing). The dry docks we have been building at about that length have been costing something over $2,000,000, if I remember.

Mr. MOORE. That makes the situation so much more difficult. I have had some experience with the building of dry docks. As receiver, I completed the dry dock at Boston and know what it cost. It cost about $600,000 more than the contractor's price.

Mr. BUTLER. Did my colleague have in his mind the construction of a dry dock reaching from the Back Basin to the Delaware River, which, I think, is about 1,800 feet?

Mr. MOORE. One thousand seven hundred feet. This bill of mine contemplated meeting the situation in this way: If we could secure an appropriation of $1,500,000 it was provided—

"That plans for said dry dock shall contemplate its extension from the Delaware River through to the Back Basin, approximately a distance of 1,700 feet, to the end"—

This is the old river and harbor language where you begin something and do not complete it right away—

"to the end that said dry dock when completed shall be capable of admitting or discharging vessels at either end thereof."

That bill itself simply begins this enterprise. You can help us by a start of $1,500,000, which will give us a dry dock, according to the estimates I have, 800 feet long, which will be on the line of the proposed 1,700-foot project and will end somewhere about halfway through, and this leaves us open to come back to this committee with a view to the extension all the way through.

Mr. BUTLER. To put the other end on?

Mr. MOORE. Yes, sir. That was the proposition I presented to the committee, and it struck me as the one most feasible in view of our financial condition and in view of this committee's attitude toward projects of this kind.

Mr. LOUD. Except for the pumping machinery, that would be equivalent to two docks?

Mr. MOORE. That would be one continuous, but it would be constructed half at a time. If Congress later on wanted to run it through, it could continue it, and this would accommodate vessels coming and going. Following the introduction of that bill——

Mr. BUTLER (interposing). Did you have in your mind that it would afford a sort of waterway, too, between the channel and the ocean?

Mr. MOORE. I am an enthusiastic waterway man, and if I did not have that in mind——

Mr. BUTLER (interposing). I have seen some comment that this would afford a means of approach to the ocean which would save or spare vessels the travel of the distance around the end of the island.

Mr. MOORE. I can explain that.

Mr. BUTLER. I wish you would.

Mr. MOORE. I can explain what that means. The gentlemen who advanced that idea evidently hold the notion that it would save time and save the run around what we call the Horseshoe Bend in the river, which makes a curve way out toward the east. Coming up the Schuylkill through this back channel would avoid the Horseshoe Curve, which would save a mile or two.

Mr. DONOHOE. There is something else. You can work about the ships at the same time by the erection of the dry dock in the suggested bill introduced by Mr. LEE?

Mr. MOORE. I was coming to Mr. LEE'S bill, and that very point. On January 12 Mr. LEE, of this committee, introduced a bill (H. R. 17760) authorizing an appropriation for a dry dock at the Philadelphia Navy Yard.

"A dry dock extending from the Delaware River to the Back Basin, approximately a length of 1,700 feet"—

He proposes to go right through—

"of depth and width corresponding with the locks of the Panama Canal."

That is to say, we should have at least 40 feet depth in this proposed new dry dock. Of course, that would mean—I do not want to discuss the bill while I am reading it—

"Of depth and width corresponding with the locks of the Panama Canal and capable of accommodating two of the largest battleships of the Navy, there be appropriated the sum of $3,000,000: *Provided*, That said dry dock be so constructed with a middle gate or caisson that one or two vessels may be handled, as the occasion may require."

That is Mr. LEE'S bill.

The CHAIRMAN. Just at that point may I suggest that in the case of the dry dock at Pearl Harbor, which, I think, is about 850 feet long, the limit of cost is $2,700,000, and in the case of the dry dock at Puget Sound the limit of cost is $2,300,000.

Mr. MOORE. That is over 800 feet?

The CHAIRMAN. A little over 800 feet.

Mr. MOORE. That is the largest dry dock in the United States to-day.

The CHAIRMAN. Now, with a 1,700-foot dry dock, what figures or information have you that such a dry dock would not reasonably cost something like $5,000,000 instead of $4,000,000, the figures given?

Mr. MOORE. Admiral Hollyday told me that a 1,700-foot dry dock, such as is proposed, would cost in excess of $4,000,000.

The CHAIRMAN. But he did not say how much the excess would be?

Mr. MOORE. No, sir.

The CHAIRMAN. That is rather a large quantity.

Mr. MOORE. The question before you now is one as to whether there will be any recognition for this dry dock at all, which we all recommend, and second, whether you should start, as Mr. LEE proposes in his bill, to do the whole thing on the Panama Canal basis, or whether you should start in a more modest way, as I have proposed here, to establish a beginning which probably would prove the worth of the enterprise and then of continuing it if its worth is demonstrated. There is one objection to Mr. LEE'S measure that I can see, and that is the objection I had to the proposal to dig the Chesapeake and Delaware Canal a depth of 35 feet.

There are about 13 miles of that canal, and this situation would correspond to the one at League Island; and at the other end of the canal, the lower end, there is probably not more than 20 or 25 feet of depth, and in the upper end it was shown that they did not have 30 feet, so that cutting the canal to 35 feet seemed an absurdity. But the estimated cost had to be presented to Congress. I have always had the notion that somebody did this deliberately. The report was presented to Congress recommending connecting the Chesapeake and Delaware Bays, but if it should be dug for 13 miles between the Delaware and the Chesapeake 35 feet deep we would have a hole in the ground which would mean that if you ever built a vessel in there drawing 35 feet it could not get out and would simply have to pass between Chesapeake Bay and Delaware Bay and stay there. The difficulty with the bill of Mr. LEE, which contemplates opening up the entire enterprise at once, is that if you make the depth and width of this 1,700 feet to correspond with the depth and width of the Panama Canal you will dig a hole in the ground between the Delaware River and the Schuylkill River out of which you can not get at all. It would seem to be——

Mr. DONOHOE (interposing). Any vessel that got in should certainly be able to get out?

Mr. MOORE. That is true; but I do not understand the necessity of digging 10 feet below the river depths.

Mr. DONOHOE. The further deepening of the Delaware River is certainly in contemplation?

Mr. MOORE. Yes, sir; we are trying to get 35 feet.

Mr. DONOHOE. We do not know what depth we may have to go in the future; it will be limited only by the size of the ships?

Mr. MOORE. That is true.

Mr. DONOHOE. Mr. Lee's bill proposes to construct the dry dock corresponding with the depth of locks of the Panama Canal, which will limit the width and depth of ships in the future; and so if we build it properly now we will not have to rebuild it in the future?

Mr. MOORE. That argument would go if you could get up the Delaware River and out the Back Basin.

Mr. DONOHOE. It would do not harm?

Mr. MOORE. No, sir; it would do no harm; but there are 60 miles of channel that do not now exceed 30 feet, and therefore you would simply be digging a 40-foot hole 1,700 feet long to connect two bodies of water not more than 30 feet deep.

Mr. DONOHOE. That would have to be taken up in the future if we did not get it deep enough now.

Mr. MOORE. So far as the future is concerned, judging from my experience in this House in the past, I would say that we probably will not get 40 feet in the Delaware River for some time.

Mr. DONOHOE. But we hope for it?

Mr. MOORE. We certainly do. We are now striving to get 35 feet, and it will take at least six years.

Mr. DONOHOE. That is an item that can be amended?

Mr. MOORE. Certainly. If this committee will vote to adopt Mr. LEE'S bill, I shall be delighted to see it done, because it will start us at once on the business; but I would suggest to the committee that that section be amended, because it would simply be unnecessary to dig below the approaches.

Now, Mr. Chairman, having commented upon these two measures and pointed out——

The CHAIRMAN (interposing). I would like to ask you a question. What is your idea of the naval necessity for a dry dock of that size at that place?

Mr. MOORE. Mr. Chairman, it would depend entirely upon the recognition given that navy yard by the Navy Department. If the department proposes to continue it even as a reserve basin, which we are informed it does, then it would be well to be prepared with another dock in addition to the one we have, larger than the one we have, to take care of vessels that come there, because it is the best repair station we have anywhere along the coast; it is the best material field, and it is the best labor field, and it is the best protected yard, because it is 100 miles away from the ocean and it is in fresh water.

The CHAIRMAN. Do you think in time of stress many vessels would go up there if the enemy were down at the mouth?

Mr. MOORE. That is a splendid question, Mr. Chairman. I would say that it would be the best place in the United States if our intracoastal waterways were cut through to New York. They could come up the Delaware and get out of the way. That we hope some day will eventuate; but even as it is, the Chesapeake Bay being in danger and in a measure not so thoroughly well protected——

Mr. TALBOTT (interposing). The Chesapeake Bay?

Mr. MOORE. In some respects it is not so thoroughly well protected. I am as fond of it as any man, because it is one of the finest bodies of water in the country. It is not so well protected as it should be, and there is now a commission undertaking to devise ways and means to better shield it against the possibility of a foreign attack; but I take it that if there is going to be a serious invasion it will not be altogether where there is waste land, but where they can reach some of the skyscrapers and get some of the spoils of warfare, and I think they would strike a point like New York or Philadelphia very quickly, if they could. They could get into New York and into Boston, but they certainly would have difficulty in getting into Philadelphia as we are situated now.

Mr. BUTLER. On account of a point of order, how are you going to keep the dry dock in the bill?

Mr. GREGG. They are offering a separate bill.

Mr. BUTLER. I understand that.

Mr. MOORE. I will answer that question.

Mr. BUTLER. Do you request that this item be incorporated in the appropriation bill?

Mr. MOORE. Yes, sir; we hope so. As a matter of fairness to the people we ask that this project be incorporated in this bill, but I am coming to the point now raised by Mr. BUTLER. First you have Mr. LEE'S general bill, which proposes to begin at once and make the entire appropriation, or, at least, make so large an appropriation that it would probably mean the immediate completion of the work. Then you have my bill, which proposes to make a start on a more moderate basis. Now, then, if you will take Mr. LEE'S bill, with the amendments that have been suggested, I hope you will do it. If you find that you can not take Mr. LEE'S bill, and will take my bill and incorporate it in your appropriation bill, I hope you will do that, but if you find that you can not do that—that both requests are unreasonable at this time or are beyond your means at this time—then give us a start of some kind; do what you can as to that.

We have not plans and specifications sufficient to properly inform this committee in regard to this project. Now, if you can't do anything else, will you do this: Will you provide in this bill an appropriation of $100,000 to prepare plans and specifications, so that we may have something tangible to talk about when the next year's appropriation bill comes up? If you will not take Mr. LEE'S bill, and I hope you will, and if you will not take my bill, and I hope you will, then give us $100,000 to give us a start on the plans and specifications.

The CHAIRMAN. May I bring your attention to this fact: That the Government has an engineer corps under the Bureau of Yards and Docks, and that if they see fit they can submit plans and specifications without that appropriation?

Mr. MOORE. I presume they could do that.

Mr. BUTLER. We never have made a separate appropriation.

Mr. LEE. That is the business of the Government?

The CHAIRMAN. Yes, sir; if they see fit to recommend.

Mr. ROBERTS. I would like to call Mr. MOORE'S attention to the fact that he has not told us yet how he is going to word the point of order.

Mr. MOORE. That this is new legislation?

Mr. ROBERTS. Yes, sir.

Mr. MOORE. Well, I admit that there is some difficulty about it. If you feel that you can not put this item in the appropriation bill and that it would be ruled out on a point of order, then I ask that you pass a separate bill, let it come as a new matter, and I think that would be the safer thing to do. I have feared that we were asking too much at the start—I want to be very frank with the committee about it—I have feared that the committee would not take this

so seriously as some of the newspaper headlines in Philadelphia have made it; but we have felt there was nothing for us to do but to come here and ask the committee to help us out in this matter, satisfied in the last analysis if you can not give us Mr. LEE's bill as a separate proposition, or that you can not give us my bill as a separate proposition, you will at least give us a more moderate start.

Mr. LEE. You stated that it would cost between $4,000,000 and $5,000,000 to build a dry dock similar to the one covered in the bill I have introduced?

Mr. MOORE. In excess of $4,000,000.

Mr. LEE. Does the gentleman not know that the properties at League Island would make this dry dock cost practically half what it would anywhere else in this country?

Mr. MOORE. It undoubtedly would cost less, because we would not have to acquire outside property.

Mr. LEE. Do you not know that the sand and gravel at League Island would practically cut down the cost of this dry dock one-half what it would cost any other place in America?

Mr. MOORE. Well, Mr. Lee, I do know that that would be a feature in the way of economy. It would be a saving to the Government.

Mr. LEE. I just wanted to call your attention to it.

Mr. MOORE. That should be considered; but there is no question but that it would cost in excess of $4,000,000, independent of all that.

Mr. LEE. Is it not a fact that we do paving at League Island for half what it costs at any other navy yard?

Mr. MOORE. I can not tell.

Mr. LEE. On account of the properties at the navy yard. We have sand and gravel there to make all the concrete that would be used in building a dry dock of the kind my bill covers.

Mr. MOORE. We have certain decided advantages in the matter of raw material.

Mr. LEE. The dry dock can be built for $3,000,000, and I claim that it will make it the cheapest dry dock which the Government owns. I went over this thing very carefully when I was there, and I am mechanic enough to know that we can mix all the concrete and get all the properties right there on the island so as to make that dry dock cost practically $3,000,000 or less.

Mr. MOORE. I am very glad to hear you say so.

* * * * * * *

Mr. BUTLER. What size vessels can go up there?

Mr. MCCREARY. The mean depth is about 29 feet.

Mr. MOORE. Any war vessel the Government has can go up there.

Mr. BUTLER. I mean, can it go up there?

Mr. MOORE. Yes, sir.

The CHAIRMAN. I understood that you have at mean low water 30 feet?

Mr. MOORE. We have a rise in the tide there of 7 feet. Our mean low water now exceeds 28 feet. It is legislatively 30 feet and is substantially 30 feet all the way up the 60 miles.

Mr. GREGG. What is the length of the dry dock you have there?

Mr. MOORE. About 750 feet—to be exact, 744.6¾ over all. The *Utah*, built across the river by the New York Shipbuilding Co., is one on the very largest vessels the Government has thus far built. She is one of the new *Dreadnoughts*, and she has been in the dock.

Mr. LOUD. What is the width of the gate?

Mr. MOORE. At the top of the caisson it is slightly over 102 feet. It tapers off to 80 feet, or thereabouts.

* * * * * * *

The CHAIRMAN. How large is the dock at Norfolk, since it was enlarged last year?

Mr. MOORE. That would be a little larger than ours.

Mr. BUTLER. That is not yet completed?

The CHAIRMAN. Yes, sir; it is completed.

Mr. REYBURN. I think, gentlemen, we can present a reasonable case in Philadelphia—that we can show reasonable cause why Philadelphia should be selected as the point, the most strategic and advantageous point, for placing this dry dock and having our large naval base.

Mr. BUTLER. I would like to ask you a question or two. Can you recall how many acres there are in the navy yard?

Mr. REYBURN. I can not.

Mr. LEE. About 800.

Mr. MOORE. Over 900 acres; approximately 1,000.

Mr. BUTLER. They have parade grounds, rifle range, and the Government would not have to purchase any land?

Mr. MOORE. No, sir; they have plenty of land there.

Mr. LEE. Just at this particular point I would like to call Mr. Moore's attention to a few questions I asked Admiral Hollyday when he was before this committee, with regard to the cost at the League Island Navy Yard:

"Mr. LEE. You spoke yesterday of the low cost of paving in the Philadelphia Navy Yard. Is that due to the fact that the sand and everything is right there on the ground?

"Admiral HOLLYDAY. Yes.

"Mr. LEE. Would not that same thing apply to the large dry dock if it was built in the Philadelphia Navy Yard?

"Admiral HOLLYDAY. For making the concrete it would. The concrete would be made at less cost."

Mr. MOORE. Do not misunderstand me. I agree with that thoroughly.

Mr. LEE. I want to show that the gentleman was away off when he said that the dry dock would cost four or five million dollars at Philadelphia, when I know from experts who have made a study of the ground properties that a dry dock of the size I propose could be built for $3,000,000 or less.

Mr. MOORE. I hope that is true.

Mr. LEE. On account of the properties.

Mr. MOORE. For that reason I am advocating your bill, with the limitations I suggested.

Mr. LEE. When the committee gets to Philadelphia, if they will accept the invitation which I extended before Mr. DONOHOE gave his invitation this morning, I propose to show them——

Mr. MOORE (interposing). I join in that invitation.

Mr. LEE (continuing). That the properties at League Island are just as I have stated them to be.

Mr. BUTLER. Mr. Lee, were you here when Admiral Hollyday stated that a dry dock 1,700 feet long would cost $4,000,000?

Mr. LEE. Yes, sir. And then I showed that the cost of paving at League Island was $1.52 and at any other navy yard it was $3 per yard, and it was stated that the sand and mixture for concrete at League Island were the cause of the low cost of paving at that yard.

Mr. MOORE. Do you think that will make a million dollars difference?

Mr. LEE. Yes, sir.

Mr. MOORE. I want to thank you very much for the hearing this morning, Mr. Chairman and gentlemen, and assure you that we appreciate your courtesy.

Mr. DONOHOE. I desire to associate myself with that expression of thanks on behalf of the members of the delegation.

Mr. ROBERTS. I want to call Mr. Moore's attention to the fact that the Navy Department gives the controlling depth of water from League Island to the sea at mean low water as 28 feet.

The CHAIRMAN. But they have a 7-foot tide there.

Mr. MOORE. Answering the question, I desire to say that so far as the War Department is concerned the channel is legislatively completed at 30 feet for mean low water.

Mr. HENSLEY. What do you mean by "legislatively"?

Mr. MOORE. They have reported that we have 30 feet of water, so far as all legislation and engineering is concerned, for a length of 60 miles.

There are creeks and rivers running into the main channel which add to the silt formation. It is a slushy, soft sort of material, and men who navigate the ships differ as to the actual bottom depth; but it is a fact that we have more than 28 feet at mean low water, and we have what the Army engineers and shipping men consider an actual 30-foot mean low-water depth, including this silt. At this time we are working under the new appropriation on a 35-foot channel, and that work demonstrates that here and there may be a formation of silt which raises the bottom at certain points in this 60-mile length. Vessels drawing more than 28 feet can and do push their way through it, but they also take advantage of the tides. The problem is one of dredging and maintenance, and we are now trying to meet it. I think, perhaps, some member of the committee may have in mind the going ashore some years ago of the U. S. S. *Prairie*, which had started on a mission to South America and ran aground; but she was probably 1,800 feet out of her course. We have never charged that up to the Delaware Channel, but we have, rather, charged it up to navigation.

Thereupon the committee adjourned.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Canal leading from Centennial Lake at Vicksburg, Miss., to the Mississippi River, with a view to the preservation of the channel.

Mr. MCKELLAR. Mr. Chairman, I have an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee [Mr. MCKELLAR].

The Clerk read as follows:

Amend, by adding the following, after line 9, page 50:

"Memphis Harbor: With a view to the preservation of the channel between President Island and the Tennessee shore and the preservation of the banks on the Tennessee side in Memphis Harbor; also for the preservation and protection of the channel and banks of the Wolf River in said harbor."

Mr. COLLIER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COLLIER. I wish to offer an amendment to come right after line 9 on page 50, which is germane to the proposition in the bill. I would like to ask whether or not the amendment which I wish to offer should come first?

Mr. MCKELLAR. Mr. Chairman, I am perfectly willing that the gentleman from Mississippi may offer his amendment first, and that mine may come in just after.

The CHAIRMAN. Without objection, it will be so ordered. The gentleman from Mississippi [Mr. COLLIER] is recognized.

Mr. COLLIER. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 50, line 9, by adding after the word "channel" the words "and banks."

Mr. COLLIER. Mr. Chairman and gentlemen, prior to 1903 for many years all of the commerce coming down the Yazoo River and its tributaries to Vicksburg was carried through the mouth of the Yazoo River out into the Mississippi and then up Lake Centennial to the city of Vicksburg, but there was no continuous navigation because of a shifting bar at the mouth of the Yazoo River and also because there was low water at certain stages in front of the city of Vicksburg. It was finally determined, and in the river and harbor act of 1892 the project was adopted, to divert the Yazoo River a few miles above its mouth—about 6½ miles south—into the Mississippi River for the purpose of securing continuous navigation. This project was completed in 1905 at a cost of $1,179,210.37. Uninterrupted navigation has been maintained at that point for nine years for boats of 6-feet draft at low water. The amount of commerce carried through the mouth of that canal amply justifies the expense of the project. The report of the Chief of Engineers shows that for the last seven years the amount of commerce has averaged between 220,000 and 440,000 tons, with estimated values of between $6,000,000 and $13,000,000. During the last seven years the average has been 230,000 tons and the value something over $8,000,000. The reductions in freight rates have been as follows: On cotton about 50 per cent; on cotton seed about 33⅓ per cent; on live stock about 66⅔ per cent; on flour, meal, provisions, and grain from 33⅓ to 40 per cent.

On the banks at Vicksburg Harbor there has been a great deal of caving and sliding. A number of warehouses, the com-

press, and other buildings are situated upon this bank and some of them are now in a very exposed condition. In some cases the caving extends within a few feet of the buildings.

This recent caving has been caused by the deepening of the canal, owing to the fact that the entire Yazoo River is now going between these narrow banks, and also probably in a large degree by the fact that last year during the great overflow of the Mississippi Delta an immense volume of water from the crevasses in the levees passed through that canal.

The Rivers and Harbors Committee, realizing the importance of this matter and the seriousness of this situation, have incorporated in their bill a survey with a view to the preservation of the channel. I ask that this survey be extended to the preservation of the banks. That is all I ask, that it be extended right along on the banks of the canal.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COLLIER. I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection to the request for two minutes more?

There was no objection.

Mr. COLLIER. It can well be contended, in the interest of navigation, that the widening of the channel between the two banks in a narrow canal might, at certain seasons of the year and certain stages of the water, seriously interfere with permanent navigation.

Again, as I understand it, the purpose of this committee in considering projects is to secure navigation in order that commerce may be preserved. Harbors themselves are essential instrumentalities for commerce, and it may often occur that the preservation of a harbor means that commerce itself has been preserved.

Mr. Chairman, in this bill the committee have proposed a survey. It will not add much to the expense if the engineers extend this survey to the banks.

All I ask the House to give me is the authority of the engineers to investigate the situation and let them report or devise some means or some plan whereby a disastrous situation may be avoided.

Mr. MANN. Will the gentleman yield?

Mr. COLLIER. With pleasure.

Mr. MANN. How far does the gentleman think the Government ought to go for the preservation of the banks of a stream beyond what is necessary to preserve the channel for commerce?

Mr. COLLIER. That is far enough.

Mr. MANN. That is already covered. The item now provides "with a view to preserving the channel." Now, when you have done that, how much further does the gentleman think the Government ought to go in preserving the banks?

Mr. COLLIER. Does the gentleman from Illinois contend that the widening of a channel or the widening of the narrow banks of a canal might not essentially interfere with the navigation at low stages of water where permanent navigation is to be maintained?

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. MANN. I ask unanimous consent that the gentleman have two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. This item already covers the preservation of the channel, which I assume, of course, is for commerce. Now, when that is done, does not that take care of the banks sufficiently, or does the gentleman desire the Government to wall up the banks for the benefit of private owners?

Mr. COLLIER. As I stated in the first part of my remarks, I believe that the harbor itself is one of the essential instrumentalities of commerce, and the destruction of a harbor might mean the destruction of commerce.

Mr. MANN. Does the gentleman think it the duty of the Government, where it constructs a harbor, to wall up on the outside and construct in that way docks for the use of private property?

Mr. COLLIER. No, sir; the gentleman does not think so.

Mr. MANN. Beyond the preservation of the channel, how much does the gentleman want the Government to do in the preservation of the banks? I do not see the point of the gentleman's amendment.

Mr. COLLIER. I want the Government engineers to look at the situation where the canal is widened, where the banks are caving in, a canal that brings through every year over $8,000,000 of commerce—I want them to look at it and the banks and devise some plan to relieve the situation. It may be that they can not devise any; it may be that under the rules of the engineer's office they can present no reports. I am asking for a chance for them to go there and do it.

Mr. MANN. And I am trying to help the gentleman out. As a matter of fact, under this provision will they not be required to look at the banks and everything that is connected with or affects the channel?

Mr. COLLIER. It may be that they would.

Mr. BURGESS. Mr. Chairman, I suggest that the amendment of the gentleman from Mississippi will not add anything to the authorization already in the bill. The item reads:

Canal leading from Centennial Lake at Vicksburg, Miss., to the Mississippi River, with a view to the preservation of the channel.

Now, there is often great contention before the committee about the extent of damage that is done by caving in of banks, but all that we can do is to give them a survey which covers navigation, and this does it. This amendment itself does not add anything to it. Besides that, this comes up in other cases. On page 51 there is an item, "Saugatuck Harbor, Mich., with a view of determining what additional works are necessary or desirable to maintain the channel of existing project." On the same theory that could be amended, and so on all through the bill. We have used the proper language that ought to be used in all these projects, and we are opposed to any amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken; and on a division (demanded by Mr. COLLIER) there were—ayes 23, noes 37.

So the amendment was rejected.

Mr. McKELLAR. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by adding the following after line 9 on page 50: "Memphis Harbor, with a view to the preservation of the channel between President Island and the Tennessee shore, and the preservation of the banks on the Tennessee side in Memphis Harbor.

"Also for the preservation and perfection of the channel and banks of the Wolf River within said harbor."

Mr. McKELLAR. Mr. Chairman, on Saturday I offered an amendment to the bill seeking to have the Government aid in protecting the city of Memphis from flood waters which do not belong to her, but are the results of the building of levees on the river generally. In opposing this amendment my distinguished and delightful friend from Mississippi [Mr. HUMPHREYS] and a member of the committee, claimed I was simply for a private gas and water plant in Memphis and further says:

It is a spirit of unfairness, and it is an ungenerous spirit of the people of the city of Memphis, that sits on a high hill surrounded by these deltas from which it draws its trade and its prosperity, and for the upkeep of the levees which protect them she pays not one nickel in taxes. * * * In order to help the city of Memphis, where the assessed taxed value of property exceeds the assessed value of the property in all those deltas combined in order to help that city to protect her gas plant or water works.

Mr. Chairman, this is a very ungenerous and unfair statement. I am going to read from the report of the Mississippi River Commission, which shows how greatly mistaken our friend and neighbor from Mississippi is. There were 170 acres of our city overflowed in the last high waters, according to this report. In this overflowed district are situated dwellings, stores, churches, schools, railroads, street-car lines, jail, gas plant, manufacturing establishments, and a part of the city water supply plant. I further quote from the report:

The character of the pecuniary damages in this area is that due to the submergence of stores, dwellings, churches, schools, jail, etc., which was so extensive that the water reached well up into the first story of these buildings; that of the street-car lines resulting in a loss of revenue; of railroads necessitating the detour over other tracks; of the city gas plant and the discontinuance of the city gas supply; of the city pumping station; of many industrial manufacturing establishments' plants; and a part of the municipal water supply, including its contamination by surface-water sewage.

The estimate of the damages was fixed by the commission at over $1,200,000.

Mr. Chairman, I think that shows that my friend from Mississippi was entirely in error about the facts which urged me to propose that amendment. Talk about being unfair and ungenerous. I think he is unfair and ungenerous on another proposition. While I ask for aid in protecting the city of Memphis from these flood waters, over which it has no control, and for which it has no responsibility, the little city of Greenville, from which my distinguished friend comes, just below us on this river, is year by year receiving large sums from the Government for just such protection as the city of Memphis now asks. But my friend says that we pay no taxes. I want to say to him that the city of Memphis pays more direct taxes to the Government than his entire State does. From the post office in the city of Memphis alone the Federal Government receives annually a net amount of over $400,000, and from the internal revenue another large amount, making the city contribute more than half a million dollars of net income to the Government.

For the past 15 years the city of Memphis has not received any benefits for its harbor except, as I want to say to my distinguished friend from Indiana [Mr. CULLOP], who has just been discussing railroads and their relation to harbor improvements, such as were given by the Mississippi River Commission apparently for the purpose of aiding a railroad crossing there at that city. In this connection I quote as follows from the report of the Mississippi River Commission, 1908, volume 3, pages 2644 and 2645:

During the high water of 1907 the bank behind the Rock Island Railway incline began to cave very rapidly, and by the end of the high water a pocket about 875 by 200 feet had been eroded. This erosion did not extend below low water over a great portion of the pocket, and thus made the repair work very difficult, because the water was too shallow to permit satisfactory pocket mat work, and the wide flank bank exposed when the water was 6 feet on the Memphis gauge had to be paved with stone. This pocket was completely protected, and the high waters of the present season do not seem to have affected it materially.

There are a good many places along this revetment that need repair. These are practically all of them just above the low-water line, and can only be reached when the river is at a very low stage. It is proposed to repair these during the coming season if the stage of water permits.

And also:

The Rock Island Railway Co. has abandoned its incline in Wolf River and is now operating one on the main bank of the Mississippi, thus removing one of the chief reasons for dredging. No work is contemplated at this point during the coming year.

The work on either side of the river where the Rock Island Railroad Co. transfers its cars over the river seems to be the only work which has been done by the commission in the Memphis Harbor in many years. If there was any object other than aiding the railroad company in preserving its west terminus, it does not appear in this report.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. McKELLAR. Mr. Chairman, I ask that this amendment for a survey be adopted by the committee.

Mr. BURGESS. Mr. Chairman, I want to call the gentleman's attention to the fact that he is already given ample authority in the bill. If he will turn back to page 36 he will find the following provision:

Improving Mississippi River from Head of Passes to the mouth of the Ohio River, including salaries, clerical, office, traveling, and miscellaneous expenses of the Mississippi River Commission: Continuing improvement with a view to securing a permanent channel depth of 9 feet, $6,000,000, which sum shall be expended under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for the general improvement of the river, for the building of levees between the Head of Passes and Cape Girardeau, Mo., and for surveys, including the survey from the Head of Passes to the headwaters of the river, in such manner as in their opinion shall best improve navigation and promote the interests of commerce at all stages of the river.

Mr. McKELLAR. Mr. Chairman, may I ask the gentleman, Is it not a fact that that same provision has been in all these river and harbor bills for many years, and is it not a fact that no survey has been made of the Memphis Harbor during that time?

Mr. BURGESS. I do not know about that, but it is a fact that we make none in this bill. The gentleman is the first man who has offered an amendment here directly for a survey of the Mississippi River.

Mr. MANN. Mr. Chairman, will the gentleman from Texas yield for a question?

Mr. BURGESS. Yes.

Mr. MANN. Is it not also a fact that since this provision appeared in the river and harbor bills for many years there never has been a special provision for the survey of any harbor on the Mississippi between these points?

Mr. BURGESS. That is a fact. That is what I am telling the gentleman.

Mr. McKELLAR. Mr. Chairman, on line 7, page 50, is there not a provision for the canal leading from Centennial Lake at Vicksburg, Miss., to the Mississippi River, and is not that a part of the harbor?

Mr. BURGESS. Oh, no; that is a canal cut by the Government.

Mr. McKELLAR. This on the Wolf River, or a part of it?

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I will state to the gentleman that that part of the Wolf River is under the jurisdiction of the Mississippi River Commission, and all funds that have been devoted to its improvement are taken from the funds carried for the Mississippi River Commission, but that is not the case with Centennial Lake Canal.

Mr. McKELLAR. It is connected with it just as the Wolf River is connected with the Mississippi.

Mr. HUMPHREYS of Mississippi. But this canal is not within the jurisdiction of the Mississippi River Commission, for the good and sufficient reason that the law has never put it under its jurisdiction.

Mr. McKELLAR. Is there anything that put the Wolf River under the Mississippi River Commission?

Mr. HUMPHREYS of Mississippi. Yes; it is one of the waters connected with it. I will state to the gentleman that when I was young in the service here I made a very desperate effort to have the $25,000 that was called for for the Wolf River appropriated as a separate item, so that it would not come out of the Mississippi River Commission fund, but I was unsuccessful, because they said, "We will make a lump-sum appropriation for the Mississippi River, and all of you will take your chances."

Mr. McKELLAR. That is a chance I have not been able to get from the commission, and I want to get it at the hands of the House if I can.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Mouth of Brazos River up to Freeport, Tex., with a view to securing a depth of 25 feet.

Mr. BURGESS. Mr. Chairman, I desire to offer a committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 50, between lines 12 and 13, by inserting the following: "Channel at Seadrift, Tex., with a view of providing a suitable connection with the Texas coast waterway."

Mr. BURGESS. Mr. Chairman, I move the adoption of the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Little Calumet River, Ill. and Ind., from the junction up to Blue Island.

Mr. SPARKMAN. Mr. Chairman, I desire to offer a committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 51, between lines 21 and 22, insert the following: "Missouri River at Kansas City, Kans.: The provision of the river and harbor act approved July 25, 1912, authorizing preliminary examination and survey of the Missouri River from the mouth of the Kansas River to a point at or near the western limit of Kansas City, Kans., is hereby amended and reenacted so as to read as follows: 'Missouri River from the mouth of the Kansas River to a point at or near where the west line of Kansas City, Kans., extended intersects the Missouri River.'"

Mr. MANN. Mr. Chairman, I notice in that amendment and in several places in the bill it provides that certain provisions are hereby amended and reenacted. We have invariably in the House stricken out the provision "and reenacted." It is contrary to the statutes, to begin with, and is not required, because when you amend a proposition to read as follows that is all that is necessary. That is the practice, and I hope the gentleman will be willing to strike out the words "and reenacted."

Mr. SPARKMAN. I have no objection to that, and will so move.

The CHAIRMAN. Without objection, the amendment will be so modified. [After a pause.] The Chair hears no objection.

The question was taken, and the amendment as modified was agreed to.

The Clerk read as follows:

Stillaguamish River, Wash.

Mr. SPARKMAN. Mr. Chairman, I offer the following committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 52, between lines 13 and 14, insert the following: "Coeur d'Alene River, Idaho."

The question was taken, and the amendment was agreed to.

Mr. HAMILL. Mr. Chairman, I ask unanimous consent to recur to an earlier part of the bill in order to present an amendment, and I thought that this was the most opportune time in which to do it before we begin on section 3.

Mr. MANN. The gentleman knows there are several pages of the bill which have been passed over which will have to be recurred to.

Mr. HAMILL. I did not know that, and I withdraw the request for unanimous consent at this time.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. McKELLAR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States, and had still further insisted upon its disagreement to

the amendment of the House, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. LODGE, Mr. DILLINGHAM, and Mr. PERCY as the conferees on the part of the Senate.

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

(a) The existence and establishment of both private and public terminal and transfer facilities contiguous to the navigable water proposed to be improved, and, if water terminals have been constructed, the general location, description, and use made of the same, with an opinion as to their adequacy and efficiency, whether private or public. If no public terminals have been constructed, or if they are inadequate in number, there shall be included in the report an opinion in general terms as to the necessity, number, and appropriate location of the same, and also the necessary relations of such proposed terminals to the development of commerce.

Mr. CULLOP. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question. I would like to have the attention of the chairman for a moment. Does not the gentleman think, in view of this provision in the bill, that there ought to be a limitation placed upon the appropriations in this bill with reference to the expenditure in these harbors where the docks and piers are owned by private corporations and controlled, withholding it until some remedy is made admitting free use of them? If the public expends the money to improve a property, the public should have the free use of the property. Now, I have just one instance in my mind. In regard to one of the Pacific steamship companies the testimony showed about a year ago before the Committee on Interstate and Foreign Commerce that they had to pay $125,000 a year to one of the dock owners in New York for permission to land their ships, load and unload their cargoes, and that that had been going on for quite a while. Now, is it right to use the public money to improve property over which private dominion is exercised in that manner, making it an obstacle to the commerce of this country, and in view of that ought there not to be a limitation added to this bill withholding the expenditure for any improvement until there is a surrender of this private monopoly to public use? I ask the chairman of the committee for his idea upon that proposition.

Mr. SPARKMAN. I would say no. I do not think that an amendment like that or a provision like that should be inserted in this bill.

I will say to the gentleman and to the House that I have had that matter under consideration now for some little time, and, in order to get information upon which we could legislate intelligently, we inserted in the last river and harbor bill a provision which is like that which has just been read. The effort here is to reenact that provision for the purpose of making the provision general, it having applied by its terms only to the act of the last Congress. When we get all this information in, and not before, we will be in a position to legislate intelligently. Otherwise we might do a great injustice at some place if we went at it blindly. If we should insert a provision like that which the gentleman suggests, it would have to be a general provision applying to every harbor in the country, and in some of them injustice might be done. In fact, we might do injustice to all the harbors. But when we get this provision in and know just what we are doing, I for one propose to try to draft some provision, some law, which will reach the trouble that the gentleman is trying to reach or suggesting that we put something in here to reach.

Mr. CULLOP. The gentleman admits that the trouble exists?

Mr. SPARKMAN. Oh, yes; I admit that.

Mr. CULLOP. And it is a serious trouble and one contrary to sound public policy.

Now, I desire to deny the proposition that the gentleman makes, that such a limitation would withhold the appropriation for every harbor included in the bill. It would, if all of these harbors were in this combine, for it is one of the greatest trusts in this country. If they were not, that fact could be very easily shown to the War Department, and the improvement of every harbor not under that restriction would go on without interference.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CULLOP. May I have five minutes more?

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. CULLOP. Now, while that situation exists, certainly the money of the Public Treasury ought not to be taken to improve private property, and consequently a showing should be made to the War Department by such a limitation as I have suggested being incorporated in the bill, that this or that particular harbor was not thus controlled, and the improvement would go on. That showing could be made, I say, and it would not withhold a single cent of the appropriation for the harbor that was free. But where the harbor and the landing facilities, the wharfage facilities, the dockage facilities, are absolutely controlled, as they are in a number of instances in the most important points of commerce in this country, some limitation ought to be made by which they would surrender this monopoly, which is unjust to the American people.

At this time it is a barrier against commerce and a detriment to the trade of this country. There are places now that the Government is appropriating money to improve where a vessel not controlled by one of these numerous corporations can not land or load or unload a single pound of freight.

Mr. SPARKMAN. Could the gentleman state just what harbor is in his mind now?

Mr. CULLOP. I have in mind the harbor at Baltimore, and in part the harbor at Philadelphia, and in a large measure the harbor at New York; a number of them.

Mr. SPARKMAN. I think the gentleman is mistaken.

Mr. CULLOP. Oh, I have heard testimony before my committee to the effect that no vessel not controlled or operated by the Pennsylvania Railroad Co. has any place in the city of Baltimore where it could load or unload, because the Pennsylvania Railroad Co. controlled the frontage and the dockage, and therefore had possession of the trade and the commerce coming from the high seas into that port. It was within the control of that one company to dominate the use of the docks and wharves there.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. CULLOP. Yes.

Mr. MADDEN. Does the gentleman contend that dockage along public waterways ought not to be owned by private individuals?

Mr. CULLOP. They ought not to be owned and controlled so as to shut out commerce. A rental may be proper, but as long as they are owned and controlled in the interests of some single shipping line that is an absolute detriment to the commerce of the country and a hardship upon the people.

Mr. MADDEN. Suppose, for example, the gentleman owned 25 ships, and these ships were sailing into the various ports, does the gentleman contend it would not be altogether proper for him to own his own docks into which these ships could come, and that these ships owned by him should have exclusive right to come into the docks owned by him?

Mr. CULLOP. As a selfish proposition I might claim it, but as a public proposition I have no right to claim it, and I or any other person ought not to be permitted to do so.

Mr. MADDEN. Does the gentleman contend, then, that the municipalities within which the harbors exist should buy all the property used for dockage purposes?

Mr. CULLOP. Not necessarily that; but the municipality in which the docking exists ought to have municipal regulations by which there would be a free interchange of commerce, and that no one line or no one company should absolutely dominate the landing, the loading, and the unloading of the commerce that comes to that port.

Mr. MADDEN. Does the gentleman contend that if he owned a lot, and wished to build a house on that lot, that I would have the right to build a house on the lot and use it when I pleased?

Mr. CULLOP. Oh, that is a different proposition. No individual owns the streams or waterways in this country. Public policy would forbid it.

Mr. MADDEN. Nobody owns the streets.

Mr. CULLOP. No; and you could not build a house in the street. And no man has a right to build the dockages on the banks of either ocean or river to exclude the right or the free exercise of the uses of the port.

Mr. MADDEN. Then I want to say to the gentleman that if his contention were to be exercised as a fact there would be no commerce coming into any State of the Union.

Mr. CULLOP. I beg the gentleman's pardon. There would be more than double the tonnage the first year you turned them over to public use coming into the ports of this country. To-day you are turning it away from these ports by permitting this monopoly to exist, and the people are suffering on account of it.

The improvement of our rivers and harbors, I admit, is a matter of vast public importance. It affects the commerce of the entire population in the country and involves more or less the prosperity of the whole people, but around every appropriation should be strict limitations, in order that it may be expended for public benefit and not in aid of private enterprise. Unless such restrictions are employed for the protection of the public it will inure to the purpose of assisting private enter-

prise. The control of the dockage facilities in our larger coast points constitutes to-day an aggravated monopoly, which harasses commerce and unjustly burdens the producing and consuming public. Private enterprise owning and controlling these facilities have employed them to create and serve monopoly, and thereby restrict the commerce of our country instead of enlarging it. By it traffic on our waterways is restricted and high rates maintained, which affect injuriously every department of business and retard the development of our resources. Our natural highways should remain free and open to the public, and every attempt to monopolize them should be resented, it matters not under whatever guise it may be presented. Relieve these from the control which now dominate them and open them up to the public, that the commerce of the country may enjoy their unobstructed use and the people have the benefit therefrom and a prosperous condition will result.

The Clerk read as follows:

SEC. 4. That all reports on examinations and surveys authorized by law shall be reviewed by the Board of Engineers for Rivers and Harbors as provided for in section 3 of the river and harbor act approved June 13, 1902, and all special reports ordered by Congress shall, in the discretion of the Chief of Engineers, be reviewed in like manner by said board; and the said board shall also, on request by resolution of the Committee on Commerce of the Senate or the Committee on Rivers and Harbors of the House of Representatives, submitted to the Chief of Engineers, examine and review the report of any examination or survey made pursuant to any act or resolution of Congress, and report thereon through the Chief of Engineers, United States Army, who shall submit his conclusions thereon as in other cases: *Provided*, That in no case shall the board, in its report thus called for by committee resolution, extend the scope of the project contemplated in the original report upon which its examination and review has been requested, or in the provision of law authorizing the original examination or survey: *Provided further*, That said board shall consist of seven members, a majority of whom shall be of rank not less than lieutenant colonel.

Mr. MOORE of Pennsylvania. Mr. Chairman——

Mr. MANN. Mr. Chairman, I reserve a point of order upon the last proviso.

Mr. MOORE of Pennsylvania. Mr. Chairman, I call attention to the fact that the word "be" is omitted before the word "submitted," on line 5, page 55.

Mr. HUMPHREYS of Mississippi. What page?

Mr. MOORE of Pennsylvania. Page 55, line 5. It reads:

And the said board shall also, on request by resolution of the Committee on Commerce of the Senate or the Committee on Rivers and Harbors of the House of Representatives, submitted—

It should read "be submitted," as the Clerk read. Is the word "be" to be in there?

Mr. SPARKMAN. I think the word "be" should be in there, but it was accidentally omitted.

Mr. MOORE of Pennsylvania. I merely submit it to the committee. I do not know whether it ought to be in there or not.

Mr. MANN. Mr. Chairman, I reserve a point of order upon the last proviso, section 4. May I ask the gentleman, as I understand the law now, this board must consist of not less than five or more than nine, leaving it to the Chief Engineer to determine how many of the members shall be on the board, and as a matter of fact the board does not vary. This provision provides seven, the majority of whom shall not be of less rank than lieutenant colonel. How many lieutenant colonels are there in the Engineer Corps?

Mr. SPARKMAN. They have nine division engineers, and I think they are of the grade of lieutenant colonels or colonels.

Mr. MANN. How many of this board now are lieutenant colonels?

Mr. SPARKMAN. I think there are only two lieutenant colonels—maybe three.

Mr. MANN. It looks to me, unless the committee is fully informed on the subject, that they are likely to be embarrassed.

Mr. BURGESS. The report of the majority of them was in the last bill.

Mr. HUMPHREYS of Mississippi. My understanding is there are six altogether on the commission, four of whom are lieutenant colonels.

Mr. MANN. Does it require the majority of them shall be lieutenant colonels?

Mr. SPARKMAN. That is what I am basing my judgment on, because the last law provides that the majority of them shall be of not less rank than lieutenant colonel.

Mr. MANN. That is the law passed at last session?

Mr. BURGES. The law of 1912 reads:

And provided further, That the majority of said board shall be of rank not less than lieutenant colonel.

Mr. MANN. How does that work? It has not worked well so far.

Mr. SPARKMAN. In what respect has it worked badly?

Mr. MANN. If it has worked well, why do you want to change it?

Mr. BURGESS. We do not want to change it.

Mr. MANN. Oh, yes.

Mr. BURGESS. The language is just the same.

Mr. MANN. You change this feature of the law, which I assume is an evidence that it has not worked well.

Mr. SPARKMAN. No.

Mr. MANN. If it has worked well, then I shall insist on the point of order against changing it.

Mr. HUMPHREYS of Mississippi. The reason is not that it has not worked well, but that it might work ill in the future, because it might be possible to increase the board to nine on one particular project. For instance, where six were unable to agree, it might be possible to increase the number to nine, and thereby get a verdict.

Mr. MANN. On the other hand, it seems to me that there may be some project, not of great importance, which may properly be submitted to 5 members, and there might be some other project, like the intercoastal proposition or the Chicago-Gulf proposition, or something of that sort, where they would want the opinion not only of 9, but perhaps of 19.

Mr. HUMPHREYS of Mississippi. The gentleman can understand, of course, how very severe criticism could be made upon the board of engineers where a project was reported unfavorably by nine, and the board was immediately reduced in number to five, six, or seven. I know the gentleman can draw upon his imagination and see certain gentlemen arising here and claiming that the board had been stacked against a particular project.

Mr. MANN. I think I have quite a vivid imagination at times, but that goes beyond my imagination; not beyond my imagining somebody criticizing it, because during this debate I have heard gentlemen severely criticize the Engineer Corps, although I am sure that it was rather in a facetious than a serious manner, for I think no one who is familiar with that corps really criticizes their judgment or their honesty.

Mr. HUMPHREYS of Mississippi. I agree to that absolutely. Nobody familiar with the corps would criticize them.

Mr. MANN. I have some doubt about this paragraph, but I withdraw the point of order. I question the desirability of it.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 5. That section 5 of the river and harbor act approved July 25, 1912, be, and the same is hereby, amended and reenacted so as to read as follows:

"SEC. 5. That the Secretary of War is authorized and directed to have prepared and transmitted to Congress at the earliest practicable date a compilation of preliminary examinations, surveys, and appropriations for works of river and harbor improvement similar in general form and subject matter to that which was prepared in accordance with the act of June 13, 1902, and printed in House Document No. 421, Fifty-seventh Congress, second session: *Provided*, That the report to be prepared in accordance with this provision shall be a revised edition of the report printed in the document above mentioned, extended to the end of the Sixty-second Congress."

Mr. MANN. Is not the chairman of the committee willing to move to strike out the words "and reenacted," in line 20, page 55?

Mr. SPARKMAN. Yes; I move that the words "and reenacted," in line 20, page 55, be stricken out.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 55, line 20, amend by striking out the words "and reenacted."

The amendment was agreed to.

The Clerk read as follows:

SEC. 6. That the first paragraph of section 6 of the river and harbor act approved July 25, 1912, be, and the same is hereby, amended and reenacted so as to read as follows:

"SEC. 6. That there shall be printed 3,000 copies of a revised edition of the laws of the United States relating to the improvement of rivers and harbors passed between and including August 11, 1790, and the close of the third session of the Sixty-second Congress, of which 600 copies shall be for the use of the Senate, 1,400 copies for the use of the House, and 1,000 copies for the use of the War Department. Said compilation shall be printed under the direction of the Secretary of War."

Mr. SPARKMAN. I move to strike out the words "and reenacted" in line 13, page 56.

The CHAIRMAN. The gentleman from Florida offers an amendment which the Clerk will report.

The Clerk read as follows:

On page 56, in line 13, strike out the words "and reenacted."

The amendment was agreed to.

The Clerk read as follows:

SEC. 11. That the President of the United States is hereby authorized to designate any officer of the Corps of Engineers, United States Army, whose assignment of duty relates to harbor work in, or in the neighborhood of, New York Harbor, to act as a member of the New Jersey and New York Joint Harbor Line Commission, constituted by authority of the Legislatures of the States of New Jersey and New York: *Provided*, That no expense shall be incurred by the United States by reason of such designation, except the usual and necessary travel

expenses of the officer so designated between his station and the place of meeting of the commission: *And provided further*, That the officer so designated shall perform his duties as member of the commission without interference with his regular duties, and that he shall receive no additional compensation from any source on account of his service on such commission except such reimbursement of his expenses for other travel with the commission as may be provided by the States aforesaid.

Mr. MANN. Mr. Chairman, I reserve a point of order on that section.

Mr. FOWLER. Mr. Chairman, I desire to offer an amendment.

Mr. MANN. Does my colleague's amendment relate to this section or is it a separate paragraph?

Mr. FOWLER. It is a separate paragraph.

Mr. MANN. That is what I supposed. I reserve a point of order on the section read.

Mr. Chairman, legislation is a very peculiar thing. I waited until this section had been read. No one offered to strike it out; no one offered to amend it. It contains this provision with reference to the President being authorized to designate an officer of the Engineer Corps in relation to the New York Joint Harbor Lines Commission:

That the officer so designated shall perform his duties as member of the commission without interference with his regular duties, and that he shall receive no additional compensation from any source on account of his service on such commission except such reimbursement of his expenses for other travel with the commission as may be provided by the States aforesaid.

This was about to be agreed to by unanimous consent, having passed through one of the ablest committees of this House, and was about to pass the House without any question. Only within a week this House agreed to an amendment inserted by the Senate in a House joint resolution on this same subject, giving the President the same power named in this section, and this joint resolution, which has now gone to the President for his signature, contains this language, which was also agreed to by unanimous consent:

And the officer designated may receive such compensation for his services on said commission as may be provided by the States aforesaid.

One day we pass a joint resolution authorizing the President to designate an engineer officer to serve on a joint commission and authorize him to receive additional compensation. That is passed by unanimous consent. The next day we pass the same thing and provide that he shall not receive additional compensation, and that is passed by unanimous consent.

Mr. DAVIDSON. The mistake was in passing the first one.

Mr. MANN. This matter has already passed both Houses and gone to the President for his signature, and it seems to me it would somewhat complicate matters to pass a resolution one day stating that the authorities should be given an officer who *shall* receive additional compensation and the next that he shall not receive any additional compensation. I make the point of order.

Mr. MONDELL. Will the gentleman yield?

Mr. MANN. Yes.

Mr. MONDELL. Does the gentleman realize that it has been pretty well demonstrated that it is impossible to change a line of this bill and that Members have got discouraged?

Mr. MANN. Well, the gentleman will see it done now.

Mr. MONDELL. By the masterly hand of the gentleman from Illinois.

Mr. HUMPHREYS of Mississippi. There is no trouble when you know how.

Mr. MANN. I am not criticizing the Committee on Rivers and Harbors, I am only calling attention to this legislation to show its peculiarities.

Mr. SPARKMAN. Mr. Chairman, there are many things that go through this House that I know nothing about. I am sorry to make the admission, but it is true. This bill was reported before the provision had passed to which the gentleman from Illinois has just referred.

Mr. MANN. On the contrary, if the gentleman will pardon me, the House joint resolution passed the House on August 19, 1912. It passed the Senate only a few days ago, and the House within a week agreed to the Senate amendment, which consisted in striking out the preamble. I will state frankly to the gentleman from Florida that I think the provision in the bill is better than the provision in the joint resolution.

Mr. SPARKMAN. Mr. Chairman, I have no objection to the provision going out.

The CHAIRMAN. The point of order is sustained.

Mr. FOWLER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, page 59, after line 13, by adding the following as a separate paragraph:

"Improvement of the Wabash River and Little Wabash River, Ill., $200,000, for the purpose of deepening and widening the channel of said rivers."

The CHAIRMAN. Is this a new paragraph?

Mr. FOWLER. It was intended to follow the section that has gone out, but inasmuch as it has gone out I offer it as a separate paragraph after section 10.

Mr. Chairman, I am aware of the fact that a commission some two years ago was appointed for the purpose of surveying the Wabash River and for the purpose of determining the advisability of improving it on an extensive scale. I am also aware of the fact that there was a provision in the bill during the last session of Congress for the purpose of surveying the Little Wabash River. The survey which was ordered two years ago for the Wabash has not yet been made by the engineers, and the survey on the Little Wabash ordered during the last session of Congress to a certain extent has been made. I have not been able to see it, for it has been so recent.

But, Mr. Chairman, in view of the great amount of territory which would receive the benefit from the improvements of the Wabash and the Little Wabash Rivers, I think that this sum of money ought to be appropriated for the purpose of giving relief. These great waterways drain half of two States. In fact, they run through a territory which is second to none in the world in productivity. It is one of the finest corn belts that is known to man, and some of the finest corn in the world is produced in that section of the country. Indeed, Mr. Chairman, there are ears of corn which grow in that belt 15 inches long, and will compare favorably in size to that of any other corn in the world. That being the case, Mr. Chairman, I insist that this committee ought to give some attention to the improvement of these great waterways.

I say this, Mr. Chairman, in all earnestness. I do not know whether my remarks will appeal to this committee with any degree of consistency or not. I am aware that the committee is a close corporation, and I know that it is the history of legislation during my short period in Congress that it is done by committees and not by Congress, as a rule. These committees are governed largely by the reports of heads of departments, and whatever may be done here, it must first get the brand of approval from a department before any action will be taken by the committee.

And once the report of a committee is filed, once a bill is brought in the House by a committee, an amendment offered to it upon the floor of the House for the purpose of getting meritorious relief to a worthy project is regarded as a most rebellious deed on the part of the little fellow who comes from a country district. I am aware, Mr. Chairman, of the fact that daggers for this amendment are held by the members of this committee, that they are thick in this House, ready to stab it to death as soon as it may be put to a vote. I know that the itching palm of every one of the members of this committee is not only eager to close its grasp upon the handle of the dagger, but just as soon as the amendment is put to a vote by the Chair up will rise as many daggers in the air as there are members of this committee, and at the same time the fatal, deadly blow will be struck, and what Julius Cæsar received at the hands of Cassius and his coconspirators will be nothing but flesh-wounds as compared with the bloody butchery which you have planned for this innocent but meritorious amendment. [Laughter and applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

By unanimous consent, Mr. FOWLER was granted leave to extend his remarks in the RECORD.

Mr. HAMILL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry. Is it proper to proceed now with amendments as offered or to revert to the matters left over?

Mr. HAMILL. Mr. Chairman, it is my intention to submit a request for unanimous consent.

The CHAIRMAN. The Chair takes it that it is in order to proceed to the consideration of any independent section.

Mr. HAMILL. Mr. Chairman, it is always in order to ask unanimous consent, and it is for unanimous consent I now ask to return to page 5, line 17 of the bill, and to present the amendment which I have sent to the desk.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to return to the page indicated. Is there objection?

Mr. CALLAWAY. Mr. Chairman, I object, for the reason that I want to offer an amendment. I will reserve the right to object and state that I want to offer an amendment at the conclusion of the bill. If I will not lose my rights by the House going back to some other part of the bill, I shall not object, but I want to offer an amendment at the conclusion of the bill.

The CHAIRMAN. The Chair thinks now is the time to do that.

Mr. CALLAWAY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. Does the gentleman object to the request of the gentleman from New Jersey?

Mr. CALLAWAY. For the time being. I do not want to lose any of my rights. I offer the amendment which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Amend by striking out the period after the last word of the bill, inserting a colon, and add:

"*Provided further*, That no part of the appropriations in this bill shall be used for any purpose whatsoever except for maintenance of existing projects."

Mr. CALLAWAY. Mr. Chairman, I see from this report that it will take only $2,222,650 to maintain all of the projects that we now have. The Democratic Party came in preaching economy. This Congress, if it keeps on at the rate it is going, will expend more money than any previous Congress. By adopting this amendment we can cut out over $38,000,000 on this particular bill, and that will be a proof to the people of this country that we mean what we say. It will be in accordance with genuine statesmanship; it will be a genuine economy. There has been no showing on this floor by anyone, not even a contention, that a dollar of the new expenditure provided in this bill is an investment that would be worth anything to the Nation or that could be expected to produce a return on the investment. This is not doing away with or letting go down a single project that we have, though we have wasted millions of money. We ought here and now to adopt a different policy from that we have been following under the Republican lead. We as Democrats ought to expend the public money only when there is a showing by the committee that the investment is such an investment as a reasonable man in the conduct of his own business would make and not simply a pork-barrel proposition handed out to different men in different sections of the country to get them to come in and support a raid on the Treasury which is absolutely indefensible.

Mr. ALLEN. Will the gentleman yield?

Mr. CALLAWAY. Yes.

Mr. ALLEN. Would it be the gentleman's idea it would be economical now to discontinue a project, for instance, the improvement of a river that is to be improved, say, with 20 dams, 10 of which have been built and 10 remaining, not to provide anything for the remaining construction?

Mr. CALLAWAY. It would be unless there is a showing by the committee or some member of the committee or somebody in a report or somewhere or somehow that it is a good proposition for the Government to go on and conclude. There has been no statement or showing here of a single project that we are now working on or beginning. It looks reasonable to me that we should keep what we have, protect what we have completed, and let it add as much to commerce as it will, but until there is some conclusive showing that it is right and proper and economical and a good investment to spend more money I would not go further. I would cut this pork-barrel business out.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

Mr. HAMILL. Mr. Chairman, I now ask unanimous consent to take up the amendment I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to return to——

Mr. SPARKMAN. Mr. Chairman, reserving the right to object, I would like to hear some explanation of what the gentleman's amendment proposed to do.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After line 17, on page 5, insert as a new paragraph the following:

"Improvement of the Hudson (North) River channels of the harbor of New York, N. Y., in accordance with the report submitted in House Document No. 719, Sixty-second Congress, second session, $200,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete the said project, to be paid for as appropriations may from time to time be made by law not to exceed in the aggregate $1,370,000, exclusive of the amounts herein and heretofore appropriated."

Mr. EDWARDS. Mr. Chairman, I object.

Mr. HAMILL. Will the gentleman withhold his objection until I can explain the amendment?

Mr. EDWARDS. It will be useless to do so. I will finally object.

The CHAIRMAN. Objection is made.

Mr. EDWARDS. I will reserve the right to object if the chairman [Mr. SPARKMAN] wishes it.

The CHAIRMAN. Does the gentleman reserve the right to object, or does he object now?

Mr. EDWARDS. I reserve the right to object temporarily.

Mr. HAMILL. Mr. Chairman, I do hope this amendment will carry, because it contains a very worthy legislative proposition. The improvement which my amendment contemplates is the dredging and deepening of the westerly side of the Hudson River, in front of Jersey City and of Hoboken and several municipalities north of it. In conjunction with my colleague from New Jersey [Mr. KINKEAD] I introduced a bill on this subject at the beginning of the present session.

The facts are these: This amendment contemplates an improvement by dredging from Cummunipaw to Fort Lee, a distance of about 11 miles, making available for several miles shore front suitable for the erection of docks and piers to accommodate the shipping now crying for accommodations at this port. This improvement is right opposite Manhattan and at the point where the seven great trunk lines have their terminals. Freight and the commerce of the Nation can be handled much more cheaply and readily than anywhere else in this great port—the greatest on earth—for the reason that the goods are on their way either to Europe or other ports of the world; and if it is merchandise arriving, it is on its way for distribution anywhere in the United States from cars to steamships and directly from steamships to cars.

This development will have a great tendency to wipe out this lighterage charge of 60 cents per ton on every carload of freight coming to New York, which would benefit every agriculturist and manufacturer whose products would come to or be shipped through New York.

The benefits to be derived are continent wide.

This particular area of water front, which can be made so much more valuable to all the people of the United States, has never had one dollar of Government money, except away back in 1875, when $25,000 was voted to take out a shoal in front of Jersey City.

Going back and looking over the appropriations of the rivers and harbors for the last 30 years, New York (and this is a part of New York Harbor) has never had anything like its fair share of such moneys, especially when you take into consideration its towering importance as a port.

Since the Government was established (see Doc. No. 382, 62d Cong., 2d sess.)—

New York Harbor has had	$6,979,622.14
Boston Harbor has had	10,402,687.45
Charleston Harbor has had	4,925,191.67
Savannah Harbor has had	8,443,703.28
St. Johns River, Fla., has had	4,813,003.75
Mobile Bay and Harbor has had	5,870,652.43
Galveston Harbor has had	9,416,934.72
Cleveland Harbor has had	6,659,618.31
Detroit River has had	9,700,283.05
Oakland Harbor, Cal., has had	3,476,769.60
San Pedro Harbor has had	2,784,492.20

The port of New York collects about a million dollars a day in duties, and so forth, which is more than all the other ports combined. In passengers and freight to and from other ports this holds good also, and to sum it all up it is the peerless and incomparable port of this country, and the only way to maintain it is to furnish the facilities that the great strides in shipping and business demand and must have.

I do believe that on grounds of national pride, as a matter of fact, on grounds of national interest, inasmuch as the receipts of New York Harbor are a great asset in the Treasury of the United States for the payment of the Nation's bills, this committee ought to adopt and this House ratify its action by incorporating my amendment in the bill under discussion and granting the sum of money provided in it. [Applause.]

Mr. SPARKMAN. I ask now that the committee go back to the items that have been passed.

The CHAIRMAN. Without objection, we will return to the items passed and not considered. The Clerk will report the first item, on page 9.

The Clerk read as follows:

Improving Woodbury Creek, N. J., in accordance with the report submitted in House Document No. 635, Sixty-second Congress, second session, and subject to the conditions set forth in said document, $8,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 10, line 3, by inserting: "Improving Frankford Creek, Philadelphia, $15,000."

Mr. MOORE of Pennsylvania. Mr. Chairman, the discussion on Frankford Creek the other day leads to the belief that the committee is willing to relent upon this proposition. The gentleman from Mississippi [Mr. HUMPHREYS], in discussing the matter with me on the floor on Saturday, indicated that it would be a waste of time to ask for a survey of Frankford Creek, in that it had already been surveyed and the merits of the propo-

sition were understood both by the engineers and by the committee.

Now, in view of the fact that the gentleman from Florida [Mr. SPARKMAN], chairman of the Committee on Rivers and Harbors, has indicated in answer to certain questions that there are many instances in which appropriations are made for the improvement of rivers that bisect cities, I think the time has come fairly and squarely to ask the committee to make the appropriation which the Government itself has asked, which is positively needful in this vicinity for the improvement of commerce.

Mr. MONDELL. Mr. Chairman, this bill is no more remarkable for many of the items that it contains than it is by reason of the fact that it does not contain items that it should contain. It is full of appropriations for lonesome harbors and way-back creeks, and here is a proposition having to do with the commerce of the American people as a whole, which ought to be in the bill and is not. The gentleman from New Jersey——

Mr. SPARKMAN. Mr. Chairman, the matter now being discussed by the gentleman is not before the House, and I make the point of order that he must confine himself to the amendment under consideration.

The CHAIRMAN. The gentleman from Florida [Mr. SPARKMAN] raises the point of order that the gentleman from Wyoming [Mr. MONDELL] is not confining himself to the amendment. The gentleman will proceed in order.

Mr. MONDELL. Mr. Chairman, the item which is offered by the gentleman from Pennsylvania [Mr. MOORE], like the amendment offered by the gentleman from New Jersey [Mr. HAMILL], has to do with the commerce of the American people. In the case of the New Jersey item it has been shown that 75,000,000 tons of commerce per annum pays a lighterage charge of at least 3 cents a hundred, or 60 cents a ton, because we refuse to appropriate a million or a million and a half to make it possible to unload the commerce of the country going west on the west bank rather than the east bank of the North or Hudson River. Millions of tons of freight going into the Mississippi River Valley and into the mountain States has for years paid these charges; the country in which I live every year pays a tribute to the lighterage business across this great river because, forsooth, this Congress can not expend the people's money for the people's business, but must expend it for the protection of private property along rivers, for the purpose of dredging out creeks upon which there never has been and never will be commerce, and for the purpose of improving alleged harbors that never have seen and never will see any considerable commerce.

If there has ever been an item offered to an appropriation bill of this character that ought to be adopted, it is the item offered by the gentleman from Pennsylvania [Mr. MOORE]; and the item offered by the gentleman from New Jersey [Mr. HAMILL] is quite as meritorious, if not more so.

Mr. SPARKMAN. I would like to ask the gentleman first if he has read the report on the item offered by the gentleman from Pennsylvania [Mr. MOORE].

Mr. MONDELL. I have not read all the reports on all of these items, but I do know a good deal about the item referred to by the gentleman from New Jersey [Mr. HAMILL], which the committee turned down, just as it will turn down the item offered by the gentleman from Pennsylvania [Mr. MOORE].

Mr. SPARKMAN. Has the gentleman read the report?

Mr. MONDELL. They all suffer the same treatment at the hands of the committee.

Mr. SPARKMAN. I would like to ask the gentleman if he has read the report on the item of the gentleman from New Jersey?

Mr. MONDELL. I do not know that I have read the report to which the gentleman refers.

Mr. SPARKMAN. The gentleman from New Jersey, I should say.

Mr. MONDELL. But it is quite enough for me to know——

Mr. SPARKMAN. That he offered it.

Mr. MONDELL. I do not have to read the engineers' reports in order to know that there are hundreds of millions of tons of freight unloaded on the east side of the Hudson River at the harbor of New York that ought to be unloaded on the west side, and if the chairman of this committee does not know that, there is a fundamental proposition in regard to river and harbor business that it would be well for him to become acquainted with, because everybody else knows about it. We are spending the people's money to dredge out "Way Back Creek," where there is no commerce, while refusing to spend money where it is needed for carrying the commerce of the American people.

Mr. Chairman, we are about to complete the consideration of this bill. During the debate I have made some observations in regard to some of these items. I desire that my position shall not be misunderstood. I am in favor of liberal river and harbor appropriations. I have always been of that mind, and what I have said has been for the purpose of calling attention to items which discredit this great work and render it difficult to secure appropriations for worthy objects. I am in position to be impartial in these matters. The people whom I represent are favorable to proper expenditures for these purposes, and yet we have no selfish interest in any item in the bill.

I desire to be fair and not overcritical, and yet I feel justified in saying that the committee has failed in its duty to the House and country in not printing its hearings and in not making a detailed report. The measly report of 10 pages conveys but little information, and if one wants to be informed they must search through numerous volumes of the reports of engineers, and then we would have only one side of the question and still lack the facts which can only be secured by reading the reports of the hearings. Is the committee afraid or only indifferent? Is the committee so sure of the votes secured by a system of judicious apportionment of benefits as to feel entirely independent of the views of Members?

I am in favor, as I have said, of liberal appropriations for rivers and harbors. Where there is commerce or commerce can be created I am not only favorable to improvements helpful to the general commerce of the country, but I do not object to those projects which only serve local interest if it is clear that the expenditure will in fact give facilities which will be utilized. I object to expenditures which can not and will not increase the water-borne commerce of the country or cheapen the cost of transportation to the people. That there are some items of that kind in this bill no one can deny; the only difference of opinion is as to the number of such items.

On the Mississippi we are spending vast sums on the theory, as stated by the gentleman from Louisiana, that the levees are an aid to navigation. The fact is they are of little, if any, aid, but so long as we build and maintain them on the theory they are we shall waste most of our money. I will join in a plan to make our expenditures on the Mississippi and Missouri really effective, but to do it we must first frankly acknowledge we are proposing to protect private property. My criticisms of this bill are in the hope that a system of false pretense and wasteful expenditure based on it may be abandoned for one of frankness and really helpful and useful expenditure.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. MOORE of Pennsylvania. A division, Mr. Chairman.

The committee divided; and there were—ayes 5, noes 58.

So the amendment was rejected.

Mr. CULLOP. Mr. Chairman, I desire to ask unanimous consent to extend my remarks by having published in the RECORD an article in the Outlook of January 25, 1913, in regard to New York Harbor.

The CHAIRMAN. Is there objection to the gentleman's request? Without objection, it will be so ordered.

There was no objection.

The article is as follows:

NEW YORK HARBOR.

Since 1767 the width of the Hudson River opposite New York City has ben narrowed nearly 50 per cent. This has all been done by successive encroachments of the pierhead line into the fairway. Every few years an agitation would spring up, and the shore would be built farther out into the river and the pierhead line advanced still farther until now the river is only 2,795 feet wide at its narrowest point, opposite Castle Point, Hoboken. This has several bad effects upon navigation.

First. It greatly increases the current at this point in the Hudson River itself and thus requires higher and more expensive power in the vessels navigating it, and it also makes navigation more difficult.

Second. Another bad effect is the crowding of traffic in the river. One hundred and twenty boats have been counted as passing this section in a single hour in the winter season when no excursion boats are running and when navigation in the upper Hudson is closed, so this probably represents a fair daily average.

Third. The obstruction caused by this narrowing of the Hudson at New York tends to reduce the ebb and flow of the tide throughout the length of the Hudson River, and, according to the engineers, is even now responsible for deterioration of navigable depth in the upper and middle Hudson.

The city of New York depends vitally upon the preservation of this great waterway. The commerce on this river, instead of decreasing, is rapidly increasing in size and number of vessels. Any material impairment of it will greatly tend to cripple the future commercial prosperity of the city.

The congestion of the water front of the city does not come from the demands of its ocean commerce, but from the demands made upon it by a species of traffic which has no business on the water front, namely, the use of the water front as distributing terminals for the New Jersey railways. These railway companies occupy, with their terminals, large sections on both sides of the river. Their tracks run down to the New Jersey shore, where their cars are put upon floats and carried across the river to the New York shore. There the bulk of the freight is broken and distributed into drays on the piers them-

selves and on West Street. This work of distribution is a work which does not need to be performed upon the water front; the freight thus distributed is not going abroad, but is being distributed—most of it—in New York City. If, instead of this wasteful method, these freight cars were either carried under the river by tunnels and then distributed by a marginal railway into terminal buildings for distribution into trucks, or even if they were carried across the river by floats to the terminus of such a distributing railway, 30 or 40 per cent of our Hudson River Manhattan water front would be released at once for its true function of serving as a terminus for ocean-going traffic.

The problem of the New York water front therefore is, in the first place, to restrict it as far as possible to its proper function of serving ocean traffic. It is a splendid water front, with deep water and an unsurpassed fairway, provided we do not spoil it.

There has been no difference of opinion on the part of any careful students as to the wisdom of any further narrowing of the fairway of the Hudson River. In 1857 the matter was carefully studied by a board of engineers acting for the State of New York, who set out all of the foregoing objections to any further narrowing of the river. At the time of their report the river was still 500 feet wider than it is now. This reduction has taken place under the same heedless and selfish pressure which is now being brought to narrow it still further. It was narrowed in 1871, in 1890, and again in 1897 under precisely the same cry of emergency which is being raised now. On December 9, 1903, when a similar agitation was raised, Secretary of War Root gave notice that no further encroachment on the fairway would be permitted, and that any further extensions in the length of piers must be made by digging back into the land rather than by stretching out into the river. Three later Secretaries have taken the same ground.

So far as our ocean-going traffic is concerned, the pressure for long piers has arisen thus far simply because it has been cheaper to build out into the river than to dig back into the land. People have preferred to encroach upon the fairway rather than to spend the necessary money to preserve it. We have reached a point where such an attitude is no longer possible or defensible. The city must recognize that the preservation of its primacy in commerce depends upon intelligently attacking these two features of the problem. It must insist upon a proper distribution of its local freight, and it must insist that in future piers the requisite length be attained in a way consonant with the preservation of the river, even if it requires more money to do it.

The vice of the Sulzer bill now before Congress is that, so far from intelligently grappling with these problems, it again seeks to move our pierhead line out into the river. It is a weak yielding to the interested pressure of those who desire to get long piers at the smallest expense and without reference to the insidious but gradual effect upon the city's future. Furthermore, it is an attempt to take out of the hands of the board of engineers a function which they are best suited to perform and to have it done in a much less careful way by Congress. The pierhead line is now in the hands of a board of three engineers known as the harbor line board, who have been making and are at the present time making a careful study of this very question. To pass the Sulzer bill would be to anticipate and foreclose their decision.

Some readers may ask, How does this matter concern the people of inland States and cities? Why trouble us about it? We have problems enough of our own. Let New York settle her own difficulties herself.

The answer is that foreign commerce, coastwise commerce, and transcontinental railway shipments are matters of vital national interest. New York has the most important harbor in the United States; it is the greatest commercial metropolis in the United States; it is the greatest distributing point in the United States. If it does its work inefficiently or expensively the whole country suffers.

In this article we have pointed out defects to be avoided. In a later article we shall describe some definite and scientific plans of harbor improvement.

Mr. CALLAWAY. Mr. Chairman, I want to return to page 14 and offer an amendment.

Mr. SPARKMAN. I object, Mr. Chairman.

The CHAIRMAN. Objection is made.

Mr. MANN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Under the order for passing over, is it not in order to return to the pages we passed?

The CHAIRMAN. That is what we are doing now.

Mr. CALLAWAY. Mr. Chairman, I understood we were returning to the items that had been passed over before. We passed this item on page 14, the page where we now are.

Mr. YOUNG of Michigan. We are now on page 10.

Mr. MANN. We have passed that over.

Mr. CALLAWAY. Mr. Chairman, I ask unanimous consent to return to the item on page 14, providing for the improvement of the inland waterway from Norfolk, Va., to Beaufort Inlet, N. C.

The CHAIRMAN. A motion was made to return to items on pages previous to the paragraph on page 14, and under the order already made we will take them in the order as they come. The Clerk will report the next item that was passed over.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, let me state to the gentleman from Texas [Mr. CALLAWAY] that the particular item that he desires to return to is the item brought up the other day and discussed by the gentleman from North Carolina [Mr. SMALL]. It pertains to his district, and he discussed it very fully; and after the discussion the House adopted it. The gentleman from North Carolina has now, under press of important business, left the city, and is not here. I hope the gentleman from Texas will not insist on returning to that paragraph.

Mr. CALLAWAY. I can not. [Cries of "Read!" "Read!"]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Improving Delaware River, Pa., N. J., and Del.: Continuing improvement and for maintenance from Allegheny Avenue, Philadelphia, to the sea, $1,750,000; for maintenance of improvement from Allegheny Avenue, Philadelphia, to Laylor Street, Trenton, $20,000; and completing improvement above Laylor Street, Trenton, in accordance with the report submitted in House Document No. 839, Sixty-first Congress, second session, and subject to the conditions recommended by the Chief of Engineers on page 2 of said document, $114,000; in all, $1,884,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The Clerk read as follows:

On page 10, line 6, after the word "sea," strike out "$1,750,000" and insert "$2,000,000," and on line 14, strike out "$1,884,000" and insert "$2,134,000."

Mr. MOORE of Pennsylvania. Mr. Chairman, the purpose of this amendment is to induce the committee, if possible, to fix the appropriation for the 35-foot channel in the Delaware River in accordance with the recommendations of the United States Army engineers and in conformity with the plan which contemplates the completion of that channel within six years. An argument has just been made upon another item which indicates that the port of New York is asking for increased facilities; and it is a fact that has been brought out during the last three or four days in the discussion of this bill that the port of New York now has a depth of 40 feet for incoming vessels; that the port of Boston has 35 feet and is asking and will receive through this bill a survey for 40 feet for its harbor; that Boston and Baltimore already have 35 feet, and that Norfolk is substantially at a 35-foot stage.

The city of Philadelphia is 100 miles up the river and bay from the sea, 60 miles from the deep water of the bay. It is without question the greatest revenue-producing inland river of the United States. Last year at Philadelphia there was collected $21,000,000 of revenue, in a customhouse for which no appropriation has been made in the way of improvements for 70 years. We have been asking that the channel of the Delaware River be improved, and in 1910 the first appropriation was made upon a 35-foot channel project, which contemplates placing the city of Philadelphia, with its million and a half of population, upon an equality at least with the city of Baltimore and with the city of Boston. How long it will take for us to catch up to those two cities now, I know not. It will take us centuries at the present rate of appropriations to catch up to the great metropolis of New York; and so long as New York keeps deepening its harbor and the volume of business increases there, so long the monopolies in shipping will increase, because the great bottoms are now being floated upon the high seas, putting out of business the coastwise trade and the smaller craft, and concentrating everything in the way of commerce and navigation at this one port.

If you gentlemen can fairly and decently ask for appropriations for the Mississippi and for the improvement of inland ports, harbors, and waterways, you must excuse us if we become a little insistent in asking that the project you have approved be completed, so that we may at least keep in business on the great Delaware River.

When the 35-foot channel project was adopted in June, 1910, two and a half years ago, it was estimated that the total cost would be $10,920,000; that the maintenance cost would be $300,000, and that appropriations would be made with a view to completion in six years. This was conceded to be due to the great city of Philadelphia and the other cities along the Delaware, producing in 1912 customs revenues in excess of $21,000,000, and an average annual revenue of about $20,000,000 for the last 10 years, or twice in one year what is necessary to give us a good channel for all time. In 1910 we were given $1,500,000 to complete the 30-foot channel and commence work on the 35-foot project, and for 1911–12, $1,300,000 to continue the improvement up to March 4, 1913.

The work done on the 35-foot channel to the close of the fiscal year ending June 30, 1912, as reported by the engineers, is 6 per cent of the whole project. The engineers have urged appropriations "to permit a rapid prosecution of the work," and the Chief of Engineers in his estimate declares that—

For the year 1914 the appropriation should not be less than $2,500,000, of which approximately one-half should be in cash; but unless continuing-contract authorization be made, the appropriation should be not less than $2,000,000 in cash.

Of the amount estimated as a profitable expenditure in the fiscal year ending June 30, 1914, it is proposed to apply $300,000 to maintenance of the existing channel, and the balance to new work of rock removal, dredging, and dike construction.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. I ask unanimous consent that I may have at least five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Now, what has the committee reported? For the Mississippi, whose commerce amounted in 1907 to 4,300,000 tons on the whole 2,500 miles from the Lakes to the Gulf, as against 27,000,000 tons in that year upon the 60 miles of the Delaware alone—for the Mississippi, in this bill, you have appropriated $9,185,000; for the Ohio, $5,550,000; for the Missouri, $2,300,000; a total virtually of $17,000,000, which, if you add the appropriations made to the other tributaries of the Mississippi, will give that stream alone, out of the $40,000,000 you appropriated in this bill, one-half of the total appropriation made for this year.

This bill cuts the Delaware River appropriation from $2,000,000, the minimum asked by the engineers as urgent, to $1,750,000, not for one year, but for 16 months, from March 5, 1913, to June 30, 1914. On this long-term basis the annual appropriation is reduced $337,000 for the extra four months, in addition to the $40,000 that must be deducted for maintenance. Instead of the $2,000,000 recommended by the engineers, therefore, the Delaware River for the next fiscal year will receive but $1,013,000, a rate that will probably postpone the completion of the 35-foot channel for at least 10 years.

In view of the committee's fair and liberal treatment of the other inland waterways of the country, it seems to me that instead of postponing this project of the Delaware, the purpose of which is to put us upon an equality with other great ports along the Atlantic seaboard, you should let up in this instance and give this, the greatest business-getting, revenue-producing river of the United States, the $2,000,000 which was the least asked for by the Chief of Engineers in his report.

Mr. SPARKMAN. Mr. Chairman, I should be much pleased if we could see our way clear to accept the gentleman's amendment. I am convinced that the Delaware River, the portions both above and below Philadelphia, is a very important artery of commerce, and the projects for its improvement should be completed as early as practicable; but we have done in this bill all that the engineers have requested us to do at this time. We are appropriating $1,750,000, which, together with what will go in the sundry civil bill, makes the $2,000,000 that the engineers recommend. It is true that in their report they suggest, as they have suggested in other reports, that a continuous contract be provided for $500,000 more. But they say that if this can not be done we should give the amount—I am not quoting the exact language—which would make, with the $250,000 recommended for the sundry civil bill, $2,000,000. The language actually used is as follows:

For the year 1914 the appropriations should not be less than $2,500,000, of which approximately one-half should be in cash, but unless in the continuing contract authorization be made, the appropriation should be of not less than $2,000,000 in cash.

Now, then, Mr. Chairman, we appropriate in this bill $1,750,000. The engineers estimate $250,000 for the sundry civil bill, which makes up the $2,000,000 in cash.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. SPARKMAN. In a moment. So that if we should make this additional cash appropriation we would do something the engineers did not ask.

Mr. MOORE of Pennsylvania. The $250,000 was left over from last year?

Mr. BURGESS. No; that is in the sundry civil bill.

Mr. MOORE of Pennsylvania. That carries the work up to March 4.

Mr. SPARKMAN. No; that is where the gentleman is mistaken. The recommendation is made to cover the longer period of time. Nineteen hundred and fourteen can only mean one of two things. It can only mean the fiscal year ending the 30th of June or the calendar year ending the 31st of December. We are not contending that it does the latter. We take the shorter period of time and are appropriating to cover the period from the 4th of March of this year until approximately the 30th of June next year.

Mr. MOORE of Pennsylvania. The appropriation provided for in this bill begins as of March 5, 1913.

Mr. SPARKMAN. Well, no; the 4th of March, not later.

Mr. MOORE of Pennsylvania. That would aggregate $400,000 for maintenance—$300,000 for the year—and then there is another quarter.

Mr. SPARKMAN. No; not in the sense the gentleman is contending. There was a newspaper statement to that effect, I believe—and I am not criticizing the gentleman, because I know newspapers perform great service in the world, and I do not object to the gentleman getting into the newspapers as often as he can.

Mr. MOORE of Pennsylvania. The gentleman is now touching on a delicate question. If he will confine himself to the facts——

Mr. SPARKMAN. I am going to do that, but I wanted to allude to an injustice done the committee by a Philadelphia newspaper, and I do not think it was intentional——

Mr. MOORE of Pennsylvania. I want to say to the gentleman that I will not discuss matters in the House one way or the other concerning the way the gentleman from Florida or the gentleman from Georgia or any other Member gets into print. I want to know whether we are to be fairly treated in this commercial transaction when Philadelphia presents her claims based upon commercial merit.

Mr. SPARKMAN. Somebody was discussed a few days ago in this connection, and I have no objection to being discussed to-morrow, though I am not seeking newspaper notoriety.

Mr. MOORE of Pennsylvania. I know the gentleman is not.

Mr. SPARKMAN. What I call the gentleman's attention to is that I saw in the newspaper a statement that I know is an injustice to the Committee on Rivers and Harbors, because pursuing the same line of argument that the gentleman from Pennsylvania pursues, it makes almost the same statement that the gentleman made the other day about the amounts proposed in this bill for the allowance, and it asserts that $400,000 of the amount would be used for maintenance. Now, the facts are that the engineers only recommend $300,000, and not $400,000, for maintenance to cover the very period of time to which the gentleman refers.

Mr. MOORE of Pennsylvania. That would be 16 months. That is my point.

Mr. SPARKMAN. Well, it is practically that, but it is what the engineers recommend. Whether it be 24 months or 5 years, it is what the engineers recommend. We have given the full amount recommended by the engineers for maintenance and for the improvement of the river, whether it is 4 months or 12 or 16 months.

Mr. MOORE of Pennsylvania. Mr. Chairman, I accept the gentleman's statement, but I can not harmonize it with the report of the engineers on page 288, in which a maximum of $2,500,000 is asked and a minimum of $2,000,000.

Mr. SPARKMAN. Oh, that was the recommendation in case we provided a continuing contract, but we did not provide for that. True, the report says that for the year 1914 the appropriation should be not less than $2,500,000, but the engineers confuse the word "appropriation" with the word "authorization," as the next line will show—

But unless continuing contract authorization be made—

The report goes on to say—

the appropriation should not be less than $2,000,000 in cash—

Which, together with the $1,750,000 appropriated in this bill and the $250,000 to come in the sundry civil, makes the cash appropriations without any authorizations $2,000,000. At the bottom of the report in a note there is this statement:

Of the amount, $250,000 is for continuing contracts.

That is, of the amount of $2,000,000 recommended $250,000 is to go into the sundry civil bill.

Mr. Chairman, I want to say another thing for the benefit of the gentleman from Pennsylvania and of the committee, that in doing work like we are doing in the Delaware River the matter of maintenance does not amount to so much as in other streams where the work has been completed, because in many places, if not in all, the work of improving the river takes care of the maintenance.

Mr. DONOHOE. Mr. Chairman, I move to strike out the last word. As has been stated by Mr. SPARKMAN, the full amount that can be profitably used, according to the information given by the Government engineers, up until June 30, 1914, is $2,000,000. This bill carries cash of $1,750,000, and the sundry civil bill carries cash of $250,000 additional. No part of the sundry civil appropriation of $250,000 can be used before March 4 of this year. When the sundry civil bill was up last year, and it did not carry the full amount of $700,000 that I expected it to carry for the Delaware, I inquired as to the reason for cutting it to $450,000, and was informed that it was because the engineers could not use more than $450,000 before March 4, 1913. That statement was later corroborated by the engineers.

It may be inexplicable to the members of this committee why my good friend from Philadelphia, Mr. MOORE, has taken occasion to do what he has done to-day. The engineers say that we are appropriating the full amount that they can use, and everyone here knows that we can not get any more than the engineers recommend; and yet here is a motion to increase the amount for the Delaware River and another motion to put in an appropriation for the Frankford Creek, for which no recommendation has been made by the engineers. Everyone knows that we can get no appropriation until we have the approval of the en-

gineers. The Frankford Creek, Mr. Chairman, is in my district. Every inch of it is there. When the cleverly juggled stories go to the Philadelphia newspapers they will read well at home. They will show that my distinguished colleague endeavored to get an appropriation for Frankford Creek which was evidently neglected by the Member from that district of Philadelphia who is on the inside on the committee. [Laughter.] Is there a Member in this House who would stoop to such political methods as these for the purpose of reflecting upon anyone else? I wish we could get $5,000,000 for the Delaware River. The engineers say that after this appropriation of $2,000,000 it will require $6,060,000 to complete the work of the 35-foot channel. If we appropriate $2,000,000 annually, as we are doing now, it will be completed within four years, notwithstanding the fact that the newspapers in Philadelphia have quoted the distinguished exponent of waterways, Mr. MOORE, as saying it will take 10 years to complete that job. I am very glad of this opportunity of clearing the atmosphere to that extent. My good friend does not expect to get any of these amendments through, but it will make splendid reading for the people at home. [Laughter and applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken; and on a division (demanded by Mr. MOORE of Pennsylvania) there were—ayes 3, noes 51.

So the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

Mr. SPARKMAN. Mr. Chairman, I move that the committee do now rise.

Mr. MOORE of Pennsylvania. Choked off again!

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MOON of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 28180) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolutions of the following titles; when the Speaker signed the same:

H. J. Res. 210. Joint resolution authorizing the President to appoint a member of the New Jersey and New York Joint Harbor Line Commission;

H. J. Res. 380. Joint resolution authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President elect on March 4, 1913, etc.; and

H. R. 23451. An act to pay certain employees of the Government for injuries received while in the discharge of their duties.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. 6380. An act to incorporate the American Hospital of Paris;

S. 2666. An act granting an increase of pension to William P. Clark; and

S. J. Res. 145. Joint resolution to provide for the maintenance of public order and the protection of life and property in connection with the presidential inaugural ceremonies in 1913.

SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following Senate concurrent resolution was taken from the Speaker's table and referred to the Committee on Printing:

Senate concurrent resolution 33.

Resolved by the Senate (the House of Representatives concurring), That there shall be printed and bound in cloth, with accompanying maps, 4,000 copies of the report upon Panama Canal Traffic and Tolls, prepared for the President, by Emory R. Johnson, special commissioner on traffic and tolls; that the copies here ordered shall be printed from plates recently prepared for the Isthmian Canal Commission and now in the possession of the Government Printing Office; and that of the copies printed 1,000 shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 1,000 for the use of the Committee on Interoceanic Canals of the Senate.

SWEARING IN OF A MEMBER.

The SPEAKER. The newly elected Member from the State of Arkansas, Hon. SAM M. TAYLOR, presents himself with credentials which are regular. Unless there is objection, the Chair will swear him in.

Mr. TAYLOR appeared at the bar of the House and took the oath of office.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill and joint resolution:

H. J. Res. 210. Joint resolution authorizing the President to appoint a member of the New Jersey and New York Joint Harbor Line Commission; and

H. R. 23451. An act to pay certain employees of the Government for injuries received while in the discharge of their duties.

HOUR OF MEETING.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

IMMIGRATION.

Mr. BURNETT. Mr. Speaker, the Senate has disagreed to the conference report on the immigration bill (S. 3175) and asks for a further conference. I move that the House insist upon its amendment and agree to a further conference.

Mr. MANN. Are the papers here?

The SPEAKER. The papers are here. The gentleman from Alabama [Mr. BURNETT] moves that the House further insist upon its amendment and agree to the conference asked for by the Senate.

The question was taken, and the motion was agreed to.

The SPEAKER. The Chair announces the following conferees.

The Clerk read as follows:

Mr. BURNETT, Mr. SABATH, and Mr. GARDNER of Massachusetts.

DEATH OF HON. S. C. SMITH.

Mr. NEEDHAM. Mr. Speaker, it is my sad duty to announce to the House the death of the Hon. SYLVESTER CLARK SMITH, a Representative from the State of California. During the lifetime of Mr. SMITH he requested in the event of his death while a Member of the House that there be no committee appointed to attend his funeral. I have therefore omitted from the resolutions which I have offered any reference to a committee. Mr. Speaker, I offer the following resolutions and move their adoption.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

House resolution 797.

Resolved, That the House has heard with profound sorrow of the death of Hon. SYLVESTER CLARK SMITH, a Representative from the State of California.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect this House do now adjourn.

The question was taken, and the resolutions were unanimously agreed to.

Thereupon (at 4 o'clock and 33 minutes p. m.) the House adjourned to meet to-morrow, Tuesday, January 28, 1913, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of State amending his estimate for an appropriation to investigate the opium, morphine, and other allied drug evils (H. Doc. No. 1305); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Postmaster General submitting a deficiency estimate of an appropriation required by the Post Office Department on account of the parcel post (H. Doc. No. 1306); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of State, transmitting statement of expenses incurred by officers and employees of the State Department when traveling outside of Washington on official business during the fiscal year ended June 30, 1912 (H. Doc. No. 1308); to the Committee on Expenditures in the State Department and ordered to be printed.

4. A letter from the Secretary of the Interior, transmitting a list of useless papers on file in the Interior Department requesting that they be destroyed (H. Doc. No. 1307); to the Joint Select Committee on Disposition of Useless Executive Papers and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. McGUIRE of Oklahoma, from the Committee on Indian Affairs, to which was referred the resolution (H. Res. 773) referring the bill (H. R. 27995) for the relief of Iowa Tribe of Indians in Oklahoma to the Court of Claims, reported the same without amendment, accompanied by a report (No. 1398), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LAFFERTY: A bill (H. R. 28452) to amend an act entitled "An act to amend sections 2291 and 2297 of the Revised Statutes of the United States relating to homesteads," approved June 6, 1912; to the Committee on the Public Lands.

By Mr. MANN: A bill (H. R. 28453) to prevent obstructive and injurious deposits within the harbors and adjacent navigable waters of the city of Chicago, Ill., by dumping or otherwise, and to punish and prevent such offenses; to the Committee on Interstate and Foreign Commerce.

By Mr. LAMB: A bill (H. R. 28454) relating to renovated-butter inspection; to the Committee on Agriculture.

By Mr. BERGER: Resolution (H. Res. 796) requesting an inquiry of the clothing and garment industry of New York; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 28455) granting an increase of pension to Hamilton Wise; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 28456) for the relief of A. J. Wright; to the Committee on War Claims.

By Mr. DWIGHT: A bill (H. R. 28457) granting a pension to Johannah O'Keefe; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 28458) for the relief of the heirs of Frederick R. Wylly, deceased; to the Committee on War Claims.

By Mr. HINDS: A bill (H. R. 28459) granting a pension to George A. Loring; to the Committee on Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 28460) granting an increase of pension to C. Milstead; to the Committee on Invalid Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 28461) granting an increase of pension to William H. Bartolet; to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 28462) granting an increase of pension to Charles W. Smith; to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 28463) granting an increase of pension to John D. Traft; to the Committee on Invalid Pensions.

By Mr. ROTHERMEL: A bill (H. R. 28464) granting an increase of pension to David Good; to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 28465) to pay an award in favor of the heirs of John W. West, deceased; to the Committee on Indian Affairs.

By Mr. SELLS: A bill (H. R. 28466) granting an increase of pension to William T. Higgins; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Twenty-third Council of the Union of American-Hebrew Congregations, Cincinnati, Ohio, protesting against the passage of Senate bill 3175, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also (by request), petition of the Italian-Swiss Colony, San Francisco, Cal., protesting against the passage of Senate bill 3175, for the restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. ANSBERRY: Petition of members of the Sigma Phi Delta Club, the Informal Study Club, the Chautauqua Literary and Scientific Club, and the Zetetic Club, of Leipsic, Ohio, favoring the passage of the McLean bill granting Federal protection to all migratory birds; to the Committee on Agriculture.

Also, petition of the National Association of Railway Commissioners and the Public Service Commission, of Columbus, Ohio, favoring the passage of legislation (S. 6099) for the establishment of a uniform classification of freight; to the Committee on Interstate and Foreign Commerce.

By Mr. BYRNS of Tennessee: Papers to accompany the bill for relief of A. J. Wright, of Williamson County, Tenn.; to the Committee on War Claims.

By Mr. CALDER: Petition of citizens of the United States of America, favoring the immediate passage of legislation validating leases made to the Uncle Sam Oil Mill Co. by the Osage national council; to the Committee on the Public Lands.

By Mr. CARY: Petition of Moisant International Aviators, New York, favoring passage of a bill abolishing the Aerial Corps of the Army and Navy; to the Committee on Military Affairs.

Also, petition of the Mayer Boot & Shoe Co., Milwaukee, Wis., protesting against any reduction or change in the present tariff duties on boots and shoes; to the Committee on Ways and Means.

Also, petition of the Oshkosh Grass Matting Co., Oshkosh, Wis., favoring passage of the Weeks bill (H. R. 27567) for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of Herbert J. Piper, Milwaukee, Wis., favoring the adoption of the Mall site and design, as approved by the National Commission of Fine Arts, for the memorial to Abraham Lincoln; to the Committee on the Library.

By Mr. DICKINSON: Papers to accompany bill (H. R. 2096) granting an increase of pension to Jessie T. Moore; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Petition of the American Group of the Société des Architectes Diplômés par le Gouvernement Français, favoring the adoption of the Mall site and design, as approved by the National Commission of Fine Arts, for the memorial to Abraham Lincoln; to the Committee on the Library.

Also, petition of Washington Branch of the Rivers and Harbors Congress, favoring the passage of bill making an appropriation to cover the expense for analyzing the water of the Potomac River; to the Committee on Appropriations.

By Mr. FORNES: Petition of the J. F. Imbs Milling Co., St. Louis, Mo., relative to the present tariff on flour; to the Committee on Ways and Means.

By Mr. FULLER: Petition of C. P. Nelson, Chicago, Ill., favoring he pasage of the McLean bill granting Federal protection to all migratory birds; to the Committee on Agriculture.

Also, petition of the Tuthill Spring Co., Illinois, favoring the passage of bill (H. R. 27567) for the reduction of letter postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of John H. McGee, Ironton, Ohio, favoring the passage of House bill 1339, to increase the pension of those who lost an arm or leg in the Civil War; to the Committee on Invalid Pensions.

By Mr. GARRETT: Petition of members of the Ladies' Missionary Society of the Presbyterian Church, Greenfield, Tenn., favoring the passage of an antipolygamy amendmenf to the Constitution of the United States placing polygamy under Federal jurisdiction; to the Committee on the Judiciary.

Also, petition of teachers and pupils in biology and agriculture in the Berry School, Mount Berry, Ga., favoring the passage of the McLean bill granting Federal protection to all migratory birds; to the Committee on Agriculture.

By Mr. GUERNSEY: Petition of the Antre Street Congregational Church, Machias, Me., favoring the passage of the Kenyon "red-light" injunction bill for the cleaning up of Washington for the inauguration; to the Committee on the District of Columbia.

By Mr. HAMILTON of West Virginia: Papers to accompany bill for the relief of J. P. Jones; to the Committee on Claims.

By Mr. HILL: Petition of the New Haven Chamber of Commerce, New Haven, Conn, expressing their confidence in the integrity of the management of the New York, New Haven & Hartford Railway Co.; to the Committee on Rules.

Also, petition of citizens of Connecticut, protesting against the further importation of aigrettes; to the Committee on Ways and Means.

By Mr. LAFEAN: Petition of the congregation of the First Presbyterian Church, York, Pa., favoring the passage of the Kenyon "red light" injunction bill to clean up Washington, D. C.; to the Committee on the District of Columbia.

By Mr. LEVY: Petition of the Dutchess Manufacturing Co., Poughkeepsie, N. Y., favoring the passage of House bill 27567, for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of the Philadelphia Association of Friends, Philadelphia, Pa., favoring the striking out or the submitting

to national arbitration of the passage of the Panama Canal act granting free tolls to vessels engaged in coastwise trade of the United States; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Commission of Fine Arts, Washington, D. C., and the American Group of the Société des Architectes Diplômés par le Gouvernement Français, New York, favoring the adoption of the Mall site and design, as approved by the National Commission of Fine Arts, for the memorial to Abraham Lincoln; to the Committee on the Library.

By Mr. LINDSAY: Petition of Herbert S. Gardner, of St. Louis, and Christopher P. Nelson, of Chicago, Ill., favoring the passage of the McLean bill for Federal protection of all migratory birds; to the Committee on Agriculture.

Also, petition of John H. McGee, Ironton, Ohio, favoring the passage of House bill 1339, granting an increase of pension to veterans of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

By Mr. McKINNEY: Petition of the missionary society of the Episcopal Church of Warsaw, Ill., favoring the passage of the McLean bill granting Federal protection to migratory birds; to the Committee on Agriculture.

Also, petition of the Monday Study Club, of Rock Island, Ill., protesting against the passage of legislation transferring the ownership and control of the national forests to the States wherein they lie; to the Committee on Agriculture.

By Mr. MOTT: Papers to accompany a bill granting an increase of pension to Francis P. O'Reilly; to the Committee on Pensions.

Also, petition of the Presbyterian Church of Hannibal, N. Y., favoring the passage of the Kenyon-Sheppard bill preventing shipment of liquors into dry territory; to the Committee on the Judiciary.

By Mr. RAKER: Petition of the Chamber of Commerce of Los Angeles, Cal., favoring passage of bill for increased appropriations for adequate aid to navigation along our coast line; to the Committee on Interstate and Foreign Commerce.

By Mr. SELLS: Papers to accompany bill granting an increase of pension to William T. Higgins; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: Petitions of H. S. Gardner, St. Louis, Mo.; C. P. Nelson, Chicago, Ill.; and the American Game Protective and Propagation Association, New York, favoring the passage of the McLean bill for the Federal protection of all migratory birds; to the Committee on Agriculture.

Also, petitions of the American Laundry Machinery Co., Rochester, N. Y.; the American Manufacturing Concern, Falconer, N. Y.; Hogan & Son, New York; the New York Leather Belting Co., New York; and the Waterbury Felt Co., Skaneateles Falls, N. Y., favoring the passage of House bill 27567, for a 1-cent postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of the Navy League of the United States, Washington, D. C., favoring the passage of House bill 1309, for the establishment of a council of national defense; to the Committee on Naval Affairs.

Also, petition of the National Soil Fertility League, Chicago, Ill., favoring the passage of the Smith-Lever agriculture extension bill for the improvement of the agricultural industry; to the Committee on Agriculture.

By Mr. WILSON of New York: Petition of the Chamber of Commerce of Poughkeepsie, N. Y., favoring the passage of legislation for granting a Federal charter for the Chamber of Commerce of the United States of America; to the Committee on the Judiciary.

SENATE.

TUESDAY, *January 28, 1913.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULBERSON and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ELECTORS FOR PRESIDENT AND VICE PRESIDENT.

The PRESIDENT pro tempore (Mr. GALLINGER) laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, an authentic copy of the certificate of the final ascertainment of electors for President and Vice President appointed in the State of Wisconsin at the election held therein on November 5, 1912, which was ordered to be filed.

IMPRISONMENTS IN THE ARMY AND NAVY (S. DOC. NO. 1039).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 7th instant, certain information relative to the number of persons serving in the Army and Navy imprisoned during the year 1912, the terms of sentence, location and nature of places of incarceration, the nature of offenses, etc., which, on motion of Mr. WORKS, was, with the accompanying papers, referred to the Committee on Military Affairs and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a resolution adopted by members of the Monday Study Club, of Rock Island, Ill., against the transfer of the control of the national forests to the several States, which was referred to the Committee on Forest Reservations and the Protection of Game..

He also presented a resolution adopted by the Board of Trade of Springfield, Mass., favoring an appropriation for the improvement of the Connecticut River from Long Island Sound to Holyoke, in that State, which was referred to the Committee on Commerce.

Mr. WORKS presented a memorial of the Humboldt Chamber of Commerce, of Eureka, Cal., remonstrating against the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. NELSON presented a memorial of the congregation of the Seventh-day Adventist Church of Good Thunder, Minn., and a memorial of the congregation of the Seventh-day Adventist Church of Amboy, Minn., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. TOWNSEND presented memorials of the congregations of the Seventh-day Adventist Churches of Jackson, Houghton, and Greenville, all in the State of Michigan, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. BRANDEGEE presented a petition of members of the Young People's Christian Endeavor Society of the South Congregational Church, of New Britain, Conn., praying for the passage of the so-called Kenyon red light injunction bill, which was ordered to lie on the table.

He also presented a memorial of the congregation of the Seventh-day Adventist Church of Willimantic, Conn., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. PERKINS presented a resolution adopted by the Chamber of Commerce of Corona, Cal., favoring the passage of the so-called agricultural extension bill, which was ordered to lie on the table.

He also presented a memorial of the congregation of the Seventh-day Adventist Church of Mountain View, Cal., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of the General Federation of Women's Clubs, remonstrating against transferring the control of the national forests to the several States, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented resolutions adopted by the Humboldt Chamber of Commerce, of Eureka, Cal., against the repeal of the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

PROOF OF SIGNATURES.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to which was referred the bill (H. R. 20102) relating to proof of signatures and handwriting, reported it with an amendment and submitted a report (No. 1162) thereon.

COURTS IN TEXAS.

Mr. CULBERSON. From the Committee on the Judiciary I report back favorably without amendment the bill (H. R. 24194) to create a new division of the western judicial district of Texas and to provide for terms of court at Pecos, Tex., and for other purposes, and I submit a report (No. 1161) thereon. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that the counties of Reeves, Ward, Martin, Reagan, Winkler, Ector, Gaines, Andrews, Upton, Midland, Loving, Jeff Davis, and Crane shall constitute a division of the western judicial district of Texas.

Section 2 provides that terms of the district court of the United States for the western district of Texas shall be held twice in each year at the city of Pecos, in Reeves County, and that, until otherwise provided by law, the judge of that court shall fix the times at which the court shall be held at Pecos, of which he shall make proclamation and give due notice. But suitable rooms and accommodations shall be furnished for the holding of the court and for the use of the officers of the court at Pecos free of expense to the Government of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. THOMAS:

A bill (S. 8293) authorizing the construction of a public building in the city of Durango, Colo.; and

A bill (S. 8294) to acquire a site for the erection of a public building at Montrose, Colo.; to the Committee on Public Buildings and Grounds.

By Mr. GRONNA:

A bill (S. 8295) granting an increase of pension to Charles Shattuck (with accompanying paper); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 8296) granting a pension to Edward M. Stevens (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BRYAN submitted an amendment providing for the survey of a channel at Mosquito Inlet, Fla., with suitable depth and width from the Atlantic Ocean to a point at or near the town of New Smyrna, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. MYERS submitted an amendment proposing to increase the appropriation for the investigation of miscellaneous insects from $30,000 to $55,000, and providing that the sum of $25,000 be used to investigate the Rocky Mountain spotted-fever tick, intended to be proposed by him to the Agriculture appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. NELSON submitted an amendment providing that appropriations for the Life-Saving Service may be used in payment of expenses that may be incurred by the Life-Saving Service by express direction of the Secretary of the Treasury in saving life and property on occasion of floods in any navigable waters of the United States, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment providing that in computing the length of service which shall entitle warrant and petty officers to longevity pay under the eighth section of the act of April 16, 1908, all service rendered under the official designation of "pilot" in the Revenue-Cutter Service shall be included, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

JAMES F. SELLERS.

Mr. PENROSE submitted the following resolution (S. Res. 444), which was read, and, with the accompanying papers, referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant at Arms of the Senate be, and he hereby is, authorized and directed to appoint James F. Sellers an additional messenger, who shall be paid at the rate of $1,200 per annum from the contingent fund of the Senate, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate, until otherwise provided for by law.

MEMORIAL SERVICES FOR THE LATE VICE PRESIDENT.

Mr. CUMMINS. I ask unanimous consent for the present consideration of Senate resolution 435, a resolution submitted by me and reported yesterday from the Committee to Audit and Control the Contingent Expenses of the Senate by the Senator from New Jersey [Mr. BRIGGS].

There being no objection, the resolution was considered and agreed to, as follows:

Resolved, That Saturday, the 15th day of February, be set apart for appropriate exercises in commemoration of the life, character, and public service of the late JAMES S. SHERMAN, Vice President of the United States and President of the Senate of the United States.

That a committee of three Senators, composed of ELIHU ROOT, JAMES A. O'GORMAN, and CHARLES CURTIS, is hereby appointed, with full power to make all arrangements and publish a suitable program for the aforesaid meeting of the Senate, and to issue the invitations hereinafter mentioned.

That invitations shall be extended to the President of the United States, the members of the Cabinet, the Chief Justice and Justices of the Supreme Court, the Speaker and Members of the House of Representatives, the judges of the Commerce Court, the judges of the Court of Customs Appeals, the judges of the courts of the District of Columbia, the officers of the Army and Navy stationed in Washington, the members of the Interstate Commerce Commission, and the members of the Civil Service Commission. That such other invitations shall be issued as to the said committee shall seem best.

All expenses incurred by the committee in the execution of this order shall be paid from the contingent fund of the Senate.

CONTRIBUTIONS FOR CAMPAIGN PURPOSES.

Mr. JONES. Yesterday the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate reported Senate resolution No. 418 amending Senate resolution No. 70, agreed to August 26, 1912, and this morning the junior Senator from Minnesota [Mr. CLAPP] requested me to call it up and have it passed by the Senate. However, the junior Senator from Pennsylvania [Mr. OLIVER] is interested in the resolution and at one time objected to its passage. So I will not call it up this morning in the absence of that Senator, but I desire to state that either the junior Senator from Minnesota or myself will try to have the resolution passed by the Senate to-morrow.

IMMIGRATION OF ALIENS.

Mr. LODGE. I ask to have printed, for the convenience of the Senate, the report of the committee of conference on the immigration bill, as finally agreed upon.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE WEDEMEYER.

Mr. TOWNSEND. I desire to give notice that on Saturday, February 22, I shall ask the Senate to consider resolutions commemorative of the life and public services of Hon. WILLIAM W. WEDEMEYER, late a Representative from the State of Michigan.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, Executive clerk, announced that the President had approved and signed the following act and joint resolution:

On January 25, 1913:

S. 7637. An act to authorize the construction of a railroad bridge across the Illinois River near Havana, Ill.

On January 27, 1913:

S. J. Res. 150. Joint resolution appropriating $40,000 for expenses of inquiries and investigations ordered by the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills and joint resolution:

S. 2600. An act to authorize the Commissioners of the District of Columbia to prevent the exhibition of obscene, lewd, indecent, or vulgar pictures in public places of amusement in the District of Columbia;

S. 6919. An act to amend subchapter 2 of chapter 19 of the Code of Law for the District of Columbia;

S. 7162. An act to amend section 801 of the Code of Law for the District of Columbia;

S. 7508. An act to amend an act entitled "An act to reincorporate and preserve all the corporate franchises and property rights of the de facto corporation known as the German Orphan Asylum Association of the District of Columbia"; and

S. J. Res. 153. Joint resolution granting to the Fiftieth Regiment Maryland National Guard the use of the corridors of the courthouse of the District of Columbia upon such terms and conditions as may be prescribed by the marshal of the District of Columbia.

The message also announced that the House had passed the bill (S. 1072) to amend section 895 of the Code of Law for the District of Columbia, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House further insists upon its amendment to the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURNETT, Mr. SABATH, and Mr. GARDNER of Massachusetts managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 18787) relating to the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United

States and of the District of Columbia; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILSON of Pennsylvania, Mr. BUCHANAN, and Mr. GARDNER of New Jersey, managers at the conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 23939) to legalize titles in the District of Columbia to certain citizens, in which it requested the concurrence of the Senate.

The message also announced that the House had passed resolutions commemorative of the life and public services of Hon. GEORGE R. MALBY, late a Representative from the State of New York.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 6 hours and 22 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 32 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 29, 1913, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate January 28, 1913.

PROMOTIONS IN THE PUBLIC HEALTH SERVICE.

Passed Asst. Surg. William C. Billings to be surgeon in the Public Health Service, United States, to rank as such from December 1, 1912. This officer has served the required time in his present grade and has passed the necessary examination for promotion.

Passed Asst. Surg. John W. Kerr to be surgeon in the Public Health Service, United States, to rank as such from December 1, 1912. This officer has served the required time in his present grade and has passed the necessary examination for promotion.

Passed Asst. Surg. Walter W. King to be surgeon in the Public Health Service, United States, to rank as such from December 1, 1912. This officer has served the required time in his present grade and has passed the necessary examination for promotion.

Passed Asst. Surg. Dana E. Robinson to be surgeon in the Public Health Service, United States, to rank as such from December 1, 1912. This officer has served the required time in his present grade and has passed the necessary examination for promotion.

RECEIVER OF PUBLIC MONEYS.

Preston A. Worthington, of Oregon, to be receiver of public moneys at Burns, Oreg., vice Frank Davey, term expired and resigned.

APPOINTMENT IN THE ARMY.

QUARTERMASTER CORPS.

Col. Carroll A. Devol, Quartermaster Corps, to be brigadier general in the Quartermaster Corps for the period of four years, beginning February 16, 1913, vice Brig. Gen. George R. Smith, Quartermaster Corps, to be retired, at his own request, from active service February 15, 1913.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

First Lieut. David H. Scott, Third Infantry, to be first lieutenant of Cavalry, with rank from March 11, 1911.

First Lieut. Robert C. Richardson, jr., Fourteenth Cavalry, to be first lieutenant of Infantry, with rank from March 11, 1911.

PROMOTIONS IN THE NAVY.

Surg. Robert M. Kennedy to be a medical inspector in the Navy from the 22d day of January, 1913, to fill a vacancy.

William C. Lyon, a citizen of Maryland, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 20th day of January, 1913, in accordance with a provision contained in an act of Congress approved August 22, 1912.

POSTMASTERS.

MINNESOTA.

Benjamin D. Underwood to be postmaster at Fergus Falls, Minn., in place of Benjamin D. Underwood. Incumbent's commission expired January 11, 1913.

OHIO.

James H. Long to be postmaster at Ashville, Ohio, in place of James H. Long. Incumbent's commission expires February 9, 1913.

Philip D. Shera to be postmaster at Oxford, Ohio, in place of Philip D. Shera. Incumbent's commission expires February 11, 1913.

WITHDRAWALS.

Executive nominations withdrawn from the Senate January 28, 1913.

POSTMASTERS.

MINNESOTA.

L. A. Levorsen to be postmaster at Fergus Falls, in the State of Minnesota.

NORTH CAROLINA.

William H. Keaton to be postmaster at Elizabeth City, in the State of North Carolina.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 28, 1913.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We recognize Thee, O God our Father, not only as the Creator of the universe, but the upholder and sustainer of all things, and that Thy will is not only supreme but is good will. Help us, therefore, we beseech Thee, to "work out what Thou art working within us, that the hidden man of the heart may be visible in our daily life." In the spirit of Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

RATIFICATION OF SEVENTEENTH AMENDMENT.

The SPEAKER laid before the House the following communication, which was read:

STATE OF NORTH CAROLINA,
EXECUTIVE DEPARTMENT,
Raleigh, January 25, 1913.

SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Washington, D. C.

DEAR SIR: I have the honor to submit herewith a certified copy of the act of the North Carolina General Assembly ratifying the seventeenth amendment to the Constitution of the United States.

Respectfully,

LOCHE CRAIG, *Governor.*

HOURS OF DAILY SERVICE OF LABORERS AND MECHANICS.

The SPEAKER laid before the House the bill (H. R. 18787) entitled "An act relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia," with Senate amendments.

The Senate amendments were read.

Mr. BUCHANAN. Mr. Speaker, I move that the Senate amendments be disagreed to and that the House ask for a conference.

The motion was agreed to.

The SPEAKER announced the following conferees: Mr. WILSON of Pennsylvania, Mr. BUCHANAN, and Mr. GARDNER of New Jersey.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. SPARKMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 28180, the river and harbor appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the river and harbor appropriation bill, with Mr. MOON of Tennessee in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the river and harbor bill, H. R. 28180.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for five minutes to respond to the gentleman from Pennsylvania [Mr. DONOHOE].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent that he may address the House for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Chairman, when the House adjourned yesterday, it adjourned with the gentleman from Pennsylvania [Mr. DONOHOE] on the floor making a violent attack upon his colleague from Philadelphia, and in the course of his remarks he referred to the various high crimes and misdemeanors that had been committed by his colleague against the newspapers of Philadelphia. The "gentleman from Pennsylvania" now addressing the House has on several occasions undertaken to say that he has no very great concern about the headlines in the Philadelphia newspapers, nor has he any very great concern about the number of articles his colleague sends from here concerning what he has done. But the "gentleman from Pennsylvania" [Mr. MOORE] is vastly interested in doing something for the State and city which he in part represents, as he is intensely interested in getting something done for the Delaware River, which will put the city of Philadelphia on a par with other great cities on the Atlantic seaboard.

In this connection he desires to say to his colleague on the other side of the House that he has no dispute with him as to the part he has played in waterways matters in the two years he has been in Congress, but rather congratulates him that on account of his intimate association with the Rockefellers and Morgans of rivers and harbors he has done his best, and I trust that he will exercise the wonderful influence he now possesses in order to accomplish greater things for his city and the river Delaware; and in that I will join with him.

But, as the facts develop, it does seem that in the secret conclaves of the river and harbor Morgans and Rockefellers with whom he associates, who tell him they will treat him fairly if he will give them what they want, he yields too readily to the blandishments which they exercise over him. It is like the story of the Merritt Bros., who are supposed to have yielded up the Mesaba Range.

In these great councils I can see my colleague cheerfully give the Mississippi Valley $9,185,000 to get a start upon the construction of levees. I can see him cheerfully voting $5,500,000 into the Ohio River and $2,000,000 and upward into the Missouri River for a $20,000,000 project, and I can hear him say to the gentleman from Texas, "For your great streams cheerfully do I give you $3,000,000."

And for these reasons it seems to me that when I offer a very simple amendment to remove shoals from behind the breakwater in Delaware Bay the gentleman ought to forget the influence of the Morgans and Rockefellers of his committee and not vote "no" to that proposition, as he did on Saturday. When I offer an innocent amendment to this bill, proposing that there shall be a survey for Frankford Creek, which is in the gentleman's district, the gentleman ought not to accept the nods of his powerful associates and vote against the interests of the city which he was sent here to promote. And when I gave him the opportunity to vote for a survey of the Schuylkill River—a survey involving no request for an appropriation or any outlay of money—the gentleman ought not to chide me, and again listen to the Rockefellers and Morgans with whom he associates, and vote "no" to a provision for the survey.

And when we come up to that more important project in which we are all interested—the Delaware River—I would wish to relieve him from being buncoed by his powerful friends the Rockefellers and Morgans of the committee, for it appears that instead of getting $2,000,000, as he believed he got, he really got only about $1,000,000 for that project.

Mr. GALLAGHER. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. MOORE of Pennsylvania. I say to him he should not have voted against the Delaware River amendment.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Illinois?

Mr. MOORE of Pennsylvania. I can not yield. This course of conduct on the part of my colleague reminds me of a story that might have been told by the amiable gentleman from Alabama [Mr. HEFLIN]. The old negro mammy is standing in the doorway of her hut, calling out to Jim, her little boy, "Come in, Jim; come in, Jim; wha' for you standin' out thar wif dat white trash, lettin' 'em eat all the 'lasses off yah bread and then call you 'nigger eat dirt wif a rusty spoon'? Come in hyar. I break yo' back wif a board." [Laughter.]

In this I can not appeal to my colleagues from the South and West perhaps, but I ask my colleague from Pennsylvania [Mr. DONOHOE] to use that powerful influence he has with these strong and influential men upon the committee to get a little more justice accorded to the great river Delaware. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask for one minute more.

Mr. EDWARDS. I object, Mr. Chairman.

Mr. DONOHOE. Mr. Chairman, I hope the gentleman will be allowed to continue.

Mr. EDWARDS. I object. We have heard enough reflections on honest men by the only honest man in the House. [Laughter.]

Mr. MOORE of Pennsylvania. The gentleman from Georgia [Mr. EDWARDS] is like the suffragettes, objecting to everything. [Laughter.]

Mr. DONOHOE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. DONOHOE] moves to strike out the last word.

Mr. DONOHOE. Mr. Chairman, I am not unprepared to make answer to my distinguished colleague from Philadelphia [Mr. MOORE]. In fact, I have at my fingers' ends facts and figures and newspaper articles in abundance to make a statement which if it applied with equal force to any other gentleman in this House would not tend to increase his self-esteem. But in view of the state of the public business here, in view of the delay that has been occasioned by the petty trifling of the last few days, I feel that I can perform a much higher duty to the country by bearing patiently these childish attacks rather than by using the time of the House in making the reply which ordinarily the circumstances would warrant.

And I remember, too, that I—and, I presume, my friend, Mr. MOORE—kneel down every night and morning and say, "Forgive us our trespasses as we forgive those who trespass against us." I learned that prayer at the knees of my angel mother over 40 years ago, and I hope to kneel down to-night and repeat it with an humble and a contrite heart. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Improving Monongahela River, Pa., by the reconstruction of Lock and Dam No. 6, in accordance with the report submitted in House Document No. 1217, Sixty-second Congress, third session, $178,200.

Mr. MOORE of Pennsylvania. Mr. Chairman, I want to ask the chairman of the committee if the Monongahela River is not bisected by the city of Pittsburgh—that is, the city of Pittsburgh stands on both sides of this river?

Mr. SPARKMAN. I believe it does. I am not quite as familiar with the city of Pittsburgh as I ought to be, but I fancy it does. If the gentleman says so, I will agree to it.

Mr. DONOHOE. Mr. Chairman, did the gentleman ask the question if the river was bisected?

Mr. MOORE of Pennsylvania. I intended to say the city was bisected by the river, but I accept the correction of the schoolmaster. [Laughter.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GOLDFOGLE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, announced that the Senate had disagreed to the amendments of the House of Representatives to bills of the following titles, asks a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCUMBER, Mr. BURNHAM, and Mr. GORE as the conferees on the part of the Senate:

S. 8035. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 7160. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 8034. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 18841. An act incorporating the National Institute of Arts and Letters; and

H. R. 24194. An act to create a new division of the western judicial district of Texas and to provide for terms of court at Pecos, Tex., and for other purposes.

The message also announced that the President pro tempore had appointed Mr. CLARKE of Arkansas and Mr. BURNHAM members of the joint committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of the Interior.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4356. An act incorporating the American Academy of Arts and Letters.

The message also announced that the Senate had passed the following resolutions (S. Res. 443):

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. SYLVESTER C. SMITH, late a Representative from the State of California.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the late Representative SYLVESTER C. SMITH the Senate do now adjourn.

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Improving harbor at Wilmington, Del.: For restoration and maintenance, $30,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I want to ask the chairman of the committee if the city of Wilmington does not extend on both sides of this river? An appropriation was refused for Frankford Creek because the city extended on both sides.

Mr. SPARKMAN. I beg the gentleman's pardon.

Mr. MOORE of Pennsylvania. It was voted down.

Mr. SPARKMAN. It was voted down, but not, I think, on that ground. A better reason perhaps was that there was no project for the improvement. As I stated to the gentleman the other day, if there was a project recommended by the engineers for that it would not be rejected, I fancy, solely because it was inside of the corporate limits of the city. Mr. Chairman, as I stated the other day, we do not desire to establish, nor have we established, any hard-and-fast rule for our Government in the matter of doing work in inner harbors. Each tub, so to speak, must stand on its own bottom. Whenever we reach a proposition of that kind we will give it careful consideration, considering the benefits that will likely accrue to commerce and the cost involved.

Mr. MOORE of Pennsylvania. Will the gentleman tell us how we are going to follow the rule which the gentleman now enunciates if, in one instance, like Frankford Creek, the city extends on both sides, and an appropriation and a survey are refused, and in the case of this river or creek, where the city extends on both sides, a survey is granted and a $20,000 appropriation is allowed?

Mr. SPARKMAN. I should like to say to the gentleman right here that when I voted against the amendment which the gentleman offered for a survey I based my action largely upon the fact, as I have understood, that there was an agreement some years ago—whether it was a wise or unwise agreement I am not here to say——

Mr. MOORE of Pennsylvania. That was with regard to the Schuylkill, not with regard to Frankford Creek.

Mr. SPARKMAN. Let me finish what I was saying—that there was an agreement by which the city of Philadelphia was to take care of the navigable waters inside the city while the Government improved the river from the ocean up to the city. I would like before authorizing a survey to investigate a little further and, among other things, ascertain whether there was actually such an arrangement and whether it is wise to continue it. At all events, I think the committee would like and that this House would desire more information before acting; but whenever a project is recommended by the engineers, it will no doubt be carefully considered by the Rivers and Harbors Committee. The fact that the work to be done is inside the corporate limits of the city should not be the determining factor.

Mr. MOORE of Pennsylvania. Then the committee will not object to further consideration both of Frankford Creek and Schuylkill River?

Mr. SPARKMAN. If it comes up hereafter in the proper way. We could not accept any amendment to the bill now.

Mr. DONOHOE. Mr. Chairman, I hope the impression will not go out that we object to these things. We are simply waiting for the approval of the engineers.

The Clerk read as follows:

Improving inland waterway between Rehoboth Bay and Delaware Bay, Del.: Continuing improvement in accordance with the reports submitted in House Document No. 823, Sixtieth Congress, first session, and in Rivers and Harbors Committee Document No. 51, Sixty-first Congress, third session, $41,725.

Mr. MOORE of Pennsylvania. I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 12, after line 13, insert the following:

"Connecting Chesapeake Bay and Delaware River: The Secretary of War is hereby authorized and directed to enter into negotiations for the purchase of the existing Chesapeake & Delaware Canal, in accordance with recommendations contained in House Document No. 391, Sixty-second Congress, second session, and Senate Document No. 215, Fifty-ninth Congress, second session, and to agree to purchase the same subject to appropriation by Congress; or, in event of failure to agree upon terms of purchase, to institute condemnation proceedings therefor."

Mr. MOORE of Pennsylvania. Mr. Chairman, in 1909—and I say this for the benefit of our farmer friends in this House—it cost $1.30 to transport a ton of 2,240 pounds of fertilizer from Philadelphia to North Carolina by water inland, through such dilapidated canals and inland waterways as we now have; when to send a short-weight ton of 2,000 pounds of fertilizer the same distance by rail it cost $4.80 a ton. That is a very considerable difference to the consumer, who, in this instance, is the farmer. It is one of the many illustrations that I could bring to bear if I had time. It shows the importance in a commercial sense of opening up the waterways along the Atlantic seaboard.

In 1909 I wrote the Secretary of the Navy, knowing that some torpedo boats of the Government were to be sent from Philadelphia Navy Yard to Charleston, and requested him to try the experiment of sending the boats through the inland waterways. He wrote that it was impossible to do so because of the insufficient depth of the waterways, much as he would like to use them. He sent the vessels outside. I watched the outcome. They were met by a storm off Cape Hatteras and were driven in. Some of the men were badly injured, the vessels were battered, and the Government was put to great expense.

And yet an inside waterway would have given complete and safe facilities for the transportation of these vessels.

Two years ago four barges left the city of Philadelphia carrying coal to Boston. They were beaten ashore off Cape Cod and 17 of the constituents of the gentleman from Philadelphia and mine were drowned. These vessels should never have gone to sea; they should have gone inside, where the Almighty provided waterways for them to use, if man and the Government would simply improve these waterways and give them a safe and protected course.

Now, Mr. Chairman, the amendment which I have sent to the Clerk's desk speaks for at least 1,000 representatives of the Atlantic seaboard gathered in convention at New London last September. They asked Congress to do something for the relief of the Atlantic coast. Gentlemen can spend money in the interior, but they seem to feel that there is no need along the Atlantic coast, despite the frightful storms that we endure every winter season.

Two times have favorable reports by the engineers been made upon this particular Chesapeake and Delaware project. To be sure, I have no time to argue the whole question, but the Government engineers have favorably reported twice. The matter has been brought before the River and Harbor Committee, and yet no favorable action has been had. The Chesapeake & Delaware Canal, concerning which the amendment refers, is a link 13 miles long between the Delaware River and the Chesapeake Bay. It is capable of doing the business in an environment that creates 50,000,000 tons a year. The old canal does less now than 1,000,000 tons because it is privately owned and so restricted in regard to rates that the railroads have almost complete control of the territory.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that my time may be extended five minutes longer.

Mr. EDWARDS. Mr. Chairman, I object; let the gentleman extend his remarks in the RECORD.

Mr. MOORE of Pennsylvania. Very well, Mr. Chairman, I accept that. I make the point that no quorum is present.

Mr. MANN. I hope the gentleman from Georgia will withdraw his objection.

Mr. MOORE of Pennsylvania. I do not want him to withdraw it. He has been facetious all through the bill. He gets his provisions in, but objects to others.

The CHAIRMAN. The gentleman from Pennsylvania makes the point that no quorum is present. The Chair will count. [After counting.] Seventy-five Members present, not a quorum, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Aiken, S. C.	Berger	Cravens	Dixon, Ind.
Ames	Bradley	Curry	Dodds
Andrus	Burke, Pa.	Danforth	Doremus
Ansberry	Burke, S. Dak.	Davidson	Dwight
Anthony	Carter	Davis, Minn.	Fairchild
Ayres	Copley	Davis, W. Va.	Floyd, Ark.
Bates	Crago	De Forest	Focht

Fordney	Konig	Nye	Slemp
George	Korbly	Oldfield	Sloan
Gill	Lafean	Olmsted	Small
Graham	Langley	O'Shaunessy	Smith, J. M. C.
Gregg, Tex.	Legare	Parran	Speer
Griest	Lindbergh	Patten, N. Y.	Stack
Hamill	Lindsay	Patton, Pa.	Stanley
Hamilton, Mich.	Linthicum	Payne	Stephens, Nebr.
Hammond	Littlepage	Peters	Sterling
Hardwick	Littleton	Prouty	Sulloway
Harris	Lloyd	Pujo	Taylor, Ohio
Harrison, N. Y.	Longworth	Rainey	Thomas
Hartman	Loud	Randell, Tex.	Tilson
Hayden	McCall	Ransdell, La.	Townsend
Heald	McCoy	Redfield	Tuttle
Higgins	McGuire, Okla.	Reyburn	Underwood
Hill	Maher	Richardson	Vreeland
Hobson	Martin, Colo.	Riordan	Warburton
Howard	Matthews	Roberts, Nev.	Webb
Howell	Miller	Rucker, Colo.	Weeks
Howland	Moon, Pa.	Rucker, Mo.	Whitacre
Hull	Morrison	Sabath	Willis
James	Mott	Sells	Wilson, Ill.
Johnson, Ky.	Murdock	Shackleford	Wood, N. J.
Johnson, S. C.	Needham	Sharp	Woods, Iowa
Kitchin	Norris	Sheppard	

The committee rose; and the Speaker having resumed the chair, Mr. MOON of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 28180, the river and harbor appropriation bill, had found itself without a quorum; that he had directed the roll to be called; that 248 Members had responded to their names, a quorum, and he reported to the House the names of the absentees.

The committee resumed its session.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to proceed for five minutes upon the amendment now before the House.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to speak for five minutes on the pending amendment. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, before I use these five minutes, I want to make an apology to the gentleman from Georgia [Mr. EDWARDS]. A little while ago in the heat of discussion, when he objected to my having time, I believe I referred to him as a suffragette. In order that there may be no misunderstanding of this term, I desire to explain that I used that expression because the gentleman, in his anxiety to pass the bill, is always calling for votes.

Mr. Chairman, the amendment before the House contemplates the opening up of the most feasible and probably the least expensive link in what is known as the Atlantic coastal waterway. It is difficult to convince gentlemen who come from the interior as to the necessity for this project or to make them understand the situation along the Atlantic seaboard. Some of the brightest minds in this House have the notion that it is a mere biscuit throw from the solid land across some of these Atlantic coastal waterways into the ocean. That is where they show their ignorance of the real facts. These inland waterways in some instances are 100 miles from the shore, and they provide to-day for a barge traffic, and what is left of the sailing craft, a business that is enormous, and that if driven into the ocean would mean increased prices to the consumers in rates and insurance and the risk and danger of loss both to life and property. I have statistics here which have been gathered by a very able board of statisticians, headed by Prof. Emory R. Johnson, who has acquired some fame in connection with the Panama Canal, which show that during the decade from 1900 to 1909 there were over 5,700 disasters to shipping on the Atlantic seaboard. This is within the range of this proposed Atlantic coastal waterway. Not all of the losses were reported during those 10 years, but these accidents are known to have destroyed $40,500,000 worth of vessels and cargo and to have caused the loss of over 2,200 lives.

Mr. HELM. Mr. Chairman, the gentleman has stated that a number of these commercial centers that are to be reached by this intercoastal waterway are as much as 100 miles from the sea.

Mr. MOORE of Pennsylvania. Some of them.

Mr. HELM. What are those commercial centers? Will the gentleman please name them?

Mr. MOORE of Pennsylvania. Down in North Carolina there are some.

Mr. HELM. What are they?

Mr. MOORE of Pennsylvania. I was specializing when I said 100 miles. Say 50 miles. There are some in the State of New Jersey. We will put it between 50 and 100 miles.

Mr. HELM. What are the names of the places?

Mr. MOORE of Pennsylvania. In North Carolina alone there are inside waterways that total 2,500 miles.

Mr. HELM. If these places are so numerous, why can not the gentleman name some of them?

Mr. MOORE of Pennsylvania. The gentleman will pardon me, but if I could get the time I would be very glad to answer his question. This is a very important matter, and I desire to get through.

Mr. HELM. I am satisfied that it is an important matter, and that is why I am trying to get this information.

Mr. MOORE of Pennsylvania. Will the gentleman ask for more time for me if I answer his question?

Mr. HELM. Oh, yes; I will ask for the time.

Mr. MOORE of Pennsylvania. Very well; proceed. I will leave it to the honor of the gentleman to help me out.

Mr. HELM. The gentleman is leaving it to a very safe proposition. The gentleman has not yet given the names of those commercial centers that he says can be reached by this intercoastal waterway.

Mr. MOORE of Pennsylvania. I will tell the gentleman just what the whole project is.

Mr. HELM. No; I want to know the names of these commercial centers that the gentleman says are from 50 to 100 miles away from the coast.

Mr. MOORE of Pennsylvania. Wilmington, Del.; Trenton, N. J.; Wilmington, Newbern, and Edenton, N. C. I can give the gentleman many of them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HELM. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HELM. Are there any others?

Mr. MOORE of Pennsylvania. Yes; plenty of them, all down the line—Philadelphia, Jacksonville, Savannah.

Mr. HELM. How many of them that the gentleman has named can be reached now by waterway?

Mr. MOORE of Pennsylvania. All of them can be reached from the outside—from the ocean—by vessels of certain draft.

Mr. HELM. How deep is the channel by which they may be reached?

Mr. MOORE of Pennsylvania. The channels vary in depth. I have tried to tell the House that one channel is 40 feet deep, and that monopolizes the major portion of the business. You could not get up to Trenton if——

Mr. HELM. But the depth of this channel, in connection with the intercoastal waterway to which the gentleman has referred——

Mr. MOORE of Pennsylvania. But the gentleman does not seem to understand what I am trying to make him understand, that there are 1,800 miles of territory traversed by these streams upon which trade, business, and commerce will engage. Now, does not the gentleman want some line of communication between these cities inland, and will he listen to the proposition we are considering? It is substantially 90 miles, as a bird flies, from the city of Philadelphia to Baltimore; that means between the North and South. The project I am bringing before the committee now is the Chesapeake & Delaware project; it is 90 miles, as a bird flies, from Philadelphia to Baltimore. Of course, you can reach either city through the port from the ocean; but if you want to go by water inside—and there is no available inside route such as I am suggesting, except a 9-foot canal—you have to sail out of the port of Philadelphia, down the Delaware River and bay, out into the ocean, down by Maryland and Virginia, around Cape Charles, up the Chesapeake Bay, up the Patapsco River to Baltimore, a distance of 325 miles, subject to all the expense and inconvenience of insurance and ocean-going risk, while with a barge route you can go the 90 miles through a canal only 13 miles long in as much safety as by a standardized railroad line. That is the point.

Mr. HELM. Can not an ocean-going vessel touch at every one of the commercial centers the gentleman has enumerated?

Mr. MOORE of Pennsylvania. Yes; if the channels are deep enough. But I want to say to the gentleman that that is the very point I am bringing to the attention of the committee. If you want to centralize all the business of the country in this territory of 1,800 miles from Maine to Key West in the hands of ocean-going steamers, then you vote that way. I want to open up means of communication inland, so that business can be done without it having to go exclusively to ocean carrying vessels and railway lines.

Now, Mr. Chairman, this proposition has been approved by the commission known as the Angus Commission, consisting of engineers and civilians, appointed by the President by direction of Congress. It has been approved by the United States engineers and by the Board of Review. It has been before the Rivers and Harbors Committee time after time. There seems

to be no objection to it except as to cost. The engineers have estimated that this entire project could be completed to 25 feet for $12,000,000; that it would save life and property and that it would give opportunity to take the iron hand of existing monopolistic companies off the one link of communication that is now provided between the North and the South. This matter has been approved by the representatives of States all along the line of the Atlantic coast. Men like the governor of Massachusetts, Mr. Foss, have heartily and openly approved it and insisted that it should be done for the relief of New England. Men like Gov. Mann, of Virginia, have openly and eloquently approved it and insisted that the time has come for Congress to act, and that if Congress does not act it is time for the people to get behind their Congressmen and make them act. Everything that can be said has been said in support of this project, but Congress halts, and while Congress halts, taking the money and giving it to western projects, about which I do not complain, except that it holds us back, the owners of this old canal say to those who do business through it, "The rates you pay here must equal those paid to the railroads," and thus make Congress play into the hands of the existing transportation companies. The passage of this amendment now will not take a single dollar from the Government, but it authorizes the United States engineers to negotiate for the property and to take it if they find it can be had within the cost recommended. [Cries of "Vote!"]

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I ask unanimous consent that I may proceed for five minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that he may address the committee for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I want briefly to reply, in the five minutes which I have asked, to the gentlemen who have spoken on this bill during the last three days. We made no objection to the extension of time requested by these gentlemen, although for nearly a week the Committee on Rivers and Harbors has been held up to the country as a band of conspirators, who are inspired by no better purpose than the desire to steal the money out of the Treasury of the United States, that it might be spent in our localities, as one gentleman expressed it, for the benefit of the barkeepers and the grocerymen and the local contractors.

I do not intend to reply in kind to such charges. This House knows, Mr. Chairman, the character of the men who are on the Rivers and Harbors Committee; this House knows the character of the men who have made these baseless, reckless charges; and I am willing to submit to the judgment the House has rendered so far and will render further between us. [Applause.]

I will state this matter briefly, for the benefit of these gentlemen, because they are not handicapped with any information on the subject, if they really want light, although the gentleman from Texas [Mr. CALLAWAY], when a member of the committee [Mr. EDWARDS] asked him the other day upon which item he wished information, announced cavalierly, "I wish no information on any item. The whole bill is rotten."

Now, just let me state what the Committee on Rivers and Harbors have done and how we proceed. Before any project is considered by the committee a survey is ordered by the Engineer Corps of the Army, and there is upon this earth no more patriotic corps of public officials than the Engineer Corps of the United States Army. [Applause.] There have been cited two instances to prove how corrupt our Engineer Corps is—one in the Philippines, which was not under an engineer of the Army, and one in Arizona, which was not under an engineer of the Army—but we were told "All engineers look alike to me."

Mr. Chairman, I believe if you will strike from the history of this country the record of the Engineer Corps of the United States Army, you will tear from our history some of its brightest pages. There is no higher profession than that of the engineer, not even that of a pork-barrel politician or a sand-dune statesman. George Washington was an engineer and engaged as such in the improvement of the rivers of this country. Robert E. Lee was an engineer of the Army, and Col. Goethals is an engineer of the Army. [Applause.] I call attention of the House to those names as an answer to the reckless charge that these engineers favor river and harbor improvements in order that they may hold their jobs. Who is it so ignorant that he believes the engineers of the Army are dependent for their jobs on continuing river and harbor improvements? They are graduates of West Point. They are in the Army, and hold their places for life, but instead of letting them remain idle with their commands we wisely put them in times of peace at work on those public works which will promote the commercial interests of the country and its development. [Applause.]

When these engineers report on a project—and I hope the gentlemen will listen to me—they state what the project is, how much it will take to complete it, and what the appropriation should be annually. They state what the commerce is, they state the value of it, they state the items which compose the commerce, and upon that Congress acts. But if it is a considerable sum which is involved, representatives from the commercial organizations or communities interested come before the committee and we have public hearings. All of those are published. At the beginning of this session three volumes of reports were placed to the credit of every Member of this House, so that he might examine, if he chose, any project mentioned in the bill, and get all the information desirable.

If he were not satisfied with that, he could come to the committee room and ask for the public hearing, where the merchants, the manufacturers, aye, and the farmers, have appeared before us, begging and insisting that these highways of commerce be improved for the benefit of all the people. We came to Washington in November, before the convening of this Congress. For two long months we worked upon this bill—all day, every day—in an earnest and honest effort to serve our country. There were before us projects approved by the engineers calling for appropriations amounting to $82,000,000. By dint of hard labor we were able at last to sift this down to less than $41,000,000. When that was done we reported the bill to the House. What a piece of legislative stupidity it would be, what a piece of inexcusable extravagance it would be, to copy those reports and those hearings, which have already been printed at public expense, once more in a report from the committee.

Mr. MONDELL. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. I will not, with all due respect to the gentleman. I think he has had his day in court; in fact, he has had three days in court. [Applause.]

There is not a bill that is reported to this House where every item is subjected to more relentless scrutiny than the river and harbor bill. And when gentlemen denounce this committee as a band of pirates they ought to specify. They ought not to do like the Wolfville preacher out in the far and arid West, who, we are told by Mr. Lewis, "argued and argued, but could not pint out"; and that is exactly what these gentlemen have done.

Why, my distinguished friend from Wyoming [Mr. MONDELL], who has spoken more on this bill than any member of the committee, has never moved to strike a paragraph from it, and has voted to add every item that has been offered as an amendment to it.

Mr. MONDELL. Now will the gentleman yield, Mr. Chairman?

Mr. HUMPHREYS of Mississippi. I will yield for a question.

Mr. MONDELL. I simply want to correct the gentleman. I did move to strike out several paragraphs of the bill.

Mr. HUMPHREYS of Mississippi. The gentleman moved to strike out the last word and sometimes the last two words. But he talked in generalities. He never confined himself to any project, and when the gentleman mentioned here, without giving the name, the Trinity River, the gentleman assumed he meant the upper Missouri——

Mr. MOORE of Pennsylvania. The gentleman is mistaken.

Mr. HUMPHREYS of Mississippi (continuing). And he at once proceeded to denounce the upper Missouri, but he made no motion to strike it out.

Mr. MONDELL. The gentleman misunderstands. I did refer particularly to a number of items in the bill and I did move to strike out the paragraph, but I lost because your combination was too strong.

Mr. HUMPHREYS of Mississippi. Exactly. We are charged with combinations here; we are charged with conspiring to steal the public funds. If that be true, we are unworthy of a seat in this House, and the gentleman who makes the charge and fails to submit the proof is unworthy the respect of any man in this House. [Applause.]

Now, several projects have been mentioned, among them being the Trinity River. The distinguished gentleman from Texas [Mr. BEALL] answered the criticisms made against that so thoroughly and conclusively that nobody has mentioned it since.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SCULLY. Mr. Chairman, I ask unanimous consent that the gentleman from Mississippi be allowed to proceed for 10 minutes more.

The CHAIRMAN. All debate has been exhausted on this paragraph and amendments thereto, and only by unanimous consent can the gentleman proceed.

Mr. CANDLER. Mr. Chairman, I ask unanimous consent that the gentleman from Mississippi be permitted to proceed for 10 minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. CALLAWAY. Mr. Chairman, I reserve the right to object.

The CHAIRMAN. The gentleman from Texas [Mr. CALLAWAY] reserves the right to object.

Mr. CALLAWAY. I want to reserve the right to object until I can have this understanding, that I am to have five minutes later in which to answer the gentleman.

The CHAIRMAN. That is for the committee to decide later on. Is there objection?

Mr. CALLAWAY. If the gentleman will agree, I shall not object.

Mr. CANDLER. I ask unanimous consent, Mr. Chairman, that my colleague from Mississippi [Mr. HUMPHREYS] be allowed to proceed for 10 minutes, and that the gentleman from Texas [Mr. CALLAWAY] have 5 minutes.

The CHAIRMAN. The request now is that the gentleman from Mississippi [Mr. HUMPHREYS] be permitted to proceed for 10 minutes, and then that the gentleman from Texas [Mr. CALLAWAY] proceed for 5 minutes. Is there objection to the request? [After a pause.] The Chair hears none.

Mr. HUMPHREYS of Mississippi. Now, Mr. Chairman, after these general remarks I would like to address myself to the proposition espoused by the gentleman from Pennsylvania [Mr. MOORE]. I am not one of those who believe that this is a ridiculous scheme which the gentleman is advocating. I think there is great merit in this intercoastal canal proposition. [Applause.] But the committee proceeds under limitations that are necessary. We have not discriminated against that project. We have taken on one link of it. We can not take on the whole project at once. In the bill a year ago we adopted one link. We are now appropriating for that. The link which the gentleman proposes, as I recall, would cost $12,000,000. We did not feel that in this bill we were able to take that over. We had to choose between links, and I call the attention of the gentleman from Texas [Mr. CALLAWAY] to this statement, because he has devoted his opposition principally, as I understood it, to the Albemarle and Chesapeake Canal. There is now carried on a privately owned canal between Norfolk and Beaufort 700,000 tons annually of American commerce which pays toll; and, as I stated the other day, it would require two freight trains a day, each train carrying 30 cars of 60,000 pounds capacity, all fully loaded, every day in the year to carry 700,000 tons. That commerce is being carried on a 6-foot channel. Seagoing craft can not use it. The ocean has its burying places as well as the land, and Hatteras is one of those somber spots. There have gone down on the Diamond Shoals, off Hatteras, millions on top of millions of American property, wrecked, and there have gone down hundreds on top of hundreds of American lives, sacrificed to the angry storms that play about Cape Hatteras.

This proposition enables little ships to avoid that dangerous coast; not the great Morgan steamers that ply from New York to Galveston, not the great steamships that are owned by this Shipping Trust that we hear so severely denounced, because they are large ocean-going vessels, and they are not disturbed by the storms off Hatteras; but the little independent lines—the little boats that do not draw so much water, that can not venture out to sea as the big ones do—they are the ones that will use this short passage in behind Hatteras, and thus save to our people millions of money and hundreds of lives every year when this canal is deepened to 12 feet. [Applause.] That being true, when we came to select we chose that particular project as the link that in our opinion was most necessary in this great intercoastal canal proposition running from Boston to the Rio Grande. A part of it has been constructed already by private enterprise. Would men invest their money in projects of this sort simply to furnish funds for barkeepers and grocery men? They have been built because the commerce of the country demanded it, and they are calling upon Congress now to take it over and so deepen it that the ships that now go down in wrecks may use it in safe transport for American commerce.

Mr. Chairman, the gentleman from Pennsylvania [Mr. MOORE] in every speech has charged that we are neglecting the Atlantic seacoast. Is he the only representative from the seaboard? He forgets the fact that the distinguished gentleman from Massachusetts [Mr. LAWRENCE] is a member of this committee; and there is not a more high-purposed or patriotic Representative in this House. [Applause.]

When he goes out of this House on the 4th of March, it is the judgment of every man here who knows him that this country will lose the services of one of its best and most honorable and patriotic public servants. [Applause.] He is on the Atlantic coast, and is a member of the Committee on Rivers and Harbors. Mr. SCULLY, of New Jersey, Mr. DONOHOE, of Pennsylvania, Mr. SMALL, of North Carolina, Mr. ELLERBE, of South Carolina, and Mr. EDWARDS, of Georgia, are all on this committee, and they represent the Atlantic seacoast. The gentleman from Pennsylvania [Mr. MOORE] is the only one complaining. He is the representative at large from the Atlantic seacoast.

To paraphrase a familiar rhyme:

For he is the cook of the *Nancy* brig
And the mate and the captain, too;
And the bos'un tight and the midshipmite,
In fact, he is the whole damn crew.

[Laughter.]

The Mississippi River has been criticized. I challenge any man who speaks on that subject to quote the platform of his party. I do not care whether he be Democrat, Republican, or Progressive. I challenge any man when he assails this committee for providing for the Mississippi River to incorporate in his remarks the platform of his party. And if a Democrat criticize it, I challenge him to quote what a very distinguished gentleman in this country has said on the subject, one whose democracy nobody on this side of the House will challenge, publicly at least.

Mr. MANN. At this time.

Mr. HUMPHREYS of Mississippi. Gov. Woodrow Wilson, of New Jersey. [Applause on the Democratic side.] I think that is sufficient to say, so far as the Mississippi River is concerned. If you are not going to provide for it, if the Democrats are not going to provide for it, let us serve notice now, before the 4th of March comes, that when we made that promise to the people in our platform, and when our candidate made it in his letter of acceptance, we were simply trying to bunco the people. I do not believe we were. I do not believe he was. Among the projects that have been criticized are the rivers in the State of Texas. Texas Representatives in this House have come before our committee, Mr. HENRY, Mr. HARDY, Mr. MOORE, Mr. GARNER, Mr. BEALL, Mr. BURLESON, and Mr. SHEPPARD. They have advocated these projects. The distinguished gentleman from Texas [Mr. BURGESS] is a member of our committee. I decline to believe that all these gentlemen from Texas have entered into an unholy conspiracy to plunder the Federal Treasury in order to take money back home, not for the public good but to squander it among the barkeepers, grocerymen, and contractors of their neighborhood. [Applause.] I believe they are honorable men, and no honorable man will indulge in the character of legislation that has been charged against the Rivers and Harbors Committee.

There are items in this bill, as there are items in every other bill that has ever been reported, that I did not favor; not because I thought they were unworthy, but because I thought there were others more worthy. I have sat in that committee when 40,000 of my constituents were homeless and shelterless because of the floods of the great river, when an appropriation for the Mississippi levees was the very breath to my nostrils.

I have sat in that committee when I was praying for liberal appropriations, and yet at the same time I have fought propositions in which other members of the committee were vitally interested. Never yet have I and I believe no member of that committee has ever yet traded off his vote, directly or indirectly, on one proposition to secure votes for a proposition of his own. [Applause.]

It is said that we are wasting the public funds on worthless, insignificent creeks. The trouble is not with the creeks, not with the appropriation bill; the trouble is that the gentlemen know nothing of the geography of their country. I stated a few days ago, and I state it now, that no money ever brought back better returns than the money we appropriate for the improvement of the creeks which are carried in this bill. The appropriations for all these creeks combined is about $130,000, whereas the American commerce annually borne upon them in the busy industrial life of this country amounts to the tremendous sum of $250,000,000. Seven million tons of American commerce are floated every year on these much-criticized creeks—a tonnage more than one-half as much as that carried on the Ohio river, a tonnage certainly half as much as the American tonnage which will pass through the Panama Canal for a number of years after its completion. We are not criticized for appropriating more than $60,000,000 for the Ohio. No

man who has respect for his own opinion will do that. We are not criticized for spending nearly $400,000,000 for the Panama Canal, but gentlemen become excited and in their ignorance declaim against this bill because it carries $130,000 for the creeks of this country, which float, as I said, $250,000,000 worth of the people's products every year. The inland commerce of the United States exceeds in value the international commerce of all the nations of the world combined. When enterprising gentlemen go upon the high seas and undertake to destroy this international commerce, they are held guilty of piracy, and if there are pirates in this House that crime must be laid at the door of those gentlemen who are seeking here to-day to paralyze and destroy the inland commerce of the United States which is borne upon our navigable streams. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CALLAWAY. Mr. Chairman, I do not care anything about all this flattery of the engineers of the War Department. That is no argument in favor of this proposition which we are attacking. I assume that the engineers of the War Department are men like the people in other walks of life; that they are no better and no worse than people in every other walk of life. I assume that the engineers of the War Department are human and influenced by their interests and by their future, just as men in every walk of life are influenced, just as the members of the Committee on Rivers and Harbors are mortal, human, and influenced by their interests.

The question is not whether George Washington was an engineer or Robert E. Lee was an engineer, or whether Woodrow Wilson favors some project for the Mississippi River. This flattery and the mentioning of names is begging the issue, dodging the question, muddying the water to cut out the light. The question is whether or not this item, this initial step in an intercoastal waterway that is proposed to run from Boston, Mass., to the Rio Grande along the coast, touching the places only that already have water, should be put in this bill.

They provide $800,000 as an initial step, to be expended on a segment of that project that reaches from Norfolk, Va., to Beaufort, N. C., not that it will complete that segment of the project, but that it will be a starter on that project; that it will unite two private canals that will be a part of the project; that when they have got that which the gentleman from Mississippi says is the best segment of the route according to the engineers' report, which will cost $5,400,000 and is 100 miles in length, they will argue that we want to put in the next best segment, and this report to which they cited me lays out the segments and names the best of them as being from Norfolk to Beaufort Inlet, N. C. Then they will move along, and, being benefited by this project, they will move from one segment to the other, bringing the last one before the House as the only plausible way they can push it.

I did say that the saloonkeepers along the route would be interested in it; the grocerymen and the dry-goods merchants will be interested; the railroads will be interested in it; the electric-light men would be interested in it; the street car men, where the money will be expended, will be interested in it; and the contractors will be interested in it; and the man from Mississippi knows that is God Almighty's truth. Every man in the House knows it is the truth.

And yet they get up here and talk about Robert E. Lee and George Washington and some honorable gentlemen on the committee and try to dodge the question. I asked the gentlemen on the committee to give me some information in reference to this item, and they cited me to 4,000 pages of engineers' report, and said they hoped I was patriotic and energetic enough to read through that lot of slush.

But the bill fortunately cited this document, containing 278 pages, and I got hold of that, put in Saturday night and Sunday and Sunday night looking it through, and yesterday I came in here and said, "Here is your report; I have read it through," and on that report of the engineers I pronounce it a damnable scheme to rob the Federal Treasury and the people of this country, and that the people would, if they understood the scheme, kick the last man out of the House who dares to stand for it. [Applause.]

Mr. SPARKMAN. Mr. Chairman, I ask unanimous consent to proceed for five minutes, for the purpose of discussing the amendment proposed by the gentleman from Pennsylvania.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. SPARKMAN. Mr. Chairman, I hope this amendment will not be favorably considered by the House. As has been stated, it has some merit and is one of the links in what will be the intercoastal waterway, of which we have heard so much, if it should ever be completed. Although the original plan as carried by the survey ordered by Congress covered the stretch between Boston and Beaufort Inlet, N. C., only two links have been recommended by the engineers. These are the ones from Norfolk to Beaufort and the Chesapeake & Delaware Canal. The latter is covered by this amendment. The former was adopted in the act of 1912. We adopted that not only on account of the fact that it was a worthy project but from the fact that it would cost less than the one we have before us now.

The gentleman from Texas [Mr. CALLAWAY] says that this is an entering wedge to the adoption of the whole system. I can not say whether it is an entering wedge or not. That would depend upon what view Congress may later take of the matter.

Mr. CALLAWAY. Will the gentleman yield?

Mr. SPARKMAN. I have only five minutes, but go ahead.

Mr. CALLAWAY. When I asked the gentleman about this project did he not cite me to this House Document 391, the intercoastal waterway?

Mr. SPARKMAN. I expect I did. If I did not, I should have done so.

Mr. CALLAWAY. And in that report is not this laid out as one of the segments of the intercoastal proposition, and the engineers' report favorable on this because it is a part of the intercoastal proposition?

Mr. SPARKMAN. I would not say that it goes that far. The engineers base their recommendation upon their view as to the advisability of doing that particular work, because in their judgment it will benefit a large commerce, both local and general. In other words, that the benefits to result will justify the expenditure.

Mr. CALLAWAY. Mr. Chairman, I want to ask the gentleman if the gentleman from North Carolina [Mr. SMALL], the other day, advocating this proposition before the House, on page 1937 of the RECORD, did not say that the present tolls, which were absolutely unbearable, upon this canal amount now only to $103,000? That is in this project now. Those tolls will be relieved, provided we expend $5,400,000.

Mr. SPARKMAN. Mr. Chairman, the canal is not all of the project. It is only a small part of that project, being only about 14 miles in length, while the entire distance covered by the project is 182 miles, and if the expenditure of that $5,000,000 will relieve the people from the payment of those burdensome tolls, I submit to this House if it is not a judicious expenditure. [Applause.] The gentleman does not seem to know anything or care anything about the people of that section, about the commercial advantages of the project; and let me say to him that if he will read those reports—I commend them to him—not only the one to which he refers, but the 4,000 pages, if there are so many, to which he has alluded so often. If he will spend, not his Sundays—I would not advise him to do that—but his weekdays and only a part of his nights in reading these reports he will acquire a better idea of the advantages accruing and that will accrue to the country from the completion of these great works than he seems to have at the present time. [Applause.]

I want to say further, that in my judgment the amendment of the gentleman from Pennsylvania [Mr. MOORE] is a proposition well worthy of consideration, one on which we can profitably spend a few moments in discussion here. But, while it has merit, I do not believe we should adopt it now. First, however, let me say to the gentleman from Texas [Mr. CALLAWAY] that the work we have been doing, the work that this Government has done during the 90 years we have been carrying on river and harbor work, has been of great benefit to the country.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. SPARKMAN. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SPARKMAN. I want to say to him that the navigable waterways of this country, for the improvement of which and the maintenance of which the sums recommended in this bill are to be appropriated, accommodate a commerce of 275,000,000 tons every year, to say nothing of duplications and triplications of that commerce. Counting all these, as they ought to be considered, as it emphasizes the importance of the work, the aggregate reaches five or six hundred millions of tons each year. He says he can find nothing to show what a ton of commerce costs the Government. I have seen it estimated somewhere that these expenditures are saving the people of this country at least $1 per ton for each ton of freight carried by water.

If that be true, or if even the half of it is true, then we can well afford the $700,000,000 that we have already expended upon the navigable waterways of the country, and we can well spare the $40,000,000 that this bill carries. [Applause.]

Now, a word or two more in regard to the amendment offered by the gentleman from Pennsylvania [Mr. MOORE]. While the project covered by it has more or less merit, I do not believe it should go into this bill. It may be that in the next bill, or in the next, it can be taken up and more favorable consideration given it, but we can not decide now. It may be that it would be better to wait until we have more nearly completed the canal and the waterway from Norfolk to Beaufort Inlet, N. C., before beginning the other project. When that is completed, or at least a little later, we can see what the results are likely to be, we can better judge as to the advisability of taking on the larger project. This canal already has 10 feet of water and is accumulating quite a commerce. It is true it is a toll canal, and the people ought perhaps to be relieved from the burden of these tolls. But we can not do everything at once. We can not care for all these projects now. We must stop somewhere, and so far as this part of the intercoastal system is concerned, we have drawn the line there at this time—whether wisely or unwisely, it is for this House to say.

Mr. CALLAWAY. Mr. Chairman, is it not a fact that last year this committee appropriated $500,000 for this same project, which has never been expended on it, and if this $800,000 item is cut out now, with the $500,000 item, there will be a saving of $1,300,000?

Mr. SPARKMAN. Not for this, but the other project. I do not know whether it would be saved.

Mr. CALLAWAY. It would not come out of the Treasury.

Mr. SPARKMAN. If you cut out the appropriation you will stop the work, and if you cut out the thirty-eight millions of dollars that the gentleman's amendment proposed yesterday to strike out, you will stop all of these great works and the advantages we expect that the people will derive from them.

Mr. CALLAWAY. Will the gentleman yield——

Mr. SPARKMAN. There is no greater work than that we are now doing, and if the gentleman were dependent upon the votes of a majority of the American people for a seat here he would never come to Congress by standing before this House and opposing these great works. [Applause.]

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield for a further question?

Mr. SPARKMAN. Certainly.

Mr. CALLAWAY. Is it not a fact that in the attitude of the gentleman before this House the gentleman does not attempt to defend this particular project as an initial step of this great intercoastal scheme?

Mr. SPARKMAN. Oh, no; it is not a fact. On the contrary, I am defending it——

Mr. CALLAWAY. The gentleman does not stand sponsor for it, does he, notwithstanding your bill here cites this House Document No. 391, Sixty-second Congress, second session, for reasons why this project should be entered into?

Mr. SPARKMAN. Why, most assuredly. If I did not stand sponsor for it here I would not have brought in the report. [Applause.]

Mr. CALLAWAY. Did not the gentleman say to the committee—you would not deny it was an entering wedge, but you would not say that it was. [Cries of "Vote!" "Vote!"]

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania. Those in favor of the amendment will say "aye," those opposed "no." The "noes" have it and the amendment is rejected, and the Clerk will read.

Mr. MOORE of Pennsylvania. Division, Mr. Chairman. Mr. Chairman, I asked for a division in time.

The CHAIRMAN. Very well, the gentleman shall have the vote.

Mr. MANN. Mr. Chairman, I submit that the gentleman from Wyoming was on his feet addressing the Chair——

Mr. LANGLEY. He undoubtedly was.

Mr. MANN (continuing). And was entitled to be recognized.

The CHAIRMAN. All debate was exhausted on this amendment.

Mr. MANN. That depends upon whether an amendment should be offered to it or not. Debate had not been exhausted by order of the committee.

The CHAIRMAN. Under the rule debate is exhausted.

Mr. MANN. Debate is exhausted unless the gentleman desired to offer an amendment to it.

Mr. SPARKMAN. Mr. Chairman, I would like to say to the gentleman from Wyoming there is another item in this bill to which we are going to return, and he may get time on that item.

The CHAIRMAN. Does the gentleman from Wyoming offer an amendment or is his request for unanimous consent?

Mr. MONDELL. I move to strike out the last word.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry. Have we passed by the amendment offered by myself in relation to the Chespeake & Delaware Canal? In the confusion it appeared that the Chair stated that that amendment was lost.

The CHAIRMAN. On the amendment that the gentleman from Pennsylvania offered a short while ago, on which there was debate, the Chair announced that that amendment was lost. By unanimous consent that order will be vacated, of course, and the gentleman from Wyoming be allowed to offer his amendment.

Mr. MOORE of Pennsylvania. That is an amendment to my amendment.

The CHAIRMAN. Yes.

Mr. MOORE of Pennsylvania. That is all right.

Mr. MONDELL. Mr. Chairman, I have aroused the ire of some gentlemen on the committee because I have criticized certain items in this bill. I have not criticized the bill as a whole. I am in favor of river and harbor improvements and river and harbor bills. Since I have been a Member of this House we have appropriated over $400,000,000 for those purposes, and I have supported all of the bills, reserving the right to object to and criticize certain items. The only difference between myself and some of the gentlemen who are interested locally in these projects is that I do not consider it necessary in caring for the interest of the commerce of the country and providing proper river and harbor improvements to place upon the bill and carry upon the bill for whatever purpose they may be carried entirely unworthy and indefensible items. I call the attention of the House to the fact that no one has attempted to squarely defend any one of the items that I have criticized or any one of the items which have been criticized by others. They have contented themselves with general abuse of those who see fit to criticize the bill and appeal to us to support the bill because, forsooth, Army engineers have recommended the items in them. If you have read the reports of the Army engineers on any of these projects you will discover that what the Committee on Rivers and Harbors construes as a favorable report in many instances is a statement that in the mind of any other person would damn the project effectually. The committee brings in a bill carrying $40,000,000. It declines, refuses, or at least does not give us the benefit of a single printed line of hearings held in connection with the consideration of these hundreds of items.

It brings in a report of two pages containing no information whatever with regard to any single item in the bill, and except for the fact that it was prodded to it, the committee would not have given a word of explanation of any one of these hundreds of items, and when criticized and prodded all we have had has been abuse, denunciation, coupled with an approval of the engineers as a class.

Now, I favor river and harbor appropriations. I stand ready to vote for them, though no dollar of the hundreds of millions appropriated can ever directly benefit any constitutent of mine. I want to save the river and harbor projects of the country from some of their alleged friends. The time will come, as it came a few years ago, if this committee does not take Congress into its confidence, if it does not give us an opportunity to know why it is doing as it is doing, when the stench of these bills will rise to heaven, until there will not be a man in the length and breadth of the land who will defend them, save and alone those who have projects in their districts, and it is in the hope that we may be saved from that condition, it is in the hope that the great projects to serve the commerce of the country may be carried on that I make my criticism to this bill. I realize that there are many items in this bill that do not appeal to the judgment of all the members of the committee, but nevertheless all committee members will support all of them. There are policies followed that do not have the hearty support of members of the committee, and yet they all feel bound to support the bill as a whole. As we are thus denied the enlightening comments of the men best qualified to criticize, it becomes necessary for some one to call attention to the indefensible character of some of these items in the hope that the bill will not further degenerate into a pork-barrel affair as to many of its items.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. May we have the amendment again read?

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

Page 12, after line 13, insert the following:

"Connecting Chesapeake Bay and Delaware River: The Secretary of War is hereby authorized and directed to enter into negotiations for the purchase of the existing Chesapeake & Delaware Canal in accordance with recommendations contained in House Document No. 391, Sixty-second Congress, second session, and Senate Document No. 215, Fifty-ninth Congress, second session, and to agree to purchase the same, subject to appropriation by Congress, or, in event of failure to agree upon terms of purchase, to institute condemnation proceedings therefor."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. MOORE of Pennsylvania. Division, Mr. Chairman.

The committee divided; and there were—ayes 7, noes 78.

So the amendment was rejected.

The Clerk read as follows:

Improving Ohio River: Continuing improvement by the construction of locks and dams with a view to securing a navigable depth of 9 feet, $1,800,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $3,200,000, exclusive of the amounts herein and heretofore appropriated: *Provided further*, That the balances of appropriations and authorizations heretofore made for the construction of individual locks and dams are hereby made available for work in connection with the general project adopted by the river and harbor act approved June 25, 1910, for canalization of the Ohio River with a view to securing a navigable depth of 9 feet in accordance with the report submitted in House Document No. 492, Sixtieth Congress, first session.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. Will the chairman of the Committee on Rivers and Harbors tell us what the total cost of this project is to be?

Mr. SPARKMAN. What is the question?

Mr. MOORE of Pennsylvania. I wanted to get the total cost of the Ohio River project as contemplated.

Mr. SPARKMAN. It is about $63,000,000.

Mr. MOORE of Pennsylvania. About $63,000,000 to obtain a depth of 9 feet?

Mr. SPARKMAN. Nine feet.

Mr. MOORE of Pennsylvania. For a distance of 900 miles from Pittsburgh to Cairo? That is about the extent of the project?

Mr. SPARKMAN. Yes.

Mr. MOORE of Pennsylvania. I thank you. I withdraw the pro forma amendment.

Mr. SPARKMAN. Mr. Chairman, I move that the committee do now rise——

Mr. MANN. Will the gentleman suspend for a moment?

Mr. SPARKMAN. I will.

Mr. MANN. I ask unanimous consent to address the committee for three minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent to address the committee for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Chairman, I do not rise for the purpose of defending the Committee on Rivers and Harbors. I think that is wholly unnecessary. There is probably no committee of this House which does as much able and valuable work in the committee room with as little show on the floor as does the Committee on Rivers and Harbors. But I rise for the purpose of calling the attention of the committee to the fact that from that committee there will be taken at the end of this Congress six of its members. The membership of the committee is great, and all of its members have high standing in the House.

One of the gentlemen now on the committee will leave the House to go to the other end of the Capitol. Five of the members of that committee retire to private life—the gentleman from South Carolina, Mr. ELLERBE; the gentleman from Massachusetts, Mr. LAWRENCE; the gentleman from Wisconsin, Mr. DAVIDSON; the gentleman from Indiana, Mr. BOEHNE; and my colleague from Illinois, Mr. RODENBERG. All of those gentlemen will leave this House with the regret of the House and every Member in it. [Applause.] They have done great service to their country while here, and I am sure that I voice the unanimous opinion of all men in public life when I wish to them happiness, prosperity, and success, wherever they may be hereafter. [Applause.]

Mr. SPARKMAN. Mr. Chairman, I move that the committee do now rise and report the bill H. R. 28180, the river and harbor appropriation bill, to the House as amended, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MOON of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration H. R. 28180, the river and harbor appropriation bill, and had directed him to report the same to the House with certain amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. SPARKMAN. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The SPEAKER. The gentleman from Florida [Mr. SPARKMAN] moves the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the amended bill.

The amended bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. CALLAWAY. Mr. Speaker, I want to make a motion that the bill be recommitted with instructions.

The SPEAKER. The Clerk will report the motion and instructions.

The Clerk read as follows:

Mr. CALLAWAY moves to recommit the bill with instructions to strike out the paragraph beginning with line 9, on page 14, which reads as follows:

"Improving inland waterway from Norfolk, Va., to Beaufort Inlet, N. C.: Continuing improvement in accordance with the report submitted in House Document No. 391, Sixty-second Congress, second session, $800,000: *Provided*, That no part of this amount shall be expended until the canal and appurtenant property belonging to the Chesapeake & Albemarle Canal Co. shall have been acquired by the United States by purchase in accordance with the agreement entered into between the Secretary of War and said company under date of February 17, 1912."

The SPEAKER. The question is on agreeing to the motion to recommit.

Mr. CALLAWAY rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. CALLAWAY. To make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CALLAWAY. I want to know how much time I have to discuss this motion.

The SPEAKER. None at all. The question is on agreeing to the motion to recommit.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. CALLAWAY. I demand the yeas and nays, Mr. Speaker.

The SPEAKER. The gentleman from Texas demands the yeas and nays. Those in favor of taking a yea-and-nay vote will rise and stand in their places until they are counted. [After counting.] Forty-five gentleman have arisen, not a sufficient number.

Mr. MACON. The other side, Mr. Speaker.

Mr. MANN. Forty-five is more than one-fifth.

The SPEAKER. The gentleman is mistaken about what that rule is.

Mr. MANN. I beg the Chair's pardon; I am not speaking of what the rule is. But in the absence of something to show the Chair that more than a quorum is present, 45 is more than one-fifth of a quorum, and 45 is more than one-fifth of those present.

The SPEAKER. The rule is "one-fifth of those present," but the practice has been ever since the present occupant of the chair has been here—and he does not know for how much longer—that when the roll has been called within a reasonable time before and has revealed a certain number present, it is assumed that that number is still here. If any gentleman is dissatisfied with that showing, he can demand the other side.

Mr. CALLAWAY. Mr. Speaker, I demand the other side.

The SPEAKER. Those opposed to taking the yeas and nays will rise and stand until they are counted. [After counting.] Eighty-seven gentlemen have risen. Forty-five is more than one-fifth, so that the yeas and nays are ordered. When the roll is called those in favor of recommitting this bill will vote "yea" and those opposed will vote "nay." The Clerk will call the roll.

Mr. CALLAWAY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CALLAWAY. I want to ask if the Speaker is not required to state what the instructions are?

The SPEAKER. Oh, no. The Clerk reported the instructions. That is his business. The Clerk will call the roll.

The question was taken; and there were—yeas 83, nays 161, answered "present" 7, not voting 132, as follows:

YEAS—83.

Aiken, S. C.	Dickson, Miss.	McKellar	Sisson
Akin, N. Y.	Difenderfer	McKenzie	Sloan
Anderson	Ferris	Macon	Steenerson
Bartlett	Finley	Maguire, Nebr.	Stephens, Miss.
Blackmon	Foster	Martin, S. Dak.	Stephens, Nebr.
Buchanan	Fowler	Mondell	Stephens, Tex.
Burke, S. Dak.	Francis	Morgan, Okla.	Stone
Burke, Wis.	Good	Morrison	Taylor, Ark.
Byrns, Tenn.	Goodwin, Ark.	Morse, Wis.	Taylor, Colo.
Callaway	Gray	Murdock	Thayer
Campbell	Green, Iowa	Neeley	Thomas
Candler	Hammond	Padgett	Towner
Cannon	Hayden	Pickett	Tribble
Carter	Heflin	Raker	Volstead
Clayton	Helgesen	Rauch	Warburton
Cox	Helm	Reilly	White
Cullop	Hensley	Roddenbery	Wilson, Ill.
Currier	Houston	Rouse	Wilson, Pa.
Curry	Kendall	Rubey	Witherspoon
Denver	Kopp	Scott	Young, Kans.
Dickinson	Lindbergh	Sherwood	

NAYS—161.

Ainey	Driscoll, D. A.	Humphreys, Miss.	Pou
Alexander	Dyer	Jacoway	Prince
Allen	Edwards	Jones	Redfield
Ashbrook	Ellerbe	Kahn	Richardson
Austin	Esch	Kennedy	Roberts, Nev.
Barchfeld	Estopinal	Kindred	Rodenberg
Bartholdt	Fairchild	Kinkead, N. J.	Rothermel
Bates	Faison	Knowland	Russell
Bathrick	Farr	Konop	Saunders
Beall, Tex.	Fergusson	La Follette	Scully
Bell, Ga.	Fields	Lamb	Sherley
Boehne	Flood, Va.	Langham	Simmons
Booher	Foss	Langley	Smith, Saml. W.
Borland	French	Lawrence	Smith, N. Y.
Broussard	Fuller	Lee, Ga.	Smith, Tex.
Browning	Gallagher	Lee, Pa.	Sparkman
Bulkley	Gardner, N. J.	Levy	Stanley
Burgess	Garner	Lloyd	Stedman
Burleson	Garrett	Lobeck	Stephens, Cal.
Butler	Gill	Loud	Sweet
Byrnes, S. C.	Gillett	McCoy	Switzer
Calder	Godwin, N. C.	McCreary	Taggart
Cantrill	Goldfogle	McDermott	Talcott, N. Y.
Carlin	Greene, Mass.	McKinley	Taylor, Ala.
Cary	Greene, Vt.	McKinney	Thistlewood
Collier	Gregg, Pa.	McLaughlin	Townsend
Conry	Gudger	Madden	Turnbull
Cooper	Hamill	Mann	Tuttle
Copley	Hamilton, W. Va.	Mays	Underhill
Crumpacker	Hardy	Merritt	Underwood
Curley	Harrison, Miss.	Miller	Vare
Dalzell	Hart	Moon, Pa.	Watkins
Daugherty	Hawley	Moon, Tenn.	Weeks
Davenport	Hay	Moore, Pa.	Wilder
Davidson	Hayes	Moore, Tex.	Wilson, N. Y.
Dent	Henry, Conn.	Moss, Ind.	Wood, N. J.
Dies	Henry, Tex.	O'Shaunessy	Young, Mich.
Dodds	Hinds	Page	Young, Tex.
Donohoe	Holland	Pepper	
Doughton	Hughes, Ga.	Plumley	
Draper	Humphrey, Wash.	Porter	

ANSWERED "PRESENT"—7.

Adamson	Longworth	Needham	Payne
Driscoll, M. E.	Murray	Palmer	

NOT VOTING—132.

Adair	Gardner, Mass.	Korbly	Pujo
Ames	George	Lafean	Rainey
Andrus	Glass	Lafferty	Randell, Tex.
Ansberry	Goeke	Legare	Ransdell, La.
Anthony	Gould	Lenroot	Rees
Ayres	Graham	Lever	Reyburn
Barnhart	Gregg, Tex.	Lewis	Riordan
Berger	Griest	Lindsay	Roberts, Mass.
Bradley	Guernsey	Linthicum	Rucker, Colo.
Brantley	Hamilton, Mich.	Littlepage	Rucker, Mo.
Brown	Hamlin	Littleton	Sabath
Burke, Pa.	Hardwick	McCall	Sells
Burnett	Harris	McGillicuddy	Shackleford
Clark, Fla.	Harrison, N. Y.	McGuire, Okla.	Sharp
Claypool	Hartman	McMorran	Sheppard
Cline	Haugen	Maher	Sims
Covington	Heald	Martin, Colo.	Slayden
Crago	Higgins	Matthews	Slemp
Cravens	Hill	Morgan, La.	Small
Danforth	Hobson	Mott	Smith, J. M. C.
Davis, Minn.	Howard	Nelson	Speer
Davis, W. Va.	Howell	Norris	Stack
De Forest	Howland	Nye	Sterling
Dixon, Ind.	Hughes, W. Va.	Oldfield	Stevens, Minn.
Doremus	Hull	Olmsted	Sulloway
Dupré	Jackson	Parran	Talbott, Md.
Dwight	James	Patten, N. Y.	Taylor, Ohio
Evans	Johnson, Ky.	Patton, Pa.	Tilson
Fitzgerald	Johnson, S. C.	Peters	Vreeland
Floyd, Ark.	Kent	Post	Webb
Focht	Kinkaid, Nebr.	Powers	Whitacre
Fordney	Kitchin	Pray	Willis
Fornes	Konig	Prouty	Woods, Iowa

So the motion to recommit with instructions was rejected.

The Clerk announced the following pairs:

For the session:

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. LITTLETON with Mr. DWIGHT.

Mr. PALMER with Mr. HILL.

Mr. RIORDAN with Mr. ANDRUS.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. FORNES with Mr. BRADLEY.

Until further notice:

Mr. WHITACRE with Mr. WOODS of Iowa.

Mr. WEBB with Mr. WILLIS.

Mr. SMALL with Mr. VREELAND.

Mr. SLAYDEN with Mr. TILSON.

Mr. SIMS with Mr. TAYLOR of Ohio.

Mr. SHEPPARD with Mr. SULLOWAY.

Mr. SHARP with Mr. STERLING.

Mr. SABATH with Mr. J. M. C. SMITH.

Mr. RUCKER of Missouri with Mr. SLEMP.

Mr. RANDELL of Texas with Mr. SELLS.

Mr. POST with Mr. REYBURN.

Mr. PETERS with Mr. ROBERTS of Massachusetts.

Mr. PATTEN of New York with Mr. REES.

Mr. OLDFIELD with Mr. PROUTY.

Mr. MORGAN of Louisiana with Mr. PRAY.

Mr. MCGILLICUDDY with Mr. POWERS.

Mr. LINTHICUM with Mr. PATTON of Pennsylvania.

Mr. LEWIS with Mr. OLMSTED.

Mr. LEVER with Mr. NYE.

Mr. KORBLY with Mr. NELSON.

Mr. KONIG with Mr. MOTT.

Mr. JOHNSON of South Carolina with Mr. MATTHEWS.

Mr. JOHNSON of Kentucky with Mr. MCGUIRE of Oklahoma.

Mr. JAMES with Mr. LENROOT.

Mr. HARDWICK with Mr. LAFEAN.

Mr. HOWARD with Mr. LAFFERTY.

Mr. HAMLIN with Mr. KINKAID of Nebraska.

Mr. GREGG of Texas with Mr. JACKSON.

Mr. GRAHAM with Mr. HUGHES of West Virginia.

Mr. GOEKE with Mr. HOWLAND.

Mr. GLASS with Mr. HOWELL.

Mr. GEORGE with Mr. HIGGINS.

Mr. FLOYD of Arkansas with Mr. HAUGEN.

Mr. FITZGERALD with Mr. HEALD.

Mr. EVANS with Mr. HARTMAN.

Mr. DUPRÉ with Mr. HAMILTON of Michigan.

Mr. DAVIS of West Virginia with Mr. GUERNSEY.

Mr. COVINGTON with Mr. GRIEST.

Mr. CLINE with Mr. FOCHT.

Mr. CLARK of Florida with Mr. DE FOREST.

Mr. BURNETT with Mr. DAVIS of Minnesota.

Mr. BRANTLEY with Mr. ANTHONY.

Mr. BARNHART with Mr. AMES.

Mr. AYRES with Mr. DANFORTH.

Mr. ANSBERRY with Mr. CRAGO.

Mr. ADAIR with Mr. BURKE of Pennsylvania.

Mr. RAINEY with Mr. MCCALL.

Mr. HARRISON of New York with Mr. PAYNE.

Mr. PUJO with Mr. MCMORRAN.

Mr. HULL with Mr. NEEDHAM.

Mr. KITCHIN with Mr. FORDNEY.

Mr. MURRAY with Mr. HARRIS.

On this vote:

Mr. HOBSON with Mr. MICHAEL E. DRISCOLL.

Until February 1:

Mr. SHACKLEFORD with Mr. LONGWORTH.

Mr. ADAMSON. Mr. Speaker, did the gentleman from Minnesota, Mr. STEVENS, vote?

The SPEAKER. He did not.

Mr. ADAMSON. I voted "no." I wish to withdraw that vote, because I am paired with the gentleman from Minnesota. I wish to be recorded "present."

Mr. LONGWORTH. Is the gentleman from Missouri, Mr. SHACKLEFORD, recorded as voting?

The SPEAKER. He is not.

Mr. LONGWORTH. I voted "no." I desire to change my vote to "present."

Mr. PALMER. Is the gentleman from Connecticut, Mr. HILL, recorded?

The SPEAKER. He is not recorded.

Mr. PALMER. I voted "no" on this proposition. I am paired with the gentleman from Connecticut, Mr. HILL. I desire to withdraw my vote and to be recorded "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. SPARKMAN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

WITHDRAWAL OF PAPERS.

Mr. BYRNS of Tennessee, by unanimous consent, was granted leave to withdraw from the files of the House papers in the

case of Thomas F. Haywood, Sixty-second Congress, no adverse report having been made thereon.

FORTIFICATION APPROPRIATION BILL.

Mr. SHERLEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 28186—the fortification appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. RUSSELL in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 28186) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. SHERLEY. Mr. Chairman, at this time I do not desire to address the committee, but some days ago I said to the gentleman from Virginia [Mr. JONES] that I would be glad to see that he had an opportunity during the general debate on this bill to be heard, and I therefore suggest that the Chair recognize the gentleman from Virginia, which will entitle him to an hour.

Mr. JONES. Mr. Chairman, the newspapers of Sunday of last week report that President Taft, in the address which he delivered in New York City on the Saturday evening previous at the Ohio Society dinner, severely attacked the Philippine independence bill reported from the Committee on Insular Affairs and now upon the calendar of this House. What the President said upon this subject is reported in a dispatch to the Washington Herald, which is in these words:

After an emphatic appeal for an enlargement of the Navy, following an address upon similar lines by Representative HOBSON, the President launched forth into an attack on the Jones bill, now before Congress, providing for the freedom of the Philippines within eight years.

The President termed such a measure "suicidal and highly defective," and said that the United States should treat the Philippines just as Great Britain treats Canada and Australia—as colonies—but should not free them under any circumstances.

WOULD CREATE TROUBLE.

"Were I a political party," said the President, "I could wish the Democrats no worse fortune than the passage of the Jones bill, which I am positive, from my long acquaintance with the Philippine Islands, would result in a mess and a muss which would forever return to plague its makers. The Philippines have cost the United States to date $3,000,000 for civil expenses, and this money was appropriated to save them from starvation The expense of maintaining troops in the islands is practically nil, and I always will be opposed to any measure looking to their freedom."

In a somewhat different account of this address, published in the Washington Post, President Taft is reported to have asked—

Is it possible that little as this Democratic administration knows about the Philippines they are going to let them go and defeat our efforts to raise and educate the Filipino people? Is it possible that it is going to do that with no foundation whatsoever and without the approval of somebody who knows the islands? I hope not.

On the 6th of December last President Taft sent a special message to Congress, in which he expressed in rather vigorous terms and at considerable length his disapprobation of this Philippine independence measure. Among other things he told us in this message that—

To confer independence upon the Filipinos now is therefore to subject the great mass of their people to the dominance of an oligarchical and probably exploiting minority.

A present declaration even of future independence—

He informed Congress—

would retard progress by the dissension and disorder it would arouse.

It has been to me a matter of no little regret, to say nothing of surprise, that President Taft, for whom I entertain personally the highest regard and the very kindest feelings, should have thought fit to severely criticize and attack in a message to Congress a measure there pending.

It is quite true that it is the constitutional duty of the President to "from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient," but this message neither conveyed information nor recommended legislation to the Congress. On the contrary, it severely denounced and vigorously opposed pending legislation. If the President shall disapprove any bill which has passed the two Houses of Congress, he is empowered by the Constitution to return it to the House in which it originated, along with his objections; but I have failed to find anywhere in that instrument warrant for the course pursued by the President in this case.

But I am not so much concerned over the method employed by the President to make public his views in respect to this measure as I am in the views themselves.

With great deference for his superior knowledge and information, I must nevertheless dissent from the unsupported opinion expressed by him that to confer independence upon the Filipinos would subject the masses "to the dominance of an oligarchical and probably exploiting minority," and I believe that his statement that "a present declaration even of future independence" would arouse disorder and retard progress is opposed to the enlightened opinion and best judgment of a vast majority of the American people.

Mr. Speaker, I not only assert, but I shall undertake to prove by incontrovertible facts, that the government which the United States has imposed upon the Filipinos, and under the dominance of which they are now forced to live, is an oligarchy of the most intolerable, despotic, and unrestricted character.

I shall attempt no reply to President Taft's alleged characterization of the pending Philippine independence bill as "suicidal and defective"; nor shall I endeavor at this time to convince the House that the Filipinos are capable of governing themselves and that it is the duty of the United States to grant them their independence. It will be time enough to discuss the merits and demerits of this measure when it comes up for consideration. I hope to have the opportunity in the near future of presenting at greater length than could now be done the reasons which impel my belief that some such measure as that which seems to have so greatly aroused the opposition of President Taft will prove a wise and just solution of the Philippine problem. In the meantime I shall avail myself of this, the first opportunity that has presented itself, to make reply to a few of the statements in which he is alleged to have indulged at the Ohio Society dinner.

The United States, he is reported to have said, should treat the Philippines just as Great Britain treats Canada and Australia, but should not free them under any circumstances. When, may I ask, did he reach this conclusion? Canada and Australia are in every essential respect, if not absolutely and completely, self-governing colonies. Each has its own elective parliament; each makes its own laws, lays its own taxes, and collects and disburses its own revenues. Great Britain exercises absolutely no control over the domestic affairs of either of these colonies. They not only control their internal affairs, but they negotiate their commercial treaties, and they lay their tariff duties, and in this and other respects are more self-governing and autonomous than any State in our American Union.

Mr. HELM. Will the gentleman yield?

Mr. JONES. Yes.

Mr. HELM. Does Great Britain reserve any veto power as to legislation passed by Australia or the Canadian Parliaments?

Mr. JONES. I am coming to that directly. It is true that they do not select their own governors general, but it is also true that not within the memory of living man has the veto power been exercised by a governor general of either colony. The people of Canada and Australia are virtually as free and independent as those of England herself.

We are indebted to Australia for the secret-ballot system in vogue in every State in our Union. I wonder, too, if President Taft knows that pure democracy prevails to such an extent in Australia that the initiative, referendum, and recall have already been adopted there. Surely he, of all men, would not like to see the recall of judges introduced in the Philippines. How is it with the Philippine Islands?

The act of Congress under which they are governed was passed more than a decade ago, and President Taft, more than any other human being, is responsible for its provisions. The governor general, vice governor, members of the Philippine Commission, and the heads of the various executive departments are all appointed by the President of the United States. The legislature since 1907 has consisted of two houses, this appointive commission, which is known as the upper house, and an elective assembly. This body legislates for the civilized, Christianized people, but the commission, under the organic act, is the sole legislative body for the non-Christian and uncivilized tribes, and exercises supreme and exclusive legislative authority over all their territory, their lives, their property, and their public revenues. Let us see what has been the practical operation—some of the actual, tangible results—of this anomalous condition of affairs. In the first place, no measure originating in the assembly can become a law unless it meets the approval of the commission, and, of course, the reverse of this proposi-

tion is also true. Realizing that disagreements would inevitably arise between the commission and the assembly, and that the annual appropriation bills for the support of the government might thus fail of passage, the organic act provides that in such event "an amount equal to the sums appropriated in the last appropriation bills for such purposes shall be deemed to be appropriated, and until the legislature shall act in such behalf the treasurer may, with the advice of the governor, make the payments necessary for the purposes aforesaid." The purpose of this law is, as has been said by another, to provide for the contingency of an honest difference of opinion between these two houses as well as for unreasonable or factious attempts on the part of either house to embarrass the government by withholding the supplies necessary for its existence.

Twice has the legislature failed to pass these supply bills. One of the causes for the disagreements which led to the deadlock between the two branches of the legislature and which resulted in these failures to pass appropriation bills was that the assembly insisted that the salaries of the members of the commission, who were also heads of executive departments, should be so reduced as to make them more nearly correspond to those received by members of the American Cabinet. But the chief cause of disagreement was the insistence of the commission upon the right which it claimed to appropriate large sums of money out of the public revenues of the insular treasury, to be expended upon what is known as the Benguet Road, without the concurrence and despite the earnest opposition of the other coordinate branch of the legislature.

The Benguet Road is a highway less than 20 miles in length, built at a cost of several millions of dollars in gold through a mountain gorge to a health resort or residential park, called Baguio, to which place, at great expense, the seat of government is transferred from Manila for several months each year, and where American officials have handsome homes, clubhouses, polo grounds, and other sources of recreation and amusement. The Filipinos have from the beginning been violently opposed to these vast and absolutely inexcusable expenditures. Not only has it cost millions to build this automobile road through rugged mountains, a highway that is used solely for purposes of recreation and pleasure, but the cost of its upkeep is perhaps not less than $100,000 a year, and in times of great freshets it has been necessary to rebuild entire sections at an enormous cost. Nothing that our Government has done in the Philippine Islands has aroused more feeling and created more resentment on the part of the helpless Filipinos of every station in life than this wanton and indefensible disregard of their wishes and interests. [Applause.] This one act of the Philippine Commission has greatly shaken, if not destroyed, the confidence of the Filipino people in the American sense of justice and fair dealing. It has removed every vestige of any sentiment which may have existed in favor of American annexation. Is it then to be wondered at that the assembly, composed as it is entirely of natives, refused to lend itself to such inexcusable and, under the conditions of poverty so common in the islands, criminally wasteful expenditures of the public moneys as I have attempted to describe?

The pretext for the commission's action was that the Benguet Road traversed a part of a non-Christian Province, and that inasmuch as the commission exercised exclusive legislative functions over non-Christian territory it was empowered to expend any amount of the public funds it might desire in the construction and maintenance of that road, and that without either the concurrence or approval of the assembly. The members of the assembly claimed, on the other hand, and with reason, that the commission was only empowered to expend the public money in non-Christian Provinces for the use and benefit of the non-Christian and uncivilized tribes residing therein, and that it was a flagrant violation of law and a perversion of public funds to use them in the construction of an enormously expensive automobile road leading to a mountain resort maintained exclusively for the benefit of themselves and other rich residents of Manila.

It was these disagreements between the commission and the assembly that resulted in the nonpassage of the annual supply bills of which I have spoken, and I believe that every liberty-loving and right-thinking American citizen, when he comes to understand their motives, will applaud Speaker Osmena and his legislative associates for the courage and patriotism which they thus twice displayed. [Applause.]

Whether or not the commission deliberately planned to bring about this unfortunate condition of affairs in order to deprive the Filipinos of any control over their revenues the result has been the same. Acting under the authority of the provision of law which I have just quoted the Governor General has ordered the appropriation of a sum equal to the total appropriations made in the previous year for the support of the Government. Having thus gotten into his hands more than $12,000,000 in 1911 and somewhat less than $14,000,000 in 1912 of the public revenues of the Filipino people the Governor General proceeded to expend these large sums according to his own will, and as in his sole judgment seemed desirable, and with an utter disregard for the purposes for which the prior legislative appropriations had been made. Is there, I ask, a Representative upon this floor who, after reading the law under which Gov. Forbes is supposed to have acted, will not denounce his actions as both arbitrary and illegal? Many an official has been impeached for less than this. Baguio and the Benguet Road were, of course, liberally provided for, new offices were created, and the salaries of existing offices increased. It is needless to say that the salaries of the heads of executive departments were not decreased. It is asserted by a former member of the commission that there were as many as 123 new offices thus created, among them a secretary to the Governor General at an annual salary of $4,500, and it is a most amazing and stupendous fact that the expenditures on account of bureaus and offices for the fiscal year ending June 30, 1912, were $9,638,369.80, as against $8,318,051.56 for the next preceding year, the excess being a mere bagatelle of $1,320,318.24 in gold. A people whose self-restraint is equal to orderly and peaceful submission to acts of tyranny and oppression such as these are surely capable of governing themselves.

It is but just to say that there were members of the commission who questioned the legality of these executive acts, and that at least one American member formally and vigorously protested against them. These protests, however, were wholly unavailing. In pursuing this arbitrary and, as I charge, absolutely illegal course the Governor General acted, at least, so far as is publicly known, without legal advice, although not himself a lawyer. He consulted neither the solicitor general nor the attorney general of the islands, and, as I am informed, these legal advisers of the Government did not agree with the Governor General in his construction of the law or approve his action. Certain it is that the ablest lawyer on the commission, the Hon. Charles B. Elliott, formerly a member of the Supreme Court of the State of Minnesota, who was recently requested to resign as a result of his emphatic disapproval of the course of Gov. Gen. Forbes, regarded the latter's action as a most flagrant disregard of both the spirit and the letter of the law, for his opinion to this effect is upon record in Manila, and was rendered long before he had any thought of resigning as a member of the commission. Whether or not the Filipinos are capable of self-government, I question the right of Gov. Gen. Forbes to longer govern them.

President Taft tells us that "a declaration even of future independence would retard progress by the dissension and disorder it would arouse." I am curious to know what results he thinks such arbitrary and illegal acts as the one to which I have just called attention are likely to produce. To my mind the fact that the Filipino people have exercised such self-control as to refrain from even the semblance of disorder under conditions so inexpressibly hard and cruelly exasperating as these constitutes the highest tribute to their self-restraint and respect for constituted authority. [Applause.]

Whenever attention is directed to acts such as these on the part of the government which we have set up in the Philippines, the reply has always been glibly made, as if that were sufficient in itself to disarm criticism and forever silence all complaint, that within the past 10 years public schools have greatly multiplied in the Philippines; that the inhabitants of the islands have made wonderful progress in the acquisition of knowledge of various kinds; that sanitary conditions have improved; and that many important public works have been inaugurated as a result of our beneficent rule. The Filipino who does not accept this reply as conclusive of the question is frequently denounced as an ingrate. Indeed, his failure to accept such reasoning as conclusive is cited as evidence of his incapacity for self-government. Nobody denies these things. Nobody denies that there has been great educational and material progress in the Philippines. I will even admit, for it is a fact, that the parcel post was in the Philippines before Congress could be convinced that it was not too expensive to be thought of for the farmers of the United States. But it must not be forgotten that every dollar of the money contributed for these purposes came out of the pockets of the Filipinos. Nor must it be forgotten that much of it, as I have shown, was needlessly and shamefully wasted, and that the benefits derived from its expenditure, even in those cases where the expenditure was proper, have rarely, if ever, been commensurate with the cost.

Mr. MURRAY. Will the gentleman yield?

Mr. JONES. Certainly.

Mr. MURRAY. What evidence has the gentleman as to the accuracy of the statements which he has just made, which have shocked me and I have no doubt shocked many Members of this House?

Mr. Chairman, perhaps I ought to say that I have no disposition to be out of harmony with the gentleman in his statement of the facts. I have been shocked to hear them and I have wondered whether or not the gentleman has any plans for verification or proof of them, which I think ought to go with all such statements.

Mr. JONES. I will say to the gentleman that I will submit, and ask to have printed in connection with my remarks, a statement made by a former member of the commission itself.

I have already stated that one member of the commission, Judge Elliott, of Minnesota, has placed upon record in Manila his protest against the construction which Gov. Forbes has placed upon the act of Congress which I have quoted. I will further state to the gentleman that he will find all the information he desires with respect to the Benguet Road if he will read the reports of the investigations of the friar lands sales.

Mr. MURRAY. Of course, Mr. Chairman, in such matters as have been referred to they can throw no possible light in regard to the alleged arbitrary and illegal conduct that has taken place with respect to these appropriations.

Mr. JONES. I may say to my friend that there is not a particle of question as to the action of the Governor General to which I have called attention, and I am sure that every word I have said on that subject will be verified by the Insular Affairs Bureau in this city. These facts are well known and are not questioned in any quarter, so far as I know. It is not denied that Gov. Forbes holds that in disbursing the public funds, if the legislature fails to pass the regular supply bills, he is not confined to the objects named in the last regularly enacted bill.

When the opportunity is afforded me I shall undertake to give this House some idea as to what extent the government we have imposed upon the Filipinos has been extravagant and wasteful. The American people have not the slightest conception of what has been going on in the Philippines. Whilst the head of every bureau—and they are almost innumerable—is provided with a costly automobile, the upkeep of which is also paid for by the Filipinos, there are hundreds of thousands of natives who can not afford shoes for their bare feet.

Mr. SHERLEY. Mr. Chairman, will the gentleman permit an inquiry?

Mr. JONES. Yes.

Mr. SHERLEY. Does that statement go beyond the question of expressing a view as to the right of the Governor General to expend the moneys? Does it go to the question of extravagance in expenditure or misappropriation of funds?

Mr. JONES. It goes to the question of both extravagance and misappropriation.

Mr. SHERLEY. I have no knowledge, and I want to find out.

Mr. JONES. It goes to both.

Mr. SAUNDERS. Mr. Chairman, will the gentleman yield?

Mr. JONES. Yes.

Mr. SAUNDERS. I would say, in the same connection, is it not best for the gentleman to print as a part of his remarks the opinion given by Judge Elliott in relation to the power of the Governor General?

Mr. JONES. I will say to the gentleman that I have in my possession a long and exhaustive legal document bearing upon this subject. I had not intended to put that in the RECORD, but I can put it in if gentlemen so desire. It is in the form of a letter from one of the commissioners to the auditor of the insular government.

Mr. MURRAY. Mr. Chairman, will the gentleman yield?

Mr. JONES. Mr. Chairman, I would prefer to have the gentleman defer his question until I have concluded what I am now saying; then I shall be glad to reply to any question he may address to me.

Mr. MURRAY. I want to have incorporated here the suggestions that I have in my mind, that the gentleman has made statements which are in the nature of very serious charges, and I think we ought to have the letter to which the gentleman refers as the basis of the presentment.

Mr. JONES. I will publish in connection with my remarks a statement given out by a former member of the commission which fully confirms my statement.

This reckless extravagance and studied disregard for the interests of the poor and defenseless Filipinos has led, as might have been expected, to a deficit, or, perhaps, it would be more accurate to say a deficit was only averted during the past fiscal year by the transference of $1,698,513.82 from the gold-standard fund to the general funds in the Treasury. Unless, therefore, great reduction in expenditures is made during the year 1913 there will be a very large deficit, for I can not believe that the commission will again invade the gold-standard fund, although, I confess, that I am prepared for anything it may do. For the commission has not in the past hesitated to lay its hands upon a, if anything, more sacred fund than this.

Mr. COOPER. Mr. Chairman, I would like to have the gentleman explain the gold-standard fund, because the gentleman sitting in front of me does not understand it.

Mr. JONES. The gold-standard fund, of course, is a fund created for the protection of the silver currency in the islands, the pesos and other fractional silver currency.

The President said in New York that "the Philippines have cost the United States to date only $3,000,000 for civil expenses, and that this money was appropriated to save them from starvation." Well do I remember that Congress donated this money to save the famishing Filipinos from starvation, but does President Taft know that a considerable part of it was expended on the Benguet automobile road, of which I have spoken? The act of Congress declared that the money should be expended "for the relief of distress in the Philippine Islands." In the estimation of the commission these starving Filipinos stood more in need of an automobile road than of the rice to purchase which the American people in their generosity gave this money.

But at the proper time and in due season those who are responsible for conditions in the Philippines will have graver charges than these to answer. I predict, for instance, that somebody will be required to explain why it was that three prominent American officials of the city of Manila were not removed from office as was recommended by the committee appointed to investigate the grafting charges preferred against them. Some of their subordinates were prosecuted and convicted; but, notwithstanding the findings and recommendations of a committee of investigation, one of whom was Solicitor General Harvey and another Gen. Bandholtz, chief of the constabulary, their superiors have escaped all punishment and two of them are still enjoying the salaries of their lucrative offices. The third has since been removed from office for usury and extortion. The head of this powerful triumvirate, the man who was kept in office by the Governor General, notwithstanding his grafting, and who was removed during the absence of the Governor General last year, was then and is now the Manila correspondent of a great American newspaper. He realizes, of course, that the Filipinos do not love him, and does anybody imagine that his American readers will ever be told through his published letters that the Filipinos are capable of self-government? And it is upon such disinterested and unprejudiced testimony as this that the American people are asked to pronounce the Filipinos incapable of self-government.

But, Mr. Speaker, I shall not pursue this particular subject any further.

I think I have said enough to convince the most doubting Thomas that there is not the least similitude between the government which we have forcibly set up in the Philippines and those enjoyed by the people of Canada and Australia.

If President Taft really thinks, as he is reported to have said, that we should treat the Philippines just as Great Britain treats Canada and Australia, why, may I ask, has he postponed until the very end of his administration to offer this gratuitous advice to his Democratic successor? Why has he not made some effort during the four years of his administration to give the Filipinos a government in some slight respect modeled after those the like of which he said they should have? It was within his power long ago to have substituted a liberal, progressive, and practically autonomous government, one at least resembling in some respects those of Canada and Australia, for the irresponsible and odious autocracy under which they are now governed.

I shall not now consume much of the time of the House in combating the President's statement that the expense of maintaining troops in the islands is practically nothing.

It will be recalled that in response to a resolution of this House asking for information upon this subject the President sent a message to Congress in July last in which he declared that aside from certain enumerated direct appropriations, the cost accruing to the United States on account of the military and naval operations in and about the archipelago and from the construction of fortifications there could not be determined with any degree of accuracy. The problem presented by the resolution, he said, was "practically insoluble." Now he is moved to say, because of his violent opposition to even a declaration by Congress of any future purpose to grant the Filipinos their independence, that this cost is practically nothing.

To me this is a most incomprehensible, a most amazing statement.

I shall not attempt to inform the House, even approximately, what our military and naval operations in the Philippines have cost the United States from the beginning of American occupation up to the present time. Ten years ago it was variously estimated at from $200,000,000 to $600,000,000. On June 19, 1902, former Secretary of War Root, in response to a Senate resolution, informed Congress that our military occupation had cost up to May 1 of that year $170,326,586.11. He gave no information as to what had been the cost of our naval operations and none with relation to the Marine Corps, but he did undertake to say with a remarkable "degree of accuracy" what had been the cost of our military occupation. Surely the present Secretary of War could, with an equal degree of accuracy, have informed the President what military occupation at least has cost the United States from May 1, 1902, up to the present time. Secretary Root's figures were based upon the assumption that if the Army had not been in the Philippines an equal number of troops, exclusive of Philippine Scouts, would have been maintained in the United States, which, to my mind, is a very violent assumption. The most casual examination of Mr. Root's report will make it apparent that he excluded from his account many large items of cost which should properly have been included. But, as I have pointed out, he did not assume to say what had been expended by the United States on account of our naval operations and those of the Marine Corps, and I venture the assertion that $600,000,000, the estimate of the late Senator Hoar, is much nearer correct than the figures furnished by the ex-Secretary of War—what the grand total really is will never be even approximately known. One reason for this is that it is not possible in numberless instances to segregate the items which are properly chargeable to military occupation of the islands from those which are not so chargeable, when these appropriations are made in lump sums for the support of the Army as a whole.

Having made these somewhat general observations, I shall now proceed to give the House some definite information in the way of figures, which if they represent, as they do, only a part of the expenditures being made in the Philippines out of the Treasury of the United States, will at least serve to show that what President Taft may regard as practically nothing is, in the estimation of most people, a very considerable sum.

We have for the past few years kept stationed in the Philippines approximately 12,000 Regular troops and 6,000 native scouts, all of whom are maintained at the cost of the United States. At this time the scouts number 5,660.

It is denied by some of our imperialistic friends that the cost of the maintenance of these 12,000 United States troops in the Philippines should be considered in estimating the expense to us of holding them. They say that the strength of the Regular Army would have been maintained at its present proportions even if the United States had not possessed the islands. I challenge their statement, but even if it were true the expense of our military establishment in the islands would still be far from inconsiderable.

The Army appropriation bill which passed this House on Tuesday last carried an item of $1,069,470.66 for the pay of the Philippine Scouts for the next fiscal year, and another item of $500,000 to be expended for permanent quarters and barracks for our troops in the islands. It will not be contended, I think, that these scouts would be needed or ever available were we to withdraw from the Philippines, and in such an event we would not be required to spend half a million dollars a year for the erection of permanent barracks and costly officers' quarters, as we have been doing for years in furtherance of elaborate plans involving an expenditure of millions of dollars. But enlisted men get 20 and officers 10 per cent additional pay when engaged in foreign service, and this Army bill carried a little item of $995,000, practically every dollar of which is paid to our troops serving in the Philippines, for service in the Canal Zone, in Panama, Hawaii, and Porto Rico is not regarded under the law as foreign service.

I state this to anticipate the objection of the gentleman from Kentucky [Mr. SHERLEY], and the only part of this $995,000 that is not paid in the Philippine Islands is a very trifling sum paid to a battalion of troops in Alaska.

Mr. SHERLEY. Mr. Chairman, I suggest to the gentleman that perhaps it would be fairer in debate to anticipate something that the gentleman from Kentucky has warranted the gentleman from Virginia in believing he was going to contend.

Mr. JONES. I beg the gentleman's pardon, if I mistook his intention.

Mr. SHERLEY. I trust the gentleman's other conclusions are based on more detailed study.

Mr. JONES. They are based on figures and facts that I do not think the gentleman from Kentucky or anybody else can successfully challenge.

Mr. HELM. Mr. Chairman, will the gentleman yield at this point?

Mr. JONES. Yes.

Mr. HELM. Is it a fact that our Government has to pay a tariff on all of the supplies that are taken to the Philippine Islands from countries other than the United States for the support of the American soldiery in the Philippine Islands?

Mr. JONES. I believe that is true.

These three items alone aggregate $2,574,470.66, a sum which can scarcely be called "practically nothing."

The fortification bill which we are now considering carries for fortifications, searchlights, repair of torpedo-repair structures, mining casemates, and so forth, all to be expended in the Philippines, $782,350. In addition to this sum it contains appropriations aggregating $720,000 to be expended in our insular possessions, the bulk of which is to be spent in the Philippines. The naval, general deficiency, and sundry civil bills, yet to be reported, will carry large items for the Philippines, as has always been the case heretofore.

What it costs to feed, clothe, house, and otherwise care for 6,000 scouts in the Philippines I can not say, but the sum far exceeds their actual pay, which I have shown to be $1,069,470.66 annually. What it costs to provide for the 12,000 Regular troops in the Philippines over and above what it would cost were they kept in continental United States I can not even guess. It is well within bounds to say, however, that the items I have mentioned will exceed in the aggregate $6,000,000. Is this a mere bagatelle?

The Trans-Pacific Fleet consists of nine Army transports, not all of which, however, are in commission at the same time. The cost of the operation and maintenance of these vessels, which are used in the transportation of troops to and from the Philippines and in transporting animals and supplies for the use of the army of occupation, is enormous. The ordinary repairs for each one of them, for each and every round trip, cost $2,500, and occasionally they require overhauling, at an expense of hundreds of thousands of dollars each.

To give some idea as to what this transport service is costing the United States, I may state that in 1908 repairs to transports and launches amounted to $606,350.20, whilst the fuel bill for that year was $632,500. In 1909 these repairs amounted to $387,212, in 1910 to $489,921, and in 1911 to $331,278. The fuel bills were even larger. Just what it costs annually to man and operate these transports I can not say, but for several years the shore expenses of the transport service, such as office and warehouse rental, wharfage charges, employees, and so forth, have averaged around $1,500,000 annually.

But in addition to the trans-Pacific service there is also an interisland transport service owned, maintained, and operated by the United States. This service costs more than $500,000 annually. Will it be said that this Army transport service would be necessary were we out of the Philippines?

I have said nothing as to the railroad transportation of troops en route to and from the Philippines, but it is several hundred thousand dollars annually. Nor have I attempted to enumerate the almost numberless other purposes and objects, incident to our occupation, for which we are annually expending large sums of money in the Philippines. Some of these are water and sewer systems, artesian wells, shelter for troops and animals, storehouse rentals, hospitals, clubhouses, military telegraph and telephone lines, a small army of civilian employees, interpreters, guides, and so forth. I have had neither the time nor the opportunity to dig all of these items out of the many different appropriation bills which have carried them, and it is needless to say that the custodians of the accounts in which they are buried have not volunteered me any assistance. The official reports show that for the year 1911 the Quartermaster's Department alone paid out on account of the Philippines more than $5,000,000, and that the annual expenditures by this department by reason of our military occupation of the islands, leaving out the years when war existed, were more than $6,000,000.

Mr. MURRAY. Mr. Chairman, in order that I may understand clearly the purpose of the gentleman in collecting together these figures, may I inquire—and the inquiry is for information—if the point he is developing is that they are so expensive that we ought to get rid of them?

Mr. JONES. My primary purpose is to show that the President of the United States, when he said in his speech before the Ohio Society in New York that they cost the United States practically nothing, was greatly mistaken. I also hope to demonstrate incidentally that the Philippine Islands are costing

the American people so much that the sooner we free ourselves of them the better it will be for the American people.

Mr. SAUNDERS. May I ask the gentleman a question?

Mr. JONES. Certainly.

Mr. SAUNDERS. Approximately, can the gentleman say what will be the aggregate of these totals which the gentleman has given us?

Mr. JONES. If the gentleman will wait, I will come to that in a few moments.

Mr. KAHN. Will the gentleman yield?

Mr. JONES. Certainly.

Mr. KAHN. In relation to the transport service, does the gentleman know the transports run to Honolulu, to Guam, to Alaska, and even down to the Isthmus of Panama?

Mr. JONES. No; I did not know that.

Mr. KAHN. That is a fact.

Mr. JONES. I beg the gentleman's pardon. I know that these Pacific transports do, Mr. Chairman, touch at Honolulu, and they do touch at ports in Japan for the purpose of coaling. I do not know that they always stop at Guam. It is considerably out of the way to touch at Guam. I know of no reason why they should do so regularly. I do know, however, they do not run to Panama. We have an Atlantic Fleet of transports, several of the ships of which are now out of commission at Newport News, in my district. These ships may be sometimes sent to Panama.

Mr. KAHN. An occasional transport goes to Panama——

Mr. JONES. I have never known of one.

Mr. KAHN. And to Guam also.

Mr. JONES. There may have been such instances, but if so, the steamers that are in commission, and which run regularly between San Francisco and Manila, are not, I think, ever so used. I think the gentleman will agree to that.

Mr. KAHN. Of course, all are taken out of commission from time to time. We have four transports that are used between Manila and San Francisco.

Mr. JONES. I will say to my friend I have very little time and that I must hurry on.

Mr. KAHN. I did not want to interfere with the gentleman.

Mr. JONES. I can not now state from memory what it costs annually to maintain at Washington the large Bureau of Insular Affairs, but I think the amount exceeds $1,000,000.

Within the last 10 years we have expended in fortifying the entrances to Manila and Subic Bays more than $11,000,000.

In the figures which I have thus submitted I have charged nothing against the 12,000 Regular troops that are stationed in the islands except their additional pay for foreign service and their transportation to and from the islands; but, in my judgment, it is manifestly proper that their whole pay, as well as the entire cost of their subsistence, should be so charged. If we have no use at home for these troops, then the Army should to that extent be reduced. But we are told by Col. Goethals that 25,000 troops will be required as a permanent garrison at the Panama Canal.

Mr. SHERLEY. Mr. Chairman, if the gentleman will permit, I would just like to say that Col. Goethals's testimony, made before the Committee on Naval Affairs and subsequently having that testimony before the Committee on Appropriations, does not warrant the newspaper statement constantly made that he thinks 25,000 men should be put there.

Mr. JONES. I will say to the gentleman that I got my information from the newspapers, but I will ask him how many troops does he think ought to be stationed in Panama?

Mr. SHERLEY. He is in accord with the policy of the department that now contemplates something over 8,000 men.

Mr. JONES. If that be true, then——

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONES. Mr. Chairman, I would ask the gentleman to yield me 15 minutes more in which to conclude my remarks.

Mr. SHERLEY. If the gentleman pleases, I purposely did not take any time in my own right, so it is not mine to give, but I would be very glad to ask that the gentleman be permitted to continue for 15 minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the gentleman from Virginia have permission to continue for 15 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. JONES. I hope in the circumstances, Mr. Chairman, that no questions will be asked me until I have concluded what I wish to say. It will require all of 15 minutes.

Mr. BUCHANAN. Mr. Chairman, in regard to Col. Goethals, I heard him make the statement before the Committee on Naval Affairs, and he said it would be necessary to have 25,000 troops there, and that is what he asked for and desired.

Mr. JONES. I thank the gentleman. If, then, instead of recruiting our Army to that extent, we transfer the 12,000 troops from the Philippines to the canal, we will save at least $12,000,000 annually, since the exact cost per man for maintaining our military establishment was, last year, $913.23. Within the past five years it has ranged from that sum to $1,142 per man, and it costs much more, of course, to maintain troops in the Philippines than in the United States.

When to the cost of the Army of occupation of the Philippines there is added our expenditures on account of the Navy and the Marine Corps, which I shall not undertake to discuss, it will, in my opinion, be found that it is costing the American people to hold the Philippines not less than $40,000,000 annually. This sum exceeds the total annual value of the commerce between the Philippines and the United States.

We have expended within the past 10 years more than $1,500,000 in the construction and equipment of the naval station at Olongapo, in addition to some $1,275,000 on a floating dry dock located at that place. Large sums, too, have been expended at the Cavite naval station, and other large sums for naval hospitals, prisons, magazines, and other objects too numerous to mention.

There may be those who will question my judgment as to the sum total of these expenditures, but I venture to believe that there will be few who will agree with President Taft that they constitute "practically nothing." The chief of the Bureau of Insular Affairs, however, has actually gone upon record as saying that "even the additional cost of the support of the troops in the Philippines above the cost of support of the same number in the United States can not properly be regarded as part of the cost of the Philippines." Indeed, he would even deny that the cost of maintaining the Philippine Scouts can be considered a part of the cost of the Philippines to this country. If, therefore, these remarkable ex cathedra statements are to be accepted, the Philippines have certainly cost us nothing. But they are "affirmation pure and simple."

The only comment that I shall make upon the President's alleged statement that were he a politician he could wish the Democrats no worse fortune than the passage of the Jones bill, since its passage would result in a mess and muss which would forever return to plague its makers, is that if the Democratic Party is to be deterred from keeping the solemn pledges it has made to the American people, and upon which it was given control of every branch of the Federal Government, by the political prophecies of one whose administrative policies have been so emphatically discredited and repudiated by the voters of every State of the Union, save only those of Utah and Vermont, its defeat in 1916 will be as deservedly overwhelming as was that of the Republican Party in November last. But whilst I recognize President Taft's great ability and most cheerfully concede the purity of his motives, it must be admitted, I think, by his most ardent political followers that he has not achieved great success as a political prophet.

Mr. LONGWORTH. Will the gentleman yield?

Mr. JONES. If, when I get through, I have a moment left, I will yield to the gentleman.

Mr. Speaker, it has been made most manifest of late that the administration has been bringing to bear every possible influence, commercial, political, and ecclesiastical, in its efforts to defeat the declared purpose of the Democratic Party to give the Filipinos their independence. The country is being told that the incoming Democratic administration is too ignorant as to conditions in the Philippines even to attempt a change of the policy which the Republican Party inaugurated and has been pursuing for the past 10 years in respect to them. All those who have any personal and intimate knowledge of the Filipino people and of the real conditions existing in the islands are, we are told, unanimously of the opinion that it would be "suicidal" to recognize the independence of the Philippines.

I readily admit that there is apparently great unanimity of opinion in respect to this subject on the part of the people from whom the administration secures its information, but I absolutely deny that its sources of information are either the most dependable or the only sources.

Many of our naval and military people favor the indefinite retention of the Philippines for purely personal reasons. Naval officers argue, and with reason, that holding the islands will mean the enlargement of the Navy, and any increase in our naval establishment means more rapid promotion for the personnel. Army officers have told me that our withdrawal from the Philippines would mean a reduction of the size of the Army which would be prejudicial to them. Of course, the Americans who have gone to the islands for purposes of exploitation are opposed to their independence.

But the largest and perhaps the most influential class from which the administration derives its information is that of the American officeholders whose names are truly legion. These men are naturally in full accord with the policies of the administration to whom they owe their positions. They wish to continue to hold their jobs, and it is absurd to suppose that they will ever give public utterance to opinions not in accord with those held by the powers that be. Many of them have no sympathy for the poor Filipinos, and some, at least, despise them and take no pains to disguise the fact.

If the American public are to seriously heed testimony derived from sources such as these, we may as well abandon now and forever all hope that the Filipinos are ever to be given their independence, and that the American people are ever to be relieved of the enormous financial burdens which their retention yearly entails.

But, Mr. Speaker, we are not left in that complete ignorance as to conditions in the Philippines which the President assumes to be the case. Not all Americans who have resided in the Philippines and who are thoroughly well-informed as to conditions there, are either exploiters or officeholders, and these have never hesitated to give the true facts, although experiencing difficulty in getting them before the American public. And now that there is to be a change of administration which will remove the restraint which has heretofore been placed upon the officeholders, we may expect to receive some valuable information from that source.

The newspapers are publishing extracts from the last annual report of the Philippine Commission, given out by the War Department, a report which I have not as yet seen, which are, as was to have been expected, fully in line with the statements which have so frequently been given out by the administration and intended, of course, to create in America a sentiment averse to Philippine independence. I do not believe that this last expiring wail of this American-made, law-defying, self-interested oligarchy, which, when legislating for the Filipinos, sits behind closed doors, will accomplish the intended purpose. A governing body which has plunged the Philippines in debt, defeated the administration of justice, and violated, as I have shown, the organic act of Congress, will, when these facts are generally known, become so discredited in the eyes of the people of the United States that it will be a waste of time to make reply to their representations.

Mr. Speaker, I now ask leave to publish in the RECORD, in connection with my remarks, a resolution unanimously passed by the Philippine Assembly, praying Congress to investigate the conduct of Dean C. Worcester, a member of the commission; an interview from Judge Charles B. Elliott, of Minnesota, late a member of the Philippine Commission, recently published in a Minneapolis newspaper; a letter received by me from Mr. L. M. Southworth, a prominent member of the Manila bar and for eight years a resident of the Philippines; and a letter written by Mr. William S. Lyon, an American who has been engaged for eleven or more years in farming and other business pursuits in the Philippines. These are not prejudiced or interested witnesses. Their long and intimate acquaintance with the Filipino people entitles their testimony to great weight.

Now, Mr. Chairman, I will be glad, if I have the time left, to answer any question which the gentleman from Ohio [Mr. LONGWORTH] desires to ask me.

Mr. LONGWORTH. I wanted to ask the gentleman this question: Can the gentleman state whether it is true or not that the President elect has declared in favor of the bill introduced by the gentleman from Virginia?

Mr. JONES. I will say to my friend that he has doubtless read, just as I have, and other Members of the House, what the President elect said upon that subject in his speech at Staunton. I am not authorized to speak for the President elect, but I will say this to the gentleman: President Elect Wilson is a Democrat; he is a man of honor, and he stands squarely on the Democratic platform adopted at Baltimore, and I do not doubt for a moment but that he favors Philippine independence. [Applause on the Democratic side.]

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD by inserting certain documents to which he has referred. Is there objection? [After a pause.] The Chair hears none.

The letters and papers are as follows:

JUDGE ELLIOTT'S INTERVIEW.

Judge Charles B. Elliott, Minneapolis jurist, who announced in Washington a week ago that his resignation as secretary of commerce and labor of the Philippine Islands was at the request of President Taft, and who reached Minneapolis late yesterday, talked freely at the Hampshire Arms last evening of the disagreements with Gov. Gen. W. Cameron Forbes which led to his retirement. Judge Elliott did not feel like discussing the matter when in Washington.

"I am perfectly satisfied," said Judge Elliott, to quit office upon the issues which are involved. Congress is going to investigate official matters in the Philippines, and my protest will be found on record in regard to matters which will be found subjects for severe criticism.

"In a general way conditions in the Philippines are good, and an immense amount of good is being done, but in the administration of details there is much that is outrageous. Two things are a public scandal in the islands now, and will be found when the congressional investigation is made. One is the extravagant and often improper use of public funds by direction of the Governor General and the other is his interference with the administration of justice.

CHARGES DISREGARD OF LAW.

"The only charge against me, if it can be called a charge, was that Mr. Forbes and I did not work harmoniously together. The record shows that there is no criticism of my official work, and unless it shows that I should not have resigned. Mr. Forbes's complaint was that I was an obstructionist. I confess that I have been. I have protested as far as I was able against what I felt to be illegal acts. I have fought them with some pretty drastic opinions, I admit. I have said, and still say, that it is an infernal outrage to run the government of the Philippines with so little regard for law. We are trying to teach these people how to run a government, and that sort of conduct is setting them a poor example. I opposed Gov. Gen. Forbes continually on those matters, without any personal feeling on my part. I did not know there was any on his until after my resignation had been requested.

"Gov. Gen. Forbes preceded me to the United States on our vacations last spring. He was still in this country when I left recently on my return to the islands. I had no inkling then of any complaint. He did not let me know that there was any issue between us before the President or the department. Evidently he did not care to meet me and discuss the matter before officials at Washington.

TALKED WITH PRESIDENT.

"President Taft visited Mr. Forbes at Boston just a week before I sailed. I saw the President after he had seen Forbes, and he knew nothing then of any complaint. He talked with me about when Forbes would leave and about my departure. Evidently within a few days after I sailed Mr. Forbes came to Washington and told the President that I would have to resign, as we could not get along together. In the circumstances I was wholly unprepared for the cable message I received. That is the only thing I have any personal feeling about. I should have been saved that unnecessary trip to Europe with my family and preparations for return to the Philippines, which cost me about $2,000."

With regard to his differences with the Governor General, Judge Elliott said that some of them were on trivial matters of administration, and with him never have been personal, but evidently were taken as personal by Mr. Forbes.

ALLEGES WASTE OF MONEY.

"He has been in wretched health, which I think has had much to do with it," said Judge Elliott. "He is personally a fine fellow, but he is impatient of restrictions; not being a lawyer, is impatient of the law; and being a millionaire, he seems to have a contempt for economy. He took the government three years ago with a surplus of $3,500,000, and at the end of last July had run it into a deficit of nearly $4,000,000.

"My differences with him began over such matters as this: As secretary of commerce and police I had the distribution of $1,500,000 a year for roads and bridges. It was to be spent in the discretion of the secretary. Mr. Forbes often wanted to direct the expenditure of some of this fund, and frequently where it was not needed, except to placate a deputy in the legislature from some district. In cases where I did not consider the expenditure was justified I would decline. I offered sometimes to approve an item if he would request it in writing, but that he never would do, and I declined to take the responsibility otherwise.

"Mr. Forbes attempted to get legislation through to concentrate more power in his hands. I opposed such legislation as a member of the senate, and believed I was justified.

QUARREL OVER $12,000,000.

"Our most important difference, however, arose about a year ago. The legislature refused to pass the regular appropriation bill for the support of the government. For such a contingency Congress has provided that an amount equal to the appropriation for the previous year shall then be deemed to be appropriated and paid out by the treasurer. Gov. Gen. Forbes took the ground that the sum of $12,000,000 in gold was thereby placed at his disposal, to spend according to his own judgment. He and his clerks drew up a new appropriation bill and declared it in effect, changing salaries, changing the methods of disposal, and creating 123 new positions, including a secretary to the Governor General, at $4,500 a year.

"I took a stand against this. I held that legally the old appropriations were merely renewed during the interregnum until a new bill could be passed. I asked that the question be referred to the attorney general of the islands, which was refused. I then asked that it be referred to the Attorney General of the United States. Mr. Forbes refused to do either, and proceeded without a legal opinion. The senate referred the matter to a committee of three commissioners, including Señor Areneta, secretary of finance and justice, former attorney general and the leading native lawyer, Commissioner Palma, and myself. We held unanimously that the old appropriations merely held over. Nevertheless, the Governor General continued to dispense the funds at his own discretion, and still is doing so.

"He prepared one bill in December, 1911, dating it in July, when the old appropriations expired. He was advised from Washington to cut out some of his numerous new appointees, so he prepared a new bill in March, and dated it back again to July. As a member of the senate I opposed confirming his secretary, and the senate was against it on legal grounds. In order not to reflect on the young man we asked Mr. Forbes to withdraw the appointment. He did so, but immediately appointed him again, and is still employing him, without confirmation and without warrant in law.

NOT A CANDIDATE FOR GOVERNOR GENERAL.

"That is the main issue on which we differed, though always, as I supposed, without personal feeling. I have learned since that before leaving for home last March he told friends that he was going to get my removal. I think his feeling against me was increased by the fact that there was gossip of my being a candidate for Governor General. I was never in any sense, and deplored the talk of it that frequently was current in the native papers. I found it also gossip at Washington, but it was wholly untrue.

"To being an obstructionist I plead guilty as to the things I knew to be illegal. My fight against them was supported with some pretty drastic opinions, I admit. I am satisfied with the record as it stands. There will be a congressional investigation of the administration in the Philippines, I was told in Washington, just as soon as the Democrats get in full control next spring. It will be a hostile investigation, and it will bring out some sensational matter. I have done nothing to stir up the investigation, but my protest will be found on file as to all the acts I felt to be illegal or unwarranted. Much public money has been wasted or misspent. The Governor General has interfered often in the administration of justice to favor personal or political friends."

The Filipinos fully expect independence from the coming Democratic administration, Judge Elliott says. "They have every right to expect it," he declared last evening. "The Democrats have promised it in every platform, and if they do not grant it they will break their word. If it is not granted, I fear there will be trouble in the islands."

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Petition of Frank B. Sanborn, Frederick Starr, and others.

To the President, the Senate and House of Representatives of the United States in Congress assembled:

Whereas D. C. Worcester, a member of the commission appointed for the government of the Philippine Islands, and acting as secretary of the interior of said commission, has become notoriously unpopular among the natives of the islands, the final and culminating evidence of which was given by a resolution (annexed) unanimously passed by the General Assembly of the Philippine Islands as the closing act of its last session; and

Whereas the late President McKinley proclaimed that all American officials appointed during our control of the Philippine Islands should be agreeable and acceptable to the inhabitants as a condition precedent to successful administration; and

Whereas D. C. Worcester has endeavored to bring to bear repressive measures in the United States upon the press favorable to Philippine independence similar to those exerted by him upon Manila newspapers; and said Worcester has antagonized and publicly villified the friends of the Filipinos in the United States, the officers of the Anti-Imperialist League, and their counsel, and has provisionally threatened a Member of the House of Representatives in execution of his duty with a suit for libel similar to those with which he secured the imprisonment of a member of the assembly in the Philippine Islands: Therefore

Resolved, That you are respectfully requested at once to institute a special inquiry into the manner in which the said D. C. Worcester has discharged the duties of his office as commissioner in the Philippine Islands.

Frederick Starr, Frank B. Sanborn, E. H. Clement, Whitfield L. Tuck, John Ritchie, Walter C. Wright, Lincoln R. Stone, Lucius F. C. Garvin, B. C. Fox, W. H. Fox, John F. Jennings, Francis E. Woodruff, Robert E. Bisbee, A. A. Berle, W. H. H. Bryant, Gamaliel Bradford, Louis R. Ehrich, Oswald Garrison Villard, Louis H. Bonelli, jr., C. B. Wilby, Prescott Smith.

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Resolution declaring censurable the attitude taken by the Hon. Dean C. Worcester, secretary of the interior, in his address delivered October 10, 1910, referring the facts, with the opinion of the house, to the President of the United States.

Resolved, That the regret of the assembly be recorded for the language attributed to Hon. Dean C. Worcester, secretary of the interior of the Philippine Government, in a discourse before the Young Men's Christian Association October 10, 1910.

It is improper and censurable in a man who holds a public office and who has the confidence of the Government, and as the statements made as facts are false, slanderous, and offensive to the Philippine people, their publication is a grave violation of those instructions given by President McKinley which required that public functionaries should feel and express respect for the prejudices, beliefs, and sentiments of the Philippine people and should show to them the highest consideration. The words and the conduct of Mr. Worcester tend to sow distrust between the Americans and the Filipinos, whose aspirations and duties should not separate them but unite them in the pathway which leads to the progress and emancipation of the Philippine people. The influence of Mr. Worcester has caused injury to the feelings of the Filipinos, encouraged race hatred, and tended to frustrate the work undertaken by men of real good will to win the esteem, confidence, and respect of the Philippine people for the Americans.

It is resolved besides that this house desires that these facts should be communicated to the President of the United States, through the governor of the Philippines and the Secretary of War.

This resolution was unanimously adopted by the house without discussion.

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JACKSONVILLE, FLA., *December 9, 1912.*

Hon. WILLIAM A. JONES,
Chairman Committee on Insular Affairs,
House of Representatives, Washington, D. C.

MY DEAR SIR: I am an American citizen, but have been living in the Philippine Islands for eight years, going there in September, 1904, and returning to the United States in September of the present year.

During my entire residence in the Philippines I have been engaged in the private practice of law, with the exception of two years spent in the office of the prosecuting attorney of the judicial district of Manila. While engaged in the practice of my profession my business carried me to every section of the islands and brought me in contact with the people of all classes.

During my service as prosecuting attorney of the judicial district of Manila, containing approximately 500,000 inhabitants, the duties of my position brought me into intimate relations with many of the people of the district, including all of the native lawyers, all of the native judges, and most of the native employees of the Government.

The prosecuting attorney of the Manila judicial district acts not only as a prosecutor, but also serves in the capacity of a grand jury. He determines, from an examination of the witnesses, whether or not an indictment, or, more accurately, an information or complaint shall be presented to the court. In my opinion, this official has a better opportunity to observe the general character and intelligence of the people than any other official in the islands.

In the course of my private practice and in the discharge of my official duties I have come in contact with native lawyers of the highest talent and legal attainments; physicians and surgeons, learned and skillful in their profession; merchants who employ the latest commercial methods and observe the strictest business integrity; and people in the private walks of life of the highest intellectual attainments, educated in the best universities and colleges of Europe, speaking, in many instances, as many as five foreign languages.

From my intimate knowledge of the Filipino people, gained in the manner above stated and from my social intercourse with them, I do not hesitate to say they are capable of self-government.

If granted their independence, I believe that they will maintain a government which will be not only more satisfactory to them, but one which will more nearly meet their needs and demands than the government under which they have lived for the past 14 years or any government which could be given them in the future by the United States or any other foreign power. In saying this I am not unmindful of the great improvements which have been made in these islands since American occupation, nor do I intend to underestimate the able and faithful services rendered these people by many American officials. However, I do mean to say that the United States has maintained a government in these islands too expensive and far beyond the needs and resources of these people and, at times, extravagant and wasteful.

But, regardless of all these considerations, the people of these islands never have been and never will be satisfied to be governed by the United States or any other foreign power.

They want independence. It is the one dream and aspiration of their lives. It is the only gleam of sunshine that cheers their dark fate, the result of war, pestilence, and famine.

With a strong religious sentiment underlying the lives of these people, a virtuous womanhood from whom must spring their future citizens, a high regard for law and official authority, a fair amount of general education now, and a wonderful aptness for learning, and a patriotism which is so lofty and pathetic that it should touch the heart of every unselfish American in the islands there is no reason on earth why these people should not be granted independence.

I do not believe that any American who does not like the Filipino people is qualified to speak with any degree of impartiality regarding their capacity for self-government, and I believe the fundamental mistake into which the Republican Party has led the American people during the last 14 years has been due to the circumstances that the reports of its agents have always been tinctured with the residuum of the early hostility and a strongly acquired taste for official life in the Philippine Islands.

I am heartily in sympathy with the vital principle of your bill in that it holds out to the living among the Filipino people a reasonable hope of living to see the independence of their country. I have discussed its provisions with many intelligent Filipinos, and they were unanimous in their desire for it to become a law.

The Republican Party has always been willing to imply a promise of independence, but no Republican administration has ever been bold enough and honest enough to commit itself to the proposition that the law-making power of the Government, the final depository of the real authority, should formally commit itself to a definite promise of independence.

To substitute frankness in this matter, in lieu of temporizing and evasion, is the democracy's opportunity with regard to the Philippine Islands.

Very cordially, yours, L. M. SOUTHWORTH.

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Letter of William T. Lyon.

GARDENS OF NAGTAJAN,
Manila, P. I., November 8, 1912.

Many Democratic Congressmen and Mr. Wilson himself are bound to be influenced by the enormous volume of evidence testifying to the disqualification of the Filipino for self-government. Every high official in the Filipino service, every white civilian employee, every military officer, every newspaper printed in English, 95 per cent of the white merchants or traders, and, worse than all, every visiting statesman will treat with scorn and ridicule the slightest intimation that now, or at any other time, these people will ever be equipped for autonomous government.

This is an everwhelming array, and it is no discredit to the sanity, wisdom, or patriotism of any Congressman, Senator, or President to say, "Why, these are the people who know; the people who live or have lived amongst them for years. They are a unit on this matter. Who am I that from a smattering of newspaper items should put my belief against such a cloud of witnesses?"

The evidence is seemingly so conclusive that the almost essential feature, its sources, are entirely overlooked. Here is the rub. Without exception this evidence is biased and prejudiced and, with the exception of the "visiting statesman," I can clearly show you how it can not be otherwise.

To first take up the case of the "visiting statesman." When Mr. Dickinson was here—Mr. Taft's first Secretary of War—it was all prearranged that he should be permitted to meet strictly two classes of people, none others. One, the very limited but thoroughly pro-American type of native who, more or less the beneficiary of American patronage, could be counted on to decry and belittle his countrymen. The other class were with equal care culled from the most ignorant and brutal of the two types that so cunning and astute a manager as Mr. Frank Carpenter could select. Throughout his itinerary, all cut and dried before his arrival, this program was adhered to. If any rank outsider who was not on the slate butted in, he was promptly ejected by the official hustler. This is the basic difficulty with which visiting statesmen or delegations have had to contend and must continue to have, for we have far too much at stake to permit an intelligent man to wander about here unchaperoned and pick up information at first-hand which might be detrimental to our ends. The more prominent the man in public life and the better known, the more impossible for him to escape our official sleuth.

I would be tempted, if I was sure of considerate reply, to urge upon President-elect Wilson the selection of some bright man who knew Spanish and was willing to acquire a bit of Tagalog to travel alone and incognito in these islands and mingle with these people for six months and without the customary accompaniments of banquets, brass bands, ovations, and orations from leading citizens. Under such conditions the visitor has less insight into the real Filipino than one who has never put foot on these islands. Under such conditions our high officials always travel. Under such conditions Mr. Taft always traveled, and he has traveled thousands of miles in this archipelago. That his ignorance is not total is due solely to a remarkable acumen and insight into character, which has counterpoised in a very small degree the vicious influence of travel under such conditions.

The other classes are more summarily disposed of. We Americans hold all the offices there are which are worth while except some of the judgeships. As long as we continue to want the salaries of those posi-

tions. so long are we going to be a unit in declaring that the Filipinos are disqualified to hold them. Nor is a change of politics going to cause any change of heart. Although a Democrat myself, I am quite well assured there will be no lack of Democrats who are patriots for revenue, who, if they succeed to these positions now filled by Republicans, will just as quickly discover the unfitness of the native to hold any good-salaried job.

There are 167 high-salaried positions of which about 150 are held by Americans. We are guilty of a lot of tommy rot about "training up the natives to holding these positions," and we have no intention of letting them progress further than to be porters or messenger boys. That a number of high-salaried Filipinos are judges is to our shame, not to our credit. We could not help it. Mr. Taft declared that the collective intelligence, probity, and legal knowledge of the American bar in Manila fell short of the best judicial standards. He had to appoint Filipinos. A single instance will illustrate the status of every American officeholder in the Philippine Islands.

Both the civil and military governments are buyers of enormous quantities of supplies. They now favor American tradesmen, a patronage which would naturally revert to Filipino dealers upon a change of governmental policy. The daily (American) newspapers are, of course, the most virulent advocates of the "uplift" rot. Given to them the loss of the government and of their commercial advertising and they could not live a week. They—newspapers and merchants—are strenuous and united in urging the ingress of American capital. Every dollar of American capital planted in their country cements by a new tie the continuity of present relations. These benighted "savages," so unfit for self-government, have the perspicacity of vision and acumen to grasp this fact and oppose it bitterly.

The newspapers use this as an argument to show that these people have not intelligence enough to grasp the fact that outside capital brings prosperity to a people, ergo, they have not sense enough to govern themselves. The military are no whit behind. They like their tour of duty. They are at less living expense, their travel back and forth is free, and their pay automatically goes up 10 per cent during their detail to the Philippines. In short, we, about all of us, have an ax to grind. Even I am not quite fit to cast the first stone. I have resided here for 11 years because I love the Tropics, and my occupations has given me opportunity to explore this great country from the Batanes to the Sulu Archipelago, and I am sometimes inclined to question if my sense of personal security would be quite as great under a native régime.

At the same time I feel I have no right whatsoever to let my selfish inclinations weigh for an instant against my country's unquestionable duty to give these people the bread (independence) and not the stone ("uplift") with which we attempt to fool them. When I said above, "my personal security," I rather meant to include my countrymen at large, upon whom reprisals might be made for having spoiled the Egyptians. As an individual, I am persona grata to my neighbors, and would feel more secure here at any time than on the streets of Boston.

Having no copyright upon your reserved powers of endurance, I will close.

Very truly, WM. S. LYON.

P. S.—As an afterthought, and which should have been embodied in my communication, I would call attention to the hollowness and insincerity of any pretense of ours that we mean to ever get out of the Philippine Islands. At this moment the Philippine Assembly is besieged on every side with an attempt to load ourselves upon them in perpetuity with a service pension bill. Not only is every official from the Governor General down lobbying for it, but even the Philippine judges, whose influence is great, are making the same fight. Realizing that their pro-American tendencies would, under native rule, relegate them to private life, they are making hay while the sun shines to get securely landed on the pension roll for life, after a State service of 12 to 15 years. Such being the insolence of Mr. Forbes's and Mr. Worcester's demands. There is enough intelligence in the assembly to realize the nature of this assault upon their pockets. They know that under no circumstances will the United States grant them autonomy except upon their solemn obligation to sacredly observe all their laws affecting citizens of the United States, and they realize the iniquity of being forced to accep this life-everlasting burden.

But forced they are in danger of being. The American commissioners have now an outrageous bill of this nature to hand the assembly. The ultimatum will be, pass it or we will veto your most cherished legislation. Then publish you to the world as obstructionists incapable of self-government. Between the devil and the deep sea, and rather than be branded with so undeserved a stigma, there is a chance that they will be coerced into swallowing this bitter pill. Once give us a life grip upon all the good salaries there are, and we will give these people all the independence they ask for.

L.

Mr. KAHN. Mr. Chairman, will the gentleman from Virginia [Mr. JONES] yield for a question?

Mr. JONES. I will if I have the time.

The CHAIRMAN. The gentleman from Virginia has about four minutes remaining.

Mr. KAHN. The gentleman refers to the Filipino people. Whom does he mean by "Filipino people"?

Mr. JONES. I will say to the gentleman that when we speak generally of the Filipinos we mean all the people, Christian as well as non-Christian, civilized as well as uncivilized; but usually when I speak of the Filipinos I mean the 7,600,000 Christianized, civilized Filipinos. I exclude the Igorots and I exclude the Moros, who are reported to be fighting the United States forces in Jolo at this time. They constitute some 600,000 people. I do not speak of them as Filipinos any more than I would speak of the Indian tribes of America as "Americans" when I speak of Americans.

Mr. BATES. Mr. Chairman, may I ask the gentleman one question?

Mr. JONES. Yes.

Mr. BATES. If a foundling were left upon the gentleman's doorstep, I am sure his generous and humanitarian feelings would permit him to take it in and care for it. After having done so, should he find that on account of the increased cost of living it was becoming expensive to care for the foundling, would he throw it into the street?

Mr. JONES. My reply to the gentleman is that the Philippines were not left on the doorstep of the United States. The Filipinos had captured every Spanish post in the Philippine Islands—had captured their crack regiment, every position with the sole exception of Manila, and had we left the Filipinos alone they would have secured their independence within a few months from the time the Spanish fleet was destroyed. [Applause.]

Mr. BATES. One other question. Would they have been in as good a state of civilization as they are to-day if that had happened?

Mr. JONES. Well, I think they would. But of course that is a question that neither the gentleman nor I can answer with absolute certainty.

Mr. BATES. Would they have had American school teachers, for instance?

Mr. SAUNDERS. How far is it where they are fighting at Mindanao to the place where Aguinaldo is?

Mr. JONES. It is some 1,000 miles by water to where the fighting is going on. I wish to say that Aguinaldo, who is charged by these Manila correspondents with inciting the trouble down in Jolo, was never in Jolo in his life. He does not speak the language which is spoken there, and he would not, if he was there, understand a word that was said. Indeed, the constabulary and scouts that are reported to be engaged in fighting the Moros are Filipinos. Aguinaldo's sympathies are not likely to be with the Moros as against his own people. The troops that are endeavoring to put down the Moro revolt that Aguinaldo is falsely accused of inciting are Filipino troops.

Mr. SHERLEY. Mr. Chairman, I do not believe that a nation, any more than a man, can live by bread alone. And I do not believe that the policy of the American people touching the Philippine Islands can be determined by any summing up of a financial statement of receipts and expenditures. [Applause.]

With much of what the gentleman from Virginia [Mr. JONES] has said I am in accord, though had I had the information that he states he has touching the conduct of the Governor General of the Philippine Islands, I would have felt it my duty as a representative of the people of America to stand upon this floor and ask his impeachmnt. If I believed—and I neither believe nor disbelieve, because I have not the information—that the statements which he has made are accurate, touching the Governor General, then I should feel that he ought to be removed from office because of malfeasance in office.

I also am prepared to admit that we have spent vast sums in the past and are spending large sums now in connection with the Philippines; that they ever will be profitable in a dollar-and-cents way to the people of America I gravely doubt. I for one have never believed it. I also, claiming to be a Democrat, am desirous of the day when we can give to the Filipinos an independence that will mean something to them; that will be a real independence; that will carry to them real liberty of every sort and kind; but I am unwilling now to undertake to prophesy as to the future. I have never seen any wisdom in legislatively determining that a certain fact will happen upon a given date in the future, whether it does or not. My party stands committed, and properly stands committed, to the proposition that whenever the Filipino people are capable of maintaining a stable Government they should be given their independence. Upon that I stand with my party.

But I am not prepared to say that on the Fourth of July of any given year in the future that condition will have arrived; and not being able to span the future with the flimsy bridge of thought, I am unwilling to say legislatively that upon such a day, at such an hour, their independence should be given them.

This I believe to be the sacred duty of any party in power—to so conduct the affairs of the Philippine people as to cause them to make as rapid progress as is possible toward self-government. To them we owe "honor and faith and a sure intent." We have no right to, we dare not, exploit the Philippines; but I am unwilling to accept, as the voice of the Filipino people, the voice of a limited number of officeholders in the Philippine Islands, whether they be Americans or Filipinos. [Applause.] I am unwilling to accept Manila as the judgment of the Philippines.

I have not a very elaborate acquaintanceship with those islands. My personal contact with them amounted to the same as that of the gentleman who is chairman of the Committee on Insular Affairs. We both visited those islands for a limited length of time. Men get various impressions from what they see. I realize that with a very small percentage of the people of those islands able to talk to each other in any common

tongue, it is a rather difficult proposition to arrive at what the islands as a whole desire by the expression of a limited number of people in Manila or here. I know of nothing that is of such tremendous value to the Filipino people as a whole as the fact that the people of America are aiding them, through the common schools there, to come to the use of a common tongue, that there may be an exchange of ideas and of wishes among the various peoples of those islands. Few realize how widely different in habits, in customs, in feelings, the various sections of the Philippines are.

The gentleman from Virginia says that when he usually speaks of the Philippines he speaks for the Christian Filipinos, and he does not usually have in mind, in speaking of them, the Moros, those who inhabit the lower part of the archipelago. And yet they constitute no inconsiderable part in numbers, and they constitute no inconsiderable force in fighting power; and when you come to determine the peace of those islands when we shall withdraw from them, you have to consider—aye, to consider on behalf of the Christian Filipinos—what the effect may be upon the non-Christian Filipino tribes.

I hope that every charge that has been made by the gentleman from Virginia will be investigated, and I hope, if any of them are true—and I again say I express no opinion, because I have not the facts upon which to base an opinion—that every man guilty of a violation of his trust there shall be severely punished. I would spare no one, because, I say again, the very test of American civilization will come in our dealings with the Filipino people, and we dare not stoop to anything beneath the very highest ideals of the English-speaking race. But I am not prepared to agree to the proposition that in our occupancy of the Philippine Islands we have been a detriment and a hurt to the Filipino people.

I shall not here attempt a summary of what has been done or what has been left undone, but I believe that no man can make an impartial study of our actions in those islands without coming to the conclusion, when you weigh the good with the bad, that our occupancy has been beneficial. It is no slight task. I know the danger that comes from undertaking to govern another people. The idea in its abstract statement is abhorrent to my nature. And yet I realize, whether wisely or unwisely, there came from the signing of the treaty of peace with Spain certain responsibilities upon the people of America, and those responsibilities they can not shirk, and they will not shirk. [Applause.]

If in the carrying out of those obligations there have been done those things that should not have been done, let the punishment be swift and sure. Let those of us that now assume the responsibilities of government see to it that no indictment, such as that which the gentleman from Virginia has brought against the existing administration, can be brought against us; but let us not undertake to determine in advance the happening of events that only time itself can determine. Let not men, out of a false idea, and by what I believe to be not the voice of the Philippine people as a whole, determine this question.

It is because of this, that I did not want to let go unchallenged what seemed to be the conclusion of the gentleman from Virginia touching the duty of gentlemen on this side of the Chamber and touching the probable policy of the incoming administration. In what I have said I speak only for myself, as I only have the right to speak; but I believe that I also voice somewhat the thought, somewhat the belief, and somewhat the aspirations of the people of America. [Prolonged applause.]

Mr. GOOD. I yield five minutes to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Chairman, a moment ago the gentleman from Virginia [Mr. JONES] said that he did not refer to the Igorots when he spoke of the Filipino people. The Igorots are the wild mountain tribes that inhabit northern Luzon. The Tagalogs, many of whom clamor for independence, live in and about Manila. They fear and dread these wild pagan mountaineers even as the Spaniards feared and dreaded them during the days of Spanish occupancy. The native governor of a Province just on the border of the territory where these Igorots live—the Christian governor, if you please—made the remarkable statement that in his judgment the best thing to do with these wild Igorots is to kill them all. That was his idea of how they ought to be treated. Now, I am opposed to giving independence, or to saying when we shall give independence, to a people who have yet, evidently, to learn the true meaning of independence.

Mr. QUEZON. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from California yield to the gentleman from the Philippine Islands?

Mr. KAHN. Yes; I will yield.

Mr. QUEZON. While I do not question the accuracy of the statement made by the gentleman that the governor of a Province south of the territory inhabited by the Igorots said that the best Igorot is a dead Igorot, yet I should like to ask the gentleman if he has not heard a similar expression in the United States, and I will ask him if he thinks the American people should be charged with the fact that somebody has made that statement.

Mr. KAHN. I suppose the gentleman refers to a statement attributed to an Army officer, who said that the only good Indian is a dead Indian, but the cases are not at all parallel. Here is the governor of a Province, the official charged with the execution and enforcement of the laws of that Province—the man whose duty it is, above all others, to maintain law and order. Yet he, forsooth, would kill off the people who are immediately to the north of him, who are not Christians, because he does not believe they have the right to live.

Mr. JONES. Will the gentleman allow me to ask him one question?

Mr. KAHN. Certainly.

Mr. JONES. I think what the gentleman says is perfectly true about the disposition of the Moros, that they would kill the Christian Filipinos. I think that statement is perfectly true. But how does that comport with the report from Manila published all over the country yesterday that Aguinaldo, a southern Tagalog resident of Cavite Province, has been down there inciting those people, who would kill him, to rebellion against the United States Government?

Mr. KAHN. I did not see any article in any newspaper which indicated that Aguinaldo was in the Moro country inciting those people. I did see some statement to the effect that he was inciting them, but I saw no reference anywhere to his personal presence in the Moro country. But I did not intend to discuss the Philippine question at this time.

I desire to address myself more particularly to the question of the reorganization of the Army. During the discussion a few days ago on the Army appropriation bill the gentleman from Kentucky [Mr. HELM] stated that annually on this floor a statement is made that the War Department is making an effort to reorganize the Army, and then as soon as the Army appropriation is out of the way the matter is dropped for an entire year, only to be resurrected upon the consideration of the next military supply bill. I wish to state to the House that the War Department has perfected a plan for the reorganization of the Army. Although the matter was taken up actively only about a year ago, the department is now putting that plan into actual operation in the Middle West. It has formulated a full report on the reorganization of the land forces of the United States, and I ask unanimous consent to insert that report in the RECORD.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks by inserting the document referred to. Is there objection?

There was no objection.

The document referred to is as follows:

REPORT ON THE ORGANIZATION OF THE LAND FORCES OF THE UNITED STATES.

SYNOPSIS.

I. General relations between the land and naval forces.
II. Relations between the land forces at home and abroad.
  1. The detachments on foreign service.
    Philippines.
    Oahu.
    Panama.
    Guantanamo.
    Alaska.
    Porto Rico.
  2. Summary of advantages to be derived from a separate organization of the detachments on foreign service.
III. The land forces within the territorial limits of the United States.
  1. The traditional military policy of the United States.
  2. The time required to raise armies.
  3. Two classes of citizen soldiers, organized and unorganized.
  4. Relation of the Regular Army to the Nation's war power.
  5. Employment of regulars and citizen soldiers in Great Britain.
  6. The joint use of regulars and citizen soldiery.
IV. The peace administration of the regular land forces.
  1. Relations between the Coast Artillery and the mobile army.
  2. Essential differences affecting the administration of Coast Artillery and mobile forces in peace and war.
  3. The distribution of the mobile army and its relation to tactical organization and administration. The policy of segregation as outlined by the Secretary of War.
  4. A proposed organization for the peace administration of the regular land forces.
  5. The difficulty of securing a tactical organization in peace, as illustrated by the actual distribution of the troops in the present central territorial division.
  6. The present subdivision of commands in the central territorial division.
  7. A plan of tactical organization and administration adapted to the present dispersion of the mobile army.
  8. Quartering and administering the mobile troops in peace.

V. The necessity of a reserve system.
1. Maintenance of strength in war.
2. The solution of the problem.
3. Power of expansion.
4. Proposed plan for a Regular Army reserve.
5. The relation of the reserve system to foreign service.
6. Unorganized reserves.
7. Status of the reservist.
8. Special reserves.
9. Reserve officers.
10. Reserves for the citizen soldiery.
11. Prolongation of the term of service in time of emergency.
12. The relation of localization to the reserve problem and to recruitment.

VI. The tactical organization of mobile troops.
1. Infantry.
2. The Infantry brigade and the division.
3. Cavalry.
4. Field Artillery.
5. Ammunition service.
6. Components of the division and the field army.

VII. Relation of promotion to organization.

VIII. An initial tactical organization for the mobile army with a program of gradual expansion into a field army.
1. The troops available after providing for the foreign garrisons and the policy of organization proposed.
2. The proposed organization of the skeleton field army.
3. First increment of the skeleton field army.
4. Subsequent increments of the field army.
5. The number of general officers required by the tactical organization.
6. Additional officers required for duties other than regimental.

IX. Raising and organizing the national volunteer forces.
1. Limitations upon the availability of the State militia as a national force.
2. Establishment of division districts as a means for systematically raising and organizing the volunteer forces.

X. Considerations determining the strength, composition, and organization of the land forces of the United States.

XI. A council of national defense.

I.

General relations between the land and naval forces.

A general consideration of our responsibilities and our geographical position indicates that the maintenance of our policies and interests at home and abroad demand an adequate fleet and a well-organized and sufficient army. The function of the Navy is to secure and maintain the command of the sea. To accomplish this it must be free to seek and defeat the enemy. The use of any part of the fleet for local defense therefore defeats the chief object of naval power. The principal rôle of the Navy is offensive and the requirements of local defense must be met by other means. A fleet unsupported by an army is unable to secure the fruits of naval victory; a fleet defeated at sea is powerless to prevent invasion. The solution of the problem of national defense lies, therefore, in the provision of suitable land and sea forces and a due recognition of their coordinate relations.

II.

Relations between the land forces at home and abroad.

Any plan for the organization of the land forces of the United States should be based upon a recognition of the fact that these forces are and must be divided into two distinct parts:

1. The Army on service beyond the territorial limits of the United States.

2. The Army within the territorial limits of the United States.

The Army on detached service beyond the territorial limits of the United States consists of the detachments required to meet the special military problems of the Philippines, Panama, Oahu, Alaska, Guantanamo, and Porto Rico. Each of these detachments has a distinct tactical and strategic mission and is to operate within a restricted terrain. All of them depend upon over-seas communication with the home country, and all of them may therefore be isolated for considerable periods, especially in the critical first stages of war. It is obvious that under these circumstances these detachments should be prepared to meet all military emergencies until reenforcements from the United States can reasonably be expected. They must therefore be organized with the view to being self-supporting until the Navy has accomplished its primary mission of securing the command of the sea.

The Army within the territorial limits of the United States is on an entirely different basis. It may or may not be given an adequate strength in time of peace, but it is supported by all of the resources of the Nation. It may be increased at the pleasure of Congress, and it may be reenforced by considerable forces of citizen soldiery. It follows from these considerations that the military establishment of the United States in time of peace should first provide effective and sufficient garrisons for the political and strategic outposts of the United States and that the residue at home should be organized with the view to ultimate expansion into such war forces as national interests may require. The essential difference between the forces at home and the forces abroad is thus seen to be that they have different capacities with reference to expansion at the outbreak of war. The Army at home is expansible to the highest degree, while the detachments abroad are not expansible at all in the brief but critical period that marks the first stage of modern war.

1. The Detachments on Foreign Service.

The minimum garrisons required for the maintenance of national interests beyond the limits of the United States are as follows:

The Philippines.—Four regiments of Infantry at maximum statutory strength (150 men per company), 2 regiments of Cavalry at maximum statutory strength (100 men per troop), 2 battalions of Field and Mountain Artillery (6 batteries), 2 companies of Engineers, 2 companies of Signal troops (one of these a field company), 24 companies of Coast Artillery, 52 companies of Philippine Scouts, 1 ambulance company, 1 field hospital, with detachments pertaining to the Ordnance Department and enlisted men of the Hospital Corps on duty with organizations.

It is the duty of this force to support the authority of the United States throughout the archipelago, and in war it must be prepared to hold the defenses of Manila Bay at all costs until our fleet is free to operate in eastern waters. The garrison of mobile troops proposed for the Philippines comprises substantially the same enlisted strength as has been included in the garrison maintained there for the past few years. It is proposed to increase its economy and effectiveness by concentrating the bulk of this garrison in the vicinity of Manila. It is also proposed to maintain organizations permanently or for long periods in the Philippines, thus avoiding the waste of money and loss of efficiency due to frequent changes of station between the islands and the United States. Until recently entire organizations have been shifted; under the new policy the personnel will gradually be changed as enlistments expire or as the officers complete their allotted tours, but the organizations will remain where they can prepare and train for their peculiar functions in peace and war. The expense of this garrison has further been reduced by replacing 12 regiments of Infantry and Cavalry at reduced strength by 6 regiments of Infantry and Cavalry at the maximum strength authorized by law. This materially reduces the per capita cost of the Philippines garrison and permits the withdrawal of six regiments for use at home or in the other foreign garrisons.

Oahu.—The maintenance of this naval base is essential to the defense of our Pacific coast and to securing the full military value of the Panama Canal as a strategic highway between the two oceans. Pearl Harbor will be covered by seacoast fortifications, which are now nearing completion; but as the coast defenses of Pearl Harbor will be unable to prevent hostile landings on the 100 miles of coast which lie beyond the range of their guns, the security of the island and of the naval base ultimately depends upon maintaining a mobile force sufficient to defeat such hostile forces as may succeed in landing at any place on the island. Under conditions of modern warfare we can not count with certainty upon reenforcing the peace garrison of the island after a declaration of war or while war is imminent. The security of our naval base in the Pacific, therefore, demands that the garrison of Oahu must be able to hold out at all hazards until our fleet can arrive in Hawaiian waters. This may be taken as 40 days, assuming that the fleet is not employed on another mission and that the Panama Canal is open to its use.

The minimum peace garrison of Oahu is, therefore, placed as follows: Six regiments of Infantry at maximum statutory strength (150 men per company), 1 regiment of Cavalry at maximum statutory strength (100 men per troop), 3 battalions of Field Artillery (9 batteries), 1 company of Engineers, 1 field company of Signal troops, 10 companies of Coast Artillery, 1 ambulance company, 1 field hospital.

Plans are being made for the expansion of the Hawaiian National Guard and the organization of volunteers from the American population. But the foundation of the defense must rest upon trained regulars who are familiar with the complicated terrain of the island. Our naval base in the Pacific will never be attacked except by troops of the highest skill and training and the attack will be made before extemporized troops can be prepared or hardened for full military effectiveness.

Panama.—Upon its completion the Panama Canal will be our most important strategic position. By our control of this highway between the two oceans the effectiveness of our fleet and our general military power will be enormously increased. It is therefore obvious that the unquestioned security of the canal is our most important military problem. The permanent garrison must be strong enough to guard the locks and other important works and to prevent a naval attack which under modern conditions may even precede a declaration of war. We must therefore be able, even in peace, to man the seacoast guns that cover the approach to the canal, and we must have enough mobile troops to protect the rear of the forts and to defeat naval raids. A modern fleet can land a raiding party of several thousand bluejackets, and such a force landing out of range of the seacoast guns could penetrate to some vulnerable part of the canal within a few hours. The permanent garrison must therefore include a mobile force strong enough to anticipate and defeat naval raids at the beginning of hostilities and to secure the canal until reenforcements can be expected from the United States.

The minimum peace garrison necessary for the defense of the canal is as follows: Three regiments of Infantry at the maximum strength recommended in Chapter VI of this report, 1 battalion of Field Artillery (3 batteries), 1 squadron of Cavalry, 1 Signal company, 1 Engineer company, 1 ambulance company, 1 field hospital, and 18 companies of Coast Artillery.

By treaty with the Republic of Panama this garrison should be given facilities in time of peace to operate beyond the Canal Zone, in order that the troops may be properly trained for their special mission and be made familiar with the terrain over which they may be called upon to operate in defending the canal.

Guantanamo.—The policy of the United States contemplates the establishment of a naval base at Guantanamo. It is most necessary that the garrisons of Coast Artillery and mobile troops necessary for its land defense should be determined with the least possible delay.

Alaska.—The present garrison of Alaska comprises one regiment of Infantry and two companies of Signal troops. As troops can be withdrawn from Alaska only during a part of the year, this garrison can not be included among the troops available for general military purposes. The assignment of one Infantry regiment as the garrison for Alaska is not with any idea of the defense of the Territory in the event of war, but simply to furnish a police force to quell local disorders.

With the settled conditions that now obtain in the government of Alaska it is believed that the time has come to relieve the Army from this police duty and that a force of constabulary should be organized and charged with the police of the Territory. The two companies of the Signal Corps should also be withdrawn and the lines turned over to the proper civil authorities.

Porto Rico.—The garrison of this island is the Porto Rico Regiment of Infantry, comprising two battalions, or eight companies. Its enlisted men are native Porto Ricans. Its field officers are detailed from the United States Army, and its captains and lieutenants, some of whom are Porto Ricans, are specially commissioned for this regiment. This regiment might serve outside of Porto Rico under certain contingencies, but it can not be considered as available for general military purposes.

It is recommended that this regiment be completed so as to conform in organization to the Infantry regiment recommended in this report and that promotion to the grade of major be authorized for the permanent officers of the regiment.

Passing through this regiment each year are a number of trained men. It is recommended that two regiments of National Guard be organized in Porto Rico, which, with the regular regiment, would form a brigade. The detailed colonel of the regular regiment should also be given the militia rank as brigadier general and be charged, under direction of the governor, with the administration and training of the National Guard of Porto Rico and with the command of the brigade whenever it operates as such.

The following table gives a summary of the minimum forces required for the maintenance of national interest in the outlying possessions of the United States:

	Philippines.	Oahu.	Panama.	Alaska.	Porto Rico.	Total for foreign service.
Regiments of Infantry	4	6	3	1		14
Regiments of Cavalry	2	1	½			3½
Battalions of Field Artillery	2	3	1			[1] 6
Companies of Coast Artillery	24	10	18			52
Companies of Philippine Scouts	52					52
Porto Rico Regiment of Infantry					1	1
Companies of Engineers	2	1	1			4
Field companies, Signal Corps	1	1	1			3
Other companies, Signal Corps	1			2		3
Field hospitals	1	1	1			3
Ambulance companies	1	1	1			3

[1] The equivalent of 3 regiments of Field and Mountain Artillery under the existing organization.

The following table gives the total numbers of organizations now existing in the Army of the United States, the total numbers required to meet the minimum requirements of the foreign garrisons, and the residues that will be available within the United States after providing the minimum requirements of the foreign garrisons:

	Total organizations in military establishment.	Required for foreign service.	Organizations remaining at home after providing for the foreign garrisons.
Regiments of Infantry	30	14	16
Regiments of Cavalry	15	3½	11½
Regiments of Field and Mountain Artillery	5	3	2
Regiments of Horse Artillery	1		1
Companies of Philippine Scouts	52	52	
Porto Rico Regiment of Infantry	1	1	
Companies of Engineers	12	4	8
Field companies, Signal Corps	5	3	2
Other companies, Signal Corps	7	3	4
Field hospitals	4	3	1
Ambulance companies	4	3	1
Coast Artillery companies	170	52	118

2. SUMMARY OF ADVANTAGES TO BE DERIVED FROM A SEPARATE ORGANIZATION OF THE DETACHMENTS ON FOREIGN SERVICE.

The following advantages will result from the organization of the foreign garrisons as distinct and separate parts of the military establishment:

1. *Simplification of the problems of training and administration.*—Until recently the organizations have been shifted back and forth between home and foreign service. There has been in consequence a constant change of function and an incomplete or imperfect adaptation of the shifting units to either function.

2. *Simplification of problems of organization.*—Under the old system, although there were distinct kinds of service and an actual separation of the Army into parts, yet the difference of function of these parts has not been recognized as the basis of organization. The Army has been treated as a homogeneous whole, with the same organization at home and abroad. Regiments that have been maintained at low strength at home on the theory of expansibility have been maintained at the same strength on foreign service, where expansion of any kind is impracticable.

3. *Greater economy.*—Keeping war strength units permanently on foreign service will reduce the per capita cost of the foreign garrisons. The reduction in cost for any given foreign garrison is due chiefly to the following causes:

(a) *Economies due to the maintenance of permanent organizations on foreign service.*—This necessarily results in reduced expenditure for transportation. With permanent regiments the transportation is limited to that required to maintain the desired strength; that is, the transportation of officers and enlisted men who return to the United States on account of disability or upon discharge, or upon the completion of the allotted time of foreign service, and the transportation of the officers and men who are sent out to fill vacancies. With shifting regiments, in addition to the above-described maintenance travel, entire organizations with all personnel and impedimenta must be transported at stated intervals.

(b) *Economies due to increased enlisted strength in existing organizations.*—This necessarily results in greatly reduced cost per effective combatant soldier. If 900 enlisted men be formed into a new regiment the pay and allowances of additional officers and high-priced noncommissioned officers must be considered. But if the same number of men be added to organizations already in existence there is no appreciable increase in overhead or administrative expenses, and it is only necessary to estimate for the pay and allowances of the privates added. In any given garrison the cost of barracks and quarters is determined largely by the number of companies. The per capita cost for housing is therefore a minimum when the enlisted strength per company is a maximum.

It is calculated that the annual cost of the proposed garrisons of the Philippines, Oahu, and Panama on the permanent war strength basis will be upward of $4,000,000 per year less than the cost of garrisons of the same strength maintained under the old system of shifting low-strength regiments. Barracks and quarters for the proposed garrisons will cost at least $6,000,000 less than barracks and quarters for the same enlisted strength organized as at present.

4. *Localization of regiments at home.*—As soon as we discontinue the transfer of organizations to and from foreign service we may localize the Army at home. This will result in further economies and in increased effectiveness. Problems of recruitment will be simplified and plans for the expansion of the home army into an effective war force will become more definite. The important problems involving the relations of the Regular Army to the citizen soldiery may be worked out on a more definite basis and will receive more intelligent attention when the functions and duties of the home army are recognized as distinct from those of the detachments abroad. While serving abroad the war preparation of officers and men will be for the defense of an important but restricted local terrain. While serving at home the war preparation of officers and men will be for general military service.

5. As problems of administration will be simplified, so will problems of executive policy and legislation. With the Army organized in distinct units, each with definite functions, it will be easier for Congress to determine the real military needs of the Nation. The complex problem of national defense will be simplified by a resolution into several distinct and separate problems, each to be met by a separate and distinct military organization.

III.

The land forces within the territorial limits of the United States.

1. THE TRADITIONAL MILITARY POLICY OF THE UNITED STATES.

The problem of military organization has two aspects, a dynamic aspect and a political aspect. The measure of military force required to meet any given emergency is purely dynamic, while the form of military institutions must be determined on political grounds, with due regard to national genius and tradition. There can be no sound solution of the problem if either of these fundamental aspects be ignored. The military pedant may fail by proposing adequate and economical forces under forms that are intolerable to the national genius, while the political pedant may propose military systems which lack nothing except the necessary element of trained and disciplined military force. The practical military statesman must recognize both of these elements of the problem. He does not propose impracticable or foreign institutions, but seeks to develop the necessary vigor and energy within the familiar institutions that have grown with the national life. But the ultimate test is dynamic. In any military system the final test is capacity to exert superior military force in time to meet any given national emergency.

It is the traditional policy of the United States that the military establishment in time of peace is to be a small Regular Army and that the ultimate war force of the Nation is to be a great army of citizen soldiers. This fundamental theory of military organization is sound economically and politically. The maintenance of armies in time of peace imposes a heavy financial burden on the Nation, and the expenditure for this purpose should be kept at a minimum consistent with effectiveness for war. But reliance upon citizen soldiers is subject to the limitation that they can not be expected to meet a trained enemy until they, too, have been trained. Our history is full of the success of the volunteer soldier after he has been trained for war, but it contains no record of the successful employment of raw levies for general military purposes.

It is therefore our most important military problem to devise means for preparing great armies of citizen soldiers to meet the emergency of modern war. The organization of the Regular Army is but a smaller phase of this problem. It is simply the peace nucleus of the greater war army, and its strength and organization should always be considered with reference to its relation to the greater war force which can not be placed in the field until war is imminent. The problem is one of expansion from a small peace force to a great war force. Its solution therefore involves the provision of a sufficient peace nucleus, the partial organization and training of citizen soldiers in peace, and provisions for prompt and orderly expansion on the outbreak of war.

But the practical solution of the problem can not be met by the promulgation of a general theory. The Army at any time and place must be strong enough to defeat any enemy that may oppose it at that time and place. We are concerned more with the time required to raise the force of trained troops than with their ultimate numbers. If we need 60,000 soldiers in a given terrain within 30 days and can only deploy 50,000 soldiers in that time and place, we are not prepared for the emergency, even if our plans provide for ten times that number at some period in the future. Whatever our military institutions may be, we must recognize the fundamental facts that victory is the reward of superior force, that modern wars are short and decisive, and that trained armies alone can defeat trained armies.

2. THE TIME REQUIRED TO RAISE ARMIES.

The time required for the training of extemporized armies depends largely on the presence or absence of trained instructors. If there be a corps of trained officers and noncommissioned officers and a tested organization of higher units with trained leaders and staff officers, the problem of training is limited to the training of the private soldier. This can be accomplished in a relatively short time, and under such conditions if arms and equipment are available a respectable army can be formed within six months. But where the leaders themselves are untrained and where officers and men must alike stumble toward efficiency without intelligent guidance, the formation of an efficient army is a question of years. Indeed, such a force can not become an army at all within the period of duration of modern war. As the American War of 1861–1865 presents the singular phenomenon of two extemporized armies gradually developing while in conflict with each other, it is a most remarkable record of the evolution of such forces. In the conflicts of 1861 both officers and men were untrained for the duties demanded of them. Even the companies were imperfectly organized as units of the regiment, and the lack of cohesion was still more apparent in the higher units. Bull Run disorganized both armies. One was demoralized by defeat and the other by victory. By 1862 effective regiments, brigades, and divisions had come into being, but the conduct and leading of higher units as a rule was still imperfect. It was not until 1863 that the armies confronted each other as complete and effective military teams. But even in the early stages of the war the influence of trained and able leaders was apparent. The time required to make an effective soldier depends very largely on the organization in which the recruit is enrolled. The recruit of 1861 could not become a good private until his captain became a good captain, but the recruit of 1863 was absorbed in a team already trained, and therefore became a trained soldier in a few months of active service. But while the history of the Civil War is instructive as a record of military evolution it can not be invoked as a guide of military policy, for we can count upon it that in our career as a world power no serious competitor will ever oppose us with extemporized armies.

In view of these considerations it is obvious that the citizen soldier must have some training in peace if he is to be effective in the sudden crisis of modern war. The organization in which he is to serve must exist and function in time of peace, and in view of the limited time available for training it should be a fundamental principle of American policy that no officer should be intrusted with the leadership of American soldiers who has not prepared himself for that responsibility in time of peace. The American soldier, whether regular or volunteer, is entitled to trained leadership in war.

It will never be possible for citizen soldiers to acquire thorough military training and experience in time of peace. Their training and hardening must be completed after mobilization, but the period required for such final training will be reduced exactly in proportion to the amount of training already received in time of peace. If the total peace training of a National Guard company is equivalent to two months in the field, it will be available for duty at the front two months earlier than a company of raw men, assuming other conditions equal in each case. But in any event during the period of final training, which will vary for different companies and regiments, the Regular Army must meet the situation at the front. If our citizen soldiery is put on a proper basis as to organization and training—a basis on which it does not now rest—its regiments will soon reenforce the line. Even with their limited peace training they will soon be effective for defense, and after a short period of field practice the best-officered organizations will begin to expand the Army for general military purposes.

3. TWO CLASSES OF CITIZEN SOLDIERY, ORGANIZED AND UNORGANIZED.

The traditional army of citizen soldiery should be considered as divided into two distinct classes, as follows:

1. The organized citizen soldiery, comprising those who are enrolled in definite military organizations and are partially trained in peace. This force is now known as the National Guard, and is organized under the militia clause of the Constitution.

2. The unorganized citizen soldiery. Included in this class is the Reserve Militia, which is made up of all the able-bodied citizens liable for militia duty, but who are not enrolled as members of the National Guard.

In the past the citizens liable for military duty have served the Federal Government under three distinct conditions: First, by being enrolled into a militia regiment which had been or was to be mustered into the service of the United States; second, by being enrolled into a State volunteer regiment; third, by being enrolled into a United States volunteer regiment.

For the purpose of the present discussion the term "National Guard" will be applied to the citizen soldiery which is actually organized in time of peace, whether as a State force or a National force, and the term "Volunteers" to the additional citizen soldiery which will be organized upon the imminence of war. The defects of the National Guard system, as now organized under the militia clause of the Constitution, will be considered in Chapter IX of this report. For the present the term "National Guard" will be applied for convenience to the organized citizen soldiery without reference to its legal status.

As the trained armies of modern nations will seek a decision in the early stages of war, and as extemporized armies will rarely be fit for use within the brief duration of such a conflict, it is obvious that our military policy should aim at increasing the peace strength and efficiency of the organized citizen soldiery. Provisions should be made for the organization of such new volunteer units as may be necessary on the outbreak of war, but it should always be the goal of sound policy to form the proper units in peace so that the war contingent of raw recruits can be absorbed into trained teams already in existence. This policy must be based upon the principle that a nation's military power is to be measured not by the total number of its male citizens capable of bearing arms, but by the number of trained soldiers with which it can meet a given emergency.

4. RELATION OF THE REGULAR ARMY TO THE NATION'S WAR POWER.

From a general consideration of our institutions and the requirements of modern war, it thus appears that the Regular Army is simply the peace nucleus of the greater war army of the Nation. Its strength and organization should therefore be determined by its relation to the larger force. It must form a definite model for the organization and expansion of the great war army, and it must also be prepared to meet sudden and special emergencies which can not be met by the army of citizen soldiery. Some of the special functions of the Regular Army are indicated below:

1. The peace garrisons of the foreign possessions of the United States must be detachments of the Regular Army.

2. The peace garrisons of our fortified harbors and naval bases with a sufficient nucleus of the mobile army elements of coast defense must be regular troops, definitely organized in time of peace.

3. The peace establishment of the Regular Army must be sufficient to prevent naval raids which under modern conditions may precede a declaration of war. A successful raid of this character may determine the initiative by giving the enemy a convenient base for future operations.

4. The Regular Army must form a mobile reserve prepared to reenforce the foreign garrisons during periods of insurrection and disorder.

5. The Regular Army must be prepared to furnish expeditionary forces for minor wars or for the occupation of foreign territory where treaty rights or fundamental national policies are threatened.

6. The Regular Army must be prepared to cooperate with the Navy in the formation of joint expeditions in support of the foreign interests of the United States and for the protection of American citizens abroad.

7. At the outbreak of war regular forces should be concentrated and ready to seize opportunities for important initial successes. Such opportunities will frequently be offered before the mobilization of the army of citizen soldiers can be completed.

8. At the outbreak of war special regular detachments should be ready to seize important strategic positions before they can be occupied or adequately defended by the enemy and before the concentration of the army of citizen soldiers is complete. Initial operations of this kind, such as seizing the crossings of a river frontier or a port of embarkation, frequently determine the future conduct of war and assure an early decision. Capacity to take the initiative with an effective force is the best preventive of war.

9. By its definite organization in peace the Regular Army becomes the nucleus of the greater war army. By its peace practice, its varied experience on foreign service, and its participation in expeditions the Regular Army becomes the experimental model of the volunteer army. It solves practical problems of equipment, armament, and supply, and makes its technical experience in these matters available for the larger force which is normally absorbed in peaceful occupations. It makes our war problem one of definite and orderly expansion instead of the vastly more difficult problem of extemporization.

10. The Regular Army will furnish a school of military theory and practice and will develop officers with special equipment and training for the higher staff duties in war.

11. Through its professional schools and General Staff the Regular Army will develop the unified military doctrine and policy which must permeate the entire National Army if it is to succeed in war.

12. Through its administrative and supply departments the Regular Army in peace will prepare in advance for the equipment, transportation, and supply of the great war army of the Nation.

5. EMPLOYMENT OF REGULARS AND CITIZEN SOLDIERS IN GREAT BRITAIN.

The land forces of Great Britain have been completely reorganized as a result of the experience of the Boer War. As the English system is based on the same principle of voluntary service as our own, and as her military establishment comprises a regular army for expeditionary purposes and a home defense army of citizen soldiery, it may be interesting to observe her solution of the problem of the mutual relations of the two forces. The British Army comprises the army in India and the colonies and the army at home. The latter is divided into the expeditionary force composed of regulars, and the territorial army composed of citizen soldiers. Both forces have appropriate reserves designed to raise their peace establishments to war strength and to replace wastage at the outbreak of war.

The expeditionary force comprises 6 infantry divisions and 4 cavalry brigades. Its function is to furnish immediate reenforcement to any of the foreign garrisons, to form expeditions in the conduct of small wars, and, at the outbreak of a great war, to form the strategic striking force by means of which Great Britain will profit by her naval command of the sea. The territorial army is composed of 14 infantry divisions and 14 cavalry brigades. It is composed entirely of citizen soldiers who enlist for four years and who have about the same amount of annual training as the best of our National Guard organizations.

Each division of either force comprises about 12,000 infantry with from 54 to 70 guns, about 320 divisional cavalry, with engineers, sanitary units, and other special troops. Each cavalry brigade comprises about 1,500 sabers.

The territorial army is definitely organized in division districts, and each of these districts contains an infantry division and a cavalry brigade. The men of the expeditionary force and their reserves are subject to service at any place where it may be necessary to send them in war. The divisions of the territorial army are primarily for home defense, and can not be ordered out of the United Kingdom, though individual officers and men and particular organizations may volunteer for active service abroad. In this respect the mission of the British territorial army is more restricted than that of our citizen soldiery. The general limitation of the territorial army to home defense is possible because the United Kingdom has no land frontiers. The strategic position of the United States is different in this respect. Our citizen soldiery must be ready to expand the war army for offensive operations especially if an enemy should threaten us from either of our land frontiers.

The British territorial army is to be called out at the outbreak of war, and through the preponderance of the British fleet it is expected that the force will have time to complete its training in the interval between mobilization and actual contact with the enemy. It will be ready for defensive operations almost immediately, and it is estimated by the army authorities that it will be effective for general military purposes in about six months after mobilization. The officers of the territorial army, like the enlisted men, are citizen soldiers. Each regiment and artillery brigade, however, has a permanent routine staff, consisting of an officer and instructor sergeants detailed from the regular forces. Each division district is commanded and inspected by a general officer and staff of two officers from the regular establishment. The permanent divisional staff keeps in touch with the progress of imperial war plans and is prepared at any moment to mobilize the division and place it in its allotted position in any particular military situation. This is in the interest of decentralization. The British war office thus deals with a limited number of divisions. Each division headquarters deals with the component units of its division. To concentrate a complete field army of regulars and volunteers at any threatened point on the British coast, it would only be necessary to send one brief telegram to each of three or four division commanders. Each division commander could simply issue orders already prepared by his staff, for details of mobilization, concentration, supply, and transportation are always kept up to date by the permanent regular staff of the divisions. The advantage of such simplicity is obvious. Under our centralized system, instead of three or four units to deal with in cases of this kind, there would be a hundred or more units to deal with, a hundred or more telegrams to write, a hundred or more transportation and supply problems to solve, and all this at a time of diplomatic and political stress.

The simplicity of the British system is based on the fact that both regulars and citizen soldiers are organized in divisions in time of peace. Each division is simply a little army complete in itself, and the whole army or any given field army is simply an aggregation of divisions. The war office does not deal with all of the multitudinous units that comprise the force. An order to one division commander is an order to all of the component units of his division. Under this system the absolute minimum is left to extemporization. The citizen soldiers of Great Britain have a definite place in a machine which is as definitely organized as the regular army. With us the whole system must be extemporized. With us the Regular Army as well as the Volunteer Army is a complex of units without permanent grouping.

6. THE JOINT USE OF REGULARS AND CITIZEN SOLDIERY.

In the defense of Great Britain regular divisions and territorial divisions will be combined in field armies for joint action. Any group of two or more divisions will form a field army. This permits the two forces to cooperate fully in the national defense and yet bases the ultimate grouping of the divisions on the undoubted differences of function of the two forces. This is pointed out because a different theory of organization has been proposed in this country, based on the idea of mixing regular troops and citizen soldiery in the same divisions. It has been proposed to form divisions comprising two brigades of Regulars and one brigade of citizen soldiers or one brigade of Regulars and two brigades of citizen soldiers, with various other combinations of these two classes of troops. A slight consideration will show the fundamental defects of this system.

In the first place, regular troops may and frequently will be dispatched on special missions before the citizen soldiery is called out. If the normal division organization includes both classes of forces, every time the regular troops are detached to perform their special functions one or more of the divisions of the normal organization will be disrupted. Again, while trained volunteers will be fully effective in war, it can not be disputed that at the outbreak of war regular

troops will have more training, greater endurance, and therefore higher maneuvering velocity. But a division is a fundamental army unit. If the regulars are formed in separate divisions, we will have a small force with the endurance and velocity necessary for the sudden strategic enterprises which determine the initiative in war. These divisions can move at once and may even be put in a favorable initial position for striking a blow at the very outbreak of war. They can be quietly concentrated in many cases before diplomatic and political conditions justify the calling out the National Guard or Volunteers. But if these forces are the component parts of mixed divisions they can not move as divisions at all until the citizen-soldier contingents of the divisions are embodied; and when they do more, the velocity and endurance of the mixed divisions will be determined by the condition of their newly mobilized elements. Under such an organization it will be impossible to utilize the special qualities of the highly trained nucleus, except at the expense of disrupting the normal organization at the very outbreak of war.

It is presumed that the main reason for suggesting the placing of regiments of citizen soldiery in brigades with regular regiments or the placing of citizen soldier brigades in divisions with regular brigades is to give raw troops the example of trained troops on the march and in battle. This will undoubtedly be an advantage in special cases, but it should not be made the basis of permanent organization. It should be our policy to develop our citizen soldiers in peace, so that they will no longer be raw troops when they meet the enemy. But the acceptance of this policy will not preclude the adoption of special measures to meet special occasions where raw troops must be employed to the best advantage. Even on the defensive, where untrained troops have always shown to the best advantage, it would seem that regular troops should not be completely dispersed in the trenches, but should be used as a reserve to repluse the main attack or to make an offensive counterstroke if an opportunity offers. Jackson's troops at New Orleans were able to hold an intrenched position with protected flanks, but he had no troops with sufficient organization or training to complete the victory by a vigorous pursuit of the defeated enemy.

We may therefore accept the following general principles as the basis of correct organization of our mobile forces:

1. The mobile elements of the Regular Army should have a divisional organization in time of peace. This requires that it be organized in tactical divisions, even if these divisions be incomplete and insufficient in number. Even a small army should be correctly organized as an army.

2. Every effort should be made to give a divisional organization to the organized citizen soldiery in time of peace. If our citizen soldiers ever go to war, they must be organized into divisions before they can be employed effectively against the enemy. In order to employ them promptly every possible detail of this organization should be settled in time of peace.

Whenever it becomes necessary to reenforce the Regular Army and the National Guard by volunteer organizations, it is important that they should be prepared for effective service in the minimum of time. This requires that they be formed by trained officers acting under prearranged plans. It is believed that this can best be accomplished by forming the new organizations as United States Volunteers under a national volunteer law like that proposed in S. 2518, known as the du Pont bill. (A copy of this bill, with a memorandum by Senator DU PONT on the history of the volunteer forces, is appended to this report as Appendix I.)

So long as our National Guard is organized under the militia clause of the Constitution it will be impracticable to provide Federal division commanders in time of peace. But under the power to organize and inspect the militia it would seem feasible to organize definite districts, to encourage the formation of the necessary units, and to give each division an inspection staff, through which the war preparation can be kept up in peace.

Each division district should contain a complete division, and all of the plans for its mobilization, supply (the supply-depot system should be extended so that the matériel and equipment necessary to equip any organization to war strength would be centrally stored within the division district. Requisitions should be filled from these depots and the stores issued replaced, so that a minimum of deterioration would result. The ideal condition would be to have this additional war equipment actually in the hands of organizations, but this can not be accomplished generally with the National Guard until adequate storage facilities have been supplied), and concentration should be prepared in peace and continually corrected to date. This can only be accomplished by assigning trained officers to arrange the details of organization under the supervision of the General Staff, which is intrusted by law with plans for war. Under present conditions it would be necessary to organize the fundamental war units after mobilization. The War College can and has prepared plans for such mobilization, but in the absence of a definite policy embodied in the law there is no assurance that such plans can be carried into effect. Solid and stable arrangements for mobilization can not be based on a hypothetical policy. Until there is a legalized system our actual mobilization will depend upon political conditions at the time of the crisis. Gaps in our legislation will be filled in haste, and no human agency will be able to predict what the law will be. Our traditional theory of a small Regular Army and a great war army of citizen soldiers is not yet embodied as a definite institution. The mobilization of our citizen soldiery to-day would not result in a well-knit national army. It would be an uncoordinated army of 50 allies, with all of the inherent weaknesses of allied forces emphasized by the unusual number of the allies.

A more detailed discussion of the national citizen soldiery will be presented in Chapter IX, after a consideration of the organization and distribution of the regular forces.

IV.

The peace administration of the regular land forces.

1. RELATIONS BETWEEN THE COAST ARTILLERY AND THE MOBILE ARMY.

The land forces of the United States are divided into two distinct parts, the Coast Artillery and the mobile army. The coast fortifications are local in character and are designed to protect important seaports from direct naval attacks and naval raids, to prohibit hostile landings at particular places, to secure our naval bases in the absence of the fleet, to prohibit the use of certain harbors and waters as bases for naval operations against us, to secure safe havens for our vessels, and to release our fleet for offensive operations. The influence of coast fortifications is limited to the areas within the range of their guns, and while they must be recognized as of supreme importance, within the scope of their proper functions, it must not be supposed that they have any power to prevent invasion if we should lose command of the sea. The total length of our coast line is enormous, and the stretches covered by harbor defenses are and must remain very small compared with the unprotected intervals that lie between them. If we should lose the command of the sea, an invader would simply land in one of these intervals. It therefore follows that our ultimate defense depends upon defeating a mobile army of invasion, and this can be done only by having a mobile army prepared to operate in any possible theater of war. The complete defense of our coasts is therefore a problem of cooperation between Coast Artillery and mobile forces.

2. ESSENTIAL DIFFERENCES AFFECTING THE ADMINISTRATION OF COAST ARTILLERY AND THE MOBILE ARMY IN PEACE AND WAR.

The general relations between the coast fortresses and the mobile troops have already been indicated. Their essential difference lies in the fact that the Coast Artillery is local and will remain local both in peace and in war. The mobile forces, however, will not be confined to a definite territory. They occupy peace stations for purposes of training, but it can never be predicted in what theater of war they may be employed. The coast batteries that cover the entrance to New York Harbor will remain in their present positions in any contingencies, but the mobile forces that may be stationed in the vicinity of New York may be employed at any place within the sphere of national interest.

A correct organization of the two forces should, therefore, be based upon a recognition of these essential differences. The Coast Artillery is territorialized and may properly have a territorial organization in war and peace.

The mobile army, however, must be free to move and should not be tied by its peace administration to any particular locality. The present organization of our Army violates this principle. The same brigadier general commands mobile troops and immobile troops under a system of administration which must necesarily break down in war.

The organization of the Department of the Gulf is a typical example of this illogical arrangement. This department comprises 1 regiment of Infantry, 1 regiment of Cavalry, and 27 companies of Coast Artillery. The organization seems to be based on some idea of convenience for peace administration, but is not designed to meet any military contingency. It is unsound, because the command itself is an illogical command, it being impossible to conceive any military situation which would properly place those units under a single commander in war. It is also unsound, because it must be immediately disrupted in war and the whole machinery of administration broken up at the very time when definite organization is of supreme importance. It would, therefore, seem that a correct organization of our land forces should provide homogeneous commands for our brigadier generals in time of peace. This can be accomplished by grouping the present Coast Artillery districts into three Coast Artillery inspections and by giving a definite brigade and division organization to the mobile troops. Under this arrangement the eastern territorial region will comprise two Coast Artillery inspections and the nucleus of the first division of the mobile army, with certain extra divisional auxiliaries. The central territorial region will comprise the nucleus of the second division of the mobile army, with two or more Cavalry brigades and other extra divisional troops. The western territorial region will comprise one Coast Artillery inspection and the nucleus of the third division of the mobile army.

With the present distribution of our mobile army a strict administration by tactical units is not wholly practicable, but under the policy of concentration proposed by the Secretary of War it is expected that the mobile army will ultimately be segregated in strategic localities so that tactical units may be trained and administered as such. There must be a period of transition, however, before this ideal can be realized, but during this period of transition the organization should be based upon the idea of the military employment of the troops. Because a force is dispersed can hardly be urged as a reason for an incorrect organization. The troops must ultimately receive a tactical organization before they can fight, and the fact that they are dispersed is really an additional reason for attempting to correct their organization in time of peace.

Even where mobile troops are concentrated the commander of the territorial region must perform certain territorial functions. In addition to the command of his tactical units he will generally have problems of recruitment and supply and may be charged with the preparation of plans for the joint use of Regulars and National Guard in several possible theaters of war, but the territorial functions should be kept separated from the tactical functions. (See note in reference to supply depots. These supply depots should be under the control of the territorial commanders recommended in this report. All plans for mobilization should be so completely worked out that the equipping of a unit to war strength should simply mean the releasing of the necessary equipment from the proper depot.) This can be accomplished by a proper organization of the staff. One part of the staff should deal with the mobile tactical units in the command and should be free to move when those units are assembled for war, while the other part of the staff should deal with the territorial functions, such as the care of posts and supply, and should continue to perform those functions after the troops have gone into the field.

It is a matter of no little inconvenience that the word "division" is rendered ambiguous in our service by being applied to two entirely distinct things. In all languages the name "division" is applied to a force of all arms which is the fundamental mobile army unit. The word is used in this sense with us, and it is also applied to the territorial areas into which it has been considered convenient to divide the country for purpose of military administration. It would be in the interest of clearness to find some means of avoiding this ambiguity, and for this purpose it is recommended that the term "division" be restricted in the future to the tactical unit of that name; that the term "department" be applied to the present territorial "divisions," and to all other independent territorial commands, and that brigadier generals be assigned to the command of brigades of mobile troops or of Coast Artillery inspections.

3. THE DISTRIBUTION OF THE MOBILE ARMY AND ITS RELATION TO TACTICAL ORGANIZATION AND ADMINISTRATION—THE POLICY OF SEGREGATION AS OUTLINED BY THE SECRETARY OF WAR.

The complete development of a tactical organization of the mobile army must depend upon a gradual correction of its present dispersion. The policy of the War Department with reference to this important question is given in the following extracts from the letter of the Secretary of War in reply to House resolution 343, second session, Sixty-second Congress (H. Doc. No. 490):

If the mobile army is to be efficient, its distribution must meet the following requirements:

1. It must be favorable for the tactical training of the three arms combine—Infantry, Cavalry, and Field Artillery.

2. It must be favorable for the rapid concentration of the Army upon our northern or southern frontier or upon our eastern or western seaboard.

3. It must favor the best use of the Army as a model for the general military training of the National Guard.

4. It must favor the use of the Regular Army as a nucleus for the war organization of the National Guard and such volunteer forces as Congress may authorize to meet any possible military emergency.

5. The distribution must favor economical administration with the view of developing the maximum return for the money appropriated for military purposes.

6. The distribution must permit a peace organization which will also be effective in war; that is, an organization which will permit a prompt expansion in time of war by means of a system of reserves.

These requirements can best be met by correcting the present dispersion of the mobile army. The mobile army is now scattered in 49 posts. It should be segregated into detachments of all arms, each of which can be readily assembled for team training by reasonable marches of concentration. Each of the several tactical groups should be stationed in the vicinity of strategic centers where facilities are favorable for transportation, administration, and supply. The exact location of these centers should depend upon a careful study of many considerations, but they may be approximately indicated as follows:

1. Two, and possibly three, groups on the line between the St. Lawrence and Atlanta, covering the Atlantic seaboard.

2. Two, and possibly three, groups on the line between Puget Sound and Los Angeles, covering the Pacific seaboard.

3. At least two groups between the Great Lakes and the Rio Grande serving as first reserves for either seaboard and as nuclei for the development of the National Guard and volunteer forces to be organized in the interior of the continent.

The number of groups to be organized is primarily restricted by the total strength of the mobile army. No group should contain less than a brigade of Infantry, with a proper proportion of Cavalry, Field Artillery, and special troops, and at least one group should contain a full tactical division. Proper tactical training demands the combined use of the three arms, and this can be secured only by massing the troops of each group in a single post or in several posts within marching distance of a common center. Without such concentration joint training can not be secured except at heavy expense for transportation. In addition to these detachments of all arms, there should be at least two independent Cavalry brigades.

A study of the question indicates that the stationing of our present mobile army in more than eight or possibly nine such groups would be inconsistent with the demands of maximum economy and tactical efficiency.

The solution of this problem is apparently complicated by the fact that the posts now occupied by the mobile army represent a large investment which must be abandoned if an efficient plant is to be established. But while most of the posts now occupied have lost their military value, the national military reservations have acquired a great value as real estate. As a business proposition it should be possible to refund the investment and largely finance the relocation of the Army from the proceeds of the sale of the real estate which is no longer needed for military purposes. The project would be similar in many respects to the Reclamation Service as now established by Congress. In that service a fund is formed from the proceeds of the sale of certain public lands, and from this fund certain approved projects are successively executed under general rules prescribed by Congress.

It is believed that the Army can in this way be scientifically distributed at an expense little if any in excess of the proceeds of the sales of the properties to be abandoned.

Studies at the War College indicate that if the present mobile army were concentrated in eight posts its cost would be reduced by about $5,500,000 per annum. In six years this saving would pay for the new quartering of the mobile army, even if nothing could be realized from the sale of real estate no longer needed.

But in applying the principles outlined above so many practical difficulties must be encountered that the solution for any particular group of posts can not be stated dogmatically. In a region where there are now several widely scattered posts it is obvious that maximum economy and efficiency will be attained when all of the troops in the region are so concentrated that the entire command can be assembled by marching and without the expense incident to rail transportation. But the actual plans for accomplishing such concentration should rest upon a careful and separate study of each region, with the view of ascertaining the best location in the particular region and the extent to which existing posts can be retained without prejudice to the broader economic and military interests of the Government. While there may be decided practical limitations upon efforts to perfect the distribution of the present force, much can be accomplished by recognizing sound principles in making future locations. In the gradual development of the mobile army a station now occupied by an isolated regiment may ultimately become one of a group occupied by a force of all arms. Where such a post is favorably located strategically, the tactical isolation may thus be economically corrected by the expansion of existing plant instead of by relocation.

The problem is thus seen to be one of great complexity, but the ultimate solution is clearly indicated. Whether the mobile army be increased or not, it should gradually be segregated into tactical groups, each group containing a force of all arms or a Cavalry brigade. The loci of the several groups should be carefully worked out in conformity with the general policy of placing the force so that it can be promptly employed upon either seaboard or upon either the northern or the southern land frontier of the country. But the present faulty distribution can not be corrected at once. New stations must be provided before old stations can be abandoned, but future changes should always be made with the view of the gradual formation of proper tactical commands.

4. A PROPOSED ORGANIZATION FOR THE PEACE ADMINISTRATION OF THE REGULAR LAND FORCES.

The three territorial divisions under which the Army is now administered conform to the three main strategic regions referred to in the letter of the Secretary of War. Each of these territorial areas contains a proportion of mobile troops, and in each of them the forces are widely dispersed. Under the general policy of concentration these forces will ultimately be segregated into two or more centers in each strategic region, and the troops of the several centers when assembled will constitute the nucleus of a tactical division and one or more Cavalry brigades. The peace organization of the mobile army should be based on these general strategic principles.

The mobile troops in the three main geographical regions should be organized as distinct mobile commands, and in such future increases of the mobile army as Congress may authorize it should be the national policy successively to expand the nuclear divisions into complete tactical divisions. Thus in due time a complete tactical division and one or more Cavalry brigades may be provided for each of three main strategic regions, and thereafter further expansion should be with the view of dividing the central region into two such territorial regions, so that complete tactical divisions, each with proper extra divisional troops, will eventually cover the northern and southern land frontiers and the Atlantic and Pacific coasts.

Having in mind the distinct functions of the mobile forces and the seacoast fortifications, the following peace organization of the regular land forces is recommended:

EASTERN DEPARTMENT.

This department conforms to the present Eastern Division. Within this area the mobile troops will constitute the nucleus of the first tactical division, with a Cavalry brigade and certain other extra-divisional troops of the mobile army considered as an expeditionary force. The Coast Artillery within the department should be organized as two Coast Artillery inspections, as follows: 1. The North Atlantic inspection, comprising the Coast Artillery districts from Maine to the Delaware River, both inclusive. 2. The South Atlantic inspection, comprising the Coast Artillery districts from the Delaware River, exclusive, to Texas, inclusive.

CENTRAL DEPARTMENT.

This department conforms to the present Central Division. Within this area the mobile troops will constitute the nucleus of the second tactical division, with two or more Cavalry brigades and certain other extra-divisional troops of the mobile army regarded as an expeditionary force.

WESTERN DEPARTMENT.

This department conforms to the present Western Division. Within this area the mobile troops will constitute the nucleus of the third tactical division, with certain extra-divisional troops of the mobile army regarded as an expeditionary force. The Coast Artillery within the department should be organized as the Pacific inspection, comprising the Coast Artillery districts from Washington to California, both inclusive.

THE FOREIGN COMMANDS.

The Philippines Department, comprising all the troops serving within the Philippines.

The Hawaiian Department, comprising all the troops serving within the Hawaiian Islands. At present this is a department of the western division, but its special functions make it properly a separate command.

The Panama Department, comprising all the troops serving within the Canal Zone. This, too, will be a separate command in war and to tie it to a territorial command within the United States would simply produce confusion by providing a peace organization which must be disrupted in war time. It is and must remain a distinct command strategically.

The Porto Rico Regiment.—The Porto Rico Regiment is now a part of the Department of the East, but this affiliation can not continue in war. The isolation of this garrison requires the formation of a separate administration for it, but the small size of the garrison does not appear to justify the establishment of a separate department. The permanent administration of the Porto Rico garrison and its relation to the home forces is a problem that awaits further study. For the present it will probably be necessary to leave it attached to the proposed Eastern Department.

5. THE DIFFICULTY OF SECURING A TACTICAL ORGANIZATION IN PEACE, AS ILLUSTRATED BY THE ACTUAL DISTRIBUTION OF THE TROOPS IN THE PRESENT CENTRAL DIVISION.

The practical difficulties involved in providing a definite tactical organization in peace can be illustrated by considering the peace administration of the mobile forces now serving in the Central Division.

The troops in the Central Division were as follows, February 20, 1912 (this strength is subject to change, as ultimately some of these organizations will be sent to Panama or Oahu): 9 regiments of Infantry, 1 regiment of Mountain Artillery, 1 regiment Horse Artillery, 1½ regiments of Light Artillery, 6 regiments of Cavalry, 1 battalion of Engineers (1 company present, 3 companies under orders to join), 2 field companies Signal troops, 2 technical companies Signal troops, 1 field hospital, 2 ambulance companies.

It will be observed that the command comprised 1 Infantry division, substantially complete, and 2 Cavalry brigades. The tactical organization of these units would be as follows:

THE INFANTRY DIVISION.

3 brigades of Infantry, 3 regiments each.
1 brigade of Artillery, 1½ regiments Light and 1 regiment Mountain.
1 regiment of divisional Cavalry.
1 battalion of Engineers, 4 companies.
2 field companies Signal troops.
1 field hospital.
1 ambulance company.

THE FIRST CAVALRY BRIGADE.

3 regiments of Cavalry.
1 battalion of Horse Artillery.

THE SECOND CAVALRY BRIGADE.

2 regiments of Cavalry.
1 battalion of Horse Artillery.

If these forces should remain in the central territorial region they would ultimately, under the policy proposed by the Secretary of War, be concentrated in a few closely allied groups of stations, as follows: 3 Infantry brigade commands, each command comprising a full Infantry brigade and a detachment of divisional Field Artillery and Cavalry; 2 Cavalry brigade commands, each command comprising two or more regiments of Cavalry with one or more batteries of Horse Artillery.

The bulk of the divisional Artillery could be distributed among the brigade commands or could be concentrated at some place like Fort Sill, where experimental Artillery practice would be practicable. The Engineers, sanitary troops, Signal troops, and other auxiliaries would be attached to groups where most convenient.

It is obvious that with this arrangement there would be a maximum economy of administration and maximum facilities for training. It is also obvious that under such an arrangement the division and Cavalry brigades would be most promptly available for war or for expeditionary purposes. The territorial commander in his peace administration would be concerned with 6 or 7 stations instead of 22 stations, as at present. All of the troops could be concentrated for active service with a minimum of friction and all would be prepared for such service by their peace training. The Infantry division, when assembled, would assemble under the general officers who had trained the brigades in peace, and the Cavalry brigades would be definite organizations in peace and war.

But while the advantages of this organization are obvious, it can serve as little more than a goal of future policy, for under actual conditions the troops are not only dispersed but are so mixed that not

even a reenforced brigade can be assembled without splitting up the peace organization and then extemporizing a new command. The situation becomes apparent upon an examination of the actual peace organization which follows:

6. THE PRESENT SUBDIVISION OF COMMANDS IN THE CENTRAL TERRITORIAL DIVISION.

On February 20, 1912, the mobile troops of the Central Division were subdivided for command as follows:

The Department of the Lakes.—Four and one-third regiments of Infantry, one battery of Field Artillery, one squadron of Cavalry.

These troops are scattered in six posts, extending from Michigan to North Dakota.

The Department of the Missouri.—Two regiments of Infantry (each regiment lacked one battalion, which was stationed in some other department); two regiments of Cavalry; one field company, signal troops; two technical companies, signal troops.

These troops are scattered in six posts, extending from Iowa to Wyoming.

The Department of Texas.—One and one-third regiments of Infantry, one and one-third regiments of Cavalry, one regiment of Field Artillery (less one battalion), one regiment of Field Artillery (less one battery).

These troops are scattered in six posts, extending from Arkansas to New Mexico.

Brigade Post No. 1 (Fort D. A. Russell).—One regiment of Infantry; one regiment of Cavalry; one regiment of Mountain Artillery; one field company, signal troops; one field hospital; one ambulance company.

Brigade Post No. 2 (Fort Riley).—One regiment of Cavalry, one regiment of Horse Artillery.

Brigade Post No. 3 (Fort Leavenworth).—One regiment of Infantry; one squadron of Cavalry; one battalion of Engineers, (one company present, the other three en route to join); one ambulance company.

Each of the above detachments is to be commanded by a brigadier general, but it will be observed that not a single detachment is the appropriate command for an officer of that rank. An Infantry brigade could be formed in the Department of the Lakes, but if it should go to the front under the department commander there would be a residue of one and one-third regiments of Infantry, one squadron of Cavalry, and one battery of Field Artillery left in the department without a department commander. To form a second Infantry brigade another department commander would leave his command, but in this case it would be necessary to disrupt two or more of the peace commands in order to find him a brigade.

Under the present policy of administration by territorial divisions all administration is concentrated in the hands of the division commander, and the department commanders have been restricted to the tactical supervision and instruction of the troops assigned to them. This is undoubtedly a step in the right direction, for the difficulties of mobilization above indicated would be greatly increased if each of the brigadier generals were absorbed, as formerly, in purely administrative duties. The assignment of tactical duties to brigadier generals is sound in principle and conforms to the practice of all well-organized armies. But, in order to secure the desired advantages, it is essential that the brigadier general be assigned an appropriate command and one that he will continue to command in the field. If he be assigned such a command he will prepare it for war and the relation between the leader and troops will be established in peace. But to give him a command that can not approximate to war conditions, one in fact that must be disrupted on mobilization, is not a step toward sound organization.

An examination of the subdivision of command in the Central Division will show that the present organization does not meet the required conditions. The Department of the Missouri comprises four battalions of Infantry and two full regiments of Cavalry. No military situation is conceivable that would continue this affiliation in war. It is not a brigade, because it is not homogeneous. A brigadier general's proper command is a brigade of his own arm. If such a brigade is together, he can command it and instruct it to great advantage. But even if it be dispersed he can at least inspect it, supervise its instruction, and prepare the plans for its mobilization and concentration. The only thing definite that can be said of the force under the commander of the Department of the Missouri is that the peace-command unit will cease to exist when war comes. It is an organization without tactical stability, and it is not even a proper inspection unit for a brigadier general. A cavalry brigadier general is the proper tactical inspector and instructor of a cavalry brigade, and an infantry brigadier general is the proper tactical inspector and instructor of an infantry brigade.

7. A PLAN OF TACTICAL ORGANIZATION AND ADMINISTRATION ADAPTED TO THE PRESENT DISPERSION OF THE MOBILE ARMY.

Under the policy of concentration proposed by the Secretary of War the commands will ultimately be segregated so that they can be administered tactically, but the practical question is to find some method of administration that will preserve a logical tactical organization during the period of transition. The Infantry division and the two Cavalry brigades in the Central Division should be tactical entities, even if they are dispersed and mixed. There should be some means of forming an organization in which the several brigades can have the guidance and supervision of their appropriate commanders in time of peace. The solution seems to lie in a recognition of the fact that the territorial region actually contains three Infantry brigades, two Cavalry brigades, and one Field Artillery brigade. Here are the proper commands, or inspection districts, for six brigadier generals, three of Infantry, two of Cavalry, and one of Field Artillery. It is impracticable to segregate the six brigades immediately, but it is not impracticable to make each brigadier general the inspector and tactical supervisor of a brigade of his own arm. The territorial region now comprises precisely that number of brigade commanders, but not one of these brigade commanders is identified with a logical brigade unit.

The administration of the several posts is already in the hands of the territorial commander. The brigadier generals have become tactical inspectors, but are apportioned by geographical areas, and without reference to the composition of the troops under them. It would seem that a real tactical administration could be accomplished in the following manner:

1. Let each post be considered as a detachment directly under the territorial commander. This meets all administrative requirements.

2. Let the troops of the several arms be formed into brigades with a brigadier general or colonel of the proper arm assigned as the inspector of each brigade. While the brigade remains dispersed in several posts the brigade commander inspects it, supervises its tactical instruction under the orders of the territoral commander, and prepares to lead it into the field if it is called out for expeditionary purposes. As soon as the brigade is actually assembled under the policy of concentration, the brigade commander will be stationed with it, but during the transition he will at least keep the unit formed as an organized tactical entity.

3. The number of brigades should be determined by the number of regiments and not by the number of available brigadier generals. If not enough general officers are provided, the senior colonel of the brigade should perform the function of brigade inspector.

4. The organization of the staff of the territorial command should be based on a recognition of the separateness of the territorial and tactical functions of the commander. As a territorial commander he is concerned with posts, reservations, administrations, and supply. As a tactical commander he is concerned with the constituent brigades and special units of his command. One function is territorial and fixed, the other is mobile and goes with troops.

5. In the mobile army, the assignment of regiments to brigades for purposes of tactical supervision and inspection should supersede the present territorial departments. They are no longer necessary for administrative purposes, and as inspection districts they are illogical because they do not include logical tactical commands.

6. The only necessary territorial unit is the department proposed herein as a substitute for the "territorial division." The brigade commanders are the tactical assistants of this territorial commander. If a special tactical situation develops within a territorial command, such as the recent crisis along the Mexican border, it is only necessary for the territorial commander to assign the local military problem to one of his brigadier generals. That officer will ordinarily employ all or part of his own brigade, but under such circumstances all the troops in the region will be assigned to his command and additional troops will be forwarded to him if necessary.

7. The brigade commander, in addition to inspecting and supervising the instruction of his brigade, should be responsible for its mobilization and concentration. The brigade under this plan is a continuing unit in peace and war. Under present conditions every organization above the regiment must be extemporized.

8. The proposed arrangement provides a tactical organization even under the present unsatisfactory distribution. As the distribution is corrected under the policy of the War Department, the brigade-inspection districts will become more compact and ultimately will become concentrated brigade commands.

9. The proposed arrangement provides the basis for an organization applicable alike to the Regular Army regarded as an expeditionary force and as the nucleus of the greater war army. Each brigadier general is definitely identified with a brigade of the expeditionary force, and is also available to assist the territorial commander in the solution of the broader problems connected with the development of all the military resources within the limits of the territorial command.

It is therefore recommended:

(1) That the Coast Artillery districts within the United States be formed into three Coast Artillery inspections, as outlined in this memorandum.

(2) That the territorial departments as now organized within the United States be abolished; that the term department be applied to the three large territorial commands now known as "divisions," and that the mobile troops now serving therein be organized for purposes of inspection, supervision, and mobilization into brigade inspections of Infantry, Cavalry, and Field Artillery.

(3) That there should be a brigade inspection for each tactical brigade of Infantry, Cavalry, and Field Artillery, and that to each brigade inspection there should be assigned a brigade commander or inspector of the rank of brigadier general, or of colonel if sufficient gener officers are not available.

(4) That the brigade commanders herein provided should be responsible for the tactical inspection and mobilization of their several brigades and should be available for such other duties as may be assigned to them by the commander of the territorial department.

(5) That the brigade commanders herein provided should be assigned to appropriate stations by the commander of the territorial department in which their brigades may be serving.

The application of these principles to the peace organization of the mobile army is shown in detail in Chapter VIII of this report.

8. QUARTERING AND ADMINISTERING THE MOBILE TROOPS IN PEACE.

Having properly organized the mobile troops and located the elements of brigades and divisions so that they may be periodically assembled for combined training, the next step is to simplify all details of administration and remove unnecessary distractions, so that attention may be concentrated on training. Administration becomes unduly cumbersome, and many distractions are caused at the present time on account of the fact that the troops are generally located in what may be called garrison villages, involving a most elaborate variety of buildings, parkways, roads, sewer and water systems, etc. A great deal of the energy of troops is required to care for these elaborate establishments. When our troops were scattered throughout the western country it was necessary to provide these isolated posts. Under existing conditions it is believed that the rational and economic way of disposing of our troops in time of peace is to quarter them in simple but substantial buildings in or near large towns, where all existing utilities may be made use of, and to build these quarters in such a manner that the minimum of time and attention will be required for their maintenance and upkeep. It is believed that if thus located and quartered a better class of enlisted men may be secured for Army service; that all necessary elementary instruction can be given in the barrack yard, or within a short marching distance of the barracks; and that for more advanced training the troops should be marched to places where a large amount of varied territory may be available.

V.

The necessity of a reserve system.

1. MAINTENANCE OF STRENGTH IN WAR.

An army is an expensive machine, maintained in order to support national interests in time of emergency. The economic efficiency of an army should therefore be measured by the effective fighting power which it is proposed to develop and maintain in war. It must not only be able to develop a high fighting efficiency at the outbreak of war, but it must be able to maintain that efficiency during the progress of the campaign. As soon as war begins military forces are subject to heavy losses, and unless means are definitely provided for replacing these losses the military machine will immediately deteriorate. The losses in war are not only the losses in battle, but losses due to disease and losses due to the hardship of campaign. The Prussian Guard Corps in its marches to Sedan lost 5,000 men on the march alone. It was necessary for the corps to arrive at the battle field in time, and that required a velocity of march that was more destructive than battle. It should be remembered that the soldiers in this force were trained soldiers and that the guard corps arrived and fought at Sedan in spite of its march losses. A force of soft or raw troops could not have arrived at all.

Careful training is necessary to prepare troops for war; but it must be recognized that wastage will occur, and that if a really effective force is to be maintained trained men must be supplied to replace this wastage.

It is the experience of modern warfare that any given unit loses at least 50 per cent of its strength in the first six months of war. If this loss is not replaced there is 50 per cent deterioration in the power of the unit, and if it is replaced by raw men the quality of the force as a highly trained team is destroyed.

This problem has an important economic aspect that has been ignored throughout our military history. Military forces are maintained at great expense through long periods of peace in order to meet a brief emergency in war. Sound economics, therefore, demands that the peace expenditure be justified by unquestioned war efficiency. A company of Infantry with three officers should contain the maximum number of trained riflemen that three capable officers can command. This maximum appears to be about 150 men; but if the company starts in the campaign with 150 men, the natural wastage of war will immediately reduce it below that number. If the vacancies are not filled, it ceases to be an economical company, because under these conditions we have a less number of men than three trained officers should control; and, on the other hand, if the vacancies are filled by untrained men, the company ceases to be a trained team, as under these conditions the three officers can not effectively command 150 men in action.

The United States is the only nation that has no scientific means of meeting this situation. In all of our wars the companies first sent into the field have dwindled away in strength, and as these units have dwindled away new levies under untrained officers have been organized. The result has been that our wars have been long and protracted and attended by great sacrifices of blood and treasure. Each battle has generally been followed by a period of inactivity. Such an army has no power to keep up persistent military activity.

Without some solution of this problem there can be no definite military organization. The organization of divisions and other higher military units is based on the principle that the three arms should be combined in definite proportions. The infantry division is differently organized in different countries, but in all countries it consists of from 10,000 to 15,000 infantrymen, with from 4 to 6 field guns per thousand rifles, and with similar definite proportions of cavalry, engineers, signal troops, and other auxiliaries. The infantry strength is the basis of organization. In every army except our own the number of infantrymen is definite and fixed, because means of replacing losses are provided in time of peace. With us, however, the infantry strength is an absolute variable. We can only predict that the effective strength of each unit will fall after war begins. Under these conditions the division is not a continuing unit. Its components are fluid and indefinite, and there can be no stable organization under such conditions.

2. The Solution of the Problem.

The solution of this problem is very simple, and it is a significant fact that the same solution has been adopted in all modern armies. It is only necessary to provide that a man's army service shall consist of two periods, one period with the colors and the other a period of war obligation for a limited time after leaving active service. Under these circumstances when war is declared the active army is at once sent into the field, and the former soldiers having a war obligation are assembled in depots, where they can be forwarded to the front as needed. At the same time raw recruits are enlisted and trained at the depot. As losses occur at the front, they are filled first by forwarding trained men from the depot, and if the number of these is sufficient new recruits are not forwarded until after they have had a sufficient period of training. The result is that even in a long war, which would ultimately require the services of thousands of raw recruits, it is so arranged that no man goes to the front until he is trained for active service and sufficiently hardened and disciplined to bear the stress of modern war. Under such a system the full energy of military activity can be maintained up to the limit of available recruits. Each unit works at its maximum efficiency, and the war power of the nation is developed with a minimum expenditure of life and money.

It thus appears that an army reserve is not a means of creating new forces or new units in time of war, but is a necessary means of maintaining the war strength of the peace establishment, such as it may be.

3. Power of Expansion.

But while one of the primary and necessary functions of a reserve system is to replace losses during the period required for the training of raw recruits, the principal function is to furnish the trained men necessary to pass from a peace to a war footing. If we have a reserve of trained men upon whom we can count in war, it is possible greatly to reduce the cost of the military establishment by giving it a minimum peace strength. Under our system our units are maintained in peace at considerably less than war strength, but there are no means of expanding to the war strength except by the absorption of untrained men. In every other modern army the economical peace strength is maintained without loss of war efficiency because trained reserves are available for a prompt expansion with trained men.

The effect of the reserve system on the cost of peace establishments can be illustrated in the following way: Let us suppose that we require a regular army of 100,000 men on the outbreak of war and that we propose to maintain this force in full effectiveness throughout the campaign. This requires that means should be provided for avoiding a deterioration of the force due to the absorption of raw recruits to replace the first losses of the campaign. It may be predicted that the losses will be 50 per cent, or 50,000 men, in the first six months, but before the expiration of six months, if we begin training recruits at once, some of the new men will be prepared to go to the front. We may, therefore, adopt a factor of safety of 25 per cent instead of 50 per cent and assume that the maintenance of 100,000 men will require an initial organized strength of 125,000 men if there be no reserves. Under conditions prevailing in the United States this force would cost probably $800 per man, or $100,000,000 per year.

But, if we had a system of reserves, the same effective war strength could be maintained at a greatly reduced cost. If the military establishment comprised 75,000 men with the colors and 50,000 men with the reserve, its cost would not exceed $65,000,000 per year, and yet its war effectiveness would be just as great as the more expensive force without the reserves.

The economic effect of a reserve system, therefore, is to reduce the per capita cost of any given army at the same time assuring maximum effectiveness in war. If we do not have reserves, we are committed to a policy of maximum cost. It has been urged that a reserve system for the Regular Army is essentially foreign to our institutions and connected in some way with compulsory military service. It is true that the nations having a system of compulsory service also have a reserve system, but it is also true that Great Britain regards her regular army reserve as an indispensable part of her system of voluntary service. Great Britain did not adopt the reserve system until after her army broke down in the Crimean War because reserves were lacking. Her highly trained, long-service army almost immediately melted away. There was no way of renewing its strength except with untrained men. She found that without reserves her army was not adapted to the requirements of war.

The provision of a regular army reserve is purely a business proposition. The economic value of the reserve does not depend in any way upon its size. It is to be hoped that we can develop a sufficient reserve, but even a small reserve will reduce the per capita cost of the Army and increase its effectiveness.

If we had had only 6,000 men, that number would have been sufficient to have raised the recent San Antonio maneuver division to war strength. If we should have enough to replace the initial losses of war, we would be assured of sufficient time to train and harden raw recruits before forwarding them to the front. If we should have enough more to give us some power of expansion, we would be able to reduce the per capita cost of our peace establishment to a minimum without loss of war efficiency.

4. Proposed Plan for a Regular Army Reserve.

In adopting a new policy in our Army it is important that present conditions should not be disturbed more violently than necessary. The present term of enlistment is three years, and our men are accustomed to enlisting for that period of active service. It is therefore believed that in adopting a reserve system the normal period with the colors should be taken as three years. It is also important that the enlistment contract should be definite in so far as it affects the obligations assumed by the recruit. The important thing is to take a step toward the new policy, leaving its perfection to the experience of the future.

It is therefore recommended that the enlistment contract be for six years, with the understanding that the first three years are to be served with the colors and that during the last three years the man shall be furloughed to a reserve, where he shall be subject to duty in time of war only. It should be further understood that men so furloughed should not be included in the authorized peace strength of the Army.

But while the definite agreement is to be for three years with the colors and three with the reserve the Government should have the option of modifying these periods in its discretion and upon the application of the man. The man should have the *privilege* of applying to go to the reserve *before* the expiration of three years, the granting of the privilege to be at the option of the Government. So far as the man is concerned, this is a privilege but not a right. The man should also have the *privilege* of applying to remain with the colors for *more* than three years at the discretion of the Government. This is also a privilege and not a right. The right to go to the reserve at the end of three years is absolute, but the privilege of going at any other time or of remaining longer is to be at the option of the Government. If a man of good character desires to go to the reserve at the end of one year, if he has sufficient training to be a good reservist and if recruiting conditions are favorable for replacing him by a new man it is undoubtedly to the interest of the Government to pass him to the reserve.

On the other hand, if a man desires to remain longer than three years with the colors it may be to the public interest to grant his request, especially if at the time considered there is difficulty in obtaining recruits. This system will give great flexibility without sacrificing definiteness in the recruiting contract. Practically under any system the number of men that may be passed to the reserve before the expiration of the three-year period will depend upon whether their vacancies can be filled by new recruits, for the peace strength must be maintained. If only a few men desire to enlist, it will only be practicable to send a few to the reserve before their regular term. If a large number desire to enlist, it will be practicable at that time to send the maximum number to the reserve, and it will always be in the public interest to send as many to the reserve as may be done without loss of the necessary peace strength. The ideal solution would be obtained if recruiting conditions should permit the adoption of the following policy:

1. No extension of the color period, or reenlistment, except for the noncommissioned officers, who must form part of the permanent machine for training purposes, with enough selected privates to maintain the corps of noncommissioned officers.

2. Reduction of the color period for all sufficiently trained men who apply to pass to the reserve before the expiration of the contract period of three years.

The actual conditions can be met by a definite contract of three years with the colors and three years with the reserve, with discretion in the President to prescribe regulations for the reduction or extension of the contract color period in order to meet the special requirements of the several arms of the service.

The President should also have the power, when funds for the purpose have been appropriated by Congress, to order reservists to military posts or camps for target practice or other instruction for not to exceed 10 days in any one year.

5. The Relation of the Reserve System to Foreign Service.

The proposed system will also meet the special circumstances of home service or foreign service. No new or special enlistment contract will be necessary, but as the Government interest is different in the two cases there would simply be a difference in governmental policy. When a man enlists for service in the Philippines he would be held strictly to three years' color service. It would not be to the public interest in this case to pass him to the reserve before the full term of his contract has expired, and on the other hand, in this case it would be to the public interest to permit him to extend his contract to the full six years if he applied to do so. In other words, a short color service and a long reserve service is desirable at home, because the home army must have power of expansion; and long color service and a short reserve service is desirable in the foreign garrisons, because they do not have power of expansion. Either condition is met by the flexible reserve system proposed. But while, as a general rule, it would not be desirable to shorten the period of color service in the foreign garrisons, it would probably be very desirable to do so in the case of those reservists who desire to settle in the foreign possession. If a soldier in Oahu should assume the reserve status in Oahu, it would be most decidedly to the public interest to encourage him to live there and replace him by another recruit. This is true because in the event of war every former soldier residing in Oahu will positively increase our war power in that island.

6. Unorganized Reserves.

There are two aspects of the reserve problem. In order to have reserves we must have reserve material, and we must also provide some means of utilizing this material. Under present conditions the soldiers who pass into civil life are military reserves. No means are provided for utilizing them, but the fact that they exist in civil life is nevertheless a positive military asset. It is, therefore, evident that any policy which tends to reduce the total number of these men is prejudicial to our interest, whether we have an organized reserve system

or not. For this reason a long enlistment period is contrary to the national military interest. An officer who has considered the enlistment question purely from the standpoint of his own company or regiment has only examined one phase, and a very minor one, of the question. So long as he approaches it from this point of view he naturally prefers a long enlistment and as many reenlistments as possible. This requires the minimum number of new recruits to train and gives him a company which requires a minimum of effort on the part of the officer. But for lack of trained men to supply wastage such a company will rapidly deteriorate in war. It is not believed that any officer who has studied the question of enlistment from the standpoint of broad national interest will advocate a long enlistment without a reserve feature.

It has been urged that it is not necessary to organize a Regular Army reserve, because discharged soldiers can be used to best advantage in the National Guard or in volunteers. But such use of them does not meet the real problem of maintaining losses in the Regular Army, and this is the true function of such men. As we maintain a Regular Army and expect to use it in war we must provide some means of keeping it at effective strength in war. We not only desire to use these men in war, but we should be able to control and predetermine the place where they are to be used. They have been trained by the Regular Army, they are accustomed to Regular Army service, and in most cases they are not attracted to the National Guard. They should be available for immediate absorption in the strategic force with which we desire to secure the initiative in war.

7. STATUS OF THE RESERVIST.

The law should give the reserve soldier a status of furlough. He should be regarded as a regular soldier, who, after a period of training, is released, except for war purposes. He should be required to report his address from time to time, and should be kept informed as to the place where he is to report upon mobilization. At the time of these stated reports he should receive a nominal pay, but the hold of the Government upon him should be based upon the furlough status rather than upon the money consideration. If he fails to comply with the conditions of the furlough status, the furlough should be revoked and he should be returned to the ordinary conditions of military service. It has been suggested that keeping track of reservists would involve great difficulties. There would no doubt be practical questions to solve, but none of the difficulties would seem to be insuperable. It is expected that these difficulties will be reduced in the future. With permanent regiments on foreign service, the regiments at home will be localized, and where regiments are stationed in populous districts there is no reason why the reservists in such districts should not be assigned directly to regiments. In this way such organizations will keep in touch with their own reservists. If a reserve system is authorized, the means of carrying it into effect should be made as flexible as possible and left to the discretion of the Secretary of War.

8. SPECIAL RESERVES.

The main function of the Regular Army reserve is to raise the Regular Army to war strength and to maintain its war strength until raw recruits can be prepared for service at the front. Ordinarily it should not be called out except when war is imminent, but it would be a great advantage if the President could be given the power to call out sufficient reserves at any time to raise a small expeditionary force to war strength.

While the reserves should normally contain only those men who are completing their Regular Army service, provision should be made for the voluntary reenlistment of reservists for another stated period, provided such volunteers have the necessary physical qualifications and training, regulations governing such reenlistments to be determined by the Secretary of War.

There should also be provisions for enlistment in the reserve of soldiers who may have been discharged from the Army before the inauguration of the reserve system. It is believed that a considerable number of these men would assume the war obligation if there were some definite means of offering their services. Such enlistments, of course, should be subject to medical examination and a scrutiny of the record of the particular man.

9. RESERVE OFFICERS.

The reserve system outlined above is designed to maintain the effective and economical enlisted strength, but it makes no provision for the increased number of officers that will become necessary in war. In modern military operations the loss of officers is fully as great as the loss of enlisted men, and, further, under our system it will become necessary to detach officers from the regular establishment for staff duty and for employment with the citizen soldiery. The successful maintenance of large companies requires the presence of the full quota of officers, and the whole machine breaks down if suitable men are not forthcoming.

The lack of some provision of this kind is one of the greatest defects in our military system. This defect has been recognized to a certain extent in the amended militia law, which provides that individuals who pass certain examinations may be placed on a list of persons available for appointment as volunteer officers in war. In the volunteer bill (S. 2518) now pending in the Senate it is provided that when officers are detached from the Regular Army on duty with the Volunteers their vacancies may be filled by the assignment of a corresponding number of Volunteer officers to the regular organizations. But neither of these provisions meets the specific requirement of providing a reserve of junior officers for the organizations in the Regular Army. And yet there is an abundance of such material which can easily be made available. We maintain military instructors at a great many schools and colleges in the country, on the theory that such military training will become a military asset in war, and yet the young men who graduate at such institutions pass out into civil life without any definite place for them in our military establishment. They may in some cases go into the National Guard, some of them may enter the regular service, and some of them, no doubt, may find a place in the volunteer armies of the future, but the prospect of employing them is vague and contingent upon a great variety of uncertain conditions.

It is believed that it would be in the interest of sound policy to utilize young men of this type as reserve lieutenants in the Regular Army. Upon their graduation opportunities could be given them to serve with regular organizations at camps of instruction or maneuvers. After such probationary service, if found to be properly qualified, they could be commissioned for a limited number of years under an obligation to serve in war. This class of reserve officers would be recruited mainly from the schools and colleges, but the appointments should be open to other suitable classes, such as former members of the Regular Army, Volunteers, and National Guard who comply with proper conditions to be determined by the Secretary of War. These reserve lieutenants would be analogous to the officers of the Medical Reserve Corps of the Army. They should be definitely commissioned, assigned to an arm, and authorized to wear the uniform of that arm. Their names should be carried in the Army Register, and under certain conditions they should be attached to definite organizations of the Regular Army, serving in the neighborhood of their homes. They should receive no pay except when called into the service, but should have the privilege of serving at maneuvers and of volunteering as members of expeditionary forces. They should also be regarded as a preferred class from which civilian appointments in the Regular Army should be made. The value of such a force in war would be incalculable. By having a full quota of officers it would always be possible to maintain the maximum economical strength of the Regular Army. They would replace losses due to the ordinary casualties in war and would enable the Regular Army to spare more officers for employment in the greater war force. On the outbreak of war the reserve lieutenants should mobilize with the reserves and should proceed to the front as the reserves are called to the front. At the depots they could assist in recruiting and in the training of recruits and would perform many functions which must be left to chance under our present system. It is also believed that such reserve commissions would be appreciated as an honor by the best type of young men and that it would be no more than a proper reward to them for giving a part of their college training to preparation for military service in war.

There are now over 300 lieutenants of the Army on detached service. If the law authorized the President to put on active duty not to exceed 300 of these reserve officers to fill the places of lieutenants necessarily absent on detached service it would enable these reserve officers to obtain practical instruction, and it would facilitate the administration of the organizations concerned.

Attention is invited to the availability of the Military Academy at West Point as a source of supply of reserve officers and to the wisdom of making this source available. The Academy as now conducted handles between six and seven hundred cadets. Its capacity for efficient training is much more than that number, and, like any investment, the institution is not making the returns it should to the country unless its output is the maximum possible. Existing or probable vacancies in the Regular Army should not be considered in this connection. Existing vacancies could be given to graduates under an equitable plan, while the remaining graduates could return to their homes under an obligation to serve in the Regular Army, National Guard, or Volunteers. They would have the foundation of an education for any walk in life. In a few years the country would have in these graduates a corps of reserve officers with uniform training and uniform ideas regarding efficiency and duty.

10. RESERVES FOR THE CITIZEN SOLDIERY.

When the citizen soldiery is called into the service of the United States it, too, will encounter influences that will tend to reduce its strength. It should have sufficient reserves to maintain full strength until raw recruits can be prepared for the front, and unless its organizations are maintained at full strength in time of peace it should have enough other reservists to cover the expansion upon mobilization. Under present law, however, the Organized Militia bases its organization upon that of the Regular Army, and until a reserve system is provided for the Regular Army, arguments for a National Guard reserve would not be convincing or effective.

Under present conditions the citizen soldiery will mobilize at greatly reduced enlisted strength. It must go to the front with an expensive excess of officers in proportion to its effective strength, or its employment must be deferred until it can absorb a great mass of untrained and undisciplined material. In Chapter IX of this report the advantages of a definite peace organization for the citizen soldiery will be presented. Among the objects to be sought through such an organization will be the provision of a uniform peace strength with arrangements for war expansion and for the replacement of losses during the initial stages of war. Through the lack of such arrangements in the past our armies of citizen soldiery have been maintained at maximum cost and minimum effectiveness.

11. PROLONGATION OF THE TERM OF SERVICE IN TIME OF EMERGENCY.

Under present laws, if war is declared, it is possible for many men to demand their discharges for expiration of term of service in the first crisis of war and before they can give the Government any real return for the cost of their training. Some nations meet this contingency by reserving the right to retain soldiers in times of emergency for a limited period beyond their ordinary term of service. While Great Britain has the same system of voluntary service as our own, she reserves the right to "prolong" the service of enlisted men for a limited period upon the imminence of war, this being a condition inserted in the enlistment contract. It is believed that such a provision should be embodied in our military law and that it should be made applicable to the Regular Army and to the citizen soldiery. After training a man at great expense in time of peace the Government should have the right to hold him in time of emergency at least until a raw recruit can be trained to replace him.

12. THE RELATION OF LOCALIZATION TO THE RESERVE PROBLEM AND TO RECRUITMENT.

It has been indicated that the establishment of permanent foreign garrisons will permit localization of the units of the Regular Army at home. This will result in great economies of transportation and will lead to the development of many reforms which are almost impracticable so long as the organizations of the Army are shifted from place to place. The localization of the Army at home will facilitate the development of a reserve system, for where regiments are stationed in the populous parts of the country they will be able, in many cases, to keep in touch directly with their reserves, and also to obtain their recruits locally. The present recruiting system is based on recruiting for a shifting army. The service has been conducted with great ability and meets actual conditions, but it is wasteful and expensive as compared with a system of local recruiting for a localized army. Under present conditions the recruiting service comprises a total enlisted strength of 2,200 men. In addition there are not to exceed 4,800 recruits at the depots. These men are not immediately available as part of organized tactical units and constitute an element of waste in the military establishment. Wherever a regiment is so stationed that it can secure its own recruits in its own locality, it is obvious that the enlisted strength of the recruiting service can be correspondingly reduced. If all of the regiments of the Army were able to obtain their recruits locally, it is obvious that all of these men could be restored to the effective strength of the Army. It is not contended that this reform can or should be attempted immediately, but as the Army becomes localized it should be gradually accomplished. Under present conditions men are discharged at all periods

of the year, and small detachments of recruits are received throughout the year. Under these conditions there can be no definite period of recruit training. Under ideal conditions, with a reserve system and localized recruiting, it would be possible for a regiment to pass all of its reservists to the reserve about the 1st of November, and then devote itself for a few weeks to the problem of obtaining new recruits. This would make the winter a period of recruiting and recruit training, and would make it possible to devote all of the summer and fall to higher military training without the evils of a continual influx of recruits. Practically, it may be impossible to recruit the whole Army in this way, but every step toward it will tend to increase the efficiency of the Army and to diminish the large detachments of noneffectives, which, under present conditions, must be maintained in order to keep up the strength of the Army.

VI.

The tactical organization of mobile troops.

The division is the fundamental army unit in which the several arms are combined for joint action in the field. It is essentially a small army complete in itself and capable of independent action. Larger forces, such as field armies, are simply aggregations of two or more divisions, with such additional auxiliaries as may be required for the particular terrain and mission.

The details of division organization are different in different countries, but the essential idea is that a division is a force of infantry provided with a proper proportion of field artillery and cavalry and supported by certain special units which are concerned with the special problems of field engineering, communication, transportation, supply, and sanitation.

1. INFANTRY.

Under our system the company of infantry at war strength should comprise the maximum number of trained riflemen that can be handled effectively in action by three officers. This number appears to be about 128 men, or 16 squads of 8 men each. As there will always be losses from casualties, the total strength will not be available on the firing line, and for this reason 8 additional riflemen should be added to the war strength as a reasonable factor of safety. In order to give the desired strength the following is recommended as the war organization of the infantry company: 1 captain, 1 first lieutenant, 1 second lieutenant, 1 first sergeant, 1 quartermaster sergeant, 6 sergeants, 16 corporals, 3 cooks, 1 artificer, 2 musicians, 120 privates; total commissioned, 3; total enlisted, 150.

The peace strength of the company of infantry is governed by several considerations:

1. It is desirable for fiscal reasons to reduce the peace strength to a minimum. But such reductions of strength are fatal to war efficiency unless means are provided for expansion without the absorption of raw recruits. If the war expansion is to be by raw recruits, the war company will not be a trained company, and it will therefore be impracticable for 3 officers to control 150 men effectively.

2. Even if reserves are available, the peace strength of the company should be sufficient for purposes of instruction. The men who serve in the Army must become trained soldiers, and full Infantry training is not practicable if the peace strength be reduced too far. It is believed that for purposes of instruction the peace strength of the Infantry company should not be reduced below 100 enlisted men.

3. If trained reserves are not available, at least one division of the Regular Army should be maintained at war strength in order to provide an expeditionary force for sudden emergencies.

THE INFANTRY BATTALION.

The war strength of the infantry battalion should be as follows: 1 major, 1 lieutenant (adjutant), 1 sergeant major, 4 companies, 2 ammunition wagons; total commissioned officers, 14; total enlisted, 601.

HEADQUARTERS COMPANY.

In order to avoid unnecessary detachments from the companies and to provide a definite organization for machine guns, scouts, and the regimental wagon train, a headquarters company is recommended for each regiment of infantry, as follows: 1 captain, 1 first lieutenant, 1 second lieutenant, 1 first sergeant, 1 quartermaster sergeant, 2 cooks, 2 musicians, 1 mechanic, 1 horseshoer; total enlisted, 8.

First section; machine-gun detachment.—4 sergeants 8 corporals, 69 privates; total enlisted, 81.

Second section; scouts and orderlies.—1 sergeant, 2 corporals, 21 privates; total enlisted men, 24.

Third section; transportation section.—1 sergeant, 25 privates; total enlisted men, 26. (The relation of these men to such service corps as may be established in the future requires careful consideration.)

Total commissioned, headquarters company, 3; total enlisted, 139.

The three officers of the headquarters company may be provided without increasing the present commissioned strength of the regiment. As will be seen in the organization of the battalion and regimental staffs, three officers are released from staff duty. This gives a captain and two lieutenants for the headquarters company.

THE REGIMENTAL BAND.

The present authorized strength of the band is 28 enlisted. No change is recommended.

THE INFANTRY REGIMENT.

With the changes above proposed the war strength of the Infantry regiment would be as follows:

	Commissioned.	Enlisted.
1 colonel	1	
1 lieutenant colonel	1	
1 adjutant (captain)	1	
1 supply officer (captain)	1	
1 assistant supply officer (lieutenant)	1	
1 chaplain	1	
1 sergeant major		1
2 supply sergeants		2
2 color sergeants		2
1 band		28
1 headquarters company	3	139
3 battalions	42	1,803
Total	51	1,975

The above table gives the approximate organization of the Infantry regiment. The details of organization will be definitely and precisely determined in the experimental Infantry regiment to be assembled in the Central Division during the present summer.

2. THE INFANTRY BRIGADE AND THE DIVISION.

In the Field Service Regulations the Infantry division comprises three brigades of three regiments each. The total Infantry strength in this division is 13,500 (1,500 enlisted per regiment), and the total number of effective riflemen is 10,890. Nine regiments of the size proposed in this report will give a total enlisted strength of 17,775 and 15,084 effective riflemen. As the larger regiment is justified on grounds of economy, the practical question arises as to whether we should retain nine regiments in the division or propose a new division organization. A division of two brigades of three regiments each would give a total Infantry strength of 11,850, or 10,056 effective rifles. But this organization would sacrifice tactical advantages inherent in the three brigades. In the attack of the division there are generally three subdivisions—the frontal attack, the enveloping attack, and the reserve. In a three-brigade division there is a general officer for each subdivision, even though the forces assigned to the several tasks are not kept equal.

Another consideration which determines the strength of the division is the road space. In Europe, where the roads are excellent, an army corps of two divisions, each comprising 12,000 Infantry, is found to be the maximum force that can deploy from column in time to bring all of its troops into battle on the same day. The same corps could not complete its deployment from a single road in the average American terrain until it was too late for the effective employment of a part of the force. The road space of the Field Service Regulations division is so great that two divisions could not effectively deploy from the same road in this manner; and, on the other hand, if one such division is assigned to one road, the road capacity is not fully utilized. But if we retain the nine-regiment division and increase the regimental strength from 1,500 men to 1,975, we increase the number of effective rifles by 38 per cent without increasing the road space by more than 16 per cent. We, therefore, find that a division of three brigades of three regiments each, with 1,975 enlisted men per regiment, is a more economical organization than the division described in the Field Service Regulations, and is better adapted to American terrains. The proportions of Cavalry, Field Artillery, and special troops will now be considered on the assumption that the division is to compirse three Infantry brigades of three regiments each, and that each regiment is to have an enlisted strength of approximately 1,975.

3. CAVALRY.

As far as Cavalry action of the future is concerned, the organization of this arm must facilitate (a) quick and powerful dismounted fire action and (b) equally quick and powerful mounted shock action. At the same time the organization must be so flexible that it will permit the assignment of proper units as divisional Cavalry—first, to meet the requirements of a division as part of a higher tactical organization and, second, with a division or smaller unit acting alone. In addition, the organization must be adapted to the formation of Cavalry brigades and divisions.

The amount of Cavalry assigned any particular command will depend upon many considerations, such as the nature of the particular mission, the character of the terrain, and the composition of the enemy's forces.

Of the Cavalry so assigned, the nature of the operations may require a minimum number of units as divisional Cavalry and a maximum number as independent Cavalry.

Not only must the organization of the Cavalry regiment be so flexible as to meet all these requirements, but the organization decided upon must possess a high degree of mobility, and must be adaptable to varying tactical situations.

The present Cavalry regiment has a total war strength of approximately 1,200 enlisted men. As now organized it is so flexible that it can be formed to meet almost any particular tactical situation. A squadron of four troops can be detached and the remainder will form an appropriate command for a colonel. If a detachment of three troops is all that is required, the remaining troops can be handled as three squadrons of three troops each. If it becomes necessary for the regiment to operate in two equal parts, each part can consist of six troops organized into two squadrons.

The same number of troopers might be organized into a brigade of two regiments, each of six troops of 100 men, or each of four troops of 150 men. A regiment of three squadrons of three troops, each of 100 men, and with a depot troop, has also been proposed.

The regiment now authorized by law has the following maximum strength:

	Commissioned.	Veterinarian.	Enlisted.
Officers (including chaplain)	51		
Veterinarians		2	
Noncommissioned staff officers			8
Band			28
12 troops (organized as 3 squadrons)			1,200
Total	51	2	1,236

It is believed that the President should be authorized to add an additional or headquarters troop analogous to that proposed for the Infantry regiment and officered in the same manner. If the maximum authorized strength of the headquarters troop is placed as that of the Cavalry troop now authorized, its actual strength can be determined by service requirements as determined experimentally. The headquarters troop should comprise a demolition section in lieu of the scout section of the Infantry headquarters company.

The band might be dispensed with and a trumpet corps organized with the trumpeters of the troops.

With the larger regiment and the road space required for it, a brigade should normally consist of two regiments and a division of three such brigades, the proper auxiliary and special troops being added.

In view of the fact that there has been much discussion throughout the service on the subject of the organization of the Cavalry regiment it is recommended that thorough practical experiments be undertaken to enable the General Staff to try out and decide upon the organization best adapted to meet the special requirements of this arm.

Peace strength of the Cavalry.—The permissible peace strength of Cavalry depends on the means of expansion. If reserves are available, the troops may be kept at the minimum peace strength consistent with

proper instruction. If such reserves are not available, a low peace strength will involve a low war strength or serious deterioration in the early stages of a campaign. On the outbreak of war the Cavalry will probably be used in initial strategic operations, and it is therefore very important that it should be capable of full activity without delay, from the very outset.

4. FIELD ARTILLERY.

The types of Field Artillery are classified as "horse," "light," "mountain," and "heavy."

Horse batteries are armed with the 3-inch gun.

Light batteries are armed with the 3-inch gun or the 3.8-inch howitzer.

Mountain batteries are armed with the 2.95 howitzer (to be replaced by the 3-inch howitzer).

Heavy batteries are armed with the 4.7 howitzer, the 4.7 gun, or the 6-inch howitzer.

The 4.7-inch howitzer, drawn by 8 horses, has very considerable mobility and is really intermediate between the light and heavy calibers.

Horse batteries are assigned for service with the Cavalry.

Light or mountain batteries and 4.7-inch howitzer batteries are assigned for service with Infantry divisions.

Heavy batteries (4.7-inch gun and 6-inch howitzer) are assigned as Army Artillery.

The organization of regiments must vary to fit the requirements of the particular types of guns or howitzers to be served. Hence legal enactments governing the organization of the Field Artillery should be worded so as to fix the maximum allowable establishment and leave it to the President to vary the strength of regiments, battalions, and batteries to meet the necessities of service.

The proposed maximum strengths of regiments, battalions, and batteries at war strength are shown below. The numbers of officers, noncommissioned officers, mechanics, trumpeters, cooks, and privates of any particular unit may, under the system suggested above, be varied as circumstances require, provided they are kept below the maximum allowed.

FIELD BATTERY.

[The strength here given is the maximum and is required for heavy batteries only. The strength for batteries of all other types will be less than the maximum strength.]

1 captain, 3 lieutenants (first or second), 1 first sergeant, 1 quartermaster sergeant, 1 stable sergeant, 8 sergeants, 16 corporals, 1 chief mechanic, 7 mechanics, 3 trumpeters, 3 cooks, 149 privates; total commissioned, 4; total enlisted, 190.

Field Artillery battalion.

[The enlisted strengths given are for battalions and regiments of Heavy Field Artillery. The strengths for other types will be less than the maximum and will be based on actual requirements.]

	Commissioned.	Enlisted.
Major	1	
Captain (adjutant)	1	
Lieutenant (supply officer)	1	
Sergeant major		1
Quartermaster sergeant		1
Scouts and signal detail, mounted orderlies and wagoner:		
Corporals		4
Privates		10
Trumpeter		1
Batteries	12	570
Total	15	587

Field Artillery regiment.

[The enlisted strengths given are for battalions and regiments of Heavy Field Artillery. The strengths for other types will be less than the maximum and will be based on actual requirements.]

	Commissioned.	Veterinarians.	Enlisted.
Colonel	1		
Lieutenant colonel	1		
Captain (adjutant)	1		
Captain (supply officer)	1		
Captain (ordnance officer)	1		
Chaplain	1		
Veterinarians		2	
Sergeant major			1
Quartermaster sergeant			1
Commissary sergeant			1
Color sergeants			2
Trumpeter sergeant			1
Scouts and signal detail, mounted orderlies, and wagoner:			
Sergeants			2
Corporals			2
Privates			12
Mechanics			3
Band			29
Battalions	45		1,761
Total	51	2	1,815

The proposed normal assignment of Field Artillery to units of the other arms is as follows:

For each division (the number of Infantry rifles in the division is increased by 38 per cent and the number of guns by 33⅓ per cent. The proposed divisional artillery comprises 48 field guns and 16 field howitzers):

- Brigade—
  - 1 regiment of 3 battalions—
    - 1 battalion of 3 batteries of four 3-inch guns 12
    - 1 battalion of 3 batteries of four 3-inch guns 12
    - 1 battalion of 2 batteries of four 3.8-inch howitzers .. 8

For each division, etc.—Continued.

- Brigade—Continued.
  - 1 regiment of 3 battalions—Continued.
    - 1 battalion of 3 batteries of four 3-inch guns 12
    - 1 battalion of 3 batteries of four 3-inch guns 12
    - 1 battalion of 2 batteries of four 4.7-inch howitzers .. 8
  - 1 ammunition column of 2 battalions.

For each field arm in addition to the divisional artillery:

- 1 regiment of 2 battalions—
  - 1 battalion of 2 batteries of four 4.7-inch guns 8
  - 1 battalion of 2 batteries of four 6-inch howitzers 8
- 1 ammunition column of 1 battalion.

For each Cavalry division:

- 1 regiment of 3 battalions of 2 batteries of 4 guns each 24
- 1 ammunition column of 1 battalion.

The approximate war strengths proposed for each of the regiments above referred to are:

Divisional artillery, 1 regiment, 47 officers and 1,438 men; 1 regiment, 47 officers and 1,486 men. (The number of officers here given are based on the proposed number of guns or howitzer batteries in each regiment. The difference between these numbers and the total commissioned strength, 51, is the number available in each case for duty with ammunition columns and other special Artillery service.)

Army Artillery, 1 regiment, 28 officers and 854 men.

Horse Artillery, 1 regiment, 39 officers and 1,160 men.

Thus the proposed maximum legal strength is not closely approached in any case. On the other hand, the maximum strength of batteries is very closely approached in the case of Heavy Artillery. As the exact combinations of batteries into battalions and regiments which it may be necessary to make in the future can not be foreseen, the law should show merely the superior limit and leave to the Executive the power to utilize the available strength in the most useful way.

5. AMMUNITION SERVICE.

The personnel of this service is charged with receiving ammunition from the line of communication troops, transporting it up to the neighborhood of the combatant troops, and distributing it to the various combat trains of Infantry, Cavalry, and Field Artillery.

To insure the combatant troops deployed over a wide territory being promptly and regularly supplied with ammunition, an effective organization of this service is requisite. It will be necessary to establish close communication with the various commanders so as to learn what supplies are needed, to reconnoiter the country and find the best avenues of approach, to regulate the movements of elements of the train so as to meet the varying needs of different parts of the line of battle, and to maintain sure communication between all the elements of the train and with the supply depots. With a view to coordinating all these various duties and activities, it is proposed to charge the Field Artillery with this service and provide the necessary staff and organizations for the purpose.

To this end the law should empower the President to raise ammunition battalions, in the proportion of one per authorized Field Artillery regiment, whose maximum authorized strength should be that of a Field Artilery battalion. A certain personnel should be provided in each regiment as constituting the nucleus of this ammunition service, the same to be transferred to the appropriate divisional or Army ammunition column on mobilization. No other transfers should be made from the regiments; the additional personnel should be secured from reservists or by recruitment. To organize promptly an efficient ammunition service according to this plan, a satisfactorily working reserve system must be in existence.

The regiments of divisional artillery, as proposed above, have only two batteries in the howitzer battalion. The third batteries of the howitzer battalions may be designated as the nucleus of the divisional ammunition service, their personnel to be transferred to the ammunition column on mobilization. In the heavy artillery and the horse artillery the third battery of each battalion may similarly be designated as the nucleus of the appropriate ammunition column.

In Appendix II hereto attached the organization of the Field Artillery and of the ammunition service is discussed in greater detail.

Peace strength of Artillery.—The permissible peace strength of Artillery depends on the means of expansion. If reserves are available, the batteries may be kept at the minimum peace strength consistent with proper instruction. Much of the Artillery personnel in times of war is employed in the transportation and distribution of ammunition. With adequate reserves this service may be kept at greatly reduced strength without loss of efficiency.

6. COMPONENTS OF THE DIVISION AND THE FIELD ARMY.

Based upon the organization of Infantry, Cavalry, and Field Artillery above indicated, the complete division should comprise the following units:

- Division headquarters.
- 3 Infantry brigades of 3 regiments each.
- 1 regiment of Cavalry.
- 1 brigade of Field Artillery (2 regiments).
- * 1 pioneer battalion of Engineers.
- * 1 field company of Signal troops.
- * Sanitary troops organized as field hospitals and ambulance companies.
- * 1 ammunition column.
- * 1 supply train.
- * 1 pack train.

EXTRA-DIVISIONAL TROOPS.

In addition to the organizations comprised in the divisions the following additional units should be available for assignment to each field army of three divisions:

Cavalry: Three or more brigades to be employed as independent Cavalry brigades; or two or more Cavalry brigades may be combined with proper auxiliaries to form a Cavalry division. (This provision of extra-divisional Cavalry applies to a field army comprising the regular troops and regarded as available at any time as an expeditionary force. The quota for additional field armies of Volunteers or other citizen soldiery should be not more than one Cavalry brigade to each three divisions.)

- 1 brigade of Infantry.
- 1 regiment of Heavy Artillery.
- * 1 ponton battalion of Engineers (bridge train).
- * 1 field army company of Signal troops (including wireless detachments).
- * 1 base line telegraph company of Signal troops.
- * 1 aeroplane company or detachment.
- * 1 supply train.
- * 1 ammunition column.

* Sanitary troops (additional field hospitals and ambulance companies, with the elements of the evacuation service).

The organizations marked (*) above have been tentatively outlined in the Field Service Regulations of 1910; but as changes are recommended in the fundamental units of Infantry and Field Artillery, it will be necessary to revise the organization of these auxiliaries to conform to the changes proposed in the combatant elements of the division. If the general policy of organization proposed in this report be approved, it is recommended that the General Staff be instructed to recommend a reorganization of the auxiliary services within the division in conformity with the following general principles:

(*a*) The divisions should habitually include the normal proportions of the three combatant arms and the special troops; that is, there should be a safe minimum of auxiliaries determined by average conditions.

(*b*) In addition to the divisions, there should be a proper reservoir of extra-divisional troops.

(*c*) When it is desired to form an expeditionary force for any particular purpose a field army should be organized by taking two or more divisions and adding the Army headquarters and such extra-divisional auxiliaries as may be appropriate for the particular terrain and mission.

(*d*) If one division is approximately sufficient for the particular expedition, the normal proportions can be modified, if necessary, by attaching such additional auxiliaries as may be required, or by detaching such auxiliaries as may be redundant in the particular situation.

(*e*) The proportions of auxiliaries in field armies and expeditionary forces should depend upon the mission of the particular force, the terrain in which it is to operate, and the character of opposition expected. Appropriate and sufficient auxiliaries aid the fighting power of the force, but redundant auxiliaries reduce its mobility, increase the difficulties of supply and administration, disturb the balance of the fighting team, and actually weaken the force by requiring additional measures for the security of the surplus units which in this case become burdensome impedimenta.

(*f*) The auxiliaries in the division should, therefore, be only those that will *always* be required in it. Exceptional units or exceptional proportions should be attached from the extra-divisional reservoir when needed.

In addition to the tactical reasons for the proposed policy which are given in paragraph (*e*) above, there is an important economic principle involved. If the division includes all of the auxiliary units which are required for every possible contingency, it will include many noncombatants and much impedimenta which it will not require for normal contingencies. These extra or reserve units must, of course, be available when needed, but it is more economical to retain them in rear of the Army as a reserve, where they can be forwarded to such divisions as may temporarily require them. But these extra units will never be required at the same time by all of the divisions of a field army. They should normally be in the rear of the field army, where the field army commander can forward them to the division or divisions which may require them at any particular time. Sound economic principle requires that the maximum fighting power should be developed for any sum that may be appropriated for military purposes. This requires the maximum possible investment in combatant troops and the minimum possible investment in noncombatant troops. The cost of noncombatant auxiliaries can be reduced to a minimum by concentrating them so far as practical in an extra-divisional reserve. To give each division the full quota required for all contingencies will increase the cost of the whole field army and will reduce the mobility and fighting efficiency of the several divisions.

VII.

The relation of promotion to organization.

The organization of the Army should be determined by strategical, political, and economic considerations, with the sole view of serving the public interest. In the past, however, questions of relative promotion have largely influenced the result. Proper promotion of the officers is essential in any military system, and parity of promotion under similar conditions is necessary if we are to have an effective force. Human nature is such that all officers desire their share of promotion. The result has been, however, that these questions of relative promotion have affected the proper consideration of all questions of organization. If an effort is made to secure an increase deemed necessary in any one arm, officers of the other arms are liable to oppose it unless by other increases, perhaps necessary and perhaps not, a parity of promotion is received. While, therefore, the question of promotion and rank is one that all officers are rightly interested in, it has interfered, and will continue to interfere, with any scientific and economical reorganization plans. It is therefore considered an absolutely necessary preliminary to any reorganization of the mobile army to place promotion on an equitable basis independent of organization.

In order to accomplish this result in the simplest and most equitable manner, and with a minimum disturbance of existing conditions, it is suggested that the following rules governing rank and promotion should be incorporated in the military law of the United States:

1. Rank and eligibility to command in any grade of the Army below that of brigadier general shall be determined by length of continuous commissioned service as an officer of the Regular Army. The date of commencement of continuous service in the case of any officer shall be the date of rank given in his first commission, and it shall be known as the "date of precedence." In each grade below that of brigadier general all officers of the Regular Army shall be arranged in the order of their dates of precedence, and those originally appointed with the same date of rank in the order of precedence at the time of their appointments: *Provided*, That the Secretary of War shall assign constructive dates of precedence to all officers of the following classes who occupy anomalous positions on the lineal lists of their several arms.

(*a*) Those officers of Cavalry, Field Artillery, Coast Artillery, and Infantry who were appointed under the act of February 2, 1901, and who had served as commissioned officers in the Regular Army or Volunteers prior to such appointment.

(*b*) Those officers who have lost rank by reason of the sentence of court-martial or as the result of examination for promotion.

(*c*) Those officers who have voluntarily transferred from one arm of the line to another or from a staff department to an arm of the line.

Each officer of class (*a*) above excepted shall be assigned a constructive date of precedence which will place him in the same position relative to officers of his own arm or corps as he now occupies on the lineal list of his arm or corps, and with reference to officers of other arms or corps whose dates of precedence may lie between that of the officer next above him and the officer next below him in his own arm or corps, he shall take precedence in accordance with total length of commissioned service in the Regular Army and Volunteers, and his constructive date of precedence shall be fixed accordingly; and for this purpose the date of acceptance of commission shall be regarded as the date of commencement of service of officers of the Regular Army and of staff officers of volunteers appointed by the President, and the date of muster into service shall be regarded as the date of commencement of service of line officers of Volunteers.

Each officer of class (*b*) and (*c*) above excepted shall be assigned a constructive date of precedence which will place his position for rank and eligibility to command next below the officer who immediately precedes him on the lineal list of his own arm or corps on the date of the passage of the act.

2. The order of promotion in each arm, department, or corps shall remain as now provided by law, subject to the exception described in paragraph 3 below, which applies to original vacancies in the Cavalry, Field Artillery, and Infantry.

3. Whenever any part of the Infantry, Cavalry, or Field Artillery is increased or the number of officers in any of these arms is increased the original vacancies above the grade of second lieutenant due to the increase shall be filled from the next lower grade in the three arms, the number of officers promoted from each arm to be proportional to the number of officers of that grade in the three arms as nearly as may be practicable: *Provided*, That the order of promotion in any arm shall be in the order of the lineal list of that arm, as now provided by law: *Provided further*, That, so far as practicable, officers shall be promoted in their own arm: *Provided further*, That when any officer is nominated for promotion into an arm other than his own he may waive such promotion, and in this case the vacancy shall pass consecutively to the officers next below him in the lineal list of his own arm: *And provided also*, That whenever any officer is promoted to another arm under the provisions of this rule his position for subsequent promotion in that arm shall be fixed by his position on the list for rank and eligibility to command as determined by the date of precedence defined in paragraph 1 above.

4. Whenever any part of the Infantry, Cavalry, or Field Artillery is reduced or the total number of officers in one or more of the three arms is reduced the surplus officers should not be absorbed in the arm or arms in which the reduction occurs, but should be prorated for absorption throughout the three arms: *Provided*, That whenever any officer is transferred to another arm under the provisions of this rule his lineal position for promotion in that arm shall be fixed by his position on the list for rank and eligibility to command as determined by the date of precedence defined in paragraph 1 above.

COMMENTS ON THE PROPOSED RULES FOR RELATIVE RANK AND PROMOTION.

Rule 1. This rule does not affect promotion in any way, but provides that all officers shall take precedence in their respective grades in the order of their actual seniority, and not according to the date of last commission. On July 23 last Capt. W——, of the Cavalry, was promoted to the grade of major after 23 years 1 month and 12 days of commissioned service. Maj. W—— is junior in rank to Maj. R——, of the Medical Corps, who, on the date of Maj. W——'s promotion, had served 9 years 8 months and 23 days. Maj. R——'s seniority is based on the fact that his commission as major antedates that of Maj. W—— by 9 days, and this notwithstanding the fact that Maj. W—— had served as a commissioned officer more than twice as long as Maj. R——. The proposed rule would not expedite Maj. W——'s promotion, nor would it retard that of Maj. R——. It would simply provide that after arriving in the same grade their precedence should depend upon actual seniority. Maj. R——'s rapid promotion has been due to special provisions of law, under which medical officers enter the Army with the grade of first lieutenant and are promoted to the grade of captain in five years after first commission. (The period is now three years.) These provisions are designed to compensate for the fact that such officers must acquire a special professional education before they can enter the Army. The proposed rule for relative rank would not interfere with such special rules of promotion, but would simply provide that after arriving in the same grade officers should take precedence in the order of actual seniority.

Among Maj. W——'s seniors under the present rule of procedure is Maj. C——, of the Coast Artillery, whose seniority is based on the fact that he was promoted to the grade of major 16 days before Maj. W——'s promotion, notwithstanding the fact that he was actually Maj. W——'s junior as a commissioned officer by nine years.

The difference in length of service in this case is due to the fact that under present conditions promotion in the Cavalry is relatively slow, while promotion in the Coast Artillery is relatively rapid. The proposed rule of seniority would not affect promotion in either arm, but would simply tend to adjust relative rank on an equitable basis when officers arrive in the same grade. Relative rank determines the right to command, the right to choice of quarters, and precedence on boards and other duty, where officers of the different arms are required to serve together. Among officers in the same grade seniority for the purposes above indicated should be determined by actual seniority.

Rule 3.—This rule applies only to the Cavalry, Infantry, and Field Artillery. These are the combatant arms of the mobile army, and the rule is proposed in order to eliminate all questions of individual promotion from the problem of reorganization of the mobile army. With this rule in effect it is expected that questions of legislation affecting the mobile army can be considered purely on their merits from the standpoint of the public interest.

The application of the foregoing principles will tend to correct the present arbitrary inequalities in relative rank and promotion in the several branches of the Army. But it does not constitute a final solution of the promotion question.

At present there is no sufficient incentive to efficiency. The laggard and the hard-working, enthusiastic officer are advanced with equal steps and according to one cast-iron rule of promotion. It is important, on the one hand, to provide means for disposing of officers who for one reason or another have lost their usefulness; and it is necessary, on the other hand, to insure officers of ability arriving at command rank at a time of life when their usefulness is at a maximum. In either case action should be based upon the officer's record of achievement.

The essentials necessary to the ultimate solution of this problem are:

1. To put the Army on such an improved basis of organization and training that a common doctrine as to standards of military efficiency may be recognized throughout the service and applied to the professional records of all officers.

2. To provide positive and equitable means for advancing, retarding, or eliminating officers according to their several merits.

The difficulties of a practical solution of this problem are recognized. The matter should be made the subject of most careful and deliberate study in the future, and no step should be taken without adequate safeguards against the intrusion of favoritism and other abuses.

VIII.

An initial tactical organization for the mobile army, with a program of gradual expansion into a field army.

1. THE TROOPS AVAILABLE AFTER PROVIDING FOR THE FOREIGN GARRISONS AND THE POLICY OF ORGANIZATION PROPOSED.

It was shown in Chapter II of this report that after the minimum requirements of the foreign garrisons have been provided for the following organizations of the mobile army will remain in the United States: 16 regiments of Infantry, 11½ regiments of Cavalry, 2 regiments of Field and Mountain Artillery, 1 regiment of Horse Artillery, 8 companies of Engineers, 2 field companies of signal troops, 4 companies of signal troops (other than field companies), 1 field hospital, 1 ambulance company.

It is important that this force should receive a tactical organization as a mobile army, even though it should remain incomplete. It is also important that organization tables should indicate the successive increments by means of which the force should be expanded if it should be the pleasure of Congress to form it ultimately into a well-balanced field army. The organization should favor the prompt mobilization of all or part of the mobile army as an expeditionary force. The distribution and administration should also be adapted to the effective use of the Army as a nucleus for the organization and training of national guard and volunteer forces.

These conditions can best be met by organizing a skeleton or nuclear division in each of the three territorial departments. After providing the divisional Cavalry for each division, the remaining Cavalry should be formed into Cavalry brigades of two or three regiments each. When the tactical organizations thus formed have been completed further expansion should be with a view of dividing the central territorial region into two, each containing a complete tactical division with the proper proportion of extra-divisional troops. In considering the details of this organization it is necessary to bear in mind that while an ultimate segregation of the mobile Army into actual brigade commands is contemplated under the policy proposed by the Secretary of War, such segregation can not be accomplished at once, and during the period of transition the organization must be such as to meet the actual distribution of the mobile Army. *The essential object sought is to provide an organization in peace which will continue to exist in war.* The faulty distribution of the Army increases the practical difficulties of the problem, but can not be accepted as an argument for adopting a peace organization which must be replaced by a different extemporized organization on the outbreak of war.

2. THE PROPOSED ORGANIZATION OF THE SKELETON FIELD ARMY.

The proposed organization of the units of the mobile Army after providing for the foreign garrisons is shown in Table I, which follows. The number of organizations shown in the table does not correspond exactly wth the numbers now present in the United States, because certain regiments to be relieved from the Philippines have not returned and certain other organizations destined for Panama and Oahu have not yet been dispatched on foreign service. The actual number of organizations within the United States and within the several territorial departments are therefore subject to fluctuation until the foreign garrisons are established.

The adoption of a peace organization like that shown in Table I will result in great decentralization. If it should be desired to assemble an expeditionary force at some place, as Galveston, no extemporization would be necessary. None of the divisions are complete, but a full division could be assembled promptly by a few brief orders like the following:

1. To the commanding general, Central Department, "Assemble the Second Division at Galveston."

2. To the commanding general, Eastern Department, "Send the First Brigade, First Division, to Galveston for duty with the Second Division."

Such simplicity is the result of decentralization and would be possible because there is no difference, except as to strength, between the proposed peace organization and the war organization. The preparation of mobilization and transportation plans would be a part of the routine duty of the several brigade and division commanders. At present such a force as this could not be assembled without complicated and difficult extemporization, and when assembled each of its general officers would be a stranger to his command and its problems of administration.

TABLE I.—*The skeleton field army as organized with existing troops.*

First Division.	Second Division.	Third Division.	Army troops.[1]
(To be stationed in the Eastern Department.) *First Brigade.*—3 regiments of infantry. *Second Brigade.*—1 regiment of infantry. *Divisional Artillery.*—1 battalion of field artillery. *Divisional Cavalry.*—(1 regiment less 1 squadron.)[2] *Engineers.*—Provisional pioneer battalion (2 companies). *Signal troops.*—None available. *Sanitary troops.*—No field hospitals or ambulance companies available.	(To be stationed in Central Department.) *First Brigade.*—3 regiments of infantry. *Second Brigade.*—3 regiments of infantry. *Divisional Artillery.*—1 regiment of field artillery. *Divisional Cavalry.*—1 regiment. *Engineers.*—Provisional pioneer battalion (2 companies). *Signal troops.*—1 field company. *Sanitary troops.*—1 ambulance company and 1 field hospital.	(To be stationed in the Western Department.) *First Brigade.*—3 regiments of infantry. *Second Brigade.*—3 regiments of infantry. *Divisional Artillery.*—Headquarters, 1 battalion of field artillery. *Divisional Cavalry.*—1 regiment. *Engineers.*—Provisional pioneer battalion (2 companies). *Signal troops.*—1 field company. *Sanitary troops.*—No field hospitals or ambulance companies available.	(For the formation of a cavalry division or independent cavalry brigades, and to provide extra-divisional auxiliaries.) *Cavalry.*—9 regiments (formed in brigade in sections of 2 or 3 regiments). *Horse Artillery.*—1 regiment. *Engineers.*—Provisional pontoon battalion (2 companies). *Signal troops.*—None available. *Sanitary troops.*—No field hospitals or ambulance companies available.

[1] The Army troops to be distributed in the three territorial departments.

[2] 1 squadron at Panama to be taken from one of the divisional Cavalry regiments. For the purposes of this table it is assumed that this squadron is taken from the First Division.

NOTE.—In minor wars where the command of the sea is not involved or in a more serious war after the command of the sea has been definitely secured by our Navy the troops of the Coast Artillery may be counted upon to reenforce the mobile army. In order to meet this contingency the peace organization and training of the Coast Artillery should include preparation for employment as auxiliary organizations of Siege Artillery, Infantry, and other services. For purposes of field training such provisional organizations as may be formed in the Eastern Department should have opportunities for field training with the First Division. The provisional organizations formed in the Western Department should likewise train with the Third Division.

3. FIRST INCREMENT OF THE SKELETON FIELD ARMY.

The field army shown in Table I is incomplete in every particular, but it is the best organization that can be effected with the forces available. It is believed that the first increment of the Army that Congress may authorize should be applied in such a way as to give the three skeleton divisions a uniform proportion of the several arms. Table II shows the improvement in the organization that would result from adding the following organizations as the first future increment of the mobile army:

Two regiments of Infantry (to complete second brigade, first division).

Six battalions of Field Artillery (one to each regiment now existing) (*a*).

One field company of Signal troops with sufficient additional personnel to form the nucleus of the field army aero and wireless service (*b*).

Five field hospitals (*c*).

Five ambulance companies (*c*).

(*a*) This would result in gaining one regiment of Field Artillery for home service, as after the change two 3-battalion regiments would replace three 2-battalion regiments on foreign service.

(*b*) In the organization of the Signal Corps every effort should be made to utilize as many as possible of the enlisted men now employed on technical duties and who are not included in field companies in time of peace. The plans for war expansion should also contemplate the fullest use of civilian aero operators, telegraphers, and other experts. These questions should be considered in connection with the revision of the Field Service Regulations.

(*c*) Every effort should be made to provide the necessary sanitary units for field service, but as much of their personnel as possible should be mobilized from the peace personnel on duty at posts. As the concentration policy progresses a greater percentage of Hospital Corps men will be released from post duty on mobilization. The plans should also be based on the idea of a war expansion through the absorption of civilians whose ordinary occupations are analogous to those of the Hospital Corps. The peace strength of all noncombatant troops should be kept at a minimum consistent with proper peace service and effective war expansion.

TABLE II.—*The skeleton field army as organized after the first increment.*

First Division.	Second Division.	Third Division.	Army troops.
First Brigade.—3 regiments of Infantry. *Second Brigade.*—3 regiments of Infantry. *Divisional Artillery.*—1 regiment. *Divisional Cavalry.*—1 regiment (less 1 squadron).[1] *Engineers.*—Provisional battalion (2 companies). *Signal troops.*—1 field company. *Sanitary troops.*—2 field hospitals and 2 ambulance companies. *Ammunition column.*[2] *Supply trains.*[3]	*First Brigade.*—3 regiments of Infantry. *Second Brigade.*—3 regiments of Infantry. *Divisional Artillery.*—1 regiment. *Divisional Cavalry.*—1 regiment. *Engineers.*—Provisional battalion (2 companies). *Signal troops.*—1 field company. *Sanitary troops.*—2 field hospitals and 2 ambulance companies. *Ammunition column.*[2] *Supply trains.*[3]	*First Brigade.*—3 regiments of Infantry. *Second Brigade.*—3 regiments of Infantry. *Divisional Artillery.*—1 regiment. *Divisional Cavalry.*—1 regiment. *Engineers.*—Provisional battalion (2 companies). *Signal troops.*—1 field company. *Sanitary troops.*—2 field hospitals and 2 ambulance companies. *Ammunition column.*[2] *Supply trains.*[3]	(For the formation of a Cavalry division or independent Cavalry brigades, and to provide extra-divisional auxiliaries.) *Cavalry.*—9 regiments (formed in brigade inspections of 2 or 3 regiments). *Horse Artillery.*—1 regiment. *Engineers.*—Provisional battalion (2 companies). *Signal troops.*—Nucleus of field army units including base line, aero and wireless service.[4] *Sanitary troops.*—The field hospitals and ambulance companies assigned to the divisions will probably meet all requirements at this stage of development.

[1] See Table I.

[2] The proposed Artillery organization furnishes a cadre for the ammunition column. The details of expansion will depend on whether reservists are provided. If not, the expansion must be by recruitment. In either event detailed plans must be worked out.

[3] The cadre of the supply columns should be furnished by such service corps as may be authorized. The details of expansion must be worked out in connection with the service corps.

[4] The details of organization to be worked out by the General Staff with the Signal Corps during the revision of the Field Service Regulations.

4. SUBSEQUENT INCREMENTS OF THE FIELD ARMY.

After forming the balanced skeleton field army shown in Table II, the next increments should successively expand the skeleton divisions of the field army into complete divisions. The second increment, necessary to complete one of the divisions, is as follows:

1 brigade of Infantry (3 regiments).
1 regiment of Field Artillery.
1 pioneer company of Engineers (to complete the divisional battalion).
1 or more additional ambulance companies and field hospitals, the number to depend upon a determination of the number proper for the division and the number proper for the extra-divisional reservoir.

The third and fourth increments would be identical with the second increment and would each complete another division.

The fifth increment should complete the quota of Army troops necessary to furnish an auxiliary division if the whole mobile Army should be employed as a field army or expeditionary force. The additional units are as follows:

1 regiment of heavy artillery (*a*).
1 brigade of Infantry (3 regiments).
1 company of Engineers (to complete the field army pontoon battalion) and appropriate engineer units for the Cavalry division.
Field Army Signal units (organization completed).
Sanitary troops (such additional ambulance companies, field hospitals, and evacuation hospitals as may be found necessary).

NOTE.—(*a*) Until a regiment of field-army heavy artillery can be provided one or more batteries or battalions of the divisional artillery will be equipped with the heavy types.

The complete field army with three divisions and army auxiliary troops as it would be organized after the fifth increment is shown in Table III.

TABLE III.—*The field army with three divisions and Army troops complete as organized after the fifth increment.*

First Division.	Second Division.	Third Division.	Army troops.
First Brigade.—3 regiments of Infantry. *Second Brigade.*—3 regiments of Infantry. *Third Brigade.*—3 regiments of Infantry. *Divisional Artillery.*—1 brigade of 2 regiments. *Divisional Cavalry.*—1 regiment (less 1 squadron).[1] *Engineers.*—1 pioneer battalion (3 companies). *Signal troops.*—1 field company. *Sanitary troops.*—3 field hospitals and 3 ambulance companies. *Ammunition column.* *Supply train.*	*First Brigade.*—3 regiments of Infantry. *Second Brigade.*—3 regiments of Infantry. *Third Brigade.*—3 regiments of Infantry. *Divisional Artillery.*—1 brigade of 2 regiments. *Divisional Cavalry.*—1 regiment. *Engineers.*—1 pioneer battalion (3 companies). *Signal troops.*—1 field company. *Sanitary troops.*—3 field hospitals and 3 ambulance companies. *Ammunition column.* *Supply train.*	*First Brigade.*—3 regiments of Infantry. *Second Brigade.*—3 regiments of Infantry. *Third Brigade.*—3 regiments of Infantry. *Divisional Artillery.*—1 brigade of 2 regiments. *Divisional Cavalry.*—1 regiment. *Engineers.*—1 pioneer battalion (3 companies). *Signal troops.*—1 field company. *Sanitary troops.*—3 field hospitals and 3 ambulance companies. *Ammunition column.* *Supply train.*	(For the formation of a Cavalry division or independent Cavalry brigades, and to provide extra-divisional auxiliaries for expeditions or for a field army.) *Cavalry.*—9 regiments (formed in brigade inspections of 2 or 3 regiments). *Horse Artillery.*—1 regiment. *Heavy Artillery.*—1 regiment. *Infantry.*—1 brigade. *Engineers.*—Field Army battalion and proper additional units for the Cavalry division. *Signal troops.*—Field Army units. *Sanitary troops.*—To include additional ambulance companies, field hospitals, and evacuation service, the details to be worked out after investigation as to proper distribution between the divisions and the extra-divisional reservoir with the Army troops.

[1] See Table I.

With the sixth increment the fourth division should come into being, and successive increments should complete it. What further increments may be necessary can not be foretold, but it is certain that the future military needs of the country, as they are understood to-day, can not be met by a mobile force of less than four divisions, and this is the goal toward which all effort should be directed.

But in the preparation of this report every effort has been made to separate the question of organization from the question of possible increase. Tactical organization should be adopted without reference to possible increases, and such increases as may be authorized in the future should be applied to the development of a consistent tactical plan.

5. THE NUMBER OF GENERAL OFFICERS REQUIRED BY THE TACTICAL ORGANIZATION.

Brigadier generals.—Modern tactical organization requires a homogeneous unit higher than the regiment. This unit is the brigade, and its commander should be a brigadier general selected as a general rule from the arm which he commands. The number of brigadier generals of the mobile army should therefore be based on the number of regiments. For each arm there should be at least one brigadier general for each three regiments or major fraction thereof. With the present strength of the Army the quota of brigadier generals of the mobile army should therefore be as follows:

	Regiments.	Brigadier generals.
Infantry	30	10
Cavalry	15	5
Field Artillery	6	2
Total	51	17

This number of brigadier generals is based on the present peace strength of the mobile army and should be increased in proportion to future increments of the Army. In time of war there should be a brigadier general for each organized brigade.

The number of brigadier generals required for the Coast Artillery organization is four, viz, one for each Coast Artillery inspection and one as chief of Coast Artillery.

Major generals.—The number of major generals should likewise be based upon the commands appropriate for such officers. The appropriate peace commands for major generals are as follows:

Territorial departments in the United States	3
Philippine Department	1
Hawaiian Department	1
Panama Department	1
Total major generals	6

In time of war there should be a major general for each organized division.

General officers required for duty on the General Staff and for other purposes.—The number of general officers authorized by law for detail to the General Staff should be in addition to those above enumerated for assignment to military commands. The additional general officers so required should be added in the grade of brigadier general. This will permit the assignment of general officers of either grade to the General Staff without reducing the total number available as military commanders. When a major general is detached from his appropriate command for detail to the General Staff, the brigadier general assigned to the military command so vacated should have the temporary rank, pay, and allowances of major general during his continuance in such advanced command.

6. ADDITIONAL OFFICERS REQUIRED FOR DUTIES OTHER THAN REGIMENTAL.

When additional officers are required for duty with the citizen soldiery, or for other military duty peculiarly related to their respective arms of the service, the numbers of such officers allotted to each arm should be based upon the actual requirements of the arm and not upon a pro rata between the several arms. The number of Infantry officers required for duty with the National Guard depends upon the requirements of the National Guard infantry. Similarly the number of Cavalry officers required depends upon the needs of the National Guard cavalry. The relative numbers required from the two arms has no relation to the fact that the Regular Infantry comprises twice as many officers as the Regular Cavalry. It is recommended, therefore, that the number of such additional officers as may be authorized for purely tactical purposes in the future be based upon the actual needs of the several arms, with the understanding that the original vacancies due to any increase in the number of such extra regimental officers in the Infantry, Cavalry, or Field Artillery be prorated among the three arms according to the principles governing the filling of original vacancies as outlined in Chapter VII of this report.

But when additional officers are required for administrative duties not peculiarly related to any one arm, the total number of such officers should be prorated among the several arms as at present.

Whenever the number of additional officers allotted to any arm is increased in any manner, the grades of the new officers should be so allotted as to keep the ratios between the numbers of officers in the several grades, as near as may be, the same in the Cavalry, Field Artillery, Coast Artillery, and Infantry.

IX.

Raising and organizing the national volunteer forces.

1. LIMITATIONS UPON THE AVAILABILITY OF THE STATE MILITIA AS A NATIONAL FORCE.

The Constitution provides that Congress shall have power—

"to provide for calling forth the militia to execute the laws of the Union, suppress insurrection, and repel invasion."

And, further—

"to provide for organizing, arming, and disciplining the militia and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress."

Under these provisions Congress passed the act of January 21, 1903, commonly known as the Dick bill. This act superseded practically all the militia laws on the statute books. It has since been amended by the act of May 27, 1908, and the act of April 21, 1910. Under the provisions of these laws the militia has been organized, uniformed, and equipped, and the President is authorized to employ the organized portion for the three purposes specified in the Constitution. Under the operation of these laws the general efficiency of the Organized Militia has been greatly improved, but no acts of Congress can extend the scope of its employment as militia or modify the restricted fundamental law upon which the whole militia structure is based.

The Regular Army is organized under the general and plenary power of Congress "to raise and support armies," and it can be used both at home and abroad for any national purpose. The militia may be employed to support the Regular Army for the limited purposes mentioned in the Constitution, but it can not be employed for the varied purposes for which a national army may be required—for such purposes as our own history shows it is likely to be needed.

After the War of 1812 it seemed to be accepted as a settled policy that under existing constitutional limitations the militia should not be regarded as available for general military purposes.

In the Mexican War the Regular Army, supported by a volunteer army of national troops, achieved a series of victories unmarred by a

single defeat. The Battle of Buena Vista, fought at a time when nearly all the regular troops had been dispatched to take part in the campaign under Gen. Scott against the City of Mexico, was a triumph for the volunteers. A force of some 12,000 militia was called out for three months in the first stages of the war, but they were returned to their homes without having fired a shot.

The Civil War opened with a call for 75,000 militia to serve for three months. The disaster which ensued at Bull Run practically put an end to the use of militia during the war. A great volunteer army of citizen soldiery was called into being, which prosecuted the war as a national force.

After the Civil War there was a great development of Organized Militia throughout the country. Although national support was not liberally given, it was recognized that these State organizations furnished a valuable school of military training. When the Spanish War broke out a volunteer army was again organized, and under a provision of the law existing militia organizations were permitted to volunteer as complete units. These volunteer organizations were created under the power of Congress to raise and support armies. The militia upon volunteering completely lost its militia status as far as the Federal Government was concerned. The forces thus created were therefore available for general military purposes, and they were employed in Porto Rico, Cuba, and the Philippine Islands.

Under the legislation of 1898 regiments made up from militia organizations were received into the Federal service as volunteers, and with other new regiments of volunteers were formed into brigades, divisions, and Army corps. When a regiment or smaller organization volunteered as a body the governor of the State was authorized to appoint the militia officers of these units into corresponding grades in the same organizations when they were received into the service of the United States as part of the Volunteer Army; but the higher Army units, the brigades, divisions, and Army corps, were Federal units organized by the President and commanded by officers under his commission. Some of these general officers were appointed from the Regular Army, some were distinguished veterans of a former war, and some were appointed from the militia officers who volunteered from the States. But they all became Federal officers and were responsible to the constitutional Commander in Chief. This was in harmony with the national policy adopted in the Mexican War and continued throughout the War of 1861–1865.

The volunteer act of 1898 was drawn in haste and contained many defects, but in these two particulars it was based on our national experience and erected solidly upon the Constitution. It called for an army, a force that could be used at home or abroad, in attack or defense, and for general military purposes; it therefore did not attempt to use a force which the Constitution had restricted to three limited uses. It called for a National Army, and therefore its fundamental army units were Federal units. It did not favor repeating the folly committed in 1812, when we attempted to conquer Canada with groups of allied forces, rather than with a cohesive National Army.

The volunteers of 1898, like the volunteers of 1861, were citizen soldiers, but they were not militia. Our Constitution and our history alike confirm the dictum that citizen soldiers may be employed successfully for general military purposes, but that organized as militia they may not.

In the militia legislation of 1903 and 1908 we have departed from the sound policy based on the experience of 1812, 1846, 1861, and 1898. It is true that the Organized Militia of to-day is a more highly trained force than the militia of our early history, but the same constitutional limitations as to use and control prevent its full development as an effective national force, so long as it maintains its legal character as militia.

The present militia policy is erected on the theory that the militia may be used for general military purposes as militia. It provides that it shall enter the service as militia and remain militia, and yet contains the provision that it may serve either within or without the territory of the United States. With reference to this provision of the militia law, the Attorney General writes as follows in reply to a question from the Secretary of War:

"It is true that the act of January 21, 1903, as amended by the act of May 27, 1908 (35 Stat., pt. 1, 399), provides:

"'That whenever the President calls forth the Organized Militia of any State or Territory, or of the District of Columbia, to be employed in the service of the United States, he may specify in his call the period for which such service is required, and the militia so called shall continue to serve during the term so specified, either within or without the territory of the United States, unless sooner relieved by order of the President.'

"But this must be read in view of the constitutional power of Congress to call forth the militia only to suppress insurrection, repel invasion, or to execute the laws of the Union. Congress can not, by its own enactment, enlarge the power conferred upon it by the Constitution; and if this provision were construed to authorize Congress to use the Organized Militia for any other than the three purposes specified it would be unconstitutional. This provision applies only to cases where, under the Constitution, said militia may be used outside of our own borders and was, doubtless, inserted as a matter of precaution and to prevent the possible recurrence of what took place in our last war with Great Britain, when portions of the militia refused to obey orders to cross the Canadian frontier.

"I think that the constitutional provision here considered not only affords no warrant for the use of the militia by the General Government, except to suppress insurrection, repel invasion, or to execute the laws of the Union, but, by its careful enumeration of the three occasions or purposes for which the militia may be used, it forbids such use for any other purpose."

The opinion of the Attorney General in full is attached to this report as Appendix III.

We are thus brought squarely face to face with the problem of how we are to get the forces which we may need for purposes more general than those to which the Constitution restricts the use of militia. And this raises the whole question of how we are to go about providing for the great national volunteer force which in time of stress our country may need.

The Constitution provides two means whereby the National Government may draw upon the great body of potential national volunteers—directly under the power to raise and support armies, indirectly under the militia clause. The first power is unrestricted, the second definitely restricted. Such troops as may be raised under the latter power must undergo a change of status before they can be employed for general military purposes. The procedure necessary for developing a national force under each of these two powers is discussed below.

A. UNDER THE POWER TO RAISE AND SUPPORT ARMIES.

The "power to raise and support armies" is construed as follows in Tarble's Case, 13 Wallace, 408:

"Field, J.: Now, among the powers assigned to the National Government, is the power 'to raise and support armies' and the power 'to provide for the government and regulation of the land and naval forces.' The execution of these powers falls within the line of its duties, and its control over the subject is plenary and exclusive. It can determine, without question from any State authority, how the armies shall be raised, whether by voluntary enlistment or forced draft, the age at which the soldier shall be received and the period for which he shall be taken, the compensation he shall be allowed, and the service to which he shall be assigned. And it can provide the rules for the government and regulation of the forces after they are raised, define what shall constitute military offenses, and prescribe their punishment. No interference with the execution of this power of the National Government in the formation, organization, and government of its armies by any State officials could be permitted without greatly impairing the efficiency, if it did not utterly destroy, this branch of the public service."

In view of this language of the Supreme Court it would seem that Congress could organize a company or a battalion or a regiment of citizen soldiers in every congressional district if it chose to do so. It could limit the employment of the force to time of war only, or to other contingencies determined by itself. It could fix the period of instruction at 10 days a year, or 20 days a year, or 1 hour per week, or any other time that might be desirable. It could regulate the appointment of officers and provide for the voluntary transfer of officers and enlisted men from the present Organized Militia to the national force. It could organize battalions and regiments of the three arms and all of the auxiliaries that might be required for war purposes, and could combine them into properly proportioned divisions and field armies. It could organize it definitely as a territorial army uniformly distributed throughout the Union with all of the machinery of mobilization, concentration, and supply organized in time of peace. Congress could place any desired limit of strength upon its national army of citizen soldiers, or it could adopt the logical ideal of voluntary military service, and provide facilities for the military training of all patriotic young men who might volunteer to receive it.

By such means we would be enabled gradually to develop our military resources according to a definite and logical plan. Instead of trying to force upon the militia two duties which under the limitations of the Constitution are more or less incompatible we would recognize things as they are, and provide for two forces, each having its special function. This would afford obvious advantages to all concerned; the National Government would know upon what forces it could count; the States could proportion their forces to local needs; and individuals would have the choice of the particular kind of service they preferred; that is, State service with limited war liability, or war service only, under the National Government.

B. UNDER THE MILITIA CLAUSES OF THE CONSTITUTION.

But while a national citizen soldiery organized "under the power to raise and support armies" is the most direct and the most complete solution of our problem, it must be recognized that the immediate provision of such a force involves serious practical difficulties. It is unquestionably true that the present Organized Militia can not be employed for general military purposes, and that under the present law it can not be effectively trained for war as a homogeneous national force. On the other hand, it is a force actually in being and one composed largely of officers and men who have volunteered for military training because they desire to serve as soldiers in the event of war. The Organized Militia in short constitutes an existing organization. As it stands it is unsuited for national military uses. The question is, Can this impediment be removed?

Congress may organize and discipline the militia, but must leave to the States the appointment of its officers and the authority to train the force according to the discipline prescribed by Congress. Congress is also authorized to govern the militia when it is actually in the service of the United States. Congress may therefore prescribe any peace organization, discipline, or system of training for the militia which does not deprive the States of the following reserved powers:

1. To appoint the officers.
2. To train the forces according to the discipline prescribed by Congress.
3. To govern the militia when not actually in the service of the United States.

The practical question, then, is, Can Congress, under these limitations, convert the Organized Militia into an effective military force and utilize it for general war purposes?

It is believed that the modified militia pay bill recently prepared by the Secretary of War, after consultation with the National Militia Board, furnishes the basis for a practical solution of this problem. (A copy of the bill is hereto attached as Appendix IV.)

The bill provides that officers and enlisted men of the National Guard who conform to certain standards of efficiency to be prescribed by the Secretary of War shall be entitled to Federal pay. In order to be entitled to pay a man must be qualified for military service under the standards to be prescribed by the Federal Government, and he must likewise be a member of a military command of standard organization, strength, and efficiency.

The bill also provides that all organizations and individuals receiving such pay may, in certain emergencies and with the consent of Congress, be transferred to and incorporated with the Army of the United States, and when so transferred such organizations and individuals shall be subject to the laws and regulations governing the Armies of the United States.

It is believed that such militia organizations as qualify for pay under the terms of the bill would be available for general military uses, because when transferred to and incorporated with the Army of the United States they would cease to be militia and would be as fully under the control of Congress as is the Regular Army. It is obvious that no individual or organization of the militia should be the recipient of pay from the Federal Government unless he or it is fully available for general military purposes. It is also believed that the enactment of the bill would give the Federal Government an effective influence over the organization, training, and discipline of the Organized Militia without invading the constitutional powers of the States.

The power to appoint officers would still be reserved to the States, but only those appointees would receive Federal pay who are found fit to perform a definite Federal function and who are obligated to perform that function. The power to train the militia would be reserved to the States, but Federal pay would go only to that part of the militia which is actually trained and prepared for incorporation in the organ-

ized war army of the Nation. Under this policy the Government would not extend its influence over *all* of the militia in a State, but only over that portion which voluntarily engages to form a part of the national war army of citizen soldiery, and even over that portion the Federal influence would be indirect and without encroachment upon the powers reserved to the States by the Constitution.

A militiaman transferred to the Army of the United States under the provisions of the proposed bill should be required to serve until the expiration of his term of service or until a man could be trained to replace him in the event his term of enlistment expired soon after his transfer. The bill should therefore give the Federal Government the right to extend the term of enlistment of any man so transferred for a period of not to exceed 12 months. Without some such provision the force created would begin to melt away on the day it was mobilized. (See also sec. 11, ch. 5.)

Whether the operation of the bill will result in developing the militia of the States into a thoroughly efficient, well-organized national force sufficient for all military purposes can be determined only by experience. In view of the importance, as stated above, of using for war this available military asset, it is considered that a trial should be made and from experience gained a final satisfactory solution obtained.

2. ESTABLISHMENT OF DIVISION DISTRICTS AS A MEANS FOR SYSTEMATICALLY RAISING AND ORGANIZING THE VOLUNTEER FORCES.

While the peace organization of the national citizen soldiery can not be indicated in detail until its legal status is more definitely settled, it is possible to point out some of the objects of peace organization and the general relation of such organization to mobilization and preparation for war. As the war organization of any army involves the establishment of divisions and field armies, and as these complex units can not be extemporized on the outbreak of war, it may be accepted that the army of citizen soldiery should be made up of definitely organized divisions with the auxiliaries necessary to form complete field armies. Assuming that future legislation will provide for changing the status of the Organized Militia from a militia force of limited uses to a national force available for general military purposes, it will be possible to indicate a division organization based on the units now existing in the National Guard. An illustration may thus be made in a concrete way of the general objects to be attained.

The present strength of the National Guard is as follows:

Infantry, 139 regiments, 8 separate battalions, and 8 separate companies.

Cavalry, 74 troops.

Field artillery, 48 batteries.

Engineers, 22 companies.

Coast artillery, 120 companies.

It will be seen that we have the infantry organizations for approximately 16 divisions, the cavalry organizations for approximately 6 divisions, the field artillery for approximately 3 divisions, and the engineer contingent for 7 divisions.

As we have here the infantry organizations for 16 divisions, it will be assumed for purposes of illustration that our problem is to complete these divisions. For this purpose the territory of the United States should be divided into division districts, and it should be the policy of the Government to form a complete division in each division district by filling up the infantry regiments and by encouraging the organization of the artillery, cavalry, and other divisional components which are now lacking.

To each of these division districts should be assigned a General Staff officer, with the necessary number of inspector instructors detailed from the Regular Army, whose function it should be to arrange for the many details of organization which should be planned in peace and not left to extemporization in time of war. Among the duties of this division staff would be the preparation of plans of mobilization in conformity with general plans prepared in the War College. Problems of supply could also be worked out in advance and plans for the transportation of a division or a part of it to any point of concentration could be prepared by trained officers on the ground. The division staff would also be able to keep the War Department advised of the needs of the district and would act as the agent of the War Department in the gradual development of the lacking components of the division. The General Staff officer would also coordinate the efforts of the inspector instructors on duty with the several regiments and battalions so that, through him, the general war policy of the Nation could be transmitted to the units organized in the several States.

These division districts would not only facilitate the development of the organized army of citizen soldiery and simplify its mobilization in war, but the division districts would continue to be useful, even after the troops have gone to the front. The organization provided for the district in peace would prepare regimental depots for recruits and reservists in war, and if it should be necessary to augment the peace force by new levies of volunteers the division districts would furnish the machinery for the raising, organization, administration, and supply of such volunteer forces.

Taking the National Guard force as it exists to-day, we find that most of the individual units are far below their proper war strength, and that the Infantry of the National Guard is not provided with the proper proportion of Cavalry, Field Artillery, and special troops required to form divisions. Efforts are being made to correct these conditions, and it is believed that the organization of definite division districts would facilitate this reform.

An examination of the problem indicates that there are two reasons why the mounted troops have not been developed as rapidly as the Infantry. The first reason seems to be that, under our National Guard system, the troops are primarily State troops, and are presumably organized by the States in order to meet State requirements. It is obvious that the States will rarely have as much use for Cavalry or Field Artillery as they have for Infantry; and even if they need these forces, they will not need them in the proportion required for national purposes under conditions of modern warfare.

The second reason lies in the fact that Cavalry and Field Artillery are more expensive to raise than Infantry, and under present conditions Federal appropriations are not based on a recognition of this fact. For the minimum requirements of instruction, a battery of Field Artillery or a squadron of Cavalry must have a certain proportion of mounts, and under present conditions these animals must either be provided by the organizations or must be obtained at the charge of the State. The development of divisions in the National Guard, therefore, requires that the United States should furnish not only the necessary war material, but also an allotment for the purchase or hire of a certain number of animals for the Cavalry and Field Artillery. If the organized citizen soldiery is to be counted on in war, its Field Artillery and Cavalry must be organized in time of peace and must have the same facilities for training as the Infantry.

The only other solution of the problem is to maintain the Cavalry and Field Artillery organizations in the permanent establishment of the Regular Army. This solution, however, is not permissible economically, and in view of English experience with her territorial army, does not appear to be necessary. To maintain the divisional Cavalry and Field Artillery of the National Guard on the permanent establishment of the Regular Army would cost upward of $2,000,000 per year for each division of the National Guard, while the same forces could be economically maintained on a National Guard basis if less than one-tenth of that amount were allotted to cover cost of providing and maintaining a small quota of mounts to permit proper training.

It should, therefore, be the policy of the Government to develop the army of citizen soldiers in peace as an army of complete divisions, each division to contain its proper proportion of infantry, cavalry, field artillery, engineers, signal troops, and sanitary troops.

A correct organization of the military establishment will involve the organization of the regular mobile army into a force of complete tactical divisions, and a similar policy should apply to the force of citizen soldiers. It is true that on the adoption of the policy both the regular force and the one composed of citizen soldiers would be incomplete; but the completion of the organization would furnish a goal for future administration and legislation. The attainment of the ideal might be a question of years, and during the transition period practical makeshifts would be necessary as emergencies arise. If a war should come before the divisions were complete, it might be necessary to form a number of divisions by the consolidation of a greater number of incomplete divisions, but even this would involve less extemporization than would be necessary under present conditions. Or on the outbreak of war, if sufficient time should be available, the divisions might be completed by organizing new volunteer units to fill the gaps in the division organization. The existence of definite division districts would facilitate the organization of such forces. It would be understood that one of the peace problems of the incomplete divisions would be the preparation of plans for the completion of its organization in event of sudden emergency. Such new volunteers would be a logical expansion of the peace organization.

The fact that the present National Guard force lacks many of the units that would be necessary to convert it into a well-balanced war force is one of the principal arguments for legislation like that proposed in the volunteer bill now pending in the Senate. (See Appendix I.)

For the purposes of the foregoing discussion, divisional troops only have been considered. In working out a final plan the field army auxiliaries of cavalry, field artillery, and special troops, and the coast artillery reserves must also be provided for.

The complete organization of the mobile land forces of the United States will, therefore, include three distinct forces.

1. A regular army organized in divisions and cavalry brigades and ready for immediate use as an expeditionary force or for other purposes for which the citizen soldiery is not available, or for employment in the first stages of war while the citizen soldiery is mobilizing and concentrating.

2. An army of national citizen soldiers organized in peace in complete divisions and prepared to reenforce the Regular Army in time of war.

3. An army of volunteers to be organized under prearranged plans when greater forces are required than can be furnished by the Regular Army and the organized citizen soldiery.

The peace establishment of the Regular Army with the organized division districts of the National Guard should include the machinery for the recruiting organization and mobilization of this great third line of the national defense.

X.

Considerations determining the strength, composition, and organization of the land forces of the United States.

1. Political conditions affecting our country have changed very materially in the past 20 years, but it can hardly be said that the development of our land forces has kept pace with these changing conditions. Until quite recently our people have been almost wholly occupied with the task of overrunning our continental possessions and taking full possession of them. The Regular Army has been the forerunner of this movement, and has been organized, distributed, and trained for the requirements thus involved. This has kept the bulk of the Regular Army scattered in small units in our western country. Conquest and settlement have been fairly completed now, however, and the civil authorities are capable of maintaining orderly conditions as well in one part of our country as in another. If domestic questions were still the only ones that claimed serious attention it would seem that to deal with such questions only the Army should be distributed more equitably with respect to density of population.

But gradually our external problems have been assuming larger and larger proportions. While we were expanding other nations have been doing the like, and within the past few years it is found that practically the whole earth is now divided up among the principal nations and held by them either as actual possessions or as spheres of influence. Hitherto the interests of nations or of small groups of nations have been more or less local. But due to this world-wide expansion the contact between great nations and races has already become close. It tends to become continually closer, due to the increase of population and national needs, and due especially to the vastly increased facilities for intercommunication. With this close contact thus so recently established comes a competition, commercial, national, and racial, whose ultimate seriousness current events already enable us to gauge. Since our conflict with Spain in 1898 practically all of the principal nations of the earth have either been actively engaged in war or else brought to the verge of actual war. The evidence is clear that the nations and races capable of maintaining and protecting themselves are the only ones who can flourish in this world competition.

We have been drawn from our state of isolation and are inevitably involved in this competition. We must consider what preparation we will make to meet this change in our national situation. It may be said that we claim the undisturbed enjoyment of our possessions at home and the protection of our interests abroad. Our military requirements may then be summed up as follows: (1) To secure our home country from invasion; (2) to protect our foreign interests; (3) to maintain domestic peace and good order. Our forces should be proportioned, organized, and trained to meet these requirements.

2. ESTIMATE OF THE LAND FORCES NEEDED IN THE UNITED STATES.

Our requirements in the way of land forces are certain to change as the years go on, but in the light of present-day conditions it is estimated that at the outbreak of war with a first-class power we

should be capable of mobilizing at once in the United States an effective force of 460,000 mobile troops and 42,000 Coast Artillery; that this is the minimum number of first-line troops necessary; and that to augment this force and replace its losses we should have plans made for raising immediately an additional force of 300,000 men.

To meet requirements less vital than a great national war—as for example, the sending of expeditionary forces to protect certain foreign interests—it may be presumed that we would draw upon the forces thus enumerated; and as in the light of our recent experiences we can not possible foretell to what places expeditions may have to be sent nor what numbers will be required, all of these forces should be available for service anywhere.

3. REGULAR AND VOLUNTEER TROOPS.

The Regular Army contingent of this total mobile force at home should be sufficient to provide an expeditionary force capable of acting with the utmost promptness and decision and sufficient to furnish a training nucleus for the volunteer troops in peace and a stiffening element in war. To meet conditions we can now foresee it is believed the Regular Army should comprise four complete divisions, and that it should furnish as extra divisional troops a division of Cavalry and the quota of Heavy Field Artillery, Engineers, Signal, and sanitary troops appropriate for one field army. On this basis the regular contingent of mobile troops within the United States proper, when raised to war strength, would comprise about 112,000 men. The remaining 348,000 mobile troops would be made up of citizen soldiers organized in divisions and in field army auxiliaries. Each group of three division districts should furnish three complete divisions of citizen soldiers and the extra divisional troops considered appropriate for a field army of three divisions. On this basis the quota of 348,000 citizen soldiers might be raised from 12 division districts (as indicated in Chapter IX, the detailed organization of the citizen soldiery will depend upon the extent to which the present Organized Militia can be utilized for general military purposes. The organization of 12 divisions, with the extra divisional troops for four field armies and with the necessary Coast Artillery companies, will absorb all of the units now organized in the National Guard), and they would be the equivalent of four normal type field armies. The regular and volunteer contingents taken together would then represent five field armies, but the exact number in which the various divisions and auxiliaries would actually be combined to make up field armies would depend entirely upon the necessities of the campaign in view.

The regular contingent of Coast Artillery troops in the United States should comprise 26,500 men when on war footing, leaving 21,000 to be furnished by the citizen soldiery. These figures are based on a complete regular personnel for mine companies and 50 per cent personnel of regulars for gun companies for authorized armament.

XI.

A council of national defense.

As war is but a phase of international politics, so military policy is but a phase of international policy. In its broadest sense the organization of the land forces is but a part of the national war organization, which includes the organization of the sea forces and of all other national resources.

A scientific solution of our military problem must include a determination and definition of national policy and the provision of sufficient military and naval forces to support that policy against such adverse interests as may develop from time to time. As several departments of the Government are concerned in the settlement of this question, it is obvious that a sound policy must be predicated upon a comprehensive view of the whole problem with the view of coordinating and balancing its several elements.

In order to formulate a comprehensive policy for the consideration of Congress, it is believed that there should be a council of national defense similar to the one proposed in H. R. 1309. The function of this council, as defined in the bill, is to "report to the President, for transmission to Congress, a general policy of national defense and such recommendation of measures relating thereto as it shall deem necessary and expedient."

The members of the council, as provided in the bill, are as follows:

The President of the United States (ex officio president of the council).
The Secretary of State (to preside in the absence of the President).
The Secretary of War.
The Secretary of the Navy.
The chairman of the Committee on Appropriations of the Senate.
The chairman of the Committee on Foreign Relations of the Senate.
The chairman of the Committee on Military Affairs of the Senate.
The chairman of the Committee on Naval Affairs of the Senate.
The chairman of the Committee on Appropriations of the House of Representatives.
The chairman of the Committee on Foreign Affairs of the House of Representatives.
The chairman of the Committee on Military Affairs of the House of Representatives.
The chairman of the Committee on Naval Affairs of the House of Representatives.
The Chief of the General Staff of the Army.
An officer of the Navy not below the rank of captain, to be selected by the Secretary of the Navy.
The president of the Army War College.
The president of the Navy War College.

It would seem that through the agency of this council the problem of national defense should receive the joint consideration of all of the branches of the Government which are responsible for its ultimate solution.

APPENDIX I.

A bill (S. 2518) to provide for raising the volunteer forces of the United States in time of actual or threatened war.

Be it enacted, etc., That the land forces of the United States shall consist of the Regular Army, the Militia, and such volunteer forces as Congress may authorize.

SEC. 2. That the volunteer forces shall be raised and organized as in this act provided, only during the existence of war, or while war is imminent, and only after Congress has or shall have authorized the President to raise such a force: *Provided*, That the term of enlistment in the volunteer forces shall be the same as that for the Regular Army, and all officers and enlisted men composing such volunteer forces shall be mustered out of the service of the United States as soon as practicable after the President shall have issued a proclamation announcing the termination of the war or the passing of the emergency.

SEC. 3. That when volunteer forces are to be raised the President shall issue his proclamation, stating the number of men desired for each arm, corps, and department, within such limits as may be fixed by law, and the Secretary of War shall prescribe such rules and regulations, not inconsistent with the terms of this act, as may be necessary for the purpose of examining, organizing, and receiving into the service the men called for: *Provided*, That the power to organize shall include the power to provide the officers and enlisted men of all grades and classes, including trained nurses, male and female, that may be necessary in the various arms, corps, and departments: *Provided further*, That all enlisted men received into the service in the volunteer forces shall, as far as practicable, be taken from the several States and Territories and the District of Columbia, in proportion to their respective populations: *Provided further*, That when the raising of a volunteer force shall have been authorized by Congress, and after the Organized Militia of any arm or class shall have been called into the service of the United States, volunteers of that particular arm or class may be raised and accepted into said service in accordance with the terms of this act regardless of the extent to which other arms or classes of said militia shall have been called into said service.

SEC. 4. That the volunteer forces shall be subject to the laws, orders, and regulations governing the Regular Army in so far as such laws, orders, and regulations are applicable to officers or enlisted men whose permanent retention in the military service, either on the active list or on the retired list, is not contemplated by existing law; and no distinction shall be made between the Regular Army and the volunteer forces in respect to the conferring upon officers or enlisted men of brevet rank, medals of honor, certificates of merit, or other rewards for distinguished service: *Provided*, That officers of the volunteer forces shall be competent to sit upon courts-martial for the trial of officers and soldiers of the Regular Army and of the National Guard, or Organized Militia, when the latter has been called into the service of the United States; that officers of the Regular Army shall be competent to sit upon courts-martial for the trial of officers and soldiers of the volunteer forces and of the National Guard, or Organized Militia, when the latter has been called into the service of the United States, unless objection be made by the accused, and that no distinction shall be made between the Regular Army and the volunteer forces in respect to the eligibility of any regular or volunteer officer for service in any court of inquiry or military commission: *Provided further*, That the organization of all units of the line and of the signal troops of the volunteer forces shall be the same as that prescribed by law and regulations for the corresponding units of the Regular Army: *Provided further*, That when military conditions so require the President may organize the land forces of the United States into brigades and divisions and such higher units as he may deem necessary, and the composition of units higher than the regiment shall be as he may prescribe: *Provided further*, That to each regiment of infantry, cavalry, and artillery, and to each battalion of engineers and signal troops organized under this act, there shall be attached the same personnel of the Medical Department as are attached to like organizations of the Regular Army: *Provided further*, That the organization of the coast defenses, of machine-gun detachments, establishments of the Medical Department, remount depots, military trains, secret-service agencies, military prisons, lines of communication, including their supply deopts, and of other adjuncts that may be necessary in the prosecution of war, and the organization of which is not otherwise provided for by law, shall be as the President may from time to time direct.

SEC. 5. That the President is authorized, by and with the advice and consent of the Senate, to appoint all officers required by this act, the number and grade of such officers not to exceed the number and grade of like officers provided for a like force of the Regular Army: *Provided*, That all appointments below the grade of brigadier general in the line of the Volunteer forces shall be by commission in an arm of the service and not by commission in any particular regiment; and officers in each arm of the service shall be assigned to regiments and transferred from one regiment to another, as the interests of the service may require, by orders from the Secretary of War: *Provided further*, That no officer above the grade of colonel shall be appointed under the provisions of this act.

SEC. 6. That to provide the staff officers that will be necessary in the various staff corps and departments in time of war or while war is imminent, and that are not otherwise provided for in this act, the President is authorized to appoint, by and with the advice and consent of the Senate, such number of Volunteer staff officers of the proper grades for such corps and departments as he may find necessary: *Provided*, That the total number of such officers so appointed, including all such officers of the National Guard called into the service of the United States, shall not exceed the ratio of 1 officer to 200 enlisted men for all National Guard and Volunteer forces called into the service of the United States: *Provided further*, That the number of officers appointed in each grade in such staff corps and departments shall not exceed in each staff corps or department the proportionate strength of the corresponding grade as established by law for like staff corps and departments of the Regular Army: *Provided further*, That the President may appoint, by and with the advice and consent of the Senate, Volunteer chaplains at the rate of 1 for each regiment of Volunteer Infantry, Cavalry, and Field Artillery, and 1 for every 12 companies of Volunteer Coast Artillery raised, with rank corresponding to that established by law for chaplains in the Regular Army.

SEC. 7. That in appointing the Volunteer officers authorized by this act the President may select them from the Regular Army, from those duly qualified and registered pursuant to section 23 of the act of Congress approved January 21, 1903, from the National Guard of the District of Columbia, and, upon the recommendation of the various governors, from the National Guard of the several States and Territories in proportion, as far as practicable, to their respective populations, and as near as may be from the localities from which the troops were recruited, and from the country at large: *Provided*, That in appointments from the country at large preference shall be given those who have had honorable service in the Regular Army, the National Guard, or the Volunteer forces, or who have been graduated from educational institutions in which military instruction is compulsory: *Provided further*, That at the same time, not to exceed 1 Regular Army officer shall hold a Volunteer commission in any 1 battalion of volunteer engineers or signal troops, or in any 1 battalion of Volunteer Field Artillery; and not to exceed 4 Regular Army officers shall hold commissions in any 1 regiment of Volunteer Cavalry, Field Artillery, or Infantry, or in any 12 companies of Coast Artillery, including their field and staff, at the same time: *And provided further*, That Regular Army

officers appointed as officers of Volunteers under this act shall not thereby vacate their Regular Army commissions or be prejudiced in their relative or lineal standing therein.

SEC. 8. That the temporary vacancies created in any grade not above that of colonel among the commissioned personnel of any arm, staff corps, or department of the Regular Army, through appointments of officers thereof to higher volunteer rank, shall be filled by temporary promotion according to seniority in rank from officers holding commissions in the next lower grade in said arm, staff corps, or department; and all temporary vacancies created in any grade by temporary promotions shall in like manner be filled from, and thus create temporary vacancies in, the next lower grade; and the vacancies that remain thereafter in said arm, staff corps, or department that can not be filled by temporary promotions, as prescribed in this section, may be filled by the temporary appointment of officers of such number and grade or grades as shall maintain said arm, corps, or department at the full commissioned strength authorized by law: *Provided*, That in the staff corps and departments subject to the provisions of sections 26 and 27 of the act of Congress, approved February 2, 1901, and acts amendatory thereto, temporary vacancies that can not be filled by temporary promotions, as hereinbefore prescribed, shall be filled by temporary details made in the manner prescribed in said sections 26 and 27 and acts amendatory thereto, and the resulting temporary vacancies in the branches of the Army from which the details are so made shall be filled as hereinbefore in this section prescribed: *Provided further*, That officers temporarily promoted or appointed under the terms of this section shall be so promoted or appointed by the President, by and with the advice and consent of the Senate, for terms that shall not extend beyond the termination of the war or the passing of the existing emergency as defined by the President's proclamation, whereupon the said officers shall be discharged from the positions held by them under their temporary promotions or appointments and officers detailed as herein authorized shall be relieved from their temporary details: *Provided, further*, That officers temporarily promoted under the provisions of this section shall not vacate their permanent commissions nor be prejudiced in their lineal or relative standing in the Regular Army.

SEC. 9. That all returns and muster rolls of organizations of the volunteer forces and of militia organizations while in the service of the United States shall be rendered to The Adjutant General of the Army, and upon the muster out of such organizations the records pertaining to them shall be transferred to and filed in The Adjutant General's Office. And regimental and all other medical officers serving with volunteer troops, or with militia organizations in the service of the United States, in the field or elsewhere, shall keep a daily record of all soldiers reported sick or wounded, as shown by the morning calls or reports, and shall deposit such reports, with other reports provided for in this section, in The Adjutant General's Office, as provided for herein for other reports, returns, and muster rolls.

SEC. 10. That in time of war all organizations of the land forces shall be recruited and maintained as near their prescribed strength as practicable. For this purpose the necessary rendezvous and depots shall be established by the Secretary of War for the enlistment and training of all recruits, and in order that officers may be available for recruiting duty the President is authorized, by and with the advice and consent of the Senate, to appoint officers of Volunteers of the proper arm of the service, additional to those elsewhere herein authorized, in numbers not to exceed at the rate of one major, four captains, five first lieutenants, and five second lieutenants for each organized regiment of Cavalry, Field Artillery, or Infantry, each 3 battalions of Engineers, or each 12 companies of Coast Artillery; that for purposes of instruction and discipline the troops at recruit depots herein authorized may be organized into companies and battalions, at the discretion of the Secretary of War, with noncommissioned officers and privates of such grades and numbers as may be prescribed by the President. The recruit rendezvous and recruit depots herein prescribed shall be under the direct control of the Secretary of War, and shall render their reports and returns to The Adjutant General of the Army: *Provided*, That to maintain the National Guard organizations in the service of the United States at their maximum strength the recruiting rendezvous and depots in any State or Territory may, at the request of the governor thereof, enlist and train recruits for the National Guard organizations in the service of the United States from that State.

SEC. 11. That, in the organization of the recruiting system, the President is authorized to employ retired officers, noncommissioned officers, and privates of the Regular Army, either with their rank on the retired list or, in the case of enlisted men, with increased noncommissioned rank; or he may, by and with the advice and consent of the Senate, appoint and employ retired officers below the grade of colonel, with increased Volunteer commissioned rank not to exceed one grade above that held by them upon the retired list, or retired enlisted men with Volunteer commissioned rank not above the grade of first lieutenant: *Provided*, That retired officers and enlisted men while thus employed shall not be eligible for transfer to the field units, but shall receive the full pay and allowances of the respective grades in which they are serving, whether Volunteer or Regular, in lieu of their retired pay and allowances: *Provided further*, That upon the termination of the duty or, in case of those given Volunteer rank, upon muster out as Volunteers, the officers and men shall revert to their retired status.

SEC. 12. That, except as otherwise specifically prescribed by law, all officers provided for in this act are subject to such assignments of duty and such transfers as the President may direct: *Provided*, That medical officers of Volunteers when detailed as consulting surgeons shall not exercise command over the hospitals to which they may be assigned for duty, except that by virtue of their commissions they may command all enlisted men: *Provided further*, That medical inspectors shall be detailed for duty with each army, army corps, and division, and for the base and lines of communications, and that no officer shall be detailed for duty as a medical inspector except he be experienced in military sanitation.

SEC. 13. That all officers and enlisted men of the Volunteer forces shall be in all respects on the same footing as to pay, allowances, and pensions as officers and enlisted men of corresponding grades in the Regular Army: *Provided*, That enlisted men in the Quartermaster's Department and Subsistence Department of the Volunteer forces shall receive the same pay and allowances as enlisted men of corresponding grades in the Engineer Corps.

SEC. 14. That the commander of a division or higher military unit is authorized to appoint, from time to time, military boards of not less than three nor more than five officers of the Volunteer forces to examine into the capacity, qualifications, conduct, and efficiency of any commissioned officer of said forces within his command: *Provided*, That each member of the board shall be superior in rank to the officer whose qualifications are to be inquired into: *Provided further*, That if the report of such board is adverse to the continuance of any officer, and if the report be approved by the President, such officer shall be discharged from service in the Volunteer forces, at the discretion of the President, with one month's pay and allowances.

SEC. 15. That the act approved April 22, 1898, entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," is hereby repealed, and all other laws or parts of laws inconsistent with the provisions of this act are, to the extent of such inconsistency only, hereby repealed.

MILITIA AND VOLUNTEERS AND METHODS OF APPOINTING THEIR OFFICERS.

Memorandum submitted by Senator DU PONT to the Senate Committee on Military Affairs concerning the bill (S. 2518) for raising the volunteer forces of the United States in time of actual or threatened war.

The land forces of the United States are divided into three separate and distinct classes, consisting—

(a) Of the Regular Army, which is the military establishment maintained during both peace and war, under the provisions of Article I, section 8, of the Constitution, giving Congress power to raise and support armies and to make rules for the government and regulation of the same.

(b) Of the militia of the different States and Territories and of the District of Columbia, when called into the service of the United States, under the provisions of Article I, section 8, of the Constitution, giving Congress power to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

(c) Of such volunteer forces as Congress shall authorize to be raised, under the provisions of Article I, section 8, of the Constitution, giving Congress power to raise and support armies and to make rules for the government and regulation of the same.

MILITIA.

Under the acts of Congress approved May 8, 1792, July 17, 1862, and March 2, 1867, the militia of the different States, Territories, and District of Columbia is composed of all able-bodied citizens between the ages of 18 and 45; but under the provisions of the act of Congress approved January 21, 1903, known as the Dick law, and amendments thereto, the militia, as above constituted, is classified under two heads:

First. The Organized Militia, often styled the National Guard, consisting of officers commissioned by the governors of the respective States and Territories and in the District of Columbia by the President and of enlisted men who have engaged to serve for such specified periods as may be determined by the laws of the different States and Territories. In the District of Columbia these periods are determined by the United States statutes.

Second. The reserve militia, consisting of the whole body of the militia not regularly enlisted, organized, and uniformed.

The governors have power to call out the militia for service within their respective States and Territories, and Congress has power, under section 8, Article I, of the Constitution, to call out the militia of the respective States and Territories to execute the laws of the Union, suppress insurrections, and repel invasions.

Congress, by the statute of 1795, made it lawful for the President to call out such numbers of the militia as he may deem necessary, and when properly mustered into the United States service such numbers as may be called out become a part of the land forces of the United States. It is evident, however, that it is not practicable for the President to call out such portions of the militia as do not possess a military organization. While the President has authority to determine the period for which the militia is to be called into the service of the United States, under the statutes he can not detain any officer or enlisted man beyond the term of his existing State commission or enlistment; and, except in the case of the militia of the District of Columbia, he can not make any appointments or promotions of commissioned officers of the Organized Militia of the States and Territories when called into the service of the United States, the authority to make such appointments being expressly reserved to the respective States under section 8 of Article I of the Constitution and given by statute to the governors of Territories.

VOLUNTEERS.

In general terms the word "volunteer" applies to a man who voluntarily engages in the military service of the United States, or of some particular State or Territory, and differentiates him from a man who is drafted compulsorily into the military service—a power which Congress has the right to exercise and did exercise during the Civil War. In this sense the term "volunteer" is just as much applicable to the officers and enlisted men of the Regular Army as to the officers and enlisted men of the so-called volunteer troops. It is equally applicable to the Organized Militia, so far as concerns their relations to their respective States and Territories, but when called into the national service by the President they are in no sense Volunteers so far as the United States is concerned.

To avoid confusion, it should be noted that the term "volunteers," as applied technically to one of the three classes into which our land forces are divided, is used in a special or restricted sense and includes only the troops which have been raised and maintained for limited periods under authority of Congress as adjuncts to the Regular Army in times of actual or threatened war or other emergency.

So far as the constitutional authority for their creation is concerned, the regular and the so-called volunteer forces are upon an identical footing, but are differentiated by the fact that the former are permanent and the latter temporary.

The term "volunteers," as applied to military organizations, appears for the first time in the act of May 28, 1798, which empowered the President to accept any company or companies of Volunteers who might associate and offer themselves for the service. This act authorized the President to appoint the commissioned officers of such company or companies, and the act of June 22, 1798, empowered him to organize the companies into legions, regiments, or battalions, and to appoint field officers for the same.

It will be noted that as the States or Territories are not mentioned in the act of May, 1798, the companies of Volunteers to be raised under its provisions were not in any sense State organizations, but could be taken from the country at large.

Volunteers are next mentioned in the act of March 2, 1799, which empowered the President to accept 28 regiments of such troops to be

employed in the same manner as the militia, and to appoint, by and with the advice and consent of the Senate, the volunteer field officers.

In 1803, when difficulties arose with Spain, the President was authorized by the act of March 3 of that year to require the executives of such of the States as he might deem expedient to organize, arm, equip, and hold in readiness to march at a moment's warning, detachments of militia, not exceeding in all 80,000 men; and the second section of this statute gave the President power to authorize the State executives to accept as part of such detachments any corps of Volunteers, the officers of whom were to be appointed by the State authorities.

The acts of February 24, 1807, and March 30, 1808, when trouble was anticipated with England, were practically repetitions of the statute of 1803, except that the number of men to be called out were not to exceed 30,000 and 100,000, respectively, including corps of Volunteers.

The act of February 6, 1812, was largely a reenactment of the statute of 1807, except that the number of Volunteers was not to exceed 50,000 men; but the act of July 6 of the same year repealed this statute so far as the appointment of officers was concerned and empowered the President to appoint and commission them, by and with the advice and consent of the Senate.

The act of February 24, 1814, reenacted the legislation of 1812, except that the President was authorized to receive such proportion of Volunteers "as in his judgment the public service may require," who were to serve for five years, or during the war; and about a month later the act of March 30, 1814, empowered the President, by and with the advice and consent of the Senate, to make all necessary appointments of officers and to fill all vacancies. During the following year there was still further legislation in regard to Volunteers. Sections 3 and 4 of the act approved January 27, 1815, empowered the President to receive into the service of the United States any Volunteers who might offer their services, not to exceed 40,000 men, and required that the officers should be commissioned by the President.

Passing now to the Florida War, the act of May 23, 1836, authorized the President to accept the services of not exceeding 10,000 Volunteers, the officers to be appointed in the manner prescribed by law in the several States and Territories to which such Volunteers belonged, and practically the same legislation was reenacted on March 3, 1839, when 50,000 Volunteers were authorized at the time of the dispute with Great Britain in regard to the Maine boundary line, and again on May 13, 1846, at the beginning of the Mexican War, 50,000 Volunteers were likewise authorized. It is to be observed, however, that the act of March 3, 1847, empowered the President to organize the Volunteers who might reenlist into companies, battalions, and regiments, and to commission the officers of the same.

Under the act of April 7, 1858, a regiment of Volunteers was organized for the defense and protection of the Texas frontier, and two regiments to quell the disturbances in Utah, the officers of the three regiments to be appointed in the manner prescribed by law in the several States and Territories, except the regimental quartermasters and commissaries, who were detailed from the Regular Army.

During the Civil War the first legislation in regard to volunteers, enacted on the 22d of July, 1861, made a radical departure from either of the previous methods of appointing volunteer officers, inasmuch as it provided that the company officers were to be elected by the men and the field officers by the company officers. But the act of the 6th of August following rescinded this and prescribed that the vacancies among the commissioned officers of volunteer regiments were to be filled by the State governors.

Under the act of July 17, 1862, colored troops were first organized in South Carolina and Louisiana, and later in many other places to the number of nearly 100,000 men. While the officers in most instances were not named directly by the President, they were appointed, after passing careful examinations, by The Adjutant General and other officials under his authority.

On April 28, 1863, an invalid corps was organized for garrison duty, made up of officers and enlisted men who had been wounded or otherwise disabled for active field service, the officers, after passing satisfactory examinations, being appointed by the President, by and with the advice and consent of the Senate. About the same time six regiments and one company of United States Volunteers were organized, the officers being all appointed by the Secretary of War after passing examinations; and on the 20th of May, 1864, a regiment of veteran volunteer engineers was raised in the Army of the Cumberland, the officers being appointed by the President upon the recommendation of the commander of the Army of the Cumberland.

The last act relating to volunteers during the Civil War was that of November 28, 1864, which created a new Volunteer Army corps, consisting of not less than 20,000 men and known as the United States Veteran Volunteers, the officers being appointed by the Secretary of War after rigid examination.

The first legislation in regard to volunteers passed during the Spanish War was that of April 22, 1898, which gave the appointment of all regimental and company officers to the governors of the States in which their respective organizations were raised, except that the President was authorized to organize not exceeding 3,000 men possessing special qualifications, and to appoint the officers of the same. The act of May 11 of that year provided for a volunteer brigade of engineers and a force of 10,000 immunes, all of the officers to be appointed by the President, with the consent of the Senate.

The latest legislation on the statute books in regard to volunteers is that of March 2, 1899, which authorized the raising from the country at large of a force not exceeding 35,000 men for service in the Philippine insurrection, and provided that the officers should be appointed by the President, by and with the advice and consent of the Senate. It is admitted by all that the troops mustered into the service under the provisions of this act became the best disciplined and best instructed, and were therefore the most efficient and most economical body of volunteers that have ever formed a part of our national land forces.

It will be seen from the foregoing that there has been no uniform rule in the method of appointing officers of the volunteer forces, and that the legislation has often conferred this power wholly or in part upon the President, while at other times it has been vested in the governors of the States and Territories.

In all but two States of the Union militia officers below the rank of major are elected by the men and the field officers by the company officers. When the appointment of volunteer officers has been left to the State and Territorial executives, the usual practice has been—and particularly during the Spanish War—to make nearly all such appointments, and promotions as well, on analogous lines, the practical result being that the volunteer officers are elected by those whom they are to command. It is needless to point out that the appointment and promotion of officers on these lines is not only wholly wrong in principle but most pernicious in results, radically affecting, as it does, the discipline and efficiency of the troops and enormously increasing the expense to the Government by making it necessary to employ at least twice as large a number in order to secure the same result. In defense of this bad system it is claimed that the men would come forward more readily and in greater numbers, but when we consider the vast population from which the Volunteers can be drawn it is believed that this argument has but little weight. Within three months after the declaration of war with Spain no less than 56,258 men had enlisted in the Regular Army. If in 1898 such a large number of men were willing to enlist in the Regular Army, with its reputation for strict discipline and where the men have no voice whatever in the selection of their officers, should another war occur it would seem reasonable to suppose (taking into consideration the large increase of our population) that the necessary men would be forthcoming for the volunteer regiments, even if the appointment of the officers were vested in the President. As a matter of fact, in 1899, although the climate was very hot and unhealthy and the seat of war was at the other end of the world, there was no difficulty whatever experienced in raising from the country at large 35,000 Volunteers for service in the Philippines, the officers being all appointed by the President.

Even if the contention above referred to were true, it is submitted that, in the judgment of all military experts, volunteer troops in which the officers are elected by those under them would not be as efficient as a much lesser number organized under the system proposed in the bill, under which the President appoints the officers subject to the restrictions and limitations therein contained, and this, too, with an immense diminution in the expense of the war.

APPENDIX II.

Organization of Field Artillery—Organization of the ammunition service of divisions and armies.

The proposed organization of the Field Artillery is:

For each division:

1 regiment of 3 battalions:	
1 battalion of 3 batteries of four 3-inch guns	12
1 battalion of 3 batteries of four 3-inch guns	12
1 battalion of 2 batteries of four 3.8-inch howitzers	8
1 regiment of 3 battalions:	
1 battalion of 3 batteries of four 3-inch guns	12
1 battalion of 3 batteries of four 3-inch guns	12
1 battalion of 2 batteries of four 4.7-inch howitzers	8
1 ammunition column of 2 battalions.	

For each field army in addition to the divisional Artillery:

1 regiment of 2 battalions:	
1 battalion of 2 batteries of four 4.7-inch guns	8
1 battalion of 2 batteries of four 6-inch howitzers	8
1 ammunition column of 1 battalion.	

For each Cavalry division:

1 regiment of 3 battalions of 2 batteries of four guns each, caliber 3-inch	24
1 ammunition column of 1 battalion.	

The normal organization to be prescribed for the Field Artillery pertaining to divisions and field armies is complicated by the facts that several different calibers must be provided; that they must be provided in proper proportion, and that the various calibers must be grouped in organizations best adapted to employment in war and training in peace.

The choice of the proper organization for the divisional Artillery affords the principal difficulty. For the total number of Infantry and Cavalry in the division it is estimated that the total number of field-pieces to be provided is about 60. It is regarded as necessary to have a certain number of howitzers included in this number, and it is regarded as desirable for purposes of training in peace and employment in war to group the various elements in definite regimental organizations.

After study of various combinations, the solution proposed above is regarded as best meeting the needs of our service. Each regiment is given a fair proportion of howitzers, and no more. With its three battalions—2 gun and 1 howitzer—the regiment is capable of meeting a variety of requirements in war and is well adapted to illustrating the varied uses of artillery during combined instruction with the other arms in the various parts of the country in time of peace. Each division is provided with a reduced number of both types of the fairly mobile howitzers (3.8-inch and 4.7-inch). This distribution is preferred to that of assigning one particular type to each division, since it may be impossible to foretell which division of a field army will need certain types most. It is, indeed, quite possible that all divisions, when deployed, will have use for a limited number of howitzers of both types.

The organization proposed for the horse Artillery is adapted to providing a two-battery battalion for each Cavalry brigade, which is believed to be the proper quota. If desirable, the third battery in each battalion may form the nucleus for ammunition service.

As for the Army Artillery, two batteries of 4.7-inch guns and two batteries of 6-inch howitzers are regarded as the proper quota for the normal type field army of three divisions. The third battery in each battalion may similarly be utilized as the nucleus of the ammunition service.

The strength and composition of batteries, battalions, and regiments of Field Artillery are determined by the characteristics of the particular types to be served, and hence it is not possible to provide a homogeneous organization. The organization as prescribed in legal enactments should hence be flexible, so as to permit varying the types assigned for any particular service to meet the requirements of the case and so as to permit a gradual evolution in normal organization as our experience with the various types and calibers of guns becomes more extensive. The law covering the organization of Field Artillery should accordingly be worded so as to indicate the maximum number of brigades, regiments, and ammunition battalions allowable, the maximum number of battalions and batteries in each, and the maximum strength of each unit, and leave it to the President to fix within this limit the strength of regiments, battalions, and batteries.

The existing law permits the desired flexibility, with the exception that it fixes the minimum strength. If the law prescribed the maximum strength of a regiment of Field Artillery as three battalions of three batteries each and indicated only the total maximum number of officers and enlisted men, then the President could vary the organization of any particular regiment to meet the needs of service.

AMMUNITION SERVICE.

The proposed organization of the divisional ammunition service is as follows:

	Officers.	Veterinarians.	Men.	Vehicles.	Animals.
First Battalion:					
Staff	2	1	9	.....	12
Gun ammunition company	3	.....	149	27	182
Howitzer ammunition company	3	.....	163	28	211
Infantry ammunition company	4	.....	145	59	266
Total	12	1	466	114	671
Second Battalion:					
Staff	2	1	9	.....	12
Artillery train company	5	.....	181	56	345
Infantry train company	4	.....	145	59	296
Total	11	1	335	115	653
Divisional ammunition service:					
Staff	2	1	8	.....	11
Grand total	25	3	809	229	1,335

Staff of an ammunition or train battalion:

1 major.
1 lieutenant.
1 veterinarian.
1 sergeant major.
3 sergeants, 3 corporals, } agents and scouts.
2 privates (horseholders and orderlies).

Staff of headquarters divisional ammunition service:

1 colonel or lieutenant colonel.
1 lieutenant.
1 veterinarian.
3 sergeants, 3 corporals, } agents and scouts.
2 privates (horseholders and orderlies).

The complement proposed for the Army ammunition service is a battalion of two batteries; the staff of the battalion to be similar to that of a divisional ammunition battalion; the strength of each company to be the same as that of the howitzer ammunition company given above.

If it is deemed desirable to provide a separate ammunition service for the Cavalry division, the complement for this duty should comprise a battalion of three companies each having the strength of the gun-ammunition company given above.

For economic reasons it is not considered desirable to maintain complete ammunition organizations in time of peace. A peace nucleus must be provided and all plans carefully worked out for securing the personnel necessary for passing to the war basis. To organize at once an effective service there must be a proper reserve system.

For the divisional ammunition service, a lieutenant colonel of one of the Artillery regiments should be designated as chief of the service and should be charged, in peace, with the detailed preparations for passing to the enlarged war footing. The third batteries of the two howitzer battalions of the division should constitute the nucleus of the ammunition service. All the officers and a limited number of enlisted men of these batteries should be maintained in peace; they may be employed on militia or other duty, but should be assembled at maneuver camps periodically for practicing, on a reduced basis, their appropriate duties in the ammunition service. On mobilization, the captains of these two skeleton batteries should be given temporary commissions as majors; the six lieutenants should be given temporary commissions as captains. A major would thus be provided to command each battalion, and captains would be provided to command the three companies of the first battalion and the two companies of the second battalion. The extra captain would be staff officer for the lieutenant colonel. The remainder of the officers would be reserve officers, designated in time of peace for their particular positions. There should be enough enlisted men in the two skeletonized howitzer batteries to provide a staff sergeant for the lieutenant colonel and each of the two majors and at least six noncommissioned officers for each ammunition or train company, thus making a total of 33 men for the two companies.

An effort should be made to enroll reservists and volunteers in the particular district in which the division is serving to make up the remainder of the enlisted strength.

For the Army ammunition service the lieutenant colonel of the Heavy Artillery regiment should command the battalion, and the skeletonized batteries should have, on the peace basis, a nucleus of officers and men.

Similar arrangements may be made for the ammunition service of a Cavalry division.

DETAILS OF DIVISIONAL SERVICE.

FIELD ARTILLERY.

The experience of recent wars seems to indicate that for the light field piece (3-inch) there must be maintained on wheels, in front of the advance supply depot, approximately 500 rounds per gun.

The supply to be thus maintained for the howitzer and other heavier calibers is not so well established. In an important engagement their expenditure will be great also, but as each wheeled vehicle can carry but a very limited number of these heavier projectiles, and the number of such vehicles must be kept down to the very minimum in order to reduce length of trains, it is evidently impracticable to keep anything like 500 pounds per gun on wheels for these calibers. Similarly, the number to be so maintained on pack mules for the mountain howitzers must be less than 500.

The number to be maintained on wheels or packs for the different calibers is estimated as follows:

	Rounds.
For the 3-inch rifle	464
For the 3-inch mountain howitzer	200
For the 3.8-inch howitzer	312
For the 4.7-inch howitzer	180

As for the distribution of the foregoing ammunition, the best practice seems to be to keep with the guns and their combat trains a number sufficiently large to give them a reasonable insurance against exhaustion of ammunition before resupply commences and to keep in the ammunition column the remaining amount as a rolling reserve to be served out to the various battalions and batteries in accordance with their expenditures.

On the basis of 3 caissons or 17 pack mules per gun the following are the amounts to be kept with the guns and their combat trains:

	Rounds per gun.
For the 3-inch gun	358
For the 3-inch mountain howitzer	170
For the 3.8-inch howitzer	168
For the 4.7-inch howitzer	90

The following, then, remain to be carried in the ammunition columns:

	Rounds per gun.
For the 3-inch gun	100
For the 3-inch mountain howitzer	120
For the 3.8-inch howitzer	144
For the 4.7-inch howitzer	90

Such being the amounts of ammunition to be carried by the divisional ammunition column, we may decide what the composition and organization of this column should be.

The function of the column is to receive ammunition from the line of communication troops and transfer it to the combat trains of the batteries. The distance to be covered in making this transfer may vary very considerably. The average distance to be traversed may be assumed as one-half day's march; this on the assumption that the advance supply depot will be located one day's march in rear of the combatant troops and that the line of communication troops will feed subdepots for each division a half day's march farther on. A day's march may be taken as 18 miles; hence we have 9 miles as the distance the division train will have to cover on the above hypothesis. If the distance is greater or less than this, the amount of ammunition that can be delivered at the front each day will be proportionately diminished or increased.

The routes to be followed in transporting ammunition by the divisional train may be illustrated graphically as shown in the following diagram:

[Diagram omitted in RECORD. See report on the organization of the land forces of the United States.]

The first portion of the travel from the divisional subbase toward the front will be on some already existing road, or on one which will have to be immediately blazed out for all the divisional supply trains. On approaching the combatant troops, however, some point on this route will have to be selected from which elements of the column can be sent to the different combat trains. This point may be termed "the distributing point." From here the vehicles will have to move often across country to reach the vicinity of the combat trains. Each element will move up to a convenient point to which empty caissons from the combat trains may be sent to be refilled. It may be assumed that these points are ordinarily about 1 mile in rear of the fighting line, and that the distance to be covered from distributing point will be 3 or 4 miles.

The procedure above outlined seems to be the one that would naturally be followed in the average case. It suggests two things as to the organization and composition of the divisional train:

1. That the train should be divided into two échelons: The first to have the duty of transporting ammunition from the distributing point to the various combat trains; the second to have the duty of bringing ammunition up to the road to the distributing point.

2. That ammunition should be carried in caissons in the first échelon, since all sorts of country may have to be negotiated; while for the second échelon Army wagons or motor trucks should be used, inasmuch as a great saving in men, animals, and length of train is thus insured, and inasmuch as wagons or trucks would be entirely suitable for the work to be done.

The foregoing may be accepted as fundamental considerations determining the organization of division trains. Both échelons should be capable of ready subdivision so that full subdivisions may be moving to the front while empty ones are moving to the rear to be filled. When the line occupied by the division is very extended, it may be desirable at times to split the leading échelon in two and send each part to establish a distributing point for supplying its part of the line.

The second échelon should have a section comprising the reserve of men, horses, matériel, and equipment and also the personnel and equipment for making minor repairs.

Reverting now to the amount of ammunition to be carried by the divisional ammunition column and accepting the fact that, so far as practicable, the total amount should be about equally divided between the two échelons, we have the following:

	First échelon.	Second échelon.
3-inch gun	53	53
3-inch mountain howitzer	40	80
3.8-inch howitzer	72	72
4.7-inch howitzer	45	45

From these figures we may now deduce the number of caissons, wagons, and packs to carry the amount of ammunition required in each échelon of the divisional ammunition column:

	First échelon—caissons or packs.	Second échelon—wagons.
3-inch gun	24	25
3-inch mountain howitzer	144	25
3.8-inch howitzer	12	10
4.7-inch howitzer	12	13

It thus appears that the first échelon of a divisional ammunition column must have—

Twenty-four caissons for 3-inch ammunition.
Twelve caissons for 3.8-inch ammunition.
Twelve caissons for 4.7-inch ammunition.

It is proposed to organize these into a gun ammunition company of 24 caissons and a howitzer ammunition company of 24 caissons, each as shown in tables appended hereto.

The second échelon requires 25 wagons for 3-inch, 10 for 3.8-inch, and 13 for 4.7-inch ammunition, or a total of 48 wagons.

It is proposed to organize these into an Artillery train company, as shown in table herewith. If it is found that motor trucks can be substituted for wagons, then the number of vehicles will be reduced and the personnel will be correspondingly reduced. Attached to the second échelon is the reserve section, comprising spare men, animals, matériel, and repair outfits.

If mountain guns are assigned to a division, the composition of the ammunition trains will depend upon whether these guns constitute the only guns of the division or are only a portion of the divisional artillery. The mountain ammunition company shown in the table attached will transport 40 rounds per gun for 36 guns, or 60 per gun for 24 guns. One company will suffice if only one regiment of the Artillery brigade is armed with mountain guns, but two must be taken if both regiments are so armed. If battalions of other calibers are present, suitable sections of their ammunition columns must be taken. The figures in tables just above are computed on the assumption that one full regiment of 36 guns accompanies the division. In such a case the other Artillery ammunition company would serve the ammunition for other calibers.

INFANTRY AND CAVALRY AMMUNITION.

The amount of ammunition to be carried per Infantry and Cavalry rifle is as follows:

Ninety rounds per rifle with each man.
One hundred and twenty rounds per rifle in combat trains.
One hundred and twenty rounds per rifle in divisional trains.

	Men.
In a division there will be 9 regiments of Infantry of approximately 2,000 men each, or	18,000
One regiment of Cavalry of 1,200 men	1,200
Making a grand total of	19,200

Multiply by 120=2,304,000 rounds=number of rounds in divisional train.

For the machine guns it is estimated that there should be 17,500 rounds per gun with the mobile troops; 4,800 rounds per gun are to be carried with the new machine-gun equipment, thus leaving about 12,000 rounds to be carried in divisional train. There are 6 machine guns for each of the 10 regiments of Infantry and Cavalry, or 60 guns. For these we must have 720,000 rounds. Hence, we have for the total in the divisional train 2,304,000 + 720,000=3,024,000 rounds.

To carry this amount and the necessary revolver ammunition we require 104 wagons for ammunition proper and 4 for other stores, or 108 in all.

It is proposed to organize these into: An Infantry ammunition company of 54 wagons for the first echelon; an Infantry train company of 54 wagons for the second echelon; the details of organization to be as shown in tables herewith.

SUMMARY OF DIVISIONAL SERVICE.

According to the foregoing analysis, the divisional ammunition service comprises:

First battalion:
1 gun ammunition company.
1 howitzer ammunition company.
1 Infantry ammunition company.
Second battalion:
1 Artillery train company.
1 Infantry train company.

Each of these battalions should be commanded by a major, the battalion staff being as shown in table herewith.

A lieutenant colonel should be in charge of the entire divisional ammunition service, his function being to carry out the orders of the division commander as to resupply of ammunition and to coordinate the workings of all the different elements.

ARMY AMMUNITION SERVICE.

The amount of ammunition to be maintained on wheels for the eight 4.7-inch guns and the eight 6-inch howitzers of the Army Artillery should be:

	Rounds per gun.
4.7-inch guns	336
6-inch howitzers	168
The amounts carried in the combat train are:	
4.7-inch guns	168
6-inch howitzers	84
thus leaving for the ammunition column:	
4.7-inch guns	168
6-inch howitzers	84

For these heavy calibers it is considered that there should be in the Army ammunition column 3 caissons per gun; the first echelon to comprise 1½ caissons per gun (that is, 24 caissons in all), drawn by horses; the second echelon to comprise 1½ caissons per gun (that is, 24 in all), drawn by horses or motors.

Gun ammunition company.

	Battery staff.	First platoon.			Second platoon.			Supply.	Total.
		First.	Second.	Third.	First.	Second.	Third.		
Captain	1								1
Lieutenant		1			1				2
Total commissioned	1	1			1				3
First sergeant	1								1
Quartermaster sergeant								1	1
Stable sergeant								1	1
Sergeants		1			1			1	3
Corporals	2	1	1	1	1	1	1		8
Horseshoers								3	3
Mechanics								2	2
Trumpeters	2								2
Cooks								3	3
Privates, drivers		12	12	12	12	12	12	3	75
Privates, cannoneers		8	8	8	8	8	8		48
Wagoners								2	2
Total enlisted	5	22	21	21	22	21	21	16	149
Caissons, 3-inch		4	4	4	4	4	4		24
Battery wagon								1	1
Field wagon								2	2
Total vehicles		4	4	4	4	4	4	3	27
Horses, draft		24	24	24	24	24	24	6	150
Horses, riding	6	3	1	1	3	1	1	8	24
Mules								8	8
Total animals	6	27	25	25	27	25	25	22	182

Howitzer ammunition company.

	Battery staff.	First platoon.			Second platoon.			Supply.	Total.
		First section.	Second section.	Third section.	First section.	Second section.	Third section.		
Captain	1								1
Lieutenants		1			1				2
Total commissioned	1	1			1				3
First sergeant	1								1
Quartermaster sergeant								1	1
Stable sergeant								1	1
Sergeants		1			1			1	3
Corporals	2	1	1	1	1	1	1		8
Horseshoers								4	4
Trumpeters								2	2
Musicians	2								2
Cooks								3	3
Privates:									
Drivers		12	12	12	16	16	16	3	87
Cannoneers		8	8	8	8	8	8		48
Wagoners								3	3
Total enlisted	5	22	21	21	26	25	25	18	163

Howitzer ammunition company—Continued.

	Battery staff.	First platoon.			Second platoon.			Supply.	Total.
		First section.	Second section.	Third section.	First section.	Second section.	Third section.		
Caissons:									
3.8-inch		4	4	4					12
4.7-inch					4	4	4		12
Battery wagon								1	1
Field wagon								3	3
Total vehicles		4	4	4	4	4	4	4	28
Horses:									
Draft		24	24	24	32	32	32	6	174
Riding	6	3	1	1	3	1	1	9	25
Mules								12	12
Total animals	6	27	25	25	35	33	33	27	211

Mountain ammunition company.

	Battery staff.	First platoon.			Second platoon.			Supply.	Total.
		First.	Second.	Third.	First.	Second.	Third.		
Captain	1								1
Lieutenants		1			1				2
Total commissioned	1	1			1				3
First sergeant	1								1
Quartermaster sergeant								1	1
Stable sergeant								1	1
Sergeants		1			1			1	3
Corporals	2	1	1	1	1	1	1		8
Horseshoers								4	4
Mechanics								2	2
Trumpeters	2								2
Cooks								3	3
Packers		6	6	6	6	6	6	5	41
Packmaster								1	1
Cargador								1	1
Total enlisted	5	8	7	7	8	7	7	19	68
Packs:									
Ammunition		24	24	24	24	24	24		144
Forage and stores								4	4
Supply and kit								20	20
Total packs		24	24	24	24	24	24	24	168
Mules:									
Pack		24	24	24	24	24	24	24	168
Riding		6	6	6	6	6	6	16	52
Horses	6	3	1	1	3	1	1	3	19
Total animals	6	33	31	31	33	31	31	43	239

Artillery train company.

	Battery staff.	First platoon.			Second platoon.			Third platoon.			Reserve and supply.	Total.
		First section.	Second section.	Third section.	First section.	Second section.	Third section.	First section.	Second section.	Third section.		
Captain	1											1
Lieutenants		1			1			1			1	4
Total commissioned	1	1			1			1			1	5
First sergeant	1											1
Quartermaster sergeant											1	1
Stable sergeant											1	1
Sergeants		1			1			1			4	7
Corporals	2	1	1	1	1	1	1	1	1	1	5	16
Chief mechanic											1	1
Horseshoers											6	6
Mechanics											4	4
Trumpeters	2											2
Cooks											3	3
Drivers		9	8	8	4	3	3	5	4	4	31	79
Spare men											60	60
Total enlisted	5	11	9	9	6	4	4	7	5	5	116	181
3-inch wagons		9	8	8								25
3.8-inch wagons					4	3	3					10
4.7-inch wagons								5	4	4		13
Battery wagons											2	2
Store wagons											6	6
3-inch guns and limbers											1	1
Supply wagons											4	4
Total vehicles		9	8	8	4	3	3	5	4	4	13	61
Mules, draft		36	32	32	16	12	12	20	16	16	16	208
Horses:												
Draft											54	54
Riding	6	3	1	1	3	1	1	3	1	1	22	43
Spare horses											20	20
Spare mules											20	20
Total animals	6	39	33	33	19	13	13	23	17	17	132	345

Infantry ammunition or train company.

	Battery staff.	First platoon.			Second platoon.			Third platoon.			Reserve and supply.	Total.
		First section.	Second section.	Third section.	First section.	Second section.	Third section.	First section.	Second section.	Third section.		
Captain	1											1
Lieutenants		1			1			1				3
Total commissioned	1	1			1			1				4
First sergeant	1											1
Quartermaster sergeant											1	1
Stable sergeant											1	1
Sergeants		1			1			1			1	4
Corporals	2	1	1	1	1	1	1	1	1	1		11
Horseshoers											5	5
Mechanics											2	2
Trumpeters	2											2
Cooks											3	3
Privates, drivers		6	6	6	6	6	6	6	6	6	7	61
Spare men											54	54
Total enlisted	5	8	7	7	8	7	7	8	7	7	74	145
Wagons		6	6	6	6	6	6	6	6	6		54
Battery wagon											1	1
Field wagons											4	4
Total vehicles		6	6	6	6	6	6	6	6	6	5	59
Mules, draft		24	24	24	24	24	24	24	24	24	16	232
Horses:												
Draft											3	3
Riding	6	3	1	1	3	1	1	3	1	1	10	31
Total animals	6	27	25	25	27	25	25	27	25	25	29	266

An Infantry train company has 30 spare mules in addition to the strength given above.

APPENDIX III.

DEPARTMENT OF JUSTICE,
Washington, February 17, 1912.

The SECRETARY OF WAR.

SIR: I have the honor to respond to your note of the 8th instant, in which you ask my opinion upon the following question:

"Whether or not, under existing laws, the President has authority to call forth the Organized Militia of the States and send it into a foreign country with the Regular Army as a part of an army of occupation, especially should the United States intervene in the affairs of such country under conditions short of actual warfare?"

From very early times, in both England and this country, the militia has always been considered and treated as a military body quite distinct and different from the Regular or Standing Army, governed by different laws and rules, and equally different as to the time, place, or occasion of its service. One of the most notable points of difference is this: While the latter was in the continued service of the Government and might be called into active service at all times and in all places where armed force is required, for any purpose, the militia could be called into the actual service of the Government only in a few special cases provided for by law. Their service has always been considered as of a rather domestic character, for the protection and defense of their own country and the enforcement of its laws.

This has always been the English doctrine, and in some instances acts of Parliament have expressly forbidden the use of the militia outside of the Kingdom.

Our ancestors who framed and adopted our Constitution and early laws got their ideas of a militia, its nature, and purposes from this, and must be taken to have intended substantially the same military body, with the same limitations of the occasion and nature of their service. If they had intended to enlarge this, they would have said so, just as they have when they intended to further limit or restrict the occasion or nature of their service.

When the Constitution gives to Congress the power "to raise and support armies" and to provide "for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions" and makes the President "the commander in chief of the Army and Navy of the United States and the militia of the several States when called into the actual service of the United States," it is speaking of two different bodies—the one the Regular Army, in the continuous service of the Government, and liable to be called into active service at any time or in any place where armed force is required; and the other a body for domestic service and liable to be called into the service of the Government only upon the particular occasions named in the Constitution. And acts of Congress relating to the Army and the militia must have the same construction.

It is certain that it is only upon one or more of these three occasions—when it is necessary to suppress insurrections, repel invasions, or to execute the laws of the United States—that even Congress can call this militia into the service of the United States or authorize it to be done.

As "insurrection" is necessarily internal and domestic, within the territorial limits of the Nation, this portion of the sentence can afford no warrant for sending the militia to suppress it elsewhere. And even if an insurrection of our own citizens were set on foot and threateningly maintained in a foreign jurisdiction and upon our border, to send an armed force there to suppress it would be an act of war which the President can not rightfully do.

The term "to repel invasion" may be, in some respects, more elastic in its meaning. Thus, if the militia were called into the service of the General Government to repel an invasion it would not be necessary to discontinue their use at the boundary line, but they might (within certain limits, at least) pursue and capture the invading force, even beyond that line; and just as the Regular Army might be used for that purpose. This may well be held to be within the meaning of the term "to repel invasion."

Then, too, if an armed force were assembled upon our border, so near and under circumstances which plainly indicated hostility and an intended invasion, this Government might attack and capture or defeat such forces, using either the Regular Army or the militia for that purpose. This, also, would be but one of the ways of repelling an invasion.

But this is quite different from and affords no warrant for sending the militia into a foreign country in time of peace and when no invasion is made or threatened.

The only remaining occasion for calling out the militia is "to execute the laws of the Union." But this certainly means to execute such laws where, and only where, they are in force and can be executed or enforced. The Constitution or laws of the United States have no extraterritorial force, and can not be compulsorily executed beyond or outside of the territorial limits of the United States.

It is true that treaties made in pursuance of the Constitution are, equally with acts of Congress, the supreme law of the land; but their observance, outside of our own jurisdiction, can not be enforced in the same way. The observance and performance, outside of our own jurisdiction, of treaty stipulations and obligations are left much to the honor, good faith, and comity of the other contracting party, reenforced at times by a regard for the consequences of a breach. We can not send either the Regular Army or the militia into a foreign country to execute such treaties or our laws. Such an invasion of a foreign country would be an act of war.

Outside of our own limits "the laws of the Union" are not executed by armed force, either regular or militia.

The Constitution had already given to Congress the unlimited power to declare war at any time and for whatever cause it chose. It did not, in this provision, attempt the useless thing of giving to Congress an additional power to declare war, or to afford an additional ground for doing so.

What is certainly meant by this provision is that Congress shall have power to call out the militia in aid of the civil power for the peaceful execution of the laws of the Union, wherever such laws are in force, and may be compulsorily executed, much as a sheriff may call upon the posse comitatus to peacefully disperse a riot or execute the laws.

Under our Constitution, as it has been uniformly construed from the first, the military is subordinate and subservient to the civil power, and it can be called upon to execute the laws of the Union only in aid of the civil power, and where the civil power has jurisdiction of such enforcement. Even the Regular Army can be thus called upon only on such occasions; and, certainly, the militia can not be thus called upon at any other.

Then, as the civil power is without force in a foreign country, and as even the Regular Army can not be sent into another country to there execute the laws of the Union, it follows that the Constitution confers no power to send the militia into a foreign country for the purpose stated in the question here considered. On the contrary, by its specific enumeration of the only occasions for calling out the militia, it clearly forbids this.

In all this I am not unmindful that nations sometimes do make hostile demonstrations and use armed force to compel the observance by another nation of its treaty obligations and sometimes send armed forces into another country to protect the lives and rights of its own citizens there.

I shall briefly notice these in their aplication to our own country, its Constitution, and laws. It will be observed, and as controlling and conclusive of the present question, that in case of a hostile demonstration against or a forcible attack upon another nation to enforce its treaty obligations or to punish their infraction there is no question involved of executing the laws of the invading nation, for such laws have no force or existence there. While the Constitution makes itself and the laws and treaties in pursuance thereof the supreme law of the land, it is only in our own land where such laws are supreme or of any force. As to the other contracting party, a treaty is a mere compact, depending for its observance upon the good faith, comity, or other moral

considerations. The Constitution can not make itself or the treaties or laws made under it the supreme law of any other nation or give to either any force or existence beyond our own borders. So that when an armed force is used to compel the observance of treaty obligations or to punish or to obtain compensation for their violation there is no question of executing any law of the Union, for there is no such law there. It is but the forcible compelling of the observance of an agreement or compensation for its breach. The provision referred to does not warrant the use of the militia for this purpose.

Just so it is when in troublous times an army of occupation, large or small, is sent into a foreign country to protect the lives and the rights of our own citizens. Here, too, no law of the Union is being executed by such invasion, for no law of the Union exists or can be enforced there.

While it is the duty of every nation to afford proper protection to foreigners who are lawfully within its borders, yet this is not because of any law of the nation of which such foreigners are subjects, for no such laws exist or have any force there. No one can say in such a case that we are executing or enforcing any law of the Union. We are but aiding or compelling the foreign government to execute its own laws and to perform its own duty. As no law of the Union is being executed by such invasion, the militia can not be called out under this provision to take part in it. As no law of the Union can exist or be in force in any foreign country, the militia can not be called out to enforce any such law there.

The plain and certain meaning and effect of this constitutional provision are to confer upon Congress the power to call out the militia "to execute the laws of the Union" within our own borders, where, and where only, they exist, have any force, or can be executed by anyone. This confers no power to send the militia into a foreign country to execute our laws, which have no existence or force there, and can not be there executed.

If authority is needed for the conclusion here reached, the following may suffice:

In Ordronaux, Constitutional Legislation, page 501, it is said:

"The Constitution distinctly enumerates the three exclusive purposes for which the militia may be called into service of the United States. These purposes are: First, to execute the laws of the Union; second, to suppress insurrection; and third, to repel invasions.

"These three occasions, representing necessities of a strictly domestic character, plainly indicate that the services required of the militia can be rendered only upon the soil of the United States or of its Territories * * *. In the history of this provision of the Constitution there is nothing indicating that it was even contemplated that such troops should be employed for purposes of offensive warfare outside the limits of the United States. And it is but just to infer that the enumeration of the specific occasions on which alone the militia can be called into the service of the General Government was intended as a distinct limitation upon their employment.

"Being the ministers of the law to enforce its commands they can only be summoned by the law-making power to act within the extent of its jurisdiction and in the manner prescribed by the Constitution. They can not consequently be used to invade the territory of a neighboring country or to enforce any public rights abroad * * *.

"The militia of the States, restricted to domestic purposes alone, are to be distinguished therefore from the Army proper of the United States, which, whether in the form of Regular troops or Volunteers, may be used to invade a foreign country as well as to repel the attack of foreign enemies."

And in Von Holtz, Constitutional Law, page 170, it is said, "the militia can not be taken out of the country."

In Kneedler *v.* Lane (45 Pa. St., 238) Judge Strong, speaking for the court, said:

"Apart from the obligations assumed by treaty it is well known that there are many other cases where the rights of a nation and of its citizens can not be protected or vindicated within its own boundaries. But the power conferred by Congress over the militia is insufficient to enable the fulfillment of the demands of such treaties, or to protect the rights of the Government, or its citizens, in those cases in which protection must be sought beyond the territorial limits of the country."

And see Houston *v.* Moore (5 Wheat., 1) and Martin *v.* Mott (12 Wheat., 19, 27).

It is true that the act of January 21, 1903, as amended by the act of May 27, 1908 (35 Stat., pt. 1, 399), provides:

"That whenever the President calls forth the Organized Militia of any State, Territory, or of the District of Columbia, to be employed in the service of the United States, he may specify in his call the period for which such service is required, and the militia so called shall continue to serve during the term so specified, either within or without the territory of the United States, unless sooner relieved by order of the President."

But this must be read in view of the constitutional power of Congress to call forth the militia only to suppress insurrection, repel invasions, or to execute the laws of the Union. Congress can not, by its own enactment, enlarge the power conferred upon it by the Constitution; and if this provision were construed to authorize Congress to use the Organized Militia for any other than the three purposes specified it would be unconstitutional. This provision applies only to cases where, under the Constitution, said militia may be used outside of our own borders, and was doubtless inserted as a matter of precaution, and to prevent the possible recurrence of what took place in our last war with Great Britain, when portions of the militia refused to obey orders to cross the Canadian frontier.

I think that the constitutional provision here considered not only affords no warrant for the use of the militia by the General Government, except to suppress insurrection, repel invasions, or to execute the laws of the Union, but, by its careful enumeration of the three occasions or purposes for which the militia may be used, it forbids such use for any other purpose; and your question is answered in the negative.

Respectfully,

GEO. W. WICKERSHAM,
Attorney General.

APPENDIX IV.

A bill to further increase the efficiency of the Organized Militia, and for other purposes.

Be it enacted, etc., That under such regulations as the Secretary of War, after conference with the National Militia Board, shall prescribe, commissioned officers on the active list belonging to organizations of the Organized Militia of each State, Territory, and the District of Columbia participating in the apportionment of the annual appropriation provided by section 1661, Revised Statutes, as amended, shall receive compensation for their services, except during periods of service for which under existing law or the provisions of section 5 of this act they may become entitled to the same pay as officers of corresponding grades of the Regular Army, at the rate of certain percentages of the pay of officers of like grade in the Regular Army, not including longevity pay, as now provided by law, namely: Five per cent to all general officers commanding a division or brigade, the authorized officers constituting the division staff or brigade staff, including authorized officers detailed for duty therewith, the division and brigade inspectors of small arms practice, if any, the authorized aids, and chaplains; 20 per cent to commanding officers of companies, troops, batteries, and ambulance companies, and to adjutants and quartermasters of regiments, independent battalions or squadrons, or Coast Artillery districts; 15 per cent to all other officers belonging to regiments or smaller tactical units or Coast Artillery districts, including medical officers detailed or assigned to and doing duty with regiments or smaller tactical units or Coast Artillery districts, medical officers serving with field hospitals, and veterinarians.

SEC. 2. That under such regulations as the Secretary of War, after conference with the National Militia Board, shall prescribe, each enlisted man on the active list belonging to organizations of the Organized Militia of each State, Territory, and the District of Columbia participating in the apportionment of the annual appropriation provided by section 1661, Revised Statutes, as amended, shall receive compensation for his services, except during periods of service for which under existing law or the provisions of section 5 of this act he may become entitled to the same pay as an enlisted man of corresponding grade in the Regular Army, at a rate equal to 25 per cent of the initial pay now provided by law for enlisted men of corresponding grades of the Regular Army: *Provided*, That such enlisted man shall receive the compensation herein provided if he shall have attended not less than 45 regular drills during any one year, and a proportionate amount for attendance upon a lesser number of such drills, not less than 20: *Provided further*, That the compensation provided herein shall be computed for semiannual periods, beginning the 1st day of January and the 1st day of July of each year, in proportion to the number of drills attended; and no compensation shall be paid to any enlisted man for the first semiannual period of any year unless he shall have attended during said period at least 20 drills, but any lesser number of drills attended during said period shall be reckoned with the drills attended during the second semiannual period in computing the compensation, if any, due him for that year: *Provided further*, That when any man enters into an enlistment other than an immediate reenlistment he shall be entitled to proportional compensation for that year if during the remainder of the year he shall attend a number of drills whose ratio to 20 is not less than the ratio of the part of the year so served to the whole year; and when any man's enlistment shall expire the compensation, if any, to which he may be entitled shall be determined in like manner: *And provided further*, That periods of any actual military duty equivalent to the drills herein prescribed, except those periods of service for which under existing law or the provisions of section 5 of this act members of the Organized Militia may become entitled to the same pay as officers and enlisted men of the corresponding grades in the Regular Army, may be accepted as service in lieu of such drills when so provided by the Secretary of War.

SEC. 3. That all amounts appropriated for the purposes of this act shall be disbursed and accounted for by the officers and agents of the Pay Department of the Army, and all disbursements under the provisions of the two preceding sections shall be made as soon as practicable after the 31st day of December and the 30th day of June of each year upon pay rolls prepared and authenticated in the manner prescribed by the Secretary of War: *Provided*, That stoppages may be made against the compensation payable to any officer or enlisted man hereunder to cover the cost of public property lost or destroyed by and chargeable to such officer or enlisted man.

SEC. 4. That no money appropriated under the provisions of this act shall be paid to any person not on the active list, nor to any person over 64 years of age, nor to any person who fails to qualify as to fitness for military service under such regulations as the Secretary of War, after conference with the National Militia Board, shall prescribe, and who has not voluntarily, in addition to his oath as a member of the Organized Militia, also agreed to render military service to the United States as hereinafter provided.

SEC. 5. That the President, with the consent of Congress, in time of war or when war is imminent, or in other grave emergency requiring the use of troops in excess of the Regular Army beyond the limits of the United States, may by order transfer to the Army of the United States any portion of the Organized Militia receiving or entitled to receive the benefits of this act to serve therein for the balance of their respective terms of enlistment or commission, unless sooner released by order of the President, and any Organized Militia so transferred shall from the date specified in the order of such transfer become for the time being a part of the Army of the United States and subject to the same laws in so far as the same may be applicable to them during their service under such transfer, excluding the retirement laws, and be entitled to the same pay, emoluments, and allowances as officers and enlisted men of the Regular Army of the same grade and the same prior service, and shall be available for any duty for which the Regular Army or Volunteer Army may be employed: *Provided*, That any member of the Organized Militia who, having agreed to render military service to the United States under the provisions of this act, neglects or refuses to present himself for service when so transferred, shall be subject to trial therefor by a duly constituted court-martial under such regulations as the President may prescribe: *Provided further*, That when in the discretion of the President the necessity for their further such use no longer exists, he shall release said organizations and the members thereof from liability to render further service under said order of transfer, and said organizations and the members thereof when so released shall cease to be a part of the Army of the United States.

SEC. 6. That whenever organizations are called into the service of the United States under existing law, or are transferred to the Army of the United States under the provisions of this act, those organizations only must be taken into such service or transferred to such Army which have already received compensation under the provisions of this act, and, in addition thereto, such other organizations as have become entitled to receive compensation hereunder between the time of the last semiannual disbursement and the time when such call or transfer is made. Organizations which at the date when called into the service of the United States or transferred to the Army of the United States are, in the judgment of the Secretary of War, organized so far as practicable as prescribed by law and regulations for like organizations of the Regular Army and are entitled to pay under this act, shall be taken by regiments brigades, divisions, or independent and separate organizations as the quota in each State, Territory, or the District of Columbia

or major fraction thereof may require, including all regimental, brigade, and division staff officers authorized by law and regulations for the corresponding units of the Regular Army or specially authorized by law for the Organized Militia: *Provided*, That divisions, brigades, regiments, and battalions or squadrons may be organized by the President out of lesser separate units called into the service of the United States or transferred to the Army of the United States as herein provided, and the President may then appoint commanders of such organizations and their respective staffs from officers of the Regular Army or of the Organized Militia: *Provided further*, That the positions of chief of staff and assistant chief of staff shall be left vacant in each division headquarters entitled to pay hereunder, and such vacancies shall be filled by appointment by the President when the division is called into the service of the United States or transferred to the Army of the United States.

SEC. 7. That when the Organized Militia is called into the service of the United States, or by transfer as hereinbefore provided becomes a part of the Army of the United States, and is employed in conjunction with the Regular or Volunteer forces of the United States, and military operations require the presence of two or more officers of the same grade in the same field, department, or command, or of organizations thereof, the President may assign the command of the forces of such field, department, or command, or of organizations thereof, without regard to seniority of rank in the same grade: *Provided*, That in the absence of such assignment by the President officers of the same grade shall rank and have precedence in the following order, without regard to the date of rank or commission as between officers of the different classes, viz: First, officers of the Regular Army and officers of the Marine Corps detached for service with the Army by orders of the President; second, officers of the Organized Militia transferred to the Army of the United States or called into the service of the United States; third, officers of the Volunteer forces: *Provided further*, That officers of the Regular Army holding commissions in the Organized Militia in the service of the United States or in organizations transferred to the Army of the United States as hereinbefore provided, or in the Volunteer forces, shall rank and have precedence under said commissions as if they were commissions in the Regular Army, but the rank of officers of the Regular Army under their commission in the Organized Militia shall not for the purpose of this section be held to antedate their formal entry into the service of the United States under said commissions.

SEC. 8. That all expenses necessary to the enforcement of this act, including the actual and necessary expense of travel of officers of the Army when traveling on duty pursuant to orders issued by the governors of the several States and Territories, or the commanding general of the Organized Militia of the District of Columbia, shall be payable out of any appropriation made to carry out the provisions of this act.

SEC. 9. That the Secretary of War shall cause to be annually estimated the amount necessary for carrying out the provisions in this act, and no money shall be expended hereunder except as shall from time to time be appropriated: *Provided*, That this act shall take effect July 1, 1913.

Mr. GOOD. I yield to the gentleman from Illinois [Mr. MANN] such remaining time as he may desire.

Mr. MANN. Mr. Chairman, nearly every day now we read of some article or some speech attacking the provision in the Panama Canal bill which Congress passed last summer in regard to the question of tolls, and particularly that portion of the law which exempted coastwise vessels from the payment of tolls. I do not propose to take very much time on the subject. It seems to me there is a concerted effort being made to discredit the action of Congress. Whether that effort proceeds in part from the activity of the transcontinental railways whose rates of fare are likely, or at least liable, to be affected seriously by the reduction of the cost of carriage by water I do not undertake at this time to say, but I read the other day a published statement attempting to discredit the action of Congress by the assumption that when that bill was under consideration in the House and in the Senate there were no Members present to speak of, and those who were here were worn out and too tired to think.

I quote some language from this publication as follows:

> We must all realize as we look back that when that provision was adopted the Members of both Houses were much exhausted; we were weary physically and mentally. Such discussion as there was was to empty seats. In neither House of Congress during the period that this provision was under discussion could there be found more than a scant dozen or two of Members.

It is unnecessary in the House, so far as membership of the House is concerned, to state that that statement is without foundation, because we all remember that in the discussion of the Panama Canal bill, and particularly of the Doremus amendment or substitute which was finally agreed to, the membership of the House was quite generally present; and I have seldom seen in my service in the House as large a membership of the House present when any discussion was being carried on.

But the statement that only a scant dozen or two Members of the House who were worn out is an assumption that the action of the House was without proper consideration, and is a reflection not only upon the House but the action which the House took.

The Doremus amendment or substitute for section 5 of the Panama Canal bill was, by consent of the House, printed in the RECORD of May 18. It was disposed of in Committee of the Whole House on the state of the Union on May 21. It was disposed of in the House itself on May 23; and May, by the way, was before the membership of the House was tired out, if they were tired out at all, which I did not observe during the session.

Let me give a few votes which were taken in Committee of the Whole to show whether there were only a scant dozen or two Members of the House present during the discussion.

In the Adamson committee amendment there was a division, and the ayes were 83 and the noes were 43.

On the Adamson amendment to the Goldfogle amendment, on the same section, the ayes were 52 and the noes were 63.

On the Sims amendment to the Goldfogle amendment the ayes were 44 and the noes were 66.

On the Goldfogle amendment itself, on a division, the ayes were 33 and the noes were 80.

On the Good amendment to the Doremus substitute the ayes were 24 and the noes were 99.

On the Doremus substitute, on a division, the ayes were 91 and the noes were 91; and on tellers being ordered, the ayes were 100 and the noes were 90.

On the final vote in the House the ayes were 147 and the noes were 128, "present" 8.

Mr. Chairman, I throw this into the RECORD because I am somewhat tired at some of the statements that are being made by extremely high authority for the purpose of making the country believe that that provision in the Panama Canal bill was without consideration by the House, and that action was taken in the absence of Members of the House. While I shall not quote the record in the Senate, it would bear analysis very much to the same effect.

But, Mr. Chairman, we are told that we were wrong in the action that we took; that the Panama Canal act should be submitted to some form of arbitration. The Hay-Pauncefote treaty is given as the basis for the claim that we do not have the authority to exempt our coastwise trade from the payment of tolls through this canal, and that claim is based upon paragraph 1, article 3, of the Hay-Pauncefote treaty. That paragraph reads:

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

Paragraph 3 of the same article provides:

> Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary, and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

Paragraph 4 of the same article provides:

> No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

Paragraph 5 of the same article provides:

> The provisions of this article shall apply to waters adjacent to the canal within 3 miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

Paragraph 1 reads:

> The canal shall be free and open to the vessels of commerce and war of all nations—

And the claim is made that that puts us upon the same terms precisely as any other nation. If that be true as to merchant marine, it is also true as to vessels of war. There is no distinction in the treaty in that paragraph between war vessels and merchant vessels. If we have no authority under the provisions of this treaty to give preference to our merchant marine, then we have no authority to give preference to our war vessels; and if this treaty applies to our merchant marine, it also applies to the war vessels; and if it applies to the war vessels, if we happen to be at war with any country, then we can not keep one of our war vessels anywhere within 3 miles of either end of the canal for more than 24 hours except in case of distress, and in case of distress the vessel must depart as soon as possible. Do we propose to submit to arbitration the question of whether in time of war with some other country we can maintain one of our warships within 3 miles of either end of the canal? Yet it is perfectly plain that if we can give no preference to the merchant marine, we have no authority to keep a war vessel, in time of war with any other country, within 3 miles of either end of the canal.

Mr. Chairman, to a certain extent we gave construction to the Hay-Pauncefote treaty. Shortly after the Hay-Pauncefote treaty we negotiated a treaty with the Republic of Colombia. There is no exception in the Hay-Pauncefote treaty as to Colombia, and in that treaty which we negotiated with Colombia,

though it never was ratified by the Republic of Colombia, it is provided in article 17:

The Government of Colombia shall have the right to transport over the canal its vessels, troops, and munitions of war at all times without paying charges of any kind.

If the provisions of the treaty apply to vessels of all nations, including the United States, they must also apply to the Republic of Colombia, and yet immediately after we had negotiated the Hay-Pauncefote treaty we negotiated this treaty with Colombia. Again, we negotiated a treaty with the Republic of Panama, in which we provided in article 19:

That the Government of the Republic of Panama shall have the right to transport over the canal its vessels and its troops and munitions of war, in such vessels at all times, without paying charges of any kind.

That treaty is in force, but that is not the only treaty that we negotiated. So distinguished a man as the Hon. ELIHU ROOT, when he was Secretary of State, negotiated a treaty with the Republic of Panama, and another with the Republic of Colombia, and in the treaty with the Republic of Colombia, negotiated by Secretary of State ELIHU ROOT, it was provided:

The Republic of Colombia shall have liberty at all times to convey through the ship canal now in course of construction by the United States across the Isthmus of Panama the troops, materials for war, and ships of war of the Republic of Colombia without paying any duty to the United States, even in the case of an international war between Colombia and another country.

Yet it is reported that certain gentlemen of high authority have recently declared that under the Hay-Pauncefote treaty we have no right to make any discrimination in favor of ourselves, much less the Republic of Colombia. While it is true that this treaty is not in effect, because it was not ratified by the Republic of Colombia, yet it was negotiated by our Secretary of State and ratified and approved by the Senate of the United States. [Applause.] It is not our fault that it is not existing law as a treaty.

Mr. LONGWORTH. Mr. Chairman, was any protest made by any foreign nation at the time of the negotiation of any of these treaties to which the gentleman has referred?

Mr. MANN. There was no protest by any foreign nation at the time. I do not think that any foreign nation ever dreamed that there was no authority on the part of the United States to grant the preference which we have granted until after the transcontinental railroads got busy. [Applause.]

The following illuminating article on this subject has been prepared by the chief law officer of the Isthmian Canal Commission, Hon. Frank Feuille, and ought to be read by everyone interested, and by unanimous consent is herewith inserted:

"PANAMA CANAL TOLLS.

"The provision of the Panama Canal act, recently enacted by Congress, which discriminates in favor of American coastwise shipping and the vessels of the Republic of Panama, has brought forth a protest from the British Government and unfavorable comment from the press at home and abroad.

"It is claimed that the United States have violated treaty obligations in exempting American ships from toll charges at the canal; that in consenting to the Hay-Pauncefote treaty Great Britain surrendered valuable rights held by her under the Clayton-Bulwer treaty; that without the Hay-Pauncefote treaty the United States could not build and maintain the canal alone; and that the surrender of her rights under the Clayton-Bulwer treaty constituted a valid consideration entitling Great Britain to equal treatment for her ships with those of the United States at the canal. The question is a historical one to some extent. It might be well to refer briefly to the history of the subject.

"In 1850 the United States and Great Britain entered into an agreement, commonly known as the Clayton-Bulwer convention, to promote the building of a canal by the Nicaraguan route and, when constructed, to jointly protect it against unjust detention, confiscation, seizure, or any violation whatsoever. The contracting parties also agreed that neither would erect fortifications at the canal or its vicinity, and that neither would directly or indirectly obtain the exclusive benefit of the canal or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America. The Mosquito Coast, over which Great Britain was then attempting to exercise jurisdiction, is situated in the vicinity of the Atlantic entrance of the proposed Nicaraguan Canal.

"The United States had two purposes in view in making the convention—to stop Great Britain's encroachment upon Central American territory and to remove the obstruction at the Atlantic entrance of the canal resulting from the English assumption of jurisdiction over the Mosquito coast.

"One of the important provisions of the treaty was that prohibiting any discrimination in the use of the canal in favor of either of the contracting parties as against the other. The point is covered in the following explicit language:

"The Government of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the ship canal; * * * nor will the United States or Great Britain take advantage of any intimacy, or use any alliance, connection, or influence that either may possess, with any State or Government through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one, any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other.

"There are other provisions to the same effect in the treaty. It is significant that the explicit language of the Clayton-Bulwer convention in respect to equality of treatment of the contracting parties was not employed in the Hay-Pauncefote treaty. This will be discussed later on in this paper.

"The convention applied to the Nicaraguan route and to Central America and not to the Panama route or South America, of which the Isthmus of Panama forms a part.

"It is true that article 8 of the treaty did obligate the parties to extend their protection by treaty stipulations to the Panama route or the Tehauntepec route, but no such treaty stipulations were ever effected.

"Inasmuch as article 8 of the Clayton-Bulwer convention is referred to in the Hay-Pauncefote treaty, it might be well to quote it here at length:

"ART. 8. The Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

"When the Clayton-Bulwer convention was made the United States was under treaty obligations with New Granada, now Colombia, to guarantee positively and efficaciously to that Goverment the perfect neutrality of the Isthmus of Panama, with the view that the free transit from one to the other sea might not be interrupted or embarrassed while the treaty existed, and, in consequence, the United States also guaranteed in the same manner the rights of sovereignty and property which New Granada possessed over said territory. In other words, the United States was exercising a protectorate over the Isthmus of Panama in 1850, when the Clayton-Bulwer convention was made. In return for the protection afforded the Government of New Granada, the United States were to enjoy all the exemptions, privileges, and immunities concerning commerce and navigation which then or thereafter might be enjoyed by Granadian citizens, their vessels, and merchandise; and this equality of favors was to extend to the passengers, correspondence, and merchandise of the United States in their transit across the said territory from one sea to the other upon any means of communication established or to be established.

"The Clayton-Bulwer convention did not impair the treaty between the United States and New Granada. Doubtless the existence of the latter treaty caused article 8 to be inserted in the Clayton-Bulwer convention so that by further treaty stipulations that convention could be made extensive to Panama with the consent of New Granada. Without a material modification of the treaty with the latter country, the Clayton-Bulwer convention could not have been applied to Panama.

"However, no treaty stipulations for the extension of the Clayton-Bulwer convention to the Panama Canal were ever effected, and therefore that convention only applied to the Nicaraguan route and Central America.

"The Clayton-Bulwer convention remained in existence for 51 years—that is to say, from 1850 to 1901—when it was superseded by the Hay-Pauncefote treaty, and in all that time nothing of consequence was done by Great Britain to promote the construction of the canal. Hence the claim that the Clayton-Bulwer convention had become obsolete has some merit.

"No one familiar with the trend of public opinion in the United States but knows that the American people had concluded to build the canal independently of any other nation when the Hay-Pauncefote treaty was made, and had not that treaty been entered into there is no doubt that the moribund convention of 1850 would have been abrogated by our Government in response to popular demand.

"The Hay-Pauncefote treaty, made in 1901, did not affect the treaty made between the United States and New Granada, or Colombia as it is now called, respecting the Isthmus of Panama. Hence the United States, without interruption, has been under treaty obligations since 1846 to protect the Panama route and to maintain the neutrality of transit over the Isthmus. Neither the Clayton-Bulwer convention nor the Hay-Pauncefote treaty relieved the United States of the burden; and the preferential treatment accorded to the commerce of the United States across the Isthmus of Panama, in compensation for that burden, was not diminished or impaired by either of the conventions between England and the United States above mentioned. The right held by the United States under the Clayton-Bulwer treaty was equivalent to an easement over the Isthmus of Panama, and this easement ripened into a fee-simple title when the treaty with Panama was made in 1903. Whence comes England's right to claim equal treatment with the United States at the Isthmus? She did not get it under the Clayton-Bulwer convention nor by virtue of the Hay-Pauncefote treaty. The treaty between the United States and Panama added nothing to England's rights under the Hay-Pauncefote treaty. The Clayton-Bulwer convention and the Hay-Pauncefote treaty left the status at the Isthmus unchanged under which the United States held special commercial privileges over that territory. That the United States are now the owners of the territory, instead of being the holders of an easement, can not change the status. Hence the United States now have rights, commercial and otherwise, at the Isthmus superior to those of England, as they have had since 1846.

"It is claimed by Great Britain that the consideration for superseding the Clayton-Bulwer convention was to secure equality of treatment for her ships with those of the United States at the canal. There is no such consideration expressed in the Hay-Pauncefote treaty nor in the correspondence between the two Governments leading to the making of that treaty; nor does such a consideration arise by implication from a correct reading of the instrument. But a fair construction of it would permit of the suggestion that England's prime motive was to obtain the use of a shorter route to the Pacific through a canal built without cost to her, and the neutrality of which was to be maintained by the United States singly and alone. If Great Britain's contentions were correct, the benefit to the United States from the abrogation of the Clayton-Bulwer convention would not be apparent. The English contention means that the United States renounced all benefits under the Clayton-Bulwer convention and yet retained the burdens and obligations of that instrument, not only in respect to England but the other nations of the world as well, although they were not parties to the convention; and these burdens must be assumed in regard to a canal over which the Clayton-Bulwer convention could not have been extended without further treaty stipulations with New Granada as a party. Surely the burden is upon the party asserting such a claim to establish it by satisfactory evidence beyond doubt.

"If the claim of Great Britain is conceded that she surrendered certain rights in respect to the Nicaraguan Canal when she consented to the abrogation of the Clayton-Bulwer convention, she, in turn, was relieved of the joint obligation to promote the building of the canal and to protect it and maintain its neutrality when built. It is fair to assume that the latter compensated for the former. Be that as it may, Great Britain agreed to the Hay-Pauncefote treaty; and that treaty superseded the Clayton-Bulwer convention.

"But Great Britain will receive other considerations of incalculable value to her for agreeing to the abrogation of the Clayton-Bulwer convention. Her tonnage in steam and sailing vessels is greater than that of the other maritime nations combined. It is not unfair to Great Britain to say that the relative advantage to come to her from the opening of the canal will be in like proportion, and her great superiority over the other nations in tonnage will give her a most-favored position in the trade with the west coast of this hemisphere.

"She has great possessions in Asia and Australia and other parts of Oceanica; the Panama Canal will give her another highway to reach them.

"The benefits to come to her from the canal will not stop here. We know that British America is larger than the United States, excluding Alaska; and British Columbia, in the western part of Canada, contains vast lumber regions and immense wheat fields, which are just beginning to be developed. The opening of the canal will turn immigration toward the Canadian Pacific, and the future should bring a flourishing trade between that region and Great Britain in the exchange of manufactures for Canadian wheat and lumber.

"But these are not all the advantages which England will obtain from the canal. Canada has hundreds of miles of coast on the Atlantic and three or four hundred miles of coast on the Pacific, and is traversed by transcontinental railroads. These conditions will make British America a most valuable base for the operations of the English navy in both oceans when the canal is built, and thus the efficiency of England's navy will be increased almost equally with our own.

"These are some of the benefits that England is to receive from the canal. It is fair to assume that she considered them sufficient to compensate her for agreeing to the abrogation of the almost forgotten Clayton-Bulwer convention, so that there might be no obstacle to the building of the canal by the United States. Were the Panama Canal project abandoned at this time England would probably be injured by the abandonment as much as the United States, and yet the burden of building the canal and of maintaining its neutrality thereafter is entirely on the United States. England has no obligations in that respect.

"However, if we are under treaty obligations to treat England's ships on an equality with our own at the canal, it is our duty to respect them. But have we assumed such obligations? An answer to the question depends on the meaning of the Hay-Pauncefote treaty. The treaty was made in Washington on the 19th day of November, 1901. Its purpose, as declared in the preamble, was to remove any objection which might arise out of the convention of April 19, 1850, known as the Clayton-Bulwer convention, to the construction of the canal under the auspices of the United States, without impairing the 'general principle' of neutralization established under article 8 of that convention. The articles of the Hay-Pauncefote treaty are so interdependent that it is necessary to construe them together in order to get at the true meaning of the instrument, and for that purpose they are here set out in full:

"ARTICLE 1. The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th of April, 1850.

"ART. 2. It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money to individuals or corporations, or through subscription or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

"ART. 3. The United States adopts, as the basis of neutralization of such ship canal, the following rules, substantially as embodied in the Convention of Constantinople, signed the 28th day of October, 1888, for the free navigation of the Suez Canal; that is to say—

"1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect to the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

"2. The canal shall never be blockaded nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

"3. Vessels of war of a belligerent shall not take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service. Prizes shall be in all respects subject to the same rules as vessels of war of belligerents.

"4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hinderance of the transit, and in such case the transit shall be resumed with all possible dispatch.

"5. The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

"6. The plant, establishment, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be a part thereof, for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents, and from acts calculated to impair their usefulness as part of the canal.

"ART. 4. It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the aforementioned canal shall affect the general principles of neutralization or the obligation of the high contracting parties under the present treaty.

"Those articles contain all the material provisions of the Hay-Pauncefote treaty.

"The declaration in the preamble of the Hay-Pauncefote treaty that it is not intended to impair the general principle of neutralization established by article 8 of the Clayton-Bulwer convention has been urged against any proposition to favor American ships at the canal.

"The argument is based on the assumption that the terms 'general principle of neutralization,' used in the preamble, include traffic conditions within their scope and meaning. But the assumption is not justified. They mean immunity from attack and nothing else. It is true the article in question does

provide that the canal shall be open to the citizens and subjects of United States and Great Britain on equal terms, but that was simply a statement of the consideration to each of the two contracting parties for the protection they were to extend to the canal. There are two separate elements expressed in the article—one, the protection of the canal, and the other the equality of treatment of the contracting parties in return for that protection.

"The general principle which the parties desired to extend to the Panama route was one of protection; that is to say, neutralization. That proposition is expressed in the first sentence of the article. The equality of treatment of the contracting parties is another thought expressing the consideration in return for the protection of the canal, and is found in the second sentence of the same article. The term 'neutralization' is not employed by international law writers to mean equality of treatment in respect to traffic conditions. The evident purpose of the Hay-Pauncefote treaty was to secure immunity from attack for the canal. No other meaning can be given to the word 'neutralization.'

"The language of article 2 of the Hay-Pauncefote treaty is quite clear and, unless its terms are modified by some subsequent provisions of that treaty, it concedes to the United States the enjoyment of all of the rights incident to the construction of the canal as well as the exclusive right for the regulation and management of the same. Is there any provision in the treaty which modifies article 2? It will be noted that the provisions relating to neutrality provided for in the Clayton-Bulwer convention are announced therein by the United States and Great Britain jointly, while in the Hay-Pauncefote treaty the United States alone establishes the rules. The partnership arrangement existing between the two countries under the Clayton-Bulwer convention has terminated, and the rules for the neutralization of the canal under the later treaty were enacted by the United States and must be maintained by that Government alone. Those rules are to be observed by other nations and not by the United States. If this statement is true, then the rule of equality does not apply to the United States.

"Great Britain's contention is that rule 1 does apply to the United States, and that, in effect, would be reading into the rule the words 'with the vessels of the United States,' so that the language of the rule, then, would be as follows:

"The canal shall be free and open to vessels of commerce and war of all nations observing these rules on terms of entire equality with the vessels of the United States.

"We do not believe that any such construction can be given to rule 1, if read in the light of the other provisions of the treaty.

"The language of article 2 is very clear and affirmative:

"The United States shall have and enjoy all the rights incident to the construction of the canal, as well as the exclusive right of providing for its regulation and management.

"These words can not be limited or impaired by implication. It requires an express provision in the treaty to minimize their effect, and none such can be found therein.

"The claim now advanced by Great Britain is confined to the subject of canal tolls, but with equal propriety it might include all benefits given to American vessels of war or commerce at the canal. The rule of equality is not limited to canal tolls, but relates to any discrimination in respect to the charges or conditions of traffic or otherwise, and includes vessels of war and vessels of commerce; consequently, no favors could be shown to our warships in the use of dry docks, anchorage basins, pilotage, coaling privileges, commissaries, and other conveniences at the canal without extending like privileges to foreign war vessels.

"Those who denied our right to fortify the canal relied on the broad language of the rule to sustain their contention, and if England's claim in respect to tolls is correct it would seem that the objection made to our fortifying the canal would be equally well taken. If the rule of equality places American ships on the same basis with foreign ships, then our belligerent vessels will not be authorized to revictual or take any stores in the canal except when strictly necessary, and all the other rules restricting the use of the canal by belligerents will apply to us. However, that doctrine has not been admitted by the people of the United States, and, for that matter, England has recognized our right to fortify the canal and to do anything necessary to protect it, and that carries with it an admission of a superior right in our warships to the use of the canal.

"The British protest assumes that the Hay-Pauncefote treaty did not admit of the United States protecting the territory on which the canal was to be built because the United States was not then the owner of it. The protest overlooks the important fact that at that very time the United States was under treaty obligation with Colombia to maintain the neutrality of the Isthmus and to guarantee the sovereignty right of that country therein, and that treaty obligation was not diminished in any respect by the Hay-Pauncefote treaty. Again, when the Hay-Pauncefote treaty was first submitted to the Senate it contained a provision to prohibit the United States from fortifying the canal. The Senate rejected the provision, and England accepted the treaty with the provision eliminated. In discussing the elimination of that provision, Lord Lansdowne, in a memorandum dated August 3, 1901, used this language:

"In my dispatch I pointed out the dangers of a construction in which one clause permitted the adoption of defensive measures while another prohibited the erection of fortifications. It is most important that no doubt should exist as to the intention of the contracting parties. As to this I understand that by the omission of all reference to the matter of defense the United States desire to reserve the power to protect the canal at any time when the United States may be at war from destruction or damage at the hands of an enemy or enemies. On the other hand, I conclude that with the above exception there is no intention to derrogate from the principles of neutrality laid down by the rules. As to the first of these propositions I am not prepared to deny that contingencies may arise when not only from a national point of view but in behalf of the commercial interests of the whole world it might be of supreme importance to the United States that they should be free to adopt measures for the defense of the canal at a moment when they were themselves engaged in hostilities.

"It is also to be borne in mind that, owing to the omission of the words under which this country became jointly bound to defend the neutrality of the canal and the abrogation of the Clayton-Bulwer treaty, the obligations of Great Britain will be materially diminished.

"Thus we see that the attempt to make the rules of neutrality applicable to the United States was without success. So that our right to fortify the canal may be said to be well established, and the right to fortify carries with it the further right to use the canal with our belligerent ships when necessary to prevent hostile fleets or armies from entering the canal. If ships of war and of commerce and other nations have an equal right with those of the United States in the matter of tolls it would be difficult for our Government to maintain that our belligerent ships have more rights in the canal than those of any other belligerent. Inasmuch as the burden of maintaining the neutrality of the canal is upon the United States alone, it follows that our warships are not within the rule of equality laid down in rule 1, and that being so, it would be playing fast and loose with the rule to include our commercial vessels within its provisions and not do likewise with our vessels of war.

"In discussing the belligerent rights of the United States at the canal, the British note of protest of November 14, 1912, says:

"Now that the United States has become the practical sovereign of the canal, His Majesty's Government do not question its title to exercise belligerent rights for its protection.

"The writer of the protest does not seem to have had in mind the fact that the United States has been under treaty obligations since 1846 to protect the Isthmus and to maintain the neutrality of the transit across it, and that Lord Lansdowne, during the negotiations for the Hay-Pauncefote treaty, recognized not only our right, but that it was our duty to protect the canal. Were we so inclined, we might rest our case on the admission contained in the protest, that the acquisition by the United States of the territory over which the canal is being constructed was sufficient of itself to modify the treaty so as to accord belligerent rights to our warships. If the acquisition of the territory will thus benefit our war vessels, it is hard to conceive how equal favors to our vessels of commerce are to be withheld under such circumstances. At least one distinguished American diplomat has maintained that the acquisition by the United States of the canal strip did change the treaty status so as to authorize the exemption of American merchant ships from the payment of tolls. No doubt he will be pleased at discovering that Great Britain in her protest lends comfort to his views.

"Viewed in the light of the circumstances and conditions attending the execution of the Hay-Pauncefote treaty, and construing rule 1 in connection with the other terms of the instrument, that rule simply amounts to what is known in treaties as 'the most-favored-nation clause.' In other words, the rule means that the nations observing the rules of neutralization laid down in the treaty by the United States shall be preferred in the use of the canal without discrimination in favor of one of such nations as against the other.

"It has been said that language substantially the same as that of rule 1 of the Hay-Pauncefote treaty is employed in the treaty of Washington between the United States and Great Britain relating to the Canadian and American canals and the use of the Great Lakes and the St. Lawrence River, and that discrimination in favor of the ships of either of the contracting parties is not allowed under the latter treaty. It is true that entire equality is observed in the treatment of vessels of the

parties to the Washington treaty, but it is so because the treaty itself clearly and affirmatively prohibits a discrimination in favor of one of the parties as against the other. The statement that the language of the Washington treaty is substantially that of the Hay-Pauncefote treaty is incorrect. Article 27 of the Washington treaty leaves nothing to inference, but expressly says that Great Britain will engage to urge upon the Canadian Government to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion *on terms of equality with the inhabitants of the Dominion;* and the United States engages that the subjects of Great Britain shall enjoy the use of the St. Clair Flats Canal on *terms of equality with the inhabitants of the United States*, and engages to urge upon the State governments to secure to the subjects of Great Britain the use of the several State canals connected with the navigation of the lakes or rivers traversed by or contiguous to the boundary line between the possessions of the high contracting parties *on terms of equality with the inhabitants of the United States.*

"Here we have unequivocal declarations that there shall be equality of treatment between the contracting parties. There is no such declaration in the Hay-Pauncefote treaty.

"It has also been said that the rule of equality, as expressed in the Hay-Pauncefote treaty, is the same as that laid down in the Suez Canal convention. But again we say that the statement is not correct. Article 1 of the Suez convention reads as follows:

"The Suez Maritime Canal shall always be free and open in time of war as in time of peace to every vessel of commerce or of war *without distinction of flag.*

"The words 'without distinction of flag,' which I have underscored, make the meaning quite clear that all nations shall stand upon an equal footing. There is no such language in rule 1 of the Hay-Pauncefote treaty.

"The correspondence between the United States and Great Britain leading up to the Hay-Pauncefote treaty throws much light on the subject. Rule 1 received the most serious consideration in the diplomatic negotiations preceding the adoption of the treaty, and that England's great solicitude was to secure for herself equal treatment with other nations appears from Lord Lansdowne's communication to Lord Pauncefote on October 23, 1901, on this subject, in which he said in part:

"I informed the United States chargé d'affaires to-day that His Majesty's Government had given their careful attention to the various amendments which have been suggested in the draft of the inter-oceanic canal treaty, communicated by Mr. Hay to your Lordship on the 25th of April last, and that I was now in a position to inform him officially of our views.

"Mr. Hay suggested that in article 3, rule 1, we should substitute for the words 'the canal shall be free and open to vessels of commerce and of war of all nations which shall agree to observe these rules,' etc., the words 'the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules,' and in the same clause, as a consequence of the amendment, substitute for the words 'any nation so agreeing' the words 'any such nation.' His Majesty's Government were prepared to accept this amendment, which seemed to us equally efficacious for the purpose which we had in view, namely, that of *insuring that Great Britain should not be placed in a less advantageous position than any other power, while they stopped short of conferring upon other nations a contractual right to the use of the canal.* [The italics are mine.]

"The reasonable inference to be drawn from the language of the English negotiator is that he was seeking to obtain the most-favored-nation clause for Great Britain, and nothing more. We must bear in mind that the Clayton-Bulwer convention contained provisions prohibiting the contracting parties from—

"Acquiring or holding, directly or indirectly, for the citizens or subjects of the one any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the subjects of the other.

"The fact that no such language was employed or sought to be employed by Great Britain in the Hay-Pauncefote treaty is significant, and would seem to support the conclusion that she only desired equal treatment with other nations, especially as she had assumed no obligation in respect to the canal that would not be expected of the other nations using it; that is to say, that none of them would do any act in the canal unfriendly to the United States. That obligation rests upon all civilized nations at peace with us without the necessity of a treaty.

"But we need not leave our case here. It became necessary for the United States to enter into a treaty with the Republic of Panama to obtain the right of way across the Isthmus of Panama for the construction of the canal, and political jurisdiction over the Canal Zone. In part consideration for the cession of the canal strip by the Republic of Panama, the United States agreed that the vessels of the Panamanian Government should have free transportation over the canal at all times. This is a discrimination in favor of the vessels of Panama, inasmuch as no other nation has that privilege; but it is quite consistent with the most-favored-nation clause.

"The concession to the vessels of Panama, it is said, was necessary in order to acquire a right of way over which to build the canal, and, in consequence, the privilege granted to Panama was proper and did not militate against the proposition that the United States must treat the vessels of all nations on terms of entire equality with their own vessels. The argument would create the anomalous situation in which Panama occupied a position superior to all nations, including the United States. In addition, the argument begs the question entirely. If Great Britain's claim is correct, the United States could not have made any such concession to Panamanian vessels without violating the Hay-Pauncefote treaty, and, in order to keep within that treaty, some other consideration would have had to be given to Panama in lieu of the exemption accorded to her ships.

"But the concession to Panama is quite consistent with the most-favored-nation clause. That clause does not prevent the granting of a special privilege to another nation, provided a special consideration is given in return for the privilege. The most-favored-nation clause can not be understood to mean that a country should enjoy as a free gift that which is accorded to other nations for a full equivalent. That is to say, Great Britain, if she observes the rules of neutrality laid down in the Hay-Pauncefote treaty, shall enjoy the canal on an equal footing with all other nations observing those rules, but the rule would be unequal as to Panama if she were required to surrender the Canal Zone to the United States besides having to observe the rules of neutrality. Hence, Panama is entitled to a free canal for her vessels, because she has given a special consideration for the privilege which the other nations have not. This doctrine has been generally recognized, and especially by Great Britain.

"The United States entered into a commercial treaty with the Hawaiian Islands in 1876 by the terms of which mutual trade concessions were made by the two Governments. At that time Great Britain and Hawaii had a treaty containing the most-favored-nation clause. The British Government admitted that—

"As the advantages conceded to the United States by the Sandwich Islands are expressly stated to be given in consideration of and as an equivalent for certain reciprocal concessions on the part of the United States, Great Britain can not as a matter of right claim the same advantages for her trade under the strict letter of the treaty of 1851.

"We do not find that Great Britain's consent was asked by the United States before the concession was made to Panaman vessels, nor does it appear that Great Britain made any protest. It is fair to assume that she recognized the right of the United States to extend the privilege of a free canal to Panaman vessels in return for the cession of the Canal Zone and jurisdiction over it to our Government. It would seem that England could not very well admit a right to the United States in this and yet contend for her present construction of rule 1—that English ships and those of other nations observing the rules are entitled to use the canal on terms of entire equality with those of the United States.

"It is true that Great Britain now protests against the exemption of Panamanian vessels, but this objection, coming, as it does, nine years after the making of the treaty when the canal is almost completed, does not deserve serious consideration. The only purpose it can serve is that of demonstrating that England now recognizes that she can not concede our right to exempt Panamanian vessels without surrendering her case.

"We might pursue the most-favored-nation theory further. On January 9, 1909, the United States, Colombia, and Panama negotiated what was known as the tripartite agreement, by which the United States granted to Colombia the right to convey through the canal her troops, materials of war, and ships of war without paying any duty to the United States. The agreement was negotiated by our State Department with the executive departments of Colombia and Panama, and was ratified by our Senate and the Assembly of Panama, but was rejected by the Congress of Colombia, and hence did not become effective. The exemption from the payment of duties at the canal in favor of Colombian vessels could have been made only upon the theory that rule 1 accords to England nothing more than most-favored-nation treatment. Although Great Britain protested against the exemption of Colombian ships, the protest does not seem to have been as insistent as the one she now presents. Notwithstanding the English protest made at the time, our State Department carried forward the agreement, our Senate ratified it, and it failed only because the Colombian Congress rejected it.

"The issue now pending with England has had full consideration by the United States Government. Our State Department, in making the canal treaty with Panama and the tripartite agreement with Colombia and Panama, and the Senate in ratifying this convention, have demonstrated that the treaty-making

power of the United States has not been in accord with the English view of the subject. And now the Congress of the United States has spoken out against Great Britain's claim and has enacted the Panama Canal act, by which American shipping and the vessels of the Government of Panama are favored at the canal.

"We might still pursue the doctrine a little further that the most-favored-nation clause does not preclude a Government from granting special concessions to other nations in return for special favors. Suppose the United States, with some other maritime power as an ally, were to engage in a war. Would it be correct to say that we could not admit the belligerent ships of our ally into the canal on an equal footing with our vessels? The American people would hardly concede that, and it may well be doubted that Great Britain would admit it were she the ally.

"The issue has been discussed in this paper as though the burden were upon the United States in the argument. As a matter of fact the onus is on Great Britain to establish her contention. Great Britain, in effect, is claiming a servitude upon our property—the canal—and a limitation on our sovereignty. Her claim, if valid, means that we must tax our imports and exports and our coastwise trade passing through the canal equally with the trade of other countries using that waterway. That means a serious restriction upon the sovereign right of the United States to regulate their fiscal and economic policies as they may deem best. The restriction would amount to a limitation of our sovereignty as well as a servitude imposed upon our territory.

"It is a well-established rule of international law that one sovereign can not claim a servitude on the territory of another except by compact, and "if a dispute occurs between a territorial sovereign and a foreign power as to the extent or nature of rights enjoyed by the latter within the territory of the former, the presumption is against the foreign State, and upon it the burden lies of proving its claim beyond doubt or question."

"In summing up the objections to the British claim, we might say that the commercial advantages which the United States has at the Isthmus came from the treaty with Colombia of 1846 and not from the Clayton-Bulwer convention or the Hay-Pauncefote treaty, and neither of these affected the rights so held by us; that the terms of the Hay-Pauncefote treaty, when properly construed, do not sustain it; that in abandoning the explicit language of the Clayton-Bulwer convention, which clearly prohibited a discrimination in favor of the United States, England lost her right to claim at this time equality with the United States in the use of the canal for her vessels; that Lord Lansdowne's communication of October 23, 1901, to Lord Pauncefote, already mentioned, tends to prove that England's only desire was to obtain equality of treatment with other powers for her vessels at the canal and nothing more; that the canal treaty with the Republic of Panama, by which the vessels of the Republic are entitled to the free use of the canal, made without protest from Great Britain, is a strong circumstance in support of the proposition that rule 1 is nothing more than the most-favored-nation clause expressed in another form; and, lastly, Great Britain has not produced any sufficient proof to overcome the presumption arising against her from the circumstances just related, much less has she adduced any proof or argument to establish her claim beyond doubt or question.

"Many of our citizens believe that the issue between Great Britain and the United States on the subject of canal tolls should be submitted to The Hague tribunal for determination under the provisions of the arbitration treaty between the two countries. This assumes that the question is a justiciable one. The treaty does not require all questions that may arise between the two countries to be submitted to The Hague. It does say that 'differences which may arise of a legal nature or relating to the interpretation of treaties existing between the two contracting parties, and which it may not have been possible to settle by diplomacy, shall be referred to the permanent court of arbitration,' etc. But the same clause of the treaty contains a proviso modifying the rules so laid down to the effect that neither of the parties is bound to submit questions affecting its vital interests, its independence, its honor, or the interests of third parties.

"We have seen that the issue does affect the vital interests as well as the independence of the United States, inasmuch as the English claim imposes a limitation upon our sovereignty and a servitude on our territory, so as to materially impair our right to freely adopt such economic and fiscal policies as we may deem best, and we are not at liberty to use our own with freedom. The question is a vital one and of the most serious importance to the people of the United States, because all of the maritime powers of the world are equally interested with England in obtaining a decision adverse to the United States. And yet we are expected to submit the issue to a tribunal that is controlled by these same maritime powers.

"It has been said that if the United States refused to submit the question to The Hague the arbitration treaty may as well be destroyed. The answer to that is: If the question does in fact affect our vital interests or our independence, then there is no authority for its submission to that tribunal. The proviso which excludes such questions from the jurisdiction of The Hague is just as binding on the parties as any other part of the treaty, and the necessity for its observance is accentuated when the question is one in which the powers controlling the court are vitally interested. I do not intend to reflect on The Hague tribunal, but am simply stating the facts. In this instance the judges would also be parties at interest.

"FRANK FEUILLE."

Mr. GOOD. Mr. Chairman, I reserve the balance of my time.

Mr. SHERLEY. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. MURRAY].

Mr. MURRAY. Mr. Chairman, I listened with a great deal of interest earlier in the afternoon to the remarks of the gentleman from Virginia, chairman of the Committee on Insular Affairs, because I happen to be a member of that committee, just as I happened to be a soldier in the Army of the United States during the War with Spain, as a direct result of which war I believe the United States has had a protectorate over those islands since 1898. I am shocked and greatly surprised at the character and the tone of the speech made by the gentleman who is chairman of that committee, not that I am surprised at some of the statements he made, because I violate no confidence when I say that some of the matters referred to by the gentleman were informally discussed by members of the Committee on Insular Affairs quite recently, and an attempt was made to decide upon the right course of action to be taken by the members of that committee. It was seriously suggested by some of the members of the committee that in view of the statements and revelations which were made by the gentleman from Virginia an investigation of the whole situation should be immediately had, and I asserted the fact that the Governor General of the Philippines, Cameron Forbes, was either in the United States at the time or he had not long since departed from our shores to resume his post at Manila. I believed we should get him by cable, if necessary, and give him the opportunity that every man who is accused falsely or justly is entitled to under our system—the right to be present when charges are made and to meet his accuser face to face.

I regret very much, in view of the fact a speech has been made this afternoon which will carry to all quarters of our country the information and belief of some people that Gov. Gen. Forbes is a grafter, that I for one did not insist upon his appearing in person to meet those charges. Like the gentleman from Kentucky who has so eloquently addressed this House during the afternoon, I know nothing about the truth or falsity of those charges, but if they are true Gov. Gen. Forbes should be impeached, and if you can convince me they are true I will vote to institute impeachment proceedings against him.

Mr. JONES. Will the gentleman permit me?

Mr. MURRAY. I will.

Mr. JONES. I want to say to the gentleman that he misunderstood me if he understood me to say I thought that Gov. Forbes was a grafter or that he was guilty of anything of the sort.

Mr. MURRAY. Then, Mr. Chairman, I am more pained and shocked in my heart of hearts than I was by the statement, because I thought the gentleman believed the truth of the things he said, but if he before this House tells me that he does not believe the things he said here to you, I believe he has done an irreparable injury to the fame and reputation of a man who should not be slandered.

Mr. JONES. The gentleman is doing me a great injustice which I can not think he means to do me.

Mr. MURRAY. I certainly did not intend to do so.

Mr. JONES. What I want to say is this, that every statement of fact made by me was true and susceptible of proof, and I will undertake to prove them, but I did not charge that Gov. Forbes was guilty of grafting. I said that a prominent American official had been charged with grafting and had been found guilty by a committee of investigation. I never believed that Gov. Forbes was personally dishonest, and nothing was further from me than to so charge or even intimate. I believe that when he undertook to disburse the public funds of the Philippines according to his own will and judgment, but without regard for the purposes set forth in the last appropriation act, he violated both the letter and the spirit of the organic act of Congress. That is all I stated. I did not charge or intimate

that he was guilty of any personal guilt in the way of grafting, and my remarks are not capable of being distorted into anything of the kind.

Mr. MURRAY. Mr. Chairman, I am delighted with what I have accomplished so far, because it has brought fairly from the chairman the expression of opinion that certainly was not clear to me during the course of his remarks during the early afternoon and what I fear was not clear to the rest of us who heard him.

Mr. JONES. My remarks will show for themselves. I shall not change a word of them.

Mr. MURRAY. Now, Mr. Chairman, I have no desire to offend the gentleman, and I do not believe he has any desire to offend me. I heard the great Senator from Texas a few weeks ago make a speech in the United States Senate which charmed me; and I shall never forget one thing that he said, and that was that during the time he had been here he had said some things which he wished he could erase from the record, some things which may have given offense to those with whom he has worked. That thought I would bear in mind during the time I am here; but when a statement with such careful preparation as was made by the gentleman from Virginia is made about one whose reputation I know, although I do not know him personally, I feel justified entirely in bringing from the gentleman as clear an explanation as I can.

Now, Mr. Chairman, I do not know Cameron Forbes. I would not know him if he walked in here. But I do know his reputation, because he lives in that community whose citizens have sent me to Congress. I remember that it was only a few years ago when I was a student in a law school, and we came upon that part of our course when we were told that persons might testify in a court of law as to the reputation of those whose reputation and character were in dispute, and as a young student I could not understand the practice that would permit testimony as to reputation, while denying the right to testify as to particular incidents and things that might come to one's knowledge. But to-day I appreciate the great force and value of reputation testimony as seldom I have been able to appreciate the value of it.

I know the reputation of Cameron Forbes, even though I do not know him. He is a man of great social and financial standing and strength, and there are hundreds who would never class him as a grafter or a crook unless the statements which have been made to-day were found to be true. I read from Who's Who in America, which is the only reference I found available:

Forbes, W(illiam) Cameron, governor general; Milton, Mass.; 1870; son of William Hathaway and Edith (Emerson) F.; grandson of Ralph Waldo Emerson; A. B. Harvard, 1892; unmarried. Clerk, Jackson & Curtis, bankers and brokers, Boston, 1894 to 1895; chief financial department Stone & Webster, electrical engineers, 1897 to 1902; partner J. M. Forbes & Co., bankers, Boston, since 1899. Member Philippine Commission and secretary of commerce and police in Government of Philippine Islands 1904 to 1908; vice governor of Philippine Islands July 1, 1908, to November 10, 1909; governor general since November 11, 1909. Clubs: Union, Tavern, St. Botolph (Boston), University (New York), University Columbia (Manila), Home, Boston. Address: Manila, P. I.

From his beginning as a clerk he went forward until he finally entered the public service, to which so many young college graduates of recent years have been attracted, and he went to the Philippine Islands not as governor general, but first in a subordinate position, and finally attracted the attention of President Taft, who himself had been the governor general, and who made Forbes governor general of the Philippines.

There has been opened up to-day the question of Philippine independence. I say, my position on that proposition is quite as sound and consistent with the Democratic platform, which I shall read, as that of the gentleman from Virginia [Mr. JONES] or any other gentleman in this House. There can be no difference among us who are Democrats with respect to our position, and I do not believe there is much difference, Mr. Chairman, between those who are Democrats and those who are Republicans in regard to the matter. It is not a partisan proposition, but a proposition that involves the patriotism, the honor, and the intelligence of American citizens quite as much as it involves the right of the Filipino citizens across the seas to have that self-government which was the earliest cause of conflict of the United States in the days when we were but colonies. I read from the last national Democratic platform:

We reaffirm the position thrice announced by the Democracy in national convention assembled against a policy of imperialism and colonial exploitation in the Philippines and elsewhere. We condemn the experiment in imperialism as an inexcusable blunder, which has involved us in enormous expense, brought us weakness instead of strength, and laid our Nation open to the charge of abandonment of the fundamental doctrine of self-government. We favor an immediate declaration of the Nation's purpose to recognize the independence of the Philippine Islands as soon as a stable government can be established, such independence to be guaranteed by us until the neutralization of the islands can be secured by treaty with other powers. In recognizing the independence of the Philippines our Government should retain such land as may be necessary for coaling stations and naval bases.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. Mr. Chairman, I yield to the gentleman three minutes more.

Mr. MURRAY. Mr. Chairman, there are some who believe sincerely in the Jones bill, so called, and most of us who are members of the committee now charged with the responsibility of considering this matter are wondering whether we are wise in committing the party or the country to that particular proposition. I am frank to say I have never been in the Philippines, just as most Members of this Congress have never been there. All I am able to know about conditions is what I am able to get together and read from reports made by those who have been there. I have recently been charmed, and I believe instructed, by a book on the American Occupation of the Philippines, by one James H. Blount, who was a judge in the Philippines during his service there, just as he was a soldier, an officer in the Army, prior to his service on the bench.

I want to make public expression of my appreciation of that work, and I want to say I believe that it is a work that should be read carefully and closely by every man in the United States Congress who will be called upon to determine this question of the adoption or rejection of the Jones bill for Philippine independence. You, sir, are familiar with that book of Judge Blount, and you know that one of the great reasons that he advances there for getting out of the Philippine Islands is the danger of invasion by Japan in the event of any trouble between Japan and the United States. He advances that possible invasion, and he advances the proximity of the two places as a strong reason for our getting out of the Philippines. But suppose we do get out of the Philippines and Japan wants to take the place. Who is there to keep her from taking away those islands unless we have first had an international agreement that shall certainly stand behind the neutralization of the islands?

I believe that the gentleman from Virginia [Mr. JONES] has done well to stimulate the interest of my colleagues and of the American people in this matter of Philippine independence. I hope the full effect of his speech may be not to slander Cameron Forbes, not to defame President Taft and charge him with falsifying facts to the American people, because, sir, if your issue in the Jones bill is to be "Is Cameron Forbes a grafter?" I shall vote "no." If the issue is to be, "Has President Taft falsified the facts?" I shall vote "no." But if the issue is, "Shall Congress declare its intention to establish the independent sovereignty of the Philippine Islands with the right to self-government?" I shall vote "yes," and I believe the majority of my colleagues will do the same. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. JONES. Mr. Chairman, I ask leave to proceed for one minute.

Mr. SHERLEY. I yield one minute, Mr. Chairman, to the gentleman.

The CHAIRMAN. The gentleman from Virginia is recognized for one minute.

Mr. JONES. Mr. Chairman, I can not think that the gentleman from Massachusetts [Mr. MURRAY], who is my personal friend as well as my associate on the Committee on Insular Affairs, means to say to this House that I have charged President Taft, or that I have charged Gov. Forbes, with falsifying statements. I said that President Taft was reported to have stated that our expenses on account of our occupation of the Philippine Islands were practically nothing. I have undertaken to inform the House as to some of the expenditures of the United States on account of our military occupation of the islands, and I have asserted that President Taft's views and mine as to what was "practically nothing" were very far apart.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. MURRAY. Mr. Chairman, let us not quibble about it.

Mr. JONES. I submit, Mr. Chairman, that my speech will show for itself. I shall not change one single word or syllable in it. I stand by every word in it, but I do not intend to be put in any false position. I have charged nobody with falsifying statements. I have criticized President Taft's New York speech, as I had the right to, but I have done so with absolute fairness. No man on this floor entertains a higher regard for President Taft than I do, and I would be the very last man to charge him with wrongdoing. I know him to be incapable of it. No word I have spoken can possibly be distorted into a reflection upon the integrity of President Taft.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. MURRAY. Mr. Chairman, will the gentleman yield?

Mr. JONES. I will yield if I am accorded the time.

Mr. SHERLEY. Mr. Chairman, I yield half a minute to the gentleman.

Mr. MURRAY. I want to ask the gentleman if he did not insist that President Taft had fixed $3,000,000 as the figure of cost of our occupancy of the Philippine Islands, and then proceeded to demonstrate that it cost not $3,000,000, but $300,000,000.

Mr. JONES. No; I said nothing of the kind. The gentleman has utterly misunderstood what I did say. The gentleman must know that the cost of civil government in the islands is one thing, and the cost of our military occupation another and entirely different thing. The Filipinos pay the entire cost of their civil government, whilst, of course, the United States pays the cost of our military. I said that President Taft said that the United States had contributed only $3,000,000 toward the civil administration of the affairs in the islands, and that that $3,000,000 had been given to keep the Filipinos from starving. I said that this was absolutely true, but I added that the commission had used part of that sacred fund on the Benguet Road. This is a wholly different statement from that which the gentleman would attribute to me. It was our military expenditures that President Taft said amounted to practically nothing. I have shown that they amount to many millions.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SHERLEY. Mr. Chairman, I yield five minutes to the Resident Commissioner from the Philippine Islands [Mr. QUEZON].

The CHAIRMAN. The gentleman from the Philippine Islands is recognized for five minutes.

[Mr. QUEZON addressed the committee. See Appendix.]

Mr. SHERLEY. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Chairman, on last Friday the ex-Speaker of this House, the Representative from Illinois [Mr. CANNON], in the course of a debate in regard to the alleged filibuster, gave expression to some views in regard to the Lincoln memorial highway. In the course of those remarks he said:

> Speaking respectfully, to my mind, it is a prostitution of that great man's name when you speak of using it as an argument for the promotion and construction of good roads.

Mr. Chairman, that, of course, is a question of opinion. Lincoln's name has been used for many purposes since he occupied the highest station in our Nation, and his fame to-day is greater and broader and more universal than ever before in our history. My only answer to that is to ask the Clerk to read a brief paragraph from the hearings before the Committee on the Library, containing the statement of Gen. Thomas S. Hopkins, chairman of the Lincoln memorial committee of the Grand Army of the Republic.

The Clerk read as follows:

> The Grand Army of the Republic some years ago indorsed the Lincoln highway. They voted upon it in national encampment, and the vote in favor of it was unanimous. From year to year they have continued the committee and I have been its chairman. Gen. Black, chairman of the Civil Service Commission, who is here to-day and who will speak, is also a member of that committee, and we come authorized to speak for that organization, to say to you gentlemen that the Grand Army of the Republic desires the Lincoln highway as a memorial to Mr. Lincoln. And I say to you also that we think that their preference, their wishes in the matter, while they should not be controlling with this committee, should receive your very careful consideration, because they helped in a small way to make Mr. Lincoln's name and fame. They stood behind him in those dark days, and many of them gave their lives for the cause, and the tie between Mr. Lincoln and his soldiers was very, very close.

But, Mr. Chairman, it is probable that the subject of the Lincoln Memorial will be brought up on Calendar Wednesday, to-morrow, and at that time the first free opportunity in general debate on the subject will be had. That is the proper time and place to discuss the merits of the proposition as to whether the highway or the Greek temple is the proper form of memorial.

The committee in charge of the bill have offered the opposition time to discuss that, and I have no doubt that the time promised will be given, and we shall utilize it for that purpose.

At this time I wish to draw the attention of the gentleman from Illinois and of this House to what I regard as a more important matter, which must enter into the views of this House in regard to the propaganda which has been carried on for the Greek temple. For that purpose I send to the Clerk's desk a clipping from the Philadelphia Public Ledger of January 23, 1913, which I ask to have read.

The Clerk read as follows:

ASK AID FOR LINCOLN STATUE—MEMBERS OF ART ASSOCIATION REQUEST CONGRESSMEN TO VOTE FOR MEMORIAL.

A communication has been sent to every Congressman from Pennsylvania by the Fairmount Park Art Association, urging each to vote for the bill which provides for an appropriation to erect a Lincoln Memorial statue on the Mall in Washington. The letter reads as follows:

"DEAR SIR: Please do everything you can for the honor of Pennsylvania and the memory of Lincoln to secure the approval of the bill making an appropriation for the proposed Lincoln Memorial to be erected on the Mall in Washington, which is likely to come up this week in charge of the Hon. J. L. SLAYDEN, of Texas.

"If the grafters and automobile magnates who are trying to defeat this bill, in the interest of an automobile concourse to Gettysburg, accomplish their purpose, it will be a lasting disgrace against which the intellectual interests of the country are a unit in protesting.

"I am sending this letter by instruction of the board of trustees of the Fairmount Park Art Association.

"Yours, very respectfully,

"LESLIE W. MILLER, *Secretary.*"

Mr. Chairman, that is not a question of opinion. If the allegation comes from any responsible source, from anyone who knows of any grafter behind the proposition for the memorial to Lincoln, it is the duty of that responsible organization to bring that evidence to the attention of Congress. For there has been altogether too much of this cheap, reckless, irresponsible criticism of the people's representatives in Congress. [Applause.] If any man knows of any graft or any lobby, it is his duty to bring these facts to the attention of the American Congress. I trust that the organization will call that officer to account, or make him make good the statement which he has made, for these are not questions of opinion but are matters of fact.

To show the character of the indorsement which has come for the Lincoln highway, I send to the Clerk's desk a letter from the secretary of the Chamber of Commerce of the city of San Antonio, Tex., which I ask the Clerk to read.

The Clerk read as follows:

THE CHAMBER OF COMMERCE AND BUSINESS MEN'S CLUB,
San Antonio, Tex., January 24, 1913.

Hon. WILLIAM P. BORLAND, M. C.,
Washington, D. C.

DEAR SIR: I have yours of the 16th inclosing Library Committee's report on the Greek temple proposition, for which accept thanks.

I appreciate your sending me this report very much, and I immediately got busy and distributed these reports among our influential good-roads enthusiasts and in a few hours gathered them up and redistributed them, and, in addition to that, I had one of our daily papers print the report, and also print a statement from myself and others who had picked this report all to pieces and explained to the people the ridiculous part of it. Almost every organization of any kind whatsoever in San Antonio has wired Representative SLAYDEN insisting that he support the Washington to Gettysburg highway, and these telegrams have been constantly going to Mr. SLAYDEN for over two weeks, and more especially since it was referred back to his committee. The Washington Post clipping you sent me was published in one of our daily papers the day I received your clipping. Yesterday there was a telegram sent to Hon. JOHN N. GARNER, which reads as follows:

"We appreciate your efforts in behalf of the Lincoln memorial highway and pledge our assistance at any time we can be of help to this cause.

"J. W. WARREN,
"President Texas Good Roads Association.
"CHAS. GRAEBNER,
"President Chamber of Commerce.
"A. M. FISCHER,
"President Bexar County Highway League.
"CHAS. O. AUSTIN,
"President Real Estate Exchange.
"ATLEE B. AYRES,
"President Fiesta Division of C. C."

In addition to this quite a number of Mr. GARNER'S admirers are writing him personal letters. In addition, our highway division, the real estate exchange, Chamber of Commerce, Fiesta Association, and the San Antonio Automobile Club have asked me to express their gratitude to you for the noble work that you are doing for this highway. We all assure you that we appreciate it, and I hope that I will have the pleasure of meeting you on March 6 and 7 at the good-roads convention, which will be held in Washington.

Yours, very truly, D. E. COLP, *Secretary.*

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. SHERLEY. Mr. Chairman, I yield the gentleman five minutes more.

Mr. BORLAND. Mr. Chairman, it appears, therefore, that gentlemen in all lines of business and in every section of the country have some views to express upon the Lincoln highway. It does not remain for a secretary of an art association to blanket this country with letters—which I trust have been and which I am sure have been properly rebuked by the members of the Pennsylvania delegation—denouncing as grafters those who are behind any proposition for the expenditure of public money. It must be apparent to the membership of this House that there is a marked difference in tone on the part of those who advocate the Greek temple as against their opponents, as compared with that on the part of those who advocate the highway as against their opponents. The highway people seem to

feel, and so far as I have known have always so expressed themselves, that the matter was for the fair, open, deliberate judgment of Congress. But the remarkable bitterness which has been developed on the side of those favoring the Greek temple is very difficult of analysis. It is difficult to escape the conviction that these scurrilous letters are inspired by some parasite of the Fine Arts Commission. I had my attention recently called to the fact that there was a vigilance committee in the District of Columbia to see that Congress did not exercise any independent judgment in this matter. I also had my attention called to the fact that there is pending before this House at this time Senate bill 2366, which has passed the Senate, for the purpose of appropriating $2,300,000 to remove the Botanic Garden into the bed of Rock Creek Park. Two million dollars for a Lincoln memorial and $2,300,000 to remove the Botanic Garden into the bed of Rock Creek Park make $4,300,000 which will have to pass through the banks of this city into the hands of the property owners and contractors of the District of Columbia. It is the solemn duty of Congress, without regard to partisanship but on the sole ground of patriotism, to exercise an unbiased and unpartisan judgment upon the expenditure of public money in the District of Columbia. We are charged with that responsibility and we can not escape it. We can not relegate it to any self-constituted vigilance committee of the District of Columbia that does not represent the rank and file of the small property owners of the District. I trust when this matter comes up to-morrow every man in the House will be prepared to exercise an independent judgment upon it, regardless of partisanship, regardless of the wishes of the vigilance committee. We must carefully consider that this will open the doors to endless expenditures of public money in the District of Columbia. It is but the beginning of a series of appropriations to buy up more or less unsalable property and increase the value of the remaining property in the District of Columbia.

Mr. COOPER. Mr. Chairman, I will ask the gentleman from Kentucky to yield me five minutes.

Mr. SHERLEY. Mr. Chairman, I desire to state for the benefit of the committee that no limit has as yet been put upon debate, and it is my purpose to make a statement respecting the bill itself and to start the reading before 5 o'clock. I yield five minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER. Mr. Chairman, I have only a few words to say in reply to the statement just made by the distinguished gentleman from Missouri [Mr. BORLAND] that the Grand Army of the Republic wants a highway built to Gettysburg as a memorial to Abraham Lincoln.

Mr. BORLAND. Mr. Chairman, will the gentleman yield for a moment?

Mr. COOPER. Yes.

Mr. BORLAND. I refer to a record, not my own statement of the matter.

Mr. COOPER. Of course, if the gentleman does not indorse it, then it is nothing but the individual utterance of the source from which it came. The gentleman gave it to the House, and gave the House to understand that the Grand Army does want the road. I understand that the gentleman himself said at the meeting before the committee that the Grand Army favored it.

Mr. BORLAND. I said so and referred to the record of that fact.

Mr. COOPER. Yes. Mr. Chairman, with the consent of the committee, I will read a letter from a very distinguished member of the Grand Army of the Republic, a man who was its commander at one time and is now assistant adjutant general of the Grand Army of the Republic, Col. J. A. Watrous, of Milwaukee, a gallant soldier who was in the Battle of Gettysburg.

HEADQUARTERS GRAND ARMY OF THE REPUBLIC,
OFFICE OF ASSISTANT ADJUTANT GENERAL,
Milwaukee, Wis., December 28, 1912.

Hon. H. A. COOPER,
House of Representatives, Washington, D. C.

MY DEAR MR. COOPER: It is true that two or three national encampments, after most of the representatives were absent from the hall and the few present were weary, favored the Gettysburg proposition, but at Los Angeles, in national encampment last September, when nearly all of the 700 representatives were present, a report strongly favoring the memorial in Washington was adopted without a dissenting vote, followed by prolonged and hearty applause. Not a word was said in favor of the Gettysburg highway. Hence the friends of the memorial in Washington can declare that the 200,000 who answered Lincoln's call and loved him, still living and members of the Grand Army, through their representatives in national encampment, are against the highway and in favor of the memorial in Washington. There has been no encampment since last September; hence there has been no reversal of the decision.

I am exceedingly glad that you are in favor of the memorial in Washington.

With all good wishes and a happy new year, I remain,
Yours, very sincerely,

J. A. WATROUS.

Here is a letter which I received from him yesterday from Madison, Wis.:

HEADQUARTERS GRAND ARMY OF THE REPUBLIC,
DEPARTMENT OF WISCONSIN,
Madison, Wis., January 25, 1913.

Hon. HENRY A. COOPER,
House of Representatives, Washington, D. C.

MY DEAR MR. COOPER: Since writing you yesterday three past department commanders of Wisconsin, men who have been at the head of anywhere from ten to fifteen thousand Grand Army men, have asked me to include them in an appeal to Congress in behalf of the Lincoln memorial for Washington, and they took particular pains to say that they had not heard a single soldier in the State or elsewhere say a word in favor of the highway as a memorial, but nearly all of them, with whom they had conversed on the subject, thought it a most inappropriate thing to build an extensive highway which would be used chiefly by those owning automobiles and that the road would be lined with the kind of institutions that would be a disgrace to Lincoln instead of an honor.

In addition to that, Past Commander in Chief Weissert, one of the most popular men who ever headed the quarter of a million members of the Grand Army of the Republic, said: "If I have time, I will write Mr. COOPER myself, but anyway you say to him for me that with all my heart I hope that Congress will shield the Nation from a Gettysburg highway as a Lincoln memorial," and then he went on and gave many reasons why it would not be an honor to the great war President to build that road and call it a Lincoln memorial. You know Col. Weissert. He speaks for the boys of the Grand Army and the ex-soldiers with as much emphasis as any other man who has ever had anything to do with that organization.

The department commanders to whom I allude are Capt. J. P. Rundle, one of Milwaukee's best citizens and an extensive business man; another is Frank A. Walsh, and another is S. H. Talmadge. While three others that I can name have not spoken to me on the subject within a day or two, as these have done, they have expressed themselves with great emphasis in favor of the memorial in Washington. I refer to that splendid soldier, Col. Benjamin F. Bryant, who won his way from a private to a major in an Ohio regiment. Another is R. B. Lang, whom you know, of Racine. Still another is Col. Fred Copeland, of La Crosse. I could give you the names of a hundred men, many of whom you know personally or by reputation, who have vigorously expressed themselves in favor of the memorial at Washington.

In short, Mr. COOPER, I do not hesitate to give it as my opinion, and, as you know, I have had rare opportunity to learn the sentiments of the ex-soldier element, that there is not one in ten thousand anxious for anything but the memorial in Washington as between the two propositions. I only wish that some one in each department realized the importance of bringing evidence before Congress on the subject and had taken it upon himself to shower Congress with letters and telegrams begging that the Washington memorial be chosen. Had there been time I am sure that there would have been a perfect shower all along the line from every State where there is a department of the Grand Army.

I begin to feel that I ought to apologize to you for such frequent writing, but I know of no one who would be more apt to use to advantage such information as I have been able to send you.

With best and all good wishes I remain,
Very sincerely, yours,

J. A. WATROUS.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER. Mr. Chairman, I would like to ask the gentleman from Kentucky [Mr. SHERLEY] if he can give me five minutes more, and that is the last request I shall make.

Mr. SHERLEY. I have only five minutes remaining, but I will yield that time to the gentleman.

Mr. COOPER. I was much interested, Mr. Chairman, in what the gentleman from Missouri [Mr. BORLAND] said about the "Greek temple." I have received many letters denouncing the "Greek temple." Apparently only very few persons know anything about what really is proposed. The room in the memorial is to be higher than this Chamber. The building itself is to be higher by a number of feet than is this wing of the Capitol. The interior columns will be 7 feet and 5 inches in diameter, 25 feet in circumference, and 50 feet high. The building will be both majestic and very beautiful. I give it as my judgment, after having seen many of the important memorials in Europe and some in Asia, that nowhere will there be another so simple, beautiful, dignified, and effective.

On entering it one will see nothing in front of him in the majestic room, 60 feet in height, except at the opposite end a statue to Abraham Lincoln, not in "Greek garments," as somebody said yesterday, but clad as he was here in Washington in the days when he was saving the Republic of the United States. [Applause.] The place will be a sanctuary. Turning and looking between the columns he will read on the wall:

Four score and seven years ago our forefathers brought forth on this continent a nation, conceived in liberty and dedicated to the proposition that all men are created equal—

and all of that wonderful address.

Mr. SHERWOOD. Did not he say that on the battle field of Gettysburg and not in a Greek temple?

Mr. COOPER. He said it at Gettysburg. But the visitor who goes into this noble memorial, sees the great statue, and reads those immortal words, will think as never before of their meaning and of the man who uttered them. That is the object of this memorial.

Riding over a fine highway might be pleasant to the man riding, but how immeasurably much more would he learn of

Lincoln while standing in that place sacred to his memory and reading the immortal lesson he taught the world.

The gentleman from Missouri denounces the memorial because it is of Greek architecture. From this I am sure that had he been here when the House many years ago was considering the bill which became a law and resulted in the monument to George Washington, and somebody had said we are going to erect an obelisk 555 feet high, the gentleman from Missouri [Mr. BORLAND] would have risen in his earnest way and said, "Mr. Speaker, was George Washington an Egyptian; are we to have an obelisk—an Egyptian obelisk—in honor of the great Father of his Country? God forbid!" [Applause.] "Are we to erect an obelisk to George Washington, and every time we look at it think of Rameses the Second, and Tethmosis the Second or Third—I do not remember the number—or Hatshepsut?" [Laughter.]

Some gentlemen say that we ought to build something practical—utilitarian—because Lincoln was a "practical man," and then they refer to his having been a railsplitter.

We do not seek to honor Abraham Lincoln because he split rails. Ten million men in this country can split rails, but where is there another man who could have done what Lincoln did in the wild storm that threatened to wreck the Republic? Where another man who could have written the Gettysburg address? It is to the spirit—the soul—of Lincoln that we wish to erect this memorial. This talk of a Greek temple is meaningless. How the gentleman must shudder whenever going along Fifteenth Street he looks up at the Treasury Building and sees those Greek columns. [Laughter.]

I suppose the gentleman is an admirer of American architecture. For example, the structure down on the Avenue, the Post Office Building, which Senator Hawley called a cross between a cathedral and a cotton factory. [Laughter.] Or, perhaps, he prefers another example of pure typical American architecture, the lofty, noble red shed in Judiciary Square, called the Pension Building. [Laughter.]

I shall vote for the memorial hall, because, on the banks of the Potomac, with only the lagoon between it and the monument to George Washington, it will be the most superbly effective memorial in the world. [Applause.]

Mr. BORLAND. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting a letter from John E. Gilman, past commander in chief of the Grand Army of the Republic.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD by inserting a certain letter. Is there objection?

There was no objection.

The letter is as follows:

CITY OF BOSTON
SOLDIERS' RELIEF DEPARTMENT,
Boston, January 2, 1913.

DEAR SIR: While commander in chief of the Grand Army of the Republic, in 1910–11, I was greatly impressed with the unanimity of feeling among the veterans of the Civil War in favor of a memorial to our martyred President, Abraham Lincoln, to take the form of a Lincoln way, extending from Washington, where he labored, lived, and died for the perpetuity of our Republic, to Gettysburg, the greatest battle and the turning point of the war, where he, in November, 1863, delivered what is known as Lincoln's Gettysburg Address, the best known and most admired piece of literature of modern times. Could such a memorial be constructed, it would, I am sure, be pleasing to more people than any Greek temple that could ever be conceived.

In the name of my comrades and in my own behalf, I appeal to you to lend all your efforts and influence toward the construction of a Lincoln way.

Very respectfully, yours,

J. E. GILMAN,
Past Commander in Chief Grand Army of the Republic.

Mr. SHERLEY. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The time of the gentleman has been consumed.

Mr. SHERLEY. I ask unanimous consent to proceed for 20 minutes.

The CHAIRMAN. The gentleman from Kentucky [Mr. SHERLEY], in charge of the bill, asks unanimous consent to proceed for 20 minutes. Is there objection?

There was no objection.

Mr. SHERLEY. Mr. Chairman, I now desire to make a brief statement touching the bill that the committee will be asked to consider in a little while.

The estimates submitted to the committee aggregated $7,009,834, and the committee has recommended appropriations amounting to $5,218,250, which is $1,182,000 more than the bill of last year and $1,791,584 less than the estimates submitted.

These items of appropriation may be roughly divided into three general classes, namely: Fortification of seacoast forts, including ammunition; supply of Field Artillery matériel, including ammunition; miscellaneous items related to the above, but not strictly forming parts thereof. The first classification can be subdivided into three items: (*a*) Items pertaining to new armament and installation, including reserve ammunition. These items embrace guns, gun carriages, emplacements, sites for defense, electrical installation, searchlights, sea walls, submarine-mine structures, fire-control instruments and structures, and ammunition; (*b*) items pertaining to maintenance, repair, and alterations of property embraced in subdivision *a*, except ammunition; and (*c*) items pertaining to seacoast target-practice ammunition, including appliances for same, and subdivisions *a* and *b* should also be segregated according as they relate to continental United States and the insular possessions.

In the present estimates there is asked, under the first general division for continental United States, subdivision *a*, new matériel, etc., $1,219,084, of which sum there is recommended in the accompanying bill $673,000; under subdivision *b*, maintenance, repair, etc., $1,069,000, of which amount the bill carries $833,000; and under subdivision *c*, target-practice ammunition, $425,000, all of which is recommended in the bill, making a total estimate of $2,713,084, of which the bill carries $1,931,000.

In the insular possessions, under subdivision *a*, there is asked for new matériel, ammunition, etc., $1,847,531, of which there is recommended in the bill $1,430,031, and under subdivision *b*, maintenance, repair, etc., $89,319, of which the sum of $72,319 is recommended, making total estimates of $1,936,850, of which $1,502,350 is recommended, making a grand total of estimates of $4,649,934 for both continental United States and the insular possessions under the first general division, of which there is recommended $3,433,350.

Mr. GARRETT. Will the gentleman permit a question?

Mr. SHERLEY. I will.

Mr. GARRETT. How much of that is for the Philippine Islands?

Mr. SHERLEY. There will be expended in the Philippines some $700,000 for emplacement work, and then a part of the moneys for ammunition and for mine material, and so forth, that it is difficult, if not impossible, to segregate into a detailed statement. The bill carries all of the moneys necessary to complete the fortification of the Hawaiian Islands, and with the amounts provided in the bill the project as it relates to the Hawaiian Islands should be completed in its entirety.

In addition to these sums for the fortification of seacoast forts, including ammunition, there is carried under the second class considerable sums for Field Artillery material, including ammunition. This committee is doubtless aware of the fact that the Army appropriation bill carries provision for mobile artillery material and ammunition for militia, whereas the fortification bill carries the appropriation for similar ammuniton and material for the Regular and Volunteer Army. It was represented before the committee this year, as it has been for several years past, that we were farther behind in having the requisite amount of material and ammunition for the mobile artillery than in any other particular, and it was urged upon the committee that we should be as liberal in the appropriations for these purposes as possible, and that if cuts were requisite they should not be made there. The Secretary of War appeared before the committee and submitted a detailed statement showing the relative order of importance of items contained in the Army and fortification bill.

Among those put at the very first in the fortification bill were the items relating to the mobile army. The committee in a general way have followed this recommendation made by those in charge of the Army. We have appropriated amounts that are larger than have been appropriated in recent years for matériel and ammunition, but we believe that the conditions presented by the hearings amply justify the position taken by the committee.

Under this second general classification there is asked, under subdivision *a*, new matériel, and so forth, including alteration of 3.2-inch batteries, $2,100,000, of which there is recommended $1,525,000, with an authorization of $300,000; under subdivision *b*, maintenance, repairs, and so forth, $45,000, all of which is given; under subdivision *c*, target-practice ammunition, $130,000, all of which is given; making total estimates of $2,275,000, of which the bill carries $1,700,000, with authorization of $300,000 as above.

Under the third general division there are asked the following items:

Current expenses, ordnance proving ground, Sandy Hook, N. J.	$56,200
Expenses of officers at the proving ground and compensation of draftsmen	18,700
Board of Ordnance and Fortification	10,000
Total	84,900

All of the estimates under the third general division are recommended.

One new project has been recommended by the committee, and that is the project that has from time to time been discussed and urged upon this floor but heretofore not allowed by Congress, namely, the one looking to the fortification of the mouth of the Chesapeake. When the original scheme for seacoast defense was adopted the report of the board, generally spoken of as the Endicott Board, recommended that there should be stationed at the mouth of the Chesapeake, to guard the entrance, monitors. That report was very greatly modified by what was known as the Taft Board report some years later, and in that report it was recommended that the mouth of the Chesapeake should be fortified by the building of an artificial island at the mouth and the creation of fortifications on both Cape Charles and Cape Henry.

Since then there has been a modification to the extent that they now believe that ample fortification can be had by the erection of defenses at Fort Henry, and that it will be unnecessary either to put additional fortifications at Cape Charles or to build an artificial island. This change has been brought about somewhat by virtue of the very great increase in the range of guns, and also by virtue of the increased draft of vessels, which in effect narrows the channel which war vessels of the first magnitude can use in coming through the Chesapeake.

I think it is only fair to say to this committee that this project for the fortification of the mouth of the Chesapeake was one about which the committee dealing with the matter had grave doubt. They studied it with considerable care and made a personal examination of the ground that was proposed to be purchased to be used for this fortification. The total project will cost, first and last, something between three and one-half and four millions of dollars. The cost of the land, which should be somewhere between $100,000 and $150,000, may be $125,000 or $130,000, is therefore a minor element in considering the project as a whole; and the committee, while anxious that nothing should be expended for the land beyond its true value, and believing that nothing will be so expended, yet realize that the determination of this policy should not rest upon the value of the land needed. The reason that finally actuated the committee in recommending the undertaking of this project was that we found a complete unanimity on the part of all Army and Navy officers touching the very great strategic importance of the lower Chesapeake, and the great desirability of fortifying it; and when it is realized, if their position is correct, that it is the key to great cities like Baltimore and Washington, that it involves the use by the Navy of a safe rendezvous in time of war, and also that it involves in a measure the security of the great naval station at Norfolk, I think that all will agree that Members should have very strong reasons for feeling that it should not be done to warrant them in putting their lay judgment against that of men who are trained to the study of these problems.

In this connection it may not be amiss to say on behalf of myself as chairman of the subcommittee on fortifications that I have recognized that there has always been and always will be a conflict of thought between the military man and the civilian. Any man who is deserving of being designated as a capable Army or Navy officer will be zealous, aye, overzealous, in his desire to have his country ready to meet any emergency that may arise; whereas the civilian will properly and necessarily discount, in a large measure, the view presented by the military experts. If we are to have an immediate war we are not going near fast enough. If we are not to have a war for 50 or 100 years, we are probably going too fast in our provision.

It seemed to me that the only position that could be taken was one that represented a compromise between these two necessarily hostile and conflicting views, and that without being frightened into undue expenditures we should yet have a proper realization of what war might mean to the country if it came, and should make proper safeguard for such an event happening.

No one who has read the history, not only of America but the history of any other great power, but must realize the tremendous loss of life and money that have come to nations because of their lack of preparation; certainly the history of America is replete with instances of that kind. I, for one, charged with the responsibility of presenting this bill to this committee, am not willing that we should lull ourselves into what I believe a false security as to the improbability of any war, and therefore not make proper provision.

As to just where the line shall be drawn, you will find as many opinions as there are men, but I submit to this committee that this bill here to-day presented is one drawn along conservative lines and does not undertake to push us too rapidly into expenditures for defenses, but does show a proper appreciation of what an inadequate defense might mean to the country in case war should come. In my judgment, the purpose of seacoast defense is to make absolutely free to seek the enemy the Navy of America. If a place is well fortified, in all human probability it will never be taken from the sea. Certainly to well fortify a place is to make it improbable that its capture will ever be undertaken from the sea except under extreme circumstances.

The proper fortification of our coast and our dependencies will insure to the Navy freedom of action to seek out the enemy and strike it, and that, to my judgment, is the best possible defense. Therefore it was, that weighing all these matters, having statements made by men who ought to know, who were trained to know, that fortification at the mouth of the Chesapeake would, in connection with mine defense and patrol of small craft, properly safeguard that very strategic point, that it would give a safe rendezvous to our Navy and protect the commerce that plies up and down the Chesapeake, the committee felt that it was no longer warranted in refusing to recommend the appropriation.

Mr. HELM. Will the gentleman yield?

Mr. SHERLEY. I will.

Mr. HELM. Will the gentleman inform the committee, or give it some information, as to the character and type of fortification it proposes to put there?

Mr. SHERLEY. Yes; it is proposed to place there certain batteries of big guns and mortars. In the original project it said 12-inch guns, but my judgment is that they should be 16-inch guns. I have not here the exact proposed plan of fortification, but I can give it to the gentleman later. I dislike to trust my memory as to just what it consists of.

Mr. HELM. It would be quite interesting to the committee. Some of us are not familiar with the project and such line of work, but we would like to know just what is going to be done.

Mr. SHERLEY. I will endeavor to give the gentleman and the committee full information. The hearings, both this year and formerly, show in detail, but I am unable for the moment to turn to it, but I will inform my colleague.

Mr. HELM. Speaking for myself, I am perfectly satisfied to have the gentleman summarize it.

Mr. SHERLEY. I think four 16-inch guns and eight mortars and carriages; but I am unable to carry in my mind all the details of these various fortifications. I will see that the RECORD contains a correct statement of it, and when the item is reached I will endeavor to give the gentleman the detailed information.

Mr. HELM. What I am seeking to ascertain is how the fortification of this particular place differs, if at all, from other fortified points on the Atlantic and Pacific coasts? What difference is there to be in the fortification of this particular cape?

Mr. SHERLEY. The fortification is on a cape.

Mr. HELM. How is it different from other fortifications on the Atlantic and Pacific coasts?

Mr. SHERLEY. The only difference is that in this particular instance a little heavier armament will be used, because the field that it is desired to cover by these guns at this entrance is a larger field than that which exists at most of the fortified places.

Mr. HELM. What is the type of gun that is usually used at the fortified points on the Atlantic and Pacific coasts?

Mr. SHERLEY. That has been a matter of evolution, and the constant tendency is toward an increase in the size of the armament. The gentleman will appreciate that there is a necessary race going on between the armament of ships and of the land batteries who oppose them. As the armament of ships increases, as the protective armor is strengthened, it becomes more and more desirable to increase the range and the size of guns used in land defense, and the constant tendency has been toward using larger guns. Until very recently the largest gun that we were using was a 12-inch gun.

Mr. HELM. That is for coast defense.

Mr. SHERLEY. For coast defense. They now have 14-inch guns and in certain instances 16-inch. For instance, one of the guns that will be provided for Panama will be a 16-inch gun.

Mr. HELM. I am talking about our Atlantic and Pacific fortifications.

Mr. SHERLEY. In this particular instance, at the entrance to the Chesapeake Bay, I think 16-inch guns will be used.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. SHERLEY. I should like to have five minutes more.

Mr. HELM. Are these to be disappearing guns?

Mr. SHERLEY. Yes.

Mr. HELM. All of them?

Mr. SHERLEY. Yes.

Mr. HELM. Are all the guns that are used in the coast defense disappearing guns?

Mr. SHERLEY. Yes.

Mr. HELM. Does any other country use the type of coast-defense gun that our Government is using?

Mr. SHERLEY. I have no doubt that they use disappearing guns. As to whether they are the exact counterpart of ours I do not know, but I am inclined to think they are not.

Mr. HELM. These disappearing guns are concealed behind an embankment, are they not?

Mr. SHERLEY. Yes.

Mr. HELM. Would it be proper to denominate them as masked batteries?

Mr. SHERLEY. The gun rises over a rampart and is fired, and the recoil carries it below, causes it to disappear from an outside view.

Mr. HELM. In case a shell was dropped over behind this embankment or protection or rampart, and should explode in proximity to these guns, what probable effect would the débris thrown up have upon the machinery for raising and lowering these guns?

Mr. SHERLEY. I should say if it was a big enough shell and exploded close enough, it would put the gun out of commission.

Mr. JAMES. It would cause it to disappear.

Mr. SHERLEY. Yes; it would cause it to disappear as a usable gun.

Mr. HELM. Is there any world power Government that uses this method of coast defense?

Mr. SHERLEY. Yes; and in further answer to the gentleman I will say to him that I do not believe any successful attack can be made upon the efficiency of our seacoast defense. I believe it is as efficient, and probably more efficient, than that of any other nation.

Mr. HELM. I expect that there is no doubt the gentleman is entitled to that conclusion, and I would not put my judgment up against his. I was trying to get some information. Does any other country operate its seacoast defenses behind ramparts or protection such as our coast defense is operated behind?

Mr. SHERLEY. Without being able to state with accuracy, I have no doubt whatever that they do.

Mr. HELM. The gentleman has never made any investigation of that?

Mr. SHERLEY. I have not. I have never undertaken to assume that my judgment touching the technical side of the coast defenses was comparable to that of the officers of the Army. I believe in the efficiency, as well as the patriotism, of the Army officers who have planned our defenses. If I were to complain of their action, it would be not that they underdefend, but that they sometimes in their zeal overdefend and fortify, and I believe that our work is modern, up to date, and I know from having personally witnessed it, that the accuracy of fire of our men is surpassingly good.

Mr. GARRETT. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. GOOD. Mr. Chairman, I yield the gentleman such time as he may desire.

Mr. SHERLEY. Mr. Chairman, I want only three minutes.

Mr. GOOD. I yield the gentleman three minutes.

Mr. SHERLEY. We are to have a caucus, and I desire to have the committee rise at 5 o'clock. I yield to the gentleman from Tennessee.

Mr. GARRETT. I see the bill carries for fortifications in the Philippine Islands $700,000. I will ask the gentleman where that is to be expended. Of course I can ask that question when the item is read.

Mr. SHERLEY. I can give them to the gentleman in detail. Most of that particular money is to be used on the island of El Fraile, in Manila Bay. It is a small island, about the size of a battleship, the top of which is being cut off, and it is being protected by heavy masonry and armor, and is to have an armament consisting of 14-inch rifles and 6-inch rifles. The work on that has now proceeded to a point where the masonry work is rising considerably above low water, so as to enable work to be carried on even during the typhoon season, and therefore there will shortly be completed the emplacements for the guns that are to be put there; hence the $700,000 was asked.

Mr. GARRETT. That is not a new project?

Mr. SHERLEY. There is no new project being undertaken at this time.

Mr. GARRETT. Does the gentleman know whether that is included in the territory that the bill which has been reported by the Insular Affairs Committee retains?

Mr. SHERLEY. I do not know, but I can say to the gentleman that the defenses of Manila consist of fortifications at Fort Mills, Fort Frank, Fort Drum, and Fort Hughes, these fortifications being on Corregidor, Caballo, El Fraile, and Carabao Islands. The project contemplates the making of Corregidor the Gibraltar of the East, and when the fortifications are completed they ought to be able to withstand indefinitely an attack from any foreign power. The idea has been to make them sufficiently formidable to permit Corregidor to be the place of the last stand by the American troops in the event of a serious and disastrous war in that territory. In Subig Bay the fortifications are of a minor nature and have been entirely completed for some time past.

Mr. GARRETT. Of course the fortification of the city of Manila is the principal necessity, because that is the heart of the Philippine Islands.

Mr. SHERLEY. This not only looks to protection of Manila city, but in the event of the capture of the city of Manila and the destruction of our fleet in those waters the defenses are made sufficiently strong to enable the American troops there to hold out indefinitely against an enemy.

Before concluding this statement of the bill and its scope I simply desire to call attention to the provisions touching powder, its purchase, and manufacture. They are as follows:

The appropriations herein made for ammunition, when expended for manufacture of powder at the powder factory at the Picatinny Arsenal at Dover, N. J., shall be so expended only on the basis of and toward the operation of said powder factory to not less than one-half of the full capacity thereof during each calendar year.

No part of any money appropriated by this act shall be expended for powder, other than small-arms powder, at a price in excess of 53 cents a pound.

As I have in connection with the Army bill already discussed this question, it is unnecessary that I should now further deal with it. Under the five-minute debate I will be glad to give any additional information touching this or other items.

It is proper that I should call the committee's attention to a new provision in the bill requiring the preparation of plans, and so forth, by the department before the submission of estimates. The reason for this is obvious.

I believe the bill presented properly provides for the continuation and maintenance of our seacoast defense and those other matters within its purview relative to national defense. I hope it will receive the critical examination of this Committee of the Whole and that it may receive its approval.

Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RUSSELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 28186, the fortifications appropriation bill, and had come to no resolution thereon.

IMMIGRATION.

Mr. BURNETT. Mr. Speaker, I ask to present a conference report on the immigration bill for printing in the RECORD, and desire to give notice that on next Thursday morning, immediately after the reading of the Journal, I will call it up.

The SPEAKER. The conference report and statement will be printed in the RECORD under the rule.

Mr. COOPER. Mr. Speaker, I desire to ask the gentleman from Alabama [Mr. BURNETT] what he said as to when he would call up this conference report?

Mr. BURNETT. On Thursday, immediately after the reading of the Journal.

THE MISSOURI RIVER.

Mr. BOOHER. Mr. Speaker, I ask permission to have printed in the RECORD a paper written by Miss Luella A. Owen, of St. Joseph, Mo., entitled "The Missouri River and its future importance to the nations of Europe." This paper was read at the Ninth Geographical Congress, at Geneva, July 31, 1908. To my mind the article contains a vast amount of very useful and important information on the subject of inland waterways, especially as applied to the Missouri River.

The SPEAKER. The gentleman from Missouri asks unanimous consent to print in the RECORD the article mentioned. Is there objection? [After a pause.] The Chair hears none.

The article referred to is as follows:

THE MISSOURI RIVER AND ITS FUTURE IMPORTANCE TO THE NATIONS OF EUROPE.

(A paper read at the Ninth Geographical Congress at Geneva, July 31, 1908, by Luella A. Owen.)

On account of the enormous growth of industries and the rapid development of natural resources in the United States during the past 10 years, the question of transportation has assumed unexpected proportions and become a problem calling for immediate solution. The official report of the Interstate Commerce Commission shows that

within the time mentioned the volume of railroad business has increased more than 110 per cent, while the increase in railroad mileage amounted to only 21 per cent. As a logical result, the roads have become totally inadequate to meet the requirements of commerce, and the stress must be relieved by supplementary facilities that only the inland waterways can afford. For the time being competition is not the chief factor in traffic discussions, although even under present conditions it remains, as usual, an important consideration that can not be overlooked or ignored. What the roads can not accomplish the rivers must, and the vast tonnage of both heavy and bulky freight will be transported not only at greatly reduced cost but also with an economy of time which will figure as a new element in competitive water service.

No expert is required to point out the fact that the heaviest loss and greatest inconvenience resulting from lack of adequate railway service is necessarily borne by the great interior valley lying between the Rocky Mountains and the Alleghenies and drained by the Missouri and Mississippi Rivers. This valley produces the main support of the Nation, as well as the major portion of its heavy export surplus, and the most richly productive area is that vast region drained by the Missouri and its tributaries.

The long disuse of this wonderful and unsurpassed system of natural waterways has left the present generation in comparative ignorance of its unmeasured value until a realization of the overwhelmed condition of the railroads forced a dawning knowledge of neglected possibilities running wild unheeded.

In considering a subject of such wide extent and broad influence it is necessary to take a purely geographical view on which a clear conception of existing facts and future promise may be based. This includes a more extended range in latitude, longitude, and altitude than even the average inhabitant of the region is accustomed to take note of. The extremes of latitude are from those points on the Canadian line where Milk River crosses and recrosses to that where the waters pour into the Gulf of Mexico a total of 20 degrees. The longitude traversed by the waters of that most westerly tributary from their source to the sea is 24 degrees, while the variation in altitude is from sea level to perpetual snow, which on Longs Peak in Colorado is 14,000 feet, or 4,300 meters.

As a commercially navigable stream the Missouri is not equaled by any inland waterway in the world; and the force of its strong current can be converted into electrical energy for light and power not only in steep mountain passes and at the Great Falls, but might also be so utilized so far downstream as the cities of St. Joseph in Missouri and Atchison in Kansas, at which points the average rate of flow is about 7 miles per hour, the variations ranging from 6 at extreme low stage to 10 at the highest flood. The channel depth here at ordinary stage, between high and low, is about 30 feet. (This is the depth at the St. Joseph bridge, where it is 20 feet at low water, and on July 7, 1908, was 40 feet—*by careful measurement* taken by an experienced bridge employee.) The average fall between Omaha and these points is a little more than 1 foot per mile, diminishing to less than a foot at Kansas City. Below that the flow is from 3 to 4 miles, according to stage.

For domestic purposes the water supply is unlimited and pure, for, although far famed for the large amount of sediment held in suspension and transported to the Gulf, this is easily eliminated in settling basins provided for the purpose, and the water which flows off is absolutely pure under a powerful microscope. The supposition that the Missouri received its name from the quantity of solid matter carried is a mistake. The name is that of a once powerful tribe of Indians who welcomed the white adventurers to their lands on both sides of the stream where it flows through the present State, and who pronounced it Miz-zoo-rah or Miz-zoo-ri. The pronunciation with the soft *s* sound is pure Yankee and incorrect.

China alone possesses a river of approximate extent and similar in character, appearance, and commercial value, the Yang-tze-Kiang, whose yellow waters carry the vast interior traffic of a densely peopled region of about the same area, and give color and name to the Yellow Sea. The loess color is also seen in the lower Rhine, although this stream presents no reminder of the two other great turbulent streams beyond the known fact that the loess deposits on the banks of each have yielded evidence that human beings inhabited the regions before the close of the glacial period, and witnessed the causes and effects of a peculiarly interesting geological epoch.

The true headwaters of the Missouri River were not known until the summer of 1896, when a Government exploring party, sent into the mountains of Montana for the purpose of that discovery, completed the work undertaken a year before. The region was surveyed and mapped by these explorers, and in the same year the American Geographical Society published a short account of *The Utmost Waters of the Missouri River*, by Mr. J. V. Brower, who was chief of the party.

A portion of his description is as follows:

"At the crest of the Rocky Mountains on the southern border of the State of Montana, where the longest branch of the Missouri River takes its rise, the locality is essentially volcanic in its nature, but the eruptive forces have long since ceased to exist there, leaving crater walls and a serrated crest.

"The reconnaissance, which resulted in placing stone monuments on the State line, was principally conducted on snow-capped peaks, where several hundred snowslides had occurred recently, and during the latter part of June of the present year we encountered snow often 20 and 30 feet deep.

"The ascent of Burbside Mountain was accomplished, beyond which we were unable to pass with horses, on account of the tremendous drifts of snow.

"From every snow bank along the course of our exploration—and there were thousands of them—a little streamlet proceeded downward, under the rays of the summer's sun, to the lowest depressions of Culvers Canyon, where, uniting, the consequences incident to the birth of a plunging mountain stream were witnessed on every hand."

He also says:

"The channel distances have been very carefully considered, and all authorities available consulted, with the result that the longest continuous unbroken current of running water in the world, taking its rise near the crest of the Rocky Mountains in the upper portion of Culvers Canyon, State of Montana, thence flowing westwardly and northwardly through valleys that formerly constituted glacial lake beds, the stream, variously designated as Red Rock River, Beaver Head River, and the Jefferson Fork, passes the mouths of the Madison and Gallatin Rivers, and flows into the Mississippi above the city of St. Louis."

His carefully calculated total distance from the source under snow banks at the upper end of Culvers Canyon at an altitude of 8,000 feet above the sea, to the southwest pass at the Delta of the Mississippi, along the thread of the channel, is 4,221 miles. The distance from the same source to the junction of the Missouri and Mississippi is 2,945 miles. The total channel distance from the most extreme source of the Mississippi to the same point at the Gulf of Mexico is 2,553 miles, which is 1,668 miles less than the total main channel of the Missouri to the Gulf, and 392 miles less than the Missouri from its source to their junction.

The volcanic craters among the clouds here described, where the Missouri takes its rise, are only 20 miles, in an air line, from the western boundary of Yellowstone Park, while but 12 miles further eastward the magnificent activities displayed in the geyser basins may indicate that volcanic forces in the vicinity are merely dormant. Where flames appear to leap and flicker in the steaming waters of the Firehole Basin we find the extreme source of the Madison River, another of the beginnings of the Missouri, while the flow of the Gallatin commences with a combination of waters from hot springs and snow banks in the northwest corner of the park. The Yellowstone, which is the largest tributary of the Missouri above the Mississippi junction, takes its meager beginning on Two-Ocean Pass, at an altitude of 7,950 feet, and gains such volume while still in the park that its low-water discharge at the northern boundary has been estimated at not less than 2,000 cubic feet per second, which is the exact volume estimated as necessary to be drawn from Lake Michigan to supply the contemplated 14-foot waterway to connect the Great Lakes with St. Louis and the Gulf. The altitude at that point is 5,360 feet above sea level, and is the lowest in the park.

The Yellowstone could be navigated advantageously, not only to this point, but also for a distance of some miles beyond, by small steamers of capacity fully equal to those in use by the Americans at Manila for the transportation of both passengers and freight up the Pasig River and across the Laguna de Bay. The Yellowstone was always considered navigable by large river steamers for a distance of 300 miles above the junction with the Missouri, but, unfortunately, it has been closed to navigation for all time by a great dam at Glendive, Mont., whose object is to turn the water into irrigating ditches for converting a vast stretch of semiarid grazing land into farms to attract a heavy population and induce more varied development in what is essentially a stock-raising country.

Milk River and a large number of other good streams of the smaller class, starting from the mountains of Montana and Wyoming and flowing into the Missouri, are of sufficient size to offer an important mileage of waterways prepared by nature to carry a heavy traffic so soon as the commercial possibilities of small, light-draft boats shall have come to be recognized in the broad interior West, where their usefulness has never yet been tested. Their value, indeed, could not easily be overestimated, even if the service should be wholly confined to the distribution of products of the coal and lignite mines and oil wells of that region; and yet, by this means vast quantities of ores from the mountains and grain from fields on the high plateaus could also be cheaply and promptly transported to home markets; or, if loaded on barges, might be well started toward the shipping port that would be arrived at without breaking bulk. Some conception of the volume of water carried by these streams may be acquired from the mere fact that the width of the Missouri, where it receives the Yellowstone, is 860 yards at the ordinary stage of summer flow, when the depth, too, is ample for navigation.

Similar conditions as to available small rivers and serious need of increased transportation facilities are found in both North and South Dakota, where the situation is obviously more grave than in States better provided with railway service. Their staple crop, wheat, never brings the price of an open market to the producers. They sell of necessity for the price offered by those who can control transportation and ship at pleasure, and who, therefore, reap the greater profit. With transportation on those small streams cooperating with service on the Missouri, sales as well as shipments would be made directly to European countries, which would have become an open market to all the States of the interior. While cost to consumers would be reduced, the producer's profit would increase.

The longest tributary of the Missouri and also the most peculiar of all American streams is the Platte, or Nebraska. Its two sources start from high peaks of the snowy range of the Rocky Mountains in northern and central Colorado, from whence they rush through cloud-bathed parks to leap down narrow gorges into magnificent canyons, and then, after pursuing devious courses to widely distant sandy plains, find their way to a meeting place in western Nebraska. Geological observations show that in the very recent past a shallow lake of considerable size existed here, fed by the uniting waters of the two streams poured in from the west and south and drained by the Great Platte. Numerous flat-topped elevations in the grass-grown lake bed bear witness that the placid surface was dotted with small islands. The scene is of special interest on account of suggesting the idea that the decrease in water supply was of sudden occurrence, it being an established fact throughout the region that if a lake becomes dry from gradually failing flow its bed is so filled with sediment that little, if any, depression remains.

This was the lake of "La Hontan's Limit" on his famous voyage up the Long River. The descriptions of his entire trip are so remarkably correct that every point mentioned, on both the outgoing journey and return, is easily recognized by those who are themselves familiar with the rivers traversed and their shores. The distinctive peculiarities of gradually changing scenes are given with a terse faithfulness quite impossible to one not an actual observer. The key to his misfortune of discredit is readily discovered in the simple fact that after the first few hours on the Wisconsin River he had no correct knowledge of locality. Indian hospitality to strangers was cordial and guidance through their territory and that of friendly nations freely given, but with some carefully concealed element of strategy designed to prevent a repetition of the journey without the assistance of native guides. The narrative of the Baron La Hontan clearly shows how the deception in his case was accomplished.

As is well known, Indians traveled with incredible speed in their long, narrow canoes, especially when going with the current. After resting and feasting in the country of the "Kikapous," the refreshed party, reenforced by 10 warriors, seized with enthusiasm the idea of extending the journey to the "Plantation of the Sun," so it is reasonable to suppose that the canoes moved swiftly. But the account states that, having crossed the portage, they "embarqu'd upon the River Ouisconsin" and "arrived in four days at the place where it empties itself into the River Mississippi, which is about half a league broad in that part. * * * It lies northeast and southwest, and its sides are adorn'd with meadows."

Now, this is a good description of the junction of the Mississippi with the Missouri, but where it receives the Wisconsin it is only one-third of that width, half a mile, and flows from a north-northwest direction through a narrow valley between high rocky bluffs. The distance from the portage is a little less than 200 miles.

As mention is made of the possibility of having passed unseen islands "which the darkness of the night hid from us as we came down," it is evident the party traveled by night as well as day, which makes four days an unreasonable time for the passage of those 200 miles. Many years later the English traveler, G. W. Featherstonhaugh, gave a description of his descent of the Wisconsin from the portage to the Mississippi in a birch-bark canoe which carried eight persons "commodiously," besides a ton and a half of provisions and baggage. The canoe was "carried by the current, independent of the paddles"; the party camped on shore at night and the Mississippi was entered at 3 o'clock in the afternoon of the third day.

By vigorous use of oars the time might have been reduced at least half, so it is plain that four days' continuous travel were ample for concluding a downstream journey so far as the Missouri junction, which was evidently done and the fact concealed from the French explorer by simply misnaming the river whose rapid currents he "stem'd" for 12 days before reaching the Long River. The Platte is readily identified without the necessity of allowances for the influence of time or changed inhabitants. The broad, placid stream, with but a narrow channel; the fertile valley on both sides, changing to hilly country with wooded shores, and further on to a desolation of limitless plains, followed by a dreary waste of sand—this is the progressive picture even to the present time. The river is remarkable for the absence of short curves in its entire course through the State of Nebraska, and in places the water spreads out in shallow sheets of great breadth almost on a level with the low banks, and in appearance is very like the Bitter Lakes as seen in passing through the Suez Canal. The "Great Island," which "afforded great plenty of hares," is Grand Island, and the hares were jack rabbits, which were abundant on the western plains and are not scarce even now, but never quite reached the lower Missouri. The wolves and water fowl, the prairie chickens or pinnated grouse (called pheasants), and the "wild beeves" were all to be found where stated, but the wild turkeys that were sought in vain are known to have first appeared on the Platte in the year 1809.

No reasonable doubt of the journey can be based on the season in which it was made, for although it is usual for the rivers of the region to be closed by ice during a portion of the winter months, there are exceptions to the rule in frequent mild seasons, in which that return might be undertaken on January 26 and successfully accomplished. The stream called the "River of the Missouris" was the Osage, and that called the "River of the Osages" was the beautiful Niangua, near the mouth of which a village was burned. A familiar knowledge of the entire region and of its recent past would convince the most skeptic that the Baron la Hontan's description is incontestable proof of his journey up the Missouri and Platte Rivers, and that the impossible map was the fruit of Indian cunning. In tardy justice his name should be restored to a place on the geographical roll of honor as the first white man to penetrate into the real heart of the American Continent.

The Platte could easily and at reasonable expense be converted into a commercial highway of first importance, navigable by river boats of any capacity. The character of the country through which it flows is such that the work of construction and maintenance would be somewhat similar to that of the Suez Canal, but with all the difficulties occasioned by shifting sand eliminated in eastern Nebraska. The natural supply of water is ample if it were not diverted to other uses, the annual flow of the North Fork alone being reckoned by the chief engineer of the Reclamation Service as "sufficient to cover 1,000,000 acres of land 1 foot in depth." An enormous dam, called the Pathfinder project, has been built in eastern Wyoming for the storage of these waters for irrigation. This dam forms a reservoir having a capacity of 43,560,000,000 cubic feet, which is more than ten times that of the famous Croton reservoir in New York. A storage basin on the South Fork above Denver is being built, to have a water surface when full of 2,000 acres. This is surpassed by one of the greatest dams in the world, which is nearly completed, on the Belle Fourche, in South Dakota, creating a reservoir 60 feet deep, with a water surface of about 9,000 acres when full.

Irrigation is also too popular in Kansas, where the small boat might be effective in the navigation of rivers generally regarded as too shallow for steamer traffic. Even the Kansas is not too large to prove its usefulness, although at Topeka the river has about the breadth and volume of the Seine where it flows through Paris, and the Arkansas might afford valuable transportation to the southern section, below the great dam at Garden City, if irrigation be not too lavish.

If only the surplus waters of excessive floods were to be stored in reservoirs, as was understood to be the purpose when they were being projected, their great and lasting value to the whole valley of the Missouri and its tributaries would be fully comprehended by all who have ever witnessed the havoc created by such floods. But if, on the other hand, these and others under construction and in contemplation shall be allowed to store and distribute an equal volume for irrigation in the more general seasons when no such floods occur, the result must of necessity damage the whole great system of inland water transportation west of the Mississippi. Therefore it can be plainly seen that unrestrained enthusiasm for bringing desert tracts and grazing lands under irrigation may produce results not anticipated, and most disastrous to those regions themselves, as it has been stated by a prominent railroad official that the products of the northern interior States have doubled in 10 years while their railroad facilities increased but one-eighth.

The area of country drained by and therefore commercially tributary to the Missouri River and its affluents above the Mississippi junction is equal to three times that of the German Empire, or to the combined areas of Italy, Switzerland, France, Great Britain, and the German Empire, a total of more than 600,000 square miles, and it is the most productive portion of the United States. Various crops predominate in different States and sections of States, from wheat in the most northern to cotton in the southern, the State of Missouri alone being able to excel in the whole range, although its northern limit is in the same latitude as Naples and its southern extreme nearly 1 degree farther south than the city of Tunis in Africa. Though less than half the size of the State of Montana, Missouri has an area greater by 2,572 square miles than that of England and Switzerland combined. Not being under narrow restrictions as to soil, climate, and rainfall, this one State grows two-thirds as much wheat as all the Dominion of Canada and one-tenth of the maize grown in the world in one year; it rivals California in the value of the fruit crop; surpasses all the States in zinc production and many of the Southern States in quantity as well as quality of cotton; all again in horses and mules, takes high rank in production of cattle and hogs, and ships 107,000,000 dozen of eggs in a season. These are only a few of the most abundant products of which there is a heavy surplus for export. Each State in the whole drainage system is in various ways a rich producer and a heavy shipper to the markets of Europe, and yet all the region under discussion could increase its output to an incredible extent to meet demand if there were adequate means of transportation.

In turn, the valley of the Missouri and its affluents is the consumer of an enormous quantity of European raw material and manufactured goods. The transportation of these imports and exports across the country by rail, or partly by rail and partly by the Lakes, is much more expensive than carriage by the Missouri River would be; and that without counting a great difference in port charges owing to negro labor in the South being cheaper than similar service at ports in the East, food in the South being a light expense and little clothing required.

With the advent of railroads in the West 50 years ago, transportation on the rivers was almost wholly abandoned and the tyranny of pilots ceased to trouble commerce. The Missouri is naturally a navigable stream, but is beset with dangers from shifting sand bars and stranded trees that require specially trained pilots and prohibit night travel. To meet the present stress immediate improvement is imperative, but consists simply in clearing the channel of these bars and snags and then maintaining it so, with the additional feature of navigation lights to perfect the security of continuous travel with increased speed. This work will be very inexpensive in comparison with the cost of building railroads having but a small fraction of the transportation capacity. The chief engineer in charge of river work at points below Sioux City has estimated that a congressional appropriation of $1,000,000 would place a dozen parties at work on different portions of the stream starting improvements that four or five millions in successive years would finish. The first year's work would put the river in good condition for navigation from the junction with the Mississippi to Fort Benton in Montana; and following that the channel would be widened and kept clear of obstructions and the banks protected from encroachments of the current.

A prominent railway authority and official of the Northern Pacific road has estimated the cost of additional track mileage and terminals of capacity to properly move the present freight of the country at $5,500,000,000, but states that this need can not be met. In discussing the situation he gives the average speed of a freight train as from 12 to 15 miles per hour, and the average distance traveled by each freight car in service as about 25 miles per day, saying "That is, the entire freight equipment of the country is employed to the fair limit of its capacity but two hours out of the twenty-four. On single-track lines freights must wait on sidings while passenger trains have right of way; cars stand for days or weeks in yards or at transfer points waiting their turn."

The same authority declares that a 15-foot channel from St. Louis to New Orleans would go further to relieve the entire Middle West and Southwest than any other work that could be undertaken, and that with such a depth of water a single powerful towboat would carry from 30 to 40 trainloads.

Others demonstrate the value of river service by the efficiency of the 9-foot channel of the Ohio, as shown by the official report, that one steamer sometimes tows as much as 60,000 tons of freight from Louisville to New Orleans on one trip. The horsepower of this steamer is 2,175, while that of locomotives to haul the same cargo on a road of average grade would be 24,000. The cost per ton per mile is said to be about one-eleventh of the average rail rate. The average cost of water transportation in the country in competition with rail is one-sixth of the cost by rail.

Freight transported down the Missouri River for shipment to foreign ports would have the time advantage of uninterrupted progress; and to the economy of water rates would be added that of no necessity of transfer anywhere between the starting point and shipping port, even if the start were made in the interior of Montana. And return cargoes of imports would be equally favored in distribution.

If the markets of Europe were thus opened to direct communication with the unlimited resources and heavy requirements of the Middle West and Northwest, the advantages would be mutual and of steady growth. The Missouri River is therefore as important to the nations of Europe as to the States it drains.

LINCOLN MEMORIAL.

Mr. STEPHENS of Texas. Mr. Speaker, I desire unanimous consent to extend my remarks in the RECORD for the purpose of making some remarks relative to the Lincoln Memorial in this city.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD on the Lincoln Memorial. Is there objection? [After a pause.] The Chair hears none.

Mr. STEPHENS of Texas. Mr. Speaker, a Lincoln memorial hall should be substituted for all other kinds of memorials proposed in the resolution and amendment; it should be similar to the Albert Memorial Hall erected by the English people in London as a monument to the Prince Consort in the last century. It is a vast amphitheater in the Italian renaissance style, destined for concerts, scientific congresses, and art assemblies, and other similar uses. The building was erected from 1867 to 1871, designed by Fowke & Scott, architects; it is oval in form and measures 270 by 240 feet and 810 feet in circumference, and comfortably accommodates 8,000 people. It cost £200,000—one-half contributed by the public treasury, the other one-half by citizens, associations, and private subscriptions. This hall is situated on the south edge of Hyde Park. The architects were guided by the principles upon which the Romans constructed their great amphitheaters, and have succeeded in the Albert Hall in raising a structure unsurpassed in its attraction and beautiful proportions, and at the same time of great practical utility.

A similar memorial hall and auditorium should be erected in Washington to the memory of Abraham Lincoln, and used for the same purposes as the Albert Memorial Hall is used in London. I have to-day introduced a resolution for that pur-

pose, and desire to present it as a substitute for the other resolutions on this subject. It is as follows, viz:

House concurrent resolution 69.

Resolved by the House of Representative (the Senate concurring), That the plan, design, and location for a Lincoln memorial determined upon and recommended to Congress December 4, 1912, by the commission created by the act entitled "An act to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln," approved February 9, 1911, be, and the same are hereby disapproved, and the said commission is hereby continued with directions to select a location in the city of Washington, D. C., and to secure plans and designs for the erection of a Lincoln national memorial hall and to make recommendation and report thereon to Congress at the session beginning the first Monday in December, 1913; said hall to be erected and dedicated to the memory of Abraham Lincoln and to be suitable for use as an auditorium for all such national and international public assemblies and uses as Congress may hereafter designate.

I also desire to insert as part of my remarks an editorial from the New York Tribune, of recent date, on this subject, and I fully concur in its conclusions. It is as follows:

[From the New York Tribune.]

A NATIONAL HALL.

The proposal to hold an inaugural reception in the rotunda of the Capitol, which is about as ill equipped for such a gathering as any large hall could be, calls renewed attention to the lack of adequate facilities in Washington for indoor state ceremonies on a large scale. There is no place where an inauguration address can be satisfactorily delivered in case of inclement weather, or where an international conference can be suitably conducted. When President McKinley died the state funeral was held in the Rotunda of the Capitol, but its size is inadequate, its lighting bad, and it is entirely unadapted to such ceremonies. The United States should have in Washington a structure for important meetings and ceremonies. It should be a building with all the dignity of a great Roman basilica or Gothic church, large enough to hold several thousand persons, impressive enough for the most solemn occasion. In addition to an auditorium it might well contain rooms where an international conference could be hold and quarters where national guests could be suitably lodged. There an inauguration address could be delivered, a state reception given, a national hero's body lie in state, a public funeral be held. It might be for Washington what "the great hall of William Rufus" is to London or the Pantheon is to Paris.

The grounds in the rear of the Capitol, where the Grant Monument is being erected, would have furnished a suitable site for such a building, which, indeed, would be an appropriate monument to one of the Nation's great men. There are other available sites convenient to the Capitol, and there are other men whose memory the country holds in honor, any one of whom might be appropriately commemorated by a building at once grand and useful. Such a secular cathedral, which might be a hall of fame as well as a temple for the ceremonial functions of the Government, would serve a practical utilitarian purpose and be a stimulant of patriotic feeling.

EUROPEAN MUNICIPAL MARKET CONDITIONS.

Mr. AINEY. Mr. Speaker, I desire to have leave to extend my remarks in the RECORD on the subject of the high cost of living and distribution and collection of food supplies, and to print a short article on the subject of terminal market conditions in European countries, prepared by Mrs. Elmer Black, a member of the advisory board of the New York Market Terminal Commission.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none.

Mr. AINEY. Mr. Speaker, I desire to submit some remarks on the subject of high cost of living, and particularly to that problem incident to the same which involves the collection and distribution of food supplies whereby the producer and consumer may be brought into better economic relations with each other, and to that end and elucidative thereof I am incorporating under the leave granted me a brief but comprehensive and exceedingly interesting article by Mrs. Elmer Black, a member of the advisory board of the New York Terminal Market Commission, covering an extensive investigation into European municipal market conditions and management.

While this article was prepared with the primary purpose of facilitating the establishment of a much-needed terminal market in the city of New York, the information contained therein, obtained after much painstaking effort and visits to all the large municipal markets of Europe, ought to be more readily available to the producers of the country as well as to the municipalities which represent largely the consumers.

The article referred to is as follows:

Article by Mrs. Elmer Black, member of the advisory board of the New York terminal market commission, upon the subject of "European municipal market conditions and management."

FOREWORD.

In the belief that the establishment of a first-class terminal market system, worthy of twentieth-century requirements, is a matter of vital importance to every family in New York, I have spent considerable time during the past few months investigating markets on both sides of the Atlantic.

As a result I am more than ever conscious of the need for an enlightened public opinion to support the efforts of the terminal market commission to secure this benefit for our community. I am convinced that our fellow citizens will approve the requisite expenditure once they are roused to a realization of the inadequacy of our food-distributing centers.

In the hope that my investigations may aid in the accomplishment of this reform I have prepared these observations, comments, and comparisons.

It is true that the problem of the high cost of living is afflicting the old lands of Europe, the newer countries like New Zealand, as well as our own wide territories of the United States. The causes vary according to local conditions, but everywhere it is agreed that a potent force for the amelioration of the condition of the consumers is found in the establishment of efficient terminal markets under municipal control for all progressive cities. With wise administration, stringent inspection, and sound safeguards these municipal markets benefit both producers and consumers. They eliminate considerable intermediate expense, delay, and confusion. Last, but not least, they return a profit to the city treasury.

It is because our New York markets achieve none of these beneficent results that I issue this plea for the establishment of an adequate terminal market system. I appeal to all who have the welfare of their city at heart to add the force of their opinion to the accomplishment of this civic improvement.

UNITED STATES.

New York, with over 5,000,000 inhabitants, has no effective market system. The buildings are out of repair, there is little or no organization, and the superintendent has testified before the New York food investigation commission (Mar. 12, 1912) that on their administration last year there was a loss to the city treasury of $80,000. To that must be added due consideration of the inconvenience to the consumers, producers, and dealers and the extra cost of handling entailed by the lack of modern market methods. The city has almost quadrupled its population in a generation, but the markets remain about as they were. Many other cities in the United States not only testify to the value of municipal markets as a means for lowering prices to the consumer, but so guard their interests as to provide a very different balance sheet.

Boston has a profit on its markets of $60,000, Baltimore $50,000, New Orleans $79,000, Buffalo $44,000, Cleveland (Ohio) $27,507, Washington (D. C.) $7,000, Nashville (Tenn.) $8,200, Indianapolis $17,220, Rochester (N. Y.) $4,721, and St. Paul (Minn.) $4,085.

If the following facts concerning municipal markets are studied, also, it will be seen that no city in any way comparable to New York fails to make the municipal markets yield advantages both to the community and the city treasury.

THE BRITISH ISLES.

London naturally serves as a starting point for a tour of European investigation. The British capital has, indeed, features that render it comparable in a peculiar degree with New York. The population of both, including their outer ring of suburbs, is over 5,000,000. In each case there is access to the open sea by means of a noble waterway over which passes the commerce of the seven seas. Railroads supplement the water-borne cargoes with home-grown produce fresh from the farms for the use of urban kitchens.

London's markets do not afford the unbroken example of municipal control that they would if a new system were to be created at the present day. Precedent looms large in British administration, and even now there are only two ways of establishing a market—by parliamentary authority and royal charter. King Henry III covenanted by charter with the city of London not to grant permission to anyone else to set up a market within a radius of 7 miles of the Guildhall, and this privilege was subsequently confirmed by a charter granted by Edward III in 1326. But of late years the city corporation has waived its rights and allowed markets to be established in various districts wherever a real necessity has been shown to exist. In fact, the markets of London have grown with the city, keeping pace with its requirements.

There remains, however, the fact that certain corporation markets and Covent Garden markets serve as great wholesale terminals, connected more or less unofficially with the numerous local markets in the outlying districts.

Chief among the corporation markets is Smithfield, covering about 8 acres and costing altogether $1,940,000. There are to be found wholesale meat, poultry, and provision markets, with sections for the sale, wholesale and retail, of vegetables and fish. In the last 20 years the development of cold-storage processes has lowered the quantity of home-killed meat and remarkably increased the importation of refrigerated supplies. Last year the wholesale market disposed of 433,723 tons of meat, of which 77.2 per cent came from overseas.

Ten years ago the United States supplied 41 per cent of the Smithfield meat, but now these supplies have fallen off enormously, and the last report of the markets committee says: "The United States, in particular for domestic needs, is within measurable distance of becoming a competitor with England for the output of South America." South America and Australasia are indeed the chief producers to-day for the British market.

This has developed a great cold-storage business in London. All told, London can accommodate 3,032,000 carcasses of mutton, reckoning each carcass at 36 pounds. Over 41 per cent of England's imported meat passes through Smithfield, and railroad access is arranged to the heart of the market. The Great Northern Railway Co. has a lease from the corporation on 100,000 feet of basement works under the meat market, with hydraulic lifts to the level of the market hall and inclined roadways for vehicular traffic.

Most of the tenants at Smithfield are commission salesmen, who pay weekly rents for their shops and stalls at space rates, all the fittings being supplied. Last year these rents brought in $427,920. There is a toll of a farthing on every 21 pounds of meat sold, which, together with cold storage, weighing, and other charges, amounted in the same period to $241,635. The meat sales are entirely wholesale, except on Saturday afternoons, when there is a retail "people's market," where thousands of the very poor buy cheap joints.

The inspection is very strict, every precaution is taken to insure cleanliness, and breaches of the regulations are punished by fines or imprisonment. All condemned carcasses are sent to a patent Podewill destructor to be reduced by steam pressure and rolling to a powder, which is disposed of as an agricultural fertilizer.

On these central meat markets there is a profit of about $100,000.

The corporation also controls a great live-cattle market at Islington, covering 75 acres. Over $2,500,000 have been spent on this market and the modern slaughterhouses attached thereto. These slaughterhouses are not regarded as a remunerative concern, but are provided because they afford hygienic methods, and private slaughterhouses in London are

decreasing rapidly. Last year 37,670 cattle, 101,646 sheep, 11,722 calves, and 34,981 swine were slaughtered there, the charges being 36 cents a head for cattle, 4 cents for sheep, 8 cents for calves, and 12 cents for hogs. Mainly on account of the extensions and improvements, this market is not being run at a profit at present, but its public utility is held to justify the outlay. Nor does the Deptford cattle market of 30 acres, maintained on the banks of the Thames to deal with live cattle imported from abroad, pay its way. But there has been a serious decline in imported stock in late years, especially from America. At this market extreme precautions are taken to prevent the entry of cattle disease that might spread infection to British flocks and herds. All animals landed there must be slaughtered within 10 days and submitted to rigid inspection. All hides and offal are immediately disinfected. Five hundred cattle can be unloaded from vessels at Deptford in 20 minutes. Last year 104,351 animals were killed, the meat being sent for sale to Smithfield and Whitechapel.

Billingsgate, the famous fish market of London, is also administered by the corporation. Its records cover over 600 years. It is hampered by narrow street approaches, but a very expeditious system of direct delivery of fish from the Thames side of the market building enables the licensed auctioneers to dispose of supplies very quickly. Steam carriers collect the fish from the fleets around the coast and deliver them packed in ice at Billingsgate every night. Billingsgate market has cost the city $1,600,000. Stand prices are high, but there is keen competition whenever a vacancy occurs. Last year the receipts amounted to $182,455. The auctioneers dealt with 194,477 tons of fish, of which 120,905 were water borne and 73,572 land borne. The city profited to the extent of over $40,000 on this fish trade.

On the wholesale and retail meat, fruit, vegetable, and fish market at Leadenhall there is also a profit of over $5,000.

On the entire municipal-market enterprises of the city there is a profit of $156,000. The markets are regarded with especial interest by the corporation, and the committee which regulates them is considered one of the most important in the whole administration of the city. In order to keep abreast of the times most of the profit is expended on improvements and extensions.

Covent Garden, London's great fruit, flower, and vegetable market, is owned by the Duke of Bedford, whose family have held it for hundreds of years. In the past century they have spent $730,000 on extensions and improvements. Of the present modern buildings the fruit hall cost $170,000 and the flower building $243,000. Formerly the producers were chiefly concerned in the market, holding their stands at a yearly rental. But with the expansion of London the growers have gradually given place to dealers and commission men, who pay 25 cents a day per square foot of space, and on the produce at a regular scale according to its nature. On flowers there is no toll, but each stand holder pays a fixed rental. Though this market has direct access neither to river nor railroad, it still retains its premier position among the wholesale markets of England. As the approaches are extremely narrow, most of the produce has to be carried on the heads of hundreds of porters from the wagons outside into the market buildings. As it is under private ownership, no figures are issued, but there is known to be a huge profit on the market. For outer London there are fruit and vegetable markets at Stratford in the east, Kew in the west, the Borough in the south, and two railroad markets in the north.

Birmingham, England's chief midland city, has owned its markets since 1824, administering them through a markets and fairs committee. Since 1908 the profits have been somewhat reduced, owing to outlay on improvements and extensions, but, although the city has expended $2,156,362 on the markets, the profits have paid off more than half of that indebtedness, besides relieving taxation in other directions.

Not far away is the small city of Kidderminster, that may be mentioned as affording a demonstration of provincial municipal enterprise under more restricted conditions. On its vegetable market it makes a profit of $1,000 and on its butter market a profit of $1,500. The population of the city is only 25,000. Another midland city, Wolverhampton, makes a profit of nearly $20,000.

Liverpool, the great northern port on the Mersey, has spent $1,242,534 on six municipal markets. The only market to lose money is the cattle market, which shows a deficit of $8,000. Liverpool has a cold-storage capacity for 2,176,000 carcasses. On the whole municipal market enterprise in this city of 700,000 people there is an average annual profit of $80,000.

Manchester serves not only its own area but surrounding industrial centers, with a total population of nearly 8,000,000. There are 12 markets and 4 slaughterhouses. Since 1868 the city has benefited by their administration to the extent of $3,250,000 profit.

Next to that of London, the fish market here is the largest in England. Its annual profit is well over $10,000, in addition to heavy extension payments in late years.

Dublin, the capital of what is often called "the distressful isle," makes a profit of $14,000 on the food market and $12,000 more on the cattle market, while Edinburgh, Scotland's chief city, makes about $15,000 a year on municipal markets.

Statistics are available of something like 150 other British towns and cities, ranging from a population of 5,000 upward, where there is the conviction born of experience that municipal markets pay not merely in profits but in convenience to the community, and they have a powerful influence in keeping prices down.

GERMANY.

Perhaps more than any other country in the world Germany places reliance on municipal markets, because of the peculiar pressure of the problem of the high cost of living in the cities of the fatherland. On several occasions during the last 12 months the butchers' stalls have been raided by women in protest against the 10 per cent increase in one year on the price of meat. And when to meet the clamor the Government reduced the hitherto prohibitive import duties on meat by one-half and the inland railroad charges by one-third it was on condition that the meat brought in should be for delivery to municipal markets or cooperative societies only. The result has been an immediate fall in retail prices ranging up to 50 per cent.

Berlin's 2,000,000 people since 1886 have had a splendid terminal market on the Alexanderplatz, consisting of two great adjoining halls, with direct access to the city railroad. One of these halls is entirely wholesale, while the other is partly wholesale and partly retail. Meat, fish, fruit, and vegetables are dealt with under the same roof by upward of 2,000 producers and dealers.

The whole market cost $7,250,000, of which $1,920,711 was for the main market and $4,852,862 was for the slaughterhouses, which are most elaborately equipped to insure sanitation and cleanliness. Great as the market is, the pressure of business has grown so much that a project is on foot to construct more accommodations at a cost of $15,000,000. The market is maintained by stand rentals and administrative charges and by a fund established for the improvement and extension of the system. On the entire enterprise, when all charges have been met and interest paid, there is a profit of over $135,000 a year.

A committee of 11, partly city councilors and partly selected representatives of the public, administer the markets, with 93 officials to insure the carrying out of their orders. The regulations are most elaborate, especially as regards the inspection of foods, which is conducted by a department having a staff of 600.

A healthy competition is created by the system of sales, which may be conducted by the producer himself or through an approved wholesale dealer or through one of the six municipal sales commissioners. These municipal sales commissioners have to give bonds on appointment and are not allowed to have any interest in the trade of the market beyond a small percentage on sales. Producers living at a distance can have their business carried through by them under conditions so well understood and respected as to insure confidence. Though the municipal sales commissioners handle less than a quarter of the sales, they nevertheless act as a check on the private dealers, especially as they issue a regular report on the average wholesale prices. Moreover, the purchasers benefit by these market arrangements, for if they buy from a regularly authorized dealer they can file a claim with the administration if the supplies delivered are faulty, and if their case is proved the account will be rectified.

About 50 carloads can be handled at once at the market, but when extended accommodations are provided it is intended to deal with 200 carloads simultaneously. On supplies thus delivered a railroad tax is collected from the receivers for maintaining rail connections, and this yields an annual profit of $11,000.

Of the stand holders, nine-tenths are monthly tenants, and the remainder pay by the day. The highest charge is 9.5 cents per square meter a day for meat stalls. The fish sold comes mainly from Geestemunde, at the mouth of the Weser, and is sold under the strictest conditions, only a small commission being allowed to be added by the dealers.

The slaughterhouses deal with 800 wagons daily, and for the use of the butchers and the market generally 2,000 square meters of distilled water are produced every day valued at 4 cents the square meter. Eight thousand pipes conduct the water to every part of the market. To insure cleanliness, bathrooms and rooms for drying clothes are established for the use of the butchers, who are charged 2½ cents a bath. In inspecting the carcasses the veterinaries take the most minute precautions. From every animal four samples are taken at different parts of the body, and each of these samples is submitted to tests for 20 minutes.

In an average year 14,000 carcasses are condemned and destroyed, as well as 400,000 diseased parts. Whenever possible the inspectors cut away diseased portions, and the remainder of the carcass, after being sterilized, is sent to the markets known as the Freibank, for sale to the very poor. This proportion is not so startling when it is considered that something like 2,000,000 animals are slaughtered every year, of which more than half are pigs. Until recently Germany used to export a large number of prime animals to the London market, but the demands of home consumers now prevent this and the export trade has practically ceased. In fact, Germany, in common with the rest of Europe, is now competing for the world's refrigerated supplies.

Storm doors and windbreaks are provided at the entrances to the markets and wagons are only allowed inside at certain hours and through specified doorways. Thus there is an absence of dust, and a carefully arranged series of windows insure ample ventilation. All dealers have to unpack their stock at least once every seven days for the destruction of unsound articles. All supplies of unripe fruit, horseflesh, and artificial butter have to carry labels disclosing their real nature. Attached to the market is a hospital with skilled attendance for cases of sickness or injury happening on the market premises.

As in most other centers, the establishment of the market led to the peddlers entering into outside competition. They bought their supplies wholesale inside and then offered them cheaply outside, free from stand rentals and other charges. This menace to the prosperity of the market grew so great that the peddlers' traffic in adjacent streets was prohibited and strictly limited elsewhere. This measure, in fact, is deemed essential in every city where municipal markets are conducted successfully.

Cologne completed a million dollar market in 1904 with a cold-storage plant and connections with the State and narrow-gauge railways. Nearly half the space is taken up by wholesale dealers in fruit and vegetables.

The chief fault of the market is the remoteness from the center of the town. At first it had a great success, but, on this account, it has not been entirely maintained. Encouraged by that initial prosperity, the city authorities bought a nearer site, but the subsequent decrease in the market's popularity has caused the postponement of extensions. Though the market does not pay the 5 per cent on capital that is required, the present administration, even with its drawbacks, does succeed in making a profit of about 3 per cent on the capital invested, last year's income amounting to $535,200.

Hamburg is peculiarly situated as to its market conditions. The market halls of Hamburg and Altona adjoin, but while the former is under the control of the Hamburg Senate, the latter is subject to the laws of the Prussian Government and administered by the Altona city authorities. Each has a large hall, with a considerable portion of the space used for auctions. The Senate of Hamburg appoints two auctioneers and Altona one; but, while the latter is a salaried official, the former are two Hamburg auctioneers approved by the Government for the special market business on undertaking not to trade on their own account. The trade of the chief market is in fish. With the Altona market, the Hamburg market, and the Geestemunde market, the sales in this section of Germany are the most important in the Fatherland for fresh sea fish and salted herrings. About a fourth comes in fishing cutters or steam trawlers direct alongside the market halls, while the remaining three-fourths come from Denmark by rail or by ships from England, Scotland, and Norway. Often there are three or four special fish trains from the north in a day, while 25 to 30 steamers bring the regular supply of imported fish.

The auctioneers derive their revenue from a 4 per cent charge on sales of the cargoes of German fishing vessels and 5 per cent on imported supplies. Out of this they pay half of 1 per cent to the Government on the German and 1 per cent on the foreign sales. No fees are charged to importers and dealers using the auction section of the fish market. Out of the percentage paid to the Government by the auctioneers is provided light and water, the cleansing of the halls and the carting away of refuse for destruction. Strict regulations govern the inspection of the fish, and to insure the destruction of those that have

deteriorated they are sprinkled with petroleum immediately on detection.

Steam fishing boats using the market quays pay 48 cents for 24 hours' use, seagoing sailing cutters 24 cents, river sailing cutters 6 cents, and small boats 3 cents, in which charges the use of electric and other hoists is included.

From these markets almost the whole of Germany receives its seafish supplies, for the distribution of which most of the leading dealers have branch houses in the principal cities.

There are also two markets—one in Hamburg and one in Altona—for the sale of farm produce, mostly transported thither by boats. Besides these, there is a big auction for imported fruit, conducted by private firms. All these Hamburg markets are prosperous, and their utility to the community is universally acknowledged.

Frankfort's market system dates back to 1879, when the first hall was erected at a cost of $375,000. It has 548 stands on the main floor renting at $1.08 per 2 square meters a month, payable in advance, while there is space for 347 more in the galleries at 84 cents per 2 square meters a month. Near by is a second hall, built in 1883 at a cost of $143,750. A third hall followed in 1899 at a cost of $38,500, while in 1911 further extensions were determined on and there are fresh projects now under consideration. Besides these covered markets the city has a paved and fenced square that has been used since 1907 as an open market, where stands are rented at 5 cents a day.

Sixty per cent of the stands in the market halls are rented by the month and 40 per cent by the day. Tuesdays and Fridays are reserved for wholesale trading. A market commission rules the markets, and the police enforce their regulations, the violation of which is liable to cost the offender $7.20 in fines or imprisonment up to eight days.

Munich, with a population of half a million, has the most modern of all the European municipal markets. It was opened in February, 1912, and embodies the improvements suggested by experience of market administration in other cities.

The total cost was $797,000, of which $510,000 was spent on four communicating iron market halls, with their cellar accommodation underneath; $190,000 on a receiving and toll department; $52,000 on a group of adjacent buildings, including a post office, restaurant, and beer garden; and $45,000 on roadways. The whole establishment covers 46,500 square meters, of which the market halls occupy 37,100 square meters.

At the northern extremity of the buildings is the toll and receiving department, where produce is delivered at special sidings connected with the south railway station of the city. Next comes a succession of lofty halls, with covered connections, terminating in a small retail section and the administration offices. At the northern end of the great market is a section where express delivery traffic is dealt with, while the western side is occupied with sidings for loading produce sold to buyers from other German centers.

Below the tollhouse and the market generally are vast cold-storage cellars and refrigerating plants for the preservation of surplus supplies till the demand in the market above calls for their delivery. Each market hall is devoted to a separate section of produce, and the cellars below are correspondingly distinct, so that there is an absence of confusion, orderliness is insured, and rapid deliveries facilitated. Across the underground space from north to south runs three roadways, while down the center from east to west a further broad aisle is provided, with an equipment of great hydraulic lifts. There are nine of these lifts altogether for heavy consignments, while each stand owner in the market has, in addition, a small lift connecting his stand and storage cellar.

Both market halls and underground cellars are so constructed as to facilitate ventilation and complete cleanliness. The floors are of concrete, and every stand is fitted with running water, with which all the fittings have to be scoured every day. There is both roof and side light and ample ventilation, while the entrances are wind-screened to prevent dust. Electric light is used underground, and the cellars are inspected as strictly as the upper halls, to insure due attention to hygiene. In the center of each market hall there are offices and writing rooms for those using the markets. In the restaurant 150 can be served with meals at one time, or they can be accommodated with seats in the beer garden.

Associated with this market establishment is a great cattle market and range of slaughterhouses on a neighboring site. The live-cattle market dates back for centuries, but the present accommodation was only completed in May, 1904, at a total cost of $1,600,000.

Last year 809,508 animals were sold, including 432,159 swine and 234,457 calves. In the slaughterhouses 713,228 of these were killed, besides 2,619 horses and 97 dogs. About 25 per cent of the animals reach the market by road from neighboring farms, while 75 per cent come by rail. For the inspection of all flesh foods there are very strict rules, enforced by the chief veterinary surgeon, Dr. Müller, and a staff of specially trained assistants. As in Berlin, extensive bathrooms are provided for the slaughterhouse staff, and baths are available at nominal charges. Though the new market halls have not been established long enough to provide a definite financial statement, the live-cattle market and slaughterhouses do afford an indication of the success of municipal administration in Munich. Last year the income was $416,500 and the expenditure $410,100, thus showing a profit of $6,400. The new produce halls are certainly the best equipped in the world, and the only element of doubt as to their success arises from the fact that three old-fashioned open markets are nearer the center of the city, and for that reason are even now preferred by many retailers. This fact emphasizes the importance of selecting a central position in establishing a municipal terminal market.

FRANCE.

Paris has one of the most skillfully organized municipal market systems in Europe. The chief food distribution center for the 3,000,000 Parisians is established at the Halles Centrales, a series of 10 pavilions covering 22 acres of ground and intervening streets. Altogether this great terminal market has cost the city more than $10,000,000.

Most of the pavilions are entirely for the wholesale trade, but some are used as retail markets to a limited extent. Retail traders are being decreased gradually, so that whereas in 1904 there were 1,164 retail stands there are now only 856.

The total receipts of the Halles Centrales and 30 local markets amount to $2,100,000, of which about $1,000,000 is profit. There is a general advance in the wholesale trade, but the local covered markets, or marchés de quartier, are not progressing in the same way, so the city does not quite maintain a steady level of market profit.

The reasons given for the falling off of the retail trade are various, but the principal causes appear to be (1) the growth of big stores, with local branches, that deliver the goods at the door, thus relieving the purchaser of the necessity of taking home market supplies; (2) the number of perambulating produce salesmen, who sell from carts in the street at low rates, having neither store rent nor market tolls to pay, and (3) the growth of cooperative societies.

A complicated and severe code of regulations governs the markets. Commission salesmen at the Halles Centrales must be French citizens of unblemished record and must give a bond of not less than $1,000 in proof of solvency. Producers may have their supplies sold either at auction or by private treaty, as they prefer, and as none of the agents are allowed to do business for themselves the distant growers have confidence in the market methods.

In the retail markets each dealer in fresh meat pays just under $6 a week in all, while dealers in salted meats, fish, game, and vegetables pay a much lower rate. All, however, in the covered markets pay three taxes—one for the right to occupy a stand, one for the cleaning and arranging of the markets, and one for the maintenance of guardians and officials. In the open markets the stands are rented by the day, week, or year, the rate for the day ranging from 10 to 30 cents, according to space. Several of these local markets have charters dating back to prerevolution days, that can not now be annulled.

It would be difficult to devise a more thorough system of inspection. An average year's seizures include half a million pounds of meat, 17,000 pounds of fruit and vegetables, and a half a million pounds of salt-water fish.

Thus the Paris market arrangements provide an admirable central clearing house, where supplies are inspected and sold under such conditions as to prevent the artificial raising of prices. It also acts as a feeder to the marchés de quartier, to the great convenience of local consumers. Moreover, the producer is safeguarded, for on his supplies a small fixed percentage only can be charged by the salesman, and the current market prices are made public by agents especially detailed for that purpose.

Havre, the well-known French seaport, with a population of 130,000, has a profit of over 6 per cent on the Halles Centrales and 10 per cent on the fish market. All told, there is a profit of $27,000 on the 12 municipal markets.

The Halles Centrales occupy an entire square in the center of the city, and cost $75,000, exclusive of the site. Gardeners and farmers are not permitted to sell their produce on the way to the market, and are only allowed to deliver to storekeepers after the wholesale markets are closed. Here, as elsewhere where the markets are successful, every precaution is taken to avoid the prosperity of the market being dissipated by sales in the surrounding neighborhood. The annual rents for butchers are very moderate, ranging from $57.90 to $154.40; vegetable dealers, $42.85 to $92.64; dairy-produce dealers, $52.11 to $85.11; fishmongers, $23.16 to $86.85. In the wholesale markets there is an annual trade turnover worth well above $1,000,000, of which fish represents $280,000. So far from the fishermen finding the fish market detrimental to their interests, they welcome it and cheerfully observe the rule forbidding sales on the quays or transit sheds except under special permits.

Lyon, with a population of half a million, may be taken as the best example of a flourishing French provincial city at a considerable distance from the sea. The principal market, La Halle, is known all over France for its public auctions. Accommodation is provided for 276 stalls, rented at 14 cents a day per square meter for fruit, vegetables, and cheese, while other stalls for meat and fish are rented at 33 cents per square meter.

At the morning auctions, held at the rear of the hall, are sold immense quantities of fish, oysters, lobsters, game, poultry, butter, cheese, eggs, fruit, and vegetables. There is a rule that all supplies must come from outside Lyon, so that local store men can not there dispose of surplus stocks, but dealers in other French cities often thus relieve themselves when overloaded. These auctions not only enable local dealers to distribute supplies at cheap rates to the small stores all over the city, but wide awake housewives can frequently tell just what the stores gave wholesale for the produce offered to them retail later in the day, so a check can be kept on overcharges.

The auctioneers are given a monopoly of selling for 10 years, on binding themselves to pay to the city a sum equal to 2 per cent on the total annual sales. The minimum is fixed at $1,930 for one stand, or $5,650 for four stands, to be paid to the municipal treasury. Two per cent is added to the purchase price of every payment made by buyers at auction, and if this does not amount to $1,930 per stand for the year the auctioneer has to make up the difference. The poorer classes benefit largely by these sales, banding together to buy wholesale and then dividing their purchases.

There are also 17 markets for general retail trade in Lyon. The Terminal Market of La Halle cost the city $886,980. The company which built it was given a concession for 50 years on a division of profits arrangement, but within 16 months the utility of the market as an advantageous enterprise for the city was so clearly demonstrated that the municipality bought the company out.

AUSTRIA-HUNGARY.

Vienna, with 1,700,000 people to supply, has a magnificently managed system of 45 markets, 7 of which are located in large, well-ventilated halls, all kept spotlessly clean.

Market commissioners appointed by the municipality conduct the business of the markets according to strict regulations, enforcing a rigid inspection of all products as well as weights and measures. Violations of these rules are punishable by fines of about $2, imprisonment for 24 hours, or exclusion from the markets. Such penalties are enforced when buyers are defrauded, dealers oppose the market authority, or exceed the charges that are posted in the market.

Not merely land and water produce, but general farm and household requisites, are sold at these markets. Outside buying is strictly controlled, owners of boats on the Danube or wagons on the public streets paying toll to the municipality on any sales.

Over $60,000 profit is the average annual yield of the markets to the city treasury, and it is generally agreed that the market system tends to keep down the price of foodstuffs to normal levels.

Budapest has 715,000 people and a very complete market system, under which, though only nominal rentals are charged, there is a profit of over $100,000.

There is one large wholesale terminal market, while six local markets cater for the retail requirements of all quarters of the city. All salesmen are carefully selected, criminals and diseased persons being rigidly excluded. Though a wide variety of articles are sold in the smaller markets besides farm produce, storekeepers are not allowed to rent stalls, so the market men and farmers alone have the use of the buildings. The regulations under which they trade were drawn up by a market commission and confirmed by ministerial decrees. These regulations are regarded in Europe as a model of comprehensiveness, and

their observance insures close attention to hygiene. Among the rules is one insisting on the placing of all waste paper in the public refuse receptacles, while another compels the use of new, clean paper only in wrapping up food products.

Stalls are rented from 4 to 10 cents a day, according to the accommodation. Supplies come by boat, rail, and wagon, and when there is pressure on the interior market space sales are allowed from the boats and wagons at a toll of 10 cents a day. Otherwise only merchandise is allowed to be sold outside the market halls. Not only must no fish, game, meat, or poultry be sold without first being passed by the veterinary inspectors, but none of these articles of diet must be brought to market packed in straw, cloth, or paper. Unripe fruit must not be sold to children.

Every day a bulletin, issued by the market commission, sets out the wholesale prices, while a weekly list gives the retail prices, but in the latter case the note is added that the market commission will not be responsible for any controversy that may arise. All the stocks held by the market traders are insured by the municipality, though not to their full value.

Not only have these markets proved beneficial to the consumers generally, but the market men are unanimous as to their advantage, for they afford a ready and inexpensive means of doing a large business.

HOLLAND.

Amsterdam, with a population of 510,000, has all the local markets under the control of the municipality. They are divided into five districts, each managed by a director or market master responsible to the city council.

Two of the markets are covered, but the remainder are open and are situated by the side of the canals, along which the produce is brought in boats from the farms around. On the administration of the markets in an average year there is a profit of $36,000, but there is a law against making a profit on municipal enterprises, so the surplus is spent on local improvements.

Rotterdam, another great Dutch seaport, operates its markets under similar conditions and makes a profit of $34,000, of which $23,000 comes from the cattle and meat markets.

BELGIUM.

Brussels, possessing a population of half a million, reaps considerable advantage from its picturesque municipal markets, four of which are covered, while several are in the open air.

The renting of space to stand holders at the central market is according to the highest bidder, provided the price is not below $11.58 per month for meat, $9.65 for poultry and game, $5.79 for fruit, vegetables, butter, and cheese.

Both producers and dealers sell at these markets, all their supplies being subjected to drastic inspection regulations. All meats are tested by the municipal veterinary surgeon and his staff, while a communal chemist regulates the milk, butter, and general dairy produce. The cleansing of the markets is done by the department of public cleanliness. Some of the public markets are managed by a contractor, who receives $250.90 a year for setting up the stalls and keeping them in good order. He deposits a security on undertaking his contract, and in default of a satisfactory performance of his work the commune does it and charges him with it.

COMMENTS.

It has been testified that New York's annual food supply costs at the railroad and steamer terminals, $350,000,000. But the consumers pay $500,000,000 for it. The balance of $150,000,000 does not necessarily indicate that any particular section of middlemen have been exacting excessive profits. It merely demonstrates that too many people handle the produce between the farm and the fireside. The provision of an adequate terminal market system for New York would apply the remedy.

New York stands alone, for a city of its importance, in having to face an annual deficit on its markets. The results elsewhere prove that the deficit could be turned into a profit by the creation of a terminal-market system, equipped and administered on twentieth century lines.

America is exporting less foodstuffs than formerly. The annual value has fallen $126,000,000 in 11 years. The growth of the manufacturing population and the relative decrease of the agricultural population, together with the gradual impoverishment of much of our farm land, will soon make conditions worse unless we organize our food distribution.

The first step for New York is the establishment of a terminal-market system. It is estimated that New York's population will continue to grow at the rate of fully 100,000 a year, so this problem admits of no further procrastination.

In natural resources America is the richest country in the world. Other nations have to import vast quantities of produce because of the restricted area of their territory, the comparative unfruitfulness of their soil, or their adverse climatic conditions. We have a wide land of boundless fertility, never wholly in the grip of winter's cold. Yet we no more escape the high cost of living than these less favored people overseas. They have partially compensated for the disadvantages by organizing their markets, while we have neglected that important branch of civic enterprise.

Everywhere in Europe the provision of adequate terminal markets under municipal control is pointed to as a powerful aid in keeping food prices down. There is a lesson in that for New York and other American cities.

There is a lesson also for growers in up-State districts, for experience shows that with adequate markets, supplying produce at lower rates, there comes a demand for more farm and garden stuff and a greater variety of it. This directly aids in developing rural prosperity and enhances the value of agricultural land.

I believe a marked improvement will be shown if a bureau is maintained to inform farmers as to the demands of the market and the best method of packing, preparing, and dispatching their produce so as to reach the market in prime condition. Not only will that aid the market, but it will have a powerful influence in arresting "the drift from the land" to the cities.

The municipality should select central positions for its markets, with rail and river access. It should have effective control not only over the markets but the adjacent streets, wharves, and railroad sidings, so as to obviate evasion of the market tolls. The rentals should not be high, and no subletting should be allowed under any circumstances.

Under such conditions, with wise administration, New York's terminal-market system could be made a model that would be studied by other cities in an age when economic questions absorb the attention of all our public-spirited men and women.

In the interests of the people's health and happiness, no less than in consideration of the municipal finances, all should rally to the support of those who are seeking to secure the consummation of this urgent reform at the earliest possible moment consistent with a full consideration of all its aspects.

TOLLS ON THE PANAMA CANAL (H. DOC. NO. 1313).

Mr. MANN. Mr. Speaker, I ask unanimous consent to have printed as a House document an article prepared by the law officer of the Isthmian Canal Commission, Mr. Frank Feuille, regarding tolls on the Panama Canal.

The SPEAKER. The gentleman from Illinois asks unanimous consent to print as a House document an article on tolls on the Panama Canal. Is there objection? [After a pause.] The Chair hears none.

ELECTION TO COMMITTEE ON AGRICULTURE.

Mr. UNDERWOOD. Mr. Speaker, at the request of the gentleman from Illinois [Mr. MANN], the minority leader, I move the election of Mr. CHARLES H. SLOAN, of Nebraska, to fill a vacancy that belongs to the minority on the Committee on Agriculture.

The SPEAKER. Is there any other nomination? [After a pause.] The Chair hears none.

The question was taken, and Mr. SLOAN was elected to fill the vacancy.

EXTENSION OF REMARKS.

Mr. SHERLEY. Mr. Speaker, I would like to extend in the RECORD the remarks I made in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 6919. An act to amend subchapter 2 of chapter 19 of the Code of Law for the District of Columbia;

S. J. Res. 153. Joint resolution granting to the Fifth Regiment Maryland National Guard the use of the corridors of the courthouse of the District of Columbia upon such terms and conditions as may be prescribed by the marshal of the District of Columbia;

S. 2600. An act to authorize the Commissioners of the District of Columbia to prevent the exhibition of obscene, lewd, indecent, or vulgar pictures in public places of amusement in the District of Columbia;

S. 7162. An act to amend section 801 of the Code of Law for the District of Columbia; and

S. 7508. An act to amend an act entitled "An act to reincorporate and preserve all the corporate franchises and property rights of the de facto corporation known as the German Orphan Asylum Association of the District of Columbia.

ADJOURNMENT.

Mr. SHERLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p. m.) the House adjourned to meet to-morrow, Wednesday, January 29, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under cause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of preliminary examination and survey of San Diego Harbor, Cal. (H. Doc. No. 1309); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of State calling attention to the estimate for 1914 of appropriation under the title "Arbitration of outstanding pecuniary claims between the United States and Great Britain" (H. Doc. No. 1310); to the Committee on Foreign Affairs and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of State calling attention to urgent deficiency appropriation for arbitration of outstanding pecuniary claims between the United States and Great Britain (H. Doc. No. 1311); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of State, transmitting, pursuant to law, an authentic copy of the certificate of ascertainment of electors for President and Vice President appointed in the State of Wisconsin at the election held therein on November 5, 1912; to the Committee on Election of President, Vice President, and Representatives in Congress.

5. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Agriculture submitting supplementary estimate of appropriation for increase of salaries of gardeners (H. Doc. No. 1312); to the Committee on Agriculture and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAY, from the Committee on Military Affairs, to which was referred the resolution (H. Res. 790) calling on Secretary of War for information, reported the same without amendment, accompanied by a report (No. 1399), which said bill and report were referred to the House Calendar.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill (S. 5678) to ratify an agreement with the Weeminuchi (or Wiminuche), and hereafter referred to as the Wiminuche Band of Southern Ute Indians of Colorado, for the relinquishment to the United States of their rights to occupancy of the tract of land known as the Mesa Verde, reported the same with amendment, accompanied by a report (No. 1400), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCOY, from the Committee on the Judiciary, to which was referred the bill (H. R. 28094) to amend section 96, chapter 5, of the act of Congress of March 3, 1911, entitled "The Judicial Code," reported the same with amendment, accompanied by a report (No. 1401), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RUBEY, from the Committee on Agriculture, to which was referred the bill (S. 5294) to establish in the Bureau of Statistics, in the Department of Agriculture, a division of markets, reported the same with amendment, accompanied by a report (No. 1409), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House as follows:

Mr. CANTRILL, from the Committee on Claims, to which was referred the bill (H. R. 21025) for the relief of Allen J. Mann, jr., sole heir of Allen J. Mann, sr., deceased, reported the same with amendment, accompanied by a report (No. 1402), which said bill and report were referred to the Private Calendar.

Mr. DICKINSON, from the Committee on Claims, to which was referred the bill (H. R. 24462) for the relief of Frederick J. Ernst, reported the same with amendment, accompanied by a report (No. 1403), which said bill and report were referred to the Private Calendar.

Mr. POU, from the Committee on Claims, to which was referred the bill (H. R. 27695) for the relief of Edward N. McCarty, reported the same with amendment, accompanied by a report (No. 1404), which said bill and report were referred to the Private Calendar.

Mr. CANTRILL, from the Committee on Claims, to which was referred the bill (S. 5170) to reimburse Charles C. Crowell for two months' extra pay in lieu of traveling expenses, reported the same without amendment, accompanied by a report (No. 1406), which said bill and report were referred to the Private Calendar.

Mr. POU, from the Committee on Claims, to which was referred the bill (S. 2414) for the relief of Rittenhouse Moore, reported the same without amendment, accompanied by a report (No. 1408), which said bill and report were referred to the Private Calendar.

Mr. DICKINSON, from the Committee on Claims, to which was referred the bill (S. 1345) for the relief of Elizabeth L. W. Bailey, administratrix of the estate of Davis W. Bailey, deceased, reported the same without amendment, accompanied by a report (No. 1407), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 27792, reported in lieu thereof a resolution (H. Res. 800) referring to the Court of Claims the papers in the case of George Welty, accompanied by a report (No. 1405), which said resolution and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. COX of Indiana: A bill (H. R. 28467) to purchase a post-office site at Salem, Ind.; to the Committee on Public Buildings and Grounds.

By Mr. SLAYDEN: A bill (H. R. 28468) providing for the erection of memorials to Thomas Jefferson and Alexander Hamilton in the District of Columbia; to the Committee on the Library.

By Mr. BRADLEY: A bill (H. R. 28469) granting two condemned cannon to the Wallkill Valley Cemetery Association, of Orange County, N. Y.; to the Committee on Military Affairs.

By Mr. DENT: A bill (H. R. 28470) to promote the safety of travelers and employees upon railroads engaged in interstate or foreign commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. HOBSON (by request): A bill (H. R. 28471) to construct two national auto highways, the first along or near to the thirty-fifth parallel of north latitude, from the Atlantic to the Pacific Ocean; the second along or near to the twenty-third meridian west from Washington, D. C., north to Canada and south to Mexico; to the Committee on Ways and Means.

By Mr. CULLOP: Resolution (H. Res. 799) providing for the appointment of a committee of the House of Representatives to attend and represent the House at the dedication and unveiling of a memorial statue to Thomas Jefferson at St. Louis, Mo., April 30, 1913, in commemoration of the acquisition of the Louisiana territory; to the Committee on Industrial Arts and Expositions.

By Mr. STEPHENS of Texas: Concurrent resolution (H. Con. Res. 69) disapproving the recommendations of the Lincoln Memorial Commission, continuing said commission, and directing it to make further report; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 28472) for the relief of Mrs. C. N. Carson; to the Committee on War Claims.

By Mr. BURKE of Wisconsin: A bill (H. R. 28473) granting an increase of pension to Edward J. Beach; to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 28474) to amend the military record of Theodore Sanford Russell, alias Charles Grant; to the Committee on Military Affairs.

By Mr. COPLEY: A bill (H. R. 28475) granting an increase of pension to John Hennings; to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 28476) granting an increase of pension to Henry Lemke; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 28477) for the relief of the heirs of Samuel Way, deceased; to the Committee on War Claims.

By Mr. ELLERBE: A bill (H. R. 28478) granting a pension to Edwin C. Gasque; to the Committee on Pensions.

By Mr. FERGUSSON: A bill (H. R. 28479) for the relief of Juan Ocana; to the Committee on Military Affairs.

Also, a bill (H. R. 28480) for the relief of Juan Paiz; to the Committee on Military Affairs.

Also, a bill (H. R. 28481) for the relief of Arthur W. Sudduth; to the Committee on Military Affairs.

Also, a bill (H. R. 28482) for the relief of Christobal Martinez, alias Christobal Martin; to the Committee on Military Affairs.

By Mr. GOULD: A bill (H. R. 28483) granting an increase of pension to Enoch F. Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28484) granting an increase of pension to James M. Turner; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 28485) for the relief of Amos Dahuff; to the Committee on Military Affairs.

Also, a bill (H. R. 28486) for the relief of John R. Bailey; to the Committee on Military Affairs.

Also, a bill (H. R. 28487) for the relief of Alonzo Lewis; to the Committee on Military Affairs.

By Mr. HUGHES of West Virginia: A bill (H. R. 28488) granting an increase of pension to Frederick Flowers; to the Committee on Invalid Pensions.

Mr. HUMPHREY of Washington: A bill (H. R. 28489) to appoint James W. Keen master's mate in the Revenue-Cutter

Service and to place him as such upon the retired list; to the Committee on Interstate and Foreign Commerce.

By Mr. JACOWAY: A bill (H. R. 28490) for the relief of Ezra Adkins; to the Committee on War Claims.

By Mr. MOTT: A bill (H. R. 28491) granting an increase of pension to Frances P. O'Reilly; to the Committee on Pensions.

By Mr. MURRAY: A bill (H. R. 28492) granting a pension to Peter Crosby; to the Committee on Pensions.

By Mr. PALMER: A bill (H. R. 28493) granting a pension to Jeremiah Brong; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28494) granting an increase of pension to George H. Young; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 28495) granting a pension to Sarah F. Rink; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 28496) granting an increase of pension to Emily A. Potes; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 28497) granting a pension to Edmund Ralph; to the Committee on Invalid Pensions.

By Mr. COX: A bill (H. R. 28498) granting an increase of pension to Jack Meissner; to the Committee on Pensions.

By Mr. GARDNER of New Jersey: Resolution (H. Res. 798) authorizing payment to Charles S. Reed for extra services; to the Committee on Accounts.

By Mr. DICKINSON: Resolution (H. Res. 800) referring the bill (H. R. 27792) for the relief of George Welty to the Court of Claims; to the Committee of the Whole House.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Papers to accompany bill (H. R. 27081) for the relief of David H. Scott; to the Committee on Invalid Pensions.

Also, petition of Ernest Fitch and 250 other citizens of Coshocton, Ohio, asking for a congressional investigation of the prosecution by the Government of the Appeal to Reason; to the Committee on Expenditures in the Post Office Department.

By Mr. AYRES: Petitions of John Burroughs, New York; Herbert S. Gardner, St. Louis, Mo.; and Christopher P. Nelson, Chicago, Ill., favoring the passage of the McLean bill granting Federal protection to all migratory birds; to the Committee on Agriculture.

By Mr. CALDER: Petition of the Philadelphia Peace Association of Friends, Philadelphia, Pa., favoring the striking out or the submitting to national arbitration of the passage of the Panama Canal act granting free tolls to vessels engaged in coastwise trade of the United States; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Association of Eastern Foresters, protesting against the passage of legislation transferring the control and ownership of the national forests to the States within which they lie; to the Committee on Agriculture.

Also, petition of the New York Fruit Growers' Association, favoring the passage of Senate bill 7208, for making the trans-Atlantic steamships liable for the damages of packages, etc., caused through negligence; to the Committee on Interstate and Foreign Commerce.

Also, petition of the New York State legislative board, Brotherhood of Locomotive Engineers, favoring the passage of the workingmen's compensation bill; to the Committee on the Judiciary.

Also, petition of James Hare, Brooklyn, N. Y., favoring passage of House bill 19115, for payment due workmen found just by the Court of Claims; to the Committee on War Claims.

Also, petition of Conservation Commission, favoring passage of legislation for an increase in appropriation to aid Federal protection of forests from fire; to the Committee on Agriculture.

By Mr. CURRIER: Petition of teachers and pupils of the Enfield (N. H.) public schools, favoring passage of the McLean bill providing for Federal protection for migratory birds; to the Committee on Agriculture.

By Mr. DONOHOE: Petition of the T-Square Club, Philadelphia, Pa., favoring the adoption of the Mall site and design as approved by the National Commission of Fine Arts, for a memorial to Abraham Lincoln; to the Committee on the Library.

By Mr. DRAPER: Petition of the New York State Fruit Growers' Association, favoring the passage of Senate bill 7208, making the trans-Atlantic steamships liable for damages of packages, etc., caused through negligence; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Association of Eastern Foresters, Trenton, N. J., protesting against the passage of the proposed legislation transferring the control and ownership of national forests to the States wherein they lie; to the Committee on Agriculture.

By Mr. FORNES: Petition of the New York State legislative board Brotherhood of Locomotive Engineers, favoring the passage of the workingmen's compensation bill; to the Committee on the Judiciary.

Also, petition of the National League of Government Employees, favoring passage of House bill 20995, granting to certain employees of the United States compensation for injuries sustained in the course of their employment; to the Committee on the Judiciary.

By Mr. FULLER: Petition of Herbut S. Gardner, St. Louis, Mo., favoring the passage of the McLean bill for Federal protection of migratory birds; to the Committee on Agriculture.

Also, petition of the Chicago Law and Order League, Chicago, Ill., favoring the passage of the Kenyon "red-light" injunction bill for the cleaning up of Washington for the inauguration; to the Committee on the District of Columbia.

Also, petition of John Burnham & Co., New York, N. Y., favoring the passage of House bill 27567, for the 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

By Mr. GARDNER of Massachusetts: Petition of the Brockton Shoe Manufacturers' Association, of Brockton, Mass., protesting against the passage of House bill 27155, to prevent the sale of boots and shoes as of leather construction when other material is substituted therefor in manufacture, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GARNER: Petition of the Learners' Club, Brownsville, Tex., protesting against the passage of any legislation tending to break down the present system of protecting the national forests; to the Committee on Agriculture.

By Mr. GREGG of Pennsylvania: Petition of Annie E. Brothel and others, of Mount Pleasant, Pa., favoring the passage of the McLean bill granting Federal protection to all migratory birds; to the Committee on Agriculture.

By Mr. HAYES: Petition of the Humboldt Chamber of Commerce of Eureka, Cal., favoring the passage of the Haugen bill for preventing the selling of any colored imitation of butter; to the Committee on Agriculture.

Also, petition of C. P. Nelson, Chicago, Ill.; H. S. Gardner, St. Louis, Mo.; Mrs. A. C. Rigdon, San Jose, Cal., and John Burroughs, West Park, N. Y., favoring the passage of the McLean bill for Federal protection of migratory birds; to the Committee on Agriculture.

Also, petition of the H. E. Irish Co., Santa Cruz, Cal., protesting against the Oldfield patent bill preventing the fixing of prices by the manufacturers of patent goods; to the Committee on Patents.

Also, petition of the Langley & Michaels Co., San Francisco, Cal.; the Pacific States Electric Co., San Francisco, Cal.; the Van Arsdale-Harris Lumber Co. (Inc.), San Francisco, Cal.; the J. J. Pfister Knitting Co. (Inc.), West Berkeley, Cal., and the Chamber of Commerce of Sacramento, Cal., favoring the passage of House bill 27567 for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the System Federation of the Harriman lines, Los Angeles, Cal., favoring the passage of legislation for investigation of the present condition of the railroads and employees; to the Committee on the Judiciary.

Also, petition of the Chamber of Commerce of Los Angeles, Cal., favoring the passage of bill for legislation granting better navigation aids to the Pacific coast; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Chamber of Mines and Oil, Los Angeles, Cal., protesting against reduction in present tariff in borax; to the Committee on Ways and Means.

Also, petition of the San Jose Paste Co., San Jose, Cal., protesting against any cut in present tariff on agricultural products and provisions; to the Committee on Ways and Means.

Also, petition of San Francisco Chapter American Institute of Architects, San Francisco, favoring the adoption of the Mall site and design, as approved by the National Commission of Fine Arts, for a memorial to Abraham Lincoln; to the Committee on the Library.

Also, petition of the Auto Club of Southern California, favoring the adoption of a memorial road from Washington to Gettysburg for the memorial to Abraham Lincoln; to the Committee on the Library.

By Mr. LEVY: Petition of the Consolidated Dental Manufacturing Co., New York, favoring the passage of legislation for regulating the practice of pharmacy and the sale of poisons in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of the Waterbury Felt Co., Skaneateles Falls, N. Y.; Brainerd Manufacturing Co., East Rochester, N. Y.; and

R. F. Lang, New York, favoring passage of the Weeks bill (H. R. 27567) for a 1-cent letter postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of C. H. Blackall, Boston, Mass., favoring adoption of the Mall site and design as approved by the National Commission of Fine Arts, for a memorial to Abraham Lincoln; to the Committee on the Library.

Also, petition of the New York Fruit Growers' Association, favoring the passage of Senate bill 7208, for making the trans-Atlantic steamships liable for the damages of packages, etc., caused through negligence; to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Ford Motor Co., Detroit, Mich.; C. P. Nelson, Chicago, Ill.; John Burroughs, New York; and Herbert S. Gardner, favoring the passage of the McLean bill granting Federal protection to all migratory birds; to the Committee on Agriculture.

By Mr. LINDSAY: Petition of the Long Island Automobile Club, Brooklyn, N. Y., asking that the Lincoln memorial highway bill be in the keeping of the Appropriation Committee instead of the Library Committee; to the Committee on the Library.

Also, petition of the Association of Eastern Foresters, Trenton, N. J., protesting against the passage of legislation transferring the control and ownership of national forests to the States wherein they lie; to the Committee on Agriculture.

Also, petition of the New York State Legislative Board of the Brotherhood of Locomotive Engineers, favoring the passage of the Federal workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of the Conservation Commission, favoring the passage of the Weeks bill making appropriation for the Federal protection of forests from fires; to the Committee on Agriculture.

Also, petition of the New York State Fruit Growers' Association, favoring the passage of Senate bill 7208, for making the trans-Atlantic steamships liable for the damages of packages, etc., caused through negligence; to the Committee on Interstate and Foreign Commerce.

By Mr. MAGUIRE of Nebraska: Petition of sundry citizens of Lincoln, Nebr., favoring passage of legislation for national ownership and control of all public telephone and telegraph lines; to the Committee on Interstate and Foreign Commerce.

By Mr. MANN: Petition of the Cook County Farmers' Association, protesting against the passage of legislation for the reduction of tariff on sugar; to the Committee on Ways and Means.

By Mr. MOON of Tennessee: Petition of citizens of Chattanooga, Tenn., protesting against the passage of House bill 5382—the Brantley workmen's compensation act; to the Committee on the Judiciary.

By Mr. MOTT: Petition of the New York Fruit Growers' Association, favoring the passage of Senate bill 7208, for making the trans-Atlantic steamships liable for the damages of packages, etc., caused through negligence; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Association of Eastern Foresters, protesting against the passage of legislation transferring the control and ownership of the national forests to the States within which they lie; to the Committee on Agriculture.

Also, petition of the Conservation Commission, favoring passage of legislation for an increase in the appropriation to aid Federal protection of forests from fire; to the Committee on Agriculture.

By Mr. NEEDHAM: Petition of the Humboldt Chamber of Commerce, of Eureka, Cal., favoring the passage of Haugen bill, preventing the selling of any colored imitation of butter; to the Committee on Agriculture.

By Mr. PRAY: Petition of citizens of Lincoln and Flathead, Mont., favoring the passage of legislation preventing any trust, corporation, or individual from obtaining more than 160 acres of land or timber from the Government; to the Committee on the Public Lands.

By Mr. RAKER: Papers to accompany bill (H. R. 27545) for the relief of James Diamond for horse lost while hired by the United States Forest Service; to the Committee on Claims.

By Mr. REYBURN: Petition of the T Square Club, Philadelphia, Pa., favoring the adoption of the Mall site and design, as approved by the National Commission of Fine Arts, for a memorial to Abraham Lincoln; to the Committee on the Library.

Also, petition of the Philadelphia Bourse, favoring the passage of Senate bill 7503, for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of New York: Petition of Daniel O'Connell Division, No. 9, Ancient Order of Hibernians, protesting against having post offices open for delivery of mail on Sunday; to the Committee on the Post Office and Post Roads.

By Mr. UNDERHILL: Petitions of Hoggison Bros., New York; C. H. Blackall, Boston; the American Group of the Société des Architectes Diplômés par le Gouvernement Français, New York; the Mural Painters, New York; the Architectural League of New York; and the New York Chapter of the American Institute of Architects, New York, favoring the adoption of the Mall site and the design, as approved by the National Commission of Fine Arts, as a memorial to Abraham Lincoln; to the Committee on the Library.

Also, petition of the American Automobile Association, favoring the passage of legislation for the adoption of the national highway from Washington to Gettysburg as a memorial to Abraham Lincoln; to the Committee on the Library.

Also, petition of Illinois Chapter of the American Institute of Architects, Chicago, Ill., favoring the adoption of the Mall site, but protesting against the design, as approved by the National Commission of Fine Arts, for the memorial to Abraham Lincoln; to the Committee on the Library.

Also, petition of the Ford Motor Co., Detroit, Mich., favoring the passage of the McLean bill, granting Federal protection to all migratory birds; to the Committee on Agriculture.

Also, petition of the Farmers' National Congress, Chicago, Ill., favoring the passage of Senate bill 3, for Federal aid for vocational education; to the Committee on Agriculture.

Also, petition of the Federation of Jewish Farmers of America, New York, favoring the passage of legislation for the adoption of a system of farmers' credit unions; to the Committee on Banking and Currency.

Also, petition of the National Association of Railway Commissioners, favoring the passage of Senate bill 6099, for the establishment of a uniform classification of freight in the United States; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Duchess Manufacturing Co., Poughkeepsie, N. Y., favoring the passage of House bill 27567, for a 1-cent letter postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of Sol Bloom (Inc.), New York, protesting against the passage of section 2 of the Oldfield patent bill, preventing the fixing of prices by the manufacturers of patent goods; to the Committee on Patents.

Also, petition of the United States Live Stock Sanitary Association, Chicago, Ill., favoring the passage of legislation to increase the appropriation for the eradication of ticks; to the Committee on Agriculture.

By Mr. WILSON of New York: Petition of the Conservation Commission, favoring passage of legislation for an increase in appropriation to aid Federal protection of forests from fire; to the Committee on Agriculture.

Also, petition of the New York State Legislative Board, Brotherhood of Locomotive Engineers, favoring the passage of the workingmen's compensation bill; to the Committee on the Judiciary.

Also, petition of the Association of Eastern Foresters, protesting against the passage of legislation transferring the national forests to the control and ownership of the States within which they lie; to the Committee on Agriculture.

Also, petition of Long Island Auto Club, favoring the keeping of the Lincoln memorial highway bill in the hands of the Appropriations Committee instead of the Library Committee; to the Committee on the Library.

SENATE.

WEDNESDAY, *January 29, 1913.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore (Mr. GALLINGER) laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

Florence L. Braun, daughter and sole heir of Thomas J. Lucas, deceased, *v.* United States (S. Doc. No. 1045);

Weltha Post Leggett, widow of Mortimer D. Leggett, deceased, *v.* United States (S. Doc. No. 1044);

Daniel Pelton Duffie, son and sole heir of Alfred N. Duffie, deceased, *v.* United States (S. Doc. No. 1043);

Mary G. Carr, widow of Joseph B. Carr, deceased, *v.* United States (S. Doc. No. 1042);

Morgan K. Barnum, Malvern Hill Barnum, and Raynolds Barnum, children and sole heirs of Henry A. Barnum, deceased, *v.* United States (S. Doc. No. 1041); and

L. A. Williams, administrator of Edward S. Bragg, deceased, *v.* United States (S. Doc. No. 1040).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 28180) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

The message also announced that the Speaker of the House had signed the following bills and joint resolutions, and they were thereupon signed by the President pro tempore:

S. 2600. An act to authorize the Commissioners of the District of Columbia to prevent the exhibition of obscene, lewd, indecent, or vulgar pictures in public places of amusement in the District of Columbia;

S. 6919. An act to amend subchapter 2 of chapter 19 of the Code of Law for the District of Columbia;

S. 7162. An act to amend section 801 of the Code of Law for the District of Columbia;

S. 7508. An act to amend an act entitled "An act to reincorporate and preserve all the corporate franchises and property rights of the de facto corporation known as the German Orphan Asylum Association of the District of Columbia;

S. J. Res. 153. Joint resolution granting to the Fifth Regiment Maryland National Guard the use of the corridors of the courthouse of the District of Columbia upon such terms and conditions as may be prescribed by the marshal of the District of Columbia; and

H. J. Res. 380. Joint resolution authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President elect on March 4, 1913, etc.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the Church Federation Council of Chicago, Ill., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. ASHURST presented a memorial of the congregation of the Seventh-day Adventist Church of Phoenix, Ariz., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of sundry landowners and homesteaders of Palo Verde Valley, Cal., praying for the enactment of legislation granting to the Homesteaders Irrigation Co., of Palo Verde Valley, a perpetual right to sufficient water to irrigate that valley, which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. BURNHAM presented a memorial of the congregation of the Seventh-day Adventist Church of Claremont, N. H., and a memorial of the congregation of the Seventh-day Adventist Church of Amesbury, Mass., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of members of the camps of Spanish War Veterans of New Hampshire, praying for the enactment of legislation granting pensions to widows and minor children of Spanish War veterans, which was referred to the Committee on Pensions.

Mr. GRONNA presented a petition of the congregation of the Seventh-day Adventist Church of Dogden, N. Dak., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a resolution adopted by the Farmers' Grain Dealers' Association of North Dakota, favoring the enactment of legislation fixing the requirements governing the receipt, transmission, delivery, and preservation of messages of interstate telegraph and telephone companies, which was referred to the Committee on Interstate Commerce.

Mr. OLIVER presented a petition of the board of directors of the Philadelphia Bourse, of Philadelphia, Pa., praying for a reduction of the rate of postage on first-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Wilkinsburg, Pa., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying for the enactment of legislation to create a board of river regulation, etc., which was referred to the Committee on Commerce.

Mr. TOWNSEND presented memorials of the congregations of the Seventh-day Adventist Churches of Leslie, Watrousville, Bay City, Spring Arbor, Marine City, Scottville, Otter Lake, and Clifford Lake, all in the State of Michigan, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. BRANDEGEE. I present a telegram from Charles H. Beckwith, counsel of the Board of Trade of Springfield, Mass., which I ask may be read and lie on the table.

There being no objection, the telegram was read and ordered to lie on the table, as follows:

SPRINGFIELD, MASS., *January 27, 1913.*

Hon. FRANK B. BRANDEGEE,
United States Senate, Washington, D. C.:

It is absolutely necessary to obtain adequate navigation on Connecticut River for western Massachusetts that Connecticut River bill be passed without amendment at this session of Congress.

SPRINGFIELD BOARD OF TRADE,
CHARLES H. BECKWITH, *Counsel.*

Mr. MARTIN of Virginia presented an affidavit in support of the bill (S. 2043) granting a pension to R. L. Miller, which was referred to the Committee on Pensions.

Mr. GALLINGER presented a petition of the Anacostia Citizens' Association, of the District of Columbia, praying that an increase be made in the police force of the District of Columbia, which was referred to the Committee on the District of Columbia.

KIOWA AND COMANCHE INDIAN RESERVATIONS (S. DOC. NO. 1046).

Mr. OWEN. I present a memorial from the governor of Oklahoma, relative to certain lands granted to the State of Oklahoma within the Kiowa and Comanche Reservations. I ask that the memorial, with the accompanying illustration, be printed as a document and referred to the Committee on Public Lands.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE PRESIDENTIAL TERM.

Mr. WORKS. I submit some additional press clippings from the various newspapers in the country bearing upon Senate joint resolution No. 78. I do this because of the claim made on the floor of the Senate that no public interest is being taken in this proposed constitutional amendment. I ask that the clippings may be printed in the RECORD.

There being no objection, the matter referred to was ordered to lie on the table and to be printed in the RECORD, as follows:

Opinions of the press in 1912, compiled by the National Business League of America, preliminary to its nation-wide campaign for a single six-year term for the President of the United States, with ineligibility forever thereafter.

[From the Age, Birmingham, Ala.]

Congressman CLAYTON, chairman of the Judiciary Committee, presents a brief but strong report in support of the proposed constitutional proposition to extend the presidential term to six years and to render a President ineligible to a second term, even though a Vice President succeed to the office and had served but a small fraction of a full term.

Mr. CLAYTON urges the adoption of the proposition because it would lead to higher efficiency in administration, and it would put an end to machine building in the highest office in the gift of the people.

The common sense of the voters will put the proposition into the Constitution if Congress can be induced to submit it. Once ratified it would put an end not only to third-term movements but also to second terms, which are nearly as vicious.

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[From the Advertiser, Montgomery, Ala.]

Inasmuch as the proposition of Representative CLAYTON, of Alabama, to make a presidential term six years has been in the minds of the people for some months, and has met with more or less favor, it is entirely probable that six years and not four will be the final choice of the party when the amendment is submitted to the people.

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[From the Republican, Phoenix, Ariz.]

The sentiment in favor of a single presidential term is spreading. Senator WORKS has introduced a bill providing for a single term, and the Indiana Republican convention last week adopted a resolution in favor of a single term of six years.

The only objection that might be offered would be that six years might be too long a period; that within that time the people might desire a change of policies. In that respect a four-year term would be better. There is nothing, however, to be said in favor of two terms. If at the end of the President's term the people are satisfied with his policies and the manner of their execution, they may elect another man committed to them.

Under our present system a President, though he might prefer to retire to private life, is practically compelled to seek a renomination and a reelection as an indorsement of his administration.

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[From the Herald, Fresno, Cal.]

There is much to be said in favor of the proposed amendment to the Constitution of the United States to increase the presidential term

to six years and to make an incumbent forever ineligible for reelection. The longer term would reduce the frequency of elections, lengthen the period between the seasons of business disturbance caused by presidential contests, and give the incumbent all the time necessary to carry out his policies.

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[From the Call, San Francisco, Cal.]

General discussion in the press of the country brings out a strong sentiment in favor of the proposition to amend the National Constitution by making the term of President six years and prohibiting reelection. The idea is as old as the Republic. Seven States in the convention of 1787 favored a seven-year term, without right of reelection, and only two States were opposed. Later nine States voted for a six-year term, and only one was opposed. Just why the present plan was finally adopted has never been clearly explained.

The weight of authority favors the change proposed. President Jackson, in 1829, recommended a six-year term without reelection. President Hayes and President Grant followed this example, with this difference, that Grant favored a seven-year term. President Taft has indorsed the proposition, and there is reason to believe that a majority of the present Congress favors it.

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[From the Telegram, Bridgeport, Conn.]

With nothing to fear or to hope for at the end of a six-year term, knowing that it would bring with it noneligibility either to a succeeding or a nonconsecutive lease of power, the President would be a disinterested servant of the people for every moment of his service, and those who hold minor offices would cease from troubling. All concerned might be persuaded to remember that they are making history and therefore induced to do their best.

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[From the Herald, New Britain, Conn.]

A six-year term would be a distinct advantage to the country, for the reason that it would insure the occupant of the Presidency giving his complete attention to the affairs of state and not to strengthening himself for another term. In other words, he would not play politics. No sooner is a man inaugurated President than he begins to build fences for a second term, and it is a sort of unwritten law that he should be retained in office. This may be desirable with the tenure of office four years, but it would not be desirable if the term was six years. A President would then have an opportunity to work out his governmental policies through three Congresses and in this way would be able to benefit the country more than under the present system. It has been said that if the President was a good man and rendered valuable service, that he should be retained in office, but that argument is neither wise nor logical. To do that would probably mean the establishment of a machine that would soon become corrupt and difficult to remove from power.

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[From the Journal-Courier, New Haven, Conn.]

President Taft would limit the presidential office to a single term of six years, and he gives a new reason why he thinks so. He says, "I am a little specific in this matter, because it seems necessary to be, so in order to be understood, I don't care how unambitious or modest a President is, I don't care how determined he is that he himself will not secure his renomination (and there are very few indeed who go to that extent), still his subordinates equally interested with him in his reelection will, whenever they have the opportunity, exert their influence and divide their time between the public service and the effort to secure their chief's renomination and reelection. It is different to prevent the whole administration from losing a part of its effectiveness for the public good by this diversion to political effort for at least a year of the four of each administration." The single term, then, of six years will achieve two results—it will leave the Chief Executive free to give his best service to the people without temptation of any kind and it will greatly increase the efficiency of the whole administration of government.

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[From the Register, New Haven, Conn.]

There are positive arguments for the change. Four years is too short a time for a President to accomplish anything, chiefly because more or less of his time is wasted by the ambition to succeed himself. Increase his term by 50 per cent and relieve him of all worry to the future and you have by at least 100 per cent increased his net effectiveness for the term. Six years is nearly the cycle of man's physical renewal. It is a time in which the able man might accomplish something. Set that as at once his incentive and his limit—his incentive to make his impress on the history of his country then or not at all, his protection as well as his limit—and men worthy to be our Presidents will show a difference in their accomplishments in the office.

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[From The Times, Leavenworth, Kans.]

There are many reasons in favor of making this change. Chief of these is, of course, the oft-repeated argument that it would take from the President the motive of ambition to be reelected, and from the beginning of the administration he would be thinking only of giving the country a creditable administration. In such case the politician would have less influence with him and the statesman more. With no second term in which to amend his record a President would use his utmost endeavors to make the best possible record during his one term.

That the proposed amendment would add greatly to the dignity of the office of President can readily be seen. It would make the President more independent, less sensitive to criticism, and after a time less criticized. It would place him where there would be no temptation to take part in unseemly struggles for office, and soon the office of President would come to be looked upon as is that of justice of the Supreme Court—as an office to be filled only by men of high character and learning and men of unquestioned honor and patriotism.

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[From the Chicago Journal, Chicago, Ill.]

It is the duty of Congress to pass the single-term, six-year amendment at once. That amendment must provide that no person who has served six years in the White House shall be eligible to election under the new rule. If this amendment is put through Congress without delay the people will have time to ratify it before 1916; and the country will be spared a great deal of trouble and expense.

[From the Chicago Daily News, Chicago, Ill.]

Congress evidently is not willing at this time to consider on its merits the Works resolution for a constitutional amendment providing a single term of six years for each President and Vice President of the United States. In the Senate the other day debate on the resolution was turned into a political dispute as to the relative magnitude of the indiscretions committed by the men now seeking the Presidency. In the House a similar resolution has been shelved until the next session of Congress. Friends of this desirable reform, however, should not permit it to be thrust aside for any great length of time. It must come, and the sooner it comes the better.

So many abuses in government are bred by the second-term frenzy that attacks nearly every President as soon as he sets foot within the White House, that the people of the Nation would gladly lengthen the term of each Executive by two years in exchange for the privilege of making a really good official out of him, through the simple expedient of denying him a reelection.

The contention advanced by supporters of the present system that a President would have no adequate incentive to give good service to the people if the inducement of a second term were not held out to him is insincere. It is perfectly well known that the prospect of a second term is a demoralizing prospect. It unnerves the Executive arm far more frequently than does anything else. Its influence is good in no respect.

In urging Congress to pass the Works resolution its supporters insist that the President of the United States should be freed from the temptation to "play politics." Right, not political expediency, must direct Executive action in the White House.

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[From the Record-Herald, Chicago, Ill.]

The proposed amendment to the Constitution restricting the President to one term of six years probably will bring forward few fresh arguments. It is an old question, as old, indeed, as the Government itself, and the wisdom of so restricting the Chief Executive's term has been debated at intervals since the time of Jackson. Yet the later arguments in favor of the reform are strikingly similar to those advanced when the fathers were framing the Government.

The perils of leaving a President free to succeed himself if he can have been considered by students of our form of Government from the first. De Tocqueville considered them, Bryce refers to them, and M. Otrogorski, in his Democracy and the Party System in the United States, published in 1910, gives it as his opinion that the reelection of the President must be prohibited. The Russian critic states his case after this fashion:

"The rescue of the Federal service from politics must be completed by submitting it to no influence but that of the Chief Executive and his principal officers throughout the country, and to no end but that of the public weal. Not only from the bosses at Washington must the President be emancipated, but from the party machine altogether. And that can not be achieved so long as the President looks for reelection. The presidential term should be lengthened to seven years and the reelection of the President prohibited."

There, in brief, is the argument of those who have opposed the reelection of the President, though it has been given in much more detail by other writers and speakers. But the gist of the matter is that the President must not be a politician. He must not use the great powers of his office to insure reelection. His appointments must not be made with an eye on the support of State bosses; he must not be tempted to lay aside his convictions and play the demagogue in order to win votes; his dignity must not suffer from a scramble to keep in his seat.

Said Mr. Randolph, speaking in the constitutional convention, "If he (the President) ought to be independent, he should not be left under a temptation to court a reappointment."

This thought seemed to have pursued the members of the convention from the very moment they began to consider the powers which were to be vested in the Chief Executive. On August 6 the committee of detail, to whom had been referred the various proposals, reported in favor of electing a President for a seven-year term and making him ineligible for a second term. This proposal in different forms was considered again and again.

There were some present who felt that a Chief Executive's dignity must suffer through being forced to join the mass again as a common citizen. To these spoke "Dr." Franklin, with his dry humor:

"In free governments the rulers are the servants and the people their superiors and sovereigns. For the former, therefore, to return among the latter was not to degrade but to promote them. And it would be imposing an unreasonable burden on them to keep them always in a state of servitude and not allow them to become again one of the masters."

In the end the convention took no action restricting the President's eligibility for reelection. It was not till the time of Jackson that the question again became a real issue. Jackson's friends said during the campaign that he would not consent to run a second time, and this declaration is thought to have added to the popularity of the candidate. He was a stanch supporter of the principle of one term when he took over the office of President. In his first message to Congress, in December, 1829, he suggested the wisdom of restricting the President to one term. In his annual message of the following year he said:

"In order, particularly, that this appointee may be placed beyond the reach of any improper influence, in order that he may approach the solemn responsibilities of the highest office in the gift of a free people, uncommitted to any other course than the strict line of constitutional duty, and that the securities for this independence may be rendered as strong as the nature of power and the weakness of its possessor will admit, I can not too earnestly invite your attention to the propriety of promoting such amendment of the Constitution as will render him ineligible after one term of service."

There can be little doubt that Jackson was sincere in his efforts to have the President's term restricted, notwithstanding the fact that he stood for reelection himself. It is pretty generally admitted that up to the time of his death he continued to believe what he had charged in his first campaign, that there was a cabal to continue President Adams in office, and that he had performed an important public service in defeating its plans.

Certain it is that from the time of Jackson down to Lincoln a clearly defined popular prejudice existed against the idea of a second term for the Chief Magistrate. This prejudice was overcome in the case of Lincoln by the demands of an extraordinary situation.

Later on the question of restricting the Executive's term was brought before the public when President Grant showed a desire for a third term. But even when he became the candidate of his party for a

second term there were those who objected strenuously. Chief of these was Horace Greeley, who, having alienated a considerable portion of his own party, became the candidate of the Democratic and Liberal Republican Parties against Grant. During the campaign which ensued the issue of the second term was raised, and Mr. Greeley opposed it with all the eloquence and force for which he was noted.

In an article contributed to a now defunct periodical called the Galaxy, in 1872, Mr. Greeley said:

"All that is needed is an intelligent, earnest, widespread conviction that the practice of reelecting a Chief Magistrate while in office is fraught with evil and peril; that it distracts his attention from the proper cares and duties of his station and impels him to consider not who are the fittest and most worthy to fill the offices in his gift, but what choice will be most likely to improve his chances of renomination.

"Here is the right man for the Supreme Court, who has no influential clique at his back; here is a rival who is neither so capable nor so worthy, but whose friends control the party machine in a populous State and can send delegates to the approaching national convention either for or against the incumbent of the White House; who that knows human nature can doubt that the less fit aspirant has the better prospect of obtaining that judgeship? And this instance may stand for a thousand."

Speakers and writers of that day who joined in the discussion were accustomed to point to at least one excellence in the constitution of the Confederate States so recently overthrown. That constitution, they said, reflected at least one bit of experience which the Federal Government had had and had failed to benefit by. It made the President ineligible to succeed himself.

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[From the Mail, Moline, Ill.]

Every argument for a one-term limitation is sound. Not one argument so far advanced against it bears dissection. By making the term of the President six years and barring him from again seeking the office, he will be left to work solely for the good of the country from the first day.

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[From the Chronicle, Marion, Ind.]

There is soundness and wisdom in Mr. Taft's suggestion of a single term of six years for our Presidents. The gain to the people would be obvious and very great. In many ways a presidential campaign is a public nuisance. The minds of the people are distracted, business, whether foolishly or not, has acquired the habit of coming to a halt, as though some great calamity impended—probably Mr. Taft will recall, not without a reminiscent smile, that during the late campaign something was said about the closing of factory doors in case the voting went wrong—and men, women, too, are drenched with a flood of utterance and wearied with passionate mouthings. It is unnecessary; it is stupid. If we should reduce the frequency of the national upheaval from three times in 12 years to twice in 12 years the gain would be immense. There would be the added and important advantage of shielding the incumbent of the office from the temptation to use power and patronage in the effort to secure a second term.

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[From the Gazette, Cedar Rapids, Iowa.]

A six-year term would make the country more democratic. It would prevent the building up of political machines whose main purpose is to perpetuate some man or set of men in office.

The six-year term would give a President a better opportunity to make good. It would be unproductive of harm, because the Nation always elects a fairly representative man to the Chief Magistracy.

A six-year term would lessen the political turmoil, and that alone would be worth a great deal more than "the price of admission."

By all means let us have the single six-year term.

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[From the Times-Democrat, New Orleans, La.]

More than one presidential record has been marred by this seeking after a second term. During two years out of the four the desire for renomination influences, to a greater or less extent, the average Executive's official acts and colors his view of pending issues and questions. There is no reason to believe that we can, under the present system, get entirely away from that practice and custom. But by rigid limitation of the President's term of service, definitely fixed by the law of the land, we can relieve the Executive of the temptation now placed in his way. Measurably we can insure that he will serve the Nation during his full term of office instead of using his office for a part of the term to serve his own ambitions and candidacy for renomination. An aggressive campaign for the adoption of the one-term plan ought to be organized, we think, at once, while its wisdom and necessity are so widely admitted by the voters.

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[From the Times, Cumberland, Md.]

Some unconscious humorist assures the Chicago Record-Herald that "there is no public sentiment" in favor of the single six-year presidential term proposed.

We are bound to admit that we have heard no riotous demonstrations by advocates of such an amendment to the Constitution. But the majority of the Members of Congress favor it; the respective Judiciary Committees of the two Houses have indorsed it; progressive and independent newspapers are urging it; and men of light and leading in every part of the country are "coming out" for it. The National Business League of America is working for it.

In the Senate two insurgents, CUMMINS and WORKS, are fathering the amendment, and some of its opponents are threatening a filibuster to prevent action on the resolution submitting it. They know that it will pass if it reaches a vote.

The unconscious humorist or noise-loving editors who fail to discover public sentiment for the amendment should try to understand that public sentiment is not always expressed by stormy mass meetings addressed by excited orators.

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[From the Gazette, Haverhill, Mass.]

There is nothing in the Constitution as it now is to prevent a life tenure of the presidential office. When the Constitution was created no one had any reason to suppose that the Executive department would become so powerful as it has become. Nothing has stood in the way of long-continued tenure of the presidential office but wholesome public sentiment and the antithird-term tradition, which arose from Washington's refusal of a third election. If that tradition is once violated and the barriers against a third term are broken down, they may be down for a long time.

A President in office who is a candidate for reelection has an undue advantage over other candidates in his own party for the nomination, and an undue advantage over his opponent of the other party in the election.

We are coming to the one-term Presidency as rapidly as the circumstances will permit. The present campaign has made sentiment in that direction, and the Clayton resolution may be the means of achieving the result earlier than expected.

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[From the Evening Union, Springfield, Mass.]

Six years has been suggested as a reasonable limit, and there are many pronounced advocates of the six-year single-term idea, but there are some that favor a single four-year term and others that believe in making it eight years. The arguments in favor of one are as good as those in support of another, except, perhaps, that the four-year term may be a little too short to enable a President to carry out the policies and pledges to which he and his party are committed. But the main idea, the single-term limit, has everything to commend it.

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[From the Call, Paterson, N. J.]

Many influential men of New York, when asked to comment on the question of a constitutional amendment limiting the President to a single six-year term, expressed themselves favorable to the change. Some thought it would make for greater stability in the business of the country, but it was generally believed by both Republicans and Democrats that the most important effect would be that on the conduct of the incumbent of the office himself. Most of them agreed that under the present four-year term, with eligibility for reelection, the President, no matter how well intentioned he may be, is unavoidably drawn into a certain amount of political intriguing that inevitably interferes with the discharge of his duties in a broad and statesmanlike manner.

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[From the Chautauquan, Chautauqua, N. Y.]

Andrew Jackson thought that a single term without reelection for a President under any circumstances would add another safeguard to our liberties. Second terms are not now feared as threats to our liberties; whether third or fourth terms are a menace and danger is a matter upon which opinion differs. But what is undeniable and clear is that second and third terms are incompatible with efficient and single-minded public service. The best of men can not be exposed to constant temptation. The temptation of incumbents to use patronage, to build or strengthen machines, to "mend fences," to make sure of delegates, to control conventions, is too strong to be resisted in most cases.

Nor is this all. Men in office who are candidates for second or third terms may, and generally do, consider bills and policies from the political or personal point of view. Some do it unconsciously, but all do it more or less. The incumbent who is not and can not be a candidate again for the same office is free to deal with public matters on their merits, to use his independent and sincere judgment, to make the public good his sole test or concern. This would be an enormous gain to good government and to "the rule of the people."

The more the question is studied the more vital and progressive the single-term idea is seen to be. There is not the least danger that the supply of presidential "timber" will ever be so restricted that second or third terms will be necessary. No man or set of men is really indispensable to an age or generation or nation. Any vigorous, sound body politic contains many men and women who are fit to do the work of the day. To dip into the great mass of citizens and select administrators and servants with an eye to results, without overestimating any individual or underestimating the virtue and intelligence of his equals, is not always an easy task. But stable and prosperous democracies must endeavor to do this very thing. The single six-year presidential term idea is consonant with the warnings of history and with common sense.

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[From the Leader-Republican, Gloversville, N. Y.]

Much, indeed, might be advanced in favor of the single six-year term as Chief Executive of the Nation, and in the opinion of the Leader-Republican a long step in the right direction will have been taken when discussion of the change proposed shall have been crystallized into favorable action. As yet the proposal is a comparatively new one, but it is one which from its practical nature seems destined to grow and expand in favor with the people.

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[From the Financial World, New York City.]

All classes, even the chronic office-holding politicians, whatever may be their party affiliations or opinions, will hail with satisfaction the preliminary efforts now being made in Congress to submit to the several States an amendment to the National Constitution, so as to extend the presidential term to six years and make the incumbent ineligible to succeed himself.

It would prove a most excellent move if this same rule of nonsuccession were carried further to include every elective office. Politicians are more or less selfish in the consideration of the general welfare, although statesmen in office affect to believe that the interests they have in public affairs—national, State, and local—are above all personal consideration. However, if that interest is not personally touching the pocketbook of officeholders, it is at least fed on the ambition to hold on as long as possible to the honors heaped upon them by their fellowmen. Man would not be man without ambitions.

But limit the Presidency and other elective offices to one term and the probabilities are that the men so honored will apply to their stewardship the very best ability, sincerity, and honesty that is in them. They will realize that there is no further reward to seek when their term of office ends.

The little Republic of Switzerland has demonstrated conclusively the great advantages that lie in limiting offices of state to only one term. One term is enough.

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[From the Eagle, Brooklyn, N. Y.]

We have confidence that the people and the States will soon set a prohibition of more than a single term in the Constitution itself, incidentally lengthening the one term from four to six years, with no reelection, as could wisely have been done at the start. The term could well be lengthened to reduce strain on a term of the present duration.

It could well be made incapable of repetition, to remove from any President the temptation to pervert his service and patronage to the continuance of himself in place and to stir in each party the growth of statesmen fit to make into Presidents.

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[From the Financial World, New York City.]

This much-to-be-desired reform can only be satisfactorily brought about by limiting the Presidency to one term and making that term half as long again as the present four-year tenure. Six years seems generally agreed upon as long enough to allow a new Executive to put through such political measures to which he is committed and on which he has made his campaign for the high office.

It is undeniably true that business halts more or less during a national campaign, if for no other reason than is to be found in the natural hesitating against going ahead when there is the possibility of a change of administration and with it a flood of new laws to which business will have to adjust itself. Six years, therefore, would give to business a period of rest from radical adjustments longer than is possible under our four-year system.

But the greatest handicap the country suffers under our present scheme of electing our Chief Executive is to be found in the right of succession, on which at present there is no limitation. Not a single bar is up to prevent a President succeeding himself as often as he may be able to prevail upon the electors to keep him in office. Only custom is in the way. This was set by George Washington in refusing a third nomination, contending that by serving twice as President he had done his duty toward his country and the people.

The one and the greatest advantage in the one-term movement for President, and which offsets any of the minor defects that may be cited, is that it would effectively do away with the political maneuvering now indulged in by a President in his natural ambition to become his own successor. With one term only possible to him, every President would give the country the best administration within his ability irrespective of political considerations, and more than that could not be expected. Naturally, he would desire that his administration should pass into history as one reflecting fame upon him, and he would act accordingly.

The one-term plan would forever blast the political ambitions which every President now keeps in mind to maintain himself in office through two terms at least, and which so often proves an obstacle to an impartial administration.

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[From the Herald, New York City.]

President Taft's plea for one term of six years for the President of the United States will undoubtedly give new impetus to this measure now before Congress.

The reform must come in the shape of a constitutional amendment, and after the bill has passed both Houses and become a law the amendment must be ratified by three-fourths of the States. But cumbersome as the process of amending the Constitution is, this great reform may be much nearer than persons generally suppose.

There has long been a very strong feeling in this country that two terms of four years each are enough for a President. Many persons believe that to limit the only term to six years is too short a period and would extend it to eight years.

With this view the Herald heartily agrees. The term should be eight years instead of six, and then there should be a proviso against any man ever seeking the Presidency again. Indeed, it might be wise to make some financial provisions for retiring Presidents.

But eight years are not too much. Washington served almost eight years; Jefferson, Madison, Monroe, Jackson, and Grant served eight years; Lincoln and McKinley were reelected, but were assassinated before the end of their second terms; Cleveland was elected to a second term after a four years' interim, and Roosevelt was elected to a second term, having filled the uncompleted term of McKinley as his first term.

But to have a President elected for an eight-year term would free the country from much strife, and to provide that there should be but one term would be bound to work for national security.

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[From the Evening Journal, New York City.]

Mrs. George J. Gould said to-day that she was an advocate of extending the term of the President of the United States to six years. She thinks that the longer period would give an opportunity for working out presidential reforms, and that a President who could not get a renomination would be less apt to play into the hands of the politicians. She would limit the six-year President to a single term.

"The Presidency of the United States has become the most powerful in the world," she said at her home, No. 657 Fifth Avenue. "So much responsibility and work devolve upon the incumbent of that high office that I sometimes marvel at the ability with which Presidents meet the obligations that are imposed upon them.

"The presidential term should be extended to six years and Presidents should be ineligible for reelection. The results, I am confident, would be a higher standard of public service and a greater devotion to the interests of the people.

"The experience of France, which makes the presidential term seven years, has, in the main, proved highly successful."

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[From Leslie's Weekly, New York City.]

The actual advantages of a single six-year presidential term overshadow the possible dangers of the change. The suggestion is made that if the electors made a colossal blunder in their choice the country might have a despot saddled upon it for six long years, whereas at present the most unsatisfactory President would not have to be endured longer than four years. If so disposed, a President might inflict incalculable damage upon the country; yet upon the Chief Executive, as upon every other official or department of the Government, there are certain constitutional checks, and as a last recourse a President, for good and sufficient cause, may at any time be impeached during his term of office, whether it be long or short.

In favor of a single long term, without possibility of renomination or reelection, there are decided advantages. Six years is long enough for a President to map out and to carry to successful completion a constructive national policy. Again, the periods of upheaval and unsettling so disastrous to the business interests of the country as a whole will be put two years further apart. Presidential year is always an "off" year. These "off" years should be separated as far as practicable.

Perhaps the greatest advantage of all is that a single term would insure a more fearless and disinterested service from the occupant of the presidential chair. Every President desires a reelection as a mark of approval of his administration, and hardly is he inducted into office before he begins to lay plans to secure another nomination. Though every move he makes may be perfectly honorable, his usefulness to the country as a whole is, in a measure, lessened by this desire for another term. Just as we always expect better results from a President's second term than from his first, so we would expect the best of which he was capable in a single long term.

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[From The Tribune, New York City.]

The wide approval given to the suggestion of a single presidential term is gratifying to The Tribune, which is earnestly desirous of seeing an end put to the embarrassments of a situation compelling a President to consider a renomination at the hands of his party as an indispensable indorsement of the merit of his first administration. Many men of prominence in this community have given their support to the single-term movement on the ground that its success would relieve the President of an unenviable obligation to court the favor of politicians in control of the party machinery and leave him free, if the term were extended to six years, to develop his policies with less distracting interference from them and the officeholders and office seekers whom they principally represent.

If a President only served a single term and was ineligible for reelection, it would be much easier to carry through such an admirable plan as that of Mr. Taft for the extension of the classified service so as to cover all postmasters, collectors, registers, surveyors, and other higher grade employees whose offices are now considered legitimate party patronage. A President would have no inducement to select Federal officers with a view of getting their assistance in a campaign for renomination, could choose them for merit only, and insist that they keep out of partisan politics.

The responsibilities of the President have multiplied so rapidly in recent years and the labor thrust upon him is now so enormous that he ought to be allowed to give all his time and energy to the public business, with no thought for the thousand details of the process of paving the way for his own renomination and reelection. Mr. Taft, who has been noted for his neglect to take advantage of political opportunities, has properly complained of the useless strain put upon the President by forcing him to appoint and reappoint thousands of officers who should be selected by the competitive method and put under the protection of the classified service. When the second-term tradition is got rid of the President will be able to devote himself completely to his official duties and become more than ever a constructive force in administration and legislation and the leader not only of his own party but of the voters, without regard to party. Freed from the shackles of partisanship, he can become the President of all parties and all sections, as the framers of the Constitution wisely intended him to be.

Opposition to a single term is nowhere active and aggressive, and the adoption of a one-term amendment can be delayed only by lack of initiative and the too-prevalent disposition to think that the Constitution can be and should be amended only in times of stress and disturbances. It can be changed just as easily in an era of tranquillity, and all that is necessary to get the reform under way is to force action in Congress on a resolution which has already been reported favorably in each House.

Prominent men who have expressed opinions favoring a six-year term, with ineligibility for reelection, as advocated by the Tribune, are:

Silas W. Burt, president of the Civil Service Reform Association; Frederick W. Whitredge, receiver of the Third Avenue Railway; Frederic R. Coudert, the lawyer; George M. Miller, president of St. Luke's Hospital; William Nelson Cromwell, the lawyer; Otto Bannard, the banker; Paul M. Warburg, of Kuhn, Loeb & Co.; William R. Wilcox, chairman of the Public Service Commission; Samuel H. Ordway, president of the Civil Service Reform League; William Jay Schieffelin, president of the Citizens' Union; Benjamin F. Tracy, of the Manhattan Life Insurance Co.; J. Hampden Dougherty, the lawyer; Charles H. Strong, president of the City Club; Adolph Lewisohn, president of the General Development Co.; Eugene A. Philbin, formerly district attorney of New York County; Hugh Hastings, former State historian; Charles J. Peabody, of Brooklyn; Welding Ring, former president of the Produce Exchange; Edward Lauterbach, former member of the board of regents; and Henry R. Towne, president of the Merchants' Association.

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[From the Sun, New York City.]

The joint resolution proposing an amendment to the Constitution of the United States providing for a single term of six years for President, which is to come before the House of Representatives and the United States Senate on the reassembling of those bodies, is known as the Clayton resolution, being named after Representative HENRY D. CLAYTON, of Alabama, and reads:

"The executive power shall be vested in a President of the United States of America. He shall hold his office during a term of six years; and no person who has held the office by election, or who has acted as President under the Constitution or any law made in pursuance thereof, shall ever again be eligible to hold said office."

The resolution includes the Vice President.

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[From the Press, Utica, N. Y.]

Naturally enough there is a renewal of the discussion of the six-year one-term proposition. Now, as always before, there has seemed to be more arguments for than against it. Until human nature can be very materially changed, that seems to be the best possible solution of what is otherwise bound to be a perplexing problem. It is not at all liable that any man would be elected President of the United States who was unworthy or unable satisfactorily to complete a six-year term. In fact, the last four would probably be better than the first two years, for experience is worth a great deal, especially in an office of this kind, and that is one of the arguments advanced in favor of a second term. Under the present system the man who fails to be renominated is looked upon as having been discarded by his party, and the man who, being renominated, fails of reelection is looked upon as having been discarded by the whole people. Accordingly renomination and reelection are considered essential to a satisfactory reputation and standing in history.

In order to get the renomination there is an irresistible temptation to do certain things and leave certain things undone for the express purpose of getting votes or to acquire personal popularity. There is only one standard by which a President ought to judge every question which comes before him, and that is as to whether it is right and best for the general welfare. If he considers his own or his party's interest in that connection he is doing the people an injustice. Many a man has had a good appointment under a President for no other reason than that it would strengthen the Executive in this or that State.

The public service has been the loser by that operation. When a man knows that he will not be eligible for renomination he will endeavor to make the best possible record for himself, and indeed will be determined to do it. Knowing that doing right will not lose him a delegate he will have no temptation to do anything else. His chief end, aim, and ambition will be to make an honorable record, which will deserve and have an honorable place for all time in American history. That is as it ought to be and of itself constitutes a reason.

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[From the Plain Dealer, Cleveland, Ohio.]

A resolution providing for a constitutional amendment to change the presidential term from four to six years and to make the President ineligible for reelection will soon come up for action in the Senate.

Only one argument approaching validity has been urged against the amendment. This is that the spread of popular-preference presidential primaries throughout the Union will largely do away with the evils incident to a presidential campaign for renomination and reelection.

To some extent this contention is correct. The shameless use of patronage which has been customary will be of no avail in future preconvention campaign if the popular primary plan is generally adopted. The steam roller can roll conventions flat, but it can not crush the expression of popular sentiment. If popular preference is to become the accepted plan of presidential nomination a large part of the evil of the campaign for a second term will be eliminated.

Enough will remain, however, to make desirable the enactment of the single-term amendment. Even though a President is not busily engaged in oiling the patronage steam roller he will have his eyes constantly fixed on the second-term goal. He will be tempted to shape his policies to catch the popular fancy, regardless of his own convictions. He can not forget the popular primary any more than he can the balloting in November. He will be working first for popularity within his party and afterwards for popularity in the Nation.

A President who spends much effort to gain popular adulation is not likely to be the most useful executive. A President who assumes office with a six-year term ahead of him and with no possibility of reelection may proceed to give the Nation the best there is in him without fear and without favor.

Popular-preference primaries will go far toward nullifying the utility of the patronage steam roller. The single-term amendment will remove the President from the temptation of playing partisan politics. Both are desirable. Neither should be put aside because the other seems likely of enforcement.

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[From the Dispatch, Columbus, Ohio.]

The single-term idea is not directed against any man or party. There is nothing "political" in it in the ordinary and superficial sense of the word. It is inspired by the higher and purer conceptions of government and service.

Those who favor a single term of proper length—six or perhaps even eight years—do so because they wish to insure single-minded devotion to good government at all times in the White House, because they wish to remove temptation and pressure, to enable the President to deal with measures, issues, and men strictly on their merits.

Properly presented and explained the advanced single-term idea can not fail to commend itself to progressive and sober-minded citizens.

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[From The Journal, Columbus, Ohio.]

In both Houses of Congress the resolution to amend the Constitution by making the presidential term six years and no more has been indorsed by both Judiciary Committees. Now, the matter ought to be pushed to a vote and settled. There is no doubt the people favor the one-term idea. It is hardly a proposition to be argued.

Glorious for the Nation would it be if a President should be elected only every six years. And great would the presidency be if it did not have to think of a reelection.

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[From The Journal, Hamilton, Ohio.]

That single term of six years for President has great possibilities. Therefore it is going to win by constitutional amendment.

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[From The Sun, Springfield, Ohio.]

President Taft embraced a popular cause when he declared for a six-year term for the President of the United States and a legal bar to reelection. This will do away with much of the uncertainty in national affairs just previous to the national conventions, and will undoubtedly make for better results in the Executive office.

Under the present system the last year of every presidential term where the President is a candidate for the renomination and reelection is given over to political activities rather than to the duties of the office. The President's mind is taken up with schemes to further his own political ambitions. His subordinates dependent upon their chief retaining his place to hold their positions also give of their time to building up party fences. The holders of the many appointive places in the Federal service also are on the alert to serve the prevailing party and are unable to give the proper attention to their routine work.

The official business of the Nation is neglected for a period of almost a year preceding every national election. Following the election comes a period of readjustment, especially if the rival party has prevailed and new incumbents are appointed to the places.

In the days just preceding the election it is impossible to secure beneficial legislation. Everything is tainted with politics. The party in power refuses to pass any measure which is not available for campaign purposes, and the opposition steadfastly opposes any good measure for fear that it may be used in support of the plans of the rival party.

This condition is unsatisfactory. It seems that the people are entitled to have faithful, impartial service from the men they have elevated to office and for whose salaries a good percentage of the taxes is required. Yet, from the very nature of the present system, it is impossible to receive but a minor part of the efforts of the first termers during the preelection year.

In his speech Saturday night, President Taft has pointed one way of ending the present conditions. A six-year term, without possibility of reelection, would give the administration five years to work after the first year of readjustment. It would be possible for the President and his subordinates to expend their energy in making a record for efficiency rather than for expert political moves. With the heads of the departments demanding efficiency rather than political service the work of the men holding subordinate places would be correspondingly improved. The natural tendency of the inferiors would be to hold onto their places through good work rather than hazard their positions in the hope of securing a better under the next administration.

Four years is too short a time for the great national policies to be worked out. The work would be scarcely under way before another administration would begin; but under the six-year term it would be possible to carry out a consistent policy to a successful termination. Many bits of good legislation have been prevented because the term of the legislators ended before they had reached a vote, and a new party, with new policies, effectually prevented any attempt to pass it.

The new system is gaining in favor with all parties. Various public men have from time to time advocated the establishment of a six-year term for Presidents, and it would not be surprising if some action was taken to lengthen the term of the President following Wilson.

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[From the Courier, Zanesville, Ohio.]

If the Constitution is amended to limit the tenure of the presidential chair to one term of six years, the office will be placed where it ought to be—above the plane of politics—and its incumbent will be free to act without personal fear of the political consequences. President Taft favors the idea and President Elect Wilson has so expressed himself in the past. The people, we believe, would indorse the proposition if given the opportunity.

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[From the Oregonian, Portland, Oreg.]

To forbid reelection of a President implies no distrust of the people beyond that which the people have of themselves. The whole Constitution is a body of limitations, placed by the people themselves on the exercise of their undisputed power. This would be but an added limitation adopted by the people of their own free will.

The danger to the national interests through a change of Presidents in a time of crisis such as existed during the Civil War is too remote to be a serious factor. The people can be relied upon to elect a new President who will carry on those policies of a retiring President which they approve.

The people need fewer elections and their public servants need to be freed from the disturbing influence of frequent campaigns. With a six-year term and with ineligibility we should have longer periods of calm, better service, more continuity of policy, and wider interest in elections when they do come.

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[From the Gazette, Altoona, Pa.]

The single six-year term would emancipate the President and increase his power and prestige. He would and could sign or veto bills without thinking of "votes," and the pressure of spoilsmen and practical politicians would be largely removed; self-respect, firmness, dignity, conscientious devotion to duty would be immensely strengthened and exalted by the change.

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[From the American, Mahanoy City, Pa.]

President Taft was not the first citizen to advocate the amendment of the Federal Contitution so as to extend the presidential term from four to six years, making the occupant of the office ineligible for reelection. Others have spoken in favor of such a change, and a good many thoughtful citizens favor it.

They are opposed to the quadrennial agitation of the country hitherto inevitable to a national campaign. They think it injures business and gives Americans a bad reputation among their cousins on the other side of the seas. And then it is generally believed that freedom from ambition to succeed himself would enable a President to serve his country better than would be the case if he were moved by a desire to be his own successor.

The ordinary public officer who is eligible to succeed himself is likely to keep an eye on his chances and to move with a caution born of ambition. We suspect a one-term President generally would be more efficient than one who spent much time scheming to succeed himself.

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[From the Press, Philadelphia, Pa.]

Whatever else the Congress in its expiring session shall do or leave undone, the resolution pending in the Senate looking to the adoption of an amendment to the Federal Constitution, providing for the extension of the presidential term to six years and making the incumbent ineligible for reelection ought to be favorably acted upon. There is no question such an amendment would be adopted by every State in the Union. It would greatly add to the efficiency and independence of the President if his conduct in office were unbiased by any consideration other than the advancement of the public interest. It would end at once and for good both second and third term demagogy, with the implied drift toward one-man power and an abandonment of representative government. The danger of prolonging the incumbency of an unfit or dangerous man, who should be chosen to the Presidency through extension of the term of office, is sufficiently guarded against by the reservation of the power of impeachment in case of need.

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[From the Evening Telegraph, Philadelphia, Pa.]

To lengthen the presidential term to six years and limit it to a single period meets with our hearty approval. The question should no longer be left to the flexible interpretation of mere unwritten precedents, but a definite settlement of it should be incorporated in the Constitution in the form of a necessary and legal amendment. The lengthening and limiting of the term would give any ambitious President a long enough time to shape his policies and test them by experience, and would remove the temptation from such to ask for a second term on a specious plea and secure it by a questionable use of Executive patronage.

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[From the Dispatch, York, Pa.]

Contrary to a very general impression, the proposal to limit the presidential tenure to a single term is not new. At the very beginning of the Republic, when the great statesmen of that period were struggling with the mighty problems before them, the matter of the presidential term was a much-discussed and vexing theme. All sorts of suggestions were offered, ranging from life tenure to a single term of four years. When it was finally decided to make the presidential term four years, with eligibility for reelection, a single vote in the convention was the determining factor.

The great advantage to the country in limiting the presidential tenure to a single term of six years would be the enabling of the President to devote all his time to his official duties. Every President would know that he had but one term in which to perfect his policies and

carry them out, and he would not be distracted from his purpose by the necessity of laying plans for reelection almost from the day of his inauguration. Each President would have the courage to do what he believed was right, unembarrassed by the threats of his enemies that they would "beat him for reelection." A President would be in large measure exempt from the attacks of his enemies within the party, and at the expiration of his term he would retire to private life with indifference as to whether or not he had played the political game to the satisfaction of the politicians.

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[From the Gazette, York, Pa.]

The question of a single term for President of the United States is certain to be discussed exhaustively, if not exhaustingly, in the next few years. By its platform the Democratic Party is bound to take action in that direction, and in doing so it will be indorsed by a majority of the citizens of all parties. The phase of this question about which there is going to be the most debate is what the length of the term should be. There have been some who argued that it should be eight years. Now, however, it is generally conceded that this would be too long. Six years or four years seem to be the popular limits.

Those who argue in favor of the shorter term say that four years are plenty long enough for a good man and that six years would be altogether too long for a poor man to occupy the presidential chair. All of this latter part of the contention may be granted. But would not even two years be too long for an unfit President? It was the original intention of the founders of the Government to have short terms. Jefferson in a letter quotes that maxim of that day as being "Where annual election ends, tyranny begins." That, of course, would be a practical application of genuine democracy, the theory of government not necessarily the policy of the Democratic Party, but it will be granted by all that our country is too large for it to work out successfully. Massachusetts elects State officers annually, and even in that small State the frequency of the important elections is becoming burdensome.

So that it is plain we must look for some other way out of the difficulty. It is clear that the annual election of President is out of the question, and the eight-year term would be too long. It is true that six years would be too long for an unfit President, and so would four years. It seems, then, that the best way to settle the matter is to make sure of the right man and the right platform, and then give him time enough to thoroughly try out the policies for which he stands. If this is done, there can be little valid objection to a six-year term, and there can be little question that this is none too long to work out important policies.

Another thing should be borne in mind—the people are beginning to weary of the frequent and strenuous campaigns. There is danger that this may result in such an increasing indifference that it will be easier than it now is for incompetent and even dangerous men to be "put over" by scheming interests who look upon "practical" politics as a part of their business game. This must be reckoned with. Less frequent elections and a more thorough stirring up of interest in the campaigns seems the best solution.

Furthermore, it would be a great gain if this could be so arranged that the State elections could be held during those years when there were no national elections. Suppose, for example, that our Presidents were elected every six years and the Members of the Lower House of Congress every three years, so that a congressional election would come in the middle of the presidential term, as now. That would give all the States ample opportunity to arrange their elections at times when there would be no complications with national problems. Would not this result in better government all around? We believe it would.

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[From the Commercial Appeal, Memphis, Tenn.]

There is a growing inclination on the part of the public toward the six-year term. There are sensible reasons why such a term should be established instead of the brief four years now allotted to the President.

Everyone will admit that nothing so disturbs the commercial welfare of the country as an election. From ocean to ocean the States have been disturbed for the past two months, and will be until November.

A political campaign, even over a local issue, disturbs business. Brothers turn against brothers, fathers against their sons, over politics. The real truth is that we have too much of this sort of thing, and if it is not a presidential campaign it is another, with its turmoil and excitement.

Each President elected has entered office with the determination to do the best he could for the country. We have had no bad men in office. Our Presidents, irrespective of party, have been men of class. They have lived up to the platforms upon which they were elected as far as possible. No President has ever been associated with any graft scheme, and all have been practically free from the taint of scandal. It stands to reason that only men of the highest character present themselves for such an exalted office. Men of the highest character are elected, and the country has prospered under every President we have had since the days of George Washington.

It is safe to trust anyone who can secure the indorsement of the people, and if he is elected for six or eight years instead of four, so much the better. As it is, scarcely does a President get comfortably seated in office than it is necessary to run again. This keeps the country upset. No one can rest easily during a campaign. It is more uncertain in some States than in others. There is always an element of uncertainty in a campaign. No one can say what the outcome will be or what the effect on the country will be. Wall Street holds the balance of power. It can create a panic or quell one. Wall Street is always uneasy during a campaign, and while the street is uneasy so is the country.

With fewer elections the country would be better off, and with a longer presidential term there would be a smaller opportunity for strife and unsettled business conditions.

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[From the News, Wheeling, W. Va.]

From all indications an attempt will be made at the next session of Congress to change the tenure of office for the President of the United States from a term of four years to a single term of six years.

The change will necessitate an amendment to the Constitution, and will entail no little inconvenience. However, it seems to be a good idea.

At present the length of a presidential term is four years. A man may succeed himself as many times as he is able to secure the nomination and election, although custom makes it bad form to ask for another after one has served two terms.

A man is elected for a term of four years. During this time all of his actions are usually directed so that he will be able to secure a second nomination and election. His actions are "a play to the galleries," as it were. During his first term his time is so taken up by this "gallery play" that he is likely to neglect many of his duties and act contrary to the way he would act if his tenure were restricted to a single term.

During this term the members of the Cabinet, who owe their office to appointment from the Executive, play politics along with their chief. At the end of the first four years there is a possibility of defeat for the candidate for reelection.

If the tenure of office were made a single term of six years, the administration would undoubtedly be made more efficient. The time would be long enough to give a good Executive an opportunity to put into effect his policies and not long enough to permit an incapable Executive to harm the country.

The change is a good one. Think it over.

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[From the Intelligencer, Wheeling, W. Va.]

Presidential elections come too often, and Presidents too frequently play politics. A four-year term hardly enables a President to institute and carry through an established line of policy, and eligibility for reelection tempts him to try to secure reelection. As a rule, the first two years of a President's administration are given up to getting acquainted with his job, and the second two years are filled with efforts to secure another term. Lengthening the President's term and forbidding reelection would place the office of the Presidency on a higher plane and insure a higher grade of public service.

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[From the Chicago Evening Post, Tuesday, Oct. 25, 1904.]

REVELL FOR SIX YEARS—CHICAGO MAN URGES THAT THE TERM OF PRESIDENT SHOULD BE LIMITED—TELLING POINTS ARE MADE—SPEECH GIVEN AT OPENING OF COMMERCIAL CONGRESS AT ST. LOUIS.

ST. LOUIS, *October 25.*

The opening session of the Trans-Mississippi Commercial Congress was held here to-day in Convention Hall at the World's Fair. The congress will continue the remainder of the work.

Alexander H. Revell, of Chicago, vice president of the National Business League, delivered an address on the question of a single six-year term for President of the United States.

The feature of the opening session was the large attendance of visitors, showing the general interest in the proceedings. During the sessions of the congress, which will continue through Saturday, matters of importance to residents of the trans-Mississippi region will be discussed, such as irrigation, good roads, river navigation, and interstate-commerce laws.

Following the invocation by Rev. Michael Burnham, of St. Louis, the meeting was called to order by the chairman of the executive committee, Thomas Richardson, of Portland, Oreg. In a short introductory address, Mr. Richardson presented the president of the congress, R. C. Kerens, of St. Louis.

ADDRESS OF MR. REVELL.

Mr. Revell spoke as follows:

"The National Business League has started a movement to secure an amendment to the Constitution of the United States which will fix the term of office of the President at six years instead of four years. At the same time, and by the same amendment, it is proposed to make the President ineligible to reelection.

"I am not aware that anyone questions the expediency of the proposed change. Indeed, so far as I can learn, all admit that the changes proposed would be sound public policy. It is perhaps true that those who are engaged in politics for diversion or for profit may be lukewarm in the effort to prolong the period between elections. But it is not likely that the politician—the man who is trying to be politic and responsive to public demands—will interpose to prevent an admittedly needed and popular amendment.

"All things considered it may be accepted that the sentiment of the country is such that the amendment may be secured upon the presentation of the proper arguments to the electors and those who as officials may be instrumentalities in bringing it about. The labor that is before us consists in pulling together and putting in order the half-formulated latent sentiment in regard to the proposed amendment. It is this labor which the National Business League has undertaken to perform. It is to this endeavor that all right-minded electors are expected to extend courageous and industrious assistance.

"No reasonable objection can be raised against the lengthening of the President's term of office.

"As things now are there is, in fact, only about three years of settled conditions, and many would acknowledge only two years. The fourth year is given up to the campaign. In fact, it is only during the first two years of the presidential term that business, and that word does not mean the great capitalists only, can feel that conditions are settled. Along toward the end of the term the policy which the President has pursued is used by the opposition on which to unite in order to create an 'issue' for the oncoming campaign. The effect of all this is that business becomes more or less gambling against the chances of the presidential succession.

"LOOK TO THE GOVERNMENT.

"There is a growing tendency in this, and indeed in all countries, to look upon the government or the administration as the cause of the prosperity or adversity of the people. This tendency disposes the people to look more and more to the government as the author of their conditions. Demagogues, selfishly and ignorantly finding this tendency to exist, endeavor from time to time to arouse the voter into active hostility against the administration. He endeavors to convince his too easily persuaded auditors that a change of administration policy, especially in relation to the currency or the tariff, we will say, will change their fortunes from bad to good.

"The effect of this is that during any presidential term and under any policy which may be put into practice there are those who are disposed to find fault with it and to create an impression that exactly the opposite policy would be more in the interest of the general public. At times this sort of criticism results in the formation of parties predicated on propositions to squarely reverse the policy which is being put into practice by the sitting President and to put into operation an entirely opposite policy.

"The effect of this condition of things is to present to the business man a situation in which two distinctly opposite policies are proposed. He can make no calculations for the future, and he must hold in abeyance many of his enterprises and curtail his business until he finds out what is going to be done—what the result of the election will be.

"This condition of suspense operates to depress business and intensify adverse conditions, or at least to modify the benefits of the administrative policy which may be in practice at the time. The element of unwarranted doubt operates to bring about changes of policies

and Presidents, changes that are in themselves unwarranted and possibly harmful.

"NOT FAIR TO JUDGE BY.

"This presidential year is hardly a fair one to judge by. It is the most prosperous presidential year in 44 years, and perhaps for a longer period. This would hardly be the time or place, and it is not essential that we discuss all the reasons for this. While the year has been phenomenal as an election year, and with the splendid agricultural and financial situation, still there has been a pronounced timidity among business men in regard to inaugurating new business enterprises.

"Also there has been and is very general complaint, especially in manufacturing industries. Hence, the question naturally arises, Would not the year 1904 have been a record-breaking year had there been no presidential election?

"A longer term for the President would not only create a longer period of business security, but it would give ampler time for a President to formulate and carry out his policies. Very often presidential administrative plans can not be put into operation and the benefits of them realized by the general public before the time for another campaign approaches. In other words, the presidential term of four years is too brief for a President to inaugurate and carry out a policy. A six-year term would give ampler time.

"Another thing, the election of a President for six years would have a tendency to silence those agitators who preach discontent and advise the people to look forward to the next presidential election as the time when they could make a change which would repair their grievances. Six years would be too long to look ahead. With a six-year term the country would settle down to calmness and steadiness in business, which is unknown under the present four-year term.

"By making the President ineligible to succeed himself he would be enabled to leave politics behind when he took the oath of office. He could direct his efforts to being a good President. The record of a President would then merit careful comparison.

"By gradual growth it has come to be an unwritten law that a President is expected to succeed himself. It is expected that his second election will be a 'vindication' of his first term of office. There is no question about this fact. For a President to decline to be a candidate for reelection after having served a four-year term would be taken to mean that he believed that he could not be reelected.

"In other words, a failure to demand renomination would be accepted as a confession of the failure of him and his party to properly administer the Government.

"Thus it is incumbent on a President at the end of his term to again become a candidate for reelection even if he does not want to, and, in a measure, his party must renominate him even if he did not want renomination. As a mater of fact, this condition of things has practically established that the presidential service of a man is eight years.

"MUST KEEP IN FAVOR.

"This fact that the President must secure renomination and reelection compels him so to conduct and warp his administrative policies that he will remain in favor with the politicians who are to renominate him and also to cater to the more transient popular sentiment. No President since Washington that we know of has ever acted differently. No man, as mankind goes, can be expected to be at his best under such condition of things. He may fairly be expected to be at his worst. Poor human nature is not such that Presidents may be expected to crucify themselves for the unappreciated welfare of their supporters.

"Representative Gaines, of Tennessee, has been making a historical study of the question of one term for Presidents, and points out that it was a live question with the convention that framed the Constitution and has been under discussion a good part of the time since.

"One of the greatest curses of American politics is the spoils system. By means of their appointive power, from President down to coroner, with a few exceptions, public officials aspire to succeed themselves, and as soon as they are elected utilize the patronage of office in order to pay for favors rendered in the past and expected to be obtained in the future. A President who was not by custom expected to secure a 'vindication' by reelection would not be under compulsion to use his appointive power in order to make himself secure against the next nomination and election. In short, the one-term principle would tend, as nothing else would tend, to eradicate the spoils system.

"Now, then, what is to be done? The Constitution of the United States says concerning the term of the President: 'He shall hold his office during the term of four years.' In relation to the matter of amendments the Constitution says:

"'The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution; or, on the application of the legislatures of two-thirds of the several States, shall call a convention for the purpose of proposing amendments, which, in either case, shall be valid, to all intents and purposes, as part of the Constitution, when ratified by the legislatures, three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress.'

"TO APPEAL TO CONGRESS.

"From this it will be seen that either the State legislatures or Congress may initiate the proposition to amend the Constitution. The practice generally has been for Congress to propose and submit amendments to the several State legislatures. The same course will be pursued in this case, and Congress will be asked to propose an amendment making the presidential term to be six years and the President ineligible to reelection.

"The endeavor of the National Business League will be to make it apparent to the Senators and Representatives in Congress that the people actually desire that the proposed amendment be submitted to the legislatures. If this fact can be demonstrated, there is no doubt that Congress will hasten to comply with the demands of the public. Ratification in the State legislatures will be brought about by the same means. The responsiveness of our legislative bodies to the demands of business interests are always prompt and satisfactory.

"More and more the welfare of all the people is becoming and is understood to be wrapped up in and dependent upon business prosperity. To make it manifest, therefore, that the business men of the country believe and demand a presidential term of six years and no renomination of Presidents will be to assure the adoption of the amendment. The arousal of the business interests of the country, it will be seen, is the real, actual labor that is before the business league. Those who have undertaken to propagate the amendment proposition should see to it that those under them, those connected with them in business, their club fellows, their friends and customers, are fully advised of the amendment and its expected good results."

REPORTS OF COMMITTEES.

Mr. CHILTON, from the Committee on the Judiciary, to which was referred the bill (S. 8188) to amend section 113 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, reported it without amendment.

Mr. McCUMBER, from the Committee on Pensions, to which was referred the bill (H. R. 27475) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported it with amendments, and submitted a report (No. 1164) thereon.

He also, from the same committee, submitted a report (No. 1168), accompanied by a bill (S. 8314) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 602. Kate Brown.
S. 630. James R. Haldeman.
S. 910. Mary Francis.
S. 923. Jane De Graw.
S. 1012. Carrie Engberg.
S. 1572. Sarah E. McCann.
S. 1843. Susan M. Sumner.
S. 1991. Mary J. Anderson.
S. 3079. John W. Anderson.
S. 3546. John S. Rodgers.
S. 3550. John G. Myers.
S. 3555. Andrew J. Furry.
S. 3895. Charles F. Cooken.
S. 3980. William Robertson.
S. 3998. George W. Leslie.
S. 4012. William H. Weber.
S. 4014. George Ketzler.
S. 4020. August Schurman.
S. 4021. Samuel J. Riley.
S. 4080. William E. Huestis.
S. 4593. Orlina M. Cadwell.
S. 4602. George Warnick.
S. 5013. Louis M. Lea.
S. 5374. Thomas F. Stevens.
S. 5444. Darwin Zeek.
S. 5737. David F. Stewart.
S. 5779. Nathan Vanaman.
S. 5941. Joseph Johnson.
S. 5994. John N. Postlethwait.
S. 6212. John Miller.
S. 6261. John O. Branson.
S. 6375. Adam P. S. Poisal.
S. 6388. Francis M. Hanes.
S. 6475. John L. Skinner, jr.
S. 6639. John P. Glenn.
S. 6642. William A. Stewart.
S. 6643. William Turnbeaugh.
S. 6785. Julia A. Snedeker.
S. 6872. Martha R. Brown.
S. 7058. Elias Redmon.
S. 7085. George Moffatt.
S. 7090. Kate F. Sage.
S. 7213. Myra Van Winkle.
S. 7236. Charles G. Glidden.
S. 7280. Clara V. King.
S. 7342. James Griffey.
S. 7344. Sarah F. Boynton.
S. 7357. Emiles Pomeroy.
S. 7346. Fannie M. Page.
S. 7398. Thomas Gannon.
S. 7429. Orlan A. Hibbs.
S. 7450. William H. Hall.
S. 7451. William T. Francis.
S. 7462. Marshall D. House.
S. 7465. Henry McClure.
S. 7471. Mary J. Wood.
S. 7496. Ephraim Benedict Murphy, alias Ephraim Benedict.
S. 7497. Jay Doty.
S. 7553. Lorenzo F. Nolan.
S. 7613. Erastus G. Cummings.
S. 7786. Victoria L. McHone.
S. 7902. Margaret L. Thompson.
S. 8071. Daniel Hand.
S. 8098. Horace C. Webber.
S. 8131. Stanley H. Husted.
S. 8145. Joseph Cassiday.
S. 8144. William L. Sheaff.
S. 8157. Louis C. Emmett.

S. 8158. Christian Bowman.
S. 8159. Stephen Collar.
S. 8160. Baxter Johnson.
S. 8163. Mary E. Allen.
S. 8173. Georgiana Packard.
S. 8187. Josephine E. Miller.
S. 8201. Delia H. Austin.
S. 8203. Wendell P. Hood.
S. 8206. Lucy Gamble.
S. 8208. Elizabeth Croft.
S. 8213. Stephen B. Johnson.
S. 8237. Ferdinand O. Tennison.
S. 8239. Thomas Moody.
S. 8240. Charles Belknap.

Mr. JOHNSTON of Alabama, from the Committee on Military Affairs, to which was referred the bill (S. 4241) to encourage rifle practice and promote a patriotic spirit among the citizens and youth of the United States, reported it with an amendment and submitted a report (No. 1165) thereon.

Mr. GAMBLE, from the Committee on Indian Affairs, to which was referred the bill (S. 110) to authorize the sale and disposition of a portion of the surplus and unallotted lands in Todd and Bennett Counties, in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect, reported it with amendments and submitted a report (No. 1166) thereon.

YOSEMITE NATIONAL PARK.

Mr. WORKS. From the Committee on Public Lands I report back favorably without amendment the bill (S. 8279) to amend an act approved October 1, 1890, entitled "An act to set apart certain tracts of land in the State of California as forest reservations," and I submit a report (No. 1163) thereon. I ask for the present consideration of the bill.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SOLDIERS' HOME AT SANTA MONICA, CAL.

Mr. JONES. Under Senate resolution 160 the Committee on Military Affairs or a subcommittee thereof was directed to make an investigation of the management of the Branch National Home for Disabled Volunteer Soldiers and Sailors at Santa Monica, Cal. A subcommittee was appointed in pursuance of the resolution and made the investigation and submitted its findings and recommendations.

By direction of the full committee I submit the report of the subcommittee (Rept. No. 1167), together with a bill to transfer the Pacific Branch of the National Home for Disabled Volunteer Soldiers to the War Department, recommended by it. In doing so, I will state that the bill is reported with the recommendation of the subcommittee for such action and consideration as the Senate may desire to take upon it, and it is not to be understood as being recommended by the full Committee on Military Affairs. I ask that the bill be placed on the calendar.

The bill (S. 8297) to transfer the Pacific Branch of the National Home for Disabled Volunteer Soldiers to the War Department was read twice by its title.

The PRESIDENT pro tempore. The Chair will take the liberty of inquiring of the Senator from Washington whether the bill should not be referred to the committee.

Mr. JONES. The resolution directed the committee or a subcommittee to report the facts and their findings to the Senate. Under the peculiar language of the resolution, I think the bill should go to the calendar.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SANDERS:

A bill (S. 8298) to provide for the enlargement of the Federal building at Chattanooga, Tenn.; to the Committee on Public Buildings and Grounds.

A bill (S. 8299) to amend section 9 of the act entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," approved March 1, 1911.

The PRESIDENT pro tempore. To what committee does the Senator from Tennessee desire to have the bill referred?

Mr. SANDERS. The Committee on Commerce.

The PRESIDENT pro tempore. The Chair is disposed to refer it to the Committee on Conservation of National Resources.

Mr. SANDERS. It is really a water-power bill. I think it should go to the Committee on Commerce, but I am not sure.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Commerce.

By Mr. CLARK of Wyoming:

A bill (S. 8300) to provide for the admission in evidence of certificates of the heads of executive departments and independent executive establishments to show the nonemployment of persons brought to trial under section 32 of the act of March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States"; to the Committee on the Judiciary.

By Mr. OLIVER:

A bill (S. 8301) granting an increase of pension to Mary F. Nichols (with accompanying papers); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 8302) to provide for the erection of a public building at Naugatuck, Conn.; to the Committee on Public Buildings and Grounds.

A bill (S. 8303) granting an increase of pension to Sarah L. Bentley (with accompanying papers); to the Committee on Pensions.

By Mr. GRONNA:

A bill (S. 8304) for the relief of Rodger Caplette; to the Committee on Claims.

By Mr. JACKSON:

A bill (S. 8305) to promote and encourage the building of modern public highways by granting aid thereto under certain conditions; to the Committee on Post Offices and Post Roads.

By Mr. GALLINGER:

A bill (S. 8306) to amend an act entitled "An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes," approved March 19, 1906, as amended by the act approved March 2, 1907; to the Committee on the District of Columbia.

By Mr. PENROSE:

A bill (S. 8307) granting an increase of pension to Martha J. Strayer (with accompanying papers); to the Committee on Pensions.

By Mr. MARTIN of Virginia:

A bill (S. 8308) granting a pension to Joseph H. Mayo (with accompanying papers); and

A bill (S. 8309) granting an increase of pension to George W. Brown (with accompanying papers); to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 8310) to authorize the construction of a bridge across the Pend Oreille River opposite the town of Newport, Wash.; to the Committee on Commerce.

By Mr. WILLIAMS:

A bill (S. 8311) providing for a monument to commemorate the services and sacrifices of the women of the country at the time of the American Revolution (with accompanying papers); to the Committee on Public Buildings and Grounds.

By Mr. BANKHEAD:

A bill (S. 8312) for the purchase of a site and the erection of a public building at the city of Union Springs, Ala.; to the Committee on Public Buildings and Grounds.

By Mr. CHILTON:

A bill (S. 8313) to provide for the erection of a public building at Williamson, W. Va.; to the Committee on Public Buildings and Grounds.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. McLEAN submitted an amendment providing for a survey to secure the increased depth of the harbor at Stamford, Conn., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. OWEN submitted an amendment authorizing the Secretary of the Interior to withdraw from the Treasury of the United States $10,000 on deposit to the credit of the Creek Indians and pay it to the trustees of the Henry Kendall College, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment authorizing the Secretary of the Interior to make a per capita payment of $200 from the tribal trust funds of the Seminole Indians to each individual officially enrolled as a member of that tribe, etc., intended to be proposed by him to the Indian appropriation bill, which

was referred to the Committee on Indian Affairs and ordered to be printed.

He also (for Mr. CHAMBERLAIN) submitted an amendment proposing to appropriate $10,000 for improving the Willamette River, Oreg., intended to be proposed by him to the river and harbor appropriation bill, which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. O'GORMAN submitted an amendment providing for the purchase of subsistence supplies for all vessels in harbor-boat service not otherwise provided for, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. SMITH of Arizona submitted an amendment proposing to appropriate $20,000 for the erection and completion of a hospital building and equipment at Pima Agency, Ariz., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. MARTIN of Virginia submitted an amendment proposing to appropriate $60,000 for the purchase of not less than 600 acres of land convenient to the city of Washington, D. C., to be used for target-practice purposes, intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. RICHARDSON submitted an amendment providing for a survey of the Leipsic River, Del., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

CONNECTICUT RIVER DAM.

Mr. JONES. I submit an amendment, intended to be proposed by me, to the bill (S. 8033) to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River, and so forth. I ask that it be read and lie on the table.

The proposed amendment was read and ordered to lie on the table, as follows:

Amendment intended to be proposed by Mr. JONES to the bill (S. 8033) to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of Connecticut, viz: Strike out all of section 1 after the words *"And provided further,"* in line 19, page 2, and insert the following:

"The assent of Congress herein given shall not be complete and operative until there shall be filed with the Secretary of War an agreement signed by the said Connecticut River Co. and the proper authorities of the State of Connecticut in which is recognized and acknowledged the full authority of the State of Connecticut to supervise, regulate, and control the rates to be charged by said company, its successors and assigns, for the energy developed; and the right of said State from time to time to readjust such rates; and the right of said State to supervise, regulate, and control said corporation, its successors or assigns, its management, stocks, bonds, or evidences of indebtedness in such manner as may be provided from time to time by the laws of said State; and the right of said State to exact from said corporation, its successors or assigns, such annual charges as may be just and reasonable, taking into account the amount spent and required to be spent by said corporation in improving the navigation of said river and the right of said corporation to a reasonable return on the fair value of such dam and appurtenances, works and property, allowing for the cost of construction, maintenance, and renewal.

PUNISHMENT OF MURDER IN THE DISTRICT OF COLUMBIA.

Mr. JONES submitted the following concurrent resolution (S. Con. Res. 39), which was read, considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return the bill (S. 7162) to amend section 801 of the Code of Law for the District of Columbia.

HARBOR REGULATIONS, DISTRICT OF COLUMBIA.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 1072) to amend section 895 of the Code of Law for the District of Columbia, which were, on page 2, line 10, to strike out "ice, snow," and insert "or," and on page 2, line 10, to strike out ", or trash."

Mr. JONES. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

HOUSE BILLS REFERRED.

H. R. 23939. An act to legalize titles in the District of Columbia to certain citizens was read twice by its title and referred to the Committee on the District of Columbia.

H. R. 28180. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

FUNERAL EXPENSES OF THE LATE SENATOR DAVIS.

Mr. CLARKE of Arkansas. I ask unanimous consent to dispose of a merely formal matter, Senate resolution 425, authorizing the Secretary of the Senate to pay the actual expenses incurred by the committee attending the funeral of the late Senator JEFF DAVIS. It will take only the time to read it.

There being no objection, the resolution was read, considered, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the President of the Senate pro tempore in arranging for and attending the funeral of the late Senator JEFF DAVIS, from the State of Arkansas, vouchers for the same to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

CONTRIBUTIONS FOR CAMPAIGN PURPOSES.

Mr. JONES. I ask the Senate to consider Senate resolution 418, amending Senate resolution 79, in regard to the investigation of campaign contributions.

The PRESIDENT pro tempore. The Senator from Washington asks unanimous consent for the present consideration of the resolution named by him.

The resolution was read, considered, and agreed to, as follows:

Resolved, That Senate resolution 79, agreed to August 26, 1912, be, and the same is hereby, amended by inserting, on line 2, page 2, of said resolution, after the word "eight," the words "November 5, 1912."

PROPOSED EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. SMITH of Georgia. As a substitute for that motion, I move that the Senate proceed with the consideration of House bill 22871, to establish extension departments in connection with agricultural colleges.

The PRESIDENT pro tempore. That motion is not in order under the rule. The question is on the motion made by the Senator from Illinois [Mr. CULLOM].

Mr. CLARKE of Arkansas and Mr. SMITH of Georgia called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. SMITH of Georgia (when Mr. BACON'S name was called). I desire to state that the senior Senator from Georgia [Mr. BACON] is detained at home by sickness in his family.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. I transfer that pair to the Senator from Nevada [Mr. MASSEY]. I desire this announcement to stand on each vote for the day. I vote "yea."

Mr. THORNTON (when Mr. FOSTER'S name was called). I announce the absence of my colleague [Mr. FOSTER] on account of illness in his family, and ask that this announcement stand for the day.

Mr. GARDNER (when his name was called). I have a general pair with the Senator from Massachusetts [Mr. CRANE]. I transfer that pair to the Senator from Oklahoma [Mr. GORE] and vote. I vote "nay."

Mr. KERN (when his name was called). I have a general pair with the Senator from Kentucky [Mr. BRADLEY]. I desire to transfer that pair to the Senator from Tennessee [Mr. LEA] and vote. I vote "nay."

Mr. OLIVER (when his name was called). I have a general pair with the junior Senator from Oregon [Mr. CHAMBERLAIN]. I transfer that pair to the senior Senator from Idaho [Mr. BORAH] and will vote. I vote "yea."

Mr. PAYNTER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. GUGGENHEIM]. He seems not to have voted. I therefore withhold my vote.

Mr. RICHARDSON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. SMITH]. I transfer that pair to the Senator from New Mexico [Mr. FALL] and vote. I vote "yea." I make this announcement to stand for the day.

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. I transfer that pair to the Senator from Georgia [Mr. BACON] and will vote. I vote "nay."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is unavoidably absent from the city. I desire this statement to stand for the day.

Mr. KERN (when the name of Mr. SMITH of South Carolina was called). I announce the unavoidable absence of the Senator from South Carolina [Mr. SMITH] on account of illness.

While I am on my feet I desire to transfer my pair with the Senator from Kentucky [Mr. BRADLEY] to the Senator from Maryland [Mr. SMITH], instead of to the Senator from Tennessee [Mr. LEA], as previously announced.

Mr. WILLIAMS. I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the Senator from Maine [Mr. JOHNSON] and will vote. I vote "nay."

The roll call was concluded.

Mr. LIPPITT. I have a pair with the senior Senator from Tennessee [Mr. LEA]. In his absence I withhold my vote.

Mr. SANDERS. I wish to announce the unavoidable absence of the senior Senator from Tennessee [Mr. LEA].

Mr. DILLINGHAM (after having voted in the affirmative). I inquire if the senior Senator from South Carolina [Mr. TILLMAN], with whom I am paired, has voted?

The PRESIDENT pro tempore. The Senator from South Carolina has not voted.

Mr. DILLINGHAM. Then I will withdraw my vote, having a general pair with that Senator.

Mr. BANKHEAD. On this question I have a pair with the senior Senator from Oregon [Mr. BOURNE], who is absent from the Chamber. I therefore withhold my vote.

Mr. OWEN. I transfer my pair with the Senator from Kansas [Mr. CURTIS] to the Senator from Nevada [Mr. NEWLANDS] and will vote. I vote "nay."

Mr. CULBERSON (after having voted in the negative). I desire to inquire if the Senator from Delaware [Mr. DU PONT] has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. CULBERSON. As I have a general pair with him, I withdraw my vote.

Mr. DILLINGHAM. I transfer my general pair with the Senator from South Carolina [Mr. TILLMAN] to the Senator from Wisconsin [Mr. STEPHENSON] and vote. I vote "yea."

Mr. JOHNSON of Maine (after having voted in the negative). I voted upon entering the Chamber just now, but I am informed that a pair had previously been transferred to me. I therefore withdraw my vote.

Mr. WILLIAMS. Mr. President, a moment ago I announced my pair with the Senator from Pennsylvania [Mr. PENROSE] and transferred it to the Senator from Maine [Mr. JOHNSON], who was not then present. I wish now to withdraw the transfer, so as to give the Senator from Maine an opportunity to vote, and also to withdraw my vote, and to stand paired with the Senator from Pennsylvania.

Mr. JOHNSON of Maine. Under that statement I vote "nay."

Mr. STEPHENSON entered the Chamber, and voted in the affirmative.

Mr. DILLINGHAM (after having voted in the affirmative). The Senator from Wisconsin [Mr. STEPHENSON], to whom I transferred my pair with the Senator from South Carolina [Mr. TILLMAN], having voted, I withdraw my vote.

The PRESIDENT pro tempore. The Chair will ask that the vote be again recapitulated, there having been several changes.

The Secretary recapitulated the vote.

Mr. CULBERSON. I desire to inquire if the Senator from Oregon [Mr. CHAMBERLAIN] is paired?

The PRESIDENT pro tempore. The Chair has no information on the subject.

Mr. CULBERSON. The Chair could probably secure it from the Secretary.

Mr. OLIVER. Mr. President, the Senator from Oregon [Mr. CHAMBERLAIN] is paired with me.

The PRESIDENT pro tempore. The Senator from Oregon, it has just been stated, is paired.

Mr. CLARKE of Arkansas. Mr. President, a Senator sitting by me suggests that the name of the junior Senator from Pennsylvania [Mr. OLIVER] was called on the roll call. Is that a fact.

Mr. OLIVER. My name was called on the roll call, but I transferred my pair with the junior Senator from Oregon [Mr. CHAMBERLAIN] to the senior Senator from Idaho [Mr. BORAH] and voted.

Mr. SMOOT. I desire to announce that the Senator from Oregon [Mr. BOURNE] is paired with the Senator from Alabama [Mr. BANKHEAD], the Senator from New Jersey [Mr. BRIGGS] is paired with the Senator from West Virginia [Mr. WATSON], the Senator from Michigan [Mr. SMITH] is paired with the Senator from Missouri [Mr. REED], and the Senator from Wyoming [Mr. WARREN] is paired with the Senator from Louisiana [Mr. FOSTER].

The result was announced—yeas 31, nays 31, as follows:

YEAS—31.

Brandegee	Cummins	McCumber	Sanders
Brown	Gallinger	McLean	Smoot
Burnham	Gamble	Nelson	Stephenson
Burton	Gronna	Oliver	Sutherland
Catron	Jackson	Page	Townsend
Clark, Wyo.	Jones	Perkins	Wetmore
Crawford	Kenyon	Richardson	Works
Cullom	Lodge	Root	

NAYS—31.

Ashurst	Hitchcock	Myers	Shively
Bristow	Johnson Me.	O'Gorman	Simmons
Bryan	Johnston, Ala.	Overman	Smith, Ariz.
Chilton	Johnston, Tex.	Owen	Smith, Ga.
Clarke, Ark.	Kern	Percy	Swanson
Fletcher	La Follette	Perky	Thomas
Gardner	Martin, Va.	Poindexter	Thornton
Helskell	Martine, N. J.	Pomerene	

NOT VOTING—33.

Bacon	Culberson	Lea	Smith, S. C.
Bankhead	Curtis	Lippitt	Stone
Borah	Dillingham	Massey	Tillman
Bourne	Dixon	Newlands	Warren
Bradley	du Pont	Paynter	Watson
Briggs	Fall	Penrose	Williams
Chamberlain	Foster	Reed	
Clapp	Gore	Smith, Md.	
Crane	Guggenheim	Smith, Mich.	

So the Senate refused to proceed to the consideration of executive business.

AGRICULTURAL EXTENSION DEPARTMENTS.

Mr. SMITH of Georgia. I move that the Senate proceed to the consideration of House bill 22871, known as the agricultural extension departments bill.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 22871) to establish agricultural extension departments in connection with agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment proposed by the Senator from Vermont [Mr. PAGE].

Mr. SMITH of Georgia. Mr. President, I desire to suggest to the Senate that it is exceedingly important to act to-day upon this bill, together with the amendments thereto. To-morrow we take up the constitutional amendment under unanimous consent, and following that the bill of the Senator from Vermont (S. 3) would come up as an original proposition. The friends of that measure well understand that if it should be passed independently of the House measure it would go to the House, would be referred to a committee, and there would be practically no chance to pass any part of it at this session of Congress. On the other hand, if we add to the House bill such portions of the amendment of the Senator from Vermont as we have perfected, the amendments would go at once to the House with the House bill, and necessarily would receive consideration. The House might decline to accept them immediately, and then a conference might be necessary. But before the conference committee we would have an opportunity of considering the amendments presented by the Senator from Vermont and adopted by the Senate, and out of this conference we could hope for legislation.

It is therefore exceedingly important to act on this measure to-day, while the House bill is before the Senate, and before Senate bill No. 3—the original bill of the Senator from Vermont—is reached. It will be reached immediately following the consideration of the constitutional amendment by unanimous consent.

I want to suggest to the friends of the amendment offered by the Senator from Vermont a few modifications of it. I wish very much that the Senator from Vermont were in his place, in order that we might have his consideration of these suggestions.

Mr. PAGE entered the Chamber.

Mr. SMITH of Georgia. I will take the liberty of repeating, since the return of the Senator from Vermont, what I have just said: It is extremely important, if we are to pass any of the provisions contained in the amendment of the Senator from Vermont, that we should have action to-day, as to-morrow we take up the constitutional amendment under unanimous consent, and immediately following that the original bill of the Senator from Vermont will come up. If we should act upon that original bill, there would be no chance for legislation at this session.

I think it unwise to send to the House, as an amendment to the House bill, all of the provisions presented by the Senator from Vermont. They involve an appropriation of $13,000,000. They involve so much new matter that we could hardly hope to obtain for them thoughtful consideration. Yet if we should take about three of them, instead of all six, and send them to the House, there would not be such a volume of them as to almost deter the mind from undertaking to consider them. If we would take his section 11, making the appropriation to secondary schools that have established distinct industrial or trades departments, and pass it, omitting section 10; if we would take, then, his appropriation to agricultural high schools, and pass it; if we would take his appropriation to normal

schools, and pass it, those three simple and distinct propositions sent to the House could be readily brought to the attention of Members of the House, and I think there would be much more hope of accomplishing something.

I have been continuously working upon this matter whenever I have had an opportunity; and I think we could make a few amendments, by eliminating a part of the measure for the present, and pass it. With those eliminations, I am ready to vote for it, and I am ready to help try to pass it through the House.

Mr. PAGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Vermont?

Mr. SMITH of Georgia. Yes.

Mr. PAGE. I shall be very glad, indeed, to have the valuable assistance of the Senator from Georgia in perfecting my bill in any way that seems to be right and best. But, as I look at the matter now, it seems to me that the provisions had better go through substantially as they appear in the original Page bill, so called, and then, out of conference, we may be able to get some results, such as have been suggested by the Senator from Georgia.

I am informed that there will be a little further discussion upon the bill this morning. Meanwhile I will give the matter consideration, and I will see the Senator from Georgia promptly about it.

Mr. SMITH of Georgia. I wish to give to the Senate again, very briefly, my criticisms upon the appropriation contained in section 10.

It is not limited to schools that have industrial departments. It would apply to over 13,000 schools. It would give only about $600 to each school. It undertakes to give instruction in agriculture, in the industries, in the trades, and in household economics. I do not think anyone who has had experience with the effort to introduce industrial and trades training in a high school has failed to find that good work can not be accomplished except where there is a distinct department devoted to the work, with equipment and with appropriation sufficient really to do something.

In the case of the work in the trades and the industries, you require equipment with tools; you require separate rooms for the instruction; you require a man especially trained, who is skilled with his hands, and who also has sufficient mental equipment to give the instruction. You can not put that kind of work into a high school with one or two thousand dollars; and if you tried it, your money would simply be wasted.

The Senator's second provision, No. 11, recognizes the distinction between undertaking to introduce industrial and trades work generally in high schools and undertaking to introduce it only in those which are equipped for it, and it limits the appropriation to schools with a distinct department, where the amount of expenditure will be sufficient to amount to something.

I speak so positively upon this subject because I have seen the experiment tried. For nearly 20 years I was actively connected with the public schools of my own city. We tried the experiment of expending a small sum in each school to try to introduce industrial and trades work. At the end of a couple of years we were compelled to abandon it and to establish a distinct department of industrial and trades work, with a distinct building and with a much larger appropriation. So far as I have been able to learn, practically all educators who have been enlisted in behalf of trades and industrial work give the same report—that the money is wasted when you undertake to add it to a high school without reference to the preparedness of the high school for the work. Not only is it wasted, but it interferes with the regular work of the high school, damaging that which has been already done without introducing any new, substantial work of real value.

Mr. President, I move to strike from the amendment of the Senator from Vermont section 10.

The PRESIDENT pro tempore. The Senator from Georgia proposes an amendment to the amendment of the Senator from Vermont, which will be stated by the Secretary.

The SECRETARY. It is proposed to strike out section 10.

Mr. CUMMINS. Mr. President, I think the Senator from Georgia has forgotten that section 10 has been already stricken out.

Mr. SMITH of Georgia. A substitute for section 10 has been placed in the amendment.

Mr. CUMMINS. What was formerly section 3 has been substituted for the original section 10.

Mr. SMITH of Georgia. Yes; that is now section 10.

Mr. CUMMINS. While I am on my feet, I desire to say that there is a great deal of force in what the Senator from Georgia has said. I prefer the old section 3 to section 10, as proposed by the Senator from Vermont, but I would not anticipate great results from either section. While I intend to follow the Senator from Vermont in this matter, frankness compels me to say that I think the value of his bill lies in other provisions in it rather than in section 3.

Mr. SMITH of Georgia. I want to say to the Senator that I have made up my mind to support section 11. I am going to support it and vote for it.

Mr. CUMMINS. But of course section 10 has been already stricken out of the amendment.

Mr. SMITH of Georgia. I am referring to the substituted section, which is the original section 3. I am seeking to direct the bill to the high school that has an industrial department, as contained in section 11, instead of undertaking to make an appropriation to a high school which has no industrial department. If we could get it, I would put the whole $6,000,000 into section 11 rather than to have three millions of it in section 3 and three millions of it in section 11, because from section 11 we will really get results.

Mr. CUMMINS. I have some objections, however, to the present form of section 11. I agree, however, that little can be done, under the provisions of this bill, in the general high schools of the country. But I do not think the provision should be so severe with regard to those high schools that have a department for instruction in the trades and industries and home economics. But I will refer to that later on.

Mr. PAGE. Mr. President, if I correctly understand the situation, the provision which the Senator from Georgia seeks to have placed in the bill is the same section that was stricken out on the motion of the Senator from Iowa. The Senate having passed upon that matter affirmatively, I hardly feel as though I could properly consent to a change now, and to a reversal of the action of the Senate, under the amendment proposed by the Senator from Georgia.

Mr. SMITH of Georgia. I understood the effect of the action of the Senate to be to substitute original section 3 for section 10 as the Senator from Vermont brought it in. I did not understand the action of the Senate to be a final determination that it would even retain section 3 as section 10. It was to the consideration of the advisability of concentrating our efforts on section 11, and giving what we give for industrial and trades work to schools where they have a distinct department for such work, that I was addressing myself before the Senate.

Mr. GRONNA. Mr. President, may I inquire what is the amendment proposed by the Senator from Georgia?

The PRESIDENT pro tempore. The motion of the Senator from Georgia is to strike out section 10 from the amendment of the Senator from Vermont as amended.

Mr. GRONNA. Mr. President, I had not intended to make any observations upon this particular section of the bill. If, however, we are to take for granted everything that has been said here in regard to this particular section, then farming is indeed a limited industry.

I am somewhat surprised to hear Senators say that they are opposed to the provision for vocational education and instruction in the trades and industries and home economics because it would not better the conditions on the farm. Does any Senator mean to say that the farmer has not as much use for a vocational education or special training in the trades and home economics as those engaged in any other industry? The farmer has as much use for the trade of blacksmith or carpenter or harness maker as any of the persons engaged in those trades in the cities.

I should like to have some of these "farmers" who come from the large cities tell me what work is to be done on a farm. I have not opposed the passage of the so-called House bill. I am not saying now that I intend to oppose the passage of the House bill. But it seems to me that the farmer in the large city is more interested in the passage of this measure than are the real farmers who live on their farms.

Are we expending these millions of dollars merely for the benefit of the farmer? Have we a right to take the money, from the Treasury of the United States for the sole purpose of helping the farmer? Is it the belief of any Senator that the provisions of this bill will accomplish that very purpose?

Mr. President, you can not name a single trade embodied in this measure offered by the Senator from Vermont but what the farmer has as much use for it and it is of as much benefit to the farmer as it is for him to take hold of the plow handle and plow the ground.

Farming has indeed become very limited in its scope if nothing more is required of those engaged in it than the mere knowledge of knowing how to handle the shovel and the plow. You tell me that farming is the greatest industry in the world. I say yes; perhaps I ought not to say it, because I am a prac-

tical farmer, but I wish to say to you, sir, that the business of farming does not consist of such a limited scope as some would have us to believe. In my judgment the provisions in the bill now offered by the Senator from Vermont would ultimately be of great benefit and a great blessing not only to those engaged in the vocations and trades, but to farmers and to mankind.

Are we to make an appropriation for the farmer to teach him how to hold the plow or how to swing the ax? Do you suppose that that is the only thing to be done on a farm?

Mr. President, I am perhaps as much interested in this measure as any man can be, but I confess I am less enthusiastic over it than are some of the farmers in the big cities. It is not as important to teach the farmer how to produce crops as it is to find him a market for his products or to reduce the cost of production so that his industry will yield him a profit. The State which I have the honor, in part, to represent produced more than 150,000,000 bushels of wheat in 1912. That, sir, is an indication, so far as production is concerned, that the farmer in my State needs no special teaching in that line. I am not objecting, however, to any measure that will aid people in other sections of the country where they have not learned to farm as we have learned it in North Dakota.

Mr. President, to show to the Senate that the statement I have just made should receive some consideration, I wish to quote from the agricultural expert who has just made his first report of what is known as the Better Farming Association of North Dakota. Mr. Thomas P. Cooper, who, I understand, has been employed by the Federal Government, has this to say on that particular point:

> The problems of the agricultural sections of the State are to a great extent economic and social rather than the immediate question of production. Under the systems of farming which have been developed the North Dakota farmer has become expert in the production of the small grains cheaply. Farmers generally are well acquainted with the methods of agriculture which will enable them to produce crops. They are not familiar, however, with the methods of farm management required under other systems of farming or where new crops and live stock are to be used. Much additional knowledge is necessary.
>
> The fundamental problem, then, consists in arousing action among farmers and the public to such an extent that new systems of farming, new crops, and live stock will be generally adopted. This necessitates the creation of a new sentiment toward our farm lands and toward the farm as a permanent source of wealth and of income. Briefly, the basic agricultural problems confronting the work of this association may be classified as, first, the maintenance of the fertility of the soil, involving new cropping systems and the use of live stock; second, the introduction and general use of new economic crops, such as clovers, alfalfa, winter grains, and cord; third—

And, Mr. President, I think this should have been first—

> Third, the business reorganization of the farm for greater profits.

If you want to help the farmer in his condition, make it possible for him to receive a greater remuneration from what he produces. Will any Senator tell me that if farming were as profitable as other industries we would experience any difficulty in getting more people on the farms? In that respect farming has not been a profitable business.

I wish to quote briefly from a special message of Theodore Roosevelt, sent to the Senate February 9, 1909, upon this subject:

> Yet farming does not yield either the profit or the satisfaction that it ought to yield and may be made to yield.

The special commission appointed to make a report on the condition of country life has this to say:

> (A) STATEMENT OF THE GENERAL FARM PROBLEM.
>
> The farm labor problem, however, is complicated by several special conditions, such as the fact that the need for labor is not continuous, the lack of conveniences of living for the laborer, long hours, the want of companionship, and in some places the apparently low wages. Because of these conditions the necessary drift of workmen is from the open country to the town. On the part of the employer the problem is complicated by the difficulty of securing labor, even at the relatively high prices now prevailing, that is competent to handle modern farm machinery and to care for live stock and to handle the special work of the improved dairy. It is further complicated in all parts of the country by the competition of railroads, mines, and factories, which, by reason of shorter hours, apparently higher pay, and the opportunities for social diversion and often of dissipation, attract the native farm hand to the towns and cities.
>
> The difficulty of securing good labor is so great in many parts of the country that farmers are driven to dispose of their farms, leaving their land to be worked on shares by more or less irresponsible tenants, or selling them outright, often to foreigners. All absentee and proxy farming (which seems to be increasing) creates serious social problems in the regions thus affected. There is not sufficient good labor available in the country to enable us to farm our lands under present systems of agriculture and to develop our institutions effectively. Our native labor supply could be much increased by such hygienic measures as would lessen the unnecessary death rate among country children and insure better health to workmen.
>
> So long as the labor supply is not equal to the demand the country can not compete with the town in securing labor. The country must meet the essential conditions offered by the town or change the kind of farming.
>
> The most marked reaction to the labor difficulty is the change in modes of farm management, whereby farming is slowly adapting itself to the situation. In some cases this change is in the nature of more intensive and businesslike methods whereby the farmer becomes able to secure a better class of labor and to employ it more continuously. More frequently, however, the change is in the nature of a simplification of the business and a less full and active farm life. In the sod regions of the Northeast the tendency is toward a simple or even a primitive nature farming, with the maximum of grazing and meadow and the minimum of hand labor. In many States the more difficult lands are being given up and machinery farming is extending. This results in an unequal development of the country as a whole, with a marked shift in the social equilibrium. The only real solution of the present labor problem must lie in improved methods of farming. These improvements will be forced by the inevitable depletion of soil fertility under any and all one-crop systems in every part of the country, and realized by the adoption on the part of intelligent, progressive farmers of a rotation of crops and a system of husbandry that will enable them to employ their labor by the year and thereby secure a higher type of workman by providing him a home with all its appurtenances. The development of local industries will also contribute to the solution of the problem.
>
> The excessive hours of labor on farms must be shortened.

Anyone who has had experience in farming will know that farming has not been a profitable business.

But you tell me, sir, that we are going to help the farmer now and show him how he can increase production. Of course, we all welcome the assistance to an education which will help us to grow two blades where one grew before. We are all in favor of teaching the farmer to be able to produce more on the same number of acres than he has produced before. But I want to say that with the intensified farming greater production means an increased cost in farming. It is not because the farmer does not know how to produce larger crops and increase the yield on the farm, but it is because the profit he receives from his farm does not enable him to employ the labor that is necessary to produce that larger yield. It is for that reason and for that reason alone that we are unable to produce as much per acre in the United States as they are producing in foreign countries. We pay higher prices for labor than they do in Europe. We are confronted with the same conditions in the business of farming that other industries of this country have to experience, in that of paying higher wages. During the busy season of the year we have paid for the commonest kind of labor $3.50 to $4 per day.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Kansas?

Mr. GRONNA. With pleasure.

Mr. BRISTOW. I am very much interested in the Senator's suggestion that the farmer is confronted with the same wage problem that the industries are in the industrial centers. Does not the Senator think that it is a much greater problem for the farmer? Does he not have to pay much higher wages in proportion than are paid in the industries, because of the inclination of European immigrants to go to cities and not to go to the country?

Mr. GRONNA. Mr. President, I think that is true, although I do not want anyone to take my judgment on that. I only know what we have to pay on the farm. I do not know what has to be paid by other industries.

Mr. ROOT. May I ask a question of the Senator?

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from New York?

Mr. GRONNA. I am very glad to yield.

Mr. ROOT. I do not know whether it is a fact in the Senator's part of the country, but it is in mine, that the one trouble about the wage question with the farmer is that there is a very short period during the year, under our method of conducting a farm, during which a large amount of help is needed. It is very difficult to get help where you can employ a man only a couple of months; it is only the chance, floating fellow that you can pick up. Where you can give a man but two months' employment or three months' employment during the year, and nothing for nine months, of course you have a much smaller supply and poorer material, and you have to pay higher wages.

It has seemed to me in studying the farm problems in central and northern New York, under conditions which prevail over a considerable part of the country certainly, that one very important thing is that there shall be suggested and taught to farmers, particularly to the small farmers, a method of utilizing their farms so that the need for employment will come along at one time after another and run during the greater part of the year. It certainly is under some conditions possible to bring about an equalization of requirement for labor instead of having a very high requirement at one time during the year and not during the remainder. Does not the Senator think something useful might be done in that direction?

Mr. GRONNA. I want to thank the distinguished Senator from New York for making the observation. It is absolutely true, as he has stated, and the condition in my State is exactly as he has stated. But, Mr. President, the provision of this bill is that 75 per cent of the money which we are now appropriat-

ing shall be used absolutely for field tests. If the provisions of the Lever bill were such that we could use this appropriation in educating the farmers to change the present methods of farming and thereby change present conditions, to give instructions how to grow new crops, how to change the farm from a grain farm to a dairy farm, then, Mr. President, I should have nothing to say in opposition to taking 75 per cent of this entire appropriation for that work.

We grow certain crops and have become, so to speak, specialists in producing them. We want to get away from that idea of growing but one kind of a crop, and the bill proposed by the Senator from Vermont will in a large measure help the agricultural interests in that way. We want more prosperity and fewer hobos. We are sick and tired of feeding and employing the large population of hobos that come from the cities that we necessarily have been employing during the summer months. They are not fit to perform the labor that is to be performed on the farm; they know no more about the business of farming than the farmer as a class knows about the profession of the law; they are incapable of performing their work in a satisfactory manner to the farmer or to those who employ them. But, sir, teach them vocations and trades and then let them come to our part of the country, and although we may have to pay them just as high wages as we are paying them now, they will be able to perform their work in a better way. You will have increased the efficiency of those men, for they have been taught how to perform labor.

The condition in the country in the rural districts is such that it is absolutely impossible to get competent labor on the farm. Why, sir, it is necessary for those who own their farms to work from 12 to 18 hours per day; and the necessary labor can not be had. It goes to show two things—first, that the business of farming is not profitable, and, secondly, that labor can not be had. You tell me the farmer has been very successful. Yes; he has been successful, because his land has increased in value. But take the farmer as a class, take his business as a producer, allow him reasonable wages for his work, and I say without fear of successful contradiction that within the last two decades farming has not been a profitable business.

I believe, sir, that the amendment offered by the Senator from Vermont should have serious consideration. It may be that certain changes should be made in the measure, but I do not want to see it voted down simply on sentiment.

Neither do I want to let the so-called House bill pass without calling attention to the fact. I want the RECORD to show, if you please, that this legislation is not asked for by the farmer. I am not here to oppose it because the farmer does not ask for it. I am not here simply for the purpose of representing the farmer. I am here to help to the best of my ability each and every industry of the United States, but I do not want it to be understood that in the appropriation of this large amount of money you are simply appropriating it for the farmer, because you are not, and you know that you are not. I do not want the name of the farmer conjured with right here to help along other industries. I am willing to help other industries, as I have said, but let us do it upon their merits, or let us oppose them upon their demerits.

Mr. President, I have received a newspaper printed in my State, and I found in that paper the synopsis of a speech delivered by the president of our agricultural college, a most splendid man, a learned man, a man of great ability and with splendid education and experience in farming. He has this to say:

> Good farming is the best insurance against crop failure. Farming is a business. It requires a better business head, a man of broader vision, to farm scientifically than to practice in any other profession.

That is a statement said to have been made by President Worst, of the Agricultural College of North Dakota.

Mr. President, if this is true, why should we look upon this matter in such a narrow way? Why should we look upon this industry as one that is being carried on by a lot of uneducated, ignorant men, who do not know any more than just how to hold the plow? I believe, sir, that if we pass the so-called Lever bill we should change the section of the bill which provides that three-fourths of this appropriation shall be used for field tests. I do not remember if the appropriation is contained in the first section. I will ask the Senator from Georgia in what section is embodied the provision that 75 per cent of the appropriation shall be used for field tests?

Mr. SMITH of Georgia. I think that is the third section. That was a provision put on in the other House, the Senator will remember. That was not in the original bill as I introduced it in the Senate.

Mr. GRONNA. Mr. President, that is the very reason why I am making these few observations, in the hope that those Senators who are present to hear me will be willing to help me in changing that provision.

For years, Mr. President, we have been trying to change our methods of farming, and right here is a provision taking 75 per cent of the entire appropriation to be used for something that the farmer is trying to get away from.

It is not true that there is a shortage of farm products in this country; it is not true that the high cost of living is due to the high prices of agricultural products. In my town we have as good a market as can be found anywhere in the western country, and yet last fall we were compelled to sell our wheat as low as 67 cents per bushel; we had to sell our oats at 20 cents per bushel; we received from 30 to 32 cents per bushel for barley, and I presume that those who drink beer pay the same price as heretofore to those patriotic brewers who were here about a year ago and who were making such clamor all over the country against the high cost of living. I suppose that they are receiving the same amount for their beer now that they did when they paid $1.54 per bushel for barley. The other day, going through the city of Minneapolis, I stepped into a grocery store and asked the grocer, whom I have known for more than 30 years, a man who is still in that business, what reduction, if any, had been made in the price of cereals. To my astonishment I found that, with oats at 20 cents per bushel, Quaker Oats in packages were selling at the same price that they were when we received 52 cents per bushel—not a reduction of a single cent. I found, to my surprise, that Corn Flakes, Pettijohn's Breakfast Food—in fact, all the cereals—are selling at the same price now that they were a year ago, when the price of grain was double what it is to-day; and yet the people in the cities believe, and honestly so, that the high prices paid for the farm products is the cause of the high cost of living.

If you want to help the farmer, if you want to help the people of the country, do something for them that will aid distribution. If those of you who live in the cities and are complaining because of the high cost of living will help us to devise some method whereby we can distribute all this immense amount of products that are now going to waste, you will be benefited; you will get your products at a lower cost, and the farmer will get a fair and reasonable price for the products of his labor.

Mr. President, the matter of greatest importance to the farmer and to the country is not in showing the farmer how to farm, but the great question before the country, so far as agriculture is concerned and so far as the comfort and enjoyment of the people who depend upon the farming industry are concerned, is how to develop methods whereby the farmer can receive a fair price for his products, and to facilitate distribution in such a way that the public may receive the products of the farm at reasonable prices.

Millions of bushels of vegetables go to decay in certain sections of our country, while in other sections the public is hungry for them. In my State, North Dakota, thousands and thousands of acres of potatoes were not dug, but were left in the ground for fertilizer. Because they were selling at prices that would not pay for the labor, there would have been an absolute loss in taking them out of the ground, and so they were left there to decay. At the same time I found right here in the city of Washington that potatoes were selling for $1.10 a bushel, although in North Dakota we could not receive 15 to 25 cents a bushel; yet the farmer is being charged with direct responsibility for the high cost of living.

Ah, Mr. President, this is a serious proposition. I want, so far as I am able, to convince the Senate that it is not true that there is a scarcity of farm products in the United States. It is not true, sir, that the farmer is the cause, directly or indirectly, of the high cost of living.

Mr. President, it was with reluctance and a good deal of hesitancy that I began to make these observations upon this bill. In the first place, I know the meaning of the bill; I know, sir, that there is a powerful element back of it. Every banker in the cities, in the towns, and in the villages is demanding or asking for the passage of the bill. I am not going to say that they misunderstand it, but I am going to say that if they understood the provisions of this bill as I understand them they would not be so enthusiastic as they are in favor of its passage.

I am not willing to let it go unchallenged; I am not willing to have it said that we are passing a measure just for the benefit of the farmer. It would not be fair to the country to pass any measure that would benefit one industry at the expense of another; but I believe, sir, that if you want to do something for the country you must commence to educate the boy and the girl. It is too late to educate the old farmer. His mind is settled, his ideas are fixed, and you will not meet with very great success in going upon his farm and making field tests to show him how he will be better able to produce more grain per acre.

If you want to help the people of the United States you will accept the amendment offered by the Senator from Vermont [Mr. PAGE], because that is a measure wide enough in its scope to benefit not only one industry, but every industry in the United States. Oh, you may tell me that there is no necessity for vocational education or for instruction in the trades and home economics. Are you going to deny the farmer's daughter the opportunity of getting an education in home economics? Are you going to deny to the children of the men of the cities the right to receive some instruction in the trades and in the vocations which are absolutely necessary to carry on the great industries of this country? I care not where these men may be located or where they may live, when you have taken their boys or their girls and given them an education in the vocations, in the trades, or in home economics, you have increased their efficiency, you have done something for the people of our country.

The Senator from Georgia is perhaps as well qualified to talk upon this subject as any man in the Senate. I have not tried, Mr. President, to express any theory of my own or to advance any new philosophy. I have simply called attention to a few facts which are practical in everyday life. I desire to repeat, in order to emphasize the fact, that there is as much need for vocational education and knowledge of the trades on the farm as anywhere else on earth, because the farmer, to be successful, must at least have some one in his family or some one on his farm who has knowledge and ability as a blacksmith, as a carpenter, and as a harness maker.

The farmer's wife certainly is expected to understand her duties as a housewife, and she has the absolute right to instruction in home economics as much as anyone else.

I did not expect to take up so much of the time of the Senate. The Senator from Iowa [Mr. KENYON] reminds me, however, of something I have overlooked—that it is as difficult, and more so, to get servants to help do the housework as it is to get laborers to do the work on the farm. Farmers who are getting along in years and who find it difficult—and they all find it difficult—to have the work done on the farm, are anxious to sell their farms, not because they do not love farm work—because it is a delightful work if you are not worked too hard—but because it is impossible, under existing conditions, to take any recreation and enjoy the pleasure that every man and woman is entitled to whether in the city or in the country. It is impossible to get service either in the house or upon the farm.

For these reasons, Mr. President, if we are to pass a bill at all, I ask Senators to consider the amendment offered by the Senator from Vermont upon its merits, and if they do, I believe they will incorporate it in the House bill or accept it in place of the House bill.

Mr. SANDERS. Mr. President, agricultural education and education in the trades should go hand in hand. They are of equal importance. Our way of living in this day leads us to interchange the labor of the city and the labor of the country, both in the matter of seasons and in the effort to better conditions. Sometimes it drifts toward the country and sometimes toward the city. Our smaller places throughout the country are getting to be manufacturing places as well as the cities. So we have industrial pursuits and agricultural pursuits all mixed up, and there is no reason why they should not be treated upon a par.

I am therefore in favor of providing for education in the trades as well as for education in agriculture, both at the same time and in the same way.

There is another thing that is sometimes overlooked. That is that farming is no longer a matter of everyday drudgery. Farming to-day is done by machinery; and there is nothing so much needed on the farm to-day to make it profitable and to make farm life tolerable as that the farm people shall be educated in the trades.

Take the matter of engineering, for instance. It might be thought that that would never be practiced except in the cities. But to-day the traction engine is going all over the country, it is taking the place of the horse, and engineers are wanted everywhere.

Take the milling of the country. Not very far back it was confined to the cities and to places that had water power and to places where it was convenient to build steam mills. Nowadays the power is furnished by gasoline engines, which are being sold literally by the million to go to all parts of the country. It is necessary to have men who are skilled in the trades not only to operate those engines, but to operate all of the subsidiary machinery that goes with them.

So I think what we should do, Mr. President, is to adopt the amendment offered by the Senator from Vermont, and to pass it and the so-called Lever bill at the same time.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Georgia.

Mr. GRONNA. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from North Dakota suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	McLean	Sanders
Bankhead	Gamble	Martine, N. J.	Simmons
Bradley	Gardner	Nelson	Smith, Ariz.
Brandegee	Gronna	Newlands	Smith, Ga.
Bristow	Guggenheim	Oliver	Smoot
Brown	Hitchcock	Overman	Stephenson
Bryan	Jackson	Owen	Swanson
Burnham	Johnson, Me.	Page	Thomas
Catron	Johnston, Ala.	Paynter	Townsend
Clark, Wyo.	Jones	Percy	Wetmore
Clarke, Ark.	Kenyon	Perkins	Williams
Crawford	Kern	Perky	Works
Cullom	Lippitt	Pomerene	
Dillingham	Lodge	Richardson	
Fletcher	McCumber	Root	

The PRESIDENT pro tempore. On the call of the roll 57 Senators have answered to their names. A quorum of the Senate is present. The question is on the motion of the Senator from Georgia [Mr. SMITH] to strike out section 10 of the proposed amendment.

Mr. GRONNA. On that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. PAGE. Mr. President, I hope the amendment offered by the Senator from Georgia will not prevail.

The PRESIDENT pro tempore. The roll will be called on the amendment of the Senator from Georgia.

The Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). In the absence of the senior Senator from South Carolina [Mr. TILLMAN] from the city I transfer my pair with that Senator to the Senator from New Mexico [Mr. FALL] and vote "nay."

Mr. GARDNER (when his name was called). Notwithstanding my pair with the Senator from Massachusetts [Mr. CRANE] I am at liberty to vote on this proposition. I vote "nay."

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA], and in his absence I withhold my vote.

Mr. OLIVER (when his name was called). I have a general pair with the junior Senator from Oregon [Mr. CHAMBERLAIN]. Not knowing how he would vote upon this question I withhold my vote.

Mr. RICHARDSON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. SMITH] and withhold my vote. If I were at liberty to vote I would vote "nay."

Mr. WILLIAMS (when his name was called). I wish to announce my pair with the senior Senator from Pennsylvania [Mr. PENROSE], and therefore I withhold my vote.

The roll call was concluded.

Mr. SIMMONS (after having voted in the negative). I am paired with the Senator from Minnesota [Mr. CLAPP], but I transfer that pair to the Senator from Georgia [Mr. BACON], and let my vote stand.

Mr. CUMMINS. The junior Senator from Oregon [Mr. CHAMBERLAIN] is absent from the Senate on public business.

Mr. BANKHEAD (after having voted in the affirmative). I am paired with the senior Senator from Oregon [Mr. BOURNE], who is absent on business of the Senate, and I withdraw my vote.

The PRESIDENT pro tempore (after Mr. GALLINGER had voted in the negative). The present occupant of the chair is paired with the junior Senator from New York [Mr. O'GORMAN]. As that Senator has not voted, the vote is withdrawn.

The result was announced, yeas 12, nays 44, as follows:

YEAS—12.

Ashurst	Burton	Perky	Smith, Ariz.
Bryan	Heiskell	Pomerene	Smith, Ga.
Burnham	McCumber	Root	Thomas

NAYS—44.

Bradley	Dixon	Kern	Perkins
Brandegee	Fletcher	Lodge	Sanders
Bristow	Gamble	McLean	Simmons
Brown	Gardner	Martin, Va.	Smoot
Catron	Gronna	Martine, N. J.	Stephenson
Clark, Wyo.	Guggenheim	Nelson	Sutherland
Clarke, Ark.	Hitchcock	Newlands	Swanson
Crawford	Johnson, Me.	Overman	Thornton
Cullom	Johnston, Ala.	Page	Townsend
Cummins	Jones	Paynter	Wetmore
Dillingham	Kenyon	Percy	Works

NOT VOTING—39.

Bacon	Curtis	Lippitt	Shively
Bankhead	du Pont	Massey	Smith, Md.
Borah	Fall	Myers	Smith, Mich.
Bourne	Foster	O'Gorman	Smith, S. C.
Briggs	Gallinger	Oliver	Stone
Chamberlain	Gore	Owen	Tillman
Chilton	Jackson	Penrose	Warren
Clapp	Johnston, Tex.	Poindexter	Watson
Crane	La Follette	Reed	Williams
Culberson	Lea	Richardson	

So the amendment of Mr. SMITH of Georgia to the amendment was rejected.

The PRESIDENT pro tempore. The question now is upon agreeing to the amendment in the nature of a substitute.

Mr. SMITH of Georgia. On page 16, of section 21, I move to strike out, beginning at the middle of line 15, the balance of section 21.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 16, line 15, after the numerals and the semicolon, strike out the remainder of the section in the following words:

But the total number of such agricultural high schools in any State shall not be less than 1 for each 15 counties nor more than 1 for each 5 counties or fraction of 5 counties. Any such agricultural high school shall be open to admission without tuition charges and upon the same conditions to all persons otherwise qualified as herein provided residing in the district in which such school is located; but such school may be supported and controlled by the State, or by the district in which it is located, or by a portion thereof.

Mr. PAGE. Mr. President, I hope the amendment may not prevail.

Mr. SMITH of Georgia. Mr. President, I wish to state why I think it is important that this amendment should prevail. The provision that I move to strike out undertakes to limit the size of the territory in which these high schools shall exist. It says that in no case shall there be less than 5 counties and in no case shall there be more than 15 counties. I think the authorities of the State ought to be allowed to determine the size of the territory covered by an agricultural high school.

The only effect of the amendment to strike out is to leave the size of the territory in which the agricultural high schools are to exist to the authorities of the State. I can not see any advantage in undertaking to determine it ourselves by counties. Some counties are very large and other counties are very small. Some States have very small counties and other States have very large counties. To say that no high school, no matter how small the counties, shall have over 15 counties, and that no high school, no matter how large the counties, should have less than 5 counties, it seems to me is an unnecessary interference with the plan of location of the high schools.

The PRESIDENT pro tempore. Will the Senator from Georgia please suspend for a moment? The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States.

Mr. WORKS. I ask that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from California asks unanimous consent that the unfinished business may be temporarily laid aside. Is there objection? The Chair hears none. The Senator from Georgia will proceed.

Mr. SMITH of Georgia. The object of my motion is to free the bill from that objection. It does not in any sense lessen the appropriation for the agricultural high schools. It lets the agricultural high schools stand exactly upon the plan the bill provides, but it removes the limitations as to territory.

Mr. HITCHCOCK. I understood the amendment as read by the Secretary to include also the last sentence of the section. Possibly that was a mistake.

Mr. SMITH of Georgia. That was a mistake. It is to strike out all down to the word "but."

Mr. HITCHCOCK. I should like to have the amendment stated again from the desk, so that we may know exactly what is proposed to be stricken out.

The PRESIDENT pro tempore. The proposed amendment will be read.

The SECRETARY. On page 16, line 16, after the numerals and the semicolon, strike out down to and including the word "located" and the semicolon on line 23 in the following words:

But the total number of such agricultural high schools in any State shall not be less than one for each 15 counties nor more than one for each 5 counties or fraction of 5 counties. Any such agricultural high schools shall be open to admission without tuition charges and upon the same conditions to all persons otherwise qualified as herein provided residing in the district in which such school is located.

Mr. PAGE. Mr. President, I do not wish to take the time of the Senate for one minute on this matter. I will simply say that this bill has been submitted to the different States, and 35 of the different States have said that they approve this feature of the bill, or they have really approved the bill and have not objected to this feature.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Georgia [Mr. SMITH] to the amendment.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question is on the amendment in the nature of a substitute submitted by the Senator from Vermont.

Mr. PAGE. I now wish to withdraw that amendment with the consent of the Senate. May I be permitted to do so?

The PRESIDENT pro tempore. The amendment having been amended, it would not be in order.

Mr. PAGE. I give notice that when the bill comes into the Senate I shall move to strike out all after the enacting clause and insert the Page bill in its entirety.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Vermont as a substitute.

The amendment was agreed to.

The PRESIDENT pro tempore. If no further amendments be proposed as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. PAGE. I now move in the Senate, instead of the amendments as reported by the Committee of the Whole, to strike out all after the enacting clause and insert the Page bill in its entirety.

Mr. SMITH of Georgia. Mr. President, I think that is a great mistake on the part of the Senator from Vermont. I hardly think it is treating justly those who have helped make this measure. He came in himself with the House bill; we perfected the House bill, and we put in the essence of his bill which was not contained in the House bill as an amendment to the House bill. Now, he goes back to his bill No. 3, abandons the amendments that we have just adopted, abandons the bill that we have adopted as in Committee of the Whole, and asks us to strike out the measure that we have perfected as in Committee of the Whole.

I only desire to let the Senate understand what his motion is, and upon agreeing to it I call for the yeas and nays.

Mr. HITCHCOCK. Mr. President, I trust the Senator from Vermont will not press that amendment. I feel it is hardly just to those who have supported his proposed measure who are friends of the Lever bill and who assumed from statements he made that he was willing to accept the Lever bill as a part of his own measure. I certainly have acted upon the theory that the Senator from Vermont was willing to incorporate his bill and the Lever bill in one measure, and now to make a change at this time it seems to me is not wise and it is hardly just.

Mr. PAGE. Mr. President, I wish to say that on the 17th day of January I made a motion to amend. After I had made that motion the Senator from Georgia came to me and asked me if we could not reach some compromise. It almost took my breath away when he came, and I said——

Mr. SMITH of Georgia. I wish to correct the Senator. I did not ask the Senator to make a compromise.

Mr. PAGE. Mr. President, I will retract what I said. I will say that I stood upon the other side of the Chamber and the Senator came to me, and that is what I understood him to say. I said, "Senator, I am very happy indeed to do this, because my friends on this side have urged me to make some compromise with Senator SMITH. I will meet you at your house and we will see if we can not agree upon some compromise." I did so, and when I came back into the Senate imagine my surprise when I found that that compromise had not been understood by the Senator from Georgia. We have found ourselves with a variety of changes of views here in regard to the amendment which I offered on the 24th day of January, as I supposed to meet the wishes and views of the Senator from Georgia. I find that I was mistaken.

Now, I want to say to the Senator from Nebraska [Mr. HITCHCOCK], because he has been a friend of this measure from the first, that Senate bill No. 3 and the Lever bill are almost identical, the difference being that the Lever bill appropriates $3,480,000 and Senate bill No. 3, $3,000,000. I would be quite willing that in conference any amendment should be made that was thought best, but for the time being I find that I have

embarrassed my friends here by offering the amendment, which I certainly did in good faith to meet, as I supposed, the views of the Senator from Georgia.

Mr. SWANSON. Mr. President, I should like to ask the Senator from Vermont a question. I understood Friday afternoon that he contemplated offering the Page bill, commencing at section 10, as an amendment to the Lever bill. I understood that that was to be the method of procedure. If I mistake not he gave me marked out what he purposed to offer as an amendment, commencing at section 10. It was to be offered as an amendment to the Lever bill, and it would go on that bill as an amendment. I am frank to say that it was my purpose to vote that that amendment should go on the Lever bill. But to come in now and offer it as a substitute, when the House of Representatives has passed the Lever bill, and we have perfected it, to throw out our entire work and offer a substitute, it seems to me is not acting in good faith with those who were working for the Page bill, and it is not wise to do it.

I understand that the Lever bill is a part of the Page bill, and after section 10, as amended, it includes all that the Senator desires.

It appears to me that the right course to pursue for those of us who have been cooperating is to continue the method of cooperation we have been following. Why should the House of Representatives be slapped in the face? They sent this bill here for our consideration. The purpose is to get legislation and not the mere prestige of having a bill with a different name attached to it. It seems to me the right course for us to pursue is to stand by the amendment as we understood it was to be offered and as it has been adopted.

Then the bill can properly be considered as the product of both the House and the Senate. If you want to accomplish this legislation—if we are anxious to bring the benefits to the country—the right way to do it promptly and efficiently is to amend the Lever bill and let the Lever bill stand with the portions of the Page bill desired as an amendment to that bill.

Mr. PAGE. Mr. President, I simply repeat myself when I say that I consented to the amendment offered by me on the 24th day of January with a good deal of reluctance as to many of its features, but being urged, as I was by the friends of the measure on this side, to reach some compromise with the Senator from Georgia, if possible, I consented to amendments to which I did not fully subscribe. As far as I understand the matter, the arrangement, if one was made—I will withdraw that because the Senator from Georgia says there was no arrangement—the proposal which I made or which we made, it makes no difference, was disagreed to because the Senator from Georgia came in here and notified the Senate that he was opposed to the amendment which I offered on January 24 as a substitute measure. Having made that offer in good faith as a compromise and having had that compromise repudiated, I now wish to say to the Senate that I have spent two years in perfecting this bill and I believe it is right, and inasmuch as that compromise was repudiated, I hope the Senate will pass the Page bill in its entirety without the change of a comma, and when we get into conference I will be as square as anyone in trying to reach legislation. I believe that——

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from North Carolina?

Mr. PAGE. If the Senator will allow me to finish the sentence, I believe that the Lever bill and the Page bill are identical except in some very few minor particulars.

If it was not so, I would say that it was absolutely improper for me to take the course I am pursuing. But inasmuch as it is simply a matter of words and a matter of construction, the material points of the Lever bill and the Page bill being the same, I hope the Senate will now pass the Page bill in its entirety without the change of a single comma.

Mr. SIMMONS. I hope the Senator from Vermont will not insist on his motion. I believe the Senators on this side will feel that they have been misled, and misled by the Senator from Vermont. I am sure that is the way I feel about it.

I listened very closely to the Senator's speech at the time he offered his bill as a substitute for the Lever bill. On two separate occasions during his argument the Senator stated that he had incorporated in his bill the Lever bill, without crossing a "t" or dotting an "i."

I am in favor of the Lever bill and I am in favor of the principle of the balance of the bill of the Senator from Vermont, although I think it is rather crudely drawn, and it ought to be redrafted. I want to be sure that we will get some legislation, and I think it would be unwise for us to materially amend the Lever bill in whatever bill we may pass here. I trust the Senator from Vermont will not insist upon his motion.

Mr. PAGE. Mr. President, I am sure the Senator from North Carolina is acting under a misapprehension when he supposes that in my proposed amendment I am materially changing the Lever bill. There are some few minor differences, and only a few.

Mr. SIMMONS. If the changes are immaterial, why should the Senator ask us now to take a different measure from that which he offered as a substitute in the beginning, with the positive and repeated assurance that he did not change the Lever bill in any particular, either as to letter or as to punctuation?

Mr. PAGE. I can only say I believe the amendment of January 24 was somewhat crude, because it was drawn in a good deal of haste. I wish to say that so far as the original bill is concerned it has been drawn with the greatest care and every detail looked after. I believe the Page bill, Senate bill No. 3, as originally before the Senate January 17, is a perfected measure. I am far from certain that the new bill is; and I simply say that, inasmuch as they reach the same conclusion substantially, I would rather have the original bill passed than to take the chances of an imperfect bill, which I think may have been drawn in consequence of the proposed arrangement with the Senator from Georgia.

Mr. SWANSON. I should like to make a parliamentary inquiry. I understand the Senator from Vermont offered an amendment which he had printed some days ago?

The PRESIDENT pro tempore. It has been agreed to.

Mr. SWANSON. No; the amendment has not been agreed to. Do I understand the Senator has withdrawn that amendment?

Mr. SMITH of Georgia. No; the amendment has been agreed to as in Committee of the Whole and reported to the Senate.

Mr. SWANSON. Now, his amendment was agreed to, and as I understand the parliamentary situation, after we come into the Senate he changes his program in the Senate from what he followed as in Committee of the Whole. If we vote against his bill as a substitute it still gives us an opportunity to vote for that amendment as adopted in the Senate. So if we vote down the bill he offers as a substitute—the Lever bill, with the amendment made—and following, section 10 will still be before the Senate?

The PRESIDENT pro tempore. That is correct.

Mr. CLARKE of Arkansas. Mr. President, it would be most unfortunate if any misunderstanding exists between the Senator from Georgia and the Senator from Vermont which would result in a confusion in the consideration of this bill as to some of us who have not kept up with it as closely as our duty requires, largely upon the faith we had in those two Senators. I believed that the progress which was made in maturing the bill has been in the direction of an adjustment that would be satisfactory; and if it were not, it left the bill in such a condition that it might be perfected in the conference committee. Unless the matter is in dispute between the two Houses it would not be subject to the jurisdiction of that committee.

As I understand what has transpired here within the last few days, there has been an effort made to pick out from the two bills the merits of both and unite them in a common bill, and that that end has been substantially attained in the report that was made by the Committee of the Whole to the Senate.

I would not like to differ with my worthy friend from Vermont on a question of recollection about a matter that would be material if a dispute should arise over it; but many of us, as the Senator from North Carolina [Mr. SIMMONS], have been very agreeable witnesses to the fact that this harmonious condition existed between himself and the Senator from Georgia.

Now, if we vote to strike down the Lever bill with all the wholesome amendments that have been added to it by the action of the Senate as in Committee of the Whole and to take up the original Page bill, it would require us to familiarize ourselves a little more with that particular bill than would otherwise be the case. A situation therefore has been created that would take some of us by surprise, or at least find us in a state of unpreparedness, which would not otherwise exist had the two bills been projected from the beginning.

I am willing to yield my judgment to the Senator from Vermont on this particular measure, but in view of what has transpired I feel somewhat committed to vote against his proposition to submit his bill as an entirety in its original form. I feel like I should vote to ratify by the action of the Senate the amendments that have been reported from the Committee of the Whole.

Mr. SMITH of Georgia. Mr. President, I regret the Senator from Vermont should suggest that any agreement between himself and myself in any way was not carried out. I hesitate about referring to matters that took place in private. I will only do so to this extent: I will state that the Senator from Vermont had for a number of weeks been urging me to have a private conference with him with reference to his bill, and finally he even suggested that he would call at my house, which I, of course, invited him to do. I was glad to see him there, and for several hours the subject was discussed, and I expressed certain criticisms with reference to the bill and suggested certain modifications of it. The Senator from Vermont made some modifications in the bill, and I explained to him that I did not mean even then that I could support the entire measure as he had redrafted it, although with two small exceptions this morning I reached the conclusion that I would vote for the majority of the provisions that he put into his amendment.

I want to state just what my attitude with reference to the matter is. I am deeply interested in seeing some legislation passed at this session. I begin with what we term the Lever bill. I am exceedingly anxious to see that bill passed, as the House has already passed it. If we can not get anything more than it, I prefer it to nothing.

I would be glad to see also added a provision starting the work of vocational education; I would be glad to see a provision starting the contribution to the agricultural high schools; and I would be glad to see a provision contributing something to the normal schools for instruction in industrial work.

That I did not agree to the entire measure as the Senator from Vermont presented it is true, and I do not now approve it as a whole. I do not believe we can possibly get it as a whole, and I do not think the Senate expects it. I think the Senate to-day in voting for it looks to see it improved and perfected in conference.

Now, what have we done to-day? What has been the result of the work we have been engaged on for a number of days? We have been trying to prepare a bill we hoped we might pass. We begin by taking the bill which the House has already passed. That is their idea of agricultural-extension work. We made a few small amendments to it, and we prepared to go back to the House, saying "We agree with you on your measure; we are taking no substantial issue with you on the measure you have approved; but we have added some amendments, and we invite you to come and join us in adding these amendments to the measure which you matured and passed."

That is what we did as in Committee of the Whole. We adopted those amendments, and those amendments which we adopted, going beyond what I thought it was advisable to adopt, cover practically the whole of the vocational work that was contemplated in the original Senate bill No. 3. We have added that vocational work to the House extension bill. We voted on it, and after we have acted upon it; after we have discussed it for days; after we have made a few amendments to it—not very material; after the two pieces of work have been put together, starting with the House bill and following on with the vocational bill of the Senator from Vermont, when we come into the Senate the Senator from Vermont asks us to repudiate the work of the Committee of the Whole and go back and take up a bill that we have not read, and which has not been considered at all in these days of work that we have been putting upon this measure. If we take that course, we shall take the best course we could pursue to kill the whole measure. As, I believe, the Senator from Virginia [Mr. SWANSON] has said, we practically slap the House in the face.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from North Dakota?

Mr. SMITH of Georgia. Yes.

Mr. McCUMBER. Some of us were not present all of the time, and I think we would be gratified if the Senator from Georgia would explain to us wherein the amendment now offered by the Senator from Vermont differs from the bill as perfected in Committee of the Whole.

Mr. SMITH of Georgia. I would have to take it and read it all over and study it in order to do that. I do not know exactly.

Mr. McCUMBER. The Senator from Vermont says there is practically no difference.

Mr. SMITH of Georgia. Then, if that is true, why not adhere to what we have been working on for three or four days?

Mr. McCUMBER. I am not giving my own opinion one way or the other. I am simply asking if the Senator can show us wherein there is a difference?

Mr. SMITH of Georgia. I can not. I would, as I have said, have to take the bill up and restudy it. I have had my attention given for the past three days to the details of the measure before the Senate; I have had my attention given to the extension work of the House bill; and I have dismissed from my mind the other measure so far as it was contained in the original Page bill, No. 3.

Mr. McCUMBER. There seemed to be some objection, Mr. President, on the other side to the amendment because it was abandoning the House bill. Well, every amendment abandons it to some extent, and as amendments have been put in the bill in Committee of the Whole, I can not see the force of the claim of abandonment, because the bill will still remain the House bill, bearing the House number, acted upon in the Senate in either instance as a House bill, or the Lever bill, amended.

Mr. SMITH of Georgia. The proposition now of the Senator from Vermont is to strike everything out of the House bill but the title, to add a new title, and to substitute for it Senate bill No. 3, that we have not had under consideration as in Committee of the Whole.

Mr. McCUMBER. But it would still be the House bill, bearing the House number, and would hold its place and occupy a position as the House bill. That would not change it and make it a Senate bill.

Mr. SMITH of Georgia. It would have the number of the House bill, with nothing in it that the House put into it.

Mr. WORKS. Mr President, the broad statement has been made here, and has been made several times, that this is not only an abandonment of the House bill, but that it strikes out everything that is contained in that bill. On the contrary, I understood that this amendment includes the provisions of the House bill substantially as they passed the House. If that be so, it is simply an addition to the work that has been done by the House, and it is in no sense an abandonment of the House bill.

Mr. SMITH of Georgia. You will have to take it up and study it to find out whether it is or not.

Mr. LA FOLLETTE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. SMITH of Georgia. Yes.

Mr. LA FOLLETTE. The statement made by the Senator from California [Mr. WORKS] leads me to ask the Senator from Georgia if he will not state to the Senate the essential differences between these two bills as they deal with extension departments, which have already been established under the law.

Mr. SMITH of Georgia. Mr. President, I am not prepared, without some lengthy attention to the matter, to do so. I have dismissed the provisions of Senate bill No. 3 from my mind for quite a length of time. I have been devoting my attention to helping perfect the bill as it was passed in the other House, and I have been studying that bill to the exclusion of the other. I would have to go back to it and study it again in order to do what the Senator from Wisconsin requests.

Mr. LA FOLLETTE. I do not mean, Mr. President, in all details, but just simply that the Senator from Georgia state to us the essential differences. I have no doubt, from the study which the Senator from Georgia has made of these two measures, of his ability to clearly place before the Senate those differences.

Mr. SMITH of Georgia. I think I could mention two or three. The amount of the appropriation is different in the two bills. There is a provision in the House bill that nothing contained in that bill shall interfere with the demonstration work now being done by the Department of Agriculture, which we perfected here so as to provide that it should not interfere with certain work in the line of plant industries. In the House bill there is a provision as to the way in which the fund is to be used that is not contained in the Senate bill. The details of the plan of handling the money and the description of the responsibility of the Secretary of Agriculture with reference to the matter are somewhat different. I think it is worked out more in detail in the House bill than it is as contained in the original Page bill.

Mr. CUMMINS. Mr. President, may I ask the Senator from Georgia whether it be true, or not, that the provision in the Page bill covering the subject of the Lever bill is found in section 7?

Mr. SMITH of Georgia. Yes.

Mr. CUMMINS. I therefore suggest, if the Senator from Georgia can not state the differences, that the Secretary read the Lever bill and then read section 7 of the Page bill. We can all tell, then, what are the differences.

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Washington?

Mr. SMITH of Georgia. Yes.

Mr. POINDEXTER. I infer from the debate that it was the understanding of the Senator from Vermont [Mr. PAGE] when

he introduced the amendment that was adopted as a substitute for the Lever bill that he had reached an agreement of some kind with the friends of the Lever bill in the Senate, but it appears that that was a misunderstanding, and that the friends of the Lever bill now seem to be opposed to the amendment; that they did oppose it and voted against it. I happened to be absent when the vote was taken, but there was a division. The consequence is that, unless we adopt the amendment now proposed by the Senator from Vermont and go back to his original bill, which was the bill considered by the committee, the bill upon which he has worked, as he says; which he has had more or less before the Senate for the last year, at least, and on which he delivered his speech of June 5, 1912—unless we go back to that original bill and take that, we will be passing an amendment here with which nobody is satisfied.

The Senator from Vermont says that he made the concessions which were contained in that amendment in order to reach an agreement with the friends of the Lever bill, but it seems that he failed in that object. The Senator from Vermont prefers the original bill to the amendment. The Senator from Georgia is not satisfied with the amendment. So it would seem to be the reasonable thing to do, if the Senate, as is evident, is in favor of vocational education—of education in the trades and industries, and of providing for Federal aid to agricultural schools—to adopt the bill which has received the greatest care and consideration on the part of the committee and of the Senator from Vermont, which includes all of the provisions which have been suggested by him, and to allow those provisions to go to conference, so that they may be considered there.

Mr. SMITH of Georgia. I should like to ask what feature is there in the original bill No. 3 which has not been put on by amendment? Can the Senator from Washington state?

Mr. POINDEXTER. The amendment is almost identical with the bill, except as to minor differences. The title is different; it drops the bill which has come to be known as the Page bill; it deprives, in a measure, the Senator from Vermont of the credit of the legislation by dropping his bill and taking up an amendment. I understand it is true that in its principal features the amendment which has been adopted is identical with the original bill, but the Senator from Vermont prefers the form of the original bill; he prefers the manner in which it is expressed. It has been considered by the committee. I confess that I have not had an opportunity to consider the details of the form of these several bills, and I am simply speaking about the parliamentary situation in which we find ourselves—that we have adopted an amendment here which has not received the favor of either side to the controversy as between the Lever bill and the Page bill. The Page bill is conceded by everybody to contain substantially the Lever bill, also a number of additional features. We should adopt that bill and allow the matter to go to conference, so that the form of this legislation, the substance of which the Senate seems to have agreed to—there are very few here who are opposed to it, and it is a question of the form in which it is guarded, the manner in which these appropriations are to be expended—so that the form of the legislation can be finished and perfected in conference between the two Houses.

Mr. ROOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from New York?

Mr. POINDEXTER. I do.

Mr. ROOT. I rose to ask the Senator from Washington if he would point out, or perhaps the Senator from Vermont might point out, those portions of the original bill No. 3, which we speak of as the Page bill—the original, I mean, which he now moves to substitute—which reproduce the provisions of the Lever bill? I ask, Mr. President, because I am much interested in perfecting our system of conveying information about agriculture to the farmers of the country by means of these extension departments and field demonstrations. I think that it is just as important for this country now to increase the productivity of agriculture as it ever was to increase the productivity of manufacturing when the original protective tariff was adopted.

Mr. GRONNA. Mr. President——

Mr. ROOT. Excuse me for one moment. I should not like to have any substitute adopted here which leaves out the practical and effective provisions of the bill which the Senator from Georgia has been urging. On the other hand, I am a very firm believer in the importance of vocational education. I am not convinced that the Government of the United States ought to go into that, and I am far from being convinced that the scheme which has been evolved here for imposing control by the Government of the United States upon the secondary schools of the country is a wise scheme. I have very grave doubt about that; but I certainly do not want to vote upon this great mass of provisions without knowing the relation of one to the other. If the Senator will point out what parts of the Page bill, which he now moves to substitute, reproduce the provisions of the Lever bill, I shall be very much obliged to him.

Mr. GRONNA. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from North Dakota?

Mr. ROOT. Yes.

Mr. GRONNA. I should like to ask the Senator from New York this question: No one denies that we are all interested in the productivity of agriculture and individually we desire a large yield; but I should like to have the Senator from New York point out to me where the farmer is particularly benefited by the production of large crops, in every section of our country, so that we have a large surplus. In other words, is it not true that we have no means whereby the farmer can regulate the price of his products at all, while, on the other hand, the manufacturer, whether he produces much or little, fixes the price of his product—something that the farmer can not do?

Mr. PAGE. Mr. President, answering the——

Mr. ROOT. Mr. President, I feel bound to answer the question of the Senator from North Dakota, if the Senator from Vermont will allow me.

Mr. PAGE. Certainly.

Mr. ROOT. All the farmers whom I have ever known—and I have known a great many—would rather get 28 bushels of wheat to the acre than 14; they would feel better about it. The fact that the farmer individually can not regulate the prices of his products is no reason why his farm should not be made as productive as possible. The demand for food products in this country and throughout the world is increasing continually; the increased demand is continually increasing the prices which the farmer receives for his products; and as that demand continues to increase with the increase of population, the farmer stands to receive continually remunerative prices for his product, and, in my judgment, that increasing demand and the continuance of remunerative prices keep pace with the best improvement that is possible on the farms of this country.

Mr. GRONNA. Mr. President, I am afraid the Senator from New York misunderstood my question. I confess that I am as much in favor as is anyone else of increasing the productivity of our soil, and so, I believe, are the farmers of this country, but what I should like the Senator from New York, or any other Senator, to point out to me is the advantage that the farming industry or the farmer has received by the production of a large surplus. Is it not true that when this country has a large crop prices are reduced in proportion to the size of the crop? In 1910, for instance, there was a small crop all over the country, and in 1911 we had only a fair crop, but the farmers made money in 1911, while in 1912, with overproduction, there was practically a loss to the agricultural interests of the United States.

Mr. PAGE. Mr. President, the Senator from New York [Mr. ROOT] has asked me to point out the differences between the Lever bill and the Page bill, so far as what is known in the two bills as college extension work is concerned.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Kansas?

Mr. PAGE. Certainly.

Mr. BRISTOW. I understand the Senator from New York to inquire as to the difference between the substitute which the Senator from Vermont now offers and the bill which the Senate has agreed to as in Committee of the Whole. That is what I should like to know also.

Mr. PAGE. I was about to explain.

Mr. BRISTOW. I should like to know what difference there is between those two measures.

Mr. ROOT. Mr. President, I asked rather for the similarity than the difference. I want to know where in the Page bill occur the provisions which are similar or which accomplish the same effect as the provisions which are in the Lever bill. I can not find them.

Mr. OWEN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Oklahoma?

Mr. PAGE. I should like to answer the Senator from New York for just a moment, if the Senator will allow me.

Mr. OWEN. Just a moment. It seems to me that the point which needs explaining is the extent to which the amendments made as in Committee of the Whole do not include the Page bill.

Mr. PAGE. I will be very happy to answer that question. In the first place, Mr. President, the Page bill gives $3,000,000 to college extension work, $3,000,000 to district agricultural

schools, $3,000,000 to education in the rural communities, and $3,000,000 to education in the cities. There are four $3,000,000 appropriations. The Lever bill leaves out appropriations for industrial schools and adds $480,000 to college extension work. I consented to that. I do not know that I now object seriously to it, but still it seems to me that the $480,000 added by the Lever bill is more than ought to go to that feature of the work in consideration of what we have given to the other features.

Next, the Page bill from first to last provides that whatever the Federal Government shall do shall be matched by the States. The Lever bill does not do that. As to the $10,000 to each State which is immediately forthcoming and available under the Lever bill, it is provided that the States may have that fund absolutely without duplicating it. That is so contrary to the entire principle of the Page bill that I only yielded to the amendment because I wished to get a reasonable compromise. Third, the Lever bill contains this provision:

SEC. 3. That all correspondence for the furtherance of the purposes of this act issued from the agricultural colleges to their agents or by the agents of the said extension departments thereof receiving the benefits of this act shall be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster General from time to time may prescribe.

This provision was originally in Senate bill No. 3, but after very careful discussion it was thought to be an unsafe and unwise provision to incorporate. I do not know how many protests I received from publishers of agricultural papers in this country, who said to me: "If you incorporate this provision into your bill, you will perhaps allow the agricultural colleges to begin to publish newspapers; they can publish anything; and they can have, and will have, an unfair advantage over the agricultural press of this country, which ought to have a fair show in the fight, and they will not have it if you say that all the agricultural colleges may have the right to send everything they wish through the mails free." As every Senator knows, under the present statute they already have the right to send free the periodicals which they issue regularly. I do not know how extensive that privilege is; but, be that as it may, the Committee on Agriculture and Forestry, after considering it, thought it best to exclude that provision. That provision comes back to us from the House in the Lever bill.

I do not regard that as a very unwise feature; and as a compromise measure I was willing to accept it. I do not regard it as particularly unwise to add half a million dollars to the appropriation. As a matter of compromise, I was willing to accept that. I do not particularly object to giving the money to the States without making them duplicate it with an appropriation from their own treasuries; but I think it is wrong; I do not believe it is the best way. I believe the Page bill is the better way; and so, having failed of a compromise, I now come to say that, whereas I yielded reluctantly to these measures because of a supposed compromise, the compromise having been repudiated, I now ask that the Page bill in its original simplicity be enacted.

Mr. ROOT. Mr. President, I do not know or care anything about the compromises which have been made or the conferences which have been held. The Senator from Vermont has not answered the question. I will put it more distinctly. Where in the bill which he moves to substitute are contained the provisions which reproduce the same effect as the provisions of section 2 of the Lever bill?

Mr. PAGE. If the Senator from New York has before him the original amendment proposed by me on the 17th of January, or if he has the original Page bill, he will find in it this provision:

That for the support——

Mr. BRISTOW and Mr. CRAWFORD. Where is that?

Mr. PAGE. On page 6 of the amendment offered by me on January 17, or in section 7 of the original Page bill, Senate bill No. 3. That provision reads in this way:

SEC. 7. That for the support in each State college of agriculture and the mechanic arts of an extension department or division, the sum of $640,000 annually, beginning with the fiscal year ending June 30, 1913—

Let me explain that——

Mr. CRAWFORD. For what purpose is that?

Mr. PAGE. I will read further:

of which annual appropriation $10,000 shall be allotted to each of the 48 States for the benefit of such extension departments; and for the maintenance of such extension departments, the additional sum of $400,000 for the fiscal year ending June 30, 1914.

And so on, until it reaches $3,000,000. I do not need to read further, because it simply provides for the extension from year to year until $3,000,000 is reached.

Mr. ROOT. What is to be done with it?

Mr. PAGE. It is for what is known as college extension work. If Senators will turn to the bottom of page 2 in the original Senate bill No. 3, they will find what this work means. It is there described as follows:

Third. "Agricultural-extension department or division" shall mean a department or division which is established under the provisions of this act and under the direction of a State college of agriculture and the mechanic arts in any State, and which gives instruction and demonstrations in agriculture and home economics to persons not residing at said college nor at the district agricultural schools provided for in this act and which conveys or imparts to such persons information on such subjects through field demonstrations, publications, and otherwise.

That is almost the exact provision of the Lever bill; there is a difference in language; but, so far as the purpose of the bill is concerned, it is almost identical. It relates to work carried from the experiment stations to the adult farmer on the farm. It covers that in both bills. If Senators will recall the discussions we have been having here in the Senate for the last year, they will remember that the provisions of the Smith bill, so called because the Senator from Georgia last spring introduced into the Senate a bill substantially like the Lever bill, that the provisions of the Smith bill or the Lever bill are almost identical with the provisions of the Page bill, so far as college extension work is concerned.

If the bills were not substantially identical I could easily see the impropriety of my motion. But inasmuch as they are identical, or nearly so, and inasmuch as I believe the bill which I have introduced has been drawn with greater care and is better safeguarded than the amendment which was introduced here, as I understood, to meet a compromise, I now ask, because I believe it is the better bill, that the original bill be substituted.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Kansas?

Mr. PAGE. I do.

Mr. BRISTOW. I want to see if I am correct in my understanding. As I understand the Senator from Vermont, the practical difference is that the Lever bill provides for giving the franking privilege to the agricultural colleges and the schools that enjoy the benefit of these appropriations?

Mr. PAGE. An additional franking privilege.

Mr. BRISTOW. An additional franking privilege; and it also makes an appropriation from the Public Treasury which it does not require that the States shall meet with a like appropriation?

Mr. PAGE. The Senator is correct.

Mr. HITCHCOCK. Will the Senator permit an interruption there?

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Nebraska?

Mr. PAGE. Certainly.

Mr. HITCHCOCK. It seems to me section 31 of the amendment offered by the Senator from Vermont cures that defect, because it specifically provides that a double amount of money must be provided by State or local taxation. That is the amendment which has been adopted in Committee of the Whole, and which the Senator now proposes to substitute for his original bill, which in Committee of the Whole he voluntarily withdrew, and upon the strength of which withdrawal many votes were secured for the bill.

Mr. PAGE. I wish to correct the Senator, because I know he desires to be absolutely correct. I said that under the amendment of January 24, which I offered, I had not changed so much as a comma. The provisions of the Lever bill do not provide that an equal amount shall be appropriated by the States; and as I understand—and I think the Senator from Georgia will agree with me—as the bill will be left if we pass it to-day as it came from the Committee of the Whole, there will not be required from the States an amount equal to the amount appropriated by the Federal Government.

Mr. HITCHCOCK. Let me ask the Senator another question. Will not the bill which has been agreed upon in Committee of the Whole contain section 31, offered by the Senator himself?

Mr. PAGE. I do not know that I have offered any amendment to section 31.

Mr. HITCHCOCK. The Senator withdrew his original bill, Senate bill No. 3, and offered as an amendment to the pending bill everything following section 9. It is that which we have been discussing and that which we have finally agreed upon in Committee of the Whole. Section 31 of that amendment contains this provision:

But there shall in no case be disbursed under the terms of this act to any school or college out of moneys derived from the rural school department fund, the industrial school fund, the agricultural school fund, the college teachers' training fund, or the teachers' training fund, as provided by this act, more money than 50 per cent of the amount

which is supplied and expended during the same period for the same purpose for which such fund is to be expended out of either State and local or State or local public moneys.

Mr. PAGE. Mr. President, the trouble with the Senator's conclusion there is that the feature pertaining to the college extension fund is not included in that list.

Mr. HITCHCOCK. Then, as to three-quarters of the expenditures provided for in this bill, the provision is at least good?

Mr. PAGE. It is good as to practically all except the Lever appropriation of $10,000 to the colleges. Under the Lever bill the appropriation of $10,000 per year to the colleges is not to be duplicated by the States, while under the Page bill it is to be duplicated. In that respect I think the Page bill is the better.

Mr. HITCHCOCK. I think the Senator gave the impression that under the bill agreed upon in Committee of the Whole there was no obligation upon the States or the local communities to supply an equal amount of money. But this provision evidently covers the case as to three-quarters of the amount appropriated, and it is only in the case of one appropriation where that provision is not made.

Mr. BRISTOW. Mr. President, I desire to say that that was my understanding—that there was an appropriation in the bill as it was agreed to in the Committee of the Whole that the States were not required to meet with an equal amount. I did not understand that the States did not have to meet part of the appropriation, but that there was one appropriation which they did not have to meet, and that that was one of the differences.

Mr. HITCHCOCK. But that was a matter which the Senator himself could have cured in Committee of the Whole, and can still cure by an amendment.

I want to renew my statement made a few minutes ago—that it seems to me, without any regard to a disagreement between the Senator from Vermont and the Senator from Georgia, that the Senator from Vermont should in good faith carry out what he publicly agreed to here on the floor of the Senate on the suggestion of the Senator from Iowa. The Senator from Vermont used this language:

> I will state my purpose in moving the amendment to the Lever bill, so called, H. R. 22871: For many months I have been trying to get action upon the original Senate bill No. 3. That action, as the junior Senator from Georgia well understands, has been postponed and objected to from time to time until he believes—and I do not know but that I agree with him in that belief—that to pass now the original bill, Senate bill No. 3, and send it to the House would probably mean that it would go into the Committee on Agriculture of that body, and that it would there die the death which comes to so many bills which we send over to the House toward the close of a session. * * * If we are at this session of Congress to grant Federal aid to industrial education, it must be done by substituting Senate bill No. 3 for the House bill. In other words, Senators who are in favor of extending industrial education to the boy as provided by Senate bill No. 3 must vote for the amendment which I have offered, for it is probable that in no other way can we reach this legislation at this session. If the amendment which I have offered substituting the Page bill for the Lever bill is adopted, then the matter goes into conference, and out of that conference it is believed some bill carrying with it a measure of Federal aid to industrial education will result.

Mr. PAGE. Mr. President, may I interrupt the Senator right there for just a moment? That is my position at this time—that in order to get action at this session we must substitute the Page bill for the Lever bill, because then it will go into conference, and from that conference we can get out some kind of a bill.

Mr. HITCHCOCK. If the Senator will permit me to add a word, that was the Senator's original position. But about that time the Senator from Iowa took the floor, and suggested to the Senator from Vermont a method of simplifying the procedure by amalgamating the two bills. He did it in this way:

> I think it would simplify matters very much if the Senator from Vermont would allow the bill presented by the Senator from Georgia to stand, inasmuch as he does not propose to change it, and simply offer as an amendment that part of his bill which deals with the vocational education and additional appropriations for agricultural education. I believe we would get along with it a little faster if that were done.

Then the Senator from Vermont said:

> Mr. President, I am very anxious to adopt whatever is the best and most proper course here. My suggestion on the 24th instant was that I would offer the amendment which has been placed upon the desks of Senators this morning. But I recognize the fact that the Senator from Iowa is a warm friend of the whole measure, and I am rather inclined to accept his wishes and his views, if the Chair informs me that that is the proper parliamentary procedure.
>
> Having given notice that I would introduce this amendment as a whole, I will ask, as a matter of parliamentary procedure, whether I may properly omit at this time from my proposed amendment the first nine sections, which really are identical with House bill No. 22871, and move to amend the House bill by adding to it all of that portion of the proposed amendment which follows section 9?

Thereupon the Chair naturally told the Senator from Vermont that it was his privilege to change his position, and he did change it. We accepted the change, and we discussed the matter with the understanding that he had abandoned the original bill. No study has been placed upon the original bill since that time. We on this side have believed, and have voted with the Senator from Vermont in the belief, that he had abandoned the original bill, and had agreed to accept the suggestion made by the Senator from Iowa for the simplification of the matter.

It seems to me, after that has been done, that at least propriety, if not good faith, requires the Senator from Vermont to carry out the arrangement thus made in the open Senate.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Kansas?

Mr. PAGE. I do.

Mr. BRISTOW. I am not much interested in the different processes and maneuvers that have been resorted to in order to get the bill up to the present stage, but I am interested in what the bill does.

If the amendment which the Senator from Vermont now offers changes the bill which we passed in the Committee of the Whole so as to limit the franking privilege instead of extending it, and so as to require the States to put up funds whenever the Federal Government does, I want to vote for those two propositions. I do not care what the different understandings or misunderstandings have been, but I am interested in the substance of the legislation.

Mr. HITCHCOCK. If the Senator will permit me, it would be an easy matter to amend the bill in that way, and I would be very glad to join him in that. But it would not be necessary, in order to accomplish that, to take up a completely new bill which the Senate has not even been considering as in Committee of the Whole, and which does contain other features.

Mr. BRISTOW. If there is any other feature, I should like to know what it is. I have been trying to find out the differences between the two measures. Up to this time these two differences have been suggested. Are there any others?

Mr. PAGE. There are. I should like to have Senators give their attention to this statement, because I know that upon this point there is considerable difference of opinion.

The Lever bill gives $10,000 a year to each State. That makes a total of $480,000. Senate bill No. 3, as drawn, gives $640,000. Touching that particular feature, I want to say that the head of one of the colleges in Mississippi came to me and said: "Senator PAGE, if you knew the struggle we are making in the South to get along and give the negroes of the South some education along industrial lines you would say that we should have $10,000 for each agricultural college rather than $10,000 for each State." In other words, in States that have two agricultural colleges they ask that we give an added $10,000.

That feature was objected to by some, including, I think, the junior Senator from Georgia. But after a time I went to him with statements from Senators from the South, and said: "Senator, there is a strong feeling on the part of some that the negro colleges in the South should share this appropriation with the white colleges." The Senator from Georgia said to me substantially this—I do not want to misquote him, but as nearly as I can remember he said: "If you want to give us that added $10,000, I do not think we will object to it." So the Page bill, as drawn, gives the same amount to the negro colleges of the South that it gives to the white colleges. In other words, it gives $160,000 more, being $10,000 for each State having a negro college.

The Senator from Kentucky came to me and pleaded for that provision. He said: "You do not know how much we in Kentucky need to give industrial education to the negroes. Will you not aid me to get that provision in?" I said: "So far as I am concerned, Senator, I do not want to do anything that will imperil my bill; but if the Senator from Georgia and those who objected agree I will agree." I supposed I had the consent of the Senator from Georgia, so far as he was concerned, that this $10,000 for the agricultural colleges should be included in my bill, and so it was put in. But it is omitted from the Lever bill.

I do not want to say which is right. I wish the Senate might decide upon that. But I want to say that that provision is exactly as it was left by the Committee on Agriculture and Forestry of the Senate. I do not feel at liberty to emasculate the bill by changing those features, unless it be to effect a compromise which will prevent any disastrous results to these two bills—the Lever bill and the Page bill.

If I supposed Senate bill No. 3 were going to be imperiled, every Senator here knows I would yield to any kind of a compromise. But the facts are that the Page bill and the Lever bill coincide; and when they get into conference we can, from those two measures, produce a bill that I believe will meet per-

fectly the views of the Senate and will be at least a start in the great plan of Federal aid to industrial education.

Mr. FLETCHER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Florida?

Mr. PAGE. With pleasure.

Mr. FLETCHER. I should like to ask the Senator if he has any less reason to-day for believing that the measure will be imperiled by insisting on original Senate bill No. 3 than he had a few days ago, when this same matter was up, and when he then thought it wise, in order to accomplish definite results, to accept the Lever bill, and to add to it the provisions of his bill? The situation to-day is not at all different from what it was then, it seems to me.

Let me say to the Senator that from the time he introduced the bill and I first gave it consideration I have been an advocate of Senate bill No. 3, known as the Page bill. I have been under the general impression that it included to a very large degree, and in a general way, the provisions of the House bill known as the Lever bill, and that it went still further. Believing, as I always have, that the great Department of Agriculture of our Government has for its chief function that of education, I have heartily favored the assistance provided in educational directions by both the Lever bill and Senate bill No. 3.

But there seems to be a difference of opinion as to whether or not the provisions covering that particular subject in Senate bill No. 3 are substantially the same as the provisions in what is known as the Lever bill that has passed the House. In order to avoid any difficulty on that score, particularly as long as the Senator has just reiterated what he has said over and over again—that his bill contains substantially the same provisions as the Lever bill—it seems to me that it is the safer proposition to accept the House bill and to add to it such provisions as we have agreed to as in Committee of the Whole, which provisions are the work and have been prepared under the direction and guidance of the Senator from Vermont.

There would then go to the conferees the measure as it passed the House, with certain additions; and it would be for them to determine which of those additions, if any, they would agree upon; and if they did not agree upon any of the additions, we would at least get a measure which has already passed the House, and which would then become a law. I appeal to the Senator——

Mr. PAGE. Mr. President, may I interrupt the Senator for a moment?

The PRESIDENT pro tempore. The Senator from Vermont is entitled to the floor.

Mr. PAGE. I should like to ask the Senator from Florida if he has the slightest doubt that the bill, as I propose to amend it, would be the subject of a conference on the Lever bill, just as certainly as the Lever bill amended by the additional features of the Page bill?

Mr. FLETCHER. I confess, Mr. President, that in my judgment the measure would not then be in nearly so favorable a position, looking to definite results, as it would be if the Senator would accept the situation as it comes from the Committee of the Whole.

Mr. PAGE. I should like to know why, Mr. President.

Mr. FLETCHER. Because there would go to the House an entirely new bill, not the Lever bill as it passed the House at all, not the Lever bill with amendments which are merely additions to the Lever bill. There would go to the House an entirely different measure, embodying different and varying propositions, which would be referred there to the conferees, and it would have to be all thrashed out over again. Delay would necessarily ensue; and in my judgment there would be very serious doubt about it ever coming to any result at this session of Congress if that should be done.

As a friend of the measure, originally known as Senate bill No. 3, as a friend of both these propositions, I most respectfully urge upon the Senator from Vermont to leave this matter as it came from the Committee of the Whole.

I am not quite clear in my own mind about it, although it has been assumed in debate here, but I understand that the amendment offered by the Senator from Vermont on the 24th of January is now before the Senate as a part——

Mr. SMITH of Georgia. It has been adopted.

Mr. FLETCHER. It has been adopted; and although my recollection was that the Senator offered to withdraw that amendment in Committee of the Whole, I was not quite sure whether he did it or not. There was some confusion at the time.

Mr. PAGE. No; I did not.

Mr. FLETCHER. Does the Senator understand that his amendment offered on the 24th of January is the matter now before the Senate?

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Mississippi?

Mr. PAGE. I should like to answer the Senator from Florida for just a moment. Then I shall be very glad to yield the floor to the Senator from Mississippi.

I made concessions, Mr. President, which I did not believe improved the bill. I believe the bill as it was originally drawn is a great deal the better bill. I have submitted my reasons for believing it is the better bill. When I consented to introduce the amendment of January 24, it was with the full expectation that I had reached a compromise, and that as a result of making the surrender and reaching a compromise we would have no opposition to the bill.

But the Senator will remember that all the afternoon objection after objection came up to the bill. So, finally, I feel, and I think the Senator will feel for me, that I have a right to say that now I should prefer to have the better and the stronger bill go to conference. If I thought it could not go into conference—if that is the parliamentary situation, and I am assured that it is by good parliamentarians—I should not object to anything. I want it to go to conference.

The language which I used, and which the Senator from Nebraska has quoted, conveys my exact sentiments. If I thought the bill could not go to conference, I would yield almost anything. But I am told that it can go to conference under the amendment I have offered, and believing that my last amendment is the better amendment, and that it more nearly perfects the bill, I should like to have it go in that way.

I believe that in the amendments that were hastily prepared to meet the views of the Senator from Georgia there were some things that were drawn too hastily. We have found now some very important defects in them. But the original bill, I believe, is perfect, so far as that is concerned. I believe every matter of technical language has been carefully provided for. It has been submitted to the best technicians I know in that line, and the bill has been approved by the educators of the country in the form in which I now ask it to go through. I hope Senators will not object to supporting my amendment, for I believe I have the better bill now.

Mr. SMITH of Georgia. Mr. President, the Senator continues to repeat that he introduced his amendment under a misapprehension, believing that a compromise had been reached. I desire to state that if he understood that agreement was by me he understood it in spite of the fact that I told him expressly that I would not agree to it. Nothing that I said justified him in believing that I intended to support it. I declined to agree to support it when the Senator came to my house. I told him as he left my house that I could not agree in advance to support it. I told him before he introduced it here that I had not agreed to support it.

I am a little weary of hearing upon the floor that the Senator introduced it under a misapprehension, if he means to refer to myself, as I have told him that I had not agreed to it often enough to exclude the justification of a misapprehension.

Mr. PAGE. Mr. President, I did not mean to say that the Senator had told me one thing or the other. I simply say, and I repeat it, that I supposed the Senator and myself had reached an agreement. It seems that I am wrong about it, so I do not reiterate that. I simply say that acting upon that supposition I introduced my amendment of January 24. Had I not supposed that we had reached an agreement, I should not have introduced it.

Mr. SMITH of Georgia. Mr. President, after we came into the Senate the Senator from Vermont introduced the amendment, knowing that I did not agree to it. He continued to press it here, knowing that I did not agree to it. He accepted the suggestion of the Senator from Iowa [Mr. CUMMINS], knowing that I had not agreed to it. I stated on the floor, in reply to a question of the Senator from Iowa, that I could not agree to it. I finally went a great deal further in agreeing to it in my votes to-day than I thought I could at the time it was introduced.

I have been trying to help to-day to get the measure into such a shape that we could pass something. If the Senator persists, I think perhaps the whole thing had better go over for the session, and let us start over again at the next session.

Mr. WILLIAMS. Mr. President, I am afraid there is a good deal of amour propre on both sides of this matter. I take it that what the Senate is seeking is results, and not names, and yet now and then names have a great deal to do with things.

I know something about the procedure at the other end of the Capitol. The two Houses will be further apart, actually as well as nominally, if it is announced to the 400 Members of the House of Representatives—a body so numerous that they

have not time to study all questions in detail—that the Senate has rejected the House bill, and has substituted for it the Senate bill. Immediately they will say to one another: "What do you know about the Page bill?" "Not much; virtually nothing." "Our bill was considered in committee. What course shall we take?" Immediately it will be concluded that the best course will be to send the bill to the Committee on Agriculture of the House, in order that that committee may study the bill and report it back to the House with some enlightening information as to the differences between the two bills.

This is a very small body, composed of ninety-odd Members. Yet, to-day, we have seen the best-informed Senators on the floor rise and ask for information as to the difference between two bills which have been pending here for—I will not undertake to say how long. There is the real danger in this situation.

Of course, I understand, and everybody understands, how two very honorable men may meet and discuss matters, and one may say: "I am of the opinion that this ought to be done." The other one says: "I do not know but that I could agree with you about that." The first one says: "I think this ought to be done." Then the other, having heard what the first is willing to concede, will say: "I will agree to that." When you get through you have a mutual misunderstanding; and yet both part with no agreement on the part of either to do precisely what the other desires. In fact, I think it is well, when men meet together and begin to talk about a difference, to remember always that the conversation, as a rule, is tentative.

I ask the attention of the Senator from Vermont. I am not asking him a question, but I am afraid if you go to the House of Representatives, as numerous a body as it is, as crowded with all sorts of business as it is, four times as much crowded as we are in every way, and say to them that you have substituted for a House bill a Senate bill, unless you are able to say to them that the Senate bill is identical with the House bill or identical except for immaterial variations, the course taken by the House would be to send the bill to the committee instead of sending it at once to conference. We are within 30 or 35 days of adjournment, and I do not believe I would take that chance. The point I want to make is that the two Houses will be further apart actually, because they are nominally further apart, if you take that course.

I confess with some degree of shame that I have had my mind lately dwelling more upon some other matters than upon this measure, and I really do not know just how far the Committee of the Whole adopted the provisions of the Lever bill and the provisions of the Page bill, but if they have substantially included the essential parts of both bills in one bill, then I have no doubt about the fact that the prospect of securing actual legislation would be much better if the matter were sent to the House in that way.

Mr. LODGE. Mr. President, I was out of the Senate when the motion was made. Is this a motion to substitute, striking out all after the enacting clause?

Mr. WILLIAMS. I will say to the Senator from Massachusetts that the method of doing business in the Senate he understands better than I. We have nothing before us immediately, but the Senator from Vermont gave notice, I understand, that when the bill got into the Senate——

Mr. LODGE. We are in the Senate now.

Mr. WILLIAMS. He would substitute the Page bill for the Lever bill.

Mr. LODGE. We are in the Senate now, but what I wanted information about, because I was out of the Chamber, was the question whether the motion is to strike out all after the enacting clause and insert.

Mr. WILLIAMS. The Page bill.

Mr. LODGE. If that is the motion, of course that takes both bills into conference.

Mr. WILLIAMS. Of course it does.

Mr. LODGE. It retains the House number.

Mr. WILLIAMS. I beg the Senator's pardon; it takes both bills into conference under the House rules unless a motion is made and carried to send it to the Committee on Agriculture. If you take 400 men and they do not know what the Senate bill is, they are not going to rush it into conference. A conference in the Senate is bad enough, but a conference at the other end is worse, because there are 400 Members; things have to be understood, have to be explained to them, and men are not willing to take up an entirely new bill and have it voted upon under a proposition that on amendment numbered 5 of the Senate the House conferees disagreed, and on amendment numbered 3 the House conferees agree, and so on. The House insists upon keeping its business in its own hands upon a few occasions when it can, and when a matter goes to conference it really can not do so.

Mr. LODGE. I thought from what the Senator said the motion was to substitute the Senate bill. If it were substituting the Senate bill for the House bill, it would go back as a Senate bill with the Senate number, and of course it would go to the committee and would not go into conference.

Mr. WILLIAMS. That is a distinction, but it is not a difference, and it is the difference to which the House will, in my opinion, pay attention, not the mere distinction.

Mr. LODGE. But I mean if it was a substitution, then it would go back, of course, as a Senate bill, and would go to the committee.

Mr. WILLIAMS. I understand that.

Mr. SMITH of Georgia. By striking out all after the enacting clause it would be a Senate bill with a House number.

Mr. WILLIAMS. So, when it goes back to the House from the Senate and the Senate has stricken out all of the House bill except the enacting clause and substituted for it a Senate bill, unless you can assure the parties in charge of the bill, and not only can but are willing to assure the House, that the two bills are either identical or there are immaterial differences, the Members of the House will want to have it examined by a House committee. They are not willing to act merely upon the deliberations of the Senate.

Mr. McCUMBER. Mr. President, I want to ask the Senator from Mississippi if the 400 Members of the House will feel that they know anything more about the Page amendment when it is put in divers amendments, as it has been in Committee of the Whole already, than when put in a single amendment in the Senate.

Mr. WILLIAMS. Absolutely they will, because, in the first place, they have been discussing one bill, and whether they will know or not, they will think they know. This is a psychological problem, and they will think they know, and thinking that the House bill has come back passed by the Senate with certain amendments, they will be willing to let the House bill go to the conferees in order that the differences between the two Houses concerning the amendments may be settled. In other words, the essential thing in their minds is, if the House bill is passed, then there will be no trouble about sending it to conference at once.

The PRESIDENT pro tempore. The pending question is on the motion of the Senator from Vermont to strike out all after the enacting clause of the bill and insert a substitute.

Mr. CUMMINS. Mr. President, I then vote against the proposition now before the Senate made by the Senator from Vermont, and I desire to state very briefly why I will do it.

I have been for the Senate bill, prepared in a large measure by the Senator from Vermont, and for which he is entitled to the greatest possible credit from the beginning until he entered upon this discussion. I think it was I who first suggested to the Senator from Vermont that in order to make certain of some legislation upon the subject he offer Senate bill No. 3 as a substitute when the House bill came before the Senate.

I know nothing about the conference between the Senator from Vermont and the Senator from Georgia, and I do not care to inquire into it. I only know that at one time the Senator from Vermont stated that he understood they had reached an agreement, and that the Senator from Georgia rejected that construction of their conference. My interest in this special matter was after that time, after the Senator from Georgia had indicated that he had entered into no agreement with the Senator from Vermont, after we all understood that the Senator from Vermont offered the substitute which bears the date of January 24, 1913. That substitute is a reproduction in its first nine sections of the House bill. There is no change whatsoever. The remaining sections are a reproduction of Senate bill No. 3, with the changes that had been made by the Senator from Vermont at the suggestion of the Senator from Georgia. He so declared.

I was intensely anxious that nothing should happen that would impair the chance for successful legislation, and therefore when the Senator from Georgia arose and said to the Senator from Vermont that he hoped he would offer that part of his substitute beginning with section No. 10 as an addition to the House bill, the House bill having been reproduced in terms in the first nine sections of the substitute in the hands of the Senator from Vermont, it seemed to me that we would be surer of that legislation if the suggestions of the Senator from Georgia were accepted, and I arose, caring not a whit whether the legislation came from the House or whether it came from the Senate. It makes no difference to me where it originates or who originates it. I simply desire the legislation itself. It seemed to me that the easiest and the surest way of reaching our end was to attach what might be called the Page part of this legislation to the Lever part of the legislation, if I may so designate a House bill and a Senate bill. I so declared, and

expressed the hope that the Senator from Vermont would adopt that course.

The Senator from Vermont did adopt that course, and so declared from his seat. He not only so declared, but he did offer these parts of his bill from section 10 through to the end as an amendment to the House bill. I know that he did that in perfect good faith. I know that he has but one desire, and that is to secure wise legislation upon this subject. But having embarked upon this course at my suggestion, he may feel himself at liberty to depart from that course, but I do not. I think we ought to adhere to the plan which resulted in the offer of the sections after No. 10 of the Senate bill. I believe so because there is a certain good faith which requires us to adhere to that course, and, second, because I believe it will tend to allay the irritation which little by little is creeping into the Senate upon the whole matter.

I sincerely hope that the Senator from Vermont will not persist in offering the original bill as a substitute, if you please, for the House bill, but will be content to pursue the course which was adopted day before yesterday and which has already had results so gratifying to every friend of both agricultural and vocational education.

I must not be understood by this as meaning to say that there are not certain parts of the Lever bill, so called, rather objectionable to me. I think there ought to be some amendments, and we ought to make them now. I happened to be out of the Senate for a moment, and I did not dream that the amendment would be adopted so quickly and that the bill would pass from the Committee of the Whole into the Senate, or I would have suggested certain amendments. I do not believe at all in the extension of the franking privilege. That is a matter which is very easily corrected by a simple amendment. Striking out half a dozen lines in the House bill will correct that error, if it be an error, as I think it is.

Again, I agree with the Senator from Vermont that each State ought to duplicate the contribution of $10,000 per year, as well as the additional sums that come in year after year. I think it would deepen their sense of responsibility, and it would be more in harmony with the entire structure of the House bill. But those are mere matters of detail that can be very easily corrected.

Again, there will have to be certain amendments made in the bill as it is now in the Senate. Day before yesterday section No. 10, as it appeared in the original bill offered, was stricken out upon my motion, and the language found in section 3 of the Senate bill was inserted in its stead. That makes a difference in certain phraseology throughout the whole bill, as the Senator from Vermont will assure the Senate. I think in half a dozen sections of the bill there recurs the words "rural-school fund," and after the adoption of my amendment there will be no rural-school fund. Wherever those words occur they must be stricken out and the words "secondary-school fund" must be substituted.

Mr. PAGE. If the Senator will allow me, the original Senate bill No. 3 is as the Senator from Iowa desires it.

Mr. CUMMINS. Precisely.

Mr. PAGE. It says "secondary schools, or schools of secondary grade, or high schools" shall mean schools offering courses in advance of the elementary schools, and so forth.

Mr. CUMMINS. But nowhere is it called a rural school.

Mr. PAGE. Not in the original Senate bill No. 3.

Mr. CUMMINS. Inasmuch as the original section has been now restored, the original phraseology describing it must be also restored.

I rather think that the Senator from Vermont did not benefit what might be called his part of the bill by trying to weave into it the suggestions of the Senator from Georgia. They do not fit very well, in my opinion, and I would be very glad if he could take the old Senate bill, with the exception of section 7, and offer it. I have no objection to that, but I do object, in view of everything that has occurred, to changing the whole course of procedure and now attempting to eliminate the House bill by substituting for it another measure. I would have been perfectly willing to have pursued that course had not the incident occurred which did occur here day before yesterday. I shall therefore vote against the proposed substitution by the Senator from Vermont.

Mr. PAGE and Mr. BRISTOW addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Kansas?

Mr. PAGE. I yield to the Senator.

Mr. BRISTOW. I understand that the bill as it is now before the Senate can be amended or perfected before the substitute amendment is voted upon.

The PRESIDENT pro tempore. Unquestionably.

Mr. BRISTOW. I therefore move to strike out section 3 of the bill as it is now before the Senate. It is the section that relates to the franking privilege, beginning on line 23, page 2.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. Strike out from the House bill section 3, which reads as follows:

That all correspondence for the furtherance of the purposes of this act issued from the agricultural colleges to their agents, or by the agents of the said extension departments thereof receiving the benefits of this act, shall be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster General from time to time may prescribe.

The PRESIDENT pro tempore. The Senator from Kansas moves to strike out the section just read. The question is on agreeing to the amendment of the Senator from Kansas.

Mr. LODGE. Mr. President, I think that section ought to be stricken from the bill. It is perfectly easy to make an allowance in their accounts to the agents in the field or to the colleges to be paid from the fund. The amount will not be large. But if you open this service to the franking privilege, you open a door to a great deal of misuse of the mails. It is almost impossible to keep the franking privilege within the proper limitations. I certainly think that a general provision like this for the franking privilege is a very mistaken one, and I hope it will be stricken from the bill before we vote upon it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Kansas [Mr. BRISTOW].

The amendment was agreed to.

Mr. BRISTOW. I offer further to amend, on page 4, by striking out in line 7 after "part" the words "its allotment" and insert "any"; and also by striking out the word "additional" in line 8, so that it will read:

That no State shall be entitled to any part of any of these sums unless its legislature has heretofore provided, etc.

That makes the State appropriate an equal amount with the Federal Government of all the sums.

Mr. SMITH of Georgia. I will not resist that motion, but I will state to the Senate the reason why this fixed sum was given. It was thought that some of the States, the smaller States, ought to have a fixed sum, and that is the theory upon which it was put in. So far as my own State is concerned and those I am especially interested in, they are perfectly ready to meet any sum the Government gives. I have no authority to consent to it, but I shall not oppose that amendment.

Mr. BRISTOW. The reason why I proposed the amendment was that this is, of course, an aid to the States, and the aid is offered for two reasons. As I understand it, first it appropriates money from the General Treasury for that purpose, and that appropriation is used to encourage the States to appropriate their own money to carry on the work; so we not only appropriate the money that they will get the direct benefit from, but we induce the States to engage with the Government in this worthy cause by meeting the appropriation. I think it is nothing but just.

Mr. WILLIAMS. Before the Senator takes his seat, do I understand that this is to strike out the provision which gives $10,000 to each State unless the State duplicates the $10,000?

Mr. BRISTOW. Yes; it requires the States to duplicate the $10,000.

Mr. WILLIAMS. This bill, I understand, was drawn up upon a principle somewhat like the compromise giving each State two Senators and Representatives according to population. In other words, it was a compromise between territoriality and population and wealth. So it was concluded to give $10,000 to each State to start with, regardless of wealth or poverty or the size of the State, and then for the balance of the appropriations, for the most part it was given in proportion to wealth; that is to say, it was given upon condition that the State should duplicate the amount which the Federal Government gave.

Whether there be a State in the Union which could not duplicate the $10,000 or not I do not know. Nor does that interfere with the general principle at stake. If there be such a State, it ought not to be left out entirely. If there be not such a State, then all the States stand equally as regards the $10,000. It does not seem to me that that provision ought to be stricken out. It might very well happen that a perfectly new State might be bound up with the expenses of its new birth and everything else and be embarrassed about money.

The Senator from Kansas has said that the object of this was to aid the States in doing certain work for the people. The primary object, I take it, is to aid the people, and to leave

the people without aid because the State could not help them does not seem to me to be right.

Mr. PAGE. Mr. President——

The PRESIDENT pro tempore. The amendment proposed by the Senator from Kansas will be stated.

The SECRETARY. On page 4, lines 8 and 9, strike out the words "of its allotment," and, in line 9, strike out the word "additional," so that if amended the proviso will read:

Provided further, That no State shall be entitled to any part of these sums unless its legislature has heretofore provided or until it shall provide, etc.

Mr. SMITH of Georgia. I should like to suggest to the Senator from Kansas an additional reason that I recall now which was given for this appropriation to each State. It was that it guaranteed the immediate beginning of work everywhere without reference to appropriations, to give to each one of the States a demonstration of its value, and it would thereby lead the States to make the appropriations to call for the additional sums. I rather think that it is a desirable part of the bill.

Mr. BRISTOW. It seems to me that when the Federal Government proposes to aid the States in their educational development, this is going a good ways from our old idea. We are appropriating money for educational purposes to the various States, and it appears to me it is certainly good policy to require the various States to make an appropriation to meet that.

The objection has been made to meet that that this will fall more heavily upon the small States than the large States, a State of half a million of population as compared with a State of 5,000,000 population. But $10,000 for the educational benefit of a half million people is a great deal larger proportionate contribution to the educational facilities of that State than if the State had 5,000,000 people.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Mississippi?

Mr. BRISTOW. I do.

Mr. WILLIAMS. If the Senator will permit me an interruption, I think he is in error there. Territoriality has something to do with it. You may give a State, if it is a large State, with a sparse population, a certain sum of money to be expended for a certain purpose and it will not benefit it near so much as it would benefit a State of the same population with one-tenth of that area.

That reminds me of another defect in this bill. It says, for example, that there shall not be above one agricultural high school for five counties. Of course that is easy in the thickly settled Northeast, but without going down to Texas or Arizona, stopping at Mississippi on the way, five counties in my State, of which my own county would be a center, and Washington and Holmes and Hinds and Warren, the surrounding counties, would about duplicate the area of the State of Connecticut. So you have a high school there, with the people to attend it about five times as far, do you not understand? So they must go and board in order to get the same benefit that would be gotten in Rhode Island from taking the family buggy and driving in every day.

I am merely using that as an illustration just at present; but the assumption that just because a thing is a territorial area and called a State, it could get the same benefit from $10,000 which a smaller and more compact area could get with many more children enjoying the privilege, is a mistake.

Mr. BRISTOW. It seems to me that, if the Federal Government is going to appropriate money for the educational facilities of the State, it is nothing but fair that the State should be required to meet that appropriation by an equal amount of its own funds.

Mr. WILLIAMS. Let me ask the Senator one more question, and then I shall not disturb him further: Is the purpose of the bill to help the States or to help the people?

Mr. BRISTOW. It is to help both—to help the people and to help the States.

Mr. WILLIAMS. I take it that the object and the purpose of the bill is not to help the political entity that we call a State, but that it is to help the citizens of the United States in acquiring a vocational and agricultural education.

Mr. BRISTOW. The educational system of the country has been in charge of the States. We have not launched out until this time upon any great national educational system. There are a great many people who question the wisdom of it. Now, certainly I question the wisdom of the Government making an appropriation direct to the States for educational purposes. I may consent to an appropriation, provided the State will provide an equal amount, the purpose being to encourage the establishment of proper educational facilities in all the States.

Mr. WILLIAMS. Mr. President, if the Senator from Kansas will permit me to break a promise so recently made, I will say that I agree with the Senator, of course, that the instrumentality, the trustee in a certain sense, is the State; but, after all, the beneficiaries are the children of the people in the States operating from the Federal Government through the States.

Mr. PAGE. Mr. President, I do not want to take the time of the Senate any further on this question. I wish the Senate, if they are so inclined, to strike out all after the enacting clause and substitute Senate bill No. 3——

Mr. BRISTOW. Mr. President——

Mr. PAGE. I beg pardon; I thought the Senator from Kansas had yielded the floor.

Mr. BRISTOW. Mr. President, I ask that the question be put on my amendment.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Kansas. [Putting the question.] The ayes appear to have it.

Mr. WILLIAMS. Let us have the yeas and nays on that, Mr. President.

The PRESIDENT pro tempore. The Senator from Mississippi demands the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. WETMORE (when Mr. LIPPITT's name was called). My colleague [Mr. LIPPITT] has a general pair with the senior Senator from Tennessee [Mr. LEA].

Mr. RICHARDSON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. SMITH], and therefore withhold my vote.

Mr. SIMMONS (when his name was called). I transfer my general pair with the Senator from Minnesota [Mr. CLAPP] to the Senator from Georgia [Mr. BACON] and will vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I wish to transfer the general pair which I have with the Senator from Pennsylvania [Mr. PENROSE] to the Senator from Indiana [Mr. SHIVELY] and will vote. I vote "nay."

The roll call was concluded.

Mr. OLIVER. I have a general pair with the junior Senator from Oregon [Mr. CHAMBERLAIN], and I therefore withhold my vote.

Mr. DILLINGHAM. I wish to transfer my general pair with the senior Senator from South Carolina [Mr. TILLMAN] to the Senator from New Mexico [Mr. FALL] and will vote. I vote "yea."

Mr. OWEN. I transfer my pair with the Senator from Kansas [Mr. CURTIS] to my colleague [Mr. GORE] and will vote. I vote "nay."

The PRESIDENT pro tempore (after having voted in the affirmative). The occupant of the chair is paired with the junior Senator from New York [Mr. O'GORMAN]. As that Senator has not voted, the vote is withdrawn.

Mr. SUTHERLAND (after having voted in the affirmative). I observe that the Senator from Arkansas [Mr. CLARKE] did not vote. I have a pair with that Senator, and I therefore withdraw my vote.

The result was announced—yeas 40, nays 18, as follows:

YEAS—40.

Bourne	Cummins	Kern	Perkins
Bradley	Dillingham	La Follette	Poindexter
Brandegee	Dixon	Lodge	Pomerene
Bristow	Gamble	McCumber	Root
Brown	Gronna	McLean	Sanders
Burnham	Guggenheim	Martine, N. J.	Smoot
Catron	Hitchcock	Myers	Thomas
Clark, Wyo.	Johnson, Me.	Nelson	Townsend
Crawford	Jones	Page	Wetmore
Cullom	Kenyon	Percy	Works

NAYS—18.

Bankhead	Johnston, Ala.	Paynter	Swanson
Bryan	Johnston, Tex.	Perky	Thornton
Chilton	Martin, Va.	Simmons	Williams
Fletcher	Overman	Smith, Ariz.	
Heiskell	Owen	Smith, Ga.	

NOT VOTING—37.

Ashurst	Curtis	Massey	Smith, S. C.
Bacon	du Pont	Newlands	Stephenson
Borah	Fall	O'Gorman	Stone
Briggs	Foster	Oliver	Sutherland
Burton	Gallinger	Penrose	Tillman
Chamberlain	Gardner	Reed	Warren
Clapp	Gore	Richardson	Watson
Clarke, Ark.	Jackson	Shively	
Crane	Lea	Smith, Md.	
Culberson	Lippitt	Smith, Mich.	

So Mr. BRISTOW's amendment was agreed to.

Mr. CUMMINS. I offer a series of amendments which are purely formal. The Senate has adopted section 3 of the Senate

bill as now section 10 of the bill before the Senate. In that section the words used are "secondary schools" and not "rural schools." I therefore move to strike out the words "rural schools," where they are found; and I ask unanimous consent that it may be done without pointing out the line of each amendment where those words occur in sections 15, 16, 19, 20, 24, 25, 26, 28, and 33, and to substitute in each instance the words "secondary schools."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. Wherever the words "rural schools" appear in sections 15, 16, 19, 20, 24, 25, 26, 28, and 33, they shall be stricken out and the words "secondary schools" substituted therefor.

Mr. PAGE. Mr. President, I rather hope that the amendment offered by the Senator from Iowa may be adopted, although I want to state here and now that there have been, I will not say a multitude of amendments, but a great many amendments made to this bill, so that the bill is almost ridiculous in its make-up, if we take it in its present form. For instance, we have changed it, I think, by adding after the word "States" the words "and Territories." The bill from first to last has been drawn with particular reference to States, and I do not believe it will articulate with the Territorial laws. It is true that you have amended the Lever bill, so called, in two very important particulars to-day; you have, by a very decided vote, stricken out that feature which gave the States $10,000 each without the States paying another $10,000, and you have stricken out the feature giving them the franking privilege.

Now, I want to terminate this debate, so far as I am concerned, by saying that it is not exceedingly material whether you do or do not adopt the amendment which I am about to offer. I am simply going to add that I believe that if we take the Page bill in its entirety, we shall have a perfected bill, while, if we take the bill which we have amended so hastily, we shall get a bill that is full of incongruities.

In closing let me simply add that I hope the friends of Senate bill 3 will feel that, all things considered, it is wise to adopt the amendment which I have suggested, but there will be no broken hearts if this is not done. I believe it should be done, because I think Senate bill 3 is the better bill, but whatever the vote of the Senate may be I shall be satisfied.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Iowa [Mr. CUMMINS] to the amendment.

The amendment to the amendment was agreed to.

Mr. MARTINE of New Jersey. Mr. President, I desire to say that at the last session the Page bill was presented to me. I examined it quite thoroughly, and was convinced of the wisdom and the propriety of the measure. After that I received very many letters—nearly 200, as I recall—from a great many educational institutions in New York, New Jersey, and Pennsylvania urging its passage. I pledged myself to the Senator from Vermont [Mr. PAGE] that I would stand by him. I voted for the proposition that was suggested by the Senator from Georgia [Mr. SMITH]; but since it has been deemed best and wisest upon the part of the Senator from Vermont to urge the passage of his bill, in this controversy I will square myself with my agreement though the heavens fall. I am going to stand by the bill of the Senator from Vermont.

I want to vote for some measure that will tend to dignify labor. The whole trend of the times has been in contradiction to the man or the woman who works with his or her hands. Every effort has been made to hold up to the average young man the idea of being a lawyer, a doctor, or a theologian; the idea has been instilled into him that a profession should be his chief ambition in life. I want to do what little I can to dignify labor and induce men to labor. It is all very well in the clamor of the day to urge the youth of the land to stay on the farm; but the disposition of the country has been to ignore the farm boy, to frown on him with sneers and sundry little innuendoes aggravating to the sensitive mind. This has driven myriads of boys from the farm. I shall vote with the greatest pleasure and the greatest relish for the amendment proposed by the Senator from Vermont.

Mr. TOWNSEND. Mr. President, I have listened to this discussion and have been considering at different times the bill in charge of the Senator from Vermont [Mr. PAGE] for a great many months, and I think I am somewhat familiar with it. As I understand, the only objection to passing the substitute is the parliamentary situation, and possibly some agreement which seems to have been rather unilateral, the minds of the Senator from Georgia [Mr. SMITH] and the Senator from Vermont [Mr. PAGE] never having met in a common understanding in regard to it. Aside from that, no one questions that the so-called Page bill contains all the features of the Lever bill. I have heard nobody dispute that proposition.

Senators say that possibly the measure will have a different standing before the other House if we pass the House bill as it has been amended instead of the Page bill. I am somewhat familiar with the procedure in the House, and I can not understand that there are any more difficulties attaching to the proposed substitute than will attend the bill as we have already amended it. It has been amended and will go to conference or to a committee of the other House. It will have to go to a committee according to the argument of the Senator from Mississippi [Mr. WILLIAMS], because it materially changes the House bill. This does not necessarily follow and probably it will not.

So far as I am concerned, if I were to consider the parliamentary situation and were to be governed entirely by the effect either upon the other House or upon this, the question would be decided in my mind by the fact that the Senator from Vermont has had charge of this bill and has pressed it in season and out for many months, yielding too frequently, as it seems to me, to the requests of Senators, in order that they might place something in its stead. Further, if I understand aright, up until the day before yesterday this bill has been as much discussed as has the Lever bill and is better understood in the Senate. So it occurs to me that we can accomplish all that all Senators want, so far as legislation is concerned, if the House bill be amended by substituting after the enacting clause the Page bill, which, I repeat, contains everything that is in the Lever bill and is drawn with greater care. Its author has deliberated upon it for months; it has profited by the work of experts and is clear and harmonious in its terms. On the other hand, I venture to state that few Senators understand just what has been done by the Senate to the House bill. We know it has been changed day after day, here a little and there a little, but I feel sure that no one knows exactly what the bill is or whether it has been properly constructed.

Mr. SMITH of Georgia. If the Senator will permit me, why does he think so? It never was submitted to a committee; it has never been before the Agricultural Committee at all; and it has never been scrutinized line by line or section by section by the Senate.

Mr. TOWNSEND. Which bill has not?

Mr. SMITH of Georgia. The Page bill.

Mr. TOWNSEND. The Page bill has been presented to the Senate from the Committee on Agriculture and was discussed by the Senator from Vermont for several days, as I remember. It has been generally understood and discussed throughout the country. I have known few bills that have seemed to excite more interest and more attention than has the Page bill. The people understand it; and I confess, Mr. President, so far as I am concerned, I understand it much better than I do the Lever bill as it has been amended up to this moment. I quite agree with the Senator from Vermont that if we pass the Lever bill to-day possibly we may pass something that we do not understand. Few Senators know just what we have done and the parts of the bill may be inharmonious. I desire to ask the Senator from Vermont a question which has been suggested to me by the Senator from Washington [Mr. JONES]. Was his bill before the Committee on Agriculture and Forestry of the Senate?

Mr. PAGE. Of course, we have discussed this matter a long time in the Senate, and I supposed that every feature had been before the committee. It may be, however, that there have been some amendments made in the Senate which were never considered by the committee; but the bill has been before the committee and has been considered in all its essential features.

Mr. TOWNSEND. I understand, then, that Senate bill No. 3 has been considered by the committee?

Mr. CRAWFORD. Yes; and it has been reported.

Mr. TOWNSEND. I do not like to yield until I get an answer from the Senator from Vermont.

Mr. PAGE. It has been reported.

Mr. TOWNSEND. Then, it went to the Committee on Agriculture and Forestry, did it not?

Mr. PAGE. Certainly.

Mr. TOWNSEND. And was reported by that committee?

Mr. CRAWFORD. Will the Senator allow me a word there?

Mr. TOWNSEND. I should like to have that question answered.

Mr. CRAWFORD. I am a member of the Committee on Agriculture and Forestry, and was a member of the subcommittee which considered the Page bill. We had hearings on the substance of this bill, not in the technical form in which it is here now, but the entire scope of this bill, the agricultural features

and the vocational educational features of it, were considered. Representatives from the leading colleges of the United States, both agricultural colleges and universities, came to Washington on two different occasions, and I remember that we had hearings which extended over several days and that a report was submitted by the Senator from Vermont to the full Committee on Agriculture and Forestry—a most exhaustive report upon the different features of this bill, the committee having given him authority to collect the information. This proposed legislation is the result of all that. I doubt if during the last two years there has come before the Senate a bill that was the subject of more extensive preliminary investigation and work and the subject of a larger correspondence with educational leaders of this country than the Page bill which is now before the Senate.

Mr. TOWNSEND. Now, let me ask the Senator from Vermont directly, Is it not true that Senate bill No. 3 was considered by the Committee on Agriculture and Forestry and through the Senator from Vermont reported to the Senate?

Mr. PAGE. It was.

Mr. BURNHAM. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from New Hampshire?

Mr. PAGE. In just a moment.

Mr. BURNHAM. I merely want to corroborate the statement of the Senator from South Dakota [Mr. CRAWFORD]. That is all I care to say.

Mr. PAGE. The bill was reported to the Senate, but subsequently was redrafted in some minor particulars. I asked unanimous consent of the Senate that the redrafted bill might be substituted in place of the bill originally reported from the Committee on Agriculture and Forestry, and that unanimous consent was given.

Mr. SMITH of Georgia. Mr. President, if the Senator will allow me, I have both the bills here. The one which was passed by the Committee on Agriculture and Forestry is 16 pages long, while the bill subsequently presented and now being considered is 28 pages long; so that the second bill can not be exactly the same measure.

Mr. TOWNSEND. Mr. President, I hold in my hand Senate bill No. 3, Calendar No. 348, upon which I find the following notation:

In the Senate of the United States.

April 6, 1911. Mr. PAGE introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry.
February 26, 1912. Reported by Mr. PAGE, with amendments.
June 14, 1912. By unanimous consent the text of original bill and reported amendments withdrawn, and substitute reported, placed on calendar, and printed in roman.
July 24, 1912. Ordered reprinted as agreed to in Committee of the Whole; all in roman.

That is the record of the bill as it appears here on the desks of Senators.

Mr. SWANSON. Mr. President, will the Senator permit me to propound an inquiry to the Senator from Georgia? I did not understand his reply to the inquiry of the Senator from Michigan.

Mr. TOWNSEND. I yield to the Senator.

Mr. SWANSON. Do I understand, then, that the bill now offered as an amendment, consisting of 28 pages, has never been considered by the Committee on Agriculture and Forestry?

Mr. SMITH of Georgia. Unquestionably it has never been before the Agricultural Committee at all.

Mr. SWANSON. Not before a committee of the Senate for consideration at all?

Mr. SMITH of Georgia. The first Senate bill, No. 3, 16 pages long, was passed on and reported by the Agricultural Committee. After that was submitted to the Senate the Senator from Vermont redrafted his bill, and the bill now presented, 28 pages long, has never been before the Committee on Agriculture.

Mr. TOWNSEND. Is the Senator——

Mr. SWANSON. And my inquiry——

Mr. TOWNSEND. Just a moment. Is the Senator from Georgia on the Committee on Agriculture?

Mr. SMITH of Georgia. I am.

Mr. TOWNSEND. Then I take it the Senator from Georgia gave his consent that the original bill and reported amendments should be withdrawn and the substitute, as presented by the Senator from Vermont, should stand in place of the bill as reported by him.

Mr. SMITH of Georgia. My statement was that the Committee on Agriculture and Forestry had not examined and passed upon that bill. My consent was no more than the consent of each other Senator. The Senator from Vermont had charge of the matter. He referred to it as his bill, and it was his bill, and when he asked to present a substitute we all consented. The Senator from Michigan consented just as I did; but the bill did not go back to the Committee on Agriculture. It was the Committee of the Whole Senate that consented to the substitution.

Mr. TOWNSEND. I am not complaining about it.

Mr. SMITH of Georgia. My only point was that the bill of 28 pages has never been considered in detail by the Senate and has never been considered in detail by the committee.

Mr. McCUMBER. Right there let me ask the Senator from Georgia a question, with the consent of the Senator from Michigan.

Mr. TOWNSEND. I yield the floor.

Mr. McCUMBER. My question is as to whether or not the extra pages are not made up of the Lever bill, which is now attached to the Page bill?

Mr. SMITH of Georgia. Not at all; no. The portion of the bill which is similar to the Lever bill is exactly the same in the first bill of 16 pages and in the second bill of 28 pages. There are a number of quite substantial changes in the two bills. The new bill, which was presented with the 28 pages in it, has quite a number of features different from the old bill of 16 pages which the Committee on Agriculture and Forestry approved.

Mr. McCUMBER. Mr. President, I think two things are undisputed at the present time, namely, that the pending bill, the Lever bill as it has been amended, contains the provisions of the Lever bill and also practically all that was contained in the Page bill. On the other hand, the Page amendment contains practically everything that was in the Page bill, and also all of the principal provisions of the Lever bill. Whichever way we vote, we are practically passing the same bill, whether we adopt the Page amendment to the Lever bill, or amend the Lever bill by inserting the Page bill as a substitute.

My vote is going to be governed by this consideration: The Senator from Vermont has had this bill before the Senate for at least two years. He has devoted a great deal of study to it. Instead of having a proposition now which comes in the shape of divers amendments attached in different ways, he has the same proposition drawn up logically, properly, and in its order; and it is known as the Page bill. So that practically it is a question whether we will adopt the bill that has the name of a Member of the House attached to it, or the name of the Senator from Vermont. That is practically all there is to it now. Considering the length of time we have had the Page bill before us, I stand ready to give my colleague the compliment of voting that his bill shall be passed by the Senate.

The PRESIDENT pro tempore. The Chair will state the parliamentary situation as the Chair understands it.

Sundry amendments have been agreed to as in Committee of the Whole. The question is, the bill having been reported to the Senate, whether or not the Senate shall concur in those amendments. The Senator from Vermont proposes before that action is taken to strike out and insert. The Chair thinks that can not be done, but that the question should first be put upon concurring in the amendments made as in Committee of the Whole, for the reason that any Senator can ask for a separate vote upon any amendment agreed to. So that, whether or not the amendments agreed to as in Committee of the Whole are concurred in in the Senate, the Senator from Vermont can then offer his substitute.

Mr. LODGE. Mr. President, can the Senator from Vermont offer a substitute after the amendments made as in Committee of the Whole have been concurred in in the Senate? I venture to suggest that the point at which he must offer his substitute is before we pass in the Senate on the amendments made as in Committee of the Whole. That is, he must offer it as a substitute for the original bill.

Mr. BRANDEGEE. Why can not the Senator from Vermont offer his substitute for the original bill after the original bill has been perfected by the amendments which the Senate has adopted?

The PRESIDENT pro tempore. The Chair is of the opinion that that can be done.

Mr. LODGE. It can be done in that way.

The PRESIDENT pro tempore. The question is on concurring in the amendments agreed to as in Committee of the Whole.

Mr. LODGE. It occurred to me that under our usual practice, after amendments made as in Committee of the Whole had been concurred in in the Senate, it would be impossible then for the Senate to vote out those amendments, because they would have been adopted both as in Committee of the Whole and in the Senate.

The PRESIDENT pro tempore. The Chair thinks a motion to strike out the entire bill and insert would be in order.

The question now is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

Mr. PAGE. Mr. President, I now move to strike out all after the enacting clause and insert the amendment which was offered by me on the 17th of January, which is identical with Senate bill No. 3, reported to the Senate June 14, 1912. It is what is known as the Page bill.

Mr. SMITH of Georgia. I ask that the amendment be read.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Vermont will be read.

The Secretary proceeded to read the amendment, and read to the end of section 5, on page 5.

Mr. SIMMONS. Mr. President, if it is in order, I move to dispense with the further reading of the amendment.

The PRESIDENT pro tempore. The Senator can ask unanimous consent that the further reading be dispensed with.

Mr. SIMMONS. I ask unanimous consent.

The PRESIDENT pro tempore. The Senator from North Carolina asks unanimous consent that the further reading of the amendment be dispensed with. Is there objection? The Chair hears none.

The question is on the amendment of the Senator from Vermont to strike out all after the enacting clause and insert. [Putting the question.] The Chair is in doubt.

Mr. POINDEXTER. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. FLETCHER. What is the question?

Mr. LODGE. The question is on substituting the Page bill.

Mr. FLETCHER. The vote is being taken on the question of substituting the Page bill?

Mr. LODGE. Yes.

The Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I transfer my general pair with the senior Senator from South Carolina [Mr. TILLMAN] to the Senator from New Mexico [Mr. FALL] and vote. I vote "yea."

Mr. GARDNER (when his name was called). Notwithstanding my pair with the junior Senator from Massachusetts [Mr. CRANE] on the pending measure, I am at liberty to vote. I vote "yea."

Mr. OLIVER (when his name was called). I have a general pair with the junior Senator from Oregon [Mr. CHAMBERLAIN]. I transfer that pair to the junior Senator from Maryland [Mr. JACKSON] and will vote. I vote "yea."

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. I therefore withhold my vote.

Mr. RICHARDSON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. SMITH], and I withhold my vote.

Mr. SIMMONS (when his name was called). I transfer my pair with the junior Senator from Minnesota [Mr. CLAPP] to the senior Senator from Georgia [Mr. BACON] and vote. I vote "nay."

Mr. SUTHERLAND (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. CLARKE]. In his absence I withhold my vote.

Mr. WILLIAMS (when his name was called). I wish to transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Maryland [Mr. SMITH] and vote. I vote "nay."

The roll call was concluded.

Mr. CULBERSON (after having voted in the negative). I will ask if the Senator from Delaware [Mr. DU PONT] has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. CULBERSON. I transfer my general pair with that Senator to the senior Senator from Indiana [Mr. SHIVELY] and will allow my vote to stand.

The PRESIDENT pro tempore. The present occupant of the chair is paired with the junior Senator from New York [Mr. O'GORMAN], and for that reason withholds his vote.

Mr. PERKINS. I transfer my pair with the junior Senator from North Carolina [Mr. OVERMAN] to the senior Senator from Idaho [Mr. BORAH] and vote. I vote "yea."

Mr. SMOOT. I was requested to announce that the senior Senator from Louisiana [Mr. FOSTER] is paired with the junior Senator from Wyoming [Mr. WARREN]; that the senior Senator from Michigan [Mr. SMITH] is paired with the junior Senator from Missouri [Mr. REED]; and that the senior Senator from West Virginia [Mr. WATSON] is paired with the senior Senator from New Jersey [Mr. BRIGGS].

The result was announced—yeas 31, nays 30, as follows:

YEAS—31.

Bradley	Dillingham	Lodge	Poindexter
Brandegee	Gamble	McCumber	Sanders
Brown	Gardner	McLean	Smoot
Catron	Gronna	Martine, N. J.	Stephenson
Chilton	Guggenheim	Nelson	Townsend
Clark, Wyo.	Johnson, Me.	Oliver	Wetmore
Crawford	Jones	Page	Works
Cullom	Kenyon	Perkins	

NAYS—30.

Ashurst	Cummins	Martin, Va.	Smith, Ariz.
Bankhead	Fletcher	Myers	Smith, Ga.
Bourne	Heiskell	Newlands	Swanson
Bristow	Hitchcock	Paynter	Thomas
Bryan	Johnston, Ala.	Percy	Thornton
Burnham	Johnston, Tex.	Perky	Williams
Burton	Kern	Pomerene	
Culberson	La Follette	Simmons	

NOT VOTING—34.

Bacon	du Pont	O'Gorman	Smith, Mich.
Borah	Fall	Overman	Smith, S. C.
Briggs	Foster	Owen	Stone
Chamberlain	Gallinger	Penrose	Sutherland
Clapp	Gore	Reed	Tillman
Clarke, Ark.	Jackson	Richardson	Warren
Crane	Lea	Root	Watson
Curtis	Lippitt	Shively	
Dixon	Massey	Smith, Md.	

So Mr. PAGE's amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to, and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 30, 1913, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 29, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God, our heavenly Father, in whom we live and move and have our being, we realize that we are involved in a moral order which Thou hast ordained; that we can do nothing without Thee; yet we may set ourselves against that order and bring harm to ourselves and others; hence we pray for wisdom to guide us, strength to sustain us in a willingness to work with Thee, that we may hasten the coming of Thy kingdom upon the earth. And Glory and honor and praise be Thine forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

ELECTION TO COMMITTEES.

Mr. UNDERWOOD. Mr. Speaker, as this is Calendar Wednesday, I desire to ask unanimous consent that I may move to elect three or four gentlemen to fill vacancies on committees.

The SPEAKER. The gentleman from Alabama asks unanimous consent to nominate certain gentlemen to fill vacancies on committees.

Mr. MANN. I assume that this will take no time?

Mr. UNDERWOOD. None at all. There is no contest about it.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none.

Mr. UNDERWOOD. Mr. Speaker, for the Committee on Ways and Means, I wish to make the following nominations to fill existing committee vacancies:

Hon. JOHN H. ROTHERMEL to the vacancy on the Appropriations Committee occasioned by the death of Hon. J. G. McHenry.

Hon. GEORGE WHITE to the vacancy on the Appropriations Committee occasioned by the resignation of Hon. James Cox.

Hon. SCOTT FERRIS to the chairmanship of the Public Lands Committee occasioned by the resignation of Hon. Joseph T. Robinson.

Hon. C. B. SMITH to the vacancy on the Foreign Affairs Committee occasioned by the resignation of Hon. William Sulzer.

The SPEAKER. Are there any other nominations? If not, the question is on the election of those nominated by the gentleman from Alabama [Mr. UNDERWOOD].

The question was taken, and the above-named Members were elected.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. BURLESON, from the Committee on Appropriations, reported the bill (H. R. 28499) making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, which was read the first and second times, and with the accompanying report (No. 1413), ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. BURLESON. Mr. Speaker, I desire to give notice that I will call this bill up immediately after the passage of the fortifications bill.

Mr. MANN. Mr. Speaker, I do not object to the presentation of the bill, but I wish to reserve all points of order upon the bill.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 39.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return the bill (S. 7162) to amend section 801 of the Code of Law for the District of Columbia.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 24194. An act to create a new division of the western judicial district of Texas, and to provide for terms of court at Pecos, Tex., and for other purposes; and

H. R. 18841. An act incorporating the National Institute of Arts and Letters.

TIME OF MEETING TO-MORROW.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from New York asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection? [After a pause.] The Chair hears none.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday, and the call rests on the Committee on the Library.

LINCOLN MEMORIAL.

Mr. EVANS. Mr. Speaker, I am instructed by the Committee on the Library to call up Senate joint resolution 158.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (S. J. Res. 158) approving the plan, design, and location for a Lincoln memorial.

Resolved, etc., That the plan, design, and location for a Lincoln memorial, determined upon and recommended to Congress December 4, 1912, by the commission created by the act entitled "An act to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln," approved February 9, 1911, be, and the same are hereby, approved.

Mr. EVANS. Mr. Speaker, we have come to an agreement, if it is agreeable to the other Members of the House, with the gentleman from Missouri [Mr. BORLAND], representing the Gettysburg proposition, that we may debate this subject for two hours on each side, and that at the end of that time the previous question shall be considered as ordered on Senate joint resolution No. 158.

Mr. BORLAND. I take it that the gentleman is asking unanimous consent to the statement he is making now?

The SPEAKER. Yes.

Mr. BORLAND. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BORLAND. If the previous question is ordered at the end of the agreed debate of two hours, will it be permissible to offer an amendment after ordering the previous question?

The SPEAKER. It will not, after ordering the previous question.

Mr. BORLAND. The agreement we have made extends to two hours' general debate on each side—four hours in all—but I have no power or disposition to preclude the right of any Member to offer amendments. I intend to offer an amendment of my own during the two hours' general debate, and I believe the agreement might well be that the amendments may be offered after the general debate or after the previous question, but voted on without further debate. I do not desire to extend the debate beyond the four hours.

Mr. MANN. As I understand, the gentleman from Missouri [Mr. BORLAND] desires to offer an amendment. I can not consent to an agreement that everybody in the House should offer an amendment, because it might take a week to dispose of them. I am perfectly willing to consent to an agreement that two hours' general debate should be had on a side, and the gentleman from Missouri [Mr. BORLAND] shall have the right to offer an amendment, and that at the end of four hours the previous question shall be considered as ordered on the resolution and amendment to final passage.

The SPEAKER. The Chair will state that it is only fair to say to the House that the gentleman from Texas [Mr. STEPHENS] notified the Chair before the House met that he wants to offer an amendment.

Mr. STEPHENS of Texas. I have an amendment that I desire to offer at the proper time, Mr. Speaker.

Mr. MANN. And also that the gentleman from Pennsylvania [Mr. LAFEAN] shall have the right to offer an amendment.

Mr. BORLAND. And that these amendments may be offered after my amendment is disposed of.

Mr. MANN. Will be offered at any time and be pending.

The SPEAKER. Is the proposition to cut everybody off from offering amendments except the gentleman from Missouri [Mr. BORLAND] and the gentleman from Texas [Mr. STEPHENS] and the gentleman from Pennsylvania [Mr. LAFEAN]?

Mr. EVANS. That is the proposition, Mr. Speaker.

Mr. JAMES. Well, Mr. Speaker, all these amendments that are offered to this resolution ought to be offered and pending before any one particular amendment is disposed of.

The SPEAKER. That will have to be done. They have not yet agreed upon that.

Mr. JAMES. I think the request of the gentleman from Missouri was——

The SPEAKER. The Chair will try to state what the sum total of these requests is: That the general debate on this proposition shall extend for four hours—that is, if enough gentlemen want to speak to occupy four hours—one half of the time to be controlled by the gentleman from Missouri [Mr. BORLAND] and the other half to be controlled by the gentleman from Illinois [Mr. EVANS], and at the end of the four hours the previous question shall be considered as ordered. In the meantime the gentleman from Missouri [Mr. BORLAND], the gentleman from Texas [Mr. STEPHENS], and the gentleman from Pennsylvania [Mr. LAFEAN] shall have the privilege of offering amendments, and their amendments shall all be pending when the previous question is ordered.

Mr. STEPHENS of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STEPHENS of Texas. What time will be given to each one of us to present our amendments?

The SPEAKER. The Chair does not know about that. The Chair will recognize these three gentlemen to offer their amendments.

Mr. MANN. To offer their amendments.

Mr. BOOHER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BOOHER. I rise to ask, if this agreement goes through, does it cut out everybody else from offering an amendment?

The SPEAKER. It undoubtedly does.

Mr. BOOHER. Does it take unanimous consent?

The SPEAKER. It does.

Mr. BOOHER. Then I object.

The SPEAKER. The gentleman from Missouri [Mr. BOOHER] objects.

Mr. BORLAND. Mr. Speaker, I think perhaps a better solution of the matter would be that general debate go on for four hours, two hours to be controlled by the gentleman from Illinois [Mr. EVANS] and two hours to be controlled by myself, and that at the end of that the previous question shall be considered as ordered, but that amendments may be offered before or after the previous question and voted on without debate.

Mr. MANN. Mr. Speaker, the gentleman from Missouri [Mr. BORLAND] will readily see that if that agreement is entered into there might be 50 amendments offered to this resolution on which the yeas and nays might be demanded.

Mr. BORLAND. Is not that the right of the House, anyway?

Mr. MANN. It is the right of the House to prevent any amendment being offered under the operation of the previous question, if the House chooses to.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent that general debate be concluded in four hours, one half to be controlled by the gentleman from Illinois [Mr. EVANS] and the other half to be controlled by the gentleman from Missouri [Mr. BORLAND], and——

Mr. BORLAND. Mr. Speaker, I ask unanimous consent that the general debate be concluded in four hours, one half to be controlled by the gentleman from Illinois [Mr. EVANS] and the other half by myself.

The SPEAKER. If no agreement is entered into, the gentleman from Illinois [Mr. EVANS] under the rules shall have an hour, and at any time during that hour, either in the beginning of it or at the end of it or between the beginning and end, he can move the previous question. If the previous question is voted, it shuts out everybody else from debate or amendment.

Mr. GARRETT. Mr. Speaker, I ask for the regular order.

The SPEAKER. The regular order is demanded.

Mr. BORLAND. It is not desirable to do that. I do not think the House desires to do that.

The SPEAKER. Does the gentleman from Tennessee [Mr. GARRETT] withdraw his demand for the regular order?

Mr. GARRETT. I withdraw it, Mr. Speaker, for the time being.

The SPEAKER. Is anyone preferring that request?

Mr. BORLAND. I am preferring a request, as tendered by the gentleman from Tennessee [Mr. GARRETT], that general debate be concluded in four hours, two hours to be controlled by the gentleman from Illinois [Mr. EVANS] and two hours to be controlled by myself; but I want the unanimous consent to extend no further than that.

Mr. EVANS. Mr. Speaker, I can not consent to that unless there is added to it a proposition that at the end of four hours the previous question shall be considered as ordered.

Mr. JAMES. Mr. Speaker, it might be possible that the original proposition, to which the gentleman from Missouri [Mr. BOOHER] objected, might be agreed to if it included his right to offer an amendment.

The SPEAKER. Does the gentleman ask that?

Mr. JAMES. I ask that, Mr. Speaker.

The SPEAKER. The gentleman from Kentucky [Mr. JAMES] asks unanimous consent that general debate upon this question shall run for four hours, if enough Members desire to speak to consume four hours, and that in the meantime, at any time the gentleman from Missouri [Mr. BORLAND], the gentleman from Texas [Mr. STEPHENS], the gentleman from Pennsylvania [Mr. LAFEAN], and the gentleman from Missouri [Mr. BOOHER] shall have the right to offer amendments, which shall be pending, and that at the end of four hours the previous question shall be considered as ordered. Is there objection?

Mr. EDWARDS. Mr. Speaker, reserving the right to object, I do not think it is a good precedent to set in this House, in the first place, to limit the number of amendments that may be actually offered. Again, I do not think it is a good precedent to set here to specify those who shall offer these amendments. How do the gentlemen in charge of the matter know who wishes to offer amendments until the matter is actually up? I think if we are going to specify those who are to offer amendments, the proper thing to do is for the gentleman who is in charge of the bill, Mr. EVANS, through the Speaker, to ascertain if any gentleman other than those specified wish to offer amendments, and if so, to give them an opportunity to do so.

Mr. JAMES. Mr. Speaker, does the gentleman desire to offer an amendment?

Mr. EDWARDS. I do not.

Mr. JAMES. Of course, the gentleman from Illinois [Mr. EVANS] will be too busy to go around and take a poll of the membership to find out who wants to offer an amendment.

Mr. EDWARDS. Mr. Speaker, the gentleman from Kentucky is too well versed in the affairs of this House not to know that that is not necessary. The Speaker could ascertain by asking if there are other gentlemen who wish to offer amendments.

Mr. JAMES. I am perfectly willing that the Speaker shall do that.

Mr. EDWARDS. I will be very glad to have that done.

Mr. KENDALL. Mr. Speaker, I would suggest to the gentleman from Illinois that the difficulty with that would be that the amendment may not suggest itself to the Member until debate has developed it.

Mr. EDWARDS. Mr. Speaker, I also had that in mind.

Mr. DIES. Mr. Speaker, there are some others who are not in favor of the proposition of the gentleman from Missouri [Mr. BORLAND] or of the other proposition, but who are in favor of one of these amendments. I want to know if there is any way whereby we can express an opinion in regard to the matter, not being in favor of either of the two propositions?

The SPEAKER. If this unanimous-consent agreement be made, then the only way the gentleman could express his opinion would be to get time either from the gentleman from Illinois [Mr. EVANS] or from the gentleman from Missouri [Mr. BORLAND].

Mr. STEPHENS of Texas. Mr. Speaker, I desire to ask if those gentlemen will give time to me in order that I may present the amendment that I propose to offer?

The SPEAKER. The gentleman from Texas [Mr. STEPHENS] propounds an inquiry to the gentleman from Illinois [Mr. EVANS] and the gentleman from Missouri [Mr. BORLAND], to know if either one of them, or both, will yield time to him or anybody else who desires to discuss these amendments?

Mr. EVANS. Mr. Speaker, on behalf of the Committee on the Library, I desire to say that we do not want to shut out any amendment to any proposition that is offered here in good faith, but we do not want any filibuster, and we want a vote on this proposition to-day.

The SPEAKER. That does not answer the question of the gentleman from Texas.

Mr. STEPHENS of Texas. Mr. Speaker, I have already offered a resolution.

Mr. KENDALL. Mr. Speaker, I desire to suggest to the gentleman from Texas that if this unanimous-consent agreement is entered into, the gentleman from Missouri [Mr. BORLAND] would have only two hours and the gentleman from Illinois [Mr. EVANS] would have two hours at their disposal.

Mr. STEPHENS of Texas. Then they could yield such time as they see proper to me for the purpose of explaining the proposition that I desire to offer, and also to other gentlemen to explain theirs.

Mr. KENDALL. Mr. Speaker, there are a good many gentlemen who desire to deliver speeches here to-day.

Mr. BORLAND. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BORLAND. If this unanimous-consent agreement is not adopted, I understand the procedure will be that the gentleman from Illinois, who has called up the resolution, would be entitled to one hour in his own right, during any time of which he may move the previous question. In order to secure further debate, it would be necessary to vote down that previous question, and then anybody else who arose would secure another hour.

The SPEAKER. That is correct.

Mr. BORLAND. And then if an amendment were proposed, anybody would secure an hour for or against an amendment as long as the previous question be voted down.

The SPEAKER. That is a parliamentary situation.

Mr. BORLAND. Then, Mr. Speaker, I think we can expedite this matter by the committee allowing these gentleman freedom of amendment if we limit the general debate to four hours. My purpose was that debate be limited to four hours and that amendments be offered either before or after the previous question and voted on without further debate, and I believe that the committee will see that that will be the best solution of the question.

Mr. EVANS. That is provided, however, that the previous question be considered as ordered, and then we can vote on your amendment——

Mr. BORLAND. The agreement is that the amendments be offered before or after the previous question is voted on without debate.

Mr. EVANS. Provided there is a proper limitation on the number of amendments.

Mr. BORLAND. But the gentleman will see the objection to a limitation upon the number of amendments. Some gentleman might move the previous question, or the time for the previous question might arrive before some gentleman might have had an opportunity to gain the floor to offer his amendment.

Mr. EVANS. That will be your fault.

Mr. BORLAND. No; it will not be my fault at all any more than your fault.

Mr. GRAY. Mr. Speaker, reserving the right to object, I may want to offer an amendment here, and I do not want to be barred out. I do not want to claim for others what I would not claim for myself.

The SPEAKER. Is there objection?

Mr. MANN. I wish the Chair would state again the proposition.

The SPEAKER. The proposition is that general debate on this question shall run for four hours, provided enough gentlemen want to speak to use four hours, one half to be controlled by the gentleman from Missouri [Mr. BORLAND] and the other half by the gentleman from Illinois [Mr. EVANS]; at the end of the four hours' debate the previous question shall be considered as ordered, and in the meantime the gentleman from Missouri [Mr. BORLAND] and the gentleman from Texas [Mr. STEPHENS], the gentleman from Pennsylvania [Mr. LAFEAN], and the gentleman from Missouri [Mr. BOOHER] shall have the right to offer amendments, and they shall be considered as pending.

Mr. GRAY. What about an amendment from the gentleman from Indiana? Have I the right to offer an amendment?

The SPEAKER. No; the gentleman from Indiana is not included in the pool.

Mr. GRAY. Well, I object.

Mr. STEPHENS of Texas. Then I shall be forced to object, unless I have time to present my amendment.

Mr. GRAY. I object to anything I am not in.

Mr. POU. Mr. Speaker, I ask that the gentleman from Indiana be included in the request.

The SPEAKER. The gentleman from North Carolina [Mr. POU] asks that the gentleman from Indiana [Mr. GRAY] be included in this privilege to offer an amendment.

Mr. GARRETT. Mr. Speaker, I demand the regular order.

Mr. JAMES. Mr. Speaker, I am willing to include the gentleman from Indiana in the request.

The SPEAKER. Is there objection?

Mr. STEPHENS of Texas. Mr. Speaker, I object unless I have time to present our amendment in 10 minutes.

The SPEAKER. The gentleman from Texas [Mr. STEPHENS] says he will object.

Mr. STEPHENS of Texas. I should like to have at least 10 minutes.

Mr. GARRETT. Mr. Speaker, reserving the right to object, it seems perfectly apparent the more the matter is discussed the further and further away from an agreement the House gets. There ought to be an end to it some time. I do not wish to interfere with the arrangement which the gentlemen have agreed upon, and it will be perfectly satisfactory to me if we could get it through, but it is evident we can not get it through, and therefore I demand the regular order.

Mr. JAMES. I think, Mr. Speaker, the gentleman is the only one standing between the House and an agreement.

Mr. GARRETT. Very well, Mr. Speaker, I withhold the demand until we hear what can be agreed upon.

Mr. SLAYDEN. Mr. Speaker, I think that the House generally would like to reach a final vote on this measure to-day. [Applause.] We are getting too near the end of the session. Important supply bills are pressing for attention, and I think that the proposition submitted by Mr. EVANS on one side and the gentleman from Missouri [Mr. BORLAND] on the other, of a four hours' debate, is reasonable, considering the general demand for an opportunity to say something on this measure, but I do believe that the agreement ought to carry with it the condition that there should be a final vote within a reasonable time after that on the resolution and any amendments that may be offered.

The SPEAKER. There will be a final vote immediately; a vote on these amendments, and then a vote on the main question, but in the meantime the gentleman from Texas [Mr. STEPHENS] serves notice that he will object unless Mr. EVANS and Mr. BORLAND, or either of them, yields him 10 minutes.

Mr. GARRETT. I did not hear that, Mr. Speaker.

Mr. STEPHENS of Texas. I think out of four hours we are entitled to at least 10 minutes.

Mr. EVANS. I will yield to the gentleman from Texas half of that time, Mr. Speaker, if Mr. BORLAND will yield the other half.

Mr. BORLAND. I did not understand the gentleman.

Mr. EVANS. I said I would yield the gentleman five minutes.

Mr. SPEAKER. What does the gentleman from Missouri say?

Mr. BORLAND. I yield to the gentleman from Texas five minutes under that agreement.

Mr. BOOHER. I desire to make a suggestion to the gentlemen who are managing this thing apparently, that the debate be limited to five hours; that the gentleman from Missouri [Mr. BORLAND] control two hours, the gentleman from Illinois [Mr. EVANS] control two, and the gentleman from Texas [Mr. STEPHENS] control one. That will let us take the vote at 6 o'clock. Those who are opposed to these two propositions ought to have more time than 10 minutes, and unless there is something of that kind I will object.

Mr. MANN. Mr. Speaker, I call for the regular order.

Mr. JAMES. I suggest to the gentleman from Missouri that the gentleman from Texas [Mr. STEPHENS] only wanted 10 minutes.

The SPEAKER. Is there objection?

Mr. MANN. What is the proposition?

The SPEAKER. The proposition as modified is this: That general debate shall run for four hours, two hours to be controlled by the gentleman from Missouri [Mr. BORLAND] and two hours by the gentleman from Illinois [Mr. EVANS], each one of them agreeing to yield out of that time five minutes apiece to the gentleman from Texas [Mr. STEPHENS], and that the gentleman from Missouri [Mr. BORLAND] and the gentleman from Texas [Mr. STEPHENS] and the gentleman from Pennsylvania [Mr. LAFEAN] and the gentleman from Missouri [Mr. BOOHER] and the gentleman from Indiana [Mr. GRAY] shall have the privilege of offering amendments, and that at the end of the four hours the previous question shall be considered as ordered on the bill and the amendments to final passage. Is there objection?

Mr. BOOHER. I object.

Mr. MANN. Reserving the right to object, I wish to make a parliamentary inquiry.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Senate joint resolution (S. J. Res. 158) approving the plan, design, and location for a Lincoln Memorial.

Resolved, etc., That the plan, design, and location for a Lincoln Memorial, determined upon and recommended to Congress December 4, 1912, by the commission created by the act entitled "An act to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln," approved February 9, 1911, be, and the same are hereby, approved.

Mr. EVANS. Mr. Speaker, I yield 15 minutes of my time to the gentleman from Massachusetts [Mr. MCCALL]. [Applause.]

Mr. MCCALL. Mr. Speaker, the chief question pending before the House is whether Abraham Lincoln shall have a memorial in the city of Washington. There is no other city in the world, however large it may be, that has so many statues and monuments in its streets and public squares as has this city. There is the towering obelisk to Washington, unique in its impressiveness among all the memorials of the world. Then we have statues to generals, big and little, mounted upon horses of every breed, that give to some portions of the city the appearance of a cavalry parade. We have monuments to the foreign soldiers who aided us in establishing the independence of this country, and we have monuments and memorials to sailors of every period of our history. But the eye will search in vain for any memorial reared by the Nation in its Capital to the man who saved the Union, and in the saving of it gave up his life here, whose name was signed upon the title deed of freedom to 4,000,000 of slaves, and who reflected far greater fame upon the country by what he did in this city than any other of our statesmen. Congress has neglected its duty in this respect for a half century, and it is a reproach upon it. Lincoln does not need this monument. His place will be secure in the hearts of his countrymen for all time, and the homage of the struggling millions of mankind will go out forever to the man who illustrated the very chivalry of democracy. But the reproach will be upon us. I believe that the time has come at last when Congress can no longer fail to perform its duty to put up here in the city of Washington, the Capital of the country, a memorial to the greatest political genius our country ever produced. [Applause.]

I do not propose to be diverted into the discussion whether we should utilize the fame of Lincoln and attempt to discharge our duty to him by the construction of a national highway or by entering upon the policy of building boulevards in the different States. That is a question that should rest by itself. I think that Gettysburg was a great and dramatic battle, and that the boulevard, if one is ever to be built from here to Gettysburg, would be a very fitting thing. Before we do that we must look to the sources of our constitutional power. That question, I said, should be settled by itself. But if we are ever to have a memorial in the shape of a highway to commemorate the fame of Lincoln, then I think that highway should be built between Washington and Richmond.

Those are the two cities that but for him would have been the capitals of two independent nations. Between those cities was fought out the question whether we should have in this country one republic or two republics—whether we should have one flag or two flags. Lincoln fought for the idea of an indivisible nation, with its capital in the city of Washington. The Confederacy had its capital at Richmond. There was her president, there her cabinet, there her congress. There she kept her arms and her chariot.

That great contest was finally settled in favor of one country and one flag. If, then, we are to have a highway memorial to Abraham Lincoln, let it connect those two cities which but for him would have been the capitals of two hostile republics, and let that highway be built across the ground every inch of which was fought over by contending armies, over ground made fertile by the reddest and richest blood that was ever shed in war. [Applause.]

I take it that the House of Representatives has no disposition to-day to deny to Abraham Lincoln a memorial in the National Capital. Then the question comes, What sort of a memorial shall it be, and where shall it be placed? When I held the position now occupied by the gentleman from Texas [Mr. SLAYDEN] as chairman of the Committee on the Library, I endeavored to secure some sort of a memorial to Abraham Lincoln in the city of Washington. I endeavored to have the memorial in some way associated with the Capitol, but I found upon study that it would be so overshadowed by the Capitol that it would not be suitably placed.

The question of the site and the memorial was referred by Congress to a commission, and in the determination of the decision of that question we had the benefit of the best expert advice in the world. We had the National Commission of Fine Arts. Upon that commission was Burnham, the architect of the

World's Fair buildings at Chicago, and at the time of his death without a peer, I believe, among the architects of the world. We had that true artist, Frank Millet, whose loss perceptibly augmented even the appalling horror of the *Titanic* disaster. We had the great landscape architect, Frederick Law Olmsted, and we also had the greatest of living sculptors, Daniel French. There never was a better corps of artists, representing not one branch of art alone but representing it in its broadest aspects, than that which we had to aid us in coming to the decision that we reached.

They reported in favor of taking the site upon the banks of the Potomac, on the line of the axis running from the dome of the Capitol through the Washington Monument, and nearly a mile from the Monument. Just opposite, upon the other side, rises the home of the great Confederate chieftain, Robert E. Lee. [Applause.] Then they recommended that we adopt the plan which gentlemen—Members of the House—have seen displayed in the House lobby yonder.

Two objections have been made to that plan. The first is that it does not represent the idea of efficiency; that it is a mere waste of money to expend so much for an unproductive work. The other objection is that it is unsuitable in character to the memory of Lincoln.

I am entirely willing to rest under the scorn of gentlemen who think that we should put everything in life upon the basis of efficiency. I know there are men who would think it a mere waste of time to carve an Apollo or a Venus, when the same amount of labor might rear a hovel to shelter some human head; or who would regard the work of a painter, spending many months of his life in putting immortal tints upon canvas, as a mere waste of time, when he might devote his energies to painting many buildings and preserving them against the weather. But I have myself no sympathy with this view. I not only do not regard it as waste to encourage those pursuits which aim to cultivate and satisfy our sense of beauty, but I believe they make an appeal which makes life richer and better for all of us.

The notion of mere efficiency would cover this world of ours with concrete structures, built with the most nicely calculated strains, and would fill them up with human automatons, each devoted to his own narrow specialty, perhaps of making a boot heel, and chased by fast flying machinery all through the day. We might produce more under such system, but the individual would be shrunk, it would make of us a race of dwarfs, and our ores and coal, I believe, might better be permitted to remain in the earth's untouched bosom. I would not have our country, when the final reckoning is to be made between her and other nations, have nothing to present but an abnormally developed efficiency, and have that put beside the painting, the sculpture, the literature, the music, the architecture, and those other consummate flowers of civilization which other nations would bring. I do not underestimate a highly developed industrial system, if only there should be the more developed also those higher and more artistic expressions of the aspirations of our race, which should be the choicest possession of every one of its children.

As to the fitness of this work, it is said that you are going to erect in memory of Abraham Lincoln a Greek temple. But what would you have? Would we have an Egyptian obelisk, would we have a Turkish mosque, or a Gothic or Romanesque chapel, or would we have an American skyscraper? We must have some type, and by common consent there has been no type better fitted for this purpose than that shown in the marvelous conception of the Greek. In whatever relates to artistic expression, whether in poetry, in eloquence, in sculpture, or in architecture, who is there in the world who can surpass the Greek? What more speaking marbles were ever carved than those of Phidias? What strains of poetry have ever broken with sweeter music on the human ear than those of Homer and of Pindar? Where else has eloquence reached the chiseled beauty of Demosthenes? And although but few remnants of the architecture of the Greeks have survived the hand of the barbarian and the tooth of time, yet when we come in view of some fragments of them to-day, broken though they may be, and 20 centuries after their time, we stand before them enthralled in wonder.

There is nothing more beautiful in architecture than the column of the Greek. Would we speak scornfully of this Capitol in which we now are as a Greek temple? What building in the world is more decorated with the Greek style of architecture than this? The Greek column speaks. It illustrates dignity, beauty, simplicity, and strength. However the soul of Abraham Lincoln might have been chiseled in its shaping, as he came finally to be every one of those elements was represented in his character.

So, Mr. Speaker, I am in favor of this memorial, which has been designed by the greatest artists and architects whose advice we could procure. I am in favor of it because of its site upon the banks of the Potomac. It will be upon a spot over which the eyes of Lincoln used to look longingly and yearningly toward that part of the Union which he was trying to keep as a part of our common country. It will have across the river the home of the great Confederate chieftain, which now is the cemetery of thousands of heroes who wore both the blue and the gray. It will be a memorial in keeping with the majesty and the beauty of his character. In the fitness of its location, in the nobility of its character, and in the unique fame which it shall forever commemorate generations distant will be the day when it shall be paralleled by any other memorial reared to any one of the children of men. [Applause.]

Mr. EVANS. Mr. Speaker, I reserve the balance of my time, and ask that the gentleman from Missouri [Mr. BORLAND] now proceed.

Mr. BORLAND. The gentleman is evidently under the impression that I have some time. Mr. Speaker, if the gentleman does not want to use any more time now, I will ask for time in my own right.

The SPEAKER. The Chair will recognize any gentleman who desires to speak.

Mr. BORLAND. Mr. Speaker——

The SPEAKER. The gentleman from Missouri is recognized for one hour.

Mr. BORLAND. Perhaps the gentleman from Illinois is unaware that an agreement has not been made.

Mr. EVANS. Oh, no; I am aware that there is no agreement.

The SPEAKER. The gentleman from Illinois reserves the balance of his time, which is 45 minutes, and the gentleman from Missouri is recognized for an hour.

Mr. BORLAND. Mr. Speaker, I send to the Clerk's desk a substitute which I offer for the pending resolution, which I ask to have read at this time.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the plan, design, and location for a Lincoln memorial determined upon and recommended to Congress December 4, 1912, by the commission created by the act entitled "An act to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln," approved February 9, 1911, be, and the same are hereby, disapproved and the commission is hereby continued, with directions to report to Congress at the session beginning the first Monday in December, 1913, upon a memorial highway from Washington to the national battle field of Gettysburg, or any other appropriate memorial road, bridge, institution, or structure.

Mr. MANN. Is this an amendment offered by the gentleman, or a substitute?

Mr. BORLAND. A substitute.

The SPEAKER. It seems to be an amendment in the nature of a substitute. The Clerk will report the amendment.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the plan, design, and location for a Lincoln memorial, determined upon and recommended to Congress December 4, 1912, by the commission created by the act entitled "An act to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln," approved February 9, 1911, be, and the same are hereby, disapproved, and the commission is hereby continued, with directions to report to Congress at the session begining the first Monday in December, 1913, upon a memorial highway from Washington to the national battle field of Gettysburg, or any other appropriate memorial road, bridge, institution, or structure.

Mr. MANN. Mr. Speaker, I make the point of order that the amendment is not in order; or, I am perfectly willing to reserve it for a time, if the gentleman desires to address the House.

The SPEAKER. What is the point of order made by the gentleman from Illinois?

Mr. MANN. The point of order is, first, that this is a joint resolution which the gentleman proposes to change to a concurrent resolution; second, that the amendment is not germane to the resolution pending before the House.

Mr. BORLAND. Mr. Speaker, the substitute was drawn at the time that the concurrent resolution was on the calendar. Then they discovered their blunder and changed it to a joint resolution, and the joint resolution has been called up. I ask that this be changed to the proper form of a joint resolution.

The SPEAKER. The gentleman has the right to withdraw it, remodel it, and offer it again.

Mr. BORLAND. I ask that it be changed by substituting the words "Resolved by the Senate and House of Representatives in Congress assembled," and that it be entitled a joint resolution.

Mr. MANN. If the gentleman will move to strike out all after the resolving clause, he will have no difficulty about that proposition.

Mr. BORLAND. I offer it as a substitute for all after the resolving clause.

The SPEAKER. The Clerk will report the modification.

The Clerk read as follows:

Strike out all after the resolving clause and insert the following.

The SPEAKER. It is not necessary to read the body of the substitute again.

Mr. MANN. Now, Mr. Speaker, I make the point of order that the amendment is not germane to the resolution pending before the House; or I will reserve the point of order if the gentleman does not desire it disposed of at this time.

The SPEAKER. Which of the alternatives does the gentleman from Missouri prefer?

Mr. BORLAND. I will ask the gentleman to reserve his point of order. I do not think there is anything in it, but let it be reserved.

Mr. MANN. I think the point of order is perfectly good, but I am willing to reserve it and let the gentleman discuss his proposition.

The SPEAKER. The gentleman from Missouri [Mr. BORLAND] is recognized for an hour.

Mr. BORLAND. Mr. Speaker, I yield 20 minutes to the gentleman from Ohio [Mr. SHERWOOD]. [Applause.]

The SPEAKER. The gentleman from Ohio [Mr. SHERWOOD] is recognized for 20 minutes.

Mr. SHERWOOD. Mr. Speaker, I have here another Lincoln memorial project, handed me this morning by Col. McElroy, editor of the National Tribune, which has been approved by many citizens and citizen soldiers of Washington. This scheme has a utility feature. It provides for a Lincoln temple at the corner of Seventh Street and Pennsylvania Avenue, where the Government owns the ground, and for a great convention hall, where the people from the whole country coming here in religious, commercial, and other conventions, can have a free and convenient meeting place. As stated by Col. McElroy, it would be to Washington what the Forum was to Rome and the Acropolis to Athens. It would be a Greek temple with a meaning—a temple of patriotism. But in my limited time I can not discuss this project. I am for the Lincoln highway—72 miles—from Washington to Gettysburg.

Only once did I ever meet Abraham Lincoln. That was on the 4th of March, 1865, when I was clothed in the grim harness of war, with my once blue uniform tarnished with grime from the red-clay roads of northern Georgia. In November, 1864, I voted as an Ohio soldier for Abraham Lincoln for President while on the march in western Tennessee—voted in an old camp kettle, and we counted the votes at night by the light of the bivouac fires. I want to vote for a permanent and fitting and generous testimonial to Abraham Lincoln now, but not for a $2,000,000 Greek temple, to commemorate the greatest American of his epoch, who never even learned the Greek alphabet. [Applause.]

We have hundreds of monuments dedicated to Abraham Lincoln now. We have four in this National Capital. Under the great central dome stands, in white marble, Vinnie Ream's famous statue of Abraham Lincoln in the plain clothes of an American citizen. Only a few feet to the left is another statue—head and bust—also in marble, double heroic size. In Judiciary Square, on a raised pedestal, is a full-length statue of Lincoln, also in marble. In Lincoln Park stands the historic bronze statue of Lincoln unshackling the slave. So far as I know, none of the patriotic people of the United States are demanding more multiplication of Lincoln statues in this city. The city is now full of statues and monuments that are silent and cold and stand for nothing but Grecian art and sculpture and remind us only of nations and civilizations that are dead.

I will vote for a monument or statue, with ideas in it—a statue to fittingly typify Abraham Lincoln's mission and career. But there is nothing in this Greek temple, however artistic, however ornate, however impressive, that even suggests to the critical observer either the character, or career, or mission of Abraham Lincoln. Lincoln was never a student of Greek art or Greek sculpture. A Greek temple would be an appropriate testimonial to a learned linguist of a national university who had worn out his life in teaching the literature of a dead language, or of a Pagan civilization long since dead, but never for a great citizen of this Republic, who never saw the inside of a university in his school days and who learned to read books at night by the light of a pine-knot fire. Born in a cabin, he breathed the untainted air of the woods and fields. Born poor, but rich in soul and brain and hope and courage. Can we satisfy the patriotic longings of the American people to fittingly commemorate the memory of Lincoln by erecting a $2,000,000 Grecian temple in the National Capital? I do not believe it. We concede that no more is to be said of Abraham Lincoln than has already been written. History has said its last word. We all know that he was, of all public men of his time, the simplest in manners, the most all-pervading in human sympathy, the most constant in his devotion to his ideals. North or South, he has no critics to-day. I met him only once. But I stood within 10 feet of Abraham Lincoln on the 4th of March, 1865, and heard him deliver his last inaugural—his last oration on earth. I heard him say:

Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away. With malice toward none, with charity for all, with firmness in the right, as God gives us to see the right, let us strive to finish the work we are in, to bind up the Nation's wounds, to care for him who shall have bourne the battle, and for his widow and his orphan.

[Applause.]

We have made 48 years of history since that eventful day, but I can see Lincoln now as I saw him then, a tall, gaunt, stalwart man, with deep lines of care furrowing his cheeks, with inexpressible sadness in his face, a face that told the story of a man of many sorrows. A sad face, a strong face, a face radiant with the inspiration of a great soul, as he voiced in prophecy the ultimate destiny of this Nation. As a soldier of the Republic I heard Abraham Lincoln voice his national ideals in his last oration to the American people, and to-day as a citizen of a restored Republic I intend to vote for my conscientious conception of those ideals. It is time we had some American art and American sculpture and American ideas in this National Capital. The brave and prescient patriots of the Revolutionary epoch who founded this Capital and started the young Republic on its career never intended to make this city the home of wealth and monumental splendor, like Athens or Rome. It was intentionally located in the wilderness, that the representatives of the people should be free from the venal influences, the demoralizing environment of a dominating social set of money-fat idlers. [Applause.] This is the only great Capital around the world originally planned in native forest. All the great capitals of the Old World had long commercial lives before being crowned as capitals. It was only 48 days after the last act of ratification of the Federal Constitution that the first-born Congress of the original thirteen States decreed the wilderness on the eastern shore of the Potomac as the future Capital of the Republic.

Only a short time ago I was much amused over the observations of a newly married pair from Fort Wayne, Ind., who came here to shed their honeymoon. They were gazing in awe and admiration at the semicolossal group of statuary on the east front of the Capitol by Persico, erected in 1846, representing the discovery of America. Columbus is personated holding at arm's length a small globe on the top of which is cut "America." Beneath his ponderous legs crouches an awe-stricken Indian girl without a particle of drapery to shield her shapeliness from the gaze of mankind. It took five years to make the group and cost us $24,000. The ridiculous phase of this historic group was very pertinently illustrated by the observations of our young couple from Fort Wayne. I was not surprised when the young lady remarked, "I reckon that is Pocahontas and Capt. John Smith." "No; Flo," remarked the young man, "that is not a captain's uniform and Pocahontas never appeared in that shape without something on. This chap has on tight pants you see and baseball sandals, and what's that he's got in his hands? That is probably a baseball. I tell you what I think this is, Flo, you know Washington has got a baseball team called the Senators, and I'll bet yer this represents the pitcher, as the champion of America, bossing the Goddess of Liberty, and that stone woman on the Dome is the Goddess." [Laughter.]

The young lady smiled sweetly on the young man, in evident pride that he was so well up in the classics, and they walked over to view the other group just opposite. This group is intended to represent the sentiment of America. It is by Greenough and was executed in 1842 and cost $24,000. There are five figures—a hunter rescuing a naked white woman, with a naked baby, from a naked savage, while by the side of the woman is the faithful dog, appearing as if he did not know what all the racket is about. "What do you say that is, Charlie?" said our sweet nineteen. Charlie gazed intently at the naked Indian, the nude woman, the undraped baby, and the indifferent dog, and then slowly said, "Flo, I just give that up." Flo and Charlie are no exceptions to the great run of tourists. Thousands of visitors and curiosity hunters gaze daily upon these ridiculous groups of allegorical statuary, and no one appears to comprehend their significance.

A NAKED GEORGE WASHINGTON.

One of the most hideous pieces of art that mortal man ever beheld is the colossal statue of George Washington, by Greenough, ordered by Congress in 1832 for the Rotunda of the Capitol. It was made in Florence, Italy; was eight years in construction; is 12 feet high; weighs 12 tons; and cost $44,000. In 1840 the U. S. frigate *Constitution* was dispatched to Florence, Italy, to bring this monstrous monstrosity to the United States.

It was landed here in 1841, found to be too large for the Rotunda, and it stood in front of the Capitol for over half a century. It is now hidden from all human eyes, and I trust forever.

This immense figure represents George Washington naked to the waist, sitting in a chair. The right hand is raised high above the head and points to heaven; the left hand holds a Roman short sword, with the handle presented. A mantle falls over the legs. There is a small figure of Columbus on the left side and of an Indian on the other. There is a Latin motto carved on the back of the chair and on the front of the pedestal in raised letters. We might excuse a sculptor who would set up for public admiration the nude figure of a gladiator or a prize fighter, but was it not a hideous thing to put up a naked George Washington in front of our National Capitol? Without going further into the observations of rural tourists, is it not an outrage on American art to have a statue of George Washington naked, sitting in the chair of a Roman emperor, holding the sword of a Roman soldier, encompassed about with Roman symbols, and disfigured with a Latin motto? And yet this statue is a classic, patterned to commemorate Pagan art and sculpture, the same as the proposed Greek temple.

Go down Capitol Hill and look at the unsightly monstrosity—that marble memorial to Gen. Grant. We have just wasted a quarter of a million on that statue. Take a view of the pedestal in the center, surrounded by four African lions, crouchant with desperate claws. At one end of this misfit in marble is a group in bronze, intended to represent four plunging, crouching, rearing artillery horses, pulling a 6-pounder cannon over an impossible road of stumps and mud, with the two leading horses, with forelegs high in air, over a precipice. A cruel, painful conception, and entirely inappropriate, as Gen. Grant never commanded a battery in war and never shotted a cannon. And the African lions—not even a product of America. Not an idea in it to remind us of Gen. Grant; not a suggestion of the remarkable career, both in war and peace, of the foremost man of all the world.

Look at the equestrial statue of Gen. Jackson in front of the White House. See the hero of New Orleans on an impossible war horse, a classic from Rome, if you please, patterned after the show riders of the Roman ampitheater, with their horses on their hind legs in the sawdust. Not thus sat Gen. Jackson in war's reeling fray, when the foam hung from the lips of his tired horse and his wet limbs were slashed with the bloody slime of the battle field.

Look at the great figure above the central dome of this Capitol, that probably 90,000,000 of people think is the Goddess of Liberty. This is also an Italian product—a Roman classic, if you please. It was designed by Crawford in Rome in 1858. It is the figure of a woman, the sword and shield of a soldier, and the Phrygian helmet of a Pagan. This helmet is pierced by a crest of eagle quills. The only thing American about this statue is the eagle quills. Hence we have no Goddess of Liberty on the dome to personate a country all free and forever to be free. Let us *chisel off* the barbarous Pagan helmet and place a liberty cap instead, with a tiara of 48 stars, and bespangle it with jeweled gems from our mountains and mines—something American, something to symbolize a great Republic. [Applause.]

Take the Washington Monument, conceived and planned and originally built to the height of 152 feet by the contributions of patriotic citizens and societies. And how does that immense pile of white marble compare with Mount Vernon as a national shrine. Not at all. There is no sentiment, no patriotic inspiration in the cold conceits of sculptured marble. The hundreds of thousands of visitors and excursionists to this National Capitol take a far-away look at this cold marble pile and then go to Mount Vernon. And in the environment of the home of George Washington, in the association of George Washington with his historic mansion, and in the presence of his tomb Mount Vernon and not the Washington Monument has become our national shrine. And it will so remain long after the Washington Monument has crumbled into dust.

The most heroic incident in the life of Abraham Lincoln was his oration on the battle field of Gettysburg. It is conceded to be the leading classic in the heroic literature of the war period. The most valued and heroic incident in the life of Abraham Lincoln was his oration on this great battle field. Here was fought the most desperate, the most signal, and the most decisive battle of the entire four years' war. Next July the last sad remnants of two great armies—the blue and the gray—will meet in reunion on the battle field of Gettysburg—a continent-wide patriotic reunion to proclaim to all the world that this Nation is now one and inseparable. Let the Congress of the United States embrace this occasion to make that battle field a sacred national shrine. Let us build from this now overly ornated Capitol a national highway, to be known for all time as the Lincoln Highway to Gettysburg. And on the spot where Lincoln stood when he delivered his memorial oration on that ever memorable November day let us erect a marble tablet, with every shining sentence of that immortal classic cut into the solid marble. [Applause.] Let us have a memorial to Abraham Lincoln with ideas in it—ideas of patriotic inspiration. Monuments have no sympathy, no emotion, no voice. Let us have tokens and symbols that are prescient with inspiration for the future of our country. The great present, with its growing zeal for humanity, with a culture deepened and broadened by science and enriched by all history, with its strong winged soul of prophecy, hot with the blood beats of a realized brotherhood claims us, calls us, and holds us. Let us not stagger back into pagan darkness to study art and sculpture from nations and civilizations long since dead that knew neither chastity nor charity nor Christ. Give us something with life in it—American ideas vibrant with the full-throated voice of patriotic inspiration. Let us make a national shrine of Gettysburg and build a broad highway to this Capitol and hallow it for all time with the revered name of Lincoln. [Continued applause.]

Mr. BORLAND. Mr. Speaker, the fame of Abraham Lincoln is a growing one. Forty-seven years after his death his fame is greater to-day among his compatriots than ever before. Monuments have been built to Abraham Lincoln beginning almost with the time of his unhappy decease, and as years go by these monuments have been discarded by the American people as utterly inappropriate and insufficient to express the profound national appreciation of the wondrous character of Abraham Lincoln.

It was not that he was a ruthless conqueror, it was not that he was a pagan philosopher, it was not that he was a Lorenzo di Medici, patron of the fine arts, but that he was a great, profound student of human nature, with a sympathetic heart that beat in unison with the humblest citizen of his native land.

And as that impression has gone forth throughout all the rank and file of American citizenship, the monument to Lincoln's fame has gained an enduring foundation which will raise it to the eternal skies.

With all due respect to this Lincoln Commission, no one is prepared to admit that they have spoken the final word for the preservation of Lincoln's fame. It would not have been possible before the present time to secure an appropriation of $2,000,000 to commemorate any American except Washington. These other monuments have cost trifling sums in comparison, but they are discarded as utterly inadequate for the purpose. Washington contains Lincoln monuments, one at the courthouse and one on Lincoln Square. There is no dearth of Lincoln monuments, big and little, but they have not commanded the love and veneration of the American people as being expressive of the American ideal of Lincoln.

I am opposed to this Greek temple on one hand and I am in favor of the highway on the other. My views are simply stated: First, I believe the Greek temple is wholly inappropriate and will be so deemed by the American people. Second, I believe that the highway is nearer to a perpetual monument of Lincoln, nearer to expressing the epoch of American history, than any other form of memorial capable in or about the National Capital.

When this committee was chosen for the task of spending $2,000,000 of the people's money for a memorial in the city of Washington, they were confronted at once with the difficulty of spending that large sum without producing something that would detract from the National Capitol and the Washington Monument. It was a matter of some difficulty to spend such a sum and get any adequate return upon the money without erecting something that would produce an unfavorable comparison with the Washington Monument. Finally the committee hit on the Greek temple plan, or the Greek temple plan was conceived in the minds of the Fine Arts Commission, and the committee were induced to sanction it.

Mr. Speaker, the Greek temple form of construction is a very familiar one to architects, as I understand. It has been adapted to all kinds of public buildings, treasuries, churches, libraries, and art galleries. It has been duplicated countless times in the city of Washington and in every other great capital in the world. It will be duplicated countless times. It is the most hackneyed form of architectural art known now to architects. Architecture or art is, or should be, some expression of the age and clime which gives it birth. The Greek temple consists of a large rectangular building with a heavy, flat roof supported by columns. It is the product of a land of perpetual sunshine, where light and air are free and where the only desirable quality of the building is shade. We have transplanted that

form to our land of gray skies, to a land of wintry storms, to a land of artificial light and artificial heat, and we have adapted it successfully to many public buildings.

If the designs of this art commission are carried out, we shall have a great mall reaching from here to the Washington Monument, lined on both sides with buildings of Greek temple construction—one for the Department of Commerce and Labor, one for the Department of Justice, one for the Department of the Interior, one for the Department of Agriculture. There will be perhaps six or eight great white marble Greek temples stretching down from here to the Washington Monument. Then on the other side of the Monument will be another Greek temple if this resolution be adopted, only that Greek temple will be empty. It will contain only a heroic statue of Lincoln clad in American clothes, and it will be called a memorial to Abraham Lincoln. The Fine Arts Commission have so committed themselves to the Greek temple form of construction for Washington that they will turn every building in the Capital into a Greek temple in the course of time if their plans are carried out. Nobody would be able to tell whether that Lincoln memorial was an addition to the Bureau of Engraving and Printing or whether it was a storage place for congressional seeds until he got inside of it. The Bureau of Engraving and Printing, just now approaching completion, is a modification of the Greek temple with its heavy columns. The architectural absurdity of trying to adapt that plan to every conceivable building could not be better illustrated than in what happened at the Bureau of Engraving and Printing, for in a building of that kind the most desirable thing is light, and the thing that the Greek temple excludes is light. They have actually gone to the length of moving the glass windows out to fill up the intervening spaces between the columns in order to secure the necessary light for the Bureau of Engraving and Printing. I am informed, my colleagues, that your Fine Arts Commission actually drew plans for a school building in the District of Columbia in the form of the Greek temple, and when it was found it would require artificial light in the daytime for the children to study they discarded the scheme and burned up the plans. So the Greek temple, beautiful as it may be, is not adapted to every possible purpose, and certainly it is not adapted to a commemoration of a great American commoner. A week ago this day, when this matter was supposed to come up, one of the greatest artists in the country, Guston Borglum, was in the city of Washington. He is the man who molded that wonderful rugged head of Lincoln that stands in the rotunda of this Capitol, the most remarkable head of Lincoln that has ever been produced. I take it he is an artist whose artistic criticism is of some value. Borglum said that the Greek temple project does not contain $10,000 worth of art in the whole $2,000,000 worth of appropriation. He says that is a stonemason's job. The hackneyed temple design is simply enlarged to use up the requisite amount appropriated. If Congress had appropriated $4,000,000, it could have made it twice as big. Yet that interview was taken by every reporter to the papers in Washington and went into the waste-paper basket. Borglum says the epoch of Lincoln is filled with all the marvelous tragedies of the human heart.

It shows a great people emerging from the most tremendous struggle in history to solve the great problem of self-government, and the great problem of justice and equality to the weak, and that, being vital with everything that speaks of American life and American history, has been embalmed and ossified into a Greek temple borrowed from a distant age, and a pagan age at that.

I am opposed to the Greek temple as wholly inappropriate under any aspect to express the American sentiment for Lincoln. My colleagues, this Greek temple proposition is not primarily a memorial to Lincoln at all. It is a part of a much larger scheme, called, I believe, the "McMillan plan" for the beautification, as they call it, of Washington by turning it into a vast mausoleum. If Congress had appropriated $2,000,000 for a memorial to Alexander Hamilton or Thomas Jefferson, or, perhaps, as the gentleman from Illinois suggested, Jefferson Davis, the Fine Arts Commission would have dished up the same identical Greek temple. It is not any more appropriate for Lincoln, in fact less appropriate for Lincoln, than any American that could possibly be named. It need not be assumed that these $2,000,000 of the people's money which would be expended for this useless purpose will be the end of the matter. That building will have to be heated, lighted, plumbed, furnished with caretakers, attendants, guards, watchmen, and fuel; $18,000 or $20,000 a year in the sundry civil bill will not take care of that building. It is not to be assumed that this is the end of the expense of a useless building. It is designed to commit Congress to a scheme for the purchase of property in the District and for the enlargement of the park area of the District, and for the acquisition of more or less unsalable property in the District, of which the end can not be foreseen.

Why, there is a companion bill to this, that I mentioned yesterday, which has come over from the Senate, to appropriate $2,300,000 to move the Botanical Gardens into Rock Creek Park. That is one step contemplated under the present arrangement. How much more we have no way of telling.

On the other hand, I am in favor of the roadway, not simply because it has been indorsed by the Grand Army and by organized labor, and by other American bodies, but because I believe that there is no point within reach of the National Capital which is so identified with the epoch of Lincoln and with his character and career as the great battle field of Gettysburg. When foreigners come to our shores they do not come to see how well we can imitate the temples of ancient Greece; they do not come to see how well we can copy the Sistine Madonna or the Last Supper. They come to see something vital of American life, American ideals, and American history. When Americans travel about their own country they are not to be shown copies of the art of some distant age and clime, but something that will remind them of the struggle and career and triumph of Americans, and American history and American ideals.

The most extraordinary figures have been given out in the report of the Library Committee. I can not now stop to analyze them. It is said that this road would cost $35,000,000. That is the mildest statement in this report. In my State, where we have good roads, we build them for $4,500 a mile—that is, with a 12-foot surface, with an oil binder.

If you would make this road cost $20,000 a mile, the entire cost would be less than $1,500,000. There would be given unlimited contributions by States, by regiments, by patriotic societies, that would make this memorial to Lincoln not only a memorial to eternity but a memorial which would constantly be more and more of a memorial, and not be discarded at some future date as utterly inadequate to express the national sentiment toward Lincoln. It could be made one of the show places of America, if not of the entire world.

This memorial, this beautiful boulevard, would reach from the Nation's Capital to the Nation's greatest battlefield, to the culmination of that mighty struggle which solved for all time the question of the unity of the American Nation. Not a foreigner who came to our shores but would make a pilgrimage over that mighty boulevard from the Capital to the battle field or from the battle field to the Capital. Not an American citizen, not even an American schoolboy, but would feel that the longing wish of his heart was to see the great battle field of Gettysburg and then the great Capital of the Nation under whose flag he lives.

That great battle field would be an object of pleasure and interest besides being an opening of America to Americans. We send every year thousands of Americans and millions of American dollars to Europe, and yet we have more in this country to show them of natural beauty and heroic and historic triumph than they have in any country elsewhere on the civilized globe.

That boulevard would reach from the Capital to that great battle field which was immortalized not only by the burning words of Lincoln but by the dauntless heroism of the citizen soldiers of America, who on that great field for three long days, under a burning July sun, hurled themselves against each other in the greatest war of modern times, and proved to themselves and to all the world that they were one in race, one in courage, and one in destiny. [Applause.] Upon that great historic field during this current year will meet the veterans of the North and the veterans of the South, to clasp hands forever across the bloody chasm and to mark the realization and the fulfillment of the dearest wish of Abraham Lincoln—a peaceful, prosperous, reunited American Nation. [Applause.]

Mr. Speaker and gentlemen, I thank you. I reserve the balance of my time, Mr. Speaker.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to be recognized for the purpose of offering an amendment, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Texas [Mr. STEPHENS] offers his amendment, which the Clerk will report.

The Clerk read as follows:

Strike out all after the resolving clause and insert the following:

"That the plan, design, and location for a Lincoln Memorial determined upon and recommended to Congress December 4, 1912, by the commission created by the act entitled 'An act to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln,' approved February 9, 1911, be, and the same are hereby, disapproved, and the said commission is hereby continued, with directions to select a location in the city of Washington, D. C., and to secure plans and designs for the erection of a Lincoln national

memorial hall and to make recommendation and report thereon to Congress at the session beginning the first Monday in December, 1913; said hall to be erected and dedicated to the memory of Abraham Lincoln, and to be suitable for use as an auditorium for all such national and international public assemblies and uses as Congress may hereafter designate."

Mr. MANN. Mr. Speaker, I reserve a point of order upon the amendment.

The SPEAKER. The gentleman from Illinois [Mr. MANN] reserves a point of order upon the amendment.

Mr. STEPHENS of Texas. Mr. Speaker, I shall address myself to the necessity for the amendment that I have offered to the pending resolution. The commission alluded to in the amendment was created by act of Congress approved February 9, 1911. The members of that commission are WILLIAM H. TAFT, SHELBY M. CULLOM, JOSEPH G. CANNON, GEORGE P. WETMORE, SAMUEL W. MCCALL, Hernando De Soto Money, who has since died, and I do not remember at the present time the name of the gentleman who has taken his place, and CHAMP CLARK.

Under the terms of the act they were created a commission to be known as the Lincoln Memorial Commission. Their duties were to prescribe and determine upon the location, plan, and design of the memorial in the city of Washington, D. C., to the memory of Abraham Lincoln, subject to the approval of Congress; and if my amendment is adopted by this House it will continue this body in office for the purpose of determining where and how this Lincoln memorial building should be erected.

This commission, under the act creating it approved February 9, 1911, has the further authority to employ the services of such architects, sculptors, and others as it shall determine to be necessary, and to avail itself of the advice and services of the Commission on Fine Arts created by the act of March 3, 1910. And the act further provides that the construction of the monument or memorial shall be upon such site as shall be determined by the commission and approved by Congress, and its construction shall be entered upon as speedily as practicable after the plan and design therefor is determined upon and approved by Congress.

This amendment provides that the site shall be selected by this commission, that they shall secure plans and designs for the erection of a Lincoln national memorial hall, and make recommendations and report thereon at the session beginning the first Monday in December, 1913, said hall to be erected and dedicated to the memory of Abraham Lincoln, and to be suitable for use as an auditorium for all such national and international public assemblies and uses as Congress may hereafter designate.

Under my amendment, if adopted, this commission will be fully authorized and continued in power for the purpose of locating a Lincoln national memorial hall in this city for such public uses as Congress may hereafter designate.

I believe that if this amendment is adopted and this commission is given the authority provided in the amendment and the act creating it that they can and will report back to Congress the first Monday in December of this year, a plan for a hall to be erected and used for public purposes in this city that will be an honor to Abraham Lincoln, and also that will be of vast benefit to the people of this city as well as to the people of the whole United States. In my judgment enough has been said—and I will not reiterate any of the arguments—against the plan that has been adopted by this commission for a Grecian temple. Suffice it to say that it is in a location in Washington that I dare say but very few persons have visited or will ever visit. It is, I think, at least 2,000 feet from the Washington Monument and something like a mile from this place, and located on very low ground on the banks of the Potomac River, where only a great driveway is now located. It could not be used for any useful purpose. It is not in a position where it would be ornamental, because it is too far away from the Capitol. As between the two, I would vastly prefer to see the public-memorial road built from here to the battle field of Gettysburg. But that opens up a very dangerous proposition in my judgment.

Mr. RODENBERG. Could this hall that the gentleman has in mind be utilized for the purpose of an inaugural ball?

Mr. STEPHENS of Texas. This Grecian temple can not be used for the purpose of any assemblage whatever. It would only be a thing of beauty and of no practical utility, while the hall I propose would and could be used for inauguration or any other public purpose authorized by Congress.

Mr. RODENBERG. I mean the hall that the gentleman has in mind. Could that be used for inaugural balls?

Mr. STEPHENS of Texas. It could be used for all public purposes that Congress might be asked to designate. It could be used in the same way that the English people are using the Albert Memorial Hall in London.

But with reference to the public-road proposition, it is evident to my mind, from a document that I hold in my hand, published recently by Congress—Report No. 1294, Sixty-second Congress, third session—that there is more behind this memorial-road proposition than appears on the surface. In this report it is stated that—

> Two general plans for this memorial will be presented for the consideration of Congress. One plan restricts the memorial to a purely ornamental structure in Washington.

I have said enough on that proposition, because I do not believe this House will adopt any plan providing for a building of no practical utility. The report says, further, that—

> The other plan contemplates the construction of a great highway or boulevard, leading from a superb memorial structure in Washington to the spot at Gettysburg where Lincoln delivered his immortal address, which "crystallized the spirit of the Republic into a paragraph." Through its extensions by the various States this will rapidly develop into a transcontinental highway—

Here the object of this resolution is fully exposed, because it points out that—

> This will rapidly develop into a transcontinental highway and become the nucleus of a great national system of public roads which will bind together all sections of the Nation. Every city, town, and hamlet in the country will build a highway to connect with some extension of the Lincoln Road.

Now, let us inquire who is behind this great national highway proposition, to extend to every hamlet, town, and city in this country public roads built from money voted from the United States Treasury.

This document, gotten up and backed by the automobile manufacturers of the United States, further says that—

> We are therefore conducting a national campaign of publicity and organization to get the wishes of the people before Congress. As a part of this campaign it is very desirable to send a personal letter with a leaflet and form like the inclosed to 1,000 leading citizens in each of 275 congressional districts, asking those addressed to take this matter up with their Congressmen and Senators. To put these letters with inclosures in the mail costs about $45 per 1,000, or a total of $12,375.

This literature comes from the Lincoln Memorial Road Association, and it is the source of the sentiment that is backing this great Lincoln memorial road from Washington to Gettysburg. The secretary of this Lincoln Memorial Road Association is Lester T. McCleary, and he is taking advantage of this bill in order to advocate and push forward the great automobile proposition they are trying to advance in this country. Here is what the document further says:

> Having in mind the far-reaching importance of this matter, one of the good-roads committee connected with the automobile industry has subscribed $2,500 to aid our publicity campaign. Many of the leading automobile clubs and individual manufacturers have subscribed varying amounts. You may have subscribed directly or indirectly, but even if that is the case it is vital to the success of this movement that you subscribe a substantial amount in addition, as more money is urgently needed, and a popular subscription could not be raised in time to be available.
>
> Over 100 Members of the National House of Representatives, including the Speaker of the House, and many of the leading Senators of both parties have already expressed themselves in favor of the memorial road. We would like to make it as nearly unanimous as possible.
>
> I hope you will give this movement your strong moral and financial support and that you will act at once.
>
> In addition to making a substantial subscription now, I hope that each of your executive officers will write a personal letter to his Congressman and his two United States Senators urging them to favor the plan for the Lincoln memorial which includes the road to Gettysburg, and that you will arrange to have each of your representatives and agents throughout the country do the same.

Now, it is clear that the Automobile Good Roads Association is behind this memorial road for the purpose here fully disclosed, of extending the great national highway to every hamlet and village in this country. I do not believe there has ever been a more dangerous set of bills introduced in Congress than the bills providing for spending untold millions of dollars for building public roads in the States out of the Public Treasury.

If we should adopt the amendment offered by the gentleman from Missouri [Mr. BORLAND] it would be an entering wedge for the appropriation of hundreds of millions for public roads, and I hope that it will not be agreed to.

The advisability and practicability of building a great national memorial hall in this city is not doubted, and no one can truthfully say that it is not needed. A Greek temple is not needed. A great automobile road is not needed. It would not be built for the use of the common people of this country but for the use of automobile owners. Abraham Lincoln was an extremely practical man, and prided himself on being one of the great mass of the common people of this Nation, and we do him no honor by erecting the Grecian memorial structure proposed by this resolution.

It is necessary for us to adopt something that the whole people of the United States will be benefited by. But a few

days ago we had the question before us as to where we would have the inaugural ceremonies. If this hall had been erected it could be used for that purpose. We have river and harbor congresses and other like great public assemblies that are called to meet in this city. All of these organizations and meetings are semipublic, and if this Lincoln national memorial hall is erected it would be an easy matter for Congress to direct that all such assemblies could use it for their meetings.

Mr. SHARP. Will the gentleman yield?

Mr. STEPHENS of Texas. I will.

Mr. SHARP. Is the gentleman aware of the measure introduced by Senator Root, providing for a memorial to George Washington, which contemplates the erection of a building substantially like the one now advocated by the gentleman from Texas?

Mr. STEPHENS of Texas. I was not aware of that; but I think the Washington Monument standing in this city could not be improved upon. I have heard from no quarter any demand for the erection of another monument to Washington.

Mr. SHARP. It has already passed the Senate.

Mr. STEPHENS of Texas. So has this Lincoln memorial resolution passed the Senate. I think there is a public sentiment behind the Lincoln memorial resolution, but I know of none for the erection of another monument to Washington. I know of no better or any more lasting memorial which could be erected to the memory of Lincoln—or any more beneficial one—than to have a great hall, such as the Albert Memorial Hall in London, dedicated to his memory. Mr. Thornbury, a writer on old and new London, describes in his book the Prince Albert Memorial Hall.

Mr. CANTRILL. Will the gentleman yield?

Mr. STEPHENS of Texas. Yes.

Mr. CANTRILL. I would like to ask the gentleman if, in his judgment, it would not be a better public policy to appropriate money for the construction of buildings in Washington to alleviate the suffering of thousands of Government employees who are now employed under certain conditions that are absolutely inhuman? Would it not be better to do that than to expend this vast sum of money simply to beautify the city?

Mr. STEPHENS of Texas. The gentleman is correct, and he takes the same position that I have always taken.

Mr. CANTRILL. Mr. Speaker, if the gentleman will permit me, I would like to make one further remark. This is the only time that I will have to call attention to certain facts. I will state that there are hundreds of employees—and I can name the places—housed in this city to-day, who are working under conditions that are absolutely inhuman. I can point the gentleman to a department where Government employees have been working at a temperature of 112 degrees and where they are selected for that employment on account of the stature of the men, because no man of moderate height can go in there and work under the roof under which they have to work.

Mr. STEPHENS of Texas. Mr. Speaker, I presume the gentleman is referring to the Bureau of Engraving and Printing?

Mr. CANTRILL. No. There are other places also. There was another department where, on the sixth floor, there were 165 men and women employed. The fifth floor, directly underneath them, was covered with inflammable material—oil, blankets, and other things. The fire escapes to the sixth floor were locked, and at the drop of a match those people would have been cremated in an instant. There are dozens of cases of that kind here in Washington, and I want to ask the gentleman if it would not be better public policy, if it would not be better for the American Congress, to give its time to the alleviation of human suffering on the part of hundreds of Government employees and remedy these inhuman conditions rather than to squander millions of the people's money in the erection of a memorial to anybody at this time?

Mr. STEPHENS of Texas. Mr. Chairman, I desire to state that bills are now pending for the erection of buildings to take the place of those to which the gentleman refers, and I hope that in a very short time those buildings will be erected and that the conditions of the people who work in those buildings will be improved and that the clerks will have comfortable rooms in which to perform their duties.

Mr. CANTRILL. The point I wanted to bring out is whether we would not better take care of them now, remedy those conditions first, and then, if the Government finances permit, later on take up and consider these matters that are in the nature of a luxury, so to speak.

Mr. STEPHENS of Texas. Mr. Speaker, as I understand, the Committee on Public Buildings has now under consideration plans to erect buildings as fast as it can be done to take care of every Government employee in the city. I will state, further, to the gentleman that several years ago, when we authorized the building of the House Office Building, that I tried to defeat the measure, but we did not have enough Members on the floor opposed to the building to call the roll upon the question and force a record vote. I took the position then, and I take it now, that every public building where clerks are employed in this city should be erected before we erect a public building for ourselves, and I believed then and I believe now—although the office buildings were needed—that we commenced at the wrong end of these building enterprises, and that we should first have housed comfortably every clerk in the employ of this Government before constructing a marble palace for ourselves.

Mr. CANTRILL. I agree with the gentleman.

Mr. FOCHT. Mr. Speaker, I would ask the gentleman from Texas whether he does not know it to be a fact that there are now working in the Bureau of Printing and Engraving, in one large room, from 400 to 500 men and women under conditions which are worse than those that prevail in any sweat shop in the country—absolutely barbarous, a disgrace and a shame to the Federal Government? Is not that the fact?

Mr. STEPHENS of Texas. Mr. Speaker, I understand that the conditions are bad, and the gentleman must understand that we are now constructing one of the largest and best buildings in the city for the purpose of taking care of those people in the Bureau of Printing and Engraving.

Mr. Speaker, referring again briefly to the Albert Memorial Hall, I desire to state that after the Prince Consort died the question was raised in Great Britain as to what kind of a memorial should be erected to him. Queen Victoria survived him for many years. It was her desire and the wish of the English Nation that some proper memorial should be erected to the memory of Prince Albert. They agreed upon the Albert Memorial Hall as the best kind of memorial. It is a building on the edge of Hyde Park and is known as the Royal Albert Hall of Art and Sciences, and owes its origin to the fund which was raised in 1862 for the purpose of erecting in Hyde Park the national memorial to the late Prince Consort, which we have already described. With every desire that this recognition of the debt which English art, science, and industry owed to the Prince should be, in every sense of the word, such a memorial as the country itself preferred, the Queen requested a committee of gentlemen to suggest the form which the testimonial should assume.

And that testimonial took the form of a great building, such as suggested in my amendment. The author of the book I hold in my hand further says:

> After deliberating upon the matter, the committee recommended the erection of a personal memorial to the Prince Consort in Hyde Park, opposite what is best known as the Central Hall of Arts and Sciences. * * *
>
> A pardonable degree of curiosity was aroused respecting the ultimate destiny of the hall; but this was set aside when it was announced that the new building was intended, amongst other things, to accommodate science congresses, to provide a suitable arena for musical performances, and to serve other equally useful artistic and scientific purposes.

Such as the hall I propose can be used, and possibly will be used, under the direction of Congress.

> For this the building is admirably adapted from the immense disposable space it offers. Between 6,000 and 7,000 people can be seated in the hall, and, besides this, when the necessity arises, it is possible to place as many as 2,000 spectators in comfortable positions on an incline staging in the picture gallery, which runs nearly around the hall.

And he goes on to say, further:

> Guided by the principles upon which the Romans constructed those amphitheatric buildings, the remains of which strike modern spectators with awe and admiration, the designers of the Albert Hall have succeeded in raising a structure of eminently beautiful and attractive proportions. Seen from the park or the Kensington Road, the hall stands boldly out in all the magnificence which invests a building in the style of Italian Renaissance.

The Kensington Road enters the park at the point where this building is erected. It goes on to say:

> In the plan of the interior it can be seen at once that the architect has taken for his model the old Roman amphitheater, though with such important modifications as, happily, quite another kind of entertainment, and, unhappily, less genial skies required. Roman plebeians and aristocrats were mere spectators, looking down on the fierce and bloody spectacles provided for their amusement in the arena. Here it was necessary so to provide that people might both hear and see, but above all things hear. Such a condition gives the key to the arrangement of the interior. Imagine, then, within an outer shell of staircases, corridors, refreshment and retiring rooms, a vast hall in shape of a graceful oval, of which the southern end is all but filled by the organ and orchestra, rising upward in tiers of seats. Fronting this orchestra is the auditorium, of horseshoe form, composed of arena, a level space; the amphitheater, or, as it might be better termed, the stalls, sloping upward toward the boxes; three tiers of boxes; above them the balcony; and, lastly, above it what is called the picture gallery. This gallery is not within the proper limits of the ellipse forming the interior, but is built over the staircases and corridors, which form an outer zone to the portions of the auditorium below. It

runs, therefore, around the whole of the interior, and the 30 Italian arches, with their scagliola pillars, through which the body of the hall is seen, are really its great ornaments.

The boxes and balcony project from the wall into the ellipse, each tier extending 3 feet beyond that above it. Such an arrangement enables the occupants of each tier to see without much difficulty, and be seen by those above them. One of the most remarkable features of the hall, in fact, is the perfect view of the interior, and of all within it, which can be had from any point. * * *

Since the day of the opening of the hall by Her Majesty, when the orchestra was occupied by 1,200 instrumentalists and vocalists, concerts on a grand and extensive scale have been the chief use to which the building has been put; and it was also used for part of the display in the annual industrial exhibitions of 1871 to 1874. The grandest scenes, perhaps, which have taken place within its walls were on the occasions of the State concerts given in honor of the visits to England of the Shah of Persia, the Czar of Russia, etc.; more recently the most notable functions have been the reception of Mr. Stanley and the concert on the occasion of the German Emperor's visit to England.

If we adopt my amendment, a similar building would constitute a splendid memorial of Abraham Lincoln.

Mr. CANNON. Will the gentleman yield?

Mr. STEPHENS of Texas. Certainly.

Mr. CANNON. When was the hall completed?

Mr. STEPHENS of Texas. In 1867, I believe; it was started in 1862, if I remember rightly.

Mr. CANNON. Will the gentleman allow me? In 1875, the first and only time I crossed the water, I visited London and was over there three weeks and saw the memorial to the late Prince Consort just off Hyde Park, not a hall, as beautiful a memorial as I ever saw. I did not know that hall was ever built until this minute.

Mr. STEPHENS of Texas. I will state to the gentleman that that stands directly in front of the memorial, and that it contains the great auditorium which I have been describing. I have a picture of it here.

Mr. CANNON. I am just telling the gentleman of my experience, and I was about an average mast-fed fellow, who crossed over there to see things. I saw that splendid monument, with no utility about it, and I never knew that the hall existed.

Mr. STEPHENS of Texas. I regret that the gentleman overlooked that magnificent hall. He certainly was not with a Cook party and being conducted through the city of London to see its famous buildings, as I was a few years ago. It is the most wonderful hall in that city, and said to be the most wonderful in the world.

I yield to the gentleman from Massachusetts [Mr. CURLEY] five minutes, and reserve the balance of my time.

Mr. CURLEY. Mr. Speaker, I listened, as did every Member of this House, with intense earnestness and with great admiration for the ability displayed by the distinguished and learned son of Massachusetts [Mr. McCALL] in portraying the necessity that the memorial should take the form of a Greek temple. And we listened with the same rapt interest to the gentleman from Texas [Mr. STEPHENS] as he told the story of the temple erected in London, wherein he pointed out the fact that there is no hall available for a meeting place in Washington.

Mr. Speaker, I had an opportunity to attend a meeting held in a convention hall, that was capable of holding 5,000 zealous, enthusiastic Clark supporters for President, that is located in Washington and which is of sufficient size to accommodate most any character of gathering.

Mr. Speaker, it strikes me that we have rather strayed away from the significance that should attach to a memorial to Abraham Lincoln. The one salient feature that stands most preeminently forth in a study of the characteristics and of the life and of the struggles of that great somber, sorrowful man, who belongs to the centuries, whose deeds, achievements, and greatness overshadow those of any man of any nationality that ever trod God's footstool, was his love of humanity.

It permeates every act of the life of Lincoln, and we best remember this grand old citizen of America, whose first vision of life was a little log cabin in a Kentucky forest, a cabin that had no blinds and that typified simplicity itself, but where was born in surroundings equally as humble as those of the Nazarene the Nation's first citizen.

And this great, soulful character best portrays his affection for all the people in the closing words of his Gettysburg address:

A government of the people, by the people, and for the people.

And if a memorial is to be erected or constructed to commemorate the great life, the great character, the great achievements of a sublime individual, like the great American, Lincoln, let it be something that will typify his service, because service, after all, was the most predominant trait in the life of Lincoln, and that service was dedicated to humanity.

Admitting that a Greek temple, as is here proposed and which unquestionably will be adopted, is agreed upon, I ask in what way does it typify the splendid sacrifice for humanity and freedom of this sublime character, whose heart bled during the great internecine struggle for all the people?

The Appian Way, leading from the Forum through the centuries, has not only commemorated but proved of service to the people of Rome.

Lincoln needs no monument. His service for humanity has enshrined him in the hearts of the American people and in the hearts of liberty lovers in every portion of the civilized world. His keeping the Nation whole, his striking off the shackles from a race of people, and this sublime and splendid Republic, united and free, standing forth a beacon of hope to the oppressed and downtrodden seeking the light and justice, is the best testimonial that could ever be constructed by human or divine hands in the hearts and memories of a grateful people. [Applause.]

Mr. McCALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Massachusetts [Mr. McCALL] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Iowa [Mr. PICKETT] is recognized for one hour.

Mr. PICKETT. Mr. Speaker, I will say in advance I do not expect to consume an hour of time. All are desirous of reaching a vote this afternoon, and many Members have expressed a desire for time.

While here and there among the membership of the House there are those who differ as to the details of the proposed memorial, although concurring in the finding that it should be erected in Washington, it is manifest that the best organized and most aggressive opposition to the plan proposed comes from those who for one cause or another are in favor of the highway to Gettysburg. I do not question the high-minded and patriotic impulses of the Members of this House who favor that proposition. It is well, however, for the people of the country to know something of the influences that have been the most active in the campaign that has been carried on to promote the highway project. I therefore desire to insert in the RECORD at this time an extract from a letter written by the executive secretary of the Lincoln Memorial Road Association of America. I am free to confess that when the road to Gettysburg was first suggested I was favorably impressed. I am a believer in good roads, and perhaps my feelings on the general subject of good roads influenced to some extent a friendly feeling for the Gettysburg highway. This predisposition was soon changed when the question was taken up for serious consideration.

The letter, after calling attention to the importance, from a good-roads point of view, of the Federal Government taking an initial step, proceeds as follows:

We are therefore conducting a national campaign of publicity and organization to get the wishes of the people before Congress. As a part of this campaign it is very desirable to send a personal letter with a leaflet and form like the inclosed to 1,000 leading citizens in each of 275 congressional districts, asking those addressed to take this matter up with their Congressmen and Senators. To put these letters with inclosures in the mail costs about $45 per 1,000, or a total of $12,375. Having in mind the far-reaching importance of this matter, one of the good-roads committee connected with the automobile industry has subscribed $2,500 to aid our publicity campaign. Many of the leading automobile clubs and individual manufacturers have subscribed varying amounts. You may have subscribed directly or indirectly, but even if that is the case it is vital to the success of this movement that you subscribe a substantial amount in addition, as more money is urgently needed and a popular subscription could not be raised in time to be available.

This extract speaks for itself and discloses that the campaign, for such it can very properly be called, that has been conducted by this so-called Lincoln Memorial Road Association is in the interest of good roads and the automobile industry. It also throws some light on the source from which the funds emanated to defray the expense. The letter concludes as follows:

In addition to making a substantial subscription now, I hope that each of your executive officers will write a personal letter to his Congressman and his two United States Senators, urging them to favor the plan for the Lincoln memorial which includes the road to Gettysburg and that you will arrange to have each of your representatives and agents throughout the country do the same.

That they have done so is evidenced not only by other documentary proof of record but by the numerous letters and telegrams that have been pouring in to Members of Congress from automobile concerns, urging them to appropriately memorialize Lincoln by building a highway to Gettysburg. [Applause.]

Yesterday while my distinguished friend from Missouri [Mr. BORLAND] was addressing the House he inserted in the RECORD and criticized a letter written by the Fairmount Park Art Association, of Philadelphia, to the Members of Congress from Penn-

sylvania, expressing views in opposition to the Gettysburg highway as a memorial to Lincoln. A little later in his remarks the gentleman inserted in the RECORD what seemed to me a rather remarkable letter, which I desire at this time to read:

THE CHAMBER OF COMMERCE AND BUSINESS MEN'S CLUB,
San Antonio, Tex., January 24, 1913.

Hon. WILLIAM P. BORLAND, *M. C.*,
Washington, D. C.

DEAR SIR: I have yours of the 16th inclosing Library Committee's report on the Greek temple proposition, for which accept thanks.

I appreciate your sending me this report very much, and I immediately got busy and distributed these reports among our influential—

Citizens who are interested in securing the best and most appropriate memorial to Lincoln? Oh, no—

among our influential good-roads enthusiasts—

Think of it! What a bald confession! Not even an attempt to mask the real designs.

The letter proceeds—

and in a few hours gathered them up and redistributed them—

The gentleman is certainly not lacking in activity or zeal for good roads—

and in addition to that I had one of our daily papers print the report and also print a statement from myself and others who had picked this report all to pieces and explained to the people the ridiculous part of it.

This is certainly rich—

Almost every organization of any kind whatsoever in San Antonio has wired Representative SLAYDEN insisting that he support the Washington to Gettysburg highway, and these telegrams have been constantly going to Mr. SLAYDEN for over two weeks, and more especially since it was referred back to his committee. The Washington Post clipping you sent me was published in one of our daily papers the day I received your clipping.

Evidently even gentlemen here have been interested in seeing that the press of the country are kept in touch with their proposition through the various good-roads enthusiasts.

Yesterday there was a telegram sent to Hon. JOHN N. GARNER, which reads as follows:

"We appreciate your efforts in behalf of the Lincoln memorial highway and pledge our assistance at any time we can be of help to this cause.

"J. W. WARREN,
"President Texas Good Roads Association.
"CHAS. GRAEBNER,
"President Chamber of Commerce.
"A. M. FISCHER,
"President Bexar County Highway League.
"CHAS. O. AUSTIN,
"President Real Estate Exchange.
"ATLEE B. AYRES,
"President Fiesta Division of C. C."

In addition to this quite a number of Mr. GARNER'S admirers are writing him personal letters. In addition, our highway division, the real estate exchange, Chamber of Commerce, Fiesta Association, and the San Antonio Automobile Club have asked me to express their gratitude to you for the noble work that you are doing for this highway.

Not for a *Lincoln memorial*, but for "this *highway*."

We all assure you that we appreciate it, and I hope that I will have the pleasure of meeting you on March 6 and 7 at the good-roads convention, which will be held in Washington.

Yours, very truly, D. E. COLP, *Secretary.*

Whether intentionally or unintentionally there is manifest from this letter a very distinct back fire on the distinguished chairman of the committee, Mr. SLAYDEN, who for 14 years has been an honored Member of this House, and who, as chairman of this committee, has been conscientiously seeking to discharge his duty.

I submit that it is evident from the letter of the Lincoln Memorial Road Association, as well as from the letter I have just read and many other things with which the Members of this House are familiar, that this movement for the highway to Gettysburg has been promoted largely by good-roads enthusiasts, the automobile industry, and other business concerns.

When we witness the zeal with which they are seeking to use the sacred name of Lincoln to enhance their profits, it almost recalls the ghoulish humor from the grave scene in Hamlet.

Imperial Caesar dead and turned to clay
Might stop a hole to keep the winds away.

This House will never permit the sainted memory of Lincoln to be commercialized for pecuniary profit. [Applause.]

Mr. BORLAND. Will the gentleman yield to me for a minute?

Mr. PICKETT. With pleasure.

Mr. BORLAND. Will the gentleman also read the letter from the Fairmont Park Art Association?

Mr. PICKETT. I will not read it in my time. It is printed in the RECORD as a part of the gentleman's remarks of yesterday, and I referred to it.

Mr. BORLAND. I trust the gentleman in fairness will read the literature in reference to the Greek temple side of the controversy.

Mr. PICKETT. You had an opportunity to read it.

Mr. BORLAND. I did read it yesterday.

Mr. PICKETT. And I am now replying.

I will add, however, that there is nothing in the letter issued by the Fairmont Park Association which does not go to the merits of the proposition, and certainly there is nothing which reflects any personal interest that the members of the association have in any line of business that will be promoted by any action taken by Congress in this matter.

Mr. Speaker, the memorial proposed in the pending resolution comes before the House not as the product of hasty action by the committee to which it was referred. It has been considered for years and embodies the best thought and contributions of the highest authorities on such subjects. It comes before this House with the deliberate and ripened judgment of the distinguished citizens who compose the Lincoln Memorial Commission, representing all parties and all sections, and which held 16 meetings during the consideration of the subject; with the approval of the gentlemen who compose the Fine Arts Commission, selected for their high repute in the world of art; with the approval of the Senate, whose unanimity of action reflects its cordial indorsement of the memorial; and, lastly, with the unanimous recommendation of your own committee, which has given to the subject its best thought and endeavor.

I do not know how many of the Members of the House have read the document which I hold in my hand, containing the report of the Lincoln Memorial Commission; extracts from the report of the Fine Arts Commission, and also extracts from the architect's description. It is difficult to conceive how anyone could read them without being carried irresistibly to a conclusion favorable to the memorial proposed. For the purpose of having it appear in the RECORD, I may be pardoned for quoting briefly two paragraphs therefrom, one a quotation from the late Hon. John Hay:

As I understand it, the place of honor is on the main axis of the plan. Lincoln, of all Americans next to Washington, deserves this place of honor. He was of the immortals. You must not approach too close to the immortals. His monument should stand alone, remote from the common habitations of man, apart from the business and turmoil of the city—isolated, distinguished, and serene. Of all the sites, this one, near the Potomac, is most suited to the purpose.

The other from the description of the architect who designed the memorial:

On the great axis, planned over a century ago, we have at one end the Capitol, which is the monument of the Government, and to the west, over a mile distant from the Capitol, is the monument to Washington, one of the founders of the Government. If the Lincoln memorial is built on this same axis still farther to the west, by the shore of the Potomac, we will there have the monument of the man who saved the Government, thus completing an unparalleled composition which can not fail to impart to each of its monuments a value in addition to that which each standing alone would possess.

There is a touch of the immortal in the isolation with which the architect enshrouds the names of Washington and Lincoln. The conception is lofty, one that grows upon you the more you study it. Washington was the commanding figure in the epoch which secured our independence and established our institutions. Lincoln was the potential figure in the epoch which tested the unity of our Republic and made our liberty real.

Washington and Lincoln will forever stand companionless in American history. They rise in their isolation as our two greatest citizens. [Applause.]

The word "immortal" is used with such abandon that its true significance is all too often lost. Time may be a cruel, but is a seldom erring, critic. To be immortal means more than to have achieved distinction in an epoch or a place among the great of an age or a cycle. It rests upon achievements which survive the receding years and live forever in the hearts of men. [Applause.]

Reflect for a moment upon the concept of the memorial. At one end of the main axis is the Capitol of the Nation, in the center the Monument to Washington, and at the other end the memorial to Lincoln. Looking into the future we can see the extension across the Potomac to Arlington, and then we will have at one end the Capitol, at the other Arlington, and in between the Monument to Washington and the memorial to Lincoln. The citizen, as he journeys thither, will first visit his Capitol with all that it symbolizes. He will then turn his eyes down the long vista to behold the Monument to Washington, the Father of his Country; beyond, the memorial to Lincoln, the savior of our Union; and yonder, in the distance on the green hillside of Virginia, once a part of Dixie but now and forever, thank God, a part of our common country, his eyes will stop at Arlington, where sleep the Nation's heroic dead. The Capitol, Washington, Lincoln, Arlington. What a sublime equation! What an immortal association! What a companionship for the ages! [Applause.]

The gentleman from Missouri [Mr. BORLAND], in his remarks this afternoon, suggested that the highway to Gettysburg "could be made one of the show places of the world." Think of it! The name of Lincoln utilized to make one of the "show places of the world." I do not know whether the gentleman from Missouri intended the meaning which the language imports, but this I know, it would be the result if the highway plan is adopted.

I do not care to discuss whether the highway could or could not be built within the appropriation. That question is of minor importance in the light of the graver consideration, How could it be protected by the Government from being used for purposes which would destroy any element of a Lincoln memorial? The Federal Government would have no jurisdiction over lands adjacent or contiguous to the highway, and they would be used, by the same spirit of commercialism which we have already seen manifest, for show places, amusement parks, and the like. The papers would be filled with advertisements of vaudeville performances and all the modern novelties of entertainment designed to attract the curious or pleasure-seeking crowd. In automobile phraseology it would be known as the "great joy ride of the country." I am unwilling that Lincoln's name should be thus desecrated. This is a good time and a fitting occasion for the Congress of the United States to give a practical lesson in American patriotism. [Applause.]

Contrast, if you please, the difference in the effect upon the mind and heart of the future citizen between an automobile trip over a highway to Gettysburg and a visit to the memorial proposed in the pending resolution. After visiting the Capitol of his country, with all its hallowed traditions and all that it brings to his heart, and then a visit to Washington's Monument, he pursues his way to Lincoln's memorial, rising with its lines of strength and beauty before him. In the center hall, 60 feet wide, 70 feet long, and 60 feet high—higher than this Chamber—he pauses in silent communion before a beautiful bronze statue of Lincoln. He then turns to read in bronze Lincoln's matchless speech at Gettysburg, and then in another place Lincoln's second inaugural, the closing paragraph of which is burnished in every American heart. That one sentence, "With malice toward none, with charity for all," has no counterpart in literature save the one which fell from the lips of the Great Master, "Father, forgive them, for they know not what they do." [Applause.]

Mr. Speaker, it is with such an inspiration I would leave the pilgrim patriot at the shrine of Lincoln. [Applause.]

The SPEAKER. The gentleman from Nebraska [Mr. KINKAID] is recognized.

Mr. KINKAID of Nebraska. Mr. Speaker, I desire time only to read a letter written me, by the adjutant of the largest Grand Army of the Republic post in the district I have the honor to represent, upon the subject under consideration, and which was approved by a unanimous vote of the membership of that post. The letter reads as follows:

SWITZ FURNITURE CO. (INC.),
Kearney, Nebr.

In answer to a circular letter just received concerning the Lincoln memorial, will say that I am unalterably opposed to a pile of foreign marble for a memorial to Lincoln. In my opinion a pile of marble does not represent anything, especially of foreign importation. Build the living memorial, the Gettysburg road. This will become a living memorial because there will be constant additions and improvements to the Lincoln road.

The nations of the world will come to this country to look at an American monument or memorial. It will at once become an attraction to everybody and permit everybody to aid in beautifying the road, subject of course to the approval of a commission, who will have this in charge. The American people would add millions of dollars in beautifying this road. In that sense it would be in reality a living memorial. It would become a national road to commemorate a nation's hero, in which all would have an interest and pride. Nothing could be more fitting for a memorial to Lincoln than this road from the National Capitol to the place where the greatest battle of the war was fought, and where Lincoln delivered his immortal address after the battle.

This would be such a departure from the pile of marble, at the same time so appropriate, that I should think that everybody would see it in that light. If this plan could be put before the people, in my opinion it would receive the approval of the Nation.

Respectfully, yours, F. J. SWITZ.

P. S.—After reading the above letter to the Smith Gavit Post, No. 299, it was moved and carried that the post indorse the letter of Comrade Switz. Carried unanimously.

F. J. SWITZ, *Adjutant.*

[Applause.]

Mr. SHARP. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amend the resolution by inserting after the resolving clause the following:

"That recognizing in Abraham Lincoln the greatest advocate of equal opportunity for all the people, and in whose illustrious life and achievements are exemplified the highest possibilities of the American youth, the establishment of a national vocational school, in which shall be given, at the lowest tuition possible, practical instruction in the trades and agriculture, is the most appropriate memorial that can be erected to perpetuate his memory; and that the Lincoln Memorial Commission, created by the act approved February 9, 1911, is hereby authorized and directed to use all or any portion of the amount appropriated by the provisions of said act in formulating and executing all plans necessary to give effect to this resolution, subject to the approval of Congress.

Mr. SHARP. Mr. Speaker, I am glad that the line of demarcation between the two sides of the House is not identical with the line of difference upon this important measure, and I wish to say at the outset of my remarks, with the intention of being fair to those who champion one side or the other of the question, that it is not my purpose to consume the hour or any considerable portion of it in my remarks. I do not desire to be dilatory in any way, and I would be very glad to have this measure finally passed upon before we adjourn to-day. Whatever is left of my time I shall be pleased to surrender back to the House.

It so happens, Mr. Speaker, by a coincidence that I had not before noticed until I looked at its date, that it is exactly one year ago to-day that I introduced the resolution which has just been read from the Clerk's desk. I have listened with a good deal of interest to the arguments presented by the champions of these two respective plans, which seem to be quite as far apart as the east from the west. I have been not a little amused to see the application of an old saw exemplified in the indulgence of the talk here, one side against the other—the pot calling the kettle black. It seems to me it all argues for the carrying through of a wholly different and better plan. I would not call my resolution a compromise measure. It has the features of neither of these measures that are advocated so eloquently to-day. Though it is widely different from either of them I have been not a little encouraged in the belief during the past week or two since the decision upon this measure became so imminent, and from reading editorials of leading papers throughout the country, that there is a very strong sentiment which, if it could only be molded and crystallized and directed along concrete lines, would defeat both of these propositions.

When I asked for some time in which to discuss the proposition, I frankly told the gentleman from Missouri [Mr. BORLAND] who had kindly consented to accommodate me, that I was against his proposition, which involved the construction of a $2,000,000 highway. It would furnish no utilitarian purpose whatever, except to the automobilists, who have been characterized here as much too enthusiastic by the gentleman from Iowa [Mr. PICKETT]. But if I am against the expenditure of this great sum of $2,000,000 for a highway—and I am willing to go a long way in subscribing to some of the views expressed and pictures so eloquently painted by the gentleman from Iowa [Mr. PICKETT] as to what might become of some of the unpleasant features of that highway—I am equally against any expenditure of the people's money for this great mass of granite and marble, such as we have depicted in the illustrations of the monument in our lobby outside of this Chamber. Mr. Speaker, if this question could be submitted to the vote of the American people, I very seriously doubt whether either one of these projects would receive a majority. Certainly, if the question were submitted to the rank and file of Americans—that class of our citizens which outnumbers the other class as nine to one throughout the United States, that class from which Abraham Lincoln, the emancipator of a great race, himself sprung—I believe an overwhelming majority would be against either one of these expensive and unwarranted propositions.

I want to say, lest my position be misunderstood, that no expenditure of money, no matter how large, could properly attest the attributes and the services of the greatest, in many ways, of all the Presidents of the United States. I am an admirer of Abraham Lincoln, and I am glad that the Nation's affection for his memory has taken form in such a magnificent appropriation. But, as has been well said by the gentleman from Missouri [Mr. BORLAND] and other speakers, it hardly comports with his character and achievements, with the high ideals set before the American people by Abraham Lincoln, that we should erect to his memory a monument such as they do abroad for Kings. Lincoln was of an entirely different class, differing from them as the American free people differ from the subjects of those monarchs. Perhaps the first speaker, Mr. MCCALL, is correct in his view that we should not necessarily embody the utilitarian in the memorial which we should erect to Abraham Lincoln's memory. It may be the consummation of all that is sublime and poetic, as the gentleman pointed out, to portray a character in our history upon canvas or sculptured in marble so it almost speaks; but it seems to me, Mr. Speaker, that if there is any one thing that ought to be placed above the mere pleasure and enjoyment of a highway on one side or the embodiment of sentiment and art on the other it is the elevation of mankind.

We have heard a great deal during the past few years about conservation projects. We are undertaking to conserve our streams, our water powers, and our forests; but, to my mind, we have not yet directed our conservation policy and our conservation energies, if I may use that expression, in the most

effective channels. Why, a conservation, my colleagues, the highest in degree of all, would be a conservation not alone of human energy, but of human character [applause], the building up of the great mass of people of our country by a proper recognition of their needs. That brings me to the consideration of my own resolution. My resolution has directly in point the building of a great vocational educational institution. I want to say to those who favor the establishment and the location of this memorial in the city of Washington, that if my resolution should be adopted and the plan therein contemplated carried out, it would not be necessary that this great institution should be located outside of Washington. If, indeed, the work to be done within its walls was to educate teachers in vocational work, then it would be a most appropriate location, because we have located here within a radius of a mile and a half all the great institutions and departments of the National Government.

I was reading some months ago the statistics showing the proportion of school children or children of school age attending, or who ought to be attending, our schools but failed, for some reason or other, to attend after the age of 14; and I am fortified by the official statistics when I say that 8 out of 10, not your children, of course, or mine, but the children of the great mass of the poor people—that class from whom Abraham Lincoln came himself—never again enter a school after that age. Eight out of ten of all the school children beyond a secondary grade have not, it literally means, the advantage of a school of any kind, though the doors ostensibly are open to them free of charge. Think of it, 8 out of 10! Why, my colleagues, if we have any more problems to solve in this Nation that will require time, that can not be solved within a day, I do not want you to forget that the hope of a proper solution of those problems rests in the boys and girls of to-day. In the history of a nation the development of a generation is but as a day; but if you expect great reforms they must all come from these little ones, because in the to-morrow they will take your seats here. If they are to govern wisely and well, they must have every benefit possible from our educational system.

Merely to open a school and say it is free of tuition to our children is not solving the problem. Theoretically it is giving one the same right as the other, but sooner or later we must come, gentlemen of this House, to adopt a system of training and education such as Germany and other foreign nations have entered upon successfully in the past 20 or 30 years. In my home town we have quite a number of factories which manufacture a superior quality of goods in certain lines, and if we seek to-day to get those who are specially skilled in those industries, where do we go? Why, we go to Germany or we go to France, where they specialize in that particular kind of work. So the resolution which I have introduced in the House to-day and for which I speak calls for a national indorsement, if you please, of a system that is as yet hardly practiced to any extent whatever in our own country.

I say it not in words of censure of our institutions. We are a new country. We have so many, many opportunities here for the advancement of young men just starting out in life; we have so many broad acres that are yet unpeopled by the millions to follow that we do not, of course, find ourselves driven by necessity, as do those crowded countries in Europe. But the problems are coming, and it is for us in all due and proper time to seize and take advantage of the kind of training such as we have seen so successfully carried out in Germany and the other countries referred to.

Every day you gentlemen have upon your desks before you petitions in favor of the Page educational bill, or the Lever bill, or some other similar measure favoring Government cooperation with the States. So this is not in any sense of the word an innovation. I say to you, my colleagues, if we could use the $2,000,000 that we have for that purpose in the founding or the building of a great vocational school in the city of Washington, we would lay the foundation for a memorial which would even outlast the granite foundation and marble superstructure of the beautiful monument so eloquently advocated by other speakers.

I am not one of those who would criticize that monument. Architecturally considered—while I am in no position to speak with authority—I have not studied it very much; but it seems like a beautiful building. I do not know whether it would be better to go back for our models to the Egyptian times or find them in Grecian architecture, or in the more simple lines of the so-called colonial period. I will not undertake to pass upon that plan of the memorial.

My objection lies in the fact that the American Congress is about to appropriate the great sum of $2,000,000 for that kind of a memorial, when if we wanted to memorialize Abraham Lincoln and recognize his services to humanity in that manner a very much less sum would answer the purpose just as well. I do not think that you could improve upon the statue of Abraham Lincoln designed by St. Gaudens and erected in Lincoln Park, Chicago, and I am told that that cost about 3 per cent of what this would amount to; in other words, about $60,000. Surely, for the ages to come, it seems to me that Cecil Rhodes, that great empire builder, who ran the modern highways of steel from the Southern Ocean northward across Africa into the land of the ancient Ptolemies, will be best known by the endowment of his Oxford scholarships when all his earthly achievements shall have been forgotten. You are all familiar, from reading at least, with his last resting place. In the cleft of a great granite rock, facing the south, in Cape Colony, I believe, among the scenes of his exploits as a miner and railroad builder, repose forever the remains of that great man.

But far away to the north, the country of his birth, in England, the conception of his lofty purpose will go on and on and on just as long as human institutions shall last. That is the character of a memorial I would like to see founded here, my colleagues. There have been a number of letters read on both sides, some in favor of the highway and some in favor of the Lincoln monument, but, if I may ask the indulgence of the House just for a few moments, I want to read from a communication of a former Member of this House, twice governor of the State of Massachusetts, a man who by foresight and industry has not only built up a great fortune for himself, but has also been a great help to the laborers and artisans of Massachusetts.

I wish to read now a few remarks from Gov. Foss, who wrote me upon the merits of this particular resolution. I shall not take the time of the House to read more than this one letter, but I want to say that without solicitation came all of those other letters from educational institutions throughout the country, from business firms, and from large manufacturing establishments. So far as my resolution is concerned, I have requested no petition to be sent to Congress. I have asked no petitions to be sent to any Member in favor of it, so that if it is not known to the extent that other propositions are known it is because there has been no effort made except to get for my own personal satisfaction the opinions of eminent educators and men who are at the heads of great industries in this country.

I read Gov. Foss's letter:

BOSTON, MASS., *March 13, 1913.*

Hon. W. G. SHARP,
House of Representatives, Washington, D. C.

MY DEAR MR. SHARP: Many thanks for the copy of your speech on the subject of establishing a vocational school as a memorial to Abraham Lincoln.

I hope your project will commend itself to the favorable consideration of Congress. If you succeed in securing some permanent Federal supervision for vocational guidance and for elementary training along industrial lines, you will have rendered a great service to this country.

I doubt whether there is any other public project which, in relation to its cost, offers a better assurance of public benefit, provided the plan is worked out along practical lines.

In Massachusetts we are particularly interested in educational work of a practical, industrial, and technical character. The legislature has recently voted $1,000,000 to the Massachusetts Institute of Technology in tacit recognition of its value to the State in training young men and women toward self-support.

That school is not a State institution, but the public is convinced of its importance to the State.

I believe that industrial education not only increases the average self-supporting power of the community, but that it has also a still more marked efficacy, for the reason that any normal man or woman cheerfully occupied in remunerative work has very little incentive to enter a life of crime.

Massachusetts now has in operation several public institutions known as industrial schools, to which are sent young boys and girls who have shown some minor disregard of law but who are not really criminals. In my judgment, it is a very wise use of public money, whether under State or Federal supervision, to start young people upon careers of usefulness.

Elementary work along vocational lines appears to be the best method of doing this. I believe that our industrial schools in this State enable us to get at the problems of evil doing and idleness before the police and the judiciary are compelled to deal harshly with them.

I take the liberty of sending you, as of possible interest, the full text of a speech which I read last year before the American Society of Anthropology and Criminology, together with some recent reports of our several industrial schools. I also send you copies of my two inaugural messages of 1911 and 1912, in which you will find my recommendations to the Legislature of Massachusetts in respect to still further efforts to forestall crime and at the same time build up the industrial efficiency of the Commonwealth.

It seems at first thought preposterous, but it is really true that in this country we are spending less money on education than we are on military preparations and expenses. I believe that we are not spending as much money on education as it is costing us to meet the direct and indirect losses from crime and pauperism. Inasmuch as education of a practical character is surely the best means of reducing these two last-named evils, I think you are working on the right track and I wish you success with all my heart.

Very truly, yours, EUGENE N. FOSS.

That is a very interesting letter, indeed, and I have many others from prominent agricultural institutions, from men prominent as the heads of great industries, and from men who value the special services of those who have had this kind of training. Not to take the time longer of the House, and thank-

ing many of you who have been so patient as to listen to the advocacy of a proposition that is almost entirely new and not strongly favored on account of prior commitments to these other projects, I wish to say that in my opinion we could not do a better thing than to turn down both of these projects and establish a utilitarian institution which shall be for the uplift of mankind, that shall emphasize and embody in its character, for all time to come, the life and services of that greatest of all humanitarians—Abraham Lincoln. [Applause.]

Mr. STEPHENS of Texas. Mr. Speaker, I wish the gentleman from Illinois would use some of his time.

Mr. EVANS. Mr. Speaker, I yield 10 minutes to the gentleman from Kentucky [Mr. JAMES].

The SPEAKER. The gentleman from Kentucky [Mr. JAMES] is recognized. [Applause.]

Mr. JAMES. Mr. Speaker, the very purpose of the amendment to the resolution offered by the gentleman from Missouri [Mr. BORLAND] having, as he declares, as its chief end the perpetuation of the memory of Abraham Lincoln, the secondary, if not an equal paramount purpose of perpetuating good roads, will, in my judgment, be an injury rather than an aid to establishing the policy of governmental aid to good roads. [Applause.]

Mr. Speaker, the Congress of the United States, on February 9, 1911, with a unanimity that bespeaks a reunited country, enacted into law a bill providing for the erection of a monument or memorial in the city of Washington, D. C., to the memory of Abraham Lincoln. It provided that the construction of the "monument or memorial herein and hereby authorized shall be upon such site as shall be determined by the commission herein created and approved by Congress." This commission thus created has made its report. That is the question now to be considered by this House. There was no thought or suggestion when this original question was considered of attempting to use the memory and fame of Abraham Lincoln as a subterfuge to further the cause of Government aid to good roads. I am a friend to good roads. I voted to appropriate many millions of dollars to be divided between the States for this laudable purpose. The question now under consideration is, Shall the House repudiate its former action; shall the reputation and glory of Abraham Lincoln be used as a makeshift to begin by indirection that which gentlemen fear they shall be unable to do directly in the open? [Applause.]

Lincoln was born in Kentucky. He went to the State of Illinois. Kentucky gave him to Illinois and Illinois gave him to the Republic and the Republic gave him to the world. If a road were to be built—if in earnest you desire to perpetuate his memory and to pay tribute to his character—I submit that the road ought not to go to that sea of carnage and flood of sorrow, the battle field of Gettysburg, but it ought to be built, if a road is what you want, from Springfield, Ill., where he lived and lies buried, back to the old Kentucky home where he first saw the light. [Applause.]

But we Kentuckians love the memory of Abraham Lincoln too well to desire to use that as a vehicle for the purpose of throwing upon the Government the maintenance of and assistance in building public highways. [Applause.] Why, the arguments made here this morning, Mr. Speaker, that Washington's Monument was cold and clumsy looking, that some of the statues here to Lincoln are not beautiful; the argument that when men want to pay tribute to one whom they love and who made for the good of their Republic they should do something that would be useful—that argument would tear down every temple; it would uproot every shrine; it would even pull the flag from the sky because it might be made more useful than by simply swishing there. [Applause.]

The Washington Monument, Mr. Speaker, is a great tribute to the father of our country. I remember that when I first came to this Capital City when but a boy the great patriotic lesson that was impressed upon my mind by the lofty monument to the memory of the father of the Republic, which was at once emblematic of the affection and pride of a grateful people. [Applause.] Monuments, memorials, and statues are not intended to be useful. They are erected to men who have been useful and who have served their country well. [Applause.] You want this roadway from here to Gettysburg. Why select the field of carnage to perpetuate the memory of the man who loved peace so well [applause]; the one who said at the Hampton Roads conference, "Write union at the top and anything else under it." He wanted to avoid the dread conflict, and I believe this House will not do its duty to the memory of this great Kentuckian, this great Illinoisan, this great American, this great patriot if you allow yourselves to be diverted from your solemn purpose to erect a memorial to him to start a public-road movement or trifle with it in any such way as that. [Applause.]

Mr. Speaker, the man who erects a republic deserves a lasting place in the affections of men. But who is prepared to say that even the man who erects a republic is greater than the man who saves a republic? [Applause.] For those who have enjoyed the freedom and opportunity that liberty gives suffer more when it is taken from them than those who have never known of its glories. [Applause.]

Kentucky gave to the South Jefferson Davis, who stood at the head of a patriot army, which for courage and sincerity finds no counterpart in all the annals of war. [Applause.] Lincoln stood at the head of another patriot army, inspired by love of country. The war is over. Let us perpetuate the memory of Abraham Lincoln as befits his life and his deeds. But let me say here and now that, though some would trifle with it and use it as a public-roads propaganda, yet—

Till the future dares forget the past, his fate and fame shall be an echo and a light unto eternity.

[Long-continued applause.]

Mr. SIMS. Mr. Speaker, I have agreed that the gentleman from Illinois [Mr. EVANS] may yield five minutes to the gentleman from Mississippi [Mr. HUMPHREYS].

The SPEAKER. The gentleman from Mississippi [Mr. HUMPHREYS] is recognized for 10 minutes.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I shall vote for the memorial as proposed by the committee which has had the matter in charge. [Applause.] I naturally feel a hesitancy in differing with the gentleman from Ohio, Gen. SHERWOOD, who played such a conspicuous part as a Union soldier during the war between the States. I do not wish to play the hypocrite, nor profess to have that in me which is not there. I am the son of a Confederate soldier, and it is the proudest fact of my life that my father bore an honorable part in that great struggle for local self-government. Above my desk in the House Office Building hangs a picture of Jefferson Davis. At his feet when a boy I sat as at the feet of Gamaliel and learned the story of the Confederacy and the principles for which it stood. As a young man, when I stood at the altar with her who was to be the partner of my life, Jefferson Davis stood with us, and when the ceremony ended he placed his hands upon our heads and said, "God bless you, my children."

These are memories which I cherish, Mr. Speaker, and shall hand down a rich legacy to my children.

The great war ended 50 years ago, and, thank God, the thoughts of men have broadened with the process of the suns. In 1861 my father followed the Stars and Bars and wore the gray. In 1898 I followed the Stars and Stripes and wore the blue. [Applause.] I believe that I was right in 1898, and I as surely believe that he was right in 1861.

We are here to-day engaged in a high and lofty purpose. Abraham Lincoln needs no memorial. We can add nothing to his fame, nor can we subtract one jot or tittle from it. He and Jefferson Davis, Ulysses S. Grant, and Robert E. Lee must stand before the bar of history upon the record of their deeds done in the body, and each alike must abide its judgment. I have little respect for him on either side the line who fears that final verdict.

Those were bloody years, mad with strife and sad with the suffering and travail of a weeping people; but we should not forget them. We should rather teach our children to emulate the deeds of those who bore the brunt of battle and bowed beneath the awful burdens of State. I believe he reads his country's history with little understanding who can not catch an inspiration to patriotism from every battle field in this Republic. [Applause.] We have erected monuments throughout the North to the Union soldiers. We have erected monuments throughout the South to the Confederate soldiers; but the labor of love is not yet completed.

Mr. Speaker, I was in Quebec a few years ago and visited the Plains of Abraham. Two hundred years ago the British, under Wolfe, and the French, under Montcalm, fought on that battle field for the mastery of Canada. Upon it to-day there stands a monument erected by the descendants of those who fought under Wolfe and the descendants of those who fought under Montcalm. On it is inscribed this legend:

To Wolfe and Montcalm. Valor gave them a common death; history gave them a common fame; posterity gave them a common monument.

Speaking as far as I may speak for those whose hopes went out at Appomattox, I stand ready to vote for such a monument on every battle field of the Republic to commemorate the heroism of those who there gave up their precious lives, whether they wore the blue or whether they wore the gray. [Applause.]

I believe we are beginning such a monument here to-day, although this resolution provides for only half of it. The monument we are building is to Abraham Lincoln, the embodi-

ment of all for which the Union soldier fought and won. Across the river, as I believe, upon the sacred soil of old Virginia, in the near future another monument will arise to the memory of Jefferson Davis, who was the embodiment of all for which the Confederate soldier fought and lost. For such a monument I believe no price could be too high; for such a purpose I believe that no money can be ill spent.

I think it ought to be beautiful. I would not stain the even virtue of our enterprise by exchanging the inspiration of the artist for the sordid commercialism of the road builder. [Applause.]

I believe it ought to be beautiful, beautiful enough to be worthy the high commission we will give it, a commission to tell the ages yet to come how soon it was that happy day rolled around, foretold in the prophetic language of Lincoln, "When the mystic chords of memory stretching from every battle field and patriot's grave to every heart and hearthstone all over this broad land would again swell the chorus of the Union when touched, as they surely have been touched, by the better angels of our nature." [Applause.]

Mr. SIMS. Mr. Speaker, I offer the following amendment, which I will read myself, as I think the Clerk will have difficulty in reading it:

In line 10 strike out the word "approve" and insert "disapprove, and that a memorial arch on Sixteenth Street at a suitable point north of the intersection of U Street and Sixteenth Street, at a cost not to exceed $2,000,000, be erected instead of the building provided by the commission."

Mr. MANN. Mr. Speaker, I reserve all points of order on the amendment on the theory that it has been reported by the Clerk.

Mr. SIMS. I read it myself because I thought the Clerk might have difficulty in reading it.

The SPEAKER. The Chair will rule that the Clerk read it.

Mr. SIMS. Mr. Speaker, no one in this House has more reverence for the characteristic qualities of Abraham Lincoln that made him worthy of our memory than I have.

What were the characteristics of Abraham Lincoln? Do you wish the future to have an idea of what the man was? Shall whatever we erect here as a memorial to him be a reflection of the man, so that it may be educational as well as ornamental? How did he start in life, and where? The gentleman from Kentucky [Mr. JAMES], the eloquent Senator-to-be, told you he was born in Kentucky, in a log cabin. What next do we hear of Abraham Lincoln? That he was a rail splitter; and I have a kindly feeling for any man who ever split rails. The next thing we hear of him was his championship of human rights, regardless of the color of the human being. From this humble beginning in the log cabin he rose to the highest office in the land. What do all these things suggest to our minds? Born in a log cabin, being a rail splitter, then becoming the great champion of human rights. Will it be to those things that we will recur when we look upon an artistic heathen temple, however beautiful it may be, erected in a reclaimed frog pond? God made Abraham Lincoln, and let us place his memorial on a God-made hill, where the mosquitoes and the frogs will not bother and annoy those who come to look upon it. I have little patience with using that name to promote any other purpose than the purpose for which it ought to be used; that is, to bring back to us in vivid recollection the man and what he was to his country, what he was as a citizen, and what he was when he died. Does your heathen temple suggest Lincoln in any phase of his useful life?

We can not get away from the thought suggested by the gentleman from Iowa [Mr. PICKETT], who charged, perhaps truthfully, that the road to Gettysburg would be used for purposes least suggestive of the life and character of Abraham Lincoln—show places, automobile races, and things of that sort. I am just as far from wanting to do things by indirection as any man in this House. I say if we are going to undertake to build public highways at national expense, let us go boldly about it, but I have as little patience with the location of this memorial in Potomac Park, in order that it may be used as an argument to build a magnificent automobile driveway from that park to Rock Creek Park, and on out to the Soldiers' Home, where it will be beyond the common use of a poor man, like Abraham Lincoln was in his early days, available only to the wealthy who can afford such things as automobiles and carriages. I do not mean to insinuate that the honorable committee that reported this bill or that the commission had any such thought and purpose, but this location is being contended for and promoted by some men who want it more as an excuse for building a great automobile driveway, than as a suitable and desirable place for a memorial to Abraham Lincoln.

Mr. Speaker, I have looked all over Washington, and I find nowhere in this city a memorial arch or an arch of any kind. The Washington Monument stands to the south of the White House. Here is a great avenue from the doors of the White House running north to the District boundary, one of the finest in this city. Along its course are many hills made by the Creator who made Lincoln, elevations higher by far than any proposed artificial mound to be erected in Potomac Park out of soil removed from other places and piled up in that mosquito-breeding swamp formerly known as the Potomac Flats. Why not place out on that great avenue on one of those splendid nature-built hills, a great monumental arch, as provided for in my amendment, not costing over $2,000,000 so as to keep it within the appropriation? Then upon that great arch, from one end to the other, place the log cabin; place the rail splitter on the top of a rail cut with the ax in his hands; place him there laboring for the freedom of the slave; place him in a miniature White House as President of this great Nation—and then you will have an inspiring object lesson to the youth of this country.

You can point to the boy born in the log cabin who, on account of his belief in right doing, ended his days on earth in the White House. It will be memorializing this great man in a way everyone will approve. Then there is one further thing to commend this location. There is no real estate speculative scheme that can connect itself with this memorial arch on Sixteenth Street. Of course any improvement on any street of any kind affects values near by it, but that part of the District has already been exploited. The property has been all bought and sold so often that the speculative opportunities are about all gone. Within two squares of that magnificent avenue runs Fourteenth Street, with street car lines. What poor persons that Lincoln loved so well will see his monument, or how often will they see it if placed down in that reclaimed frog pond, or how many will go over the proposed driveway from it and through Rock Creek Park to the Soldiers' Home? No; the people whom Lincoln loved and served in his lifetime will rarely ever see it. It takes their entire time in this high-priced town to make enough to buy the necessaries of life on which to live. With that great arch across that great avenue the poorest man, the poorest woman, the poorest boy in the city of Washington can go of his own accord, can go within two blocks by street cars and walk over and look at that magnificent memorial portraying to the youth of this country the possibilities of a great, free Republic. What will your Greek temple suggest to anybody that will be a benefit to the future generations of this country? Then there will not be any competition, as it were, between the Washington Monument and this proposed memorial arch as a monument to another great American citizen, erected on Sixteenth Street, in another and noncontiguous portion of the city.

By adopting my amendment we will have a memorial erected to Abraham Lincoln where the greatest opportunity will be afforded to people to see it, both those who live here and those who visit this Capital, both rich and poor.

Mr. Speaker, let us extend that memorial arch across this great avenue, and on it let there be placed such statues as may be necessary to bring to the lively remembrance of everyone who sees it those deeds in his life that made Abraham Lincoln what he was to this Nation. The arch can be as artistic as a Greek temple, and in purpose, design, and effect on the high land of Sixteenth Street it certainly will far exceed anything which can be placed down in Potomac Park. Besides, it will be no promoter's excuse to put off on the Government a lot of almost valueless real estate at high prices. The highway to Gettysburg could be used by the poor man, could be used by the wayfarer, could be used by the automobilists, could be used by the dray and the cart, but anybody who goes to this Potomac Park must use a carriage or automobile. There are no street cars approaching it, and you practically risk your life if you go down there afoot; if you are not a pretty good hand, pretty expert in the use of your legs, you will be in danger of your life. But instead of putting up anything in frog land, put it where everybody can see it who wants to, without the rich man's resources, without cost, where are the facilities of street car service, the cheapest form of transportation available to the poor, so that to them it will be an inspiration for all time to come, and in the erection of which no real estate scandal can possibly develop.

Let Lincoln's memorial be placed on the highest ground in the District, where the first ray of sun will wreath his brow in the morning and the last ray will light up that kindly face in the evening.

Mr. SIMS. Mr. Speaker, how much time have I used?

The SPEAKER. Eighteen minutes.

Mr. SIMS. Mr. Speaker, I yield 15 minutes of my time to the gentleman from Virginia [Mr. SAUNDERS] and reserve the balance.

The SPEAKER. The gentleman from Tennessee yields 15 minutes to the gentleman from Virginia [Mr. SAUNDERS] and reserves the balance of his time.

[Mr. SAUNDERS addressed the House. See Appendix.]

Mr. PICKETT. I yield 10 minutes to the gentleman from Minnesota [Mr. NYE]. [Applause.]

The SPEAKER. The gentleman from Minnesota [Mr. NYE] is recognized for 10 minutes.

Mr. NYE. Mr. Speaker, this should be a memorial of peace and not of war. While I was first attracted somewhat by the scheme to build a road to Gettysburg, America's great Austerlitz, upon further and more serious reflection I have concluded that that would be a mistake. I am disposed to look with a great deal of favor personally upon the idea suggested by the gentleman from Ohio [Mr. SHARP]. I think if Mr. Lincoln could speak to us to-day he would say that he would give the poor boys like himself an opportunity for at least a primary education. But I believe that as the question stands to-day none of these measures will be considered, probably, under the rules, and the question is, Shall we have a memorial after half a century, in which the life and memory and character of this great man have been sacredly cherished in the hearts of the American people? I think it has been wisely ordered that considerable time should elapse in which we might witness, as we have, the blending of the blue and the gray, and see men on both sides of this House unite in their earnest purpose to erect now, or as soon as possible, a suitable memorial to the western world's greatest patriot and greatest lover of mankind. [Applause.]

I say that this should be a memorial of peace and not of war. We should not be reminded so much of the physical and awful struggle between neighbors and brothers of half a century ago on that field as we should of that love which springs from the better impulse of our national life, which is at least latent in our national heart and which was personified in the life and character of Abraham Lincoln. This universal love of mankind, this paternal affection for mankind and his country enabled him to lead us out of the thick darkness of our national distress into the bright light of perpetual peace, I trust, and of lasting prosperity as a people. [Applause.] And I firmly believe that this man was so universal in his character that we may rejoice at this day to find a united country and a united House in their devotion to his memory. Have you ever noticed, as you have studied that immortal oration at Gettysburg, that he was a man too great to be affected even by the partisanship of war? So broad and parental was his love that his references on that field were to "the men who died here," "the men who sleep here." He did not even say then "the Union soldier," "the man in blue," or "the man in gray." It was a parental love, and he was large enough to see that under the infinite providence of God that terrible and mournful struggle was perhaps necessary in the evolution of our race and in the perpetuation of our institutions, and by reason of that broad, universal, and parental love he rose from that terrible night of conflict, at last holding aloft in mournful triumph the flag, not of a section, but of a nation, and the greatest Nation under God's blue sky. [Applause.]

I am for perpetuating the idea which dominated the great and masterful life of Abraham Lincoln. He knew in his great heart that love moves the world, that it is next to the heart of the Infinite. He came from the wilderness of the South. His heart in all that agony was as much with his neighbors of the South as his conscience was with the cause of human freedom contended for at the North.

For four long years, in agony and pain, he held one hand in the North and one in the South, and finally bound them together by his unselfish devotion to the cause of human liberty and an enduring Union. [Applause.]

It was not to celebrate a momentary victory or the heroism of the forces of one side in the conflict that he made that great speech. That speech was made that we might consecrate ourselves anew, as he said, to the cause of freedom and to the perpetuation of the Nation—a Nation dedicated to the principle that all men are equal. It was a prophecy of a new birth in freedom and a pledge that this new Nation that holds the hope of the world should not perish from the earth.

Mr. Speaker, let us build a beautiful memorial, not to the physical man, not to the battle field, not to perpetuate the memory of past antagonisms, but to symbolize that larger national love which Lincoln manifested to the world, without which all nations are but the passing pageant of an hour. [Applause.]

Mr. PICKETT. Mr. Speaker, I yield 10 minutes to the gentleman from Alabama [Mr. HEFLIN]. [Applause.]

Mr. HEFLIN. Mr. Speaker, I have listened with profit and pleasure to gentlemen who have spoken in the interest of good roads and to those who have favored a suitable memorial to Abraham Lincoln. I have gone upon record as a friend of good roads. I am a member of the Committee on Agriculture, and that committee reported during the last session a bill which carried an appropriation of more than $14,000,000 for the improvement and construction of public highways in the United States. I contributed in my humble way, Mr. Speaker, toward the passage of that bill through this House. As gentlemen here will recall, that bill died in the Senate. I am an advocate of good roads, and if I live I propose to continue in the Sixty-third Congress to plead for Government aid for public-roads building in the United States; but I do not have to vote now for a road from Washington to Gettysburg in order to convince the country that I am a friend of the good-roads movement. [Applause.]

There is a time for all things, the Good Book tells us, and this is the time for the Representatives of the American people to speak for and vote for a memorial temple to be erected in the capital of this Nation to the memory of Abraham Lincoln. [Applause.] What more appropriate place could be selected for the building of a monument to Abraham Lincoln than in the capital of the Nation? Here Representatives in Congress from the South and from the North discussed the great issues that were ultimately settled by the arbitrament of the sword. It was here that southern Representatives announced to the Nation the secession of their States, and from this capital went to cast their fortunes with their States on the field of war. Here Lincoln presided as President during that bloody conflict between the States. Here he received the good tidings that the war was over, and here that he rejoiced when the dove of peace brought an olive branch from Appomattox [applause], and here that his eyes glowed with the joyous vision of a reunited country. [Applause.] It was here that he said, "Let us all work together now to restore these States to their places in the great Union of States." [Applause.] Here, Mr. Speaker, that he breathed his last, to the great loss and deep sorrow of the South and the whole country. [Applause.]

Had he lived the South would never have known the horrors of reconstruction. [Applause.] The despised carpetbagger would never have been noted in the annals of southern history. [Applause.] The whole country suffered by his death, but the South suffered most. [Applause.] Had he lived the two sections, bravely fighting for what they believed to be right, would have been bound together sooner in the ties of everlasting love and union. [Applause.] Lincoln is the common heritage of our common country, and the South delights to honor his name. [Applause.] No section of our country takes more pride in this Capital of a reunited people than does the brave and chivalrous South. [Applause.] The war had to come. It took the war to settle the question of secession, and never until Lee surrendered to Grant at Appomattox and the names of these two brave generals passed into the Valhalla of American fame was the right to secede withdrawn from the States. [Applause.] Here Lincoln presided as President through that stormy period; here he breathed his last, and to this place the hearts of a sorrowing people turned at the sad news of his death; and here let us build a lasting monument to his memory. [Applause.]

No, Mr. Speaker, no automobile boulevard from Washington to Gettysburg will suffice to perpetuate the memory of Lincoln. [Applause.] Out yonder is Gettysburg, the scene of one of the bloodiest battles in human history. Monuments are erected there to the memory of those who fought on opposing sides. We have Gettysburg now, and we have a way to reach it, but, Mr. Speaker, we have no appropriate memorial in the city of Washington to the name of Abraham Lincoln. [Applause.] Let us erect here in this beautiful Capital City a magnificent temple to his memory.

In a few moments the tourist can view the entire magnificent memorial temple and carry it back home photographed upon his memory, but if he desired to see a highway builded from Washington to Gettysburg he would have to travel 90 miles in order to have a complete view of the entire memorial. I shall cast my vote in favor of a memorial temple to be erected in the Capital of our country to the memory of Abraham Lincoln. [Applause.]

Surrounded by poverty when a boy and with but little of the aid afforded by letters, he buffeted the waves of ill luck and ill fortune and rose superior to all opposing forces and achieved the highest office within the gift of a proud and patriotic people. [Applause.]

Mr. Speaker, in the years to come southern boys and northern boys, eastern boys and western boys, thrilled with patriotic emotions, will stand around this temple in solemn meditation and catch inspiration as they ponder the story of his eventful life. [Loud applause.]

Mr. BORLAND. Mr. Speaker, I now yield 10 minutes to the gentleman from Maryland [Mr. TALBOTT].

Mr. TALBOTT of Maryland. Mr. Speaker, my home and my occupation for a part of the time that President Lincoln was a great factor in making history are a little embarrassing to me. If the plan of the gentleman from Missouri [Mr. BORLAND] should obtain, the Lincoln highway would go through a part of my congressional district, and I think that is a part of the most beautiful land on earth. It would be a benefit to some of the very best people that ever breathed the breath of life. I have tried all I could to find out exactly what I ought to do in relation to this proposition. I do not think because I represent my own beautiful country that I should vote for this proposition of the highway unless it is right, and I have so stated. In the brief time allowed me I want to state that the construction of the highway is the only thing to do. If you could cross the Great Divide and say to Lincoln that we are determined to erect a memorial to him, befitting his public services and life and character, and ask him to make a selection, I am quite sure that he would say to construct the highway.

Mr. Speaker, what will the highway do? It is the connecting link between the field of the greatest battle ever fought and the National Capital, from which it was directed. It will be the road, strange to say, along which the Union veterans marched, and they had to interpose themselves between the grandest army—Gen. Lee's army—so far as bravery and fighting qualities are concerned, that the world ever saw, and this Capital.

It is not worth while to discuss the Battle of Gettysburg. It has been talked about and written about, and will be as long as the world stands. There is only one thing about it, I will say to my southern friends. We failed. The South failed at Gettysburg, and that is all there is to it—and there was the sunset of our ambition. Now, what in the world can be more appropriate than to construct a great highway from Washington to Gettysburg in memory of this great man. We are united, we are happy, we are a great Nation; and if we have done anything against each other for which we are sorry, we have forgiven each other.

Why not do the sensible thing and vote for this memorial from Washington to Gettysburg? We all have agreed that Abraham Lincoln was in public life, perhaps, the greatest humanitarian of his day. He was a plain character, a plain man, and I will repeat, if you could cross the Great Divide and reach him where he is and where he ought to be and say to him that we would like to do something to perpetuate the memory of his life and character and services for this land of ours, he would say at first, no; that he wanted nothing from any of us; that has life and character and services to his land were enough for him; but he would also say that if we had made up our minds to spend money, then that he wanted us to spend it in the way that would do the most good for the people of the country that he loved so well. That would be his message to us.

I have seen boats rowed around Pennsylvania Avenue and Sixth Street because of floods from the Potomac River, and you have got, perhaps, to meet that emergency if you place the memorial there.

Why, Mr. Speaker, this is the Mecca for all the people who can afford to visit this beautiful city and who want to see what is going on. They come to Washington. Do you want them to go home and say, "Oh, I saw the Lincoln memorial down here on a place that was flooded"? The best report for the returned visitor to make of his impression of Washington is, "I have traveled the Lincoln highway to the greatest battle field of the war, where the greatest generals, where the bravest soldiers, fought each other; I traveled it, and there"—if he is a southern man he will say—"I saw where Pickett charged and broke the line." If he is a northern man he will say, "I saw where Hancock fell, I saw where Sickles fell," and so on down the line. If you want to do a great thing, my countrymen, on the floor of this House, and you want to do a popular thing, connect this Capital City with the greatest battle field in the history of warfare; spend your money in that way. "Oh," says my friend HEFLIN, of Alabama, "it is a boulevard for automobiles." The man who has an automobile is going to ride, anyhow.

The SPEAKER. The time of the gentleman from Maryland has expired.

Mr. TALBOTT of Maryland. I would like to have one minute additional.

Mr. BORLAND. I yield one minute to the gentleman.

Mr. TALBOTT of Maryland. I want to say that you can not do a more fitting or a more glorious thing than to construct a road from the great Capital of the Nation to the great battle field of the Nation.

I thank you all, Mr. Speaker, and I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Maryland? [After a pause.] The Chair hears none.

Mr. McKENZIE. Mr. Speaker, in my judgment there can be but two good reasons given for the appropriating of public money for the construction of a monument or memorial to any individual.

One is that the character of and the services rendered by the individual were so exalted and beneficial to the people that the Representatives of the people are justified in appropriating public money for the construction of a monument or memorial commemorating the life and services of the individual.

The other reason—and which, in my opinion, is the stronger—is that such monument or memorial will tend to aid in the education and the enlightenment of the people.

I am opposed to the construction of a highway from Washington to Gettysburg in this instance, for, in my judgment, it would fail to serve, either as a monument to Abraham Lincoln or tend to aid in the education of our people.

Such a road truly would serve a certain purpose. It would make a nice driveway for those who can afford to enjoy themselves by traveling over the country in automobiles. But so far as being a memorial to Abraham Lincoln it would be a complete failure; for there would not be anything along this highway that would be suggestive of the life and services of Abraham Lincoln, save and except here and there an old Virginia rail fence, which might call to the mind of one familiar with the life of Mr. Lincoln that he once split rails in Illinois, and even this suggestion would be destroyed by the commercial advertising on the board fences and sign boards along the way, such as "Smoke Bull Durham," "Drink refreshing and invigorating Budweiser beer," and so forth, which would become matters of comment by the joy riders as they sped along this highway, which alone to the historian and the automobile driver for profit would be known and recognized as the Lincoln memorial highway.

Mr. Speaker, to advocate such a proposition is, to my mind, treating the name of Abraham Lincoln irreverently.

Is this what the American people want done in honor of Abraham Lincoln? Surely not. For, Mr. Speaker, if there is any American for whom a monument should be erected, solely as a matter of love and respect to his memory, that man is Abraham Lincoln, for his life and achievements furnish us the most striking illustration of the possibilities of American citizenship. He demonstrated that in this land of ours, without wealth or social position, it is possible for an American boy with energy and a good heart to win the highest honor within the gift of our people.

Washington, Jefferson, and many others have added brilliant pages to our history, and we love and revere their memory; but they were the children of fortune and social position, while Lincoln was the child of poverty and acquainted with adversity. Surely it is an inspiration to think of the life of this great man; to follow him in his career from his cabin home in old Kentucky, thence as a boy, with his pioneer father, to the wilderness of Indiana; thence to Illinois, from which State he came to this city as the Chief Executive of our Nation; and here for four long years, with sorrowful heart but with fixed purpose, he held aloft above the dark clouds of civil conflict the flag of our Union. And when the dove of peace had once more returned to our stricken country and the great armies that had battled for supremacy were about to disband and return to their homes in the North and the Southland, to become citizens once more of a peaceful and united country, Lincoln, who had borne the greatest burden of it all, was stricken down by the assassin and died without a word. The obscurity of his birth, the hardship and sorrow of his life, and his tragic and untimely death combine to form the most pathetic tragedy this world has witnessed since our Savior staggered and fell beneath his cross at Calvary.

Construct a road as a memorial to this man. Oh, no. Connect his name with Gettysburg, once the scene of bloodshed and carnage. No. For the mention of Gettysburg recalls one of the saddest incidents in our history. Lincoln, the great lover of peace, whose soul shuddered at the thought of war, should not be connected by memorial with any battlefield, but here in this city, the capital of the Nation, where he suffered and

died, should be constructed a magnificent monument which should stand alone, distinct, sublime, and which should be a tribute of love from the American people.

It is true it will cost something; it can not be used by anyone, and it should not; but it should simply stand as a monument to his life and services, and it should be of such imposing character that the thousands of students who visit this city annually, as they stand and gaze upon it in all its simple grandeur, will go away impressed with the thought that it portrays the strength and beauty of the character of Abraham Lincoln. I have but little patience with those who argue that Lincoln was a plain and unostentatious man and that this is a waste of money and that it had better be expended in a way that will be for the pleasure and convenience of at least a part of our people. Those who make the argument fail to conceive the real purpose of this monument. This monument, in my judgment, as I said before, should be erected simply as a memorial to this great man and for no other purpose. There are always present those who object to the expense or waste. We are told that when Martha brought the precious ointment to annoint her Master some complained and said that it should be sold and the money given to the poor. But that was Martha's tribute of love. So this monument to Abraham Lincoln should represent the tribute of love of his countrymen.

Mr. Speaker and gentlemen, as a citizen of Illinois and one who reveres the memory of Abraham Lincoln, and one who has ofttimes stood at his tomb at Springfield, Ill., where his ashes rest in peace, in the name of the citizenship of that great Commonwealth that stood loyally by Lincoln in the hours of his greatest trial, I beg of you to stamp with your disapproval any proposition that tends to connect the name of this great man with any utilitarian purpose under the guise of constructing something to his honor.

Far better leave him alone in his glory. His fame is secure. No act of ours can add to the glory of his splendid career. No monument of granite or bronze is needed to perpetuate the story of his life and achievements through the coming centuries. As long as men love liberty and believe in the equality of man the name of Abraham Lincoln will shine with steady and increasing luster, and the erection of the proposed monument on the bank of the Potomac is not for the purpose of perpetuating his name, but simply to show our love and appreciation of his life and services.

Mr. EVANS. Mr. Speaker, I suppose it will be admitted by everyone that in case a majority vote was required to determine any architectural design in the world, where there are a number of competing plans, it would be impossible to secure a majority, and that consequently nothing would be done. The history of competitions in architectural memorials prove this to be true. The Washington Monument for half a century after it had been started remained incomplete. Half a century has elapsed since the death of Lincoln, and we have done nothing. There are many suitable forms which a memorial may take, and they appeal differently to many different minds, and there is only one way in which we can ever erect a memorial of any kind, and that is for some men to yield to the taste of others. The present situation shows the truth of the old saying, "de gustibus non disputandum." So one may think a bridge is the fittest monument, another an arch, another a pyramid, another an obelisk. Then there are all sorts and descriptions of statues which may better please the taste of others. We have come to a period in the history of a Lincoln memorial when it is time to act. We have chosen a Fine Arts Commission to advise us, and that commission is unanimous. The Congress of the United States has appointed a commission consisting of the President of the United States, the Speaker of this House, and distinguished Senators and Congressmen, and they have presented a unanimous report. Under these circumstances I for one feel that it is necessary to subordinate my own desire or my own project or my own taste to the taste of what is evidently the majority of those best qualified to pass on such a question. Two years ago, when this question first came before the Library Committee, I was opposed to this design. Two years' careful study of the entire subject, and after having had hearings before the Library Committee upon this subject, makes me perfectly clear on this proposition: That the majority of the people of the United States who have made a special study of artistic matters are satisfied with the memorial proposed by the Fine Arts Commission. The proposal comes within the amount authorized for the memorial. The cost of the Bacon design is $1,750,000, which will leave an ample margin for the preparation of the grounds and the planting suitable to the design.

Captious criticism is passed on every artistic design, and it seems to be impossible to avoid it. The greatest works of art have been subject at times to ridicule. I call the attention of the House to what happened in regard to the Washington Monument, and what I shall say of that monument I say on the assumption that there is not a man in this House who does not appreciate the lesson that that monument teaches. As a great judge of art has said:

> It is gray in the dawn, brilliant in the sunlight, black in the thunderstorm, pink in the afterglow, mysterious in the moonlight, vanishing in the mist, lost in the clouds—always majestic stands the memorial to the Father of his Country. In the sunlight and shadow, thunderstorm and mist, in the clouds and in the clear sky, against the golden sunrise and the red sunset, against the midday sky of blue and the midnight sky scintillating with stars, against the bright white clouds and the dark gray clouds, moving with the wind, bowing to the warmth of the sun, receiving the lightning's stroke, ever changing, it is always stately, always beautiful.

Yet adverse criticism was common years ago. In the North American Review of March, 1816, in discussing what was necessary for a design for the Monument, an author demanded a statue by capable American artists and derided the imitation of ancient models, and the author says:

> If an architectural monument is resolved upon, the principal forms are the pyramid, the obelisk, the triumphal arch, and the columns. The two former were peculiar to the Egyptians and may be considered beyond the power of any modern nation.

In 1879, in an article in the American Architect, we find this sentence in regard to the Washington Monument:

> The ugliest monument in the world is in a fair way to be completed.

In the same journal of December 13, 1884, we find these words:

> There is some satisfaction in reflecting that the United States possesses the tallest building in the world, but when this is said there will be little else about the Monument of which we can be proud.

W. W. Story, himself a noted sculptor, in protesting against the obelisk, said:

> This form of architecture is the refuge of incompetency. In architecture when an architect is incompetent he resorts to the obelisk.

An article in the Atlantic Monthly of April, 1879, referred to the "puerile character of the design" and to "clinging to an obsolete idea."

The debates in the House of Representatives on the final appropriations for the Washington Monument are likewise instructive. On August 2, 1876, a joint commission, as in the present case, was created by Congress, and that commission reported unanimously in favor of completing the obelisk on the site on which it was begun. On April 2, 1878, there was an interesting debate upon the floor of this House as to the location of the Monument. It was said to be in a swamp; that is worse than saying it is down "by the brewery." A gentleman from Michigan wanted the Monument placed upon solid ground at the soldiers' home. The brilliant Cox, of New York, known as Sunset Cox, said:

> One thing is very sure, and that is, that if that Monument is ever finished it will be as unsightly as it is to-day; it is not the kind of a monument we should erect in this city in the memory of George Washington.

Mr. Clymer, of Pennsylvania, said:

> It is a meaningless shaft. There is nothing in the past like it.

A Congressman from Maryland moved that the Monument be transferred to Baltimore. It would be useless to further quote from that debate. We have heard it all over again this afternoon; the same differences of tastes, the same wildness and crudity of statement, the same inappreciation of the beautiful in art, and the same appeal to the great unwashed.

Now, one word as to the practical value of this Monument. A monument in its very nature has no material value, and ought not to have. It ceases to be a monument when the latter is its predominating characteristic. For that very reason anything that is used every day can never be a memorial in the sense in which our race has raised memorials to its dead in all the past ages. A memorial which speaks of a man should bring to men the lesson of his life at a glance. It should not be something that will enable us to put money in our pockets or to save money.

A memorial is not an economic proposition—it is the payment of a debt of gratitude; it is a recognition of the example of greatness; it is a lesson to the youth of the land. To turn such an object to profit is prostitution, if not sacrilege. But our opponents especially love to dwell on the phrase "Greek temple," and to speak of Lincoln within that temple as a "Greek god," and some of them ask for American architecture as though there were such a thing. If the Greek temple is inappropriate for Lincoln, because it is Greek, then the Capitol in which we stand is inappropriate for us because its dome is Roman. If the argument for the road is good, let us tear down the Capitol building and build an up-to-date Chicago or New York skyscraper of 20 stories. The great styles of buildings were all discovered before America was discovered, and we to-day must and do adopt these styles to our changing needs,

and that is the purpose of great architecture. You might just as well object to the use of marble for sculpture because the Greeks used it, and ask why haven't we got some American metal or material out of which sculptures can be made. You might just as well object to pictures being painted in oil or water colors and ask why haven't we got some American material out of which pictures can be made. It is said by some that there is no connection between this magnificent monument and the character of Abraham Lincoln. Such a person must have a very singular concept of art. Of all the forms of architecture in existence the simplest, the plainest, and the most magnificent is the Grecian. All of these qualities should recall Abraham Lincoln. The acme of Greek art is the Parthenon at Athens—the acme of the art of the people who developed the idea of federal power. It was Greek political and statesmenlike genius which welded together the idea of local sovereignty with a State that should be a unit to the rest of the world. The fundamental idea in the American Constitution is unity to the outside world but diversity of local powers among the States. Jefferson pointed out the analogy. Our Government is founded upon a Greek concept of statesmanship. To no other Nation could we look so well for forms that symbolize liberty and majesty and simplicity as to Greek architecture. And what three adjectives so suit Abraham Lincoln—liberty, majesty, and simplicity.

Certainly as grand a sight as the eyes of men can rest upon meets the traveler as he sails up the Aegean and enters the Piraeus and beholds the Acropolis crowned by a Greek temple. For over a thousand years that view has been the admiration of the Nations of the earth. It has done more to teach mankind the lesson of Greek civilization than any other scene in the world; it has done more to keep green the memory of Greek life than Marathon or Leuctra, or any road that the Greek may have built or than anything else that the Greeks ever did.

And it is now proposed here in Washington that we should erect a memorial to Abraham Lincoln as majestic, as simple, and as breathing the spirit of liberty which shall call the attention of succeeding ages to the second great period in our national existence and form a real and personal memorial of one of our two greatest national heroes.

Finally, there is but one question for us to-day. Shall we erect a monument to Abraham Lincoln or shall we not? It is preposterous to talk of a road in memory of Lincoln, because no road could be in memory of Lincoln. The men who talk about the Appian Way know nothing of Appius Claudius, but these selfsame men, when they behold Trajan's Column, or the arch of Septimus Severus or the arch of Constantine, are forced to remember these Roman emperors personally, and the reason is that these monuments are personal memorials and a road is a convenience. But the project is impracticable for other reasons. It will cost at least $20,000,000 to build a really distinctive road from Washington to Gettysburg, and such a road would have to be protected for hundreds of feet on both sides to prevent road houses and other places of objectionable amusement from abutting upon it and becoming its principal feature, and finally such a road could be used only by those who could afford automobiles or carriages. If a trolley line was placed upon it so that the plain people could use it, it would be valuable and useful and, perhaps, something that we ought to do, but it would not be a memorial of Abraham Lincoln. It would not be a work of art, it would be a problem of transportation. The Washington Monument cost $1,250,000; it would cost to-day probably $2,000,000. The talk of building an adequate monument in Washington and adding a road to it is simply to add an additional cost to the $2,000,000 already authorized, and it would in no wise add to the memory or glory of Abraham Lincoln. It might sell more rubber tires; it might be a benefit to the automobile interest; it might help the real estate interests; and I am saying none of these things with invidious meaning; it might do all of these things, but it would not perpetuate the memory of Abraham Lincoln. The question therefore is narrowed to this, Shall we set aside the unanimous finding of the Fine Arts Commission; shall we set aside the unanimous report of the Lincoln Memorial Commission, appointed under resolutions of the Senate and House of Representatives; shall we set aside the unanimous report of your committee and the bill which has passed the Senate? Shall we begin another 50 years of contest between artists over various forms of memorials, or shall we settle the matter by accepting the best authority that we have and in a few years place at the end of the Mall a monument unsurpassed in the art of the world, a monument in majesty and beauty of surrounding surpassing the Deutsches Ecke, where the Moselle flows into the Rhine, the Arc de Triumph in Paris, or the Garibaldi Memorial in Italy, and I believe the most magnificient testimony which the art of the world has ever raised in memory of any great man.

The monument to Lincoln, whatever its form, should be superlative of its kind.

John Hay said—I wish I could give his exact words—to a member of the Arts Commission: "The monument to Lincoln should not be in the rush of life, but a thing apart to which the American people would go for silent contemplation of the great qualities and character to which that monument is raised."

Gentlemen, we do not want the sensation of the joy rider connected with the thought of Lincoln in the minds of our American youth, but rather the catching of the breath in reverent awe, as when one enters the majestic silence of a great cathedral, where, within beautified silence, one may contemplate the qualities of heart and mind which go to make a great American.

Mr. MOORE of Pennsylvania. Mr. Speaker, while I would like to see a memorial road running from Washington to Gettysburg, and would even extend that road, as a national peace memorial, from Washington to Richmond, I intend to vote for the Lincoln memorial as recommended by the Committee on Library. Desirable as the Washington-Gettysburg road would be, it is evident that to substitute it now for the beautiful and stately structure proposed to be erected on the Mall in the Capital City would indefinitely postpone the memorial which the people have it in their hearts to erect to Lincoln.

Moreover, the defeat of the memorial plan as proposed by the Fine Arts Commission would start an unseemly controversy that would not do credit to our intelligence as Representatives of the people.

As a Pennsylvanian I would like to see a road to Gettysburg. If it is to be a memorial road, Congress could erect it without necessarily committing itself to a general good-roads construction propaganda. It could extend that memorial road to Richmond likewise without binding itself to assume the cost of goods roads in the various States or such roads as may be interstate, but is this the time to inject the good roads or even the memorial road proposition?

We have before us a resolution providing "Approving the plan, design, and location for a Lincoln memorial." The resolution contemplates the expenditure of $2,000,000 on a definite plan, a plan which involves the erection on the banks of the Potomac of a monumental structure close by the scenes of Lincoln's greatest activities and immediately across the way from Arlington, the former home of Gen. Lee. It is to be a fitting memorial upon hallowed ground in the official heart of the Nation.

In supporting the memorial as proposed, I am not opposing a memorial road to Gettysburg. I am supporting the proposition that is fairly and appropriately before the House. I want a great national memorial to the immortal Lincoln. The memorial road should not now be permitted to interfere with that worthy and patriotic project. Let us have the memorial first. The road project can be considered later.

Mr. MURRAY. Mr. Speaker, my contribution to this debate is not an original expression of opinion, but a remarkable newspaper editorial that was printed in the Sunday Globe, of Boston, Mass., on the anniversary of the birthday of Abraham Lincoln, February 12, 1911.

The editorial is signed "Dudley," the nom de plume of Mr. James Morgan, who has contributed essays of real literary value that ought to be remembered long after the things usually printed in a daily newspaper are forever forgotten.

The title of the editorial is "Two boys." It follows:

The birth of a baby boy was hailed as the greatest event of the year 1811. His first little wail was heard round a waiting and listening world on a March morning 100 years ago.

All Paris had stopped and pricked up its ears to catch the news. The vast palace of the Tuileries was filled with eager watchers. For 24 painful hours the expectant mother labored and her agonized cries rang through the great halls. The father, hero of mighty battles, fled in terror from the chamber of suffering. At last the child was safely delivered.

Cannon boomed the joyous news from their iron throats. The immense crowds in the streets counted the reports—20, 21. Was that all? Then it must be a girl. But hark! There sounded the twenty-second. It was a boy. Whereat thousands screamed their delight, till the roar of the cannon was almost drowned as they belched forth the rest of their 101 salutes for the baby. A balloonist sailed away from the rejoicing city to scatter printed bulletins of the wonderful occurrence throughout the country.

A KING IN THE CRADLE.

While Paris held carnival with gay processions by day and brilliant fireworks by night, messengers sped on relays of horses to bear the great news to distant capitals.

All the nations of Europe had been drawn together in mutual suspense. To some the boy was a herald of peace, while to others, the foes of his father's ambition, his advent carried discouragement or consternation. None remained indifferent to an event seemingly so momentous to mankind.

Courtiers fawned and poets rhapsodized. The mother forgot her long torture in the pride of her belief that she had borne a successor to the

master of the world. The father's cheeks were wet with tears of joy as he stood beside the cradle of gold and gazed at the tiny hand that still would make kings tremble when he was gone and that would pass on to posterity the scepter he had won. Now he could entail Europe and humanity. France should be the baby's patrimony and all the earth his hegemony.

He must have at once the proudest crown that ever weighted an infant head. Whereupon Napoleon hailed his babe King of Rome and carried him through the arch of triumph to Notre Dame, where, with great pomp, he christened him for himself and for the boy's imperial Austrian grandfather Napoleon Francis Joseph Charles.

THE OTHER BOY.

While Napoleon had the only baby king in the world, there were several million other baby boys 100 years ago. One of them was 2 years old and a little more when Napoleon Francis Joseph Charles thrilled Europe with his birth cry. No notice had been taken of the existence of this child, however, beyond a mile or two of his birthplace. His birth did not receive even the honor of a line in any record that has been discovered. No physician was summoned to aid the mother in her labors, and the father could not record the event, since he hardly knew how to write his own name.

No neighbor took enough interest in it ever to be able in after years to recollect the coming of this boy into the world. It boded no more than another hungry mouth with which to share the crust of poverty. His eyes opened not on palace walls, but on the rough logs of a hut in the Kentucky wilderness. No crib of gold awaited him; his only cradle was his mother's arms. His sole crown was some chance rag that could be fashioned into the semblance of a cap.

Nature, however, that incorrigible democrat, had given him just as many fingers as the King of Rome wherewith to grasp anything they could lay hold of, from a rattle to a scepter.

L'AIGLON.

Pitiful as the contrast is between the births of those two boys, the contrast between their destinies is more pitiful still. Indeed, it is almost unkind to draw it.

The poor little King of Rome at 3 saw his crown dashed to pieces like a fragile toy. Marie Louise, his mother, fled with him to a cold welcome at her father's court in Vienna. His own father became to him a nameless outcast, and tutors puzzled how they might bring him up in ignorance of the empire and the glory to which he had been dedicated during his infancy. An alien name—the Duke of Reichstadt—and as he reached the years when under other fortunes he would have taken his place in the grand army as prince imperial his keepers strove to make him proud to put on the uniform of an Austrian sergeant.

The fledgling of the eagle never showed a desire to escape from his gilded cage, and although he died at 21 he lived long enough for the world to forget him.

THE HANDICAP OF ADVANTAGES.

If the world could have had eyes to see the start of the race between those two boys for fame and power 100 years ago, it would have had only a smile of pity for the son of Thomas Lincoln; its confidence and cheers would have been, as they were, all for the son of Napoleon.

Yet it was by no strange trick of fortune that Abraham Lincoln won the race. Leave out of the reckoning the early death of the King of Rome, leave out his father's downfall, leave this boy out entirely, and take any one of a hundred or a thousand heirs to great hopes who were born 100 years ago and match him against Lincoln. Lincoln beat all the kinglets and princelings as he beat the King of Rome. They were endowed with no more fingers and no more toes than he had. Every fancied advantage which was fondly conferred on them only loaded them down.

HOW TO MAKE A KING.

Napoleon himself started at nothing and whipped the heir of all ages. Yet he forgot that he could not transmit to his son the superiority that had lifted him above the sons of conquerors. As well might an athletic champion flatter himself that he could bequeath his championship.

If Napoleon was determined to raise up another Napoleon, he might have tried to rear his boy as he was reared rather than like a Bourbon. His father and mother were hunted things in the Corsican mountains until within a few weeks of his birth, when, the war being over, they returned to Ajaccio, weary and poverty stricken, but just in time for him to be born under a roof. His childhood was as free as a savage's and nearly as wild. The sailors on the beach and the herdsmen in the mountains were his favorite companions and principal instructors.

LEARNING TO RULE.

The most practical and useful monarch Europe ever had was Peter the Great. He stepped down from the throne of the Czars and went to work in disguise that he might learn how to rule.

He stepped down from the throne of the Czars and shunned princes and palaces. Laboring and living among the working people of Holland, England, and other foreign countries, he made docks and shipyards and machine shops his university. Equipped with lessons from real life, he went back to his throne and erected Russia into a nation, adding half a dozen provinces to his empire, pushing its frontier to the shores of two seas, set up a modern army and fleet, and established academies, galleries, and libraries.

Liberty is the only school for greatness, and privation and toil the only teachers. The prevalent stupidity of royalty and aristocracy is far less surprising than the genius it develops in rare instances under overwhelming disadvantages.

LINCOLN'S APPRENTICESHIP.

In the race for all the greatest prizes of life there is a good deal of fairness and equality. There is a pretty even start for the enduring honors in statecraft and war, in letters, in science, and in whatever field men contend for the noblest rewards. Fame really means to be democratic, and there is no royal road to her temple.

It is open to doubt if any king ever had as many advantages as Abraham Lincoln or was so well trained for ruling or leading a people. We hear much of his disadvantages, and many view his triumph over them as in the nature of a miracle. Looked at in another light, however, it is plainly to be seen that Lincoln was far more wisely apprenticed than any prince to the trade of governing. Thus when his great task came to him it found him trained like a thorough journeyman to lead the masses whose life he shared.

Mr. BATES. Mr. Speaker, coming from Pennsylvania I trust I am not ungracious in rising to say a word in favor of this concurrent resolution. I am reminded to-day of the scriptural injunction:

Is not the life more than meat and the body than raiment.

On the one side is the utilitarian idea, a road to Gettysburg; on the other is the esthetic, the beautiful—the appeal to memory, to gratitude, to veneration, to pay a tribute and show our appreciation of the greatness of Abraham Lincoln.

I am not opposed to the Gettysburg road. It is a splendid project. I hope it can be worked out in the future, either as a Lincoln memorial or as a direct proposal to build a national highway from the Capital to one of the greatest battle fields of the world; but I am first in favor of an appropriate mausoleum in the city of Washington.

From the earliest days it has been our policy to erect in the National Capital suitable memorials to the men whom the people delight to honor. Washington, Marshall, Lafayette, Jackson, Scott, Webster, the French and Polish patriots in the Revolution, Grant, Sherman, Sheridan, and the other great names that stand out in history because of their deeds in the Civil War. All these have been honored, but alas, nothing yet for the greatest of them all, Abraham Lincoln. Thirty-four years ago a Lincoln Memorial Association was formed and money raised, but nothing came of the movement. Now a conclusion has been reached so that the matter is presented to us in a distinct, clear, concrete form.

Who goes to Paris without a pilgrimage to the Hotel Des Invalides and with a melancholy pleasure immerses himself in the atmosphere which pervades the tomb of the great Napoleon?

What American or what lover of his race will in the coming years ever visit Washington without having first in his heart a desire to bow at the shrine of Abraham Lincoln, to read his immortal words on the proposed entablature, and thereafter highly resolve that the sacrifices of his day and generation for the uplift of the human race shall not have been in vain?

Mr. KAHN. Mr. Speaker, I gather from the debate that there is practical unanimity among the Members of this House in the belief that the time has now come when there ought to be a memorial of some kind erected or constructed by the American people to the memory of Abraham Lincoln. There is a division of opinion as to whether that memorial should be a utilitarian or a sentimental one. Personally I prefer the sentimental memorial. I have come to my conclusion after having torn a few leaves from the history of the past. I recall that in the city of Rome, near the ancient Forum, there stands the Arch of Titus. It is somewhat scarred and weather-beaten, for it has braved the elements since the first century of the Christian era. The buildings that surround it have crumbled into dust, but it still stands—a mute reminder of the eventful history of the Emperor Titus—he who with Vespacian built the Coliseum, which stands nearby; the marble facings and the bronze ornaments that decorated that wonderful arena have all disappeared. The shouts of triumph or dismay, as the occasion warranted, that reverberated throughout its spacious interior have faded into silence. The lizard and the bat are its sole inhabitants. It is a magnificent ruin and few even recall in whose reign it was constructed. Close by the Arch of Titus is the Arch of Constantine. It, too, is in a fair state of preservation. It stands alone near the ruins of what was once the glory of imperial Rome, the Forum. It was constructed in the early part of the fourth century. The barbarians who captured and destroyed the proud mistress of the world, imperial Rome, allowed it to remain—a mute reminder of the life of one of the foremost of the Roman Emperors. The Column of Trajan, erected in the closing years of the first century and the Column of Hadrian, erected during the same period, still rear their lofty tops toward the blue of heaven, while the buildings that surrounded them at the time of their construction have almost entirely disappeared from the ken of man. If it were not for these few memorials of pure sentiment that have withstood the ravages of time, the four Emperors whose lives and memories they commemorate would probably have been forgotten, even as the lives and memories of so many of the Emperors of Rome have become obliterated.

Some of the Members of this House seem to favor a great road to connect our Capital with the battlefield at Gettysburg. In advocacy of their plan they point to the Appian Way and contend that that road conferred immortality upon its builder. But they do not tell the Members of this House that the Appian Way was built entirely by slave labor; they do not tell the Members of the House that during the Dark Ages, when the barbarians of northern Europe ravaged the Campagna and broke through the walls of the Eternal City itself, they destroyed the famous thoroughfare. It was buried among the ruins of the tombs and mausoleums that lined it on either side. During the Middle Ages the Appian Way was almost entirely lost to the

sight of man. It remained buried until the year 1850, when Pope Pius IX ordered Canina, one of the leading archeologists of his period, to excavate the ruins and the débris that covered it, and restore it for the benefit of the Italian people. Although the road originally ran to Capua and thence to Brundusium, the modern city of Brindisi, a distance of several hundred miles, the restoration of Canina proceeded only 6 or 8 miles beyond the tomb of Caecilia Metella, one of the few ruins that faced the ancient roadway at the dawn of the renaissance. I understand that even to-day it is not a highway beyond its tenth mile.

While no one can look into the future, and while we all hope that this Republic may endure forever, it is not outside of the range of possibility that any road that might be built between Washington and Gettysburg may some day meet the fate of the Appian Way.

We have had one experience in road building in this country. The Cumberland Road, known as "the great National Pike," was begun in 1806 and finished in 1840. How many of our countrymen know anything about it in this day and generation? And yet it was the subject of debate upon this floor time and again during that period. With the advent of the railroads it fell into disuse. For 16 years after its completion it was controlled by the Federal Government, but in 1856 it was relegated to the various States through which it passed. It is to-day little more than a memory.

To refer to one or two other monuments that commemorate the lives of those in whose honor they were erected, I need simply mention the Pyramid of Cheops, which has withstood the decay of time and the attacks of the elements for about 4,000 years. The villages and the towns that surrounded it have been effaced from the face of the earth. Even the splendid civilization of the Egyptians is to-day largely a matter of conjecture, but that wonderful pile stands in all its majesty and grandeur to remind those of our era that once upon a time there existed in Egypt, in the very heyday of the civilization of that historic land, a monarch by the name of Cheops or Khufu. At Kamakura, in Japan, stands a massive bronze monument of the Buddha, or Gautama, who lived in India 2,500 years ago. It has stood for generations. It has come down to us practically intact and unimpaired. And so I might go on recalling memorials of sentiment that have been erected to commemorate the world's heroes, and that still endure, while the utilitarian institutions which surrounded them have crumbled into shapeless ruins.

I believe that the so-called Greek temple in Potomac Park would stand for centuries as an inspiration to the youth of our land. When the generations yet unborn will behold it they will recall the fact that the martyred President sprung from the loins of an humble farmer and frontiersman; that he rose to the highest office within the gift of a mighty and free people; that he illustrates the wonderful possibilities of American citizenship; that he preserved the American Union; that his clear judgment and patriotic purposes brought order out of chaos; and that a grateful and reunited country, desiring to honor his memory, has erected this magnificent memorial to Abraham Lincoln in token of the love, the gratitude, and the veneration with which its citizens regard one of the greatest of all mankind.

Mr. LANGLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSTER. Mr. Speaker, I would like to ask the same privilege.

Mr. EVANS. Mr. Speaker, I ask unanimous consent that all gentlemen may extend their remarks in the RECORD within five legislative days upon this bill now pending.

The SPEAKER. The gentleman from Illinois asks unanimous consent that all gentlemen may extend their remarks for five legislative days upon this bill. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Does that include those who have not spoken?

The SPEAKER. It includes every Member in the House.

Mr. EVANS. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, it is now nearly half a century since the Civil War closed and Abraham Lincoln passed beyond. There has been a lapse of time which ought to permit us to survey the situation with little bias and little passion. I have put the Civil War behind me, a great conflict which was probably inevitable. There were patriots on both sides, gallant men in opposition, but the question of the Union was settled with the end of the war, and no one now would reopen the controverted question so bitterly contested before and during that war. I think we can well afford to do that which shows that the country is again a reunited country, with the passions of war passed by, if not forgotten. I would erect a memorial to Abraham Lincoln on the farther side of the Washington Monument, just this side of the Potomac River, across the river from the home of Robert E. Lee and the burial place of both Union and Confederate soldiers, and then I would erect a memorial bridge across that Potomac River, joining the then Confederate States with the Union, aye, Mr. Speaker, joining the memory of Abraham Lincoln with the memories and respect for Lee. Aye, Mr. Speaker, I would go further. In the course of years not far distant I would construct a roadway from Washington to Mount Vernon, from Mount Vernon to Richmond, and at the other end of that roadway have the Government of the United States construct a memorial to Jefferson Davis, the President of the Confederate States. [Applause.]

When we have done that we have shown to the world that the hearts of all Americans beat in the present as in the past with respect and love for their leaders on both sides. We can afford to forget the animosities and the passions in the peace that passeth all understanding. [Applause.]

Now, Mr. Speaker, I make the point of order against the amendments which have been offered.

The SPEAKER. The Chair will hear the gentleman.

Mr. MANN. This resolution is a resolution providing:

That the plan, design, and location for a Lincoln memorial, determined upon and recommended to Congress December 4, 1912, by the commission created by the act—

Referred to in the resolution—

be, and the same are hereby, approved.

The act referred to in the resolution is an act approved February 9, 1911, which the Speaker will find in Thirty-sixth Statutes at Large, page 898. That was passed in the last Congress. That act provides that the gentlemen named in the act are created a commission to secure and determine upon a location, plan, and design for a monument or memorial in the city of Washington, D. C., to the memory of Abraham Lincoln, subject to the approval of Congress. Section 3 of the act provides—

That the construction of the monument or memorial herein and hereby authorized shall be upon such site as shall be determined by the commission herein created and approved by Congress.

The resolution pending before the House is simply a resolution to approve the location, the plan, and the design on the report of the commission which has been submitted to Congress in conformity with the act. It is not a resolution to amend the original act; it does not propose to amend the original act at all, but it is simply a resolution in accordance with the provisions of the original act to approve the plans which have been submitted by the commission.

Mr. BARTLETT. May I interrupt the gentleman?

Mr. MANN. Certainly.

Mr. BARTLETT. This is a joint resolution which has been passed and approved and has the force and effect of law?

Mr. MANN. Undoubtedly.

Mr. BARTLETT. Then does the gentleman not agree that we can repeal this entire law or this joint resolution or amend it in any way?

Mr. MANN. I am arguing now that you can not.

Mr. BARTLETT. Can not amend it or repeal it?

Mr. MANN. It is perfectly patent under the proposition that to repeal it is not germane to the resolution.

Mr. BARTLETT. Does not the gentleman from Illinois contend that this act could not be amended or repealed?

Mr. MANN. Certainly not. It would be in order to repeal or to pass an act or bill repealing the original act or amending the original act, but that is not the resolution pending before the House. It is not proposed by the resolution to affect the original act at all. There is not to be a line of the original act changed by this resolution. This resolution is in accordance with the existing provisions of the original act, providing for the approval by Congress of the plans recommended by the commission.

Mr. BARTLETT. May I ask the gentleman another question?

Mr. MANN. Certainly.

Mr. BARTLETT. We could approve these plans as well by an act as we could by a joint resolution?

Mr. MANN. Undoubtedly.

Mr. BARTLETT. There is no difference in an act or a joint resolution?

Mr. MANN. Not the slightest, in my opinion.

Mr. BARTLETT. And whatever you could do on a bill pending for this purpose you could do on a joint resolution?

Mr. MANN. I think so.

Now, the Speaker recently held that where a bill was pending to amend a section of the judiciary title, I believe, it was not in order to amend another section of that title, nor in order, by way of amendment, to introduce any new subject

matter not contemplated in the bill itself, because not germane to the provisions of the bill.

And even if in this case there were a bill pending to change the name of one of the commissioners I do not think it would be in order, as germane to that bill, to amend the other provisions of the act. But the joint resolution pending now is not a resolution to amend the original act at all. It is a resolution to carry into effect the provisions of the act as they stand in the law, providing that Congress shall approve these plans before the construction commences.

Mr. BORLAND. Mr. Speaker, I desire to be heard in opposition to the point of order.

Mr. Speaker, the view taken by the gentleman from Illinois [Mr. MANN] would so narrow the issue and so narrow the power of Congress in this respect that there would be nothing left for Congress to do under any form of resolution that could be introduced but to approve or disapprove the specific design or plan for a memorial.

The original act by which this commission was created is entitled "An act to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln." That title is broad enough to include not only a monument, such as is here reported upon, but any other form of memorial. But it is manifest by the line of argument adopted by the gentleman from Illinois that he would limit it to a monument, and there could be no other form of memorial.

The SPEAKER. The gentleman can dismiss that part of it from his mind at once, because the Chair thinks it is broad enough to cover any kind of a building that is intended to perpetuate the name of Lincoln. The Chair will ask the gentleman this question: What does the gentleman think about the limitation of that statute as to the place where this memorial is to be built?

Mr. BORLAND. Mr. Speaker, that is no more a necessary feature of this statute than the name of any of the commissioners or any of the other details of the original enactment. Congress intended to—and I believe the Speaker will agree that it did—reserve to itself the final word upon what this memorial should be. The memorial commission actually investigated—so they claim by their report—the Lincoln highway. They actually investigated other forms of memorials. But it is clearly within the power of Congress, having reserved to itself the right to approve or disapprove the findings of the commission created by Congress, to disapprove the findings of the commission and refer the matter to the commission with instructions to report upon some other form of memorial. Otherwise the power of approval reserved would be of no value to Congress.

Now, these gentlemen here have spoken about a bridge. Some of them have spoken about an arch. Some of them have spoken about an industrial school. The gentleman from Kentucky made a very eloquent speech about a road to Richmond. All of these projects seem to have been clearly in the minds of Members of Congress as possible and permissible under some form of memorial to Abraham Lincoln, as designated in the title of that act.

This resolution that I offer simply asks this commission to report on the first Monday in December, 1913, as Congress has the right to ask it to report, upon a memorial highway from Washington to the battle field of Gettysburg or any other appropriate memorial road, bridge, institution, or structure. That language is broad enough to include every proposition that has been debated before the House to-day.

Mr. JAMES. Mr. Speaker, will the gentleman yield for a question?

Mr. BORLAND. Yes.

Mr. JAMES. What does the gentleman say in connection with his statement that this act is broad enough to include his project from here to Gettysburg battle field, when in the language of the act creating this commission these words are used:

> To secure and determine upon a location, plans, and design for a monument or memorial in the city of Washington, D. C., to the memory of Abraham Lincoln.

It is not outside; it is not to Gettysburg, but it is in the city of Washington, the District of Columbia.

Mr. BORLAND. Mr. Speaker, that is exactly the point I was trying to make. The design and purpose of that original law and of this resolution, which rests only upon that original law, was to find an appropriate memorial to Abraham Lincoln. The other matter was a matter of detail. Undoubtedly that must be one way in one law and another way in another law without changing the fundamental, underlying purpose of the law, which purpose was the establishment of a memorial to Abraham Lincoln; and any form of resolution is germane which is germane to that underlying proposition, without regard to details.

Suppose, instead of being "the District of Columbia," the detail had been that it should be on a certain square in the District of Columbia, or that it should be in a certain part of the District of Columbia, or some other incidental detail. Those matters are purely directory in many laws, but in this one more especially, because it does not enter at all into the fundamental purpose, which is to secure a memorial to Lincoln that Congress deems to be appropriate. If Congress deems that the memorial selected is not appropriate, it must have reserved to itself some vital power—not an empty power over the question—when it finally comes before Congress in the form of a report of the commission.

Mr. TALBOTT of Maryland. And yet in your resolution the District of Columbia is included.

Mr. BORLAND. Under the resolution I offer the commission could bring in any other memorial in the District of Columbia, even this Greek temple, for they are not limited to any particular structure. They are entitled to report upon any other Greek temple or upon an arch or any other memorial.

Now, what is the result of the reasoning of the gentleman from Illinois [Mr. MANN]? Congress must vote down this proposition unless it is willing to accept, without dotting an "i" or crossing a "t," the report of the Fine Arts Commission and the Lincoln Memorial Commission. If every Member of Congress is not agreed that that is the best form of memorial for Lincoln, there is no parliamentary alternative, according to this argument, except to vote it down. What is the result of that? The commission having reported has no more vitality. The gentleman says we can not extend the life of it; we can not enlarge its powers; we can not change the directions we gave to it. If a line of argument so narrow is followed, then we have no power except to vote it down, thereby putting an end forever to the commission and destroying the very purpose that Congress had, the fundamental purpose of really securing a memorial for Abraham Lincoln.

Mr. MANN. Mr. Speaker, I think the gentleman hardly intended to say that my contention was that Congress could not change the provisions about the memorial. That is not the question now pending before the Speaker. The question is whether an amendment is germane to the pending proposition. Congress has it within its power to repeal the law providing for the Lincoln Memorial Commission or to amend the law providing for the Lincoln Memorial Commission or to provide other commissions or to do what it pleases about it; but the question here is whether a proposed amendment is germane to a resolution simply approving something as contemplated by law.

The SPEAKER. The Chair is ready to rule. The pending resolution is very simple. It is simply to approve certain findings of that commission, that one proposition and nothing else.

The present occupant of the Chair has ruled more than once, or at least he ruled once and proposes to stick to it, that where a law contains several sections and some gentleman brings in a bill to amend one section of that law only, then the House can not wander around and undertake in that bill to amend other sections of that law, because there must be an end and a limit to all things. The statute provides that the Lincoln monument or memorial shall be "in the District of Columbia." That settles that part of it. I do not believe that under that statute you can go outside the District of Columbia. I do not believe that a fair, careful reading of this resolution will permit any amendment providing for passing on another memorial in the city of Washington or out of it.

There are various ways of defeating this proposition. The first step, if the House desires to take it, is to vote this resolution down. Any step might be taken after that. There are two ways of getting rid entirely of this limitation as to the District of Columbia. One of them is by a bill amending the statute creating the commission, and another by a joint resolution, which is tantamount to a bill, for the same purpose. Therefore the Chair sustains the point of order.

Mr. STEPHENS of Texas. Mr. Speaker, does that apply to the amendment that I introduced?

The SPEAKER. The Chair stated a part of the ruling does not apply to the proposition offered by the gentleman from Texas.

Mr. STEPHENS of Texas. I desire to call attention to the fact that my amendment applies to the District of Columbia.

The SPEAKER. The Chair understands that. The last part of the ruling applies to the amendment offered by the gentleman from Texas. The language of this resolution is as simple as it can be, and an amendment that undertakes to amend this resolution by authorizing the erection of another memorial

would not be germane. If the House does not want this memorial, it can vote this joint resolution down.

Mr. BOOHER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BOOHER. Does that apply to the amendment offered by the gentleman from Tennessee? His amendment is to disapprove and refer the matter back to the commission.

The SPEAKER. All of these amendments are exactly alike in substance except the amendment of the gentleman from Missouri [Mr. BORLAND], which contains another proposition also.

Mr. BOOHER. The amendment of the gentleman from Tennessee was for a memorial arch within the District of Columbia.

The SPEAKER. The Chair understands that. The Chair says that under this resolution no amendment establishing another memorial to Lincoln, either in the District of Columbia or out of it, is germane to the pending resolution.

Mr. BOOHER. Would not an amendment be in order disapproving the findings of that commission and referring the matter back to them without designating what they shall do?

The SPEAKER. The Chair will state that when the proper times comes any gentleman in the House can move to recommit the resolution, and if that motion carries that ends it for the time being. But nothing is permissible in a motion to recommit that is not permissible by way of amendment.

Mr. BOOHER. That is what I understood the rule to be, and I am inquiring whether an amendment disapproving the report and referring it back to the commission would be in order.

The SPEAKER. A motion to recommit and referring it back would undoubtedly be in order.

Mr. BORLAND rose.

Mr. EVANS. Mr. Speaker, I move the previous question on the resolution and pending amendments, and I wish to say to a number of gentlemen to whom I have promised time that I am treating them as I have treated myself. I have made no speech, because I felt it important that others could make the speeches.

The SPEAKER. The Chair will say to the gentleman from Illinois that the gentleman from Missouri [Mr. BORLAND] was on his feet addressing the Chair before the gentleman from Illinois made his motion. What is it the gentleman from Missouri rose for?

Mr. BORLAND. Mr. Speaker, I desire to submit an amendment, as follows: That the word "approved" in the resolution be stricken out, and in lieu thereof the words "disapproved; and the matter referred to the commission for further report upon the proposed memorial to Abraham Lincoln" be inserted.

Mr. MANN. Mr. Speaker, to that I make a point of order.

Mr. COOPER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER. Has debate been closed by action of the House?

The SPEAKER. Debate has not been closed. The gentleman from Illinois [Mr. MANN] reserved the point of order against each one of these amendments as they were offered.

Mr. COOPER. That does not affect the debate on the main question?

The SPEAKER. It does not.

Mr. COOPER. Mr. Speaker, will the gentleman from Illinois permit me to make a statement? During the debate in my absence to-day the gentleman from Ohio [Mr. SHERWOOD] told the House that yesterday I made a mistake in reporting what was written to me by Col. Watrous as to the favorable attitude of the Grand Army of the Republic toward the proposed memorial to Lincoln in this city. He said that he had with him a copy of the resolution adopted at the meeting of the Grand Army of the Republic in Los Angeles last September, which resolution, he said, was against the memorial.

On returning to the Chamber and learning of this statement of the gentleman from Ohio I immediately went to the telegraph office and wired to Col. Watrous in Milwaukee, who, as I said yesterday, was in the Battle of Gettysburg and at one time commander of the Grand Army of the Republic. I told him of the contradiction that the gentleman from Ohio, Gen. SHERWOOD, had made to my remarks, and asked him to wire me a reply at once. I have his reply, received a few moments ago. It is dated Milwaukee, January 29, 1913, and is addressed to me. It says:

Vote unanimous against road and for memorial in Washington.
J. A. WATROUS.

Then my friend from Illinois, Mr. EVANS, and my friend from Illinois, Mr. MANN, told me that a soldier on the floor of the House, the gentleman from Illinois, Mr. THISTLEWOOD, had a certified copy of the record of the proceedings of the Grand Army of the Republic at their meeting in Los Angeles last September. That soldier handed it to me, and with the permission of the gentleman from Illinois [Mr. EVANS] I will occupy time enough to read the resolution in question.

The SPEAKER. Will the gentleman yield?

Mr. EVANS. Yes.

Mr. COOPER. It is as follows:

Comrade Taylor, of Illinois, read the following report:

"Your committee on report of the committee on Lincoln way approves the report of the committee and recommends the indorsement by this encampment of the Cullom bill for the Lincoln Memorial Commission to erect a monument, to be located on the banks of the Potomac.

"WILLIAM C. ALBERGER,
"CHARLES H. TAYLOR,
"ALBERT A. NILES,
"Committee."

Mr. BORLAND. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BORLAND. I would like to know how the gentleman from Wisconsin obtained the floor.

The SPEAKER. The gentleman from Illinois [Mr. EVANS] yielded him the time.

Mr. BORLAND. But the gentleman from Illinois did not have the floor. I had the floor to offer an amendment.

The SPEAKER. The gentleman from Wisconsin rose and obtained the floor by asking to submit a parliamentary inquiry.

Mr. BORLAND. The gentleman from Illinois [Mr. MANN] had raised the point of order to my amendment.

The SPEAKER. And the gentleman from Illinois [Mr. EVANS] yielded the gentleman from Wisconsin time enough to read the telegram.

Mr. BORLAND. I do not see how he could do that.

Mr. TOWNSEND. Does the gentleman from Missouri object to the telegram being read?

Mr. BORLAND. I object to his taking the floor in that manner. Other gentlemen want the floor and can not get it.

Mr. COOPER. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANNON. Mr. Speaker, as I understand the situation, the gentleman from Illinois was recognized and proceeded to and did move the previous question on the resolution to final passage.

Mr. BORLAND. Mr. Speaker, I am afraid the gentleman is mistaken about that.

Mr. CANNON. I am not mistaken.

The SPEAKER. The Chair will state exactly what happened. The gentleman from Illinois [Mr. EVANS] rose and moved the previous question, but prior to that the gentleman from Missouri [Mr. BORLAND] had addressed the Chair. The Chair supposed he wanted to make a parliamentary inquiry, and not desiring to cut off any gentleman from the privilege of making a parliamentary inquiry, he asked the gentleman from Illinois [Mr. EVANS] to withhold his motion until the Chair could ask what the gentleman from Missouri desired. The gentleman from Illinois [Mr. EVANS] had moved the previous question.

Mr. BORLAND. Mr. Speaker, I obtained the floor to offer an amendment and did so, and the gentleman from Illinois [Mr. MANN] reserved the point of order against the amendment. It was on that situation that the gentleman from Wisconsin [Mr. COOPER] rose and asked leave to make a parliamentary inquiry, or some sort of an inquiry. Then when he had proceeded for some time he asked for time from the gentleman from Illinois [Mr. EVANS], who had no time and who had not the control of the floor.

The SPEAKER. The Chair believed at that time that that was the shortest way out.

Mr. COOPER. Mr. Speaker, I have only to add that that report was adopted. [Laughter.]

Mr. BORLAND and Mr. EVANS rose.

The SPEAKER. The Chair will recognize the gentleman from Missouri.

Mr. BORLAND. Mr. Speaker, I have submitted an amendment here against which a point of order has been made by the gentleman from Illinois [Mr. MANN]. Before discussing that point of order I should like to ask the gentleman to withhold his point of order until I may yield a few minutes to the gentleman from Ohio [Mr. SHERWOOD], who, in fairness, would like to be heard for a few moments.

The SPEAKER. The gentleman can not yield time on a point of order.

Mr. MANN. Mr. Speaker, while I did say I made the point of order on the amendment proposed by the gentleman from Missouri [Mr. BORLAND], that amendment was never offered, was never reported from the Clerk's desk, where it is necessary it should be. I have no objection to the gentleman having an opportunity to offer it.

Mr. BORLAND. I offered it.

Mr. CANNON. Mr. Speaker, the situation, and I watched it closely, is that the gentleman from Illinois, my colleague, Mr. EVANS, has the floor. He moved the previous question, and then, in the nature of unanimous consent, without his losing the floor, we have had what followed. I think he is entitled to the floor now and has not yielded the floor, as I understand it. I have no objection if the gentleman from Illinois will yield for unanimous consent to the gentleman from Ohio [Mr. SHERWOOD] having a minute, not to interfere with my colleague's right to the floor.

Mr. GARNER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Texas rise?

Mr. GARNER. I rise for a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. Mr. Speaker, my recollection is that the Chair recognized the gentleman from Missouri [Mr. BORLAND] when he was standing on his feet for the purpose of offering an amendment. In the meantime the gentleman from Illinois [Mr. EVANS] rose before the amendment was offered and the Chair recognized him, and he moved the previous question. Since that time there have been several things done in the way of conversation and parliamentary inquiries, but I submit to the Chair that the Chair had recognized the gentleman from Missouri [Mr. BORLAND] before he recognized the gentleman from Illinois.

The SPEAKER. No; no.

Mr. GARNER. I appeal to the record of the notes that the Chair had recognized the gentleman from Missouri [Mr. BORLAND], and the gentleman from Missouri was about offering his amendment; then the Chair recognized the gentleman from Illinois [Mr. EVANS], and he moved the previous question.

The SPEAKER. Here is the situation: The gentleman from Illinois [Mr. EVANS] moved the previous question. The gentleman from Missouri [Mr. BORLAND] had been trying to attract the attention of the Chair when he made the ruling on these amendments, and the Chair supposed that he was going to ask a parliamentary inquiry or appeal from the decision of the Chair; but he did neither, and his amendment was never offered.

Mr. GARNER. Well, the parliamentary situation is simply this: If the Chair desired to recognize the gentleman from Missouri for the purpose of offering an amendment, he having been standing on his feet for that purpose, he could have done so, but if he preferred to recognize the gentleman from Illinois [Mr. EVANS] to move the previous question he can do that.

Mr. BORLAND. Mr. Speaker, I would like to refresh the Chair's memory for a moment. When the gentleman from Illinois [Mr. EVANS] rose to move the previous question the Chair said of his own motion——

Mr. MANN. Will the gentleman yield for me to ask unanimous consent that the gentleman from Missouri be entitled to offer the amendment which he suggested, the gentleman from Ohio [Mr. SHERWOOD] to be permitted to address the House for two minutes, and at the end of that time the previous question be considered as ordered on the resolution and amendment thereto to final passage?

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Missouri [Mr. BORLAND] shall be permitted to offer his amendment, and that the gentleman from Ohio [Mr. SHERWOOD] shall have two minutes, and at the end of which time the previous question shall be considered as ordered.

Mr. BORLAND. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Illinois whether he means the previous question shall be considered as ordered or considered as offered?

Mr. MANN. As ordered.

Mr. BORLAND. Then I will have to object, because I can not——

Mr. CANNON. Regular order!

Mr. BORLAND (continuing). I can not consent to it.

The SPEAKER. The gentleman from Illinois [Mr. EVANS] moves the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on the third reading of the Senate resolution.

The Senate resolution was read a third time.

The SPEAKER. The question is on the passage of the Senate resolution.

Mr. BORLAND. Mr. Speaker, I have a motion to recommit.

Mr. BOOHER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BOOHER. To move to recommit.

The SPEAKER. The Chair had already recognized the other gentleman from Missouri to make a motion to recommit.

Mr. BORLAND. Mr. Speaker, I move that the resolution be recommitted to the Committee on the Library.

The SPEAKER. The question is on the motion to recommit the resolution to the Committee on the Library.

Mr. MANN. Mr. Speaker, on that I move the previous question.

The SPEAKER. The gentleman from Illinois moves the previous question on that motion.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on the motion to recommit this resolution to the Committee on the Library.

Mr. BORLAND. Mr. Speaker, on that I demand the yeas and nays.

The question was taken.

The SPEAKER. On this vote the yeas are 31, the nays are 153, not a sufficient number, and the yeas and nays are refused.

Mr. BORLAND. Mr. Speaker, I raise the question that there is no quorum present

Mr. FOSTER. Mr. Speaker, I make the point that there is a quorum.

The SPEAKER. The Chair will count. [After counting.] One hundred and ninety-nine Members are present—a quorum.

Mr. BORLAND. Mr. Speaker, I did not understand the Chair to announce whether or not there was a quorum. I rise for the purpose of asking the presence of the enrolled bill before final passage.

Mr. FOSTER. I make the point of order that it is too late.

Mr. MANN. We had the third reading.

The SPEAKER. The request comes too late.

EXPENSES OF INAUGURAL CEREMONIES.

Mr. FITZGERALD, from the Committee on Appropriations, by unanimous consent, reported back Senate joint resolution 157, to enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States on March 4, 1913, which was referred to the Committee of the Whole House on the state of the Union.

THE LINCOLN MEMORIAL.

The SPEAKER. The question is on recommitting Senate joint resolution 158.

Mr. MANN. We had the vote on the motion to recommit, and declined to grant the yeas and nays.

The SPEAKER. The Chair's recollection about this is that immediately after the Chair announced that the vote was on the motion to recommit, the gentleman from Missouri [Mr. BORLAND] demanded the yeas and nays.

Mr. LANGLEY. That is correct.

The SPEAKER. And then the Speaker went through the counting process to find out whether the yeas and nays would be ordered, and, finally, whether there was a quorum present. The Chair does not believe he can be mistaken about that recollection. The question is on the motion to recommit.

The question was taken.

The SPEAKER. The noes have it.

Mr. BORLAND. Mr. Speaker, I ask for the yeas and nays.

Mr. HEFLIN. Mr. Speaker, I make the point of order that the motion is dilatory.

The SPEAKER. The House has just refused the yeas and nays on this proposition.

Mr. HEFLIN. Mr. Speaker, I make the point of order that the motion is dilatory.

The SPEAKER. The question is, Shall this resolution pass?

The question was taken, and the Senate joint resolution was passed.

On motion of Mr. EVANS, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

ENROLLED JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following joint resolution:

H. J. Res. 380. Authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President elect on March 4, 1913, etc.

LEAVE OF ABSENCE.

Mr. SCULLY, by unanimous consent, was granted leave of absence for one week, on account of illness in his family.

ADJOURNMENT.

Mr. EVANS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 4 minutes p. m.) the House adjourned until 11 o'clock a. m., Thursday, January 30, 1913.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 26737) to amend an act approved October 1, 1890, entitled "An act to set apart certain tracts of land in the State of California as forest reservations," reported the same with amendment, accompanied by a report (No. 1411), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GARDNER of Massachusetts, from the Committee on the Library, to which was referred the bill (H. R. 28468) providing for the erection of memorials to Thomas Jefferson and Alexander Hamilton in the District of Columbia, reported the same without amendment, accompanied by a report (No. 1414), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. PEPPER, from the Committee on Military Affairs, to which was referred the bill (S. 5262) for the relief of Sylvester G. Parker, reported the same without amendment, accompanied by a report (No. 1412), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BURLESON: A bill (H. R. 28499) making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. HUGHES of West Virginia: A bill (H. R. 28500) to promote the safety of employees and passengers upon railroads engaged in interstate traffic; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 28501) to regulate the collection of internal revenue; to the Committee on Ways and Means.

By Mr. THOMAS: A bill (H. R. 28502) to provide for the erection of a monument to Lester Bryant; to the Committee on the Library.

By Mr. HUMPHREY of Washington: A bill (H. R. 28503) to amend an act entitled "An act to provide revenues, equalize duties, encourage the industries of the United States, and for other purposes"; to the Committee on Ways and Means.

By Mr. McGILLICUDDY: A bill (H. R. 28504) increasing the limit of cost fixed by act of Congress approved June 25, 1910, for enlargement, extension, etc., of Federal building at Bath, Me.; to the Committee on Public Buildings and Grounds.

By Mr. VOLSTEAD: A bill (H. R. 28505) to authorize the Minnesota River Improvement & Power Co. to construct dams across the Minnesota River; to the Committee on Interstate and Foreign Commerce.

By Mr. PUJO: A bill (H. R. 28506) to erect an extension to the post office and Federal court building at Alexandria, La.; to the Committee on Public Buildings and Grounds.

By Mr. AUSTIN: A bill (H. R. 28507) to protect honorably discharged soldiers, sailors, or marines employed under the civil service, who are rated as "good," from discharge or reduction from said service; to the Committee on Reform in the Civil Service.

By Mr. CARTER: Memorial from the Legislature of Oklahoma, favoring the election of Federal district judges by the people of their respective States; to the Committee on the Judiciary.

Also, memorial from the House of Representatives of the State of Oklahoma, expressing disapproval of the central banking scheme as proposed in the Aldrich currency bill; to the Committee on Banking and Currency.

Also, memorial from the Legislature of the State of Oklahoma, memorializing Congress to make early settlement of the claims of the Choctaw Indians against the United States; to the Committee on Indian Affairs.

Also, memorial from the Legislature of Oklahoma, favoring the Kenyon-Sheppard bill; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BROWNING: A bill (H. R. 28508) granting a pension to James Gleason; to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 28509) to amend the military record of Richard Parke; to the Committee on Military Affairs.

By Mr. CANTRILL: A bill (H. R. 28510) granting an increase of pension to Rowland T. Vories; to the Committee on Invalid Pensions.

By Mr. CRAGO: A bill (H. R. 28511) granting a pension to John C. Gaither, jr.; to the Committee on Pensions.

By Mr. MICHAEL E. DRISCOLL: A bill (H. R. 28512) for the relief of George Le Clear; to the Committee on Military Affairs.

By Mr. FIELDS: A bill (H. R. 28513) granting an increase of pension to James M. Vansant; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 28514) for the relief of Albert Greenlaw; to the Committee on the Post Office and Post Roads.

By Mr. HUGHES of West Virginia: A bill (H. R. 28515) for the relief of Anna De Bord; to the Committee on Claims.

By Mr. LAFEAN: A bill (H. R. 28516) granting an increase of pension to John H. Hector; to the Committee on Invalid Pensions.

By Mr. LANGHAM: A bill (H. R. 28517) granting a pension to William John Rosenberger; to the Committee on Invalid Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 28518) granting a pension to Mary Ellen Bousman; to the Committee on Invalid Pensions.

By Mr. NEELEY: A bill (H. R. 28519) granting a pension to Martha J. Curry; to the Committee on Pensions.

Also, a bill (H. R. 28520) granting an increase of pension to Philip M. Nuckles; to the Committee on Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 28521) granting an increase of pension to Mary R. Kendall; to the Committee on Pensions.

By Mr. SPARKMAN: A bill (H. R. 28522) granting an increase of pension to George W. Hendry; to the Committee on Pensions.

By Mr. THAYER: A bill (H. R. 28523) granting a pension to Josuah H. Brackett; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Sumter Chamber of Commerce, favoring the passage of legislation for the purpose of eliminating the pistol from American life; to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of citizens of the United States, suggesting a system of collecting tolls at the Panama Canal, so that there will not be any special privileges; to the Committee on Interstate and Foreign Commerce.

By Mr. ALLEN: Petition of the German-American Peace Society of New York, protesting against the passage of House bill 8141, for placing the State Militia on the national pay roll; to the Committee on Military Affairs.

By Mr. AYRES: Petition of the Richmond Chamber of Commerce, Richmond, Va., favoring the passage of legislation for a reform in the banking system of the United States; to the Committee on Banking and Currency.

Also, petition of the New York State Fruit Growers' Association, favoring the passage of House bill 7208, making the trans-Atlantic steamships liable for the damages of packages, etc., caused through negligence; to the Committee on Interstate and Foreign Commerce.

By Mr. BATES: Petition of the Meadville Art Association, Meadville, Pa., favoring the adoption of the Mall site and design as approved by the National Commission of Fine Arts for the memorial to Abraham Lincoln; to the Committee on the Library.

Also, petition of Hafleigh & Co., Philadelphia, Pa., favoring the maintenance of the present tariff on pearl buttons; to the Committee on Ways and Means.

Also, petition of the school board of Gerardboro, Pa., and of John Burroughs, West Park, N. Y., favoring the passage of Senate bill 6497, for Federal protection of all migratory birds; to the Committee on Agriculture.

Also, petition of the Manufacturers' Association of Erie, Pa., protesting against the passage of Senate bill 6099, for the establishment of a uniform classification of freight; to the Committee on Interstate and Foreign Commerce.

By Mr. BATHRICK: Petition of sundry citizens of the nineteenth district of Ohio, asking for a congressional investigation of the prosecution by the Government of the Appeal to Reason; to the Committee on Expenditures in the Post Office Department.

Also, petition of growers of ginseng of the State of Ohio, favoring an appropriation for the investigation of certain diseases peculiar to ginseng; to the Committee on Agriculture.

By Mr. BURKE of South Dakota: Petition of sundry citizens of Lake County, S. Dak., asking for a congressional investigation of the prosecution by the Government of the Appeal to Reason; to the Committee on Expenditures in the Post Office Department.

Also, petition of citizens of Lake County, S. Dak., favoring the passage of legislation to investigate the persecution of the editors of the Appeal to Reason by officials of the United States; to the Committee on Expenditures in the Post Office Department.

By Mr. CALDER: Petition of Richmond Chamber of Commerce, Richmond, Va., favoring the passage of legislation for a reform in the banking system of the United States; to the Committee on Banking and Currency.

Also, petition of the New York State Congregational Woman's Home Missionary Union, asking that the tolls at the Panama Canal be submitted to arbitration if it can not be settled by diplomacy; to the Committee on Interstate and Foreign Commerce.

Also, petition of Herbert S. Gardner, St. Louis, Mo., and L. T. Hinsking, Brooklyn, N. Y., favoring the passage of the McLean bill for Federal protection of migratory birds; to the Committee on Agriculture.

Also, petition of the Moller & Schumann Co., Brooklyn, N. Y.; the Oliver Bros. Purchasing Co., New York; the American Laundry Machinery Co., Rochester, N. Y.; and Louis Schulman, New York, favoring the passage of the Weeks bill (H. R. 27567) for 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

By Mr. CARY: Petition of the Lucy Webb Hayes Training School and the Sibley Memorial Hospital, Washington, D. C., protesting against the passage of House bill 27570, relative to certain public lands; to the Committee on the District of Columbia.

Also, petition of the Richmond Chamber of Commerce, Richmond, Va., favoring the passage of legislation for a reform in the banking system of the United States; to the Committee on Banking and Currency.

Also, petition of the John Pritzloff Hardware Co., Milwaukee, Wis., favoring passage of the Weeks bill (H. R. 27567), for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

By Mr. DRAPER: Petition of the Richmond Chamber of Commerce, Richmond, Va., favoring the passage of legislation for a reform in the banking system of the United States; to the Committee on Banking and Currency.

By Mr. DYER: Petition of the More-Jones Brass & Metal Co., St. Louis, Mo.; Reinhart Grocer Co., St. Louis, Mo.; and the Webt Freyschlag Mercantile Co., Kansas City, Mo., favoring the passage of the Weeks bill (H. R. 27567), for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of Herbert S. Gardner, St. Louis, Mo.; Christopher P. Nelson, Chicago, Ill.; John Burroughs, New York; J. C. Strauss, St. Louis, Mo.; and A. H. Foote, St. Louis, Mo., favoring the passage of the McLean bill, for Federal protection of migratory birds; to the Committee on Agriculture.

Also, petition of the National League of Government Employees, favoring passage of House bill 20995, granting to certain employees of the United States compensation for injuries sustained in the course of their employment; to the Committee on the Judiciary.

Also, petition of the Missouri Naval Reserve, St. Louis, Mo., favoring passage of House bill 2588, for promoting the efficiency of naval militia; to the Committee on Naval Affairs.

Also, petition of the Lucy Webb Hayes Training School and the Sibley Memorial Hospital, Washington, D. C., protesting against the passage of House bill 27570, relative to certain public lands; to the Committee on the District of Columbia.

Also, petition of the Moon Motor Car Co., St. Louis, Mo., favoring the adoption of a national highway from Washington to Gettysburg for a memorial to Abraham Lincoln; to the Committee on the Library.

Also, petition of Everett W. Patterson, St. Louis, Mo., favoring the adoption of the Mall site and design, as approved by the National Commission of Fine Arts, for a memorial to Abraham Lincoln; to the Committee on the Library.

By Mr. FORNES: Petition of Boring & Tilton, New York, and the New York Chapter of American Institute of Architects, favoring the adoption of the Mall site and design, as approved by the National Commission of Fine Arts, for a memorial to Abraham Lincoln; to the Committee on the Library.

Also, petition of the Association of Eastern Foresters, Trenton, N. J., protesting against the passage of legislation transferring the control and ownership of national forests to the States wherein they lie; to the Committee on Agriculture.

Also, petition of the New York State Conservation Commission, favoring the passage of the Weeks bill making appropriation for the Federal protection of forests from fires; to the Committee on Agriculture.

Also, petition of the United States Live Stock Sanitary Association, Chicago, Ill., favoring the passage of legislation to increase the appropriation for eradication of ticks; to the Committee on Agriculture.

Also, petition of the Richmond Chamber of Commerce, Richmond, Va., favoring the passage of legislation for a reform in the banking system of the United States; to the Committee on Banking and Currency.

By Mr. FULLER: Petition of the Illinois Chapter of American Institute, protesting against the adoption of a national highway from Washington to Gettysburg for a memorial to Abraham Lincoln; to the Committee on the Library.

Also, petition of Charles R. Post, Brooklyn, N. Y.; George Shawgo, Wesley, Pa.; and James Bathhurst, Philadelphia, Pa., favoring passage of House bill 1339 granting an increase in pension to veterans of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

By Mr. GOLDFOGLE: Petition of the Chamber of Commerce of Poughkeepsie, N. Y., favoring the passage of legislation granting a Federal charter to the Chamber of Commerce of the United States; to the Committee on the Judiciary.

Also, petition of the Richmond Chamber of Commerce, favoring the passage of legislation for a reform in the banking system of the United States; to the Committee on Banking and Currency.

Also, petition of Newman Erb and M. Ross, of New York, N. Y., favoring the passage of House bill 1309 for the establishment of a council of national defense; to the Committee on Naval Affairs.

Also, petition of the New York Conservation Commission, favoring an additional appropriation for Federal aid in protecting the forests from fires; to the Committee on Agriculture.

Also, petition of the Association of Eastern Foresters, of Trenton, N. J., protesting against the passage of legislation transferring the control and ownership of national forests to the States wherein they lie; to the Committee on Agriculture.

By Mr. HAMMOND: Petition of the Cloquet Commercial Club, Cloquet, Minn., protesting against the passage of legislation transferring the control and ownership of national forests to the States wherein they lie; to the Committee on Agriculture.

By Mr. HENRY of Connecticut: Petition of citizens of Hartford, Conn., favoring the passage of House bill 1309, for the establishment of a national council of defense; to the Committee on Naval Affairs.

By Mr. LEVY: Petition of Boring & Tilton and Delano & Aldrich, New York, favoring the adoption of the Mall site and design as approved by the National Commission of Fine Arts for a memorial to Abraham Lincoln; to the Committee on the Library.

Also, petition of the New York State Legislative Board of the Brotherhood of Locomotive Engineers, favoring the passage of the Federal workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of the Chamber of Commerce of Poughkeepsie, N. Y., favoring the passage of legislation granting a Federal charter to the Chamber of Commerce of the United States; to the Committee on the Judiciary.

Also, petition of the Association of Eastern Foresters, Trenton, N. J., protesting against the passage of legislation transferring the control and ownership of national forests to the States wherein they lie; to the Committee on Agriculture.

Also, petition of the Conservation Commission, favoring the passage of the Weeks bill making appropriation for the Federal

protection of forests from fires; to the Committee on Agriculture.

By Mr. LINDSAY: Petition of the Rochester Stamping Co., Rochester, N. Y., favoring passage of House bill 27567, for 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of Boring & Tilton and Ludlow & Peabody, New York, favoring the adoption of the Mall site and design as approved by the National Commission of Fine Arts for a memorial to Abraham Lincoln; to the Committee on the Library.

Also, petition of George N. Wingate, New York, favoring the passage of House bill 1309, providing for a council of national defense; to the Committee on Naval Affairs.

Also, petition of Charles R. Post, Brooklyn, N. Y., favoring passage of House bill 1339, granting an increase of pension to veterans of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

Also, petition of the Richmond Chamber of Commerce, Richmond, Va., favoring the passage of legislation for a reform in the banking system of the United States; to the Committee on Banking and Currency.

By Mr. NEELEY: Petition of citizens of the seventh Kansas district, favoring the passage of House bill 25040, for amending the hours-of-service law so that the persons handling orders relative to the movement of trains will not have to work over eight hours; to the Committee on Interstate and Foreign Commerce.

By Mr. PUJO: Papers to accompany bill to erect an extension to the post office and Federal court building at Alexandria, La.; to the Committee on Public Buildings and Grounds.

By Mr. UNDERHILL: Petition of the Association of Eastern Foresters, protesting against the passage of legislation transferring the control and ownership of the national forests to the States wherein they lie; to the Committee on Agriculture.

Also, petition of the conservation committee of the State of New York, favoring an additional appropriation for Federal aid for protection of forests from fires; to the Committee on Agriculture.

Also, petition of the New York State Fruit Growers' Association, favoring the passage of Senate bill 7208, making trans-Atlantic steamships liable for damages to packages, etc., caused through negligence; to the Committee on Interstate and Foreign Commerce.

By Mr. WILSON of New York: Petition of the Richmond Chamber of Commerce, Richmond, Va., favoring the passage of legislation for a reform in the banking system of the United States; to the Committee on Banking and Currency.

Also, petition of the New York State Fruit Growers' Association, favoring the passage of Senate bill 7208, making trans-Atlantic steamships liable for damages of packages, etc., caused through negligence; to the Committee on Interstate and Foreign Commerce.

SENATE.

THURSDAY, *January 30, 1913.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CHESAPEAKE & POTOMAC TELEPHONE CO. (H. DOC. NO. 1315.)

The PRESIDENT pro tempore [Mr. GALLINGER] laid before the Senate the annual report of the Chesapeake & Potomac Telephone Co. for the year 1912, which was referred to the Committee on the District of Columbia and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the joint resolution (S. J. Res. 158) approving the plan, design, and location for a Lincoln memorial.

The message also announced that the House had agreed to the resolution requesting the President to return the bill (S. 7162) to amend section 801 of the Code of Law for the District of Columbia.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24121) to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims.

The message further announced that the House insists upon its amendments to the bill (S. 7160) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. ADAIR, and Mr. FULLER managers at the conference on the part of the House.

The message also announced that the House insists upon its amendments to the bill (S. 8034) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. ADAIR, and Mr. FULLER managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

Mr. RICHARDSON presented petitions of the congregations of the Methodist Episcopal Churches of Selbyville and Magnolia, in the State of Delaware, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. CRAWFORD presented memorials of the congregations of the Seventh-day Adventist Churches of Elk Point, Viborg, Colman, and Beresford, all in the State of South Dakota, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. MYERS presented memorials of the congregations of the Seventh-day Adventist Churches of Butte and Bozeman, in the State of Montana, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Dillon, Mont., remonstrating against the enactment of legislation providing for the parole of Federal life prisoners, which was ordered to lie on the table.

Mr. HITCHCOCK presented memorials of the congregations of the Seventh-day Adventist Churches of Ringgold, Ragan, and Collegeview, all in the State of Nebraska, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. BRISTOW presented a petition of the Woman's Christian Temperance Union of Mound Valley, Kans., and a petition of sundry citizens of Mound Valley, Kans., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. PERKINS presented a resolution adopted by the Aero Club, of Washington, D. C., favoring an appropriation for the establishment of a national aeronautical laboratory in Washington, D. C., which was ordered to lie on the table.

Mr. NELSON presented a memorial of the congregation of the Seventh-day Adventist Church of St. Paul, Minn., and a memorial of the Seventh-day Adventist Church of Duluth, Minn., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. DU PONT presented a memorial of sundry citizens of Smyrna, Del., remonstrating against the enactment of legislation providing for the parole of Federal life prisoners, which was ordered to lie on the table.

Mr. MARTINE of New Jersey (for Mr. BRIGGS) presented memorials of the Thomas A. Edison Co. (Inc.), of Orange, N. J.; of sundry citizens of Newark, Riverside, and New Brunswick, in the State of New Jersey; and of the American Association of Foreign Newspapers, of New York, N. Y., remonstrating against the enactment of legislation providing for the removal of restricted prices on patented goods, etc., which were referred to the Committee on Patents.

He also (for Mr. BRIGGS) presented petitions of sundry citizens of Pennington, Canford, Ridgewood, Montclair, Ocean City, East Orange, West Hoboken, Garwood, Orange, Hackensack, Vincentown, Daretown, Moorestown, Clinton, Pleasantville, Madison, Summit, Princeton, Paterson, Newark, Asbury Park, Atlantic City, Springfield, Port Morris, Green Creek, Haddonfield, Long Branch, Somerville, and Oakhurst, all in the

State of New Jersey, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

He also (for Mr. BRIGGS) presented memorials of the German-American Alliance, of Middlesex County and Elizabeth, and of sundry citizens of Newark, Jersey City, Union Hill, Atlantic City, New Brunswick, and Camden, all in the State of New Jersey, and of sundry citizens of New York, N. Y., remonstrating against the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

He also (for Mr. BRIGGS) presented petitions of sundry citizens of Englewood and Montclair, in the State of New Jersey, praying for the enactment of legislation providing for the protection of migratory birds, which were ordered to lie on the table.

He also (for Mr. BRIGGS) presented a petition of sundry citizens of Jersey City, N. J., praying for the enactment of legislation providing for the establishment of a board of river regulation, etc., which was referred to the Committee on Commerce.

He also (for Mr. BRIGGS) presented petitions of sundry citizens of Secaucus and Kenvil, in the State of New Jersey, praying for the enactment of legislation granting the Government power to establish game reservations upon national lands, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also (for Mr. BRIGGS) presented a petition of Phoenix Lodge, No. 315, International Association of Machinists, of Elizabeth, N. J., praying for the passage of the so-called eight-hour bill, which was ordered to lie on the table.

He also (for Mr. BRIGGS) presented memorials of the congregations of the Seventh-day Adventist Churches of Perth Amboy and Fairton, and of sundry citizens of Vineland, all in the State of New Jersey, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also (for Mr. BRIGGS) presented petitions of sundry citizens of East Orange and Newark, in the State of New Jersey, praying for the construction of a public highway from Washington, D. C., to Gettysburg, Pa., as a memorial to Abraham Lincoln, which were ordered to lie on the table.

He also (for Mr. BRIGGS) presented petitions of members of the Friday Club of Bridgeton and of the Woman's Club of Arlington, in the State of New Jersey, praying for the establishment of a national department of public health, which were ordered to lie on the table.

He also (for Mr. BRIGGS) presented memorials of sundry officers of the Home Building and Loan Association, of Asbury Park, N. J., remonstrating against the enactment of legislation levying a special excise tax on building and loan associations, which were ordered to lie on the table.

He also (for Mr. BRIGGS) presented petitions of the Board of Trade of Elizabeth and of sundry citizens of Grenloch, in the State of New Jersey, praying for the enactment of legislation granting a charter to the Chamber of Commerce of the United States, which were referred to the Committee on the Judiciary.

He also (for Mr. BRIGGS) presented petitions of the New Jersey State Teachers' Association; the Board of Trade of Elizabeth; the School of Industrial Art of Trenton; the mayor of Trenton; W. H. S. Demarest, president of Rutgers College; Prof. J. G. Lipman, of Rutgers College; the New Jersey State Grange; the Board of Education of Elizabeth; the superintendent of the Vineland Training School; of Hon. Ernest R. Ackerman, of Plainfield; of the president and superintendent of the Board of Education of South Orange; of Edward S. Pierson, of Jersey City; of the superintendents of public schools of Union County, Bloomfield, Elizabeth, Vineland, Asbury Park, Glen Ridge, and New Brunswick; of the New Jersey Bankers' Association; and of sundry citizens, all in the State of New Jersey, praying for the passage of the so-called Page vocational education bill, which were ordered to lie on the table.

He also (for Mr. BRIGGS) presented petitions of sundry citizens of Orange and Jersey City, in the State of New Jersey, praying for the enactment of legislation granting pensions to veterans of the Indian wars, which were referred to the Committee on Pensions.

He also (for Mr. BRIGGS) presented petitions of sundry citizens of Newark, Harrison, East Orange, Passaic, Elizabeth, and Jersey City, all in the State of New Jersey, praying for the enactment of legislation granting pensions to widows and orphans of Spanish War veterans, which were referred to the Committee on Pensions.

He also (for Mr. BRIGGS) presented petitions of sundry citizens of Newark, N. J., praying for the enactment of legislation to prohibit the use of trading coupons, which were referred to the Committee on Finance.

He also (for Mr. BRIGGS) presented a petition of Local Branch No. 380, National Association of Letter Carriers, of Trenton, N. J., praying for the enactment of legislation providing for the retirement of certain employees in the civil service, which was referred to the Committee on Civil Service and Retrenchment.

He also (for Mr. BRIGGS) presented a memorial of Local Grange No. 36, Patrons of Husbandry, of Medford, N. J., remonstrating against the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also (for Mr. BRIGGS) presented a memorial of the Woodbury Mill & Lumber Co., of Woodbury, N. J., remonstrating against the passage of the so-called anti-injunction bill, which was referred to the Committee on the Judiciary.

He also (for Mr. BRIGGS) presented petitions of Union No. 62, International Brotherhood of Bookbinders; of Union No. 14, United Hatters of North America, of Newark; of Phoenix Lodge, No. 313, International Association of Machinists, of Elizabeth; of Union No. 63, Glass Bottle Blowers' Association, of Williamstown; of Union No. 307, Painters, Decorators, and Paper Hangers, of Morristown; of Union No. 3, Cigar Makers' International Union, of Paterson; and of Union No. 139, Carpenters' Union, of Jersey City, all in the State of New Jersey, praying for the passage of the so-called anti-injunction bill, which were referred to the Committee on the Judiciary.

He also (for Mr. BRIGGS) presented memorials of sundry citizens of Salem, Oreg.; Philadelphia, Pa.; Buffalo, N. Y.; Boston, Mass.; Madison, Wis.; and New York, N. Y., remonstrating against the enactment of legislation increasing the rate of postage on printed matter, which were referred to the Committee on Post Offices and Post Roads.

He also (for Mr. BRIGGS) presented petitions of the Whitlock Cordage Co., of New York, N. Y.; of the New Jersey Fire Insurance Co., of Newark; and of sundry citizens of Newark and Paterson, in the State of New Jersey; of Wheeling, W. Va., and of Philadelphia, Pa., praying for the adoption of a 1-cent postage on first-class mail matter, which were referred to the Committee on Post Offices and Post Roads.

He also (for Mr. BRIGGS) presented memorials of the American Truth Society of Paterson, and of sundry citizens of Passaic, all in the State of New Jersey, remonstrating against an appropriation being made to celebrate the one hundredth anniversary of peace with England, which were ordered to lie on the table.

Mr. GALLINGER presented the petition of Robert Fletcher, of Dartmouth College, Hanover, N. H., and a petition of the congregation of the First Methodist Episcopal Church of Claremont, N. H., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

He also presented a resolution adopted by the New England Club of Library Commission Workers, of Boston, Mass., favoring the adoption of certain amendments to the parcel-post law, which was referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to which was referred the bill (H. R. 23351) to amend an act entitled "An act to provide for an enlarged homestead," reported it without amendment and submitted a report (No. 1169) thereon.

Mr. WORKS, from the Committee on Public Lands, to which was referred the bill (S. 7875) to exempt from cancellation certain desert-land entries in the Chuckawalla Valley and Palo Verde Mesa, Riverside County, Cal., reported it with amendments and submitted a report (No. 1170) thereon.

Mr. CLARKE of Arkansas, from the Committee on Military Affairs, to which was referred the bill (H. R. 24365) providing for the taking over by the United States Government of the Confederate cemetery at Little Rock, Ark., reported it without amendment and submitted a report (No. 1171) thereon.

He also, from the same committee, to which was referred the bill (S. 6766) providing for the taking over by the United States Government of the Confederate cemetery at Little Rock, Ark., reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to which was referred the bill (S. 4549) to place the name of Sergt. Herman C. Funk upon the officers' retired list, reported it with an amendment and submitted a report (No. 1172) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CULBERSON:

A bill (S. 8315) granting permission to Ella S. Gilliland, and Clara E. Gilliland, joined by her husband, W. H. Gilliland, to institute suit against the United States of America in the district court of the United States for the eastern district of Texas for the partition and adjustment of the rights and titles claimed by them in certain lands situated in said eastern district of Texas; to the Committee on the Judiciary.

By Mr. SMITH of Maryland:

A bill (S. 8316) granting an increase of pension to Elizabeth McLaughlin; to the Committee on Pensions.

By Mr. KERN:

A bill (S. 8317) for the relief of John M. Butler (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 8318) granting an increase of pension to Thomas White (with accompanying papers); and

A bill (S. 8319) granting an increase of pension to Joel A. Griffin (with accompanying papers); to the Committee on Pensions.

By Mr. SANDERS:

A bill (S. 8320) granting an increase of pension to Matilda I. Nason; to the Committee on Pensions.

By Mr. GRONNA:

A bill (S. 8321) to amend section 1 of an act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended; to the Committee on Interstate Commerce.

By Mr. SMOOT:

A bill (S. 8322) granting a pension to Charles O. Farnsworth (with accompanying papers); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 8323) for the relief of F. W. Tyler; to the Committee on Claims.

By Mr. JONES:

A bill (S. 8324) to appoint James W. Keen as master's mate in the Revenue-Cutter Service, and to place him as such upon the retired list; to the Committee on Commerce.

A bill (S. 8325) granting an increase of pension to Carrie A. Miller; and

A bill (S. 8326) granting a pension to Jesse F. Cochran, alias Franklin Cochran; to the Committee on Pensions.

By Mr. SMITH of Arizona:

A bill (S. 8327) for the relief of G. O. Nolan; to the Committee on Claims.

By Mr. MARTINE of New Jersey (for Mr. BRIGGS):

A bill (S. 8328) to place Peter Vredenburgh, late first lieutenant of Infantry, United States Army, on the retired list of the Army; and

A bill (S. 8329) for the relief of Second Lieut. John F. Brown, Philippine Scouts, United States Army; to the Committee on Military Affairs.

By Mr. BRADLEY:

A bill (S. 8330) granting an increase of pension to Leander Ledford (with accompanying papers); to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 8331) granting a pension to Josephina Soleau (with accompanying papers); to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 8332) to increase the limit of cost of the public building at Piqua, Ohio; to the Committee on Public Buildings and Grounds.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. WORKS submitted an amendment proposing to appropriate $1,250,000 for necessary improvements on the Colorado River to protect the lands and property of Imperial Valley, Cal., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $22,067 for the maintenance of the improvement of San Diego Harbor, Cal., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. PERKINS submitted an amendment providing for a survey of Berkeley Harbor with a view to the development and completion of the Berkeley inner harbor, California, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. LODGE (for Mr. CRANE) submitted an amendment providing for a survey of Marion Harbor, Mass., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

REGULATION OF PILOTAGE.

Mr. JONES submitted an amendment intended to be proposed by him to the bill (S. 7629) to provide for the further Federal regulation of pilotage, which was referred to the Committee on Commerce and ordered to be printed.

EIGHT-HOUR LAW.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (H. R. 18787) relating to the limitation of the hours of daily services of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia.

Mr. BORAH. I move that the Senate insist upon its amendments and agree to the conference asked for by the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. BORAH, Mr. PENROSE, and Mr. SHIVELY conferees on the part of the Senate.

ADDRESS OF SENATOR HEISKELL.

Mr. HEISKELL. Mr. President, if you should be surprised that I who have so lately become a Member of this body should now arise to say farewell, please remember that there are circumstances over which I have no control. Certain Senators were kind enough to invite, advise, and induce me to make my leave-taking the occasion for some remarks to the Senate. I am glad to see that we have a quorum of the Senate present, but I must observe that of those Senators who invited, advised, and induced me to speak there is not a quorum present. I have the news from Arkansas, where the legislature is in session. My successor, whom I can warrant to you as a good and worthy man, has been elected, and even now he is bearing down upon me, armed with a commission which is to serve as a writ of dispossession against the present occupant of this seat. Within a few weeks, after March 4, he in his turn will be succeeded by another Senator. But you know the saying is the third time the charm, and this third Senator will stay with you for the full term of six years. There is senatorial glory enough to go around—if you keep it moving fast enough. I have foreseen what has now happened and thus you will be able to understand why I have, since coming here, been making an exhaustive and painstaking investigation to find what are the rights, privileges, prerogatives, and immunities that may be enjoyed by a man who is a former Member of the United States Senate.

After a service in this body of 22 days I am going home and spend the remaining years of my life in writing my "reminiscences of the Senate." When I came here I was not even acquainted with the geography of the Capitol and its grounds, and I had some difficulty in finding my way into the Senate, but the Arkansas Legislature has now shown me the way out. I had equal difficulty with respect to the Senate Office Building, but I finally located my quarters in a committee room over whose door is a legend that I at first hastily read as "Mississippi River and its tribulations," for I knew that the tribulations of the Mississippi River are both grievous and multitudinous.

I must make acknowledgment that my stay here has been made pleasant, and things generally have been made easy for me by that historic courtesy that guides and sweetens the proceedings of this body. I have found pleasure in doing my part as best I could in this courtesy while a Member here, but as I am editor of a newspaper I am somewhat perturbed at the thought that an obligation to observe the highest courtesy toward the Senate may rest upon me for the rest of my life. And if when other editors are thundering against the Senate I must sit silent in my sanctum, I shall indeed suffer partial paralysis of my editorial functions.

I came by the Senatorship by the easy way of appointment by the governor. I did not have to go through the storm and stress or, I might even say, the rough and tumble of a State-wide, popular primary, which, under normal conditions, is the arbiter of political fate in Arkansas. And I can assure Senators who have never had that experience that when a man gets a Senatorship as a result of a popular primary he is fairly entitled to enjoy to the fullest all its honors and emoluments. We have indeed in the popular primary States a government of the people, and I affirm my faith in that government, even though there are some persons in these States who are apprehensive

at what may befall us from the votes of those electors, who are dubbed with the uncouth terms of "red neck" and "hillbilly." And what is a hillbilly? He is one of thousands and thousands of white men, poor in the goods of this world, the very foundation course of the structure of human society, who work at the trades of the countryside or cultivate small farms in the sweat of their own brows, whose greatest interests in this world are home, family, school, church, and their country. If these men are sometimes misled, the fault is not so much with them as with him who perverts his talents and abuses his powers to play upon their honest hearts and open minds. It is natural that they should be moved and influenced by one who goes among them dressed, maybe, somewhat in their own garb, even though he may have assumed that dress for the purpose of that express excursion, who can talk to them in their own words and phrases, who can comfort them in their troubles and rejoice with them in their simple joys, who can, actually or in effect, put his arm around them and make them feel that he is their friend and their defense, for the inequalities of social and economic conditions always yearn for a voice to cry their protest. As it was in Greece and Rome, so it is with us to-day. He who has consummate skill to put himself in the place of a champion of the people is not merely a well-known and popular man; he becomes a sentiment, a belief, a creed, and a conviction. But if anyone fears that these masses of men may lay violent hands upon the historic fabric of our institutions, let him remember that the day may come when their true American bone and fiber will make them a fortress and a stronghold for all those things this Nation holds most dear.

Mr. President, one of the great figures in the history of the Senate said, in speaking of his State:

I shall enter on no encomium upon Massachusetts. She needs none. There she is. Behold her and judge for yourselves.

And I may say that my State of Arkansas needs no encomium. She needs only to be seen and to be known. For it has been the singular misfortune of Arkansas to be misused, misadvertised, misunderstood, and misinterpreted. Because we have areas of lowlands along with our highlands, our hills, and our mountains, some persons who are unacquainted with the State are accustomed to speak of it as a place of swamps.

For the most part these lowlands are not swamps at all. They are covered with towns and plantations, or are lands that can be reclaimed for farms and homes with the simplest works of drainage, and are being so reclaimed by local enterprise. But "swamp" is a ready and an easy word, which gratifies the human appetite for a touch of derogation, and is often chosen by the tongue in preference to more accurate, if less satisfying, terms of description. In my own State we have a name for a particular type of political partisan who inhabits the lowlands and is noted for the great interest he takes in public affairs. He is called a "Swamp Democrat." These lowlands lie generally in eastern Arkansas, a region that was in part inundated by the last great flood in the Mississippi. A flood is a bad visitation. But eastern Arkansas is the daughter of the Father of Waters. For century after century he has drawn on the East, the North, and the West for the treasures of their soil and laid them at her feet. And when mankind came to claim this daughter of the river he found her dowered with wealth far greater than the marriage portions of all the princesses of the earth. Now that eastern Arkansas has been wooed and won by mankind, she has built bulwarks against the Mississippi, but sometimes he breaks in and leaves muddy tracks all over the place. Thus we are in need of works of reclamation, for flood protection and drainage, and for channel improvement also. It is a saying in our State that Arkansas has more miles of navigable rivers than any other State in the Union, and, I regret to add, perhaps as few miles of navigated rivers.

The Nation might well turn its eyes to this undeveloped empire. You have heard the fearsome formula of the political economist about the pressure of population on the means of subsistence. But in Arkansas so many crops may be raised in the same year on the same ground, and so bountiful is the earth that the trouble is rather the pressure of the means of subsistence upon the population.

Rich in all the things that make a State both strong and great and bring it the most substantial and enduring prosperity, Arkansas may well rest content in the sure and certain knowledge that she must come into her own at last. She has suffered undeservedly from the libels of penny-a-liners, who would be shamed if they could know the excellence of the Commonwealth and its people, and from some who have managed to possess themselves of her voice and utterance and appropriated them to the forwarding of their own personal or political fortunes. Arkansas needs nothing more than to be known for what she truly is. And Arkansas asks nothing more than that her own and veritable voice, the voice of an enlightened, progressive, God-fearing, and God-serving people, may be heard before the Nation and the world.

IMMIGRATION OF ALIENS.

Mr. LODGE. I desire to give notice that immediately after the morning business to-morrow, assuming that the unanimous-consent agreement in reference to the joint resolution as to presidential term will then have been exhausted, I shall call up the conference report on the immigration bill, which has passed the other House this morning without a roll call.

THE PRESIDENTIAL TERM.

The PRESIDENT pro tempore. The Secretary will read the unanimous-consent agreement in reference to the special order for to-day.

The Secretary read as follows:

It is agreed by unanimous consent that on Thursday, January 30, 1913, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States, and before adjournment on that legislative day will vote upon any amendment that may be pending, any amendments that may be offered, and upon the bill—through the regular parliamentary stages—to its final disposition.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States.

The PRESIDENT pro tempore. The question is on the amendment offered by the senior Senator from Georgia [Mr. BACON] to the amendment of the committee.

Mr. LODGE. Mr. President, I should like to suggest that if this amendment is to go into the Constitution of the United States we should not insert in that great instrument a split infinitive; and so, on page 2, in line 9, I suggest that the language should read: "Eligible again to hold the office by election."

Mr. CUMMINS. Mr. President, that change has already been made; it was an error in the report.

Mr. LODGE. I am glad to hear that that has already been done.

Mr. CUMMINS. It was done some two or three months ago.

Mr. LODGE. But it has not been done on the copies that are furnished to us; it has been done without the knowledge of the Senate.

Mr. CUMMINS. The joint resolution has been printed as it has in fact been reported.

Mr. LODGE. I had nothing before me except the print which we find on our desks. I did not know the change to which the Senator from Iowa refers had been made.

The PRESIDENT pro tempore. The amendment heretofore proposed by the Senator from Georgia [Mr. BACON] to the amendment of the committee will be stated.

The SECRETARY. On page 2, line 6, of the proposed amendment of the committee, before the word "years," it is proposed to strike out the word "six" and insert "four," so that, if amended, the amendment will read:

The term of the office of President shall be four years.

Mr. LODGE. Mr. President, do I understand that what has just been stated is the pending question.

The PRESIDENT pro tempore. That is the pending question.

Mr. LODGE. What is this that is presented to us? Is it the report of the committee amendment that has just been read?

The PRESIDENT pro tempore. It is an amendment proposed by the senior Senator from Georgia [Mr. BACON] to the amendment of the committee to the joint resolution.

Mr. LODGE. I understand. I should like to ask the Secretary to read the amendment of the committee.

The PRESIDENT pro tempore. The Secretary will read as requested.

The SECRETARY. The Committee on the Judiciary reported the joint resolution with an amendment to strike out, beginning on page 1, line 10, as follows:

The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of six years and shall be ineligible to a second term, and, together with the Vice President, who shall hold for a like term, and shall also be ineligible to a second term, be elected as follows:

And in lieu thereof to insert:

The executive power shall be vested in a President of the United States of America. The term of the office of President shall be six years; and no person who has held the office by election, or discharged its powers or duties, or acted as President under the Constitution and laws made in pursuance thereof shall be eligible to again hold the office by election.

The President, together with a Vice President chosen for the same term, shall be elected as follows.

Mr. LODGE. I am glad to find that the error to which I referred has been corrected in the official copy of the joint resolution. I was misled by the only copy which was in my possession.

Mr. President, I do not propose to consume the time of the Senate in discussing this proposed amendment to the Constitution, upon which I suppose the minds of Senators are made up, nor do I think it is necessary to enter upon any protracted debate upon it. I desire merely to state my own reasons for opposing it.

I am not in favor of this change in the Constitution. The chief argument which is offered for the passage of this joint resolution, limiting the President to one term, is that if he has no hope of reelection he will then devote himself exclusively to policies for the benefit of the country and to the work of the country, and that he will not use the patronage of his great office to promote his own renomination and reelection.

I do not myself believe, Mr. President, that patronage is very helpful in electing or reelecting anyone to office. On the contrary, I believe that as a rule it is positively harmful. Instances of the defeat either for nomination or for election are very frequent in our history of a President having all the patronage in his possession. The use of patronage, of which complaint is made, is in reality chiefly with reference to its influence upon Congress. That the power of appointment has an influence upon Congress is, I think, undoubted, human nature being constructed as it is, but I can not see that limiting the President to one term will alter the effect of the patronage on Congress, if it has an effect. A President limited to one term, so far as he is personally concerned, is at least anxious that the policies to which he is committed and which he desires should be carried into execution.

The patronage, if used at all, would be just as much used for that purpose as to promote his own reelection, and even more constantly. You will not get rid of the effect of patronage or the force of the power of appointment until you are rid of human nature in the Congress of the United States. Therefore, Mr. President, it does not seem to me that in that direction the argument in regard to patronage has very great weight.

As to the point of patronage not being used to promote his own renomination or reelection, if a President is debarred from using the power of his great office to secure his own renomination or his own reelection, surely he will be desirous to have a successor who shall be in sympathy with his views, who will be willing to carry out the policies which he has been unable to complete; he will desire that his own party shall remain in power; for a President without a party and without party principles would not be a desirable President. Therefore, Mr. President, it does not seem to me that we really gain anything in that direction, and, although superficially the argument resting on the case of the presidential power appears to have much weight, it seems to me in its essence to have very little.

There is another reason which we hear spoken of, but which I need not dwell upon, namely, that a provision of this kind in the Constitution of the United States will be a defense against Cæsarism, against a permanent President or dictator. Mr. President, the protection of the country against Cæsarism or a dictatorship or a perpetual President rests in the character of the American people. No paper provision can protect us against that. If we should reach the point where the people were ready to have a perpetual President or dictator, no constitutional provision would stand in the way of a revolution of that character in our system of government, if the people had sunk to that point. When the people are ready to fall into the hands of an imperial despot or a perpetual dictator or President, paper barriers will not prevent the calamity.

But the all-sufficient reasons against the adoption of the proposed amendment to my mind are two. The first one applies to the proposition of the committee; it does not apply to the amendment proposed by the Senator from Georgia [Mr. BACON]. Under our system we have divided the three branches of government—the legislative, the judicial, and the executive—and have made them coordinate and independent. Our system is not like that of England, which has been adopted very largely throughout the Continent of Europe. That system is to have the executive and the legislative power in the same hands. The executive and legislative powers of England are in reality, whatever the forms may be, vested in a committee of the House of Commons. Under that system when at an election the party control changes, the executive and the legislative change together, and they both are in harmony; but under our system that frequently is not the case. At this moment we have a President belonging to one party and the House of Representatives controlled by another. I have in my own not very long experience seen that same situation occur more than once. It happened in the last two years of President Harrison's administration; it happened in the last two years of President Cleveland's administration, and it happened frequently before that. I do not think the situation which it produces is a desirable one. I believe that the conduct of the business of the Government should be in the hands of the party which has received authority from the people to conduct the Government.

I am not prepared to say that we should give up our system of the separation of the departments on that account; but no system is perfect. It is a necessary defect in the system which divides and makes independent the three branches of government. It does not seem to me desirable to enhance the evils of that situation by making it possible to have a President and a Congress or a President and one House of Congress of different political parties last for four years instead of for two. It is a false position and an unnatural situation, one which is not consonant with our system of government. It arrests the work of carrying out the will of the people as expressed at the polls. To a certain extent it is unavoidable. As I have said, under our system it must occur from time to time, but it is now limited by the limitation of the presidential term. Under the six-year term, I think that that defect of the system, if you choose to call it such—and it is a defect, as it seems to me—would be enhanced and not diminished.

Finally, Mr. President, I think it is very dangerous to declare constitutionally that a man who has once been President of the United States shall never be President again.

I have opposed elsewhere—not here, because the question has not been raised here—but I have opposed in public discussion to the best of my ability the compulsory initiative and referendum, because I believe it means the destruction of representative government and because I believe its tendency would be to establish a method of legislation which is in its nature impossible. I know from my own experience with reference to constitutional amendments in my own State on which we are called upon to vote by "yes" or "no," at an election, that I am not capable of legislating intelligently in that way, and I do not think that others are. I believe that this scheme would force the people to legislate by a method which no people on earth can carry out effectively and intelligently. I need not enter into the details, and I do not mean to argue that question here; but it is impossible, to my mind, to have intelligent legislation by answering at the ballot box with a categorical "yes" or "no" on a measure which may include many sections and where there is no opportunity for amendment or debate. I believe myself that the system of compulsory initiative and referendum tends and is intended to throw power into the hands of comparatively small and well-organized minorities and to take it away from the great body of the people, although I know that the cry for the initiative and referendum is made in the name of the people.

Now, Mr. President, we are asked to take from the people by this proposed constitutional amendment the decision of a question which they are preeminently capable of settling. There is no question whatever that the voters of this country are able to say whether they think a certain man who has served as President ought again to be President; and it seems to me we are simply taking from the people by this proposed constitutional amendment a right which ought not to be denied to them. I have sufficient confidence in the American people to believe that they can be trusted absolutely to say who shall be President of the United States and to determine whether a man who has once been President is fit to be President again.

It would have been a melancholy day for this country if we had been unable to elect to a second term George Washington or Abraham Lincoln. No man can tell when a situation will arise when it might be a vital necessity to retain for a second term a President then in office. We might be engaged in a war where it would be the veriest misfortune conceivable to say that the man at the head of the Government should be changed at the end of four years.

I think we can safely let this matter remain where it is. I have no fear that we shall have any perpetual President. I have too much confidence in the American people and in their good sense for that. I have no fear that they can not be fully trusted with the power to say whether a man shall serve a second time or a third time if he seeks it, and I think we are running a very great risk in taking up this limitation as to eligibility for a second term.

I have no desire to enter into further details, Mr. President. I simply wished to put upon the record the reasons which will govern me in voting against this resolution.

Mr. SUTHERLAND. Mr. President, I want to make just a single observation in reference to this matter.

The Senator from Massachusetts has said, and others have said here, that this is an attempt to take from the people their power to elect a President to successive terms. I do not understand that it is any such attempt at all. It is a proposition to submit to the people the question whether or not they will take from themselves that power. In the last analysis it will rest in the good judgment of a majority of the people of the United States—indeed, more than a simple majority, because it will require three-fourths of the States to ratify this proposed constitutional amendment.

Mr. LODGE. Mr. President, if the Senator will allow me, I am of course aware that this is a constitutional amendment which must be submitted to the people, and that it could not be adopted without the votes of three-fourths of the States. I know that. What I referred to was the attempt in this resolution itself. What it aims at is a limitation on the powers of the people. If the people choose to take from themselves their own existing right, that is their affair; but the matter has not reached that stage yet.

Mr. SUTHERLAND. My position is that this is a matter that the people of the United States have been discussing for a long time. We do know that there is a sentiment, a very large sentiment—precisely how large we do not know—in the United States in favor of this proposed amendment. Let the people of the United States say whether they want it or not. If they determine that they do, then a majority of the people will have spoken upon it.

Mr. PAYNTER. Mr. President is it in order to offer an amendment at this time?

The PRESIDENT pro tempore. No; there is one amendment pending. The Senator can have his proposed amendment read for the information of the Senate.

Mr. PAYNTER. Then I ask that it be read for information.

The PRESIDENT pro tempore. The Secretary will read as requested.

The SECRETARY. It is proposed to add at the end of the section the following:

Provided, That the term of the incumbent in the office of President when this amendment takes effect shall be for six years.

Mr. CUMMINS. Mr. President, I should like to suggest to the Senator from Kentucky that when his amendment is offered it ought to follow the word "election," in line 10, rather than to follow the resolution itself.

Mr. PAYNTER. That is what I was about to suggest.

Mr. CUMMINS. I desire to suggest, further, that there is pending an amendment, submitted by the Senator from Georgia, striking out "six years" and inserting "four years." If that amendment should be adopted, then the proposed amendment of the Senator from Kentucky would not be necessary, even from his point of view.

Mr. PAYNTER. Mr. President, I will not discuss the question of the necessity for the adoption of the pending amendment to the Constitution. My amendment was prepared simply for the purpose of suggesting an idea that was in my mind. I have drawn it hastily, and perhaps it is rather dangerous to amend the Constitution by words that are added in the midst of a debate.

The conditions are these: If this amendment as reported should be adopted, the question would arise at the close of the incoming administration—if the amendment should become effective before the close of it—as to whether the President then in office would hold office for the term of six years or for only four. That question would necessarily arise, and it would be necessary to give this amendment interpretation to determine the effect of it.

In a matter so important as fixing the term of the President no question should be left open for decision. The amendment should make it perfectly clear whether the term of the person then in the office of President should be six or four years. That, of course, is upon the idea that it is made a six-year term. Of course if it remains a four-year term, then the amendment which I have suggested would not be proper at all, because I have no purpose or desire to see the term of the incumbent when the amendment is adopted made longer than that of his predecessors or successors.

So, Mr. President, if this amendment does not meet with the approval of the Senate, some provision ought to be added to the pending resolution which will take care of the situation which I have suggested—that is, the possibility of controversy at the end of the term in the event the resolution is adopted in its present form.

Mr. DIXON. Mr. President, I should like to hear the amendment submitted by the Senator from Kentucky read again. I did not clearly get it.

The PRESIDENT pro tempore. The proposed amendment will be read.

The SECRETARY. In the amendment proposed by the committee, on page 2, line 10, after the word "election," it is proposed to insert:

Provided, That the term of the incumbent in the office of President when this amendment takes effect shall be for six years.

Mr. PAYNTER. Mr. President, will the Senator yield to me for a moment?

Mr. DIXON. I yield.

Mr. PAYNTER. There is one suggestion which I intended to make, but neglected to make. The incoming President was nominated and elected upon the idea that it was for a four-year term. If this amendment should be adopted, he would be disqualified—if that is the proper interpretation of the amendment—from holding office for more than four years. It seems to me it would not be fair to him to deprive him of a six-year term when this is adopted after he has been elected to the present ensuing term.

Mr. DIXON. I should like to ask the Senator from Kentucky whether or not that was the understanding of the present President elect, Woodrow Wilson, that he is to serve only one term of four years?

Mr. PAYNTER. I am discussing a constitutional question now, not what may have been the understanding.

Mr. DIXON. But I understood the Senator from Kentucky to say that that was the understanding of the present President elect.

Mr. PAYNTER. As I said, I am discussing the constitutional question.

Mr. CUMMINS. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CUMMINS. I understand perfectly well that if the resolution should be adopted as it comes from the committee, it would be wise to make it specific—that is, to place it beyond any controversy as to its application. But there is an amendment pending to the resolution, offered by the senior Senator from Georgia. The amendment proposed by the Senator from Kentucky is not an amendment to that amendment, but it is an amendment to the original resolution, and therefore can not properly be offered at the present time.

The PRESIDENT pro tempore. The Senator from Iowa correctly states the parliamentary situation. The amendment of the Senator from Kentucky is not in order now.

Mr. CUMMINS. Therefore, while of course I do not want to limit the remarks that may be made upon any subject that may be pertinent to the question, I suggest that the Senator from Kentucky withhold his amendment until it becomes in order.

The PRESIDENT pro tempore. The Chair suggested that it would be read merely for the information of the Senate.

Mr. PAYNTER. I understood the Chair so to rule.

Mr. CULBERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Texas?

Mr. DIXON. I do.

Mr. CULBERSON. May I have the attention of the Senator from Kentucky for a moment? While I think it is an inadvertence, the Senator from Kentucky, in his amendment, has omitted any reference to the Vice President.

Mr. PAYNTER. I have not studied that question, but I think my amendment includes the Vice President. As I suggested in my former remarks, it is rather an unsafe thing to accept an amendment offered under these circumstances. More time ought to be taken for its consideration. I think the question important enough for the Senate to take an abundance of time to consider it.

Mr. DIXON. Mr. President, I understand——

The PRESIDENT pro tempore. If the Senator from Montana will permit the Chair to make an observation, the Senator from Georgia [Mr. BACON] is not now in the Senate; and the Chair desires to read from the RECORD precisely what occurred on the 15th of August last in reference to the amendment.

Mr. CUMMINS said:

Mr. President, I have been informed that there are some others who desire to speak upon this joint resolution, but that they are not prepared to proceed this afternoon. I know also the very great anxiety of some Senators that we shall take up the calendar. In view of those circumstances, I ask unanimous consent that the unfinished business be temporarily laid aside.

Mr. BACON. Before that is done I wish to offer an amendment to the joint resolution in order that it may be stated, and then I shall make no objection to the request.

Subsequent to that, and after some debate had occurred, Mr. BACON said:

I simply desire to offer an amendment, and I will ask the Secretary to take it down. It is on the sixth line on the the second page, to strike out the word "six" and to insert the word "four." I do not ask to do anything more now than to have that entered.

Mr. DIXON. Mr. President, no formal amendment having been offered, but merely a suggestion having been made by the Senator from Georgia, to clarify the situation and leave no loophole for further constitutional construction and the possible embarrassment of the incoming President of the United States, I desire to offer a specific amendment. I should like to have the Secretary read it, if it is in order to have it offered at this time. If it is not in order, I will present it later in the day.

The PRESIDENT pro tempore. The Chair will rule that, upon the statement just read, the suggested amendment on the part of the Senator from Georgia is not now pending. The Senator from Montana offers the amendment which will be read by the Secretary.

The SECRETARY. On page 2, line 10, after the word "election," it is proposed to insert the following words:

Provided, That this provision shall not apply to the President elect, Woodrow Wilson.

Mr. DIXON. I hope the Senator who reported the resolution, or the one who introduced it, will accept this amendment, as it would clear up the embarrassment and any possible doubt that might arise as to the status of the President elect, as suggested by the Senator from Kentucky.

Personally I have not heard any great demand from the country for this constitutional amendment, which would forever prohibit the people of the United States, when they thought best so to do, from reelecting a faithful President for a second term. Candidly, I think the purpose of this resolution would have been better stated, and it would have come nearer telling the cold truth, if it had been entitled—

A proposed amendment to the Federal Constitution for the relief of certain aspirants for the office of President of the United States.

Outside of a very select circle of prospective presidential candidates, I think there has been no demand from the people themselves to have the Federal Constitution amended in this respect. As the Senator from Massachusetts said, if it had been in operation from the beginning of the Government it would have forbidden George Washington's second election; it would have forbidden this Nation to have had the services of Abraham Lincoln in the greatest crisis this Government has ever faced; it would have eliminated William McKinley from his second term; it would have eliminated Andrew Jackson from his second term. In all seriousness, boiled down to the real essence of the matter, I think it would be better entitled—

A bill for the relief of certain presidential candidates now occupying to a greater or less extent the political stage.

This resolution seeks to revive the old rule that used to prevail in many congressional districts—to "pass the honors around." Until the last few years in some congressional districts there was an unwritten law that no man could "represent the district for more than two terms," not because such a rule gave better service in the House of Representatives, but in order that certain aspiring politicians of the district might have an opportunity to go to Congress. It was not for the benefit of the people; it was not for the benefit of the Government; but it was purely and simply in the interest of certain ambitious gentlemen in that particular congressional district.

We know the result. It used to be a standing joke that the "two-term districts" in the House of Representatives were usually less ably represented than any other districts in the country.

Theoretically, the argument for this amendment is based on the fear of some great overshadowing personality perpetually assuming the presidential office. They talk about the power of Federal patronage in the hands of the President. They fear that a man holding the power of appointing thousands of Federal officers is invulnerable, so far as his reelection is concerned.

I now want to testify that while we have seen the power of Federal patronage prostituted by the Executive, the worst examples of the prostitution of Federal patronage have emanated from the Senate Chamber, instead of from the White House. The old senatorial oligarchy that held legislation and held control of the Senate in the hollow of its hands committed far greater crimes in the matter of the use of Federal patronage for personal, private ends that any President who ever occupied the White House. If the argument applies to a second term for the President, it applies with equal force to a second term for every Senator in this Chamber. If a man becomes dangerous by reason of his power of distributing Federal patronage—and that is all of the argument behind the proposed resolution—the same consideration applies with even greater force to the Members of this body. No President distributed Federal patronage by himself. With the power of confirmation lodged in the Senate, Federal patronage is distributed much more largely by the Members of the Senate than by the President.

There is no possible fear, Senators, that any man, occupying the position of President, can ever force his reelection by the use of patronage. There is no possibility that any man can perpetuate his power as President by the power which comes from occupying that position temporarily.

It is true that under the old system of nominations in conventions the power of patronage was tremendous. It was used to renominate Senator after Senator. It was used in a lesser degree to renominate Congressmen by the distribution of post offices in the district. But it has never yet, and it never will in the future, reelect any man to any office within the gift of the people.

We saw within the last year a President force his own renomination from the hands of an unwilling political party by the use of Federal patronage. The Senate remembers the incident, last February, when 10 nominations which had been sent to the Senate affecting post offices and collectorships in a certain Southern State were withdrawn en bloc and, in effect, put up to the highest bidder for delegates to the Republican national convention. While the use of patronage might have yielded delegates under the old plan of presidential nominations, it did not bring results in the elections. Last November the people of the United States in no uncertain terms expressed their opinion of a nomination forced by an Executive by the misuse of Federal patronage. You fear shadows, gentlemen, and not actual realities.

There will never be another President of the United States nominated under the old system. I think I am on fairly safe ground when I make that prophecy. The presidential preference primary is already here in 12 or 15 States, and within the coming four years, during President Elect Wilson's administration, I predict it will be put into effect in a majority of the States.

What is the power of Federal patronage under the new conditions of a presidential primary? The old plan of electing Senators within the next 60 days will have become a thing of the past. The constitutional amendment that we submitted last year for the direct election of Senators will probably be ratified by the necessary three-fourths of the States during the present sessions of the different legislatures. Whether it is or is not ratified, the manner of electing Senators, as a matter of fact, has already been relegated to a direct vote of the people under the primary systems in vogue in a majority of the States.

You are submitting a proposed amendment that the people of this country have not demanded, and you are doing it under the whip and spur of possible presidential candidates. Eliminate their individual ambition and the agitation for the one-term President would disappear like the morning mist.

I think I may offer another amendment to this resolution. The argument for it is just as valid as is the argument for the one term for the Presidency. If we are going to have a one-term President, why not follow it up and have a one-term Senator?

Any Senator who has served in this Chamber knows the great power, the great wisdom, the great efficiency, that come from long-time service in this body. Would any Senator argue that a Senator who has served two terms or three terms here is less patriotic than those of us who have served one term? The human intelligence revolts, Senators, against that kind of an argument.

Does any man believe that Abraham Lincoln was less patriotic during his second term than during his first? Was Jackson less effective as a President, was he less patriotic, during his second term than his first? Was McKinley or Madison or Monroe or Grant or any other man who has ever yet held that great office for more than one term less patriotic during his second than his first term?

The American people will take care of the election of a President. You need have no fear on that ground. You are offering something that is not demanded by the people, except the agitation that largely flows from personal ambition.

Do you, Democratic Senators, want to embarrass your incoming President, the first you have had for 16 years, by a resolution of the Senate which says to Woodrow Wilson, "No matter how good a President you may be during the next four years, no matter how effective you may be in administering that great trust, no matter how much you are entitled to the reward of a vote of confidence of your countrymen, at the end of that four-year term, in order to provide an opportunity for certain other politicians and statesmen who want to be President, we will now foreclose any hope that you may have for the reward that comes from work well done"?

Mr. MARTINE of New Jersey. Will the Senator permit me?

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from New Jersey?

Mr. DIXON. With a great deal of pleasure.

Mr. MARTINE of New Jersey. The President elect, Woodrow Wilson, has declared in most positive terms his adherence in the wisdom and the good sense of the people in favor of one term, and the great Democratic Party that assembled at Baltimore declared in favor of one term. Of course that term was supposed to be a four-year term. A very great body of the people of the United States have ratified that through Mr. Wilson's election. So I feel that the Senator may leave Woodrow Wilson out of the controversy.

Mr. DIXON. Does the Senator from New Jersey, the home State of the President elect, speak ex cathedra when he states that Woodrow Wilson would not have a second term?

Mr. MARTINE of New Jersey. He has so declared in a public way not to myself; and he is a man of convictions as we all know, and a man who generally can be relied upon and believed in any statement he has advanced. He has so declared, and our party has declared in most unmistakable terms in favor of one term.

Mr. DIXON. I merely wanted to inquire, and that was why I directed my remarks first to the Senator from Kentucky [Mr. PAYNTER], whether or not Woodrow Wilson has made any public declaration that he would not be a candidate for a second term.

Mr. MARTINE of New Jersey. Not in words, but he has declared on two or three occasions his judgment in the wisdom of one term.

Mr. DIXON. Was that declaration made before or after his nomination at Baltimore?

Mr. MARTINE of New Jersey. I think before his nomination; but he is a man of so much stability of character that you can understand he has not shifted overnight. My friend and the country may have implicit faith and reliance in his declarations as being the result of deliberate judgment.

Mr. DIXON. Can the Senator from New Jersey now refer me to any specific declaration at any specific time by the President elect?

Mr. MARTINE of New Jersey. I am at a loss at this moment to give you that reference.

Mr. DIXON. I should like to ask the Senator from New Jersey, who I doubt not is fully in the confidence of the President elect, whether or not immediately preceding the nomination at Baltimore there was any understanding between the President elect and a distinguished citizen of Nebraska regarding his future attitude in this matter, in the event of his nomination?

Mr. MARTINE of New Jersey. I can set the Senator at rest on that. I was not in conference previous to the Baltimore convention nor since it with the President elect.

Mr. DIXON. I understand, Mr. President, that at the other end of the Capitol there are two or three distinguished gentlemen holding strategic positions in that legislative branch of the Government who are waiting and anxious and willing for the passage of this resolution by the Senate in order to expedite its passage through the House before the termination of the present session of Congress.

Mr. MARTINE of New Jersey. I have no knowledge of any such desire.

Mr. DIXON. The Senator from New Jersey refers to the declaration of his party platform. Does the Senator know who was the author of that celebrated plank in the platform of the Baltimore convention?

Mr. MARTINE of New Jersey. I am not prepared to state who was the author. I think no single individual.

Mr. DIXON. I happen to hold in my hand——

Mr. PAYNTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Kentucky?

Mr. DIXON. With pleasure.

Mr. PAYNTER. If the Senator desires to know, I can state what has been publicly stated in some of the newspapers of Kentucky.

Mr. DIXON. I do not believe that the newspapers of Kentucky would be competent witnesses on this very personal question.

Mr. PAYNTER. I will give the Senator the information, and he can give such credit to it as he desires. It has been stated by some of the papers in Kentucky that ex-Gov. Beckham wrote that clause in the platform. I have no personal knowledge whatever on the subject.

Mr. DIXON. A Senator on my left remarks that he understood the name of the real author of that special plank in the platform begins with "B," but it is not Beckham, and he does not reside in Kentucky. I should like to ask the Senator from Kentucky if he ever heard any rumors of that kind?

Mr. PAYNTER. Is the Senator from Montana asking me a question? I will say to the Senator I do not desire to engage in any speculation which would deprive Kentucky of any honor to which she is entitled.

Mr. DIXON. Mr. President, I have here the "platforms of the two great political parties." That must be a misprint. The Senator from Rhode Island [Mr. LIPPITT] passed this up to me. I suspect there must be a misprint where it says "platforms of the two great political parties."

Mr. O'GORMAN. It was printed before the last election.

Mr. DIXON. The Senator from New York relieves my embarrassment. He says this book was printed before the last election. That evidently explains the typographical error, reading it in the light of the latest election returns. It says: "Platforms of the two great political parties, compiled by South Trimble, Clerk of the House of Representatives," with the date of July, 1912. I see where he made the error. This does not include the platform of the Progressive Party, which is now the second "great political party." I read from the Democratic platform:

TERM OF PRESIDENT.

We favor a single presidential term, and to that end urge the adoption of an amendment to the Constitution making the President of the United States ineligible for reelection, and we pledge the candidate of this convention to this principle.

Does not the Senator from New Jersey, on second thought, now get a clearer vision of the notion that Woodrow Wilson was for a single term? Might he not confuse it and take the Democratic platform rather than Woodrow Wilson's declaration?

Mr. MARTINE of New Jersey. I still believe and insist that President Elect Woodrow Wilson has so declared.

Mr. DIXON. Does not the Senator from New Jersey have an indistinct recollection of something spoken by Mr. Wilson in the far-distant past, when the President elect held different views on many things from what he has since he has had wider experience in national affairs, and possibly at that time he gave vent on some occasion to an ill-defined view that a single term might be better than to reelect an efficient President for a second term? I think the Senator from New Jersey will probably also be in accord with me when I say that that was before Woodrow Wilson had been President elect of the United States.

Mr. MARTINE of New Jersey. It does not militate at all against the assertion or the principle whether it was given before the election or after the election.

Mr. DIXON. Of course this plank was in the Democratic platform. That does not argue that any great percentage of the people of this country are demanding that we shall set aside the entire traditions of this Republic and declare that no efficient competent public servant can be reelected for the second time.

Mr. MARTINE of New Jersey. But it certainly——

Mr. DIXON. The plank of this platform—and I know what platform planks have meant many times in the past——

Mr. MARTINE of New Jersey. It is certain that——

Mr. DIXON. Just let me finish what I am saying.

The PRESIDENT pro tempore. The Senator from Montana has the floor.

Mr. DIXON. I remember in the Democratic platform four years prior to this one there was a specific, positive declaration for the entire removal of the tariff duties on lumber, manufactures of lumber, and print paper, and many other things that the Democratic Congressmen and Senators, when it came to final action, in no way recognized, and it was openly repudiated here on the floor of the Senate Chamber.

Mr. MARTINE of New Jersey. That does not militate at all against the assertion I made with reference to the President elect, nor does it prove anything to the contrary. The Democratic Party have declared unequivocally in this platform in favor of one term, and on every husting and in every newspaper our platform was published and republished. It was advocated by every man on the stump for the successful candidate, and acquiesced in by a majority of the votes of the people of the United States by a verdict that is sufficient in itself to be recognized as being a great public sentiment.

Mr. DIXON. The Senator from New Jersey will also remember that the Democratic platforms in the past have contained many declarations about things that the American people absolutely repudiated.

Mr. MARTINE of New Jersey. That is true, but they repudiated some other platforms.

Mr. DIXON. I will have to again remind the Senator from New Jersey that the American people have not indorsed that plank in the platform.

Mr. MARTINE of New Jersey. Not specifically that plank, of course. I realize that it may be argued that a majority vote of all the people of the United States was not cast for the President elect. But be that as it may, it is worth something as a verdict of public sentiment. It has not been combated by the Republican Party nor by the Progressive Party, nor has an attempt been made to stand against that specific plank in our platform.

Mr. DIXON. No; but by the wildest stretch of imagination the Senator from New Jersey would not argue that a majority or any respectable minority of the American voters have indorsed that plank, or that a majority of the American voters indorsed that platform in the election on the 5th of November. The Democratic Party polled the smallest percentage of the total vote at the last election that any political organization ever polled when it elected a President with one single exception.

Mr. MARTINE of New Jersey. If my Progressive friend can get any comfort out of any analysis of figures, God knows he is welcome to it. However, the verdict of the people has been pretty well declared. I would say, with all dignity and with all pleasantry, the Senator from Montana might just as well accept the situation agreeably and pleasantly. The next President is to be a Democrat, and, thank God, he comes from New Jersey, and we will dispense to you justice, fairness, and humanity. We are in favor of a system of political policy that shall check even the possibility in the vaguest way of a President conniving to make secure his reelection.

The arguments which have been advanced by the Senator now on the floor in this particular case, wherein he refers to the President taking out a whole batch of nominations in order that he might parcel them out to some communities or States wherein he could gain favor, to my mind is one of the strongest reasons in the world for the policy of one term.

Mr. DIXON. That is what I have just said to the Senate, and the Senator from New Jersey evidently heard me, that that policy had resulted in his complete repudiation by the American voters, and probably had as much to do——

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDENT pro tempore. Senators will address the Chair and get permission to interrupt. Does the Senator from Montana yield to the Senator from New Jersey?

Mr. DIXON. Yes.

Mr. MARTINE of New Jersey. I will not say, nor do I agree, that the defeat of Mr. Taft is entirely attributable to the particular incidents to which the Senator from Montana refers, but it was bigger and broader things than that which brought about the annihilation of the Republican Party. It was the high-tariff policy of your party that has burdened and cursed the people of this country; they have opened their eyes to the iniquity of it, and the verdict is well recorded.

Mr. DIXON. I of course do not want to go into all the causes of the present situation which put the great Republican Party in the third place in the balloting of this Nation; but I do not believe that the Senator from New Jersey is doing a patriotic thing, is doing a wise thing, in acting under the spur of personal equation, rather than looking forward a hundred years into our coming national life, gauged by the result of the past 130 years of national life, respecting the election of the Chief Executive, when he urges at this time the passage of this joint resolution, which, in the light of all human experience, will not lead to better government or to a better personnel in the future Presidents of the United States.

You propose to exempt the Presidents from every other class of men holding positions of honor and trust. I want to reiterate, finally, that there is no reason why the President of the United States, holding the most exalted position of all, with every motive leading him to a higher aspiration than any other man holding an office, should be limited to the one term, when Senators who are voting for this joint resolution would consider it an insult to their conscience and their past services if you insinuated that a Senator should have only one term, because, perchance, he might use his first term, and the patronage and influence that came with it, in order to perpetuate himself in office.

I say again, there has been far greater crime—I will not say "crime"—but there has been far greater danger to the public service from a senatorial oligarchy, a few long-term Senators holding all the strategic positions in matters of legislation, than ever flowed from the White House from any man who ever was elected the second time to the Presidency of the United States. I think, if it is in order, I also want to offer an amendment limiting the senatorial term. Let us try it out with the same square rule. If the President is limited to one term, I think we should also submit to the people of the States—they may be just as anxious for that—a proposition limiting Senators to one term in the Senate. Will the Senator from New Jersey support me in that contention?

Mr. MARTINE of New Jersey. I feel that the situation is entirely different. A Senator has no appointing power.

Mr. DIXON. A Senator, as a matter of fact, has more appointing power than the President.

Mr. MARTINE of New Jersey. Well, by indirection the Senator may have a degree of appointing power, but the President is the source of the appointing power.

I appreciate the splendid thoughts that were just now advanced by the Senator from Montana. I realize that I am not a man of large experience in matters of government; I am entirely new; but I also realize, and I believe the Senator will realize with me, that the best of us are but human. The President of the United States is not unlike the Senator from Montana or the Senator from New Jersey. We are all liable to err, but with that full knowledge in view I believe I am better safeguarding not only the country, but that I am better safeguarding the future, those who will come after us, by staying the possible greed for power that may come and is to-day lodged in the minds of thousands of ambitious men throughout the length and breadth of our country. I shall therefore vote to sustain the proposition of one term, not for partisan purposes or for the purpose of aiding any individual, but upon the broad principle that I am thereby better advancing the welfare of my country and the happiness and prosperity of those who may come after us.

Mr. DIXON. Then why not apply it to the senatorial term?

Mr. MARTINE of New Jersey. I do not know but that I might be willing to meet you on that proposition. On general principles I believe the larger the number who can come in contact with and aid in the direction of the policy of the Government the better citizenship and the better Republic we shall have. So the Senator can not stump me on that.

Mr. DIXON. Now, I see I have already made one convert. [Laughter.] It had never occurred to the Senator from New Jersey that the curse of Federal patronage, the danger of Federal patronage, lies not in the President but in the Senators and the Representatives of the United States. The Senator from New Jersey and every other Senator knows that. While we technically refer to the power of presidential appointments, does the President of the United States make an appointment in Massachusetts when the Senators from that State are in political accord with him, except on the initiative of the Senators from Massachusetts?

Mr. MARTINE of New Jersey. Well, I know——

Mr. DIXON. The President elect, in making his New Jersey appointments, in all human probability will take what will soon be the senior Senator from New Jersey into very strict and confidential communication. We know and the country knows that the President does not distribute patronage, but that the Senate of the United States distributes patronage.

The Members of the House of Representatives name the postmasters of the country; the Senators name the marshals, the collectors, and the Federal judges. There may be once in a while an exception to the rule. It is not the patronage of the President; it is the patronage of Representatives and Senators.

If you want to eradicate the evil, let us apply the same rule to ourselves that we are going to try to apply to the President of the United States. There is just as much argument for limiting your tenure to one term in the Senate as for limiting the President to one term. The Senator from New Jersey happily, on second thought, agrees with me. If we are going to upset the traditions of the whole history of the Republic and to eradicate for the future the possibility of second Lincolns and Washingtons and Jacksons and McKinleys, let us do it with even-handed justice, let the committee withdraw the present joint resolution, go back to the seclusion of their committee room, and report a new joint resolution proposing to amend the Constitution limiting the senatorial service to one term, the presidential service to one term, and, by the same rule, congressional service to one term, and let us submit it all to the people of the United States and see what they will have to say about it.

I have occupied much longer time than I had dreamed of doing. I desire again to reiterate that, under the old system of nominations, Federal patronage was a powerful influence in causing a nomination, but it never has been and never will be of any influence in forcing an election. One man can take a pony to the water, but 20,000 men can not make him drink.

Mr. WILLIAMS. Mr. President, sometime ago I presented an amendment intended to be proposed to the joint resolution. I wish now to modify it somewhat and, if it be in order, to offer it now. If it is not in order now, then I give notice that I will offer it later.

Mr. CUMMINS. Mr. President, will the Senator from Mississippi yield to me just for a moment?

Mr. WILLIAMS. For what purpose?

Mr. CUMMINS. I want to recall to the attention of the Chair the position of the amendment offered, or which I thought was offered, by the senior Senator from Georgia [Mr. BACON].

Mr. WILLIAMS. I will be through in a second, but I will yield to the Senator.

Mr. CUMMINS. I think it might make some difference, possibly, with the offering of the amendment of the Senator from Mississippi. My attention was diverted a moment ago while the Chair announced his construction of what occurred on the 15th of August last. I have always supposed that the amendment offered by the Senator from Georgia would be the pending question whenever the joint resolution was under consideration. The Chair, by looking up the RECORD, will see that upon a vote in the Senate the joint resolution was taken up, and while it was under consideration Mr. BACON said:

I simply desire to offer an amendment, and I will ask the Secretary to take it down. It is on the sixth line on the second page, to strike out the word "six" and to insert the word "four." I do not ask to do anything more now than to have that entered.

The last sentence, I assume, had reference to a general understanding that the debate would not proceed at that time; but it seems to me very clear that the Senator from Georgia did offer the amendment and that it is now pending. I simply desire to keep the record straight; that is all.

The PRESIDENT pro tempore. Upon reconsideration of the matter, the Chair is of opinion that the Senator from Iowa is right. The Chair is informed that at a subsequent time, when the Senator from Georgia himself was in the chair, he considered that his amendment was pending.

Mr. CUMMINS. I remember that also.

The PRESIDENT pro tempore. And the present occupant of the chair would reverse the suggestion made a little time ago, and consider that the amendment offered by the Senator from Georgia is now pending and is the question before the Senate. The amendment of the Senator from Mississippi [Mr. WILLIAMS] can be read for information, but it is not in order for consideration at the present time.

Mr. WILLIAMS. Mr. President, I wish to call the attention of the Senate to the amendment and its purpose. The amendment as originally presented by me contained in the latter part phraseology which I took from the joint resolution which is pending before the Senate. So far was I from thinking that the amendment did affect anybody personally who had been a candidate for the Presidency that I did not reflect about that at all. I am very desirous that whatever amendment does pass and does go before the people shall go before them without arousing necessarily the antagonism of the followers of any man or those who have been followers of any man. The amendment as I now present it changes the original amendment, as I shall indicate. The original amendment provided:

No person who has held the office by election, or discharged its powers or duties, or acted as President by succession for any term or fraction of a term under the Constitution and laws made in pursuance thereof shall be reeligible beyond his second term or term and a fraction.

Now, I have changed it so that it will read:

No person who shall hereafter hold the office or discharge its powers or duties—

And so forth.

The amendment, as I offer it now—and I ask the attention of Senators to it, because it is a mere putting into the Constitution of what I regard as being the unwritten law of the Republic—is to strike out all after the resolving clause and to insert the following:

The executive power shall be vested in a President of the United States of America. The term of the office of President shall be four years. He shall be reeligible for one additional term of four years, and not thereafter reeligible at any time. No person who shall hereafter hold the office or discharge its powers or duties, or act as President by succession for any fraction of a term under the Constitution and laws made in pursuance thereof shall be reeligible beyond such a fraction of a term and for one term by election.

The President, together with a Vice President chosen for the same term, shall be elected as follows.

That strikes out everything in the original amendment which might have looked as if it were intended to strike at an ex-President or an ex-candidate for the Presidency. I understand that the amendment is not now in order.

The PRESIDENT pro tempore. It is not now in order.

Mr. WILLIAMS. I ask that it may be printed as an amendment and be pending.

Mr. DIXON. Mr. President, I should like to ask the Senator from Mississippi a question. As I understand, the Senator has now so arranged his amendment that it does not include the man who has been twice President. He would not be debarred.

Mr. CLARKE of Arkansas. Mr. President, I send to the desk an amendment, which I propose to offer when the time arrives for the consideration of such an amendment, to be added as a proviso at the end of line 10, on page 2, after the word "election."

The PRESIDENT pro tempore. Does the Senator from Arkansas desire to have the amendment read?

Mr. CLARKE of Arkansas. I desire it to be read and printed, so that it may be pending.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 2, line 10, after the word "election," it is proposed to insert the following proviso:

Provided, That the foregoing provisions shall not affect the eligibility to reelection of the President or Vice President in office at the time of its adoption as a part of the Constitution, nor that of any person who has served in either of said offices prior thereto.

Mr. CLARKE of Arkansas. I favor the proposed amendment to the Constitution limiting the presidential term to a single period of six years. But I think it would cheapen this great public question to give it a possible personal application to any individual. The movement itself antedated the present situation of affairs with reference to the personnel of recent and probable future presidential aspirants which arose to confuse the councils of its friends.

The question itself is possessed of merits of the most far-reaching and important character. These can only be obscured and minimized by associating their discussion with the personal aspect of politics. In the present day the business of legislating, so far as it relates to the larger public questions, has been evolved into a system entirely distinct and different from that contemplated by the Constitution, and which was of every-day practice in the early days of this Government. We are gravitating more nearly to the European system of having measures of great importance projected and actively promoted by a so-called responsible ministry. They come to us in the form of a redemption of the platform promises of the party to which the President belongs, or they are deemed administration measures evolved by current demands of the public service, or subsequently adopted as party propositions.

With the power to dispense patronage, and the power to intrigue for renomination and reelection, such measures are very seriously handicapped, or they are unfairly promoted by that group of powers which the President in modern times exercises. I think the question is of sufficient magnitude by and of itself to engage the attention of Congress without having it fettered with the remotest personal aspect of the question.

Again, I do not believe that in this Republic any man is sufficiently dangerous, nor is he of sufficient importance, to be complimented by having it understood that the Constitution must be amended to get rid of him or to safeguard the interests of the Republic by excluding him from office. Common sense, patriotism, sense of justice, and the love of country will be amply sufficient to protect this country against any such alleged "bad man." I am not inclined to believe that there are any bad men offering for this office or ever likely to offer for it. There are none in existence who have occupied it who have not left behind them when they left office admirers and supporters who do not believe that the public service would have been substantially advanced in efficiency had they been continued in the office.

The recklessness and heat of political debate sometimes lead to the use in public discussion of epithets and criticisms that are far beyond the limits of fact and the proprieties with which we debate and consider questions of importance here. So my purpose in offering this amendment is to really assist in the ultimate passage of the proposition to limit the presidential office to a single term of six years, and I believe its final adoption will be very greatly promoted by incorporating in the resolution affirmative language indicating that it is not our intention to interfere with any of the merely personal features of pending political controversies.

Mr. ROOT. Mr. President, I had prepared an amendment having the same purpose as that which has just been so well stated by the Senator from Arkansas. I think I will send it to the desk and have it read. Perhaps some Senators may prefer that.

The PRESIDENT pro tempore. The proposed amendment will be read.

The SECRETARY. On page 2, line 9, after the word "thereof," it is proposed to insert—

After the 4th day of March, 1917.

Mr. ROOT. The design of that amendment is to make this resolution applicable only to those who are elected or hold office after the 4th of March, 1917.

Mr. CLARKE of Arkansas. That is substantially what I intended to do; but the language I employed would fit in better, in the event the committee amendment should be adopted in lieu of the original proposition. But either will answer the purpose.

Mr. ROOT. Mr. President, I think changing the Constitution in a matter affecting the framework of our Government is too serious to be complicated by any personal considerations. I do not think we ought to have any question about Mr. Wilson or Mr. Roosevelt or Mr. Taft or anybody else when we are considering what shall be the framework of the Government of this country for generations to come, and we should carefully exclude any possibility of such considerations.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from California?

Mr. ROOT. Yes; I will be glad to yield.

Mr. WORKS. If the Senator is about to conclude, I will wait.

Mr. ROOT. I was about to conclude. I have said substantially what I wish to say.

The proposed change from the customary two terms, provided the same party continues in power, to a single term of six years commended itself to me. I should not be willing to limit it to one term of four years, for I think a President uses the first part of that time in getting familiar with his office, so that he reaches the point of highest efficiency, and in the last part of it his efficiency is greatly decreased by the fact that he is going out of office and his power is vanishing.

I look upon this subject from a little different point of view than that which I heard stated here; and that is from the point of governmental efficiency.

I think the possibility of renomination and reelection of a President who is in office seriously interferes with the working of our governmental machinery during the last two years of his term; and just about the time he gets to the point of highest efficiency people in the Senate and in the House begin to figure to try to beat him. You can not separate the attempt to beat an individual from the attempt to make ineffective the operations of the Government which that individual is carrying on in accordance with his duty. Legislation in this Congress has been largely dominated for two years past by considerations of that sort; and I should like to see those considerations exiled from these Halls.

The work of the executive departments is affected by a situation of this kind. The heads of bureaus, and the heads of divisions, and the clerks, and the subordinate officers begin toward the end of a term to turn their attention to the question of election or reelection, and their efficiency is greatly decreased.

I think we would have a more effective Government if we exiled from the considerations operating upon both legislation and administration any idea of reelection of the President. It is for that reason that I have felt very favorably inclined toward this amendment.

Mr. WORKS. Mr. President, I have already discussed this question at considerable length, and I am not disposed to take up the time of the Senate in further discussion. But I do want to say, in view of some remarks that have been made on the floor this morning, that at the time I introduced this resolution I disavowed any intention of favoring any man or any candidate for office. Therefore I thoroughly appreciate the views on that subject of the Senator from Arkansas and the Senator from New York. I should like to have every personal interest eliminated from this controversy. It is a great fundamental question that we are dealing with here. It ought not to be complicated in any way by the interest any individual may have in the result of the votes that may be taken upon it.

Therefore I am very much in sympathy with the proposition to have this resolution take effect at the expiration of the next term of the President of the United States, so that all questions of its affecting candidates or persons who have already been elected may be eliminated from the controversy.

Mr. BRISTOW. Mr. President, may I inquire what the pending amendment is?

The PRESIDENT pro tempore. The pending amendment is the amendment submitted by the senior Senator from Georgia [Mr. BACON] to strike out "six" and insert "four."

Mr. BRISTOW. I desire to state that at the proper time I shall offer the amendment which I send to the desk, and I ask to have it read and printed.

The PRESIDENT pro tempore. The amendment will be read, and will be printed.

The SECRETARY. It is proposed to insert the following as a separate paragraph after line 10, on page 2:

The Congress shall have power to provide for the recall of the President by a popular vote at any biennial election.

The PRESIDENT pro tempore. The question is upon the amendment submitted by the Senator from Georgia [Mr. BACON] to the amendment of the committee.

Mr. CUMMINS. Upon that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WILLIAMS. Mr. President, before the yeas and nays are taken I want to make a statement in explanation of the vote which I shall cast upon the amendment. I understand that it proposes to strike out "six years" and substitute "four years."

I shall vote for the amendment, with a view of perfecting the resolution and making it better, though I shall afterwards offer a substitute for it as amended. My reason is that I think six years is too long to have a bad President in the White House, if we ever should have one. I think four years fits in better with all the balance of our system. It fits in better with the terms of Members of the House. It fits in better with everything. I am of the opinion that Mr. Jefferson once uttered that the present practice, which is practically a term of eight years with the opportunity of recall in the middle of the term, is better than either of the others. But I think the argument made by the Senator from Massachusetts is sound, and it would apply not only to a six-year but to a seven-year term. You are emphasizing rather than diminishing the defect of our system as it is, and that defect consists in the fact that now and then you have a legislature and an Executive out of sympathy with one another; and to perpetuate the period during which they may be out of sympathy with one another is to perpetuate lame and impotent and unsatisfactory government.

Mr. OWEN. Mr. President, I ask that the amendment be read.

The PRESIDENT pro tempore. The amendment will be again read.

The SECRETARY. On page 2 in the proposed amendment of the committee, on line 6, before the word "years," it is proposed to strike out "six" and insert "four," so that if amended the clause will read:

The term of the office of President shall be four years.

Mr. WILLIAMS. Mr. President, I suggest the absence of a quorum. This is a rather important matter, and we should have a quorum in the Chamber when it is passed upon.

The PRESIDENT pro tempore. The Senator from Mississippi suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dixon	McCumber	Sanders
Bankhead	du Pont	McLean	Shively
Bourne	Gallinger	Martine, N. J.	Simmons
Bradley	Gamble	Myers	Smith, Ariz.
Brandegee	Gardner	O'Gorman	Smith, Ga.
Bristow	Gronna	Oliver	Smith, Md.
Bryan	Guggenheim	Overman	Smoot
Burnham	Hitchcock	Owen	Stephenson
Burton	Jackson	Page	Sutherland
Catron	Johnson, Me.	Paynter	Swanson
Chamberlain	Johnston, Ala.	Percy	Thomas
Clapp	Jones	Perkins	Thornton
Clark, Wyo.	Kenyon	Perky	Townsend
Cullom	Kern	Pomerene	Wetmore
Cummins	Lippitt	Richardson	Williams
Dillingham	Lodge	Root	Works

Mr. THORNTON. I desire to announce the necessary absence of my colleague [Mr. FOSTER] on account of illness in his family. I ask that this announcement may stand for the day.

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is necessarily absent from the city. I desire this announcement to stand for the day.

Mr. SWANSON. I desire to announce that my colleague [Mr. MARTIN of Virginia] is detained from the Senate on account of illness.

Mr. KERN. I wish to announce the unavoidable absence of the junior Senator from South Carolina [Mr. SMITH] on account of illness.

Mr. TOWNSEND. In addition to my statement in reference to the absence of the senior Senator from Michigan [Mr. SMITH], I desire to state that he is paired with the junior Senator from Missouri [Mr. REED].

The PRESIDENT pro tempore. On the call of the roll 64 Senators have answered to their names. A quorum of the Senate is present.

The question is upon the motion submitted by the senior Senator from Georgia [Mr. BACON], upon which the yeas and nays have been ordered.

Mr. ASHURST. I ask that the amendment be read.

The PRESIDENT pro tempore. The amendment will be again read.

The SECRETARY. On page 2, in the proposed amendment of the committee, line 6, before the word "years," it is proposed to strike out "six" and insert "four"; so that, if amended, that portion of the amendment will read:

The term of the office of President shall be four years.

The PRESIDENT pro tempore. The Secretary will call the roll on agreeing to the amendment of the Senator from Georgia [Mr. BACON] to the amendment of the committee.

The Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. I transfer that pair to the junior Senator from Nevada [Mr. MASSEY]. I desire this announcement to stand for the day. I vote "nay."

Mr. DILLINGHAM (when his name was called). I transfer my general pair with the senior Senator from South Carolina [Mr. TILLMAN] to the Senator from New Mexico [Mr. FALL], and I vote "nay."

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As he is not present in the Chamber, I will withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. GARDNER (when his name was called). I have a general pair with the Senator from Massachusetts [Mr. CRANE], and I withhold my vote.

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. In his absence, I will withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. OWEN (when his name was called). I transfer my pair with the Senator from Kansas [Mr. CURTIS] to the Senator from Georgia [Mr. BACON] and vote. I vote "yea."

Mr. RICHARDSON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. SMITH]. In his absence, I withhold my vote. If he were present, I should vote "nay."

Mr. SUTHERLAND (when his name was called). Has the Senator from Arkansas [Mr. CLARKE] voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. SUTHERLAND. I have a pair with that Senator. Not knowing how he would vote, I withhold my vote. If I were permitted to vote, I should vote "nay."

Mr. WILLIAMS (when his name was called). I have a pair with the Senator from Pennsylvania [Mr. PENROSE]. Not being satisfied in my mind as to how he would vote on this particular amendment, I withhold my vote. If he were present, I should vote "yea."

The roll call was concluded.

Mr. CHILTON. I wish to announce the pair of my colleague [Mr. WATSON] with the Senator from New Jersey [Mr. BRIGGS].

Mr. THORNTON. I wish to announce that the senior Senator from Wyoming [Mr. WARREN] is paired with the senior Senator from Louisiana [Mr. FOSTER].

The result was announced—yeas 25, nays 42, as follows:

YEAS—25.

Ashurst	Clapp	McCumber	Smith, Ariz.
Bankhead	Dixon	McLean	Smith, Ga.
Borah	Gronna	Martine, N. J.	Smoot
Bourne	Johnston, Tex.	O'Gorman	Stephenson
Bristow	Kenyon	Owen	
Catron	La Follette	Perky	
Chamberlain	Lodge	Shively	

NAYS—42.

Bradley	Fletcher	Myers	Sanders
Brandegee	Gallinger	Nelson	Simmons
Brown	Gamble	Newlands	Smith, Md.
Bryan	Guggenheim	Oliver	Swanson
Burnham	Heiskell	Overman	Thomas
Burton	Hitchcock	Page	Thornton
Chilton	Jackson	Paynter	Townsend
Clark, Wyo.	Johnson, Me.	Percy	Wetmore
Cullom	Johnston, Ala.	Perkins	Works
Cummins	Jones	Pomerene	
Dillingham	Kern	Root	

NOT VOTING—28.

Bacon	du Pont	Martin, Va.	Smith, S. C.
Briggs	Fall	Massey	Stone
Clarke, Ark.	Foster	Penrose	Sutherland
Crane	Gardner	Poindexter	Tillman
Crawford	Gore	Reed	Warren
Culberson	Lea	Richardson	Watson
Curtis	Lippitt	Smith, Mich.	Williams

So Mr. BACON's amendment to the amendment of the committee was rejected.

Mr. BRISTOW. I should like to have the amendment I just offered now read.

The PRESIDENT pro tempore. The Senator from Kansas submits an amendment, which will be read.

The SECRETARY. After line 10, on page 2, insert:

The Congress shall have power to provide for the recall of the President by a popular vote at any biennial election.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Kansas to the amendment of the committee.

Mr. BRISTOW. Mr. President, I am very much opposed to this amendment to the Constitution, because I believe that the four years is a long enough term for the President before the people shall have an opportunity to pass judgment on his administration. I think the Senator from Massachusetts [Mr. LODGE] this morning presented very clearly one of the weaknesses of our system of government. It not infrequently occurs that the President is out of harmony with the Congress politically, and the result is that important legislation is held up until the country has had an opportunity to pass upon the issues involved in the controversy.

When a President has had two years and his administration is not satisfactory to the American people, they usually elect a Congress of political views different from those of the President. The purpose of the people is to express dissent from the administration in power. In my opinion that should mean a reversal in the policy of the Government, but under our system it can not result in a reversal in the policy of government; it only means a suspension of the functions of government to a certain extent; that is, the laws or the policies which the President stands for and which the people have disapproved can not be changed, because he has the power to stop the legislation. We have had an experience now of two years in which the Congress differs with the President upon the questions of tariff. The country has passed upon the tariff policy of the present administration adversely to the President, but the President, being in power for four years, has for two years prevented the will of the people, as expressed in the congressional elections, from being enacted into law. This has happened time and again in the history of our country.

So I think it would be dangerous and highly unsatisfactory if the President should have the power to suspend action for four years instead of two, which would be the case in the event that a constitutional amendment of this kind should be adopted.

If there is anything in the theory of our Government that it is a government which rests upon the will of the governed, then there ought to be means by which the will of the governed can become manifest and effective.

Instead of making the Government more flexible and more responsive to public will this constitutional amendment proposes to make it less flexible and more irresponsive to the public will. The argument that is made here on the floor in behalf of the amendment is that it relieves the President from any responsibility to the people for his administrative acts. It is proposed to intrench him in office beyond their reach, regardless of the character of his administration.

The Senator from Massachusetts never expressed a more potent truth than when he said that if the people want to reelect a man perpetually and establish a dictatorship paper constitutions will not prevent them from doing it. This is a step in the direction of preventing public opinion from exercising its will in an orderly way in the government of the United States.

One of the amazing things in connection with this controversy is that it seems to have the support of the Democratic Party. I have always understood that the Democratic Party believed in popular government; that it claimed to believe in the wisdom of the people. Yet we have here the contradictory proposition of the Democratic Party as a party supporting a proposition to take from the people the power to reelect a man if they think he has made a good public servant. It refuses to permit them to pass judgment upon the character of his administration. This proposition is based upon the theory that the President should be independent of the people.

This amendment is contrary to the trend of modern thought, to the political movement of modern times, because the evolution of our Government has been to give the people more power and not take from them powers which they now have.

It is said that the President during the last years of his administration may become a poor President, because he seeks to popularize himself with the people for the purpose of securing a reelection; that it is a bad thing for the President to seek to please the people who chose him to govern them, and therefore we will take from them the right to reelect a man because

he has pleased them; and we will take from the President the incentive to respond to the popular will in his administration. That is what this means, and that is the very theory upon which it is being pressed.

I believe that the American people are perfectly capable of selecting their Presidents. I have not any less faith in the intelligence of the American people to-day than had our fathers when the Constitution was adopted. They did not believe that it was unsafe to permit the American people to have the opportunity of reelecting their President. They believed that the American people at that time could be trusted, that they had sufficient intelligence and information to act wisely. I do not believe it has ever been claimed that they were not patriotic. The allegation has never been made that the American people did not love their country and did not want to exercise the functions of the Government which they had the privilege of exercising in harmony with what would be for the best interests of the country.

But it has been alleged that the public itself has not the information, has not the intelligence, to judge wisely in regard to laws or governmental policies. But it has remained for this day for any considerable coterie of statesmen to question their wisdom in selecting their Presidents. If 130 years ago leading statesmen of our country believed that then it was perfectly safe to permit the people to have the opportunity of reelecting a President if they saw fit, is it not just as safe now? When the Constitution was adopted there was but two daily papers in the United States and neither of them had a circulation of fifteen hundred. Now, there are thousands of them, many of which have circulations aggregating hundreds of thousands.

Mr. HITCHCOCK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Nebraska?

Mr. BRISTOW. I do.

Mr. HITCHCOCK. The Senator from Kansas thinks that because our forefathers decided, after prolonged debate, to make no prohibition against the reelection of the President, therefore we in this day, after our experience of more than 100 years, should take their judgment. I ask him in reply, if that assumption or conclusion is correct, would it not also be true that we should take the judgment which they then rendered upon the election of United States Senators instead of now making up our minds to change the arrangement as they then made it and make those Senators elected directly by the people instead of by the legislatures, as our forefathers designed?

Mr. BRISTOW. The premise of the Senator from Nebraska is not correct. I did not say that because our forefathers thought it would be safe for the people to be trusted with the power to reelect therefore we ought to be able to trust them. I did say, in substance, that if they believed, with the facilities for popular information which then existed, it was safe to trust the American people, certainly with the enlarged opportunities for public information, with the increased capacity of the American people to judge upon public questions, it does not become us now to take from the people an authority which our fathers thought they at that time were capable of wisely and safely exercising. If the argument was sound then it is a thousandfold sounder now.

I will say further to the Senator from Nebraska that even if our fathers, when the Constitution was adopted, had forbidden the American people by its provisions to reelect a President, I would now be in favor of taking out of the Constitution that restriction.

Mr. HITCHCOCK. I am very glad to hear the Senator say that, because it seems to me that the argument he made was without very good foundation, and he practically abandons it now when he says that he does not believe in taking their judgment in the light of recent experience.

Mr. BRISTOW. I think the Senator is entirely mistaken, or he did not understand me. I am afraid that he has not been listening with his usual attention. I have not abandoned any argument or any position that I took. I am simply emphasizing the position which I took and trying to call to the attention of the Senate the reasons why the people should now or could now more safely be trusted with this authority than they could 130 years ago. If it was safe then, as our fathers believed, and experience has demonstrated they were right, why is it necessary now to take from the people this right which they have enjoyed for that time and which every Senator in this Chamber must admit they have exercised wisely, because there is not a Senator who will rise from his seat and declare that this power has been abused by the American people in the past. They have not reelected a President who has abused the power of the Presidency, but the uniform experience of the American people in the administration of their Government has been that whenever a President was not a good President he is removed at the end of four years by selecting his successor. It is an amazing proposition to me that this amendment can command the support that it now does, and, regardless of the amendments submitted here to-day, which doubtless will be incorporated in the joint resolution before it is acted upon, I believe the motive that prompts many of the advocates of this constitutional amendment—I do not say all, for I know it is not true as to all—is to keep the Presidency open so that this great honor may be passed around to gratify ambitious statesmen instead of being used to serve the best interests of a nation of 90,000,000 people.

The Senator from Montana [Mr. DIXON] referred to some of the Presidents who had been reelected, indicating that it would not have been in the public interest to have changed the national administration at certain critical periods in the history of our country. There has never been, in my judgment, a great President who has not been reelected. I do not believe that the American people have ever refused to reelect a great President who had served them wisely. They have never elected a man for the third time, and possibly the action of Washington in refusing a third election, basing it upon the ground he did, has had a tremendous influence in preventing the election of any man for the third time.

But nevertheless, in my judgment, that has only been a factor, because in the development of our political institutions it has not been customary, and it has not been the habit of the American people, to continue any administration, personal or partisan, for a long period of time. The Republican Party, I believe, will have had continuous control of the Government of the United States for 16 years on the 4th day of next March, and, if I remember accurately, that is the longest period when the administration of the Government has ever been intrusted in the hands of any one party. Parties in power gradually become arbitrary and seem to lose touch, to use a common phrase, with the rank and file of the population. When they do so they are retired and their opponents are placed in charge of the Government. If the opponents do not exercise that power or that responsibility in harmony with public opinion the opponents are soon retired, and the defeat serves as a warning, as an instruction, as a discipline to the party that had theretofore controlled the Government. So the very operations of this Government of ours have been such, judging from the experience of the past, as to make the limitation proposed wholly unnecessary.

There is not a Senator here who will point to any period in the history of his country and cite it as an example that justifies this change in our Constitution. The experience of 130 years has demonstrated that this power has never been used except wisely by the American people. Then why is it to be taken from them? Ah, my friends, I wish——

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Mississippi?

Mr. BRISTOW. I do.

Mr. WILLIAMS. If the Senator from Kansas will permit an interruption, I wish to ask does the Senator understand this joint resolution as taking any power from the American people?

Mr. BRISTOW. I certainly do.

Mr. WILLIAMS. I had, then, a misapprehension. I thought that the joint resolution was to submit the question to the people whether or not they should take certain powers from themselves.

Mr. BRISTOW. Oh, yes; I understand. That has been referred to once before here this morning by a Senator in discussing the question, but Senators do not vote upon these constitutional amendments simply for the purpose of submitting them. Heretofore, at least, such an amendment has reflected the judgment of the Senators who voted upon it. We have not submitted amendments as they come along and passed them on to the people; that has not been the practice of the United States Senate or of the House of Representatives.

Mr. WILLIAMS. Mr. President, my question was not directed to that. I did not say that any Senator voting for the amendment would not also be willing, as one of the people, to vote to circumscribe his power as one of the people that far; but the Senator has been arguing for about 10 minutes upon the line that we are depriving the American people of an opportunity, of a liberty, and of a power, when really what we are proposing to do is to submit to them a joint resolution which, so far from depriving them of any power, gives them a power to deprive themselves of a power, and which requires a vote of three-fourths of all the States in the Union voting by a majority of the people before it can become effective.

Mr. BRISTOW. I shall be very glad if the Senator from Mississippi will take that same view of his responsibility in

submitting an amendment when some amendments which are now pending before the Committee on the Judiciary come before the Senate for action.

Mr. WILLIAMS. Mr. President, I beg the Senator's pardon once more. The Senator seems still to misunderstand me. It is the duty of a Senator to reflect his own opinion as a citizen in the vote which he casts upon a proposed amendment to the Constitution. But that is not the question. The Senator is making a speech to go to the world for the purpose of influencing public opinion, and he seems to be trying to make the impression upon the people that we are depriving them of an opportunity or of a power, whereas the truth is that those of us who think that we are willing to circumscribe our power as a part of the people to this extent are submitting it to the remainder of the people to see if they are willing to do so.

Mr. BRISTOW. I am making a few remarks for the purpose of impressing the country with the fact that a large number of the membership of the United States Senate believe there should be taken from the people the power to reelect a President even if he has been a satisfactory one, for the passing of this joint resolution can mean nothing else.

Mr. OWEN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Oklahoma?

Mr. BRISTOW. I do.

Mr. OWEN. I wish to call the attention of the Senator from Kansas to the fact that when this joint resolution is submitted to the people, it is not submitted to the people, but is submitted to the delegates of the people, much smaller in number, who may be more easily influenced in the matter than the people, and the people do not in reality pass upon the joint resolution. I think the Senator from Kansas is entirely right in demanding the right of recall on any man who is put in the presidential chair.

Mr. BRISTOW. I thank the Senator from Oklahoma.

Mr. DIXON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Montana?

Mr. BRISTOW. I do.

Mr. DIXON. I merely want to supplement what the Senator from Oklahoma [Mr. OWEN] has said. As a matter of fact, the people of the United States will never have any opportunity to pass on these matters. With the 48 States, averaging probably 125 members of the legislature to a State, it is within the power of less than 6,000 people by the membership of those legislatures to effectually and perpetually tie the hands of the American people in this matter.

Mr. WILLIAMS. Mr. President, if the Senator from Kansas will pardon me——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Mississippi?

Mr. BRISTOW. I do.

Mr. WILLIAMS. In reply to the Senator from Montana [Mr. DIXON], I will say that his remarks rest upon an assumption which I do not believe has any foundation in fact, and that is that when the legislatures of three-fourths of the States of the American Union vote in a certain way they do not reflect the opinion of the American people; that his assumption is an assumption which takes it for granted that representative government is a broken reed; that it is an obsolete, useless, and ridiculous institution; that the representatives of the people in the States do not represent the people who make them representatives. That now and then there should be a Judas Iscariot amongst the Twelve Apostles goes without saying; that there should now and then be representatives of the people who misrepresent the people goes equally without saying; but I, for one, get a little tired of the assumption, generally made oracularly, that when the representatives of the people act in the name of the people and for the people, exercising the functions which the people have intrusted to them, the people have neither part nor parcel in their action.

Mr. DIXON. Will the Senator from Kansas permit me to make a suggestion?

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Montana?

Mr. BRISTOW. I do.

Mr. DIXON. The Senator from Mississippi [Mr. WILLIAMS] evidently overlooks the fact that in every other constitutional amendment submitted by Congress to the legislatures of the different States such submission has been for the purpose of enlarging the power of the people themselves. This is the only constitutional amendment proposed to be submitted that has for its purpose the curtailment of the power of the people.

Mr. WILLIAMS. That is a totally different question; that is going to the merits of the proposition.

Mr. DIXON. The amendment rests on an entirely different basis from that of any other constitutional amendment heretofore submitted. It tends to curtail the power of the people, while every other constitutional amendment has had for its purpose the enlargement of the power of the people themselves.

Mr. WILLIAMS. I do not care to reply to that, because that is going to the merits of the proposition, and I do not think it is fair to take up the time of the Senator from Kansas [Mr. BRISTOW] for that purpose. That goes to the main argument and is a total deflection from the point I was making, which was that the Senator from Kansas was making an appeal to the people that they were being sacrificed and deprived of something by us, whereas as a matter of fact, it will rest with them as to whether it shall be consummated or not.

Mr. OWEN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Oklahoma?

Mr. BRISTOW. I do.

Mr. OWEN. I merely want to suggest that representative government has so far failed in the United States that the people from one end of this Nation to the other have risen in rebellion against it, and from the Pacific coast to Maine have demanded the right to again take into their owns hands, when necessary, the direct power to govern.

Mr. BORAH. Mr. President, I do not agree with the Senator from Oklahoma——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. BRISTOW. I do.

Mr. BORAH. I do not agree with the Senator from Oklahoma that representative government has failed. It has not failed. Because a representative now and then has proven incompetent it can not be said that representative government has failed. But if it has failed this is not the remedy for it. We are now proceeding contrary to the doctrine which the Senator from Oklahoma urges, and not in harmony with it, when we undertake to take away from the people the right to select whom they would for their Chief Magistrate.

Mr. HITCHCOCK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Nebraska?

Mr. BRISTOW. I do.

Mr. HITCHCOCK. Does the Senator from Idaho [Mr. BORAH] think that the present restrictions in the Constitution should be eliminated and that the people should be given the unrestricted right to select whom they please for President? We have, for instance, a restriction that a man not a native of the United States shall not be President and that a man below a certain age shall not be President. We have similar limitations which apply to Senators. Does the Senator from Idaho take the position that no restriction should be applied to the office of President of the United States?

Mr. BORAH. I will answer that question by asking the Senator from Nebraska a question. Does the Senator from Nebraska think, if those restrictions were taken off, there would be any danger from leaving it to the people to select whom they would to represent them in the Senate? I accept the doctrine of representative government in all its logical conclusions.

Mr. HITCHCOCK. I do not think it is a question of providing against a danger. I think we are here to endeavor to so amend the Constitution of the United States as to improve the conditions surrounding the exercise of Executive power. We had a spectacle here only a few months ago of the office of the President of the United States being prostituted for the purpose of making a disgraceful campaign. That would not have been possible if this prohibition had been part of the Constitution. We saw the President of the United States leave the White House and go out upon a campaign of competitive personal vilification. We have seen over and over again months of the time of the President taken up in the effort to secure his reelection and in preparing for it, and I think it is a very wise thing to place a limitation upon the people of the United States and to make it impossible for the President of the United States to do such things.

Mr. BORAH. Does not the Senator from Nebraska think that the people are perfectly capable of passing judgment upon the propriety of conduct of a candidate for the Presidency, whether he is in the White House or whether he is simply trying to get into the White House?

Mr. HITCHCOCK. That might possibly be so if the matter could be submitted simply to a vote of the American people, but we all know that great machinery has got to be placed in motion. We saw a President of the United States renominate himself. The Senator from Kansas and the Senator from Idaho both know that the President secured his nomination by the use of

presidential power, and that he might have been reelected had it not been for the unusual revolutionary course pursued in wrecking the Republican Party.

Mr. BORAH. I am sure the Senator from Nebraska thinks that, when the matter got to the people, the people took care of it pretty well.

Mr. HITCHCOCK. I think they took care of it admirably.

Mr. BORAH. Yes. Why not leave it to them at all times?

Mr. HITCHCOCK. But, nevertheless, the closing months of the term of the President of the United States were disgraced—and I am not criticizing the President for what he did; possibly he was forced into the action which he took by the attacks made upon him—but the fact was that the whole country was ashamed of the spectacle presented, and the whole country realized that the presidential power was being used. It is to prevent the use of such presidential power that this constitutional amendment is proposed.

Mr. BORAH and Mr. WORKS addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Kansas yield further to the Senator from Idaho?

Mr. BRISTOW. I do.

Mr. BORAH. I had the honor—I will not say the pleasure—of being in attendance on both the convention of four years ago and of the one held last summer; and I could not discover any perceptible difference between the effect of the influence which was exerted upon the convention in 1908 by the gentleman who was nominating his successor and that exerted in 1912 by the gentleman who was nominating himself. It might have been done in a different way, but the exertion bore the same fruit in each instance.

Mr. HITCHCOCK. I will not undertake to explain what difference there might have been. I do not know that there was any; but I think the President of the United States ought to be removed from political struggles.

Mr. BORAH. Mr. President, there is no possible way to remove the President of the United States from political struggles if he is a man at all fit to be in the presidential chair. If he is a man fit to be there, he will be a political leader and will direct the political forces of his party. If he is interested in anything in the world, except his own individual aggrandizement, he will undertake to direct the forces of his party whether he is retiring from the Presidency or whether he is coming into the Presidency. We have never had a great President who was not a political leader. We never will have a great President who is not a political leader in this Republic. He is the head of his party and will seek to lead his party, if not for his cause, then to the advantage of his successor.

Mr. HITCHCOCK. I will say to the Senator that the time will never come when the presidential office will be divorced from politics so long as the occupant of the office has, or thinks he has, the opportunity of reelecting himself; but I want to say to the Senator that when the American people adopt this proposed constitutional amendment, as I believe they will adopt it, it will do more to remove the great office of President from the disgraceful contentions for reelection than anything else that can be done.

Mr. BORAH. Mr. President, just a word. To my way of thinking there was never a more aggressive campaign from the White House than that which was waged by Mr. Jefferson for the selection of his successor or that which was waged by Gen. Jackson for the selection of his successor or that which was waged by Col. Roosevelt for the selection of his successor. They were party leaders; the party looked to them and reposed confidence in them; they molded public opinion; they believed in the principles of their party; they believed that it was necessary in order to serve the country that the principles of their party should prevail, and therefore they exerted their influence, as I say every true leader of his party will do, whether he is coming into office or going out of office.

Mr. HITCHCOCK. Ah, but the Senator realizes that there is a vast space of time between the days of Jefferson and the present day, and he knows that the methods employed and the weapons used in the days of President Jefferson were of far different character from the weapons used and the methods employed in the present day.

Mr. BORAH. Mr. President, there is not a very long——

Mr. WILLIAMS. Mr. President, if the Senator from Nebraska will permit an interruption——

The PRESIDENT pro tempore. The Chair will call the attention of Senators to the fact that only one Senator can talk at the same time.

Mr. WILLIAMS. I may not have heard all that the Senator from Idaho said, but if his reasoning was as defective as was his historical allusion it must have been very defective indeed. Mr. Jefferson exercised no part of his influence to nominate Mr. Madison. He exercised influence to keep his party in power, but he had two warm personal friends, Madison and Monroe, who were candidates for the nomination at the hands of the Democratic-Republican Party, and he declared that he would stand neutral between them.

Mr. BORAH, Mr. WORKS, and others addressed the Chair.

The PRESIDENT pro tempore. To whom does the Senator from Kansas yield? There are four Senators claiming the attention of the Chair, asking for recognition.

Mr. BRISTOW. I yield to the Senator from Idaho [Mr. BORAH], and then I should like to resume.

Mr. BORAH. I hesitate to differ on a question of political history with the Senator from Mississippi, but I am quite sure that I am not in error when I say that Mr. Jefferson exerted influence to select his successor. I am perfectly willing to let my statement stand and be supported by the historic facts, notwithstanding the view entertained by the Senator from Mississippi.

Mr. WILLIAMS. Mr. President, I have made no statement of historic facts. The Senator from Idaho made a statement of historic facts——

Mr. BORAH. I was aware the Senator from Mississippi had not made any, but he undertook to——

Mr. WILLIAMS. But the statement of historic facts made by the Senator from Idaho rests upon no evidence which he can produce now or during this year or during this decade; and if he can I for one shall be very glad to see it. It rests upon a great many federalistic statements as to what Jefferson did, but there is not a word or there is not a fact that can be attributed to him that shows that he ever raised his hand as between those two men. He did, however, want one or the other nominated.

Mr. BORAH. And the one he wanted nominated succeeded.

Mr. WILLIAMS. But privately he preferred Mr. Madison, and said so in a letter to Jack Eppes, his son-in-law.

Mr. BORAH. The Senator from Mississippi will proceed in a few moments to support my contention. He has already said that which is precisely true, that while Mr. Jefferson let it be understood that he would not exert any effort as between the two men, he never hesitated to let his private friends know what he desired to have, and he got it.

Mr. WILLIAMS. Of course I am not trying to answer the Senator's argument. I am merely trying to keep history straight.

Mr. BORAH. The Senator from Mississippi is too shrewd an observer and student not to know the historical facts to which I have referred. Mr. Jefferson quietly but effectively and persistently let his friends know his preference for Madison.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from California?

Mr. BRISTOW. I do.

Mr. WORKS. It is said everything comes to him who waits——

Mr. BRISTOW. I hope that my time will come bye and bye. [Laughter.]

Mr. WORKS. The Senator from Nebraska [Mr. HITCHCOCK] has said that the people admirably took care of the situation resulting from the kind of campaign he has discussed. I am afraid he thinks so because the people elected a Democratic President; but I should like to ask him whether he thinks the subsequent action of the people wiped out the disgrace to this country resulting from the kind of campaign that took place before the nominations?

Mr. HITCHCOCK. I certainly entirely agree with the Senator from California on that point. I merely felt compelled to answer as I did the categorical question of the Senator from Idaho [Mr. BORAH].

While I am on my feet, I should like to ask the Senator from Idaho this question: Has there not been a vast change in the methods which were used in a dignified way by Thomas Jefferson to express his ideas and his convictions and to give his reasons for desiring a particular successor or a particular party to succeed, and the present-day methods of turning over the whole machinery of executive power to a campaign to control a convention? Can the Senator not see the tremendous change that has developed and the need for a remedy for this new evil?

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. BRISTOW. I do.

Mr. BORAH. I am not criticizing the methods of Mr. Jefferson in selecting his successor. They were consummate and perfect for his day. He used all the influence necessary to

accomplish his purpose. I do not say that he used corrupt methods or means. Of course, I do not know that he did; and, if I did know it, I would conceal it for the sake of our Democratic friends, who are just now coming into power. [Laughter.]

Mr. HITCHCOCK. Mr. President, I should like to ask the Senator——

The PRESIDENT pro tempore. Does the Senator from Kansas yield further?

Mr. BRISTOW. Yes.

Mr. HITCHCOCK. I should like to ask the Senator from Idaho, in all candor, if it is not very generally suspected at the present time, and if there is not strong circumstantial evidence to warrant the belief, that the motive which impelled Theodore Roosevelt to force a certain successor upon the convention at Chicago in 1908 was that he had ultimately in view the reappearance of Theodore Roosevelt as a candidate for President four years later? Is it not suspected and believed that the motive which the President had at that time, in 1908, was really one of self-interest?

Mr. BORAH. Mr. President, I am sure the Senator from Nebraska does not entertain that view. So I will say, in my opinion, that view is simply the fumes of a diseased mind.

Mr. HITCHCOCK. Mr. President, I am very glad to have the Senator from Idaho give me a clean bill of health [laughter], but I am not able to permit myself to admit that there is no ground for that belief. I have heard from certain sources that I think reliable that Theodore Roosevelt was immensely surprised when he learned that William H. Taft was to be a candidate for renomination.

Mr. BRISTOW. Mr. President, there have been one or two suggestions made during the last half hour of miscellaneous controversy that I should like to give a little attention to, and then I will finish the remarks that I was making.

The Senator from Nebraska [Mr. HITCHCOCK] referred to divorcing the Presidency from politics. I think the Senator, after reflection, will see how ridiculous a proposition of that kind is. The Presidency is a political position, the highest within the gift of the American people, and the business of the President is to administer the political affairs of his country as the Chief Executive. We hear a good deal of cheap talk—I do not refer, of course, to any talk in the Senate—about divorcing this and that from politics. There is no more honorable calling among men, if you will except the holy calling of the ministry, than the calling of the politician, if he understands the dignity and the responsibility that go with the administration of the political affairs of his country. It is true that there are cheap grafters who occasionally inject themselves into political affairs and fail to appreciate the high purpose which ought to animate men who are engaged in administering the politics of the country, and such men merit the condemnation of all; but it is as utterly impossible to divest the Presidency of the United States from politics as it would be to divest the ministry from religion. It is the business of the President of the United States to administer political affairs as the executive head of the Government, and he should administer them wisely and in the public interest.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Iowa?

Mr. BRISTOW. I do.

Mr. CUMMINS. I think the Senator from Kansas is absolutely accurate when he says that the Presidency is a political office and must always remain a political office, but I want him to recall his expression and see if he is willing to reaffirm the statement that it is the business of the President to administer the political affairs of the country. Is the Senator not willing to qualify that a little?

Mr. BRISTOW. Well, I may——

Mr. CUMMINS. Is there not a very great difference, in other words, between political offices? We are holding political offices here, but I hope the duties are quite different from those that are performed by the person who holds the political office of President of the United States.

Mr. BRISTOW. What I meant—I do not now remember whether I expressed myself with accuracy—was that the President exercised the political duties that were conferred upon the Chief Executive of the Nation. Those duties are political.

The Senator from California referred with some emotion to the disgraceful incidents which antedated the election last year, and the nomination as well. I can not conceive that it is the business of the American Congress to try to engraft common sense into men's minds by constitutional amendment. I do not care how many constitutional amendments you adopt, you can not make a man wise if he is not so by nature, nor can you prevent a man from disgracing his office if he is disposed to do it. I am not saying that any offices have been disgraced, for I do not agree with the Senator from California in his statement that political campaigns that may be in bad taste are disgraceful.

The only argument that is made in favor of this resolution is that it will prevent a President from becoming inefficient by endeavoring to please the people in order to renominate and reelect himself. If the effort of any man to please an intelligent constituency is against him and should disqualify him, then I am glad that I am not in harmony with that view, which is the view that seems to be expressed here in this debate by the advocates of this resolution.

I want to carry out a little further the view suggested by the Senator from Idaho in regard to the efforts made by a President to select his successor. I believe President Roosevelt was responsible for the nomination of Mr. Taft four years ago. He wanted Mr. Taft nominated because he believed Mr. Taft would carry out the policies of government to which Mr. Roosevelt's administration was devoted. With that purpose in view he used the powerful influence which he had with the American people in order to induce his party to nominate the man who he thought would prolong those policies four years longer. As the Senator from Idaho has said, any President who was worth his salt would undertake to do the same thing by all honorable means. If he believed that the policies of government for which his administration stood were wise and in the interest of his country, then he should undertake to influence in an honorable way the selection of a successor who would continue to carry out those policies.

This amendment will have no more influence than if it were not passed in preventing an administration from being active in politics to promulgate and promote its ideas. It simply changes the situation so that the President instead of undertaking to renominate himself—if you care to put it that way—will undertake to nominate his successor, as has been done by the great Presidents of the past, as the Senator from Idaho has very clearly and very accurately stated.

As to whether or not these efforts are disgraceful, unpatriotic, or unwise, depends upon the character of the man who is President. As I have said, you can not adopt constitutional amendments that will legislate or incorporate common sense into a man's head. And if a President does unwise or disgraceful things the people will pass a wise judgment upon his action.

Referring to the original interruption of the Senator from Mississippi [Mr. WILLIAMS], who criticized the position I took when I said that the resolution proposed to take from the people a power which they now have, and which they have had since the Constitution was adopted, and which they have exercised wisely, and concerning their exercise of which not a word of criticism has been heard, I desire to say that it must be conceded that a vote of the Senate upon a resolution submitting an amendment to the Constitution of the United States is equivalent to, and is, in fact, a recommendation from the Senate that that amendment be adopted by the people. If it were not, why should it require two-thirds of the membership of this body to submit the resolution? When the resolution goes before the people, it goes before the people with the sanction of two-thirds of the membership of this body, and no other construction can be put upon the action of the Senate.

So, I repeat, this is a proposition to take from the people authority which they have been exercising for approximately 130 years, which they have exercised with wisdom and discretion, from the exercise of which no harm has ever come to the country, and the lack of which authority would have been at times a calamity to this Government.

With that statement, which can not be successfully contradicted by any man upon this floor, I leave the question to the consideration of the Senate.

Mr. SUTHERLAND. Mr. President, before the Senator takes his seat I should like to ask a question for information. As I understand, the amendment proposed by him is to the effect that Congress may provide for a recall of the President at the end of a two-year period?

Mr. BRISTOW. Yes.

Mr. SUTHERLAND. Suppose Congress so provides, and the people act, and the President is recalled, what then becomes of the Government?

Mr. BRISTOW. If the Congress is authorized to recall the President, it is certainly authorized to provide for the Government, after he is recalled, by letting the people select his successor. I can modify the amendment so as to provide for that if it is deemed necessary.

Mr. SUTHERLAND. The Senator's proposed amendment certainly does not cover that point. The Senator's amendment simply provides that Congress may provide for a recall of the

President. Who shall then succeed to the presidential office, or how it shall be provided for, is left wholly in the air.

Mr. BRISTOW. I think it is left with Congress. I have not any doubt about it. Of course I am not a constitutional lawyer, but if I can construe the ordinary language that is used in the affairs of men, it seems to me that if Congress is given the authority to provide for the recall of the President, the recall in itself means that provision must be made for his successor.

Mr. SUTHERLAND. The provision to which this would be an amendment, if it were adopted, is that the term of office of the President shall be six years. If we add to that simply a provision that at the end of two years the President may be recalled, and say nothing more about it, it would seem to be self-evident that no provision exists by which the term could be filled for the remaining period.

Mr. BRISTOW. I ask the Secretary to read the amendment.

The PRESIDENT pro tempore. The amendment will be again read.

The Secretary read as follows:

The Congress shall have power to provide for the recall of the President by a popular vote at any biennial election.

Mr. BRISTOW. In my opinion that gives full power to Congress to provide for the recall of the President and the selection of a successor by a popular vote, if the people see fit to do it. If it does not, I shall be glad to listen to a suggestion from the very able constitutional lawyer who sits by my side, the Senator from Utah, as to an amendment that will cover that point.

I think the people ought to have the right when they pronounce judgment adversely upon an administration to put another one in control of the Government that will carry out their will; and that is the purpose of this amendment to the resolution. I do not think their hands ought to be tied for six years, so that an Executive who happens to get in and who may refuse to serve the public interests can stay there in defiance of the people. I can not understand how men can think that is a wise way to administer the affairs of a government the sovereign power of which is the popular will.

Mr. BRANDEGEE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Connecticut?

Mr. BRISTOW. Certainly.

Mr. BRANDEGEE. It occurred to me, Mr. President, that it would simplify the process, and accomplish the manifest purpose of the Senator, if he would make the term of the President two years instead of six. Then, of course, he could be reelected if the people approved his administration, and there would be no necessity for a recall.

Mr. BRISTOW. No; no; I do not agree with the Senator. I think there are many men who would be elected President that would serve the full six years under this resolution, if it should ever pass, without meriting rebuke from the hands of the American people at the end of the first two years of their terms of service. The experience of our country has demonstrated that wise men are not only retained in office, that their administrations are not only supported in the congressional elections following the inauguration of their administrations, but that they are reelected, after having served four years, with Congresses in harmony with their views.

Mr. BRANDEGEE. That is the very question, Mr. President, if the Senator will yield.

Mr. BRISTOW. Certainly.

Mr. BRANDEGEE. The Senator suggested, as one of the principal arguments in favor of the proposed amendment, the fact that at the end of two years of a presidential term the temper of the country might change, and it might elect a House of Representatives of political opinion different from that of the President, and therefore if the President could be recalled the Presidency could be placed in harmony with the House and with Congress. He instanced the present situation of Congress, which he described as being hostile to the tariff policy of the present President.

If the country should change its opinion as to the party in power and should elect a House of Representatives hostile to the President, on the Senator's own statement of the case and in conformity with his own argument would it not be wise to have the President elected each two years, just as Members of the House of Representatives are elected?

Mr. BRISTOW. No; I do not think so; and I want to take issue with the statement which the Senator from Connecticut made when he began. He said "if the temper of the country should change." I do not think the temper of the country changes quickly on public questions.

Mr. BRANDEGEE. I am inclined to differ from the Senator.

Mr. BRISTOW. If the President changes, if he does not carry out the policies for which he stood, and the people are disappointed in him because he has not done so, they ought to have the right then to recall him, because he has failed to carry out the will and purpose of the people who elected him. I do not think the temper of the country changed on the tariff between 1908 and 1910. I think the temper of the country in 1908 and in 1910 was exactly the same. It elected a Democratic Congress in 1910 not because it was in favor of any Democratic policy on the tariff, because that was a vague and uncertain proposition, but because it was the only way it had of expressing its disapproval of the administration bill, the Payne-Aldrich tariff bill. If there had been any other way of correcting that legislative mistake, in my judgment there would not have been a change such as we have now.

This amendment to the resolution seeks to make more responsive to public opinion our executive administration. The Senator from Massachusetts and I disagree on almost everything. I think this is the first time for many months that we have met on common ground on any political question. We do it in this case from entirely different points of view. He has called attention to the fact that the English Government is more responsive to the will of the people than is our Government, because there is greater authority in the Parliament of England than there is in the Congress of the United States. The administration of the laws of England rests with a ministry whose existence does not depend upon the will of a president or a king, but upon the will of the Parliament; and when public opinion makes itself felt with the Parliament, the ministry must be in harmony with the Parliament or go out of power.

Our Government is such that the executive administration of the laws may be out of harmony with the legislative branch of the Government, and it results in a blockade of legislation for two years. While the adoption of this amendment to the resolution probably would not be the most desirable way to correct this unfortunate condition that frequently confronts us, it certainly would be better than to perpetuate a blockade of this kind for four years instead of two, as it now is. This resolution enlarges the present obstruction.

Mr. POINDEXTER. Mr. President, it seems to me this resolution is a striking example of an effort to accomplish a certain definite and very well-understood purpose, in the serious matter of changing the Constitution of the United States, which will have an effect the opposite of that which is intended.

One of the objects of this resolution is to improve the administration of the office of President by removing the inducement offered by the ambition of the President to succeed himself—to occupy his time in securing a reelection—and thereby to induce him to devote himself to the performance of the duties and functions of his office.

Another purpose of the advocates of this resolution is, I suppose—to judge from the conversation and the speeches we heard in the recent campaign—to save the country from a Napolean or a Cæsar who might use the power and patronage of the administration to perpetuate himself indefinitely in office.

I think it is clearly demonstrable that, if this resolution should be adopted, it would have the opposite effect in both particulars. It was not once or twice but many times that this question was debated when the Constitution was framed and when the term of office of the President was fixed. The first and the only Federal constitutional convention which ever sat in this country devoted a great amount of time to the question whether or not the President should be ineligible for reelection.

It is perfectly true, as the Senator from Kansas has said, that while all the reasons still exist that existed then for retaining the President's eligibility for reelection, many of the objections have disappeared, and there are now a great many additional reasons which did not exist at that time in favor of preserving in the people the power, if they see fit, perhaps in some great emergency of the Government or of the country, to retain at the head of the executive branch of the Government, it may be, the only man who is available to deal with the problems of the hour.

One of the strong reasons that was urged in the Federal convention against the proposition to make the President ineligible for reelection was that it would remove the incentive to meet the approval of the people whom he was serving which would come from an honorable reelection to the office which he held. That argument had great weight with the convention in determining against the same proposition which is put forward here.

The term of six years for President is entirely too long for a bad man, and it is too short for a good man. The remedy for the abuse of the powers of the Presidency and for the misuse of patronage is certainly not by taking away from the people a portion of the power which they now have for the control of that office, but rather by increasing it.

The proposition involves the whole broad question of the relations of the people to the Government, to what extent the people are to be able to control the Government, and how much power the Federal Government shall have. This proposition is to limit the power of the Federal Government by limiting the term of the Chief Executive. The question of the control of private monopoly, of whether or not the Federal Government is to have sufficient power to deal with interstate monopoly, of the relations of State governments to the Federal Government, whether these questions are to be left to the States, or whether the Federal Government is to be supported and upheld in the efforts which the advocates of Federal control are making, are all involved in this proposition.

Mr. President, if the Government were an alien Government or in control of an alien power, the proposition on the part of the advocates of government by the people to limit its power would be perfectly logical. But the Government is not an alien government; it is not such a government as existed in England, when the models upon which this Government was framed were developed, where the source of government was derived from some place outside of the people, when the King repudiated the doctrine that he got his power from the people, when the barons had another power, and when there was constant political warfare between these separate and distinct estates. The people, represented by the Commons, the barons, and the King, each claimed prerogatives independent of the other.

I think it is generally conceded in this country that the powers of government find their origin in the people, that all just government depends upon the consent of the governed. We are confronted constantly with the problem whether the Government is to be more independent of the people, more removed from their control, less responsive, or whether, on the other hand, the people are to be given a wider and more direct control over its various departments.

I admit that so far as the use of the power of the Presidency, including the disposition of patronage and appointment to office is concerned, if our political system of party government and party organization and conventions were to continue as they have existed in the past, there is a very great opportunity for perpetuating the Presidency in the hands of the incumbent by the use of the power and patronage of the office.

But that is utterly impossible. It has been demonstrated by recent political history in this country under the system of primaries which is now finding favor, and which has been put in force in a large number of States, that where the people have the real power to select the President, the abuses of presidential power, the misuse of presidential patronage, are perfectly futile and worse than futile, in an effort to perpetuate the incumbent in office.

The last campaign for the nomination of the Republican candidate has been pointed out here and it has been justly stigmatized. In that campaign every opportunity of office was taken advantage of. Every use that could be made of patronage or presidential power was set in motion to secure the nomination. And yet, in every State in the Union where the people had an opportunity to take a real part in the nomination, that misuse and abuse of power and patronage was condemned and repudiated, and their choice given by an overwhelming verdict of public opinion to another man, who was a private citizen and had no opportunity to bring to bear appointments to office and presidential favors in order to get delegates in the convention. So, when the system of primary nominations prevails, whenever it shall be generally adopted in this country, by which the people will really have an opportunity to control the nominations for the Presidency, it will be utterly impossible for the nomination to be controlled by a President, however long he may be in his office; and when that becomes evident, as it must become evident, as is already demonstrated, the attempt of the incumbent to secure the nomination by such abuses which are sought to be avoided and prevented by this resolution will be voluntarily abandoned.

Mr. President, the question involved in this resolution of the degree of responsiveness of the Federal Government to the popular will and its power and responsibility when it has been chosen is a very live question before the American people today. There is being agitated throughout the country a proposition for calling a constitutional convention, and it is based upon the proposition that the conditions which have grown up largely in the last 20 years have far more, even, than the Civil War united the country into one Nation and have developed and emphasized the necessity of one central Government, with ample power to deal with abuses which reach from one border of the Nation to the other. I say that question is directly involved in this resolution as it affects the executive branch of the Government.

A few years ago the verdict of the American people was taken as to whether or not there should be an income tax. It was debated for years. The American people in a regular election voted in favor of an income tax. It was taken up in Congress, but the Congress which met after the election was not the one which had been chosen in the election. Under a hold-over system the legislative branch was not immediately responsible to the public will, and when in the course of a year the new Congress which had been chosen came into power and this question, which had been decided in the election, was presented to them the people were confronted by the obstacle of a large portion of the legislative branch holding over from previous elections. But finally, after a long course of agitation, the verdict of the people found response in an act of Congress, and it went before a third department of the Government and was argued by the attorneys for the people and the attorneys for the great private interests that were opposed to that measure.

There had been decisions of the Supreme Court of the United States, a number of them, five of them, that such a law was constitutional. The Supreme Court heard the argument. They voted upon it and were evenly divided. One judge was absent. A rehearing was had. The absent judge took his seat upon the bench, and, of course, if his decision should be in favor of the income tax it would be established by the verdict of the Supreme Court as constitutional. He did decide in favor of it, but one of the other judges had reversed his previous decision in the case, having changed his mind overnight, and the long campaign for a just system of taxation by which the greater part of the wealth of the country, intangible personal assets, which largely escape, in my judgment, the assessor, ended in nothing, because the Government was not responsive to public opinion. As has been said here, it is less responsive than the Government of England or any other government under a modern constitution in Europe.

Now, instead of meeting these difficulties by making the Government more responsive to the people and by increasing its power, it is proposed to limit it and at the same time to further restrict the control of the people over it.

I do not know, Mr. President, how the myth arose that Washington ever—in his farewell address or at any other time—gave the great weight of his almost infallible judgment in favor of the proposition that a President should not hold more than two terms, that the tenure of the office should be limited either by custom or by law. I have read his farewell address, and it seems to me if it means anything it means that Washington was seeking to excuse himself before the American people because of his desire to retire to the enjoyment of private life, and was asking their indulgence to relieve him from what might seem to them to be his duty to continue in office for a longer period than for two terms. I want to read, because it is very brief, what he says on this point. He says:

> I beg you at the same time to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.
>
> The acceptance of and continuance hitherto in the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this previous to the last election had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations and the unanimous advice of persons entitled to my confidence impelled me to abandon the idea. I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety, and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

It was an argument that there was no crisis in the affairs of the country at that time which demanded his continuance in office. It was an implication that if there had been such a crisis it would not only have been proper for the American people, should they see fit to do so, to continue him in office as President for more than two terms, but that it would have been the duty of the incumbent if called upon by the people to serve in that capacity. There is not anything that can be deduced from this expression to indicate that Washington either intended to establish a two-term custom or that he favored the doctrine of ineligibility.

But there is more than that in an epitome of all that can be said against this proposition written by Washington upon the

identical subject, and if the Senate will indulge me for reading a portion of a page, I will do so. He says in a letter to Lafayette:

> There are other points in which opinions would be more likely to vary. As, for instance, on the ineligibility of the same person for President after he should have served a certain course of years. Guarded so effectually as the proposed Constitution is in respect to the prevention of bribery and undue influence in the choice of President, I confess I differ widely myself from Mr. Jefferson and you as to the expediency or necessity of rotation in that appointment. The matter was fairly discussed in the convention, and to my full conviction, though I can not have time or room to sum up the arguments in this letter. There can not, in my judgment, be the least danger that the President will by any practicable intrigue ever be able to continue himself one moment in office, much less to perpetuate himself in it, but in the last stage of corrupted morals and political depravity, and even then there is as much danger that any other species of domination would prevail. Though when a people shall have become incapable of governing themselves and fit for a master it is of little consequence from what quarter he comes. Under an extended view of this part of the subject, I can see no propriety in precluding ourselves from the services of any man who on some great emergency shall be deemed universally most capable of serving the public.

Now, if there is a danger of a man subverting the Constitution by the power of office, the very inclusion in the instrument of a prohibition against serving more than one term of six years will be the greatest incentive that can be offered to such a man.

Suppose a man of that caliber occupied the office who had met, perhaps, with the favor of the people, and was willing to use, as it was assumed in making this argument, an ambitious President would be willing to use the powers which come to him as President to subvert the spirit of the Government and its laws, and he should be confronted by a provision, a written attempt, a paper barrier, against perpetuating himself in office, there would be the greatest temptation that could be offered to him to violate the Constitution, to suspend this provision, to make some declaration by which to take advantage of his popularity with the people and his power as President, and ignore the amendment which is proposed here.

There are a great many free constitutions where there is not any freedom. There are a great many countries, small and large, where provisions of this kind are constantly violated. The hope of the country does not depend upon the Constitution as it is framed now, nor as it is to be amended, but it depends upon the capacity of the people to preserve peace and order and good government. The Constitution is no stronger than the political morals of the people who framed it and for whose government it was established. If you assume that a people can be corrupted by a President by the use of his office, so that he will be elected when he ought not to be, you have assumed that they are incapable of self-government and you have abandoned the whole case. You can not protect such a people by written constitutions. There can not be any form of free government which would be successful with such a people.

There are many things in our Constitution and in our extra-constitutional Government, a system of party government in the United States, which are practicable here, successful here, but which would be utterly impracticable in some other countries where the people are less educated, where they are less informed, where they possess less stability, less love of justice, less respect for the law.

I have heard a great many arguments made in the Senate against some of the proposed new agencies, which, after all, are nothing more than new ways of organizing political parties, and the Constitution does not deal with that at all. And yet they are opposed here as though they were undermining the very foundation of the Constitution. There is the primary, for instance. The primary nomination of candidates for office, the presidential preference primary, has nothing to do with the Constitution. It is a mere system of party government. I have heard many of the arguments made against those popular agencies which would be perfectly sound in the case of some constituencies, perhaps, in this country, and of the entire population of some other countries.

In considering whether or not the President shall hold office for six years and be ineligible for reelection, the whole question is as to whether or not the people are capable of determining that question for themselves, or whether you are going to attempt to put a guardian over them in the shape of a straight-jacket provision saying what they can not do in regard to electing a Chief Executive of the Nation.

If they were in their swaddling clothes such a provision would be necessary, but when they for a thousand years have exercised self-government and enjoyed freedom, when they have developed the greatest system of education, the most ample means for the transmission of information of any people in the world, it is an unusual time now, when we are in the midst of progress, when information and education are on the increase instead of on the wane, to introduce a proposition here to deprive them of some of their powers and pass a resolution which implies at least that we have suddenly awakened to the conclusion that the American people are politically decadent.

I imagine that every great private monopoly in the United States would hail with joy the passage of this joint resolution. I say "private monopoly" because the question of the regulation of those great private agencies underlies most of the political issues of to-day.

When a campaign to establish some principle of control or restraint of those who seek to use the power of wealth, the control of transportation, the undue advantage and special privilege of the tariff for the oppression of their weaker neighbors or the masses of the people—a power which must be restrained by the Government, because there is no other source from which the restraint can come—and it must be restrained by the Federal Government, because leaving it to the States is leaving it to be unrestrained. The States have not the requisite physical or political power, and many times they have not the disposition, when a campaign to put in the hands of the Federal Government means for this regulation and control is under way, and the question has been weighed before the people at the bar of public opinion—when they have rendered their judgment upon it in the election, and it has gone its course through all the checks and balances and divided powers of our system of government, and finally is having its effect in the hands of a vigorous and earnest administrator of the office of President—just as he is about to accomplish the results for which this long campaign has been waged he finds this amendment coming into play, should it be adopted, and saying that he must go out of power, and the hand of the man who has been found willing and able to meet the needs of the people upon this great question is palsied and their will rendered futile.

Every country furnishes examples, from which it is manifest that disaster would have fallen upon them if they had been governed in the great crises of their history by such a provision as this. Our own history is full of such instances. We have had times of stress, when the Nation's existence was at stake, when the conduct of a great war or the prosecution of a great policy depended upon a single individual who was the man fitted for the hour. Suppose that in the midst of his power, his official responsibility, his official opportunity, in the Civil War, for instance—because it may as well be as not that his six years' term would expire in the midst of a critical campaign, upon which the life of the Nation was at stake—this amendment should call him out of office, throwing the country into the throes of an election of a new and untried man. It is not logical; it is not common sense; it does not tend toward the freedom or liberty of the people or to enlarge in any way the safety or the service which the Government renders to them.

There is not a successful private organization in the world which would adopt such a policy, and one phase of the Government is but that of a great business organization. Every great private business concern has achieved its success to a large extent by the selection of competent men to do its work and by keeping them in their position and by promoting them to the highest positions so long as they remain faithful and competent.

The fathers of the Constitution were wise enough to fix a short term of office for the President, and to leave him eligible for reelection, because it gives the people an opportunity every four years to determine whether or not he is competent to administer the duties of that office. It is impossible for him to abuse the power of the office to any great extent within that short period, with the new agencies of nomination I have referred to, and yet it leaves with the people the privilege of continuing him there indefinitely, or at least past the danger period of some critical passage of the Nation, if they see fit to do so.

An occasion that everybody will bear in mind was when the Empire of Great Britain first extended itself in that mighty sweep around the world and established its flag and its laws from its island home to the end of the seven seas—when the Earl of Chatham was at the head of the English Government, when Clive was selected by him to lead the armies of England in India, when he sent Wolfe to face Montcalm in Canada, when he was waging a mighty struggle against the armies of France on the frontier of Germany—when the question was whether England should blossom and bloom and prosper and flourish as the greatest empire of modern times or whether it should sink into obscurity and insignificance as a defeated rival of its European neighbors. Suppose in that crisis in the history of Great Britain some foolish, some absolutely illogical provision of the constitution had decreed that the great Lord Chatham should give up the helm of state and step down and a

new and untried and incompetent man should take his place. The same condition might well arise here—it will arise here if this amendment is adopted, the effects of which will come back to plague and curse the people for whose benefit it is supposed to be framed.

During the delivery of Mr. POINDEXTER's speech,

Mr. GALLINGER. Mr. President, will the Senator from Washington yield to me for a moment?

Mr. POINDEXTER. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I offer a proposed substitute for the joint resolution, that it may be pending.

Mr. POINDEXTER. I am very glad to yield for that purpose.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The Secretary will read the proposed substitute.

The Secretary read as follows:

The executive power shall be vested in a President of the United States of America. The term of the office of the President shall be four years. No person who has held the office by election, or discharged its powers or duties, or acted as President under the Constitution and laws made in pursuance thereof, shall be eligible to hold the office by election more than one additional term.

Mr. GALLINGER. I thank the Senator from Washington.

Mr. POINDEXTER. The Senator is entirely welcome.

Mr. HITCHCOCK. Will the Senator from Washington yield to me to offer an amendment, that it may be printed?

Mr. POINDEXTER. I yield to the Senator from Nebraska for that purpose.

Mr. HITCHCOCK. My amendment contemplates striking out the reference to the officer who may hold or exercise the power. I should like to have it read, so as to get it into the RECORD.

The PRESIDING OFFICER. The Senator from Nebraska proposes an amendment, which will be read.

The SECRETARY. On page 2, line 7, in the committee amendment, after the word "election," strike out down to and including the word "thereof," in line 9, so as to read:

The executive power shall be vested in a President of the United States of America. The term of the office of President shall be six years, and no person who has held the office by election shall be eligible to hold again the office by election.

After the conclusion of Mr. POINDEXTER's speech,

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Kansas [Mr. BRISTOW] to the amendment of the committee.

Mr. BRISTOW. I should like the yeas and nays on that, Mr. President.

The yeas and nays were ordered.

Mr. OWEN. Mr. President, before the vote is taken I wish to say that I want to give my adherence to the proposal submitted by the Senator from Kansas [Mr. BRISTOW]. I believe that the people of the United States ought to have the right, if they find the President of the United States is not in accord with matured public opinion, to name his successor and to do so without waiting for six years or four years if after two years they find he is not in accord with public sentiment.

The President of the United States, in my judgment, is not to be regarded as an individual. He is controlled by his environment; he is controlled by advisers; and he is controlled by influences that are brought to bear upon him in a great variety of ways. If he be of a temperament which yields to the blandishments of interests which are opposed to the interests of the American people, and that be made manifest from his conduct, I am of opinion that the people should have the right to put a masterful hand on him, take him from his seat of power, and place in his stead some man who will represent the interests, the aspirations, and the hopes of the people of this country. For that reason I am in favor of the proposed amendment of the Senator from Kansas to the committee amendment.

The PRESIDING OFFICER. The Secretary will state for the information of the Senate the amendment to the amendment proposed by the Senator from Kansas.

The SECRETARY. It is proposed to insert as a separate paragraph, after line 10, on page 2, the following:

The Congress shall have power to provide for the recall of the President by a popular vote at any biennial election.

The Secretary proceeded to call the roll.

Mr. LIPPITT (when his name was called). I again announce my general pair with the senior Senator from Tennessee [Mr. LEA] and refrain from voting.

Mr. OWEN (when his name was called). I transfer my pair with the senior Senator from Kansas [Mr. CURTIS] to my colleague [Mr. GORE] and vote. I vote "yea."

Mr. OLIVER (when the name of Mr. PENROSE was called). My colleague [Mr. PENROSE] is out of the city to-day. If he were present on this roll call he would vote "nay." He is paired with the Senator from Mississippi [Mr. WILLIAMS].

Mr. RICHARDSON (when his name was called). I again announce my pair with the junior Senator from South Carolina [Mr. SMITH]. He is absent, and I therefore withhold my vote.

Mr. WILLIAMS (when his name was called). I transfer my pair, which is with the senior Senator from Pennsylvania [Mr. PENROSE], to the senior Senator from Virginia [Mr. MARTIN] and will vote. I vote "nay."

The roll call was concluded.

Mr. BOURNE. I desire to announce that I am paired with the senior Senator from Alabama [Mr. BANKHEAD]. Hence I withhold my vote.

Mr. DILLINGHAM. I desire to announce that on all the votes to be taken to-day, I have transferred my pair with the senior Senator from South Carolina [Mr. TILLMAN] to the Senator from New Mexico [Mr. FALL]. On this question I shall vote. I vote "nay."

Mr. CHILTON. I announce the pair of my colleague [Mr. WATSON] with the senior Senator from New Jersey [Mr. BRIGGS].

The result was announced—yeas 10, nays 58, as follows:

YEAS—10.

Ashurst	Dixon	Owen	Thomas
Bristow	Gronna	Perky	
Clapp	Martine, N. J.	Poindexter	

NAYS—58.

Borah	Dillingham	La Follette	Shively
Bradley	du Pont	Lodge	Simmons
Brandegee	Fletcher	McCumber	Smith, Ga.
Brown	Gallinger	McLean	Smith, Md.
Bryan	Gamble	Myers	Smoot
Burnham	Guggenheim	Nelson	Stephenson
Burton	Heiskell	O'Gorman	Sutherland
Catron	Hitchcock	Oliver	Swanson
Chamberlain	Jackson	Overman	Thornton
Chilton	Johnson, Me.	Page	Townsend
Clark, Wyo.	Johnston, Ala.	Paynter	Wetmore
Clarke, Ark.	Johnston, Tex.	Percy	Williams
Culberson	Jones	Perkins	Works
Cullom	Kenyon	Pomerene	
Cummins	Kern	Root	

NOT VOTING—27.

Bacon	Fall	Massey	Smith, Mich.
Bankhead	Foster	Newlands	Smith, S. C.
Bourne	Gardner	Penrose	Stone
Briggs	Gore	Reed	Tillman
Crane	Lea	Richardson	Warren
Crawford	Lippitt	Sanders	Watson
Curtis	Martin, Va.	Smith, Ariz.	

So Mr. BRISTOW's amendment to the amendment of the committee was rejected.

Mr. WILLIAMS. Mr. President, I now call up the amendment which I presented this morning.

The PRESIDING OFFICER. The Senator from Mississippi proposes an amendment, which the Secretary will state.

The SECRETARY. In lieu of the matter proposed to be inserted by the committee, it is proposed to insert the following:

The executive power shall be vested in a President of the United States of America. The term of the office of President shall be four years. He shall be reeligible for one additional term of four years and not thereafter reeligible at any time. No person who shall hereafter hold the office or discharge its powers or duties or act as President by succession for any fraction of a term under the Constitution and laws made in accordance thereof shall be reeligible beyond such a fraction of a term and for one term by election.

The President, together with a Vice President chosen for the same term, shall be elected as follows.

Mr. CLARKE of Arkansas. Mr. President, I make the point of order that that substitute can not be considered at this time, as there are certain other amendments pending to the committee amendment. The friends of the committee amendment have a right to perfect it before any proposition that goes to the life of it is entertained.

Mr. WILLIAMS. In reply to that, I would say that I think that position hardly well taken. Here is an amendment to the joint resolution; it does not go to the life of it; it merely goes to the terms of it; it substitutes a term of eight years, with an opportunity for recall by reelection in the middle of that term, for a term of six years. I do not see that it goes to the life of the proposition, and the amendments which may be made would be useless only in the event that they were not pertinent to the main proposition.

Mr. CLARKE of Arkansas. Mr. President, the proposition is clearly a substitute for the pending amendment of the Committee on the Judiciary. The gist of the substitute of the Senator from Mississippi is to preserve the old idea of two terms of four years each, adding a disqualification to hold beyond that period, whereas the proposition of the committee is to substitute for the provision now in the Constitution an entirely new provision of one term of six years. The two propositions obviously do not cover the same ground, and before we are compelled to vote on the amendment allowing two terms of four years each, with ineligibility to reelection to a third term, we

ought to have the right to perfect the original proposition, so that in its final form it may be intelligently compared with the amendment with which it must contend for its life.

The PRESIDING OFFICER. The amendment reported by the committee is in the nature of a proposition to strike out certain parts of the joint resolution and to insert in lieu thereof new matter proposed by the committee. The Chair is of the opinion that the proposition of the Senator from Mississippi [Mr. WILLIAMS] to substitute the language proposed by him for that proposed by the committee would be in order at this time, there being no other amendment pending. If it were a substitute for the whole proposition the Chair would hold that the joint resolution as reported by the committee must be first perfected before the substitute could be offered.

Mr. CLARKE of Arkansas. Mr. President, just one word before the matter is finally disposed of. It is not only a substitute for the main proposition contained in the original joint resolution, but it will be a substitute for the committee amendment of an entirely different nature, and will supersede it, because the two are not susceptible of being reconciled. It is nothing more nor less in its last analysis than a motion to substitute for the committee amendment the proposition submitted by the Senator from Mississippi. Obviously we ought to have a right to perfect the committee amendment before a motion to strike it out—because that is what it amounts to—is entertained. Individual amendments can not be considered until committee amendments have been disposed of. That is another one of our rules that would be applicable just there.

Mr. DIXON. Mr. President, did I understand the Chair to say there was no other amendment now pending?

The PRESIDING OFFICER. There are several amendments which have been sent to the desk to be read, and in some instances to be printed, but none has been formally offered.

Mr. DIXON. Mr. President, early this morning, in order to save President Elect Wilson from being put in the uncomfortable attitude of being the only President of the United States who would be specifically restricted to one four-year term, I submitted an amendment, which was read and is pending, especially eliminating Woodrow Wilson from the operation of the proposed constitutional amendment. I did not think our Democratic friends would want to put the President elect in the position standing by himself as the only man who would be so restricted. Notwithstanding the Senator from New Jersey this morning, speaking, I presume, with authority, said that Mr. Wilson never would be a candidate again, I did not think the United States Senate wanted especially to single him out for this unenviable position. That amendment was read, and I am sure is pending.

The PRESIDING OFFICER. The Chair will state, for the information of the Senate, that the Senator from Montana sent the proposed amendment to the desk, but at the time there was another amendment pending. Of course, no amendment can be offered while another amendment is pending; and so the Chair did not consider the amendment of the Senator from Montana as pending.

Mr. MARTINE of New Jersey. Mr. President, I do not desire to be quoted as giving utterance to the words the Senator from Montana has just credited to me, that the President elect had declared that he would never again become a candidate. I did not say just that. I said that he has declared on a number of occasions in favor of one term. I further stated that it was the policy of our party, as declared in the Baltimore convention, to favor one term, and President Elect Wilson has declared, and redeclared, his adherence to the platform of the Baltimore convention. Further than that, I had no thought of committing him.

Mr. WILLIAMS. Mr. President, have I not been recognized?

The PRESIDING OFFICER. Does the Senator from New Jersey yield; and if so, to whom?

Mr. MARTINE of New Jersey. Have I the floor?

The PRESIDING OFFICER. The Senator from New Jersey has the floor.

Mr. MARTINE of New Jersey. I yield, then, to the Senator from Mississippi. I am only too glad to yield to him.

The PRESIDING OFFICER. Does the Senator from New Jersey yield the floor?

Mr. MARTINE of New Jersey. Certainly, I do.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. The Senator from Iowa.

Mr. CUMMINS. Mr. President, just a word with regard to the point suggested by the Senator from Arkansas [Mr. CLARKE]. Possibly the Chair, in his ruling upon that, overlooked the fact that the Judiciary Committee itself proposed an amendment by way of a substitute for the original joint resolution. While it is probably not so denominated in the printed matter before the Senate, yet it is, in substance, a substitute. I think, under those circumstances, that if there is any proposition to perfect the substitute so offered by the committee, there should be an opportunity given for amendments of that character before an amendment for the entire substitute is considered.

The PRESIDING OFFICER. Senate joint resolution No. 78 does not purport to be a substitute for the original joint resolution as introduced. A part of the resolution is left in existence.

Mr. CUMMINS. That is true, but it is the mere formal part. The effective part of the joint resolution is in the report from the Committee on the Judiciary. It is an amendment, but it would be effective in and of itself if it were adopted, while the other is merely formal and preliminary. I think, under those circumstances, the substitute offered by the Senate committee should be perfected before a different proposition is considered for the one reported by the committee.

The PRESIDING OFFICER. In the opinion of the Chair, the proposition of the Senator from Mississippi is an attempt to perfect the joint resolution in a different way from that proposed by the committee and, technically at least, is not a substitute for the entire resolution. Therefore the Chair has ruled that is in order at this time.

Mr. WILLIAMS. Mr. President, I did not expect to have to take up this matter this evening, and I shall not be able to do the subject entire justice. I wish to say, in the first place, that there are two reasons, in my opinion, why the proposition which I offer is preferable to the amendment proffered by the committee. The first one is that a term of six years is too long if there be no opportunity for the recall of a bad officer during that time. The second is a tactical reason, and I would address myself on this subject to the friends of the proposed constitutional amendment itself.

If you go before the people with the idea of preventing a longer tenure in the Executive Office than eight years, and giving in the middle of that term a reelection, which, in the case of a bad officer acts as a recall and in the case of a good officer acts as an encouragement, you present to the people an idea with which they are already acquainted; you merely write into the Constitution what has sometimes been called "the unwritten law of the American presidential succession."

They will not be called upon to debate a new thing. It is practice as much as words which makes institutions, and that has been the practice of the American Republic. I think the tactical reason is a weighty one for those who really do desire to put an end to the real evil.

Mr. President, what is the real evil? It is that under our Constitution there is an indefinite tenure of the Executive Office; that there is a possibility of self-succession for life in the Executive Office. That is the real evil. The question as to just what the term should be, whether four, six, or eight years, is a minor question. So that when you come to fixing a presidential term and presenting the proposition to the people it is of the highest importance to present it in such a way as that it shall become a part of the Constitution and give the proposition every possible advantage arising from an existing state of public opinion.

The Senator from Washington [Mr. POINDEXTER] seems to think that we are depriving the people of some right or privilege. We are doing nothing of the kind. We are proposing to the people an amendment upon which they shall sit in judgment, to be adopted by them or to be rejected by them, under the machinery of the Constitution, as they may see fit. It is the wildest sort of talk to try to put it in any other way.

One Senator said to-day that the time might come when some great matter or, as he said, the life of the Nation might depend upon the continued service of one man. Mr. President, it may be that I have not read history carefully, but I do not know of any period in the world's history where anything worth while has depended altogether upon one man or when any great service for civilization or the world, at the head of the doing of which stood a great man, could not have been carried through with somebody else at the head of it.

What I propose is to reenforce the unwritten law of the Republic. Back of that stands the example of George Washington. Few of us realize how beneficial that example was. He did not put his reasons for it in words. He was a man whose benefits to his country consisted chiefly in acts and not much in words. But had this Republic elected George Washington for one more term, and had he died during that term—and, as a matter of fact, if he had died at the time he did die, he would have died during the term—we would have started there the precedent of a man being elected to the presidential office for life. It would have been quoted as a precedent for election for life.

The next President remained in office only one term. Had that President had a term of eight years instead of four, in my opinion, this Republic in that early day, before it had been taught to march firmly, would have gone to pieces. The alien and sedition laws had aroused such a feeling of rebellion among the people that already the Virginia and Kentucky resolutions contained veiled allusions to a dissolution of the Union—threats and menaces. The longer we remain united the more dangerous it is to attempt disunion. But at that very early day nobody at all doubted the right of a State to secede.

I have mentioned these two things because they illustrate the beauties of our working practice at both ends—first, that a man can be encouraged during a first term by reelection to a second without danger of perpetuity in office; and, secondly, that a bad policy, a dangerous policy, can be gotten rid of at the end of a short period without resort to revolution.

Jefferson gave his reasons for imitating the example of Washington, and gave them in that style which was so lucid, so clear, and so forceful that the American people have appreciated it from that time on.

Washington's example, at a time when our institutions were yet in the wet mold and not dry set, and unstable in many particulars, had not had the effect which later on, after Jefferson's statement of reasons, it had. The legislatures of eight States—and at that time they had no nominating conventions, and the legislatures nominated candidates—one after another had nominated Mr. Jefferson for a third term. Even the senior Senator from Massachusetts [Mr. LODGE], in his History of the United States, says there is no doubt about the fact that Mr. Jefferson could have been easily reelected. Amongst these eight States not one southern or southwestern State, where Jefferson was peculiarly strong, had yet spoken. Then Mr. Jefferson stopped the movement and gave the reasons, which I shall read:

> My opinion originally was that the President of the United States should have been elected for seven years and forever ineligible afterwards. I have since become sensible that seven years is too long to be irremovable and that there should be a peaceable way of withdrawing a man in midway who is doing wrong. The service for eight years, with a power to remove at the end of the first four, comes nearer to my principle as corrected by experience, and it is in adherence to that that I determine to withdraw at the end of my second term. The danger is that the indulgence and attachments of the people will keep a man in the chair after he becomes a dotard and that reelection through life shall become habitual and election for life follow that. Gen. Washington set the example of voluntary retirement after eight years. I shall follow it. And a few more precedents will oppose the obstacle of habit to anyone who after a while shall endeavor to extend his term. Perhaps it may beget a disposition to establish it by an amendment to the Constitution.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Kansas?

Mr. WILLIAMS. Yes.

Mr. BRISTOW. I simply want to ask the Senator if that is not practically the same principle that was presented in the amendment which I offered, except that Mr. Jefferson would provide for a recall at the end of a four-year term instead of a two-year term?

Mr. WILLIAMS. Substantially it amounts to the same thing, except that this fixes a definite period for election; and the recall, if it takes place, takes place as a result of an election, the time of which is prescribed. It is different in this, of course, that under the operation of the Senator's amendment the term would be six years, and the recall might occur at the end of each two years of the term. My chief objection to that was that it would have gradually set up a condition of things where we would be electing a President every two years, or at least voting upon the election of a President every two years.

Mr. BRISTOW. Mr. President, I am sorry to interrupt the Senator again; but I admit that would be the case unless the President satisfied public opinion and at the end of the first congressional term a Congress in harmony with his views were elected. Otherwise, of course, there would be another election.

Mr. WILLIAMS. I do not want to argue the Senator's amendment now; but, if I remember correctly, it provided that the people should have the power to recall at each general Federal election. That would be every two years. There would always be enough men wanting to recall the President to vote against him, and then the people who did not want to recall him would have to go and vote for him, and thus you would have a presidential campaign every two years. You could not help it to save your life under the operation of such a provision as that in the Senator's amendment.

These further words of Jefferson ought to be remembered by everybody in connection with the presidential tenure:

> If some period be not fixed, either by the Constitution or by practice, the office will, though nominally elective, become for life and then hereditary.

In what I previously read he expressed the hope that habit would make the example set by Washington the practice always of the American people; and here he tells the danger.

Gentlemen say that we are timid; that we are frightened at shadows, and all that; and then they rise in all the august majesty of a narrow nationalism and say: "We are the American people. We do not need any restrictions of majorities; we need not restrict ourselves."

Mr. President, our whole system of government is a government of restrictions placed by the people upon themselves—the Federal Government, the State government, and everything else. The American people have been peculiarly wise in this, that hitherto they have been wise enough to distrust themselves, and therefore have deliberately and purposely, in the fundamental and organic voice of the people—the Constitution of the United States and the constitutions of the various States—put restrictions upon themselves.

In the smallest matters those restrictions exist. A community frequently can not incur a debt amounting to over 50 per cent of the assessed value of its taxable property. Why not say, "The people are capable of ruling. Their wisdom is absolutely infallible. Let them incur all the debts they want to incur; it is their affair. Why restrict them at all?"

If there were an outside force restricting them, the argument would be good. But it is not good when the people restrict themselves, as they do and ought to do, not only in little matters like this but in large matters. Our forefathers in Great Britain restricted the government by the Bill of Rights, and we restrict all government in this country by the first 10 amendments to the Constitution, which constitute our Bill of Rights. Everything is a restriction upon the people, operating through their representatives, as well as upon the representatives operating against the people.

I am not one of those who believe that tyranny is a particle sweeter because it is the tyranny of a majority. I believe, with old Roger Williams, that there are two classes of things in this world—the things of the first table and the things of the second table. The things of the first table are those things which are between God and the individual man, and government has no right to touch them. If 99,999,999 of the people out of 100,000,000 wanted to do anything in connection with them and one man stood up in his right and said "No," then that one man's voice should restrain all the rest. Amongst these things are freedom of religion and various other things that will occur to your own minds. Ninety-nine per cent of the American people, I suppose, are nominally Christians. One per cent of the American people are Jews. The people have voluntarily put upon themselves restrictions with reference to that matter. They have never established the Christian religion as the religion of their country. They had the power to do it. They had the power to refuse to restrict themselves from doing it. But they decreed that for all time there should never be among us an establishment of religion. They were wise enough to know that men always, everywhere, have weaknesses. If you flatter yourself that the American people are not like the Grecian people and not like the Roman people and not like the French people, and do not share the common human nature, that is a little chauvinistic vanity that may be welcome to you and make you feel better, but there is not a particle of truth in it.

The Senator from Massachusetts said this morning that there was no danger of Cæsarism in America. The whole history of the world shows that free institutions everywhere in the world have been overturned by whom? An unpopular man was never dangerous to free institutions anywhere. They have been overturned by popular heroes, concerning whom the people thought what the Senator from Washington this morning thought—that there might occur times when one man was absolutely indispensable. One man is never absolutely indispensable, either to the people or to God or to civilization or to culture or to anything else largely worth while in this world.

Mr. LODGE rose.

Mr. WILLIAMS. I yield to the Senator from Massachusetts.

Mr. LODGE. I merely wanted to say that I did not say quite what the Senator quotes me as saying.

Mr. WILLIAMS. I misunderstood the Senator, then.

Mr. LODGE. I said that there was no danger of Cæsarism while the character of the American people was what it is; but the defense against Cæsarism rested in the character of the people, and not in constitutional barriers.

Mr. WILLIAMS. The character of the American people is like the character of every other people that ever existed. We are not any wiser, we are not physically any stronger, we are not morally any better, than any other people that I know of of the white race.

Mr. POINDEXTER. Mr. President——

Mr. WILLIAMS. Wait one moment. Thus far we have had just this advantage: We are bolder, more enterprising, more inventive, and more venturesome, for the reason that the ancestors from whose loins we came were the most venturesome and daring of the people amongst whom they lived. They therefore left the old associations of a lifetime to come into a wilderness and make their way with rifle and ax.

I think therefore that particular characteristic has come down to us. It will be bred out after a while, but to a large extent it still exists. It has made us the greatest inventive and adventuring people of the world. It makes us the great captains of industry. We are a people who peculiarly dare take chances, and individually as well as nationally and as communities. But otherwise you need not flatter yourselves that the dangers which in all history have threatened other people, and have threatened them through majorities, will never threaten us.

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Washington?

Mr. WILLIAMS. Yes.

Mr. POINDEXTER. The Senator, after having made a very broad statement, qualified it after I had risen to put a question to him concerning it, by excluding the colored races of the world in his statement. The statement was so broad that it struck me as absolutely in conflict with the observation of everyone. That was the reason I rose.

Mr. WILLIAMS. What was that?

Mr. POINDEXTER. Why, that the people of the United States were no different in the matter of government or capacity to govern themselves than any other people in the world.

Mr. WILLIAMS. I did not say that.

Mr. POINDEXTER. I think the Senator did.

Mr. WILLIAMS. I did not say anything about the capacity for governing themselves. That comes from experience, and of course we have had in that regard greater experience. But I do not know that we have any larger capacity to govern ourselves than our neighbors across the line in Canada. I do not think we have. I do not know that we have any larger capacity to govern ourselves than the people of the same English-speaking race in Australia and New Zealand. I doubt if we have shown any larger capacity to govern ourselves than the people left back in Great Britain, whence we came.

Mr. LODGE. How about the people across the other line to the south?

Mr. WILLIAMS. Oh, we have a larger capacity to govern ourselves than people who never had any experience in governing themselves. I am coming to that pretty soon, because it has something to do with this very identical question. I will tell you one reason why those people have never had any capacity to govern themselves, and that is that they did not have sense enough to take the advice of the words of Thomas Jefferson, and after one term and two terms and three terms and four terms, if a man was popular, they kept him in office, until after a while the elections became a mere form and the man who went in stayed in; staying in, he did all the governing. That is one reason. But, of course, the greater reason back of it all is that they are not purely a white race; and so far I do not know of any race except the white race that has developed capacity for self-government, or perhaps one might prefer to say have had the experience which develops it.

Mr. POINDEXTER. The Senator from Mississippi has qualified the former statement which he made, and now admits, as I understand, that there are some races of the world that, by reason of their color, are not qualified——

Mr. WILLIAMS. Put it "by reason of their experience."

Mr. POINDEXTER. And others by reason of a lack of experience, and others by reason of not having sense enough, and others by reason of not ever having had any self-government. That includes the greater portion of the world.

Mr. WILLIAMS. The Senator from Washington is making a wide divergence. I had said nothing about the American people not being better fitted than most people for self-government. I was talking about the character of the people being substantially the same. I had not referred to the question of self-government at all until the Senator interrupted me. But to return to our sheep. The passions, the prides, the prejudices, the loves, and the hates that make people do things dangerous to their own liberty exist in America just as well as they do anywhere else, and just as much as they ever existed anywhere else; perhaps owing to the brave and somewhat reckless character of our people in an emphasized degree.

They say we start at shadows. It does not seem so to those who have just actually witnessed an attempt by a very bold, brave, able, and popular man to be elected President for a third term according to his definition of a third term, and who have witnessed the fact that during that campaign he never answered the question as to whether he would run at the end of a third term for a fourth, or at the end of the fourth for a fifth, or at the end of a fifth for a sixth term. And notwithstanding that danger he received the second largest popular vote of the candidates who were running.

People who laugh at Jefferson's "suspicions," and all that, have only generally to wait long enough and their posterity begins to laugh at them.

When the Constitution was first published Jefferson said, in a letter which he wrote from France: "Your Presidency seems to be a poor edition of a Polish king"—that is, an elective monarchy.

The Senator from Montana [Mr. DIXON] this morning asked, "Why single out the President, of all the elective officers, to circumscribe his term?"

The answer is self-evident. It is because the President has more power, while in office, than any monarch in all Europe, except the Czar of Russia. There is no sort of analogy between the principles that should govern the tenure of office of legislators like Senators and a man holding this gigantic power of the American Executive. Power is never dangerous except where power is great. No one Senator has any great power. No one Representative has any. No one governor has, and so it goes.

If Washington had not set his example, and if Jefferson had not followed it and given the reasons for it, which he did in his splendid way, it might have been the case that America would have furnished to the world a second example and a "poor edition of a Polish king."

Our South and Central American friends down here have furnished us with several of them. Rome furnished us with it. The consuls were elected by the people, and there was a restriction that they were eligible only for two terms. Marius was elected for the third and the fourth and the fifth and the sixth terms, and came back to Italy at the head of the legions; and Sylla did the same thing; and the whole old Roman institution went to pieces. Why, to the very latest day of the so-called Roman Republic—and they never themselves called it an empire—the emperors were "elected by the people." That was the theory—by the people of the city of Rome.

If it had not been for the example set by Washington and followed by Jefferson, and the reasons given for it, undoubtedly Washington would have been elected for life; undoubtedly Jefferson would have been elected indefinitely, if not for life, because his party elected Madison and Monroe and John Quincy Adams. Though Adams's administration was not Democratic-Republican, he was elected as a Democratic-Republican and as the candidate of that party.

Mr. DIXON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Montana?

Mr. WILLIAMS. That party continued, then, to elect men, so that some Senator was mistaken this morning in saying that 16 years was the longest period for which one party had been in power.

Now I yield to the Senator from Montana.

Mr. DIXON. I am surprised at the statement of the Senator from Mississippi as to the reelection of Jefferson or any other man. The truth was that at the close of Jefferson's administration he was so very unpopular with his party that he practically held no communication with Congress. He was practically isolated at the White House during the last of his term.

Mr. WILLIAMS. I do not want to be deflected from the argument, but I ought to answer that wild variance from history in justice to history. No man, except George Washington, ever left the presidential office so popular with his party as Thomas Jefferson. Thomas Jefferson not only was President for eight years, but he was—what Mr. Roosevelt hoped to be and did not succeed in being—at one and the same time President and ex-President for 16 years afterwards. Neither Madison nor Monroe ever undertook to do any important thing without communicating with Jefferson at Monticello. About the Monroe doctrine itself, about the Spanish treaty, about everything, he was communicated with. As I said a moment ago, eight States in their legislatures begged him to become a candidate for a third term. Of the Southern States not one had spoken, because their legislatures were not in session at that time. And even a historian of the rather Federalistic leaning of my friend, the Senator from Massachusetts [Mr.

LODGE], records that there is no doubt about the fact that he easily could have been reelected.

Mr. DIXON. I wish to refresh the memory of the Senator from Mississippi, with all due respect to his great historical knowledge, by the statement that his conception of Jefferson's political situation at the close of his second term is absolutely the reverse of the facts in the case at that time.

He was in the very trough of the sea of his popularity with his party and the people.

Mr. WILLIAMS. That has nothing to do with my argument. The Senator can not refresh my knowledge of history by a mere ipse dixit statement of his own. I will say that that is my opinion, then, of what history records, and the Senator may keep to his. There is this difference between us: The utterances of the legislatures of the time, the mass meetings of the time, the newspapers throughout the South and the West at the time, the resolutions passed after his retirement by the various legislatures all over the country—very many things are on the side which I hold and not on that which the Senator holds.

Mr. DIXON. The Senator will find upon fuller investigation that the situation was so acute that I think Jefferson sent no communications to Congress during its last session of his term in the White House.

Mr. WILLIAMS. No; that is very true as to his sending few communications after Madison's election, but it was because he had a very curious theory that after his successor was elected his successor really was the President, and that he ought not to attempt to control public affairs, but should leave them as far as possible to Mr. Madison. Mr. Madison was his warm friend, his Secretary of State, belonged to his own party, and he knew all about him.

Mr. DIXON. The Senator from Mississippi, I feel certain, is in the heat of his argument interpolating many things which never existed into the political history of the United States in Jefferson's administration.

Mr. WILLIAMS. I am not interpolating a thing. If the Senator will take the trouble to read a little, he will find that in several letters Mr. Jefferson himself gave that reason for his conduct; so that I am interpolating nothing.

I was going on to say that Washington could undoubtedly have been reelected as long as he pleased; from what we know Jefferson could have been reelected as long as he pleased; Andrew Jackson could have been reelected as long as he pleased; Grant could have been reelected as long as he pleased; McKinley certainly could have been reelected once more, but for this example which Washington had set and the reasons for it given by Mr. Jefferson. Of course when I say Jackson and Grant could have been reelected, the chances are that but for the example of the one great man and the precept of the other, somebody else would have been holding the office for life and neither Jackson nor Grant could have had any chance to be elected for the first time. How long it would have taken reelections to have become mere matters of form is of course a matter of speculation, but that in the course of time they would have become mere matters of form is a matter of certainty.

An indefinitely self-successive Executive, easily turned into a dictatorship, has been, as I said a moment ago, the rock upon which the so-called South American "Republics" have split, and the good sense of the American people in taking the advice of their great men and in restricting themselves has been that which has saved our institutions from a like death of the spirit. The mention of that is the greatest tribute that can be paid to the American people. Thus far they have been the only great people who have been willing to bind themselves, as it were, in swaddling clothes with written constitutions, and then abide by the written constitutions after they had done it. They were the first people in modern times who ever undertook it.

The written constitutional idea itself was the idea that the majority of the people ought to exclude from the power of majorities certain things with which majorities ought to have nothing under the sun to do.

So all this talk about our restricting the people is—I will not say demagogic; I do not mean that exactly, but it is factitious. It is fictitious for two reasons; first, because if there is any restriction at all the people will place it upon themselves; and, secondly, because our whole Government rests upon the idea of restricting the power of majorities by an organic law.

I have something else to read. The words in which Jefferson closed his public declination are wise, I think, and patriotic. I want to call your attention to them. When these legislatures had urged him to run for the third term and when he had refused, he finally made this public announcement:

That I should lay down my charge at a proper period is as much a duty as to have borne it faithfully. If some termination to the services of the Chief Magistrate be not fixed by the Constitution, or supplied by practice, his office, nominally for years, will, in fact, become for life; and history shows how easily that degenerates into an inheritance. Believing—

Mark this, those of you who believe in popular government—

Believing that a representative government, responsible at short periods of election, is that which produces the greatest sum of happiness to mankind, I feel it a duty to do no act which shall essentially impair that principle; and I should unwillingly be the person—

Unwillingly be the person—

who, disregarding the sound precedent set by an illustrious predecessor, should furnish the first example of prolongation beyond the second term of office.

Something was said here this morning about our not being bound by the acts of previous generations. Grown men now and then act like boys in a debating society when they get to arguing the question as to how far we are bound by precedents. Of course we are not bound to accept the opinions of our forefathers because they were their opinions, but we are not bound to throw them off because they thought them wise, either; and the fact that they thought them wise, other things being equal, is one reason, at any rate, why we should think them wise. The fact that what they thought was wise they adopted, and that under the institutions which they made for their government in the constitutions of the Federal Government and the States and by their practice under those constitutions, we have grown opulent and great and have remained free, recommends the things to me which they indorsed. Of course it does not recommend them to the point of saying that I must accept them solely because they accepted them.

Now, one word further. There has grown into existence lately a class of public men I would call "platformists." They seem to think that a platform is a Constitution of the United States or Holy Writ that has just been handed to them and which they must obey under all circumstances. As a general principle, a party platform ought to be carried through by the party adherents; and it is a principle as invariable as saying that when I give my word to do something I ought to try essentially and in spirit to do it. But my resolution here does not differ at all essentially from what is advocated in the Democratic platform.

The Democratic platform says that there should be "one term." It may be replied that under my resolution and the time-honored practice there are two terms of four years each. But that is a mere matter of verbiage. You can call the tenure under my resolution what Mr. Jefferson called it, if you choose, a presidential tenure of eight years, with the opportunity of recall by the people in the middle of the tenure. So, even for the strict constructionist, platformist, this is just as much one term of eight years as it is two terms of four years.

What the Democratic Party was striking at was the essential evil, and the essential evil is indefinite self-succession of the Executive, or, rather, the opportunity for indefinite self-succession in the Executive Office in a way such that elections may gradually become mere matters of form and degenerate into tenures for life, and after that, perhaps, into tenures by heredity.

I can not sufficiently emphasize the idea, which I repeat once more before I sit down, that those of us who are seeking to put some definite term to the presidential tenure will find we can obtain our purpose much more readily and certainly if we offer to the people a proposition containing an idea with which they are historically acquainted instead of offering them a new idea—if we simply say to them that we will write in words into the Constitution what Washington, Jefferson, Jackson, and McKinley thought by practice to write into it. Thus far the people have said "Washington would not, Jefferson would not, Grant could not, Roosevelt could not, and nobody else shall;" but it does not follow, necessarily, that they will always say it.

It is only, mind you, the brave, able, and popular man who is dangerous to free institutions. The Senator from Washington says that if we throw up a paper barrier in the way of those men we tempt them to upset the Constitution. No; we deprive them of the opportunity to do it, except by plain, palpable, and obvious revolution. Our institutions would not be upset by the mere fact of any man holding office for a third term.

Mr. POINDEXTER. Mr. President——

Mr. WILLIAMS. One word further. I say they would not be upset by any man holding for a third term. They would be upset gradually, insidiously sapped—undermined—and if the man were permitted to remain in office long enough to organize his forces of various sorts—the forces that control national destiny—then, at the end of an uncertain period, the people would wake up some day and find that thing had been done without any notice that it was going to be done, and in a way such that historians would differ about fixing the exact period when the old institutions had been set aside and the new sub-

stituted—the exact moment at which the sapping and undermining had become effective. Do you imagine that the people of Rome knew that they had overturned the old Roman government even when Cæsar came back from Gaul? They did not have the slightest idea of it. Do you imagine that they knew that they would overturn the old Roman republic when they elected Marius for the sixth term as consul? They had not the slightest idea of it.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Washington?

Mr. WILLIAMS. I do.

Mr. POINDEXTER. The Senator says that the ambitious man will gradually undermine the Constitution and overturn it, and in another part of his address he said that the most dangerous man was the most popular man.

Mr. WILLIAMS. I said the only dangerous man to free institutions was a popular man. An unpopular man has never done them hurt.

Mr. POINDEXTER. Let me ask the Senator if, given that combination which he has described, an ambitious man and a popular man, and in some critical juncture of the Nation's affairs, in some really important issue before the people, believed that he was the man to carry out their wishes in that regard, does the Senator think that this paper resolution which you are passing here now would have any practical effect?

Mr. WILLIAMS. Yes; I know it would. I did not say as the Senator said. Precisely what I said was stronger than what he quoted me as saying. I said the only dangerous men to free institutions were popular men. They must be first bold; then they must be popular; and then they must be ambitious, unscrupulously ambitious. If you give them the three things and then give them "a crisis," they would prevail. The French people had no idea that they had overset the French Republic when they elected Napoleon Bonaparte as First Consul. They thought what the Senator from Washington [Mr. POINDEXTER] had in his mind a moment ago, that Napoleon was the only man who could save the French people. The French republican armies under Moreau and under Hoche had been winning victories on the Rhine and everywhere else even before Napoleon's achievements. He was the greatest general of them all, I have no doubt, but in him the French people put a man in to save the Republic who destroyed the Republic.

When they elected the third Napoleon, there being at that time popularity in name only, as President of the French Republic, they had no idea they were destroying the Republic. They did have an idea that nothing but Napoleonism could restore France to her "glory" and her greatness, and her "destiny," and all that sort of thing.

Cæsar and Napoleon the Great are good illustrations of abnormally great, bold, popular, ambitious men, each meeting with a crisis, where the fact of his ability and popularity and alleged "necessity to the State" could be urged as a reason for submitting to a coup d'état.

You are going to have crises in your history, and you are going to have men of that sort. Even if it were admitted that a paper barrier, as you call it, could not always be relied upon to prevent men of that ilk from doing their will, yet it will be some obstruction and do some good, and in ordinary times it will be absolutely effectual.

Now, if you have something that in ordinary times is absolutely effectual, then the example for the dangerously great and bold and ambitious will not be given by men less able and less ambitious and less bold, so that when the crisis comes the people can not be told nor made to believe that they are doing what they did before, and therefore, again, are the less easily deceived as to what is the real significance of what they are doing.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Idaho?

Mr. WILLIAMS. I do.

Mr. BORAH. I do not see how the example of Napoleon is exactly in point. If I remember correctly he was elected for only one term, and he was limited by the Constitution or the laws of France to one term. In any event the question of reelection never came into his affair. In order to make Napoleon's usurpation relevant we would need to provide against any election.

Mr. WILLIAMS. I do not remember whether the Constitution and laws of France at that time limited the consulate to one term or not.

Mr. BORAH. It was limited to 10 years.

Mr. WILLIAMS. I do not remember about that. Of course he was elected to but one term when he was first elected, and he could have been elected to but one term.

Mr. BORAH. He was elected for but one term.

Mr. WILLIAMS. Nor did that matter make any difference. It was a very long term, and he never served out that one term as consul, according to my recollection. He perpetrated the coup d'état during that term.

Mr. BORAH. Within the six years which we would have incorporated in our Constitution he perpetrated it.

Mr. WILLIAMS. If you strike a case where a man comes into the Presidency in command of a million trained troops, yes; but the Senator must admit that does not present itself very often in the history of the world.

Mr. BORAH. Nor do we have the Napoleonic illustration very often.

Mr. WILLIAMS. If you allow a man to go into the office and be reelected indefinitely—take a man of no great ability; take myself or the Senator—if we wanted to do it; if you gave us 12, 15, or 20 years in the presidential office, no power on earth or under heaven could turn us out if we wanted to stay in.

Mr. BORAH. But the Senator from Mississippi and I would have a hard time staying there that long.

Mr. WILLIAMS. Oh, yes; but there would be a possibility of it in any case unless we adopt some amendment, or unless we enforce the old practice. Thus far the American people have prevented the possibility of it by adhering to what they call their unwritten law. By the way, there are unwritten laws; this is an instance; the Monroe doctrine is another. They are almost as sacredly binding upon a people as their written law. But I am through with the discussion, Mr. President. I express the hope that the amendment may be adopted.

Mr. McCUMBER obtained the floor.

The PRESIDING OFFICER. Will the Senator from North Dakota yield to the Chair for a minute? The Chair desires to call the attention of the Senator from Mississippi to the amendment he has proposed. The resolution, as reported from the committee with the committee amendment, is as follows:

Omit the part struck through and insert the part printed in italic.

That is the committee amendment. The Senator from Mississippi has proposed in lieu of the amendment reported by the committee to insert the following.

Mr. WILLIAMS. I said strike out all after the resolving clause and insert.

The PRESIDING OFFICER. If the Senator will allow the Chair, on his own draft he will see the Chair stated it correctly.

Mr. WILLIAMS. Then it must have been wrong in my draft.

Mr. CLARKE of Arkansas. Mr. President, if you are going to open the ruling upon my point of order and reverse your action, you have opened up another discussion of it here and I will withdraw it.

The PRESIDING OFFICER. The Chair assumes that the Senator from Mississippi would like to have it corrected.

Mr. WILLIAMS. The Chair is right. Let it be in lieu of the amendment proposed by the committee.

The PRESIDING OFFICER. The Senator from Mississippi sees that as the language is at present, if his amendment prevails, it would leave in the resolution the language proposed to be stricken out by the committee amendment, and that would make an inconsistent resolution entirely.

Mr. WILLIAMS. I see the point.

Mr. CLARKE of Arkansas. That was very earnestly presented, but the Chair did not catch the statement I made. That was the foundation on which I proceeded. I undertook to make myself clear. The Chair persists in reversing it. I do not care to open it up for discussion. So I will withdraw it and let us vote.

The PRESIDING OFFICER. For that very reason the Chair held it was in order, because it was not a substitute.

Mr. CLARKE of Arkansas. I did not catch the Chair's reason, because it did not strike me that there was any reason to catch.

The PRESIDING OFFICER. The reason is this——

Mr. CLARKE of Arkansas. The Chair had thought all those things, but I could not keep up with the train of thought by which he reached those conclusions.

Mr. McCUMBER. Mr. President, is it desired that the amendment be first perfected, or may I be permitted to present an amendment at this time?

The PRESIDING OFFICER. There is pending the amendment of the Senator from Mississippi [Mr. WILLIAMS], which he has had returned to him in order that he may modify it.

Mr. McCUMBER. Mr. President, I presume that the amendment of the Senator from Mississippi is intended to be a substitute for the portion of the committee amendment, on page 2, between lines 5 and 10, inclusive. If that is true, then I wish

to offer a substitute for his amendment; if it is not the case, I wish to offer an amendment in lieu of that portion of the committee amendment.

The PRESIDING OFFICER. The Chair will state that the Senator from Mississippi has offered his amendment and it is now pending. It is an amendment to an amendment, and therefore further amendments can not be offered until the amendment of the Senator from Mississippi to the amendment of the committee shall have been disposed of.

Mr. McCUMBER. Then, Mr. President, I send to the desk an amendment in the nature of a substitute for that portion on page 2 of the committee amendment between lines 4 and 10, inclusive, and ask that the amendment to the amendment may be read and printed.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment proposed by the Senator from North Dakota.

The SECRETARY. In lieu of the amendment reported by the committee, on page 2, lines 4 to 10, inclusive, it is proposed to insert the following:

The executive power shall be vested in a President of the United States of America. The term of office of President shall be for four years; and no person shall be eligible for more than two terms, and no person who has served as President by succession, under the Constitution and laws made in pursuance thereof, for the major fraction of one term, shall be eligible to hold more than one full term thereafter.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. OWEN. I offer an amendment which I shall propose to-morrow to the joint resolution, and I ask that it be read and printed.

The PRESIDING OFFICER. The Secretary will state the proposed amendment.

The SECRETARY. On page 2, line 12, after the word "be," it is proposed to strike out "elected as follows" and insert:

Nominated and elected by the direct vote of the legal voters of the States. The vote of each State shall be certified by the governor of the State to the President of the United States Senate and, estimated upon the basis that the vote of each State shall be equal to the whole number of Senators and Representatives to which such State may be entitled in the Congress, shall be counted and declared as by law provided. Congress shall immediately provide by law the method and means for the direct nominations herein provided.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. WILLIAMS. I wish to modify my amendment—perhaps unanimous consent is necessary to enable me to do so—by inserting the following instead of the original caption:

In lieu of so much of the committee amendment as is contained in lines 4, 5, 6, 7, 8, 9, and 10, on page 2, insert the following.

The PRESIDING OFFICER. Without objection, the Senator may modify his proposed amendment as indicated. The Chair hears no objection. The Secretary will state the amendment of the Senator from Mississippi as modified.

The Secretary read as follows:

In lieu of so much of the committee amendment as is contained in lines 4, 5, 6, 7, 8, 9, and 10, on page 2, as amended, insert the following:

"The Executive power shall be vested in a President of the United States of America. The term of the office of President shall be four years. He shall be reeligible for one additional term of four years, and not thereafter reeligible at any time. No person who shall hereafter hold the office or discharge its powers or duties, or act as President by succession for any fraction of a term under the Constitution and laws made in pursuance thereof shall be reeligible beyond such a fraction of a term and for one term by election.

"The President, together with a Vice President chosen for the same term, shall be elected as follows."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

Mr. WILLIAMS. Mr. President, if I can get the consent of the Senate—I suppose it would require unanimous consent—I think this matter is of such importance that I would rather not have the vote taken now, with the present attendance in the Senate. If I can get the consent of the Senate, I will ask that the vote on the amendment be taken at the conclusion of the vote upon the committee amendment, when there will be a fuller attendance.

Mr. GALLINGER. Mr. President, to that end the Senator had better withdraw his amendment for the present and hold it in abeyance. I think the Senator will be acting wisely to put the matter in that form.

Mr. WILLIAMS. Very well, I will withdraw it for the present; and I give notice that after the Senate committee amendment has been disposed of I will offer it.

Mr. BORAH. I desire to ask the Senator in charge of the joint resolution if it is his purpose to close the matter before a recess is taken?

Mr. CUMMINS. I suppose that I am in a sense in charge of the joint resolution. I do not intend to ask for a vote to-night unless the Senate should so require; I do not think to do so would be entirely fair. A great many Senators, as I know, have been compelled already to leave the Chamber, and I should not like to see a vote taken upon any important amendment to-night.

Mr. GALLINGER. If the Senator will permit me, manifestly a vote can not be had to-night, and I think the Senator will act wisely if he does not undertake to press the matter. There will probably be a good deal of debate yet.

Mr. ROOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New York?

Mr. BORAH. I yield to the Senator from New York.

Mr. ROOT. I have endeavored to perfect the amendment of which I gave notice a few moments ago, and I will ask that it be read and printed in its present form.

The PRESIDING OFFICER. Without objection, the Secretary will read the proposed amendment.

The Secretary read as follows:

On page 2, lines 8 and 9, strike out the words "under the Constitution and laws made in pursuance thereof" and insert in lieu thereof the words "after the 4th day of March, 1917," so that the joint resolution will read as follows:

"The executive power shall be vested in a President of the United States of America. The term of the office of President shall be six years; and no person who has held the office by election, or discharged its powers or duties, or acted as President after the 4th day of March, 1917, shall be eligible to again hold the office by election.

"The President, together with a Vice President, chosen for the same term, shall be elected as follows."

The PRESIDING OFFICER. The proposed amendment will be printed and lie on the table.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho desire to retain the floor?

Mr. BORAH. I was simply going to ask at what time the Senator from Iowa is going to move a recess?

Mr. CUMMINS. I intend just now to ascertain, if I can, the sense of the Senate with regard to fixing an hour to-morrow to vote upon the amendments that have been or may be offered, and upon the joint resolution itself. I have no desire whatever to press the matter to a determination until we shall have finished the debate; but I do know that we ought to reach an end of it in a reasonable time, so that we may proceed to other business. In order to test it, therefore, and without any thought of bringing the debate to a hasty conclusion, I ask unanimous consent that a vote upon the joint resolution and all amendments offered, or to be offered, may be taken at 5 o'clock to-morrow afternoon without further debate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa?

Mr. BORAH. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from Idaho will state his point of order.

Mr. BORAH. I should like to know, once for all, if I can, whether or not that would be a violation of the unanimous-consent agreement which we have entered into?

The PRESIDING OFFICER. The unanimous-consent agreement was to vote upon "the legislative day," which may run to any calendar day. Of course, this is not a point of order——

Mr. BORAH. When we change that and fix a certain hour, is not that a modification of the unanimous-consent agreement?

Mr. ROOT. Not if the hour is fixed not later than 5 o'clock.

Mr. CUMMINS. I intended to be understood as asking that the hour be fixed at not later than 5 o'clock. I do not want to make the request if it is in the slightest degree an infringement of the unanimous-consent agreement, nor do I press it against the desire of any Senator. I will not even compel him to make a formal objection. If he will indicate to me that it is not agreeable to him, I will not make the request.

The PRESIDING OFFICER. In the opinion of the Chair, it would not violate the unanimous-consent agreement, but that is not a question on which the Chair can rule.

Mr. BRISTOW. Mr. President, I think it would be a violation of the unanimous-consent agreement. When unanimous consent was requested, I think the Senator will remember that I myself suggested that it be made "the legislative day." I had in mind the fact that there would then be no limitation of the debate on the amendments that might be offered. I was called out of the Chamber for a few moments, and this request for unanimous consent might have been granted, and that would have changed the whole purpose of the original unanimous-consent agreement if I had not accidentally come in, unless there had been some other Senator to object. While I do not want this matter to run on to any unusual time, I do not want the debate curtailed.

Mr. SUTHERLAND. Mr. President, if the Senator will permit me——

Mr. CUMMINS. Yes.

Mr. SUTHERLAND. The Senate has repeatedly done this very thing. I call the attention of the Senate to the fact that

when we were considering the so-called compensation bill I made the identical request which the Senator from Iowa now makes. It was doubted at that time whether or not that would be a violation of the unanimous-consent agreement, and I produced at that time several precedents. It is not a violation, as it seems to me, because we have now agreed that we will dispose of the joint resolution during the legislative day, and fixing the time at 5 o'clock to-morrow simply amounts to a definition of what the legislative day shall consist; in other words, it fixes an end to the legislative day to-morrow at 5 o'clock.

Mr. CUMMINS. Well, Mr. President, as I said a moment ago, I do not intend to press the request against the known desire of any Senator at this time, and inasmuch as the Senator from Kansas [Mr. BRISTOW] has indicated that it would not be wise, according to his view, I withdraw the request for fixing the hour to vote.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. CUMMINS. I do.

Mr. HITCHCOCK. I desire to present an amendment. I ask to have it read, printed, and lie on the table.

The PRESIDING OFFICER. Does the Senator from Iowa yield for that purpose.

Mr. CUMMINS. Certainly, I yield. I intend now to do nothing further, I may say, than presently to move a recess of the Senate, and I hope that any Senator who has an amendment will present it now, so that it may be printed and be on the desks of Senators to-morrow.

Mr. HITCHCOCK. I present an amendment, which I ask may be read, printed, and lie on the table. I shall offer it as a substitute for the paragraph reported by the committee.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. As a substitute for the lines 4 to 10, inclusive, on page 2, it is proposed to insert:

The executive power shall be vested in a President of the United States of America. The term of the office of President shall be six years and no persons elected for six years after the adoption of this amendment shall be eligible again to hold the office by election.

The PRESIDING OFFICER. Without objection, the amendment will be printed and lie on the table.

Mr. CUMMINS. I move that the Senate take a recess until 11.45 o'clock to-morrow morning.

DEPARTMENT OF HEALTH.

Mr. OWEN. Mr. President, before that motion is put——

The PRESIDING OFFICER. Does the Senator from Iowa withhold his motion?

Mr. CUMMINS. I withhold it.

Mr. OWEN. I wish to give notice that on Monday next, after the morning hour, I shall move that the Senate proceed to the consideration of Senate bill No. 1, to establish a department of health, and for other purposes.

RECESS.

Mr. CUMMINS. I renew my motion that the Senate take a recess until 11.45 o'clock a. m. to-morrow.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate took a recess until to-morrow, Friday, January 31, 1913, at 11.45 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 30, 1913.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, O God, our heavenly Father, that back of the vast universe of which we are a part, back of our joys and sorrows, our hopes and disappointments; back of all the issues of life is infinite wisdom, power, and goodness. Yet may we not forget that Thou hast dignified Thy children with the gift of choice, and holdest them responsible for their acts; that the seeds we sow to-day will be the harvest of the morrow or some subsequent morrow.

Help us, therefore, to sow good seed that our harvest may be the fruits of joy. In Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

CAPITAL PUNISHMENT BY ELECTROCUTION—RETURN OF BILL BY THE PRESIDENT.

The SPEAKER. The Chair lays before the House a concurrent resolution of the Senate, which the Clerk will report.

The Clerk read as follows:

Senate concurrent resolution 39.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return the bill (S. 7162) to amend section 801 of the Code of Law for the District of Columbia.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

CLAIMS OF GOVERNMENT EMPLOYEES FOR INJURIES.

Mr. POU. Mr. Speaker, I call up the conference report on the bill (H. R. 24121) for payment of claims for Government employees for injuries.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

An act (H. R. 24121) to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims.

Mr. POU. I ask unanimous consent, Mr. Speaker, that the statement be read instead of the conference report.

The SPEAKER. The gentleman from North Carolina [Mr. POU] asks unanimous consent that the statement be read in lieu of the conference report. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the statement.

The conference report is as follows:

CONFERENCE REPORT (NO. 1380).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24121) to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 8, 9, 10, 11, 12, 13, 14, and 15, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "$22,231.38"; and the House agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the language stricken out insert the following: "To pay $1,500 to Oscar F. Lackey, for injuries received while in the employ of the Isthmian Canal Commission as assistant engineer in construction of the Panama Canal on November 21, 1905"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "two thousand"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "seven hundred and fifty"; and the Senate agree to the same.

EDWD. W. POU,
JOHN A. MAGUIRE,
WM. H. HEALD,
Managers on the part of the House.
COE I. CRAWFORD,
W. L. JONES,
Managers on the part of the Senate.

The Clerk read the statement as follows:

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24121) to pay certain employees of the Government for injuries received while in the discharge of their duty, and other claims, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate No. 1, and agree to the same with an amendment as follows: In lieu of the language used in Senate amendment insert the following: "$22,231.38." The bill, as passed the House on May 31, carried an appropriation for $61,555.74. This bill passed the Senate July 24, with amendments, reducing the amount to $20,981.38. The conferees agreed

to increase this appropriation to $22,231.38, thereby providing for all the items in the bill as agreed upon.

That the House recede from its disagreement to the amendment of the Senate No. 2. This amendment upon the part of the Senate was striking out a period and inserting in lieu thereof a semicolon.

That the House recede from its disagreement to the amendment of the Senate No. 3. This amendment by the Senate was striking out that part of the title of said bill, viz, "And to pay certain other claims arising under the various departments of the United States Government as hereinafter stated."

That the House recede from its disagreement to the amendment of the Senate No. 4. The bill, as passed by the House, carried an appropriation "to pay $1,500 to Alice M. Burrows, widow of Leslie Burrows, late rural mail carrier on route No. 2, Coal Run, Ohio, who lost his life in the discharge of his duty." The Senate reduced this amount to $1,000, which said amount is hereby agreed to.

That the House recede from its disagreement to the amendment of the Senate No. 5, and that the Senate recede from its amendment by inserting in lieu of the language stricken out the following: "To pay $1,500 to Oscar F. Lackey for injuries received while in the employ of the Isthmian Canal Commission as assistant engineer in construction of the Panama Canal on November 21, 1905."

That the House recede from its disagreement to the amendment of the Senate No. 6, and that the Senate recede from its amendment by inserting in lieu of the language stricken out, the following: "To pay $2,000 to Pedro Sanches, as compensation for the loss of both hands, which were blown off by a premature explosion of dynamite in Culebra Cut, Canal Zone, on March 16, 1908."

That the House recede from its disagreement to the amendment of the Senate No. 7, and that the Senate recede from its amendment by inserting in lieu of the language stricken out, the following: "To pay $750 to Benjamin Demorest, for personal injuries sustained while employed on the United States lighthouse tender Oleander on the Mississippi River;" and that the House recede from its disagreement to the amendment of the Senate No. 8, striking out the following words: "And the loss of a leg."

That the House recede from its disagreement to the Senate amendments Nos. 9, 10, 11, 12, 13, 14, and 15. These were items stricken from the bill by the Senate, which provided for the payment of certain claims arising under the various departments of the United States Government other than personal injuries.

And the House agree to the same.

EDWD. W. POU,
JOHN A. MAGUIRE,
WM. H. HEALD,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

PENSIONS.

The SPEAKER. The Chair lays before the House Senate bill 7160, granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors. The Clerk will report the title of the bill.

The title of the bill was read.

Mr. RUSSELL. Mr. Speaker, I move that the House further insist upon the House amendments and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Missouri [Mr. RUSSELL] moves that the House insist upon the House amendments and agree to the conference asked by the Senate. The question is on agreeing to that motion.

The motion was agreed to; and the Speaker announced as the conferees on the part of the House Mr. RUSSELL, Mr. ADAIR, and Mr. FULLER.

The SPEAKER. The Chair lays before the House another Senate bill with House amendments—S. 8034. The Clerk will report the bill by title.

The Clerk read the title of the bill, as follows:

S. 8034. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. RUSSELL. Mr. Speaker, I move to insist upon the House amendments and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Missouri moves that the House insist upon the House amendments and agree to the conference asked for by the Senate.

The motion was agreed to; and the Speaker announced as the conferees on the part of the House Mr. RUSSELL, Mr. ADAIR, and Mr. FULLER.

IMMIGRATION.

Mr. BURNETT. Mr. Speaker, I desire to call up the conference report on the bill (S. 3175) entitled "An act to regulate the immigration of aliens to and the residence of aliens in the United States."

The SPEAKER. The Clerk will report it.

Mr. GOLDFOGLE. Mr. Speaker, before the report is read I should like to ask the gentleman from Alabama [Mr. BURNETT], in view of a statement that was made to me this morning, whether there has been any change made in this conference report now before us from the report that was last submitted?

Mr. BURNETT. I will state what changes were made, if the gentleman will permit. In the report submitted last, on the 23d of January, in the definition of aliens, it says:

That the word "alien" wherever used in this act shall include any person not a native-born or naturalized citizen of the United States, or who has not declared his intention of becoming a citizen of the United States in accordance with law.

That last clause has been stricken out by the conferees and has been inserted on page 2, exempting from the payment of head tax those who have filed their declaration of intention.

The only other change is at the bottom of page 2 of this report, where the law excluded those who have committed crimes. We strike that out and insert the old law, which is:

Persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude.

Those are the only changes.

The SPEAKER. Of course this discussion is by unanimous consent.

Mr. GOLDFOGLE. It has been stated to me this morning that a change has been made in that provision which exempts certain members of a family from the operation of the literacy test; in other words, that some members of a family under 21 can not come in, although illiterate daughters under 21 may come in, which, of course, will result in separating members of families in many cases.

Mr. BURNETT. There never was anything in any of the reports that exempted sons under 21 and over 16. Those under 16 can come in, because they do not fall within the purview of the law. There is nothing at all in that.

Mr. GOLDFOGLE. So that if a boy is 16½ years of age and illiterate he can not come in, while his sister, either under or over 16 years of age, can come in, and thus separation of the family will be effected, though both brother and sister are under 21 years of age.

Mr. BURNETT. There has been no change at all. That has been the way all the time. If the gentleman had read the previous reports, he would have seen that there is no change since the former conferences or since the bill passed the House, so far as that is concerned.

Mr. GOLDFOGLE. I will ask the gentleman from Alabama whether under the conference report as now presented there would not be this separation of families effected? Take the case of a boy sixteen and a quarter years of age, illiterate, and his sister, say, 15 or 17 years of age, the sister could come in with her parents or join them, while the boy would be kept out, and if he came over would be deported?

Mr. BURNETT. It does not matter how old the daughter is; if she is single or a widow, she can come in with the parents.

Mr. GOLDFOGLE. I am speaking of a son or brother as young as sixteen and a quarter or sixteen and a half years of age.

Mr. BURNETT. That is the fact. If he is over 16 years of age, this separation may take place. There is no change in that. A son may be prohibited from coming in on account of being diseased. Those things frequently occur.

The SPEAKER. The Clerk will read the conference report.

Mr. BURNETT. I ask that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. RAKER. Reserving the right to object——

The SPEAKER. The gentleman from California [Mr. RAKER] reserves the right to object.

Mr. SHERLEY. I am going to insist that one thing or the other be done.

Mr. BURNETT. If the gentleman will wait a moment, I would like to see if we can come to an agreement.

Mr. RAKER. If I can not get legitimate questions answered, it will compel my insisting upon reading the entire report.

Mr. SHERLEY. I suggest to the gentleman that the ordinary procedure is to let the matter come before the House. Then an opportunity will be given, but we ought not to proceed in this way without anything before the House.

Mr. RAKER. There will be something before the House when I get started. I want to ask a few questions concerning the matter, and it will save time——

Mr. SHERLEY. It will not save time.

Mr. MANN. Can we not have an agreement as to the time to be occupied in debate if the reading of the report is waived?

Mr. RAKER. My purpose is to ask a few questions which I think the chairman of the committee will be able to answer. If I can not have that privilege, I shall be compelled to insist upon the reading of the entire report, so that I may become familiar with the contents of it.

Mr. MANN. If the gentleman will yield, the gentleman may ask his questions and thus take up the time of the House, and then somebody else may require the report to be read, the waiver of which could be only by unanimous consent. Can you not agree upon the length of time to be occupied in debate, and save the reading of the report?

Mr. RAKER. That would suit me, if we can agree on it.

Mr. BURNETT. That is the very thing we are trying to do now, to reach an agreement.

Mr. MANN. I ask unanimous consent that there may be 20 minutes' debate on a side on this proposition, and that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Illinois asks unanimous consent that there be 20 minutes' debate on each side, and that the statement be read in lieu of the report.

Mr. GOLDFOGLE. Mr. Speaker, reserving the right to object, I ask that that request be so modified as to allow 30 minutes on each side.

Mr. BURNETT. That is too long a time.

Mr. MANN. It would take an hour to read the report.

Mr. FITZGERALD. Mr. Speaker, I hope that will not be done. This conference merely corrects a mistake inadvertently made. We have business piling up here, and to discuss this matter with the overwhelming sentiment of the House as it is is a waste of time that we can not afford. We have only 20 working days remaining and 10 appropriation bills to consider.

The SPEAKER. It will take an hour to read the conference report if any Member insists upon it.

Mr. FITZGERALD. I trust that no gentleman will insist upon it.

The SPEAKER. Is there objection?

Mr. RAKER. Reserving the right to object, if time is granted to discuss this, I want five or seven minutes.

Mr. BURNETT. I will give the gentleman five minutes of my time.

The SPEAKER. Will the gentleman from New York give the gentleman from California two minutes of his time, as he wants seven?

Mr. GOLDFOGLE. Certainly.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read the statement.

The conference report is as follows:

CONFERENCE REPORT (NO. 1410).

The committee of conference on the disagreeing votes of the two Houses to the bill (S. 3175) entitled "An act to regulate the immigration of aliens to and the residence of aliens in the United States" having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

Strike out the text inserted by the House amendment and insert in lieu thereof the following:

"That the word 'alien' wherever used in this act shall include any person not a native-born or naturalized citizen of the United States; but this definition shall not be held to include Indians not taxed or citizens of the islands under the jurisdiction of the United States. That the term 'United States' as used in the title as well as in the various sections of this act shall be construed to mean the United States and any waters, territory, or other place subject to the jurisdiction thereof, except the Isthmian Canal Zone; but if any alien shall leave the Canal Zone and attempt to enter any other place under the jurisdiction of the United States, nothing contained in this act shall be construed as permitting him to enter under any other conditions than those applicable to all aliens. That the term 'seaman' as used in this act shall include every person signed on the ship's articles and employed in any capacity on board any vessel arriving in the United States from any foreign port or place.

"That this act shall be enforced in the Philippine Islands by officers of the General Government thereof designated by appropriate legislation of said Government.

"SEC. 2. That there shall be levied, collected, and paid a tax of $5 for every alien, including alien seamen regularly admitted as provided in this act, entering the United States. The said tax shall be paid to the collector of customs of the port or customs district to which said alien shall come, or, if there be no collector at such port or district, then to the collector nearest thereto, by the master, agent, owner, or consignee of the vessel, transportation line, or other conveyance or vehicle bringing such alien to the United States, or by the alien himself if he does not come by a vessel, transportation line, or other conveyance or vehicle. The tax imposed by this section shall be a lien upon the vessel or other vehicle of carriage or transportation bringing such aliens to the United States, and shall be a debt in favor of the United States against the owner or owners of such vessel or other vehicle, and the payment of such tax may be enforced by any legal or equitable remedy. That the said tax shall not be levied on account of aliens who have in accordance with law declared their intention of becoming citizens of the United States or on account of aliens who shall enter the United States after an uninterrupted residence of at least one year, immediately preceding such entrance, in the Dominion of Canada, Newfoundland, the Republic of Cuba, or the Republic of Mexico, nor on account of otherwise admissible residents of any possession of the United States, nor on account of aliens in transit through the United States, nor upon aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory: *Provided*, That the Commissioner General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, by agreement with transportation lines, as provided in section 23 of this act, may arrange in some other manner for the payment of the tax imposed by this section upon any or all aliens seeking admission from foreign contiguous territory: *Provided further*, That said tax, when levied upon aliens entering the Philippine Islands, shall be paid into the treasury of said islands, to be expended for the benefit of such islands: *Provided further*, That in the cases of aliens applying for admission from foreign contiguous territory and rejected, the head tax collected shall upon application be refunded to the alien: *Provided further*, That the provisions of this section shall not apply to aliens arriving in Guam or Hawaii; but if any such alien, not having become a citizen of the United States, shall later arrive at any port or place of the United States on the North American Continent, the provisions of this section shall apply.

"SEC. 3. That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous; persons who have had one or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars; vagrants; persons afflicted with tuberculosis in any form or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living; persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who admit their belief in the practice of polygamy; anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all forms of law, or who disbelieve in or are opposed to organized government, or who advocate the assassination of public officials; persons who are members of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocate or teach the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or

their official character; prostitutes, or women or girls coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who procure or attempt to bring in prostitutes or women or girls for the purpose of prostitution or for any other immoral purpose; persons who are supported by or receive in whole or in part the proceeds of prostitution; persons hereinafter called contract laborers, who have been induced, assisted, encouraged, or solicited to migrate to this country by offers or promises of employment, whether such offers or promises are true or false, or in consequence of agreements, oral, written or printed, express or implied, to perform labor in this country of any kind, skilled or unskilled; persons who have come in consequence of advertisements for laborers printed, published, or distributed in a foreign country; persons who have been deported under any of the provisions of this act, and who may again seek admission within one year from the date of such deportation, unless prior to their reembarkation at a foreign port, the Secretary of Commerce and Labor shall have consented to their reapplying for admission; persons whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes; persons whose ticket or passage is paid for by any corporation, association, society, municipality, or foreign Government, either directly or indirectly; stowaways, except that any such stowaway may be admitted in the discretion of the Secretary of Commerce and Labor; all children under 16 years of age, unaccompanied by one or both of their parents, at the discretion of the Secretary of Commerce and Labor or under such regulations as he may from time to time prescribe; persons who can not become eligible, under existing law, to become citizens of the United States by naturalization, unless otherwise provided for by existing agreements as to passports, or by treaties, conventions, or agreements that may hereafter be entered into. The provision next foregoing, however, shall not apply to persons of the following status or occupations: Government officers, ministers or religious teachers, missionaries, lawyers, physicians, chemists, engineers, teachers, students, authors, editors, journalists, merchants, bankers, and travelers for curiosity or pleasure, nor to their legal wives or their chilren under 16 years of age who shall accompany them or who subsequently may apply for admission to the United States, but such persons or their legal wives or foreign-born children who fail to maintain in the United States a status or occupation placing them within the excepted classes shall be deemed to be in the United States contrary to law, and shall be subject to deportation as provided in section 19 of this act.

"That after four months from the approval of this act, in addition to the aliens who are by law now excluded from admission into the United States, the following persons shall also be excluded from admission thereto, to wit:

"All aliens over 16 years of age, physically capable of reading, who can not read the English language, or some other language or dialect, including Hebrew or Yiddish: *Provided*, That any admissible alien or any alien heretofore or hereafter legally admitted, or any citizen of the United States, may bring in or send for his father or grandfather over 55 years of age, his wife, his mother, his grandmother, or his unmarried or widowed daughter, if otherwise admissible, whether such relative can read or not; and such relatives shall be permitted to enter. That for the purpose of ascertaining whether aliens can read the immigrant inspectors shall be furnished with slips, of uniform size, prepared under the direction of the Secretary of Commerce and Labor, each containing not less than 30 nor more than 40 words in ordinary use, printed in plainly legible type in the various languages and dialects of immigrants. Each alien may designate the particular language or dialect in which he desires the examination to be made, and shall be required to read the words printed on the slip in such language or dialect. No two aliens coming in the same vessel or other vehicle of carriage or transportation shall be tested with the same slip. That the following classes of persons shall be exempt from the operation of the illiteracy test, to wit: All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Commerce and Labor that they are seeking admission to the United States solely for the purpose of escaping from religious persecution; all aliens in transit through the United States; all aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory: *Provided*, That nothing in this act shall exclude, if otherwise admissible, persons convicted of an offense purely political, not involving moral turpitude: *Provided further*, That the provisions of this act relating to the payments for tickets or passage by any corporation, association, society, municipality, or foreign government shall not apply to the tickets or passage of aliens in immediate and continuous transit through the United States to foreign contiguous territory: *Provided further*, That skilled labor, if otherwise admissible, may be imported if labor of like kind unemployed can not be found in this country, and the question of the necessity of importing such skilled labor in any particular instance may be determined by the Secretary of Commerce and Labor upon the application of any person interested, such application to be made before such importation, and such determination by the Secretary of Commerce and Labor to be reached after a full hearing and an investigation into the facts of the case; but such determination shall not become final until a period of 30 days has elapsed. Within three days after such determination the Secretary of Commerce and Labor shall cause to be published a brief statement reciting the substance of the application, the facts presented at the hearing and his determination thereon, in three daily newspapers of general circulation in three of the principal cities of the United States. At any time during said period of 30 days any person dissatisfied with the ruling may appeal to the district court of the United States of the district into which the labor is sought to be brought, which court or the judge thereof in vacation shall have jurisdiction to try de novo such question of necessity, and the decision in such court shall be final. Such appeal shall operate as a supersedeas: *Provided further*, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants: *Provided further*, That whenever the President shall be satisfied that passports issued by any foreign government to its citizens or subjects to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holder to come to the continental territory of the United States to the detriment of labor conditions therein, the President shall refuse to permit such citizens or subjects of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone: *Provided further*, That nothing in this act shall be construed to prevent, hinder, or restrict any alien exhibitor, or holder of a concession or privilege for any fair or exposition authorized by act of Congress, from bringing into the United States, under contract, such alien mechanics, artisans, agents, or other employees, natives of his country, as may be necessary for installing or conducting his exhibit or for preparing for installing or conducting any business authorized or permitted under any concession or privilege which may have been or may be granted by any such fair or exposition in connection therewith, under such rules and regulations as the Commissioner General of Immigration, with the approval of the Secretary of Commerce and Labor, may prescribe both as to the admission and return of such persons: *Provided further*, That nothing in this act shall be construed to apply to accredited officials of foreign governments nor to their suites, families, or guests: *Provided further*, That nothing in this act shall exclude the wife or minor children of a citizen of the United States.

"SEC. 4. That the importation into the United States of any alien for the purpose of prostitution, or for any other immoral purpose, is hereby forbidden; and whoever shall, directly or indirectly, import, or attempt to import, into the United States any alien for the purpose of prostitution, or for any other immoral purpose, or shall hold or attempt to hold any alien for any such purpose in pursuance of such illegal importation, or shall keep, maintain, control, support, employ, or harbor in any house or other place, for the purpose of prostitution or for any other immoral purpose, any alien, in pursuance of such illegal importation, shall in every such case be deemed guilty of a felony, and on conviction thereof shall be punished by imprisonment for a term of not more than 10 years and by a fine of not more than $5,000. Jurisdiction for the trial and punishment of the felonies hereinbefore set forth shall be in any district to or into which said alien is brought in pursuance of said importation by the person or persons accused, or in any district in which a violation of any of the foregoing provisions of this section occur. That any alien who shall, after he has been excluded and deported or arrested and deported in pursuance of the provisions of this act which relate to prostitutes, procurers, or other like immoral persons, attempt thereafter to return to or to enter the United States shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by im-

prisonment for a term of not more than two years. In all prosecutions under this section the testimony of a husband or wife shall be admissible and competent evidence against a wife or husband.

"SEC. 5. That it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way to induce, assist, encourage, or solicit the importation or migration of any contract laborer or contract laborers into the United States, unless such contract laborer or contract laborers are exempted under the provisions of section 3 of this act, and for every violation of any of the provisions of this section the person, partnership, company, or corporation violating the same shall forfeit and pay for every such offense the sum of $1,000, which may be sued for and recovered by the United States, or by any person who shall first bring his action therefor in his own name and for his own benefit, including any such aliens thus offered or promised employment as aforesaid, as debts of like amount are now recovered in the courts of the United States; or for every violation of the provisions hereof the person violating the same may be prosecuted in a criminal action for a misdemeanor, and on conviction thereof shall be punished by a fine of $1,000, or by imprisonment for a term of not less than six months nor more than two years; and under either the civil or the criminal procedure mentioned separate suits or prosecutions may be brought for each alien thus offered or promised employment as aforesaid.

"SEC. 6. That it shall be unlawful and be deemed a violation of section 5 of this act to induce, assist, encourage, or solicit any alien to come into the United States by promise of employment through advertisements printed, published, or distributed in any foreign country, whether such promise is true or false, and either the civil or the criminal penalty imposed by said section shall be applicable to such a case: *Provided*, That States or Territories, the District of Columbia, or places subject to the jurisdiction of the United States may advertise, and by written or oral communication with prospective alien settlers make known, the inducements they offer for immigration thereto, respectively.

"SEC. 7. That it shall be unlawful for any person, association, society, company, partnership, corporation, or others engaged in the business of transporting aliens to the United States, including owners, masters, officers, and agents of vessels, directly or indirectly, by writing, printing, or oral representation, to solicit, invite, or encourage any alien to come into the United States, and anyone violating any provision hereof shall be subject to either the civil or the criminal prosecution prescribed by section 5 of this act; or if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any owner, master, officer, or agent of a vessel has brought or caused to be brought to a port of the United States any alien so solicited, invited, or encouraged to come by such owner, master, officer, or agent, such owner, master, officer, or agent shall pay to the collector of customs of the customs district in which the port of arrival is located or in which any vessel of the line may be found the sum of $400 for each and every such violation; and no vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine, or while the fine imposed remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit with the collector of customs of a sum sufficient to cover such fine: *Provided further*, That whenever it shall be shown to the satisfaction of the Secretary of Commerce and Labor that the provisions of this section are persistently violated by or on behalf of any transportation company, it shall be the duty of said Secretary to deny to such company the privilege of landing alien immigrant passengers of any or all classes at United States ports for such a period as in his judgment may be necessary to insure an observance of such provisions: *Provided further*, That this section shall not be held to prevent transportation companies from issuing letters, circulars, or advertisements, confined strictly to stating the sailings of their vessels and terms and facilities of transportation therein.

"SEC. 8. That any person, including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or shall attempt, by himself or through another, to bring into or land in the United States, by vessel or otherwise, or shall conceal or harbor, or attempt to conceal or harbor, or assist or abet another to conceal or harbor in any place, including any building, vessel, railway car, conveyance, or vehicle, any alien not duly admitted by an immigrant inspector or not lawfully entitled to enter or to reside within the United States under the terms of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $1,000, or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment for each and every alien so landed or brought in or attempted to be landed or brought in.

"SEC. 9. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel, to bring to the United States any alien afflicted with idiocy, insanity, imbecility, epilepsy, tuberculosis in any form, or a loathsome or dangerous contagious disease, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation, and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $200 for each and every violation of the provisions of this section. It shall also be unlawful for any such person to bring to any port of the United States any alien afflicted with any mental or physical defect of a nature which may affect his ability to earn a living, as contemplated in section 3 of this act, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was so afflicted at the time of foreign embarkation, and that the existence of such mental or physical defect might have been detected by means of a competent medical examination at such time, such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $25 for each and every violation of this provision. It shall also be unlawful for any such person to bring to any port of the United States any alien who is excluded by the provisions of section 3 of this act because unable to read or who can not become eligible, under existing law, to become a citizen of the United States by naturalization, as provided in section 3 of this act, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that these disabilities might have been detected by the exercise of reasonable precaution prior to the departure of such aliens from a foreign port such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $100 for each and every violation of this provision. And no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fine, or while the fine remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit of a sum sufficient to cover such fine and costs, such sum to be named by the Secretary of Commerce and Labor.

"SEC. 10. That it shall be the mandatory and unqualified duty of every person, including owners, officers, and agents of vessels or transportation lines, other than those lines which may enter into a contract as provided in section 23 of this act, bringing an alien to any seaport or land border port of the United States to prevent the landing of such alien in the United States at any time or place other than as designated by the immigration officers, and the failure of any such owner, officer, or agent to comply with the foregoing requirements shall be deemed a misdemeanor and on conviction thereof shall be punished by a fine in each case of not less than $100 nor more than $1,000 or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment; or, if in the opinion of the Secretary of Commerce and Labor it is impracticable or inconvenient to prosecute the owner, master, officer, or agent of any such vessel, a pecuniary penalty of $1,000 shall be a lien upon the vessel whose owner, master, officer, or agent violates the provisions of this section, and such vessel shall be libeled therefor in the appropriate United States court.

"SEC. 11. That whenever he may deem such action necessary the Secretary of Commerce and Labor may, at the expense of the appropriation for the enforcement of this act, detail immigrant inspectors and matrons of the United States Immigration Service for duty on vessels carrying immigrant or emigrant passengers, or passengers other than first and second cabin passengers, between ports of the United States and foreign ports. On such voyages said inspectors and matrons shall remain in that part of the vessel where immigrant passengers are carried. It shall be the duty of such inspectors and matrons to observe such passengers during the voyage and report to the immigration authorities in charge at the port of landing any information of value in determining the admissibility of such passengers under the laws regulating immigration of aliens into the United States. It shall further be the duty of such inspectors and matrons to

observe violations of the provisions of such laws and the violation of such provisions of the "passenger act" of August 2, 1882, as amended as relate to the care and treatment of immigrant passengers at sea, and report the same to the proper United States officials at ports of landing. Whenever the Secretary of Commerce and Labor so directs, a surgeon of the United States Public Health Service, detailed to the Immigration Service, not lower in rank than a passed assistant surgeon, shall be received and carried on any vessel transporting immigrant or emigrant passengers, or passengers other than first and second cabin passengers, between ports of the United States and foreign ports. Such surgeon shall be permitted to investigate and examine the condition of all immigrant and emigrant passengers in relation to any provisions of the laws regulating the immigration of aliens into the United States and such provisions of the "passenger act" of August 2, 1882, as amended as relate to the care and treatment of immigrant passengers at sea, and shall immediately report any violation of said laws to the master or commanding officer of the vessel, and shall also report said violations to the Secretary of Commerce and Labor within 24 hours after the arrival of the vessel at the port of entry in the United States. Such surgeon shall accompany the master or captain of the vessel in his visits to the sanitary officers of the ports of call during the voyage, and, should contagious or infectious diseases prevail at any port where passengers are received, he shall request all reasonable precautionary measures for the health of persons on board. Such surgeon on arrival at ports of the United States shall also, if requested by the examining board, furnish any information he may possess in regard to immigrants arriving on the vessel to which he has been detailed. While on duty such surgeons shall wear the prescribed uniform of their service and shall be provided with first-class accommodations on such vessel at the expense of the appropriation for the enforcement of this act. For every violation of this section any person, including any transportation company, owning or operating the vessel in which such violation occurs shall pay to the collector of customs of the customs district in which the next United States port of arrival is located the sum of $1,000 for each and every day during which such violation continues, the term "violation" to include the refusal of any person having authority so to do to permit any such immigrant inspector, matron, or surgeon to be received on board such vessel, as provided in this section, and also the refusal of the master or commanding officer of any such vessel to permit the inspections and visits of any such surgeon, as provided in this section, and no vessel shall be granted clearance papers pending the determination of the question of the liability of such fine, or while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of all such questions upon the deposit of a sum sufficient to cover such fine and costs, such sum to be named by the Secretary of Commerce and Labor.

"SEC. 12. That upon the arrival of any alien by water at any point within the United States on the North American Continent from a foreign port or a port of the Philippine Islands, Guam, Porto Rico, or Hawaii, or at any port of the said insular possessions from any foreign port, from a port in the United States on the North American Continent, or from a port of another insular possession of the United States, it shall be the duty of the master or commanding officer, owners or consignees of the steamer, sailing, or other vessel having said alien on board to deliver to the immigration officers at the port of arrival lists or manifests made at the time and place of embarkation of such alien on board such steamer or vessel, which shall, in answer to questions at the top of said list, contain full and accurate information as to each alien, as follows: Full name, age, and sex; whether married or single; calling or occupation, personal description (including height, complexion, color of hair and eyes, and marks of identification); whether able to read; nationality; country of birth; race; country of last permanent residence; name and address of the nearest relative in the country from which the alien came; seaport for landing in the United States; final destination, if any, beyond the port of landing; whether having a ticket through to such final destination; by whom passage was paid; whether going to join a relative or friend, and if so, what relative or friend, and his or her name and complete address; whether ever before in the United States, and if so, when and where; whether ever in prison or almshouse or an institution or hospital for the care and treatment of the insane or supported by charity; whether a polygamist; whether an anarchist; whether a person who believes in or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or who disbelieves in or is opposed to organized government, or who advocates the assassination of public officials, or is a member of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character; whether coming by reason of any offer, solicitation, promise, or agreement, express or implied, to perform labor in the United States; the alien's condition of health, mental and physical; whether deformed or crippled, and if so, for how long and from what cause; and such master or commanding officer, owners, or consignees shall also furnish information in relation to the sex, age, class of travel, and the foreign port of embarkation of arriving passengers who are United States citizens. That it shall further be the duty of the master or commanding officer of every vessel taking passengers from any port of the United States on the North American Continent to a foreign port or a port of the Philippine Islands, Guam, Porto Rico, or Hawaii, or from any port of the said insular possession to any foreign port, to a port of the United States on the North American Continent, or to a port of another insular possession of the United States to file with the immigration officials before departure a list which shall contain full and accurate information in relation to the following matters regarding all alien passengers and all citizens of the United States or insular possessions of the United States departing with the stated intent to reside permanently in a foreign country, taken on board: Name, age, and sex; whether married or single; calling or occupation; whether able to read; nationality; country of birth; country of which citizen or subject; race; last permanent residence in the United States or insular possessions thereof; if a citizen of the United States or of the insular possessions thereof, whether native born or naturalized; intended future permanent residence; and time and port of last arrival in the United States or insular possessions thereof; and such master or commanding officer shall also furnish information in relation to the sex, age, class of travel, and port of debarkation of the United States citizens departing who do not intend to reside permanently in a foreign country, and no master of any such vessel shall be granted clearance papers for his vessel until he has deposited such list or lists with the immigration officials at the port of departure and made oath that they are full and complete as to the name and other information herein required concerning each person of the classes specified taken on board his vessel; and any neglect or omission to comply with the requirements of this section shall be punishable as provided in section 14 of this act: *Provided*, That in the case of vessels making regular trips to ports of the United States the Commissioner General of Immigration, with the approval of the Secretary of Commerce and Labor, may, when expedient, arrange for the delivery of such lists of outgoing aliens at a later date: *Provided further*, That it shall be the duty of immigration officials to record the following information regarding every resident alien and citizen leaving the United States by way of the Canadian or Mexican borders for permanent residence in a foreign country: Name, age, and sex; whether married or single; calling or occupation; whether able to read; nationality; country of birth; country of which citizen or subject; race; last permanent residence in the United States; intended future permanent residence; and time and port of last arrival in the United States; and if a United States citizen, whether native born or naturalized.

"SEC. 13. That all aliens arriving by water at the ports of the United States shall be listed in convenient groups, the names of those coming from the same locality to be assembled so far as practicable, and no one list or manifest shall contain more than 30 names. To each alien or head of a family shall be given a ticket on which shall be written his name, a number or letter designating the list in which his name, and so forth, are contained, and his number on said list, for convenience of identification on arrival. Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer, or the first or second below him in command, taken before an immigration officer at the port of arrival, to the effect that he has caused the surgeon of said vessel sailing therewith to make a physical and oral examination of each of said aliens, and that from the report of said surgeon and from his own investigation he believes that no one of said aliens is of any of the classes excluded from admission into the United States by section 3 of this act, and that also according to the best of his knowledge and belief, the information in said lists or manifests concerning each of said aliens named therein is correct and true in every respect. That the surgeon of said vessel sailing therewith shall also sign each of said lists or manifests and make oath or affirmation in like manner before an immigration officer at the port of arrival, stating his pro-

fessional experience and qualifications as a physician and surgeon, and that he has made a personal examination of each of the said aliens named therein, and that the said list or manifest, according to the best of his knowledge and belief, is full, correct, and true in all particulars relative to the mental and physical condition of said aliens. If no surgeon sails with any vessel bringing aliens the mental and physical examinations and the verifications of the lists or manifests shall be made by some competent surgeon employed by the owners of the said vessels, and the manifests shall be verified by such surgeon before a United States consular officer.

"SEC. 14. That it shall be unlawful for the master or commanding officer of any vessel bringing aliens into or carrying aliens out of the United States to refuse or fail to deliver to the immigration officials the accurate and full manifests or statements or information regarding all aliens on board or taken on board such vessel required by this act, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that there has been such a refusal or failure, or that the lists delivered are not accurate and full, such master or commanding officer shall pay to the collector of customs at the port of arrival or departure the sum of $10 for each alien, concerning whom such accurate and full manifest or statement or information is not furnished, or concerning whom the manifest or statement or information is not prepared and sworn to as prescribed by this act. No vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine, or while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such question upon the deposit with the collector of customs of a sum sufficient to cover such fine.

"SEC. 15. That upon the arrival at a port of the United States of any vessel bringing aliens it shall be the duty of the proper immigration officials to go or to send competent assistants to the vessel and there inspect all such aliens, or said immigration officials may order a temporary removal of such aliens for examination at a designated time and place, but such temporary removal shall not be considered a landing, nor shall it relieve the transportation lines, masters, agents, owners, or consignees of the vessel upon which said aliens are brought to any port of the United States from any of the obligations which, in case such aliens remain on board, would, under the provisions of this act bind the said transportation lines, masters, agents, owners, or consignees: *Provided*, That where removal is made to premises owned or controlled by the United States, said transportation lines, masters, agents, owners, or consignees, and each of them shall, so long as detention there lasts, be relieved of responsibility for the safekeeping of such aliens. Whenever a temporary removal of aliens is made the transportation lines which brought them and the masters, owners, agents, and consignees of the vessel upon which they arrive shall pay all expenses of such removal and all expenses arising during subsequent detention, pending decision on the aliens' eligibility to enter the United States and until they are either allowed to land or returned to the care of the line or to the vessel which brought them, such expenses to include those of maintenance, medical treatment in hospital or elsewhere, burial in the event of death, and transfer to the vessel in the event of deportation, excepting only where they arise under the terms of any of the provisos of section 18 thereof. Any refusal or failure to comply with the provisions hereof to be punished in the manner specified in section 18 of this act.

"SEC. 16. That the physical and mental examination of all arriving aliens shall be made by medical officers of the United States Public Health Service who shall have had at least two years' experience in the practice of their profession since receiving the degree of doctor of medicine, and who shall certify, for the information of the immigration officers and the boards of special inquiry hereinafter provided for, any and all physical and mental defects or diseases observed by said medical officers in any such alien; or, should medical officers of the United States Public Health Service be not available, civil surgeons of not less than four years' professional experience may be employed in such emergency for such service, upon such terms as may be prescribed by the Commissioner General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor. Medical officers of the United States Public Health Service who have had especial training in the diagnosis of insanity and mental defect shall be detailed for duty or employed at all large ports of entry, and such medical officers shall be provided with suitable facilities for the detention and examination of all arriving aliens in whom insanity or mental defect is suspected, and the services of interpreters shall be provided for such examination. That the inspection, other than the physical and mental examination, of aliens, including those seeking admission or readmission to or the privilege of passing through or residing in the United States, and the examination of aliens arrested within the United States under this act, shall be conducted by immigrant inspectors, except as hereinafter provided in regard to boards of special inquiry. Immigrant inspectors are hereby authorized and empowered to board and search for aliens any vessel, railway car, conveyance, or vehicle in which they believe aliens are being brought into the United States. Said inspectors shall have power to administer oaths and to take and consider evidence touching the right of any alien to enter, reenter, pass through, or reside in the United States, and, where such action may be necessary, to make a written record of such evidence; and any person to whom such an oath has been administered, under the provisions of this act, who shall knowingly or willfully give false evidence or swear to any false statement in any way affecting or in relation to the right of any alien to admission, or readmission to, or to pass through, or to reside in the United States shall be deemed guilty of perjury and be punished as provided by section 125 of the act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States." Any commissioner of immigration or inspector in charge shall also have power to require the attendance and testimony of witnesses before said inspectors and the production of books, papers, and documents touching the right of any alien to enter, reenter, reside in, or pass through the United States, and to that end may invoke the aid of any court of the United States; and any district court within the jurisdiction of which investigations are being conducted by an immigrant inspector may, in the event of neglect or refusal to respond to a subpœna issued by any commissioner of immigration or inspector in charge or refusal to testify before said immigrant inspector, issue an order requiring such person to appear before said immigrant inspector, produce books, papers, and documents, if demanded, and testify; and any failure to obey such order of the court shall be punished by the court as a contempt thereof. That any person, including employees, officials, or agents of transportation companies, who shall assault, resist, prevent, impede, or interfere with any immigration official or employee in the performance of his duty under this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment for a term of not less than six months nor more than two years, or by a fine of not less than $200 nor more than $2,000; and any person who shall use any deadly or dangerous weapon in resisting any immigration official or employee in the performance of his duty shall be deemed guilty of a felony and shall on conviction thereof be punished by imprisonment for not less than one nor more than 10 years. Every alien who may not appear to the examining immigrant inspector at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry. In the event of rejection by the board of special inquiry, in all cases where an appeal to the Secretary of Commerce and Labor is permitted by this act, the alien shall be so informed and shall have the right to be represented by counsel or other adviser on such appeal. The decision of an immigrant inspector, if favorable to the admission of any alien, shall be subject to challenge by any other immigrant inspector, and such challenge shall operate to take the alien whose right to land is so challenged before a board of special inquiry for its investigation.

"SEC. 17. That boards of special inquiry shall be appointed by the commissioner of immigration or inspector in charge at the various ports of arrival as may be necessary for the prompt determination of all cases of immigrants detained at such ports under the provisions of the law. Each board shall consist of three members, who shall be selected from such of the immigrant officials in the service as the Commissioner General of Immigration, with the approval of the Secretary of Commerce and Labor, shall from time to time designate as qualified to serve on such boards. When in the opinion of the Secretary of Commerce and Labor the maintenance of a permanent board of special inquiry for service at any sea or land border port is not warranted, regularly constituted boards may be detailed from other stations for temporary service at such port, or, if that be impracticable, the Secretary of Commerce and Labor shall authorize the creation of boards of special inquiry by the immigration officials in charge at such ports, and shall determine what Government officials or other persons shall be eligible for service on such boards. Such boards shall have authority to determine whether an alien who has been duly held shall be allowed to land or shall be deported. All hearings before such boards shall be separate and apart from the public.

Such boards shall keep a complete permanent record of their proceedings and of all such testimony as may be produced before them; and the decision of any two members of a board shall prevail, but either the alien or any dissenting member of the said board may appeal through the commissioner of immigration at the port of arrival and the Commissioner General of Immigration to the Secretary of Commerce and Labor, and the taking of such appeal shall operate to stay any action in regard to the final disposal of any alien whose case is so appealed until the receipt by the commissioner of immigration at the port of arrival of such decision, which shall be rendered solely upon the evidence adduced before the board of special inquiry. In every case where an alien is excluded from admission into the United States, under any law or treaty now existing or hereafter made, the decision of a board of special inquiry if adverse to the admission of such alien shall be final, unless reversed on appeal to the Secretary of Commerce and Labor: *Provided*, That the decision of a board of special inquiry, based upon the certificate of the examining medical officer, shall be final as to the rejection of aliens affected with tuberculosis in any form or with a loathsome or dangerous contagious disease, or with any mental or physical disability which would bring such aliens within any of the classes excluded from admission to the United States under section 3 of this act.

"SEC. 18. That all aliens brought to this country in violation of law shall, if practicable, be immediately sent back, in accommodations of the same class in which they arrived, to the country whence they respectively came on the vessels bringing them. The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessels on which they respectively came. That it shall be unlawful for any master, purser, person in charge, agent, owner, or consignee of any such vessel to refuse to receive back on board thereof, or on board of any other vessel owned or operated by the same interests, such aliens; or to fail to detain them thereon; or to refuse or fail to return them in the manner aforesaid to the foreign port from which they came; or to pay the cost of their maintenance while on land; or to make any charge for the return of any such alien; or to take any security from him for the payment of such charge; or to take any consideration to be returned in case the alien is landed; or knowingly to bring to the United States at any time within one year from the date of deportation any alien rejected or arrested and deported under any provision of this act, unless prior to reembarkation the Secretary of Commerce and Labor has consented that such alien shall reapply for admission, as required by section 3 hereof; and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that such master, purser, person in charge, agent, owner or consignee has violated any of the foregoing provisions such master, purser, person in charge, agent, owner, or consignee shall pay to the collector of customs of the customs district in which the port of arrival is located, or in which any vessel of the line may be found, the sum of $300 for each and every violation of any provision of this section; and no vessel shall have clearance from any port of the United States while any such fine is unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such question upon the deposit with the collector of customs of a sum sufficient to cover such fine. If the vessel by which any alien ordered deported came has left the United States and it is impracticable for any reason to deport the alien within a reasonable time by another vessel owned by the same interests, the cost of deportation may be paid by the Government and recovered by civil suit from any agent, owner, or consignee of the vessel: *Provided further*, That the Commissioner General of Immigration, with the approval of the Secretary of Commerce and Labor, may suspend, upon conditions to be prescribed by the Commissioner General of Immigration, the deportation of any alien found to have come in violation of any provision of this act, if, in his judgment, the testimony of such alien is necessary on behalf of the United States Government in the prosecution of offenders against any provision of this act; and the cost of maintenance of any person so detained resulting from such suspension of deportation, and a witness fee in the sum of $1 per day for each day such person is so detained, may be paid from the appropriation for the enforcement of this act, or such alien may be released under bond, in the penalty of not less than $500, with security approved by the Secretary of Commerce and Labor, conditioned that such alien shall be produced when required as a witness and for deportation. No alien certified, as provided in section 16 of this act, to be suffering from tuberculosis in any form, or from a loathsome or dangerous contagious disease other than one of quarantinable nature, shall be permitted to land for medical treatment thereof in any hospital in the United States, unless with the express permission of the Secretary of Commerce and Labor: *Provided further*, That upon the certificate of a medical officer of the United States Public Health Service to the effect that the health or safety of an insane alien would be unduly imperiled by immediate deportation, such alien may, at the expense of the appropriation for the enforcement of this act, be held for treatment until such time as such alien may, in the opinion of such medical officer, be safely deported: *Provided further*, That upon the certificate of a medical officer of the United States Public Health Service to the effect that a rejected alien is helpless from sickness, mental or physical disability, or infancy, if such alien is accompanied by another alien whose protection or guardianship is required by such rejected alien, such accompanying alien may also be excluded, and the master, agent, owner, or consignee of the vessel in which such alien and accompanying alien are brought shall be required to return said alien and accompanying alien in the same manner as vessels are required to return other rejected aliens.

"SEC. 19. That any alien, at any time within three years after entry, who shall enter the United States in violation of law; any alien who within three years after entry becomes a public charge from causes existing prior to the landing; except as hereinafter provided, any alien who is hereafter sentenced to imprisonment for a term of one year or more because of conviction in this country of a crime involving moral turpitude, committed within three years after the entry of the alien to the United States; any alien who shall be found an inmate of or connected with the management of a house of prostitution or practicing prostitution after such alien shall have entered the United States, or who shall receive, share in, or derive benefit from any part of the earnings of any prostitute; any alien who is employed by, in, or in connection with any house of prostitution or music or dance hall or other place of amusement or resort habitually frequented by prostitutes, or where prostitutes gather, or who any way assists, protects, or promises to protect from arrest any prostitute; any alien who shall import or attempt to import any person for the purpose of prostitution or for any other immoral purpose; any alien who, after being excluded and deported or arrested and deported as a prostitute, or as a procurer, or as having been connected with the business of prostitution or importation for prostitution or other immoral purposes in any of the ways hereinbefore specified shall return to and enter the United States; any alien convicted and imprisoned for a violation of any of the provisions of section 4 hereof; any alien, at any time within three years after entry, who shall enter the United States by water at any time or place other than as designated by immigration officials, or by land at any place other than one designated as a port of entry for aliens by the Commissioner General of Immigration, or at any time not designated by immigration officials, shall, upon the warrant of the Secretary of Commerce and Labor, be taken into custody and deported: *Provided*, That the provision of this section respecting the deportation of aliens convicted of a crime involving moral turpitude shall not apply to one who has been pardoned, nor shall such deportation be made or directed if the court sentencing such alien for such crime shall, at the time of imposing judgment or passing sentence, make a recommendation to the Secretary of Commerce and Labor that such alien shall not be deported in pursuance of this act; nor shall any alien convicted as aforesaid be deported until after the termination of his imprisonment: *Provided further*, That the provisions of this section, with the exceptions hereinbefore noted, shall be applicable to the classes of aliens therein mentioned irrespective of the time of their entry into the United States. In every case where any person is ordered deported from the United States under the provisions of this act or of any law or treaty now existing, the decision of the Secretary of Commerce and Labor shall be final.

"SEC. 20. That the deportation of aliens provided for in this act shall, at the option of the Secretary of Commerce and Labor, be to the country whence they came or to the foreign port at which such aliens embarked for the United States; or, if such embarkation was for foreign contiguous territory, to the foreign port at which they embarked for such territory; or, if such aliens entered foreign contiguous territory from the United States and later entered the United States, or if such aliens are held by the country from which they entered the United States not to be subjects or citizens of such country, and such country refuses to permit their reentry, or imposes any condition upon permitting reentry, then to the country of which such aliens are subjects or citizens, or to the country in which they resided prior to entering the country from which they entered the United States. If effected at any time within five years after the entry of the alien, such deportation, including one-half of

the entire cost of removal to the port of deportation, shall be at the expense of the contractor, procurer, or other person by whom the alien was unlawfully induced to enter the United States, or, if that can not be done, then the cost of removal to the port of deportation shall be at the expense of the appropriation for the enforcement of this act, and the deportation from such port shall be at the expense of the owner or owners of such vessels or transportation line by which such aliens respectively came, or, if that is not practicable, at the expense of the appropriation for the enforcement of this act. If such deportation is effected later than five years after the entry of the alien, or, if the deportation is made by reason of causes arising subsequent to entry, the cost thereof shall be payable from the appropriation for the enforcement of this act. A failure or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Secretary of Commerce and Labor to take on board, guard safely, and transport to the destination specified any alien ordered to be deported under the provisions of this act shall be punished by the imposition of the penalties prescribed in section 18 of this act: *Provided*, That when in the opinion of the Secretary of Commerce and Labor the mental or physical condition of such alien is such as to require personal care and attendance, he may employ a suitable person for that purpose, who shall accompany such alien to his or her final destination, and the expense incident to such service shall be defrayed in like manner. Pending the final disposal of the case of any alien so taken into custody he may be released under a bond in the penalty of not less than $500 with security approved by the Secretary of Commerce and Labor, conditioned that such alien shall be produced when required for a hearing or hearings in regard to the charge upon which he has been taken into custody, and for deportation if he shall be found to be unlawfully within the United States.

"SEC. 21. That any alien liable to be excluded because likely to become a public charge or because of physical disability other than tuberculosis in any form or a loathsome or dangerous contagious disease may, if otherwise admissible, nevertheless be admitted in the discretion of the Secretary of Commerce and Labor upon the giving of a suitable and proper bond or undertaking, approved by said Secretary, in such amount and containing such conditions as he may prescribe, to the United States and to all States, Territories, counties, towns, municipalities, and districts thereof, holding the United States and all States, Territories, counties, towns, municipalities, and districts thereof harmless against such alien becoming a public charge. The admission of such alien shall be a consideration for the giving of such bond or undertaking. Suit may be brought thereon in the name and by the proper law officers either of the United States Government or of any State, Territory, district, county, town, or municipality in which such alien becomes a public charge.

"SEC. 22. That wherever an alien shall have taken up his permanent residence in this country, and shall have filed his declaration of intention to become a citizen, and thereafter shall send for his wife or minor children to join him, if said wife or any of said children shall be found to be affected with any contagious disorder, such wife or children shall be held, under such regulations as the Secretary of Commerce and Labor shall prescribe, until it shall be determined whether the disorder will be easily curable or whether they can be permitted to land without danger to other persons; and they shall not be either admitted or deported until such facts have been ascertained; and if it shall be determined that the disorder is easily curable and the husband or father or other responsible person is willing to bear the expense of the treatment, they may be accorded treatment in hospital until cured and then be admitted, or if it shall be determined that they can be permitted to land without danger to other persons, they may, if otherwise admissible, thereupon be admitted.

"SEC. 23. That the Commissioner General of Immigration shall perform all his duties under the direction of the Secretary of Commerce and Labor. Under such direction he shall have charge of the administration of all laws relating to the immigration of aliens into the United States, and shall have the control, direction, and supervision of all officers, clerks, and employees appointed thereunder; he shall establish such rules and regulations, prescribe such forms of bond, reports, entries, and other papers, and shall issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this act and for protecting the United States and aliens migrating thereto from fraud and loss, and shall have authority to enter into contract for the support and relief of such aliens as may fall into distress or need public aid, and to remove to their native country, at any time within three years after entry, at the expense of the appropriations for the enforcement of this act, such as fall into distress or need public aid from causes arising subsequent to their entry and are desirous of being so removed; he shall prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico, so as not unnecessarily to delay, impede, or annoy persons in ordinary travel between the United States and said countries, and shall have power to enter into contracts with transportation lines for the said purpose; it shall be the duty of the Commissioner General of Immigration to detail officers of the Immigration Service from time to time as may be necessary, in his judgment, to secure information as to the number of aliens detained in the penal, reformatory, and charitable institutions (public and private) of the several States and Territories, the District of Columbia, and other territory of the United States and to inform the officers of such institutions of the provisions of law in relation to the deportation of aliens who have become public charges. He may, with the approval of the Secretary of Commerce and Labor, whenever in his judgment such action may be necessary to accomplish the purposes of this act, detail immigration officers, and also surgeons of the United States Public Health Service employed under this act for service in foreign countries. The duties of commissioners of immigration and other immigration officials in charge of districts, ports, or stations shall be of an administrative character, to be prescribed in detail by regulations prepared under the direction or with the approval of the Secretary of Commerce and Labor: *Provided*, That for the purpose of making effective the provisions of this section relating to the protection of aliens from fraud and loss, and also the provisions of section 30 of this act, relating to the distribution of aliens, the Secretary of Commerce and Labor shall establish and maintain immigrant stations at such interior places as may be necessary, and, in the discretion of the said Secretary, aliens in transit from ports of landing to such interior stations shall be accompanied by immigrant inspectors.

"SEC. 24. That immigrant inspectors and other immigration officers, clerks, and employees shall hereafter be appointed and their compensation fixed and raised or decreased from time to time by the Secretary of Commerce and Labor, upon the recommendation of the Commissioner General of Immigration and in accordance with the provisions of the civil-service act of January 16, 1883: *Provided*, That said Secretary, in the enforcement of that portion of this act which excludes contract laborers, may employ, without reference to the provisions of the said civil-service act, or to the various acts relative to the compilation of the official register, such persons as he may deem advisable and from time to time fix, raise, or decrease their compensation. He may draw annually from the appropriation for the enforcement of this act $50,000, or as much thereof as may be necessary, to be expended for the salaries and expenses of persons so employed and for expenses incident to such employment; and the accounting officers of the Treasury shall pass to the credit of the proper disbursing officer expenditures from said sum without itemized account whenever the Secretary of Commerce and Labor certifies that an itemized account would not be for the best interests of the Government: *Provided further*, That nothing herein contained shall be construed to alter the mode of appointing commissioners of immigration at the several ports of the United States as provided by the sundry civil appropriation act approved August 18, 1894, or the official status of such commissioners heretofore appointed.

"SEC. 25. That the district courts of the United States are hereby invested with full and concurrent jurisdiction of all causes, civil and criminal, arising under any of the provisions of this act. That it shall be the duty of the United States district attorney of the proper district to prosecute every such suit when brought by the United States under this act. Such prosecutions or suits may be instituted at any place in the United States at which the violation may occur or at which the person charged with such violation may be found. That no suit or proceeding for a violation of the provisions of this act shall be settled, compromised, or discontinued without the consent of the court in which it is pending, entered of record, with the reasons therefor.

"SEC. 26. That all exclusive privileges of exchanging money, transporting passengers or baggage, or keeping eating houses, and all other like privileges in connection with any United States immigrant station, shall be disposed of after public competition, subject to such conditions and limitations as the Commissioner General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, may prescribe, and all receipts accruing from the disposal of such exclusive privileges shall be paid into the Treasury of the United States. No intoxicating liquors shall be sold at any such immigrant station.

"SEC. 27. That for the preservation of the peace and in order that arrests may be made for crimes under the laws of the States and Territories of the United States where the various immigrant stations are located, the officers in charge of such stations, as occasion may require, shall admit therein the proper State and municipal officers charged with the enforcement of such laws, and for the purpose of this section the jurisdiction of such officers and of the local courts shall extend over such stations.

"SEC. 28. That any person who knowingly aids or assists any anarchist or any person who believes in or advocates the overthrow by force or violence of the Government of the United States, or who disbelieves in or is opposed to organized government, or all forms of law, or who advocates the assassination of public officials, or who is a member of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, to enter the United States, or who connives or conspires with any person or persons to allow, procure, or permit any such anarchist or person aforesaid to enter therein shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine of not more than $5,000 or by imprisonment for not more than five years, or both.

"SEC. 29. That the President of the United States is authorized, in the name of the Government of the United States, to call, in his discretion, an international conference, to assemble at such point as may be agreed upon, or to send special commissioners to any foreign country, for the purpose of regulating by international agreement, subject to the advice and consent of the Senate of the United States, the immigration of aliens to the United States; of providing for the mental, moral, and physical examination of such aliens by American consuls or other officers of the United States Government at the ports of embarkation, or elsewhere; of securing the assistance of foreign Governments in their own territories to prevent the evasion of the laws of the United States governing immigration to the United States; of entering into such international agreements as may be proper to prevent the immigration of aliens who, under the laws of the United States, are or may be excluded from entering the United States, and of regulating any matters pertaining to such immigration.

"SEC. 30. That there shall be maintained a division of information in the Bureau of Immigration and Naturalization; and the Secretary of Commerce and Labor shall provide such clerical and other assistance as may be necessary. It shall be the duty of said division to promote a beneficial distribution of aliens admitted into the United States among the several States and Territories desiring immigration. Correspondence shall be had with the proper officials of the States and Territories, and said division shall gather from all available sources useful information regarding the resources, products, and physical characteristics of each State and Territory, and shall publish such information in different languages and distribute the publications among all admitted aliens at the immigrant stations of the United States and to such other persons as may desire the same. When any State or Territory appoints and maintains an agent or agents to represent it at any of the immigrant stations of the United States, such agents shall, under regulations prescribed by the Commissioner General of Immigration, subject to the approval of the Secretary of Commerce and Labor, have access to aliens who have been admitted to the United States for the purpose of presenting, either orally or in writing, the special inducements offered by such State or Territory to aliens to settle therein. While on duty at any immigrant station such agents shall be subject to all the regulations prescribed by the Commissioner General of Immigration, who, with the approval of the Secretary of Commerce and Labor, may, for violation of any such regulations, deny to the agent guilty of such violation any of the privileges herein granted.

"SEC. 31. That any person, including the owner, agent, consignee, or master of any vessel arriving in the United States from any foreign port or place, who shall knowingly sign on the ship's articles, or bring to the United States as one of the crew of such vessel, any alien, with intent to permit such alien to land in the United States in violation of the laws and treaties of the United States regulating the immigration of aliens, or who shall falsely and knowingly represent to the immigration authorities at the port of arrival that any such alien is a bona fide member of the crew, shall be liable to a penalty not exceeding $5,000, for which sum the said vessel shall be liable and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense.

"SEC. 32. That no alien excluded from admission into the United States by any law or treaty of the United States regulating the immigration of aliens, and employed on board any vessel arriving in the United States from any foreign port or place, shall be permitted to land in the United States, except temporarily for medical treatment, or pursuant to regulations prescribed by the Secretary of Commerce and Labor providing for the ultimate removal or deportation of such alien from the United States, and the negligent failure of the owner, agent, consignee, or master of such vessel to detain on board any such alien after notice in writing by the immigration officer in charge at the port of arrival, and to deport such alien, if required by such immigration officer or by the Secretary of Commerce and Labor, shall render such owner, agent, consignee, or master liable to a penalty not exceeding $1,000, for which sum the said vessel shall be liable, and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense.

"SEC. 33. That it shall be unlawful and be deemed a violation of the preceding section to pay off or discharge any alien employed on board any vessel arriving in the United States from any foreign port or place, unless duly admitted pursuant to the laws and treaties of the United States regulating the immigration of aliens: *Provided*, That in case any such alien intends to reship on board any other vessel bound to any foreign port or place he shall be allowed to land for the purpose of so reshipping, and may be paid off, discharged, and permitted to remove his effects, anything in such laws or treaties or in this act to the contrary notwithstanding, provided due notice of such proposed action first be given to the principal immigration officer in charge at the port of arrival.

"SEC. 34. That any alien seaman who shall desert his vessel in a port of the United States or who shall land therein contrary to the provisions of this act shall be deemed to be unlawfully in the United States and shall, at any time within three years thereafter, upon the warrant of the Secretary of Commerce and Labor, be taken into custody and brought before a board of special inquiry for examination as to his qualifications for admission to the United States, and if not admitted said alien seaman shall be deported at the expense of the appropriation for this act as provided in section 20 of this act.

"SEC. 35. That it shall be unlawful for any vessel carrying passengers between a port of the United States and a port of a foreign country, upon arrival in the United States, to have on board employed thereon any alien afflicted with idiocy, imbecility, insanity, epilepsy, tuberculosis in any form, or a loathsome or dangerous contagious disease, if it appears to the satisfaction of the Secretary of Commerce and Labor, from an examination made by a medical officer of the United States Public Health Service, and is so certified by such officer, that any such alien was so afflicted at the time he was shipped or engaged and taken on board such vessel and that the existence of such affliction might have been detected by means of a competent medical examination at such time; and for every such alien so afflicted on board any such vessel at the time of arrival the owner, agent, consignee, or master thereof shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $25; and no vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine and while it remains unpaid: *Provided*, That clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine: *Provided further*, That such fine may, in the discretion of the Secretary of Commerce and Labor, be mitigated or remitted.

"SEC. 36. That upon arrival of any vessel in the United States from any foreign port or place it shall be the duty of the owner, agent, consignee, or master thereof to deliver to the principal immigration officer in charge of the port of arrival lists containing the names of all aliens employed on such vessel, stating the positions they respectively hold in the ship's company, when and where they were respectively shipped or engaged, and specifying those to be paid off and discharged in the port of arrival; or lists containing so much of such information as the Secretary of Commerce and Labor shall by regulation prescribe; and after the arrival of any such vessel it shall be the duty of such owner, agent, consignee, or master to report to such immigration officer, in writing, as soon as discovered, all cases in which any such alien has deserted the vessel, giving a description of such alien, together with any information likely to lead to his apprehension; and before the departure of any such vessel it shall be the duty of such owner, agent, consignee, or master to deliver to such immigration officer a further list containing the names of all alien employees who were

not employed thereon at the time of the arrival, but who will leave port thereon at the time of her departure, and also the names of those, if any, who have been paid off and discharged, and of those, if any, who have deserted or landed or been duly admitted; and in case of the failure of such owner, agent, consignee, or master so to deliver either of the said lists of such aliens arriving and departing, respectively, or so to report such cases of desertion, or landing, such owner, agent, consignee, or master shall, if required by the Secretary of Commerce and Labor, pay to the collector of customs of the customs district in which the port of arrival is located the sum of $10 for each alien concerning whom correct lists are not delivered or a true report is not made as above required; and no such vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine and, in the event such fine is imposed, while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such question upon deposit of a sum sufficient to cover such fine.

"SEC. 37. The word 'person' as used in this act shall be construed to import both the plural and the singular, as the case may be, and shall include corporations, companies, and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any director, officer, agent, or employee of any corporation, company, or association acting within the scope of his employment or office shall in every case be deemed to be the act, omission, or failure of such corporation, company, or association, as well as that of the person acting for or in behalf of such corporation, company, or association.

"SEC. 38. That this act, except as otherwise provided in section 3, shall take effect and be enforced from and after July 1, 1913. The act of March 26, 1910, amending the act of February 20, 1907, to regulate the immigration of aliens into the United States; the act of February 20, 1907, to regulate the immigration of aliens into the United States, except section 34 thereof; the act of March 3, 1903, to regulate the immigration of aliens into the United States, except section 34 thereof; and all other acts and parts of acts inconsistent with this act are hereby repealed on and after the taking effect of this act: *Provided*, That this act shall not be construed to repeal, alter, or amend existing laws relating to the immigration or exclusion of Chinese persons or persons of Chinese descent, nor to repeal, alter, or amend section 6, chapter 453, third session Fifty-eighth Congress, approved February 6, 1905, or the act approved August 2, 1882, entitled 'An act to regulate the carriage of passengers by sea,' and amendments thereto: *Provided*, That nothing contained in this act shall be construed to affect any prosecution, suit, action, or proceedings brought, or any act, thing, or matter, civil or criminal, done or existing at the time of the taking effect of this act, except as mentioned in the last proviso of section 19 hereof; but as to all such prosecutions, suits, actions, proceedings, acts, things, or matters, the laws or parts of laws repealed or amended by this act are hereby continued in force and effect."

JOHN L. BURNETT,
AUGUSTUS P. GARDNER,
Managers on the part of the House.
H. C. LODGE,
WM. P. DILLINGHAM,
LE ROY PERCY,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the Senate bill (S. 3175) regulating the immigration of aliens submit the following detailed statement in explanation of the effect agreed upon and recommended in the conference report:

The changes made since the last conference report was accepted by the House on January 25 are as follows:

First. The change made in the definition of the word "alien" during the second conference has been modified.

Second. In section 3 the following clause has been stricken out: "persons who have committed a felony or other crime or misdemeanor involving moral turpitude." In lieu thereof has been reinserted the provision of existing law, viz, "persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude."

JOHN L. BURNETT,
AUGUSTUS P. GARDNER,
Managers on the part of the House.

Mr. RAKER. Mr. Speaker, the main thing I desire to call the attention of the House to is in regard to Asiatic immigration, and particularly to the Chinese, Hindu, and Japanese immigration, as it relates to this bill. Also to the provision in the bill which is somewhat of a substitute—and I use the word advisedly—as to excluding persons ineligible to become citizens of the United States by naturalization.

The bill as it was originally introduced did not contain any questions as to Chinese, and the bill provided that all laws relating to the exclusion of Chinese persons should be repealed. The original bill as prepared by the committee contained a provision that "persons who are ineligible to become citizens of the United States for naturalization." Then the bill as presented on August 7, 1911, S. 3175, contained the provision, "persons who are not eligible to become citizens of the United States by naturalization. This provision shall not apply to persons of the following status or occupation."

Then, the bill as amended January 18, 1912, contained this provision: "Persons who are not eligible to become citizens of the United States by naturalization," with the same provision that it shall not apply to persons of the following status or occupation, which is there specified.

On February 14, 1912, Senate bill 3175 was recommitted to the Committee on Immigration of the Senate, and contained, in addition to the above, "*Provided*, That persons who are not eligible to become citizens of the United States by naturalization, unless otherwise provided for by treaties, conventions, or by agreement or passport." That provision, in substance, was in the bill as prepared by the committee at the first draft of it. On August 7, 1911, February 18, 1912, February 14, 1912, and as reintroduced April 15, 1912, and as reintroduced and passed the Senate April 19, 1912, and as submitted to the House, the entire matter was stricken out, and the Burnett amendment substituted therefor. The three conference reports, 1340, 1378, and 1410 contain the same provision as was in the original bill.

The SPEAKER. The gentleman from California asks unanimous consent to insert the statement in the RECORD as a part of his remarks. Is there objection?

There was no objection.

The statement is as follows:

Provisions of the bill relating to persons who are not eligible to become citizens of the United States by naturalization, Senate bill 3175, as prepared by the committee of the Senate, per Senator DILLINGHAM, the bill originally containing the following provisions:

1. In lines 15 to 25, both inclusive, page 11, and lines 1 to 5, page 12, are the following:

"Persons who are not eligible to become citizens of the United States by naturalization. This provision, however, shall not apply to persons of the following status or occupations: Government officers, ministers or religious teachers, missionaries, lawyers, physicians, chemists, engineers, teachers, students, authors, editors, journalists, merchants, bankers, capitalists, and travelers for curiosity or pleasure, nor to their legal wives or their children under 16 years of age who shall accompany them or who subsequently may apply for admission to the United States; but such persons or their legal wives or foreign-born children who fail to maintain in the United States a status or occupation placing them within the accepted classes shall be deemed to be in the United States contrary to law and shall be subject to deportation as provided in section 20 of this act."

2. On August 7, 1911, Senate 3175, a bill to regulate the immigration of aliens into and the residence of aliens in the United States, was introduced by Senator DILLINGHAM, read twice, and referred to the Committee on Immigration. This bill as thus introduced contained the following provisions, which will be found in lines 20 to 25, page 7, and lines 1 to 10, page 8, under section 3, as follows:

"Persons who are not eligible to become citizens of the United States by naturalization. This provision, however, shall not apply to persons of the following status or occupations: Government officers, ministers or religious teachers, missionaries, lawyers, physicians, chemists, engineers, teachers, students, authors, editors, journalists, merchants, bankers, capitalists, and travelers for curiosity or pleasure, nor to their legal wives or their children under 16 years of age who shall accompany them or who subsequently may apply for admission to the United States; but such persons or their legal wives or foreign-born children who fail to maintain in the United States a status or occupation placing them within the accepted classes shall be deemed to be in the United States contrary to law and shall be subject to deportation as provided in section 20 of this act."

3. On January 18, 1912, the bill was reported by Mr. LODGE, calendar No. 190, which contains the following provisions therein in section 3, lines 2 to 20, page 8 thereof, as follows:

"Persons who are not eligible to become citizens of the United States by naturalization. The foregoing provision, however, shall not apply to persons of the following status or occupations: Government officers, ministers or religious teachers, missionaries, lawyers, physicians, chemists, engineers, teachers, students, authors, editors, journalists, merchants, bankers, capitalists, and travelers for curiosity or pleasure, nor to their legal wives or their children under 16 years of age who shall accompany them or who subsequently may apply for admission to the United States, but such persons or their legal wives or foreign-born children who fail to maintain in the United States a status or occupation placing them within the excepted classes, shall be deemed to be in the United States contrary to law, and shall be subject to deportation as provided in section 20 of this act."

4. On February 14, 1912, Senate bill 3175 was recommitted to the Committee on Immigration and reported the same day by Mr. LODGE from the committee. In section 3, on lines 1 to 21, page 8, will be found the following, namely:

"Persons who are not eligible to become citizens of the United States by naturalization, unless otherwise provided for by treaties, conventions, or by agreements or passports. The foregoing provision,

however, shall not apply to persons of the following status or occupations: Government officers, ministers or religious teachers, missionaries, lawyers, physicians, chemists, engineers, teachers, students, authors, editors, journalists, merchants, bankers, capitalists, and travelers for curiosity and pleasure, nor to their legal wives or their children under 16 years of age who shall accompany them or who subsequently may apply for admission to the United States, but such persons or their legal wives or foreign-born children who fail to maintain in the United States a status or occupation placing them within the excepted classes, shall be deemed to be in the United States contrary to law, and shall be subject to deportation as provided in section 20 of this act."

5. On April 15, 1912, Senate bill 3175, was ordered printed by the Senate, which was done, and in section 3, lines 11 to 25, page 8, and lines 1 to 6, page 9, it contains the following, namely:

"Persons who are not eligible to become citizens of the United States by naturalization, unless otherwise excluded by existing agreements as to passports, or by treaties, conventions, or agreements that may hereafter be entered into. The two provisions next foregoing, however, shall not apply to persons of the following status or occupations: Government officers, ministers or religious teachers, missionaries, lawyers, physicians, chemists, engineers, teachers, students, authors, editors, journalists, merchants, bankers, capitalists, and travelers for curiosity or pleasure, nor to their legal wives or their children under 16 years of age who shall accompany them or who subsequently may apply for admission to the United States, but such persons or their legal wives or foreign-born children who fail to maintain in the United States a status or occupation placing them within the excepted classes, shall be deemed to be in the United States contrary to law, and shall be subject to deportation as provided in section 20 of this act."

6. On April 19, 1912, Senate bill 3175 passed the Senate, and in section 3, lines 7 to 25, page 8, contains the following, namely:

"Persons who are not eligible to become citizens of the United States by naturalization, unless otherwise provided for by existing agreements as to passports, or by treaties, conventions, or agreements that may hereafter be entered into. The two provisions next foregoing, however, shall not apply to persons of the following status or occupations: Government officers, ministers or religious teachers, missionaries, lawyers, physicians, chemists, engineers, teachers, students, authors, editors, journalists, merchants, bankers, and travelers for curiosity or pleasure, nor to their legal wives or their children under 16 years of age who shall accompany them or who subsequently may apply for admission to the United States, but such persons or their legal wives or foreign-born children who fail to maintain in the United States a status or occupation placing them within the excepted classes shall be deemed to be in the United States contrary to law and shall be subject to deportation as provided in section 20 of this act."

7. On April 20, 1912, Senate bill 3175 was reported to the House of Representatives and referred to the Committee on Immigration and Naturalization and contained the same provisions identical with that specified above.

8. On June 7, 1912, the Committee on Immigration and Naturalization of the House reported Senate bill 3175, striking out all after the enacting clause and inserting in substance what is known as the Burnett bill.

9. Senate bill 3175 passed the House of Representatives on the 18th day of December, 1912, which adopted the Burnett amendment which struck out all of the Dillingham bill after the enacting clause and substituted the Burnett bill therefor, which substitute is as follows:

"That after four months from the approval of this act, in addition to the aliens who are by law now excluded from admission into the United States the following persons shall also be excluded from admission thereto, to wit: All aliens over 16 years of age, physically capable of reading, who can not read the English language, or the language or dialect of some other country, including Hebrew or Yiddish: *Provided*, That any admissible alien or any alien heretofore or hereafter legally admitted or any citizen of the United States may bring in or send for his father or grandfather over 55 years of age, his wife, his mother, his grandmother, or his unmarried or widowed daughter, if otherwise admissible, whether such relative can read or not; and such relatives shall be permitted to land.

"SEC. 2. That for the purpose of ascertaining whether aliens can read or not the immigrant inspectors shall be furnished with copies of uniform slips, prepared under the direction of the Secretary of Commerce and Labor, each containing not less than 30 nor more than 40 words in ordinary use, printed in plain type in the various languages and dialects of immigrants. Each alien may designate the particular language or dialect in which he desires the examination to be made, and shall be required to read the words printed on the slip in such language or dialect. No two aliens coming in the same vessel or other vehicle of carriage or transportation shall be tested with the same slip.

"SEC. 3. That the following classes of persons shall be exempt from the operation of this act, to wit: (*a*) All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Commerce and Labor that they are seeking admission to the United States solely for the purpose of escaping from religious persecution; (*b*) all aliens in transit through the United States; (*c*) all aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory.

"SEC. 4. That an alien refused admission to the United States under the provisions of this act shall be sent back to the country whence he came in the manner provided by section 19 of 'An act to regulate the immigration of aliens into the United States,' approved February 20, 1907."

10. There were three conference reports filed from the conferees. The first was Report No. 1340, presented January 16, 1913, which report contained the following provision on pages 3 and 4 thereof, as follows: "Persons who can not become eligible, under existing law, to become citizens of the United States by naturalization, unless otherwise provided for by existing agreements as to passports, or by treaties, conventions, or agreements that may hereafter be entered into. The provision next foregoing, however, shall not apply to persons of the following status or occupations: Government officers, ministers or religious teachers, missionaries, lawyers, physicians, chemists, engineers, teachers, students, authors, editors, journalists, merchants, bankers, and travelers for curiosity or pleasure, nor to their legal wives or their children under 16 years of age who shall accompany them or who subsequently may apply for admission to the United States, but such persons or their legal wives or foreign-born children who fail to maintain in the United States a status or occupation placing them within the excepted classes shall be deemed to be in the United States contrary to law, and shall be subject to deportation as provided in section 19 of this act."

11. The second report of the conferees was filed January 23, 1913, Report No. 1378, to accompany S. 3175, which conference report, No. 1378, on pages 3 and 4 thereof, contained the following, namely:

"Persons who can not become eligible, under existing law, to become citizens of the United States by naturalization, unless otherwise provided for by existing agreements as to passports, or by treaties, conventions, or agreements that may hereafter be entered into. The provision next foregoing, however, shall not apply to persons of the following status or occupations: Government officers, ministers or religious teachers, missionaries, lawyers, physicians, chemists, engineers, teachers, students, authors, editors, journalists, merchants, bankers, and travelers for curiosity or pleasure, nor to their legal wives or their children under 16 years of age who shall accompany them or who subsequently may apply for admission to the United States, but such persons or their legal wives or foreign-born children who fail to maintain in the United States a status or occupation placing them within the excepted classes shall be deemed to be in the United States contrary to law, and shall be subject to deportation as provided in section 19 of this act.

12. The third report of the conferees on Senate bill 3175 was presented January 28, 1913, and is No. 1410, and on pages 3 and 4 thereof contains the following, namely:

"Persons who can not become eligible, under existing law, to become citizens of the United States by naturalization, unless otherwise provided for by existing agreements as to passports, or by treaties, conventions, or agreements that may hereafter be entered into. The provision next foregoing, however, shall not apply to persons of the following status or occupations: Government officers, ministers or religious teachers, missionaries, lawyers, physicians, chemists, engineers, teachers, students, authors, editors, journalists, merchants, bankers, and travelers for curiosity or pleasure, nor to their legal wives or their children under 16 years of age who shall accompany them or who subsequently may apply for admission to the United States, but such persons or their legal wives or foreign-born children who fail to maintain in the United States a status or occupation placing them within the excepted classes shall be deemed to be in the United States contrary to law, and shall be subject to deportation as provided in section 19 of this act."

It will be seen from the above that in substance the provisions above referred to have been carried out in the preparation and introduction of the Dillingham bill, S. 3175, through its preparation and progress in the Senate and in the House and from the conferees practically the same. In other words, no change was made by the conferees of the original provisions as it actually passed the Senate.

Mr. RAKER. Mr. Speaker, the real object and intent and the promise was that there should be real exclusion of Asiatic laborers. This bill is not within the terms of the promise, and the gentleman's agreement is not within the purview of the Constitution, that the President of the United States should agree with a foreign power that a foreign magistrate should designate the qualifications of men who should come to this country. If the committee desire to have a real illiteracy test, so far as it applies to the Hindus and to those others of Asia, they should have placed in that conference the amendment offered in relation to excluding those who are unable to read any European language, the same as is the law now in Cape Colony and Australia. It then would have been effective, and it would not have been this provision, which simply leaves it not to the Government of the United States to determine but to some foreign prince or governor, or whatever may be his title, to determine whom he shall allow to come to this country. Instead of having a real exclusion bill, which will exclude those who should not become a part and parcel of the country, we have this bill, which will exclude a few, but it does not cover the idea of those in the West, who have been believing that this Congress would give them a real exclusion bill, as they have been demanding for so many years and as has been actually promised. While I shall vote for this conference report, it is not my idea as to what the law should be.

So far as the Chinese are concerned, in respect to the question of illiteracy, there are only 6 per cent of Chinese who can not read and write who have come to this country, and but a small percentage of the others; so, as a matter of fact, the real purpose of the bill is not accomplished. It tends somewhat in that direction, but I do not believe the people should be dealt with in a way to leave any question about the matter when the provisions of the bill can be made so plain and so clear in its language as to carry out the real desire of the public—entire exclusion of all Asiatic laborers.

SENATE BILL 3175 AS IT RELATES TO CHINESE IMMIGRATION.

Senate bill 3175, as prepared by the committee of the Senate, per Senator DILLINGHAM, upon the subject of Chinese immigration, contained the following provisions:

1. On page 70, lines 2 to 6, is as follows:

"All laws relating to the exclusion of Chinese persons or persons of Chinese descent, except such provisions thereof as may relate to the naturalization of aliens, and all other acts and parts of acts inconsistent with this act, are hereby repealed on and after the taking effect of this act."

2. Senate bill 3175, as introduced on August 7, 1911, in the Senate, contained the following provision, found on page 55, lines 21 to 23:

"All laws relating to the exclusion of Chinese persons or persons of Chinese descent, except such provisions thereof as may relate to the naturalization of aliens, and all other acts and parts of acts inconsistent with this act, are hereby repealed on and after the taking effect of this act."

3. Senate bill 3175, as introduced on January 18, 1912, reported by Mr. LODGE with amendments, in lines 11 to 17, page 62, contained the same provisions as above specified.

4. Senate bill 3175, reported on February 14, 1912, was on the same day recommitted to the Committee on Immigration, and was on the same day reported by Mr. LODGE with amendments, and the same pro-

visions as above specified were contained in the bill, lines 11 to 17, page 62.

5. Said bill was, on April 15, 1910, ordered to be reprinted as amended, and the following provisions are found therein. Lines 8 to 11, page 8, contain the following:

"Chinese persons or persons of Chinese descent, whether subjects of China or subjects or citizens of any other country foreign to the United States." And on page 63, lines 17 to 23 thereof, is found the following: "All laws relating to the exclusion of Chinese persons or persons of Chinese descent, except such provisions thereof as may relate to the naturalization of aliens, and except as provided in section 3 of this act; and all other acts are hereby repealed on and after the taking effect of this act."

6. On April 19, 1912, Senate bill 3175 passed the Senate and was reported to the House on April 20, 1912, which contained the following provisions, lines 5 to 7, on page 8, as follows:

"Chinese persons or persons of Chinese descent, whether subjects of China or subjects or citizens of any other country foreign to the United States." And on lines 19 to 24, page 57, is found the following provisions: "All laws relating to the exclusion of Chinese persons or persons of Chinese descent, except such provisions thereof as may relate to the naturalization of aliens, excepting as provided in section 3 of this act, are hereby repealed on and after the taking effect of this act."

7. The bill was considered by the House Committee on Immigration and Naturalization and reported to the House on June 9, 1910, which struck out all of the bill except the enacting clause and inserted what is known as the Burnett amendment, which is found on pages 58, 59, and 60 of the bill thus reported.

8. S. 3175 went to conference, and the first conference report (No. 1340) in substance adopted the Dillingham bill as it passed the Senate, with the Burnett amendment as it passed the House, and on page 24 contains the following provision:

"*Provided*, That this act shall not be construed to repeal, alter, or amend existing laws relating to the immigration or exclusion of Chinese persons or persons of Chinese descent."

9. The second conference report (No. 1378) of the conference on S. 3175 contained the same provisions as specified in conference report No. 1340, in so far as it relates to Chinese immigration.

10. Conference report No. 1410, the report of January 28, 1913, to the House contained the same provisions relative to Chinese immigration as the first and second reports of the conference committee of both Houses.

Had the bill as passed the Senate become the law, the Chinese-exclusion bill would undoubtedly have been repealed. With the provisions of section 3 of the bill stricken out and the provision of the conference reports included as last above set out, the Chinese-exclusion law will still remain in full force and effect.

With the enactment of H. R. 13500 this repeal question would be fully and finally settled as it ought and should be. Without doubt this bill, H. R. 13500, will be enacted into law in the near future. It will make exclusion of all Asiatic laborers effective and provide proper machinery for its full enforcement.

The SPEAKER. The time of the gentleman from California has expired.

By unanimous consent, Mr. RAKER was granted leave to extend his remarks in the RECORD.

Mr. GOLDFOGLE. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, it is said that the third time is a charm—three times and out. This is the third conference report on this bill. It is to be hoped that if it passes the House it will also pass the scrutiny of the conferees who have made it, and also of the Senate. I believe the conferees who have made the report have agreed substantially that the two former reports need to be corrected. It is an illustration of the effect of the rule which was adopted by the House.

The Senate passed an immigration bill consisting of nearly 60 pages, with a great many sections in it. The House committee reported that bill to the House with the recommendation that all the bill after the enacting clause be stricken out and one section be inserted, which was a part of one section of the original Senate bill with some changes in it. If the House had had an opportunity to consider the original Senate bill, section by section, these various changes which have been made in the conference report, one after another, would probably never have had to be made in the conference report, because they would have been called to the attention of the conferees. But under this method of legislation the matter is not brought up before the House, and evidently gentlemen who represent the House are not familiar with the provisions of the Senate bill, and have agreed to propositions in conference which subsequently they have come in and proposed to change. In the second conference report there was inserted a provision consisting of a description of an alien which was not in the first conference, and in the third conference report that description is left out, leaving it as it was in the first conference report, and they have inserted an item in some other place in the bill.

No one can expect that we will secure perfect legislation by putting through the House a Senate bill with many sections in it, 50 or 60 pages long, without any consideration by the House, leaving it wholly to the conferees to write the bill. We have heard a great deal at different times about the decadence of the power of the House as one of the coordinate branches of Congress. There is nothing which tends to bring on such decadence or to prove that such decadence exists so much as this method of legislation.

We ought to have considered the provisions in the Senate bill; there ought to have been opportunity in the House for Members to discuss the provisions in the Senate bill, and then we would not have had three conference reports, nor would we be called upon, as we will be called upon, to enact measures in the future to correct many of the errors now in this conference report, provisions which would not be in the law if the House had had the opportunity to consider it. A bill that passed the Senate practically with little discussion, passed the House without any discussion or consideration of most of the provisions in it, can not expect to be a very perfect measure. [Applause.]

Mr. GOLDFOGLE. Mr. Speaker, I yield four minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. BURNETT. Mr. Speaker, one minute, if the gentleman will yield to me to use some of my time now.

Mr. GOLDFOGLE. Certainly, with Mr. MOORE'S consent.

Mr. BURNETT. Mr. Speaker, I yield three minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER of Massachusetts. Mr. Speaker, the gentleman from Illinois [Mr. MANN] is quite right in calling the attention of the House to the singular fact that for the third time this conference report is under consideration. He is wrong, however, in attributing this phenomenon to the rule under which this bill was originally considered. The truth is, Mr. Speaker, that the situation in which we find ourselves is a noteworthy illustration of the evils of filibustering. Had gentlemen last summer refrained from filibustering against the call of the Committee on Immigration on Calendar Wednesday, the conferees would have had all these matters fresh in their minds. Had not the desire existed to postpone action until after election, it would not have proved necessary to bring this report three times before the House. Now, to speak seriously for a moment, I think the gentleman is wrong in supposing that there will be a great deal of legislation required to correct the mistakes in this conference report.

The fact is that this bill has been under the scrutiny of many of the sharpest-eyed lawyers of this country, both in and out of Congress. They have discovered mistakes, which we admit, errors and contradictions which would sooner or later reveal themselves and perhaps require court interpretation. Mr. Speaker, that is true of all codifications of this sort. It occurred in the case of the last codification of the immigration law. The only difference in the situation arises from the close scrutiny to which this bill has been submitted by many able lawyers in New York and elsewhere. The mistakes have been found out before the law has been sent to the President for his signature rather than afterwards.

Mr. GOLDFOGLE. Mr. Speaker, I yield three minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Speaker, the real objection I have to this legislation arises from the insertion in it of the illiteracy test, which I believe to be un-American and an unjust restriction upon the worthy poor who desire to come to the United States, and I do strenuously object to the manner in which this legislation is brought into the House. The House itself discussed only the question of the illiteracy test, and that under very limited conditions as to time of debate. It did not discuss the so-called Dillingham bill at all. That bill, which constitutes the major portion of the legislation now proposed, originated in conference, and the House had no opportunity whatever to dissect it, to analyze it, or thoroughly consider it. The practice has arisen——

Mr. RAKER. Will the gentleman yield?

The SPEAKER. Does the gentleman from Pennsylvania yield?

Mr. MOORE of Pennsylvania. Mr. Speaker, I regret I can not yield; I have but three minutes, and I guess about a minute and a half of that is gone.

The SPEAKER. The gentleman declines to yield.

Mr. MOORE of Pennsylvania. Mr. Speaker, the practice has arisen here in recent years, surely since I have been a Member of the House, of instituting new legislation in conference. Now, what does that mean? It means that the representatives of the people, coming from various districts throughout the country, are thrown absolutely upon the mercy of a majority of six men in star chamber. In the closet, outside, wherever they may meet, they decide as to the matters we are to put through this House. The difficulty with this conference report is that it has not been considered as it ought to be by a deliberative body; it has been considered only in star chamber and has been rushed through the House on each occasion that it has appeared here. In the present instance it comes back because

certain errors or imperfections were found in the bill upon the other side of the House where they had a chance to consider it, but we are supposed to rush it through here in 40 minutes without again having an opportunity to consider the merits of the vital questions involved. Whose judgment are we to take in matters of this kind? Are we to respond to the wishes of the people who send us here, or are we to yield in the last analysis to the six men, in this instance five men, who constitute the conferees and who prepared this report and brought it into the House?

The SPEAKER. The time of the gentleman has expired.

Mr. GOLDFOGLE. Will the gentleman from Alabama [Mr. BURNETT] use some of his time?

Mr. BURNETT. How much time have we?

The SPEAKER. The gentleman from Alabama has seven minutes left.

Mr. BURNETT. I have no further request for time.

Mr. GOLDFOGLE. I now yield three minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER. Mr. Speaker, when this 24-page conference report on the immigration bill, comprising 38 sections, came up first on the 17th of this month, I read my copy of it from the beginning until I reached section 3, which names the classes of aliens who could not be allowed to enter this country, and found that among those who were to be excluded would be—

Citizens or subjects of any country that issues penal certificates or certificates of character who do not produce to the immigration officials such a certificate.

I read no further, but with a lead pencil underscored the words I have just read, and pointing them out to several Members in my vicinity announced that it was immaterial what the rest of the report might be, those words were sufficient for me, and that I should vote against it. I have in my hand the copy I had that day.

The report passed the House and went to the Senate, but came back here a few days ago, with a request for another conference, which was granted. To-day we are considering the third conference report.

The reason for having a third conference is found in the statement of the Senator who asked for it. He declared in the Senate, on January 23, that it had been discovered after examination that the provisions of the report as adopted by the House were so transposed as to nullify the deportation clause in the cases of the white-slave traffic and also in cases of disease or crime—in other words, that the House had in effect voted to repeal the clause of the law under which we now send back criminals, diseased persons, and managers of the infamous traffic in white slaves.

That report was rushed through here too rapidly for proper consideration. Mr. Speaker, the haste with which the House of Representatives too often attempts to enact legislation of importance is altogether wrong. There ought to be deliberation and opportunity for the study of an important conference report in order to enable each Member of the House for himself to decide whether it does or does not appeal to his judgment as being worthy of support. But we have no such opportunity when a report of 24 pages is brought in and passed after a debate of only a few minutes on a side. For years I have been protesting against that sort of thing, and I shall continue so to protest while I am honored by a seat in this Chamber.

Mr. GOLDFOGLE. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. GALLAGHER].

Mr. GALLAGHER. Mr. Speaker, I can only say, in connection with what I have already said about this bill now before the House, that I believe that this proposition to restrict immigration is un-American, that it is unwise, and unfair. And the very fact that this bill has been before this House three times shows conclusively that in its original form and as it passed on two former occasions it was ill considered, that it was not proper legislation, and that the other body in the other end of the Capitol would not agree to the bill as passed. And I mistake the times and public opinion in this country considerably if there is not a protest from one end of the country to the other against this class of legislation. I do not believe that conditions in this country warrant it. I do not believe that conditions confronting the American people require any such legislation. In fact, I know if this law goes into force you will hear a howl from one end of this broad land to the other against such a bill, because the business interests, conditions in the farming communities, and the necessity in this country for the class of labor you propose to exclude will be such that everybody voting for it will hear as a result of that vote a protest against this class of legislation.

I do not wish to be misunderstood in the attitude I assume with relation to the immigration question. I will concede that the laws affecting immigration are not perfect. Evils do result from their enforcement and application. But the committee having this legislation in charge failed entirely in recognizing the real weakness of the whole scheme of immigrant legislation. The evils flowing from our immigration laws require for their correction not restrictive, repressive, or prohibitive laws, but, on the contrary, laws that will provide for the proper distribution of the immigrants in order to avoid congestion in our large cities and in order that assimilation can be more effectively accomplished and the country generally benefited by this immigration.

These reforms can not be effected by the application of the literacy test. The western and southern sections of the country require an influx of white settlers for the development of their vast natural resources, which for lack of such labor are in a deplorable condition of stagnation. And it is astonishing in the face of the existence of this necessity to find such persistent activity among the Representatives of these sections in opposition to a liberal policy affecting immigration.

You can not legislate morality into a people. Moral stamina is the result of long and gradual development under the beneficent influence of an advanced civilization. The literacy test alone will not accomplish this. The educated crook, the intellectual swindler, the confirmed anarchist, all can comply with this so-called literacy test and find admission to our shores. While the honest, hard-working, industrious, and God-fearing person suffering from conditions of illiteracy for which he is no way responsible, and under which it has been his unhappy fate to be born, would, under the operation of this test, be excluded from the blessings of our free institutions.

The fallacy and utter groundlessness of the extravagant claims made by the advocates of this test as an instrumentality in the betterment of conditions of the country socially, commercially, and politically is conclusively shown by a very strong editorial which appeared recently in the Boston Morning Herald, and which reads as follows:

ILLITERACY AND IMMIGRATION.

One honest hard-working illiterate, who lives clean and raises a decent family, is worth a hundred of the inefficients our schools turn out annually, who can read and write, but who are too fine to work and who are utterly useless in the civilization they live in. We place too high an estimate upon mere literacy; but if we paid more attention to teaching children that morality which comprehends respect for parents and law and the necessity of earning bread by the sweat of their face, we would not be troubled so much with the envy and discontent which are the outgrowth of laziness and inefficiency.

The literacy test for the exclusion of immigrants is the sheerest humbug; had such a law been in force since the early seventeenth century America would still be a howling wilderness. The American troubles of the twentieth century are not the fruits of illiteracy and immigration; they are made right here on the soil by those born on the soil, by the lazy, the inefficient, the envious, the unsuccessful—all the products of our public schools. Go to your prisons sometime and learn how many of the inmates are illiterates. When literacy has become a synonym for sanity, honesty, industry, and physical soundness it will be time enough to make illiteracy a barrier for admission to the Republic. I would rather have an illiterate who can steer a plow, wield a sledge, roof a house, lay brick, or dig a good sewer than a dozen half-baked chaps who can write dog and read cat and who are willing to live on the labor of a father and mother. Let Congress face the question fairly and let the Government back up the immigration authorities in enforcing the laws we have. The illiterate test is pure punk, just plain flapdoodle. (Boston (Mass.) Morning Herald, June 3, 1912.)

The greatest danger to our country and its standards comes not from without but from within. Every immigrant coming to our shores comes with the love of freedom in his heart to improve his condition and to enjoy the blessings of liberty and free government. We should welcome him not as a subject of suspicion but as a prospective citizen worthy of our confidence and encouragement. The love of liberty in the American heart has been its most priceless treasure, bestowed in a spirit of patriotism and nationality, and let its benign influence pervade the native and the immigrant alike, leading all in one common aspiration to higher, nobler, and grander ideals of national greatness.

The SPEAKER. The gentleman from New York [Mr. GOLDFOGLE] has eight minutes and the gentleman from Alabama [Mr. BURNETT] seven minutes remaining.

Mr. GOLDFOGLE. Mr. Speaker, I have so often expressed, during the several debates we have had on immigration, my opposition to the literacy test that I shall not attempt now to reiterate what I have heretofore said.

But I do wish to call the attention of the House particularly this morning to the fact that while, under this bill, a daughter who may be illiterate can come in with her parents or follow her parents and join them here, a son, say, a few days over 16 years of age who may be illiterate within the meaning of the bill will be kept out. Thus there will be worked a separation of the family. Would any gentleman in this House, with kindness in his heart and fairness in his mind, be willing to have

such a condition? Such a separation, in my opinion, is a cruelty which ought not to find place in American legislation.

It was asserted in the other body, at the other end of the Capitol, that such a hardship as I indicated just now would be worked under the bill if it is enacted into law. I can not conceive of a greater hardship—nay, of a greater inhuman act—to a father or mother than to be compelled to leave behind him or her their boy who has been, under the laws of the foreign country, unfortunately denied opportunity for education; a boy, say, but a few days over 16 years, is to be excluded, while the rest of the family, females, may be admitted. Yet if this bill becomes a law such would be the deplorable situation in many and many a case.

While some gentlemen on the Committee on Immigration of this House have talked so much about their desire not to allow unnecessary separation of families and have professed in words deep solicitude for keeping families together as a matter of common humanity, yet some of these same gentlemen—two of them members of the conference committee—would work the hardship that I have pointed out.

The illiteracy test, as has been so often stated, and as we reiterate this morning, is neither a test of fitness nor of character. The conditions of the country do not require that such test shall be imposed. I am willing to go any length that can be devised by any man in this House to keep out the criminal, the evil-minded, the vicious, the pauper, and the insane. I would not allow any of that class to come within the United States, nor would I give them one single inch of ground to dwell on. But the healthy in mind and in body, those who are capable of self-support, those who come here willing to abide in peace and within the law amongst us and aid by their contribution of mind and thrift and energy to the proper upbuilding of the communities in which they would dwell and who are otherwise admissible under the provisions of existing law I would not forbid entrance to our land.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield to me for one question?

The SPEAKER. Does the gentleman yield?

Mr. GOLDFOGLE. For a question; certainly.

Mr. MOORE of Pennsylvania. Is it not a fact, frequently stated during this controversy, that anarchists, murderers, criminals, the insane, and otherwise undesirable are already excluded by existing law?

Mr. GOLDFOGLE. Yes; and if we enforce the existing law as it was intended it should be enforced, you will have ample protection to the country. If we need more legislation to keep out anyone that is evil-minded, vicious, or criminal, I stand here ready to vote for such legislation. But I would not pass such legislation as is now proposed, which is un-American in principle, may operate harshly, and is unnecessary and uncalled for by the existing conditions of the country. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. BURNETT. Mr. Speaker, I will reply to the criticisms of the gentleman from California [Mr. RAKER] of the provision that he objected to on account of its not being broad enough. I will say that among those excluded are persons who can not become eligible under existing law to become citizens of the United States by naturalization unless otherwise provided by existing agreements as to passports, or by treaties, conventions, and so forth.

As I understand, the objection of the gentleman is because it does not go far enough by making exceptions of those who come in under passport agreements, and because he says the Japanese coolies are not being kept out. That clause is for the purpose of keeping out the Hindus, who are coming in and becoming a menace to the West.

I want to call attention to the fact that more Japanese are to-day going out than are coming into the United States. During the fiscal year ending June 30, 1910, 2,508 Japanese were admitted and 5,204 departed, making 2,426 more who went out than came in. During the fiscal year ending June 30, 1911, there were 4,282 who came in and 5,869 who went out, making 1,487 more who went out than came in. That passport law is being enforced. The Japanese are being kept out, and the purpose of this bill was to keep out new immigration that is coming in on the Pacific coast.

Mr. Speaker, in regard to the protest that gentlemen have made against adopting conference reports of this kind, the same argument might be made against any conference report.

I have never heard the gentleman from Pennsylvania [Mr. MOORE], who is always on his feet when river and harbor appropriations are coming in, make any protest that river and harbor bills contain hundreds of items frequently that are put in by conference committees. Other gentlemen who have protested to-day have sat here dumb as oysters when conference reports involving millions of dollars have been involved. And yet when we get this immigration bill here they make a great outcry about the little consideration given to conference reports, and it seems to me they make this protest for the purpose of squaring themselves with somebody.

Mr. Speaker, my good friend, the gentleman from New York [Mr. GOLDFOGLE], standing like Father Abraham, at least in splendid physical appearance if in nothing else, a grand patriarch of his people and of his party, has shed crocodile tears here over the boy 16½ years old who might be excluded. We had to draw the line somewhere, Mr. Speaker. He says there would be a separation of families. Yet where the father or the mother can read, is it probable that the boy who is past 16 years of age would not himself learn to read?

Mr. GOLDFOGLE. Is it not a fact that the father, if he be over the age specified in the bill, may come in, though he be illiterate?

Mr. BURNETT. The father, if he is 55 years old, may come in, although he may be illiterate.

Mr. GOLDFOGLE. And then the boy could be kept out if he is 16¼ years old.

Mr. BURNETT. Possibly there might be a few isolated cases of that kind, but a man over 55 years of age ought not to have any children as young as 16. [Laughter.]

Mr. GOLDFOGLE. Does the gentleman think men ordinarily stop becoming fathers after they are 39?

Mr. BURNETT. I am just past 55 a few years, and I became a grandfather day before yesterday. [Applause.]

But seriously this was the reason why we had to draw some kind of a line. The Immigration Commission in making their report stated that one of the main reasons that induced them to recommend the illiteracy test was because too much unskilled labor is coming to this country. Now, the boy from Europe coming over here, who is over 16 years of age, is of that age when he comes in competition with unskilled labor. The unmarried or widowed daughter is let in for the purpose of encouraging the bringing in of wives and daughters. Many of these undesirables do not bring their families, and we wanted to encourage the women to come; and for the further reason, that we believe the widowed or single daughter is more likely to be a dependent of the father than is the boy who is between 16 and 21 years of age.

Gentlemen like the gentleman from Pennsylvania [Mr. MOORE] inveigh against the danger of legislation by conference committees, and yet every one of them admits that there are many wise provisions in the conference report, and each time come back with their principal attack on the illiteracy test, just as they have been doing for years.

They pretend that it is an attack on all foreigners, and yet they—every one—know that the Jews and the people from northwestern Europe will not be affected by it. Many intelligent foreigners refuse to make themselves parties to any such fallacies and repudiate the men who advance them.

I give the following example, printed in the Brooklyn Daily Eagle of December 12, 1912:

WOULD STIFFEN SULZER ON ILLITERACY BILL—MR. DWYER FEARS CONGRESSMAN IS AGAINST MEASURE.

Following is a copy of a letter sent to Governor Elect Sulzer by Edward Dwyer, of Bay Ridge:

DEAR SIR: I have been rather surprised to notice statements in the columns of the daily papers to the effect that you were opposed to the enactment into law of Senate bill No. 3175, drawn up by Mr. DILLINGHAM, which provides an illiteracy test for immigrants desiring to land on our shores. Inasmuch as this bill was passed by the Senate last April, and it is a well-known fact that the leaders of the Democratic House of Representatives agreed to have it considered in December, it seems odd to other members of the organization with which I am connected, as well as myself, that you should be so active in opposing a measure that is needed to protect the American workingman.

As a supporter of the Democratic Party in the Nation and State, I had imagined that there could not be any of the leaders who would take the stand the newspaper reports indicate that you have taken. During the campaign just ended you never referred to this immigration question, and if it was even hinted that you were opposed to restrictive legislation it would have cost you many votes, and your stand would seriously injure your chances for reelection two years hence.

The American people, native as well as foreign born, are becoming thoroughly aroused over the lax immigration laws that permit tens of thousands of undesirables to enter this country annually, a class which does not understand, nor care to learn, anything concerning American institutions. They are willing to labor for a wage that no American citizen can exist on. These people are content to live on filth, can keep body and soul together on the sort of food that would soon kill off the native-born American, the Irishman, German, Englishman, or Scandinavian.

What we are entitled to in this great country is a chance to live decently, to rear our children up good Americans, and to be enabled to save a little money for the rainy day. How can we carry out this program when in every occupation of life we have to compete with foreigners whose only aim is to gather enough money to bring them back to their native land and to live in ease for some time?

It has been shown, as you well know, that almost 40 per cent of the immigrants arriving here annually leave the country. Speak to men who have worked for large railroads and they will tell you of the same crowd of foreigners that they have observed, working for a few

months on a railroad, returning to Europe with the money earned, and repeating the thing every year. A large percentage of those who stay are not a credit to any land. In New York State the undesirable foreigners form 40 per cent of the population of our jails and insane asylums.

Think of the tax all of this means on our citizens. The attempt of the foreign steamship companies, their paid attorneys, and the corrupt press to raise the cry of religious bigotry and racial animosity in order to injure the cause of immigration restriction has failed.

This is a question that affects every American no matter where he was born. It is a fight for existence. The clinching argument in favor of the adoption of the illiteracy test is the report of the Congressional Immigration Commission, which declared that many undeniably undesirable persons enter every year. There is a growing criminal class in this country, due to foreign immigration.

Organized labor has demanded restrictive legislation, resolutions have been adopted time and again by the labor unions, and the leaders like John Mitchell and Samuel Gompers have repeatedly spoken out against the admission of so many undesirables.

You are a friend of organized labor, even though it has been alleged that you were reported absent or not voting on many measures that came up in the last session of Congress. I am not inclined to believe the press reports that you are opposed to the illiteracy test, and on behalf of others, as well as myself, I urge you to vote for and secure other votes for the measure.

Yours, truly,

EDWARD DWYER,
336 Seventy-eighth Street.

BROOKLYN, N. Y., *December 10, 1912.*

Those who would open our ports to the scum of Europe quote President Charles W. Eliot as being opposed to restriction, and yet the following from the New York Times of February 1, 1913, shows that Dr. Eliot would keep out the very kind that the illiteracy test would debar.

EX-PRESIDENT CHARLES W. ELIOT A RESTRICTIONIST NOW.

ELIOT WOULD BAR BACHELORS—PROPOSES IMMIGRATION LAW LIMITING ADMISSIONS TO 15 PER CENT.

BOSTON, *January 31.*

This afternoon, in discussing a bill now before the legislature which seeks to establish an immigration inspection board for Massachusetts, Dr. Eliot told a large audience at the Twentieth Century Club that the large numbers of unmarried male immigrants should be restricted to 15 per cent of the entire number of foreign-born admitted to the country.

Dr. Eliot argued against the blending of the different races, and his point taken in opposition to allowing the wholesale immigration of bachelors was in support of this argument. In taking this stand on the immigration question Dr. Eliot added his support to the plan advocated by United States Senator DILLINGHAM, of Vermont, chairman of the Senate Immigration Committee, who said it would be a good thing for the Nation to rule that only married men accompanied by their families should enter the country as immigrants.

The great metropolitan press of the country is becoming alarmed over the conditions growing out of the tremendous influx of illiterates from foreign shores. I will read a few:

[From the New York Sun, June 27, 1912.]

When we remember the sources of a very large proportion—almost the bulk—of our great immigration in recent years the reason for the difficulties created thereby are easy to see. These droves of newcomers are drawn almost entirely from eastern and southern Europe, and it comes practically to this, that the illiteracy of those nations is transported to America in shipload lots, and that however broad the spaces in this country and however great the opportunities of betterment for everybody, congestion and clogging of all usual or even extraordinary provisions for education and general Americanization of the illiterate and variously defective immigrants must result, at least temporarily, in the cities and States where they come and stay in such large numbers. The reasonableness of placing some check upon such an obviously intolerable abuse of a welcome to these shores is evident enough; blind opposition to any such measures must provoke reasonable resentment and proper measures of self-protection.

[From the Saturday Evening Post, May 18, 1912.]

ILLITERATE IMMIGRANTS.

Since the Spanish-American War we have received two and a quarter million immigrants who were unable to read or write in any language, nearly all of whom undoubtedly were unable to speak English. Their only means of communication was the spoken word in their mother tongue. Naturally these immigrants tend to congregate in foreign-speaking, foreign-thinking communities. Wholly dependent for information upon a fellow countryman's word of mouth, they are especially liable to exploitation.

Illiteracy shuts them out from most opportunities for bettering their condition. Inevitably they work for the lowest pay; and, coming in such great numbers, there is no doubt they tend to depress the general level of wages in the industries they enter.

It is quite true, as urged by those who oppose a literary test in our immigration laws, that character is more important than education; but the point has no practical relevancy, because it is plainly impossible to frame any statutory test for character. If there is to be any restriction upon immigration it should bar out the least desirable; and no candid person will deny that, by and large, the illiterate immigrant is less desirable than the literate. His illiteracy raises a strong presumption that he has been badly conditioned socially and politically. It handicaps him tremendously in comprehending American conditions and purposes.

We shall, as a matter of course, bar known criminals, the insane, and paupers. If there is to be any finer discrimination as regards immigration from European countries the literacy test ought to be adopted.

The following from the Cincinnati Time-Star—Hon. Charles Taft's paper—of December 26, 1912, speaks earnestly on the subject:

CONGRESS AND IMMIGRATION.

The country has noted with rather less interest than the subject deserves the effort of Congress to provide a "literacy" test for future immigration into the country.

A bill providing that no immigrant who is unable to read in some recognized language shall enter the United States hereafter has passed the House. Another bill along similar lines has passed the Senate. The two measures are now in conference and there seems to be little reason to doubt that an agreement will be reached before long.

Some newspapers have made more or less serious objection to the new immigration bills. They hold that a literacy test will not get to the bottom of the immigration problem. They hold that the country needs all the cheap labor it can get. To bar out a man because he can not read, they say, will keep out of the United States a great deal of the new bone and sinew that we need in our national make-up, at the same time allowing many useless and even dangerous persons who happen to be able to read to get into the country.

Undoubtedly there are some valid objections to a literacy test for immigrants. It may be that a better method can be devised for cutting down the present tremendous bulk of immigration into this country. However, the fact remains that the immigration question has been one of the big questions before Congress for a good many years now and nothing has been done. And this in spite of the fact that thinking men all over the country have fully realized the menace to our free institutions involved in the arrival of people without training in self-government at such a tremendous rate that not even our remarkable powers of assimilation can take care of them.

No reasonable man questions the tremendous service the immigrant has rendered this country. As a matter of fact, all of us owe our existence as Americans to the immigration of one period or another.

But the flow of new population into the United States has been very different these past 15 years from what it was before that time. Until toward the close of the nineteenth century the people who sought homes in this country were practically all of one blood, easily capable of amalgamation, and readily susceptible to the American ideals of self-government. English, Irish, Scotch, German—these may not have been brothers in blood, but they were at least first cousins.

Then came a sudden onrush of new immigrants from southern and eastern Europe. Go over the immigration list of any great liner arriving at New York nowadays, and how many English, Irish, Scotch, or German names will you find?

The proportion, of course, is very small. Practically all our immigration of to-day is made up of people from southern and eastern Europe. And at the same time that the character of the flow of population into the United States has changed the number of immigrants arriving has jumped from a hundred or two hundred thousand to nearly a million in the average year. In good times we get over a million; in bad times the number diminishes considerably, but the average is very high.

We are not saying anything against the Italians, the Russian Jews, and the other peoples who have provided the bulk of our immigration in recent years. Everybody who has rubbed up against the immigrant knows that these peoples have given some splendid citizens to this Republic. They have given some citizens of doubtful value, too, but the average, at least where the light of American institutions has had a chance to get in, has been fairly good.

But the whole matter does not rest upon a question of quality. We are getting more immigrants than we can handle, speaking not in a commercial but in a patriotic sense. We ought not to take in newcomers faster than we can educate them up to the old American ideals of self-government. It should never be forgotten that free institutions will live in this country only so long as we maintain a high average of individual character and individual intelligence.

Congress appointed a commission to go into the matter of immigration a number of years ago. This commission, made up of men admirably fitted for the work in hand, worked hard for several years. It visited most of the countries of Europe, making careful study of conditions there as well as of conditions in this country. When its report was finally made public it was seen that the commission was very strongly in favor of some positive action by the American Government toward the drastic restriction of immigration.

It is many months since that report was made. Congress can not now be accused of taking action on it hastily. The majority of the Members of the House and Senate have come to the conclusion that the most promising device for solving the immigration problem is a literacy test. If on trial this device proves a failure, we can try something else. But in the meantime something will have been done.

The cry is that we need the laborers, and yet here is what a recent number of the Gloucester Times says about that branch of the question:

THE IMMIGRATION QUESTION AGAIN.

The conference of charities and correction held in Cleveland last week has a very vigorous discussion of the immigration question, and finally by a vote expressed itself in favor of unrestricted immigration. In criticizing the conclusions of the Federal immigration commission Cyrus L. Sulzberger, of New York, said:

"The only accurate generalization made by the restrictions on the subject of immigration is that the nationality of the immigrants has changed; that whereas in former years the bulk of the immigrants came from northwestern Europe, it has lately been coming from south and eastern Europe. This is obviously true, but it is not true, as is so often asserted, that while the so-called older immigration was desirable the newer is undesirable."

And then he went on to argue that the newcomers make a better showing in regard to alcoholism, insanity, hospital costs, criminality, and various other points of statistical comparison than the settlers from northern Europe.

Let all this be granted, although it is far from being proved as yet, and the main question is by no means settled. It is not strange that immigrants should be very solicitous that others should have the same privilege which they have themselves enjoyed. And yet it remains true that there are economic reasons which make it desirable that the incoming tide should be restrained, at least for a few years. Our cities are flooded with unskilled laborers. There is not a manufacturing city of any size which does not have in it thousands for whom there is practically no work. Let a mill manager advertise for boys, and he is besieged by adults who wish to do the work and are willing to take the boy's pay. Conditions are seriously upset by such a large movement of population in this direction. There is certainly nothing unreasonable in itself and nothing unfair to other people that for a series of years we should limit somewhat the number who are allowed to come in. All other Nations find it necessary to do this. And the United States is fast finding it necessary, all charity conferences to the contrary notwithstanding.

The following is the attitude of a large number of educators, labor leaders, and financiers on this very question, and the comment of a Boston paper on it:

ATTITUDE OF LEADING EDUCATORS, LABOR LEADERS, AND FINANCIERS OF NEW ENGLAND.

To the Senate and House of Representatives of the United States:

While we are aware that there is a world-wide rise in the cost of living and that there are local causes of disturbance and distress which need correcting, we none the less believe that distressing conditions in the United States are greatly aggravated by the fact that the less skilled classes of labor are subjected to an artificial and unnecessary competition. This competition is due to the unlimited importation from numerous parts of the world of laborers often induced to come here by persons interested financially in their coming, whose controlling interest is not in the personal welfare of the immigrant or in the general welfare of our country.

We believe the evidence to be conclusive that under these conditions the maintenance of a proper American standard of living among the laboring classes of our country is impossible in this State, or in any other State subject to these same conditions. We therefore most respectfully urge that this overshadowing menace be not ignored by you, and that you relieve this situation by limiting the importation of labor to a point where the American standard of living among great bodies of laborers shall no longer be broken down.

EDUCATORS.

A. Lawrence Lowell, president Harvard University.
Richard C. Maclaurin, president Massachusetts Institute of Technology.
Henry A. Garfield, president Williams College.
T. N. Carver, professor of political economy, Harvard University.
C. J. Bullock, professor of economics, Harvard University.
O. M. W. Sprague, assistant professor of banking and finance, Harvard University.
William Z. Ripley, professor of political economy, Harvard University.
Robert A. Woods, author and leading social worker.

LABOR LEADERS.

John F. Tobin, general president of the Boot and Shoe Workers' Union.
John Golden, president United Textile Workers of America.
James Duncan, first vice president American Federation of Labor.
Arthur M. Huddell, business agent Building Trades Council.
Henry Abrahams, secretary International Cigarmakers' Union and secretary Boston Central Labor Union.

FINANCIERS.

Henry Lee Higginson, senior partner of Lee, Higginson & Co.
Alfred D. Foster, president New England Mutual Life Insurance Co.
Philip Stockton, president Old Colony Trust Co.
Francis R. Hart, vice president Old Colony Trust Co.

[Editorial from the Monitor (Christian Science), Boston, Mass., June 12, 1912.]

Massachusetts signers of a petition to Congress for restriction of immigration along lines proposed in the original Dillingham bill are of a kind that gives the document more than usual significance. The presidents of Harvard University, the Institute of Technology and Williams College, several of the most eminent economists of Harvard's faculty, and a veteran social settlement worker, Robert A. Woods, speaks for educators and investigators of social consequences of lax standards of admission, and they represent that particular element of society able to look at the issue somewhat objectively and disinterestedly. Joined with them are six representative leaders of organized labor in New England, who deprecate the lowering of standards of living and undermining of the wage scale caused by constant importation of immigrants. Last but not least there are the names of representative makers of the financial, industrial, and commercial prosperity of New England.

Filing of such a petition with such signatures is symptomatic of conditions that are forcing thoughtful Americans to consider more carefully than formerly some of the ultimate effects upon republicanism and civilization of wholesale and undiscriminate methods of increase of the foreign-born population which went on for generations unchecked. The fact that no other section of the English-speaking race has ever permitted such a process of race amalgamation as the United States has invited is beginning to be weighed for what it is worth; and Canada's present rigid testing of her would-be settlers is not without its exemplary effect on the neighboring Republic.

New England naturally is the more disturbed by the results of the past policy of laxity, because of the startling multiplication within her borders, especially in her industrial centers, of people to whom past sectional ideals do not make as strong appeal as they would were the emigrants from other lands and of other faiths. The task now being thrown upon many of the New England cities in the way of assimilation and Americanization of newcomers is greater than they are equal to. Hence the breakdowns of law and order such as were seen recently in Lawrence.

The following are resolutions of State legislatures, labor, farmer, patriotic, and other organizations on the subject; also of labor leaders and the declarations of other great thinkers and newspapers. Seventeen State legislatures have adopted memorials, of which the following is a sample:

Whereas the United States Immigration Commission, after four years' investigation and the expenditure of $1,000,000, has made a 42-volume report to Congress; and

Whereas it is being proposed that the immigration evils from which the Northeastern States are suffering be relieved by diverting and distributing the aliens now crowding into and congesting the slums, sweatshops, and city centers of the Northeast; and

Whereas the Immigration Commission clearly points out that this is the only country with any considerable net foreign immigration, our laws and administrative policy are the weakest of any new country, and that "substantial restriction is demanded by economic, moral, and social considerations," and the illiteracy test is recommended "as the most feasible single method for excluding undesirable immigration": Therefore be it

Resolved by the State Senate of Tennessee (the House concurring), That we hereby memorialize Congress to immediately enact some such illiteracy test as is recommended by the Immigration Commission, as is law in Australia, New Zealand, and other new countries, pass other needed legislation along the lines of the Immigration Commission's suggestions, and do not pass any legislation looking to the diversion and distribution of the kind of alien population that is now congesting the northeastern cities and causing so many evils there: And be it further

Resolved, That a certified copy of this resolution be sent by the secretary of the senate at once to the President of the United States, to our two United States Senators, and each of our Representatives at Washington, D. C., with the request that it be presented to Congress and properly referred.

Adopted February 7, 1911.

N. BAXTER, Jr.,
Speaker of the Senate.
A. M. LEACH,
Speaker of the House of Representatives.

Approved February 9, 1911.

BEN W. HOOPER, *Governor.*

I, W. D. Scruggs, chief clerk of the senate, hereby certify that this is a true and correct copy of senate joint resolution No. 27, adopted February 7, 1911.

W. D. SCRUGGS,
Chief Clerk of the Senate.

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FARMERS' EDUCATIONAL AND
COOPERATIVE UNION OF AMERICA,
OFFICE OF SECRETARY TREASURER,
Rogers, Ark., November 28, 1912.

HONORED SIR: In keeping with instructions of the National Farmers' Union in annual session at Chattanooga, Tenn., September 3, 4, and 5, I have the honor to submit herewith a resolution recommended in the report of the committee on immigration and adopted unanimously by the convention.

Respectfully, yours,
[SEAL.] A. C. DAVIS, *Secretary-Treasurer.*

Resolution offered by the committee on immigration.

Whereas the Immigration Commission has reported recommending the very legislation long urged and advocated by this organization and its vast membership scattered throughout 28 States; and

Whereas a bill, S. 3175, containing this legislation passed the Senate April 19, 1912, and has been before the House since: Therefore be it

Resolved by the Farmers' Educational and Cooperative Union of America in eighth national convention at Chattanooga, Tenn., this 5th day of September 1912, That we indorse the legislative recommendations of the Immigration Commission, commend the patriotic action of the Senate in passing Senate bill No. 3175, containing the legislation recommended by the commission and advocated by us, and urge upon the House the speedy passage of the bill next December, as promised; and be it further

Resolved, That the national secretary send a certified copy of this resolution to every Member of Congress at the opening of the next session.

Respectfully submitted.

JOHN MCKINNEY (California), *Chairman,*
LAWSON E. BROWN (Georgia), *Secretary,*
O. P. FORD (Alabama),
A. H. EVANS (Illinois),
Committee on Immigration.

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NEW YORK UNITED GARMENT WORKERS INDORSE ILLITERACY TEST.

Editor Sullivan was invited to address the board on the immigration question. The following resolutions were adopted:

"The general executive board of the United Garment Workers of America, at a session of its quarterly meeting in New York City, on Thursday, June 23, 1905, unanimously passed the following:

"'*Resolved,* That the unprecedented movement of the very poor to America from Europe in the last three years has resulted in wholly changing the previous social, political, and economic aspects of the immigration question. The enormous accessions to the ranks of our competing wageworkers, being to a great extent unemployed, or only partly employed, at uncertain wages, are lowering the standard of living among the masses of the working people of this country, without giving promise to uplift the great body of immigrants themselves. The overstocking of the labor markets has become a menace to many trades-unions, especially those of the lesser skilled workers. Little or no benefit can possibly accrue to an increasing proportion of the great numbers yet coming; they are unfitted to battle intelligently for their rights in this Republic, to whose present burdens they but add others still greater. The fate of the majority of the foreign wageworkers now here has served to demonstrate on the largest possible scale that immigration is no solution of the world-wide problem of poverty.

"'*Resolved,* That we call on American trades-unionists to oppose emphatically the proposed scheme of Government distribution of immigrants, since it would be an obvious means of directly and cheaply furnishing strike breakers to the "combine" capitalists now seeking the destruction of the trades-unions.

"'*Resolved,* That we condemn all forms of assisted immigration through charitable agencies or otherwise.

"'*Resolved,* That we warn the poor of the earth against coming to America with false hopes; it is our duty to inform them that the economic situation in this country is changing with the same rapidity as the methods of industry and commerce.

"'*Resolved,* That we call on the Government of the United States for a righteous relief of the wageworkers now in America. We desire that it should either (1) suspend immigration totally for a term of years, or (2) put into force such an illiteracy test as will exclude the ignorant and also impose such a head tax as be sufficient to send back all those who within a stated period should become public dependents.'"

Resolution.

Whereas it is estimated that the outflow of gold from this country to Europe, due to the present system of immigration, amounted in the year 1909 to $357,000,000; and

Whereas it is admitted that this system is encouraged by the Governments of countries from which the hordes of emigrants are coming hither, for the very reason that the aliens send back to their friends and relatives abroad a large percentage of their earnings, which is in turn paid to foreign landlords as rents or to foreign Governments as taxes, thus indirectly bolstering Asiatic and European despotism

and feudalism at the expense of American resources while intensifying the struggle for existence among our own people, greatly lessening the opportunities for home building among us, tending mightily to race suicide by increasing the difficulties of raising children, lowering moral standards, weakening patriotic sentiment, and breeding contempt for American customs, laws, and traditions, and, in fine, driving plenty, peace, and innocence from our shores; and

Whereas alien corporations, and the outlaws and vampires who conduct the white-slave trade, are known to thrive by reason of the immigrant traffic, and to combine with "bosses" in industry and "bosses" in politics for the promotion of sordid and corrupt schemes that imperil both our industrial and political systems, exasperating labor, paralyzing capital, prostituting the ballot, assailing our courts of justice, nullifying good laws, initiating bad ones, and jeopardizing the existence of constitutional free government among us; and

Whereas information is at hand tending to show that our Representative in Congress is disposed to stifle all legislation in that body which is designed to remedy the manifold and crying evils here complained of, and that he has, to that extent, demonstrated his lack of diligence, probity, patriotism, and fidelity to his constituency; and

Whereas an election for Members of Congress is approaching, at which our own Representative must appeal again to the electors for their votes: Therefore be it

Resolved, 1. That we, the Immigration Restriction League, of Brooklyn, N. Y., representing many thousand voters, are sorely aggrieved by the failure of Congress to pass suitable laws for the restriction of immigration to the United States.

2. That we condemn as unfaithful, unwise, and undesirable any and every Member of Congress who has failed to urge the passage of such laws.

3. That we pledge our support at the coming election to candidates known to favor the speedy enactment of such laws, and demand that every candidate shall, before election day, publicly and distinctly announce his views and declare his purposes respecting such legislation, and that any candidate who neglects or refuses so to do will be regarded as hostile to our cause.

Dr. JAMES L. ARMSTRONG, *President*.
THOS. W. CHRISTY, *Secretary*.

Adopted April 14, 1910.

[Editorial from recent issue of Gazette-Times, of Pittsburgh, Pa.]

The statement is made that there is a perceptible shortage in the supply of common labor in Pittsburgh and western Pennsylvania. For this class of workmen industrial and development concerns rely upon foreigners chiefly from Italy and Austria-Hungary. Tens of thousands of immigrants returned to Europe during the depression following the panic of 1907, and the influx latterly has not been as great as in previous years. Meantime Brazil and Argentina are proving more attractive because of the abnormal prosperity in those South American countries.

This is a state of affairs fortunately which Pennsylvania can bear with equanimity. There may be temporary inconvenience caused by inability to secure enough men, but in the long run matters will balance themselves. In any event in the proportion that immigration of this kind falls off will the process of assimilation and Americanization make headway. Naturally the employer, anxious to maintain production and keep pace with competitors, considers the incoming alien purely from his capacity to work—a unit in the great system of building and making. Society and the State, however, must estimate him from another angle, and that is as to his quality as a citizen. There is to-day in this State no more important, difficult, or far-reaching problem confronting the community than that of the proper education and civilization of these foreigners. It is of a great deal more consequence to the Commonwealth that they become moral, lawabiding, patriotic, sober, and thrifty than that mere production be kept up to the requirements of demand. Industrious they are, willing, competent, and tractable, but unless they are subject to stimulating and elevating influences and are taught to have a better regard for American laws and customs their settlement in this country is neither for their good nor ours.

Court and police records bear terrible testimony to the price we are paying for immigration of this character, and there is every reason why Congress should so amend the statutes that it will be impossible longer to bring so many thousands of men whose presence is desirable only because they can be used as common labor. If there were less of such immigration to our shores, it is not improbable that there would be a revival of interest in America among the more intelligent Europeans.

Resolution adopted at a public meeting held in New York City, May 17, 1912, urging the passage by the House of Representatives of the Dillingham immigration bill (S. 3175).

Whereas a meeting recently held at Cooper Union, presided over by a former Congressman, once a member of the Immigration Commission and now attorney for the Navigazione Generale Italiana and other foreign steamship lines, at which a resolution was adopted in opposition to the Dillingham immigration bill, which contains legislation recommended by the Immigration Commission and which passed the Senate April 19, after three months' consideration and many days' debate; and

Whereas that meeting was called and addressed by agents of the steamship companies, padrones, and others peculiarly and pecuniarily interested, directly or indirectly, in the free importation of cheap labor and the unrestricted immigration of undesirables; and

Whereas that meeting did not represent the sentiment or the voting citizenship of the city; and

Whereas the financial and other burdens of our existing inadequate immigration laws are shown by the statement of Gov. Dix and other State officials that unrestricted immigration is costing the taxpayers of New York over $8,000,000 a year for the care of dependents and defectives, and by the present investigation, and were pointed out by the congressional Immigration Commission after its five years' thorough investigation, which reported in 42 volumes that our existing laws are "weak and ineffectual," recommended "substantial restriction" as "demanded by economic, social, and moral considerations," and found the "reading and writing test" to be one of the "most feasible methods" for excluding undesirable immigration: Therefore be it

Resolved, That this meeting urges upon the House of Representatives the immediate passage of the Dillingham, or Immigration Commission, bill (S. 3175) in order to put this country on a par with other new countries, such as Canada and Australia; and be it further

Resolved, That the secretary of this meeting send a copy of this resolution to the President, the Vice President, Senator H. C. LODGE, and each Member of the House at Washington, D. C.

JOSIAH C. PUMPELLY, *Chairman*,
255 West One hundred and eighth Street.
O. C. KIDNEY, *Secretary*,
815 West One hundred and seventy-ninth Street.

[Extract from article entitled "Protect the workman," by John Mitchell, The Outlook, August, 1911.]

The American workman recognizes the necessity of reasonable restrictions upon the admission of future immigrants; he realizes that his own welfare depends upon being able to work and to live in harmony and fellowship with those who have been admitted and are now a part of our industrial and social life.

The American wage earner, be he native or immigrant, entertains no prejudice against his fellow from other lands; but, as self-preservation is the first law of nature, our workmen believe and contend that their labor should be protected against the competition of an induced immigration comprised largely of men whose standards and ideals are lower than our own. The demand for the exclusion of Asiatics, especially the Chinese and the Hindus, is based solely upon the fact that as a race their standard of living is extremely low and their assimilation by Americans impossible. The American wage earner is not an advocate of the principle of indiscriminate exclusion which finds favor in some quarters, and he is not likely to become an advocate of such a policy unless he is driven to this extreme as a matter of self-preservation. He fails, however, to see the consistency of a legislative protective policy which does not, at the same time that it protects industry, give equal protection to American labor. If the products of our mills and factories are to be protected by a tariff on articles manufactured abroad, then, by the same token, labor should be protected against an unreasonable competition from a stimulated and excessive immigration. * * *

If we are going to regulate immigration at all, we should prescribe by law definite conditions, the application of which would result in securing only those immigrants whose standards and ideals compare favorably with our own. To that end wage earners believe—

First. That, in addition to the restrictions imposed by the laws at present in force, the head tax of $4 now collected should be increased to $10.

Second. That each immigrant, unless he be a political refugee, should bring with him not less than $25, in addition to the amount required to pay transportation to the point where he expects to find employment.

Third. That immigrants between the ages of 14 and 50 years should be able to read a section of the Constitution of the United States, either in our language, in their own language, or in the language of the country from which they come.

[From the New York Sun, Mar. 28, 1912, Evening Edition.]

A COMING ISSUE.

In more ways than one the present and the near future seem likely to offer years of unusual test for the Republic in which we live. A desire to experiment with the iridescent toy of pure democracy has already disturbed the workings of representative government in various parts of the country. And impatience with courts and constitutions may well cause graver confusion. The actual evil from such experiments may not be great, and every try at pure democracy contains a fresh demonstration of the futility of such reversion to primitive methods in a modern state. Nor have we any patience with those gloomy dyspeptics who consider that American political sense has gone to the dogs. It hasn't—and it is a pleasure to observe it attacking the new problems at once with zest and patience.

But America is one thing, and America overlaid or interlarded with large slices of the most ignorant and unreliable portions of Europe is another. And the indeterminate factor in the coming years—the coming issue—is the question of how much further we can permit free, unsifted immigration. Our current immigration both raises the most serious problems now forming for governmental solution, and also, by lowering the intelligence of the electorate, furnishes the gravest hindrance to their solution. The sudden eruption of the gaunt figure of syndicalism in our labor troubles is the most ominous sign of the times. We have had our strikes aplenty in the past. But the first considerable development of an actually revolutionary spirit comes to-day—and comes, as lately at Lawrence and now at Paterson, among the un-American immigrants from southern Europe.

The question is not one to be settled in a day or in a year. We shall doubtless have it with us for a long while to come. But we think the time is ripe for a very serious debate upon the problem, and actually for a beginning of restrictive measures. The first brute need for hands to lay open an unexplored continent has unquestionably passed. Such need as remains must be balanced against the paramount need for minds to govern a highly developed nation.

Fortunately, the whole subject has been most thoroughly examined in recent years and the facts are before the Nation. The recent congressional investigation resulted in a plentiful array of statistics, and especially in a single volume, The Immigration Problem, prepared by Prof. Jenks and Prof. Lauck, who aided in the study. Much of their interesting report was stated to the Senate recently by Senator SIMMONS, of North Carolina. The question is before that body in connection with a bill codifying the immigration laws. A provision for an educational test was cut out in committee, but has been offered as an amendment by the Senator from North Carolina. To quote the conclusion of his argument:

"In nearly every State we are expending annually enormous sums of money to educate the boys and the girls who are to be the citizens of the future, who are to control the destiny of this country and its institutions. In many States there are compulsory attendance laws. The taxpayers are assuming this great financial burden; they are insisting upon this higher degree of education for our boys and girls because they appreciate and thoroughly understand the fact that in an enlightened democracy such as ours, a country where we have sovereignty citizenship, the safety of our institutions, nay, the perpetuity of those institutions, depends upon the measure of intelligence of its people.

"Here, sir, we are spending annually upon our boys hundreds of millions of dollars to fit them for citizenship, because we know that that better fits them for participation in a Government like ours. Yet, Mr. President, in the face of this fact, in the face of this large expenditure of money for this purpose, when the Nation as a whole comes to act we open the doors and admit every year to our citizenship between 200,000 and 300,000 of as densely ignorant and illiterate peoples as live under God's sun. Why should we do this? Is it not a contradiction in policy? Is it not inconsistent with our whole educational history, especially of the last 25 or 30 years?"

The facts which he quoted to support his view are familiar enough. The change in the character of immigration in the last 25 years is notorious. Of the total immigration prior to 1883, 95 per cent came from England, Ireland, Scotland, Wales, Belgium, Denmark, France, Germany, the Netherlands, Norway, Sweden, and Switzerland. From 1883 to 1907, 81 per cent came from Austria-Hungary, Bulgaria, Greece, Italy, Montenegro, Poland, Portugal, Roumania, Russia, Servia, Spain, Syria, and Turkey. This latter stream is one-half illiterate; more than a third does not settle here, but returns to its source, and the rest largely lives to itself and resists assimilation. All of which facts are admirably illustrated, for example, in the racial condition existing in Lawrence, Mass.

Whether the literacy test is a sound method of restriction is a moot question. Nine out of the ten members of the congressional investigating committee agreed upon it as the best practical means, though frankly admitting its shortcomings. Possibly such a test, if supplemented by other restrictions, might meet the needs of the situation. But the point we would make is that the time has come when some restrictive plan must be devised and applied. The question admits of no division between capitalist and laborer. It has passed beyond the range of purely economic discussion and entered a field wherein all Americans must unite to grapple with a serious threat against the solidarity of the Nation. We trust neither Congress nor the people will find a presidential election too engrossing to permit the immediate consideration of this pressing issue.

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[From the New York Tribune, July 15, 1912.]

FORESEES ALIEN PERIL—BRITISH CONSUL GENERAL WRITES ABOUT IMMIGRATION PROBLEM—SWARMS OF ILLITERATES—MR. BENNETT EXPRESSES FEAR OF LESSENING OF ANGLO-SAXON SUPREMACY IN AMERICA.

In his annual report to the British Parliament, Courtenay Walter Bennett, British consul general at New York, expresses a vague fear that the enormous influx of immigrants, with different ideas of law, liberty, and justice than those who founded the country, may lead to serious trouble in the future. He intimated that the outlook indicated a lessening of Anglo-Saxon supremacy.

The report, which consists of 50 printed pages, covers a wide range of topics, from the usual trade reports to a study of social and economic conditions of the country.

The future Manhattan Island, in the opinion of Consul General Bennett, will be a city of towering skyscrapers, with rents so high that the average business house will be forced to seek quarters outside of Manhattan Island.

He also points out that New York City is losing its supremacy as the money center of the United States, which is due, he declares, to the increase of wealth in other parts of the Union. The basis for this conclusion he found in the bank clearances during the years 1905–1911, which show that New York in 1911 had only 58 per cent of the entire bank clearances of the United States as opposed to 65 in 1905.

Speaking of the influx of immigration, Mr. Bennett said:

"The new immigration is illiterate in the proportion of 35.6 per cent compared with 2.7 per cent of the old. It acquires English very slowly—often not at all—while races of the old immigration either spoke English to begin with or a tongue so allied to English that its acquisition was easy. It is very largely a male immigration, whereas the old was an immigration of families; it is nomadic, where the old was settled; it is comparatively segregated; finally, it is not an immigration at all in the sense that the old was, but an advancing and receding flood."

MANY GO HOME TO STAY.

Elaborating on this, he points out that one-third of all the immigrants now coming to this country return to their native lands, and of this number two-thirds remain there.

After reviewing the cosmopolitanism and heterogeneity of New York's population, Mr. Bennett says:

"In many quarters the belief is held that the gates of immigration have been opened too widely and that the enormous influx of people with different ideas of law and liberty and justice may lead to serious trouble in the future. Whether the mass of new immigrants will be absorbed in the old and eventually turned into valuable American citizens or whether the original ethnic elements, pressed upon on the one side by the colored population, which is increasing rapidly in numbers and is to-day estimated at over 10,000,000, and on the other side by the mass of new immigrants, much of which is not Christian in belief, will be modified, subdivided, or drowned in the flood of foreigners, and thus rendered impotent to exercise its proper influence, are questions which occasion present anxiety, but which can only be answered in the unknown future."

Continuing, Mr. Bennett dwells on labor conditions generally, and observes:

"It is also perhaps desirable to point out that labor conditions in the States are approaching conditions found in Europe more rapidly than is generally thought. The labor market is overstocked; unemployment, especially among the unskilled laborers, is very prevalent, while competition for a vacant berth is as keen in New York as it is in London."

TELLS OF SKYSCRAPER PROBLEM.

The skyscraper problem Mr. Bennett describes in part:

"It appears to be the wish of everybody to have their offices or places of business as near to Wall Street or the docks as possible. This wish naturally sent up the rents, the land became more valuable, and at the same time the landlords wished to make as much profit as possible from their landed property. The space available for building being limited, and only sufficient to accommodate hundreds, it was found necessary to devise a scheme for making it suitable for thousands. In London a somewhat similar difficulty was experienced, and the tendency was met by building story after story beneath the level of the street. In New York the architects built upward story upon story up to 52 stories in the newest buildings, and the age of the skyscraper arrived. Land, therefore, which under normal circumstances could only give homes or office room to, say, 200 or 300, now gives room for 10,000, or even 14,000. The extra cost in building is more than covered by the increased rents asked and obtained.

"To-day, forming, as they do, a sort of vacuum into which hundreds of thousands of human beings are being projected every day at about the same hour, and from which they are ejected every evening, also in crowds, the skyscraper has paralyzed all efforts to relieve traffic congestion in New York.

"New roads, ferries, railways, subways, and elevated tracks have been made, but as fast as they are completed the growing traffic overtakes their carrying powers, and the congestion remains as bad as ever it did.

"The day apparently must come, and before many years are past, when the skyscrapers have brought the city to an impasse, when millions will be working where thousands were intended to work, where rents have risen to such a figure that they can not profitably be made, and when people will begin to find it necessary to carry on their business more cheaply in places situated not on Manhattan Island."

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ATTITUDE OF NATIONAL GRANGE.

Resolution adopted at the national session, 1912.

Whereas the Senate has passed an excellent bill, S. 3175, containing the legislation recently recommended by a congressional investigating commission as necessary to exclude undesirable immigration, and the House leaders have announced that the measure will be considered "the first thing in December"; and

Whereas we have recommended that the head tax be increased, the illiteracy test be enacted, the foreign steamships be fined for bringing undesirables, and that other judicious measures be adopted by the Congress of the United States: Therefore be it

Resolved by the National Grange in forty-sixth annual session, That we urge this needed legislation.

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[From the Outlook, Sept. 14, 1912.]

ATTITUDE OF THE RAILROAD BROTHERHOODS—THE LITERACY TEST FOR IMMIGRANTS.

May I have the honor of your columns to say a few words in regard to the immigration question discussed editorially and by correspondence in your issue of June 22?

All labor leaders are agreed, so far as I know, and my acquaintance is extensive, that some substantial curb ought to be placed at once on the present enormous influx and efflux of foreign labor. And while I know of no official identified with any of the various labor organizations of the country who would take exception to your statement that the illiteracy test "would be inadequate to protect this country from (all) undesirable immigrants," I feel certain that practically all of them would be inclined to dissent from your other statement that it would not help "secure those that are desirable."

There is absolutely no question about the Immigration Commission's finding that there is an "oversupply of unskilled labor in this country," which affects indirectly, but none the less deleteriously, wages and conditions of employment in the skilled trades. For years our organizations have recognized with increasing conviction the need of just such legislation as that recommended by the commission, and have gone on record at our conventions and before congressional committees as favoring it, and particularly the reading and writing test, because we find that those who can not read or write are the ones at Lawrence in textile industries, at Bethlehem in the steel mills, and even at work in the railway construction camps, as pointed out by the Immigration Commission, that are the easiest induced to come here, to be hoodwinked into coming, to be worked at lower wages and longer hours, and that they are the ones who render conditions less safe and less sanitary and who are used by the labor exchanges, the large employers of cheap labor, and the like to prevent an improvement of conditions commensurate with inventions and changing needs, an increase in wages to keep pace with the increased cost of living, etc.

The commission emphasizes the fact, I believe, that the illiterate, as one would expect, are the most difficult to organize into a law-abiding union and the easiest to become the tools of violent agitators, such as have made their appearance recently during labor troubles at Lawrence and other places.

With your statement that transient workers coming to go back with their parsimonious hoardings, unaccompanied by their families, should be excluded, and that a limit should be placed upon the number coming, I believe all students of labor conditions agree and at least 80 per cent of the thinking public. A large number, considerably over half, I believe, would be in favor of going further for a specified time, in order to allow the forces of assimilation to relieve the situation. But the rub comes as to the tests to accomplish this purpose. The Republican Party had declared for the illiteracy test in specified terms, and a general declaration of the Democratic Party has been interpreted on the stump in a campaign or two to mean the same identical thing.

In your editorial you advocate an increased head tax, the requirement of some money in the pocket, which is law in Canada, among other restrictive provisions and orders that make our weak laws look ridiculous, a character certificate, and the limitation of numbers coming per annum. But would any one or all of these "secure those that are desirable" and keep out those that are "undesirable"? Would not any test, as a matter of fact, in academic argument, keep out some possibly desirable person? And could not even our present feeble laws, excluding merely a few of the undeniably undesirable and objectionable, be said to do this? Do they not keep out desirable immigrants, even though the law is enforced very liberally and generously and charitably? In my experience I know of no piece of legislation that has not had brought against its enactment the charge that it would do some hardship, and nowadays we hear much said about the administration of the laws by the courts being a "reproach to civilization." But is that any reason for abolishing, as the nihilist and anarchist would, all government? Or for the owner of a barn, using the same reasoning, burning it to destroy the rats?

To us who make a specialty of studying, exclusively almost, the needs of labor and labor problems, the illiteracy test seems, as it did to the Immigration Commission, "the most feasible" for starting the proper regulation and control of immigration, because it would, as pointed out by the commission, work the least possible harm and do the greatest possible good of any of the tests considered, and by so recommending it they, as I understand, did not preclude the enactment of additional and other tests, and did not mean to recommend it as a substitute for other existing as well as proposed legislation, such as you mention.

H. E. WILLS,
National Joint Legislative Representative,
Order of Railway Conductors, Brotherhood of Railway Trainmen, and Brotherhood of Locomotive Engineers.

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[Views of Senator ELIHU ROOT. Extract from speech delivered in United States Senate April 19, 1912.]

Mr. President, I am opposed to the amendment striking out the illiteracy clause. I believe the time has come when it will be for the benefit of the people of the United States, including all the millions of immigrants who have come into this country in recent years, to put

into our immigration law a clause which will require the immigrants who are admitted here to pass the test of ability to read and write.

I intend to say but a very few words on the subject. I am not in favor of this proposition for the reason that it will tend to exclude criminals and anarchists. I do not suppose it is intended for that purpose at all, and the fact that it will not accomplish that purpose is no argument against the test. I am not in favor of the test of illiteracy because I think there are not many good people who would become useful citizens and who can not read and write at this time. It may well be that such a test will exclude a good many people whom we should be glad to have here. But, Mr. President, the question is not whether this test will still leave it possible for some people to come in who ought to come in, or whether it will keep out certain people whom it would be well to keep out, but whether such a test will be beneficial to the people of the United States.

It seems clear to me that it will be beneficial as a whole. I think there is a general and well-founded feeling that we have been taking in immigrants from the Old World in recent years rather more rapidly than we have been assimilating them. They have been coming in rather more rapidly than they have been acquiring American habits of thought and the American spirit of government, and it could not well be otherwise in view of the fact that of the 9,555,000 immigrants who have come into this country during the 12 years following the War with Spain, 2,238,801 over 14 years of age were unable to read and write, with the result that we have many great communities composed of people gathered together unable to speak the English language, unable to read the newspapers or the magazines or the books through the agency of which a knowledge of what is going on in the world and a knowledge of the principles of our Government may be communicated to our people.

These communities of foreigners, speaking a foreign tongue, with foreign habits and thoughts, cut off by inability to read from the great body of the people of America, cut off from our ideas, from our thoughts, our sentiments, our feelings, our purposes by their own ignorance, are encysted in the body politic of America and the body social of America and are not a part, in fact, of the organized community which we call the United States.

* * * * * * *

Mr. President, there are two special considerations that I wish to lay before the Senate in its dealing with the question whether it is desirable for us to impose this limit. One is that the coming of great numbers of these people who are wholly illiterate and who have to take, of course, the lowest rate of wages, whose minds are not open to the ordinary opportunities for bettering their condition, does tend to break down the American standard of wages, and to compel American workmen, whether they be born here or be a part of the 9,000,000 who have come in since the War with Spain, to compete with a standard of wages and a standard of living that they ought not to be required to compete with.

Now, that is the reason why within a comparatively recent time the workingmen of the country who formerly were moved by sympathy with the friends they had left behind them on the other side of the ocean have now come to feel that it is essential that something be done, so that this bringing in and planting on our soil the pauper labor of Europe may be checked, and why they are asking for this legislation.

I do not see, sir, how any one upon either side of this Chamber can square his conduct with his professions of a desire to promote the welfare, to improve the conditions, to contribute to the happiness of men who work with their hands in this country and refuse to check this influx of ignorant labor to compete with our workingmen and reduce them to a standard of living below that which they have at present.

There is one other consideration which seems to me of very serious importance. We do not have to wait now, sir, for men to be naturalized and accorded the suffrage before they can exercise a potent influence upon the most vital concerns of the whole people. It is only a few weeks since we have seen Great Britain face to face with a paralysis of industry, with imminent danger of famine, with a condition which had thrown out of employment more than 2,000,000 of the working people who themselves were not on strike, but who were thrown out of employment because the coal supply to keep going the industries in which they worked had failed. That situation was brought about by a vote of the miners of coal.

But a few years ago, sir, we ourselves were confronted with a situation—not so widespread and not so imminent in its danger, but serious enough—when the coal miners of Pennsylvania stopped absolutely the supply of anthracite coal for the country. That stoppage of that great supply necessary to the comfort, necessary to keep going the furnace fire and the kitchen fire, to keep going the manufactories which employed labor, to keep going the wages of labor, was brought about by a vote of the miners in the anthracite regions of Pennsylvania.

Mr. President, I do not in the remotest degree touch upon the question of right or wrong, wisdom or unwisdom, expediency or inexpediency of such a vote. At times it may be justified; at times it may not. It even may be a close and doubtful question as to whether the men who mine the coal or the men who work in any other of the great basic industries upon which our great structure of production and commerce is built up should vote to stop.

Surely, sir, it is of vital importance to the people of the United States that the men who are to consider that question, the men who are to vote whether they will go on to furnish or will cease to furnish the supplies necessary to the continuance of our industries at large, to the continuance of the supply of the necessities and comforts of life—surely it is of vital importance to us that the men who are to cast that vote shall be men instructed, men who are able to read, men who are able to get into touch with the sentiments of American life, with the principles of American institutions. Yet we find by the report of the Immigration Commission that it is into those basic industries upon which all our industries depend that these new arrivals from southeastern Europe go. They go to the point where ignorant, uninstructed action may do the greatest damage, to the point where instructed and wise action is of the greatest consequence. Here is what the commission says:

"A large proportion of the southern and eastern European immigration of the past 25 years has entered the manufacturing and mining industries of the Eastern and Middle Western States, mostly in the capacity of unskilled laborers. There is no basic industry in which they are not largely represented, and in many cases they compose more than 50 per cent of the total number of persons employed in such industries."

And to-morrow, sir, the question whether the workers in our mills shall continue to have employment, the question whether our furnace fires shall continue alive, whether the ordinary necessities of life shall be cut off, is liable to be determined by the vote of the miners, more than 50 per cent of whom, according to this report, may be unable to read and write.

I have read the statement from the report of the commission. The commission says:

"There is no basic industry in which they are not largely represented"—

That is, these unskilled laborers from southeastern Europe—

"in which they are not largely represented, and in many cases they compose more than 50 per cent of the total number of persons employed in such industries."

I do not think it is a fact that a majority of the miners in any part of the country are illiterate, but I say that unless we put some check on this immigration we are feeding into the body of men who are engaged in these basic industries, the continuance of which is necessary for all other industries, a continual stream of men whose minds are closed to the principles and the sentiments of our American institutions and our American civilization. I think that this consideration is powerful in its persuasion toward the adoption of such a test as it is now proposed to strike out from the bill.

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THE UNION LEAGUE CLUB OF NEW YORK CITY INDORSES THE ILLITERACY TEST.

Whereas the Republican Party has declared in its national platforms of 1896 and 1900 that, in the interest of the American workingman, it favors a more effective restriction of cheap labor from foreign lands; and

Whereas many of the immigrants now landing in this country are of a less desirable class than those of former years; and

Whereas the coming of great numbers of such class tends, by the changing of standards of living and the lowering of public ideals, to undermine our national institutions: Now therefore be it

Resolved by the Union League Club of New York City, That we heartily indorse the attitude of the present national administration and of the present commissioner of immigration of the port of New York, as manifested in the more efficient enforcement of existing laws.

Resolved, That we demand in every port of entry in the United States a strict enforcement of that provision of the present law which excludes "all persons who are found to be and are certified by the examining surgeon as being mentally and physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living."

Resolved, That we favor such amendments to the present law as will authorize the deportation of any immigrant who becomes a public charge for any cause within one year of landing, and as will permit the deportation within one year after landing of such persons as were, in fact, at time of landing, paupers, or likely to become public charges, even though such disability was not detected at the time of said landing.

Resolved, That we urge upon Congress the enactment of laws which will secure the selection of a better class of immigrants by the exclusion of such adult aliens as are unable to read a language or dialect and of such as have not in their possession sufficient money to assure their support while seeking employment; and be it further

Resolved, That copies of these resolutions be forwarded to the President of the United States, the Secretary of Commerce and Labor, the Speaker of the National House of Representatives, and to each of the Senators and Representatives in Congress of the State of New York.

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[House hearings, Immigration Committee, 1910, p. 69.]

THE ILLITERACY TEST WOULD KEEP OUT ALIEN CRIMINALS.

Mr. PATTEN. The illiteracy test is not proposed as a means of excluding criminals, it is not offered as a substitute for existing laws debarring criminals, but as an additional selective and restrictive measure, and on the ground that, for an enlightened democracy such as we have, on the average, the man who can read and write is more likely to be better fitted for American citizenship than the one who can not. If the steamships can not bring illiterates they will bring literates. Of course an elementary—even a high school—education is no absolute guaranty against rascality. The test is proposed merely as another means of sifting out the more unassimilative aliens. It would seem, as Commissioner General Sargent argued, that the man who can read, write, and figure must necessarily be better equipped for the struggle for existence—better prepared for American citizenship, and more likely to take up with our standards and ideals, else our whole public-school system is wrong. There are, of course, individual cases of illiterate persons making excellent citizens, but statistics show, as one would expect, that it is the illiterate who generally has criminal propensities, is averse to country life, settles down in the crowded quarters, takes no permanent interest in the country, lacks a knowledge of a trade, has lower standards of life, a less ambition to seek a better——

Mr. KÜSTERMANN. He may not have had any chance to learn.

Mr. PATTEN. That is true; but the public-school system, the forms of government, and other institutions are reflections of capacities, characteristics, etc., of people. The late Commissioner General of Immigration, Mr. Frank P. Sargent, in one of his annual reports, expressed a decidedly contrary opinion, and argued that a rudimentary education certainly could not be a handicap in the struggle for existence, and the inference I drew from his statements was that it was decidedly desirable, and that our public-school system was all right.

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[Part of memorial adopted by both branches of Vermont State Legislature and approved by the governor.]

VERMONT LEGISLATURE MEMORALIZES CONGRESS FOR ENACTMENT OF ILLITERACY TEST AND SENATE BILL 3175.

Whereas Congress, February 21, 1907, created an Immigration Commission composed of three Senators, three Members of the House of Representatives, and three persons appointed by the President, for the purpose of making a careful and searching investigation into the entire question of immigration both in this country and abroad, and after several years painstaking investigation at a cost of a million dollars, said commission has issued its exhaustive report of 40 volumes and urgently recommends the passage of a measure which will restrict the admission of those less likely to become desirable citizens; and

Whereas the commission, with a single dissenting opinion, recommends the reading and writing test as the one best calculated to restrict undesirable immigration; and

Whereas the Hon. WILLIAM P. DILLINGHAM, senior Senator from Vermont, as chairman of the Immigration Commission, introduced a bill containing the illiteracy test, and said bill has passed the Senate and is now pending before the House of Representatives under the title of the Dillingham-Burnett bill: Therefore

Resolved, That the congressional delegation from Vermont is urgently requested to advocate and aid in the passage of any immigration bill containing the illiteracy test.

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[Extract from 1912 Annual Report of the United States Commissioner General, Hon. D. J. Keefe.]

COMMISSIONER GENERAL OF IMMIGRATION, HON. D. J. KEEFE, RECOMMENDS ILLITERACY TEST IN HIS ANNUAL REPORT FOR 1912.

While I have not heretofore opposed the insertion in the law of what has come to be known as the "illiteracy test," I have not expressed positive approval of it, preferring that what seemed to me to be the ideal test, viz, a very high and rigidly enforced rule with respect to moral, mental, and physical soundness of applying aliens should be inserted in the statute and given far-reaching effect by appropriate regulations. During the past two years my attention has been directed to numerous arguments, both favorable and unfavorable to the illiteracy test, and I have been so much impressed with those of the former character that gradually I have come to believe that the situation in the United States produced by immigration heretofore comparatively unrestricted (which situation has been described in previous reports of the bureau, as well as in the comprehensive report of the Immigration Commission recently published) demands that some method be adopted by which the influx of foreigners so unduly large as to be unhealthful may be so extensively reduced in actual numbers as materially to affect the existing purely economic phase of the proposition. It seems to have been shown quite clearly that this result would be accomplished by the illiteracy test. Of course, it is true that this is not the ideal method of sifting immigration so as to exclude none except altogether undesirable and admit none except altogether desirable aliens; that must be accomplished, if at all, by such tests as can be devised to apply to their moral, mental, and physical qualifications. But undoubtedly the illiteracy test would accomplish the immediately important purpose of materially reducing the volume of immigration and would principally reach aliens of a generally undesirable character.

An individual alien, although unable to read and write, might prove to be a valuable acquisition to the country; but when immigration is considered in larger proportions the case of this individual would sink into insignificance. Take, for instance, a thousand aliens who are literate and compare them with a thousand who are illiterate. While individual exceptions to the rule, as already indicated, would undoubtedly be found, there can be little question that among the latter thousand there would be a great many more undesirable from the moral, mental, and physical standpoint than among the former thousand. Another consideration which impresses me with respect to the illiteracy test is the fact that as a rule the literate alien generally is better qualified than the illiterate to acquire a knowledge of and respect for our political and social institutions and may, therefore, be more readily assimilated. I believe, however, that if the illiteracy test should be adopted for the purpose of immediately effecting a material reduction in the volume of immigration the standard with respect to moral, mental, and physical qualifications should simultaneously be raised.

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[Editorial from the Boston Evening Transcript, Nov. 16, 1912.]

SOUND VIEWS ON IMMIGRATION.

There has come to the Settler's desk a little pamphlet by Theodore Marburg, Esq., of Baltimore, which sets forth in a straightforward manner the menace of foreign immigration. So much sentimental sophistry is put out concerning this subject nowadays that it is a peculiar satisfaction to come upon a discussion that is thoroughly sane.

The reality of the immigration peril is patent to every unprejudiced observer of American life. Immigration of the quantity and the quality that has been coming to this country in recent years involves grave dangers. Regarded from an economic, a social, or a political viewpoint, its effects are bad. It causes economic disturbance, overcrowding the labor market, and depressing the wage rate. It multiplies, complicates, and aggravates the problems of social reform. It subjects American institutions to a severe strain and endangers the success of the democratic experiment.

The political danger is emphasized especially by Mr. Marburg: "We owe it to the world to continue to make this experiment successful. If shutting out immigrants seems unfair, it is unfair in a bigger way to permit the overcrowding which will place a strain upon our institutions. The advantages of slower growth will be manifold. The older the Government the deeper will it become rooted in the affections of the people. The slower the change of conditions we are compelled to meet, the greater will be the opportunity to accommodate ourselves to such change and to do it successfully. We have a right to exercise a choice not only in the character and health of the individuals we admit, but in the races we admit. It might be well to try, for a generation at least, the experiment of limiting the numbers of immigrants, declaring definitely how many we will receive from each of the European peoples, and giving a decided preference to the hardy northern blood. * * * What use is there in multiplying a population if you are going to subject vast numbers to a life in factory and mine? It is not by growth in numbers that the world is moved forward, but by growth in kind. Ever a higher type living under conditions of greater social justice, that is an aim worth striving for."

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[Editorial from the New York Herald, Apr. 13, 1912.]

TROUBLE AHEAD.

We call attention in the news columns this morning to the flood of immigrants now pouring into the country through the port of New York. They are coming in larger numbers than ever before. In March 83,654, a record number for that month, passed inspection. So far in April 6,000 more have entered than for the first half of April last year.

Some 3,000 a day, often more, have to be examined by the immigration inspectors. Almost needless to say, it is impossible to determine properly in the time that can be given each of them the fitness of any such number for entrance. At the very most 1,800 can be cared for with the quarters and the staff at the command of the commissioner of immigration.

Hence, a large number of most undesirable persons are being necessarily admitted. We pointed out in the Herald months ago, with the warning that immigration would probably be higher than ever this year, that at the present time nearly two-thirds of the inmates of the public insane asylums of the metropolitan district are of foreign birth. The ratio will be even higher after this. Insanity is only one of the undesirable qualities in such a heterogeneous mass. It may be fairly taken as an index of what can be confidently expected from our shortsighted policy.

This must stop. We need better immigration laws, but above all we need at once more inspectors to enforce our existing laws properly. We are laying up physical, mental, and moral trouble for our people. Who is to blame?

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AN ELEMENTARY EDUCATION BETTER FITS FOR THE STRUGGLE FOR EXISTENCE AND FOR PARTICIPATION IN OUR PUBLIC AFFAIRS.

APRIL 12, 1912.

Senator F. M. SIMMONS,
Washington, D. C.:

I see by the CONGRESSIONAL RECORD that you are to speak next Monday on your illiteracy-test amendment to the immigration bill (S. 3175) now pending before the Senate, and I beg to say that there are over 400,000 members of the above patriotic society that have been urging for several years with more and more emphasis the adoption of such a test for adult aliens.

The membership feels that there is quite too much illiteracy in the country already, and that we ought to require of our own, by means of compulsory school-attendance laws, that they be able to read and write—as well as of foreigners entering the country—on the ground that a rudimentary education better fits one for the struggle for life and for citizenship in this country.

JOHN H. NOYES,
National Legislative Committee, National Council,
Junior Order United American Mechanics.

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[Extracts from an article by Samuel Gompers in the official publication of the American Federation of Labor, The American Federationist, of Jan., 1912.]

IMMIGRATION—UP TO CONGRESS.

(Resolution 77, passed at the annual convention held at Toronto, Ontario, Nov., 1909.)

Whereas the illiteracy test is the most practical means for restricting the present stimulated influx of cheap labor, whose competition is so ruinous to the workers already here, whether native or foreign; and

Whereas an increased head tax upon steamships is needed to provide better facilities, to more efficiently enforce our immigration laws, and to restrict immigration; and

Whereas the requirement of some visible means of support would enable immigrants to find profitable employment; and

Whereas the effect of the Federal bureau of distribution is to stimulate foreign immigration: Therefore be it

Resolved, By the American Federation of Labor in twenty-ninth annual convention assembled, That we demand the enactment of the illiteracy test, the money test, an increased head tax, and the abolition of the distribution bureau; and be it further

Resolved, That we favor heavily fining the foreign steamships for bringing debarable aliens where reasons for debarment could have been ascertained at the time of sale of ticket.

The final inning of the tug of war over immigration has now begun. In this contest tremendous forces are engaged. On the side of America are the upholders of two distinctive American sentiments, the maintenance of the American standard of living for our wageworking classes and the maintenance of American institutions as they are, unimpaired through the financial degradation of the working classes. On the proimmigration side is the powerful immigration machine, composed of the transocean combine, with all its thousands of agents and other innumerable parasites, the bankers, padrones, etc., who are coining money out of the millions of immigrants coming in the course of years into this country from Europe.

The center of this tug of war has at last shifted to Congress. No longer is the discussion indefinite, casual, or partisan or without an immediate object, conducted through the press and other insufficient agencies of information and debate. No longer, either, is it backed up merely by individual impressions or the partial investigations heretofore promoted by various private institutions. The Federal Government undertook four years ago the solution of the immigration question through scientific means. It set out to ascertain the undeniable facts and after three full years of research its commission has brought forward no less than 40 volumes on the subject, covering every possible phase. Its recommendations it has brought forward in concise form in a separate pamphlet.

A reading of these recommendations confirms the facts of the case as they have been accepted by the American Federation of Labor after the serious study its members had given the question for decades. The local, and then the international unions, and finally the annual conventions of the American Federation of Labor itself, have had immigration up for consideration as one of the principal labor topics on literally thousands of occasions. The membership as a whole, from upholding the sentiments the great majority once entertained, namely, that this country could go on indefinitely absorbing the entire possible stream of immigration, have reluctantly, in view of the facts, passed over to the sway of the sentiment that their own good heartedness toward the immigrant and the laborers of the Old World was being exploited by large employers for the purpose of reducing wages as well as by the steamship combine and its myriad of parasites for the sake of their own profits. At last the great body of the American industrial wageworkers have come to see one fact above others, which is that the immigrants are assimilated in America through the wageworking class. This means that the American-born wage earners and the foreign wage earners who have been here long enough to aspire to American standards are subjected to the ruinous competition of an unending stream of men freshly arriving from foreign lands who are accustomed to so low a grade of living that they can underbid the wage earners established in this country and still save money. Whole communities, in fact whole regions, have witnessed a rapid deterioration in the mode of living of their working classes consequent on the incoming of the swarms of lifelong poverty-stricken aliens. Entire industries have seen the percentage of newly arrived laborers rising until in certain regions few American men can at present be found among the unskilled.

By the commission's report it is shown that in many communities as high as 50 and even 70 per cent of the children in the public schools are the offspring of foreign fathers. This remarkable change in America, it must be kept in mind, is almost wholly in the wage-working class. It was recognized by our wageworkers in many parts of the country that this radical change in population was taking place, and hence delegates to the trade-union conventions began some years ago to give their testimony as to the need of restriction of the evidently assisted, or artificially promoted, immigration. Opposition to those who supported these views brought about a continual sifting and searching for the truth, as it affected trade-unionism and the general wage level.

At work in advance of the investigators of the Immigration Commission were the representatives of labor as most deeply interested investigators in the cause of labor. Not only in a general way, but most strikingly in certain occupations and in certain districts of the country, what had been brought home to trade-unionists as going on through immigration was the rapid change in the membership of the unions as well as in population. In no country on the face of the globe do such rapid transitions in industry and in population take place as in ours. Therefore, in time the general opinion among union men on immigration had come to be such as was expressed in the resolution passed at the Toronto convention.

Mr. GOLDFOGLE. I ask unanimous consent to print in the RECORD the pamphlet which I hold in my hand, prepared by Mr. Max J. Kohler, of New York City, one of the delegates on civil and religious rights of the Union of American Hebrew Congregations.

The SPEAKER. The gentleman from New York [Mr. GOLDFOGLE] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The document referred to is as follows:

PRESIDENT TAFT'S VIEWS ON IMMIGRATION.

[Extract from a speech delivered by the President at Cambridge Springs, Pa., on Saturday, Oct. 26, 1912, at the dedication of a Polish college.]

I can not close without some reference to the question of immigration and the attitude that ought to be taken by the lovers of our country. I am one of those who believe that America is greatly better in her present condition, and will have still greater advantage in the future, because of the infusion into our body, politic and social, of the sturdy peasantry and the better educated classes who have come to us from the nations of Europe. In the actual development of the country it would have been impossible for us to have done what has been done in the construction of railroads, in the development of our farms, and in the establishment of our industries, had we not had the strong arms and the steady heads of those who have come to us from continental Europe. Assuming that the foundation of our country and the original people here were from the islands of Great Britain and Ireland, and treating the foreign question as one now of immigration from continental Europe, I repeat that I do not share in the fear that our citizenship is ultimately likely to suffer by the coming from other continental countries for the purpose of permanent settlement of any of the peoples who are now coming. We have a right to have, and ought to have, immigration laws that shall prevent our having thrown upon us the undesirable members of other communities, like the criminals, imbeciles, the insane, and the permanently disabled, but we have a vast territory here not yet filled, in the development of which we need manual labor of a constant and persistent kind, and I think we have shown in the past, as we shall show in the future, that our system of education is sufficiently thorough and sufficiently attractive to those who come here that they of all others avail themselves of it with promptness and success. I have an abiding faith in the influence of our institutions upon all who come here, no matter how lacking in education they may be, if they have the sturdy enterprise to leave home and to come out to this country to seek their fortunes. It is not the uneducated who scoff at education—they value it. They sacrifice everything to enable their children to obtain that which they were denied. The second generation of a sturdy but uneducated peasantry, brought to this country and raised in an atmosphere of thrift and hard work, and forced by their parents into school to obtain an instrument for self-elevation, has always contributed to the strength of our people, and they will continue to do so. The difficulty that they do not speak our language makes the process of amalgamation slower perhaps, but it does not prevent it.

I am proud of our country that we have had its doors swinging easily open for the industrious peoples of other countries that have sought ours for greater happiness and quicker development, and he would be blind indeed who would deny that a substantial part of our progress is due to this policy of generosity toward those who are seeking the atmosphere of freedom and the land of equal opportunity.

PRESIDENT ELECT WILSON'S VIEWS ON IMMIGRATION.

23 WEST STATE STREET, TRENTON, N. J.,
October 21, 1912.

DR. CYRUS ADLER, *Philadelphia, Pa.*

MY DEAR DR. ADLER: * * * I am in substantial agreement with you about the immigration policy which the country ought to observe. I think that this country can afford to use and ought to give opportunity to every man and woman of sound morals, sound mind, and sound body who comes in good faith to spend his or her energies in our life, and I should certainly be inclined, so far as I am concerned, to scrutinize very jealously any restrictions that would limit that principle in practice. * * *

Cordially and sincerely, yours, WOODROW WILSON.

THE INJUSTICE OF A LITERACY TEST FOR IMMIGRANTS.

The Dillingham bill (S. 3175), which has passed the Senate, and the Burnett bill (H. R. 22527), which has been reported to the House of Representatives, represent a radical departure from the historical policy of our Government respecting immigration legislation. These bills, if enacted into law, would for the first time restrict immigration, whereas heretofore all legislation has been regulative. The method resorted to for the restriction of immigration in both of these bills is that of a literacy test, which is the sole provision of the Burnett bill.

In addition the Dillingham bill contains many radical innovations. Principal among these are (1) section 3, which provides for the exclusion of all persons not eligible to naturalization; (2) section 18, which requires that all aliens admitted to the United States shall be provided with certificates of admission and identity; (3) the abolition of the time limit of three years within which persons may be deported; and (4) the consolidation of the general immigration statutes with the Chinese-exclusion laws. There are other minor changes from existing law which tend to render the admission of aliens difficult when not excluding them entirely.

In support of the adoption of legislation to restrict immigration its advocates base their arguments in the main upon the report of the Immigration Commission. This is a report in forty-odd volumes, published in a limited edition, and there has been no opportunity for the commission to properly digest the material collected by it.

With respect to the opportunity for properly weighing the material gathered by the commission, its own editorial adviser, Prof. H. Parker Willis, has stated (Survey, Jan. 7, 1911, p. 571):

"With so much actually collected in the way of detailed data, and with but scant time in which to summarize these data; lacking, moreover, a sufficient number of trained writers and statisticians to study the information acquired and to set it down with a due proportion of properly guarded inference, it is a fact that much of the commission's information is still undigested and is presented in a form which affords no more than a foundation for the work of future inquirers. Such inquirers ought immediately to take the data in hand before they become obsolete and while they still represent existing conditions with substantial accuracy. Pending the results of such inquiry, however, those who would judge what the Immigration Commission has done and would fain find there material in support of their own preconceived ideas should be careful. And those who wish simply to appraise the work of the commission, with a view to forming some well-founded conclusion as to its meaning and its merit, must confine themselves to very narrow limits. They must recognize that only in the broadest way can conclusions as yet be drawn from the masses of statistics and the very general textual treatment to be presented in the reports of the commission. The question may be raised whether the commission would not have done better had it limited the field work more narrowly, and increased the relative amount of expenditure devoted to 'overhead work' in the office. It did not do so, however, and the result has been, instead of a small and finished study, a large and uncompleted body of data."

Nevertheless, a majority of the Immigration Commission recommend the restriction of immigration and the adoption of the literacy test as the most feasible method of accomplishing this purpose.

The Dillingham bill provides for the exclusion of all aliens over 16 years of age who can not read and write the English or some other language, but permits an admissible alien to bring in or send for his wife, his children under 18 years of age, his parents or grandparents over 50 years of age, whether they can read and write or not. The test of an immigrant's ability to read and write is to be applied by requiring him to read and write 20 to 25 words of the Constitution of the United States.

The Burnett bill excludes all aliens over 16 years of age who are unable to read English or the language or dialect of some other country and permits an admissible alien to bring in or send for his father or grandfather over 55 years of age, his wife, his mother, his grandmother, his unmarried or widowed daughter, whether able to read or not.

It will be noted that the Dillingham bill requires reading and writing and admits only those children of an immigrant who are under 18 years of age, whereas the Burnett bill requires only reading and permits an immigrant to bring in or send for his daughters, irrespective of age, though sons over 16 years of age will be excluded, thus dividing a family.

Both the Burnett bill and the Dillingham bill would in practice exclude almost all those females unable to read and write over 16 years of age coming alone and who may desire to enter domestic service.

If the provision for the literacy test contained in the Dillingham bill requiring words from the Constitution of the United States to be read and written is enacted into law, it would in practice exclude a great many to whom the terms of the Constitution are unknown and for many of which there is no equivalent in their language. They would find it impossible to read the language of the Constitution, and on this account the percentage of exclusions would probably be double that estimated.

On the face of the statistics compiled by the Commissioner General of Immigration 26 per cent of all immigrants would be excluded by the literacy test, though in the case of some immigrants more than 50 per cent would be excluded.

The following table shows the percentages of aliens over 14 years of age who would be excluded by a literacy test:

Abstract of reports of Immigration Commission (Vol. I, p. 99). Number and percentage of immigrants admitted to the United States who were 14 years of age or over and who could neither read nor write during the fiscal years 1899 to 1910, inclusive, by race or people.

[Compiled from the reports of the Commissioner General of Immigration.]

Race or people.	Number 14 years of age or over admitted.	Persons 14 years of age or over who could neither read nor write.	
		Number.	Per cent.
African (black)	30,177	5,733	19.0
Armenian	23,523	5,624	23.0
Bohemian and Moravian	79,721	1,322	1.7
Bulgarian, Servian, and Montenegrin	95,596	39,903	41.7
Chinese	21,584	1,516	7.0
Croatian and Slovenian	320,977	115,785	36.1
Cuban	36,431	2,282	6.3
Dalmatian, Bosnian, and Herzegovinian	30,861	12,653	41.0
Dutch and Flemish	68,907	3,043	4.4
East Indian	5,724	2,703	47.2
English	347,458	3,647	1.0
Finnish	137,916	1,745	1.3
French	97,638	6,145	6.3
German	625,793	32,236	5.2
Greek	208,608	55,089	26.4
Hebrew	806,786	209,507	26.0
Irish	416,640	10,721	2.6
Italian (north)	339,301	38,897	11.5
Italian (south)	1,690,376	911,566	53.9
Japanese	146,172	35,956	24.6
Korean	7,259	2,763	38.1
Lithuanian	161,441	79,001	48.9
Magyar	307,082	35,004	11.4
Mexican	32,721	18,717	57.2
Pacific Islander	336	83	24.7
Polish	861,303	304,675	35.4
Portuguese	55,930	38,122	68.2

Abstract of reports of Immigration Commission, etc.—Continued.

Race or people.	Number 14 years of age or over admitted.	Persons 14 years of age or over who could neither read nor write.	
		Number.	Per cent.
Roumanian	80,839	28,266	35.0
Russian	77,479	29,777	38.4
Ruthenian (Russniak)	140,775	75,165	53.4
Scandinavian	530,634	2,221	.4
Scotch	115,788	767	.7
Slovak	342,583	82,216	24.0
Spanish	46,418	6,724	14.5
Spanish-American	9,008	547	6.1
Syrian	47,834	25,496	53.3
Turkish	12,670	7,536	59.5
Welsh	17,076	322	1.9
West Indian (except Cuban)	9,983	320	3.2
Other peoples	11,209	5,001	44.6
Not specified	67	5	7.5
Total	8,398,624	2,238,801	26.7

But these figures are based on the voluntary statements of the immigrants, and a literacy test would in practical application probably keep out a great many more than the figures above given would indicate, especially with the Constitution as the test, since they are probably underestimates rather than overestimates, and they do not make allowance for the nervousness of the immigrant at the time of examination. Instead of excluding only 2 per cent of the Jews, as stated on page 6 of Report No. 259, Sixty-second Congress, second session, House of Representatives, the above statistics show that 26 per cent of the Jews would be excluded.

Recent statistics of Jewish immigrants to Galveston give the following figures:

	Per cent.
Of 1,333 males:	
Can read Yiddish and Russian	53.89
Can read Yiddish only	24
Can read Russian only	2.83
Can read Yiddish, Russian, and Hebrew	.71
Can not read any language	12.55
Of 220 females: Can not read any language	37.73

These are in the main the victims of Russian religious persecution, to whom the schools are closed on account of the faith they profess. The recent volume by Mary Antin, "The Promised Land," shows from her personal experience that to the Jews of Russia the United States typifies, above all else, the land where their children may have the benefits of education denied them by the Russian Government.

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[Extract from an address by Hon. Charles Nagel, Secretary of Commerce and Labor, delivered on Jan. 18, 1911, at New York.]

I am on record as being unqualifiedly opposed to the illiteracy test. It is not a matter of sentiment. You may indulge sentiment in an individual case, but you can not indulge sentiment in governmental policy. You must know why you come to your conclusion. I think I know why I have come to mine. I care more for the sound body and the sound mind and the straight look out of the eye and the ability and the willingness to work as a test than for any other test that can be given.

I have been asked whether illiteracy stands in the way of assimilation. I say unqualifiedly, in my opinion it does not. On the contrary, to be entirely frank about it, I believe that the ability to read and write a foreign language, aided by your foreign press in this country, tends to perpetuate the spirit of colonization longer than it can be if a sound mind and body comes in without the ability to read and write and is forced of necessity to resort to our own language.

And on October 9, 1912, in a speech at Cooper Union, Secretary Nagel said:

"I am bound to admit that I can not support that law, broadly speaking. I believe it is intended as a piece of legislation for wholesale exclusion, and I don't believe in that kind of legislation. If you want to exclude certain nationalities, say so, and meet the issue squarely. I don't believe literacy is a fair test for the admission of an immigrant. I will say again what I said a year ago, that I care more for the sound body and the sound mind and the straight look out of the eye and the ability and willingness to work as a test than any other test that can be given."

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[From the Annual Report of the Commissioner General of Immigration, 1909, p. 5.]

* * * It can not be stated as a hard and fast rule that the desirability of an alien is always to be measured by his ability to read and write.

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[From the Annual Report of the Commissioner General of Immigration, 1910, p. 5.]

There may be some merit in the proposals to fix a "literacy test" and to increase the head tax; but, as was explained in last year's report, neither of these projects is likely to be as efficacious as their advocates think; for the first is not in the direction, necessarily, of raising the general standard and is not as practical as it looks on the surface, and the second, under the existing system of lending money or selling passage on credit, would to some extent increase opportunities for the exploitation of aliens, and bring many of the lowest element into the country in a more impoverished state than they now come.

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[Extracts from the views of Mr. Bennet, of New York, and Mr. O'Connell, of Massachusetts, House of Representatives, Report No. 1956, part 2, Sixty-first Congress, third session.]

* * * The educational test * * * will keep out some able-bodied men and women of irreproachable moral character and filled with the desire to work, but who have not had early educational advantages; and will admit practically every foreign-born criminal who has misused early advantages, and also that small but dangerous class who come to this country with no intention of engaging in an honest occupation, but of maintaining themselves through the exploitation of their fellow-countrymen. Education is the principal means through which this class obtains the confidence of its victims.

We do not, however, principally oppose the literacy test because of its being a sham, nor entirely because it keeps out many who should be admitted and lets in some who should be debarred, but because the reasons given for restriction are slight and those for selection do not exist. It is true that the Immigration Commission reported that in some basic industries there was a surplus of labor, which indicated that there was an overplus of unskilled laborers in the industries of the country, but the commission unanimously recommended that so far as restriction was concerned it should be applied to unskilled laborers either single or coming here leaving their families behind them. The sole recommendation of the Immigration Commission in regard to the educational test was that it was the most feasible, from which we assume the majority meant that it was the easiest to secure, and even in this we think that that majority was in error. As to the character of the immigrants who have come to this country in the past 25 years, the Immigration Commission—nine men of differing views—reported unanimously that conviction for crime is no more common among the new immigrants than among the native born; that they are far less the victims of disease than any other class of immigrants of whom statistics have ever been kept; that they are rarely found among the victims of alcoholism; that pauperism is relatively at a minimum among them; that in the most congested blocks of cities having the largest foreign-born populations five-sixths of the homes of the foreign-born are well kept and two-fifths are immaculate—and this on the report of women investigators; that their children attend school in large numbers; and that such new immigrants are much more rarely found in the insane asylum than their predecessors.

While we concur in the evident opinion of the commissioner general that the literacy test would not be effective, there is no question about its effectiveness concerning one class, and that is the illiterate aliens who in prior years have been admitted to this country and who are not yet naturalized. In past years, when times have become hard in this country, the alien who had but recently arrived, who was an unmarried man, or who had a family in the country of his birth, went back at the first sign of economic distress, thus relieving this country of any question as to his support. The most recent and impressive example was had during the years of 1907 and 1908, and these returning aliens went cheerfully because they understood that when there was a demand again for labor in this country they could return.

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The moment the literacy test is enacted every alien in this country who can not comply with it, and who has the slightest desire to attach himself to our country, will be attached to this country by the fact that if he once goes out he can not certainly come in, for even the method of administration of the new test is uncertain. And, therefore, if another period of economic distress should come, we would not have the benefit of the economic relief which we had in the recent years through the emigration of those who were least competent to succeed. This would make any subsequent panic or business depression much more disastrous and the recovery much more slow.

* * * * * * *

It has been our boast since the days of Roger Williams, Lord Baltimore, and William Penn that this country was the refuge for the oppressed. On that sentiment, in large part, has been built up our national idea of free America, and because of that sentiment we have attracted here the ambitious of every nation. The free and unrestricted immigration of the able-bodied has not injured our country in the past, but has helped it, and the maintenance of our shores as an asylum for the oppressed has made us an example for liberty everywhere and a continued menace to tyranny. We can not afford, after our emphatic success as exponents of liberty and freedom, to adopt at this time any measure based upon an avowal of our belief that lack of opportunity of any alien people has made them our inferiors, nor can we afford to close our doors to fugitives from oppression and injustice still unfortunately existing. The Russian-Jewish mothers who have seen their husbands and their children killed and maimed in the pogroms have just as much right in this country in the twentieth century as the Puritan and the Pilgrim had in the seventeenth. The Pole and the Finn who has seen his country enslaved have the same rights to come here to freedom and liberty as had William Penn and his Quakers.

The denationalized Roumanian Jew, proscribed because of race and religion in the country of his birth, has the moral right to enjoy our country's Constitution guaranteeing religious freedom. The family of the murdered Armenian Christian from Asia Minor can not be barred without a reversal of all our previous professions and practice, and the South Italian, coming to this country to escape the burden of medieval landlordism, puts his claim on exactly the same grounds as the Irish immigrant of the fifties. In the past the peoples coming to us because of similar reasons have risen among us to standing and success, and there is no reason to believe that those now coming will not do so also. The rigid bill, ordered to be reported, against which we protest, would bar out, irrespective of every other consideration, the people of any of the classes we have mentioned. * * *

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[Extract from the views of Representatives Gustav Küstermann, ADOLPH J. SABATH, and HENRY M. GOLDFOGLE, presented to the House of Representatives on Jan. 28, 1911. House of Representatives, Sixty-first Congress, third session, Report No. 1956, part 2.]

The application of a literacy test would serve to exclude from admission some able-bodied men and women of good moral character, capable of self-support, and industriously inclined, but who owing to the unfortunate and in many instances deplorable conditions existing in their native lands have not had the advantage of education. In some of the countries from which many of the immigrants at which this bill is manifestly aimed come the opportunity of acquiring a knowledge of reading and writing is quite meager, while in some localities in those countries the opportunity for education is to such persons practically denied. And yet these people may be thoroughly honest, thrifty, and enterprising, industrious and self-supporting. When admitted to our shores, thousands and thousands of them avail themselves of the means of the popular and liberal school system almost everywhere afforded in the Union to get a rudimentary education, certainly at least sufficient to enable them to read and write.

In every large city—indeed in every city and almost every large town—men and women of foreign birth are to be found who, when they landed in this country could neither read nor write, have learned to do

so in the schools, either the day or night schools, or obtained their knowledge through private instruction or, as is frequently the case, by being taught by their own children. Hundreds of thousands of such persons have become good farmers and mechanics, storekeepers and tradesmen, and successful and prosperous business men in different lines of industry and have contributed to the general welfare of the communities in which they settled. Myriads of such persons have made desirable acquisitions and became, after they had availed themselves of the opportunities this country affords, desirable citizens.

The children of immigrant parents, whether born here or abroad, quickly acquire an education in our schools. They exhibit eagerness to learn. Statistics demonstrate and experience proves that these children have great aptitude for study and make rapid and, in fact, remarkable educational progress. Very large numbers of them graduate from the schools with honor, many of them go to high schools and colleges. Yet their parents, if illiterate when knocking at the doors of our country for admission, would have been turned away under an educational test such as the bill reported proposes. * * *

We can not but regard the bill as un-American. It is opposed to all the traditions of our country and subversive of the broad principles we have always professed in the past. Our national boast has been that this country was the refuge for the downtrodden and the oppressed, who when coming in a healthy bodily and mental condition and with law-abiding spirit should be permitted to enter our gateway and to receive the hospitable shelter of our land. That sentiment in very large part has built up our national idea of free Americanism. We attract through its means the ambitious from other nations. The immigration of the able-bodied and honestly inclined has heretofore contributed in a very large degree to the greatness and prosperity of this Republic.

The maintenance of our land as an asylum for the oppressed and those who are compelled to escape from scenes of tyranny and persecution has made us an example for true liberty everywhere. In the line of our traditions and of the principles that have guided us in the past, through means of which our country stands preeminent as the land of liberty and freedom and equal opportunity, we can not afford to close our doors to those who still unfortunately suffer from oppression existing in foreign lands merely because they can not read, although otherwise qualified for such admission under existing law.

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[Extract from the veto message of President Cleveland, Mar. 2, 1897.]

A radical departure from our national policy relating to immigration is here presented. Heretofore we have welcomed all who came to us from other lands, except those whose moral or physical condition or history threatened danger to our national welfare and safety. Relying upon the jealous watchfulness of our people to prevent injury to our political and social fabric, we have encouraged those coming from foreign countries to cast their lot with us and join in the development of our vast domain, securing in return a share in the blessings of American citizenship.

A century's stupendous growth, largely due to the assimilation and thrift of millions of sturdy and patriotic adopted citizens, attests the success of this generous and free-handed policy which, while guarding the people's interests, exacts from our immigrants only physical and moral soundness and a willingness and ability to work.

A contemplation of the grand results of this policy can not fail to arouse a sentiment in its defense, for however it might have been regarded as an original proposition and viewed as an experiment, its accomplishments are such that if it is to be uprooted at this late day its disadvantages should be plainly apparent and the substitute adopted should be just and adequate, free from uncertainties, and guarded against difficult or oppressive administration.

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It is said, however, that the quality of recent immigration is undesirable. The time is quite within recent memory when the same thing was said of immigrants who, with their descendants, are now numbered among our best citizens.

* * * * * * *

The best reason that could be given for this radical restriction of immigration is the necessity of protecting our population against degeneration and saving our national peace and quiet from imported turbulence and disorder.

I can *not believe that* we would be protected against these evils by limiting immigration to those who can read and write in any language 25 words of our Constitution. In my opinion it is infinitely more safe to admit a hundred thousand immigrants who, though unable to read and write, seek among us only a home and opportunity to work than to admit one of those unruly agitators and enemies of governmental control, who can not only read and write, but delights in arousing by inflammatory speech the illiterate and peacefully inclined to discontent and tumult. Violence and disorder do not originate with illiterate laborers. They are rather the victims of the educated agitator. The ability to read and write as required in this bill in and of itself affords, in my opinion, a misleading test of contented industry and supplies unsatisfactory evidence of desirable citizenship or a proper apprehension of the benefits of our institutions. If any particular element of our illiterate immigration is to be feared for other causes than illiteracy, these causes should be dealt with directly instead of making illiteracy the pretext for exclusion to the detriment of other illiterate immigrants against whom the real cause of complaint can not be alleged.

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[Extract from the remarks of Prof. Emily Greene Balch, Wellesley, College, author of Our Slavic Fellow Citizens, at meeting of the American Economic Association, Washington, D. C., Dec. 29, 1911.]

I do not include the illiteracy test among the measures that I desire, because I believe that it would affect exclusion along a line that would cause great hardship and that is not coincident with desirability and undesirability from our point of view. The minor who can not read Ruthenian and whose son came over from Harvard recently to consult me about the social work that he wants to do among his people in Pennsylvania was better stuff and better fitted to prosper in America than the unsuccessful "intellectual proletariat" who come to America to recoup their failure at home. Of course I am citing an exceptional case, but I believe that it is a fact that most Americans have an entirely false conception of the real significance of peasant illiteracy, which need not connote a lack of either energy or intelligence. The advantage, too, when here, of the ability to read and write in a foreign language is vastly overrated and the barrier that it sets up to assimilation is quite overlooked.

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[Extract from the testimony of Miss Grace Abbott, director of the Immigrants' Protective League, Chicago, before the Committee on Immigration, House of Representatives, Jan. 11, 1912.]

I feel very strongly that it would be a great mistake to have a literacy test, because of the fact that there are many parts of Europe, notably in Galicia, and in parts of Russia and Hungary, as well as in southern Italy, where the possibility of getting an education is often extremely difficult. To exclude them would mean excluding a group of people who are eager to advance their position, who are willing to make great sacrifices in order to do it, but who happen to lack the ability to read and write. Great numbers of them supply that lack immediately upon coming here, and some come in order to supply it. The literacy test is no guaranty of character, and it seems to me its adoption would be a departure from American traditions which would not be beneficial to the American industrial situation.

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[Extract from the testimony of Herman Stump, former Commissioner General of Immigration, before the Industrial Commission. Report of the Industrial Commission, Vol. XV, p. 6.]

My idea of immigration is this: We have, in my mind, the most skillful and best laboring class in the world; I think American workingmen are superior to others. It may be in some of the finer arts, where it takes long to acquire the skill that is required, it is not so, but for the production of work, with our improved machinery, we can beat the world. We are also an educated people. We want our sons to become our clerks, accountants, and business men, and find employment on the higher walks and occupations. We must necessarily have a certain other class to do our manual work, not menial exactly, but work which is honorable but at the same time of a lower order, which requires no skill or education. We want laborers upon our roads, upon our railroads, to clean our sewers and streets, and everything of that kind, and when you look around I think you will find that Americans are getting beyond that. A young able-bodied man who comes from a foreign land to settle here, with energy and willingness to work, is an acquisition to the country, and while we do not want him to occupy the positions which education would enable him to occupy, we want him to occupy the positions where it does not matter much whether he knows his A B C's or the simple rule of three or anything else.

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[Extract from the testimony of Dr. Joseph H. Senner, former Commissioner of Immigration at the Port of New York, before the Industrial Commission. Report of the Industrial Commission, Vol. XV, p. 168.]

Based on my extended practical experience in charge of the paramount immigration station, I state that with the present number of inspection aisles and of available registry clerks, an introduction of the Lodge bill would much more than double the time for examination, and thereby double the hardships of steerage passengers. Its practical effect would, therefore, in my opinion, come dangerously near to an annihilation of immigration from nations of higher grade.

In order to dispose right here of the Lodge bill, I wish to state that our opposition to the same is principally based on our conviction that the proper time for such an educational test is at the time of naturalization and not upon admission to the country. We further regard its application to women as not only generally unjust, but practically also as a severe aggravation to our much vexed servant-girl question. We believe that its introduction for immigrants stands in a rather curious contrast with the present policy of expansion and its consequence as to wholesale reception of illiterate, if not savage, cocitizens. And finally, as a protective measure for American workingmen, the Lodge bill would be simply a farce, because the skilled laborer, whose competition organized labor wishes to restrict, could at any time pass any such examination.

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[Extract from an editorial in New York Christian World, Mar. 18, 1911.]

Every year there are attempts to foist upon Congress bills to prevent immigration. Now it is one form of test now another. At present it is the so-called educational test that the perpetrators of these bills would insert in our immigration laws. As a matter of fact, there could hardly be a more deceptive test of real worth. The public-school system is not developed in many parts of Europe as it is here, or had not been until very recent years. Consequently many who have been coming here have not been what one might call scholars. Not always could they read and write. But these very ones have often been our best immigrants—strong, lusty, ambitious, good-natured, hard-working young men. The proposed educational test would shut out just these men who are tilling our farms, building our houses, laying our railroads and bridges, digging our coal from the earth. Many of them, under the stimulus of American surroundings, and since it is necessary, if they would have a share in the American Government, learn to read. The New York night schools are full of adults learning reading and other useful accomplishments. Their children learn with greatest avidity. The test of immigration should be health and morality. We can not afford to be the hospital for those Europe has made sick so long as Europe can afford to care for them, neither can we act as the penitentiary for her criminals; but apart from this we should welcome the immigrants freely, for they are our wealth.

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[Extract from a protest against the proposed new immigration law, presented to the President by a delegation of citizens of Philadelphia, after conference with Speaker CANNON and the Pennsylvania congressional delegation, June 23, 1906.]

It is submitted that an immigrant should not be denied admission to our country if he is morally, physically, and mentally sound; that inability to read is not a fair measure of a man's moral worth nor of his economic value nor of his mental capacity; in short, it is not a fitting test of a man's honesty nor of his capacity to work with his hands nor of his ability to learn. Experience proves that moral soundness—simple honesty—is independent of intellectual culture; many men are morally sound notwithstanding their ignorance, and many others are morally unsound in spite of their education.

The ability to read is not a fair measure of a man's economic value, because experience proves that a man's capacity to earn a living is not necessarily dependent on intellectual culture.

* * * * * * *

A man's inability to read is not a fair test of his intelligence nor of his ability to learn. Many men are so circumstanced as to be precluded from learning how to read. This occurs in some cases, as in that of the Jewish inhabitants of Russia and Roumania, through governmental measures enforced for that very purpose, or, as in the case of other subjects of those Governments and of some of the inhabitants of other European lands, through hindering causes of a sociological nature. Such privation, though preventing a man from learning life through literature, does not prevent him from learning through experience; on the contrary, it quite frequently enhances this latter capacity, as numerous instances prove. It is therefore in the highest degree unreasonable to

assume that a man's inability to read so strikingly impairs his value as a factor in the social economy that he must be completely debarred from taking part in it.

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[Extract from an article on "Adjustment—not restriction," by Miss Grace Abbott, director of the Immigrants' Protective League, Chicago, Survey, Jan. 7, 1911, p. 529.]

As for the literacy test, it is difficult to find anything to recommend it as the best means, or even as a good means, of selecting our future citizens. What we desire is a character test, and the ability to read and write has never been regarded as a means of determining honesty or thrift. It is not even a test of ambition, for the immigrants come without the meager educational equipment because they have been given no opportunity to attend school in the countries from which they come. There is nothing which is so much the result of conditions over which the immigrant has no control as his ability to read and write and no deficiency which we are so well equipped to supply.

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[Views of Hon. J. HAMPTON MOORE, of Pennsylvania, House of Representatives, Report I, 1956, part 2, Sixty-first Congress, third session., Jan. 28, 1911.]

I am opposed to restriction of immigration by the illiteracy test, because the enforcement of such a test would tend to exclude worthy but uneducated immigrants who are willing to work, and of whom we stand in need, and would admit unworthy, educated immigrants who will not work and of whom we already have more than we need. In my judgment the desirable immigrant is the law-abiding worker who comes to this country in good faith, and the undesirable immigrant is the clever and educated schemer who, immediately upon his arrival, begins to find fault with our institutions.

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[Extract from a speech of Hon. John C. Keliher, of Massachusetts, in the House of Representatives.]

I would ask you to follow me in your mind's eye under the bed of Boston Harbor, where Yankee enterprise and energy have bored an immense tunnel with an opening of sufficient size to permit of a double-tracked roadbed that brings inestimable joy to the denizens of a great section of the city in the form of convenience and comfort in reaching their homes from the business locality of the city. Could this work have been done as economically and with the dispatch that characterizes it if countless sons of sunny Italy had not been at hand? Go with me also into the subway we are now building in Boston, which will be a boon to all the people of that congested city. Toiling like beavers in a cut, the arch of which is scarcely 15 feet under the foundation of a 13-story building, can be seen by night and day myriad Italians toiling with no apparent thought of the great danger that ever hovers over this hazardous enterprise. It is safe to say that if a knowledge of the art of reading were the test demanded, rather than a sound body and willingness to swing a pick, there would be scarcely a mother's son of them engaged upon that great public project. Now, with what class of labor do these Italians interfere? The Irishman of to-day won't go into the trench unless it is to act as a boss; the German can not be induced to grasp a pick; the native American's physical make-up would bar him if he did not consider such menial labor beneath him; the Scandinavian finds ample demand for his service in more congenial branches; the Englishman answers the call of the mill proprietor, and the Scotchman goes with him.

If you shut the door to the dark-skinned son of Italy, where will we go to get the commodity which to us is an essential? The second generation, the son of the trench-digging Italian, won't follow his father's footsteps in those fields. He goes to school, absorbs book-learning quickly, and becomes imbued with a laudable ambition to better himself, and he does. You could no more coax him to wield a pick or handle a shovel than you could a Sioux Indian to imbibe water as a social beverage if whisky were available. This being so, if you bar out the Italian, Pole, and Hungarian, from whence are we to recruit our trench diggers?

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[Extract from a speech of Hon. Bourke Cockran, of New York, in the House of Representatives.]

We who oppose the educational test believe the man who works with his hands, who is trained to efficiency in labor, is the desirable immigrant. The test that we wish to impose is one that will establish his ability and his willingness to work. * * * There is not a vicious man in any community outside of the poorhouse that is not more or less educated. He can not live by his wits rather than by his hands unless those wits are trained to some extent. Any unlettered immigrant shows that he must have virtuous instincts by the very fact that he comes here, for he can have no other purpose than to support life by his toil. I believe that it is more important that the applicant for admission to these shores should be made to show by the calloused palms of his hands that he is accustomed to work than to show glibness of tongue in meeting a literary test.

Mr. Chairman, let us consider in the light of ordinary experience what must happen to the man who comes here with nothing except the capacity to work. He must work to live, and he must work hard all day. No man who spends all the hours of the day in work can be vicious. Even if he had vicious propensities, he would have no time to indulge them. How can any man work from morning until night, increasing the production of the soil, and be other than a valuable citizen? The man who comes here where no mode of living is possible to him except by the work of his hands gives a bond to society that his life, if it be supported at all, must be spent in actively serving the common welfare. The unlettered man can live only by work. The educated man never wants to live by manual labor. If I were reduced to a choice—and I do not want to exclude anybody—but if I were reduced to a choice between the man who could stand this educational test and the man who could not—if I must exclude one or the other—it would be the man with such a literary qualification as the bill provides, for he may lead a vicious life, while the man who works with his hands can not lead other than a useful because an industrial life.

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[Extract from an address made by Judge Nathan Bijur at the Massachusetts Reform Club, on Jan. 28, 1907.]

On the other hand, it is a matter of common knowledge that thousands of honest, sturdy, and intelligent natives of many European countries are illiterate, due solely to the lack of educational facilities in the country of their origin and residence. The fact is well known to every person having experience with this class of immigrants that in this country they rapidly acquire sufficient familiarity with our language to overcome their early disability.

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[Letter of Cardinal Gibbons.]

CARDINAL'S RESIDENCE,
408 NORTH CHARLES STREET,
Baltimore, Md., May 5, 1912.

Rabbi WILLIAM ROSENAU,
1515 Eutaw Place, Baltimore, Md.

MY DEAR MR. ROSENAU: I am in receipt of your esteemed favor of the 3d instant, and in reply I beg to say that I am not in favor of any educational test as applied to immigrants desiring to enter the United States. Such a law, if passed, would, in my opinion, work great harm, for illiteracy is by no means always ignorance. If the immigrant is industrious and thrifty, he will make a useful citizen, whether he be literate or illiterate. The educated schemer is in more ways than one more dangerous than the honest workman, even though he be illiterate.

Very sincerely, yours,

J. CARDINAL GIBBONS,
Archbishop of Baltimore.

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[Letter of President Eliot of Harvard University.]

CAMBRIDGE, MASS., *February 14, 1910.*

Hon. JOSEPH F. O'CONNELL,
House of Representatives.

MY DEAR SIR: I beg leave to invite your attention to the following statement of the principles which should govern the national legislation on immigration:

(1) Our country needs the labor of every honest and healthy immigrant who has the intelligence and enterprise to come hither.

(2) Existing legislation is sufficient to exclude undesirable immigrants.

(3) Educational tests should not be applied at the moment of entrance to the United States, but at the moment of naturalization.

(4) The proper education test is capacity to read in English or in the native tongue, not the Bible or the Constitution of the United States, but newspaper items in some recent English or native newspaper which the candidate can not have seen.

(5) The attitude of Congress and the laws should be hospitable and not repellant.

The only questions which are appropriate are. Is he healthy, strong, and desirous of earning a good living? Many illiterates have common sense, sound bodies, and good characters. Indeed, it is not clear that education increases much the amount of common sense which nature gave the individual. An educational test is appropriate at the time when the foreigner proposes to become a voting citizen. He ought then to know how to read.

Very truly, yours,

CHARLES W. ELIOT.

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[Letter of President John Cavanaugh, C. S. C., of Notre Dame University.]

NOTRE DAME, IND., *February 26, 1910.*

The Hon. JOSEPH F. O'CONNELL,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN O'CONNELL: * * * I am not in favor of any educational test as applied to immigrants desiring to enter the United States, though an educational test is entirely proper before naturalization.

* * * * * * *

Very sincerely, yours,

JOHN CAVANAUGH, C. S. C.,
President.

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[Letter of President Harry Pratt Judson, of the University of Chicago.]

THE UNIVERSITY OF CHICAGO, *February 28, 1910.*

Hon. JOSEPH F. O'CONNELL,
House of Representatives, Washinton, D. C.

DEAR SIR: * * * I am not in favor of the restriction of immigration on the basis of the ability to read some European language. There is no doubt that the ability in question is desirable. At the same time the conditions of workingmen in the old country and their conditions in our country are radically different. If they are industrious and honest and thrifty, they will make useful citizens, and their children, having the opportunity of attending our free public schools, will acquire the needed education. * * *

Very truly, yours,

HARRY PRATT JUDSON.

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[Letter of President Joseph Himmel, of Georgetown University.]

GEORGETOWN UNIVERSITY,
Washington, D. C., February 28, 1910.

Hon. JOSEPH F. O'CONNELL,
House of Representatives.

SIR: Regarding the educational test as a means of restricting immigration, on which question there is an agitation to report out a bill, I beg leave to submit the following:

(1) The educational test should be applied to the voter, not to the immigrant.

(2) The laws restraining immigration are sufficiently drastic, and if put into execution will safeguard the country. Those who have openly taught immorality and favored anarchy should be excluded rather than the illiterates.

An illiterate artisan is not necessarily an ignorant or undesirable immigrant. Our whole past history proves that such men may serve the country in their proper sphere.

Very truly, yours,

JOSEPH HIMMEL, *President.*

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[Letter of President J. G. Schurman, of Cornell University.]

CORNELL UNIVERSITY,
Ithaca, N. Y., March 4, 1910.

Hon. JOSEPH F. O'CONNELL,
House of Representatives, Washington, D. C.

DEAR SIR: I have your communication of February 23, with the inclosed copy of the letter of ex-President Eliot, of Harvard University, on the subject of the admission of immigrants into the United States.

I fully concur in the views expressed by President Eliot, and I do not think I can express them in clearer, more forcible, or appropriate language.

Very truly, yours, J. G. SCHURMAN.

[Letter of President T. I. Gasson, of Boston College, Boston, Mass.]

BOSTON COLLEGE,
Boston, Mass., February 25, 1910.

Hon. JOSEPH F. O'CONNELL,
Washington, D. C.

MY DEAR MR. O'CONNELL:

* * * * * * *

(1) Does not the country need the toil of every intelligent, active, and moral worker who comes to us?

(2) The proper time for the educational test is when the immigrant seeks to be naturalized.

(3) Let existing legislation be enforced before new laws are enacted. The wise regulations already made, if enforced, would bar out undesirable subjects.

(4) There are millions of acres in the West waiting for these farm-loving immigrants. I am sure that you will insist upon these truths.

Ever yours, sincerely,

T. I. GASSON, S. J.

RATIO OF FOREIGN BORN TO NATIVE BORN UNCHANGED.

Much is made by restrictionists of the supposed enormous influx of foreigners, and especially of the change in the racial character of immigrants. For their purposes they characterize the immigration which arrived here before 1890 as the "old" immigration and that which has arrived since then as the "new."

But there has been practically no change in the ratio between foreign born and native born, as is demonstrated by the following table:

Census year.	Total population considered.	Native born.		Foreign born.	
		Number.	Per cent of total.	Number.	Per cent of total.
1860	31,443,321	27,304,624	86.8	4,138,697	13.2
1870	38,558,371	32,991,142	85.6	5,567,229	14.4
1880	50,155,783	43,475,840	86.7	6,679,943	13.3
1890	63,069,756	53,761,652	85.2	9,308,104	14.8
1900	76,303,387	65,843,302	86.3	10,460,085	13.7
1910	91,972,266	78,629,766	84.3	13,342,500	15.7

The change in the source of our immigration is due to the simple fact that in the countries from which the United States before 1890 drew the bulk of its immigration there has been an enormous industrial and economic expansion. And this, as is well known, is particularly true of Germany, which has become a country of immigration instead of one of emigration. Owing to the industrial development of that country, so many agricultural laborers have been drawn into skilled industries that great numbers of unskilled laborers are attracted from Austria-Hungary, Russia, and Italy—the same countries that supply the United States with the bulk of its unskilled labor.

The characterization of the present-day immigration as coming from a source out of harmony with the spirit of American institutions and not readily assimilable on that account can be matched almost word for word by a similar characterization of the "old" immigration dating back to the beginning of the nineteenth century. (See Report of Industrial Commission, 1901, Vol. XV, pp. 449–491, and Hearings before House Committee on Immigration, 62d Cong., 2d sess., pp. 95–98.)

[Speech of Senator JAMES A. O'GORMAN delivered in the Senate on Apr. 18, 1912.]

I am opposed to the imposition of an educational test upon those born in foreign countries who desire to come to the United States. I think it would be regrettable to exclude thousands of able-bodied, honest, and industrious men, otherwise desirable, who might not be able to meet the requirements of this proposed qualification.

It is said in behalf of this amendment that the large number of foreign born who pass through the ports of the United States enter into competition with American labor. That is true; it has always been true; it was as true a generation ago as it is to-day; and yet in its results the entire country has been benefited.

This proposal to exclude foreigners has no novelty. This Republic had but completed the first decade of its existence when, in the administration of John Adams, the same sentiments which I have heard expressed on this floor to-day and yesterday were uttered against the foreign born. To discourage immigration, as far back as 1798, under the influence of the Federalist Party, the period of naturalization was extended from 5 to 14 years, and during the same session of Congress and under the same influences the odious alien and sedition laws were passed, which conferred upon the then President of the United States the power to exclude at his will any foreigner found upon American territory. It is to the honor of our institutions and to the glory of the Republic that the shame and infamy of that legislation was wiped out when the Democrats of this country elected Thomas Jefferson to the Presidency.

From time to time in every succeeding generation there have been those who were opposed to the admission of the foreign born into the brotherhood of the Republic. The same arguments were used then that are used now. Within the memory of men in this Chamber it was said of the races which are now glorified and alluded to as the "old immigration" that they could not be assimilated with the American body politic. That those accusations in those days were unfounded has been demonstrated by the experience of the American people. That the aspersions now cast upon the races from southern and eastern Europe are equally unfounded will be established in time.

We are not crowded on this continent. The population of all Europe might be placed in the single State of Texas, and there would be less congestion than now prevails on the Continent of Europe. If there ever come a time when the American people may deem it necessary to impose restrictions upon desirable immigration, the time will not come in our generation; and if a restriction should be required, if it should be deemed wise as a national policy to discourage immigration, let us proceed upon a safe and sound theory; let us make the qualification that of character and not educational attainments.

Our country is enriched every time an honest, able-bodied man enters the United States. Our institutions are threatened, our safety imperiled, when we become careless respecting those who, possessing an intellectual qualification, are devoid of that which is far more essential, a character qualification. Washington himself spoke of the need of preserving the morality of our people. With this proposed test you ignore the morality of your citizenship; you ignore the question as to whether in character the man is worthy to take his place in this great Republic and help to work out those problems that promise so much for the betterment and happiness of mankind.

For many years in our history we claimed to be the country that extended a welcome to the oppressed from every clime. Why have we changed? Are we so content with our own insulation and with the blessings of our institutions that we would exclude the rest of the people of the world from sharing in their advantages? Our marvelous prosperity, unexampled in the history of governments, a growth in a century and a quarter from 3,000,000 to 90,000,000 people, was made possible only by the policy of free immigration that this country has so generously and so wisely observed in the past. The foreign born have contributed their share of energy, devotion, and patriotism to the greatness of the Republic.

I can find nothing in the suggestions of Senators who have spoken on the other side of this proposition to incline me to yield to their view. I shall vote against every educational test. Impose any character test, and it will have my support.

[From a speech of Senator WILLIAM J. STONE, of Missouri, Apr. 19, 1912.]

Of course, education, enlightenment, is most desirable. Universal education is a part of our national policy. All the States are striving, at great public expense, to educate their children. Ignorance is to be regretted. But, Mr. President, I want to say that I do not believe that the people who are ignorant of book lore—the unlettered people—who come to us from Europe are the agitators who stir up and disturb the social and industrial life of America. Education, even rudimental education, is greatly to be desired. Education better fits a man or woman to fight the battle of life in this remarkably intelligent age in which we are living. But, Mr. President, there are in all countries, America among them, thousands of people—law-abiding, honest, industrious, patriotic people—who can neither read nor write, but who are anxious that their children should enjoy better advantages than have come to them. Such people—good, moral, honest, industrious people—come here from Europe, bringing their little ones with them, seeking to enjoy all the wider and better advantages of this great free Republic of ours. These are not bad people; they are good people. We know, if we know anything, that the evangels of the red flag and the disturbers of public order are composed of a class of men who are smart, who are educated, who speak with glib tongues, and who have the power of arousing the passions of their listeners. A man of this type I would exclude, even though he held a college degree; but I would not exclude an honest, law-abiding man merely because he could neither read nor write. This proposed policy is a reversal of our entire national policy up to this time.

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Mr. President, before closing these observations I wish to say that this literacy test in this bill smacks too much of Know-Nothingism and A. P. A.ism to command my support. All of you are familiar with the old Know-Nothing propaganda, and you are also familiar with the more recent revival of that propaganda under the name of the American Protective Association. Both of these movements were intended to lay drastic and most intolerant proscription upon foreign-born people and upon the membership of the Catholic Church. The era of Know-Nothingism was before my day, but I know as a matter of history that the Democratic Party fought the movement tooth and nail and destroyed it. When A. P. A.ism was projected and raised a threatening hand against the equality of American citizenship because of the accident of birth and because of religious conviction I happened at that time to have the honor of being the governor of Missouri. Without a moment of hesitation I put myself in opposition to the movement. At the meeting of the Democratic State convention in 1894 I wrote a resolution denouncing A. P. A.ism and was successful in having it incorporated in the party platform then adopted. The Democratic Party as an organization followed a similar course throughout the country, and A. P. A.ism, like Know-Nothingism, disappeared as an active force in public affairs. Still there can be no doubt that the intolerant spirit of these movements remains. It lurks quiescent, but it is still in the minds and hearts of many men. I will not say, for I would be most unwilling to believe, that any Senator supporting this educational test approves the intolerant spirit and un-American doctrines of Know-Nothingism or A. P. A.ism; nevertheless, this educational test is but one form of giving new life and vigor to that spirit and those doctrines. I can not support a proposition so strongly marked with intolerance as this one. Why should we deny admission to an honest, manly man of good health and strength and against whose character no word can be spoken simply because, unfortunately, his environments and opportunities have been such as to deny him the advantages of an education? Why, sir, if it had been the rule in many of our States that no man should exercise the right of suffrage who could not read and write, that rule would have disfranchised thousands of honest and patriotic men who believed in orderly government and who stood ever ready to defend American institutions. It has been said with apparent good authority that the parents of more than one man who became President of the United States were illiterate. This we know, that the descendants of men who could neither read nor write have made great names for themselves and added luster to our history. Mr. President, keep out immoral and wicked people; keep out those likely to become a public charge; keep out those who would foment disorder and make war upon our institutions and civilization; but I invoke you not to turn back honest men or virtuous women—men and women who want to work, improve their conditions in life, educate their children, build happy homes, and make themselves good citizens, capable of doing good service to the country—simply and only because they are uneducated.

[Remarks or Senator JAMES E. MARTINE, of New Jersey, in the United States Senate Apr. 18, 1912.]

Mr. President, I can not vote for the literacy test in this bill as a passport to this country. Forty to fifty years ago 90 per cent of the immigrants that came to this country came from Ireland and Germany, and scarcely one of them could have stood this test; and yet all those immigrants, or practically all of them, became industrious citizens,

amassed money, yes, fortunes, through their thrift and ambition, and their children to-day are among the best citizens of this country. Education to a man or woman of evil character and disposition will make him or her most dangerous.

Mr. President, this test would have kept my mother, from whose bosom I drank the milk of justice and liberty, from this fair, fair land. I believe that this great country, blessed of God, can digest and assimilate all of the nations of the earth. I have no fear. Let our test be clean morals, sound and clean bodies, and, with a public-school system, we can safely trust the rest to God. As Heaven is my witness, I will never vote to pass a measure that makes this ungenerous and unjust exaction on the part of a free people.

CONGESTION IN LARGE CITIES.

With regard to congestion in large cities, which is also put forth as an argument for further restriction, the following, taken from the abstracts of the report of the Immigration Commission, shows how much this has been exaggerated:

[Extract from Reports of the Immigration Commission, Vol. I, pp. 36–37.]

Of late years the general impression that owing to immigration the poorer districts of the large cities are greatly overcrowded and that in consequence the living conditions are insanitary and even degrading has been so prevalent that it seemed desirable to make a very thorough investigation of this question. In consequence, in seven cities—New York, Philadelphia, Chicago, Boston, Cleveland, Buffalo, Milwaukee—a very careful study was made of the conditions prevailing in the poorer quarters of the city inhabited by immigrants of various races. As was to be expected, many extremely pitiful cases of poverty and overcrowding were found, at times six or seven or even more people sleeping in one small room, sometimes without light or direct access by window or door to the open air. On the whole, however, the average conditions were found materially better than had been anticipated. Moreover, a comparison of the conditions in a great city like New York or Chicago with those in some of the smaller industrial centers, such as mining or manufacturing towns, shows that average conditions as respects overcrowding are very materially worse in some of the small industrial towns than in the large cities. For example, the per cent of households having six or more persons per sleeping room of the race which showed the worst conditions in these large cities was only 5.2, whereas in the industrial centers studied in several cases the proportion was higher than this, and in the case of one race as high as 9.5 per cent.

Moreover, in the large cities the population changes much more frequently than is generally thought. New immigrants are attracted to these poorer residential quarters by the presence of friends or relatives and the necessity of securing living quarters at the lowest possible cost, but as their economic status improves after living in this country for some time, they very generally move to better surroundings. The undesirable districts of the cities that are now inhabited largely by recent immigrants were formerly populated by persons of the earlier immigrant races. Few of these are now found there, and these remnants ordinarily represent the economic failures—the derelicts—among a generation of immigrants which, for the most part, has moved to better surroundings.

In many instances, too, where deplorable conditions were found they were due in part, at any rate, to circumstances over which the inhabitants have little direct control, such as a poor water supply or insanitary drainage—matters that should be attended to by the city authorities.

While instances of extreme uncleanliness were found, the care of the households as regards cleanliness and an attempt to live under proper conditions was usually found unexpectedly good, about five-sixths of all the families visited in the poorer quarters of these large cities keeping their homes in reasonably good or fair condition.

There seems to be little doubt that the various races, owing presumably to their differing environments in Europe, differ somewhat as regards overcrowding and the care of their apartments, but the differences are less than might have been anticipated. The reports seem to indicate clearly that the chief cause of the overcrowding is a desire of the families to keep well within their income or to save money, even at the expense of serious discomfort for the present, in order that they may better their condition in the future. The worst conditions were found among those who live in boarding groups, largely unmarried men, whose purpose in the main is to save money in order that they may send it back to their home country or return thither themselves as soon as a sufficient amount has been secured.

RECENT COMMENTS ON PROPOSED IMMIGRATION LEGISLATION WITH SPECIAL REFERENCE TO THE PENDING DILLINGHAM BILL, S. 3175.

ADMINISTERING THE IMMIGRATION ACTS.

The ideal immigration law, like the ideal law on any subject within the competence of Congress, should embody certain elementary principles. It should state its purpose plainly instead of by implication. It should go at its purpose directly and not circuitously. It should be so worded as to give the least possible opportunity for the arbitrary exercise of administrative discretion compatible with the execution of the people's will as expressed through their Representatives in Congress. If, at any time, the majority of our people comes to be in favor of restricting immigration, such a policy should be frankly stated and honestly carried out. To legislate by means of administrative regulation is a common enough practice in every country. But it is a method that is peculiarly objectionable when applied to so human a problem as the right of free entry into this country. We can not deal with men and women as Germany's tariff authorities deal with American cattle. When tariff relations between the two countries are pleasant, Germany's "sanitary" precautions against American meat products function kindly. When tariff difficulties arise, Germany need not resort to formal reprisals; the sanitary inspection of American food imports merely becomes very rigid. This is a form of lawmaking by bureaucracy which we ought never to think of in connection with our immigration problem.

Such general considerations must enter into any just opinion of the bill for regulating immigration introduced by Senator DILLINGHAM last summer, and reported with amendments by the Senate Committee on Immigration last week. Several of the provisions in this measure are objectionable, because they contravene the requirements of an honest, above-board immigration policy. The bill contains clauses that are apparently intended as entering wedges for restriction. Ingress into this country is to be surrounded with increased administrative formalities. The right of reentry for aliens is put into question. By defining "aliens" for all administrative purposes of the law as all persons not native born or naturalized citizens of the United States, questions are raised with regard to the wives and minor children of citizens. The provision for the exclusion of "persons not eligible to become citizens by naturalization" is intended as a restatement of the Chinese exclusion acts, but contains the germs of possible misunderstanding with regard to Japanese, Koreans, Malays, and other Asiatics. More than that, it raises the danger of assimilating the execution of our general immigration laws to the methods pursued under the Chinese exclusion acts. Administrative regulations that have hitherto come into play against the Chinese may tend to become general. Restriction will be apt to become exclusion. That may be the intention of the framers of the bill. If so, it should be honestly stated.

Objections of a like nature rise against that clause of the bill which provides that all immigrants shall secure certificates of admission and identity, as well as return certificates upon leaving this country. This not only builds up very serious difficulties about the process of entry and egress, in this country, but tends to create a registry or passport system which is alien to the spirit of our institutions, and, being applied only to one element in the population, takes on the character of class discrimination. In 1882, President Arthur, in a well-known veto message, declared:

"Without expressing an opinion on that point, I may invite the attention of Congress to the fact that the system of personal registration and passports is undemocratic and hostile to the spirit of our institutions. I doubt the wisdom of putting an entering wedge of this kind into our laws. A nation like the United States, jealous of the liberties of its citizens, may well hesitate before it incorporates into its policy a system which is fast disappearing in Europe before the progress of liberal institutions. A wide experience has shown how futile such precautions are, and how easily passports may be borrowed, exchanged, or even forged by persons interested to do so."

We need only think of the merry game of evasion that attends upon the execution of the Chinese exclusion laws to forsee the opportunities for fraud and the miscarriage of justice under a similar practice applied to our vast European immigration.

To a policy of regulation that is indeed regulation no objections can be made. Restriction upon European immigration so far has been almost entirely based on reasons of public health and public morals. It is stated that the deportations of aliens from this country constitute 1 per cent of the total number of arrivals. Though this means a large number of persons in the aggregate, it is perhaps not too large a percentage of insurance against alien disease and crime. But to make medical inspection and administrative routine part of an unwritten scheme for checking immigration is quite another thing. The intelligence and conscience of the country are not behind such measures. (New York Evening Post, Jan. 24, 1912.)

OUR IMMIGRATION POLICY.

To the EDITOR OF THE EVENING POST.

SIR: Your recent editorial on the Dillingham immigration bill (S. 3175), now pending in the United States Senate, should appeal to all Americans. As the purpose of that bill is to amend and codify our immigration laws it should be carefully scrutinized. In addition to the objections named by you, it would give warrant to the average inspector to exclude more than a majority of the incoming immigrants. Under the law as it now stands at least 40,000 were deported during the last two years. The act of 1907, after enumerating several excluded classes, names beggars, paupers, and persons likely to become a public charge. Now, in addition, it is proposed by this bill to add in section 3 a new class, denominated "vagrants." Under this head, inspectors must deport persons (otherwise admissible), "homeless," "wanderers," "who go from place to place," without occupation, and beggars, as defined by the dictionaries. Will not a large majority of immigrants, for the time being homeless, wanderers, without occupation, come under one of these definitions? Would it not have excluded many of our best citizens of foreign birth if adopted earlier in our history?

We all agree that undesirable aliens should be excluded; but home-seekers, otherwise admissible, should not be excluded even though "homeless and wanderers from place to place, and without actual occupation," even though illiterate, for such are needed to develop the unoccupied acreage of the South and West, and the abandoned farms of the Eastern and Middle States, with the intensive farming to which they were accustomed in the fatherland; and to open our mines and to build our roads, aqueducts, tunnels, and canals.

The term "vagrants" is otherwise unfortunate, as it is used by the police in making arrests of suspects and persons sought under extradition proceedings against whom no charges are brought for offenses against local laws. When requested by chiefs of police in other jurisdictions to make such arrests, the charge of "vagrant" is used, for want of something definite. It is too elastic and can be used by immigration officials to exclude multitudes (otherwise admissible), to suit a policy of extreme restriction, on the part of biased immigration inspectors.

My point of view is that of a citizen, a taxpayer, a member of many patriotic ancestral societies, who loves his country and honors its flag. As such I object to the proposed policy of extreme exclusion; I object to the proposed literacy test as applied to robust young farmers, and I believe that good results will follow the adoption of admitted aliens, as wards of the Nation, until they acquire English and learn the rights and duties of citizenship.

J. AUGUSTUS JOHNSON,
New York Evening Post, January 29, 1912.

INJUSTICE IN IMMIGRATION BILLS.

Strong disapproval of the Dillingham bill reported by the Senate committee, further restricting immigration, was expressed yesterday by Max J. Kohler, of 30 Broad Street, who is a member of the committee on immigration of the National Conference of Charities and Correction, of which President Emeritus Eliot, of Harvard, is chairman. Since the bill was reported by Senator LODGE a similar bill, only more restrictive in that it restores the illiteracy test for immigrants which was dropped by the Senate committee, has been introduced in the House of Representatives by Mr. FOCHT, of Pennsylvania. Mr. Kohler took exception to both bills, as well as to the Lodge report on the Senate measure.

"That report," he said yesterday, "was calculated, very likely unintentionally, to keep the public in ignorance of radical changes of a revolutionary character in the proposed law. The vague language of the report and its failure to call attention to the important provisions of the bill are probably responsible for the failure of the press to refer to these radical changes which would not otherwise have escaped strong comment.

"One very important provision of this sort is veiled in the report by language referring simply to a proposed consolidation of the Chinese immigration service with the general immigration service in the interest

of economy.' As a matter of fact, section 3 of the bill, to which the report here alludes, excludes all persons not eligible to become citizens by naturalization, with specified exceptions, and provides for certificates of admission and identity for all admitted aliens against which certificates of readmission upon the departure of such aliens from the United States are to be issued.

"WOULD VIOLATE TREATIES.

"This provision is in substance a reenactment of the Chinese-exclusion laws, except that it extends them to other Asiatics such as Japanese, Koreans, Malays, and the like. The statute would violate our treaties with China, with Japan (with whom we have now a 'gentleman's agreement' excluding only laborers), and with other countries, and would cause much friction. While it might ameliorate the Chinese-exclusion laws somewhat, in some respects, and make them more oppressive in others, it would have a very bad effect in consolidating these laws with our general immigration laws, and accustom the immigration authorities—who would then enforce all these provisions in common—with the practice in vogue under the Chinese-exclusion laws, of rejecting uncontradicted evidence in favor of aliens.

"More revolutionary still is the provision in section 18, requiring all alien immigrants whatsoever to procure in duplicate 'certificates of admission and identification,' and return certificates, thus establishing a sort of 'ticket of leave' system for all aliens. What the use of the certificate would be is not apparent, as, unlike the Chinese-exclusion laws, it is not made the exclusive method of establishing right of residence here—in which event it would be very oppressive, because of loss of certificates, changes in appearance, and impossibility of segregating aliens from American citizens and aliens who are now here, who are not required to have any certificates—and is not authority for readmission of such aliens after trips abroad. Its enforcement would cost millions of dollars in the way of additional Government employees to make out such certificates, and it would seriously retard ingress of all aliens into the country while the certificates are being prepared and retard their egress on visits abroad while arranging to secure return certificates, and ignorance of these silly requirements would lead to many thousands of exclusions and deportations. A general discriminatory antialien feeling would be engendered by these provisions and even in the present form they probably are violative of treaty obligations toward foreign countries.

"We do not want to have paupers come here, nor persons likely to become paupers; nor anarchists, criminals, contract laborers, or persons mentally or physically defective. On the other hand, we do not want our laws to be so phrased as to keep out others who are desirable and whom this country needs." (New York Times, Jan. 27, 1912.)

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[Rev. Percy S. Grant, minister of the Church of the Ascension, New York City, in the North American Review, April, 1912.]

The rapidity with which the democratic ideas are taken on by immigrants under the influence of our institutions is remarkable. I have personally had experiences with French-Canadians, Portuguese, Hebrews, and Italians. These races have certainly taken advantage of their opportunities among us in a fashion to promise well for their final effect upon this country. The French-Canadian has become a sufficiently good American to have given up his earlier program of turning New England into a new France—that is, into a Catholic province—or of returning to the Province of Quebec. He is seeing something better than a racial or religious ideal in the freedom of American citizenship, and on one or two occasions, when he had political power in two municipalities, he refrained from exercising it to the detriment of the public-school system. He has added a gracious manner and a new feeling for beauty to New England traits.

The Portuguese have taken up neglected or abandoned New England agricultural land and have turned it to productive and valuable use. Both the French-Canadian and the Portuguese have come to us by way of the New England textile mills.

The actual physical machinery of civilization—cotton mills, woolen mills, iron mills, etc.—lock up a great deal of human energy, physical and mental, just as 100 years ago the farms did, from which later sprang most of the members of our dominant industrial class. A better organization of society, by which machinery would do still more and afford a freer play for mental and physical energy and organization, would find a response from classes that are now looked upon as not contributing to our American culture; would unlock the high potentialities in the laboring classes now unguessed and unexpended.

The intellectual problems and the advanced thinking of the Hebrew, his fondness for study, and his freedom on the whole from wasteful forms of dissipation, sport, and mental stagnation, constitute him a more fortunate acquisition for this country than are thousands of the descendants of colonial settlers. In short, we must reconstruct our idea of democracy—of American democracy. This done, we must construct a new picture of citizenship. If we do these things we shall welcome the rugged strength of the peasant or the subtle thought of the man of the Ghetto in our reconsidered American ideals. After all, what are these American ideals we boast so much about? Shall we say public schools, the ballot, freedom? The American stock use private schools when they can afford them; they too often leave town on election day; as for freedom, competent observers believe it is disappearing. The conservators and believers in American ideals seem to be our immigrants. To the Russian Jew Abraham Lincoln is a god. If American ideals are such as pay honor to the intellectual and to the spiritual or foster human brotherhood, or love culture and promote liberty, then they are safe with our new citizens, who are eager of these things.

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IMMIGRATION A VITAL QUESTION.

Justin F. Denechaud, secretary of the Louisiana State board of immigration, who is here attending the Southern Commercial Congress, said to-day:

"To the South more than to any other section of the country immigration is a vital question. Those in charge of recommending to Congress changes in our immigration laws should bear in mind that our section is yet practically undeveloped. In my State alone, Louisiana, with an area of more than 29,000,000 acres, only 5,000,000 acres, or about one-sixth, is now developed.

"Not only do we need a large population to till the soil, but we also need laborers to build railroads and ditches. Where is this labor to come from unless it is from the countries of Europe? The European immigrant was admitted and furnished for the North, East, and West in their development. I do not wish to be misunderstood and to mean that the Government should let down the bars and admit the undesirables, but I do mean that the bars should not be put so high as only the educated and the man with means shall be permitted to enter this country. The passage of such a law as is being asked of Congress from many quarters will deprive the South of its needed labor. The rapid development of the agricultural lands in the South will be the means of checking immigration of the American farmer into frozen Canada." (Nashville (Tenn.) Banner, Apr. 8, 1912.)

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The Western and Southern States need more white people. They are all thinly populated, and they will surely be heard from when the proposed literacy test comes to a final vote.

Underlying the Dillingham-Lodge bill is the fetish of Teutonic superiority and Latin degeneracy, and even of the ancient jealousy of all race mixtures as a danger to the American stock and to American ideals. These notions were long ago disproven. This country still needs and long will need all the honest, able-bodied men it can secure, no matter what European country furnishes them. (Birmingham (Ala.) Age-Herald, Apr. 25, 1912.)

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PROPOSED IMMIGRATION RESTRICTION.

The effort to restrict immigration comes partly from a labor element that fears competition and partly from a social element that has little or no knowledge of the history and the results of immigration in this country. The effort to restrict by an educational clause in the immigration law is a makeshift, an evasion of an issue that the politician does not wish to meet openly. It will not exclude the criminal, the diseased, or the otherwise undesirable. It will exclude many whose muscles are needed and whose exclusion would retard our economic development. If Congress believes that the labor market is, or is immediately likely to be, unduly overcrowded and our interests thereby endangered, it is within the power of that body to prohibit immigration or to limit the number of arrivals for a period of years. But the real trouble is not in the number of those who come. Broadly, the labor market is not overcrowded. Wages have risen in the term of the heaviest immigration in the history of the country. The difficulties of the question are behind the gates and not at them. (New York Sun, May 6, 1912.)

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THE LITERACY TEST.

The proposed literacy test would keep out a great many immigrants, but it is doubtful if it would exclude the really undesirable aliens, the proletariat that produces social ferment in dense alien populations.

Criminals are not the illiterates as a rule. Some education is required to write Black Hand letters and some degree of intelligence is needed to make bombs. (Jersey City (N. J.) Journal, May 11, 1912.)

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THE LITERACY TEST.

The literacy test can not be made too general or all immigrants would be barred. A mere smattering knowledge would be of little benefit to an immigrant. Among the very poor it is usually the man of little education who is the malcontent, and it most frequently happens that the criminal classes are recruited from that class.

The able-bodied illiterate is of more value to this country than the physically weak with a scant education.

The literacy test is a poor one. So widespread is the protest against the bills that enactment seems very improbable. (Fargo (N. Dak.) Forum, May 16, 1912.)

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THE IMMIGRATION QUESTION.

Would any real advantage come to the country from the enactment of the Dillingham immigration bills? One familiar argument for it is that the United States is receiving immigrants now who are not readily assimilable. But it is not illiteracy that makes the immigrant from parts of southern and eastern Europe unassimilable. If he can not be assimilated it is because his racial unlikeness to the settlers of this continent is too great. But the literacy test will keep out only a fraction of the alien races. The problem of their assimilation will remain unsolved.

Nor will the literacy test be sure to keep out the least desirable of the arriving immigrants. It is not usually the man who can not read and write who recruits an anarchist population here. It is the "intellectual proletariat" of Europe which, coming here, congregates in cities and adds to their ferment. The man who works with his hands has always found his place readily in this country, and if he ever makes trouble, by strikes and rioting, it is only as he begins to be assimilated and to develop the American standard of living. Again, the criminals who come to this country and are one of the gravest evils of immigration are seldom of the illiterate class. Illiterates do not write Black Hand letters. It is worthy of note also that some of the illiterates who come here do not require to be assimilated. They form a sort of international balance of labor, moving back and forth between this country and Europe as their services are required, and always intending to live finally in their old home. (New York Tribune, May 9, 1912.)

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LITERACY TEST FOR VOTING, NOT FOR WORKING.

In the vigorous protest against the Dillingham bill "to regulate the immigration of aliens to and the residence of aliens in the United States," which slipped so easily through the Senate and is now before the House Committee on Immigration and Naturalization, a special point is made against the clause which would include among those to be denied admission to the country, "all aliens over 16 years of age and physically capable of reading and writing who can not read and write the English language or some other language." * * * The objection to the admission of illiterate aliens seems to come mainly from two sources—from organizations of workingmen already here, mostly of alien origin, who wish to restrict competition in labor, and from those who regard as politically or socially dangerous large masses of "ignorant foreigners," who gather in industrial centers, like the factory towns and mining districts, and who are easily led into lawless demonstrations in time of excitement.

Many immigrants are unfortunately illiterate, without fault of their own, and without lacking intelligence and character which will make them useful and peaceable subjects of a free government. Most of them are industrious and thrifty, and a large proportion are desirous of learning and of having their children educated. They are capable of becoming a desirable element in the working population, and most of them do become so. (New York Journal of Commerce, May 19, 1912.)

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IMMIGRATION.

In general it may be said that the literacy test is the poorest possible means of determining the value of a prospective immigrant. * * *

Immigration has been one of the most essential factors in the development and prosperity of the United States. A great part of the country is still but sparsely settled and no part is so overcrowded that there is not room for many more. Intelligent distribution of immigration would be a much wiser policy than restriction by a literacy test. (Buffalo (N. Y.) Express, May 9, 1912.)

THE MASS MEETING TO-DAY.

The mass meeting this afternoon at the Star Theater is called to voice the protest of Buffalo against unwise and unjust restriction in immigration laws of the United States.

That this protest will be logical in significance, spirited in expression, and impressive in the numbers supporting it, is certain. * * *

The Times believes the sterling citizenship of Buffalo, irrespective of nationality, is with that large portion of our population which has taken the lead in this matter.

We have equal faith that the citizenhood of the Nation is with it, too.

Every American, except the few aboriginal inhabitants of this country, is an immigrant or the descendant of an immigrant.

Without immigrants, there could have been no civilized nation on this continent.

If all the restrictions on immigration, which are now exercised, or which are pending, had been put in force against the Puritan Fathers of New England, the Catholics who settled Maryland, the cavaliers who built the first settlement in Virginia, the Quakers who established Philadelphia, and the poor debtors who founded Georgia, the beginnings of this Republic would have been nipped in the bud.

It is proposed to exclude worthy immigrants because they can't read and write.

Daniel Boone couldn't read and write.

The literacy test is no test at all.

Many of the best-known men of Buffalo, men prominent in manifold walks of life, men distinguished as clergymen, officials, lawyers, publicists, and orators, constitute the corps of speakers at to-day's mass meeting.

There is no need to anticipate the arguments of such men.

The duty of the occasion is to do all that is in us to maintain the hospitality of the United States, that quality which has made this country the refuge of the oppressed throughout the world, and which has been repaid to America many times over by the loyalty, the blood, the toil, the money, and the patriotism of her foreign-born citizens. (Buffalo (N. Y.) Times, May 12, 1912.)

OUR FOREIGN ELEMENT.

That there should be very vigorous opposition to the so-called Dillingham immigration bill, now under discussion in the United States Senate, is not to be wondered at.

Had the restrictions it seeks to impose been in force during the last 60 or 70 years the country would have been deprived of thousands upon thousands of immigrants who came here and made good, and whose descendants are to-day among the very flower of American citizenship.

A test of illiteracy is not a fair test. Cardinal Gibbons puts the case strongly and truthfully when he says that illiteracy is not ignorance or incompetence—that if the immigrant is industrious and thrifty he will make a useful citizen, whether he be literate or illiterate.

The thousands who have been coming to Lowell and kindred communities during the last 15 or 20 years, and against whose kind the Dillingham bill is aimed, have shown themselves to be both industrious and thrifty.

And they have recently given striking demonstrations that they are no more minded to work for too low wages than are other nationalities whose immigration began earlier—that they want to lift themselves up to the American standard of living, not pull that standard down.

They are seeking to adapt themselves to American ways and are making more rapid progress than is generally appreciated. The "natives" will profit by getting in touch with them and lending a helping hand.

They are, too, as a rule, temperate as well as industrious and thrifty. Few of them are seen in the police court, and fewer still in the almshouse. (Lowell (Mass.) Telegram, May 12, 1912.)

THE BROAD VIEW.

Every effort to restrict immigration on the ground of illiteracy alone has proved a failure from the beginning of the agitation for it, many years ago. The great majority of the people have been opposed to it since their attention was called to it by the able veto message of President Cleveland when such a bill reached him for consideration. The bill had gone through Congress with little debate, but he put a stop to the movement for restraint of the kind provided in the bill, and it has made no progress since then, even with the large immigration from southern Europe that alarms a number of excellent citizens. (Buffalo (N. Y.) Express, May 13, 1912.)

ILLIBERAL AND HARSH REQUIREMENTS.

This Senate bill makes ability to read and write in some language or dialect one of the requirements for the admission of those over 16 years of age. The immigrants from a certain number of countries are excluded from this requirement, but it applies generally to all immigrants from Europe, except certain relatives of immigrants who are themselves admissible. It is as moderate an application of the illiteracy disqualification as can well be made, yet it is felt by many good people to be harsh and unfair, and vigorous protests are being made against it.

If to be totally illiterate means always to be idle or stupid, it would be an entirely proper test for exclusion. But some immigrants fleeing from hard conditions and an oppressive government in the Old World have never had an opportunity to learn to read or write. Their labor would be acceptable here and their inability to read would not necessarily prevent their being orderly and self-supporting citizens. A man who has been denied opportunities to learn to read may be intelligent in spite of his illiteracy. A man of brains and brawn, in good health, and of unimpeachable character, should not be barred out of this land because conditions beyond his control have prevented him from learning to read. (Philadelphia (Pa.) Press, May 14, 1912.)

THE DILLINGHAM BILL.

The Dillingham bill now pending in Congress marks a wide departure from the generally accepted theory followed for many years concerning immigration. To restrict and to restrain are the cardinal principles of the proposed act. Heretofore the main idea of legislation has been to regulate, and not to prevent. There are those who believe that the time has come when such a change as that now proposed is necessary; that an absolute barrier must be raised against the hordes of those aliens who certainly are not elevating the standard of citizenship. On the other hand, the question is asked whether it is wise or humane to refuse a refuge and a haven to those who simply have been so unfortunate as to be born or reared in countries possessing less natural advantages or less endowed with the blessings of liberty. * * *

A man who can not read or write is not necessarily unworthy. Illiteracy is a misfortune, not a crime, and the illiterate should not have the door of opportunity shut in his face because he was unable to enjoy in his own land the advantages of education. Such a law penalizes misfortune and is un-American. (Buffalo (N. Y.) Commercial, May 15, 1912.)

ILLITERACY NOT IGNORANCE.

Last Sunday afternoon a meeting was held in this city to protest against the passage of the Dillingham and Burnett bills, now pending in Congress.

The principal bone of contention is the senseless educational test.

The speakers were Adelbert Moot; Col. John B. Weber, former Representative and Commissioner of Immigration, who has made a study of the immigration problem; Representative CHARLES B. SMITH; Health Commissioner Fronczak; and Dr. Borzilleri.

The suggested educational test is uncalled for, unnecessary, silly. Thousands of immigrants who were unable to read, unable to write, have come to this country. They have made good. Their citizenship is of the first class. They have been builders. The Nation could not well have done without them. (Buffalo (N. Y.) Times, May 16, 1912.)

RESTRICTION OF IMMIGRATION.

Of course paupers and criminals should be excluded. They should stay where they are produced. They will not develop our country. But those who will develop our resources and strength ought to be welcomed. That is a plain principle, but at present it is openly or covertly opposed on grounds that will not stand examination. In its extreme of narrow absurdity it appears in the policy urged and adopted in Australia, where in the assumed interest of labor it would discourage even white immigration. The one and only argument back of all these exclusion rules is, confessed or unconfessed, that a paucity of labor is desired by a class of laborers, so that they may secure larger wages by the resulting competition for it. There then follows for them an increased cost of living by the increased price of products, and the process goes on, more cost of living, more wages.

The Dillingham bill, now being considered in Congress, is another law intended to unify our laws for restricting population by immigration. The purpose we do not approve. We regard it as unwise in political economy, and ungenerous and indefensible morally. It is of the same ethical type as the action of the titled passengers on the lifeboat only half filled, who were unwilling to try to save others that were struggling in the sea. Immigrants come here to improve their condition a great deal; they are told they must not do it for fear we shall be crowded a little.

Senator DILLINGHAM'S able defense of the bill brings out some important admissions resulting from the very careful investigation of the conditions of immigration. It appears that immigrants as a body are choice people, the choice of their race, whatever that race may be. They have more than usual enterprise. They are of those who have ambition to improve their condition. They are strong and healthy young people. They are able and willing to work. It appears further that an illiteracy test does not shut out criminals; criminals generally can read. Immigrants are, on the whole, picked people. The children of immigrants attend our public schools more faithfully than do the children of native parents. Further, there is no effort on the part of foreign governments to dump their undesirable citizens on our shores. No evidence of that could be found. * * *

The main provision is that those who can not read are excluded. The argument given for this exclusion is not that the illiterate are not useful laborers, nor that they are more criminal, but that they take the unskilled fields of labor, and that these fields are overcrowded. Evidence of this is that the annual income of such laborers in the coal and steel industries, as compared with their daily wage, shows that there are considerable periods of nonemployment. It is not made clear that such cessation from work is due to the failure of work to do. We judge that those who are willing to work steadily can get work, and it would not be bad if those who are less faithful should be crowded into other less toilsome and less remunerative pursuits. The purpose of the bill is to exclude common laborers, such as work in mines or on railroads. It is further the aim to shut out those who do not desire to make their permanent home here, for nearly half of those who come go back to live. If this is the case, one would think it would please these enemies of immigration. The young men come here, enrich the country more by their work than we are impoverished by the money we pay them, and which they send or carry back to Italy or Hungary, and they do not remain to be further competitors in the labor market; and yet the bill tries to exclude these temporary creators of wealth. The policy and purpose are indefensible. (The Independent, New York, May 16, 1912.)

LITERACY TEST FOR VOTING.

The Senate passed the Dillingham bill to limit immigration by means of a literacy test, but the House hesitates, and public sentiment is rapidly changing in relation to the bill. * * *

The Dillingham bill proposes to exclude "all aliens over 16 years of age and physically capable of reading and writing, who can not read and write the English language or some other language." This would shut out many immigrants who would soon become useful citizens. If the country had a better plan of distribution—if immigrants were landed at other ports than New York, no objection to their coming here would arise. Better distribution and a delay in naturalization would be better remedies. In other words the literacy test should arise when admission to citizenship is applied for and not to admission to residence in the country. If we apply it to the latter we turn our backs on our traditions and on thousands whose only crime is the plotting for freedom against tyranny at home. We are not ready to stand for despotism and against liberty even to please some Senators. (Birmingham (Ala.) Age-Herald, May 17, 1912.)

THE LITERACY TEST.

The literacy test is undoubtedly the weak feature of the Dillingham immigration bill. In the opinion of Charles Nagel, Secretary of Com-

merce and Labor, illiteracy does not stand in the way of assimilation, and we should imagine that this was the correct view to take of the matter. The illiterate man comes to our shores with his mind in a receptive condition. He is willing and even anxious to learn our methods of doing things. He has remained illiterate because his opportunities for education have been few. Here he will find many such opportunities, and if he is the right sort he will be quick to take advantage of them. It isn't the illiterate man, as a rule, that we have to fear, but the man who comes here laboring under the delusion that he knows it all, so to speak, and is unwilling to be taught. These are the sort of men who are apt to turn dangerous agitators and sometimes do. If a man has a strong, healthy body and a well-balanced mind he should be a most desirable immigrant, no matter whether he is illiterate or not. If illiterate he will work and acquire an education in spite of the poor start he has had at home. Capacity for work and willingness to perform it more than counterbalance a failure to stand a literacy test. Such a test is therefore palpably undesirable. (Brockton (Mass.) Times, May 27, 1912.)

NO IMMIGRATION LEGISLATION.

Better no legislation at all on the immigration question than bad legislation. The voice of the Nation has declared too emphatically against such propositions as that of the Root amendment for the deportation to their countries of political refugees and the proposition to shut out some of our most useful elements of citizenship by imposing a literacy test. (Newark (N. J.) Star, May 30, 1912.)

SIFTING THE IMMIGRANTS.

What qualities do we want in our immigrants to make them a welcome addition to our population? Without undertaking to give a comprehensive answer to this question, there are certainly four qualities which are needed:

Good physical health.

The economic virtues, such as temperance, honesty, and thrift.

A desire to become Americans, and the purpose to remain in America.

Capacity to become assimilated with the American population.

And the classes which we desire to exclude from America are also four:

Physical, mental, and moral degenerates.

Idlers, agitators, and cranks. We can breed all of these we want without help from the Old World.

Transients who come here to earn a little money, to live as near the edge of poverty as possible to be while in this country—Hungarians, Italians, Poles, and the like—and to return to their homes as soon as they have accumulated a meager competence.

Those whose race peculiarities are such as make intermarriage with the American people and assimilation into the American Nation undesirable if not impossible.

What the Nation wants of Congress is such legislation as will sift our immigration on the lines indcated above.

No simple provision, such as a perfunctory test of reading and writing, or a certain amount of money in hand, or the demand of a larger head tax, will suffice to solve our immigrant problem. We must either be willing to organize an effective and competent method of selecting the immigrants we want or we must continue to take them as they come and do the best we can with them when they are here. (The Outlook, New York, June 1, 1912.)

ILLITERACY AND IMMIGRATION.

One honest, hard-working illiterate, who lives clean and raises a decent family, is worth a hundred of the inefficients our schools turn out annually, who can read and write, but who are too fine to work and who are utterly useless in the civilization they live in. We place too high an estimate upon mere literacy; but if we paid more attention to teaching children that morality which comprehends respect for parents and law and the necessity of earning bread by the sweat of their face, we would not be troubled so much with the envy and discontent which are the outgrowth of laziness and inefficiency.

The literacy test for the exclusion of immigrants is the sheerest humbug; had such a law been in force since the early seventeenth century, America would still be a howling wilderness. The American troubles of the twentieth century are not the fruits of illiteracy and immigration; they are made right here on the soil by those born on the soil, by the lazy, the inefficient, the envious, the unsuccessful—all the products of our public schools. Go to your prisons some time and learn how many of the inmates are illiterates. When literacy has become a synonym for sanity, honesty, industry, and physical soundness it will be time enough to make illiteracy a barrier for admission to the Republic. I would rather have an illiterate who can steer a plow, wield a sledge, roof a house, lay brick, or dig a good sewer than a dozen half baked chaps who can write dog and read cat and who are willing to live on the labor of a father and mother. Let Congress face the question fairly, and let the Government back up the immigration authorities in enforcing the laws we have. The illiterate test is pure punk, just plain flapdoodle. (Boston (Mass.) Morning Herald, June 3, 1912.)

LABOR SCARCITY AND IMMIGRATION.

All of these facts may serve to remind us how fortunate the country has been to escape the limitation of immigration, which was so warmly urged in the last session of Congress and still threatens. There could be no greater folly from the industrial point of view than to require, as does this bill, that everyone shall be excluded who can not pass a literacy test and show some knowledge of English. For certain lines of work no American-born laborers are available—particularly is this true of unskilled labor in the iron and steel trades. In them such a restriction would speedily become crippling. It is no answer to this that conditions of work should be so attractive as to bring it to a higher class of men. Much can be done, indubitably, in this direction. But American labor will enter certain lines of work on no terms. Foreign labor will; why should it be compelled to master a new tongue before entering? For decades past the heavy outdoor work has been done by Irish or negroes or Italians or Slavs; the history of many a long-established industry is the story of first one nationality and then another carrying it onward. The United States needs immigration more than any other country, because here men rise rapidly in the social scale, as they can not elsewhere. The sons and daughters of one generation of day tollers are clerks or artisans. And to put up the bars at this particular period in our history would be to deal a blow in advance to our coming prosperity. (New York Evening Post, Sept. 23, 1912.)

THE ILLITERACY TEST.

The spirit of the Statue of Liberty in the harbor of New York, which, to immigrants catching their first sight of America, symbolizes the land of freedom, equality, and democracy, was well represented by the New York delegation in Congress yesterday, when the entire group of Democrats from that State went on record in caucus against the immigration bill, with its unfair illiteracy test for incoming foreigners.

If the United States made any pretensions to being a country dedicated exclusively to the "upper classes," the erudite, and the fastidious, the immigration bill which has been included in the Democratic program for the present session would be an accurate reflection of such sentiments. If, however, the United States is to remain what it was intended to be—a haven for the oppressed, the lover of liberty and freedom, the toiler, and the ambitious—then the present bill is a step backward toward an exclusiveness which, if exercised 100 years ago, would have paralyzed the growth of the Nation.

The illiteracy test would have robbed the country of some of its strongest and greatest men. Some of the ablest lawyers at the bar, the noblest humanitarians, the best and most progressive business men of to-day are the progeny of parents who could neither read nor write when they came to the United States.

Is opportunity to be denied to all those who have not had the advantage of an education in the countries where they were born? Many of the immigrants who can neither read nor write are the quickest students, once they have landed on American soil. Barring them from entering this country will deprive the Nation of the rich blood that is needed if the country is to continue to grow as it has grown in the past.

Many American-born men and women have been unable to obtain an education until they were well on in life, and yet have grown into fine manhood and womanhood. Criminals are frequently well educated, and so are many incompetents. The country needs as many healthy European immigrants as will come here, and the only tests that should be applied are those of health and morality. (Washington Post, Dec. 5, 1912.)

RESOLUTIONS.

[Memorial and resolutions adopted at a mass meeting held at Cooper Union May 5, 1912.]

From the establishment of our Government it has been its consistent policy not only to permit but to encourage immigration into the United States. In consequence, our resources have been developed, new and important industries have been established, the great West has been peopled, and we have been blessed by a prosperity which is unparalleled in the annals of history. But for this liberal policy there would have been a dearth in the land of that vital energy which is an essential to material and moral improvement. A considerable percentage of those who have largely contributed to the progressiveness of our Nation are either immigrants themselves or the sons and daughters of immigrants.

While the right and the duty of our Government to regulate immigration is conceded, to the end that those who would imperil our prosperity and the permanence of our institutions should be excluded, it would be a genuine misfortune if any laws arbitrarily restrictive of immigration were enacted. It would be retrogression. It would close our gates to the oppressed who have hitherto been afforded refuge, and to those who supply strong arms and stout hearts to our industrial activities and further the increase of our national wealth.

Senate bill 3175, known as the Dillingham bill, and similar legislation now pending in Congress, if enacted, would operate as a reversal of that policy which has hitherto so signally contributed to our national greatness. Their most significant feature is the literacy test. This proposed restriction is conceded by its authors to be purely arbitrary. It would not exclude those who are inimical to our form of government, for they are usually highly educated. It would not keep out those who are physically, mentally, or morally degenerate. On the contrary, it will affect principally those whose brawn and muscle and whose obedience to law and authority make them especially useful and desirable as additions to our population.

It is this part of our immigrants which has built our railroads, canals, tunnels, and aqueducts; which labors in our *mines*, on our public highways, and upon our farms, which are being deserted by those of American birth. It is they who laboriously toil in those occupations which are avoided by our older population. Many of them learn to read and write after they arrive here. Their children avail themselves of the educational opportunities which are afforded them, and in a few years are not distinguishable from the descendants of the early settlers. If this test had been applied to the immigration of the last 60 years it would not only have seriously impaired our working capacity, but it would have deprived the country of great moral and ethical forces which have strengthened the public sense of solidarity.

The test proposed is the ability to read and write various clauses of the Constitution of the United States—a test with which many of our native-born citizens would find it difficult to comply. To require a foreigner, unfamiliar with our political phraseology, to undergo successfully such an examination under the most trying conditions, with none to sit in judgment but an inspection officer, would be most unjust. If it were deliberately intended to enmesh and entangle him, it could not be more effectually accomplished. Immigration should not be confounded with naturalization.

The pending bills are further objectionable because they contain a provision in the nature of a ticket of leave, which practically requires an immigrant at his peril to keep in his possession a certificate issued to him on his arrival, and another, added in the tumult of debate, which though with proper protective clauses now absent, might be appropriate in a neutrality law, has no possible relevancy to an immigration act by which an alien charged with a conspiracy for the violent overthrow of a foreign Government may be summarily deported to his death without the right of trial by jury and without judicial hearing of any kind, even though he may himself be the victim of criminal espionage and conspiracy.

Believing for these reasons that the passage of the pending bills would be an unqualified misfortune to the country and give rise to grave injustice and gross abuses,

It is resolved by this assemblage, composed of citizens who have given to this subject mature thought, that it vigorously protests against the proposed legislation, and fervently prays that no immigration laws be enacted which shall not be in complete accord with the principles which we have herein advocated; that copies of this memorial be forwarded to the President of the United States, to the Secretary of Commerce and Labor, and to every Senator and Representative

in Congress, and that they be urgently requested to oppose the enactment of these proposed restrictive laws as being detrimental to our common welfare and inconsistent with those American ideals which have given the stimulus of humanity to the conscience of the world.

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[At a town meeting held in Philadelphia, May 8, 1912, at Musical Fund Hall, under the chairmanship of Dr. C. J. Hexamer, president of the German-American Alliance, the following preamble and resolutions were adopted.]

Whereas the United States Senate has passed the Dillingham bill and the Burnett bill is now before the House of Representatives, both of which contain educational tests for immigrants, be it resolved by the citizens of Philadelphia in meeting assembled that we are unqualifiedly opposed to an educational test for immigrants.

We hold that existing law prohibits the incoming of criminals, paupers, lunatics, persons of immoral life, those afflicted with contagious diseases, and all others who may reasonably be regarded as dangerous to the public welfare or likely to become burdens upon the public purse. These provisions are sufficient for the exclusion of all unfit immigrants, and any further restriction must inevitably result in inhumanity and wrong.

That the literacy requirement is not a fair measure of moral worth, of economic value, of mental capacity, or civic worth.

Experience proves that moral soundness—simply honesty—is independent of intellectual culture. The vast majority of those ignorant of letters are morally sound, while a minority of the literate are morally defective despite their education.

The proposed changes in existing law is a reversal of the fundamental principles of our free Government and the history and traditions of our country. It has been the consistent will and policy of the people of the United States that this land should ever be a refuge for the oppressed and persecuted of the earth. It is inconceivable that a free and prosperous people, whose institutions are founded upon the broadest humanity and the most explicit recognition of the rights of man, could wish to close its ports against peaceable, honest, worthy, and industrious men and women seeking for themselves and their children political, religious, and industrial freedom. To turn them back, because of defective education, to the oppression and misery from which they are escaping would be for this Nation stultification and shame.

We further protest against section 18 of the Senate bill, which is of a far-reaching character, has the result of placing worthy immigrants upon the same plane as persons sent to penal colonies, and will undoubtedly work hardship. It, moreover, virtually establishes an internal passport system which up to this time has only been known in the most autocratic of Governments.

Resolved, That a copy of these resolutions be sent to the President of the Senate and the Speaker of the House of Representatives.

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[Resolutions adopted at a mass meeting at Faneuil Hall, Boston, May 5, 1912.]

Resolved, That this meeting of the citizens of Boston protests against the adoption of the Dillingham and Burnett bills as being un-American in spirit and harmful to the best interests of the future people of the United States.

Resolved further, That the chairman of the committee organizing this meeting shall appoint a committee of five, who shall proceed to Washington to urge upon the individual Members of the House of Representatives and upon the officials of the parties the objections of this meeting to the proposed good-conduct certificates for immigrants.

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[Resolution adopted by a mass meeting of the citizens of Cleveland, May 9, 1912.]

Whereas there is now pending in the House of Representatives two measures known as the Dillingham bill (S. 3175) and the Burnett bill (H. R. 22527), both of which provide that a literacy test be applied to all immigrants entering the United States; and

Whereas the Dillingham bill, in addition to a literacy test, provides that all immigrants be required to carry with them a certificate of identity; and

Whereas we not only regard those provisions as hostile to the spirit of our American institutions, but also believe that they would work injustice to worthy immigrants and deprive our country of an element which, on the basis of experience, would develop into worthy citizenship; and

Whereas we believe that such restrictive legislation will seriously retard the commercial and industrial progress of this country: Therefore be it

Resolved, That we, the citizens of Cleveland, in mass meeting assembled, representing every element of our citizenship, protest against the passage of Senate bill No. 3175 and House bill No. 22527, and that we earnestly appeal to our Representatives in Congress to put forth every effort at their command for the purpose of defeating these two measures; be it further

Resolved, That a copy of these resolutions be forwarded to the President of the United States and to our Representatives in the Congress of the United States.

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[Resolutions adopted by citizens of St. Louis, Mo., in mass meeting, May 1, 1912.]

Whereas there is now pending in the House of Representatives two measures known as the Dillingham bill (S. 3175) and the Burnett bill (H. R. 22527), both of which provide that a literacy test be applied to all immigrants entering the United States; and

Whereas the Dillingham bill, in addition to a literacy test, provides, in section 18 thereof, that all immigrants be required to carry with them a certificate of identity; and

Whereas these measures are so un-American in spirit, so inhuman in their effect as to practically mean the closing of the gates of America in the faces of those worthy immigrants who seek shelter in the United States from religious and political persecution; and

Whereas we believe that such restrictive legislation will seriously hamper the proper development of our country and retard its commercial progress: Therefore be it

Resolved, That we hereby protest against the passage of Senate bill No. 3175 and House bill No. 22527, and that we earnestly appeal to our Representatives in Congress to use every legitimate means at their command for the purpose of defeating these two measures; be it further

Resolved, That a copy of these resolutions be forwarded to the President of the United States and to our Representatives in the Congress of the United States.

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[Resolutions adopted by the Common Council of the City of Johnstown, N. Y., Apr. 29, 1912.]

Whereas there is now pending in the House of Representatives two measures known as Dillingham bill (S. 3175) and the Burnett bill (H. R. 22527), both of which provide that a literacy test be applied to all immigrants entering the United States; and

Whereas the Dillingham bill, in addition to a literacy test, provides in section 18 thereof that all immigrants be required to carry with them a certificate of identity; and

Whereas these measures are so un-American in spirit, so inhuman in their effect, as to practically mean the closing of the gates of America in the faces of those worthy immigrants who seek shelter in the United States from religious and political persecution; and

Whereas we believe that such restrictive legislation will seriously hamper the proper development of our country and retard its commercial progress: Therefore be it

Resolved, That we hereby protest against the passage of Senate bill No. 3175 and House bill No. 22527, and that we earnestly appeal to our Representative in Congress to use every legitimate means at his command for the purpose of defeating these two measures: Be it further

Resolved, That a copy of these resolutions be forwarded to the President of the United States and to our Representatives in the Congress of the United States.

—

[Resolutions of Pittsburgh Chamber of Commerce, June 3, 1912.]

Our national boast has been that this country was the refuge for the downtrodden and oppressed, who in a healthy bodily and mental condition, and with a law-abiding spirit, sought entrance at our gates with a view of making this country their home and taking their chances with us. This sentiment has built up our national idea of free Americanism. The immigration of the able-bodied and honestly inclined has contributed in a large degree to the greatness and prosperity of this Republic.

In the line of our tradition and of the principle that has guided us in the past, through means of which our country stands preeminent as the land of liberty and freedom and equal opportunity, we can not afford to close our doors to those who still unfortunately suffer from oppression existing in foreign lands merely because they can not read, although otherwise qualified for admission under existing laws.

The proposed educational test, if enacted into law, will affect the immigration of the very people this country needs most, namely, the honest, thrifty, industrious, and self-supporting laboring classes; and in this respect they are harsh and oppressive measures.

When the various phases of this question are considered we can not but reach the conclusion that if any of the proposed bills requiring the educational test for immigrants seeking admission to this country is enacted into law it will not only be against the policies of this country, under which it has grown to greatness, but against the interests of the Nation at large and especially against the best interests of Pennsylvania.

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[Resolutions of Italian-American Business Men's Association, Buffalo, N. Y., May 8, 1912.]

Resolved, That we, the Italian-American Business Men's Association of the city of Buffalo, N. Y., representing the sentiment of 60,000 Italians in Buffalo and western New York, earnestly protest against the enactment of any law which denies the right of entry to the United States of those who, through no fault of their own, have failed to receive an education; we denounce the illiteracy test proposed in the Dillingham and Burnett bills as un-American in spirit and opposed to the principles on which this Nation was founded, namely, that it is the haven and refuge of the oppressed of every land; that it is antagonistic to the commercial and industrial advancement of this country.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

FORTIFICATIONS APPROPRIATION BILL.

Mr. SHERLEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 28186, the fortifications appropriation bill, and pending that I ask unanimous consent that general debate be now closed.

The SPEAKER. The gentleman from Kentucky moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 28186, and pending that he asks unanimous consent that general debate on this bill be considered closed. Is there objection?

Mr. FOWLER. Mr. Speaker, reserving the right to object, I should be glad if the gentleman in charge of the bill would give some little further time for discussion of the bill before he closes general debate.

Mr. SHERLEY. I suggest to the gentleman that any reasonable request under the five-minute rule will no doubt be granted. We have had one day's debate on this bill; we are in the situation that in a very few weeks the session will end, and the majority portion of the great supply bills are unacted upon.

Mr. FOWLER. I have never taken one moment's unnecessary time of the House in discussion.

Mr. SHERLEY. How much time does the gentleman want?

Mr. FOWLER. Ten or fifteen minutes.

Mr. SHERLEY. I will modify my request, Mr. Speaker, to the extent of asking that the general debate close in 15 minutes.

The SPEAKER. Is there objection?

Mr. RODDENBERY. Reserving the right to object, I do not care to press the gentleman if he wants to get on with his bill, but I should like 10 minutes of general debate.

Mr. SHERLEY. I suggest that there will be an opportunity for the gentleman under the five-minute rule.

Mr. RODDENBERY. It is purely a matter of preference, but I should prefer to have 10 minutes of general debate rather than to take it under the 5-minute rule, because if taken under the 5-minute rule it might provoke discussion.

Mr. SHERLEY. I am sure that it will not provoke discussion because, being in charge of the bill, I shall see to it that the debate is confined to the bill. I am trying to expedite the real public business of the House, business that ought to be attended to.

Mr. RODDENBERY. I do not desire to press the gentleman, but I should like to have 10 minutes under the head of general debate before the gentleman goes into the consideration of the measure under the 5-minute rule.

Mr. SHERLEY. Mr. Speaker, I am willing to modify my request to the extent of asking that general debate close in 25 minutes, the gentleman from Georgia to have 10 minutes and the gentleman from Illinois [Mr. FOWLER] to have 15 minutes.

The SPEAKER. The gentleman from Kentucky modifies his request, and asks unanimous consent that general debate be closed in 25 minutes, 10 minutes to be given to the gentleman from Georgia [Mr. RODDENBERY] and 15 minutes to the gentleman from Illinois [Mr. FOWLER]. Is there objection?

There was no objection.

The motion of Mr. SHERLEY was then agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the fortifications appropriation bill, with Mr. RUSSELL in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 28186, the fortifications appropriation bill. By order of the House general debate will be closed in 25 minutes, 10 minutes to be given to the gentleman from Georgia [Mr. RODDENBERY] and 15 minutes to the gentleman from Illinois [Mr. FOWLER].

Mr. RODDENBERY. Mr. Chairman, I heard with interest day before yesterday the statement of the gentleman from Kentucky [Mr. SHERLEY], explanatory of the fortifications bill, and it appeared to me that he fully and comprehensively covered the bill, and his remarks reflecting the action of the committee manifested great care and doubtless much wisdom.

I am not disposed to interrupt the orderly business of the House, but I desire, Mr. Chairman, without underestimating the importance of the fortifications appropriation bill, to call the committee's attention to a subject that in point of gravity and point of importance to this country and its protection against foreign and domestic danger is far superior and altogether outweighs the questions of the fortifications bill in time of tranquillity and peace. I hold before me the Chicago Record-Herald of the dates of January 17 and 18, 1913. The first caption is "Feeble-minded white girl married to a 42-year old negro."

Some time ago I addressed a few remarks to the House touching the marriage in Chicago of the negro pugilist, Johnson, to an unfortunate white woman. It was then said by a good many Members that it was a rare case, an isolated case. I said on that occasion that it was a remarkable case that attracted wide attention. Such marriages are, however, not an uncommon occurrence, too frequent in Illinois, and too frequent elsewhere. I hold here the marriage certificate of this late outrage. Upon inspection of it there appears the gentle white hand of a woman and the strong white hand of a man, each upraised with fingers touching each other over an open Bible. These words immediately follow this holy emblem:

> This is to certify that George F. Thompson, of Chicago, State of Illinois, and Hellen E. Hanson, of Chicago, State of Illinois, were by me united in holy matrimony, according to the ordinance of God and the laws of the State of Michigan, at Niles, on the 13th day of January, A. D. 1913.

That unholy certificate is signed by two witnesses to the ceremony and underwritten by "Charles Ager, minister of the gospel." A white minister at that, who ought to be tarred and feathered and driven into exile, scorned, as he is, by all decent people. Look upon this certificate, gentlemen, and you will witness the binding in wedlock of a 42-year-old negro to a 15-year-old feeble-minded white American girl, according to the laws of the State of Michigan, and conformable to the statutes of the State of Illinois. I desire to read a few extracts from the newspaper report of this case and incorporate them in the RECORD:

> It became known that Thompson took the girl to Niles from Hammond, Ind., arriving at 4.30 o'clock in the morning of January 14. He hid the child in a room at the Forler House in the railroad district. At 10 o'clock the next morning he visited L. J. Torney, a justice of the peace, and asked him to perform the wedding ceremony.

To the credit of the justice, let it be said, he refused. Later he secured the services of the alleged white minister.

Another report from the paper says:

> The girl is the only daughter of a widow who lives at 3855 Wentworth Avenue, and who conducts a little grocery at Thirty-eighth and South States Streets. The little girl helped her mother around the store while not attending school. She is small for her age, and still does her hair in a braid and wears short dresses.

My God, that the laws of any civilized State will permit a bestial brute to invade the home of a poor and defenseless widow, and, in defiance of her, to have sanctioned by law his wedlock to such a pitiable child! [Applause.]

The published report says further:

> Thompson, who is a widower and who has two children, saw the child two weeks ago. He frequently went to the grocery and bought the child candy and ribbons. On January 10 he bought her a big doll which opened and shut its eyes and "talked." The child was delighted. When he asked her to go with him to the home of a negro friend, William Price, of 6630 Throop Street, late in the afternoon, the child was willing. She took her doll with her. Thompson kept her at Price's home all night.

It is sufficient to arouse the Nation that a 42-year-old African negro can take to another negro's home a 15-year-old feeble-minded child and keep her all night, and then, having wed her, outrage her, leave her dying, and escape violence of brave men in a great city. How long will the legislators of these States remain recreant to public duty? After the marriage he was arrested. Let me read on:

> After a physician had found Emma Hanson, whom Thompson had married, in the negro's home, at 3820 La Salle Street, apparently dying, the child was removed secretly to a hospital by agents of the Juvenile Protective League and has not since recovered consciousness.
>
> Thompson is being held in the county jail pending the outcome of the child's injuries. He is formally charged with abduction and his preliminary hearing has been set for January 24 before Judge Courtney.

Gentlemen, you may understand how this can be, but it passes my comprehension how any venal brute can marry a helpless, enfeebled white child and ever find lodgment in a jail or confinement in police barracks. All law-abiding men abhor violence in disregard of law, but what ought to be done with this beast propriety makes it impossible to state. When I cited to you the Johnson marriage in December I then stated that unless action was taken this outrage would inevitably lead to others. Here is what the black brute, Thompson, says, according to the published report:

> Thompson, in his cell in the county jail, yesterday told why he lured the slip of a girl from her home and married her. He said he had a right to take the girl for his wife "if Jack Johnson could marry Lucile Cameron."
>
> "If I want that girl, why can't I have her? I married her, and what are they going to do about it?"

I do not know what they will do about it in Michigan or Chicago, but I do know what they would do about it in Georgia. Propriety again will not permit me to say. He goes on insolently in these words:

> I wanted her and I got her. Her mother is raving because I am colored. She thinks I ain't good enough. But if Jack Johnson is good enough to marry white women, why can't I marry one?

There you have it, sirs. In the name of girlhood and womanhood, I appeal to the recreant States to take action. Let the people call on their servants for legislation. I am happy to note that Kansas last week passed through the house a bill prohibiting such marriages.

Gentlemen, if others will not follow, do you not think we had better pass the constitutional amendment offered by me a few weeks ago prohibiting forever the marriage of whites and negroes in this country? [Applause.]

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. SHERLEY. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. FOWLER].

Mr. FOWLER. Mr. Chairman, I yield two minutes and a half to the gentleman from Colorado [Mr. RUCKER].

Mr. RUCKER of Colorado. Mr. Chairman, the West has been the object of more poison-pointed javelins than any other section of the country, and especially our agricultural interests. I want to call the attention of the chairman and of the House to a significant statement made by Dr. Galloway, of the Bureau of Plant Industry, in a hearing upon the 17th day of this month concerning irrigated agricultural lands.

I will print that in the RECORD. In short, it means that, in his opinion, irrigated lands soon wear out. The view presented by Dr. Galloway is a blow not only to all the irrigated and irrigable lands in the West and every farmer who owns a tract of land that is being irrigated, but it is a blow also given to the great reclamation projects which we have now in process of construction in the West. In that connection I want to print as a part of my remarks extracts from practical farmers who have irrigated their farms for as much as 40 years, and, contrary to the statement of Dr. Galloway, their farms have grown more productive and valuable. It is a natural source of fertilization, the spreading of the waters upon the land, and I also want in this connection to give this testimony personally that for 35 years I have been irrigating lands, and my crops have grown from year to year under this natural fertilization by the spreading of the waters upon the land.

I am aware of the fact that there is a little bit of testimony that Dr. Galloway might bring to his aid drawn from the way-off eastern countries where irrigation first started, but those lands, supposed to have deteriorated in value, did not deteriorate because of irrigation, but, on the contrary, it was because of the exhaustion of the water supply by denuding the forests at the high country, thereby drying up the springs and natural reservoirs.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUCKER of Colorado. Mr. Chairman, I also ask to print an editorial appearing in the Rocky Mountain News, the most reliable and most widely circulated paper in the Rocky Mountain and semiarid regions, concerning conservation in the western section of our country, showing all that the West asks for at the hands of the incoming administration.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to incorporate certain articles in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The articles referred to are as follows:

The CHAIRMAN. Are any of the lands reclaimed by irrigation now being lost to agriculture?
Dr. GALLOWAY. From alkali?
The CHAIRMAN. From any causes.
Dr. GALLOWAY. Yes, sir.
The CHAIRMAN. From the action of saturation wearing it out?
Dr. GALLOWAY. Yes, sir.
The CHAIRMAN. Then, as a matter of fact, some of the land that is being reclaimed is also being lost to agriculture?
Dr. GALLOWAY. Yes, sir; that is true.
The CHAIRMAN. To any marked degree?
Dr. GALLOWAY. To a marked degree.
The CHAIRMAN. As a matter of fact, do irrigated lands have their problems which affect their own life and production to the degree that humid lands have?
Dr. GALLOWAY. Far more so, in my judgment. I will even go so far as to say what I have said before, that as far as I know there has never been any long-continued successful irrigation agriculture in an arid climate anywhere in the world.

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COLORADO FARMERS LAUGH AT DR. GALLOWAY—PROVE IRRIGATED LAND PRODUCES BEST RESULTS—UNANIMOUS REPLY FROM EXPERTS REFUTES STATEMENT THAT ARTIFICIALLY WATERED AREAS DO NOT LAST LONG.

Colorado farmers and agricultural experts are virtually unanimous in their denunciation of the statement credited to Dr. B. F. Galloway in his testimony before a committee of the National House of Representatives to the effect that agriculture can not be carried on successfully for a long time under irrigation.

Farmers in the northern Colorado and Arkansas Valley districts, where irrigation has been practiced for more than 50 years, agree that the lands which have been longest irrigated are now producing the best yields.

Colorado farmers in the irrigated districts are eager that the testimony of Dr. Galloway be contradicted at once lest its falsity do permanent harm to the State among people who have no knowledge of irrigation. Most of them agree that the doctor has studied irrigation only "through a field glass from a palace-car window."

Following are some expressions from men who have made a competency from farming by irrigation in Colorado, and who know whereof they speak:

BUMPER CROPS IN WELD PROVE IRRIGATION—FARMERS, INDIGNANT AT GALLOWAY, POINT TO YIELDS ON LAND LONG WATERED.

GREELEY, *January 26.*

Farmers of Weld County who have accumulated fortunes by tilling land are indignant at the statement credited to Dr. B. G. Galloway, Chief of the Bureau of Plant Industry, who asserts that irrigated lands in the West are deteriorating as the result of being cultivated for a period of years.

There is no grave problem confronting Weld County from this cause, and unusually large yields this year in every crop, with the sole exception of potatoes, farmers say, prove conclusively that the Government expert is grossly misinformed.

N. D. Bartholomew, who has farmed in Weld County for 25 years, and who has accumulated a fortune, said:

"Our land to-day is better than it was 40 years ago or 25 years ago either. It produces better than it once did."

S. A. Bradfield, a pioneer of Greeley, said: "This is the pioneer irrigated section of Colorado. I stand firm in the opinion that there is no better farming country than in this section, and I deny emphatically that the soil is not as good as it ever was; in fact, I know from my own experience that it is a great deal richer and better."

More than a quarter of a million acres are under irrigation in Weld County. Irrigation has been practiced here since 1870 and the territory has been steadily increasing. Land is worth from $200 to $300 an acre, and water rights vary in price from $500 to $3,000.

LORY EXPLAINS STATEMENT—DECLARES PROBLEMS OF IRRIGATION WILL BE SOLVED.

FORT COLLINS, *January 26.*

President Charles A. Lory, of Colorado Agricultural College, when asked to-night for a statement regarding Dr. B. T. Galloway's declaration that there is danger of deterioration of soils under irrigation, said:

"Dr. Galloway's statement should not be interpreted in terms applicable to agriculture under humid conditions. His claim before the House committee was that the methods of humid agriculture would not be successful in irrigated culture. Irrigated agriculture has problems peculiarly its own. They present no greater difficulty than the problem of humid agriculture."

GRAND VALLEY SOIL, WATERED 30 YEARS, BETTER THAN EVER—GRAND JUNCTION EXPERTS DECLARE PROPER IRRIGATION CAN NOT INJURE LAND.

GRAND JUNCTION, COLO., *January 26.*

That systematic and scientific irrigation in no way injures the soil of the Grand Valley is the statement of leading irrigation experts in Grand Junction. They admit that indiscriminate use of water and negligence on the part of landowners is injurious to the land, but this can be easily overcome by drainage. In connection with the $4,000,000 Grand Valley project which is being built by the Government, a mammoth drainage system is also under way, which will cost $500,000 and free the Grand Valley from all fear of seepage in the future.

"No land will be injured by irrigation," declared E. E. Udlock, a landholder, "if any degree of care is taken in handling it. There is land here which has been under cultivation 30 years which is as rich now as any in the world. It lies on the river bottom, too, where seepage would most likely occur."

"I've farmed my ranch for 25 years," declared R. A. Orr, "and the land is better to-day than when I started. I do my own irrigating or supervise it."

"My ranch is 3 miles east of town and is in a rather low spot," declared M. M. Morse, "but seepage is no bugaboo to me. If I turned the water in my orchard for days at a time without looking after it, the soil would become water logged. Any land would, in any place. I am not bothered with alkali."

Much low land in the valley which went to seep before scientific irrigation was known is now being reclaimed.

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COLORADO AND CONSERVATION.

It has been suggested that the chamber of commerce shall send 100 representative citizens to Washington to acquaint President Wilson with Colorado's views on conservation in order that the present "policy of disuse" may be abated, and a wiser and more sympathetic administration of the public domain inaugurated in the Western States.

Whether this plan is carried out or not, it is imperative that Colorado should do something to ameliorate the hardships worked upon the State by Pinchotism and to avert the danger of additional legislation based on ignorance and misunderstanding.

The theorists and bureau experts are already at work, and nothing is more necessary than that their misrepresentations shall not be allowed to poison President Wilson as they poisoned Taft and Roosevelt. Even now the eastern press is charging that "the enemies of conservation" are rallying to attack the whole conservation movement "on the partisan political ground that it is a Roosevelt movement." And Colorado is prominently mentioned as one of the "enemies."

This is not the truth nor has it ever been the truth. Colorado is not antagonistic to the policy of conservation, but is only insisting that it be freed from some apparent evils that have prevented the proper growth and development of this State.

For the East to assume that Colorado is working hand in hand with land grabbers and speculators is an insult to a State that has made a more strenuous fight against special privilege than any other in the Union.

It is to put the public domain into the possession of individual users that Colorado is struggling, and in this struggle there is not the slightest intent to "enrich a few people" or to open the way to huge grabs and ruthless exploitation of the natural resources. In his inaugural address Gov. Ammons put Colorado's position in a nutshell. He said:

"I believe in conservation in the meaning of the prevention of waste and monopoly. I am unalterably opposed to it in its definition of preserving things in their natural state undeveloped for future generations.

"I am also opposed to putting our lands and resources on a tenantry basis to pay taxes into the Federal Treasury. We will never be able to settle our lands and improve them properly unless the people can own them. * * *

"More than half the territory of Colorado and probably more than 90 per cent of the resources, outside of land, are still in Government ownership. To place these on a tenantry basis to pay rental into the Federal Treasury is to withdraw them permanently from State and local taxation. The people, therefore, who must supply county governments and State institutions must pay not only their own just share of taxes, but also those avoided by the Federal property."

It is against these repressions and obstacles that Colorado is protesting and will continue to protest until injustices are remedied. Our people have grown weary of seeing their greatest problem decided in the East, where there is no such problem, and by eastern men who have neither knowledge nor sympathy. We feel that we have a right to share in the decisions that affect the State so vitally and to protest against these decisions when they are stupid and unjust.

Vast changes are taking place under our very eyes, and yet no recognition of them is made in Washington. The "grazing lease," for instance, is now outgrown and has become intolerable. We have found that the waste stretches once deemed usable only for range are fertile in the extreme and available for agricultural purposes. Emmer, the new wheat, means ripening harvests where once the lone steer had to crop acres for subsistence. Other discoveries bid fair to change the whole face of things in Colorado, and yet it is insisted, in the sacred interests of conservation, that we shall govern ourselves according to rules laid down in the past.

The governmental position with regard to water is a case in point also. The fear that water power may become "monopolized" has developed into a mania. In the very nature of the element it is not pos-

sible to monopolize water power, for its use for this purpose works no miraculous disappearance. It is still there, still susceptible to use by others. And out of this ridiculous fear has developed a policy that regards every applicant for any such privilege as a thief and an enemy.

Colorado wants landowners and home builders. Under conservation, as the bureaucrats administer it, Colorado is barred from getting either. Not until the prospector is given the hope of owning the mine that he discovers, not until the old homestead law pushes the "grazing lease" out of existence, can Colorado achieve its destiny.

Gov. Wilson has already stated that he is for conservation not reservation. Let a Colorado delegation prove to him that this State has had nothing but reservation and there is small doubt but that his fairness will agree to a change.

Mr. FOWLER. Mr. Chairman, on the 18th day of this month in the Canadian Parliament a bill was pending for the organization of the Canadian navy, and while it was under discussion a gentleman representing the north Ontario district, a Conservative in politics, the Hon. Samuel Simpson Sharpe by name, took an active part in the discussion thereof. He opposed the bill and took occasion to deliver himself on the personnel of the American Navy. The Washington Post of the 19th day of this month published his speech, and I quote therefrom the following extract:

Few native Americans sign for the Navy, and those who do are desperate. Men who are no good socially, morally, and otherwise. A hard winter, hard times, and strikes make the best recruiting seasons for the United States Navy. Thus it becomes a sort of home for destitutes and moral degenerates. Deserters from foreign ships—Scandinavians, Russians, Finns, Austrians, and Latins—take kindly to the Yankee Navy, for in it they learn the language and a trade, and the life to them is easy compared with their previous existence.

Mr. Chairman, the enemies of Bob Ingersoll said that he was an agnostic because he did not know anything about the future world. The Hon. Samuel Simpson Sharpe, upon the same line of reasoning, must be an agnostic, because he does not know anything about this world, especially about the personnel of the American Navy. The full complement of the American Navy is 51,500 men. There are to-day 47,515 enlisted men in our Navy; 42,857 are American-born citizens, 2,875 are naturalized foreigners, and 128 unnaturalized foreigners have made application for citizenship; 96.25 per cent of our entire naval force are American citizens and 90.20 per cent are American born. For more than six long years the American Navy has not admitted foreigners into its service except those who were members thereof before we required American citizenship as a qualification to enter our Navy

It would seem, Mr. Chairman, from these figures, that instead of the American Navy being a recruiting station for moral degenerates and deserters from foreign ships that it is a place where the best citizens of this land seek an opportunity to render honorable service in defense of this country. More than 73,000 men during the year 1912 offered their services to become members of the American Navy and only 17,743 were admitted, because of the high standard which is required in the examination before one can enter our Navy. Mr. Chairman, I do not desire to throw any reflections upon our sister on our north or upon any of her citizens, but I resent the statement made by this Canadian legislator as a slander upon the personnel of our Navy, and suggest that he acquaint himself with facts before he delivers himself again upon this subject. I want to advise him that the American Navy stands among the best navies in the world, while not as large as some, but among the best and bravest. Whoever heard of braver language more courageously delivered than that of Capt. Lawrence, of the *Chesapeake*, in deadly conflict with the British *Shannon* in 1813, when, wounded and dying, he uttered these immortal words, "Don't give up the ship."

It has been the motto of the American sailor ever since, both at home and abroad. No history has been made brighter in any nation of this world than the record of the deeds of valor of the American Navy. [Applause.] The report which was sent by Commodore Perry of his naval victory on Lake Erie in 1813, "We have met the enemy and they are ours," is an index of the courage and of the bravery of the American soldiers and American sailors.

Our ships float into every clime, on every water, and in every port in the world, and have made for us a reputation as the bravest among the brave, always ready for any emergency on land or on sea, and he who speaks disparagingly either of our Navy or of our Army does it either because he is ignorant of the conditions in America or because he wants to slander the greatest Nation in the world.

Mr. ESCH. Will the gentleman yield for a question?

Mr. FOWLER. Mr. Chairman, I will be glad to yield to the gentleman.

Mr. ESCH. Is it not a fact that when our fleet made its trip around the world and the men of the fleet were granted shore leave, their conduct met with the praise and commendation of the citizens and authorities of every port and nation they visited?

Mr. FOWLER. I am glad the gentleman propounded that question, Mr. Chairman, because I intended to allude to some of the great incidents of the American Navy, among which was the trip around the world mentioned by the gentleman. In every port where that great fleet landed it was hailed with greetings by crowned heads, and our sailors were received in the highest circles. If you want to know the bravery of men, go ask the wreck of our splendid ship the *Maine*, which was blown up in the Harbor of Habana; ask the remains of the dead seamen, 223, who gave up their lives on the high seas that men might be free.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOWLER. Mr. Chairman, I ask unanimous consent that I may have an extension of time of two and one-half minutes.

Mr. SHERLEY. The time was fixed in the House, and it is not in the power of the committee to fix general debate.

The CHAIRMAN. The Chair understands that when the time for general debate is fixed in the House the committee has no power to extend it by unanimous consent.

Mr. FOWLER. Mr. Chairman, I do not care to take up time in the discussion of this bill under the five-minute rule for this purpose, but I will be compelled to take the time then instead of now.

Mr. SHERLEY. I ask for the regular order, which is the reading of the bill.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the sums of money herein provided for be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available and to continue available until expended, namely:

Mr. FOWLER. Mr. Chairman, I move to strike out the last word. The personnel of the American Navy ought never to be called into question.

Mr. SHERLEY. Mr. Chairman, I make the point of order that the gentleman is not speaking to the matter before the committee, and, therefore, is not in order.

The CHAIRMAN. The gentleman understands the bill is being read for amendment, and it is not in order to discuss anything except the matter before the committee.

Mr. FOWLER. Mr. Chairman, the appropriation provided here is for the purpose of protecting the American Navy——

Mr. BUCHANAN. Mr. Chairman, I want to ask unanimous consent that the gentleman be given an extension of time. My belief is that he will ask for only two and one-half minutes, and if it is refused it will consume more time than if you permit him to have those two or three minutes. I therefore ask that he be given unanimous consent to continue for three minutes.

The CHAIRMAN. The point of order was made that he was not discussing the subject in the bill.

Mr. BUCHANAN. I ask unanimous consent——

The CHAIRMAN. The gentleman from Illinois [Mr. BUCHANAN] asks unanimous consent that the gentleman from Illinois [Mr. FOWLER] be permitted to discuss other subjects.

Mr. SHERLEY. Mr. Chairman, at the special request of the gentleman from Illinois, general debate, which was then about to be closed and could have been closed, in my judgment, by a motion, was permitted to extend so as to give him the maximum of the time that he requested. I have no desire except to perform the public business of the country. I submit that we have reached the time in this House when the desire of the gentlemen to speak on general subjects should not be permitted to interfere with the public business before the Congress.

The CHAIRMAN. Does the gentleman from Kentucky object?

Mr. SHERLEY. I make the point of order it is not in order to give unanimous consent after the question has been settled by the House.

Mr. BUCHANAN. I submit that there has been much time wasted.

The CHAIRMAN. The matter is not debatable. The Chair understands that it is out of order to discuss general subjects at this time. The committee may grant unanimous consent to do so. The question is on the request of the gentleman from Illinois [Mr. BUCHANAN] to give three minutes to the gentleman from Illinois [Mr. FOWLER] to discuss general subjects at this time. Is there objection? [After a pause.] The Chair hears none. The gentleman from Illinois [Mr. FOWLER] is recognized for three minutes.

Mr. FOWLER. Mr. Chairman, if the gentleman to whom I have alluded as a member of the Canadian Parliament wants to know anything about the personnel or the marksmanship of the American Navy, I ask him to consult the remains of the *Vizcaya*, the *Cristobal Colon*, the *Maria Theresa*, the *Oquendo*,

the *Pluton*, and the *Furor*, now lying at the bottom of the sea off the Harbor of Santiago Bay. If the gentleman had only made himself acquainted with the history of the Spanish-American War he might have saved himself the criticism of having slandered the American Navy.

Mr. Chairman, it is well known by everybody that the great trip which the *Oregon* made, in charge of Capt. Clark, around the Horn, in order to engage in the memorable battle on the 3d day of July, 1898, has become historical, and every student of history knows that that daring deed compares favorably with any naval event of any fleet or any other war vessel in the world.

I say, Mr. Chairman, the remarks of the gentleman in the Canadian Parliament is a slander upon the personnel of the American Navy, and I challenge him and the world to show a higher citizenship in the Navy in any country, in any clime, upon any vessel, and in any battle than that which has been displayed by the personnel of the American Navy. [Applause.]

I print in the RECORD the following tables taken from the report of the Secretary of the Navy for the year 1912:

Comparative statement of reenlistments.

	1911	1912	Increase.	Decrease.
Men entitled to reenlist under discharge	6,752	11,432	4,680	.....
Total men reenlisted	3,849	6,227	2,378	.....
Total men enlisted	15,724	17,743	2,019	.....
Percentage of men entitled to reenlist who reenlisted	57	54	.....	3
Men enlisted for fiscal year to serve during minority	2,410	2,250	.....	160
Enlisted men serving during minority	6,243	6,646	403	.....
Men holding certificates of graduation	1,180	1,292	112	.....
Men serving under continuous-service certificates	11,405	12,955	1,550	.....
Total number of men serving under reenlistments June 30	12,978	15,309	2,331	.....
Per cent of enlisted men serving under reenlistment June 30	27.26	32.22	4.96	.....
Men serving June 30:				
Under first enlistment	34,634	32,206	.....	2,428
Under second enlistment	8,055	9,289	1,234	.....
Under third enlistment	2,704	3,516	812	.....
Under fourth enlistment	931	1,078	147	.....
Under fifth enlistment	538	542	4	.....
Under sixth enlistment	328	366	38	.....
Under seventh enlistment	186	266	80	.....
Under eighth enlistment	147	159	12	.....
Under ninth enlistment	80	79	.....	1
Under tenth enlistment	9	14	5	.....
Total in service, including prisoners, June 30	47,612	47,515	.....	97

Citizenship.

	Native born.	Naturalized.	Aliens declared intentions.	Aliens resident in United States.	Aliens nonresident in United States.	Natives of— Porto Rico.	Guam.	Samoa.	Philippines.	Total.
Petty officers	13,684	2,064	63	11	13	7	5	5	106	15,958
Other rates	29,175	811	65	150	153	39	67	78	1,019	31,557
Total	42,859	2,875	128	161	166	46	72	83	1,125	47,515

The above includes 864 prisoners who are not counted in the full number allowed by law.

Nativity and residence of the enlisted force.

Native born	42,663
Foreign born	4,852
Total force	47,515

States furnishing greatest number native born.

New York	6,484
Illinois	2,537
Indiana	1,695
Texas	1,323
Pennsylvania	4,648
Ohio	2,466
Maryland	1,421
Michigan	1,314
Massachusetts	2,575
New Jersey	1,813
Missouri	1,381
Iowa	1,014
Total	28,671

Greatest number of foreign born, by countries.

Philippines	1,123
Sweden	294
Japan	214
Germany	636
England	236
Ireland	435
China	232
Total	3,170
Residents of the United States	45,726
Nonresidents	1,789
Total force	47,515

Color.

White	44,261
Negro	1,438
Chinese	258
Japanese	210
Filipino	1,125
Samoan	83
Chamorro (Guam)	72
Hawaiian	18
Indian American	4
Porto Rican	46
Total, including 864 prisoners under sentence dishonorable discharge	47,515

Enlistments.

Applicants for enlistment		73,364
Applicants physically qualified and enlisted:		
First enlistment	11,516	
Reenlistment	5,720	
Applicants' disqualifications waived and enlisted	507	
	17,743	
Applicants accepted who failed to enlist	3,829	
Applicants rejected for physical disability	36,999	
Applicants rejected for other causes	14,793	
	51,792	
		73,364

Summary of enlistments.

Number of enlistments at recruiting stations	12,489
Number of enlistments at naval stations in the United States	716
Number of enlistments at foreign naval stations	333
Number of enlistments on receiving ships	2,740
Number of enlistments on cruising vessels	1,465
Total enlisted	17,743

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

For the procurement or reclamation of land, or right pertaining thereto, needed for site, location, construction, or prosecution of works for fortifications and coast defenses, $100,000.

Mr. GILLETT. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GILLETT] moves to strike out the paragraph.

Mr. GILLETT. I would like to ask the gentleman from Kentucky [Mr. SHERLEY] in charge of the bill if this is the paragraph to purchase the land on Chesapeake Bay?

Mr. SHERLEY. It is.

Mr. GILLETT. This project for the defense of the entrance to Chesapeake Bay has been pressed upon the Committee on Appropriations by the War Department ever since I have been on that committee. I remember that about 10 years ago the committee went down the bay, as I believe it has done this year, and investigated personally the conditions there, and every year from then until now this project has been pressed upon the committee, and every year until now the committee has rejected it. This is the first time that a favorable report has ever been made upon it.

That illustrates the great advantage which the Army and Navy always have in finally accomplishing their projects, because the Army and Navy are always steadfast to their opinions. They are always here, while the membership of this House is shifting; and some year, if they press it year after years, as has happened in the case of this and so many other projects, they will find a committee that is favorable. Then the proposition will be reported, and that project, if it is once under way, is bound to be completed, and then they can devote their energies and persistence to some other project which the House up to date has rejected.

But, of course, that is no argument, necessarily, against this project. We all have the right to change our minds, and different committees can have different opinions. But I wish to call the attention of the committee first to the proposition that the main ground upon which this is reported is that the Army and Navy are unanimous for it. That proposition has been equally true ever since I have been on this committee. They have recommended the defense of the entrance to Chesapeake Bay, and the delegation from Virginia, naturally and properly, have always urged it upon the committee.

But what is the reason for defending the entrance of the Chesapeake Bay? Unquestionably the cities of that bay are as well defended as any in the country to-day. We have Fortress Monroe, we have the defenses of Baltimore, we have the defenses of Washington all completed, and all within the original project of the Endicott Board, wherein this defense

at the entrance of the bay was reported as an outer defense. The original project, or the project that was pressed upon us for many years, was that an artificial island should be constructed at the entrance of the bay. In that way the deep-water channel could be absolutely covered and defended against an approaching hostile fleet.

That unquestionably would be better than to fortify Cape Henry, but the expense would be very large, and I presume it was upon that ground that the subcommittee now have abandoned the island project, which would be a much stronger defense, but which would be a more expensive project, and it is doubtless upon that ground that we now have proposed simply a fortification upon Cape Henry and none on Cape Charles.

Now, the entrance to Chesapeake Bay is 12 miles wide, but the deep-water channel comes within about 5 miles of Cape Henry, so that if modern guns are erected upon that cape, as this project, I understand, proposes, the deep-water channel will be adequately protected.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. GILLETT. I ask that my time be extended five minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. GILLETT. Beyond this deep-water channel are 7 miles of shoal water, but in that shoal water there are channels 18 to 23 feet deep, so that the scout boats of the enemy and the transports of the enemy can still come in, and the Army engineers tell us that despite these fortifications on Cape Henry it will be necessary to have a flotilla of armored vessels of the scout size in Chesapeake Bay to protect it against the scouts and transports of the enemy. So that we are not absolutely defending it, and I venture to predict that just as soon as this project is completed the Army and Navy will tell us that it is necessary to have another battery over upon the other cape, and the reason they do not say so now is because they are willing to accept this project and partially defend it, and then I predict we will be asked to fortify the other cape, and thus absolutely cover the channel.

Now, I recognize that we would all like to have that bay protected. We would like every bay along the coast protected, but I recognize the truth of what the gentleman from Kentucky [Mr. SHERLEY] says, that after all you can not lay down a hard and fast rule as to what you shall defend. It is a good deal like a man's life insurance or fire insurance. Different men will have different opinions as to how adequately you should insure. The same man at different times may have different opinions, and so this committee at different times has shown that it has, and some members of the committee have had different opinions upon this very project.

But in my opinion this is not a necessary project, because the cities of the bay are now all well protected. Lynnhaven Bay could be used by a hostile fleet to be sure as a refuge, but we can not shut up all the bays on the Atlantic from hostile fleets. If we shut up Chesapeake Bay, there are plenty of other undefended bays to which a hostile fleet can go, and where they can take refuge. So we are not preventing them having a base on the Atlantic coast. Why, then, should we go to this expense of $3,500,000 to fortify the entrance of a bay whose cities are all admirably fortified? It seems to me that while our present coast defenses are not completed, while it now requires $21,000,000 to complete the fire control, the modernizing of the equipments, the searchlights, and the electrical installations of the forts that we have on our coasts, while so much money as that still remains to be expended and ought to be provided to make them serviceable, it is foolish for us to launch out into a new project costing between $3,000,000 and $4,000,000. And it strikes me it is particularly strange that the Democratic majority, which refuses to increase the size of the Army, which says it is going to diminish the appropriations for military defenses, should come forward with this project, which necessarily increases the Coast Artillery force to protect Chesapeake Bay, because to-day the Coast Artillery force is grossly inadequate. And we all know that the Coast Artillery are not like an ordinary army. We can not recruit them at a moment and have them serviceable. The Coast Artillery is more like the Navy. This country has lately decided that it is not the number of guns we have, but it is the number of hits we can make that count. So in the Coast Artillery you have got to have skilled men. You can not recruit them at the moment of war as you can our ordinary army. You have got to have men who can make the guns tell. They will be needed at the very outbreak of the war and must know how to manage their guns at the very first approach of the enemy.

Now, in what condition is our Coast Artillery to-day? The Coast Artillery report says that to give not a war force, but just one single manning for our present home coast defenses, would require 44,000 men, and all we have to-day to man those present existing forts is 21,000 men. So that there is to-day a lack of 23,000 men to give just one manning to our present home Artillery force.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. GILLETT. Mr. Chairman, I will ask for an extension of five minutes more and then I will request no further extension.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. SLAYDEN. Will the gentleman permit a question?

Mr. GILLETT. Certainly.

Mr. SLAYDEN. As I understand the gentleman's argument, he is suggesting a large increase, about 50 per cent, in the Coast Artillery Corps?

Mr. GILLETT. It seems to me that there ought to be at least that.

Mr. SLAYDEN. I have been told by a general officer of the United States Army that it is the policy of some governments not to maintain at their full strength Coast Artillery organizations, because it is a character of work that can be supplemented by laborers and intelligent mechanics, assuming, of course, that a skeleton of trained men is kept to direct these people. A general officer of the United States Army gave me that information, if it is information.

Mr. GILLETT. All I know is what the chief of our Coast Artillery says, and he makes the point that the Coast Artillery men are men that you can not recruit at once, but that experience is necessary to make them useful.

Mr. SLAYDEN. The gentleman knows that if he goes to the head of the Cavalry arm, or an officer of the Infantry arm, or of the Artillery, that he will try to convince him that the country is going to the devil in short order if that particular arm of the service is not augmented.

Mr. GILLETT. I will agree with the gentleman; and I do not blame the Army officers for that tendency, because no man in a professional line is worth much if he does not exaggerate, even to himself, the importance of his line. They ought to be enthusiastic. It is true that the board that is planning our coast defense are very apt to exaggerate—and that is an argument really against this project—because they are apt to overexaggerate the need of defense. We can see why it is, and probably we would do the same thing if we were in their place, because in case of war if a disaster happens in any one spot they want to be able to say, "We recommended to Congress that that spot should be defended, and therefore it is Congress and not we that are to blame." I presume it is true that the chief of every division will exaggerate the importance of his recommendation; but it does seem to me that when to-day it requires simply to man once our present existing coast defense 44,000 men, and we have only 21,000 for that purpose, that is an argument that before we branch out to inaugurate new defenses we ought, at least, to complete the old and to complete the manning of the old.

Moreover, the existing defenses are not worth anything unless they have men who can shoot these guns with accuracy; and also they are not useful unless they have the fire control, the searchlights, and power plants, and all the other appurtenances which go to-day to make up a great fortification. There is now lacking $21,000,000 to complete all these; so it seems to me, Mr. Chairman, that now is a strange time to take up this new project, which has been before us and rejected so many years.

Mr. SLAYDEN. Will the gentleman yield for another question?

Mr. GILLETT. Certainly.

Mr. SLAYDEN. Does not the gentleman think it would be an excellent idea to supplement our defenses with treaties of arbitration with all the governments of the world?

Mr. GILLETT. Oh, I am as much in favor of that as anybody could be, and would be glad to do it, but I recognize the uncertainty of war. We may not need these defenses, and we may need them. We have to exercise a certain elasticity of judgment, and many men will differ. I have stated my opinion that this defense is not imperatively necessary and we should still postpone it as it has been postponed so many years.

Mr. MANN. Mr. Chairman, I wish to ask the gentleman from Kentucky whether there were elaborate plans made for this proposed fortification, what they are, and what it is going to cost?

Mr. SHERLEY. Mr. Chairman, in answering the gentleman from Massachusetts I shall endeavor to give the gentleman from Illinois the information he asks for. The gentleman from

Massachusetts has truly said that this proposal has been before Congress for some 10 years, but he draws from that fact a very different conclusion than I would draw from it. He says, having been before Congress for 10 years and Congress having heretofore not agreed to it, it should not agree to it now.

But I submit in all candor that the very fact that in the face of repeated refusals of Congress to agree to the project—not just the project now before the committee, but one touching the fortification of the Chesapeake—the Army and the Navy have given the best evidence of the importance of it, from their viewpoint, and I present now to this House this question, and it seems to me fundamental, whether we, as laymen, are going to put our judgment as to a strategic matter of this kind against the judgment of men trained to determine it, after that determination has become fixed and the plan has become a detailed one, and when, in my judgment, the present plan also answers the objections that heretofore have been made. The original proposition that was submitted to this Congress was contained in the report of the Endicott Board. It did not report that the defenses of Washington or Baltimore or of Norfolk were sufficient in themselves, but it recommended at that time as the only practical way of defending the mouth of the Chesapeake, the stationing of certain monitors there. That proposition was revised by the Taft Board; that board recommended the building of an artificial island, and the placing of batteries upon Cape Charles and Cape Henry.

Mr. Chairman, no subject has gone through a greater evolution than the art of seacoast defense. The range of guns, the accuracy of fire, particularly the accuracy of fire of mortars, to-day compared with the old days have revolutionized seacoast defense, and more and more as the warships have had heavier armament and heavier armor has the tendency been to increase the size of our guns and their range, so that to-day, instead of having a proposition with all of the uncertainty that was involved in a project to build an artificial island, the cost of which nobody knew, and the sufficiency of which no one could then determine, we have now a proposition that contemplates the use of armament of sufficient caliber and sufficient range to cover the mouth of the Chesapeake; and the gentleman is not accurate when he says that it will be impossible for the guns upon Cape Henry to control the field at the mouth of the Chesapeake. It is about 12 miles from Cape Henry to Cape Charles. A modern 16-inch gun will be able to cover entirely that field, and that is also true of the modern mortars that it is proposed to station there; and when that is supplemented with the mine defense, I say to you that the testimony of the officers showed that it would be an adequate defense.

Mr. GILLETT. Mr. Chairman, the gentleman does not mean that 12 miles can be covered by a battery with an effective defense?

Mr. SHERLEY. I do not mean to say that the actual 12 miles can, but I mean to say that the entire usable channel can.

Mr. GILLETT. Yes; the deep water. That is 5 miles.

Mr. SHERLEY. Not only the deep water, but what the gentleman has spoken of as of less depth, for transports, will be within the field of the range of the 16-inch guns, and it was so testified before our committee.

[The time of Mr. SHERLEY having expired, by unanimous consent he was granted five minutes more.]

Mr. Chairman, the proposition that confronts us is this: It is true that the fortifications of Fort Monroe, that the fortifications upon the Potomac, that the fortifications at Baltimore, protect Washington and Baltimore from sea attack; but it is not the purpose of this fortification at the mouth of the Chesapeake to simply protect those cities from sea attack. This is the proposition that underlies the whole matter. You have a great harbor for the rendezvous of ships. At Lynnhaven Bay is one of the greatest anchorages upon the Atlantic coast. There is not now mounted a single gun upon the Atlantic shore that could in any way prevent a fleet, assuming that it was not interfered with by our fleet, anchoring in Lynnhaven Bay, and making a safe base for operations there in the Chesapeake. The very purpose of defense is to leave your Navy free to seek the enemy. If you have here at home a safe rendezvous that a foreign navy can use for operations, you have presented a situation that would compel in the breaking out of war the bringing of part of your fleet to prevent the use of this rendezvous by another fleet.

Not only is that so, but in the event of an indeterminate action between the American fleet and a foreign fleet, you need to go into some place for refuge, and as a refuge this is in many ways the most attractive place upon the Atlantic coast, and it would be at any time to our fleet. I grant you that it is hard for a lay mind, and I share the difficulty, to contemplate a situation where our fleet might be so destroyed that the enemy's fleet would be at liberty to make landing parties of great size, to bring transports and troops, and take, by overland, any of those cities.

And yet the War of 1812 presented just exactly that proposition, and it was through this entrance that the forces were landed and marched on to the Capitol and burned it. Now, the gentleman says there are plenty of harbors that are not fortified that can be used. The gentleman's information is better than mine, as I can not recall any harbor, and I call on him now to say what harbor there is near the Chesapeake that is undefended that could be used as a rendezvous by a hostile fleet.

Mr. GILLETT. I did not say near the Chesapeake, but what is the matter with the Delaware breakwater?

Mr. SHERLEY. Does the gentleman think that behind the Delaware breakwater a fleet could lie?

Mr. GILLETT. Why, I think so.

Mr. SHERLEY. Does the gentleman mean to say they could make that a base for operations?

Mr. GILLETT. I do not see why not. It is not as good as Lynn Haven Bay, but it is satisfactory. There are a number of undefended harbors also in New England they could get into. Of course, those are not near the Chesapeake.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. MOORE of Pennsylvania. I think there is no question but that a fleet could be accommodated behind the breakwater if the breakwater were dredged out, but the difficulty is now it has shoaled up to a certain extent, and we have been unable to have those shoals removed.

Mr. SHERLEY. I am speaking of conditions as we have them to-day. I am not advised of any place that is comparable in its importance and in its availability as the Chesapeake. Now, the gentleman says we should not undertake this matter until we have brought up all the units of our defense, and he cites to you the fact that twenty-odd million dollars is needed now for the defenses we already have.

Now, the gentleman is again mistaken. It is true that estimates exist looking to the expenditure of something like $27,000,000 for what might be designated as accessories to our coast defenses, but it is unfair again to assume, because the estimates exist for these additional needs, that therefore the present defense is inadequate. For instance, we have at present at practically all of these fortifications temporary fire control, a fire control that is sufficient in time of war, but yet not the permanent system that is proposed to be installed for all time. So is it true in regard to the searchlights. We have not all we ought to have and all we will have, but the gentleman is not warranted in giving the impression to this House that other places are so in need of money for accessories that you should not expend the money here. Now, we are actually proposing to expend somewhere between $100,000 and $150,000. I have frankly stated to the committee that in my judgment the expenditure in the final run will amount to nearly $4,000,000, if not quite that sum.

I present to you this proposition: That there is unanimity on the part of Army and Navy officers, first, as to the necessity for defending the lower Chesapeake; second, as to the efficiency of the proposed defense; third, as to the great size and value of the commerce that uses those waters; fourth, as to the stake that we have there in the Norfolk Navy Yard; fifth, as to the great cities of Washington, the Capital of the Nation, Norfolk, and Baltimore; that it is not an extreme position to say that the Government, having embarked upon millions and millions of expenditure for national defense, shall undertake this project, calling for $4,000,000, that has back of it all of this at stake. Because of all this, I did not feel I should put my judgment against the judgment of these officers. I had a good deal of the feeling of the gentleman from Massachusetts, and a large part of it was due to the fact that at one time the project did not present what seemed to be feasible. They came to us with an artificial-island proposal when we did not know what the character of the foundation was upon which it was to be built or the amount of money that it was to cost. They came to us at a time when our range of guns was very limited as compared to what it is now.

There were many reasons why we were warranted, and I defend the action of the committee in the past, in having refused to agree to the project; but I believe we have reached a time when the project is sufficiently advanced to enable us to judge clearly and realize that it will be adequate, and I am not willing, with the responsibility put upon me, to put my judgment against these officers. Now, much is said about Army and Navy officers always desiring to do various unjustifiable things, and the gentleman from Massachusetts [Mr. GILLETT] very prop-

erly qualifies his suggestion by saying they ought to be zealous, but I deny that our Army and Navy officers are simply seeking an opportunity to spend money. I think they have spent a great deal, and a great deal for which we did not get a proper return, but taking them man for man I believe they rank as high in intelligence, in patriotism, and in desire to serve the interests of our country as any of the citizens of America, and their integrity is beyond question.

They come from the body of us, they come from our congressional districts, and there is no reason why they should have imputed to them always the motive of desiring their own interest when they make a recommendation to the Congress of the United States. I hope the motion of the gentleman from Massachusetts may not be agreed to.

Mr. HELM. Mr. Chairman, I move to strike out the last two words.

When this bill was before the House on a former occasion, in the endeavor to get some information about our method of maintaining our coast defenses, I asked my colleague, the gentleman in charge of the bill [Mr. SHERLEY], some questions, and among them was this one:

In case a shell was dropped over behind this embankment or protection or rampart and should explode in proximity to these guns, what probable effect would the débris thrown up have upon the machinery for raising and lowering these guns?

The answer was:

I should say, if it was a big enough shell and exploded close enough, it would put the gun out of commission.

Now, I do not pose as an expert. I have no training or knowledge whatever of war or of the machinery of war, but I ask this committee if that statement does not present some food for thought, and is it not worth while to consider it?

If I understand the way in which these guns are operated, they are operated from behind a bank, something similar to the walls here that support this balcony. The guns are down here, and have machinery with which to lift them above the top of the embankment behind which they are concealed. They are lifted, fired, and then are immediately lowered. I presume these coast-defense guns are of different caliber.

I have received information from a source that I consider reliable that guns of very small caliber are established at some of these coast-defense stations, and it was represented to me by an officer who was in this particualr branch of the Army, that some of the guns that are behind these places are inferior in caliber, range, and effectiveness to the guns carried and fired by a dreadnought or man-of-war, or, to put it as concretely as I can, that a man-of-war could stand off at sea and thow a shell over into this emplacement, and that the gun in the emplacement on the coast did not have the range to reach the man-of-war. In other words, it would be like my engaging in a pistol duel with a man who had in his hands an improved or special "44" while I had a "22," or a Flobert rifle, or something like that, though not as extreme.

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. HELM. With pleasure.

Mr. SHERLEY. Does the gentleman remember what happened when Port Arthur was attacked by sea? Port Arthur was in no sense as strong a fortification as ours.

Mr. HELM. I do not. I am only giving this information for what it is worth and in the utmost good faith. There is no intention of reflecting on anybody connected with the committee or any officer of the Army. It came to me in such a way that it made a strong impression on me as a matter worthy of consideration and attention, and I thought it might be worth five minutes of time to try to present it to the committee as best I could.

Mr. KOPP. Will the gentleman yield?

Mr. HELM. With pleasure.

Mr. KOPP. Is it not a fact that in most of our coast defenses the caliber of the guns used is much larger than the caliber of the guns used on a modern battleship, and with a much more effective range?

Mr. HELM. The only thing I can say is a repetition of what I have said, that an offier of the Army in this particular branch of it—in the coast defense division of the Army—conveyed the information to me in person that the coast-defense guns could not compete with those of the Navy. That is the best term I can use to convey my idea. He said that they did not have the reach—not all of them, but some of them—and he further said that a gun on land, the same gun and same caliber, had, by reason of its having a permanent location, a longer reach than the same caliber of gun with the same amount of powder on a vessel. Is that correct? I think I have quoted him substantially correct.

Mr. KOPP. Certainly.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. HELM] has expired.

Mr. HELM. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. HELM. I simply bring that out for information. It was news to me. I did not know that until the officer told it to me. I simply mentioned that to corroborate and substantiate myself in the fact that I did receive such information.

Mr. KOPP. I think the officer must have been mistaken in this respect. He may have been discussing antiquated guns or guns that were effective a few years ago, but in discussing those guns he should place against them the guns that were placed on the battleships in that day. The guns that have been placed in our fortifications lately are much more effective guns than guns carried on our battleships to-day.

Mr. HELM. Just a moment. I never saw one of these guns or these pits in which these coast-defense guns are concealed during my life. But I understand there is a gun used called the "Crozier disappearing gun." Is that correct?

Mr. KOPP. Yes.

Mr. HELM. Now, this gentleman, the officer who gave me this information, was talking to me about the Crozier disappearing gun.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. HELM. Yes.

Mr. SHERLEY. Was not this the contention of the officer—and it is an old one—that we ought to use 12-inch guns at a high velocity instead of using guns of a larger caliber with larger projectiles and a less velocity? Now there are two schools of thought——

Mr. HELM. Will the gentleman allow me to go on? I have but a limited time.

Mr. SHERLEY. I simply wanted to suggest to the gentleman that this was the contention: It was found that by firing a 12-inch gun at a certain velocity the tendency after a few shots was to wear the gun out; that the same velocity and impact could be had by using a larger projectile from a larger calibered gun at a less velocity, because the force of impact is determined by the weight of the projectile in connection with the velocity with which it is carried.

Mr. HELM. Now, does the gentleman want me to answer the question?

Mr. SHERLEY. Now, as the result of that, the 14-inch gun would last very much longer, and the Army is using a larger caliber of gun with less velocity, and the Navy is using a smaller caliber of gun at a higher velocity.

Mr. HELM. Now, in answer to the gentleman, I do not now recall that the views explained by him were touched upon by the officer giving me this information. The position that this officer seemed to take was this, if I can express it as aptly as he did: That when this shell was dropped over close to this disappearing gun, which had more or less complicated and intricate machinery to raise it and to lower it, or when a shell was dropped anywhere close to it, plowing up the ground and throwing up stones and débris generally, such as would follow such an explosion, a cloud of this débris would be thrown over or dumped upon these guns equipped with this machinery, and that stuff would get mixed up in the intricacies of the machinery, and you would have a good gun and you would have plenty of ammunition, and you would have plenty of men to operate the gun, but this trash and stones and other débris would get into this intricate machinery, prevent its operation, and put the gun out of commission.

Now, that suggested to my mind a line of thought and raised the question with me—and that is my only purpose in rising and inflicting myself on the committee—the question as to whether, if that is true, we are maintaining the right kind of guns for coast defense. And I will state, further, that this officer said and gave it as his opinion—not as mine, and it struck me with some force—that there was no reason why these guns should not stand out in the open and speak for themselves and defend themselves. I do not know; I do not put up my judgment or my opinion for anything; but if a gun is established and made stable it can not, at least, be put out of commission by reason of the débris that becomes mixed up with the intricate and involved machinery that is used in elevating and lowering it. It is a thought that is perhaps worth following up.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX. Mr. Chairman, I rise for the purpose of opposing the motion of the gentleman from Kentucky [Mr. HELM], and I want to ask the gentleman in charge of the bill a question.

Mr. SHERLEY. Certainly.

Mr. COX. The gentleman spoke a moment ago about these guns wearing out after being fired a certain number of times. Take the 12-inch guns. How many times can that gun be fired without wearing out?

Mr. SHERLEY. My memory is, 300 times.

Mr. COX. That is, with solid shot?

Mr. SHERLEY. With the usual projectile.

Mr. COX. Then what is done with it? Does it have to be relined?

Mr. SHERLEY. It must not be assumed that when a gun begins to wear that it is a useless gun. It simply becomes a less accurate gun, just as the gentleman knows, if he has ever shot with a rifle, that after a while the wearing of the rifling in the barrel will have the effect of interfering with the accuracy of the gun.

Mr. COX. How many shots will a 14-inch gun fire before it is worn out?

Mr. SHERLEY. There is nothing in the 14-inch gun that makes it any better than the 12-inch gun if used under similar conditions; but by using a larger projectile, with a smaller charge of powder and less velocity to the projectile, there is less wear upon the rifling, and the difference would be somewhat in proportion to the amount of powder used.

Mr. COX. Does the gentleman think it would fire about as many shots as a 12-inch gun?

Mr. SHERLEY. As now used it will fire more, because the velocity is lower than in the 12-inch, and so the erosion is less. At the same velocity it would probably last as long, though I have a dim recollection—the gentleman appreciates the fact that he is questioning me concerning a very technical branch——

Mr. COX. I am; and I am asking for information, because I do not know anything about it.

Mr. SHERLEY. I have a dim recollection that some one, probably Gen. Crozier, testified before our committee that there was a little difference in the life of guns, varying according to size.

Mr. COX. How much does it cost to manufacture a 12-inch gun and mount it? What is the cost complete?

Mr. SHERLEY. It costs about $128,000 for the gun and its carriage. That does not include the emplacement. That work is done by the engineers. The work done by the Ordnance Bureau, which includes the gun and its carriage, amounts to about $128,000.

Mr. COX. Does it cost about the same amount to manufacture a 14-inch gun that it does a 12-inch gun?

Mr. SHERLEY. About the same.

Now, I promised to tell the gentleman from Illinois [Mr. MANN] about the character of the armament to be placed on Cape Henry.

Mr. MANN. And where it is to be located.

Mr. SHERLEY. It is to be located at Cape Henry, almost at the end of it, so that there will be a complete control of the entire outer harbor. If the gentleman is at all familiar with that ground——

Mr. MANN. I am familiar with it.

Mr. SHERLEY. It is just beyond the lighthouse, out toward the sea, on a strip of land there. The shore line curves there, and the chord of the arc is about a mile long.

Mr. MANN. That would command the channel across between the capes, would it?

Mr. SHERLEY. Not only command the channel——

Mr. MANN. But the entrance?

Mr. SHERLEY. And the entrance, and would prevent any ships lying around near the entrance and coming suddenly into range of fire. They would be within extreme range of the gun fire. There would be no land shelter for them.

Mr. MANN. My recollection is that the channel there that is necessarily used by the vessels is close to Cape Henry, on the south side.

Mr. SHERLEY. The deeper channel is, and most war vessels would certainly have to use the deeper channel. This proposition must be borne in mind: That the commander of a ship would not unduly risk his ship unless something very great was to be gained by it. It is conceivably possible that a given ship might, under very favorable circumstances, run the fortifications, but that a sufficient number of ships could run them so as to make their doing it of any value I do not believe possible.

Mr. MANN. I was down there last summer on a revenue cutter, which was blowing up a stranded vessel, and learned by experience how it was done, and my recollection is that the captain of the revenue cutter, who was certainly fully acquainted with the methods of navigation there in the channels, stated that it was impossible for his vessel to go into the entrance at any place except through the channel which is right up against Cape Henry, and not a very wide channel at that.

Mr. SHERLEY. That is true, and the accuracy of firing of modern guns within a field of 5 or 6 miles is surpassingly great.

Mr. MANN. Certainly no battleship with a draft of over 20 feet or even less than that would have the chance of a snowflake in the lower regions to get by the fortifications on Cape Henry.

Mr. SHERLEY. I think it would be very improbable.

Mr. MANN. Now, Mr. Chairman, if the gentleman will yield for one more question.

Mr. SHERLEY. Certainly.

Mr. MANN. Cape Henry is close to Virginia Beach, a somewhat noted summer resort, and there is a summer resort right on Cape Henry. There was a time when this matter was urged before Congress when many gentlemen suspected that the people most active in urging this fortification were those who were interested in disposing to the Government at a high compensation of a summer resort that was not profitable. I take it that the gentleman's investigation has gone far enough to absolutely assure him that the necessity of this grows out of the real opinion of the War Department and not out of the desire of people to dispose of property to the Government.

Mr. SHERLEY. I have, and I will say this to the gentleman. Of course it is perfectly natural that people having property to sell, who expect to get a good price for it, should want to sell it. It is perfectly natural that people at Norfolk and the surrounding country should be anxious to have money expended on fortifications in that vicinity. Massachusetts is the only State that I have discovered, on this floor at least, that wishes that it did not have the fortifications around there to defend Boston. A gentleman from Massachusetts made that statement on the floor a few days ago, to my surprise.

This is the situation touching the land: The land is not worth anything as productive land, but by virtue of being a very attractive sand beach and being near large centers of population, the whole strip of land is rapidly being used by summer residents and hotels, not of very fine character, but in some instances of some pretension.

This particular strip of land is occupied but by very few buildings. Its probable value is, I think, somewhere between $100,000 and $130,000 or $140,000.

Mr. MANN. If the gentleman will permit, I do not know how many Members may be here who were on what they call the Jamestown survivors trip two years ago, I believe, when we took luncheon at this place.

Mr. SHERLEY. That was a little bit above the point.

Mr. MANN. Yes; but very close to it.

Mr. SHERLEY. Very close to it. The actual formation of the land is such that the constant winds from the sea have been piling up the sand and drifting it back onto large forests until you have sand dunes rising to a considerable height, and when you climb to the top of them you look down upon a forest of trees, and gradually year by year the sand is encroaching more and more on the forests.

But the point I want to suggest to this committee is that there is ample protection for the Government, so far as there is ever protection for the Government, in the purchase of this land. It has power of condemnation, if it becomes necessary, and while I am as solicitous as any man here in a desire that not a penny shall be expended beyond the real value of this land, I do not believe that the question of whether we shall pay $110,000 or $130,000 for the land is a material matter in connection with the project. The value of the land is a minor factor in the whole expenditure, which will reach somewhere near $4,000,000.

Mr. MANN. How much land does the project contemplate will be required by the Government?

Mr. SHERLEY. About a mile of water front and half a mile deep.

Mr. MANN. On which water front?

Mr. SHERLEY. On Chesapeake Bay. I mean a mile of shore line and half a mile back from Chesapeake Bay.

Mr. MANN. Which shore line?

Mr. SHERLEY. From the lighthouse out toward the sea.

The CHAIRMAN. The Clerk will read.

Mr. HAMILTON of West Virginia. Mr. Chairman, it seems to me that to complete the record we should have a vote. The gentleman from Massachusetts moved to strike out the paragraph and it ought to be voted on.

Mr. SHERLEY. I so understood it, but was informed otherwise informally by the Chair. Did the gentleman from Massachusetts move to strike out the paragraph?

Mr. GILLETT. I think I did.

Mr. SHERLEY. Then I ask for a vote.

The question was taken; and on a division (demanded by Mr. SHERLEY) there were 9 ayes and 29 noes.

So the amendment was rejected.

The Clerk read as follows:

Hereafter estimates shall not be submitted to Congress for appropriations for construction of gun and mortar batteries, modernizing older emplacements, and other construction under the Engineer Department, in connection with fortifications and other works of defense, until after plans, specifications, and estimates of cost shall have been prepared therefor.

Mr. MANN. Mr. Chairman, on that I reserve the point of order.

Mr. SHERLEY. Mr. Chairman, I desire to offer an amendment to that paragraph.

Mr. FOWLER. Mr. Chairman, I also reserve the point of order.

Mr. SHERLEY. Mr. Chairman, the paragraph is clearly subject to a point of order. The purpose of the paragraph is this: In considering the estimates the committee has constantly been confronted with a condition where the engineer officers, when asked what a particular project would cost, would reply that they thought it was going to cost a given sum, but that they did not want to be considered as being absolutely tied to that sum. They would state that that is their guess. Then, when they are questioned as to why they can not give us something more than a guess, we are told that the definite plans have not been always prepared prior to the submission of the estimate, and that as a result they are simply figuring from similar work elsewhere as to what this particular work will cost. The result of that is to produce what I consider a very bad situation. I believe Congress is entitled to know in advance, within reason, what a project is going to cost before it undertakes the work. We were furnished an illustration of that in the Philippines, where the engineering work touching emplacements on El Frailey, cost over $1,000,000 more than was originally estimated, using the word "estimate" in the way that the engineers now use it—the reason being largely that a detailed plan had not been worked out. It is only fair to say that subsequently the general design was enlarged and more concrete and heavier armor used in that very peculiar fortification. But, I think, the reform here aimed at will be a salutary one. The engineers when they are questioned say, "We did not get so and so from the Artillery," or "We were not sure about certain plans of the ordnance," and always it has been difficult to place the responsibility. Hereafter, before projects are presented, it will be incumbent upon the various corps to get together and perfect their plans, so that they can give us a reasonable estimate.

Take, for instance, the situation at present in regard to San Pedro, which is the defense for Los Angeles. We are just undertaking that work in this particular bill, and we are carrying $100,000 for emplacement work. When I asked Col. Burr what the cost of the emplacement would be for the fortification there he told me in round figures, and said that that was his guess. I said that I hoped it was going to be a more accurate guess than the one we had in the Philippines, and he then stated the reason why he was unwilling to assume the responsibility of tying himself to exact figures.

Mr. MANN. Mr. Chairman, I believe there is no department of the Government where the officers in charge read the language of the law and endeavor to follow it as carefully as they do in the Engineer Department of the War Department. I would like to ask the gentleman just what the language in this bill means. It says:

Estimates shall not be submitted to Congress for appropriations for construction of gun and mortar batteries, modernizing older emplacements, and other construction under the Engineer Department in connection with fortifications and other works of defense.

Does that mean that they can make no estimate for anything in connection with the defense of the Government from the Engineer Department until there have been plans and estimates of cost prepared in advance?

Mr. SHERLEY. The language there follows, or was intended to follow, the exact language of the bill. For instance, the gentleman will find that one of the paragraphs in the bill is for the construction of gun and mortar batteries.

Mr. MANN. Yes.

Mr. SHERLEY. Another one is for modernizing older emplacements, and there is other construction work under the bill. Of course it would only apply to this bill.

Mr. MANN. No; it would not. This is a general provision of law.

Mr. SHERLEY. I do not mean to this bill, in a calendar sense, but I mean only to the scope of this bill.

Mr. MANN. I do not think that is correct. You can put a provision in this bill that covers anything, just as we did in the District bill last year. As a matter of fact, would not this language forbid the department from making an estimate for anything in the way of defense of the Government until these plans, specifications, and estimates of cost shall have been prepared? It may be the placing of a fortification in front of a harbor in time of war or something of that sort. The general language in the paragraph seems to cover everything in the way of construction for works of defense.

Mr. SHERLEY. This bill is in connection with fortifications and other works of defense, and we have used the language of the bill.

Mr. MANN. I am not endeavoring to criticize it, but I am simply calling attention to it.

Mr. SHERLEY. I understand. It may be that there should be an exception in time of war, but certainly in time of peace I know of no reason why they should not. There is one amendment that I propose offering that I think ought to be offered, and that is to strike out the word "specifications," and the reason for that is this:

I am informed that the specifications are rarely drawn up until just when the actual work is about to commence and the specifications are put in the hands of either the officer doing the work or, in the case of a contract, in the hands of the contractor.

Mr. MANN. Now, the gentleman will notice the bill carries an appropriation of $5,000 for the preparation of plans for fortifications. The bill does not carry any appropriation for the preparation of plans in connection with fortifications and other works of defense. It may be we could make an estimate, but suppose we want to put a mine in front of a harbor and it may not be——

Mr. SHERLEY. Except that the Engineer Department has nothing to do with that, I suggest to the gentleman, and it is limited to the Engineer Department. I have no objection, however, to striking out the words "and other works of defense."

Mr. MANN. I think the Engineer Department does have something to do with placing of mines.

Mr. SHERLEY. I think the gentleman is mistaken.

Mr. MANN. Well, I may be mistaken. It is not carried in this bill, but I think they do have something to do with the placing of mines.

Mr. SHERLEY. The work, so far as I know, is in the hands of the Artillery Corps, and not in the hands of the engineers.

Mr. MANN. Does not the gentleman think that the words "and other works of defense" should be stricken out?

Mr. SHERLEY. I have no objection, but I am quite sure the other provision will be a salutary one. I have no objection to striking out the words the gentleman desires.

Mr. MANN. Then I will withdraw the point of order.

Mr. FOWLER. Mr. Chairman, I did not withdraw my point of order against the paragraph.

The CHAIRMAN. Does the gentleman from Illinois make the point of order against the paragraph?

Mr. FOWLER. Mr. Chairman, I reserve the point of order and ask why "plans, specifications, and estimates" should not be stricken out?

Mr. SHERLEY. Because if we did that there would be nothing left to the provision.

Mr. FOWLER. What is the matter with the word "cost"? Do you leave the word "cost" in there?

Mr. SHERLEY. Yes. And that is just it; an estimated cost that is not based on a plan is not worth having. That is our trouble now.

Mr. FOWLER. The trouble with your provision in the bill is you leave the United States without any remedy in time of war.

Mr. SHERLEY. Oh, I think not.

Mr. FOWLER. There is no doubt about it in my mind.

Mr. SHERLEY. We just differ about that.

Mr. FOWLER. Well, I make the point of order against the paragraph.

Mr. SHERLEY. All right.

The CHAIRMAN. Does the gentleman desire to argue the point of order?

Mr. SHERLEY. It is subject to the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For tools, electrical and other supplies, and appliances, to be furnished by the Engineer Department, for the use of the troops for maintaining and operating searchlights and electric light and power plants at seacoast fortifications, $40,000.

Mr. MURDOCK. Mr. Chairman, I move to strike out the last word. In connection with the paragraph which has just gone out on the point of order I want to ask a question. I have read over the gentleman's report on this bill—a very admirable report—in which the gentleman has given on a technical subject detailed information in a way that is ordinarily not given in

reports on appropriation bills. It gives the history of the appropriation for the last 25 years, designates the officers under which these sums are disbursed, and in detail the items for which we appropriate. Now, I want to compliment the gentleman for his preparation of the report, because I think that too often gentlemen in charge of technical appropriation bills are too brief in their reports. In reading the report over and devoting a major portion of my attention to a history of recent appropriations I find this item enumerated in the report, namely, $1,043,000, on page 2 of the report, at the bottom of the page, which the report says is a return to the Treasury. Now, does that amount consist of a single item of appropriation returned for some cause, or is it an accumulation of many unexpended items?

Mr. SHERLEY. Without being able to answer with certainty, my impression is that there are quite a number of items which were covered back into the Treasury.

Mr. MURDOCK. Am I correct in this impression that several years ago in this department there accumulated in the Treasury a large sum of money which was available for these various boards?

Mr. SHERLEY. Last year, the gentleman may recall, in the bill we made quite a number of reappropriations. I have only had direct connection with the fortification bill for four or five years. Within that time there have been no very great sums. There have been at times sums running up maybe to $100,000 or more, but my predecessor, the gentleman from Iowa [Mr. Smith], was very zealous in reappropriating or covering into the Treasury unexpended balances that there was no reason for leaving to the disposal of the department.

Mr. MURDOCK. Does the gentleman remember whether he succeeded in covering back into the Treasury an amount of money, say, equaling four or five million dollars?

Mr. SHERLEY. I am informed by the clerk of the committee, whose memory runs back very much further than mine, that at one time they did discover a good many millions of dollars, but it was prior to my connection with the bill. Now, as to what happened in that connection I am not exactly clear, but I think it was reappropriated and used for the purposes of defense instead of new appropriations being made.

Mr. MURDOCK. As this department is now conducted and as appropriations are made for it by Congress, there is no such item of segregated funds?

Mr. SHERLEY. I want to assure the gentleman that this appropriation now is practically a current one. While the funds are available until expended, if the gentleman will go through the hearings he will find one of the questions always asked is as to the Treasury balance, the funds allotted and unexpended, and in every instance where we find any undue sum we use that for some other purpose; and where there seems to have been more money appropriated heretofore than was necessary we cut that particular appropriation, because the gentleman will appreciate a good many of these items are maintenance items instead of items for original construction. If there are any large sums loose, as I may say, I am not aware of it.

Mr. MURDOCK. In connection with the report, I see quite a detailed history of the Endicott Board and a supplemental board called the National Defense Board. Now, have the plans which these two boards in the past have outlined for the Nation been generally completed, or are we in the process of completing them as a Nation?

Mr. SHERLEY. The Endicott Board plans were so radically modified by the Taft Board plans, the National Defense Board, that they can practically be disregarded. I can say to the gentleman that, broadly speaking, we have carried out and followed very closely the Taft Board plans, but they are modified from time to time, as they should be, because of the experience gained in matters of armament and seacoast defense. The Taft Board plans in some instances were more elaborate, perhaps, than the needs of the country called for, and there are parts of those projects that will not be carried out. I believe the ultimate defense will cost, in some particulars, considerable less than was estimated in the Taft Board plans.

Mr. MURDOCK. I would like to ask the gentleman if it is his purpose to print the report of this committee on this bill in the RECORD.

Mr. SHERLEY. It had not been my purpose.

Mr. MURDOCK. I hope the gentleman will do it as a model for other committees having appropriation reports to make.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the purchase, manufacture, and test of ammunition for mountain, field, and siege cannon, including the necessary experiments in connection therewith and the machinery necessary for its manufacture at the arsenals, $900,000.

Mr. FOWLER. Mr. Chairman, I move to strike out the last word. I desire to ask the chairman of the committee what is the necessity of increasing the amount $300,000 above the appropriation in the last bill? Is there any deficiency?

Mr. SHERLEY. In no particular are we so unprepared as in connection with ammunition for the mobile artillery, and the committee therefore felt that we should make a larger appropriation than heretofore so as to endeavor to supply some of the ammunition that we all felt was needed.

Mr. FOWLER. Is that for the purpose of giving the Government greater control over the manufacture of its own ammunition?

Mr. SHERLEY. The size of the appropriation has nothing to do with that one way or another.

Mr. FOWLER. It has not anything to do with that question?

Mr. SHERLEY. No.

Mr. FOWLER. Then what benefit does the Government derive from the increased appropriation?

Mr. SHERLEY. It gets more ammunition.

Mr. FOWLER. Manufactured by the Government?

Mr. SHERLEY. Most of it; but some of it is not.

Mr. FOWLER. Is any of it purchased from the Du Pont Co.?

Mr. SHERLEY. Heretofore we have been purchasing quite a considerable part of our powder from the Du Pont people. I will say to the gentleman that less than 10 per cent of this sum is used for powder whether manufactured by us or purchased.

Mr. FOWLER. What does this go for, then?

Mr. SHERLEY. For the projectiles, shells, caps, and all the other things that go to make ammunition.

Mr. FOWLER. Is there now greater necessity for increasing this appropriation for this purpose than there was in the last bill?

Mr. SHERLEY. Last year we were more liberal than we had been for some time past, and this year we felt that we could appropriate this sum; the committee thought this amount ought to be appropriated.

Mr. FOWLER. Were there any objections in the committee to the appropriation of that sum?

Mr. SHERLEY. The report of the committee was a unanimous report.

Mr. FOWLER. Then I will withdraw my objection.

The CHAIRMAN. The objection is withdrawn.

Mr. COX. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Indiana moves to strike out the last word.

Mr. COX. I desire to get some information. For some time I have been somewhat interested in the policy of the Government manufacturing its own ammunition and its own munitions of war, and in connection with the gentleman from Kansas [Mr. MURDOCK], I think the gentleman in charge of this bill should be complimented for the limitation upon the cost of powder. But that is not the point I wanted to bring out. I wanted to get a little information on a paragraph that has been passed—

For the purchase, manufacture, and test of mountain, field, and siege cannon—

And so forth. About how much of the cannon that is being made for fortification purposes is now being made and manufactured in the Government's own arsenals, if the chairman can give us some information upon that?

Mr. SHERLEY. That depends a good deal upon the character of the matériel. In some instances we are making a very large part; in others we are making very much less. I will say to the gentleman that at present we are using all the arsenals to the utmost of their available capacity. There is now pending before the subcommittee on the sundry civil appropriation bill in the Committee on Appropriations a proposal to expend some $250,000 in alterations at the Rock Island Arsenal, with the idea of their making more of this matériel, inasmuch as the amount of small arms to be manufactured will be very much less in the future than it has been heretofore, the reserve being pretty nearly supplied. As the result of that, if the appropriation should be made, we will in the future manufacture very much more of this matériel than heretofore.

Mr. COX. Now, I am asking information on the armament of the fortifications—the large guns. Does the gentleman mean to say that in the future we will manufacture more large cannon than we have manufactured in the past?

Mr. SHERLEY. If the gentleman will permit me, the paragraph that the gentleman refers to has nothing to do with seacoast cannon. It refers to the mobile Artillery. As to the seacoast cannon, we now manufacture our supply entirely.

Mr. COX. I am talking about the armament of fortifications that has been passed over.

Mr. SHERLEY. That was for the purchase, manufacture, and test of mountain, field, and siege cannon.

Mr. COX. Yes.

Mr. SHERLEY. Now, the mountain, field, and siege cannon are not the same kind of armament as seacoast cannon.

Mr. COX. Yes. That is an explanation that I had not heard before. Now, to what extent is this kind of cannon being manufactured in our arsenals?

Mr. SHERLEY. I can not answer that, for the reason I stated a few moments ago, that the cannon are of various caliber, from 3-inch up, and consist not only of the guns but the carriages and limbers and a good many other things in connection with the guns. As to some of them we have been making a larger quantity than others, but we are using to the utmost the capacity of the arsenals as they exist to-day.

Mr. COX. Are we making at our arsenals to-day any 12-inch or 14-inch guns?

Mr. SHERLEY. Yes; but that has nothing to do with this paragraph at all. That is seacoast cannon. The gentleman can carry the distinction in his mind in this way: The mobile artillery means what the words imply—something that is capable of being moved—and while they have used very much larger siege guns in some instances recently than heretofore, yet they must be movable in order to be mobile, within the meaning of the term "mobile artillery."

Mr. COX. I understand that. Now, will the gentleman allow me to call his attention to this language in the paragraph? I want to see what it means. Leaving out the first part of it, it reads:

Provided, That the Chief of Ordnance, United States Army, is hereby authorized to enter into contracts or otherwise incur obligations for the purposes above mentioned not to exceed $300,000, in addition to the appropriations herein and heretofore made.

How are those contracts let—on competitive bidding?

Mr. SHERLEY. Yes.

Mr. COX. Let out to various manufacturers?

Mr. SHERLEY. Yes. I will say to the gentleman that we have had very elaborate testimony touching this whole subject, which he will find in the hearings. In some instances the cost of our manufacture as against the cost of buying from private manufacturers was very much in favor of the Government. However, it is only fair to say that some of the recent contracts approach and in some cases go under the price that it has been costing the Government to manufacture itself. Whether that was due to the agitation by the committee and other Members or not is a question, though probably it is only fair to say that some of it has been due to the fact that the manufacturers, having gotten over the initial cost of making a new article, were enabled to effect economies that warranted them in bidding at a lower figure.

Mr. COX. Is it not fair to say that a large part of this reduction has been caused by the fact that the Government has engaged largely in the manufacture?

Mr. SHERLEY. I have no doubt in the world that in some instances we have been charged exorbitant prices for some of the things we have bought, and I want to assure the gentleman that the committee, within the limit of its power, has made searching inquiry and will continue to do so. What has been done in regard to powder should also be done as to a great many articles. What enabled us to work with some degree of accuracy in the powder matter was the fact that we could present known costs to the Government in comparison with the supposed cost to the private manufacturer. The gentleman will appreciate, however, the difficulty of determining cost. For instance we buy a certain quality of steel for the making of our guns. Now, for a committee to determine intelligently just what that steel ought to cost is a problem of no mean magnitude.

Mr. COX. I am satisfied that is true. Now, one further question, if the gentleman will permit me. Is it not the gentleman's observation and conclusion, based upon a thorough and exhaustive investigation, that ever since the Government embarked upon the plan of manufacturing powder or ammunition of any kind, or arms of any kind, from that moment down to the present time the tendency has been for the manufacturers of these same commodities to lower their prices to the Government?

Mr. SHERLEY. I could not say as to what the actual fact has always been, but that would be the natural tendency; and I want to say this to the gentleman: Here is my own idea of what ought to be the policy of the Government touching the manufacture or purchase of material for war purposes. I believe that in large measure it should make the most of such material, and I think the reason is entirely different from that which applies ordinarily to governmental manufacture or purchase.

The defense of the Nation, the life of the Nation, is so important that the Government can well afford to go into manufacture and not be dependent upon outside aid. In addition to that, usually the thing that is needed is something for which there is but one purchaser, the Government itself. Therefore unless it, by manufacture of its own, has some sort of whip over the outside manufacturer, it is liable to be held up in price. I would not be in favor of the Government manufacturing shoes for the soldiers, because shoes are things that are bought and sold in the open market, and concerning which the Government is at no disadvantage any more than any other purchaser; but in the making of things that it peculiarly and exclusively uses, I think it ought to do a large part of the manufacturing. Whether it ought to do all of it or not is a question. For instance, the Government in having some of its powder manufactured outside has had a basis of comparison by which we could determine whether we were efficiently manufactering it ourselves or not. It also had somewhat the advantage of having the inventive genius and skill of others as well as our own officers engaged in the work. It also might provide for an additional supply in case of great need in time of war. But, broadly speaking, I think we ought to manufacture very largely the things that we exclusively need for war purposes.

Mr. COX. Are we manufacturing as much as half our powder now that is used in the Army, or what proportion are we manufacturing?

Mr. SHERLEY. No; the Army and Navy plants together have been manufacturing, I think, about 40 per cent. That is my recollection.

Mr. COX. Can the gentleman give the committee any figures as to the per cent of small arms and cannon that the Government is manufacturing?

Mr. SHERLEY. We do not deal with small arms in this bill, and I would not undertake to give the gentleman complete information on that subject.

Mr. COX. Can the gentleman give us any information as to the other part of my question?

Mr. SHERLEY. As to seacoast cannon, we are manufacturing all of them. We do not make the steel. We buy the steel, but we actually make the cannon.

Mr. HAY. I will say to the gentleman that we manufacture all of our small arms.

Mr. COX. What does the gentleman think of the wisdom, or unwisdom, perhaps—and I am now asking for information, because I know the gentleman is thoroughly familiar with this matter—as to making appropriations large enough for the Government to go in and do this work and make its own material far enough ahead so that it may meet any ordinary emergency that may arise in time of war?

Mr. SHERLEY. I do not like to anticipate what my judgment may be touching an item that is before me in the sundry civil bill, but I am inclined to think that we ought with reasonable dispatch to give sufficient capacity to the arsenals to do the great proportion of the work. But the gentleman from Indiana will appreciate that some of the work we are doing now at arsenals will begin to grow rapidly less.

Mr. COX. Will it continue to grow rapidly less in the future?

Mr. SHERLEY. It will, as to that character of work, and that will give us available space for other kind of work. I am not prepared to say that we ought overnight to jump into building arsenals to undertake work. The gentleman from Indiana must understand that we have no monopoly of skill any more than any manufacturer has, and that if we undertake to do new work we will find it expensive, just as a manufacturer does in the first instance. If you undertake to throw us immediately into doing a great deal of new work you will find that there will be a great deal of waste of money.

Mr. COX. I think the gentleman is quite right, but in time does not the gentleman think we ought to do that?

Mr. SHERLEY. Yes; and I think in time that will be the policy of the Government.

The Clerk read as follows:

No part of any money appropriated by this act shall be expended for powder other than small-arms powder at a price in excess of 53 cents a pound.

Mr. HEALD. Mr. Chairman, I move to strike out the last word. If I may have the attention of the gentleman from Kentucky, I would like to ask his attention to the preceding paragraph as to the capacity of the arsenal referred to.

Mr. SHERLEY. About 9,000 pounds a day.

Mr. GOOD. Two million seven hundred thousand pounds, or nine thousand pounds a day?

Mr. SHERLEY. Yes; 9,000 pounds a day, or about 2,700,000 a year.

Mr. HEALD. The question I want to ask the gentleman from Kentucky is whether this refers to the theoretical capacity or the actual capacity of these arsenals?

Mr. SHERLEY. It says its full capacity, and I suppose its full capacity means its actual capacity.

Mr. HEALD. Does the gentleman realize that the theoretical capacity of these factories is an entirely different proposition from their actual capacity? It was shown in the hearings last year that in the manufacture of smokeless powder the actual output was but one-third of the theoretical capacity of the plant, and I understood that Admiral Twining, after these hearings, in a letter to the chairman of the Committee on Naval Affairs, stated that while the final output might be increased to three times the present output, that one part of the process of manufacture, and a necessary part of it, was running 24 hours a day, and, therefore, without increasing any part of the process, it would absolutely be impossible to increase its total output.

Mr. SHERLEY. As I understand it, the Navy is running its plant 24 hours a day and at its full capacity.

Mr. HEALD. Does that apply to every part of the process, or is one part running 24 hours and the other parts only 8 hours?

Mr. SHERLEY. I can not say, but I assume that it is used at its maximum—all of the plant. Whether that implies the lying idle for a few hours of certain parts of the plant I do not know, because that involves a knowledge of powder making that I do not possess. I think the term "full capacity" is one about which there need be no undue confusion of mind.

Mr. HEALD. If I may further suggest, my idea was to bring out this fact: That while it has been stated that these Government powder factories are running on one eight-hour shift, it may be that when we desire to operate these plants for three eight-hour shifts for the purpose of increasing the total output we may find that we are already working them to their full actual capacity. My impression from reading the statements made by Admiral Twining in the hearings before the Naval Committee last year was to the effect that the total output could not be increased without increasing some parts of the plants, and the committee has not provided in any place for their enlargement.

Mr. SHERLEY. The gentleman will realize that the provisions of this bill for the manufacture would carry with it the right to make certain expenditures in connection with the arsenal and in connection with the manufacture.

It may be that some one part of the plant needs to be increased in order to use other parts at their maximum capacity, and I assume that no mathematical accuracy can be had in determining the full capacity of a plant by simply multiplying the output of one shift of eight hours by three, but the actual tests would show full capacity and an approximate idea of full capacity ought not to be difficult.

The CHAIRMAN. The time of the gentleman from Delaware has expired.

Mr. HEALD. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HEALD. Mr. Chairman, some years ago, according to my recollection, there was an appropriation made for an increase of these plants, and while that has been done I have not observed that there has been an increase of their capacity. For that reason, I think the committee ought to know whether or not an increase in certain parts of the process of manufacture shall be enlarged so that the maximum efficiency of every part of the plant can be made available. There is one thing certain to my knowledge, and that is the power plants at these plants are largely in excess of the requirements of the other parts, although that is not the one to which I was particularly referring.

Mr. SHERLEY. Mr. Chairman, I suppose there will not be any need, in order to arrive at an output of one-half of the full capacity, to increase materially any part of the existing plant, and in connection with the Navy plant I find Admiral Twining before our committee made the following statement:

Mr. SHERLEY. Do you actually operate that plant at the maximum of its capacity?

Admiral TWINING. Yes. This represents substantially its maximum capacity. All of the processes that can be advantageously carried on continuously are carried on, except possibly on holidays, for 24 hours a day, while certain processes that can not be efficiently carried on that way because of the overloading of some other part of the plant are carried on 8 or 16 hours per day.

Mr. HEALD. Mr. Chairman, that practically covers the suggestion I was making, that the plant is probably not so balanced that the maximum of product can be secured from each part of the process.

Mr. SHERLEY. I have no information as to whether there is absolute accurate adjustment between every part, but as they are making it much under the price that we have been buying it for, it shows, at least, that we have been obtaining an efficiency that may be well commended.

Mr. HEALD. I only thought if we are going to secure the maximum efficiency from these plants that it is desirable that every part of the plant be made efficient.

Mr. SHERLEY. I have no doubt they have ample power to do that. Certainly a recommendation made by those in charge would receive careful consideration at our hands.

Mr. GOOD. Mr. Chairman, I move to strike out the last word. The adoption of this provision we are now considering and the paragraph we have just passed will result, in my opinion, in economy in the purchase of powder and ammunition. According to the reports, in 1911 there was purchased by the Army and Navy 3,950,000 pounds of powder, not including small-arms powder. There was a total of 4,436,680 pounds of powder purchased. In 1912 we purchased 2,448,000 pounds of powder. This powder was all purchased at a price of 60 cents per pound, except in the small-arms powder, which was purchased at a higher price. If the limitation, which we are placing on this bill, had prevailed in the appropriation bills of 1911 and 1912, we would have saved to the Government in 1911 in the purchase of powder $310,707.60, and in 1912 $151,360.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a question?

Mr. GOOD. Certainly.

Mr. MADDEN. The gentleman is talking about the purchase of powder now.

Mr. GOOD. Yes.

Mr. MADDEN. And the powder that is manufactured?

Mr. GOOD. No; I will reach that presently.

Mr. MADDEN. I would like to ask in this connection about the powder that the Government manufactures at this plant, where I think the gentleman stated it was only producing one-sixth of its maximum capacity, working one-third of its time.

Mr. GOOD. I did not say that.

Mr. MADDEN. I understood the gentleman did, not to-day.

Mr. GOOD. The plant, according to the statement of Gen. Crozier, has a maximum capacity of 9,000 pounds per day, or 2,700,000 pounds per year.

Mr. MADDEN. That is 24 hours per day?

Mr. GOOD. Twenty-four hours per day, and that plant is being worked only to one-sixth of its capacity.

Mr. MADDEN. How many hours a day?

Mr. GOOD. There is no statement made with reference to that. The plant last year produced somewhere between 400,000 and 500,000 pounds of powder.

Mr. MADDEN. The conclusions I reached from the statements which were made were based upon what I believe to be the fact, that eight hours a day was being employed in this particular powder factory and that during the eight hours' work only one-sixth of the maximum output was being produced, so that I was wondering, in estimating the total aggregate possibilities of the plant, whether the estimate was not more than double what the working capacity of the plant is.

Mr. GOOD. I would rather trust the statement of Gen. Crozier in regard to that than my own or any statement of any Member of the House, because I believe he has the detailed knowledge of the facts connected with that subject, which we do not have.

Mr. MURDOCK. Will the gentleman yield?

Mr. GOOD. I will.

Mr. MURDOCK. Why does not the Government work this Picatinny powder plant more than one-sixth of its capacity? What is the reason for it?

Mr. GOOD. It is on the theory that the Government ought to purchase of private factories a certain amount of powder for the purpose of enabling those factories to furnish powder in time of war.

Mr. MURDOCK. Now the Government can make the powder cheaper than a private concern?

Mr. GOOD. The Government can not make it any cheaper than a private concern. We do not know what it is costing to manufacture powder by a private concern. Col. Buckner was before the committee, and refused to state what it was actually costing the Du Pont factory to manufacture powder. We do know, in the Navy, where we produced 2,500,000 pounds of powder last year, that it cost, exclusive of overhead charges, 30½ cents per pound.

Mr. MURDOCK. Inclusive of overhead charges, how much?

Mr. GOOD. Inclusive of overhead charges, as computed by Admiral Twining, in the Navy, the cost was 40.74 cents per pound.

Mr. MURDOCK. Then this bill fixes a limitation of 53 upon the powder of the private manufacturer?

Mr. GOOD. Yes, sir.

Mr. MURDOCK. It would follow from the figures that the gentleman has given that the Government does make powder cheaper than the private manufacturer.

Mr. GOOD. It makes powder cheaper than the private manufacturer sells it, but we do not know what it is costing the private manufacturer to produce powder. Personally I believe that the private manufacturer is manufacturing this powder at not to exceed 25 cents per pound. If gentlemen will turn to the hearings and read the testimony of Admiral Twining, commencing on page 358, wherein he enumerates 10 or 12 different things wherein the Government is handicapped and private manufacturers are not handicapped, all of which add to the increased cost of powder, I think he will realize that this cost of 30½ cents could be materially reduced. In the cost of 40.74 cents is included interest on investment. This charge is 3 cents per pound. We have made two appropriations for the powder factory at Picatinny Arsenal, one of $165,000 and one of $175,000, or $340,000, exclusive of land and officers' quarters. The capacity of that plant is, generally speaking, according to Gen. Crozier's statement, 3,000,000 pounds. If you multiply that by 3 cents a pound, you have $90,000 a year as an interest charge on an investment of $340,000.

Mr. MURDOCK. Then I will ask the gentleman this: Is this payment which we make to the private manufacturer of powder in excess of what it costs the Government to manufacture powder in the nature of a subsidy by this Government to this single powder company to keep it in existence?

Mr. GOOD. Well, I do not know that I would say it is in the nature of a subsidy. I will say it is in the nature of a compromise between those who believe that the Government ought to manufacture all of its powder and those who believe that the private manufacture ought to be kept in operation, so that in time of war we would not find ourselves without powder.

Mr. MURDOCK. That defines, to my mind, a subsidy.

Mr. GOOD. I will say to the gentleman, personally, I would prefer to see that in matters of this kind——

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOOD. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FOWLER and Mr. MADDEN rose.

Mr. GOOD. I yield to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. In making the figure of cost 40 cents, including overhead charges, was there anything calculated for the destruction of property, wear and tear, and renewal?

Mr. GOOD. Oh, yes; the depreciation is provided for. I will say to the gentleman that the estimate of depreciation is 10 per cent. The plant at Indian Head has been in operation for 10 years; the plant is practically in as good condition as when it was installed.

Mr. MADDEN. I notice no account is taken of the value of the land on which the plant is constructed.

Mr. GOOD. The estimate of $512,000 is the entire value of the Picatinny Arsenal, which includes not only the cost of the powder factory but also the value of the land and the cost of all officers' quarters that are situated on the land.

Mr. MADDEN. The gentleman did not state that a moment ago.

Mr. GOOD. But that is the case.

Now I yield to the gentleman from Illinois [Mr. FOWLER].

Mr. FOWLER. Does your estimate include loss by reason of the explosion of powder?

Mr. GOOD. The cost of insurance is placed by Admiral Twining in his statement, found on page 293, at 3 cents a pound.

Mr. FOWLER. That is intended to cover loss of that kind?

Mr. GOOD. Yes.

Mr. FOWLER. Now, I desire to inquire if the last bill did not limit the amount per pound to 71 cents?

Mr. GOOD. You mean a year ago?

Mr. FOWLER. Yes; the last bill that was passed through this House.

Mr. GOOD. The Army bill was passed a few days ago, and in that bill we limited the price of small-arms powder to 65 cents, if I recall correctly; but the cost of manufacturing small-arms powder, according to the testimony of all the witnesses, is about 10 cents a pound or more in excess of the cost of ordnance powder.

Mr. FOWLER. In the last fortification bill that was passed did you not limit the amount which might be paid for powder to 71 cents per pound?

Mr. GOOD. To 60 cents for cannon powder.

Mr. FOWLER. And small-arms powder was 71 cents?

Mr. GOOD. Seventy-one or seventy-two.

Mr. FOWLER. Now, can you tell the committee what was paid for small-arms powder prior to this limitation of a year ago?

Mr. GOOD. In 1908 the cost per pound was 84½ cents and 86.7 cents; in 1909 it was 78 cents; in 1910 it was 75 cents. It has been 75 cents ever since that time until 1912.

Mr. FOWLER. Have there been any changes made affecting the economics of the manufacture of powder during this time which would lower the price materially?

Mr. GOOD. No doubt there have been some changes. The report of Gen. Crozier shows a saving of 3 cents a pound in the Army, and the report of Admiral Twining shows a saving of 2 cents and a fraction in the Navy.

Mr. FOWLER. Does not that show the enormous profits which the powder companies have been receiving from the United States prior to the efforts of this committee to limit the price to be paid?

Mr. GOOD. I have no doubt but that the private manufacturers have made enormous profits.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. GOOD] has expired.

Mr. GOOD. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FOWLER. Do you not think the committee has done the country a great work by investigating the price of powder and undertaking to limit the amount which should be paid to other companies than that of the company manufacturing powder by United States authority?

Mr. GOOD. I think it has, and I think the probability is that we will make appropriation for increasing our present plants, and will discontinue the practice of furnishing to the Du Pont Powder Co. or any other powder company that private and secret information, and those discoveries that our officers in the Army and Navy have made in the betterment of these explosives, and turning them over to a private concern, which in turn manufactures powder and sells it to the different nations of the world.

Mr. CANNON. Why should we not, if the gentleman will allow me?

Mr. HEALD. Mr. Chairman——

The CHAIRMAN. To whom does the gentleman from Iowa yield?

Mr. GOOD. I will yield, first, to the gentleman from Illinois.

Mr. CANNON. Why should we discourage our own people, unless the Government goes into commerce in competition with the other nations of the world? Why should we follow a policy that would discourage our own people from adding to production that involves labor and contributes to the commerce of the world?

Mr. GOOD. I think that as a general principle we should not; but when it comes to powder, when it comes to any article that is used in warfare, it seems to me that after we have expended a great deal of money in educating officers in the Army and Navy to perfect a given device, that device should not be turned over to the very power with which we might come in actual contact.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent that my colleague from Iowa be given a minute more.

Mr. CANNON. The answer is plausible and possibly satisfactory. I am not criticizing the gentleman. I am asking the question from another standpoint.

The CHAIRMAN. The gentleman from Iowa [Mr. GREEN] asks unanimous consent that his colleague [Mr. GOOD] be allowed to proceed for one minute more. Is there objection?

There is no objection.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. GOOD. I yield.

Mr. GREEN of Iowa. Is it not a fact that all the other countries in the world keep the art and the special chemical formulæ for the making of explosives that they use in this ordnance powder secret, from the fact that it is controlled by their own subsidies?

Mr. GOOD. I do not know as to that. I know that France manufactures her own powder; not only her military powder, but she has a monopoly upon all powder. It is the purpose of the officers of the Army and Navy to keep our formulæ secret, but after submitting those formulæ to the powder manufacturers, the same manufacturers are now, according to the testimony of their officers, going to the different countries of the world soliciting trade. Of course, they could furnish to other nations the same powder that they are furnishing to us, made under the formulæ that are submitted by our Army and Navy officials.

Mr. GREEN of Iowa. And that constitutes the objection against imparting these formulæ?

Mr. GOOD. I think so.

Mr. HEALD. Mr. Chairman, I would like to ask the gentleman a question.

Mr. GOOD. Certainly.

Mr. HEALD. The gentleman suggests that the formulæ and the art of making powders and their development have been in the hands of Army and Navy officers, and have been turned over to private manufacturers of powder. Surely the gentleman does not mean that as a statement of fact.

Mr. GOOD. I mean to say that the first smokeless powder that was manufactured in this country was manufactured by an officer in the Navy under a formula that he himself had perfected, and, if I do not mistake the hearings, that formula was afterwards sold to the Du Pont Powder Works. I do not want to detract from the very efficient service that the Du Pont Powder Co. has rendered to the country in helping to perfect that formula and to produce a better grade of powder than this officer in the Navy had originally formulated.

Mr. HEALD. Will the gentleman give me a minute of time?

Mr. GOOD. The gentleman can get it. Now, Mr. Chairman, this provision will, in addition, provide for the manufacture by the Government of a million pounds of powder more than it manufactured last year. While we do not know exactly what it is costing the private manufacturer to manufacture powder, we do know that, exclusive of overhead charges, it is costing the Government only about 30 cents a pound to manufacture it. These overhead charges will go on whether the arsenal at Picatinny manufactures 400,000 pounds of powder or manufactures 1,400,000 pounds, as it will under the provisions of this bill. Therefore it is safe to say that the million pounds of powder that it will manufacture this year in excess of what it manufactured last year will cost the Government only 30 cents per pound, or it will result in a net saving of almost $300,000 to the Government; and the limit that we have placed on the price of powder will do no injury to the private manufacturer. It is still large enough to give the manufacturer an ample profit on his investment. While I think the price is still too large, I hope that these provisions placed in the bill with regard to powder will prevail and be adopted by the committee.

Mr. MANN. Will the gentleman yield for a question?

Mr. GOOD. Yes.

Mr. MANN. With reference to—

The operation of said powder factory to not less than one-half of the full capacity thereof.

If this powder factory should be operated one-half the days of the year to its full capacity, 24 hours a day, or for the entire year 12 hours a day at its full capacity, would not that comply with the provision contained in these words?

Mr. GOOD. I do not know.

Mr. MANN. Is it not patent on its face that it would? You are now putting up a construction of these words to officers of the United States, and I think they are entitled to have some opinion from the debate in Congress when the provision is being considered.

Mr. GOOD. This provision provides that the powder factory at Picatinny shall produce one-half of its maximum capacity——

Mr. MANN. Of its full capacity.

Mr. GOOD. Of its full capacity. Now, the matter is left entirely with the officer in charge of that factory whether he shall operate it under two shifts part of the time, part of the time under one shift, or part of the time under three shifts, and let it remain idle part of the time. Gen. Crozier says the maximum capacity is practically 3,000,000 pounds per year, and we say by this provision the Ordnance Department of the Army shall conduct that factory at one-half of its maximum capacity.

Mr. MANN. What he says about the maximum capacity may be one thing, but the question is, How much powder can they manufacture? That is getting down to brass tacks, as we say. If they run the factory at full capacity for one-half of the year, assuming that the seasons do not make any difference, would not that comply with the provisions of the bill?

Mr. GOOD. I think it would if they produced one-half of the full capacity of the plant.

Mr. MANN. Supposing they ran the plant the entire year, 24 hours a day, would that be obtaining the full capacity of the plant, regardless of what somebody said it ought to produce?

Mr. GOOD. If it produces 9,000 pounds for each day in the year.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. I ask unanimous consent that all debate on this paragraph close in five minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that all debate on this paragraph close in five minutes. Is there objection?

Mr. HEALD. If I can have two minutes of that time I will not object.

The CHAIRMAN. The Chair hears no objection.

Mr. HEALD. Mr. Chairman, I can not, in fairness, let the gentleman's statement go as to the development of smokeless powder. As a matter of fact, the history of it has been recited on this floor many times, and it is to the effect that the Army and Navy officers did develop, in theory, a smokeless powder, and then called together the manufacturers of this country and laid before them the theory of its manufacture and asked them to bring about its commercial development. The commercial development of the manufacture of smokeless powder has never been at the hands of the Army or Navy. It has been wholly and entirely in the hands of private manufacturers. When the Government started to make it commercially, it was with the assistance of the experts from these companies, who gave to the Government all of their processes, and not the Government giving to the private manufacturers their discoveries or their improved processes. And further, the secret of the manufacture of these powders is not one that is kept from any manufacturer. There is no secret about it.

The manufacture of gunpowder in France is exclusively a Government monopoly, and in the light of the history of explosions of magazines on French vessels, I think there is reason to believe that this country has certainly a higher grade of powder than that which is produced by the French Government monopoly.

I for one do not believe in this Government exclusively manufacturing its own powder. The fact has been referred to on this floor that private manufacturers of smokeless powder in this country are beginning to sell their product to the governments of foreign countries. That may be deprecated. It has been. The question is asked, Why should the powder manufacturers of this country sell powder to foreign countries with whom we might engage in war? There is no difference between selling them powder than manufacturing for them the battleships which we are glad to build in our shipyards, and we never miss an opportunity to secure contracts for them. I believe that the sale of powder to foreign countries has been made with the concurrence and the consent of this Government and with the assistance of the War Department and the Navy Department and the State Department. It would not be rash to assume that this condition has been brought about so that these private factories may be held intact as a reserve for this country in time of war. That policy is one which Congress seems determined to destroy, and, in my opinion, if it abolishes it the result will be the same condition of Government monopoly that exists in France to-day.

The CHAIRMAN. The time of the gentleman from Delaware has expired.

Mr. GOOD. I ask unanimous consent that the gentleman may have one minute more in order that I may ask him a question.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the gentleman may have one minute more. Is there objection?

There was no objection.

Mr. GOOD. I want to call the gentleman's attention to the testimony of Admiral Twining, at the bottom of page 308 of the hearings, wherein he gives a history of the development of smokeless powder in this country, and he says:

The earliest knowledge I have in regard to smokeless powder of the type we are now using is that it was discovered by a French chemist named Vielle about 1882. The French Government began to use it in 1887 in small sizes, a powder which might be said to be in general the same as we are using to-day, although some minor differences or changes have been made in the manufacture. However, it was made according to much the same smokeless-powder formula that we use to-day. About 1893 the same kind of powder was used in Russia, and they probably discovered the secret in France. In 1896 one of our chemist in the service of the Navy, named Patterson, who is now the chemist in charge of the powder factory, discovered a method of producing soluble nitrocellulose of 12.5 nitration, which was higher than had been thought possible before. In 1897 the Navy began the

manufacture of smokeless powder at Newport, R. I., and manufactured about 1,000 pounds that year. I believe that some of that powder is still in existence and that it is good powder yet. Lieut. Bernadou and Capt. Converse, two naval officers, who had been prominently identified with ordnance matters, made a very extensive study of smokeless powder and took out certain patents. I believe that these patents are not valid to-day, and I do not think that any royalty has been paid in consequence of them.

Mr. HEALD. I suggest to the gentleman that the production of 1,000 pounds of powder in one year, or about 3 pounds per day, is not a commercial manufacture, and I think his reference supports what I have just said, that the theory of it had been worked by the officers of the service; but the department had brought together the commercial manufacturers of powder and asked them to make it a commercial success. They did make it a commercial success, and when this Government started to manufacture on a commercial basis these same manufacturers furnished freely, without expense to the Government, plans for processes and machinery. The Government did not supply the private manufacturers.

The Clerk read as follows:

For the alteration of 3.2-inch batteries to rapid-fire field batteries, including sights, implements, equipments, and the materials and machinery necessary for alteration and manufacture at the arsenals, $175,000.

Mr. FOWLER. Mr. Chairman, I move to strike out the last word. I do so for the purpose of asking the chairman why the appropriation in this paragraph is increased $100,000 above the appropriation in the last bill?

Mr. SHERLEY. There are quite a number of old 3.2-inch batteries which can be converted into modern 3-inch batteries at a cost very much less than it would require to create new batteries. As I stated a while ago, we are very far behind what we need in matériel for mobile artillery, and this is the cheapest way to get that matériel.

Mr. FOWLER. Are these rapid-fire guns worn out?

Mr. SHERLEY. No; but when made there was no successful method of recoil, and the rapid fire was much less than in the modern gun. It is now practically an antiquated gun. The development has been so rapid in connection with these guns that the 3.2-inch gun is now antiquated.

Mr. FOWLER. How many of these guns will be repaired?

Mr. SHERLEY. Four batteries.

Mr. FOWLER. Does the gentleman think it will take $100,000 to make the necessary changes?

Mr. SHERLEY. It was estimated that for the conversion of seven 3.2-inch batteries into 3-inch batteries it would take $250,000, and that was the amount of money asked. We have given $175,000, which, with the available balance, would make the conversion of the four batteries.

Mr. FOWLER. What would it cost to complete these batteries new? Has the gentleman any estimate on that?

Mr. SHERLEY. Yes; I have not it at hand, but I think it would cost $77,000 for a battery.

Mr. FOWLER. For the new battery or the converted one?

Mr. SHERLEY. For the new one, and about half as much to convert it.

Mr. FOWLER. Would the converted one be as good as the new one?

Mr. SHERLEY. Yes.

Mr. FOWLER. And would save just so much to the country?

Mr. SHERLEY. Yes.

Mr. HOBSON. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. HOBSON. I want to ask the gentleman as to whether the new tube they put in is necessitated through rapid erosion or whether the gentleman has any statement as to the cost of the change in caliber? I can understand about the uniformity of equipment.

Mr. SHERLEY. I do not think the change of caliber is due to any tendency toward erosion of the old gun any more than the new. It is simply that the 3.2-inch gun is considered to be of a caliber that has become practically obsolete, and they are making these to correspond, to be uniform with other 3-inch guns, ammunition for which would be useful for all, both the newly made and the converted type.

Mr. HOBSON. Mr. Chairman, I can understand the advantage of uniformity of ammunition, but with large batteries like these are you would have uniform ammunition anyway, I would say to the gentleman that I do not want to ask for information that was not given by the technical officers, but the question of the life of the guns, particularly in the Navy, is a mooted question, and is being carefully investigated, and I was wondering whether the change of this caliber to a smaller caliber, which would be done evidently by simply the introduction of a tube with its own rifling, has been necessitated largely by the fact that the old type that is there has suffered rapidly from erosion.

Mr. SHERLEY. I think not. I think a lot of these were not used enough to suffer at all, but a material change having to be made to modernize them in other ways, in the way of carriage and recoil, they also modernize them to the extent of making them uniform with the standard 3-inch guns.

Mr. HOBSON. And also whether the gentleman had before his committee the question of the length of the life of the Coast Artillery guns?

Mr. SHERLEY. Oh, yes; from time to time we have had testimony touching that, and the desirability of using larger caliber guns with less charge of powder, as against a smaller caliber with a greater charge. In other words, getting the same impact force by an increase in the size of the projectile rather than by an increase of the speed of the projectile.

Mr. HOBSON. Have they any information within the last year or two, recent information, throwing light on that question before the gentleman's committee?

Mr. SHERLEY. I do not think there has been any particular testimony. There does not seem to be much difference of opinion.

The Clerk read as follows:

ENGINEER DAPARTMENT.

For construction of seacoast batteries, as follows:
In the Hawaiian Islands, $70,000;
In the Philippine Islands, $700,000;
In all, $770,000.

Mr. FOWLER. Mr. Chairman, I move to strike out the paragraph. I desire to ask the chairman whether there have been appropriations for this same purpose of constructing seacoast batteries in the Hawaiian Islands heretofore; and if so, about how long has that been going on?

Mr. SHERLEY. Mr. Chairman, that work has been going on for a number of years. There have been expended there large sums heretofore.

Mr. FOWLER. They expended $170,000 there in the last appropriation.

Mr. SHERLEY. We have expended $2,980,000 and odd heretofore at Honolulu and Pearl Habor in connection with the fortifications there.

Mr. FOWLER. I see you cut the appropriation $100,000 this time below the appropriation of a year ago. Was that because of the fact that the appropriations which had already been made were sufficient to warrant the cutting off of that amount?

Mr. SHERLEY. A year ago they asked for $222,200, which it was estimated was sufficient to complete the work to be done there. We gave them $170,000, which should have left a difference of $52,200, as being the amount needed to entirely finish the work; but the estimate of the year before was based on an error of some thousands of dollars, the result being that there is now needed $70,000 to complete the emplacement work at the Hawaiian Islands.

Mr. FOWLER. Will this complete the seacoast-battery defense there, or will there be a requirement hereafter for additional appropriations for that purpose?

Mr. SHERLEY. There will be certain details that may have to be supplied, but, broadly speaking, the items carried in this bill, of which this is one, are sufficient to complete the entire project for the Hawaiian Islands.

Mr. FOWLER. In the Philippine Islands I discover that you are able to cut the appropriation there $100,000.

Mr. SHERLEY. Oh, we have cut the appropriation very much more than that. They are asking this year, in this one item, $1,000,000, and we are appropriating $700,000.

Mr. FOWLER. Last year your amount appropriated was $800,000.

Mr. SHERLEY. The amounts of appropriations are determined by the amount of money that can be expended during the period which the bill is supposed to cover. There are certain projects for the Hawaiian Islands and the Philippine Islands. The work is being prosecuted as rapidly as possible, and we ascertained at the hearings how much will be needed to continue that work until moneys from another bill will be available.

Mr. FOWLER. Will this $700,000 complete the project, or is it intended simply to provide for what is necessary until the next bill is prepared?

Mr. SHERLEY. It is to provide what is necessary until the next bill.

Mr. FOWLER. And what is the estimate for the completion of the items now under way?

Mr. SHERLEY. Well, under this item as of July 1, 1912, there was needed $1,000,000 for the construction of emplacements. We are carrying here $700,000, and, speaking generally,

I would say about $300,000 more money will be needed for the emplacement work there.

Mr. FOWLER. Unless we give the Philippine Islands their independence we will continue to appropriate something like that annually, will we?

Mr. SHERLEY. At the end of another appropriation of approximately $300,000 the amount of money necessary for emplacement work will be completed. Now, what the gentleman perhaps desires to know is the amount of money, in round figures, that is necessary to complete the project for the Philippine Islands, and as to that I have to say as of July 1, 1912, not having made the subtraction of the amount carried in this bill, there was needed for Manila Bay about $1,163,000, which, of course, does not include the proportionate part of the moneys necessary to be expended for ammunition and submarine mines, which perhaps could not be segregated.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word. I simply desire half a minute to ask a question of the gentleman from Kentucky. We have a naval station in Cuba at Guantanamo, but no fortifications there, I understand?

Mr. SHERLEY. No.

Mr. GREEN of Iowa. There is no appropriation, I observe, in the bill for any fortifications there?

Mr. SHERLEY. And none asked.

Mr. GREEN of Iowa. That is just what I wanted to inquire.

Mr. SHERLEY. There is a project for Guantanamo which involves an expenditure of about $2,240,000, but so far there has not been presented to the committee any estimate for fortifications at that place.

Mr. GREEN of Iowa. I simply wanted to inquire whether the committee deemed it inadvisable or whether it was because of no recommendation.

Mr. SHERLEY. I might say to the gentleman and for the further benefit of the committee that as of date July 1, 1912, having in mind either the beginning and completion of fortifications or the completion of those already commenced at San Juan, Guantanamo, Honolulu, Pearl Harbor, Guam, Manila Bay, Subig Bay, and Kiska Island, there will be needed appropriations totaling eleven million one hundred and thirty-seven thousand and some odd dollars. That includes moneys for seacoast reserve ammunition, submarine mines, and carries all the items like emplacement, electric installation, searchlights, fire control, submarine mine structures, etc.

Mr. GREEN of Iowa. That fully answers the subject of my inquiry.

The CHAIRMAN. The pro forma amendment will be considered as withdrawn.

The Clerk read as follows:

For installation and replacement of electric light and power plants at the defenses of the following localities:
In the Hawaiian Islands, $34,469.

Mr. MANN. Mr. Chairman, I offer the pro forma amendment, and I hope I will not be considered hypercritical in a suggestion which I am about to make. These provisions of the bill are carried under the head in large capital letters, "Fortifications in insular possessions." The term "insular possessions" grew up from the War with Spain to describe certain territory which we had acquired apart from continental United States; but Hawaii is no longer an insular possession; it is a part of the United States, and really ought not to be described as an insular possession. It is true it is an island, but it is not a possession. It is a part of the United States. There is quite a distinction between Hawaii, a Territory, and Porto Rico and the Philippine Islands and the island of Guam. They are possessions. I did not know whether it is practical in the next fortifications bill to either leave out the heading "Fortifications in insular possessions" or segregate the Hawaiian items under the head of "Territory of Hawaii."

Mr. SHERLEY. Mr. Chairman, I think it may be perfectly proper in another bill to let the heading show "Fortifications in insular possessions and the Hawaiian Islands." The idea that actuated the committee, and which I think was a proper one, was to be enabled to give just some such information as I have tried to give a few minutes ago touching the moneys we are spending outside of continental United States.

Mr. MANN. I understand; but why not change that heading and make it correct?

Mr. SHERLEY. I see no reason why, but I am inclined to believe we will have practically cleaned up the Hawaiian Islands in this bill. We may have an occasional item next year.

Mr. MANN. I care nothing about it; but, of course, Hawaii stands on a different footing from all the rest of this territory now, because we have incorporated it into the Union and made it a Territory of the Union.

Mr. SHERLEY. I think the gentleman's suggestion is a proper one, and next year I think it should be carried out.

The Clerk completed the reading of the bill.

Mr. FOWLER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SHERLEY. Mr. Chairman, I move that the committee do now rise and report the bill (H. R. 28186) to the House with the recommendation that the same do pass.

The motion was agreed to; and Mr. GARRETT having assumed the chair as Speaker pro tempore, Mr. RUSSELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 28186) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and had directed him to report the same to the House with the recommendation that the bill do pass.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SHERLEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

THE LATE SENATOR TAYLOR.

Mr. SIMS. Mr. Speaker, I would like to ask unanimous consent to submit the order which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Tennessee submits an order which the Clerk will report.

The Clerk read as follows:

Ordered, That Sunday, February 23, 1913, be set apart for addresses on the life, character, and public services of Hon. ROBERT L. TAYLOR, late a Senator from the State of Tennessee.

The SPEAKER pro tempore. The question is on agreeing to the order.

The question was taken, and the order was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. BURLESON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 28499) making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, and pending action upon that motion I wish to inquire of the gentleman from Ohio [Mr. TAYLOR] if we can agree upon the length of time to be consumed in general debate on the bill?

Mr. TAYLOR of Ohio. I will say to the gentleman from Texas [Mr. BURLESON] that I have no applications for time. I am perfectly willing to go into the reading of the bill at once.

Mr. BURLESON. I will say to the gentleman from Ohio that I have one request for time. The gentleman from Indiana [Mr. CLINE] has asked me for 30 minutes, and with the permission of the gentleman from Ohio [Mr. TAYLOR] I suggest we allow the debate to run on and be limited to one hour.

The SPEAKER pro tempore. The gentleman from Texas [Mr. BURLESON] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the District of Columbia appropriation bill, and in that connection asks unanimous consent that the general debate be limited to 1 hour, 45 minutes to be controlled by the gentleman from Texas [Mr. BURLESON] and 15 minutes by the gentleman from Ohio [Mr. TAYLOR]. Is there objection to the request for unanimous consent?

There was no objection.

The motion that the House resolve itself into the Committee of the Whole House on the state of the Union was agreed to.

CONTESTED-ELECTION CASE—KINNEY AGAINST DYER.

Mr. NELSON. Mr. Speaker, I ask unanimous consent that I may present a report from the Committee on Elections No. 2, and ask for its immediate consideration. (H. Res. 801, H. Rept. 1422.)

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the resolution.

The Clerk read as follows:

REPORT.

The Committee on Elections No. 2 has had under consideration the contested-election case of Thomas E. Kinney *v.* Hon. L. C. Dyer, from the twelfth district of Missouri, and begs leave to report as follows:
The allegations of fraud and intimidation made by contestant were not sustained by the evidence adduced.

Therefore we beg to submit the following resolution for adoption:
Resolved, That Hon. L. C. Dyer is entitled to his seat as a Representative of the twelfth congressional district of Missouri.

The SPEAKER pro tempore. Is there objection to the resolution proposed by the gentleman from Wisconsin [Mr. NELSON]?

Mr. FOSTER. Reserving the right to object, Mr. Speaker, I would like to inquire if this is a unanimous report?

Mr. NELSON. It is a unanimous report from the committee.

The SPEAKER pro tempore. The question is on the adoption of the resolution.

The resolution was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The SPEAKER pro tempore. The motion of the gentleman from Texas [Mr. BURLESON] prevails. The House will resolve itself into Committee of the Whole House for the consideration of the District of Columbia appropriation bill, and the gentleman from Georgia [Mr. RODDENBERY] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 28499, the District of Columbia appropriation bill, with Mr. RODDENBERY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the District of Columbia appropriation bill, which the Clerk will report.

The Clerk read the title of the bill as follows:

A bill (H. R. 28499) making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes.

Mr. BURLESON. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Texas [Mr. BURLESON] asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. BURLESON. Mr. Chairman, I yield 45 minutes to the gentleman from Indiana [Mr. CLINE].

The CHAIRMAN. The Chair understands that by order of the House general debate is to be limited to 1 hour, 45 minutes to be controlled by the gentleman from Texas [Mr. BURLESON], and 15 minutes to be controlled by the gentleman from Ohio [Mr. TAYLOR].

Mr. BURLESON. Yes. Mr. Chairman, I yield 45 minutes to the gentleman from Indiana [Mr. CLINE].

Mr. CLINE. Mr. Chairman, in the time allotted to me I desire to discuss the business and political interests of the American people in the Asiatic continent; and by so doing, invite the attention of the House and country to some problems that may well engross the public mind.

There are broad ethnological facts and social principles, elementary in the very existence of races and color, that ultimately shape the whole trend of national and race life. We can not change them; they have been recognized in all history, and will continue to remain fixed. All we can do, and what we should do, is to observe these well-intrenched facts and principles of race and color, and shape our destinies within the rules.

I pause here to pay a tribute, well deserved, to those wards of ours in the far-off Pacific—the inhabitants of the Philippines, of whom I shall have some things to say—our brown man of the Orient, whose ancestors for more than three centuries were more or less under Spanish dominion; who never ceased to struggle against both foreign and domestic oppression. At some time or other during this long period, laying in the pathway of the world's travel, they have been the prey of great nations of western Europe and eastern Asia. Plundered, robbed, and exploited, the products of their toil stolen by aliens, they have at last broken away from a dominant and blighting despotism, and seem to be coming into their own.

The venality of the conqueror sums up all the crimes of successful conquest. There is a mysterious element in human life that demands equality and resists crushing domination in the application of every system of government or economics, whether it be a highly developed system or not. Wherever development is greatest, there will the advocate of the former and the enemy of the latter be greatest. It is a law of progress that where climatic conditions and fertility of soil contribute most to the quick accumulation of wealth, there will civilization alike quicken and advance.

Representative government is the only sure guaranty of any character that personal liberty and personal rights will be protected. The wholesale intrusion of the individual into the political structure of a State government is an American idea of the construction of civil institutions. A strong centralization of power, either in the hands of an usurper or in the government itself, can not exist with our theory of popular government. A powerful executive, invading the constitutional rights and prerogatives of a coordinate branch of representative government and assuming to discharge its functions with a strong hand, can not exist in a true democracy. That the doctrine of the right to control a different people than that participating directly in the government, either by conquest or purchase, implies a government by force of arms can not be disputed, and that it is an European and not an American doctrine is also true. There never has been a conquest of territory except by force of arms, and that conquest rarely maintained except by a resident force of arms in the subjugated territory. Territorial conquests on this continent have ceased. The races of the world seem now to be fixed and settled; and just as each nation holds in high veneration its history, its policies, its life and liberty, so will the happiness of the nation thus committed to high ideals be secure. Rivers and mountain chains will not in the future constitute national boundary lines; it will be the blood that flows in the veins that will fix the habitation.

Some facts with reference to races and governments are as well settled as any principle in mathematics. Europe will never be overrun with the blacks of southern Asia, nor will the brown man or the yellow man burden the soil of this Republic, either as a citizen or as a subjugator of our personal liberties. The entire trend of thought has turned away from that of colonization and conquest to that of methods of government in which are vested and recognized the rights of the citizens composing the government. The civilization of the twentieth century is a thousand years distant in national and race tendencies from the days of Napoleon and George the Third.

There never was a time when the "national home" acquired such proportions of interest in the movement of affairs as it does to-day. Not only is this statement applicable to nations, but more so to races. Not only have they fixed their "dwelling grounds" but the great nations and distinctive races have, apparently, forecasted their future locations and boundaries for long periods of time. We, ourselves, have declared that this hemisphere shall be the home of the Aryan races—the home of the white man. We early declared it our purpose to dedicate this continent not only to the white race, but to that larger personal liberty that we espouse. On December 2, 1823, we announced that—

We owed it to candor and to the amicable relations existing between the United States and those foreign powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonial dependencies of any European power we have not interfered and shall not interfere. But with the governments that have declared their independence we have on great consideration and just principles acknowledged we could not view any interposition for the purpose of oppressing them or controlling in any way their destiny by any European power in any other light than as a manifestation of an unfriendly disposition against the United States. * * * It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness, nor can anyone believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is impossible, therefore, that we should behold such interposition with indifference.

In that declaration we builded better than we realized. We made it, as we supposed, for our own protection, but we made it in fact for the whole white race. We defined not only the limits of government, but the character of the government and the limits of color in national function that should inhabit this continent. The individual man has lost his personality in these world movements in races. Hereafter nations and races will be the unit of consideration and not the individual. One of the conditions that marks the difference between the white man and the colored races is that the white man has established a different plane of living, comporting with his different state of civilization than the colored races. He refuses to be content with clothing, food, and tendencies of those races; hence, the tendency to crowd the markets of the white man to sell his labor and the increasing force thereby adding to the antipathy of race prejudice, demanding of the constituted powers that those races with competing labor be eliminated from contact and competition, and that we maintain our standard of living and of race purity. So fixed and powerful is race prejudice that wherever inferior races appear to be gaining the ascendancy, the white man invokes the criminal statute to protect himself. In California the marriage of a white man or woman to a Mongolian or a negro constitutes a felony. I believe as much in the natural habitat of race distinction as I do in the distinguishing habits of the races themselves.

Through some unaccountable source we exercise control over and possession of the Philippine Islands, with more than 7,000,000 millions of people, two times as many as we had when we denounced England for our own subjugation—lands wholly populated by a race different from ours and more than 7,000 miles away, differing in religion and history, in color and

civilization, having nothing in common with us except the desire to manage their own affairs and govern themselves as we do ourselves. We have nothing in common with the Filipinos and never can have, because of race differences that are insurmountable. Projected into the character of the Filipino, that has become a constituent part of his nature and that of all Asiatic races through centuries of heredity, are differences of religion, civilization, and fundamentals in morals and government. These people are opposed to us in every essential of life, character, and personality; yield to us a suspicious obedience, view us with an increasing aversion, while we proclaim to them and to the world our belief in the essential principles of personal liberty. No great publicist has ever put our claim to subjugate the inhabitants of that archipelago upon any other basis than that of conquest, or that we are the trustee of a "manifest destiny."

Development of social life and government has a uniform basis. Mutual dependence is everywhere forced upon all classes. All have the same aspirations, the same intellectual aptitude, the same inclinations—the only difference is in degree—and all are the product of natural evolution. I may not hesitate to say that this national mobilization—this consolidation—of races, all arising out of a law of necessity and a desire not only for lighter burdens of government, but for no government at all by alien races, have introduced into world politics, in acute form, new and far-reaching problems.

These problems are not those to come at some future time; they are here now. The fast-breeding nations of India, China, northern Africa, and Japan, some of whom are now dominated by a handful of Europeans—these hundreds of millions, moved by the new spirit of this age, adjusting themselves with white men through the rising tide of commerce, with a mighty and successful struggle will throw off this restriction by foreign power and establish, I care not how crude it may be, a representative system of government by and for themselves. Let me amplify what I mean by very recent history of Japan. Half a century ago her commerce and taxes were controlled by a foreign power. She had no foreign relations, no navy, but a small army, and she stood in mortal fear of being swallowed up by China. In less than 25 years she has become an independent sovereign nation, whipped China, sliced off Korea and Formosa, and ranked herself as the seventh naval power in the world. She engaged in war with one of the most formidable Governments on earth, hurled her navy against the great war vessels of the Russians, sunk them like broken reeds, and sent 24,000 prisoners to Tokyo. She did more than that. She brought Russia to her knees in arbitration and divided Manchuria to herself, and then formed a defensive alliance with England, the greatest naval power in history. Do such great movements, that shifts power from continent to continent, mean nothing to us?

But the sun had hardly gone down on these achievements by Japan before the common people of China, restive under the dying embers of the Manchu dynasty, in one supreme effort established a national representative government, on which work we have officially, as a Nation, congratulated them, so that now two of the most powerful nations of eastern Asia, with more than four hundred millions of people, are competing with each other for the balance of power and for the liberation of the brown and yellow races. Who in this Chamber may not well assume that these marvelous transformations now proceeding, either China or Japan—probably Japan—may not for her protection attempt to guarantee like protection to all who may join her in the new régime? May we not soon hear the cry of "Asia for Asiatics," as we heard a century ago the cry of "America for Americans"? Japan, more than any other eastern power, has assimilated and improved upon many of our ideas, especially where mechanical skill is required. By her successes with Russia she put herself into the class of world powers with her sixty millions of people and turned into their highway on her march to her future destiny.

I yield to no man in unswerving loyalty to the scope of the Monroe doctrine, to which I have already invited your attention. It is as fixed and irrevocable as any tenet of our institutions, and the world recognizes that fact and our right to enforce it as one not subject to any national convention, review, or decision by any organized body.

I do not share, Mr. Speaker, in the jingo spirit manifested by certain statesmen relative to the occupancy of territory on this continent by the Japanese, either in Hawaii or in Magdalena Bay. Such hysteria, that periodically inflames the public mind, is as baseless as a dream. What possible excuse could Japan have to invade the Western Hemisphere, 6,000 miles from home, without a coaling or supply station? Does she need territory or commercial advantages? Suppose she desired to enter upon an era of conquest and attempted subjugation, what would it profit her? She has scattered lands and islands, from Manchuria on the north to Australia on the south, out of which to make empires and into which to spill her surplus population and build these dependencies out of her own or kindred races in her own zone and at her door. Is it possible that that strong commercial instinct that has marked the whole history of the Japanese might seize her? Why should she look westward for trade? We only take 9 per cent of her foreign trade and send her but 5 per cent, and that when she has within easy reach three-fifths of the population of the globe. What part are we to play, if any, in this marvelous transformation of races in the Eastern Hemisphere?

We have no announced future policy in the Philippines. The time is ripe in these evolutions to inquire, not only for our own safety but in justice to the residents of the Philippines, what our purpose is. One great political party, so long in power, refuses to answer the call of the brown man when he asks of this enlightened Christian Nation what the destinies of himself and his children are to be in his own land, now held from him by a strong, powerful Government. Have we strayed from our long-established national doctrine? Let me quote one sentence from John Stuart Mill:

> The government of a people by itself has a meaning and a reality, but such a thing as a government of one people by another does not and can not exist.

Around that principle have clustered all the race problems and political problems of government. We intrenched ourselves upon this same rock in our declaration:

> All men are created free and equal, and are endowed with certain inalienable rights, among which are life, liberty, and the pursuit of happiness.

On that theory are constructed al the States of this federation, and in it rests all our ambitions in the common struggle, with a common hope to a common destiny. Nearly a century after that proclamation, standing upon a field where was waged the mightiest conflict that ever convulsed the human race, where was sealed forever on this continent the covenant of human freedom, the immortal Lincoln said:

> Four score and seven years ago our fathers brought forth on this continent a new Nation, conceived in liberty and dedicated to the proposition that all men are created equal.

And concluded that memorable address with the words:

> And that a government of the people, by the people, and for the people shall not perish from the earth.

That declaration and what it stands for is as precious to us as the "altars of our religious faith." Have we strayed from our long-established national belief and practice? And are we ready to abandon in our relations with the Filipino the most solemn compact for the preservation of personal and popular liberty ever sealed by the force of arms or by the holy influence of peace? Are we to ape Great Britain, that marvelous sea power that within a century, by the virile hand of the Crown, "swung the pendulum" of British interests across a hemisphere into India, Australia, and Africa, and made the far-away Pacific the scene of her future battle grounds and conquests? Are we to go, too, at our election or be forced to go into these distant waters to enforce a wrong against a people who of right ought to be as free as we are, and would be but for us? We may crush and smother, in our attitude with the Philippines, the principles of personal liberty and representation temporarily that we have so successfully and so justly taught the world was supreme in the government of men, but if we do it will reincarnate itself again to our humiliation. The Boston Herald correctly states the position:

> The important thing for America to decide is not whether the retention of the Philippines will pay, whether it benefits them, or whether it ministers to our national pride, but whether it is right, for on no other foundation can any great national policy securely rest.

The hysteria of imperialism and territorial expansion in the Far East or anywhere else is dead beyond a resurrection. The problem now is not where we can get more territory and more alien races, but how can we honorably get rid of what we now have. There are only two possible courses for the Republic in its conduct with the Philippines—either statehood, to which every act of our occupation for 14 years has pointed, or the recognition of their independence properly safeguarded. Statehood is an unthinkable proposition—to put into the hands of an alien race, consisting of 7,000,000 people, the possibility of the balance of power for 100,000,000 American citizens, and thereby jeopardize our rights and liberties; to make possible a vote in the Philippines on a popular election by them to decide our entire domestic and foreign policy would be to invite the most astounding consequences imaginable. We forget that the fundamental principle in good government consists in assimilating the people as a unit on political institutions. On the administration of the Government of course another principle

obtains. Not only must we be a unit as to our political institutions, but on national character and society. The value of the Government to the individual consists in conceding political supremacy, in the recognition of political authority, and in assisting to maintain that authority established upon a strong constitutional basis as the organic law of the land to be unflinchingly adhered to until regularly changed. National character must have the very highest possible standard of right and justice, and society must contribute to a progressive civilization.

Let me observe, then, in connection with that statement, that if there is one well-established fact in history it is that color prejudice is fixed, and no creed, no form of government, will bind races radically different into a harmonious, homogenous whole. Some irrevocable law of the mind has fixed the prejudices of race and color as insurmountable barriers. Let me quote from Campbell's "Twentieth Century in Siam," "Nature has set up physical barriers that are not for man to break down, and Asia will always be Asiatic." I do not agree with my friend from Texas [Mr. SLAYDEN] that these prejudices are "because of color," as he asserts. Color can not account for failure in natural development and incapacity in some instances for self-government. Climatic conditions, environment, and inherited incapacity for a thousand generations distinguishes them in "creation's divine event." The brown man, the yellow man, and the black man, on the one hand, and the white man, on the other, have been separated always from each other by lines they never passed, and that independent of themselves. No more marked illustration of that fact exists than the association of the Spaniards with the Filipinos for 300 years. After that long period the races emerged from that contact practically free from the blood of each other, the Filipinos being more than 99 per cent pure in race and color. England has been in India for 150 years and administering a government over 300,000,000 of black men, and the gulf socially between them is wider and deeper than ever, and if England did not recognize this antagonism to exist, and that the time is coming when she will need Japan to protect her interests in India, why the alliance that now maintains? Antagonism of color and races will not permit an American or Europeans to be merged with an Asiatic. The chasm exists everywhere and is without fathom. I believe that those distinctions are as lasting as the races themselves, and no temporary government, no creed, no trade will eradicate it; hence the impossibility of unifying the brown man of the Philippines with the Anglo-Saxon of this Republic in our institutions, our morals, and in our civilization.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Kansas?

Mr. CLINE. I will yield for a question.

Mr. CAMPBELL. If the gentleman is right in his theory, why wait for a period of eight years or six months to get rid of the Philippines?

Mr. CLINE. I will develop that proposition when I get a little further on.

Mr. CAMPBELL. Another question: Why may not people of different races or different nationalities live together under the same government, either a nation made up of a continent or a nation made up of a continent and outside islands?

Mr. CLINE. I have stated as clearly as I could my position on that question, but I will say to the gentleman from Kansas it is because of the inherited tendencies that lie in the very nature of the races that are antagonistic to the white man or the European.

Mr. COX. Put there by God, who created them.

Mr. CAMPBELL. We are living here in the United States, some 90,000,000 of us, many nationalities and different races, living apparently in harmony and having a very good Government.

Mr. CLINE. Oh, Mr. Chairman, the great melting pot of American civilization, I know, has unified the races that have come to this country and made them a harmonious and consistent unit, but the representation who came were from the white nations of Europe, and not from the Asiatics. [Applause.]

Mr. CAMPBELL. We have some millions of Africans in this country, living under the same Government with us. Why may we not have living with us some Asiatics, protected by the same flag?

Mr. CLINE. Does the gentleman presume that the citizenship of this Republic, demonstrating as it has its ability to successfully organize and maintain the greatest representative government that ever existed, will ever consent that the Negro, who was a "Helot in the day of Abraham" and will be a thousand years hence, because of the fixed limitation that his Maker has written into his being, who has not in the whole history of his race a philosopy, a science, a discovery, a religion, or a government to his credit, be permitted ever to assume the control or management of the government of the Anglo-Saxon race in this Republic? [Applause.]

Mr. CAMPBELL. I can not agree with the statement of the gentleman entirely.

Mr. CLINE. We have flattered ourselves that we assumed a "manifest destiny" when we subjugated the Philippines and took them and their lands over. That is, I suppose, the position taken by my friend from Kansas [Mr. CAMPBELL], and that was the justification of Mr. Froude in his work, "The English in the West Indies," when he used this language:

> We have another function such as the Romans had. The sections of men on this globe are unequally gifted. Some are strong and can govern themselves; some are weak and are the prey of foreign invaders or of internal anarchy; and freedom, which we all desire, is only attainable by weak nations when they are subject to the rule of others who are powerful and just. This was the duty that fell to the Latin nations 2,000 years ago. In these modern times it has fallen to us.

Mr. Froude should have anticipated to-day, when Premier Asquith has forced through the British House of Commons a constitutional government for Ireland, as some compensation for a century of cruel and unwarranted oppression. It ought not to be forgotten that the struggle of the Boers in South Africa was against English exploitation. A philosophy of that character, that has nothing to commend it but brute force, does not appeal to the intelligence of this age. A government of a people by another people does not and can not exist. Either the people govern themselves or they are governed by a supply government, administered from home, hated, scorned, because it invites men to dream of liberty that can not be realized and in its installation proclaims the inferiority of the subject and his inability to govern himself. Let me remark further, in connection with the statement from John Stuart Mill—

> that there is no alien community, either of race or color, but what is better satisfied with an inferior form of government administered by themselves than with a superior form of government administered by an alien.

Not only do we hold the Philippines against their will—and I digress long enough to say that it is a matter of common knowledge that American supremacy is not wanted in the islands by that people—but we have appropriated their lands by the thousands of acres and parceled them out to other aliens for personal benefit and exploitation.

The position of the Democratic Party, standing by its traditions and those of its founder, believing in the principles of personal liberty and in their fullest enjoyment by all people, regardless of color or location, refuses to indorse the policy of subjugation that the dominant party had inaugurated with such enthusiasm. It has made itself clear on the proposition in the last four national conventions. In 1900 the Democratic Party in national convention said:

> * * * We favor an immediate declaration of the Nation's purpose to give the Filipinos, first, a stable form of government; second, independence; and third, protection from outside interference such as has been given for nearly a century to the Republics of Central and South America.

In 1904 the Democratic Party in national convention duly assembled made another declaration on the Philippine problem, as follows:

> We insist that we ought to do for the Filipinos what we have done already for the Cubans, and it is our duty to make the promise now and upon suitable guaranties of protection to citizens of our own and other countries resident there at the time of our withdrawal, set the Filipino people on their feet, free and independent to work out their own destiny.

In 1908 the party, still expressing the sentiment of the great body of the American people on this same question, said:

> We favor an immediate declaration of the Nation's purpose to recognize the independence of the Philippine Islands as soon as a stable government can be established, such independence to be guaranteed by us as we guarantee the independence of Cuba, until the neutralization of the islands can be secured by treaty with other powers.

In the recent Baltimore convention we said:

> We favor an immediate declaration of the Nation's purpose to recognize the independence of the Philippine Islands as soon as a stable government can be established, such independence to be guaranteed by us till the neutralization of the islands can be secured by treaty with other powers.

The Democratic Party, having made those declarations in the several national conventions, is only doing its duty when it comes into power to say officially what it did in its national councils. So believing, I introduced on June 16, 1911, in this Congress, the following House joint resolution:

> To authorize the President of the United States to take measures for the delivery of possession, control, and government of the Philippine Islands to the Filipino people, and to promote their future independence by treaties of neutrality.
>
> *Resolved, etc.*, That it is the purpose of the United States to withdraw sovereignty over the Philippine Islands and to permit the Filipino people to establish for themselves an independent representative government, such withdrawal of sovereignty to be completed in July, 1920.

SEC. 2. (a) That in pursuance of the execution of such declared purpose on the part of the United States, and to aid and assist the Filipino people to assume such independent government, they shall be permitted to elect the upper branch of the Philippine Legislature, now known as the Philippine Commission, at the first general election after January 1, 1913.

(b) That after January 1, 1917, the Filipino people may assemble in delegate convention to ordain a constitution for the permanent government of the islands, which, when so ordained, shall be submitted to the President and Congress of the United States for approval.

(c) That said constitution shall contain an educational qualification for suffrage, providing that the right of suffrage shall be limited to those who can read and write some recognized language.

(d) That the executive power of the government of the Philippines shall reside in and be exercised by the United States as fully in all respects as at present until the date of evacuation.

(e) That from now until the final withdrawal of its sovereignty the United States will conserve for the Filipino people the natural resources of the islands, including lands, minerals, timber, and water power.

(f) That at the time of the withdrawal of the United States from the occupancy of the islands the President of the United States may reserve such coaling and naval supply stations, and the right to defend them, as in his judgment may seem proper.

SEC. 3. That pending the creation of such independent form of government by the Filipinos and in the promotion thereof the President of the United States is enjoined to consider the practicability of securing a treaty among the principal powers of the world to assure the complete neutrality and independence of the Philippine Islands and favored trade relations between the Philippine Islands and the signatory powers.

SEC. 4. That the policy herein declared is subject to modification in the event that pending the arrival of the time herein fixed for the withdrawal of sovereignty from the Philippine Islands the Filipino people shall engage in armed revolt or insurrection against the authority of the United States.

Following the introduction of the resolution other gentlemen introduced similar resolutions that undoubtedly have been of service to the committee in formulating the present bill under consideration and which has my unqualified support.

While I believe the Filipinos are to-day capable of self-government, as I shall hereafter attempt to establish, I also believe under the great considerations of life and treasure that we have expended in their welfare that we should doubly safeguard a home government for them, establishing beyond question all these necessary elements upon which to build the superstructure. They should be gradually led up to the point of unquestioned efficiency. The bill provides that they shall be permitted to elect the upper house of their legislature. We provide in a constitution that it should contain a qualification for suffrage, and that the constitution should be approved by the President and the Congress of the United States; that during all this period up to 1921 the National Government should retain all the executive powers in the islands, and on our removal therefrom retain sufficient ground for a coaling and supply station. We ought to do another thing to establish and maintain the confidence of the Filipino people in ourselves during this period, and that is that we should maintain their natural resources—mineral, timber, water-power sites, and their vacant lands—and that they should not be exploited by promoters of home corporations. That to guarantee and protect their interest in this new-born civic relation to the Governments of the world we should urge upon the President the necessity of negotiating neutrality with these great powers for their safety. We provide further in this bill reported by the committee that if there should be any armed revolt against our Government during the period between now and 1921 that our proposition would be subject to modification. It is the purpose of the bill to throw about the Filipino all the environments that this great Government could, so that they would focus their entire effort in preparing themselves to assume the discharge of those functions that belong to a free people.

Before proceeding further with this discussion, I call attention to a short series of unsupported statements filed by the minority members of the Committee on Insular Affairs against this bill and denominated "Views of the minority."

As an exhibition of duplicity of statement and unsteady English it merits consideration. The views are opened by this statement:

The inhabitants of the Philippine Islands do not constitute a homogeneous people.

In answer to that I quote from volume 2, page 44, Philippine Census of 1903. That shows that less than one-tenth of 1 per cent of the inhabitants of the islands are mixed either in blood or color. The same authority, page 9, states:

As compared with the Twelfth Census of the United States these of the Philippine Census—

Referring to tables—

are somewhat simpler, the difference being due to the more homogeneous character of the population of the Philippine Islands.

The second unsupported statement in the "views" is as follows:

They are composed of many different tribes, some styled civilized and some admittedly wholly wild. There are some 15 or 20 different languages or dialects. In many instances those who speak one dialect can not speak or understand any other. Only about 10 per cent of all the people can read or write in any language or dialect, and less than 3 per cent have what we would call a common-school education.

To completely refute such gross misstatements, I quote from volume 2, Census of 1903—10 years ago—page 90:

Out of a total population 10 years of age and over 20 per cent can read or write or both, and of the males of voting population 31.4 per cent can read and write.

These people received their education before the date of American occupation. What would be the percentage now, 10 years after the complete establishment of a school system and after it is now estimated that millions of children, young men, and women of the Philippines have entered upon a course of education? And at this point I desire to call attention to a paragraph in the message of the Acting Governor General to the Third Philippine Legislature, dated at Manila, October 16, 1912, as follows. I quote from page 4:

A general educational system was inaugurated in the beginning. More than half a million students are attending school as these lines are written. For several years the average has been nearly as great, so that we can say that between three and four million students have had greater or less advantages in the public schools of the Philippine Islands. Many private schools are also serving the people. Each year adds to the number of mature age who have received some school training.

And your attention is invited especially to the following statement in the same connection:

In these modern days every civilized country is developing in democracy. Whatever form that this government may assume, it must be based upon the democratic idea of a government by the people. It is not enough that a few people shall be educated in high schools or universities, but all should have sufficient general education to enable them to take an intelligent place in the electorate.

To return again to the proposition, I now quote from the Census of 1903, page 78, that shows that of the Philippine population 10 years of age and over, there were 2,211,433 who could read or write, or 44.5 per cent of the population. That was a decade ago. I also quote from the director of education, eleventh annual report, to show that there are 50,140 persons who have received advanced education in the colleges and universities and private schools of the island. So eager are the inhabitants of the Philippines for the benefits that flow from a common-school education that in the island of Luzon alone there were 4,000 children that were denied educational advantages because there were neither teachers nor school room. Fifty per cent of the graduates from the high schools of the island go into the universities. The University of the Philippines, opened only three years ago, has more than 1,200 students registered. Even in the Moro Provinces there are 142 schools and 195 Christian Filipino teachers, which the "views" tell us are the deadly foes of the Moros, and these teachers are educating more than 5,000 children, and some from these Provinces are now pursuing courses of study in the university.

I quote again from the Philippine census—volume 2, page 75—showing that even in the most uncivilized section 13 per cent of the people either read or write their own dialect, and this was 10 years ago. I submit that the statement made in the "Views of the minority" is not supported by to-day's conditions. Such statements are an injustice to the Filipinos, for whom these gentlemen profess such deep solicitation.

Another statement that will bear a little scrutiny is the one in which a defense is made for American occupation in that the islands afford us a great market for our foreign trade. I quote from the minority report, page 5, as follows:

On the other hand, the largely increased markets afforded by the Philippines for the products of our farms and our factories is of a great deal of value to us.

I presume if they are of value to us it is because their markets yield us a profit. Let us see what the trade with the Philippines was last year. We received in imports from the islands last year $21,517,777. We sold to the Philippines $20,096,522. It cost us, at a very conservative estimate, $40,000,000 to administer our theory of "benevolent assimilation." If we had all the trade, both exports and imports, given us we would still be nominally only even with the game. Such palpable mistatements do discredit to the high character of the man who makes them. Gentleman assert that the proponents of this bill want to set the Philippines adrift, subject them to the prey of other nations as a prize for warlike ambitions. If the Governments of the earth are so anxious to grab the Philippines why have they not seized Siam, that independent Government of 6,000,000 people, lying between the French and English possessions in southern Asia? Siam has maintained an independent sovereignty under its present dynasty for a longer period than this Republic has stood—a nation without a navy, without an army, and 70 per cent of its people

illiterate. The concluding statement of the "views" is as follows:

It would be a cowardly shrinking of duty, a disgrace to the American people, and an injury to the Filipinos to give them self-government before they are fitted for it.

No one disputes the truth of that statement. It is a more cowardly shrinking from a sacred duty, a deeper disgrace for the American people under our declaration of inalienable rights, and a greater injury to refuse to give the Filipinos self-government when they are fitted for it. The question turns upon the proposition, Are they qualified for self-government?

I shall digress here for a moment's treatment of the criticism administered to the Democratic Party by the present administration. The President, for whom I have the highest personal regard, has invoked every opportunity, not only in public addresses but in a message to Congress, vehemently attacking the Democratic Party in its proposed redemption of its platform pledges. He assumes a monopoly of information and opinion on the Philippine problem and expresses his disgust if they are questioned. The President's opinion, which has been given all the currency that the press could afford him, does not express the views of the people. Neither the President nor his party has ever given in a concrete statement its attitude on the Philippine problem or informed that struggling people what may be expected from them. I quote the following as the last declaration of the party on this subject, made at the Chicago convention, in 1912:

The Philippine policy of the Republican Party has been and is inspired by the belief that our duty toward the Filipino people is a national obligation which should remain entirely free from partisan politics.

A more studious attempt to avoid the whole question could hardly have been made. Since it has become a certainty that the Democratic Party would be returned to power every possible agency that could be invoked—political, commercial, or otherwise—has been drafted to create public sentiment in the minds of the people and to induce the Democratic Party to abandon its platform declarations. A cabal of interests involving many persons in the civil service in the Philippines has joined the administration in its efforts to prevent legislation and to continue in power the present "domination of an oligarchical and probably exploiting minority" in the archipelago. The press has been filled with letters from people connected with the administration in the Philippines that a mere cursory examination will disclose are the product of concerted design. None of these letters give any credit to the Filipino people for their successes in attempting to patriotically and honestly advance the material interests of the country. No credit is given the men and women scattered everywhere throughout the islands, fired by a patriotic devotion for the permanent and social uplift of the people. All credit is taken by the administration, and after a complete exposition of the Moro Provinces, in which all the discreditable conditions imaginable are charged to the entire Filipino people, these letters express the deep solicitude that the Filipinos shall be given their independence "when they are fitted for it." The Democratic Party will not hinge its actions in legislating for eight millions of people upon press reports inspired by personal and private interests. An administration that has not been free from scandal, even in the Philippines—that was rebuked by the people in November as no administration in the history of the country has been; that succeeded by its course and conduct in sending a great political party to the scrap heap—ought to manifest some modesty in insisting that its foreign policy should be imitated by its successor.

But to return to the question of qualification for self-government, I submit the statement made by Dr. Schurman, president of Cornell University, made 10 years ago, when he was a member of the first Philippine Commission. If he could make such a statement 10 years ago, what could he say now, after the advancement the inhabitants have made? Dr. Schurman said:

But whatever may be done with the Mohammedans, the civilized and Christianized democracy of Luzon and the Visayans desire independence. They are fairly entitled to it, and, united as they are now, I think they might very soon be intrusted with it. In their educated men, as thorough gentlemen as one meets in Europe or America, this democracy of 6,500,000 Christians has its foreordained leaders.

I invite your attention to the ability demonstrated by the members of the Philippine Assembly. There are some opportunities that we have extended to the Filipinos, which they have eagerly embraced, that constitutes an impeachment of the statement made by the friends of subjugation that the Philipinos were incapable of self-government. In 1905 we passed an act that established what is known as the Philippine Assembly. It provided, among other things, that within two years after there should be a census taken of the inhabitants of the islands, and that a general election should be held to elect from each of the several districts a representative in the assembly.

The bill provided that there should not be more than 100 or less than 50 districts, and the representation should be fixed according to the completion of the census, and, the necessary steps taken, the islands constituting the Philippines were divided for legislative purposes into 80 districts, and the representation fixed at 90,000 for each representative. The Legislature of the Philippines consists of the assembly and the Philippine Commission, the commission conforming to our Senate, made up of nine members appointed by the President of the United States, five of whom are Americans and four Filipinos. The Congress of the United States was organized under our Constitution for 60 years before a Representative in this body represented 90,000 inhabitants. We were organized on a basis of 30,000 to each Representative, only one-third of what the Filipino was supposed to be able to represent. We made no mistake in the Philippine representation, either, for the reason that the assembly has shown itself to be able and patriotic in the discharge of its duty and has a creditable place with other great legislative bodies. We thought so well of the Filipino as to his ability to govern himself and his country that we gave him concurrent jurisdiction with the commission in all matters of legislation, except for the non-Christian tribes. We organized the assembly along the same lines that the House of Representatives is organized. It has the right to initiate all bills for the raising of revenue. One of the first acts of the Philippine Assembly was to take from the speaker the right to be a member of the rules committee—a reform that we made after they had set the example for us. It has been widely proclaimed by the friends of this "benevolent assimilation" that there was no national sentiment among the Filipinos, and consequently no desire for self-government. Out of the 80 representatives to the assembly 64 were elected upon the issue of immediate independence and the other 16 were for independence after better developed conditions. As a further evidence of a prevailing national spirit, I quote from a recent article in the American Political Science Monthly, written by James Alexander Robertson, librarian of the Philippine Library, a keen observer of events, and not in harmony with the idea of independence. This article was written as a review of the first regular and special session in 1909, and is found in the November, 1910, issue. It reads:

The delegates, although elected to represent a certain district locally, are keenly alive to the fact that they represent all the Philippines and must obtain the best good for the whole country.

And again in the same article:

If the leaders proceed with the wisdom that Rizal had, it is not too much to say that the Philippine Assembly will have permanently an honored place among the deliberative assemblies of the world.

How could the Philippine Assembly be entitled to such a coveted place among the legislative bodies of the world if it had not displayed the patriotism, ability, and public conscience based upon a national policy to merit such consideration? Congress placed in the hands of the assembly the power to originate every line of expenditure in the islands except as indicated.

The conduct of the members of the assembly has met the expectations of the friends of self-government. In the second election of members of the assembly, out of the 81 districts there were 66 members elected who favored immediate independence and 15 who were in favor of deferred independence. Out of the 19 reelections all but 2 were for immediate independence. In the election for governors of the municipalities two years ago the parties divided equally for the 30 cities. At the recent election there were 23 governors elected that favored independence at once and 9 who were in favor of independence deferred, and yet we are told that there is no national spirit in the Philippines. It has been widely published that the small vote cast for the assembly is another evidence of no national spirit. What are the restrictions imposed on suffrage in the Philippines? No man can vote unless he is 23 years of age, owns $250 worth of property, or pays $15 taxes, speaks and writes either Spanish or English, or was an officer above a certain rank in the late Spanish régime. (Act 1582, U. S. P. C., sec. 13.) Had you submitted that kind of a test to the whites and blacks in the South after the war what kind of a vote would you have gotten? If you make that the test of a right to vote in the great cities of this country to-day, what will be the vote? One of the very strongest tests of the ability of the Filipino for self-government is that he holds more than 95 per cent of the offices from judge of the supreme court down through all the clerical positions and discharges his duties with fidelity and ability. They are intrusted with positions of trust and confidence, occupy positions of great responsibility with perfect safety to the service.

What is the test you propose to put the Filipinos to to determine whether they are capable of self-government? Is it to

be the character of the work you give him to do, or the manner in which he does it? These are some of the subjects you have committed to his charge and permitted him to appropriate money from the public treasury for construction of highways and bridges, sanitary systems for the cities, river and harbor improvements, educational system for the islands, the establishment of a bureau of labor and a bureau of agriculture, and the establishment of colleges to promote agriculture, irrigation of the islands, the organization of a constabulary for police purposes and protection. On all these subjects he has legislated to the entire satisfaction of the people, and they have indorsed the action of their legislative officers by returning most of them to their positions. On their action, Mr. Robinson, in the article above referred to, they are complimented as patriotic and deserving of recognition among the great legislative bodies of the world. Not only has there been no complaint or criticism of the assembly but no hint even has come from the Government of the commission of any intent to seek the repeal of the law organizing the assembly.

I want to call your attention to the administration of justice in the islands as an indication of the ability of the people to take care of their own interests. These judicial positions are filled with Filipinos of high character, and their work has received the highest commendation for ability and careful and quick dispatch of the business intrusted to them. Every municipality has its local self-government, presided over by native citizens, and the business is transacted in an entirely satisfactory manner.

I call your attention to what Hamilton M. Wright, in his Handbook of the Philippines, says of the morality of the Filipinos:

> There are no more devoted people than the people of the Philippines. Religious worship obtains among all classes. A place of worship is an essential to the life of the people. In every Filipino community, no matter how humble it may be, is to be found a place of worship.

The Filipinos are the only Christian nation in the Eastern Hemisphere. For intelligence and patriotism they are not to be compared to any other Asiatic race. Heathen China has been able to establish a republic and receive congratulation from the great nations of the world in an effort to establish an independent republic, based largely upon the American Constitution in its structure. Does anyone want to put the Chinese under a system of benevolent assimilation to ascertain whether they are capable of self-government? No one has advanced any such proposition.

Another evidence of the capabilities of the Filipino is demonstrated in the progress made in the public schools since American occupation. As far back as 1867 there were 1,674 public schools in the islands, and this number had increased in 1898 to 2,146. The interest in the cause of education is shown by the fact that as soon as the Filipino people were able to wrest their government from Spanish domination they established a system of education, and made the attendance compulsory. As soon as the United States took control of the Philippines a system of education was inaugurated, and in 1903 the enrollment of the Filipino pupils reached 182,202, which in the year 1910 had reached the number of 610,493, and the number of teachers had increased to 9,176, of whom 8,493 were Filipinos. The advancement which the Filipinos have made is well illustrated by the following quotation from the message of the Governor General to the Philippine Legislature, under date of December 16, 1912. I quote from page 2:

> Not in Manila alone, but throughout the archipelago may be found earnest and able men devoted to the cause of the people and fired with the highest ambition for the material uplift of those about them. No wonder, then, that with limited revenues and conditions untoward in many respects the result of their labors and ambitions are marked to-day by a condition of well being and opportunity heretofore unknown in the Philippine Islands.

This general education will only increase the problem for this Government. Since 1903, according to the authority I have just quoted, we have had more than 4,000,000 of the inhabitants from the Philippines in the public schools of the islands. By 1921, if this progress continues, the dissemination of knowledge and the growth of their material interests continue, what will this mighty leverage do for the Filipino people? The spread of general intelligence of this age is not in harmony with the theory that the Filipino will remain the ward of the Republic. Let me speak plainly. If we shall have made progress correspondingly in the islands from now until 1921 that we have since 1903, and after being under our sovereignty for nearly a quarter of a century, equipped in every way to govern themselves, is it too much for us to expect that if we refuse them that demand for independent sovereignty that they will not ally themselves with some other power that will give it to them? The highest evidence of competency will arise out of a splendid school system, a religious devotion, a high morality, all of which are inconsistent in this age with national dependency and race servitude to an alien power.

We ought to get out of the islands as a matter of political expediency, barring our immoral right to hold the islands and the injustice of maintaining our supremacy. I want to invite the attention of the House to the cost to us of assimilating the brown man of the "Gem of the Orient" with the white man of this Christian Nation. The immense treasure we have expended and shall continue to spend staggers the comprehension. Our first two years' war wih Spain and the occupation of the Philippines cost the Government the sum of $691,521,723.03. This is the compilation shown by the clerks of the Committee on Appropriations in the House and Senate.

Mr. SHERWOOD. Does that include the $200,000,000 of bonds issued?

Mr. CLINE. It does.

Mr. SHERWOOD. It is exclusive of that?

Mr. CLINE. I think not. Our appropriations for the Army in 1899, made of course before the declaration of war in 1898, was $23,193,392, and the next year it leaped to $80,430,206.06. The next year to $93,374,755.97, an increase of seventy millions in two years for the Army, four times as much as we paid for the Alaska and Louisiana Purchase, out of the latter of which we have carved some of the great States of this federation.

The appropriation for the Navy for 1898 was $33,003,234.68. It jumped to $56,098,783.68 the next year, an increase of more than twenty-three millions. It continued to increase until in 1910 it was $136,935,199.05, an increase of more than 400 per cent over the appropriations of 14 years ago. This year the appropriation is $126,478,338.24. We have appropriated a thousand millions more for the Navy alone since we entered upon this beautiful theory of benevolent assimilation in 14 years than we did the previous 14 years. It has been estimated by those who are in a position to know that the maintenance of the Army and necessary Navy in the Philippines costs us $40,000,000 a year and that the cost to the American people in this project of territorial acquisition has cost us in the 14 years more than a thousand millions of dollars, and by 1921 we shall have added to that immense amount drawn from the savings of the people in the experiment of territorial expansion, four hundred millions more, an absolute loss of that vast sum of money unless we count the investment as a benevolence to the Filipino. And that is not the most serious aspect. I quote from a speech made by the late Senator Hale in reporting the naval appropriation bill made March 3, 1904, carrying more than ninety-seven millions. He said:

> If we ever get into war, no matter with whom, the first thing we will have to do will be to spend hundreds of millions of dollars to protect the Philippines.

But that is not the whole cost to us. Since our expansion program was instituted we have pensioned more than 25,000 soldiers; there are now on the rolls 23,382, as many pensioners on the rolls charged to the Philippine service as there were soldiers in the whole standing army of the Government for 30 years before the Philippine struggle, and that does not include the pension to widows of those who have died.

I have no complaint to make in that direction. We ought to pension those who go into that service and suffer in health due to their enlistment. We paid the soldiers of the Spanish-American and the Philippine War last year $3,111,000, and this burden, for it is a burden—and I say it not complaining—will increase as the years go by. If we shall continue to increase the number on the rolls at this rate, till we are as far away from the date of our occupation as we are from the Civil War we will have added $10,000,000 annually to our expenditures for Philippine service. I make no objections to pensions so long as Congress permits the Government to take men into the Philippines to maintain subjugation. It ought to pay the price. The way to keep the pensions down is to get out of the Philippines while we can do so honorably.

A very large portion of the increased Army and Navy is due directly to our "benevolent assimilation." Let me analyze for a minute. What would the money do for the improvement of our internal resources if spent in this country if our expenditure is $40,000,000 a year? In 10 years we could construct from the interior to the sea a complete system of national waterway, establishing cheap freight rates that would be a benefit to 100,000,000 people; or in one year we could construct all the coastwise trading vessels that we needed for our South American trade; or we could maintain yearly a million miles of highways for the delivery of United States mail; or we could, in two years, build and equip with a million-dollar sinking fund a mechanical and industrial school in every State in the Union.

Mr. Speaker, the great sea battles of the future will be fought in the eastern Pacific and Indian Oceans; fought for two purposes—supremacy in the Far East and for the libera-

tion from alien rule. If we are wise, we will neither seek to take part for the former cause or resist the latter. It is enough for us to remain master and in peaceful possession of this seabound continent of the western world, where the genius and industry of our people will find a fruitful field for centuries to come in the unlimited resources, where this crowning civilization of ours shall continue to lead with "kindly light" the races of the earth to a freer, happier, and more enlightened existence. Though we stand between the European Continent and the Pacific, its vastness is so great that no naval power in the West can command it. I quote from Mr. Putman Weald, in his Conflict of Color, "that no nation or combinations of nations can control it."

Men trained in the evolution of war in our own Navy know this fact. They further know and have asserted it, that no western *nation* could maintain inself in Asiatic waters against the powers there. That ward of ours, the Philippines, is at the mercy of the Asiatic powers, if they combine, no matter what our alliances are in the west. We can not control the trend of political thought or repress it by military and naval forces. If we are to have a hand in Asiatic development, it must be in some other way than by force of arms. I speak to sane and thoughtful men; our vast coast line, our possessions separated from us by thousands of miles, our vulnerable points of attack in the Tropics, makes the hope of naval and military supremacy for us in the Far East a delusion and its realization an impossibility. The distinguished Senator from Massachusetts, discussing the peace treaties with Great Britain and France recently in the Senate, said "war between the United States and England or between the United States and France was inconceivable, if not impossible."

If that be true, and I believe it is true, how insane the thought of subjugating or even maintaining supremacy in the Far East in the event of war. There are measures of self-protection that we may employ for our preservation. There is now pending before the Interparliamentary Union that met in Geneva, Switzerland, last autumn, the greatest proposition ever submitted by a congregation of civilized powers. This is the resolution:

Provided, That the several Governments be required, in arbitration or other treaties, to be considered in the future, a preamble providing that they mutually recognize, first, their natural independence; second, their territorial integrity; and third, their absolute sovereignty in domestic affairs.

We are in an age of constitutional and representative government. The silent forces of that change are seen everywhere as the evolution of the races shall proceed; the influence of our example will be felt. The trade that will flow through the Panama gateway, more than anything else, will transform the world and claim for us recognition for high national character and dispensation of justice to all men. If we shall have our way, our supreme desire will be that all those forces that make for peace and happiness, our prosperity as a Republic, and a commercial Nation shall be made secure. The overwhelming force of the western world's neutrality will, if we are wise, make for our security in the East. Our peril lies in our failure to bind them to us by those treaty provisions that they will love us for those rights we extend to other nations that we enjoy ourselves. Our nobleness that we have enkindled in the breasts of other races has inspired in them our hopes and our destinies.

It was the province of this Republic to illustrate to the world one principle—the principle of self-government anchored within the doctrine of personal liberty. To do that, in the language of that renowned French publicist, Bagehot, we have "exaggerated the idea." We have given it all the prominence that a mighty people could summon. We have so filled the public mind, not only of our own land, but in the west, with the theory that we are bound to each other by that cement which flows from an all-engrossing overwhelming purpose. For a century and a half we have had but one object to which we have given the highest consideration and self-committed devotion. Men with matchless fortitude and unequaled bravery have dared to sacrifice all and do all to perpetuate and exalt the common cause of personal freedom. It is the ideal toward the perfection of which we bend every energy and every hope. [Applause.]

During the delivery of the foregoing remarks, the time of Mr. CLINE having expired, Mr. TAYLOR of Ohio yielded to him five minutes.

Mr. TAYLOR of Ohio. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BURLESON] to explain the bill. [Applause.]

[Mr. BURLESON addressed the committee. See Appendix.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CLARK of Florida having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 1072) to amend section 895 of the Code of Law for the District of Columbia.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 18787) relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BORAH, Mr. PENROSE, and Mr. SHIVELY as the conferees on the part of the Senate.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 8279. An act to amend an act approved October 1, 1890, entitled "An act to set apart certain tracts of land in the State of California as forest reservations."

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

The Clerk proceeded to read the bill, and read as follows:

Building inspection division: Inspector of buildings, $3,000; principal assistant inspector of buildings, $1,800; assistant inspectors of buildings—11 at $1,200 each; fire-escape inspector, $1,400; temporary employment of additional assistant inspectors for such time as their services may be necessary, $3,000; civil engineers or computers—1, $1,800; 1, $1,500; chief clerk, $1,500; clerks—1 at $1,050, 1 at $1,000, 1, who shall be a stenographer and typewriter, $1,000; 1 at $900; messenger, $480; assistant inspector, $1,500.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order against the paragraph that there are some items in it not authorized by existing law. And in order to facilitate matters I will say that at the top of page 2 the words "additional compensation for two assistants to the engineer commissioner, detailed from the Engineer Corps of the United States Army under act of June 11, 1878, two at $250 each," is not authorized by law.

Then, in line 7, "one, $1,400." That contains an increase of $100, and I make the point of order against that also.

Mr. BURLESON. Mr. Chairman, I do not think the point of order is well taken. The item providing for additional compensation to two assistants to the engineer commissioner has been carried in the bill for a number of years, and was embodied in the bill in order to save expense. An additional officer was estimated for by the District Commissioners for the purpose of superintending the building at the time the item was embodied in the bill.

The estimate had been forwarded to the House, and they urged the creation of an additional office, the office of superintendent of the District Building, at a salary estimated at $2,000 or $2,400. The subcommittee dealing with the matter reached the conclusion that the officer was unnecessary, that by imposing the additional duty upon the assistant engineer commissioners and allowing them $250 each we could obviate the necessity for creating the new office, and for that reason we embodied this item in the bill, I think, three or four years ago. It was at the time that we took charge of the new municipal building. As I understand it, even if there had been no officer or office of this character authorized, the fact that it had been embodied in an appropriation bill and carried for three or four years is sufficient authority under the rules of the House for again embodying it in an appropriation bill.

The CHAIRMAN. Does the gentleman from Texas desire to be heard on the point of order against the item of $1,400 in line 7?

Mr. BURLESON. No, Mr. Chairman; I only desire to state that this is an office that has been carried in the bill for a number of years at $1,300, and the subcommittee at this time, upon the urgent insistence of the Commissioners of the District, increased the salary of the person holding it $100, they giving us the reasons why the increase should be made.

The CHAIRMAN. The Chair is prepared to rule. The point of order is sustained on both items. The point of order made by the gentleman from Kentucky was against the paragraph. Does the gentleman from Kentucky modify it so that he lodges it against the two items mentioned?

Mr. JOHNSON of Kentucky. Mr. Chairman, I am willing to make it against these two items. With those two corrections, I have nothing against the paragraph.

The CHAIRMAN. The point of order is sustained as the gentleman from Kentucky modifies it.

Mr. BURLESON. Now, Mr. Chairman, I move to insert, in line 7, page 2, after the figures "$1,500," the words and figures, "one, $1,400."

The Clerk read as follows:

Amend, page 2, line 7, by inserting, after the figures "$1,500," "1 $1,400."

The amendment was agreed to.

Mr. BURLESON. I understand that the Chair sustains the point of order against the words "additional compensation for two assistant commissioners to the engineer commissioner detailed from the Engineer Corps of the United States Army under act of June 11, 1878, 2 at $250 each."

The CHAIRMAN. Yes; the Chair sustains the point of order against those words, and the Clerk will read.

The Clerk read as follows:

Purchasing division: Purchasing officer, $3,000; deputy purchasing officer, $1,600; computer, $1,440; clerk, $1,500; clerks—1, $1,450; 6, at $1,200 each; 3, at $900 each; 6, at $720 each; inspector of fuel, $1,500; assistant inspector of fuel, $1,100; storekeeper, $900; messenger, $600; driver, $480; inspector, $900; inspector, $780; 2 laborers, at $600 each; 2 property-yard keepers, at $1,000 each; inspector of materials, $1,200; temporary labor, $150.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order against the paragraph because there are items contained in it that are not authorized by law. In order to facilitate matters, I will make my objections specifically known. In line 17, page 2, there is a provision for one clerk at $1,450. That is an increase of $100. In line 21, page 2, there is a provision for two property-yard keepers. That is the creation of an additional office. That should be one instead of two.

Mr. BURLESON. Mr. Chairman, I will state that the point of order against the first item is well taken and I concede it. With reference to the second item, I desire to state to the gentleman that the District Commissioners directed our attention to the fact that the assistant property-yard keeper was performing exactly the same service that is being performed by the property-yard keeper, and they thought it was only just and fair that his salary should be equalized with the salary of the property-yard keeper. It was for that reason that we created the additional office of property-yard keeper, eliminating the office of assistant property-yard keeper, and putting them on an equality. If that does not appeal to the gentleman, of course the point of order will be well taken.

Mr. MANN. Mr. Chairman, I contend that it is not well taken.

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Illinois?

Mr. MANN. Mr. Chairman, I thought the gentleman was through, and I wish to be heard for a moment on the point of order.

Mr. BURLESON. Mr. Chairman, I concede that the point of order made to the item providing for a clerk at $1,450, in line 17, is well taken. I do not concede the proposition that the other point of order is well taken.

Mr. MANN. Mr. Chairman, I think there is no provision of law outside of the appropriation bill for any of the officers named in this paragraph, unless it be the purchasing officer. I do not remember about that. I am quite sure there is no legislative provision of law providing for the computers, or the clerks, or the inspectors of fuel, or the assistant inspectors of fuel, or the storekeepers, or the messenger, or the driver, or any of the other officers named in the paragraph, and the question is whether, without a specific provision of law naming these officers, Congress can make an appropriation under its authority to make an appropriation for carrying on the expenses of the District of Columbia. I think the rulings have been numerous that these various items in the District of Columbia appropriation bill were warranted by the organic law creating the District and providing for the government of the District. It is certain that if a point of order will lie against the two property-yard keepers, then it will lie against one property-yard keeper, because it never has been held that an increase in the number of officials in an appropriation bill, where the number is not fixed by legislative enactment, is subject to a point of order. For instance, in the Post Office appropriation bill every year we necessarily increase the number of clerks and carriers. We specify in the Post Office appropriation bill the number of clerks at the different grades of salaries. It is necessary for the maintenance of the Post Office Department that Congress have the power to increase the number in the current bill beyond the number in the current law. It is within the power of Congress, if we can appropriate for these offices at all, to specify the number for which we appropriate.

Mr. JOHNSON of Kentucky. Mr. Chairman, there is no sort of doubt that every item in that paragraph is subject to a point of order. Not a single, solitary officer in that list has ever been authorized by law. They have been carried for a number of years, but no man can find authorization for one of them. Those offices are necessary, some of them at least, and because they are I do not choose to make the point of order against all of them, but I know that there are idle men in that department, and that the number of idle men may not be unnecessarily increased is the reason why I have made the point of order against the creation of another office.

Mr. MANN. Mr. Chairman, the suggestion of the gentleman from Kentucky [Mr. JOHNSON] that these two property-yard keepers are not necessary is one thing. I do not know anything about that. But that does not affect the question of the point of order. The question here is, and it runs all through this bill—because there are very few positions in this bill that are created by legislative enactment—whether Congress, having passed a law providing for the District of Columbia for the purchase of property, for the ownership of property, for the care and protection of property is under that authority, authorized to provide those officials which Congress thinks are necessary to carry out the business of the organic law providing for the government of the District of Columbia?

Mr. SAUNDERS. Mr. Chairman, I desire to say that I have sent out for the statute, but following the same line of argument that I have been undertaking to present, I wish to state that when authority of law is given for a policy to be pursued, or carried out by a department, or bureau, as for instance, when a department is authorized to make an investigation, or to bring about certain results, the number of officials or agents that may be appropriated for by the committee as being necessary for the investigation, or to secure the results, is a question of discretion to be exercised by the Committee on Appropriations. The authority to make the investigation, or to take the steps contemplated, must be afforded by positive law. We submit that existing law authorizes the employment of these officials, and thereby affords this committee the authority to appropriate for their payment. It is certainly within the proper province of this committee to provide for the salaries of the officials, or agents created pursuant to law. I deny that there is any specific limitation in any act to the effect that only one property yard keeper shall be appointed. No such limitation existing, two such keepers may be appointed, and it is within the discretion of the Appropriations Committee to provide for the salaries of the same. The crux of the matter is whether there is authority to appoint one. If such authority exists without limitation, two may be appointed. The Committee on Appropriations were satisfied on investigation, that two of these officials were needed, and hence made provision for their payment. We submit this matter to the ruling of the Chair.

Mr. JOHNSON of Kentucky. Mr. Chairman, the gentleman from Illinois has referred to the Post Office appropriation bill. That is quite a different matter from the District appropriation bill. The District appropriation bill must not contain an office which has not been authorized under what is known as the organic act of June 11, 1878, or by some amendment thereto. That organic act, taken in connection with that which preceded it, doing away with the territorial form of government, passed June 20, 1874, provides that the commissioners shall not create any offices. That does not mean, of course, that Congress can not create them; but Congress has not passed a law creating any of these offices, and because points of order have not been made against any of the rest of them is no reason why the point of order should not be sustained as against this one.

The CHAIRMAN. Will the gentleman from Kentucky permit this inquiry? If a department or a division exists by authority of law, say of the organic act, which does not fix salaries either in the amount or number of employees in connection with that department or division, nor the particular title by which their office would be known or designated; now, if that be the fact and then thereafter Congress proceeds to legislate by making appropriation to any given amount for given employees for the purpose of carrying out the duties devolving upon that division or department, and if after they have created a certain number as necessary for the carrying on of the work of that department and having fixed their salaries and given the titles of the officers, say, as in this case, one property yard keeper, at $1,000 per annum, such employee or officer not being named in the statute in any way; then if thereafter the Appropriations Committee bring in an additional employee in connection with that department, there being no limit in the law as to the number of employees in that department or number of any particular class of employees in that particular department, does the gentleman contend that before that one particular laborer or property yard keeper can be authorized and cared for by an appropriation that there would have to be a specific act of Congress creating the office or officer of that division or that department?

Mr. JOHNSON of Kentucky. Mr. Chairman, I do in the District of Columbia bill, but I do not contend for it in other bills. This comes under the act of June 11, 1878, and from the passage of that act there has been no such thing created by law

as any of these officers except the purchasing officer himself. As for the property yards, there is no legislation creating them or creating any of these positions that are named under them. There is a purchasing agent authorized by law, but none of those named in the paragraph, and as to the property after it is purchased, there is no law directing him what shall be done with it, and, as a matter of fact, the purchasing agent now purchases in very limited quantities, and it is delivered about the District of Columbia in very small quantities, and but recently the Committee on the District of Columbia has filed in the House a report that there should be a warehouse in which to keep these goods. There is none, and this afternoon, the item having been left out of the bill, the gentleman from New York [Mr. REDFIELD] has just dropped in the basket a bill to provide for a warehouse where these things may be kept, and that bill names the officers who are to preside over that warehouse, and that bill undertakes to cure the very defect that is here.

Mr. SAUNDERS. Before the Chair rules, and if the gentleman from Kentucky [Mr. JOHNSON] has finished, I desire to call the attention of the Chair to the following section and to say in this connection that it is conceded that if this point of order is well taken, it is an exception to the general rule. Hence it must rest upon some provision of law, and I would like to see the particular provision making this exception. If such a provision exists, I am not aware of it.

Mr. JOHNSON of Kentucky. Oh, Mr. Chairman, the burden is upon them to show that it is not subject to a point of order.

Mr. SAUNDERS. Well, I admit that is true, but if the gentleman is familiar with the section to which he refers, and I am not, I ask him for the convenience of the Chair to cite the book, and page. Otherwise it will be necessary to make an investigation of the law that will delay the progress of the bill. In the meantime, I desire, as I have said to call the attention of the Chair to the following law:

Each head of a department is authorized to employ in his department such number of clerks of the several classes recognized by the law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employees, and at such rates of compensation respectively, as may be appropriated for by Congress from year to year.

In this connection the following ruling has been made. The general law authorizing the employment in the executive departments of such clerks as may be appropriated for, is held to authorize appropriations for clerkships not otherwise authorized. (IV Hinds, sec. 3675.) Moreover when a department is created for a declared purpose, an appropriation for the instrumentalities to carry out this purpose, is authorized. (IV Hinds, sec. 3615.)

The CHAIRMAN. May I ask the gentleman if that is not the law relating to the executive departments of the Government which we ordinarily know as departments headed by Cabinet officers?

Mr. SAUNDERS. I now cite the Chair to this further section:

The commissioners are authorized to abolish any office, to consolidate two or more offices, to reduce the number of employees, to remove from office, and to make appointments to any office under them authorized by law.

Mr. JOHNSON of Kentucky. "Authorized by law." There is not any question about that.

Mr. SAUNDERS. There is no question about that. But what I was going to say to the Chair was that the language "authorized by law" in nowise differs in effect from the language "as may be appropriated for by Congress." If they may be appropriated for, they are authorized by law. If they are authorized by law, they may be appropriated for.

The CHAIRMAN. Does not the gentleman concede that if the point of order is made against this item on the ground as stated by the gentleman from Kentucky [Mr. JOHNSON], that it is not authorized by existing law, and if that point is contested by any gentleman or member of the committee, that the burden is on the member of the committee to show authority authorizing such an office and appropriation?

Mr. SAUNDERS. That is true. I admit that, but it is for the Chair to determine whether or not we have sustained the burden.

Now I am not familiar with, in fact have never seen, the section of the law to which the gentleman from Kentucky [Mr. JOHNSON] refers. In the absence of that statute, I refer the Chair to the sections cited as ample authority for the action of the Committee on Appropriations to which objection is made. I might also say, that we rely upon the general rule, and if it is contended that an exception exists in the case of this particular bill, the burden is on the party making the point of order to furnish the authority creating the exception. The presumption would be that the rule is universal, until the contrary is shown.

The CHAIRMAN. This question arises on the threshold of taking up the bill, and it may be like questions will again arise throughout the bill, and the Chair is indulging the gentleman at this time so that it can be thrashed out, and if a conclusion can be reached about it now, we might not be put to the necessity of putting further time on it.

Mr. JOHNSON of Kentucky. Mr. Chairman, I find I have a memorandum here, which reads as follows:

The mere appropriation for a salary does not thereby create an office so as to justify appropriations in succeeding years.

My notes refer me to Hinds' Precedents, volume 4, pages 393, 443, and 460, which the Chair has at his disposal.

The CHAIRMAN. The Chair is ready to rule. It is conceded that the point of order made against the item of $1,450, in line 17, is subject to a point of order, being an increase in the salary not authorized by law, and therefore the point of order is sustained.

Mr. BURLESON. Now, before the Chair rules upon the other, I wish to perfect the bill. I offer an amendment——

Mr. MANN. You can not offer an amendment until the point of order is disposed of.

Mr. BURLESON. The Chair did not sustain that point of order.

Mr. MANN. The gentleman made a point of order on the paragraph.

Mr. JOHNSON of Kentucky. I desire to modify the point of order until we reach those two items.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. The gentleman from Kentucky [Mr. JOHNSON] made a point of order on the provision in reference to the two property-yard keepers. Until that is disposed of the gentleman can not offer an amendment.

The CHAIRMAN. The Chair is ready to rule.

Mr. SAUNDERS. If the Chair will permit me I would like to submit to the Chair, in connection with the law cited, some additional authority showing that no such exception exists in the case of this particular bill as is contended for, but that the general principle applicable to the other bills applies as well to this bill.

The Secretary of the Treasury shall carefully consider all estimates submitted to him as above provided, and shall approve, disapprove, or suggest such changes in the same, or any item thereof, as he may think the public interest demands; and after he shall have considered and passed upon such estimates submitted to him, he shall cause to be made a statement of the amount approved by him and the fund or purpose to which each item belongs, which statement shall be certified by him, and delivered, together with the estimates as originally submitted, to the Commissioners of the District of Columbia, who shall transmit the same to Congress.

I submit that this section in connection with the other citations, amply supports the right of the committee to make the appropriations recommended for two of these offices, instead of one. In addition, I cite the following extract to which my attention has been called:

To the extent to which Congress shall approve of said estimates, Congress shall appropriate to the amount of 50 per cent thereof.

The items are here; they are estimated for, and the estimates have been approved. In conformity with this estimate the committee has made the proper appropriation.

Mr. JOHNSON of Kentucky. The committee has approved it, Mr. Chairman, but Congress has not.

The CHAIRMAN. The Chair is ready to rule upon the point of order made by the gentleman from Kentucky [Mr. JOHNSON] against the two property yard keepers at $1,000 each, on line 22 of page 2, the point of order being directed to the item as being an increase of one property yard keeper at the salary stated.

The Chair takes cognizance of the fact that the purchasing division is a division of the government of the District of Columbia, necessary and incident to the carrying out of the work relating to that division for the District of Columbia. Now, if that be true and such a division is authorized under the law, and Congress undertakes to provide and does provide for the officers and salaries of that department, there being no express statute limiting the number of employees in it——

Mr. JOHNSON of Kentucky. Right there, Mr. Chairman, if the Chair will pardon me for one moment, the statute creating the office of purchasing agent does limit it, because it does not go any further. It creates the one, and stops with the one.

The CHAIRMAN. The point as stated by the gentleman from Kentucky proceeds on the assumption, then, that the purchasing division and all its officers and employees, unless he will consider this an exception, would be subject to the same point of order as he makes against this one property yard keeper.

Mr. JOHNSON of Kentucky. The point of order, I contend, would lie against every officer in that paragraph except the one officer, the purchasing agent, which office has been created by law and none of the others has been.

The CHAIRMAN. That is precisely what the Chair undertook to state, that if the position taken by the gentleman relative to the purchasing officer was correct then the salary of each person in that division would be subject to a point of order if a Member saw fit to make it. In that view the Chair does not concur.

Then, as the Chair was about to state, if the item providing for two property yard keepers in conjunction with this division is reported by the committee, based upon estimates made in conformity with law, it would be not a parliamentary question as to whether two property yard keepers at this day and hour should go into the bill, but would be a matter to be determined by the will of the committee, and therefore the point of order on that item is not sustained.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

Mr. BURLESON. Mr. Chairman, I offer an amendment. After the word "clerks," in line 17, page 2, insert "1 at $1,300."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Texas [Mr. BURLESON].

The Clerk read as follows:

Amend, page 2, line 17, by inserting, after the word "clerks," the words "1 at $1,300."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. BURLESON].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Building inspection division: Inspector of buildings, $3,000; principal assistant inspector of buildings, $1,800; assistant inspectors of buildings—11 at $1,200 each; fire-escape inspector, $1,400; temporary employment of additional assistant inspectors for such time as their services may be necessary, $3,000; civil engineers or computers—1 $1,800, 1 $1,500; chief clerk, $1,500; clerks—1 at $1,050, 1 at $1,000, 1 who shall be a stenographer and typewriter, $1,000, 1 at $900; messenger, $480; assistant inspector, $1,500.

Mr. FOWLER. Mr. Chairman, I reserve a point of order against the paragraph, especially on page 3, line 5, as to a computer, "1 at $1,800." That is an increase of salary from $1,500.

Mr. TAYLOR of Ohio. Mr. Chairman, does the gentleman make the point of order?

Mr. FOWLER. Yes; I make the point of order.

Mr. TAYLOR of Ohio. I think the Chair can dispose of it.

Mr. BURLESON. Mr. Chairman, I will ask the gentleman from Illinois [Mr. FOWLER] to reserve his point of order.

The CHAIRMAN. Does the gentleman from Illinois reserve his point of order or make it?

Mr. FOWLER. I reserve it.

Mr. BURLESON. Mr. Chairman, the subcommittee, in preparing this bill, constrained by the earnest representations made by the District Commissioners, slightly increased the salary of this officer. The District Commissioners stated that this man was appointed in 1909. They stated, further, that—

This position is a most important one, involving great responsibility and care, and requires a man of high technical training and of exceptional ability. He passes on the structural features of buildings, and permit to build is issued only after approval of plans by him. The increase in the number of large buildings, in the erection of which iron, concrete, and other fire-resisting materials form such a conspicuous structural feature, has necessitated the expenditure of a greater amount of technical labor than has ever heretofore been required. The salary is quite incommensurate with the duties rendered, and is unfair to the type of man necessary to properly fill the position.

I want to state to the committee that the subcommittee, acting upon just such recommendations, have increased the salaries of quite a number of employees in the District service. They did it after giving most careful consideration to the statements made to them by the District Commissioners. I concede that any individual Member, without any investigation whatever, can come here and set up his judgment, based merely upon the reading of an item in the bill, against the judgment of the committee, and that the point of order will be sustained and the item eliminated from the bill.

Mr. BARTLETT. I want to call attention to the fact that the committee have been very careful to set out in detail in their report what they have done in each particular instance, so that nothing is concealed or attempted to be concealed.

Mr. BURLESON. I do not intend to consume the time of the House in giving the reasons which prompted us to grant these small increases in the bill.

Mr. FOWLER. I shall be glad to have them.

Mr. BURLESON. We have increased the salaries of 83 employees. Those increases aggregate $15,329. The average increase in each of these salaries is $184.

Mr. SAUNDERS. They are the smaller fish.

Mr. BURLESON. As a general rule they are the officials of the District government who are receiving the smallest salaries.

Your committee have not attempted to conceal from the membership of the House any action that it has taken in connection with this matter. In our report we specifically point out every change that is made in this bill, either in the way of an increase of a salary or the omission of a salary; either in the way of the creation of a new office or the elimination of an office heretofore carried in the bill. Every single item involving a change of legislation is carefully set forth in the report published for the information of this House.

Now, as I have stated, if any individual Member wants to set up his judgment against the judgment of the subcommittee that prepared this bill and the judgment of the entire committee that afterwards gave it their approval, he can do so, and I do not propose to consume the time of the House in making the explanations that moved us to grant these few increases.

Mr. FOWLER. Mr. Chairman, I shall be glad to ask the gentleman how many of these increases affect those who are engaged in manual labor in the District of Columbia.

Mr. BURLESON. I will state to the gentleman that most of these increases are for such employees.

Mr. TAYLOR of Ohio. At least 90 per cent.

Mr. BURLESON. The gentleman from Ohio informs me about 90 per cent.

Mr. TAYLOR of Ohio. Probably more.

Mr. BURLESON. That 90 per cent are those engaged in manual labor; but I am not able to state it accurately.

Mr. FOWLER. Does the gentleman mean to say that 90 per cent of the $15,000 increase applies to those who are engaged in manual labor?

Mr. BURLESON. That is his estimate. I will not attempt to make an estimate. I am unable to state, but I will state that the major portion of these increases are for those who are engaged in manual labor. The gentleman has the report of the committee before him, and that portion of it covers only two pages. He can run through the list and very readily ascertain those who are engaged in manual labor.

Mr. FOWLER. Is it not a fact that the increases for those engaged in manual labor are a mere bagatelle?

Mr. BURLESON. I do not think so.

Mr. FOWLER. For instance, about $40 where a man is getting $320 a year, or $40 where a scrub woman is getting $240 a year. In other words, she is to receive a total annual compensation of $280 by your increase. And it is not worthy of the name of an increase; it is an insult to the person who is doing the manual labor. Is it not a fact that you increase others by leaps and bounds, by hundreds of dollars, such as the district attorney, to the amount of $500 at one jump?

Mr. BURLESON. It is not a fact that we are increasing others by leaps and bounds against those engaged in manual labor. There has been a proportionate, fair, just increase in those engaged in manual labor as compared with others. The gentleman has alluded to the corporation counsel. I want to say that he earns every dollar that is being paid him by the District government, and a recommendation has been made year after year that the salary of that official of the District government be increased, and this year the committee yielded to the request of the commissioners, and increased it to the amount that he deserves.

Mr. FOWLER. The committee tried to increase it last year.

Mr. BURLESON. No; they did not.

Mr. FOWLER. Yes; the committee did and a point of order was sustained, and now you come back and try to increase it again. I ask you if you could not get 25 just as good lawyers to take the place for the salary now paid if you would but open the door and let them come in?

Mr. BURLESON. I am quite sure that you could not, and I will say to the gentleman from Illinois that I am not responsible for the frailty of his memory when he says that last year we attempted to increase the salary, because I tell you we made no such attempt. In fact, we were subjected to some little criticism because we increased only two salaries in the District of Columbia appropriation bill last year, and those were the salaries of two employees in the Tuberculosis Hospital.

Mr. FOWLER. I know that you did not increase the salary of the district attorney, but you tried to do it.

Mr. BURLESON. I say again that I am not responsible for the frailty of the memory of the gentleman from Illinois that makes him reiterate that statement when I state to him that the committee increased only two salaries, and were subjected to some little criticism because we did not increase others.

Mr. FOWLER. Does the gentleman mean to say that the salary of the district attorney was not reported from his committee in the bill recommending that the salary be increased to $5,000?

Mr. BURLESON. That is exactly what I mean to say.

Mr. FOWLER. And does the gentleman mean to say that a point of order was not sustained to that effort to make the increase?

Mr. BURLESON. That is just exactly what I mean to say, positively and emphatically; that we made no such effort. The gentleman's memory evidently goes back to a bill before the last year's bill.

Mr. DYER. If the gentleman from Texas will permit, I will say that there was some amendment offered from the floor to increase the district attorney's salary, and that probably is what confuses the mind of the gentleman from Illinois.

Mr. BURLESON. But that is not the issue here.

Mr. FOWLER. I can not recall, Mr. Chairman, of course, every item in the bill, but I do recollect the fact of some man standing here on the floor of the House and making a point of order against an effort—whether by amendment or whether it was in the bill as it came from the hands of the committee I can not recall—but it was sought to increase the salary of the District attorney from $4,500 to $5,000, and I still recall that whenever there was an amendment offered to increase the salary of a laboring man, such as those who scrub the streets around the markets of this city at a salary of $240 a year, that the committee, or some member thereof, stood on the floor of this House and made a point of order against every attempt to increase the salary of the laboring man of this District.

Mr. BURLESON. Just as we made the point of order to the amendment seeking to increase the salary of the corporation counsel.

Mr. FOWLER. I made that point of order.

Mr. MADDEN. Mr. Chairman, I wish to direct myself to the consideration of the item against which my colleague [Mr. FOWLER] has reserved the point of order. Recommendation has been made by the committee to increase the salary of the computer from whatever he is receiving now to $1,800. This computer is a civil engineer. The volume of building being done throughout the District is growing greater every day, and the character of the construction of the buildings is much superior to what it used to be. Different classes of material are being used in the construction of buildings now, and many of the buildings are being constructed wholly of steel, so far as the interior goes.

The man who occupies this place, whoever he may be—and I do not know who he is—must be able to figure the tensile strength of all materials entering into the construction of a building. He must have the scientific knowledge on which to base a recommendation for the issuance of a permit which will enable those who issue the permit to be certain that the material used has the strength to carry the load which is to be placed upon it. This position is one requiring the highest class of scientific engineering knowledge, and the sum of $1,800 a year is inadequate to compensate such a man for the service which he is required to render.

Mr. BUTLER. One can not get it for $1,800, can he?

Mr. MADDEN. There is no city in the Union with a population equal to that of Washington whose building department is run anywhere nearly so economically as the building department in this city. I think it would be much better for the people who live in the District and for the safety of the people who are engaged in the construction of buildings to have many more technical men employed, to see that all the material entering into the construction of buildings is of the character that will insure safety. I surely hope that my colleague will not insist upon a point of order against the recommendation for the increase of a salary of a man required to know what a man who occupies this place must know. The construction of buildings is an important factor in the life of a community. To see that they are properly constructed is one of the most essential elements in the conduct of this department. The man who is a computer must not only know how to figure tensile strength of steel girders and of every other article of material entering into a building, but he must be able to ascertain whether all the sanitary appliances necessary are being provided. This is an important task. We ought not to consider it too lightly. We ought to be willing to pay men who are qualified to do this important task just compensation, and because some man who occupies a more menial position, forsooth, may not be getting all that some Member thinks he ought to get for the work he does, is not a good argument against the payment of proper compensation to the man who needs this scientific knowledge in order to perform his work.

Mr. BURLESON. Mr. Chairman, in order that there may be no doubt about the action taken by the committee last year, I have here the bill that was reported to the House, and one of the items is:

Corporation counsel, $4,500.

The CHAIRMAN. Does the gentleman from Illinois insist on his point of order?

Mr. FOWLER. I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. BURLESON. Mr. Chairman, I move to amend by inserting after the word "computers" the words and figures "one, $1,500."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 3, line 5, by inserting at the beginning of the line: "One, $1,500."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

To reimburse two elevator inspectors for the provision and maintenance by themselves of two motor cycles for use in their official inspection of elevators in the District of Columbia, $10 per month each, $240.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order against the paragraph, because it is not authorized by existing law. It is another means of paying a private claim, which is not in order on this bill. I refer the Chair to the authorities which I found and laid on his desk a moment ago.

Mr. BURLESON. Mr. Chairman, I contend that this is not subject to a point of order. By this item it is intended to reimburse two employees of the Government for expenditures made by them by reason of using an implement or machine that is necessary to be used in the discharge of their official duties.

Mr. COX. Who buys the motor cycles in the first instance—the District or the employee?

Mr. JOHNSON of Kentucky. The employee.

Mr. BURLESON. I do not know. In some services the employee buys them and in some the District owns the machines. I do not know whether in this particular case the motor is furnished by the employee or is owned by the District.

Mr. JOHNSON of Kentucky. The hearings show that they are privately owned.

Mr. BURLESON. I am just now informed that in this particular case the employees own their own motor cycles.

Mr. DYER. And this is furnished upon the same theory that car tickets are furnished to inspectors.

Mr. BURLESON. Exactly; and this fund is necessary to be used in the discharge of duties imposed upon them by the office they hold, just as certain employees are paid $20 a month for the keep of a horse; just as street-car tickets are furnished to certain employees whose duties call upon them to use the street car service.

Mr. MANN. May I ask the gentleman why did the committee reduce the amount from $15 to $10 a month?

Mr. BURLESON. You mean reduce the estimate?

Mr. MANN. These inspectors are now paid at the rate of $15 for expenses of maintaining motor cycles. Why was it reduced to $10?

Mr. BURLESON. We did it after making inquiry of a number of the merchants in the city who are engaged in selling motor cycles. Anxious to protect the Treasury, we made an investigation to ascertain whether we were paying too much, and we reached the conclusion that $10 per month was ample to cover this service, and therefore we reduced it from $15 to $10.

Mr. COX. In that connection will the gentleman yield?

Mr. BURLESON. Certainly.

Mr. COX. Has this amount been turned over in a lump sum to these owners of these motor cycles heretofore?

Mr. BURLESON. They are paid each month $10 to cover expenses which they incur.

Mr. COX. Whether the expense has actually taken place, so far as the repair of these motor cycles is concerned or not?

Mr. BURLESON. There may be more expense incurred during one month than $10 would cover, and the next month it may be less. As I have just stated, we made inquiry of half a dozen merchants who are engaged in selling these motor cycles, with a view of ascertaining what would be a fair cost per month for this service, and we reached the conclusion, based on what they told us, that $15 was too much, and we reduced it to $10. We think $10 per month is a fair allowance for this service.

Mr. COX. Will the gentleman yield at that point? The gentleman did not have before him any of the owners of the motor cycles with a view of eliciting from them the information as to how much the upkeep of the motor cycles actually did cost them?

Mr. BURLESON. No; we tried to secure our information from unbiased sources and we adopted the means at hand in order to secure unbiased opinions, and therefore we made in-

quiry of those who are engaged in the sale of motor cycles, and not from those who are operating them.

Mr. COX. And they estimated $10?

Mr. BURLESON. The merchants stated to us that $10 was a fair allowance for the service.

Mr. TAYLOR of Ohio. We called up various motor-cycle owners and others in regard to the subject, we had a very careful investigation of this matter, and after thoroughly considering it we thought we could reduce it to $10——

Mr. COX. Was there any objection coming from the owners of the motor cycles in regard to the reduction in any way?

Mr. TAYLOR of Ohio. Coming from the owners we proposed to compensate, we have not consulted them, but we found it was a fair, liberal rental.

Mr. COX. Did you hear of any protest on their part?

Mr. TAYLOR of Ohio. We have not heard anything.

Mr. JOHNSON of Kentucky. Mr. Chairman, it is admitted that these machines are owned by individuals and not by the District. The language itself shows that it is a contemplated reimbursement to an individual to cover the expense of caring for his private property, and I insist that by that it becomes a private claim, and when it becomes a private claim it is subject to the point of order, according to the authority which I just laid before the Chairman—the fourth volume of Hinds' Precedents.

The CHAIRMAN. The Chair is ready to rule. The Chair sustains the point of order.

Mr. BURLESON. Mr. Chairman, I offer the following amendment: Insert in the place where the language was stricken out the following:

To two elevator inspectors, for the provision and maintenance by themselves of two motor cycles for use in their official inspection of elevators in the District of Columbia, $10 per month each, $240.

Mr. JOHNSON of Kentucky. Oh, Mr. Chairman, that is just the same thing. I make the point of order against it.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 3, by inserting in the place of the paragraph stricken out:

"To two elevator inspectors, for the provision and maintenance by themselves of two motor cycles for use in their official inspection of elevators in the District of Columbia, $10 per month each, $240."

Mr. JOHNSON of Kentucky. That is a distinction without a difference, Mr. Chairman. I have made the point of order.

The CHAIRMAN. The gentleman from Kentucky makes the point of order on the amendment.

Mr. SAUNDERS. Mr. Chairman, I desire to address myself to the point of order. When a policy is established to be carried out, or discharged by a department, or bureau head, or their equivalent, it is entirely competent to appropriate for the agents required to carry out the policy, and for the instrumentalities that promote the efficiency of the agents.

In conformity with this principle we appropriate for the maintenance of the horses of the mounted police, though as I understand these horses are owned by the policemen. This appropriation provides for the maintenance of an instrumentality highly promotive of an efficient discharge of duty by these officials. In a word it greatly increases their efficiency, and in effect renders an increase of their number unnecessary. It is in the interest of economy to make this appropriation. This is not a claim. These men are making none. The amendment makes a direct appropriation to pay for the upkeep of motor cycles, just as we might provide these officials with riding horses, or car tickets, or horse-propelled vehicles in order to increase their efficiency, by providing them with means of rapid transit. These instrumentalities multiply the efficiency of these particular officials, and it is entirely competent for this committee to provide for their maintenance. In this connection, I can submit to the Chair, if it is desired, abundant authority to establish that when authority is given to create an official, and to give him a salary, an appropriation may be made to pay for his transportation necessarily incurred in the discharge of his duties. If the official owns the instrumentality as the officials in this instance, happen to do, it is competent for us to provide for their upkeep, just as we might appropriate for the car fare of certain employees, when in the course of duty, it is necessary to use the cars. No question of reimbursement is presented in this amendment. We are primarily and directly providing for the maintenance of the motor cycles of these particular officials, who have frequent occasion to use them in the line of duty.

The CHAIRMAN. Does the gentleman from Kentucky [Mr. JOHNSON] desire to be heard on the point of order?

Mr. JOHNSON of Kentucky. Mr. Chairman, I thought the point of order had been sustained.

The CHAIRMAN. No ruling has been made by the Chair on the amendment as proposed by the gentleman from Texas [Mr. BURLESON].

Mr. JOHNSON of Kentucky. Mr. Chairman, as to the amendment, it is just the same thing as the original clause, except it is couched in a little different language. The purpose and object is just the same and the end is just the same.

The CHAIRMAN. The original amendment to reimburse elevator inspectors is subject to the infirmity, as viewed parliamentarily, as an appropriation for a private claim. The original amendment recited that it was to reimburse for the upkeep, as stated by the gentleman from Kentucky, as the private instrumentality of travel of the employee. Now the gentleman moves an amendment which is to allow a certain sum for elevator inspectors for repair of vehicles——

Mr. JOHNSON of Kentucky. Would not that be an increase in their salary and be subject to a point of order?

The CHAIRMAN. The Chair will hear the gentleman on the subject.

Mr. JOHNSON of Kentucky. That is all.

The CHAIRMAN. The Chair rules on the amendment as it is submitted in such a way as to construe the effect of it, as judged by the rule of parliamentary law, and the point of order to the amendment as last offered is accordingly overruled. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Transportation, for means of transportation, and for maintenance of means of transportation, $1,000.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order against the item in that it is new legislation. And I might say in support of it that in the hearings, on page 25, line 30, this colloquy took place before the Committee on Appropriations:

Mr. BURLESON. This item on page 12 practically means the starting of a new item of appropriation which will be carried continuously?

Col. JUDSON. Yes, sir; that is what it means.

Mr. BURLESON. Mr Chairman, it is a new item—I do not deny that—but it is intended to defray the expenses of certain employees in the District government whose duties compel them, if they properly discharge them, to visit every section of this city. It is to defray the expenses of the building inspectors and the elevator inspectors. The latter are compelled, some of them, to visit all the public buildings, all the hotels, and all the office buildings, and they can not properly discharge their duties unless they go to these various places. The District government undertakes, in this item, to furnish them transportation in order that they may properly discharge the duties imposed upon them. The method of transportation may be by street car, motor car, horse and buggy, bicycle, or motor cycle, but the purpose of the appropriation is to facilitate and aid the employees of the government who are compelled to visit various parts of the city to properly and efficiently discharge their duties.

Mr. JOHNSON of Kentucky. I am quite familiar with the purpose of it, Mr. Chairman. That appears upon its face. But, nevertheless, it is new legislation.

Mr. CANNON. Mr. Chairman, I am at a loss to see how this point of order could be sustained. In the first place, here is a District government created by law. This is an appropriation to support that government, and we, as the common council, are considering the appropriation. Does the gentleman contend that if another building for the fire department was necessary, that would be a new appropriation? Is it a new appropriation, not authorized, to buy an additional fire engine? Here is a service; this is for transportation in the conduct of that service. It is a necessary incident, or it is an incident to the service. It may be that it is not necessary, but that is up to the Committee of the Whole and to the House to establish. But to say that it is not authorized by law is equivalent to saying that if you have been using towels heretofore you could not make an appropriation for sponges.

The CHAIRMAN. The Chair overrules the point of order. The Clerk will read.

The Clerk read as follows:

Plumbing inspection division: Inspector of plumbing, $2,000; principal assistant inspector of plumbing, $1,550; assistant inspectors of plumbing—1 at $1,200, 4 at $1,000 each; clerks—1 at $1,200, 1 at $900; temporary employment of additional assistant inspectors of plumbing and laborers for such time as their services may be necessary, $1,700; draftsman, $1,350; sewer tapper, $1,000; 3 members of the plumbing board, at $150 each.

Mr. COX. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman in charge of this bill whether or not the members of this plumbing board receive any other salary than $150.

Mr. BURLESON. They receive additional compensation. The members of the board are employees of the District gov-

ernment, but as their duties as members of this board was an additional duty imposed upon them at the time the board was provided for, an estimate was submitted for paying its members, and after carefully considering the estimate it was thought that the service being rendered was worth the amount carried in the bill.

Mr. COX. How much other salary do they get?

Mr. BURLESON. I do not recall the salary that is otherwise paid to the various members of the board.

Mr. COX. How many of them are there?

Mr. BURLESON. There are three of them. These duties of the members of this board are discharged by them after office hours.

Mr. COX. That is the very point I wanted to inquire about.

Mr BURLESON. And for that reason we concluded that we could utilize the services of certain of the District employees and fairly compensate them for it, aiding them and at the same time saving expense to the District.

Mr. COX. Then they do not consume any time whatever in this work that should be devoted to their other duties? This is an extra duty which they perform, and this $150 payment to each is intended to be compensation for that extra duty?

Mr. BURLESON. Yes; for the extra duty they perform after office hours.

Mr. CALDER. Mr. Chairman, what are the duties of the plumbing board?

Mr. BURLESON. There are certain duties imposed by law upon this plumbing board; the statute was passed a few years ago. Persons who are desirous of engaging in business as plumbers in the District of Columbia are required by law to have certain qualifications, certain attainments, and this board passes upon the qualifications of those desiring to enter the trade before they are given a plumber's license.

Mr. COX. Do all the plumbers have to have a license?

Mr. BURLESON. As I understand it; yes.

Mr. COX. Then this is a board to examine the qualifications of plumbers in this District?

Mr. BURLESON. Yes; they test the qualifications of those who are desirous of engaging in the plumbing business in the District of Columbia.

Mr. CALDER. It is a very necessary board. We have a similar board in my home city.

Mr. BURLESON. We have a similar board to examine those who wish to engage in steam engineering. Congress thought it was necessary to provide by law for the creation of this board, and acting in pursuance of that law the board was provided for, and we thought it more economical to employ those who were already in the District service, receiving compensation for labors they were performing at that time, as members of the board and compensate them for the additional service they rendered.

Mr. McKELLAR. Mr. Chairman, does this plumbing board fix the price for plumbing? [Laughter.]

Mr. BURLESON. Probably that duty ought to be imposed upon them, but up to the present time it has not been imposed upon them.

Now, Mr. Chairman, I move that the committee rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RODDENBERY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 28499) making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, and had come to no resolution thereon.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled bill and joint resolution of the following titles:

S. 1072. An act to amend section 895 of the Code of Law for the District of Columbia; and

S. J. Res. 158. Joint resolution approving the plan, design, and location for a Lincoln memorial.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 8279. An act to amend an act approved October 1, 1890, entitled "An act to set apart certain tracts of land in the State of California as forest reservations"; to the Committee on the Public Lands.

LEAVE OF ABSENCE.

Mr. WILDER, by unanimous consent, was granted leave of absence for five days, on account of the death of his mother.

HOUR OF MEETING TO-MORROW.

Mr. BURLESON. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn until 11 o'clock to-morrow.

The SPEAKER. The gentleman from Texas [Mr. BURLESON] asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to know what the House will proceed with to-morrow, so far as the public business is concerned.

Mr. BURLESON. It is my purpose to try to continue the consideration of this bill.

Mr. MANN. But the gentleman is not at all sure that we might not have an extra hour for other purposes wasted? The gentleman can get unanimous consent that we proceed with the consideration of this bill to-morrow.

Mr. BURLESON. Well, I will modify my request and ask unanimous consent that we proceed with the consideration of the District of Columbia appropriation bill to-morrow immediately after the approval of the Journal.

The SPEAKER. Of course that is subject to conference reports and things like that.

Mr. BURLESON. Certainly.

The SPEAKER. The Chair thought perhaps they would again get up the immigration conference report to-morrow. The gentleman from Texas asks unanimous consent that when the House adjourns to-day it adjourn until 11 o'clock to-morrow morning, and that after the reading of the Journal and such little matters of routine as ought to be attended to the House shall resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the District of Columbia bill.

Mr. MURRAY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURRAY. The Chair made a reference to such matters as conference reports. I should like to know whether the House may at this time make an arrangement which would give this matter precedence over such a matter as the conference report on the immigration bill?

The SPEAKER. Yes; the House can do that by unanimous consent, but there are no conference reports. There are always some little matters of routine, like personal requests and corrections of the Journal, and there might be some little matter of business that would not take a minute to attend to, that Members would want to present for immediate consideration.

Mr. MANN. That can be done by unanimous consent of the House to-morrow.

Mr. MURRAY. The Chair made reference to a possible conference report on the immigration bill.

The SPEAKER. That remark was intended to be facetious.

Mr. MURRAY. Oh.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MANN. Is an adjournment to 11 o'clock included as a part of the unanimous consent?

The SPEAKER. Yes.

EXPENSES OF THE INAUGURAL CEREMONIES.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution 157, one of the inaugural resolutions.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of a joint resolution, which will be reported by the Clerk.

Senate joint resolution 157, to enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States March 4, 1913, was read, as follows:

Resolved, etc., That to enable the Secretary of the Senate and Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States March 4, 1913, in accordance with such program as may be adopted by the joint committee of the Senate and House of Representatives, appointed under a concurrent resolution of the two Houses, including the pay for extra police for three days, at $3 per day, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, $25,000, or so much thereof as may be necessary, the same to be immediately available.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. MANN. Mr. Speaker, I have no objection to the consideration of the joint resolution, but I wish to ask the gentleman a question.

Mr. FITZGERALD. I shall be glad to answer the gentleman's question.

Mr. MANN. This appropriation, as I understand it, is, in part or in whole, to cover the expenses which may be incurred under the direction of the joint committee of the House and Senate.

Mr. FITZGERALD. It is to cover entirely the expenses to be incurred.

Mr. MANN. It covers those expenses, but it may cover some other things.

Mr. FITZGERALD. Stands and such things.

Mr. MANN. Stands and platforms out in front of the Capitol, and so forth?

Mr. FITZGERALD. Yes. Four years ago, after the joint committee had provided a stand, the officials of the two Houses provided separate stands. I understand the Superintendent of the Capitol Building and Grounds has taken the matter up with the joint committee and objected to those stands because of the fire danger, and I understand that the joint committee have arranged to have a stand sufficiently large to provide the accommodations which would be given by these separate stands if they were erected.

Mr. MANN. That brings us to the real point of inquiry; how many tickets do we get?

Mr. FITZGERALD. I will ask the gentleman from Tennessee to make a statement and to be as liberal as he can. I do not think the gentleman from Illinois is particularly interested in it.

Mr. MANN. I am getting the information for the benefit of the House.

Mr. GARRETT. Mr. Speaker, it was decided by the joint committee to increase the size of the regular stand so that it would have a capacity as great as was had by the regular stand four years ago with the two extra stands that were built, one by the Senate and one by the House, in so far as that committee could control the situation. The Superintendent of the Capitol Building and Grounds thought the erection of those special stands very objectionable on account of the danger of fire, and recommended this proposition which the committee now adopts. Now, as far as the number of tickets is concerned, I have to say to the gentleman from Illinois that that is still in abeyance.

Mr. MANN. I thought that possibly the committee had got far enough so that the gentleman could figure out how much space there will be. It will not be long before there ought to be an announcement to the House, because Members will be receiving requests for seats very soon.

Mr. GARRETT. The seating capacity of the stand that is recommended by the joint committee is 8,500. Of course, the gentleman understands that there will be something like 2,000 of these tickets taken up to accommodate those who have admission to the Senate floor.

Four and eight years ago each Member of the House received four tickets and each Member of the Senate received 12 tickets to the stand.

Mr. FITZGERALD. That is a great disproportion.

Mr. MANN. They had the same size stand that we had, but a smaller membership.

Mr. GARRETT. That was based upon the fact that they only had a membership of less than one-third of the House. There is a hope that the House may have some addition to that number, but I can not say positively.

Mr. FITZGERALD. I have a great many applications for seats on the stand, but if the gentleman could make arrangements so that some of these applicants could remain here permanently during the next three or four years I think they would be willing to surrender their places on the stand. [Laughter.]

Mr. GARRETT. I can say to the gentleman that it will certainly not be less than four tickets to each Member, and possibly more.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

ADJOURNMENT.

And then, on motion of Mr. FITZGERALD (at 5 o'clock and 42 minutes p. m.), the House, under its previous order, adjourned until to-morrow, Friday, January 31, 1913, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, submitting an item of appropriation for the consideration of Congress in connection with the preparation of the sundry civil bill for the fiscal year ending June 30, 1914 (H. Doc. No. 1314); to the Committee on Appropriations and ordered to be printed.

2. A letter from the president of the Chesapeake & Potomac Telephone Co., submitting annual report of said company for the year 1912, to be substituted for report submitted January 13, 1913 (H. Doc. No. 1315); to the Committee on the District of Columbia and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting a supplemental estimate of an appropriation for settlement of claims for damages to and loss of private property of citizens of the United States for the fiscal year 1914 (H. Doc. No. 1316); to the Committee on Military Affairs and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting a supplemental estimate of an appropriation for service of the fiscal year 1914 for repairs to the Government roadway to Vicksburg (Miss.) National Cemetery (H. Doc. No. 1317); to the Committee on Military Affairs and ordered to be printed.

5. A letter from the Washington Utilities Co., submitting report for the month of December and year 1912, and Washington-Virginia Railway Co. report for 11 months ended November 30, 1912 (H. Doc. No. 1318); to the Committee on the District of Columbia and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. RUCKER of Colorado, from the Committee on Pensions, to which was referred the bill (H. R. 19800) pensioning the surviving officers and enlisted men (or their widows), who served in the Indian wars of the western frontiers of the several States and Territories from the year 1865 to the year 1898, inclusive, reported the same with amendment, accompanied by a report (No. 1417); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BRADLEY, from the Committee on Military Affairs, to which was referred the bill (H. R. 28469) granting two condemned cannon to the Wallkill Valley Cemetery Association, of Orange County, N. Y., reported the same without amendment, accompanied by a report (No. 1421), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BULKLEY, from the Committee on Patents, to which was referred the bill (H. R. 28286) to amend sections 4931 and 4934 of the Revised Statutes of the United States, reported the same with amendment, accompanied by a report (No. 1423), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FITZGERALD, from the Committee on Appropriations, to which was referred the joint resolution (S. J. Res. 157) to enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States on March 4, 1913, reported the same without amendment, accompanied by a report (No. 1415), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 143) authorizing the Secretary of War to loan certain tents for use at the meeting of the Imperial Council of the Ancient Arabic Order of the Nobles of the Mystic Shrine to be held at Dallas, Tex., in May, 1913, reported the same without amendment, accompanied by a report (No. 1416), which said bill and report were referred to the House Calendar.

Mr. WEBB, from the Committee on the Judiciary, to which was referred the bill (H. R. 28335) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported the same without amendment, accompanied by a report (No. 1418), which said bill and report were referred to the House Calendar.

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (S. 1653) to provide American register for the steam yacht *Diana*, reported the same without amendment, accompanied by a report (No. 1420), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill (S. 3873) for the relief of Lewis F. Walsh, reported the same without amendment, accompanied by a report (No. 1419), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. STEPHENS of California: A bill (H. R. 28524) to create a board of local inspectors, Steamboat-Inspection Service, for the port of Los Angeles, Cal.; to the Committee on the Merchant Marine and Fisheries.

By Mr. COX: A bill (H. R. 28525) to purchase a post-office site at Salem, Ind.; to the Committee on Public Buildings and Grounds.

By Mr. LANGLEY: A bill (H. R. 28526) to provide cumulative sick leave with pay to storekeepers, gaugers, and storekeeper-gaugers; to the Committee on Expenditures in the Treasury Department.

By Mr. TAYLOR of Colorado: A bill (H. R. 28527) for the relief of the White River Utes, the Southern Utes, the Uncompahgre Utes, the Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uinta Bands of Ute Indians, known as the Confederated Bands of Ute Indians, of Colorado; to the Committee on Indian Affairs.

By Mr. RAKER: A bill (H. R. 28528) for improvement of Sacramento River between Chico Landing and Red Bluff, Cal.; to the Committee on Rivers and Harbors.

By Mr. HOWARD: A bill (H. R. 28529) increasing the limit of cost of the post-office building at Atlanta, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. REDFIELD: A bill (H. R. 28530) to provide for a warehouse for the receipt, care, and distribution of supplies for the use of the government of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. MOORE of Pennsylvania: A bill (H. R. 28531) for the purchase of a site and to begin the construction thereon of a customhouse in the city of Philadelphia, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. SWEET: A bill (H. R. 28532) to increase the limit of cost for the construction of the Federal building at Holland, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. LEVY: Joint resolution (H. J. Res. 391) recognizing The Star Spangled Banner as the official anthem of the United States of America; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANTRILL: A bill (H. R. 28533) for the relief of Isaiah James; to the Committee on War Claims.

By Mr. EDWARDS: A bill (H. R. 28534) for the relief of the heirs of Mary J. Cooper, deceased; to the Committee on War Claims.

By Mr. ESTOPINAL: A bill (H. R. 28535) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Minor Meriwether, jr.; to the Committee on Naval Affairs.

By Mr. FERGUSSON: A bill (H. R. 28536) granting a pension to Pedro Pena; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 28537) granting a pension to David Jewell; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 28538) granting a pension to Sophia C. Lother; to the Committee on Invalid Pensions.

By Mr. HAMILTON of West Virginia: A bill (H. R. 28539) granting an increase of pension to Milton Laird; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28540) granting an increase of pension to John Boler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28541) granting an increase of pension to Robert C. Stanley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28542) granting an increase of pension to Alice O. Crippen; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 28543) for the relief of Paris R. Winslow; to the Committee on Military Affairs.

By Mr. HELM: A bill (H. R. 28544) for the relief of Shelby County, Ky.; to the Committee on War Claims.

By Mr. HINDS: A bill (H. R. 28545) granting a pension to Alice C. Sawtelle; to the Committee on Invalid Pensions.

By Mr. HOLLAND: A bill (H. R. 28546) for the relief of Washington Allman and others; to the Committee on Claims.

By Mr. KINKAID of Nebraska: A bill (H. R. 28547) granting an increase of pension to John G. Richardson; to the Committee on Invalid Pensions.

By Mr. KNOWLAND: A bill (H. R. 28548) granting an increase of pension to Charles A. Baender; to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 28549) granting an increase of pension to S. P. Marlette; to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 28550) granting a pension to William R. Pryor; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 28551) granting an increase of pension to Jennette Rice; to the Committee on Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 28552) to remove the charge of desertion from the military record of William R. Potter; to the Committee on Military Affairs.

By Mr. PRAY: A bill (H. R. 28553) granting a pension to George H. Kyle; to the Committee on Pensions.

By Mr. RAKER: A bill (H. R. 28554) for the relief of Robert T. Legge; to the Committee on Claims.

By Mr. RUCKER of Colorado: A bill (H. R. 28555) for the enrollment of Tilla A. Provost and Harold Provost, Nebraska Winnebago Indians, and for making an allotment to Tilla A. Provost; to the Committee on Indian Affairs.

By Mr. SHERWOOD: A bill (H. R. 28556) granting an increase of pension to Eliza Robbins; to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 28557) to amend an act entitled "An act granting an increase of pension to Marie J. Blaisdell," approved May 24, 1900; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Papers to accompany bill (H. R. 28195) for the relief of Harry Adelbert Nichols; to the Committee on Invalid Pensions.

Also, petition of the Ohio State legislative committee of the Order of Railway Conductors, protesting against the passage of the bill known as the Brantley bill; to the Committee on the Judiciary.

By Mr. AYRES: Petition of the National Association of Shellfish Commissioners, Boston, Mass., favoring the passage of legislation making an appropriation for investigations for the further development of the oyster industry; to the Committee on the Merchant Marine and Fisheries.

By Mr. CARY: Petition of the Lumber Carriers' Association, Detroit, Mich., protesting against the passage of House bill 23673, relative to the placing of more sailors on the small boats of the Great Lakes; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Schneider Furniture Co., North Milwaukee, Wis., favoring the passage of the Weeks bill for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of the New York Zoological Society, New York, favoring the passage of the McLean bill, granting Federal protection to all migratory birds; to the Committee on Agriculture.

Also, petition of the Forster Lumber Co., Milwaukee, Wis., favoring the passage of legislation for a further appropriation for Federal aid to the protection of forests from fires; to the Committee on Agriculture.

By Mr. CLARK of Florida: Petitions of C. Fred Ward and other citizens of Winter Park, Fla.; J. H. Huddleston and other citizens of Geneva, Fla.; John F. Cogswell and other citizens of Clancona, Fla.; Thomas Murray and other citizens of Palatka, Fla.; and Frank Harvard and other citizens of Tangerine, Fla., protesting against any reduction of tariff on the citrus fruits; to the Committee on Ways and Means.

Also, petition of Auxiliary 23 to B. 52, N. A. L. C., favoring the passage of the Hamill bill, to provide for the retirement of the aged and infirm civil employees; to the Committee on Pensions.

By Mr. DRAPER: Petition of the National Association of Shellfish Commissioners, Boston, Mass., favoring the passage of legislation making appropriations for investigations for the improvement of the oyster industry; to the Committee on the Merchant Marine and Fisheries.

By Mr. DYER: Petition of C. J. Bolang, commander of the St. Louis Camp, favoring the passage of legislation granting pensions to the veterans of the various Indian wars; to the Committee on Pensions.

Also, petition of the Religious Liberty Association, Takoma Park, Washington, D. C., relative to House bill 25682, a bill to punish violations of the Lord's day in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of the New York Zoological Society, New York, favoring the passage of the McLean bill granting Federal protection to all migratory birds; to the Committee on Agriculture.

Also, petition of C. H. Hughes, St. Louis, Mo., favoring the passage of House bill 1309, to establish a council of national defense; to the Committee on Naval Affairs.

By Mr. FULLER: Petition of Thomas A. Morrison, Southport, Pa., and William F. Irwin, Melrose, Mass., favoring the passage of House bill 1339, granting an increase of pension to veterans of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

Also, petition of the Clover Leaf Casualty Co., Jacksonville, Ill., favoring the passage of House bill 27567, for a 1-cent letter postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of the Richmond (Va.) Chamber of Commerce, favoring the passage of legislation for a reform in the banking system of the United States; to the Committee on Banking and Currency.

By Mr. GOLDFOGLE: Petition of Boring & Chilton, New York, favoring the adoption of the Mall site and design as adopted by the National Commission of Fine Arts for the memorial to Abraham Lincoln; to the Committee on the Library.

Also, petition of Theodore Sutro, New York, favoring the passage of House bill 1309, for the establishment of a council of national defense; to the Committee on Naval Affairs.

By Mr. GRIEST: Petition of the Spanish War Veterans of Lancaster, Pa., favoring the passage of House bill 26537, to donate to the city of Lancaster, Pa., two bronze or brass field-pieces for the use of General William S. McCaskey Camp, United Spanish War Veterans; to the Committee on Military Affairs.

By Mr. LAMB: Petition of the Richmond Chamber of Commerce, Richmond, Va., favoring the passage of legislation for the immediate reform in the banking system of the United States; to the Committee on Banking and Currency.

By Mr. LEVY: Petition of the New York Zoological Society, New York, favoring the passage of the McLean bill for Federal protection of all migratory birds; to the Committee on Agriculture.

Also, petition of the Municipal Art Society of New York, favoring the adoption of the Mall site and design as approved by the National Commission of Fine Arts, for the memorial to Abraham Lincoln; to the Committee on the Library.

Also, petition of Newman Erb, William W. Lawrence, J. W. Jinks, and Robert Wheeser, of New York, N. Y., favoring the passage of House bill 1809, for the establishment of a council for national defense; to the Committee on Naval Affairs.

Also, petition of the Thread Agency, New York, favoring the passage of House bill 16663, relative to the changing of dates for the corporations, joint stock companies, etc., to file their annual returns; to the Committee on Ways and Means.

Also, petition of the National Association of Shellfish Commissioners, Boston, Mass., favoring the passage of legislation for investigations for the further development of the oyster industry; to the Committee on the Merchant Marine and Fisheries.

By Mr. LINDSAY: Petition of the Municipal Art Society of New York, favoring the adoption of the Mall site and the design as approved by the National Commission of Fine Arts for the memorial to Abraham Lincoln; to the Committee on the Library.

Also, petition of the New York Zoological Society, New York, favoring the passage of the McLean bill for Federal protection of all migratory birds; to the Committee on Agriculture.

Also, petition of the National Association of Shellfish Commissioners, Boston, Mass., favoring the passage of legislation making appropriations for investigations for the further development of the oyster industry; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Remington Typewriter Co., New York, protesting against the passage of the Oldfield patent law revision substitute bill (H. R. 23417), making certain revisions in the present patent laws; to the Committee on Patents.

By Mr. PLUMLEY: Petition of the Congregational Church, Barnet, Vt., favoring the passage of the Kenyon "red-light" injunction bill for the cleaning up of Washington for the inauguration; to the Committee on the District of Columbia.

By Mr. RAKER: Petitions of the Chamber of Commerce of Anderson, Cal.; T. H. Ramsey, J. J. Wells, the Bank of Tahama, and Cone & Kimball, of Red Bluff, Cal.; the Sacramento Valley Development Association, Sacramento, Cal.; Curtis Olive Co., and the Gibraltar Investment Co., of Los Angeles, Cal., protesting against the passage of legislation for any reduction of tariff on olives and olive oils; to the Committee on Ways and Means.

Also, petition of the General Federation of Women's Clubs, protesting against the passage of any legislation tending to destroy the present national system of forest preservation; to the Committee on the Public Lands.

Also, petition of the Humboldt Chamber of Commerce, Eureka, Cal., protesting against the passage of the Lever bill (H. R. 20381), for the removal of the tax on colored oleomargarine; to the Committee on Agriculture.

Also, petitions of John Burroughs, of West Park, N. Y., and the Ford Motor Co., Detroit, Mich., favoring the passage of the McLean bill, extending Federal protection to all migratory birds; to the Committee on Agriculture.

Also, petitions of the Griffin & Kelley Co. and the Pacific States Electric Co., San Francisco, Cal.; the J. J. Pfister Knitting Co., West Berkeley, Cal.; the Home Industry League of California, Langley; the Michaels Co., San Francisco, Cal.; and the Sacramento Chamber of Commerce, Sacramento, Cal., favoring the passage of the Weeks bill, for a 1-cent postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of the Altolia Mining Co., San Francisco, Cal., protesting against the unreasonable reduction of tariff on tungsten ore; to the Committee on Ways and Means.

By Mr. REILLY: Petition of New Haven County Pomona Grange, No. 5, favoring the passage of the McLean bill, granting Federal protection to all migratory birds; to the Committee on Agriculture.

Also, petition of the Connecticut Automobile Association, New Haven, Conn., favoring the adoption of the national highway from Washington to Gettysburg as a memorial to Abraham Lincoln; to the Committee on the Library.

Also, petition of the Richmond (Va.) Chamber of Commerce, favoring the passage of legislation for a reform in the banking system of the United States; to the Committee on Banking and Currency.

By Mr. TUTTLE: Petition of citizens of Port Morris, N. J., favoring the passage of the Kenyon-Sheppard bill, preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

Also, petition of William G. De Meza, Plainfield, N. J., favoring the passage of bill granting a pension to Mrs. Margaret Rix, widow of James T. Rix; to the Committee on Invalid Pensions.

Also, petition of the New Jersey Chapter, American Institute of Architects, Jersey City, N. J., favoring the adoption of the Mall site and the design as approved by the National Commission of Fine Arts for the memorial to Abraham Lincoln; to the Committee on the Library.

Also, petition of the clubs of the fifth district of the New Jersey Federation of Women's Clubs, favoring the passage of legislation for the establishment of a national bureau of health; to the Committee on the Judiciary.

Also, petition of the Elizabeth Board of Trade, Elizabeth, N. J., favoring the passage of Senate bill 3, for Federal aid to vocational education; to the Committee on Agriculture.

Also, petition of the Plainfield Democratic Club, Plainfield, N. J., protesting against the passage of Senate bill 3175, for the restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. UNDERHILL: Petition of the National Association of Shellfish Commissioners, Boston, Mass., favoring passage of legislation making appropriations for investigations for the further development of the oyster industry; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the New York State legislative board, Brotherhood of Locomotive Engineers, favoring the passage of bill known as the Federal workingmen's compensation bill; to the Committee on the Judiciary.

Also, petition of the Richmond Chamber of Commerce, Richmond, Va., favoring the passage of legislation for a reform in the banking system of the United States; to the Committee on Banking and Currency.

By Mr. WILDER: Petition of 50 boys and girls from one of the Gardner schools, Gardner, Mass., favoring the passage of the McLean bill granting Federal protection to all migratory birds; to the Committee on Agriculture.

By Mr. WILSON of New York: Petition of the National Association of Shellfish Commissioners, Boston, Mass., favoring the passage of legislation making appropriation for investigations and experiments for the development of the oyster industry; to the Committee on the Merchant Marine and Fisheries.

SENATE.

FRIDAY, *January 31, 1913.*

(Continuation of legislative day of Thursday, January 30, 1913.)

The Senate reassembled at 11 o'clock and 45 minutes a. m., on the expiration of the recess.

The PRESIDENT pro tempore (Mr. GALLINGER). Senate joint resolution No. 78 is before the Senate as in Committee of the Whole and open to amendment.

Mr. CULLOM. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Illinois raises the question that there is no quorum present, and the roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Lodge	Sanders
Borah	Dillingham	McCumber	Shively
Brandegee	du Pont	McLean	Simmons
Bristow	Gallinger	Martine, N. J.	Smith, Ariz.
Burnham	Gamble	Myers	Smith, Ga.
Burton	Gronna	Nelson	Smoot
Catron	Guggenheim	Newlands	Stephenson
Chamberlain	Heiskell	Oliver	Sutherland
Chilton	Hitchcock	Overman	Swanson
Clapp	Jackson	Page	Thomas
Clark, Wyo.	Johnston, Ala.	Perkins	Thornton
Crawford	Jones	Perky	Townsend
Culberson	Kenyon	Richardson	Wetmore
Cullom	La Follette	Root	Williams

Mr. TOWNSEND. I desire to state that the senior Senator from Michigan [Mr. SMITH] is absent on business. I should like to have this announcement stand for the day.

Mr. SWANSON. I wish to announce that my colleague [Mr. MARTIN of Virginia] is detained from the Chamber on account of sickness. I will let this announcement stand for the day.

Mr. THORNTON. I wish at this time to announce the necessary absence of my colleague [Mr. FOSTER] from the Chamber on account of illness in his family, and also to state that he is paired with the junior Senator from Wyoming [Mr. WARREN]. I ask that this announcement may stand for the day.

The PRESIDENT pro tempore. Fifty-six Senators have answered to their names. A quorum of the Senate is present.

SENATOR FROM IDAHO.

Mr. PERKY. I present the credentials of Hon. WILLIAM E. BORAH, chosen by the Legislature of the State of Idaho a Senator from that State for the term beginning March 4, 1913, and ask that they be read and filed.

The PRESIDENT pro tempore. The credentials will be read.

The credentials of WILLIAM EDGAR BORAH, chosen by the Legislature of the State of Idaho a Senator from that State for the term beginning March 4, 1913, were read and ordered to be filed.

INDEPENDENCE OF THE JUDICIARY (S. DOC. NO. 1032).

Mr. McCUMBER. With the permission of the Senate I send to the Chair an address delivered to the graduating class of the Yale Law School, June 17, 1912, by William B. Hornblower, of New York. It is a very important address, and I ask that it be printed as a public document.

The PRESIDENT pro tempore. Without objection, that order will be made.

PROPOSED INTRODUCTION OF A BILL.

Mr. SUTHERLAND. I should like to ask leave out of order to introduce a bill to be referred to the Committee on the Judiciary.

Mr. CUMMINS. I have no objection, but——

Mr. LODGE. I make the point of order that under the unanimous-consent agreement the Senate can not engage in any other business.

The PRESIDENT pro tempore. The Senator from Massachusetts objects on the ground that under the unanimous-consent agreement the bill can not be received. The Chair thinks the point of order is well taken.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the joint resolution (S. J. Res. 157) to enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States on March 4, 1913.

The message also announced that the House had passed a bill (H. R. 28186) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

S. 1072. An act to amend section 895 of the Code of Law for the District of Columbia;

H. R. 18841. An act incorporating the National Institute of Arts and Letters;

H. R. 24104. An act to create a new division of the western judicial district of Texas and to provide for terms of court at Pecos, Tex., and for other purposes; and

S. J. Res. 158. Joint resolution approving the plan, design, and location for a Lincoln memorial.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts and joint resolutions:

On January 29, 1913:

S. J. Res. 145. Joint resolution to provide for the maintenance of public order and the protection of life and property in connection with the presidential inaugural ceremonies in 1913.

On January 30, 1913:

S. 2666. An act granting an increase of pension to William P. Clark; and

S. 6380. An act to incorporate the American Hospital of Paris.

On January 31, 1913:

S. J. Res. 153. Joint resolution granting to the Fifth Regiment Maryland National Guard the use of the corridors of the courthouse of the District of Columbia upon such terms and conditions as may be prescribed by the marshal of the District of Columbia.

HOUSE BILL REFERRED.

H. R. 28186. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

THE PRESIDENTIAL TERM.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States.

Mr. BRISTOW. What is the pending amendment, may I inquire?

The PRESIDENT pro tempore. No amendment is pending.

Mr. BRISTOW. Was the amendment which the Senator from Mississippi [Mr. WILLIAMS] offered voted on yesterday?

The PRESIDENT pro tempore. The Senator from Mississippi withdrew his amendment temporarily.

Mr. McCUMBER. There is an amendment pending, I think. I offered one yesterday.

The PRESIDENT pro tempore. The Senator from North Dakota submitted an amendment to be printed. Does the Senator offer it now?

Mr. ROOT. Mr. President——

Mr. McCUMBER. I yield to the Senator from New York.

Mr. ROOT. I offer the amendment which I submitted yesterday and which has been printed.

The PRESIDENT pro tempore. The Senator from New York offers an amendment, which will be read.

The SECRETARY. On page 2, lines 8 and 9, in the amendment of the committee, strike out the words "under the Constitution and laws made in pursuance thereof" and insert in lieu thereof the words:

> The executive power shall be vested in a President of the United States of America. The term of the office of the President shall be six years; and no person who has held the office by election, or discharged its powers or duties, or acted as President after the 4th day of March, 1917, shall be eligible to again hold the office by election.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from New York.

Mr. WILLIAMS. I should like to see that amendment just one moment.

Mr. HITCHCOCK. It is on the Senator's desk.

Mr. WILLIAMS. I suppose the intention of the Senator from New York is not to let it be retroactive.

Mr. ROOT. Precisely. It relieves——

Mr. WILLIAMS. I think if the Senator will watch this language he will see that it is subject to a possible misconstruction:

> And no person who has held the office by election, or discharged its powers or duties, or acted as President after the 4th day of March, 1917, shall be eligible to again hold the office by election.

Does not the Senator mean to say that no person who has held the office by election or discharged its powers or duties or

acted as President shall be eligible after the 4th day of March, 1917?

Mr. ROOT. It is intended to require that the cause of ineligibility shall be the holding of the office or the acting as President after the 4th of March, 1917, so that no one will be made ineligible before.

Mr. WILLIAMS. If that is the intention, it is all right.

Mr. ROOT. The idea is that no previous election or acting as President shall disqualify anyone. That really will not take effect in any sense or degree until after the expiration of President Wilson's term.

Mr. WILLIAMS. It would operate in this way if that is your intention. Mr. Wilson, for example, comes in now, and he would serve until 1917.

Mr. ROOT. He would not be ineligible.

Mr. WILLIAMS. He would not be eligible any more.

Mr. ROOT. He would not be ineligible. He would be eligible.

Mr. WILLIAMS. I meant to say "ineligible."

Mr. ROOT. And Mr. Taft would be eligible and Mr. Roosevelt would be eligible.

Mr. WILLIAMS. I meant to say he would not be ineligible. Then it might happen that Mr. Wilson could occupy the presidential office for three terms.

Mr. ROOT. No; one afterwards and one before.

Mr. WILLIAMS. Yes; that is right; one six-year term afterwards and one term of four years.

Mr. HITCHCOCK. Before the Senator from New York takes his seat I should like to ask him what possible reason there is for disqualifying for election to the Presidency a Vice President or a Cabinet officer who may be exercising the powers of President and duties of the office for, say, six months?

It seems to me that the purpose of this proposed amendment to the Constitution is to give a term of six years to a President and then to prohibit him from running for reelection. But the use of the language in the committee amendment and the language of the amendment proposed by the Senator from New York includes a prohibition against the Vice President who has temporarily filled the office or a Cabinet officer who has temporarily filled the office from running for President, whereas the situation might be such that he would be preeminently the choice of the people and he might have held the office for only a few months. I should like to ask the Senator from New York whether the following amendment, which I propose to offer and which has been printed, does not fully meet the needs and avoid all possible ambiguities such as the Senator from Mississippi has raised. If the Senator will permit me, I should like to read my amendment for his consideration in connection with his own.

> The executive power shall be vested in a President of the United States of America. The term of the office of President shall be six years, and no person elected for six years after the adoption of this amendment shall be eligible again to hold the office by election.

That excludes any man elected to the office. It does not exclude a man who has held it temporarily for a short time and does not apply to President-elect Wilson.

Mr. BORAH. Mr. President——

Mr. ROOT. I wish to say, if the Senator from Idaho will excuse me for a moment, in regard to the observation just made by the Senator from Nebraska that I am inclined to agree with him. I should prefer the amendment in a simple form, not undertaking to take in all the accidental and temporary holders of the Presidency, but this amendment was not designed to touch that. It was addressed solely to the single proposition that whatever amendment we adopt ought to be postponed in its effect, so that it will have no possible personal interest urging toward its adoption or its defeat.

I understand the adoption of this amendment, postponing the operation until after the 4th of March, 1917, will not at all interfere with another amendment which deals with the subject the Senator from Nebraska has just referred to.

Let me hasten, Mr. President, while I am up to say that in copying the provision the old split infinitive has crept in again. The copy was made from the print before it was corrected, and the words "again" and "to" should be transposed in line 6. That shows the persistency of evil.

Mr. BORAH. Mr. President, the amendment which is offered by the Senator from New York, I understand, would not exclude from reelection the President elect.

Mr. ROOT. It would not.

Mr. BORAH. And it would not exclude from reelection the ex-President.

Mr. ROOT. It would not.

Mr. BORAH. Mr. President, that discloses the weakness of this whole proposition. We are willing to except from the rule the President, the President elect, and the ex-President. Those who are opposed to this resolution believe that in the future it may be considered wise to except from the rule some living ex-President or President. If this is a good rule in the future, it is a good rule now. It can not be said that it is a reflection upon any man, when we are adopting an amendment to the Constitution of the United States, to make it apply to all citizens alike.

I do not think that I would be as anxious as some Senators here to exclude the ex-President from reelection, but if we are going to amend the Constitution I am sure it should be made to apply to all alike.

Now, if we of this generation think it wise to say that there are some men who are sufficiently virtuous and sufficiently patriotic and sufficiently able to be reelected, may we not leave this question to future generations to determine the same thing?

So I think, Mr. President, that in the effort to get around the present situation we reveal the real weakness of this movement, and I am opposed to the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from New York [Mr. ROOT] to the amendment. [Putting the question.] The noes appear to have it.

Mr. ROOT. I ask for a roll call.

Mr. HITCHCOCK. I should like to ask whether the amendment of the Senator from New York is open to amendment or if his amendment should be adopted whether my amendment would have to be offered as a substitute.

The PRESIDENT pro tempore. The Chair would suggest that the amendment itself is open to amendment.

Mr. HITCHCOCK. The amendment of the Senator from New York?

The PRESIDENT pro tempore. It is open to amendment.

Mr. HITCHCOCK. May I, then, propose mine as a substitute, and first secure a vote upon that?

Mr. ROOT. My amendment is an amendment to the committee amendment.

The PRESIDENT pro tempore. The amendment of the Senator from New York is an amendment to the committee amendment, and the amendment itself can be amended.

Mr. CLARKE of Arkansas. Mr. President, may I inquire in what order the amendments are being offered to the committee amendment? Are they offered in the order in which they were presented, or are they called up at the pleasure of a Senator addressing the Chair?

The PRESIDENT pro tempore. The Chair has no authority to place the amendments before the Senate, and they will be considered as Senators proposing them shall call them up.

Mr. CLARKE of Arkansas. I rose to ascertain the order in which they should be presented for the purpose of withdrawing the amendment which I proposed. I see that the Senator from New York has covered that ground so much better than I did, so much more compactly and so much more clearly, that I wish permission to withdraw the amendment I offered.

The PRESIDENT pro tempore. The Senator from Arkansas can withdraw his amendment.

Mr. HITCHCOCK. If it would be proper, then, I offer my amendment as a substitute for the amendment offered by the Senator from New York.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Nebraska [Mr. HITCHCOCK] will be stated.

The SECRETARY. In lieu of the words proposed to be inserted by the Senator from New York insert the following:

> The executive power shall be vested in a President of the United States of America. The term of the office of President shall be six years, and no person elected for six years after the adoption of this amendment shall be eligible again to hold the office by election.

Mr. BRISTOW. If I understand that amendment properly, a President might die within a month after he was inaugurated and the Vice President succeed him and serve for 5 years and 11 months, and then he would be eligible for election 6 years longer, placing him continuously in office practically for 12 years.

Mr. BORAH. That is correct.

Mr. BRISTOW. I do not think I want any proposition of that kind.

Mr. HITCHCOCK. Mr. President, that is a possibility, but it seems to me that the alternative presents a greater evil. We propose by the language contained in the committee amendment and by the language contained in the amendment offered by the Senator from New York to disqualify a Vice President or possibly a Cabinet officer, who may have served only a month, from being elected President of the United States. I do not think that such a proscription is contemplated.

The real purpose of the proposed amendment to the Constitution, confining the President to one term and the length of that term to six years, may be said to be two-fold. In the first place, the public sentiment in favor of a single term had its origin in the desire to avoid frequent elections. It was considered that an election of a President every four years tended to keep the country in an almost continuous state of political uproar, to the disturbance of business and to the unsettling of commerce and the industries of the country. The first proposition was to have a President elected every six years instead of every four years. Later, under the development of the presidential power, there has grown a sentiment in this country that no President should be reelected, for the reason that the centering of such a tremendous power in the Executive office is so without any parallel in the country that that great power should not be twice intrusted to the same man.

Mr. BORAH. May I ask the Senator from Nebraska what is the object of making this exception as to a man who has been elected once for the six-year term? Why not have the constitutional provision apply as soon as the States shall have ratified it?

Mr. HITCHCOCK. So as to apply to the President elect and to ex-President Roosevelt and to President Taft? Does the Senator make that inquiry? The objection that has been stated is that it is unjust to adopt an amendment that seems to point to any particular individual, which seems to disqualify ex-President Roosevelt or President Taft, who has only held one term, or President Elect Wilson, who will have held one term at the expiration of the approaching term.

Mr. ROOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from New York?

Mr. HITCHCOCK. I do.

Mr. ROOT. I wish to say that the amendment, which is really a substitute, offered by the Senator from Nebraska, accomplishes the purpose I had in mind equally well with the amendment which I offered. I should be entirely satisfied if the amendment suggested by the Senator from Nebraska be adopted. I say this now because I am obliged to leave the Chamber for the purpose of taking a train. I shall be paired, but I shall be silent. I wish to say that I am perfectly satisfied with the amendment offered by the Senator from Nebraska. It accomplishes the purpose I had in view.

Mr. BORAH. Before the Senator leaves to take the train, may I ask why it is necessary to except anyone from the provision of a constitutional amendment?

Mr. ROOT. Because, Mr. President, in making an amendment to the Constitution of the United States we ought to deal impersonally for the general interests of the Government of the United States, and we ought to exclude from consideration all personal elements. That was the idea in prohibiting this amendment from applying to any of the men who are now in the active political field by reason of their previous election to the Presidency of the United States.

Mr. BORAH. It occurs to me that when we except three persons we make it personal, but when we make a universal rule it applies to all alike and can not be personal. There are three distinguished gentlemen occupying a place as political leaders, and you designate and single them out. You might just as well insert their names in this amendment and make it personal. You are amending the Constitution and making an exception to these three distinguished men in American politics.

Mr. ROOT. I will leave the Senator's argument with simply calling attention to the fact that the Senator is avowedly desirous to defeat the whole proposition.

Mr. BORAH. The Senator from New York is correct again.

Mr. PAYNTER. Is it in order to offer an amendment to the amendment offered by the Senator from New York?

The PRESIDENT pro tempore. One amendment to that amendment is now pending, and it would not be in order to offer another at the present time.

Mr. PAYNTER. I may be permitted to suggest that we ought to amend it further. Under the amendment offered by the Senator from Nebraska the joint resolution would not take effect for 10 years practically, because the incoming President will hold for 4 years and it provides that after a man has been elected President for 6 years he shall be ineligible. I think an amendment should be made to put in operation this constitutional provision two years earlier than it would go into effect under the amendment suggested by the Senator from Nebraska. I would suggest that the words "nineteen hundred and seventeen" be stricken out of the amendment offered by the Senator from New York and "nineteen hundred and twenty-one" inserted in lieu of it, so that at the end of 8 years it would take effect instead of 10 years.

Mr. WORKS. Mr. President, I hope the amendment offered by the Senator from Nebraska will be adopted. As the joint resolution was first introduced by me it provided in very simple terms for one term for the President and Vice President of the United States. There was no particular reason why the limitation should be applied to the Vice President of the United States except to put them upon a uniform basis. There was, on the other hand, no reason why the rule should not be applied to the Vice President as well as to the President.

The joint resolution went into the Judiciary Committee. They have so changed it that if the Vice President of the United States should assume the office for one day, or the Secretary of State, under the rule of succession provided by statute, should serve for any length of time, either of them would be absolutely disqualified to become a candidate for President. I think, Mr. President, that is unjust. I do not think this joint resolution ought to go to that extent. I am very strongly in favor of limiting the holding of the office by the President of the United States to one term of six years. I have endeavored, in a speech of some length that I made here some time ago, to give my reasons for the convictions that I entertain; but my ideas do not go so far as that of the Judiciary Committee in the particulars that I have suggested, and I should be very glad if everything might be eliminated from this joint resolution except the simple question of limiting the tenure of the President to one term and disqualifying him thereafter.

I understand that a case might arise where the Vice President might succeed to the office of President very soon after the term for which the President had been elected, but that will occur very infrequently; it has done so in the past. So I think it will be much better to leave that situation as it is than to place this limitation upon any citizen of this country who has held the office for so brief a time as might occur—taking the other side of the situation.

With respect to the other question, whether this provision ought to be made to apply to citizens of this country who have already held the office of President of the United States, I will say that personaliy, so far as the principle involved is concerned, I should prefer to have it take effect absolutely and apply to everybody; but we can not conceal from ourselves the fact that there has intervened in this case a question of personality. It is perfectly evident to every Senator on this floor that Senators are being influenced more or less by that consideration of personality. I should be glad to see that phase of it eliminated; and in order to do that, in order that we may come to this question as a mere principle—and it is a great fundamental principle—I shall be perfectly willing to have these gentlemen excepted from the provisions of the joint resolution.

Mr. BORAH. Mr. President, if these gentlemen are excepted, they ought to be excepted during their entire natural life.

Mr. WORKS. Mr. President, I am not willing to allow the Senator from Idaho to misrepresent my position. I am not saying that it ought to be done. Personally, I would much rather it were not done; but in order to eliminate that phase of it, for one I am willing to waive my convictions in respect to it; the Senator from Idaho [Mr. BORAH] is not, because his whole purpose in the matter is to defeat this joint resolution and to get everything possible into it to bring about that result on the final vote.

Mr. BORAH. Mr. President, the Senator from Idaho has been laboring industriously to get everything out of the joint resolution instead of getting everything into it. I have offered no amendment to it, and I do not propose to do so. I do not see how the joint resolution could be amended so as to make it any better than it was—for defeat. I am thoroughly opposed to the proposed amendment to the Constitution. That is pretty well understood. I may be in error, but I have not yet heard any argument that convinces me that I am. I do think, however, that the amendment ought not to be framed here upon the basis of some man's individual ambition to be President.

Mr. WORKS. I think so, too, Mr. President, and if that were the sole question involved, if there were nothing outside of it except the simple question of excepting these three gentlemen from the effect of the joint resolution, I should be opposed to it; but the fear I have in mind is that by reason of that very fact we are going to lose the vital issue that is presented in this case. That is precisely why the Senator from Idaho would be glad to have the joint resolution in that situation.

Mr. BORAH. Mr. President, I do not assume for a moment that the Senator from California introduced this joint resolution in the first instance by reason of the aspiration of a certain individual now in American politics to be President a third time. I do not assume that those who are urging it were urging it for that reason, yet I think that anyone who scans the situation will realize that the joint resolution would have had no

considerable support at this time had it not been for that fact. There have been only three times when this matter has been very much discussed among the American people. They were during Gen. Jackson's administration; at the time Gen. Grant's name was mentioned in connection with a third term; and at the time Col. Roosevelt was mentioned in connection with a third term.

Since the Senator from California seems to assume that certain Senators are actuated because of personal relations, more or less strong with these men, I must be permitted to say that, in my judgment, the only real foundation for this joint resolution, the beginning of it, grew out of our situation at the present time. I am quite aware that there are individuals supporting it who support it for an entirely different reason; but so far as any sustained interest in it is concerned, so far as any general support is concerned, it comes by reason of the fact that Col. Roosevelt's name was mentioned in connection with a third term.

Mr. PAYNTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Kentucky?

Mr. WORKS. I yield to the Senator from Kentucky.

Mr. PAYNTER. In view of the statement of the Senator from California [Mr. WORKS] as to the personal aspect of the case, I want to say that when I suggested "twenty-one" instead of "seventeen," as provided in the amendment of the Senator from New York [Mr. ROOT], I felt that it would be very well for it to take effect at the end of eight years. I think the joint resolution which is pending, as reported from the Committee on the Judiciary, is too indefinite; that it would have to be determined in some way whether or not the incoming President would hold for four years or for six years, and I should infinitely prefer to see a designation of four years rather than to leave the question open.

In addition to that, I want to say that under my construction of the amendment offered by the Senator from Nebraska [Mr. HITCHCOCK] and approved by the Senator from New York, the incoming President could be reelected at the end of four years; he then could be reelected under that language for six years, and thus could be President for 10 years. I am not influenced by political or personal considerations in this matter. I should infinitely prefer to see the term limited to four years than to make it possible for one man to hold for 10 years. Therefore I am very much opposed to the amendment which has been offered by the Senator from Nebraska and accepted by the Senator from New York.

Mr. WORKS. Mr. President, I certainly had no intention of intimating that the Senator from Kentucky [Mr. PAYNTER] was influenced by any such motives as the Senator from Idaho [Mr. BORAH] seems to think some others may be influenced by. I think it is placing a very low estimate upon Members of the Senate to say that any Member of this body would be influenced to vote one way or the other upon a great question like this on account of his personal friendship to any individual, and I am quite sure that no such feeling exists on the part of any Member of this body.

Mr. President, I do not feel that I would be justified in taking up the time of the Senate in discussing this question generally, because I have heretofore consumed a good deal of the time of the Senate in giving my views upon it. I only arose for the purpose of speaking directly to the amendment offered by the Senator from Nebraska [Mr. HITCHCOCK], because it comports with my ideas on the subject from the beginning, with the single exception of placing this limitation upon it in view of the personal equation that has entered into this discussion.

Mr. CLAPP. Mr. President——

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Minnesota?

Mr. WORKS. I yield to the Senator from Minnesota, and yield the floor.

Mr. CLAPP. Mr. President, the Senator from California [Mr. WORKS] has just stated that he did not consider and he thought no other Senator considered for a moment that the personal equation enters into this matter. It seems to me that the amendment offered by the Senator from New York [Mr. ROOT] and the amendment offered by the Senator from Nebraska [Mr. HITCHCOCK] constitute a reflection upon the Senate itself. In effect they say to the country that a great principle—for it is a great principle—can not pass this body unless the adherents of three partisan leaders are recognized and the partisan leaders themselves are cared for in this proposed constitutional amendment.

I am not in favor of placing a limitation upon the right of the American people to elect as President whomsoever they please. I think one instance in our country's history shows how dangerous such a limitation might be; but if we place this limitation upon the people and upon ourselves it can only be justified upon the ground that the principle itself is a correct principle.

It seems to me, Mr. President, if I may use the expression without objection in this body, that it is almost trifling with a great fundamental principle that we should recognize a personal equation and exempt three gentlemen from a proposed constitutional amendment. One of those men I hold in close friendship, and yet as a friend of that man I would dislike to see this amendment to the joint resolution adopted. If it is wise for the American people to place this limitation upon themselves, it is unwise to except my friend or any other Senator's friend from the operation of this limitation.

Let us treat this matter squarely and fairly upon its merits. I do not believe in the limitation; but if it be wise to impose this limitation, let us rise to the occasion and impose it as against each and every individual whether or not he may have been President in the past.

Mr. SUTHERLAND. Mr. President, I quite agree with what the Senator from California [Mr. WORKS] has said with reference to this proposed constitutional amendment. I am supporting it because I believe it is a wholesome principle to put into the Constitution of the United States. I am not supporting it because its effect may be to eliminate any particular individual or individuals from further consideration for the presidential office. I am anxious that this joint resolution should be adopted and submitted to the American people; I am further anxious that the proposed constitutional amendment should be adopted by the people; and I shall support the amendment suggested by the Senator from New York [Mr. ROOT], not because I believe that it would not be better to have the provision go into the Constitution without this exception, but because I believe that it will stand a far better chance of being adopted with the amendment than without it.

We have already heard from individuals that this was an attempt not to put some fundamental principle into the Constitution, but an attempt to preclude certain individuals from being renominated and reelected to the Presidency. If we do not put this amendment into the joint resolution we shall hear much of that claim while the amendment is pending before the several States. It will be urged in many States that this is simply an attempt to prevent this man or that man who has heretofore been President of the United States from being reelected, and the fundamental character of the principle will be to a very large extent lost sight of in that personal application of it. I intend to support the proposed amendment for that reason—to eliminate that particular element from consideration when the amendment is to be considered by the legislatures of the various States.

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Washington?

Mr. SUTHERLAND. I do.

Mr. POINDEXTER. I should like to ask the Senator from Utah if he does not believe that, if this principle is meritorious, it ought to apply to the individuals whom the Senator has in mind? The Senator has said that he has heard objections made to one of the men referred to again holding the office of President. Those objections were more or less based upon the fact that he had served two terms. If there is any——

Mr. SUTHERLAND. If the Senator will pardon me——

Mr. POINDEXTER. Just let me complete my statement.

Mr. SUTHERLAND. The Senator has not quoted me quite accurately.

Mr. POINDEXTER. If there is merit in the proposition to prevent a man from holding a third term or a second term, why should it not apply in one case as well as in any other case? Why should any man be excepted?

Mr. SUTHERLAND. I have endeavored to make my position clear, Mr. President. I think it should apply; I think it would be far better if there were no exceptions made at all; and I attempted to make that clear. What I have said is that it has already been claimed that the whole object of this proposed constitutional amendment was to exclude from future consideration some particular individual, and I fear that that same claim will be made when the amendment is submitted to the legislatures of the various States. So I propose by my vote to take out of the question that particular thing, if I can.

Mr. POINDEXTER. In that event——

Mr. SUTHERLAND. So that—if the Senator will permit me to finish—the question may be determined by the American people wholly from an impersonal standpoint. Let them pass upon the great fundamental principle that is involved, stripped of these personal considerations entirely, and I am willing to forego my objection to the exceptions—for I have objections

to them—for the sake of the larger question which is involved.

Mr. POINDEXTER. Mr. President, the effect of that would be that the entire virtue of this amendment, so far as the present time is concerned and so far as current issues in this country are concerned, would be destroyed. The joint resolution would be emasculated so that it would have no effect upon existing conditions, which conditions are said to be dangerous and said to be the very conditions which are intended to be saved and remedied by this proposed amendment to the Constitution, and the joint resolution would be left valueless and without force as to the present time and never to be of any benefit to the American people, except upon some future contingency that might never occur.

It is said that there is now danger of a man perpetuating himself in office because of his ambition and his popularity with the people and because of the power and prestige that he has gained from having held the presidential office for two terms. If there is such a danger, that is the danger that the American people are concerned with far more than with some unknown danger in the future years that may never occur. If the amendment is of importance, it is of importance to meet the condition which confronts the people to-day, and if you strike it out, if you adopt this proposed amendment to the joint resolution, it may never have any effect.

Mr. SUTHERLAND. Mr. President, the Constitution or an amendment to the Constitution is not a transitory or a temporary thing; it is to endure for all time; and for the sake of obtaining a fundamental principle of this kind, so far as I am concerned, I am willing to forego the temporary inconvenience that may result, if any such does result, from an exception of this character for the sake of the future.

Mr. PAYNTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Kentucky?

Mr. SUTHERLAND. I do.

Mr. PAYNTER. I understood the Senator from Utah to say that he favored the amendment offered by the Senator from New York.

Mr. SUTHERLAND. I did.

Mr. PAYNTER. In connection with that, the Senator from New York said that he would accept the amendment, or that he favored the amendment, of the Senator from Nebraska. Now, I desire to call the Senator's attention to that fact.

This is the amendment of the Senator from Nebraska:

> The executive power shall be vested in a President of the United States of America. The term of the office of President shall be six years, and no person elected for six years after the adoption of this amendment shall be eligible again to hold the office by election.

If my interpretation of this amendment is correct, President Elect Wilson would be eligible under it to be reelected for six years. Do I understand the Senator to mean that he would be in favor of this presidential term, or two terms aggregating 10 years?

Mr. SUTHERLAND. No, Mr. President. I have distinctly said that I was in favor of the amendment proposed by the Senator from New York [Mr. ROOT]. If I understand the amendment offered by the Senator from Nebraska, I am not in favor of that amendment.

Mr. PAYNTER. I simply want the Senator to make himself perfectly understood in regard to it.

Mr. SUTHERLAND. The amendment that I favor is the amendment proposed by the Senator from New York and not the amendment proposed by the Senator from Nebraska.

Mr. CUMMINS. Mr. President, I think there is some misunderstanding with regard to the attitude at least of some of us who are in favor of this resolution. I am for the resolution, because I believe a President of the United States who is ineligible for reelection will be a better President than though he were eligible for reelection. I am not so much concerned about the fear of permanency in office.

The view of the Senator from Washington, it seems to me, is wholly inadmissible. There is a reason—not a fanciful reason, not a personal reason—why every ex-President could be exempted from the operation of this provision. Indeed, in principle he ought to be exempted. The amendment is intended to make a better President and a more faithful and more efficient performance of duty.

Referring to the distinguished ex-President of the United States, nothing that we can do will add to or take away from the efficiency of his work during the time he was President of the United States. That has gone. If he should be again President of the United States, it would be his efficiency during that term that would most concern the American people.

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Washington?

Mr. POINDEXTER. I will not interrupt the Senator further than for one very brief remark.

Mr. CUMMINS. I am very glad to have the Senator do so.

Mr. POINDEXTER. Would you not be destroying the principal value of the amendment if you made these exceptions, in that you would destroy the precedent that a President shall not hold office for more than two terms, which has been established by custom in this country?

It is true, as the Senator from Iowa says, that it is too late now to affect the administration which is past and gone. But viewing the question from the standpoint of the Senator from Iowa, the breaking down of the precedent, by allowing a man who has already served two terms to serve another term, would open the way to affect the administrations which are to come in the future.

Mr. CUMMINS. It does not break down the principle. The principle involved is to take away from a President the temptation to depart from the path of his duty, the temptation to execute the laws with fear or with favor, instead of without fear and without favor. At least, that is the principal object that I seek to accomplish by my support of the resolution.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS. I do.

Mr. WILLIAMS. If the Senator will pardon me, I want to make this suggestion: Does not the Senator think the general principle that legislation should not be retroactive applies to this case as well as to others? Instead of its being an exception, it is merely fixing a date at which a provision intended to control the future destiny of the country shall take effect.

Mr. CUMMINS. Precisely.

Mr. WILLIAMS. It would be a violation of principle to make it retroactive.

Mr. CUMMINS. I think it is exactly in accord with the principle of all legislation. What we want to do is to affect for the better, if we can, the conduct of Presidents in the future, by taking away from them the motive that with some people is persuasive and overpowering, to discharge the duties of the presidential office in such a way as to conduce to a renomination and a reelection. Therefore the ex-President ought not to be reached by its provisions; and the present Executive, who will be an ex-President in a very few days, ought not to be reached by its provisions.

The incoming President would not fall within the category of the ex-President. But there is no probability that this amendment will receive the concurrence of three-fourths of the States for a year or two or three years, until practically the end of the term upon which he is about to enter. Therefore, substantially, he falls into the class of ex-Presidents, and should not be excluded by the principle of this proposed amendment to the Constitution.

I do not think the matter is very important; but it has been made an issue, and the motives of a good many of us who have advocated the resolution have been assailed. It has been asserted that it is our purpose to exclude certain persons from again holding office. I am so earnestly in favor of the principle itself, and I so earnestly hope that the resolution will finally become a part of the Constitution, that I desire to remove every possible objection that can be urged to it that will not impair the value of the change itself.

I am not quite agreed with the Senator from Nebraska with regard to the other part of his amendment. As I said in the Committee on the Judiciary, I would be willing to agree to make it applicable to the Vice President, or to those who come in by succession under the laws of Congress passed in pursuance of the Constitution, only in the event that the Vice President held for a certain substantial time the office of President. If the Vice President came in during the very closing days of a presidential term, I think it would be very unfair to exclude him or render him ineligible ever again to hold the office. If the Secretary of State should come in and hold the office for 30 days, just long enough to call Congress together so that it might order another election, I think it would be unfair to exclude him from the chance of being elected to this high office.

Therefore I suggest to the Senator from Nebraska that if he were to change his amendment so as to exclude these people only in the event that they held the office a certain and substantial length of time, he would very greatly strengthen it in its passage.

Mr. LODGE. Mr. President, I do not see that the amendment of the Senator from Nebraska differs from that of the Senator

from New York on the material point. If we are going to exempt these three gentlemen from the operation of this constitutional amendment, it stands to reason that Mr. Wilson will be able to hold the office continuously for 10 years. It does not make any difference how you bring it about; but if you do not allow the 7 years of Mr. Roosevelt and the 4 years of Mr. Taft and the 4 years of Mr. Wilson to count against them, Mr. Wilson will be in a position where he can have the Presidency, if he can get renominated and reelected, for 10 consecutive years.

It seems to me it is a contradiction of all that this resolution seeks to accomplish to start it with a provision of that kind. If the principle is worth anything, surely it is a principle that ought to be applied without embodying in the Constitution a temporary personality.

Mr. WILLIAMS. Mr. President, I differ with the Senator from Massachusetts in this respect: The essential thing that is aimed at is not to fix any particular number of years after which the President shall be ineligible for reelection. The principle is one altogether independent of a term of 4 years, or 6 years, or 8 years, or 10 years. The principle is to fix a definite termination to the present condition of the possibility of indefinite tenure, which might lead to perpetual tenure, or to life tenure.

If this resolution itself recited that the presidential term should be 10 years, and that after that time nobody should be reeligible, the principle would be saved. The principle would be saved, too, provided you fix a limit beyond which he shall not be reelected, beyond which it will be treason to the Republic to attempt to be reelected.

Mr. LODGE. It seems to me the length of term is a very essential point.

Mr. WILLIAMS. I think it is essential, too; but I mean it is a minor matter. The main thing is to make it impossible for a President indefinitely to succeed himself.

Mr. LODGE. But it does not seem to me that we ought to start with creating such an inequality that one man may have the Presidency for 13 years with a gap between, another may have it for 10 years with a gap between, another may have it for 10 consecutive years, and no other American citizen at any time is ever to hold it for more than 6 years. It seems to me, we start with an inequality if we attempt to do anything of that kind. If this principle is sound—I do not believe in it myself—it ought to be equally applied to all.

Mr. WILLIAMS. Mr. President, this principle is equally applied to all. We are changing the Constitution. Under the Constitution now a man may be elected as long as he lives, provided he can get enough votes for each term. We are providing for a condition of things to begin upon a certain date, and after that date everybody will stand upon an absolute equality of footing. The fact that something may have happened prior to that time whereby one has enjoyed the presidential office for a longer term than another argues no inequality at all. The Senator from Massachusetts and I have never been President to-day, so far as that is concerned. One of these men has been President seven years, another has been President four years, and if some other ex-President were living he would have been President eight years. But as this is a law to take effect in the future, and as it is made for the future, it would be a violation of every principle of sound legislation to make it retroactive, so as to visit with a penalty a citizen of the United States who ought to stand upon an equality with all others, for no better reason than that in the past the people of the United States had honored him with the Presidency.

This is not legislation for the present; it is not legislation for the past; it is legislation for the future. All the equality you can demand is that after the law goes into operation it shall operate with absolute equality upon all citizens of the United States.

Mr. BORAH. The Senator states a correct principle, it seems to me; but this amendment changes that principle.

Mr. LODGE. It does.

Mr. BORAH. The principle the Senator states is one that is now embodied in the original resolution, and if it is ratified it will operate as against all persons. But the amendment which is offered excepts some three individuals from its operation.

Mr. WILLIAMS. Oh, no.

Mr. BORAH. Yes; it does. I think, upon reflection, the Senator will agree with me that it does, because there are only three individuals to whom the exception can possibly apply.

Mr. WILLIAMS. This resolution simply says that after a certain date nobody who is elected President for a term of six years shall be reeligible. It may be true that there will be three individuals in the United States who will stand upon a different footing from the balance of the people of the United States, owing to past service. But as far as the operation of this law is concerned, the amendment of the Senator from New York fixing a date at which it shall take effect, and it having no operation until that date, it bears upon all with absolute equality. It would be just as unfair to make this legislation retroactive—and the Constitution is nothing but fundamental and organic legislation—as it would to violate the principle in all other cases where you are legislating. It is generally admitted that except under very peculiar circumstances legislation ought not to be retroactive. On the contrary, if you do not adopt the amendment of the Senator from New York you will be making an exception against three men. You are saying that they shall be the only three people in the United States who after this law begins to go into operation shall not be operated upon equally by it. You are penalizing them for something that took place in the past before it became legislation.

Now, that is not all. One more word and I shall quit. It will be found that the men who are opposed to the main proposition—the general, fundamental proposition of putting an end to indefinite tenure in the presidential office—are also the men who are opposed to the amendment offered by the Senator from New York. I am not questioning men's motives; I am just reciting now what might possibly be a motive. If a man wanted to defeat the general amendment, then he could not go about it in a better way than to array a very large part of the people of the United States against it, and, when it was being submitted to the States, to go to the poeple and say: "These people say in their high political manner that they were asserting a high fundamental principle, but they are after one man's scalp; they are persecuting this man. He received something over 2,000,000 votes from the American people, and they are trying now to render him ineligible to the Presidency." That would be done at once. Although it may not be the actual motive of those who are opposing the main proposition, it could possibly be the motive of anybody who wanted to defeat the main proposition.

Now, we are sensible men. If we are in favor of the main proposition, we want it ratified by the States. It will not be ratified if anybody can raise a persecution cry and say that it is directed at one particular man, and we who are in favor of the main proposition would be foolish to let it go out to the country handicapped in that manner.

Not only is it wrong that legislation should be retroactive, but it is unwise that those who want it passed should handicap themselves with active, aggressive antagonism on personal grounds of a great number of people; not the whole 2,000,000, of course, but a great share of them; as many of them as could be stirred up to look at the matter from that standpoint.

That is not all. They not only would say it, but it would be very hard to reply to it, because if the amendment of the Senator from New York is defeated now, after it had been explained that the purpose of it is to keep it from being directed personally at the ambition of this particular gentleman, who is the idol of a great many of the American people—if then it should be voted down and the proposition should be kept in its original condition, so that that particular man would be ineligible, there would be no answer, there would be no possible reply when they say that you singled him out and shot at him. You knew, or you thought, that he might be elected President. You hated him, and therefore you incapacitated him constitutionally. I do not want him to die believing that he could have been elected President of the United States if he had not been prevented by a constitutional amendment. I want him to run again; I want him to run twice more if he wants to, and to be beaten both times, and then he will probably be satisfied. But when I fight men I fight them fairly. I would not take advantage of a man by making a provision retroactive so as to keep him from having a free field and a fair opportunity.

Mr. BORAH obtained the floor.

Mr. OWEN. I will ask permission of the Senator from Idaho to submit a couple of memorials which I had no opportunity of presenting before. One is from the Legislature of the State of Oklahoma memorializing Congress to pass a law providing for the election of the Federal district judges. I ask that it be printed in the RECORD.

Mr. LODGE. I make the point of order that under the unanimous-consent agreement no business is in order.

The PRESIDENT pro tempore. The Senator from Massachusetts repeats the point of order made at an earlier hour, which was sustained by the Chair, and the memorials can not now be received.

Mr. HITCHCOCK. Will the Senator from Idaho yield to me to permit me to change the form of the amendment which I proposed to the amendment offered by the Senator from New

York to conform to the decision of the Chair that I should offer it in the shape of an amendment instead of a substitute? I also offer it in this form for the purpose of conforming to the suggestion made by the Senator from Iowa. I ask that it be read as it will read after these amendments.

The PRESIDENT pro tempore. The Senator from Nebraska modifies the proposed amendment to the amendment offered by the Senator from New York. It will be read as modified.

The SECRETARY. In line 6, page 2, after the word "President"——

Mr. HITCHCOCK. No; I have modified the Root amendment as printed. The modification should appear on line 5, after the word "President."

The SECRETARY. After the word "President," in line 5 of the amendment proposed by the Senator from New York, insert "*for two years or more.*"

Mr. HITCHCOCK. This is for the double purpose of meeting the objection urged by the Senator from Idaho. To permit a Vice President to run for election as President after he might have served for five years as President would be contrary to the spirit of this amendment. It also conforms to the suggestion made by the Senator from Iowa and still retains most of the verbiage of Senator ROOT's amendment. If the amendment is adopted in this form it will not exclude President Taft, nor ex-President Roosevelt, nor President Elect Wilson from reelection, nor would it exclude from election a Vice President who had acted as President for less than two years.

Mr. BORAH. May I ask the Secretary to read the amendment as now proposed.

The PRESIDENT pro tempore. The amendment will be reported as it would read if the amendment of the Senator from Nebraska should be agreed to.

The SECRETARY. The Senator from New York proposes to strike out the words "under the Constitution and laws made in pursuance thereof," after the word "President," and to insert the words "for two years or more," so that if amended it will read:

> The executive power shall be vested in a President of the United States of America. The term of the office of President shall be six years, and no person who has held the office by election or discharged its powers or duties, or acted as President for two years or more after the 4th day of March, 1917, shall be eligible to hold again the office by election.

Mr. BORAH. Mr. President, as I understand that amendment now, instead of extending the term of the present President, for instance, to 10 years, it extends it to 12.

Mr. HITCHCOCK. I should like to have the Senator explain how he reaches that conclusion.

Mr. BORAH. Of course I have only listened to the reading of it, but if the term of office of the President should be six years, and no person who has held the office by election or discharged its powers or duties or acted as President for two years or more after the 4th day of March, 1917—perhaps I am in error as I have only listened to the reading and have not examined it.

Mr. CUMMINS. It is quite evident the two years ought not to come in just at that point. I think if the Senator from Nebraska will examine it he will find it ought to be inserted somewhere else.

Mr. HITCHCOCK. I was endeavoring to conform to the suggestion of the Senator from Iowa. I would ask where I should place it.

Mr. CUMMINS. It is qualifying there the time at which this amendment goes into effect if it should be ratified.

Mr. BORAH. If you would make it 1919 instead of 1917——

Mr. CUMMINS. What the Senator from Nebraska means is to say that neither the Vice President nor one who comes in by succession shall be ineligible at all, unless he held the office for two years.

Mr. BORAH. I presume that is precisely what the Senator means, but I do not think his language covers it.

Mr. CUMMINS. I think not either. I think he will have to readjust it in some way.

Mr. BORAH. If the amendment is to be left as it is now offered, I shall not make any further remarks upon it.

Mr. JONES. While Senators are fixing up the amendment I will suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Washington suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Bryan	Clapp	Dixon
Bankhead	Burnham	Clark, Wyo.	du Pont
Borah	Burton	Clarke, Ark.	Fletcher
Bourne	Catron	Cullom	Gallinger
Bradley	Chamberlain	Cummins	Gamble
Brandegee	Chilton	Dillingham	Gronna
Guggenheim	Lodge	Paynter	Smith, Ariz.
Heiskell	McCumber	Penrose	Smoot
Hitchcock	McLean	Percy	Stephenson
Jackson	Martine, N. J.	Perkins	Sutherland
Johnson, Me.	Myers	Perky	Swanson
Johnston, Ala.	Nelson	Poindexter	Thomas
Jones	Newlands	Pomerene	Thornton
Kenyon	Oliver	Richardson	Townsend
Kern	Overman	Sanders	Wetmore
La Follette	Owen	Shively	Williams
Lippitt	Page	Simmons	Works

Mr. KERN. I again announce the unavoidable absence of the Senator from South Carolina [Mr. SMITH] on account of illness. I make the announcement to stand for to-day.

The PRESIDENT pro tempore. On the call of the roll 68 Senators have answered to their names. A quorum of the Senate is present.

Mr. SWANSON. I should like to ask the Senator from Iowa why in this amendment which has been submitted by the committee he has limited it, making it read "again to hold the office by election." It seems to me making the limitation by election precludes a President from succeeding himself by the votes of the people, but would permit him to run for Vice President and obtain the office by succession, or he could be Secretary of State and obtain it by succession.

Mr. CUMMINS. Precisely.

Mr. SWANSON. It appears to me if we are going to have simply one term for President and prevent all scheming and let his ambition be satisfied and fulfilled, we ought to strike out the term "by election," and let it be understood there will be distinctly but one term. If the words "by election" are in it seem to me, as we are preparing for the far future, an able, scheming, ambitious man could be President, and if he had the vast power that it is suggested he would acquire he could have a dummy elected President and himself Vice President.

Under this constitutional amendment that dummy could resign, and the Vice President, who had previously been the President, would succeed to the Presidency. At the end of the six years he could have another election of that kind. He could have another man run for President and he himself run for Vice President, and then he could have the man chosen as President resign. Under such a constitutional amendment as that which is proposed here Diaz could perpetuate himself in office in Mexico during his entire life.

It seems to me, if we are preparing for the future and going to have one term for President, we should limit the tenure to one term both by election and by succession; and it seems to me, in order to accomplish this purpose, the words "by election" should be stricken out. I should therefore like to know from the Senator from Iowa why it is that he uses the language "to succeed himself by election"? Why does he not prohibit it otherwise?

Mr. CUMMINS. The reason was because we were not sufficiently imaginative even to conceive of such a situation as that described by the Senator from Virginia. I can not conceive of a dummy being elected President and then resigning in order to allow a Vice President to enter the succession.

Mr. SWANSON. What I should like to ask the Senator is, Could that be done under this proposed amendment?

Mr. CUMMINS. The persons who are ineligible are ineligible only to election, and, of course, if a person who had been President were elected Vice President and the President should die or resign, there is nothing in this proposed amendment to prevent the succession of the Vice President; or if a person who had been elected President and had held the office were thereafter made Secretary of State, and the President and Vice President should both die, there is nothing in this amendment to prevent that Secretary of State from succeeding to the office of President.

Mr. SWANSON. Does the Senator from Iowa see any objection to the words "by election" being stricken out and limiting the tenure to one term?

Mr. CUMMINS. I do see some objection to it. We do not in the joint resolution propose to make the Vice President ineligible for reelection; we are dealing with the office of President alone. I do not see why, for instance, a Secretary of State who had succeeded for, say, 30 days to the office of President should not at some future time succeed if all the circumstances combined that bring in a Secretary of State. I think it would render ineligible persons who are not within the principle of the joint resolution.

Mr. SWANSON. If the words "by election" were stricken out, it would not render ineligible anyone except a person who had previously held the office of President.

Mr. CUMMINS. That is all.

Mr. SWANSON. Mr. President, while there might be no trouble ever arise, I think, if we are going to settle the tenure of the office of President so as to restrict it to one term, it ought

to be settled distinctly for one term. I therefore move to strike out the words "by election," so as to limit the President absolutely to one term.

The PRESIDENT pro tempore. That amendment is not in order at the present time.

Mr. SWANSON. I want to submit it so that it may be in order at the proper time.

The PRESIDENT pro tempore. The question is upon the amendment of the Senator from Nebraska [Mr. HITCHCOCK] to the amendment presented by the Senator from New York [Mr. ROOT].

Mr. POINDEXTER. Mr. President, the amendment proposed by the Senator from Mississippi [Mr. WILLIAMS] in this matter and the argument by which he supported it is very much like Artemus Ward's patriotism when the war broke out. He was willing that all of his wife's relatives should enlist. It is very much like the effort of some people to get to heaven by laying down rules of good conduct for somebody else to follow which they themselves do not practice. The Senator says that the trouble about this joint resolution is that it discriminates against the ex-President, the present President, and the incoming President; that they will have a disqualification laid upon them which does not apply to anybody else. It seems to me that the exact contrary of that is the case. If the amendment to the joint resolution proposed by the Senator from Nebraska is adopted, we shall be in such a situation that these three men will have a privilege which in the future no other citizen of the United States will have——

Mr. CUMMINS. Mr. President——

Mr. POINDEXTER. Just let me complete my sentence. They will be eligible to be elected to the Presidency notwithstanding having served four years, or more than four years, while no other citizen will have that privilege. It is not at all an ex post facto law as the joint resolution was originally framed. The inhibition against ex post facto laws has no application to it. It is simply a question of whether the law shall go into effect to-day or whether it shall go into effect four years from now. That is the only question. Now I yield to the Senator from Iowa.

Mr. CUMMINS. Mr. President, assuming that the purpose of this proposed amendment is to create a situation in which every President as he comes into office in the future shall know that he can not be renominated or reelected—if that is the purpose of the amendment—does the Senator from Washington think that would apply to Col. Roosevelt or to Mr. Taft?

Mr. POINDEXTER. I beg the Senator's pardon. I did not hear the first part of his statement.

Mr. CUMMINS. I stated a little while ago that the object of this amendment was to tell every President when he comes into office, "You can not be reelected. You can not hold for any other term than the one for which you are now elected." That is the purpose of the amendment. Is there any departure from that principle in putting everybody in this country upon the same plane with regard to future elections?

The Senator from Washington, it seems to me, is sticking in the bark. He is saying that there is a proposed exception here, when, as a matter of fact, there are no exceptions at all, unless it be in the case of the incoming President, who falls within the category of ex-Presidents, because this amendment will not be and can not be ratified until his term is practically over.

Now, to be absolutely concrete, suppose Mr. Roosevelt were again elected President of the United States. This amendment tells him when he comes in, "You can not be reelected, and therefore you must discharge your duties without any ambition of that kind." If Mr. John Smith is elected, it tells him precisely the same thing. There is no difference between the command that it puts upon the ex-President and the command it puts upon any other person. Therefore it seems to me that it is hardly fair for the Senator from Washington to keep insisting that we are creating exceptions by making this amendment apply to everybody in the future, without regard to the offices they have held in the past.

Mr. POINDEXTER. But the Senator from Iowa does not propose to do that; he does not propose to make it apply to everybody in the future without regard to the offices which they have held in the past.

Mr. CUMMINS. Precisely.

Mr. POINDEXTER. He proposes to except three men——

Mr. CUMMINS. No, sir.

Mr. POINDEXTER. On account of the offices and notwithstanding the offices they have held in the past.

Mr. CUMMINS. It does not except anybody.

Mr. POINDEXTER. It is difficult for me to understand how the Senator reaches that conclusion.

Mr. CUMMINS. Because it says that no man who is hereafter elected President of the United States shall serve for more than one term. That is the proposed amendment.

Mr. POINDEXTER. Well, the proposition of adopting that amendment is the subject under discussion. That is not the original joint resolution. The question is whether or not——

Mr. CUMMINS. That is not the original joint resolution.

Mr. POINDEXTER. No.

Mr. CUMMINS. And I did not suppose that anybody in the world would ever insist that it was aimed at Col. Roosevelt or at anybody else. That idea has arisen since. It has been very busily promulgated throughout the United States that we were engaged here in trying to render Col. Roosevelt ineligible to reelection as President.

Mr. POINDEXTER. I myself think that that is a very low plane upon which to put this discussion.

Mr. CUMMINS. I do, too.

Mr. POINDEXTER. And I am sure that nobody would resent it more quickly than would Col. Roosevelt.

Mr. CUMMINS. I agree to that. I think it must be abhorrent to him; I know it is abhorrent to him.

Mr. POINDEXTER. Undoubtedly, so far as his personal ambitions or intentions may be concerned, and it is, if I may be allowed to say so, abhorrent to me, and difficult to conceive of the Senate of the United States voting upon a question of this kind affected in any degree whatever by its application to individuals or by its effect upon the political ambitions of the friends or the opponents of Senators who vote upon the question.

My opposition to this resolution is based upon a sincere conviction that it would be a political and governmental mistake. I am perfectly frank to say that, being opposed to the entire resolution, it is perfectly agreeable to me to oppose the introduction of amendments to it which, I think, would give it an artificial strength; but I am opposed also to the proposed amendment upon principle, because I believe, if the original joint resolution is sound at all, it ought to be applied now.

The proposition of the friends of this amendment is that the resolution is a very important improvement of the Constitution and of our political system, in the conditions of electing Presidents, but that we want to excuse ourselves and our friends at the present time from being subjected to that improvement in the Constitution. We are asked to lay down a rule of government for the people who are to come four years from now and who will be in the center of the stage at that time.

The best thing that we can do for our descendants is to furnish them good ancestors, and the best thing we can do for the people who come after us, so far as the political affairs of this country are concerned, is to now conduct the political affairs of the country properly in order that we may pass on uninjured to them the frame of government and the political system which is deemed best and wisest. If we want the people 4 years from now or 10 years from now to adopt this rule the best argument that we can advance to them in its behalf is that we have adopted it ourselves and made it applicable at the present time to the leaders of the various parties in this year, instead of four years from now.

The Senator from Mississippi [Mr. WILLIAMS] said—and I only want to say one word with reference to his argument and, of course, I want to pass aside entirely his implication that this amendment to the joint resolution only concerns Col. Roosevelt, because, of course, it concerns Mr. Taft and Mr. Wilson as well, and their friends, but that personal element has nothing to do with it—the Senator said, in effect, in his argument that the amendment ought to be adopted so that the resolution might meet the approval of the American people. He said that if this resolution should go out for the ratification of the people of the country bearing its effect upon the leaders of the party to-day, the friends of these leaders—he said the friends of Col. Roosevelt, but I will enlarge that by saying the friends of the leaders of the different parties—will oppose the resolution. Well, why will they oppose it? Supposing that that is the reason that they will oppose it, upon what principle is it based? Because, in their judgment, we must assume that these people believe that it is for the best interest of this country that the leaders of their party should serve as President of the United States notwithstanding the fact that they have been President before; in other words, that it is the judgment of the American people that the obstacle of having served as President of the United States ought not to be considered in the choice of a President.

Mr. WILLIAMS. Mr. President——

Mr. POINDEXTER. If that is their judgment——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Mississippi?

Mr. POINDEXTER. In just a moment—if that is their judgment, it is the judgment of the people upon the merits of the question.

Mr. WILLIAMS. Mr. President, of course the Senator's view of why they should oppose this is his view, but that is not mine. The reason why I think they would oppose it if it went before them in that shape would be because they would regard it as affected with a personal tinge that would make it, in their opinion unjust and unfair, because they would regard it as retroactive legislation and addressed at persons. My experience is that the people generally resent anything that they regard as being unfair or of the character which I have indicated, and I myself think it would be unfair. I think it is unfair to pass a law for the guidance of conduct in the future and make it retroactive.

Mr. POINDEXTER. Does the Senator believe that it would be any more unfair to the people of the country now to deprive them of the privilege of selecting their choice for President of the United States without this restriction than it would be unfair to deprive the people of the country 4 or 10 years from now, or the next generation, of the privilege of selecting their choice as President?

Mr. WILLIAMS. "Law" is defined to be "a prescribed rule of conduct." If a contingency occurs for operation under the law after it has been passed, and when the nature of the law is known to everybody, when it operates equally upon everybody it can be unfair to nobody; but if a law is made to retroact, then, so far as its retroactive effect is concerned, it is not a prescription but it is a postscription, and that is the reason why it is unfair. Now, in answer to the Senator's question—and I think that answers it—it can not be unfair at all afterwards, though it might be considered unfair if it were retroactive. I myself would so consider it.

Mr. POINDEXTER. Well, Mr. President, I do not consider that the joint resolution would be retroactive; in fact, it is not retroactive in its terms and it is not retroactive in its effect. It takes effect from the present time, if it is adopted, without this amendment. It does not take effect in the past; it did not in any way whatever influence or prevent the election of either one of these gentlemen as President in past years or affect the term which they served, but operates as to whether or not they as well as other citizens of the United States under like conditions shall be reelected at some time in the future. It is in futuro and not ex post facto either in its terms or in its effect.

The Senator from Mississippi must not forget that the people hereafter will have their favorite leaders of political policies and parties in which they believe as well as the people of to-day, and that they will be just as anxious to be free to choose their leaders and champions in the political conflicts of the country then as they are now. There will be no difference in that condition from the existing condition which the Senator desires to except from this amendment.

Mr. WILLIAMS. Mr. President, of course the people will hereafter have their favorites and sometimes their idols as much as they have them now. But there is a very broad difference between the condition of things that will exist after the adoption of this amendment and the condition of things now. Hereafter men will have notice served upon them beforehand that the utmost they can do for their favorite is to elect him for the prescribed term which the Constitution shall fix. As a consequence of that, knowing beforehand, before they make him President for the first time, that they can not make him President the second time, they will not feel themselves unfairly dealt with. But they might feel themselves unfairly dealt with if you said to them: "This man shall not be reelected," although at the time he was elected the first time no such rule existed. It will have the effect upon the men themselves of restraining hero worship and human idol worship within certain limits.

Mr. POINDEXTER. I readily see the distinction which the Senator from Mississippi seeks to draw. But in my judgment it is evidently not in accordance with the effect of the resolution, because while it is true that in future the people will have notice served upon them by this resolution that their favorites will be ineligible, the friends of the present leaders to whom we have referred will likewise have notice served upon them by the resolution that those leaders are not eligible. There is no difference in that respect.

Mr. WILLIAMS. But, if the Senator will pardon me, in the one case the offense, if I may so call it, which would be penalized would have been committed after the law was passed, and in the other case it would have been committed before the law was passed.

Mr. POINDEXTER. Oh, no.

Mr. WILLIAMS. In other words, the amendment amounts to this: The penalty for being once elected President of the United States, if this amendment becomes part of the Constitution, is that the man thus elected shall not be again elected. That penalty was not announced to the world as to these gentlemen.

Mr. POINDEXTER. Let me ask the Senator a question. Is it not true that the offense is not the original election to office, if you desire to call it an offense at all? I think "offense" is scarcely the proper term.

Mr. WILLIAMS. Of course that is metaphorical.

Mr. POINDEXTER. It is not the original election, but it is the reelection, the continuous election, that is the so-called offense. If that is to be committed, it will be committed in the future, and can only be committed in the future, by Mr. Taft or Mr. Wilson or Mr. Roosevelt, as well as by those that will come after them.

Mr. WILLIAMS. The word "penalize" is, of course, an unfortunate one; but just at this moment I can not think of a better one to put in its place. In effect, if this amendment becomes a part of the Constitution, a man is penalized for having been elected once by being denied the privilege of being elected any more. As to the future, after the law goes into operation, everybody has full notice of that before he goes into the presidential office, and his friends have full notice of it. Nobody could contend that there was anything unequal or unfair about it then. But if a man had been elected President before that time, and you were to apply the rule to him, you would be penalizing him—to use that word again—for an act which took place prior to the existence of the law, and that would produce the feeling that an unfair thing had been done.

The Senator from Washington and I both understand that when we are running for office and have an antagonist, we would give him $500 any day in the world to do a patently unfair thing, or a thing that the people would regard as unfair. There would be no surer way of electing him or me than for our antagonist to do a thing of that sort. So that necessarily there would be a degree of antagonism—and the Senator is right in saying so—not upon the part of the followers of one of these gentlemen alone, but perhaps to a certain extent upon the part of the followers of the other. I refer to that gentleman alone, because there is an earnestness and a zeal and—if I may use the word—a quasi fanaticism behind his supporters.

Mr. POINDEXTER. That is on account of his superior merit.

Mr. WILLIAMS. That may be. Undoubtedly it is on account of his excessive merit in the minds of his supporters.

Mr. POINDEXTER. Exactly.

Mr. WILLIAMS. This is not the first time that an idea has taken the place of a thing in the history of the world. The tulip craze in Holland is a startling example of it, and the belief in the soundness of the Mississippi bubble is another. But however that may be, I am now attempting to apologize for having referred to one more than another, because he was in my mind, and that is probably the reason he was in my mind. That, at least, was my conception.

Mr. POINDEXTER. I am very glad to know that the Senator admits, at least, that there is a general principle at stake, and not merely a personal and individual issue.

In answer to the question which the Senator from Iowa asked a moment ago, I will say that I think the fallacy of the proposition included in the question is in his assumption that the only object of the resolution is to serve notice upon the incoming President that he can not be reelected for the influence and effect it will have upon the administration of the office. I do not think that is the only object of the resolution on the part of many, at least, of those who are supporting it. I think an object that is, at least, equally important in their conception of it is the substantial fact, the substantive, concrete proposition of preventing a man from serving any longer than six years in the Presidency, not only for the effect it would have upon his six-year administration, but because it would be considered an insidious danger to the Republic that he should serve an indefinite number of terms.

Mr. SANDERS. Mr. President, I do not think any action of this kind should be in any sense retroactive. Whether this is in fact retroactive or not, it is certainly so in its application. Then I do not think that any such action should be in any sense personal. It has been perfectly evident in this discussion that this is what is most dreaded; and, in fact, the amendments now offered are for the purpose of avoiding making it personal, and in a certain sense making it retroactive.

I think the best amendment that has been offered so far was that offered by the Senator from New Hampshire, which

proposed that the term of the office of President shall be for four years and that no one should hold the office for more than one additional term.

The idea in making this a six-year term is that there shall be but one term. If we allow two terms, as is suggested by the amendment referred to, it will be proper to have only a four-year term.

We seem to have lost sight of one important fact in this discussion, which is that one of the most baleful influences in the election of Presidents is that of a President choosing his successor. I think it is just as dangerous as for a President to undertake to succeed himself. We have had a concrete example of that sort of thing very recently. There has never been an administration so paralyzed as the one we have just had by the effort to carry out a certain line of policies, not by a man succeeding himself, but by a man choosing his successor to do so. It was necessarily more or less of a failure on this account.

I do not think we should lose sight of this for a minute, because it is just as dangerous as the other.

I think the whole amendment is a mistake, in fact. I think it would be better to go back to the original plan we have followed all the while. If anything, we should simply add the provision that there should not be more than two terms, in order to avoid the ancient fear that we might have a man perpetuate himself in office indefinitely.

Mr. BRANDEGEE. Mr. President, I should like to ask the Senator from Iowa whether the language of the resolution as reported by the committee, stating that the term of the office of President shall be six years, does affect or was intended to affect the term of office of the next President to be inaugurated?

Mr. CUMMINS. I can not answer the Senator from Connecticut. He is a member of the committee, and knows its purpose as well as I. As I remember, that inquiry was not made. I think probably it was not present in the minds of the members of the committee.

Mr. BRANDEGEE. I do not remember whether or not the matter was discussed at the time the resolution was before the committee, and it occurred to me as I was looking at the print of the bill here. I do not, myself, see why it would not, although of course the President elect was elected at a time when the Constitution provided that the term of office should be for four years. But say one or two years hence, if this amendment should take effect, the Constitution would then provide that the term of the office which he would hold should be six years. I was not clear in my own mind whether it was the intention of the Senators, or of the proposed resolution, that that should be accomplished.

Mr. CUMMINS. I do not think there is any intention about it. I do not remember that the matter was under discussion. I believe that if the amendment were adopted and ratified by the States prior to the expiration of the coming term, it would extend the term, and of course would render the incumbent ineligible for reelection.

Mr. BRANDEGEE. I am inclined to agree with the Senator on that.

Mr. BRISTOW. Mr. President, I understand the amendment now before the Senate is that offered by the Senator from Nebraska [Mr. HITCHCOCK].

The PRESIDENT pro tempore. The Chair has ruled that it is in order.

Mr. CUMMINS. As an amendment to the amendment offered by the Senator from New York [Mr. ROOT].

Mr. BRISTOW. I thought the Senator from New York accepted that amendment.

The PRESIDENT pro tempore. The Senator can not accept an amendment. It is for the Senate to decide that question. The question is upon the amendment submitted by the Senator from Nebraska [Mr. HITCHCOCK] to the amendment.

Mr. HITCHCOCK. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Nebraska suggests the absence of a quorum, and the roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cullom	McCumber	Smith, Ariz.
Bankhead	Cummins	McLean	Smith, Ga.
Borah	Dillingham	Martine	Smith, Md.
Bourne	Dixon	Myers	Smoot
Bradley	du Pont	Oliver	Stephenson
Brandegee	Gallinger	Overman	Sutherland
Bristow	Gamble	Page	Swanson
Brown	Gronna	Paynter	Thomas
Bryan	Guggenheim	Penrose	Thornton
Burton	Hitchcock	Percy	Townsend
Catron	Jackson	Perkins	Wetmore
Chamberlain	Johnson	Perky	Williams
Clapp	Johnston, Ala.	Poindexter	Works
Clark, Wyo.	Jones	Richardson	
Clarke, Ark.	Kenyon	Sanders	
Crawford	La Follette	Simmons	

The PRESIDENT pro tempore. Sixty-three Senators have answered to their names. A quorum of the Senate is present.

Mr. McCUMBER. Mr. President, I do not intend at this time to discuss the question, but only to express my view upon this amendment. I have an amendment pending, which I am going to ask be substituted at the proper time. I only want to say that I am unutterably opposed to making a distinction between American citizens now living or those who may live in the future. I shall vote against this amendment, because I want every citizen to be placed exactly upon the same grounds, with the same rights to hold an official position. If this is carried into the proposition, in the end I shall be forced to vote against the amendment entirely.

Mr. THORNTON. Mr. President, with the principle embodied in the original joint resolution of the Senator from California [Mr. WORKS] I can find no fault, because I believe the principle is sound. I have more than once during the last four or five years expressed myself to that effect and I have not changed my opinion on it. Of late, however, I have been doubtful as to whether that amendment in its form, as presented by the Senator from California, could pass this body; and the result of the discussion yesterday in the Senate satisfied me that there is such a division of opinion among Senators on that subject that it could not be passed.

I believe that there is a possibility, if not a probability of the joint resolution as proposed to be amended by the Senator from New York [Mr. ROOT] and the Senator from Nebraska [Mr. HITCHCOCK] passing this body, and therefore I shall vote for that amendment. It is true that if the amendment passes and is ratified, we may possibly not begin to receive the benefits we hope to receive from it for 10 years to come, but after that time the benefits will be continuous and permanent.

In so far as the amendment of the Senator from Nebraska is concerned, which I understood to have been accepted by the Senator from New York, I believe that it should be adopted. I think it should be adopted in the interest of fairness, or if not that, for the fear of possible injustice. The danger that may arise from its adoption, the possibility of one person holding too long a term, is entirely problematical. It may possibly never arise at all; but even if it should, I think we can better afford to adopt that which will work no injustice than to leave it out, when its being left out may operate as a very serious injustice to some of the citizens of this country.

Holding these views, I shall vote for the joint resolution as amended, with the hope that it will pass the Senate and be ratified in due time by the requisite number of States.

Mr. HITCHCOCK. I should like to inquire whether I can not at this time modify the amendment which I have proposed.

The PRESIDENT pro tempore. The Senator from Nebraska can make such modification as he pleases.

Mr. HITCHCOCK. Then, in conformity to the suggestion of the Senator from Iowa, I desire to insert in the amendment of the Senator from New York, in line 4, after the word "election," the words "after the 4th day of March, 1917," and allow the other offer of amendment to stand as applied to line 4. Can the Secretary read the proposed amendment as it would then read?

The SECRETARY. After the word "election," in line 7, in the original joint resolution——

Mr. HITCHCOCK. I am amending the amendment of the Senator from New York, in line 4, after the word "election," by inserting the words "after the 4th day of March, 1917."

The PRESIDENT pro tempore. The Chair will call the attention of the Senator to the fact that the part he proposes to amend is the text of the original committee amendment, but the Senator can move it as an amendment to the text of the committee amendment.

Mr. HITCHCOCK. So it will read as follows:

The executive power shall be vested in a President of the United States of America. The term of the office of President shall be six years, and no person who has held the office by election after the 4th day of March, 1917, or discharged its powers or duties, or acted as President for two years or more after the 4th day of March, 1917, shall be eligible to again hold the office by election.

I think that meets the objections of the Senator from Idaho, which I think were hardly warranted. It conforms to the views of the Senator from Iowa, and it leaves the amendment as I offered it in full force as far as its intent is concerned.

Mr. OLIVER. I call the attention of the Senator from Nebraska to the fact that he has again restored the split infinitive.

Mr. HITCHCOCK. I will ask the Secretary to correct that. I will say to the Senator that was not my error; it was because I took the text of the amendment of the Senator from New York.

Mr. OLIVER. I know that the amendment of the Senator from New York perpetuated it.

Mr. HITCHCOCK. The amendment I offered did not have the split infinitive.

Mr. TOWNSEND. Mr. President, I do not propose to detain the Senate further than to express briefly the reasons which induce me to oppose the proposed joint resolution. I do not believe there is any demand for an amendment to the Constitution changing the tenure of the President. I do not believe there is any need for such an amendment in order to secure the best possible results under popular Government. I say I do not believe there is any popular demand for such legislation, because I have heard of none. I recognize, of course, that there are a great many things presented to the country under the statement that the people are demanding them, when the people have not considered them at all. The necessities or apparent necessities of politicians sometimes induce them to claim a popular demand for legislation when it does not exist in fact.

I do not think that any good would be accomplished by the adoption of this joint resolution as a remedy for the evils disclosed by the advocates of this measure. I have no fear that the people will abandon our Republic for a monarchy by placing any man in perpetual power. No man has ever been elected President for a third time, and I do not believe that the people will ever give anyone a third term.

As to preventing the abuse of patronage by a President this measure would be futile. A retiring President could and probably would exercise as much power to secure the nomination of his successor as he would exercise in securing his own renomination. Back of elections and nominations are the people; they have regulated these matters in the past and they will continue to do so in the future. It is proposed that we shall amend the Constitution now through the State legislatures. It is proposed to make it a little more difficult by this amendment for the people to exercise their will hereafter, but, nevertheless, they could do it. In this day and age, when popular opinion is demanding that it shall be easier for the people to control their own Government, I am not in favor of placing any obstacles in their way. I repeat, I do not believe that any good can come from this measure. I can see that possible ill can come from it.

I am especially opposed to this particular amendment to the resolution because it makes exceptions for the benefit of individuals. I know Senators argue with some reason that this is placing all citizens of the future in exactly the same position, but if it is wrong for a President while serving to work for his own renomination, it will be just as wrong for President Wilson to do that as it will be for the next President to do it, and if this proposition is a good one it should apply to all men. If I had voted for any of these amendments—which I have not voted for, because I am opposed to the whole proposition—I would especially oppose this one.

It is readily understood that we ought to have no exceptions to the rule. It is a fact that three gentlemen living in the United States who would possibly be affected by this legislation are the only ones to whom this amendment could apply with special force, and I submit that we have no business to amend our Constitution with the idea of its affecting some particular individual. It should be absolutely general in its statement and uninfluenced by any temporary existing condition.

It is for these reasons, Mr. President, and others which I am not going to stop to mention now, but which have been submitted by other Senators much better than I can state them, that I propose to vote not only against the pending amendment, but against all amendments, and finally against the joint resolution itself.

The PRESIDENT pro tempore. The question is upon the amendment to the amendment, which will be stated.

The SECRETARY. In the amendment proposed by the committee, page 2, line 7, after the word "election," insert the words "after the 4th day of March, 1917," and in line 8, after the word "President," insert the words "for two years or more."

Mr. POINDEXTER. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BROWN (when his name was called). I have a general pair to-day with the senior Senator from Virginia [Mr. MARTIN]. I therefore withhold my vote.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. I transfer that pair to the junior Senator from Nevada [Mr. MASSEY] and vote "nay."

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As he is not in the Chamber, I will withhold my vote. If I were free to vote, I would vote "nay."

The PRESIDENT pro tempore (when Mr. GALLINGER's name was called). The present occupant of the chair is paired with the junior Senator from New York [Mr. O'GORMAN]. A memorandum of that Senator reads as follows:

I will vote for a single term of four or six years; on all other propositions "nay."

So the Chair feels at liberty to vote "nay."

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. In his absence, I withhold my vote.

Mr. PAYNTER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. GUGGENHEIM]. If he were here, I am advised that he would vote "nay." I will therefore take the liberty of voting. I vote "nay."

Mr. RICHARDSON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. SMITH]. In his absence I withhold my vote.

Mr. LODGE (when Mr. ROOT's name was called). The Senator from New York [Mr. ROOT] is absent from the city. He is paired with the junior Senator from Texas [Mr. JOHNSTON].

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). In addition to my statement made this morning, that the senior Senator from Michigan [Mr. SMITH] is necessarily absent from the city, I desire to state that he is paired with the junior Senator from Missouri [Mr. REED].

Mr. WILLIAMS (when his name was called). I will inquire if the senior Senator from Pennsylvania [Mr. PENROSE] has voted.

The PRESIDENT pro tempore. That Senator has not voted.

Mr. WILLIAMS. I have a pair with the senior Senator from Pennsylvania. I transfer that pair to the junior Senator from Arkansas [Mr. HEISKELL] and will vote. I vote "yea."

The roll call was concluded.

Mr. DILLINGHAM. I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], which in his absence I transfer to the senior Senator from New Mexico [Mr. FALL]. I make this transfer for the day. I vote "nay."

Mr. LODGE. I desire to announce the pair of my colleague [Mr. CRANE] with the Senator from Maine [Mr. GARDNER].

Mr. OWEN. I transfer my pair from the senior Senator from Kansas [Mr. CURTIS] to my colleague [Mr. GORE] and vote. I vote "yea."

Mr. SWANSON. I desire to announce that my colleague [Mr. MARTIN] is paired with the senior Senator from Nebraska [Mr. BROWN], and that he is detained from the Senate on account of sickness.

The result was announced—yeas 27, nays 37, as follows:

YEAS—27.

Ashurst	Hitchcock	Owen	Smith, Md.
Bryan	Johnson, Me.	Percy	Sutherland
Chamberlain	Kern	Perky	Swanson
Chilton	Martine, N. J.	Pomerene	Thornton
Clarke, Ark.	Myers	Simmons	Williams
Cummins	Oliver	Smith, Ariz.	Works
Fletcher	Overman	Smith, Ga.	

NAYS—37.

Bankhead	Clark, Wyo.	Jones	Poindexter
Borah	Crawford	Kenyon	Sanders
Bourne	Cullom	La Follette	Smoot
Bradley	Dillingham	Lodge	Stephenson
Brandegee	Dixon	McCumber	Thomas
Bristow	Gallinger	McLean	Townsend
Burnham	Gamble	Nelson	Wetmore
Burton	Gronna	Page	
Catron	Jackson	Paynter	
Clapp	Johnston, Ala.	Perkins	

NOT VOTING—31.

Bacon	Foster	Martin, Va.	Shively
Briggs	Gardner	Massey	Smith, Mich.
Brown	Gore	Newlands	Smith, S. C.
Crane	Guggenheim	O'Gorman	Stone
Culberson	Heiskell	Penrose	Tillman
Curtis	Johnston, Tex.	Reed	Warren
du Pont	Lea	Richardson	Watson
Fall	Lippitt	Root	

So Mr. HITCHCOCK's amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question recurs on the amendment submitted by the Senator from New York [Mr. ROOT], which will be stated.

The SECRETARY. On page 2, in the proposed amendment of the committee, lines 8 and 9, strike out the words "under the Constitution and laws made in pursuance thereof" and in lieu insert a comma and the words "after the 4th day of March, 1917."

The amendment to the amendment was rejected.

Mr. McCUMBER. I now offer an amendment to be inserted in lieu of lines 4 to 10, inclusive, on page 2.

The PRESIDENT pro tempore. The Senator from North Dakota submits an amendment to the amendment, which will be read.

The SECRETARY. In lieu of the words proposed to be inserted by the committee embraced in lines 4 to 10, both inclusive, insert the following words:

The executive power shall be vested in a President of the United States of America. The term of office of President shall be for four years; and no person shall be eligible for more than two terms; and no person who has served as President, by succession, under the Constitution and laws made in pursuance thereof, for the major fraction of one term, shall be eligible to hold more than one full term thereafter.

Mr. McCUMBER. Mr. President, I can express in almost a single sentence one of the dominant reasons which governs me in casting my vote in favor of a limitation upon the term of office of the President of the United States. I should be willing to vote for an amendment that would fix the term of office for four years and no more. Next to that I would prefer an amendment that would fix the eligibility for not exceeding two terms of four years each, and if neither of these could be passed I think I would then vote for the proposition for a six years' term.

Mr. President, this matter has so far been discussed, if I catch the spirit of the discussion correctly, upon the theory that we were fixing an official position for a dictator of the United States, and to limit the term of that dictatorship for a certain term of years. This Government is essentially a government by party, and not a government by a President. It should be a government by party rather than a government by a President. Each party relying upon the efficacy of its policies for its continuous existence, depending at all times upon the support of the public, will better present and crystallize into legislation those things which are for the lasting benefit of the people than any other system of conducting a government.

That political party, Mr. President, which gives to the people generally the greatest degree of substantial prosperity ought to continue in control of the Government. If, therefore, the administration of President-elect Wilson is successful, I maintain that it will be due to the Democratic Party and not due to Mr. Wilson; and if the Democratic Party of the United States will during the next four years give us a prosperity in the United States commensurate with our conditions, then I am willing to concede that the Democratic Party is entitled to handle the reins of this Government for the next four years succeeding.

Further than that, Mr. President, neither Mr. Wilson nor any other man has a right morally and ought not to have a right legally to use the great power that he has acquired by reason of being honored by the Democratic Party—a power under which he can build around him a mighty political machine, and through the notoriety that makes his name a household word throughout the land use that power to destroy the party that gave it to him.

If I could so change the Constitution that no President could take advantage of the position which has been given him by a political party to destroy that party, as that power has been exercised at least once before, I would do so. Though the Democratic Party, Mr. President, should be eminently successful in its administration, in its governmental trust, it would be within the power of Mr. Wilson to destroy that party by demanding a renomination, and upon failure to secure it, by organizing a new party within his own for the purpose of destroying it because of its failure to give him a nomination. Mr. President, while it has not heretofore been expressed, I am certain that sentiment is in the minds of a great many Senators who are desirous of voting in favor of an amendment to our Constitution limiting the presidential term.

The two great parties are so evenly matched in strength that a division of one into factional parts will always insure its defeat. It is, therefore, in the power of any man who holds the office of President for four years to destroy the party which placed him in that position. As I believe in a government run by party rather than a government run by a President; as I believe in a government conducted under party policies rather than a government of one man, I wish to see the political party that has earned the support of the people of the United States in its fidelity to the trust that has been imposed upon it by the people have its organization so protected that it can submit its policy with a solid front to the people rather than a number of antagonistic candidates, each claiming to represent the policies of that party.

When this country, Mr. President, is to be ruled by a President, and not by a Congress, then I shall be ready to go further and proceed to abolish a useless Congress. On the other hand, so long as there is to be a government by the people, represented by a political party and not a government by the President, I shall be in favor of so limiting the presidential term as to preclude the President from destroying the very party which made him its leader, and thereby placed in his hands the very instrument for its own destruction.

Mr. President, it has been said in debate by one Senator that if this rule should apply to the President, it should equally apply to the position of any Senator or to any other political position. That can be answered in one single sentence. The candidacy of a Senator for reelection can not possibly have the effect of destroying his own political party. The candidacy of a President for reelection, when he has not been nominated by his party, will most assuredly have that effect. That is the main difference, and it is the controlling difference in the mind of one who believes in the control of the Government, not by the President, but by the Congress.

Mr. BORAH. Mr. President——

Mr. McCUMBER. Just one moment. During the last few years, Mr. President, we have exaggerated the importance of the position of the Presidency in the United States, and we have to a great degree minimized the importance of Congress. I believe we should hold Congress, and not the President, responsible for the success of any administration.

Mr. CRAWFORD. Mr. President, will the Senator from North Dakota permit me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from South Dakota?

Mr. McCUMBER. I yield, Mr. President.

Mr. CRAWFORD. Do I understand the Senator to mean that he thinks it a justification for proposing an amendment to the Constitution of the United States that by doing so some party might be preserved which otherwise might be destroyed by a President?

Mr. McCUMBER. If there is any justification on earth for a political party, there is a justification for its preservation.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. PAGE in the chair). Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. McCUMBER. I yield.

Mr. BORAH. It seems to me that what the Senator from North Dakota desires is a penal statute rather than a constitutional amendment; that it ought to be made a crime for a man who has been a member of one party to ever join another party. That is the only way in which you could prevent a man from going out and being the candidate of another party.

Mr. McCUMBER. Mr. President, it is perfectly proper for a President or ex-President to join as many parties as he sees fit. I, however, support this constitutional amendment for the very reason I have suggested, and I am not afraid to stand upon the position that I believe in the rule of a political party. The same reasons that will justify any Senator in voting for this proposition upon the grounds which he has given, namely, that a President can so surround himself with a political following that he can perpetuate his own official position term after term, would justify me in voting for this amendment, because a President by so surrounding himself with a political following can destroy his own political party whenever he can not control its nominations. The one reason is just as valid as the other, and if one would be equivalent to a penal statute so also would the other have the same effect.

Mr. President, I should vote for the amendment as it was proposed by the committee if I could reduce the six-year term to four years. I would vote for it anyway even if I could not do that, but the Senate has already voted against the four-year limitation. I think that was the better proposition. Then I would prefer that we should limit the official position to two terms, or one term and the major fraction of another. I have therefore introduced the amendment for that purpose, and shall ask for a vote upon it.

Mr. BORAH and Mr. WILLIAMS addressed the Chair.

The PRESIDENT pro tempore. The Senator from Idaho.

Mr. WILLIAMS. If the Senator from Idaho will pardon me, I suggest the absence of a quorum. If we are coming to the crux of this matter, we ought to have a quorum present.

The PRESIDENT pro tempore. Does the Senator from Idaho yield for the suggestion of the Senator from Mississippi?

Mr. BORAH. Yes.

The PRESIDENT pro tempore. The Senator from Mississippi suggests the absence of a quorum, and the roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Crawford	Lodge	Shively
Borah	Cummins	McCumber	Simmons
Bourne	Dillingham	McLean	Smith, Ariz.
Bradley	Dixon	Martine, N. J.	Smith, Ga.
Brandegee	Fletcher	Nelson	Smith, Md.
Bristow	Gallinger	Newlands	Smoot
Brown	Gamble	Oliver	Stephenson
Bryan	Gronna	Owen	Sutherland
Burnham	Jackson	Page	Swanson
Burton	Johnson, Me.	Paynter	Thornton
Catron	Johnston, Ala.	Percy	Townsend
Chamberlain	Johnston, Tex.	Perkins	Wetmore
Chilton	Jones	Perky	Williams
Clapp	Kenyon	Pomerene	Works
Clark, Wyo.	La Follette	Richardson	
Clarke, Ark.	Lippitt	Sanders	

The PRESIDENT pro tempore. On the call of the roll 62 Senators have answered to their names. A quorum is present. The question is on the amendment submitted by the Senator from North Dakota [Mr. MCCUMBER] to the amendment of the committee.

Mr. BORAH. Mr. President, the amendment offered by the Senator from North Dakota [Mr. MCCUMBER] reads:

> The executive power shall be vested in a President of the United States of America. The term of office of President shall be for four years; and no person shall be eligible for more than two terms, and no person who has served as President, by succession, under the Constitution and laws made in pursuance thereof, for the major fraction of one term, shall be eligible to hold more than one full term thereafter.

The substance of this amendment has been the practice and custom of the American people for a hundred and odd years—ever since the Government began. We have now a term of four years, and at no time have the people ever disclosed any settled purpose of breaking over the precedent which was established, or, rather, the example which was given us by Washington and particularly by Jefferson. This would change the Constitution, it is true, but it would not change that which has become the unwritten law of this country, and it gives rise to the question: What brings on this discussion and this proposed constitutional amendment at this time? What tendency has there been upon the part of the people to break away from the precedent heretofore established and from the rule so long prevailing? There has not been, so far as any permanent result may be referred to, any evidence upon the part of the people as disclosed by their act to establish any other rule than that which has prevailed for 125 years and more. If there had been an effort which could be recognized as representing the well-sustained opinion of the American people, that they would set aside the precedent heretofore established, there might be some reason for this amendment; but we have now experimented for a hundred and odd years; there has been no infraction of the rule, and every time the question has been presented to the American people they have rejected the proposition. We are simply writing into the Constitution that which has been as fairly established as if it had been actually written into the Constitution; and, while I am not in favor of the original resolution, it has one virtue which this has not. I am not going to discuss it now, because I propose to say something upon it later. This amendment makes no change whatever from that which has become a settled conviction in the minds of the American people.

Mr. WORKS. Mr. President, I am glad that for once in this discussion I can agree with the Senator from Idaho [Mr. BORAH]. This amendment proposed by the Senator from North Dakota [Mr. MCCUMBER] is simply a provision against a third term. I think it would be a useless amendment of the Constitution. The people of this country in all its history have never elected any man to a third term as President of the United States, and, in my judgment, they never will. Therefore it is unnecessary for the Senate to submit an amendment of this kind to the people of this country. The people have already settled that question, in my judgment, and the only effect of the adoption of this amendment would be to defeat the proposition that is regularly before the Senate for its consideration.

I am just as much opposed to a second term as I am to a third, except that the latter does leave to the people of this country the fear and the belief that a man who is elected to a third term may become a dictator or continue to hold office indefinitely; but, so far as the evil effect is concerned, it is just as great, in my judgment, to permit the holding of a second term as it is a third term. As I said in the beginning, however, it would be idle to submit any proposition such as this to the people of this country, because the question has already been settled.

Mr. CRAWFORD. Mr. President, in substance and essence I can not see the difference which the Senator from Idaho [Mr. BORAH] and the Senator from California [Mr. WORKS] seem to think exists between the amendment proposed by the Senator from North Dakota and the original amendment. The purpose of both is to place a limitation upon the time a President of the United States may serve the people of the United States in that office. The original amendment would limit that term of service to six years, while the amendment offered by the Senator from North Dakota would limit that service under certain conditions to eight years——

Mr. WORKS. Mr. President——

Mr. CRAWFORD. Just let me finish the sentence, if you please. And under certain other conditions that service might end with a four-year period, while under certain other conditions, in the case of succession, that service might cover a term somewhere between four years and eight years, its length depending entirely upon the length of the fractional term; but the purpose of each and all, or if not the purpose of each and all, the effect of each and all of these proposed changes is to fix by constitutional limitation an arbitrary limit to the term of service that may be rendered by a President of the United States.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from California?

Mr. CRAWFORD. I yield.

Mr. WORKS. The great and important difference between the two is that there is an intervening election——

Mr. CRAWFORD. Yes; I am going to discuss that.

Mr. WORKS. An election to a second term, which is the objectionable feature of the whole business.

Mr. CRAWFORD. I am going to discuss that.

Mr. MCCUMBER. Will the Senator yield to me for a moment?

Mr. CRAWFORD. I am speaking of this feature now.

Mr. MCCUMBER. Will the Senator yield to me before he leaves that point?

Mr. CRAWFORD. I yield to the Senator.

Mr. MCCUMBER. The difference between the two is simply that the amendment reported by the committee provides for one term of six years, while the amendment which I offer provides for not exceeding two terms of four years each, or eight years. The one compels us practically to accept for the full term of six years a President who has been elected, while the other allows us to make a change two years earlier, at a regular election, if the American people desire to make that change.

Mr. CRAWFORD. Exactly.

Mr. MCCUMBER. My reason is——

Mr. CRAWFORD. I do not care now to yield the floor.

Mr. MCCUMBER. My reason is that if we get a President with whom we are not satisfied we would not be compelled to allow him to remain six full years.

Mr. CRAWFORD. Mr. President, those are differences of another character. The statement I started out to make, and which I insist upon, is that, so far as the period of service is concerned, the object of each of these amendments is to fix a limitation upon the term of that service. I think myself, if there be virtue in either of them, that the amendment of the Senator from North Dakota has this virtue—that if a President should be elected for a term of four years whose service is not acceptable to the American people and whose services they are anxious to dispense with they can get rid of him two years earlier under the amendment proposed by the Senator from North Dakota than they can under the proposition of the Senator from California; and, Mr. President, it is not unlikely that occasions will arise with as great frequency where the American people are anxious to dispense with the services of a President who is not meeting their expectations and would be glad to get rid of him at the end of four years as that cases will arise where a President of the United States, installed in the office, is so fulfilling the expectations of the American people that they are entirely willing that he shall serve for a term of four years or six years—cases in which, if left to them to say that he shall serve longer, they will gladly say that they wish him to serve them longer.

There is another side to this question. Let us look this situation frankly and fairly in the face. We began the discussion of this proposed constitutional amendment here last August, before Congress adjourned. At that time we were just entering upon a very interesting and in some respects startling political campaign. A striking figure who was the chief topic in that discussion was one of the candidates for the Presidency of the United States. He was the target of irony; he was the target of sarcasm; he was the target of ridicule in address after address delivered day after day here in the Senate. Later on, when the Senator from California began the discussion at this session, he addressed his remarks at considerable length to what he called the unfortunate spectacle of a President and ex-President of the United States hurling

epithets at each other during a political campaign. In spite of all that can be said to divert attention away from it, the characters that give emphasis to the consideration of this amendment are these prominent figures in the political life of America to-day.

Mr. President, I for one have no fear of any serious evil following vigorous discussions between two prominent citizens upon the rostrum in this country, even though one be an ex-President and the other a President, and even though in such discussion they use epithets which are not the most elegant that could be used by gentlemen—if they are throwing light upon problems that are before the American people for consideration and solution.

I maintain that regardless of the individuals involved the fierce controversy last year so riveted the attention of the American people upon a condition of things which existed in a great national convention at Chicago that it will be impossible for those same conditions ever to exist again. I am willing to prophesy here and now that never again in another great national convention, as was the case in the last convention, will delegates from the South and from certain Northern States be selected as they were selected and be allowed to sit in a convention and have the deciding vote in naming the candidate of a great political party for the Presidency of the United States. The resultant effect of the vigorous denunciations of Col. Roosevelt which followed that action in Chicago is seen in the fact that the candidate whose nomination was forced upon his party carried only two States, and they two of the smallest and most insignificant so far as political strength in the electoral college is concerned. The vigorous denunciation and the epithets riveted the attention of the American people upon an abuse; and that abuse will be torn up by the roots, eradicated, and never again repeated.

I have no fear that great disaster or danger to American institutions, to American society, and the public welfare will come because vigorous and virile men of strong convictions and courage struggle fiercely in the forum of public debate and denounce conditions like those exposed in the Chicago convention, no matter though one of them be a President and the other an ex-President. But it is asserted we should amend the Constitution of the United States so that no such thing as that can ever again occur. Was this strife between two candidates for the Presidency an injury to the country? Far from it.

Mr. President, talk about patronage being used by a candidate for the Presidency! Suppose you could say here by the adoption of this amendment that Mr. Wilson can not be a candidate for reelection at the end of four years, would that prevent Mr. Wilson as President of the United States from using his power, if he were a bad man, so that such use of it would be detrimental to the public interest? Suppose Mr. Wilson should say, "The Constitution of the United States has been so amended that I am ineligible to reelection, but while I am ineligible I am under obligations to a distinguished citizen of this Republic, whose courage and individuality and eloquence at a crisis in the great national convention where I was nominated were the potent force that made me the nominee and defeated another candidate who on three or four previous ballots secured the vote of a decided majority of that convention; and while I am prevented by the Constitution from being a candidate for reelection myself, I would be an ingrate if I did not, so far as I can, so shape affairs that he should be my successor. Will your constitutional amendment prevent him from doing that?

If it is vicious and wrong for a President to use this power for the purpose of securing a renomination for himself, would it not be equally vicious and wrong for him to use patronage and power for the purpose of securing the nomination of a friend to whom he felt he was so bounden?

So the amendment, if adopted, will not enable you to get away from what you call an evil. If you abolished it there, it would remain in force and effect in a place where it is far more dangerous; that is, in the Congress of the United States.

Take the case of one of these Congressmen, elected to the House, and who knows that at the end of two years he must face his constituents for reelection. He has a lot of post offices in his district to be filled; appointments are made upon the recommendation of the Congressman, and he freely uses that patronage for the purpose of securing renomination and reelection. It is not proposed to touch that.

Every one of these Senators, if he will put aside hypocrisy about this thing, knows that from the time he is installed here for the first term or the second term he is thinking about reelection. If he has the power to use his official influence to secure the appointment of his friends rather than his enemies as marshals, revenue collectors, and numerous other public officers here and there, he uses it in that way. Then why not confine to six years the term of every Senator here, and provide in this amendment that a Senator shall not be eligible for reelection? Why not send along with it a proposed amendment to the Constitution that no Congressman shall hold his office for more than two years?

The American people have gotten along for 125 years with the Constitution as it stands, and we are more democratic now by far than we were when it was framed and adopted. We are enlarging the power of the people all the time instead of limiting it. We are here proposing to put up a barrier, and to ask the American people to ratify it, by which they will foreclose themselves from the right to call into their service the man of the hour during a crisis when the very destiny of the Republic may be hanging in the balance. They are foreclosing themselves from drafting him into service. He may be in the harness. He may have his hand at the helm. He may be guiding the ship of state, and he may be doing it not only to the satisfaction of the American people but in a way that wins the plaudits of mankind everywhere. In the crisis, at the turning point, he is there. He is in control. He has his forces well in hand. He has the confidence of a united people back of him.

It may be an emergency where no other man can take his place. But the 4th of March comes and he steps out and his people have been deprived of the privilege of retaining him and continuing his services—for what reason? Because we are afraid that he might become a despot in America. Because in this age of democratic tendencies, when we are going as far as any representative government has ever gone, through initiative and referendum and recall, in the direction of retaining full control and sway in the hands of the people, we are afraid to leave the bars down so that the American people can continue to employ an efficient servant at a time of great need and danger. We are building up a barrier against it because we are afraid that here, in America, this man might become a despot.

We have no fear of a despot with an American citizenship like this, composed of between ninety and one hundred millions of people clothed with the power of the ballot, with all the traditions of America, with all the love of individuality and freedom that exists in America. Shall it be said that we are afraid of a despot and that we must erect a barrier by a constitutional amendment for the purpose of protecting the people from a despot? Ah, if you look through the gauze of this thing, the real facts back of it are that men become anxious to put off the stage of action some striking, dominant figure who is fearless, who is denouncing wrong, who is shaking things up.

Men would like to go to sleep, and be sluggish and easy-going and undisturbed, and have an administration floating along with the tide for six years or for eight years with no agitation, with no fearlessness about it. That would suit a great many people. We do not want it. It is this vigorous, fearless denunciation of wrongs, this fearless discussion of public questions in the forum, with all the faults and abuses that go along with it, more than any other one thing that gives us security and protection.

I am against the amendment originally proposed and the amendments offered to it. I would rather have two terms of four years each, with an opportunity in the middle to get rid of a bad President, than to have a term of six years, with no opportunity within that period to get rid of a bad President, and an absolute limitation upon the right to continue the service of a good President for a longer time. I do not see in that anything sound or wholesome or which has in it any protective principle for the American people. I shall vote against every amendment proposed to this resolution, and against the resolution itself.

SENATOR FROM ARKANSAS.

Mr. CLARKE of Arkansas. I present the credentials of WILLIAMS MARMADUKE KAVANAUGH, Senator elect from the State of Arkansas, and ask that they be read and placed on file.

The PRESIDENT pro tempore. The Secretary will read the credentials.

The credentials of WILLIAMS MARMADUKE KAVANAUGH, chosen by the Legislature of the State of Arkansas a Senator from that State to fill the unexpired portion of the term ending March 3, 1913, occasioned by the death of the late Senator JEFF DAVIS, were read and ordered to be filed.

Mr. CLARKE of Arkansas. The Senator elect is present, and I ask that the oath of office be administered to him.

The PRESIDENT pro tempore. The Senator elect will present himself at the desk for the purpose of taking the oath.

Mr. KAVANAUGH was escorted to the Vice President's desk by Mr. CLARKE of Arkansas, and, the oath prescribed by law having been administered to him, he took his seat in the Senate.

THE PRESIDENTIAL TERM.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States.

Mr. WILLIAMS. Mr. President, "the man of the hour," "at the very crisis," "the life of the Nation is at stake," "the dominant figure who is fearless." We have just heard those phrases. They are phrases that are familiar—very familiar. They are the phrases that passed from one lip to another, understanding, about the time Cromwell turned Parliament out of doors and about the time Napoleon Bonaparte kicked out the Corps du Legislatif.

"We are not afraid of a despot." Neither was any other fool nation that ever existed until after they got him; and they did not know when they were getting him, either, as far as that is concerned.

So much for that. These be well-known words. They have been the excuse for every coup d'état. They have been the excuse for every fanatical, revolutionary usurpation of authority that ever took place in the world; and the very crisis which is regarded as a thing to be taken care of gives the only opportunity for their effective use.

You do not carry on governments to take care of crises. You take care of things that are not crises. Crises are going to take care of themselves some way or other—God only knows how. If the crisis is big enough, it will overturn the whole Government. You need not fear about that.

The Senator from Idaho—and in this his words are echoed by the Senator from California—urges that the amendment of the Senator from North Dakota [Mr. MCCUMBER] ought not to be adopted because it would be merely writing into the Constitution the present unwritten law and practice of the Republic. Each one of them says that for 125 years the American people have refused to vary from that law and from that practice. That is very true; but had it not been for the example set for them and the reasons given for it, they would have varied from it many times perhaps.

The fact that for 125 years this salutary principle and practice has not been departed from is not a reason why the principle should not be written in words into the Constitution of the country. It is true that for 125 years the American people have refused to depart from that principle. But it can not be said that either ambitious men or ambitious followers of men have not attempted to persuade them to depart from it.

In one case a great general, who had been President for two terms, undertook to break down the principle and practice. He was rebuked by his own party. In another case a great colonel, who had been President for virtually two terms, undertook to break down the principle and the practice. True, he was rebuked by all parties. But there is sufficient warning to put us upon guard; sufficient warning to give us notice that the principle is never safe as long as it is unwritten, and as long as there is the right in no man's mouth to say to those who attempt to break it down that they are committing treason against American institutions.

The amendment introduced by the Senator from North Dakota [Mr. MCCUMBER] is identical, so far as I can see, with the amendment which I introduced the other day and withdrew temporarily, saying that I would reintroduce it when the committee amendments had been considered by the Senate. I did not notice this morning that the committee amendments had been finished and that the Senator from North Dakota offered his amendment. As I have no pride of authorship any more than he has, I shall withdraw my own amendment and support his, first desiring the opportunity to let the Senate know that the two amendments are identical in purpose and in intendment, with a little difference of phraseology only, I believe. I am willing to admit that the Senator's amendment is better than my own. It is a bit more concise and expresses precisely the same idea.

One word concerning the difference between the original amendment introduced by the Senator from California and that now being discussed as an amendment to it. The amendment of the Senator from California gives a term of six years, during which you can not get rid of a President, no matter how bad a President he is. The American people have several times had their flesh creeping to get rid of a President before four years had expired. They got rid of John Adams, they got rid of John Quincy Adams, they got rid of Van Buren, they got rid of Tyler, they got rid of Andrew Johnson, just as soon as they could get a chance to do it. In one or two cases, and especially in the case of John Adams and of Andrew Johnson, the conditions were almost revolutionary, so that it looked for a while as if we might have to overturn the Government to get rid of them, in the one case by the Virginia and Kentucky resolutions, and in the other case by a farcical and very unjust impeachment proceeding, resorted to for the purpose of revolutionizing the Government, and which would not have been resorted to if the people could have gotten a chance to vote earlier.

The proposition offered by the Senator from North Dakota [Mr. MCCUMBER] is for a term of eight years, with an opportunity for the people to recall the incumbent in the middle of the term. That is what it means. You may call it two terms of four years each, but it is just as if you had proposed an amendment for an eight-year term, and said that there should be an opportunity at the end of four years to recall him. Yet the Senator from California—who, if I am not misinformed, is a great initiative, referendum, and recall man—does not want this opportunity given to recall at the end of the shorter term.

It amounts to the same thing, except that it is the orderly, prescribed method of recall, as all elections for short terms are, instead of being a haphazard thing, to be gotten up upon a petition that may come overnight or at any time when the people are not looking for it en masse. It is the opportunity for recall at a prescribed date which everybody knows beforehand. The very fact that the principle has been carried out in practice for 125 years is a reason why we ought to put it above the danger or the risk of overthrow.

The amendment offered by the Senator from North Dakota being precisely my own, I shall not offer mine afterwards, but shall ask those who agree with the idea which is contained in both to vote for his amendment.

Mr. BORAH. Mr. President, we have the principle of the recall in the Constitution at present as it would be found in this amendment, and that is the reason why, to my mind, there is no danger in this situation.

If we had in the Constitution a provision by which a man could hold the Presidency for a long term of years until the people lost interest in his successor, there would be much logic in the argument of the Senator from Mississippi. But the principle of the recall, as the Senator refers to the recall now, is written in the Constitution, and that is the great safeguard. A man must go back to the people every four years for his certificate of continuance in office, and the people of the United States must pass upon the question of whether or not he is fit to continue in office. So long as the principle of the recall is there, obligating the person holding the office to recur to the people for approval or condemnation of his course, to my mind it is perfectly safe to leave it there.

Mr. WILLIAMS. Mr. President, will the Senator from Idaho pardon an interruption?

Mr. BORAH. Yes, sir.

Mr. WILLIAMS. Does not the Senator from Idaho remember that Napoleon the Third submitted to the French people some 8 or 10 plebiscites in order to establish his usurpation, and got a majority for each one of them? Does not the Senator know that if the proper condition of things or presentation of circumstances occurs unless there is some barrier recall either under that name or by election at times ceases to be a protection to the majority themselves, owing to the idol worship of the majority? Does he not know that that has been history for all time?

Mr. BORAH. No; I am sorry to say the Senator from Idaho is not familiar with that historic fact. The fact is that Napoleon was elected to the consulship, and that he usurped the power which he finally acquired during the term of the office for which he had been elected, and in violation of the rule which the Senator would now write into the Constitution. It simply illustrates the fact that when the people reach the level where they want some one to rule over them permanently they will give no heed or attention to the fact that there is a written provision against it. They did not do so with reference to Napoleon; neither did they do so with reference to Cæsar. In both instances the men usurped their power in violation of the written law of their country.

Mr. WILLIAMS. Yes; but they submitted their claims to the people.

Mr. BORAH. Precisely.

Mr. WILLIAMS. And by an overwhelming vote in the case of Napoleon the First, and by an equally overwhelming vote upon the plebiscites under Napoleon the Third, each successive act of usurpation was ratified.

Mr. BORAH. That is quite true. They submitted the matter to the people. But what we are arguing against now is the efficacy or the inefficacy of a written constitution prohibiting them from selecting the man if they desired to. They had the written law in both instances, and yet they selected the man in spite of that fact.

Mr. WILLIAMS. But they selected one as Consul and the other as President, and each one of whom turned himself into an emperor.

Mr. BORAH. Exactly; and he usurped his power in violation of the law. It all comes back to the question whether or not the people are capable of determining whom they will have for President of the United States, the recall provision being embedded in the Constitution so as to necessitate the resubmission of the question to the people every four years.

Mr. OWEN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Oklahoma?

Mr. BORAH. Certainly.

Mr. OWEN. I should like to be permitted to call to the attention of the Senator from Idaho the fact that the action of the people who voted for Julius Cæsar under the safeguard of a Pretorian Guard and the people who voted for Napoleon Bonaparte as First Consul, when they had no telegraph and no telephone and no newspapers and no railroads and no general intelligence, compared with that which is now possessed by the American people, ought not to be used in this debate as a basis for our consideration of the ability of the people to use discretion in the exercise of the suffrage.

Mr. BORAH. The Senator from Idaho agrees perfectly with the Senator from Oklahoma.

A great deal has been said with reference to the example of Washington and of Jefferson; and I certainly would not, if I could, detract anything from the worth of those examples. But something is due to the American people themselves. It is not exactly in accordance with the facts as I understand them to say that without these examples the reverse of that which followed would have been true, because we had the question presented in the case of Gen. Grant. Grant saw fit to permit his name to be used in violation of the precedent which had been established, and the people of the United States within his own party rejected his aspirations to the office. If we have any confidence at all in the capacity of the American people to carry on a representative form of government, we certainly can afford to trust them to select their Chief Magistrate when the matter is to be submitted to them for their consideration, as it is now, once every four years.

If the people can not select a Chief Magistrate for a second term or refuse him the third and the fourth after they have had an opportunity to know his course in public life, the first selection is a mere matter of chance and of guesswork. They have more information, they have a greater opportunity to know, they can pass upon the matter with greater intelligence the second time or the third time than they could the first time. The entire matter rests at last with the intelligence, the patriotism, and the thoughtful consideration of the people who select their Chief Magistrate in this country.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from North Dakota to the amendment.

Mr. McCUMBER. Mr. President, I suggest the want of a quorum.

The PRESIDENT pro tempore. The Senator from North Dakota suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Kern	Perky
Bankhead	Dillingham	La Follette	Pomerene
Borah	Dixon	Lippitt	Richardson
Bourne	du Pont	Lodge	Simmons
Brandegee	Fletcher	McCumber	Smith, Ariz.
Bristow	Gallinger	McLean	Smith, Ga.
Brown	Gamble	Martine, N. J.	Smith, Md.
Bryan	Gardner	Myers	Smoot
Burton	Gronna	Nelson	Stephenson
Catron	Hitchcock	Newlands	Sutherland
Chamberlain	Jackson	Oliver	Swanson
Chilton	Johnson, Me.	Overman	Thomas
Clapp	Johnston, Ala.	Owen	Thornton
Clark, Wyo.	Johnston, Tex.	Page	Townsend
Clarke, Ark.	Jones	Paynter	Wetmore
Crawford	Kavanaugh	Percy	Williams
Culberson	Kenyon	Perkins	Works

The PRESIDENT pro tempore. Sixty-eight Senators have answered to their names. A quorum of the Senate is present.

The question is on the amendment submitted by the Senator from North Dakota [Mr. McCUMBER] to the amendment of the committee.

Mr. McCUMBER. I ask that the amendment to the amendment be again read.

The PRESIDENT pro tempore. The amendment to the amendment will be read.

The SECRETARY. In lieu of so much of the committee amendment as proposes to insert the words embraced in lines 4 to 10, both inclusive, on page 2, insert:

> The executive power shall be vested in a President of the United States of America. The term of office of President shall be for four years; and no person shall be eligible for more than two terms, and no person who has served as President, by succession, under the Constitution and laws made in pursuance thereof, for the major fraction of one term, shall be eligible to hold more than one full term thereafter.

Mr. WILLIAMS. Mr. President, my attention has been called to a respect in which our two amendments are not identical. I wish to offer an amendment to this amendment so as to cure the evil. I wish to strike out the words "has served" and insert in lieu thereof the words "shall hereafter serve." That will prevent what I think most of us are anxious to prevent—injecting any personal issue into the matter. If it should go through as it is now worded by the Senator from North Dakota it would prevent anybody who hitherto had served from being reelected, and that is not the purpose I take it.

Mr. McCUMBER. Mr. President, there is wherein the two amendments differ.

Mr. WILLIAMS. I did not notice that difference until a moment ago, when my attention was called to it.

Mr. McCUMBER. The amendment represents my own view, that we should make no distinction between persons who have served and persons who may serve hereafter, that the law should apply to all American citizens exactly the same.

Mr. WILLIAMS. Then, with that explanation, I offer an amendment to the amendment, to strike out the words "has served," on line 4, of the Senator's amendment, and to substitute the words "shall hereafter serve."

Mr. McCUMBER. I rise to a point of order, as to whether that amendment can be offered now.

The PRESIDENT pro tempore. The amendment to the amendment is clearly in order.

Mr. McCUMBER. It is in order?

The PRESIDENT pro tempore. It is an amendment to the amendment, and it is clearly in order. The Secretary will state the amendment to the amendment.

The SECRETARY. In line 4, strike out the words "has served" and in lieu insert the words "shall hereafter serve," so that if amended it will read:

> And no person shall be eligible for more than two terms, and no person who shall hereafter serve as President, by succession, etc.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

Mr. WILLIAMS. I find it is necessary after the word "President" to put in "by election or."

The PRESIDENT pro tempore. The amendment to the amendment as modified will be stated.

The SECRETARY. After the word "President," in line 5, insert the words "by election or," so that if amended it will read:

> The term of office of President shall be for four years; and no person shall be eligible for more than two terms, and no person who shall hereafter serve as President by election or by succession, etc.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Mississippi [Mr. WILLIAMS] to the amendment proposed by the Senator from North Dakota [Mr. McCUMBER]. [Putting the question.] The noes appear to have it.

Mr. WILLIAMS. I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDENT pro tempore. The noes have it, and the amendment to the amendment is rejected.

Mr. CULBERSON. I move to amend the McCumber amendment by striking out the words "two terms," in line 4, and inserting the words "one term."

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Texas to the amendment proposed by the Senator from North Dakota. [Putting the question.] The noes appear to have it.

Mr. CULBERSON. I call for a division.

The amendment to the amendment was rejected, there being, on a division—ayes 9, noes 40.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from North Dakota.

Mr. McCUMBER. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

The PRESIDENT pro tempore (when Mr. GALLINGER's name was called). The present occupant of the chair is paired with the Senator from New York [Mr. O'GORMAN], and withholds his vote.

Mr. GARDNER (when his name was called). I have a general pair with the Senator from Massachusetts [Mr. CRANE], and therefore withhold my vote.

Mr. JOHNSTON of Texas (when his name was called). I am paired with the Senator from New York [Mr. ROOT], and withold my vote.

Mr. LIPPITT (when his name was called). I again announce my pair with the senior Senator from Tennessee [Mr. LEA], and withhold my vote.

Mr. OWEN (when his name was called). I transfer my pair with the Senator from Kansas [Mr. CURTIS] to my colleague [Mr. GORE] and vote "nay."

Mr. PAYNTER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. GUGGENHEIM], but as he would vote "nay" on this proposition I will take the liberty of voting. I vote "nay."

Mr. RICHARDSON (when his name was called). I am paired with the Senator from South Carolina [Mr. SMITH], and I withhold my vote.

The roll call was concluded.

Mr. KERN. I have a general pair with the Senator from Kentucky [Mr. BRADLEY]. I transfer that pair to the Senator from Virginia [Mr. MARTIN] and vote "nay."

Mr. CLAPP (after having voted in the negative). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS], and not knowing how he would vote if present, I desire to withdraw my vote.

The result was announced—yeas 3, nays 61, as follows:

YEAS—3.

McCumber	Penrose	Williams

NAYS—61.

Ashurst	Cullom	La Follette	Sanders
Bankhead	Cummins	Lodge	Shively
Borah	Dillingham	McLean	Smith, Ariz.
Bourne	Dixon	Martine, N. J.	Smith, Md.
Brandegee	du Pont	Myers	Smoot
Bristow	Fletcher	Nelson	Stephenson
Bryan	Gamble	Newlands	Sutherland
Burnham	Gronna	Oliver	Swanson
Burton	Hitchcock	Overman	Thomas
Catron	Jackson	Owen	Thornton
Chamberlain	Johnson, Me.	Page	Townsend
Chilton	Johnston, Ala.	Paynter	Wetmore
Clark, Wyo.	Jones	Perkins	Works
Clarke, Ark.	Kavanaugh	Perky	
Crawford	Kenyon	Poindexter	
Culberson	Kern	Pomerene	

NOT VOTING—31.

Bacon	Foster	Martin, Va.	Smith, Ga.
Bradley	Gallinger	Massey	Smith, Mich.
Briggs	Gardner	O'Gorman	Smith, S. C.
Brown	Gore	Percy	Stone
Clapp	Guggenheim	Reed	Tillman
Crane	Johnston, Tex.	Richardson	Warren
Curtis	Lea	Root	Watson
Fall	Lippitt	Simmons	

So Mr. MCCUMBER's amendment to the amendment was rejected.

Mr. PAYNTER. Yesterday I suggested that I would offer an amendment, but at that time it was not in order. I offer it now.

The PRESIDENT pro tempore. The Senator from Kentucky submits an amendment to the amendment, which will be read.

The SECRETARY. On page 2 of the amendment of the committee, line 10, after the word "election," insert the following proviso:

Provided, That the term of the incumbent in the office of President when this amendment takes effect shall be for six years.

Mr. PAYNTER. I should like to have the amendment reported by the committee read in connection with my amendment, and then I will give my reasons for offering the amendment to the amendment.

The PRESIDENT pro tempore. The amendment will be read as it would read if amended by the amendment of the Senator from Kentucky.

The SECRETARY. If amended, the amendment of the committee in so far as inserting new words are concerned will read:

The executive power shall be vested in a President of the United States of America. The term of the office of the President shall be six years, and no person who has held the office by election or discharged its powers or duties or acted as President under the Constitution and laws made in pursuance thereof shall be eligible to hold again the office by election: *Provided*, That the term of the incumbent in the office of President when this amendment takes effect shall be for six years.

The President, together with a Vice President chosen for the same term, shall be elected as follows.

Mr. PAYNTER. Mr. President, in making an amendment to the Constitution if it is probable that any doubt may arise hereafter or is now in the minds of the Senators it ought to be removed. That which can be made certain never should be left uncertain and in doubt. Especially is that the case when we are dealing with the greatest office of our country. We know what a serious political conflict might arise over the question of succession in the presidential office, one of the political parties claiming that the term ended at one time and another political party claiming it did end at another time.

My own opinion is that under the amendment as reported from the committee the incoming President will hold his term for six years if it is adopted during his term; I do not intend to elaborate and to give the reasons which I have for it except to state that that provision of the Constitution will be the controlling one as to the tenure of the office whenever it is ratified and becomes a part of the Constitution. It will be, indeed, the only provision in the Constitution which determines the tenure of office at the expiration of four years from the 4th of next March. So my opinion is that the effect of this amendment is to prolong the term and to make it six years instead of four.

If I am correct in this, then why not adopt my amendment, which will make it absolutely certain as to what the Congress means by the language that it has employed?

It may be said that this is extending the term of the President two years. That may be true, but if the proper interpretation is given to the amendment as reported by the committee, it has exactly the same effect as it will have by adopting the amendment which I have offered. In other words, it does not change the import of the amendment to the Constitution reported by the committee.

It will make certain that which otherwise might be in doubt.

Mr. WORKS. Mr. President, I have always understood that the adoption of this proposed amendment would have just the effect which it is proposed to be made certain by the amendment now offered by the Senator from Kentucky. I have never had any doubt that the adoption of the amendment as it comes from the committee would have the effect to extend the term of the incumbent of the office to six years.

I think the people of this country ought to know and understand exactly what this amendment does provide for. There should be no uncertainty with respect to it. If the people are not willing to adopt it with that construction placed upon it, we certainly ought not to send it out to the country with any question remaining as to what the effect of it is to be.

I hope for that reason that the amendment proposed by the Senator from Kentucky to the amendment will be adopted.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Kentucky to the amendment. [Putting the question.] The Chair is in doubt.

Mr. PAYNTER. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

The PRESIDENT pro tempore (when the name of Mr. GALLINGER was called). The occupant of the chair is paired with the Senator from New York [Mr. O'GORMAN].

Mr. LIPPITT (when his name was called). I again announce my pair with the Senator from Tennessee [Mr. LEA], and refrain from voting.

Mr. PAYNTER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. GUGGENHEIM]. As he is absent from the Chamber, and I do not know how he would vote on this question if present, I withhold my vote.

Mr. RICHARDSON (when his name was called). I am paired with the Senator from South Carolina [Mr. SMITH] and refrain from voting.

The roll call was concluded.

Mr. OWEN. I transfer my pair with the Senator from Kansas [Mr. CURTIS] to my colleague [Mr. GORE] and vote. I vote "yea."

The result was announced—yeas 30, nays 36, as follows:

YEAS—30.

Ashurst	Johnson, Me	Overman	Smith, Md.
Bryan	Johnston, Ala.	Owen	Swanson
Burton	Jones	Percy	Thomas
Chamberlain	Kavanaugh	Perkins	Thornton
Chilton	Kern	Perky	Williams
Cummins	Martine, N. J.	Simmons	Works
Fletcher	Myers	Smith, Ariz.	
Hitchcock	Newlands	Smith, Ga.	

NAYS—36.

Borah	Clarke, Ark.	Jackson	Poindexter
Bourne	Crawford	Kenyon	Pomerene
Bradley	Culberson	La Follette	Sanders
Brandegee	Cullom	Lodge	Shively
Bristow	Dillingham	McCumber	Smoot
Burnham	Dixon	McLean	Stephenson
Catron	du Pont	Oliver	Sutherland
Clapp	Gamble	Page	Townsend
Clark, Wyo.	Gronna	Penrose	Wetmore

NOT VOTING—29.

Bacon	Gallinger	Massey	Smith, S. C.
Bankhead	Gardner	Nelson	Stone
Briggs	Gore	O'Gorman	Tillman
Brown	Guggenheim	Paynter	Warren
Crane	Johnston, Tex.	Reed	Watson
Curtis	Lea	Richardson	
Fall	Lippitt	Root	
Foster	Martin, Va.	Smith, Mich.	

So Mr. PAYNTER's amendment to the amendment was rejected.

Mr. OWEN. I offer the amendment I send to the desk.

The PRESIDENT pro tempore. The Senator from Oklahoma offers an amendment, which will be read.

The SECRETARY. In the amendment of the committee, on page 2, line 12, strike out the words "elected as follows" and insert:

Nominated and elected by the direct vote of the legal voters of the States. The vote of each State shall be certified by the governor of the State to the President of the United States Senate and, estimated upon the basis that the vote of each State shall be equal to the whole number of Senators and Representatives to which such State may be entitled in the Congress, shall be counted and declared as by law provided. Congress shall immediately provide by law the method and means for the direct nominations herein provided.

Mr. OWEN. Mr. President, this amendment does away with the electoral college. It proposes that the vote of the States shall be certified to the President of the Senate, and have the same weight in determining the election of a President as now under the electoral-college system. It, of course, would serve the end of economy in making unnecessary the nomination of 400 or 500 electors, in making unnecessary the printing of their names and the voting for those electors by millions of voters and the counting of the vote. It would save time and would operate more directly to produce the result desired.

The more important part of the amendment, however, is that providing for the direct nomination by popular vote of presidential candidates and doing away with the national conventions, which heretofore have been in some instances believed to have been unfairly controlled by machine methods and by improper influences. It is carrying out what many of the States now have; it is carrying out the principles of progressive government; it is carrying out the proposals laid down in the Democratic national platform at Baltimore; it is carrying out the declarations of the so-called Progressive Party, and I think will be acquiesced in by probably three-fourths of the people of the United States.

It needs no argument to explain the meaning of a preferential primary for the Presidency, and no debate upon it, so far as I am concerned, is thought necessary. I simply briefly explain the amendment itself. It proposes a presidential preference primary; does away with the electoral college; and has the vote certified immediately to the President of the Senate, to be counted as now provided by law.

The PRESIDENT pro tempore. The question is upon the amendment submitted by the Senator from Oklahoma [Mr. OWEN] to the amendment of the committee.

Mr. WILLIAMS. Mr. President, I want to say a few words in explanation of the vote I shall cast. I shall vote for this amendment, not chiefly for the reason stated by the Senator from Oklahoma [Mr. OWEN], but chiefly for another reason.

The electoral college is a source of danger to American institutions. It may some day precipitate a great crisis and a revolution. Of course, the unwritten law is that the elector votes in accordance with the dictates of the party to which he belongs and votes for the nominee of his convention, or, in this case, if this amendment is adopted, the nominee of the presidential primaries of his party. But there is no law which compels him to do it. It is merely a matter of keeping faith and honor. It is a great compliment to the American people that hitherto in every case faith and honor have been kept; but the statement does not go without contradiction that they will always be kept.

There might be a very close presidential election, when one or two votes swerved from the direction in which the people had shot them into a new direction, either by passion, prejudice, money, or corruption—something or other might defeat the will of the people in an election. It might be true that in such a case an elector would hesitate a long time because of the fear of personal danger that would follow; but corrupt men are sometimes very bold. There is hardly a pledge of honor made in any direct way. The party merely nominates the electors, and it is taken for granted that they are going to act honorably. Thus far they have done so; but suppose some one in a case like that did not do so. If each party insisted, one upon the right to take the seat because the machinery provided by the Constitution to elect him had elected him, to wit, a majority of the electoral college, and the other, the choice of the people, asserted the right to the seat, there might be great trouble; there might possibly be even civil war; but, at any rate, if there were not, the will of the people might be defeated. It is for that reason, more than for the reason that the amendment contains the direct-nomination feature, that I shall support it.

Mr. CUMMINS. Mr. President, I desire the attention of the Senator from Oklahoma for a moment. I wish to call his attention to the fact that if his amendment were adopted it might not accomplish the purpose which he has in view; in other words, there would still be left in the Constitution all its provisions with regard to the selection of electors, the counting of their votes before Congress, and the subsequent arrangements in case there be no choice.

Mr. OWEN. It would be explicitly repealed.

Mr. CUMMINS. It seems to me that the Senator has not successfully joined the amendment with those provisions of the Constitution that would remain.

Mr. OWEN. My amendment would be in conflict with so much of it as the Senator refers to, and would repeal it. The language has been so drawn as to cause that vote to be counted and declared as provided by law. It, therefore, attaches itself immediately to the present provisions for the counting of the electoral vote in the House of Representatives.

Mr. CUMMINS. I am entirely in favor of the election of a President in the way suggested by the Senator from Oklahoma, yet the proposed amendment would, in my opinion, leave the Constitution in inextricable confusion.

Mr. OWEN. Another suggestion has been made, that the governor of a State, not being a Federal officer, might refuse to certify the returns. The governor of every State takes an oath to observe the Constitution of the United States as well as that of his own State. This would be a part of his oath of office, and he would be pro tanto an officer of the United States for this purpose.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from California?

Mr. OWEN. I yield to the Senator from California.

Mr. WORKS. I desire to call the attention of the Senator from Oklahoma to the fact that there is a proposed amendment to the Constitution now pending before the Committee on the Judiciary providing for the election of President and Vice President by a direct vote of the people which covers all the provisions relating to the subject of elections and returns. It seems to me it would be unfortunate to complicate this one question with so important a question as that, which may probably be considered by itself and be voted upon separately.

Mr. OWEN. The fact that some other proposition is pending elsewhere in no wise invalidates the propriety of this amendment.

Mr. CRAWFORD. Will the Senator from Oklahoma yield to me?

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from South Dakota?

Mr. OWEN. I do.

Mr. CRAWFORD. The subject with which the Senator from Oklahoma is dealing in his proposed amendment is one in regard to which I am in entire sympathy with the Senator. I should like to see an amendment submitted which would reach that end, but I think it is rather unfortunate to couple it with this proposal for limiting the term of the President of the United States, because upon that proposition I am unalterably opposed to a limitation. If this provision, in which I believe, is tied up with that proposition, in which I do not believe, my vote would go on the side against the amendment proposed by the Senator, because I can not indorse the other, and I think it would be better to have this proposition a separate one standing upon its own merits. I think the Senator would thereby get more friends for it.

Mr. OWEN. Mr. President, I will offer as an extenuating circumstance in submitting my amendment at this time the statement that it is extremely difficult to amend the Constitution of the United States. It has only been done in the case of war since the first original amendment, barring the probable amendment now pending; so that if an amendment is proposed and carried at all it must be carried upon the wave of some very important public opinion. I believe that nine-tenths of the people of the United States have made up their minds now that they do not want any man to twice hold the position of President; that they do not want any man occupying the White House to use that place and the enormous patronage and power of that position to further his own ambition as a politician. Believing that, I am compelled to reconcile myself to the unhappy position in which I find the Senator from South Dakota posed.

Mr. CRAWFORD. I think the Senator will find that the people believe in this proposal a good deal more earnestly and profoundly and extensively than they do in the other.

Mr. OWEN. Perhaps that may be true, Mr. President; but I remind the Senator from South Dakota that 4,000,000 men voted for the Progressive candidate in the last election, and favored the naming of a President by a presidential primary. I remind the Senator also that 6,000,000 and more Democrats voted for it, and they are committed to it by the Baltimore convention. Therefore there are over 10,000,000 men now committed to it in this Republic. I take it, therefore, that it has some friends.

Mr. CRAWFORD. To what does the Senator refer? Does he want an election without the intervention of the electoral college?

Mr. OWEN. I refer to the more important part of it—the presidential primary.

Mr. CRAWFORD. Certainly I am not objecting to the presidential primary; I believe in it. The Senator misunderstands me. I believe in both the presidential primary and in the direct election of President, but I do not believe in Senate joint resolution No. 78, introduced by the Senator from California [Mr. WORKS], to which this amendment is proposed to be attached. I should like to vote for this amendment embracing the presidential primary and the direct election of President, but I do not want it tied onto the proposition in Senate joint resolution No. 78, for which I can not stand, and I certainly insist that 10,000,000 of the American people have not shown that they are in favor of Senate joint resolution No. 78.

Mr. OWEN. Perhaps that may be true; but I think so large a number are in favor of it that it will become the law if it passes *this Congress*; and since this matter is now before the Senate, fixing the term of office, it is entirely germane and proper to propose the manner of the nomination and election of the candidate who is to hold that term. Since the amendment only proposes a presidential primary and does away with the electoral college, which is now useless and expensive, and does not change the method of State representation, giving to each State a vote in accordance with the number of Representatives and Senators, it therefore only does away with a somewhat cumbersome process and establishes a presidential preference primary. To that I say there is a very large adherence of voters in the United States. Desiring to carry out the Baltimore platform as rapidly as possible, I did not wish to lose a convenient occasion to present the first amendment which the opportunity afforded.

Mr. CRAWFORD. Mr. President, I am sorry that my efforts are unavailing. What I hoped I might do was to persuade the Senator that his entire proposition is so much better than that contained in the pending resolution that he ought to cut loose from the other and not have it hang as a dead-weight upon the amendment he has offered.

Mr. OWEN. Since I am in favor of both, I shall be glad to have my proposition help pull the other along.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from California?

Mr. OWEN. I yield to the Senator from California.

Mr. WORKS. I do not want to be understood by what I said as being opposed to the proposition submitted by the Senator from Oklahoma if it were separately submitted. I am so far committed to that idea that I myself have offered a joint resolution proposing an amendment to the Constitution providing for the direct election of the President and Vice President of the United States. Therefore I am not hostile to what the Senator desires, but I think it would be unfortunate to both of these propositions to have them coupled together, for the simple reason that the individual who comes to vote upon it will have to be in favor of both of them in order to vote for the proposed constitutional amendment. There are a great many voters in this country who would be favorable to one of them and opposed to the other. The result would probably be that, if they should go to the country, they would both be defeated; and that is the contingency I desire to avoid.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Oklahoma to the amendment reported by the committee.

Mr. POINDEXTER. I should like to have the amendment to the amendment again stated.

The PRESIDENT pro tempore. The Secretary will again state the amendment to the amendment.

The SECRETARY. On page 2, line 12, it is proposed to strike out the words "elected as follows" and insert:

> Nominated and elected by the direct vote of the legal voters of the States. The vote of each State shall be certified by the governor of the State to the President of the United States Senate and, estimated upon the basis that the vote of each State shall be equal to the whole number of Senators and Representatives to which such State may be entitled in the Congress, shall be counted and declared as by law provided. Congress shall immediately provide by law the method and means for the direct nominations herein provided.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Oklahoma to the amendment of the committee. [Putting the question.] The Chair is in doubt.

Mr. CULBERSON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

The PRESIDENT pro tempore (when Mr. GALLINGER'S name was called). The present occupant of the chair is paired with the Senator from New York [Mr. O'GORMAN], and therefore withholds his vote.

Mr. LIPPITT (when his name was called). I again announce my pair with the senior Senator from Tennessee [Mr. LEA] and refrain from voting.

Mr. OWEN (when his name was called). I transfer my pair with the Senator from Kansas [Mr. CURTIS] to my colleague [Mr. GORE] and will vote. I vote "yea."

Mr. RICHARDSON (when his name was called). I again announce my pair with the junior Senator from South Carolina [Mr. SMITH] and withhold my vote.

The roll call was concluded.

Mr. TOWNSEND (after having voted in the negative). I voted "nay" for the purpose of making a statement to the effect that I previously stated that I should vote "nay" on all amendments; but this amendment, which I had not anticipated, I am in favor of, although if it is attached to the pending resolution I shall feel compelled to vote against the amended measure on its final passage.

The PRESIDENT pro tempore. Debate is not in order.

Mr. TOWNSEND. I change my vote to "yea."

The PRESIDENT pro tempore (Mr. GALLINGER). Under the arrangement made with the Senator from New York [Mr. O'GORMAN] the occupant of the chair feels at liberty to vote, and votes "nay."

The result was announced—yeas 32, nays 36, as follows:

YEAS—32.

Ashurst	Crawford	La Follette	Poindexter
Borah	Culberson	McLean	Pomerene
Bourne	Dixon	Martine, N. J.	Shively
Bristow	Fletcher	Myers	Smith, Ariz.
Bryan	Gronna	Newlands	Smith, Md.
Chamberlain	Johnson, Me.	Overman	Swanson
Chilton	Jones	Owen	Townsend
Clapp	Kern	Perky	Williams

NAYS—36.

Bankhead	Cummins	McCumber	Simmons
Bradley	Dillingham	Nelson	Smith, Ga.
Brandegee	du Pont	Oliver	Smoot
Burnham	Gallinger	Page	Stephenson
Burton	Gamble	Paynter	Sutherland
Catron	Jackson	Penrose	Thomas
Clark, Wyo.	Johnston, Ala.	Percy	Thornton
Clarke, Ark.	Kenyon	Perkins	Wetmore
Cullom	Lodge	Sanders	Works

NOT VOTING—27.

Bacon	Gardner	Lippitt	Smith, Mich.
Briggs	Gore	Martin, Va.	Smith, S. C.
Brown	Guggenheim	Massey	Stone
Crane	Hitchcock	O'Gorman	Tillman
Curtis	Johnston, Tex.	Reed	Warren
Fall	Kavanaugh	Richardson	Watson
Foster	Lea	Root	

So Mr. OWEN'S amendment to the amendment of the committee was rejected.

Mr. OLIVER. I offer an amendment to the amendment.

The PRESIDENT pro tempore. The Senator from Pennsylvania offers an amendment to the amendment, which will be stated.

The SECRETARY. On page 2, at the end of line 5, it is proposed to amend the committee amendment by inserting the word "every," and in line 6, after the word "President," by inserting the words "elected after the ratification of this amendment."

Mr. OLIVER. I ask that the committee amendment be read as it would appear if my amendment were adopted.

The PRESIDENT pro tempore. The amendment as proposed to be amended by the Senator from Pennsylvania will be read.

The Secretary read as follows:

> The executive power shall be vested in a President of the United States of America. The term of the office of every President elected after the ratification of this amendment shall be six years; and no person who has held the office by election, or discharged its power or duties, or acted as President under the Constitution and laws made in pursuance thereof shall be eligible to again hold the office by election.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Pennsylvania. [Putting the question.] By the sound, the noes appear to have it.

Mr. OLIVER. I call for the yeas and nays.

Mr. CULBERSON. Let the amendment be again stated.

The PRESIDENT pro tempore. The Secretary will again state the amendment.

The Secretary again stated the amendment.

Mr. OLIVER. Mr. President, in explanation of the amendment I wish to say that I do not think it is the right thing for the Congress of the United States and the legislatures of the several States to extend the term of a President who has been elected by the people for a definite term of years. Therefore I think that the constitutional amendment, if adopted and placed before the legislatures for ratification, should apply only to Presidents elected thereafter. I understand if the committee amendment as it now stands should be agreed to unamended it is probable that the term of the President in office at the time

would be extended to six years. I am unalterably opposed to that, and if the joint resolution is placed before the Senate in that shape I expect to vote against it; otherwise, as a general proposition, I am now and always have been in favor of a single term of six years for our Presidents.

Mr. DIXON. Mr. President, in other words, the amendment offered by the Senator from Pennsylvania makes a special exemption as to Woodrow Wilson; that is the effect of it. It does not carry out the provision of the Democratic platform, which specifically declares for one term. The amendment now offered is not in accord with the platform of the Democratic convention, which I understand Senators on the other side of the Chamber are urging——

Mr. OLIVER. I am not solicitous for the Democratic platform at all.

Mr. DIXON. I am merely calling the attention of the Democratic Senators to the fact that the amendment of the Senator from Pennsylvania is in direct violation of the terms of the Democratic platform.

Mr. CUMMINS. Mr. President, I do not think the Senator from Montana [Mr. DIXON] has given the right interpretation to the amendment offered by the Senator from Pennsylvania [Mr. OLIVER]. It is my opinion that the resolution as reported by the committee would, if adopted as a part of the Constitution during the term of any President, extend that term to six years. I believe that would be its legal effect. Now, the Senator from Pennsylvania proposes an amendment that will relieve the resolution of that effect and confine its operation to those Presidents who are elected after it is ratified. That is to say, it does not make any difference whether it is Mr. Wilson or Mr. Smith or Mr. DIXON. It may be Mr. DIXON.

Mr. DIXON. I am not a candidate.

Mr. CUMMINS. One can not tell what the future has in store for him or for any other aspiring and ambitious and energetic man. This amendment may not be ratified, even if it is adopted here, for years; and the amendment proposed by the Senator from Pennsylvania is general. It simply says it will not prolong the term of the President who is in office at the time it is ratified. The Democratic platform does not require that the term to which Mr. Wilson has been elected shall be extended.

Therefore the Senator from Montana is wholly in error with regard to his interpretation of the amendment offered by the Senator from Pennsylvania. It has nothing to do with the Democratic platform. Therefore I hope he will not be able to disturb the Democratic serenity with respect to the subject of this amendment.

I for one am in favor of the amendment proposed by the Senator from Pennsylvania. I voted for the amendment proposed by the Senator from Kentucky simply because I believed that was the proper interpretation—that is, the real interpretation—of the amendment without his suggestion. But now that it is raised definitely and proposed to be changed by the amendment offered by the Senator from Pennsylvania, I shall vote for it. I think it is fair and just.

The PRESIDENT pro tempore. The Senator from Pennsylvania [Mr. OLIVER] demands the yeas and nays upon the amendment proposed by him to the amendment of the committee.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

The PRESIDENT pro tempore (when Mr. GALLINGER'S name was called). The present occupant of the chair is paired with the junior Senator from New York [Mr. O'GORMAN].

Mr. GARDNER (when his name was called). I transfer my pair with the junior Senator from Massachusetts [Mr. CRANE] to the junior Senator from New York [Mr. O'GORMAN] and will vote. I vote "nay."

The PRESIDENT pro tempore. Under that arrangement, the present occupant of the chair will change his pair from the junior Senator from New York [Mr. O'GORMAN] to the junior Senator from Massachusetts [Mr. CRANE] and will vote. I vote "nay."

Mr. LIPPITT (when his name was called). I again announce my pair with the senior Senator from Tennessee [Mr. LEA].

Mr. PAYNTER (when his name was called). I again announce my pair with the Senator from Colorado [Mr. GUGGENHEIM], and therefore withhold my vote.

Mr. RICHARDSON (when his name was called). I again announce my pair with the junior Senator from South Carolina [Mr. SMITH], and therefore withhold my vote.

The roll call was concluded.

Mr. SWANSON. I desire to announce that my colleague [Mr. MARTIN of Virginia] is paired with the Senator from Nebraska [Mr. BROWN]. He is detained from the Senate on account of illness. I wish that announcement to stand for the rest of the day.

The result was announced—yeas 13, nays 52, as follows:

YEAS—13.

Bradley	Cummins	Oliver	Sutherland
Brandegee	Dillingham	Penrose	
Chamberlain	du Pont	Percy	
Chilton	McCumber	Pomerene	

NAYS—52.

Ashurst	Culberson	Kenyon	Sanders
Bankhead	Cullom	Kern	Shively
Borah	Dixon	La Follette	Simmons
Bourne	Fletcher	Lodge	Smith, Ariz.
Bristow	Gallinger	Martine, N. J.	Smith, Md.
Bryan	Gamble	Myers	Stephenson
Burnham	Gardner	Nelson	Swanson
Burton	Gronna	Overman	Thomas
Catron	Hitchcock	Owen	Thornton
Clapp	Johnson, Me.	Page	Townsend
Clark, Wyo.	Johnston, Ala.	Perkins	Wetmore
Clarke, Ark.	Jones	Perky	Williams
Crawford	Kavanaugh	Poindexter	Works

NOT VOTING—30.

Bacon	Guggenheim	Newlands	Smith, S. C.
Briggs	Jackson	O'Gorman	Smoot
Brown	Johnston, Tex.	Paynter	Stone
Crane	Lea	Reed	Tillman
Curtis	Lippitt	Richardson	Warren
Fall	McLean	Root	Watson
Foster	Martin, Va.	Smith, Ga.	
Gore	Massey	Smith, Mich.	

So Mr. OLIVER'S amendment to the amendment of the committee was rejected.

Mr. CUMMINS. Mr. President, before the joint resolution passes from the Committee of the Whole, I desire to submit some observations upon the matter. I am suffering from a disability—temporary, I hope—that makes it very difficult for me to speak, and somewhat painful as well. I therefore hope that I may be permitted to say what I have to say quietly and with little interruption.

I had not intended to say anything in the nature of an extended speech, and would have adhered to that resolution, but some remarks were made yesterday that seem to call for a reply that has not yet been made. I very deeply regret that I can not concur with some of my brother Senators with whom I have been generally in absolute sympathy, and upon whose political and economic judgment I have become accustomed to rely.

I look upon this measure as a distinctly progressive proposition. This simply indicates the infinite variety of the human judgment. Some of my closest friends in the Senate apparently believe that it is an attack upon the rights, the privileges, and the power of the people. On the contrary, I believe it to be a great advance in the protection and the preservation of the rights and the privileges of the people.

I have often heard it said that there ought to be, and that eventually there will be, a line drawn between the voters of the United States upon one side of which there will align themselves the conservatives, the reactionaries, the standpatters, while upon the other there will be ranged the progressives, the radicals. I have become convinced that this line never will be drawn; because while I have been fighting, as I have assumed, for the rights of the people during a somewhat extended and somewhat stormy political career, I now find myself assigned by some of my associates to the ranks of those who are alleged to be indifferent to the rights and the privileges of the people.

I intend to prove that this is a progressive measure. I intend to prove that it is not only progressive to submit this proposition to the judgment of the people, but that it is progressive when it is considered upon its merits by the people.

The people have an absolute right to say what their Government shall be. Have I a progressive friend in the Senate who disputes that proposition? It is the fundamental, the original declaration of human rights so far as it applies to government. They have a right to say what their Government shall be.

I have no patience with that phraseology or terminology that speaks of the people in the third person. We do not give the people anything. We can not give the people anything in the way of governmental power, nor could we take away from the people anything in the way of power or privilege had it not been that years ago our forefathers provided that the people of this country should not have an opportunity to say what their Government should be until Congress opened the door to that opportunity.

I am for the referendum. I have asserted it before; I assert it now. I believe this is the best example of the referendum that the institutions of the United States can present. I am speaking now, of course, of the national institutions, the Constitution and the laws of the United States.

How is it that those who believe that the people of this country have a right to say what their Government shall be hesitate about giving them the opportunity which the adoption of this resolution would confer upon them? If there is any taking

from the people power or privilege or opportunity, it is by those who refuse to give them the chance which, according to the civilized notions of modern government, they ought to have.

There are many of us who believe that the referendum should be made applicable not only to constitutions but to laws as well. I am one of them. If the legislature of a State or if the Legislature of the United States refuses to adopt legislation which the people demand, I believe that the people have a right to insist that the legislation shall be submitted to them for approval or rejection.

Just so here. It is proposed by this resolution to give the people of this country the opportunity to say what their Government shall be—to say whether they would rather have a President limited to a single term or a President eligible to successive terms. Yet it is insisted that because there is individual opinion among some Senators that if these Senators were voting in their primary capacity they would not regard this as a wise restriction to be placed on their own power as citizens, therefore they should not give the people the chance to exercise their elemental and their fundamental right.

I do not look upon the duty that we as Senators perform from that point of view. I do not believe it ought to be required that two-thirds of the Senate of the United States and two-thirds of the House of Representatives shall be completely convinced of the wisdom of a proposed amendment to the Constitution before the people shall have the opportunity to vote upon it. I believe that whenever Senators and Members of the House are convinced that a fair proportion of the people of the United States desire an opportunity to correct or to amend their fundamental law it is our duty to give them the chance to make their Government what it ought to be.

I am especially amazed at the attitude of some of my friends who have *recently* conducted a campaign in which the referendum bore a prominent part. It surprises me that they should here seek to close the door which this resolution would open. But I agree that before we can fairly submit an amendment of this kind to the people there must be shown a reasonable, fair demand for it. I agree that it ought not to be within the power of a single Senator to rise and say, "I think the people want this change made in their Constitution," and therefore command the support of all the Senators, without regard to their individual opinions upon the subject.

I do not assert that constitutional amendments should be submitted upon any such slender demand. But I reassert that if we believe any considerable number of the people of this country are in favor of so limiting the term of the President, and if they have expressed themselves so that they can be understood, then the man who votes against the submission of a proposed amendment to the Constitution does so in violation of the principle to which I have referred, ordinarily known as the referendum.

Let us see about this question. It has been spoken of here as though it had arisen now practically for the first time, and there had been no discussion of it throughout the years of the existence of our Government. I suppose this amendment, or the equivalent of it, has been introduced into Congress oftener than any other proposed amendment to the organic law. It has been debated more than any other amendment unless it be the amendment providing for the direct election of Senators.

I beg to read just a word indicating in a very meager way something of its history. I read from page 123 of volume 2 of the American Historical Association Report for 1896:

> Over 125 amendments have been submitted to change the term of President and fix the period of eligibility. These were brought out chiefly by the fear that the President would use the patronage of his office to secure his reelection. More than 50 of these have been propositions to fix the term at six years.

I will not pursue this comment, but will say that while the enemies of the proposition have usually been able to prevent a vote, it never has been submitted to either branch of Congress without receiving the votes of a majority of the Members of the body to which it was submitted.

I turn now to page 126, and read another extract:

> The simplest and most effective remedy would seem to be the restriction of all Presidents to a single term, a provision which the Federal convention had first unanimously adopted.

I will consider that later.

> Over 90 proposed amendments have affirmed that principle. It was presented to Congress first in 1815 as one of the amendments proposed by the Hartford convention, by the Members from Massachusetts and Connecticut, upon the instruction of their legislatures. In addition, these resolutions provided that the President should not be elected from the same State two terms in succession, thus showing New England's jealousy of Virginia.

I refer to this only to show that it is not a new subject; that it has been a matter of almost continuous demand and debate since the adoption of the Constitution.

But that is not all. Nine or ten States in the Union have, through their legislatures, at various times demanded this amendment limiting a President to a single term. I have not at hand the names of these States, nor are they material. I am simply passing through the history of the matter in order to show that we have here the firm basis of a referendum for a change in the Constitution.

Mr. BRANDEGEE. Mr. President, will the Senator yield for a question?

Mr. CUMMINS. Certainly.

Mr. BRANDEGEE. I am not sure that I understood the Senator in his statement describing the circumstances under which Congress ought to submit amendments. In view of the language of Article V of the Constitution—

> The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments—

I want to ask the Senator whether he means to be understood as saying that under the language "deem it necessary" it is not necessary to secure the personal approval of the Senators to the proposition, or does he construe it to mean whenever, for any reason, they deem it necessary—for instance, if they thought a considerable number of people would like to have it submitted?

Mr. CUMMINS. I construe it in the latter way. I confess I formerly held the opposite belief, before I had given the matter great thought, and before I had become impressed with the high necessity of bringing government back to the people, and giving them the full power which they ought to exercise in their own affairs. I always proceeded upon the assumption that no constitutional amendment should be submitted until it commanded the approval and had convinced the judgment of two-thirds of the Senate and two-thirds of the House. I think it is against that construction of the Constitution that a great deal of the unrest which now exists is directed. If we were to wait until two-thirds of each body were actually convinced of the necessity of a particular proposition, expressed in a particular way, we would never amend the Constitution of the United States; and the course that is being taken in this matter seems to me well adapted to establish a principle of action that will prevent the amendment of the Constitution of the country.

But I pass on to see what has been done further with regard to the movement for a single term. Three political parties have declared for this amendment. The Whig Party declared for it I think twice, certainly once. The People's Party, which was a protest against both the Democratic and the Republican Parties, declared for it, and from the platform of the People's Party, adopted at the time to which I refer, a very considerable part of the modern declarations of all existing political parties have been taken.

The People's Party organized under circumstances that are familiar to every Senator, coming directly from the body of the people themselves, declared unhesitatingly and unequivocally for a single term for President. Those earnest people did not suppose that they were organizing a raid upon their own rights and privileges. They were the advance men of their time. They were the radicals of the decade from 1880 to 1890; and while they may have been mistaken—and I am not arguing that proposition now—I do commend the declaration of the People's Party, which was really the first great protest against many of the practices and principles which we all now condemn. They insisted that the Constitution of this country should be amended so that a President should not be permitted to hold his office for more than one term; and it seems to me that such a declaration furnishes a fair basis for a referendum. Most of the friends of the referendum have stood for a plan that required the reference of a law to the action of the people in their primary capacity upon a petition signed by 8 per cent or 10 per cent or 15 per cent of the voters.

Now, tell me whether the declaration of the People's Party and the declaration of the Whig Party and finally the declaration of the Democratic Party in Baltimore last year, a party that succeeded in gathering into its following nearly 7,000,000 of the voters of the United States, should be heeded? Will anyone pretend that these accumulated demands for this change in our Constitution do not present a fair basis for submitting the question to the people themselves? So far as the referendum is concerned they who believe in it keep the word of promise to our ear and break it to our hope if they now refuse the submission of this resolution. They are doing precisely what they have charged the enemies of the doctrine with doing now these many years.

It has been constantly asserted that a few men have been able to prevent the people from remodeling their Constitution so that their powers and their privileges would be protected more adequately than they now are; and with this constant history

in Congress, with the declaration of these three great parties, further proof will be added. I might add another party although the declaration is not direct. When the Progressive Party in Chicago last summer declared explicitly and emphatically for the refendum, what did it mean? Did it mean that those who happened to be for the time being acting in a representative capacity should, after they knew that a large body of their fellow men were asking an opportunity to vote upon an important, serious proposition like this, refuse to open the door simply because they themselves were not convinced of the wisdom of the course proposed?

No; I can understand perfectly how my friends here, whether of one political complexion or another, can be opposed to this amendment as citizens. I can understand that there may be a difference of opinion with regard to the wisdom of limiting a President to a single term, for that is a question the debate upon which began when the Constitutional Convention met in 1787 and it has continued until the present time, I know there is a wide variety of judgment respecting it. But how, in view of what I have said, those who are in favor of an enlargement of the rights of the people, in favor of giving them at every fair opportunity the privilege of declaring what their Government ought to be and what their Constitution ought to be, can vote to refuse a submission of a proposal of this kind I am utterly unable to understand.

But I will add a little more to this volume of demand, because a demand of this sort is cumulative in its character. At the time of the formation of the Constitution, Thomas Jefferson was for the single term; Alexander Hamilton was against it. I wonder if those who are now considering the matter from the standpoint of the rights and the powers of the people and their influence in public affairs think that Alexander Hamilton was more profoundly interested and concerned for the people than was Thomas Jefferson. Alexander Hamilton believed, as we all know, in a President elected during good behavior, and when he failed in that he desired, of course, as much permanency as possible in the presidential office. He was patriotic and sincere; but I think it can not be said, at least, that those of us who prefer to follow the teachings of Thomas Jefferson are any the less the friends of the people.

It has been said that a great controversy arose over it about the close of Andrew Jackson's term; and that is true. But Andrew Jackson was in favor of this proposition. Daniel Webster was in favor of it, because he explicitly affirmed the Whig platform that contained a limitation immediately after its adoption, I think, in 1840. Henry Clay was in favor of a single term; Charles Sumner was in favor of a single term.

I listened the other day with a good deal of interest to the development of this subject by the senior Senator from Massachusetts [Mr. LODGE] and I could but remember the attitude which Charles Sumner had assumed upon the same great problem, and he did not assume it because he was opposed to Gen. Grant having a third term. I know that a great deal of literature upon this subject accumulated while Gen. Grant was a candidate for a third term, but the controversy in Congress did not occur solely at that time.

Charles Sumner in 1871, before the expiration of Grant's first term, presented a resolution upon this subject, and I intend to ask the consent of the Senate that the resolution he then offered shall be read, because it describes so well the difference between the opinion of the then Senator from Massachusetts and the present Senator from Massachusetts that I think it will be both instructive and interesting, and aside from that it contains a review of the whole subject up to that time. I ask that the Secretary read from the words "Joint resolution proposing an amendment of the Constitution, confining the President to one term," on page 321 of the volume I send to the desk, to the end of the resolution, on page 326.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

Joint resolution proposing an amendment of the Constitution confining the President to one term.

Whereas for many years there has been an increasing conviction among the people, without distinction of party, that one wielding the cast patronage of the President should not be a candidate for reelection, and this conviction has found expression in the solemn warnings of illustrious citizens, and in repeated propostions for an amendment of the Constitution confining the President to one term.

Whereas Andrew Jackson was so fully impressed by the peril to republican institutions from the temptations acting on a President, who, wielding the cast patronage of his office, is a candidate for relection, that in his first annual message he called attention to it; that in his second annual message, after setting forth the design of the Constitution "to secure the independence of each department of the Government and promote the healthful and equitable administration of all the trusts which it has created," he did not hesitate to say, "The agent most likely to contravene this design of the Constitution is the Chief Magistrate," and then proceeded to declare, "In order particularly that his appointment may as far as possible be placed beyond the reach of any improper influences, in order that he may approach the solemn responsibilities of the highest office in the gift of a free people uncommitted to any other course than the strict line of constitutional duty, and that the securities for this independence may be rendered as strong as the nature of power and the weakness of its possessor will admit, I can not too earnestly invite your attention to the propriety of promoting such an amendment to the Constitution as will render him ineligible after one term of service." And then again, in his third annual message, the same President renewed his patriotic appeal.

Whereas William Henry Harrison, following in the footsteps of Andrew Jackson, felt it a primary duty, in accepting his nomination as President, to assert the one-term principle in these explicit words: "Among the principles proper to be adopted by any Executive sincerely desirous to restore the administration to its original simplicity and purity, I deem the following to be of prominent importance: First, to confine his service to a single term"; and then, in public speech during the canvass which ended in his election, declared, "If the privilege of being President of the Untied States had been limited to one term the incumbent would devote all his time to the public interest, and there would be no cause to misrule the country"; and he concluded by pledging himself "before Heaven and earth, if elected President of these Untied States, to lay down, at the end of the term, faithfully, that high trust at the feet of the people."

Whereas Henry Clay, though differing much from Andrew Jackson, united with him on the one-term principle and publicly enforced it in a speech June 27, 1840, where, after asking for "a provision to render a person ineligible to the office of President of the United States after a service of one term," he explained the necessity of the amendment by saying: "Much observation and deliberate reflection have satisfied me that too much of the time, the thoughts, and the exertions of the incumbent are occupied during his first term in securing his reelection; the public busniess consequently suffers." And then again, in a letter dated September 13, 1842, while setting forth what he calls "principal objects engaging the common desire and the common exertion of the Whig Party," the same statesman specifies "an amendment of the Constitution limiting the incumbent of the presidential office to a single term."

Whereas the Whig Party in its national convention at Baltimore, May 1, 1844, nominated Henry Clay as President and Theodore Frelinghuysen as Vice President, with a platform where "a single term for the Presidency" is declared to be among "the great principles of the Whig Party, principles inseparable from the public honor and prosperity, to be maintained and advanced by the election of these candidates," which declaration was echoed at the great national ratification convention the next day, addressed by Daniel Webster, where it was resolved that "the limitation of a President to a single term" was among the objects "for which the Whig Party will unceasingly strive until their efforts are crowned with a single and triumphant success";

Whereas, in the same spirit and in harmony with these authorities, another statesman, Benjamin F. Wade, at the close of his long service in the Senate, most earnestly urged an amendment of the Constitution confining the President to one term, and in his speech on that occasion, February 20, 1866, said, "The offering of this resolution is no new impulse of mine, for I have been an advocate of the principle contained in it for many years, and I have derived the strong impressions which I entertain on the subject from a very careful observation of the workings of our Government during the period that I have been an observer of them; I believe it has been very rare that we have been able to elect a President of the United States who has not been tempted to use the vast powers intrusted to him according to his own opinions to advance his reelection"; and then, after exposing at length the necessity of this amendment, the veteran Senator further declared, "There are defects in the Constitution, and this is among the most glaring; all men have seen it; and now let us have the nerve, let us have the resolution, to come up and apply the remedy";

Whereas these testimonies, revealing intense and widespread convictions of the American people, are reenforced by the friendly observations of De Tocqueville, the remarkable Frenchman to whom our country is under such great and lasting obligations, in his famous work on "Democracy in America," where he says, in words of singular clearness and force, "Intrigue and corruption are vices natural to elective governments; but when the chief of the state can be reelected, the vices extend themselves indefinitely and compromise the very existence of the country; when a simple candidate seeks success by intrigue his maneuvers can operate only over a circumscribed space; when, on the contrary, the chief of the state himself enters the list he borrows for his own use the force of the government; in the first case it is a man with his feeble means; in the second it is the state itself, with its immense resources, that intrigues and corrupts"; and then, again, the same great writer, who had studied our country so closely, testified, "It is impossible to consider the ordinary course of affairs in the United States without perceiving that the desire of the reelected dominates the thoughts of the President; that the whole policy of his administration tends toward this point; that his least movements are made subservient of this object; that, especially as the moment of crisis approaches, individual interest substitutes itself in his mind for the general interest";

Whereas all these concurring voices where patriotism, experience, and reason bear testimony have additional value at a moment when the country is looking anxiously to a reform of the civil service, for the plain reason that the peril from the Chief Magistrate so long as he is exposed to temptation surpasses that from any other quarter, and thus the first stage of this much-desired reform is the one-term principle, to the end that the President, who exercises the appointing power, reaching into all parts of the country and holding in subserviency a multitudinous army of officeholders, shall be absolutely without motive or inducement to employ it for any other purpose than the public good; and

Whereas the character of republican institutions requires that the Chief Magistrate shall be above all suspicion of using the machinery of which he is the official head to promote his own personal aims: Therefore be it

Resolved by the Senate and House of Representatives, etc., That the following article is hereby proposed as an amendment to the Constitution of the United States, and, when ratified by the legislatures of three-

fourths of the several States, shall be valid to all intents and purposes as parts of the Constitution, to wit:

ARTICLE.

SECTION 1. No person who has once held the office of President of the United States shall be thereafter eligible to that office.

SEC. 2. This amendment shall not take effect until after the 4th day of March, 1873.

DEATH OF REPRESENTATIVE GEORGE S. LEGARE.

A message from the House of Representatives, by J. S. South, its Chief Clerk, communicated to the Senate the intelligence of the death of Hon. GEORGE S. LEGARE, late a Representative from the State of South Carolina, and transmitted resolutions of the House thereon.

The PRESIDENT pro tempore. The Chair lays before the Senate resolutions of the House of Representatives, which will be read.

The resolutions were read, as follows:

IN THE HOUSE OF REPRESENTATIVES,
January 31, 1913.

Resolved, That the House has heard with profound sorrow of the death of Hon. GEORGE S. LEGARE, a Representative from the State of South Carolina.

Resolved, That a committee of 16 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect this House do now adjourn.

Mr. WILLIAMS. Mr. President, I submit the resolutions which I send to the desk, and ask for their adoption.

The resolutions (S. Res. 445) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. GEORGE S. LEGARE, late a Representative from the State of South Carolina.

Resolved, That a committee of nine Senators be appointed by the President of the Senate pro tempore, to join the committee appointed on the part of the House of Representatives, to attend the funeral of the deceased, at Charleston, S. C.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

The PRESIDENT pro tempore appointed, under the second resolution, as the committee on the part of the Senate, Mr. TILLMAN, Mr. SMITH of South Carolina, Mr. MARTINE of New Jersey, Mr. SWANSON, Mr. PERKY, Mr. MYERS, Mr. GRONNA, Mr. CRAWFORD, and Mr. POINDEXTER.

Mr. WILLIAMS. Mr. President, I move, as a further mark of respect to the memory of the deceased Representative, that the Senate take a recess until 11.45 o'clock to-morrow morning.

The motion was unanimously agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate took a recess until to-morrow, Saturday, February 1, 1913, at 11.45 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 31, 1913.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Once more, Almighty God, our Father, we are brought face to face with the inevitable in the death of another Member of this House. Increase our faith in the immutability of Thy character and in the prolongation of life, that we may be comforted with his dear ones in the overruling of Thy providence for the eternal and everlasting good of Thy children. And help us to be ready when the summons comes that we may pass serenely on to the larger life. And Thine be the praise in Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

OMNIBUS CLAIMS BILL.

Mr. SIMS. Mr. Speaker, I desire to submit a request for unanimous consent. I ask unanimous consent to take up the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate. This bill is what is commonly called the omnibus war-claims bill. I desire to state to the Members of the House who have claims in this bill and are interested in it, that I put in every available moment of the extra session working on the items that composed the bill and therefore obtained an early report. The bill was taken up and passed in the House at a very early period of the regular session. It went to the Senate and was not passed by the Senate until the 21st day of January, 1913. As soon as the bill came back to the House, I first asked the Speaker to let it remain upon the Speaker's table and then made a request for unanimous consent to take the bill from the Speaker's table, disagree to the Senate amendments and agree to the conference asked for by the Senate. That request was objected to, and the bill then had to go to the Committee on War Claims. The committee was called together immediately and reported the bill back to the House with the recommendation that the Senate amendments be disagreed to and the conference asked by the Senate agreed to. To-day is the day on which the Private Calendar can be considered by the House, provided a preferential motion to go into the Committee of the Whole for the consideration of the District appropriation bill is voted down. Then after we have gone into the Committee of the Whole for the consideration of the omnibus war-claims bill, and the committee has taken up this bill, it can be considered. The bill is 278 pages long. It will be utterly impossible to have anything like a conference upon this bill which I could ask the House to accept, if it is not sent to conference immediately. Under the ordinary rules of the House, without the slightest effort to filibuster, it will be impossible in one day to vote on the 233 numbered Senate amendments, many of which are divisible and upon which many votes can be demanded. But I realize, and I realized yesterday, that it would be utterly impossible, even though we used the whole of to-day, to get this bill acted upon and sent to conference.

I simply desire to let the House know the situation. As I understand, the House has agreed to take up for consideration to-day the District appropriation bill, and I hope that my request will be granted. I desire to say to anyone who is disposed to object, that no bill will be reported back from conference upon which any gentleman will not be satisfied an honest effort was made on the part of the conferees to discharge their duties to this House.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, may I ask the gentleman how many items were in the bill as it passed the House?

Mr. SIMS. There were about 1,080 separate claims. That is my recollection.

Mr. MANN. As I understand, the Senate, by amendment, struck out 982 of those——

Mr. SIMS. Practically all of them.

Mr. MANN (continuing). And added 15 items under the war claims provision, and in addition to that it added some 1,600 items of claims over which the Committee on War Claims has no jurisdiction.

Mr. SIMS. As to the number I do not know, but the gentleman is right as to the latter part of his statement, beyond any question. Personally I have not counted the number.

Mr. MANN. There are over 1,600, I believe, or about 1,600. There are 1,230 overtime navy-yard claims, 278 naval claims for additional pay on account of service at sea, 94 navy and war claims, longevity and extra pay, and 9 miscellaneous claims added by the Senate. The committee, of course, has probably no special knowledge concerning these claims, which have not been pending before the House, and which if pending before the House would be before the Committee on Claims instead of the Committee on War Claims.

Mr. SIMS. That is undoubtedly correct.

Mr. MANN. Does the gentleman himself believe that it would be quite fair to the House or even to the conferees of the House to send to a conference now a bill where the Senate has stricken out practically all of the items which were inserted by the House concerning war claims and have added 1,600 items over which the committee has no jurisdiction, to send those to conference where the plain intention—I will not say intention—but the plain effort would be to bring about a compromise by accepting all the claims which the House had proposed and the Senate had stricken out and all the claims which the Senate now proposes in addition to those that the House passed before. The gentleman knows the pressure that comes to the conferees from Members of the House having some claim that some constituent is writing him about, and the gentleman knows the moment this bill would go to conference the claim agents and the claim attorneys who are interested in these claims would see that every claimant would at once communicate with the Members of Congress from their respective districts urging them to urge the conferees to agree to the conference report and take care of their special claims.

Mr. SIMS. Mr. Speaker——

Mr. MANN. I have the greatest confidence in the gentleman from Tennessee and the other conferees who would be appointed by the House, but personally I would not subject my-

self to that pressure under any condition if I were even as hard-hearted about some things as the gentleman from Tennessee——

Mr. SIMS. If the gentleman from Illinois will permit me in his time, if the gentleman is going to object, in which to suggest that I realize the difficulty that confronts the conferees in the discharge of their duties, especially the conferees on a bill coming from the Committee on Claims or War Claims. The gentleman very correctly says we have no special knowledge of these claims. Most of them are in classes, and I admit that it would be exceedingly difficult, and it might turn out that we could not come to any agreement at all, but I would ask the gentleman from Illinois if it is within the purview of duty that a chairman of a committee should dodge responsibility and not make every effort he can to discharge that duty to the utmost?

Mr. MANN. I think the gentleman from Tennessee is performing his function properly in seeking to have this bill sent to conference, but here, for instance, is a claim for increased pay on account of longevity service based upon a statute passed in 1838 by one of those who received the pay, and the Government construed it one way until the Supreme Court decided otherwise in 1881, and claims are allowed in this bill dating back from 1838 to officers who died in the forties and fifties before the war on the ground that their longevity pay should have commenced with their entrance into the Military or Naval Academy instead of their actual entrance into the service of the Government in the Army and Navy as commissioned officers, and this bill contains a general provision waiving the statute of limitations as to every officer of the Army and the Navy from 1838 down to the time when this longevity pay was allowed, although all the officers received their pay and were satisfied with their pay in the service of the Government. And no one knows, and no one has made a computation to estimate the amount of money which would be involved by that.

Mr. SIMS. The gentleman will remember that I stood here and fought at the risk of defeating an entire omnibus bill, what was called the Selfridge board claims, when every pressure, and even threats, were brought to bear upon me; and I stood to the last and defeated those claims. Now, I promise I will stand against any claim in this bill regardless of pressure that can be brought until I am shown it is right and ought to be paid.

Mr. MANN. The gentleman is one of the most popular and able and honest Members of this House. I should dislike very much to see the gentleman made unpopular in the House by resisting all of these claims from half or three-fourths or four-fifths of the Members of Congress going to him at the request of their constituents. I wish to preserve the popularity of my friend for him.

Mr. SIMS. I want to ask the gentleman from Illinois [Mr. MANN] just one question. We will take what he says as being correct. Under existing circumstances, with an objection to this request, will it be practically possible to get this bill to conference except by a special rule providing for a vote upon the naked question of disagreement of Senate amendments and for a conference?

Mr. MANN. I do not know about that. I would not wish to say. I am willing to cooperate with the gentleman from Tennessee in having these war claims paid now or hereafter; but it seems to me that the distinguished body at the other end of the Capitol ought to be courteous enough with the body at this end of the Capitol to not insert into the war-claims bill, which comes from one committee of this House, other matters which in this House belong to another committee. For instance, we have two pension committees of the House, one relating to pensions for survivors of the Civil War, one relating to pensions for officers or men concerned with other wars or the Regular Army. The Senate has one pension committee, and yet they never mix the two propositions, because they recognize in the Pension Committee in the Senate that the House has two pension committees, and they never insert in a bill that comes from the Invalid Pensions Committee of the House a proposition that belongs to the Pensions Committee of the House, or vice versa. They had best take that into consideration on the claims bill, then there will be no trouble in passing a proper claims bill in the House. But to think of inserting 1,600 claims in a bill from the War Claims Committee, the jurisdiction over those bills pertaining to the Claims Committee, and then ask to have three members of the War Claims Committee pass upon those in conference is the height of bad legislation.

Mr. SIMS. And the gentleman, of course, must know that we are powerless to prevent that.

Mr. MANN. I am addressing my remarks to the House, with the hope that they will be considered elsewhere.

The SPEAKER. Is there objection?

Mr. MANN. I object.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The SPEAKER. Under the order of the House, the House will resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 28499, the District of Columbia appropriation bill, and the gentleman from Georgia [Mr. RODDENBERY] will take the chair.

Mr. BURLESON. Mr. Chairman, I ask that the Clerk proceed with the reading of the bill.

The Clerk read as follows:

Plumbing inspection division: Inspector of plumbing, $2,000; principal assistant inspector of plumbing, $1,550; assistant inspectors of plumbing—1 at $1,200, 4 at $1,000 each; clerks—1 at $1,200, 1 at $900; temporary employment of additional assistant inspectors of plumbing and laborers for such time as their services may be necessary, $1,700; draftsman, $1,350; sewer tapper, $1,000; 3 members of the plumbing board, at $150 each.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order as to that item, and, without repeating or reiterating, I present the same reasons that I did yesterday, that it is simply the payment of a private claim when it comes to reimbursing an individual for property owned by himself and not by the Government.

Mr. BURLESON. Mr. Chairman, I concede the point is well taken, and I offer the following amendment:

Insert, after the semicolon, in line 2, the following:
"The three assistant inspectors of plumbing, for the provision and maintenance by themselves of three motor cycles for use in their official inspection in the District of Columbia, $10 per month each, $360."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 2, after the word "each," insert the following:
"The three assistant inspectors of plumbing, for the provision and maintenance by themselves of three motor cycles for use in their official inspections in the District of Columbia, $10 per month each, $360."

Mr. JOHNSON of Kentucky. Mr. Chairman, I must insist there is not a particle of difference between the amendment and the other, and I make the point of order on it, because it is exactly the same proposition, inasmuch as it is the private debts of an individual concerning private property and not public property.

Mr. SAUNDERS. Mr. Chairman, I would suggest a most essential difference between the two propositions. We discussed this principle on yesterday in another connection. It is well to have a settlement of the matter before proceeding further.

This is the difference between the matter in the bill, and the matter of the amendment. So far as the language of the bill is concerned, the word "reimbursed," might be considered as indicating payment to some one having a claim against the District, by reason of money paid, or services rendered. But to appropriate directly in advance, or even after the use of these machines, certainly can not in any sense be considered as payment of a private claim. No claim against the District, or the Government ever arises in connection with these machines. Their use as private property by the owners, can not be made the basis of a claim.

It might as well be contended that if we appropriate, as we do, for the street-car fares of certain officials of the District, such an appropriation is the payment of a private claim, or that if we appropriate for transportation of any sort for any officer in connection with the discharge of the duties of his office, a claim is thereby discharged.

I submit these further arguments to the Chair, calling attention as well in this connection to what appears in the RECORD of yesterday.

The CHAIRMAN. The Chair would like to inquire in respect to the salaries of these assistant inspectors of plumbing, fixed by statute, as the gentleman describes. If a motion were made to increase the salary by $10 a month, or $120 a year, and a point of order were made, the point might probably be sustained because it was an increase of the salary. Now, if these are privately owned vehicles and are used by these officials in connection with the labor or service they are designated to render, and by this amendment a particular amount per month is paid to a particular employee or a particular class of employees, how does it escape the objection of being in effect an increase of salary for that year?

Mr. SAUNDERS. Of course it might be argued that indirectly, when transportation is provided for, the salary is increased. But it is not so regarded. It is an appropriation which is authorized, whatever may be its incidental effect upon the officer. It might not affect the salary at all, as the officer might walk if transportation is not provided, thereby reducing his efficiency, but leaving the salary intact. I wish to call the attention of the Chair to some precedents in connection with this matter. While it is true that an increase in a salary carried in

an appropriation bill of the preceding year, is subject to a point of order, on the ground that it changes existing law, yet the Chair will find on looking into the matter—and I have a memorandum of the reference on my desk—that this holding is an exception, and admitted to be an exception to the general rule.

The Chair will find that Chairmen in ruling on this very proposition, announce that if an opportunity was given to rule upon the same as an original proposition, they would not sustain it. There is no foundation of reason for this ruling. It is one of mere convenience.

I admit of course that these precedents exist, and that an increase of the salaries of officials who are carried at other salaries in the last appropriation bill is subject to a point of order. But that ruling rests, as I have said, on no foundation of reason. It is admitted to be an exception, and one unsupported by principle. If offered as an original proposition I have no doubt that the present occupant of the chair would decide that the point of order was not well taken.

This being so, there is no reason why the Chair should undertake to extend the application of this precedent to a situation like this, when such an application would tend to cripple the operations of the District government. In the discharge of their duties these men are rendered more efficient by the use of these instrumentalities. This appropriation is really an economy, because it enables one official to do the work possibly of one and one-half, or two officials. I put this matter on a broader basis than one of salary, and assert that it is an appropriation for the proper operation of a government which we have created, and for which we appropriate.

Mr. FRANCIS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. SAUNDERS. Certainly.

Mr. FRANCIS. Is not the same true with regard to the rural-route carriers throughout the country—the efficiency of their service is facilitated by reason of conveyances beyond the amount of the salary appropriated for them?

Mr. SAUNDERS. Yes. But this is not a question of law, but one that addresses itself to the discretion of the committee. It is perfectly competent for the committee to strike out this item.

Mr. FRANCIS. In the enactment of the original bill was it not contemplated that the parties receiving this salary should make these inspections and do this work? Was it not contemplated by the original act that this service should be rendered?

Mr. SAUNDERS. Oh, certainly it was.

Mr. FRANCIS. Then why allow the extra compensation for it?

Mr. SAUNDERS. It is not an extra compensation, except in an indirect way. It may not be, as I have shown any increase at all, even indirectly. But I will call the attention of the gentleman to the fact that on account of the increase of population, and business in this city, the number of these inspections has greatly increased. Hence a different situation from the former one, is presented. If you do not provide these instrumentalities, it will be necessary to provide more officials. If it is considered to be unwise to provide for this transportation, then strike this item out of the bill. But in the judgment of the Committee on Appropriations that action would be a mistake. The situation is up to the Committee of the Whole.

If it is considered an unwise appropriation to provide that one man, by the use of a motor cycle, can do the work of two, then strike out the provision for a motor cycle. It is perfectly competent for the gentleman from Ohio [Mr. FRANCIS] to make that motion. I will not become involved in any controversy about the rural carriers, or any other officials of the Government. I am simply submitting to the Chair that in connection with the government of this city, the committee is authorized to provide those instrumentalities, for its officials, which make for the economical government of the city by rendering the work of a given number of officials more efficient, and that such a provision is not subject to a point of order. If it was proposed to increase the salary of an official, from a present salary of $50 a month to one of $60, it is freely admitted that this increase would be subject to a point of order, but as heretofore pointed out, the precedents sustaining this point of order, are admittedly exceptions to the general rule, and preceding occupants of the chair following these precedents have said that they merely followed those decisions, though they regarded them as erroneous. That being so, why should the application of a ruling which can not be supported upon principle, be extended to a proposition like the pending one? I submit the matter to the ruling of the Chair.

Mr. BURLESON. Mr. Chairman, one word in addition to what has been said by the gentleman from Virginia. This can not in any sense be called an increase in the salaries paid these additional employees. It is appropriating a sum of money to furnish the means whereby they may properly discharge the duties imposed upon them, to afford a facility for the more expeditious performance of their duty, and it is in no sense an augmentation of their salary and is not intended as such.

Mr. JOHNSON of Kentucky. Mr. Chairman, the gentlemen in charge of this bill admit that the item as it now appears in the bill is for the reimbursement or payment of a private claim. Therefore it is subject to a point of order. They take the anomalous position, however, that to pay a private claim after it has been incurred is subject to a point of order, but to pay a private claim before it is incurred is not subject to a point of order. Instead of being a better position, it is a more untenable position. But, in addition to agreeing to pay a private claim before it is incurred, the effect of it, plainly put, is to increase a salary. So, Mr. Chairman, upon the two points I insist upon my point of order.

Mr. SAUNDERS. Mr. Chairman, before you rule, may I submit to you the authorities I referred to in connection with this proposition?

The CHAIRMAN. Certainly.

Mr. SAUNDERS. The section in Hinds' Precedents reads as follows:

> In the absence of a general law fixing a salary, the amount appropriated in the last appropriation bill has been held to be the legal salary, although in violation of the general rule that the appropriation bill makes law only for the year.

That is on page 453 of volume 4 of Hinds' Precedents. Then on page 455 we find this ruling of the Chair. I referred to this before, and now simply wish to put the matter before the Chairman in an authoritative form:

> The Chair can not refrain from saying that if this question were presented for the first time—

That was an amendment increasing a salary over that carried in the last appropriation bill—

> he would have no hestitation in ruling the amendment to be in order; but to carry out in that way the conviction of the Chair might overturn the whole appropriation bill, or so large a portion of it as to render it inoperative. The Chair therefore takes the opportunity to shield himself behind the decisions which have been heretofore made and sustains the point of order.

I say that such a precedent as this, standing as it does, with no principle behind it, ought not to be relied upon, or strained in order to meet a situation like the present, which is in no way its analogue.

Mr. JOHNSON of Kentucky. Mr. Chairman, there is no authority that anyone can find which will authorize anybody to incur a private claim and then agree in advance to pay it.

Mr. FITZGERALD. Mr. Chairman, this is in no sense a private claim. I do not understand that anyone has conceded that this is to pay a private claim. It would be perfectly competent on this bill to provide means of transportation for these officials, whether by automobiles or motor-propelled vehicles, either by purchase of them or by the hire of them, and the purpose of this provision is not to discharge a private claim, but in effect to obtain means of transportation by hiring the vehicles from the persons owning them who happen to be in the service of the District.

Under the ruling that certain facilities can be furnished upon these bills for the necessary transaction of public business in the District, this is one of the facilities that can be carried. Otherwise the rules of the House of Representatives are different from what anyone ever conceived them to be. If nothing can be done on an appropriation bill under the various statutes providing for the existence of the government of the District of Columbia and its maintenance except something that has been done in the past, it is idle to attempt to provide for the maintenance of a government in a municipality where the details of the appropriations must be modified from time to time to meet the varying conditions.

The CHAIRMAN. In the language of this amendment, "to three assistant inspectors of plumbing for the provision and maintenance by themselves of three motor cycles," and so forth; does the gentleman understand that the words "the provision" might be construed that the motor cycle shall be used by the inspector for the purpose and also that it might be by the inspector bought from that sum, in part or in whole, which motor cycle shall afterwards be his individual property? That question was not raised on yesterday, but I suggest it to the gentleman.

Mr. MANN. If the gentleman from Texas will yield, it seems to me that the language simply means that these inspectors shall have provided themselves with motor cycles and maintained them. While the language says "to reimburse three assistant inspectors," I think we all understand that this is not a claims bill. Take any item in any bill for traveling expenses; here are post-office inspectors of no value unless they can travel, and their salaries do not cover the traveling ex-

penses, and could not, but we provide every year for the amount which may be used for transportation of these post-office inspectors at a rate to be fixed, usually not exceeding so much. These expenses are first incurred by the inspectors. They spend the money before they get it. They are reimbursed on vouchers which they present.

In the same way these inspectors of plumbing, in order to get the best efficiency, are required to move around the District of Columbia by the aid of some method of rapid transportation, and the best, fastest, and cheapest method of transportation is by motor cycle. Having gone to the expense of providing themselves with motor cycles and maintaining these motor cycles, we, in fact, make an appropriation and then limit the amount which they can be paid for their transportation. It would undoubtedly be in order to provide street car fare for them as we provide railroad fare for inspectors who are required to go out of the city. If you have inspectors, it is necessary to have tools with which they can work, and among the tools with which they work is the means of moving around the city rapidly. The inspector who had to walk would find it a slow method of inspection. The District government might permit him to hire a carriage or a wagon with which to go around, but that is slow and costly. Now, here the provision is to provide traveling expenses. They can not get this in advance. They do not draw the money in advance for the succeeding month, but it is to reimburse them after they have gone to the expense.

The CHAIRMAN. Let the Chair ask a similar question to that propounded to the gentleman from New York. In line 4, suppose the words "and maintenance" were eliminated. Then it would read: "To three inspectors of plumbing for the provision by themselves of three motor cycles for use," and so forth. What would be the import of the words "the provision"?

Mr. MANN. Suppose you left that out and provided for maintenance of the motor cycles. They might possibly draw the money then for the maintenance without having them, but this provision "for the provision and maintenance" requires them to have the motor cycles before they can draw the money. They must, before drawing the money, have provided themselves with motor cycles. They do not buy the motor cycles out of this fund.

The CHAIRMAN. Then it is the claim of the gentleman that the words "the provision" constitute one of the objects for which the allowance is made, the statement indicating that before the maintenance shall be allowed they must have themselves made the provision?

Mr. MANN. They must have themselves made the provision.

The CHAIRMAN. The Chair will ask what construction the chairman of the committee puts upon that proposition?

Mr. BURLESON. Mr. Chairman, I think the words "for the provision" mean that during the period of time that this $10 a month is allowed it is not only to maintain the motor cycle, but also to accumulate a fund with which to purchase another when the one being used has worn out.

Mr. JOHNSON of Kentucky. Mr. Chairman, the gentleman from Illinois has made a rather ingenious argument, and yet is full of fallacy. He has cited the instance of a post-office inspector traveling. Let us take that. Let us suppose that the post-office inspector travels upon a railroad. Could there be put into this bill a provision to pay the railroad for the damage which that post-office inspector might do to the seat of the railroad train? Is not that a similar proposition to this? Mr. Chairman, the further they go with their argument from this point the more apparent it becomes that it at last is a private claim which it is endeavored to pay out of a public fund in an appropriation bill.

The CHAIRMAN. In the opinion of the Chair the point of order is not well taken, and the Chair overrules the point of order.

Mr. COX. Mr. Chairman, I offer the following amendment to the amendment which I send to the desk and ask to have read.

The Clerk read as follows:

After the amendment, insert the following:
"*Provided* That no more of said sum shall be expended than is actually necessary for the maintenance of said motor cycle."

Mr. BURLESON. Mr. Chairman, I will accept that amendment.

The CHAIRMAN. The question is on the amendment.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now on is on the adoption of the amendment as amended.

The amendment was agreed to.

The Clerk read as follows:

Care of District building: Clerk and stenographer, $2,000; chief engineer, $1,400; 3 assistant engineers, at $1,000 each; electrician, $1,200; 2 dynamo tenders, at $875 each; 3 firemen, at $720 each; 3 coal passers, at $600 each; electrician's helper, $840; 8 elevator conductors, at $600 each; laborers—2 at $660 each, 2 at $500 each; 2 chief cleaners, who shall also have charge of the lavatories, at $500 each; 30 cleaners, at $240 each; chief watchman, $1,000; assistant chief watchman, $660; 8 watchmen, at $600 each; pneumatic-tube operator, $600; in all, $36,530: *Provided*, That the employees herein authorized for the care of the District building shall be appointed by the assistants to the engineer commissioner, with the approval of the commissioners.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order to the paragraph for the reason that it contains new legislation. My point is directly aimed at line 18, where there is the following provision:

Provided, That the employees herein authorized for the care of the District building shall be appointed by the assistants to the Engineer Commissioner, with the approval of the commissioners.

That is legislation taking away from the commissioners the power to make that appointment. There is scramble enough now over appointments, trying to hide them away so that they can not be taken advantage of after the 4th of March, and I wish to stop this.

Mr. BURLESON. Mr. Chairman, I will state to the Chair that this is, word for word, the paragraph as it has been carried in this bill for a number of years. There is nothing new in the item; the proviso is a limitation on the appropriation made. It directs the commissioners to do certain things in connection with the employment of the officials provided for.

The CHAIRMAN. The gentleman does not contend that the fact of its having been carried in an appropriation bill will give it any better standing if it is not provided for by law.

Mr. JOHNSON of Kentucky. Mr. Chairman, I will say right there that it was not in the last appropriation bill, according to my recollection.

Mr. FOSTER. Oh, yes; it was.

Mr. JOHNSON of Kentucky. But it does not make any difference whether it was or was not. I do not think it was there.

Mr. BURLESON. I am quite sure it was in the last appropriation bill.

The CHAIRMAN. Does not the organic act provide that these employees shall be appointed by the commissioners?

Mr. BURLESON. Mr. Chairman, I hold in my hand the last District appropriation act passed by Congress, and it contains this proviso, word for word.

The CHAIRMAN. What authority of law is there for conferring upon the assistant engineers the power of the appointment of these employees?

Mr. BURLESON. I do not think that there is any specific authority.

The CHAIRMAN. Then, does not the organic act particularly provide that they shall be appointed by the commissioners?

Mr. BURLESON. But the Chair will note that it is to be done with the approval of the commissioners.

Mr. JOHNSON of Kentucky. Yes; and the President must appoint, subject to the approval of the Senate.

The CHAIRMAN. In the absence of any specific authority upon the subject, the Chair sustains the point of order.

Mr. BURLESON. Mr. Chairman, I offer the following amendment: After the colon, on page 4, line 18, add the following: "*Provided*, That the employees herein authorized to take care of the District building shall be appointed by the commissioners."

The Clerk read as follows:

Page 4, line 18, after the colon, add the following:
"*Provided*, That the employees herein authorized to take care of the District building shall be appointed by the commissioners."

Mr. JOHNSON of Kentucky. Read that again, please.

The amendment was again reported.

Mr. JOHNSON of Kentucky. Mr. Chairman, this carries no authorization; there is no "herein authorized," and I make the point of order on that.

The CHAIRMAN. The point of order is overruled, and the Clerk will read.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the subcommittee, the gentleman from Texas [Mr. BURLESON], relative to the $240 each, which is provided in line 15, for pay of charwomen. I desire to know whether he thinks that is the correct figure or not that they should be paid?

Mr. BURLESON. The gentleman means whether it is adequate compensation?

Mr. JOHNSON of Kentucky. Yes; or inadequate.

Mr. BURLESON. I think it is adequate compensation.

Mr. JOHNSON of Kentucky. I will ask the gentleman from Texas to turn to page 13, line 9, where provision is made to pay the charwomen in the library $180 each per year.

Mr. BURLESON. I will state to the gentleman from Kentucky that the hours of service of these charwomen may differ and do differ in the various buildings. A charwoman is not continuously employed——

Mr. JOHNSON of Kentucky. I understand that.

Mr. BURLESON. She serves the District only an hour and a half or two hours or two hours and a half a day, and there is the greatest demand for those places. It is universally regarded in the city as adequate compensation for the services rendered. It is higher pay than is given to charwomen who are engaged by the owners of the large office buildings in the city, and I assure the gentleman that there is no disposition on the part of those in charge of the bill to give inadequate compensation to any person serving the District government. We have not the slightest doubt in our minds that this is liberal compensation for the services rendered.

Mr. JOHNSON of Kentucky. Mr. Chairman, I was addressing myself to the subject of discrimination. For the Takoma Park Library 6 charwomen are provided for, to be paid $180 a year; for the Municipal Building 30 charwomen are provided for, to be paid $240 a year. Now, it is inevitable that either one is paid too much or the other is paid too little.

Mr. FOSTER. Not necessarily.

Mr. JOHNSON of Kentucky. It is necessarily, because it takes 6 charwomen just as long to clean the public library building as it takes 30 to clean the Municipal Building.

Mr. FOSTER. How does the gentleman know that?

Mr. JOHNSON of Kentucky. How does the gentleman know the contrary?

Mr. FOSTER. I am asking for information; the gentleman is giving information, and I would like to know where he gets it.

Mr. JOHNSON of Kentucky. I think the committee——

Mr. FOSTER. To say it takes as long to clean in one place as another, the gentleman must have some reason for it.

Mr. JOHNSON of Kentucky. That is exactly what the gentleman from Kentucky is relying upon—reason for it.

Mr. FOSTER. Well, give it to us; let us know what it is.

Mr. JOHNSON of Kentucky. Use your reason and I am quite sure the gentleman from Kentucky will have it.

Mr. FOSTER. I suggest to the gentleman from Kentucky that he does not give any reason for it. He states now it might take as long to clean a certain building as another and——

Mr. JOHNSON of Kentucky. I asked the question, Why the reason for the discrimination?

Mr. FOSTER. The gentleman made the statement.

Mr. JOHNSON of Kentucky. Now, I am asked in turn to show their proposition is correct.

Mr. FOSTER. The gentleman may be right; I am asking him to give some reason for it, that is all; I do not know; I am not denying the gentleman's statement.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move to strike out "$240," in line 15, and insert "$180."

Mr. BURLESON. Mr. Chairman, I make the point of order on that.

The CHAIRMAN. The gentleman from Kentucky moved first to strike out the last word. Does he withdraw that amendment?

Mr. JOHNSON of Kentucky. I withdraw the pro forma amendment and move to strike out "$240" and insert "$180" and pay all these alike.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BURLESON].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kentucky.

The Clerk read as follows:

Page 4, line 15, strike out the figures "$240" and insert in lieu thereof "$180."

Mr. BURLESON. I hope the amendment will be voted down.

Mr. BUTLER. Is that the charwoman amendment?

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. COX. Division, Mr. Chairman.

Mr. JOHNSON of Kentucky. I demand a division.

Mr. MANN. Which amendment was to be voted on?

The CHAIRMAN. The amendment of the gentleman from Kentucky [Mr. JOHNSON], to strike out "$240" and insert "$180," and the Chair has announced that the noes seem to have it.

Mr. JOHNSON of Kentucky. Division, Mr. Chairman.

The committee divided; and there were—ayes 1, noes 22.

So the amendment was rejected.

Mr. JOHNSON of Kentucky. Mr. Chairman, I ask for information as to what was done with lines 18, 19, 20, and 21.

The CHAIRMAN. The point of order was sustained as made by the gentleman from Kentucky [Mr. JOHNSON] on the proviso beginning in line 18. Thereafter the gentleman from Texas [Mr. BURLESON] moved an amendment. A point of order was made against it by the gentleman from Kentucky and overruled. The amendment was then submitted to the committee and the committee adopted it. The Clerk will read.

Mr. FOWLER. Mr. Chairman, I move to strike out the paragraph, for the purpose of making an inquiry of the chairman of the subcommittee as to what provisions are made for these charwomen in the discharge of their duties in cleaning the District building.

Mr. BURLESON. All the appliances and all the materials used for cleaning purposes are supplied by the District government. The only service that is rendered by these charwomen is to report to the building at a certain time after office hours, and to remain there, in some instances, two, three, or three and one-half hours and clean the building.

Mr. FOWLER. What is the average length of time which is required to clean the building?

Mr. BURLESON. Do you mean the Municipal Building?

Mr. FOWLER. Yes.

Mr. BURLESON. I am not sure. I think probably it may be from two to three and one-half hours a day.

Mr. FOWLER. Now, are these women required to get down on their hands and knees and scrub and mop the floor of this building?

Mr. BURLESON. I have never been in the District building while it was being cleaned, and I do not know what particular rules and regulations about requiring them to get on their hands and knees have been adopted by those who have charge of the cleaning of the building, but I am satisfied that such regulations are adopted as will accomplish the result desired, which is a proper cleaning of the building.

Mr. FOWLER. I submit that there ought to be a proper sanitary cleaning, but could not that be done by the use of mops and scrub brushes such as would prevent the women from having to get down on their hands and knees to do this work?

Mr. BURLESON. If I made myself clear, I did not say that they got down on their hands and knees. I informed the gentleman I did not know whether they got down on their hands and knees or not, but I feel quite sure that all proper appliances are furnished to these charwomen. It may be they have vacuum cleaners for all I know, it may be they have mops with handles sufficiently long to permit them to maintain an erect position at all times. I am not sure about that.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FOWLER] has expired.

Mr. FOWLER. I move to strike out the last three words, Mr. Chairman.

The CHAIRMAN. The Chair can not entertain that motion, it being a pro forma motion, and the gentleman having been already recognized for five minutes on a pro forma motion.

Mr. FOWLER. Mr. Chairman, I desire to withdraw the pro forma amendment, and then move to strike out the paragraph.

The CHAIRMAN. That is the motion the gentleman originally made?

Mr. FOWLER. I ask unanimous consent for the purpose of inquiring into this important question.

Mr. TAYLOR of Ohio. I object.

The CHAIRMAN. For how long?

Mr. FOWLER. Five minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. FOWLER. Did your committee make inquiry as to the method and appliances furnished to these charwomen for the cleaning of this building?

Mr. BURLESON. We did not. I want to say to the gentleman from Illinois that I am satisfied that the means utilized for the cleaning of the Municipal Building are identical with the means utilized for cleaning the Office Building, where you go every day and where you are compelled to see how the cleaning is effected.

Mr. COX. They use the same means that our wives employ in our homes.

Mr. FOWLER. Mr. Chairman, that it just the reason why I am inquiring of the distinguished gentleman, so that I may

know as to whether or not these women are required to get down on their hands and knees for the purpose of scrubbing, mopping, and cleaning the floors of this building.

Mr. Chairman, I know that these women are so poor that they will endure whatever indignities are put upon them in doing this menial work. Their wants for the necessaries of life are so great that they do not dare to make known their grievances for fear of losing their jobs. I know, from the statement of a woman employed in the House Office Building, who, because she was required to get down on her hands and knees and crawl over the hard stone floor, had inflicted bruises upon her knees which have not yet healed, and she has not made it known to the public because she is afraid that by so doing she will lose her job. I can not name her in this reference without endangering her employment, as she believes.

Mr. Chairman, I believe that a complete and sanitary condition could be brought about in this and other public buildings by furnishing these charwomen with mops and scrubbing brushes with handles, whereby the work could be done by them while standing instead of crawling on their hands and knees. These poor, helpless women who are required to do for the District of Columbia and the United States of America work such as will bring upon their persons bruises and sores which they are compelled to endure for fear of losing their jobs should be speedily relieved by Congress. I insist, Mr. Chairman, that such a condition is a disgrace to the authority that makes the employment, I care not what that authority is. [Applause.]

Now, Mr. Chairman, I would not have adverted to this matter had it not been for that sickening and sad story that was told to me a few days ago by this poor charwoman in the House Office Building, a building controlled by Congress and by the laws that Congress enacts. I trust, Mr. Chairman, that Congress will tolerate it no more. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] moves to strike out the last word.

Mr. CANNON. I know the kindly heart of my colleague [Mr. FOWLER], and I know his desire, in season and, I think, sometimes out of season, to be the champion of the oppressed. I know another thing—a fact which, I think, is shared in the experience of every Member of Congress—that many, many times in the course of a month people, by letter, in the District of Columbia—women, sometimes in person, sometimes by letter, sometimes pastors of churches, sometimes well-disposed people in other avocations—are making recommendations to secure employment for women as charwomen.

I made some inquiry about it some years ago. The hours generally are about two hours a day, generally from 5 o'clock to 7 in the evening, or perhaps from 4 to 6 o'clock in some of the departments. For the two hours' labor about 75 cents is paid. In the main women who have to work for a living, frequently women with families, seek this employment. It may be from my colleague's standpoint that they ought to have, instead of 75 cents, $1, or $2, or $3. As it is, the compensation runs to about $240 a year.

Take the House Office Building. We come pretty nearly having constant sessions of Congress. It is harder on the charwomen during the sessions than it is during the vacation. I apprehend possibly that for the service rendered the places are greatly sought after. Of course we have with us always people who have to earn their own living. We have nearly 100,000,000 people in the United States. My colleague and myself have had the experience—I am older than he—of working at $6 a month on the farm, in the harvest field. I did that, after I was big enough to do a man's work, at 75 cents a day. After all, matter is made to assume shape useful to the human family by means of labor, and in the last analysis all things are charged over on production—production by manual toil, production by use of the brain. It may be that these charwomen ought to have larger compensation. But after all this seems to be about the compensation proper for the service. It commands the service and it is greatly sought after. I am quite willing, if the gentleman has information that would warrant it, that the amount should be increased.

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to his colleague?

Mr. CANNON. Oh, certainly.

Mr. FOWLER. Does my colleague from Illinois think that $280 a year is enough for these women for the work which they do?

Mr. CANNON. Two hours a day?

Mr. FOWLER. Yes.

Mr. CANNON. I think it is very fair compensation, I will say to my friend.

Mr. FOWLER. Is it not a fact that in the House Office Building—and I say so from experience—they work about four hours a day?

Mr. CANNON. I am not advised. It may be so during the sessions of Congress.

Mr. COX. Will the gentleman yield for a question?

Mr. FOWLER. Yes; I shall be glad to do so. I have not the floor. I was trying to get at the facts in this case.

Mr. CANNON. I will yield to the gentleman.

Mr. COX. What is the average wage paid in the gentleman's vicinity at home for the servants who do household labor, where they do all kinds of family work, including cooking, washing, scrubbing the floors, and things of that kind?

Mr. FOWLER. I do not know.

Mr. COX. Does the gentleman believe it exceeds $5 a week?

Mr. FOWLER. I am inclined to think that the average price would not exceed $5 per week.

Mr. COX. Is it not the gentleman's candid, sincere judgment that the average price does not exceed $4 a week in the homes where servant girls do cooking, washing, scrubbing, and everything else?

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move to strike out the last word. My desire was briefly to call attention to the discrimination in the pay of charwomen. I moved to strike out $240 a year and insert $180, for the purpose of emphasizing the matter, intending when we come to the other item of $180 to move to increase the amount to $240.

Mr. BURLESON. But surely the gentleman from Kentucky did not understand me when I said to him that the service rendered is not the same.

Mr. JOHNSON of Kentucky. I understood the gentleman.

Mr. BURLESON. In some cases the cleaners work two or three hours, or perhaps three and one-half hours, and in the other case they work probably only an hour or an hour and a half.

Mr. JOHNSON of Kentucky. We will probably not get to the item on page 13 to-day, and I hope that we may have some information on it by the time we get to it.

Mr. FOWLER. Mr. Chairman, I desire to speak in opposition to the pending amendment.

Mr. CANNON. I withdraw the amendment.

The CHAIRMAN. The pro forma amendment is withdrawn.

Mr. FOWLER. An amendment was offered by the gentleman from Kentucky [Mr. JOHNSON], and I desire to speak in opposition to that amendment, only one speech having been made thereon.

The CHAIRMAN. As the Chair understands, the amendment of the gentleman from Kentucky [Mr. JOHNSON] was to strike out $240 and insert $180.

Mr. FOWLER. I beg the pardon of the Chair. The gentleman from Kentucky [Mr. JOHNSON] has just taken his seat after delivering himself upon a motion to strike out the last word, and I desire to speak in opposition to that motion.

The CHAIRMAN. The gentleman from Illinois.

Mr. FOWLER. Mr. Chairman, in answer to my opposition to the low wage and the humble manner in which the service is done by these charwomen, my distinguished friend [Mr. Cox] interposes the average wage paid in my district to people doing such work as general housework, and he asks if $5 a week or $4 a week is not sufficient for that work.

Mr. COX. No; I beg the gentleman's pardon. That was not my question.

Mr. FOWLER. Well, that was inferred by me—that that was the tenor of the gentleman's question.

Mr. COX. I was simply asking as to what the average wages were. I did not say that was enough.

Mr. FOWLER. I do not desire to misquote the gentleman. I desire to say that those who perform that kind of labor in my district are given homes in the houses where they work and are treated as members of the house, and no woman is required to get down on her knees and hands and crawl over the floor, filthy and dirty, for the purpose of mopping it up. He who thinks 75 cents a day is sufficient pay for such services places a very low estimate upon the unfortunate poor of this land. I never had a woman or a man get down on hands and knees for the purpose of scrubbing and cleaning my house, and as long as I live no person by my will shall ever be required to go through such humble and degrading course of work; and it is a shame that any white man should indorse such a course. I never intend to vote for a bill, whether it be in a municipality or in such a legislative body as this, which will

entail upon poor, unfortunate mankind, with poverty staring them in the face, the necessity of humbling them by placing them on hands and knees to crawl for hours through the filth and dirt in order to clean a floor for me or for anybody else. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BLACKMON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 22871. An act to establish agricultural extension departments in connection with agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Assessor's office: Assessor, $3,500, and $500 additional as chairman of the excise and personal-tax boards; 2 assistant assessors, at $2,000 each; clerks—4, including 1 in arrears division, at $1,400 each, 4 at $1,200 each, 7, including 1 in charge of records, at $1,000 each, 2 at $900 each; draftsman, $1,200; assistant or clerk, $900; license clerk, $1,200; inspector of licenses, $1,200; assistant inspector of licenses, $1,000; messengers—1 $660, 1 $450; 3 assistant assessors, at $3,000 each; clerk to board of assistant assessors, $1,500; messenger and driver for board of assistant assessors, $600; 2 clerks, at $720 each; temporary clerk hire, $500; record clerk, $1,500; in all, $48,290.

Mr. COX. Mr. Chairman, I reserve a point of order to the provision, "Assessor, $3,500, and $500 additional as chairman of the excise and personal-tax boards." I do not think there is anything in the law to justify that appropriation of $500.

Mr. BURLESON. The excise board and the personal-tax board have been created by law. The additional compensation to the assessor to serve the two boards has been carried in the bill for many years. Two boards are provided for by law.

Mr. COX. I understand that, but there is no provision for the increase in the man's salary of $500 by reason of the fact that he served the excise board.

Mr. BURLESON. It is an item that has been carried in the bill as compensation for the man many years.

Mr. COX. That might be true, but because it is carried in current law does not justify this appropriation.

Mr. BURLESON. The additional duty is imposed upon him, and the compensation of $500 is fixed for the service which he renders to these two boards.

Mr. COX. Mr. Chairman, I make the point of order.

The CHAIRMAN. The Chair will ask the gentleman from Texas, Has the $500 been carried in the bill from the time the $3,500 salary was carried in the bill?

Mr. BURLESON. I am unable to state whether the salary of the assessor has always been fixed at $3,500, but I know that since it has been fixed at $3,500 the $500 additional allowed him for the service on the two boards has been carried in the bill.

The CHAIRMAN. In the absence of any further evidence from the committee that the $500 additional is not original with the $3,500, the Chair will be inclined to sustain the point of order.

Mr. BURLESON. Mr. Chairman, I ask unanimous consent that that item be passed over until it can be looked up.

Mr. COX. I have no objection.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that this item be passed over for the present. Is there objection?

There was no objection.

The Clerk read as follows:

Auditor's office: Auditor, $4,000; chief clerk, $2,250; bookkeeper, $1,800; accountant, $1,500; clerks—three at $1,600 each, three at $1,400 each, one at $1,350, four at $1,200 each, five at $1,000 each, one $936, two at $900 each, two at $720 each; messenger, $600; disbursing officer, $3,000; deputy disbursing officer, $1,600; clerks—one $1,200, two at $1,000 each, one $900; messenger, $480; in all, $43,656.

Mr. FOWLER. Mr. Chairman, I move to strike out the last word. I desire to ask the chairman of the committee what was the moving cause of creating an accountant at $1,500? That is in line 6.

Mr. BURLESON. I will read the gentleman the note of the commissioners on that particular point:

NOTE.—The work in the auditor's office has increased within the past few years so rapidly and in such volume as to call for additional expert help, particularly along accounting, analytical, and statistical lines. An accountant of ability and good technical training can not be obtained under $1,500. A position of this kind in the office would result in a saving of money to the District by enabling the auditor to inaugurate a series of cost accounts from which could be obtained information that would show whether the several branches of the District government are being economically and efficiently administered.

That was the reason that prompted us to make the appropriation.

Mr. FOWLER. Has the gentleman any information as to whether this additional work has come up within the last 12 months?

Mr. BURLESON. The note states that the work has rapidly increased in volume.

Mr. FOWLER. I was trying to get at the specific character of the work which had increased, if the gentleman has information concerning it.

Mr. BURLESON. The only information we have is that set forth in this note. It appealed to us as a sound reason why we should allow this.

Mr. FOWLER. Was the recommendation made by the commissioners?

Mr. BURLESON. It was, and properly estimated for, or it would not be in this bill.

Mr. FOWLER. I am quite sure of the careful scrutiny of the gentleman and his committee, and I might take the liberty of saying that his committee deserves a great deal of credit, but I do not wish to throw bouquets unnecessarily, because this is well known to this House.

Mr. BURLESON. We are feeling in need of bouquets at this particular juncture.

Mr. FOWLER. If the accountant is necessary I have no objection to creating the new office. I withdraw my pro forma amendment.

The Clerk read as follows:

Office of corporation counsel: Corporation counsel, $5,000; first assistant, $2,500; second assistant, $1,800; third assistant, $1,600; fourth assistant, $1,500; fifth assistant, $1,500; stenographers, one $1,200, one $840; clerk, $720; in all, $16,660.

Mr. FOWLER. Mr. Chairman, I make a point of order to this paragraph.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order against the paragraph that it changes the law in relation to the salary of the corporation counsel. It is changed from $4,500 to $5,000 a year.

The CHAIRMAN. The point of order is sustained.

Mr. BURLESON. To the entire paragraph?

Mr. JOHNSON of Kentucky. No; I will modify my point of order and make it only against the salary of the corporation counsel.

Mr. BURLESON. I do not care to discuss the matter. I will offer the following amendment: After the word "counsel" insert the figures "$4,500."

The Clerk read as follows:

Page 6, line 14, after the word "counsel" insert "$4,500."

Mr. JOHNSON of Kentucky. Mr. Chairman, I move to strike out the last word. Mr. Chairman, the question raised in the hearings before the committee and brought to the floor of the House was that the salary of the corporation counsel should be increased because of the "unusual" service rendered by the corporation counsel. The services rendered by the present corporation counsel are quite "unusual" in the practice of law, I must grant. I have here a transcript of the record of the Supreme Court in the case of the District of Columbia, plaintiff in error, versus James T. Petty, Charles W. Church, et al. That discloses, Mr. Chairman, that in 1901 or 1902 a disbursing clerk in the employ of the United States Government misappropriated about $73,000. The corporation counsel, after the expiration of about a year, brought suit in the name of the District of Columbia against the then auditor of the District of Columbia, a man named Petty. That suit was brought upon Petty's official bond. The penal sum of that bond was $20,000. The District attorney, in rendering "unusual" service, brought suit, not against Petty for the $73,000, the amount of the defalcation, but he brought suit for $20,000, the penal sum in the bond, for which the sureties were bound. The usual service rendered by a corporation counsel would have been to bring suit against the principal for the full amount of the loss, $73,000, and against the sureties on the bond for the penal sum of the bond, which was $20,000, but under this proceeding, as I just said, a suit was brought even against the principal himself for only $20,000, thus not endeavoring to recover $53,000, if there was liability.

On the 9th of November, 1903, this corporation counsel filed suit of the description just set out. To that petition, or declaration, a demurrer was filed and sustained. Then the corporation counsel was directed by the court to file an amended petition or declaration and set out wherein the original declaration was faulty. The corporation counsel in this "unusual" service did file the amended declaration, but it took him nearly two years

to do it, and when he filed it he failed to incorporate in his amended declaration the very words or the substance which the court had directed him to allege in his amended declaration when he overruled the original declaration. That went along for perhaps a couple of years more and a demurrer was sustained to the amended petition. The court again set out what this corporation counsel in this "unusual" proceeding should allege, but again he failed to allege it, and a demurrer again was sustained. Then, again, after the lapse of perhaps two years more, this corporation counsel filed another amended declaration. Again he failed to set out in his amended declaration the allegations the court had said to him he should set out. Another demurrer was filed and was sustained. This went along until three years one month and three days had elapsed between the filing of the original declaration and the filing of the last defective amended declaration. The court, in finally passing upon it, held that it was not a public fund and that the auditor was not liable.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. JOHNSON of Kentucky. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. JOHNSON of Kentucky. Mr. Chairman, as I say, the court, in disposing of it, held that the auditor was not liable in the first place; that this money which was misappropriated was not a public fund, but that it was money which the commissioners had caused people in the District of Columbia to deposit with them before they would authorize permit work to be done. The court, dismissing these numerous faulty, defective declarations, recites that almost eight years had intervened since the filing of the original declaration, and since that judgment there has never been anything done toward bringing a suit against the commissioners upon their official bonds to collect this $73,000 from them, which, as the court has substantially decided, they are answerable for.

And even as we stand here now the few remaining months of limitation are running, with this sum of money unpaid, with this deficit standing there to be made up by nobody.

Mr. BURLESON. Will the gentleman yield for a question?

Mr. JOHNSON of Kentucky. Yes.

Mr. BURLESON. Was the present corporation counsel the corporation counsel at that time?

Mr. JOHNSON of Kentucky. Will the gentleman tell me who the present corporation counsel is?

Mr. BURLESON. A man by the name of Thomas.

Mr. JOHNSON of Kentucky. These faulty declarations are all signed by one E. H. Thomas, as corporation counsel.

Mr. BURLESON. Was he the corporation counsel at the time the suit was instituted?

Mr. JOHNSON of Kentucky. He is the corporation counsel who filed the first defective declaration and who filed the subsequent defective declarations.

Mr. COX. What is the statute of limitation there?

Mr. JOHNSON of Kentucky. It was 12 years, and now something like 11 years have run.

Mr. COX. Has the gentleman anything at all as to what excuse the corporation counsel gave for this peculiar condition of affairs?

Mr. JOHNSON of Kentucky. An appropriation has been asked to increase his salary for unusual services. I take it for granted this proceeding is a fair illustration of the unusual services rendered. The court further says:

> His derelictions the act expressly charged not to the auditor but to the commissioners.

And yet this corporation counsel is still in the employment of the Government with the official bonds of the commissioners good and binding and no move is made to collect this $73,000.

Mr. BATES. Will the gentleman yield there?

Mr. JOHNSON of Kentucky. Certainly.

Mr. BATES. Does the gentleman say that the court held that the commissioners were liable for this private fund?

Mr. JOHNSON of Kentucky. The court says this in speaking of the auditor, "His derelictions the act expressly charged not to the auditor but to the commissioners." That is what the court says.

Mr. O'SHAUNESSY. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Gladly.

Mr. O'SHAUNESSY. Who has the appointment of the corporation counsel?

Mr. JOHNSON of Kentucky. The commissioners have the appointment of the corporation counsel, and I have introduced a bill taking it out of the hands of the commissioners to appoint the corporation counsel who has thus permitted them to be shielded when they should come into court and pay the defalcation for which they are responsible. My bill provides the President shall appoint the corporation counsel and some of these days I hope to have the good luck to get it before this House for passage.

Mr. COX. Somebody has to make this defalcation good.

Mr. JOHNSON of Kentucky. Now, an effort is made to go further than that. The commissioners themselves sent to this body through the Secretary of the Treasury at the last session of Congress an item to go in the deficiency bill to pay this money.

Mr. COX. That is the very point I wanted to bring out, that somebody had to make it good.

Mr. JOHNSON of Kentucky. But instead of having it made good out of the bond of the people who are the real defaulters they have recommended that the United States Government pay that shortage.

Mr. COX. That is the point exactly.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BURLESON. Mr. Chairman, I know nothing of the facts which resulted in this suit. The present commissioners I know were not the commissioners at the time the unauthorized regulation was made which resulted in the loss of this particular lawsuit. The only representations which have been made to us with reference to the corporation counsel were that he is a man of high character, a man of ability, and that he has discharged efficiently every duty imposed upon him by the laws of the municipal government. The commissioners have repeatedly urged that his salary be increased to $5,000. That is less than is being paid a number of employees of the Government who are lawyers and who have less important and less onerous duties imposed upon them than are imposed upon this official.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

> Farmers' produce market: Market master, $900; assistant market master, who shall also act as night watchman, $600; watchman, $600; laborer for sweeping B Street sidewalk, used for market purposes, and the farmers' produce market square, $360; sweeping B Street, used for market purposes, $480; hauling refuse (street sweepings), $600; in all, $3,540.

Mr. LEWIS. Mr. Chairman, I desire to offer the following amendment at the end of line 9, page 7.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> At the end of line 9, on page 7, insert the following:
> "For the erection of shelters on the open space at the intersection of Ohio and Louisiana Avenues with Tenth and Twelfth Streets, bounded by Tenth and Twelfth and B and Little B Streets NW., known and designated as the farmers' produce market, and the necessary paving in connection therewith, $47,000; and the limitation of 10 cents per day for each space at the above-mentioned market contained in the act of June 27, 1906, is hereby revoked, and the Commissioners of the District of Columbia are authorized to charge hereafter not to exceed 20 cents per day for each."

Mr. JOHNSON of Kentucky. I make the point of order against the amendment that it is new legislation.

Mr. LEWIS. Mr. Chairman, I hope the gentleman will desist until I make a statement.

Mr. JOHNSON of Kentucky. I reserve the point of order, Mr. Chairman.

Mr. LEWIS. Mr. Chairman, the amendment just read is a portion of the bill itself as proposed by the commissioners of this city. The amount stated in the amendment is the amount fixed in the Book of Estimates by them. The design of the provision itself is to afford those farmers who can do business directly with the consumers of Washington market facilities for that purpose. In the present situation Washington City seems to have a market under corporate control, a market that the farmers of the surrounding country, the first and most direct supply area for the consumers of Washington, can not enjoy. And the District Commissioners themselves, after the fullest consideration of the rights of the consumers of this city and the farmers dealing directly with them, have proposed this provision now for the third time. I only ask that the House listen to what the commissioners themselves have said in lieu of a statement about the matter myself. They say:

> NOTE.—During the fiscal year 1912, $5,463.40 was collected for the use of space at this market. The lighting arrangement was improved for the benefit of the farmers during the very early morning hours, specially during the winter months. This installation was made at an expense of $349.75. The gross receipts for the past nine years amounted to $41,203.35; expenses, $27,615.15 (estimated); net revenue for nine years, $13,588.20.
>
> In the busy season as many as 545 wagons have been accommodated on one day. Average number daily, about 250.

These shelters have been urged by the farmers for a number of years past and committees appointed to represent them in this matter have stated that the farmers are willing to pay more for the use of space if such shelter from the weather is afforded them, and the commissioners have twice included an item for the erection of the shelters in their estimates to Congress.

This market provides the consumer with produce direct from the farmers at prices very much to the advantage of the former. As a check on excess prices of other dealers every effort should be made to encourage trade at this market in the way of shelter and conveniences for doing business. Other large cities are expending large sums for the establishment of markets for the producer, fully realizing the advantages that will accrue to the community at large, and Washington, the National Capital, should not remain behind other progressive cities in this respect.

I submit, Mr. Chairman, that the subject of the consumer's rights and of the farmer's rights as a producer is one worthy of the consideration of this House, and this amendment ought to receive consideration.

The CHAIRMAN. The time of the gentleman from Maryland [Mr. LEWIS] has expired. The gentleman from Kentucky [Mr. JOHNSON] makes a point of order, and the point of order is sustained.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move to strike out the last word, for the purpose of asking to extend my remarks in the RECORD in order to insert the transcript of record of "The District of Columbia, plaintiff in error, *v.* James T. Petty; Charles W. Church, et al., executors of Charles B. Church, deceased; Jesse B. Wilson, and George T. Dearing."

Mr. BURLESON. Mr. Chairman, reserving the right to object, I would like to know how many pages there are and about how much it will cost.

Mr. JOHNSON of Kentucky. The gentleman knows more about that than I do. There are 41 pages.

Mr. CALDER. Mr. Chairman, I hope the gentleman from Texas [Mr. BURLESON] will not object. A statement has been made in regard to this corporation attorney's record, and we ought to have this transcript in the RECORD.

Mr. JOHNSON of Kentucky. I desire to have it in full in the RECORD.

The CHAIRMAN. The question is on the request of the gentleman from Kentucky [Mr. JOHNSON]. Is there objection? [After a pause.] The Chair hears none.

The transcript referred to is as follows:

IN THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

(No. 2215.)

District of Columbia, etc., appellant, *v.* James T. Petty et al. Supreme Court of the District of Columbia. At law. No. 46544. District of Columbia, plaintiff, *v.* James T. Petty, Charles W. Church, William A. H. Church, Mary A. Church, and Joseph J. Darlington, executors of Charles B. Church; Jesse B. Wilson, and George T. Dearing, defendants.

UNITED STATES OF AMERICA,
District of Columbia, ss:

Be it remembered, that in the Supreme Court of the District of Columbia, at the city of Washington, in said District, at the times hereinafter mentioned, the following papers were filed and proceedings had in the above-entitled cause, to wit:

DECLARATION, ETC., FILED NOVEMBER 9, 1903.

In the Supreme Court of the District of Columbia. At law. No. 46544. District of Columbia, plaintiff, *v.* James T. Petty, Charles B. Church, Jesse B. Wilson, George T. Dearing, defendants.

The plaintiff, the District of Columbia, a municipal corporation, sues the defendants, James T. Petty, Charles B. Church, Jesse B. Wilson, and George T. Dearing, for that, to wit, on the 1st day of May, A. D. 1888, the defendant, James T. Petty, was the auditor of the District of Columbia, to which office the said defendant, James T. Petty, before, on, from, and after the said date, to wit, the 1st day of May, A. D. 1888, had been appointed and continually held, and was the incumbent thereof until, to wit, the 15th day of August, A. D. 1903. And for that the defendant James T. Petty, by the name "Jas. T. Petty"; the defendant Charles B. Church, by the name "Chas. B. Church"; the defendant James B. Wilson; and the defendant George T. Dearing, by the name "Geo. T. Dearing," on the 1st day of May, A. D. 1888, by their certain joint and several writing obligatory, sealed with their seals, a copy whereof is now shown to the court here, the date whereof is the day and year last aforesaid, acknowledged themselves to be held and firmly bound unto the plaintiff, the District of Columbia, in the sum of $20,000, to be paid to the said District of Columbia when they, the said defendants, should be thereunto afterwards requested, which said writing obligatory was and is subject to a certain condition thereunder written whereby, after reciting to the effect following, to wit:

"Whereas the above bounden, James T. Petty, has been appointed to the office of auditor in and for the District of Columbia," it is therein set forth as follows:

"Now, therefore, the condition of said obligation is such that if said James T. Petty shall faithfully and efficiently perform all the duties of his said office as provided for by law, and the rules and regulations from time to time duly prescribed for the government of the civil service of said District, and shall well and truly pay over, disburse, and account for all moneys that shall come to his hands, as the law and orders governing said service shall require, then said obligation to be void, otherwise to remain in full force."

Yet the said defendant, James T. Petty, contrary to the form and effect of the said writing obligatory and of the conditions thereof, failed and neglected to faithfully and efficiently perform all the duties of his said office as provided by law, and failed and neglected to faithfully and efficiently observe the said rules and regulations, and failed and neglected to truly pay over, disburse, and account for all moneys that came to his hands, as the law and orders governing his duties and services required, in this:

First. That said defendant Petty, as auditor as aforesaid, failed to account for moneys of the District of Columbia, represented by checks of the amounts, dates, and numbers given below, which were drawn by the disbursing officer, Charles C. Rogers, of the District of Columbia, or his deputy, and countersigned by the said Petty, as auditor as aforesaid, or by the acting auditor to the order of the said auditor of the District of Columbia, on the Treasurer of the United States, charged to the "Permit fund, District of Columbia," which said checks should have been deposited by the said defendant, James T. Petty, as auditor as aforesaid, in accordance with law and the rules governing the conduct of his office, with the Treasurer of the United States, to the credit of the appropriation "Improvements and repairs, District of Columbia, assessment and permit work"; but said checks were not so deposited, but were indorsed by the said Petty, as auditor as aforesaid, and afterwards cashed at the Central National Bank, of Washington, D. C., and the proceeds of the said checks so cashed were never in any manner paid or accounted for to the said plaintiff or deposited in any bank or in the Treasury of the United States to its credit.

Ck. No.	Date.	Amount.	Remarks.
140189.	June 12, 1902	$1,315.00	Cashed June 19, 1902.
143574.	July 14, 1902	1,197.75	Cashed July 18, 1902.
146101.	August 20, 1902	1,412.28	Cashed August 23, 1902.
147498.	August 27, 1902	1,132.49	Cashed September 2, 1902.
148358.	September 20, 1902	2,693.80	Cashed September 29, 1902.
153705.	October 23, 1902	3,821.59	Cashed November 23, 1902.
159014.	December 3, 1902	3,020.91	Cashed December 17, 1902.
166460.	February 9, 1903	2,770.11	Cashed February 24, 1903.
169304.	February 21, 1903	2,402.31	Cashed April 8, 1903.
173116.	March 30, 1903	3,241.25	Cashed May 4, 1903.

Second. The said defendant Petty, as auditor as aforesaid, failed to account for moneys of the District of Columbia represented by checks of the amounts, dates, and numbers given below, which were drawn by the disbursing officer of the District of Columbia, Charles C. Rogers, or his deputy, and countersigned by the said Petty, as auditor as aforesaid, or by the acting auditor, on the Treasurer of the United States, to the order of the said James T. Petty, auditor as aforesaid, and charged to various appropriations of the District of Columbia, which checks were indorsed by the said James T. Petty, as auditor as aforesaid, and should, in accordance with law and the rules and regulations aforesaid, have been deposited in the Traders' National Bank, of Washington, D. C., as reimbursements of the deposit and assessment fund; but the said checks were not so deposited, but after being indorsed by the auditor as aforesaid were cashed at the Central National Bank, of Washington, D. C., and the proceeds of the said checks so cashed were never in any manner paid or accounted for to the said plaintiff.

Ck. No.	Date.	Amount.	Remarks.
55309.	March 7, 1900	$1,510.03	Cashed March 19, 1900.
81507.	December 4, 1900	3.04	Cashed January 28, 1901.
81602.	December 7, 1900	2,627.24	Cashed January 28, 1901.
81751.	December 13, 1900	1,237.10	Cashed January 28, 1901.
95079.	April 9, 1901	1,916.52	Cashed April 27, 1901.
98382.	May 13, 1901	2,778.52	Cashed May 18, 1901.
101420.	June 6, 1901	1,491.28	Cashed July 1, 1901.
102994.	June 20, 1901	1,643.94	Cashed July 1, 1901.
108282.	August 28, 1901	1,943.44	Cashed November 2, 1901.
122883.	January 8, 1902	1,272.32	Cashed February 14, 1902.
122032.	January 10, 1902	809.39	Cashed February 14, 1902.
136148.	April 25, 1902	751.16	Cashed May 5, 1902.
144772.	July 26, 1902	1,166.23	Cashed August 12, 1902.
148210.	September 16, 1902	1,354.40	Cashed September 22, 1902.
151831.	October 11, 1902	1,169.77	Cashed October 16, 1902.

Third. That said defendant Petty, as auditor as aforesaid, failed to account for moneys of the District of Columbia represented by checks of the amounts, dates, and numbers given below, drawn by said James T. Petty, auditor as aforesaid, to the order of the said James T. Petty, as auditor as aforesaid, upon the Central National Bank, of Washington, D. C., charged to the account of the said auditor in said bank; the said checks were intended for deposit in the Traders' National Bank, of Washington, D. C., to reimburse the deposit and assessment fund, where said fund was kept; but the said checks, having been indorsed by the said James T. Petty, as auditor as aforesaid, were not so deposited, but the same were cashed at the Central National Bank, of Washington, D. C., and the proceeds thereof were never in any manner paid or accounted for to the said plaintiff.

Ck. No.	Date.	Amount.	Remarks.
3283.	July 12, 1899	$693.58	Cashed July 27, 1899.
3301.	July 21, 1899	3,721.10	Cashed August 3, 1899.
3479.	November 22, 1899	1,582.09	Cashed December 4, 1899.
3571.	January 18, 1900	1,565.83	Cashed January 24, 1900.
3607.	February 25, 1900	1,903.23	Cashed February 26, 1900.
3711.	April 7, 1900	2,347.07	Cashed April 11, 1900.
3885.	July 12, 1900	3,365.12	Cashed July 13, 1900.
4172.	February 20, 1901	2,282.79	Cashed March 19, 1901.
4329.	June 18, 1901	770.17	Cashed June 29, 1901.

Fourth. That the said defendant Petty, as auditor as aforesaid, failed to account for moneys of the District of Columbia represented by checks of the amounts, dates, and numbers given below drawn by the said James T. Petty, as auditor as aforesaid, the first three upon the Central National Bank, of Washington, D. C., and the last three upon the National Capital Bank, of Washington, D. C., all of said checks being payable to the order of the said James T. Petty, as auditor as aforesaid; that the said checks drawn to him, as auditor as aforesaid, should have been deposited at the said banks to the credit of the said Petty, as auditor as aforesaid; but the said checks were not so deposited, but having been indorsed by the said Petty, as auditor as aforesaid, were cashed at the Central National Bank, of Washington, D. C., and the proceeds thereof were never in any manner paid or accounted for to the said plaintiff.

Ck. No.	Date.	Amount.	Remarks.
3498.	December 1, 1899	$475.00	Cashed December 1, 1899.
3998.	September 24, 1900	8,009.00	Cashed November 7, 1900.
3721.	April 17, 1900	2,000.00	Cashed.
864.	June 7, 1899	192.73	Cashed June 22, 1899.
870.	June 14, 1899	369.92	Cashed June 22, 1899.
921.	September 27, 1899	2,000.00	Cashed.

Fifth. That the defendant Petty, as auditor as aforesaid, failed to account for moneys of the District of Columbia represented by checks

of the amounts, dates, and numbers given below, drawn by the said James T. Petty, as auditor as aforesaid, upon the Central National Bank, of Washington, D. C., payable to the order of the said James T. Petty, as disbursing agent Rock Creek Park, District of Columbia; that the said checks or the proceeds thereof were used by the said Petty in his capacity as such disbursing agent, and the said checks so drawn by him as auditor were drawn without authority of law, and the proceeds thereof were never in any manner repaid or accounted for to the said plaintiff.

Ck. No.	Date.	Amount.	Remarks.
4599.	March 18, 1902	$666.58	May 20, 1902.
4613.	April 19, 1902	721.39	Cashed.

contrary to the form and effect of the said writing obligatory and of the said condition thereof; whereby an action has accrued to the plaintiff to demand and have of and from the defendants the said sum of $20,000, yet the defendants, although often requested so to do, have not as yet paid the said sum of $20,000, but they to do this have heretofore wholly refused and still do refuse, to the damage of the plaintiff of $20,000, and thereupon it brings this suit and claims said sum with interest and costs.

A. B. DUVALL,
E. H. THOMAS,
Attorneys for Plaintiff.

NOTICE TO PLEAD.

The defendants are to plead hereto on or before the twentieth day, exclusive of Sundays and legal holidays, occurring after the day of the service hereof; otherwise judgment.

A. B. DUVALL,
E. H. THOMAS,
Attorneys for Plaintiffs.

(Copy of bond.)

Know all men by these presents:

That we, James T. Petty, Charles B. Church, Jesse B. Wilson, and George T. Dearing, of the District of Columbia, are held and firmly bound unto the District of Columbia in the sum of $20,000, lawful money of the United States of America, to be paid to the said District of Columbia, or to the certain attorney, successor, or assigns thereof, for which payment, well and truly to be made, we and each of us do bind ourselves, and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Sealed with our seals. Dated this 1st day of May, A. D. 1888.

Whereas the above bounden James T. Petty has been appointed to the office of auditor in and for the District of Columbia: Now, therefore, the condition of said obligation is such that if the said James T. Petty shall faithfully and efficiently perform all the duties of his said office, as provided for by law and the rules and regulations from time to time duly prescribed for the government of the civil service of said District, and shall well and truly pay over, disburse, and account for all moneys that shall come to his hands, as the law and orders governing said service shall require, then said obligation to be void; otherwise to remain in full force.

JAS. T. PETTY. [SEAL.]
CHAS. B. CHURCH. [SEAL.]
JESSE B. WILSON. [SEAL.]
GEO. T. DEARING. [SEAL.]

Signed and sealed in the presence of—
SAML. OUEAND.
H. J. CALDWELL.
FRANK A. SELL.
GEO. A. THOMAS.

Approved May 1, 1888, W. B. Webb, Commissioner, District of Columbia. Approved May 2, 1888, S. E. Wheatley, Commissioner, District of Columbia. Approved May 2, 1888, Chas. W. Raymond, major of Engineers, Engineer Commissioner, District of Columbia.

DEMURRER, FILED JANUARY 22, 1904.

* * * * * * *

The defendants Charles B. Church, Jesse B. Wilson, and George T. Dearing say that the declaration in the above-entitled cause is bad in substance.

J. J. DARLINGTON,
RALSTON & SIDDONS,
Attorneys.

Among the points of law intended to be argued in support of the above demurrer is that there is no law nor any rule or regulation pleaded under which defendant Petty was chargeable with the custody of, or otherwise accountable for, any of the moneys in the said declaration mentioned.

SUPREME COURT OF THE DISTRICT OF COLUMBIA.

FRIDAY, FEBRUARY 16, 1906.

Session resumed pursuant to adjournment, Mr. Justice Wright presiding.

* * * * * * *

Upon consideration of the demurrers of the defendants filed herein, it is ordered that the said demurrers be, and the same are hereby, sustained, with leave to the plaintiff to amend its declaration as it may be advised within 30 days.

FRIDAY, MARCH 16, 1906.

Session resumed pursuant to adjournment, Mr. Justice Wright presiding.

* * * * * * *

Upon motion of the plaintiff, the time within which to amend the declaration in this cause is further extended for the period of 15 days from this date.

AMENDED DECLARATION, FILED MAY 1 TO DECEMBER 12, 1906.

* * * * * * *

Now comes the plaintiff, the District of Columbia, by leave of court first had and obtained, amends its declaration filed in this cause by adding thereto the following count, viz:

The plaintiff, the District of Columbia, a municipal corporation, sues the defendants James T. Petty, Charles B. Church, Jesse B. Wilson, and George T. Dearing, for that the mayor of the city of Washington, by and with the consent of the board of aldermen thereof, were authorized to appoint an auditor and a comptroller for said city by act of Congress approved July 7, 1870 (16 Stats., 191, sec. 5); and the said act provided that it shall be the duty of the auditor to audit all accounts against the said corporation, to certify the same, when found correct, to the comptroller and to retain the originals of all contracts made and orders given for all descriptions of work or improvements by the corporation aforesaid; that it shall be the duty of the comptroller to keep an exact account of all warrants issued in the manner hereinafter provided for, and of all taxes levied by the corporation, under their respective heads; to countersign and keep an accurate record of all receipts for taxes or other revenue of any description whatever, given by the collector and register, such receipts not to be valid unless so countersigned, and compare the same daily with the books of said collector and register; that each and every account against the corporation of Washington, when audited and certified by the auditor, shall be paid by a warrant of the comptroller, countersigned by the mayor; and in no case shall payments be made in any other manner than provided for in this act. But no account shall be paid, by warrant or otherwise, unless there is a fund to the credit of that particular account. The money received from any and all sources, for and on account of the corporation, shall, on the day of receipt, be deposited by the collector and register to the credit of the city of Washington, in such place as may be designated as a depository for the funds of the corporation by an act of the board of aldermen and board of common council, approved by the mayor; and such depository shall, each day that deposits are made, furnish a statement of the same to the comptroller, to be by him filed in his office.

That by act of Congress approved February 21, 1871 (16 Stats., 419), the District of Columbia was created a body corporate for municipal purposes, with power to contract and to be contracted with, sued and be sued, plead and be impleaded, and with certain other powers and a certain form of government, as will by reference to the said act of Congress appear; that the legislative assembly created by the said act was given power to provide by law for the election or appointment of such ministerial officers as may be deemed necessary to carry into effect the laws of said District, to prescribe their duties, their terms of office, and the rate and manner of their compensation; and that the charter of the said city of Washington was by the said act repealed and all officers of the said corporation abolished on and after the 1st day of June, 1871. That the Legislative Assembly of the District of Columbia continued the office of auditor and the office of comptroller from the said 1st day of June, 1871, for a period of 45 days by act passed June 2, 1871; that by act of the legislative assembly approved August 23, 1871, the duties of certain officers for said District of Columbia were prescribed and it was thereby provided:

"SEC. 10. That it shall be the duty of the auditor of the District of Columbia to audit all accounts against the said District, and also to compare all accounts against the cities of Washington and Georgetown and the county of Washington created prior to the 1st day of June, 1871, and if found correct upon comparisons with the appropriations made therefor by the legislative assembly and the report of the special commission to audit said claims, a copy of which shall be filed with the auditor by said commission, to approve and certify the same. He shall keep a record of all bills certified by him, their amounts, the appropriation to which they are chargeable, and the date of approval. He shall retain in his office the originals of all contracts and agreements not otherwise provided for. He shall also examine and audit all accounts, not otherwise provided for in this act, and certify the amount of the same to the comptroller. He shall countersign all warrants drawn by the comptroller if, upon comparison with the amount certified by him, he shall find the same correct, and shall give bond, to be approved by the governor, in the sum of $20,000, conditioned for the faithful discharge of the duties of his office. He shall receive an annual compensation of $3,000. The deputy auditor shall perform such duties as the auditor may prescribe, and, in case of temporary disability of said auditor, from sickness or other cause, he shall act in the capacity of auditor during the continuance of such temporary disability, and no longer, and shall receive an annual compensation of $2,000, and shall give bond, to be approved by the governor, in the sum of $15,000, conditioned for the faithful discharge of the duties of his office.

"SEC. 11. That it shall be the duty of the comptroller of the District of Columbia to keep an exact and accurate account of all appropriations made by the legislative assembly, and all bonds, stocks, and certificates of indebtedness issued by said District. He shall receive and file in his office a transcript of all assessments of taxes upon real estate and personal property in the District of Columbia so soon as the list shall have been made by the superintendent of assessments and taxes. He shall each year prepare from such transcript an aggregate of the amount of taxes levied, and shall compare the same with the assessment lists and the tax books of the collector of taxes. He shall charge to the respective appropriations all payments made upon the certificate of the auditor, and submit to the governor a monthly statement of the balance outstanding to the credit of the respective appropriations. He shall examine all accounts certified to him by the auditor, and if satisfied that they are correct, draw warrants upon the treasurer therefor, and in no case whatever shall any warrant be drawn upon any appropriations unless there is a balance to the credit thereof. He shall carefully file all receipts, and record in a book prepared to that purpose, all reports of tax sales (including those to the District of Columbia) made to him by the collector. He shall each week compare the record of the register with the treasurer's record of license certificates issued, and shall keep an account of any and all transactions which, by law, may be required to pass through his office. He shall receive a salary of $4,000 per annum, and give bond, to be approved by the governor, in the sum of $50,000, conditioned for the faithful performance of his duties."

That by act of Congress approved June 20, 1874 (18 Stat., p. 116) all provisions of law providing for an executive, for a secretary for the District, for a legislative assembly, for a board of public works, and for a Delegate in Congress in the District of Columbia were repealed, and the President of the United States was authorized to appoint a commission, consisting of three persons, who should, until otherwise provided by law, exercise all the power and authority then lawfully vested in the governor or board of public works of said District, subject to certain limitations; that said commissioners were authorized to abolish any office, consolidate two or more offices, reduce the number of employees, remove from office, and make appointment to any office authorized by law. That under said power the said commissioners on the 11th day of August, 1876, consolidated the three offices of auditor, comptroller, and deputy comptroller into that of auditor, and by a subsequent order, dated August 19, 1876, the said order of the 11th day of August, 1876, was by the said commissioners modified and the said auditor was directed to perform the duties of auditor and comptroller; that by act of Congress, approved June 11, 1878 (20 Stat., p. 102), Congress created a permanent form of government for the District of Columbia and provided that the District of Columbia should remain a municipal cor-

poration; that all laws then in force relating to the District of Columbia not inconsistent with the provisions of said act should remain in full force and effect, and the appointment of three commissioners was authorized to exercise all the powers and authority vested in the then commissioners of the said District, and by section 4 of said act it is provided, among other things, that all taxes collected shall be paid into the Treasury of the United States, and the same, as well as the appropriations to be made by Congress, shall be disbursed for the expenses of the District on itemized voucher, which shall have been audited and approved by the auditor of the District of Columbia, certified by the commissioners or a majority of them.

That by act of Congress approved March 3, 1881 (21 Stat., p. 466), it was provided that the accounts of all disbursements of the commissioners of said District shall be made monthly to the accounting officers of the Treasury by the auditor of the District of Columbia on vouchers certified by the commissioners, as now required by law; that the same provision as last above cited is also contained in section 3 of the act of Congress approved July 1, 1882 (22 Stat., p. 144); that by order duly passed the Commissioners of the District of Columbia on the 8th day of December, 1882, abolished the office of comptroller and imposed the duties of said office on the said auditor, and directed said auditor to give bond in the penalty required by law; that, to wit, on the 13th day of June, 1888, the Commissioners of the District of Columbia passed an order of the tenor and effect as shown by Exhibit A, attached hereto as part hereof.

That by act of Congress approved March 3, 1891 (26 Stat., p. 1064), the said pay clerk mentioned in paragraph 4 of the said order, dated, to wit, the 13th day of June, 1888, was recognized and described in the said act as disbursement clerk, who was thereby authorized to pay laborers and employees of the District of Columbia with moneys advanced to him by the commissioners in their discretion upon pay rolls or other vouchers audited and approved by the auditor of the District of Columbia and certified by the commissioners, as then required by law, which said pay rolls and other vouchers the said act required to be included in the account of the commissioners.

That in the course of administration the commissioners found it expedient that all work done by the District of Columbia as the result of cuts made in streets, avenues, roads, and alleys in said District be paid from a fund known as the "Deposit and assessment fund," which was whole cost work, and thereupon the said commissioners on, to wit, the 6th day of February, 1897, passed an order providing in tenor and effect that for convenience in keeping the accounts in case of repairs made by the District of cuts in pavements and other work done by the District which were paid for from private deposits, a general account be opened, styled "Deposit and assessment fund," and that all material and labor for such works to be charged against said account and to be paid by assessments against the deposits made for such purposes.

That from, to wit, July 1, 1878, until, to wit, the 30th day of June, 1898, except as to the duties imposed on the disbursing clerk, hereinbefore mentioned, the auditor of the District of Columbia was and continued to be the officer in charge of the disbursements of money which came into the hands of the Commissioners of the District of Columbia. That the duties of the said auditor under the said two orders dated, to wit, the 13th day of June, 1888, and February 6, 1897, required that said auditor should keep accounts with individual depositors of moneys which they had deposited with the collector of taxes to reimburse the District of Columbia for the expenses which as whole cost work done on public streets, avenues, alleys, roads, and spaces by the District at the solicitation of individual citizens and for their benefit; that when said whole cost work was done for which said deposit was made the said auditor was required to make requisition, approved by the commissioners, for the amount thereof upon the collector of taxes, and to receive the said money so drawn on the said requisition and deposit the same in some bank or banks to his credit as auditor of the District of Columbia, to be held to reimburse the appropriations out of which moneys had been expended to do said work or to pay direct from the said moneys in his hands as aforesaid the actual cost of labor and material for whole cost work performed as aforesaid, and to return to individual depositors the amount of money to their credit and unexpended.

That prior to the said order of February 6, 1897, by act of Congress approved August 7, 1894 (28 Stats., pp. 247, 248), it was provided, among other things, that property owners who requested improvements under the permit system shall deposit in advance with the collector of taxes of the District of Columbia an amount equal to one-half of the estimated cost of such improvements; that all money received by the collector of taxes for the District of Columbia for work done upon the request of property owners shall be deposited by him in the United States Treasury to the credit of the permit fund; that upon completion of work done at the request of property owners, the commissioners shall repay to the then current appropriation for assessment and permit work out of the permit fund, a sum equivalent to one-half of the cost of the work, and shall return to the depositors from the same fund, as application may be made therefor, any surplus that may remain over and above one-half of the cost of the work; that the said repayment to the appropriation for assessment and permit work and the said return to the depositors from the said permit fund above mentioned were duties which were required of the said auditor. That the said work was actually known as "half-cost work."

That the collector of taxes, upon receiving the moneys on account of the said whole-cost work deposited the same in bank to his credit as collector of taxes, which said money was drawn from time to time therefrom upon request made by the said auditor, and the said commissioners directed the said collector of taxes to pay the amount thereof to the said auditor, and thereupon the said collector of taxes paid over the same to the said auditor, taking his receipt therefor. That the said requests of the said auditor and the said orders of the said commissioners are too great in number to be set forth in this declaration; that moneys for the said half-cost work on deposit being received by the collector of taxes were by him deposited as required by law in the Treasury of the United States to the credit of the permit fund; that upon requisitions by the Commissioners of the District of Columbia upon the Secretary of the Treasury of the United States that official advanced to the said commissioners certain funds from time to time out of the said permit fund.

That by act of Congress approved June 30, 1898 (30 Stats., 526), a disbursing officer was created for the District of Columbia who was required to give bond to the United States for the faithful performance of the duties of his office in the disbursing and accounting, according to law, for all moneys of the United States and the District of Columbia that should come into his hands. That the said disbursing officer never received any of the moneys derived from the said whole-cost work, and the said money continued to be received and disbursed as aforesaid; that as to the said half-cost work from the time of the appointment of the said disbursing officer the same was received by the collector of taxes and paid by him into the Treasury of the United States to the credit of the permit fund and drawn therefrom on the request of the commissioners on the said Secretary of the Treasury and placed to the credit of the said disbursing officer with the Treasurer of the United States; that the duties of the said auditor continued as to the said half-cost work under the said orders of the commissioners and the said statutes as aforesaid.

That it became and was the duty of the said auditor to see upon the completion of the said half-cost work that the then current appropriation for assessment and permit work was repaid to the extent of one-half of the cost of said work out of the said permit fund; that to accomplish this the said auditor, with the approval of the commissioners, stated an account in his favor as auditor of the District of Columbia, and thereupon the said disbursing officer issued his check on the moneys advanced to him by the said Secretary of the Treasury out of the said permit fund in favor of the said auditor, who countersigned the same, and it then and there became the duty of the said auditor from time to time, upon receipt of each check, to properly account for and disburse the said money and cause the said appropriation for assessment and permit work to be reimbursed out of the said funds so received as aforesaid by him.

That by act of Congress approved July 1, 1902 (32 Stats., p. 592), it was provided that the auditor of the District of Columbia shall continue to prepare and countersign all checks issued by the disbursing officer, and no checks involving disbursements of public moneys by the disbursing officer shall be valid unless countersigned by the auditor of the District of Columbia; that, to wit, on the 1st day of May, A. D. 1888, the defendant, James T. Petty, was the auditor of the District of Columbia, to which office the said defendant, James T. Petty, on, from, and after the said date, to wit, the 1st day of May, A. D. 1888, had been appointed and continually held and was the incumbent thereof until, to wit, the 16th day of August, A. D. 1903. And for that the defendant, James T. Petty, by the name of "Jas. T. Petty," the defendant Charles B. Church, by the name of "Chas. B. Church," the defendant Jesse B. Wilson, and the defendant George T. Deering, by the name of "Geo. T. Deering," on the 1st day of May, A. D. 1888, by their certain joint and several writing obligatory, sealed with their seals, a copy whereof is now shown to the court here, the date whereof is the day and year last aforesaid, acknowledged themselves to be held and firmly bound unto the plaintiff, the District of Columbia, in the sum of $20,000 to be paid to the said District of Columbia when they, the said defendants, should be thereunto afterwards requested, which said writing obligatory was and is subject to a certain condition thereunder written whereby after reciting to the effect following, to wit:

"Whereas the above bounden James T. Petty has been appointed to the office of auditor in and for the District of Columbia," it is therein set forth as follows:

"Now, therefore, the condition of said obligation is such that if said James T. Petty shall faithfully and efficiently perform all the duties of his said office, as provided by law, and the rules and regulations from time to time duly prescribed for the government of the civil service of said District; and shall well and truly pay over, disburse, and account for all moneys that shall come into his hands, as the law and orders governing said service shall require, then said obligation to be void, otherwise to remain in full force."

Yet the said defendant, James T. Petty, contrary to the form and effect of the said writing obligatory and of the conditions thereof, failed and neglected to faithfully and efficiently perform all the duties of his said office as provided by law, and failed and neglected to faithfully and efficiently observe the said rules and regulations, and failed and neglected to truly pay over, disburse, and account for all moneys that came to his hands as the law and orders governing his duties and services required, in this:

First. That said defendant Petty as auditor as aforesaid failed to account for moneys of the District of Columbia, represented by checks of the amounts, dates, and numbers given below, which were drawn by the disbursing officer, Charles C. Rogers, of the District of Columbia, or his deputy, and countersigned by the said Petty as auditor as aforesaid, or by the acting auditor, to the order of the said auditor of the District of Columbia, on the Treasurer of the United States, charged to the "Permit fund, District of Columbia," being half-cost work under the said act of Congress approved August 7, 1894, which said checks should have been deposited by the said defendant, James T. Petty, as auditor as aforesaid, in accordance with law and rules governing the conduct of his office, with the Treasurer of the United States to the credit of the appropriation "Improvements and repairs," District of Columbia, assessment and permit work; but said checks were not so deposited, but were indorsed by the said Petty as auditor as aforesaid and afterwards cashed at the Central National Bank of Washington, D. C., and the proceeds of the said checks were never in any manner paid or accounted for to the said plaintiff or deposited in any bank, or in the Treasury of the United States to the credit of any appropriation for assessment and permit work, as required by law and as hereinbefore set forth in this declaration.

Ck. No.	Date.	Amount.	Remarks.
140189.	June 12, 1902	$1,315.00	Cashed June 19, 1902.
143574.	July 14, 1902	1,197.75	Cashed July 18, 1902.
146101.	August 20, 1902	1,412.28	Cashed August 23, 1902.
147498.	August 27, 1902	1,132.49	Cashed September 2, 1902.
148358.	September 20, 1900	2,693.80	Cashed September 29, 1902.
153705.	October 23, 1902	3,821.59	Cashed November 23, 1902.
159014.	December 3, 1902	3,020.91	Cashed December 17, 1902.
166460.	February 9, 1903	2,770.11	Cashed February 24, 1903.
169304.	February 21, 1903	2,402.31	Cashed April 8, 1903.
173116.	March 30, 1903	3,241.25	Cashed May 4, 1903.
	Total	23,007.49.	

Second. That the said defendant Petty, as auditor as aforesaid, failed to account for moneys of the District of Columbia represented by checks of the amounts, dates, and numbers given below, which were drawn by the disbursing officer of the District of Columbia, Charles C. Rogers, or his deputy, and countersigned by said Petty, as auditor as aforesaid, or by the acting auditor, on the Treasurer of the United States to the order of the said James T. Petty, auditor, as aforesaid, and charged to various appropriations of the District of Columbia, which checks were indorsed by the said James T. Petty, as auditor as aforesaid, and should, in accordance with law and the rules and regulations as aforesaid, have been deposited in the Traders' National Bank, Washington, D. C., as reimbursements of the deposit and assessment fund, whole-

cost work, as said work is hereinbefore set forth; but the said checks were not so deposited, but, after being indorsed by the said auditor as aforesaid, were cashed at the Central National Bank of Washington, D. C., and the proceeds of said checks so cashed were never in any manner paid or accounted for to the plaintiff, and the said deposit and assessment fund was not reimbursed by the said Petty, as he was required to do, as hereinbefore set forth:

Ck. No.	Date.	Amount.	Remarks.
55309.	March 7, 1900	$1,510.03	Cashed March 19, 1900.
81507.	December 4, 1900	3.04	Cashed January 28, 1901.
81602.	December 7, 1900	2,627.24	Cashed January 28, 1901.
81751.	December 13, 1900	1,237.01	Cashed January 28, 1901.
95079.	April 9, 1901	1,916.52	Cashed April 27, 1901.
98382.	May 13, 1901	2,778.52	Cashed May 18, 1901.
101420.	June 6, 1901	1,491.28	Cashed July 1, 1901.
102994.	June 20, 1901	1,643.94	Cashed July 1, 1901.
108282.	August 28, 1901	1,943.44	Cashed November 2, 1901.
122883.	January 8, 1902	1,272.32	Cashed February 14, 1902.
122032.	January 10, 1902	809.39	Cashed February 14, 1902.
136148.	April 25, 1902	751.16	Cashed May 5, 1902.
144772.	July 26, 1902	1,166.23	Cashed August 12, 1902.
148210.	September 16, 1902	1,354.40	Cashed September 22, 1902.
151381.	October 11, 1902	1,169.77	Cashed October 16, 1902.
	Total	21,674.38	

Third. That said defendant Petty, as auditor as aforesaid, failed to account for moneys of the District of Columbia represented by checks of the amounts, dates, and numbers given below, drawn by the said James T. Petty, auditor as aforesaid, to the order of the said James T. Petty as auditor as aforesaid, upon the Central National Bank of Washington, D. C., charged to the account of the said auditor in said bank; the said checks were intended for deposit in the Traders' National Bank of Washington, D. C., to reimburse the deposit and assesment fund where said fund was kept for whole-cost work, as said work is hereinbefore set forth; the said checks having been indorsed by the said James T. Petty, as auditor as aforesaid, were not so deposited, but the same were cashed at the Central National Bank of Washington, D. C., and the proceeds thereof were never in any manner paid or accounted for to the said plaintiff, and the said deposit and assessment fund was not reimbursed by the said Petty as he was required to do as hereinbefore set forth.

Ck. No.	Date.	Amount.	Remarks.
3283.	July 12, 1899	$693.58	Cashed July 27, 1899.
3301.	July 21, 1899	3,721.10	Cashed August 3, 1899.
3479.	November 22, 1899	1,582.09	Cashed December 4, 1899.
3571.	January 18, 1900	1,565.83	Cashed January 24, 1900.
3607.	February 25, 1900	1,903.23	Cashed February 26, 1900.
3711.	April 7, 1900	2,347.07	Cashed April 11, 1900.
3889.	July 12, 1900	3,365.12	Cashed July 13, 1900.
4172.	February 20, 1901	2,282.79	Cashed March 19, 1901.
4329.	June 18, 1901	770.17	Cashed June 29, 1901.
	Total	18,230.98	

Fourth. That the said defendant Petty, as auditor as aforesaid, failed to account for moneys of the District of Columbia represented by checks of the amounts, dates, and numbers given below, drawn from funds belonging to said whole-cost work as said work is hereinbefore set forth, by the said James T. Petty, as auditor as aforesaid, the first two upon the Central National Bank of Washington, D. C., and the last three upon the National Capital Bank of Washington, D. C., all of said checks being payable to the order of the said James T. Petty as auditor aforesaid; that the said checks drawn to him as auditor, as aforesaid, should have been deposited at the said banks to the credit of the said Petty, as auditor as aforesaid, for the benefit of said whole-cost works, but the said checks were not so deposited, but having been indorsed by the said Petty, as auditor as aforesaid, were cashed at the Central National Bank of Washington, D. C., and the proceeds thereof were never in any manner paid or accounted for to the said plaintiff, and the said whole-cost work was not reimbursed by said Petty, as he was required to do, as hereinbefore set forth.

Ch. No.	Date.	Amount.	Remarks.
3998.	September 24, 1900	$8,009.00	Cashed November 7, 1900.
3721.	April 17, 1900	2,000.00	Cashed.
864.	June 7, 1899	192.73	Cashed June 22, 1899.
870.	June 14, 1899	369.92	Cashed June 22, 1899.
921.	September 27, 1899	2,000.00	Cashed.
	Total	12,571.65	

Fifth. That the said defendant Petty, as auditor as aforesaid, failed to account for moneys of the District of Columbia represented by checks of the amounts, dates, and numbers given below from funds belonging to said whole-cost work, as said work is hereinbefore set forth, were unlawfully drawn by the said James T. Petty, as auditor as aforesaid, upon the Central National Bank of Washington, D. C., payable to the order of the said James T. Petty, as disbursing agent, Rock Creek Park, D. C.; that the said checks, or the proceeds thereof, were unlawfully used by the said Petty in his capacity as such disbursing agent, and the said checks so drawn by him as auditor were drawn without authority of law from said funds of the District of Columbia, and the proceeds thereof were never in any manner repayed or accounted for to the said plaintiff, and the said whole-cost work was not reimbursed by the said Petty, as he was required to do, as hereinbefore set forth.

Ch. No.	Date.	Amount.	Remarks.
4599.	March 18, 1902	$666.58	May 20, 1902.
4613.	April 19, 1902	721.39	Cashed.

Contrary to the form and effect of the said writing obligatory, and of the said condition thereof whereby an action has accrued to the plaintiff to demand and have of and from the defendant the said sum of $20,000, yet the defendant, although often requested so to do, has not as yet paid the said sum of $20,000, but they to do this have heretofore wholly refused, and still do refuse, to the damage of the plaintiff of the sum of $20,000, and thereupon it brings this suit and claims said sum, with interest and costs.

E. H. THOMAS,
Attorney for Plaintiff.

* * * * * * *

EXHIBIT "A."

(Copy.)

REFER IN REPLY TO NO. 3-8.

OFFICE OF THE COMMISSIONERS
OF THE DISTRICT OF COLUMBIA,
Washington, June 13, 1888.

Ordered:

The collector of taxes of the District of Columbia, upon receiving a deposit for permit work, or for plumbers' or engineers' license fund, shall issue receipts therefor in duplicate, consecutively numbered, showing from whom, for what purpose, and the amount received; deliver the original receipt to the depositor, and transmit the duplicate to the auditor of the District of Columbia. He shall not pay out the moneys thus received except upon requisition of the auditor, approved by the commissioners.

2. The superintendent of streets and the superintendent of sewers, respectively, shall prepare in duplicate the pay rolls or other vouchers for services rendered or material furnished payable from the permit fund, which, after approval by the commissioners, as in cases of disbursements under an appropriation, shall be forwarded to the auditor for audit and payment.

3. The auditor of the District, after receiving a pay roll or other voucher, prepared in accordance with section 2 of this order, shall examine, approve the same if found to be correct, and make requisition upon the collector of taxes for the amount thereof, as provided in section 1 of this order.

4. Once a month, upon a day regularly set apart for the purpose, the pay clerk of the auditor's office shall take the rolls thus prepared, with the money necessary to meet the same, repair to the places where the work is being done, and, after proper identification, and receipt given, pay in cash to each claimant the amount found to be due. He shall give bond, with approved security in the sum of $5,000 for the faithful performance of the duties required of him.

5. The auditor of the District shall open an account with the collector of taxes, District of Columbia, debiting the balances turned over by the late collector, May 4, 1888, on account of permit and license funds, and all subsequent deposits, and crediting the requisitions honored by the collector in accordance with section 1 of this order.

6. The auditor of the District of Columbia shall debit himself with the moneys received from the collector of taxes upon requisition made as provided in section 1 and credit himself with payments upon vouchers duly certified and approved as in sections 2 and 7 of this order.

7. After the work for which a deposit has been made has been completed and paid for, the auditor shall state the account with the depositor, make requisition as in section 1 for any balance that may appear in his favor, and repay the same upon presentation of the original certificate of deposit.

The receipt of the depositor upon the original certificate, for the amount thus repaid, shall be the auditor's voucher for such repayment.

Official copy furnished the auditor, District of Columbia.

By order:

W. TINDALL, *Secretary.*

S. R.

DEMURRER OF CHURCH AND DEARING TO AMENDED DECLARATION, FILED MARCH 9, 1907.

* * * * * * *

The defendants Charles B. Church and George T. Dearing say that the declaration in the above-entitled cause is bad in substance.

J. J. DARLINGTON,
Attorney for Defendants Church and Dearing.

NOTE.—Among the points of law intended to be argued in support of the above demurrer is that there is no law, nor is any rule or regulation duly prescribed for the government of the civil service in the District of Columbia pleaded, under which the defendant Petty was chargeable with the custody of, or otherwise accountable for, any of the moneys in the said declaration mentioned.

DEMURRER OF WILSON TO AMENDED DECLARATION, FILED MARCH 18, 1907.

* * * * * * *

The defendant, Jesse B. Wilson, says that the amended declaration in the above-entitled cause is bad in substance.

RALSTON & SIDDONS,
Defendant Wilson's Attorneys.

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POINTS OF LAW TO BE ARGUED IN SUPPORT OF DEMURRER.

Among the points of law intended to be argued in support of the foregoing demurrer is—

That there is no law, rule, or regulation pleaded under which the defendant Petty was chargeable with the custody or otherwise accountable for any of the moneys in the said declaration mentioned; and

That prior to the alleged failure to account for moneys coming to his hands he had been relieved by law from all responsibility for the handling of money and his sureties consequently relieved from any default in connection therewith.

RALSTON & SIDDONS,
Attorneys for Defendant Wilson.

DEMURRER OF PETTY TO AMENDED DECLARATION, FILED MARCH 27, 1907.

* * * * * * *

The defendant James T. Petty says that the amended declaration in the above-entitled cause is bad in substance.

W. C. SULLIVAN, *Attorney.*

* * * * * * *

Among the points of law intended to be argued in support of the foregoing demurrer is that there is no law, nor any rule or regulation pleaded, under which the said defendant James T. Petty was chargeable with the custody of, or otherwise accountable for, any of the moneys in the said declaration mentioned.

SUPREME COURT OF THE DISTRICT OF COLUMBIA.

FRIDAY, OCTOBER 18, 1907.

Session resumed pursuant to adjournment, Mr. Justice Wright presiding.

* * * * * * *

Upon hearing the defendants' demurrers to the plaintiff's amended declaration, it is considered that said demurrers be, and the same are hereby, sustained.

OPINION, FILED OCTOBER 18, 1907.

* * * * * * *

The clause in the bond "as the law and orders governing said service shall require" does not refer to the manner in which moneys

may have come into the hands of the auditor, but rather to the manner and method of accounting for it; that is, the purpose of the bond is primarily to hold the auditor for all public moneys received by him and, secondarily, to require him to account according to whatever, if any, system of accounting happened to be provided for by "the law and orders governing said service" (of accounting); it is not the intent of the bond to exempt the auditor from liability for moneys received according to the custom and routine of his office, although not according to the detail of some written law or order.

But it is necessary to the statement of a cause of action that the declaration set forth that the months for which it is claimed he failed to account "came into his hands." Ther is nothing in the first, second, third, and fourth paragraphs of the declaration which shows that the moneys were ever either actually or constructively in the possession of the defendant.

The following appears in the fifth paragraph:

"That the said checks or the proceeds thereof were unlawfully used by the said Petty * * *."

This adoption of the disjunctive is empty. It charges neither that he used the checks nor that be used the proceeds. Moreover, the phrase "were unlawfully used by the said Petty in his capacity as such disbursing agent" is no more than a conclusion of law, not an averment of fact. If he did make use of checks or proceeds, the manner of the use should be set out. The opinion of the court may then be taken as to whether such use was unlawful, but as it stands the entire sentence first quoted contains no averment of fact and is therefore to be disregarded on demurrer.

There appearing in none of the paragraphs and direct averment that the defendant Petty ever had the moneys in his possession and no averment of facts from which that conclusion follows, the demurrer must be sustained.

WRIGHT.

SUGGESTION OF DEATH OF CHARLES B. CHURCH, ETC., FILED JANUARY 5, 1909.

* * * * * * *

Now comes the plaintiff, District of Columbia, by its attorney, E. H. Thomas, and suggests the death of the defendant, Charles B. Church, on April 26, 1908, leaving a last will and testament which has been duly probated and admitted to record in proceedings 15281 of this court holding probate term, whereby Charles W. Church, William A. H. Church, Mary A. Church, and Joseph J. Darlington are appointed executors, all of whom have qualified.

And said plaintiff further moves the court that an order be passed making the said Charles W. Church, William A. H. Church, Mary A. Church, and Joseph J. Darlington, executors, parties to this suit and process be issued against them.

E. H. THOMAS,
Attorney for Plaintiff.

SUPREME COURT OF THE DISTRICT OF COLUMBIA.

TUESDAY, JANUARY 5, 1909.

Session resumed, pursuant to adjournment, Hon. Harry M. Clabaugh, chief justice, presiding.

* * * * * * *

Comes now the plaintiff, by its attorney, Mr. E. H. Thomas, and suggests the death of the defendant herein, Charles B. Church, and showing to the court that Charles W. Church, William A. H. Church, Mary A. Church, and Joseph J. Darlington have duly qualified as executors of the estate of Charles B. Church, deceased, moves that said executors be made parties defendant, whereupon it is ordered that said executors be, and are hereby, made parties defendant in the place and stead of said Charles B. Church, deceased. Further, leave is hereby granted plaintiff to forthwith file an amendment to the amended declaration herein.

AMENDMENT TO AMENDED DECLARATION, FILED JANUARY 5, 1909.

* * * * * * *

Now comes the plaintiff, District of Columbia, by leave of court first had and obtained, and amends its amended declaration filed in this cause as follows:

1. Amend the paragraph in said amended declaration denominated "First" by adding, after the word "Columbia," in the third line thereof, the words "which came into his hands."

2. Amend the paragraph in said amended declaration denominated "Second" by adding, after the word "Columbia," in the second line thereof, the words "which came into his hands."

3. Amend the paragraph in said amended declaration denominated "Third" by adding, after the word "Columbia," in the second line thereof, the words "which came into his hands."

4. Amend the paragraph in said amended declaration denominated "Fourth" by adding, after the word "Columbia," at the end of the second line thereof, the words "which came into his hands."

5. Amend the paragraph in said amended declaration denominated "Fifth" by adding, after the word "Columbia," in the second line thereof, the words "which came into his hands."

6. Amend the paragraph in said amended declaration denominated "Fifth" as follows: Strike out the word "or" in the phrase "that said checks or proceeds were unlawfully used" and insert in lieu thereof the word "and," so that the said phrase shall read "that said checks and proceeds were unlawfully used," in the eighth and ninth lines of said paragraph of amended declaration.

E. H. THOMAS.
Attorney for Plaintiff.

MOTION OF PETTY TO STRIKE OUT LEAVE TO AMEND, ETC., FILED APRIL 21, 1909.

* * * * * * *

Now comes the defendant James T. Petty, appearing by his attorney specially for this purpose and for no other, and moves the court to vacate the order passed in the above cause on the 5th day of January, 1909, granting the plaintiff leave to amend upon the following grounds:

1. Because said motion was granted without notice to this defendant, and without opportunity to be heard.

2. Because of the rendition of a final judgment in said cause against the plaintiff on, to wit, the 18th day of October, 1907, or more than three terms before the passage of the said order of January 5, 1909, which judgment was not followed by any other or further proceeding in the cause during the term in which it was rendered nor for a long time, to wit, for more than a year thereafter.

3. Because there was and is no cause pending in this court in which any such order could be granted.

4. Because the court was without jurisdiction to pass any such order.

5. Because the said order was improvidently granted.

W. C. SULLIVAN.
Attorney for Defendant James T. Petty,
Appearing Specially for the Purpose of this Motion
and for no Other Purpose.

DISTRICT OF COLUMBIA, *ss:*

I, James T. Petty, on oath say that no notice was given to me or to anyone in my behalf of any application to the court for an order granting leave to amend the declaration in the case of District of Columbia *v.* James T. Petty et al., Law No. 46544, subsequently to the judgment in my favor rendered in said cause, on, to wit, the 18th day of October, 1907, and that my first notice of said amendment, or of any application therefor, was obtained by me from the announcement in the newspapers that the said amendment had been granted.

JAMES T. PETTY.

Subscribed and sworn to before me this 20th day of January, A. D. 1909.

[SEAL.]

IRWIN H. LINTON,
Notary Public, D. C.

E. H. THOMAS, Esq., *Attorney for Plaintiff:*

Please take notice that on Friday, the 23d day of April, A. D. 1909, at 10 o'clock a. m., or so soon thereafter as counsel can be heard, the foregoing motion to vacate the order granting leave to amend will be presented to the court for its action.

W. C. SULLIVAN.
Attorney for Defendant James T. Petty,
Appearing Specially for the Purpose of this Motion
and for no Other Purpose.

JANUARY 27, 1909.

Service of above acknowledged.

E. H. THOMAS, *for Defendant.*

MOTION OF DEARING TO STRIKE OUT LEAVE TO AMEND, ETC., FILED APRIL 21, 1909.

* * * * * * *

Now comes the defendant George T. Dearing, appearing by his attorney specially for this purpose and for no other, and moves the court to vacate the order passed in the above cause on the 5th day of January, 1909, granting the plaintiff leave to amend upon the following grounds:

1. Because said motion was granted without notice to this defendant and without opportunity to be heard.

2. Because of the rendition of a final judgment in said cause against the plaintiff on, to wit, the 18th day of October, 1907, or more than three terms before the passage of the said order of January 5, 1909, which judgment was not followed by any other or further proceeding nor for a long time, to wit, for more than a year thereafter.

3. Because there was and is no cause pending in this court in which any such order could be granted.

4. Because the court was without jurisdiction to pass any such order.

5. Because the said order was improvidently granted.

J. J. DARLINGTON,
Attorney for Defendant George T. Dearing,
Appearing Specially for the Purpose of this Motion
and for no Other Purpose.

DISTRICT OF COLUMBIA, *ss:*

I, George T. Dearing, on oath say that no notice was given to me, or to anyone in my behalf, of any application to the court for an order granting leave to amend the declaration in the case of District of Columbia *v.* James T. Petty et al. (Law No. 46544), subsequently to the judgment in my favor rendered in said cause, on, to wit, the 18th day of October, 1907, and that my first notice of said amendment, or of any application therefor, was obtained by me from the announcement in the newspapers that the said amendment had been granted.

GEO. T. DEARING.

Subscribed and sworn to before me this 23d day of January, A. D. 1909.

[SEAL.]

WALTER E. HILTON,
Notary Public, D. C.

E. H. THOMAS, Esq., *Attorney for Plaintiff:*

Please take notice that on Friday, the 23d day of April, 1909, at 10 o'clock a. m., or so soon thereafter as counsel can be heard, the foregoing motion to vacate the order granting leave to amend will be presented to the court for its action.

J. J. DARLINGTON,
Attorney for Defendant George T. Dearing.
Appearing Specially for the Purpose of this Motion
and for no Other Purpose.

JANUARY 27, 1909.

Service of above acknowledged.

E. H. THOMAS, *For Defendant.*

SUPREME COURT OF THE DISTRICT OF COLUMBIA.

FRIDAY, APRIL 30, 1909.

Session resumed pursuant to adjournment, Hon. Harry M. Clabaugh, chief justice, presiding.

* * * * * * *

Upon consideration of the motions filed herein by the defendants James T. Petty and George T. Dearing, to vacate the order of court entered herein on the 5th day of January, 1909, granting the plaintiff leave to amend, it is ordered that said motions be, and the same hereby are overruled, with leave to said defendants to plead or demur as advised, within 10 days hereof.

* * * * * * *

DEMURRER OF GEORGE T. DEARING, FILED MAY 10, 1909.

* * * * * * *

The defendant George T. Dearing says that the plaintiff's declaration as amended is bad in substance.

J. J. DARLINGTON,
Attorney for Defendant George T. Dearing.

NOTE.—One of the matters of law intended to be argued on the hearing of the foregoing demurrer is, that there is no law, nor is there any rule or regulation duly prescribed for the government of the civil service of the District of Columbia pleaded, under which the defendant James T. Petty was chargeable with or authorized to receive or have the custody of any of the moneys in said declaration mentioned, or which required him to pay over, disburse, or account for the same.

J. J. DARLINGTON,
Attorney for the Defendant George T. Dearing.

DEMURRER OF JAMES T. PETTY, FILED MAY 10, 1909.

* * * * * * *

The defendant James T. Petty says that the plaintiff's declaration as amended is bad in substance.

W. C. SULLIVAN,
Attorney for Defendant James T. Petty.

NOTE.—One of the matters of law intended to be argued on the hearing of the foregoing demurrer is, that there is no law, nor is there any rule or regulation duly prescribed for the government of the civil service of the District of Columbia pleaded, under which the defendant James T. Petty was chargeable with or authorized to receive or have the custody of any of the moneys in the said declaration mentioned, or which required him to pay over, disburse or account for the same.

W. C. SULLIVAN,
Attorney for Defendant James T. Petty.

DEMURRER OF JESSE B. WILSON, FILED FEBRUARY 24, 1910.

* * * * * * *

The defendant, Jesse B. Wilson, says that the plaintiff's declaration as amended is bad in substance.

RALSTON, SIDDONS & RICHARDSON,
Attorneys for Defendant Jesse B. Wilson.

NOTE.—One of the matters of law intended to be argued on the hearing of the foregoing demurrer is that there is no law nor is there any rule or regulation duly prescribed for the government of the civil service of the District of Columbia pleaded under which the defendant James T. Petty was chargeable with or authorized to receive or have the custody of any of the moneys in the said declaration mentioned, or which required him to pay over, disburse, or account for the same.

RALSTON, SIDDONS & RICHARDSON,
Attorneys for Defendant Jesse B. Wilson.

DEMURRER OF CHARLES W. CHURCH ET AL., EXECUTORS, FILED MARCH 4, 1910.

* * * * * * *

The defendants Charles W. Church, William A. H. Church, Mary A. Church, and Joseph J. Darlington, executors, say the plaintiff's declaration as amended is bad in substance.

J. J. DARLINGTON, *Attorney.*

Among the matters of law intended to be argued in support of the foregoing demurrer is that there is no law, nor any prescribed rule or regulation pleaded under which the defendant was chargeable with the custody of or was accountable for the checks or moneys, or any of them, in the declaration mentioned.

J. J. DARLINGTON,
Attorney for Defendant Executors.

SUPREME COURT OF THE DISTRICT OF COLUMBIA.

FRIDAY, MARCH 4, 1910.

Session resumed pursuant to adjournment, Hon. Harry M. Clabaugh, chief justice, presiding.

* * * * * * *

MONDAY, MARCH 14, 1910.

Session resumed pursuant to adjournment, Hon. Harry M. Clabaugh, chief justice, presiding.

* * * * * * *

Upon motion of the plaintiff by its attorney, Mr. William Henry White, the time within which to be heard on a motion for leave to amend the declaration herein is hereby extended to the 18th instant, inclusive.

FRIDAY, JUNE 17, 1910.

Session resumed pursuant to adjournment, Hon. Harry M. Clabaugh, chief justice, presiding.

* * * * * * *

District of Columbia, plaintiff, *v.* James T. Petty, Jesse B. Wilson, George T. Dearing, and Charles W. Church, William A. H. Church, Mary A. Church, and Joseph J. Darlington, executors, defendants. No. 46544. At law.

Upon consideration of the motion of plaintiff made by Mr. William Henry White, one of the assistant corporation counsel, orally in open court, for leave to file a second amended declaration herein, it is ordered that said motion be, and the same is hereby, denied.

Whereupon, it appearing that the demurrer of the defendant James T. Petty, the demurrer of the defendant George T. Dearing, the demurrer of the defendant Jesse B. Wilson, and the demurrer of Charles W. Church, William A. H. Church, Mary A. Church, and Joseph J. Darlington, executors, were on the 4th day of March, 1910, sustained to the declaration herein as amended; it is considered that this cause be, and the same is hereby, dismissed and that the defendants recover of plaintiff their costs of defense to be taxed by the clerk, and have execution thereof.

From the foregoing judgment the plaintiff by its said attorney in open court notes an appeal to the Court of Appeals of the District of Columbia.

DIRECTIONS TO CLERK FOR PREPARATION OF TRANSCRIPT OF RECORD, FILED JULY 5, 1910.

The clerk in making up the record on appeal in this case will please include the following:

November 9, 1903. Appearance, order declaration, notice to plead, and copy of bond.

January 22, 1904. Demurrer.

February 16, 1906. Demurrer sustained and leave to plaintiff to amend.

March 16, 1906. Time to amend extended 15 days from date.

December 12, 1906. Leave granted plaintiff to amend declaration. Amended declaration and Exhibit A.

March 9, 1907. Demurrer of defendants Church and Dearing.

March 18, 1907. Demurrer of defendant Wilson.

March 27, 1907. Demurrer of defendant Petty.

October 18, 1907. Demurrer to amended declaration sustained. Opinion of court.

January 5, 1909. Suggestion of death of defendant Church, etc.

January 5, 1909. Death of defendant Church suggested, new party substituted and leave granted plaintiff to file amendment to amended declaration. Amendment to amended declaration.

April 21, 1909. Motion of defendant Petty to strike out leave to amend, affidavit and notice.

April 21, 1909. Motion of defendant Dearing to strike out.

April 30, 1909. Motions of defendants Petty and Dearing overruled, and leave to plead over.

May 10, 1909. Demurrers of defendants Dearing and Petty.

February 24, 1910. Demurrer of defendant Jesse B. Wilson.

March 4, 1910. Demurrers of Church and Darlington, executors. Demurrers to amended declaration sustained. Order extending time within which to apply for leave to amend.

June 17, 1910. Original motion for leave to amend filed, cause dismissed at cost of plaintiff and appeal in open court.

E. H. THOMAS,
(W. H. W.)
Corporation Counsel, Attorney for Plaintiff.

We hereby agree to the above designation.

W. C. SULLIVAN,
Attorney for Defendant Petty.
J. J. DARLINGTON,
For Defendants Church and Dearing.
RALSTON, SIDDONS & RICHARDSON,
Attorneys for Defendant Jesse B. Wilson.

MEMORANDUM.

July 4, 1910. Time in which to file transcript of record in court of appeals extended to and including September 1, 1910.

SUPREME COURT OF THE DISTRICT OF COLUMBIA.

UNITED STATES OF AMERICA, *District of Columbia, ss:*

I, John R. Young, clerk of the Supreme Court of the District of Columbia, hereby certify the foregoing pages numbered from 1 to 52, both inclusive, to be a true and correct transcript of the record according to directions of counsel herein filed, copy of which is made part of this transcript, in cause No. 46544 at law, wherein District of Columbia is plaintiff and James T. Petty et al. are defendants, as the same remains upon the files and of record in said court.

In testimony whereof I hereunto subscribe my name and affix the seal of said court, at the city of Washington, in said District, this 27th day of August, 1910.

[Seal Supreme Court of the District of Columbia.]

J. R. YOUNG, *Clerk.*
By ALF. G. BUHRMAN,
Assistant Clerk.

Indorsed on cover: District of Columbia Supreme Court. No. 2215. District of Columbia, etc., appellant, *v.* James T. Petty et al. Court of Appeals, District of Columbia. Filed August 31, 1910. Henry W. Hodges, Clerk.

TUESDAY, DECEMBER 13, A. D. 1910.

District of Columbia, a municipal corporation, appellant, *v.* James T. Petty, Charles W. Church, William A. H. Church et al. No. 2215.

The argument in the above-entitled cause was commenced by Mr. William H. White, attorney for the appellant, and was continued by Messrs. J. J. Darlington and W. C. Sullivan, attorneys for the appellees, and was concluded by Mr. E. H. Thomas, attorney for the appellant.

On motion the appellant is allowed 10 days to file additional authorities herein, with leave to the appellees to reply thereto if so advised.

IN THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

District of Columbia, a municipal corporation, appellant, *v.* James T. Petty, Charles W. Church, William A. H. Cuhrch et al. No. 2215.

OPINION.

Mr. Justice Robb delivered the opinion of the court:

* * * * * * *

This is an appeal from a judgment of the Supreme Court of the District sustaining the demurrer to appellant's declaration in an action upon the official bond of appellee Petty, as auditor of the District, demurrers to the original and first amended declaration having been previously sustained. Motion further to amend was denied.

The original declaration was filed November 9, 1903, and alleged that Petty, as principal, and Church, Wilson, and Deering, as sureties, executed a bond on May 1, 1888, the material part of which reads as follows:

"Whereas the above bounden James T. Petty has been appointed to the office of auditor in and for the District of Columbia, it is therein set forth as follows:

"Now, therefore, the condition of said obligation is such that if said James T. Petty shall faithfully and efficiently perform all the duties of his said office, as provided for by law, and the rules and regulations from time to time duly prescribed for the government of the civil service of said District, and shall well and truly pay over, disburse, and account for all moneys that shall come to his hands, as the law and orders governing said service shall require, then said obligation to be void; otherwise to remain in full force."

The original declaration alleged the failure on the part of Petty to perform "all the duties of his said office as provided by law," failure faithfully and efficiently to observe "the said rules and regulations," and failure and neglect truly "to pay over, disburse, and account for all moneys that came into his hands, as the law and orders governing his duties and services required," in this:

First. That he failed to account for moneys of the District of Columbia represented by 10 checks of specified amounts and dates drawn by Charles C. Rogers, disbursing officer, or his deputy, countersigned by Petty as auditor, or by the Acting Auditor of the Treasury of the United States, charged to the "Permit fund, District of Columbia," which checks should have been deposited by Petty as auditor, in accordance with law and the rules governing the conduct of his office, with the Treasurer of the United States to the credit of the appropriation "Improvements and repairs, District of Columbia, assessment and permit work"; that said checks were not so deposited, but were indosed by Petty as auditor as aforesaid, cashed at the Central National Bank of Washington, and their proceeds never accounted for to the District of Columbia or deposited in any bank or in the Treasury of the United States to its credit.

Second. That Petty, as auditor, failed to account for moneys of the District represented by 15 checks of specified dates and amounts, drawn and countersigned as above stated and charged to various appropriations of the District of Columbia and indorsed by Petty as auditor, and which should, "in accordance with law and the rules and regulations aforesaid, have been deposited in the Traders' National Bank, of Washington, D. C., as reimbursements of the deposit and assessment fund"; that said checks were not so deposited, but after indorsement as aforesaid "were cashed at the Central National Bank of Washington, D. C., and the proceeds of said checks so cashed were never in any manner paid or accounted for to the said plaintiff."

Third. That Petty, as auditor, failed to account for moneys of the District of Columbia represented by nine checks of specified dates and amounts drawn by him as auditor to his order as auditor upon the Central National Bank of Washington, D. C., charged to the account of said auditor in said bank and intended for deposit in the Traders' National Bank of Washington, D. C., to reimburse the deposit and assessment fund, where said fund was kept; that said checks, after indorsement by Petty, were not so deposited but were cashed at said Central National Bank of Washington and their proceeds never paid or accounted for to the District of Columbia.

Fourth. That Petty, as auditor, failed to account for other moneys of the District of Columbia represented by six checks of specified dates and amounts drawn by him as auditor, the first three upon said Central National Bank and the last three upon the National Capital Bank of Washington, all payable to his order as auditor; that said checks drawn as aforesaid should have been deposited at the said banks to Petty's credit as auditor; that they were not so deposited, but, after indorsement, were cashed at the Central National Bank and the proceeds never paid or accounted for to the District of Columbia.

Fifth. That Petty, as auditor, failed to account for other moneys of the District represented by two checks of stated dates and amounts drawn by him as auditor upon the Central National Bank, payable to his order "as disbursing agent, Rock Creek Park, D. C."; that the said checks, or the proceeds thereof, were used by the said Petty in his capacity as such disbursing agent, and the said checks so drawn by him as auditor were drawn without authority of law and the proceeds thereof were never in any manner repaid or accounted for to the said plaintiff.

To this declaration a demurrer was filed by the sureties on June 22, 1902, upon the ground that there was no law, nor any rule or regulation pleaded, under which Petty was chargeable with the custody or otherwise accountable for any of the moneys mentioned in the declaration; in other words, the question raised by the first demurrer was whether, in the absence of controlling statutory provisions, it was necessary to plead the rules and regulations under which it was claimed Petty became the custodian of and accountable for the moneys in the declaration mentioned. Judgment of the court sustaining this demurrer was entered February 16, 1906, whereupon on March 16 following leave to amend was sought and obtained.

The first amended declaration was filed on December 12, 1906. In this amended declaration the alleged breaches were copied verbatim from the *original* declaration, but were preceded by a summary of the statutes, rules, and regulations thought to apply to the office of auditor of the District of Columbia, and which will be noticed later. To this amended declaration the sureties again demurred upon the ground stated in the demurrer to the original declaration, the defendant also demurring. The court, on October 18, 1907, sustained the demurrer.

On January 5, 1909, the death of Mr. Church, one of said sureties, was suggested, and his executors were ordered to be made parties. Upon the same date leave was sought and obtained to file a second amended declaration, the amendment consisting of the addition of the words "which came into his hands" in each of the five assignments of breach, so that each of said assignments read, "that said defendant Petty, as auditor aforesaid, failed to account for moneys of the District of Columbia which came into his hands, represented by checks of amounts, dates, and numbers given below," etc, and, secondly, by striking out the word "or" in the fifth assignment of breach, so that the clause in which it occurs reads "that said checks and proceeds" were used. To this declaration another demurrer was filed upon the ground previously alleged. On March 4, 1910, the court, after hearing, again sustained the demurrer, whereupon motion for leave to amend was again made, and on June 17, 1910, this motion was denied and judgment given for the defendants, from which judgment this appeal was taken.

Appellees make no question as to the right of the District to take the bond in suit, their sole contention being that the declaration states no breach of it. The first question, therefore, which logically presents itself is whether, in an action of this kind, where liability depends upon prescribed rules or regulations, recovery can be had unless such rules and regulations are pleaded. A careful review of the authorities leaves no room for doubt upon this question. The rule, as stated by Dillon in his work on Municipal Corporations, is that "the acts, votes, and ordinances of the corporation are not public matters, and must, unless otherwise provided by statute, be pleaded and proved." (1 Dill. Mun. Corp., sec. 83, 4th ed.) In Robinson *v.* Tramway Co. (164 Fed. 174), Judge Van Devanter, now Mr. Justice Van Devanter of the Supreme Court of the United States, said: "An ordinance is not a public statute, but a mere municipal regulation, and to make it available in establishing a charge of negligence it must be pleaded, like any other fact of which judicial notice will not be taken. Here it was not pleaded, and so could not be proven."

"The general rule is well settled (citing cases) that municipal ordinances and by-laws are not laws of which judicial notice will be taken, but facts to be pleaded and proven. If not duly pleaded, they can not be proven." (Cyc., vol. 28, p. 393.)

In Sittgen *v.* Rundle (99 Wis., 78), damages were sought for an alleged false imprisonment, and the trial court ruled that plaintiff's arrest was without due process and that he was entitled to recover damages from the officer arresting him. In the appellate court it was argued that this ruling was erroneous, owing to an ordinance of the city of Milwaukee granting authority to policemen of that city to make arrests in cases of misdemeanor. The court said: "The ordinance was not mentioned in the pleadings or introduced in evidence, the first makes its appearance in the case when printed in appellant's brief. The obligations of courts are sufficiently burdensome when they are required to take cognizance of all acts granting powers to municipal corporations. They have uniformly refused to take notice of the acts and ordinances of such bodies except upon due proof. (Citations.) And the introduction of such an ordinance in evidence when not pleaded, against proper objection, is error."

In Porter *v.* Waring (69 N. Y., 250) it was said: "If the court could — judicial notice of the ordinances of a municipal corporation, it would involve consideration of all the numerous enactments, whether printed or otherwise, which the common council have adopted and which relate to the subject of the controversy, and the existence of many of which might be entirely unknown to the parties or their counsel."

While some of the cases hold that ordinances must be set on in haec verba, we think the general rule to be that it is sufficient to set forth their provisions in substance. (Railroad Co. *v.* Ashline, admx., 171 Ill., 313; Kip *v.* Paterson, 26 N. J. L., 142; Decker *v.* McSorley, 11 Wis., 91; Wagner *v.* Garrett, 118 Ind., 114; Lexington *v.* Woolfolk, 117 Ky., 708.) They must be carefully identified, however, that they may be found without difficulty.

We will next review the history of the office of auditor and the rules and regulations governing the same, as given in the amended declaration. The act of July 7, 1870 (16 Stat., 191), authorized the mayor and aldermen of the city of Washington to appoint an auditor and comptroller, and made it the duty of the auditor to audit and certify to the comptroller all accounts against the corporation and to retain the originals of all contracts made and orders given for work and improvement by the District. It was the duty of the comptroller to keep an account of all warrants, of all taxes levied, and all receipts for taxes given by the collector and register. The act further provided that every account against the corporation of Washington, when audited and certified by the auditor, should be paid by warrant of the comptroller, countersigned by the mayor. The act provided, however, that all moneys received from any and all sources should be deposited by the collector and register to the credit of the city in a designated depository.

Under the act of February 21, 1871 (16 Stat., 419), the District of Columbia was created a body corporate for municipal purposes, and the power of election and appointment of municipal officers was lodged in its legislature, the act repealing the charter of the city of Washington and abolishing all offices of that corporation after June 7, 1871. The act of the legislative assembly of August 23, 1871 (Abert's Compilation, p. 210), made it the duty of the auditor to audit all accounts against the District, to keep a record of all bills certified by him and the appropriations to which they are chargeable, to certify to the comptroller all accounts audited by him, and to countersign all warrants drawn by the comptroller, if found correct. The comptroller was to keep an account of all appropriations made by the legislative assembly and of all evidences of indebtedness issued by the District, to keep a transcript of all assessments of taxes, to charge to the respective appropriations all payments made upon certificate of the auditor, and to draw warrants upon the treasurer therefor if there was a balance to the credit of the particular appropriation.

The act of June 20, 1870 (18 Stat., 116), abolished the existing form of government and established the present system. This act authorized the commissioners to abolish and consolidate offices and make appropriations thereto. The declaration alleges that the board of commissioners consolidated the office of auditor and comptroller and deputy comptroller by order of August 11, 1876, and by order of August 19, 1876, modified that order so as to continue the office of auditor and comptroller and appointed one person to perform the duties of both offices. Under said order of August 11, which is set out in the declaration, it is provided "that the clerk in the auditor's office who shall be charged with the business of special assessments shall give a bond to the District of Columbia" for the faithful performance of his duties. Said order of August 19 provided that "the clerk in the auditor's office who shall be charged with the business of collecting and accounting for special assessments shall give a bond to the District of Columbia" for the faithful performance of his duties.

The act of June 11, 1878 (20 Stat., 102), continued the existing form of government by commissioners and provided that all taxes should be paid into the Treasury of the United States and that the same, as well as appropriations to be made by Congress, should be disbursed for the expenses of the District on itemized vouchers audited and approved by the auditor of the District and certified by the commissioners or a majority of them.

The act of Congress of March 3, 1881 (21 Stat., 466), provided that accounts of all disbursements of the commissioners of the District should be made to the accounting officers of the Treasury by the auditor on vouchers certified by the commissioners as required by law. The same provision is also contained in section 3 of the act of Congress of July 1, 1882. (22 Stat., 144.) These enactments were followed by an order of the commissioners dated December 8, 1882, abolishing the office of comptroller and imposing his duties upon the auditor.

Such was the situation when the bond was given. The declaration then sets out that on June 13, 1888, the commissioners passed an order containing seven sections. An inspection of the order, which is made a part of the declaration, shows that under section 1 the collector of taxes was required, upon receiving a deposit for permit work, etc., to give receipts therefor in duplicate, delivering the original to the depositor and transmitting the duplicate to the auditor. This section forbids the collector to pay out moneys thus received except upon requisition of the auditor, approved by the commissioners. Section 2 of the order required the superintendents of streets and sewers, respectively, to prepare in duplicate pay rolls or other vouchers for services rendered or materials furnished, payable from the permit fund, which, after approval by the commissioners, were to be "forwarded to the auditor for audit and payment." This section, however, was followed by section 3, requiring the auditor, after receiving a pay roll or other voucher prepared in accordance with section 2, to examine and approve the same if found correct, and make requisition upon the collector of taxes for the amount thereof as provided in section 1, and by section 4 specifying the manner in which these moneys should be paid, and by whom. That section required "the pay clerk of the auditor's office" to take the rolls thus prepared, with the money necessary to meet the same, to the place where the work was being done and to pay in cash to each claimant the amount his due. This pay clerk was required to give a bond for the faithful performance of the duties required of him. Section 5 required the auditor to open an account with the collector of taxes, debiting him with all deposits on account of permit work and license funds and subsequent deposits, crediting the requisitions honored by the collector. Section 6 required the auditor to debit himself with moneys received from the collector of taxes, upon requisitions made as provided in section 1, and to credit himself with payments upon vouchers duly certified and approved as in sections 2 and 7. The seventh and last section, which, however, is not here involved, required the auditor, after the completion of the work for which the deposit had been made, to state an account with the depositor and make requisition for any balance or deposit, the receipt of the depositor being the auditor's voucher for such payment.

What constituted "permit work," the deposits on account of which made up the "permit fund," is gathered from the statement in the declaration that in the course of administration "the commissioners found it expedient that all work done by the District of Columbia as the result of cuts made in streets, avenues, roads, and alleys in said District, be paid from the fund known as the 'deposit and assessment fund,' which was whole-cost work," done at the solicitation of individual citizens for their benefit and at their expense.

The act of Congress of March 3, 1891 (26 Stat., 1064), provided "for one disbursing clerk," and authorized him to pay laborers and employees of the District, such payments to be made "with moneys advanced to him by the commissioners in their discretion, upon pay rolls or other vouchers audited and approved by the auditor of the District of Columbia and certified by the commissioners as now re-

quired by law." This disbursing clerk was required to give bond to the satisfaction of the commissioners in the sum of $25,000, and it was expressly provided that he should be subordinate to the commissioners and that they should "in every respect be responsible to the United States, the District of Columbia, and to individuals for the acts and doings of said disbursing clerk." The accounts of this disbursing clerk were to be audited by the auditor of the District, who, however, was required to forward such accounts to the commissioners for their approval. This disbursing clerk, it is alleged in the declaration, was the officer designated in said order of June 13, 1888, as "pay clerk."

The act of August 7, 1894 (28 Stat., 247), provided for so-called "half-cost" work by requiring property owners desiring improvements under the permit system to deposit in advance with the collector an amount equal to one-half of the cost of such improvements. Moneys thus received by the collector were to be deposited by him in the Treasury of the United States to the credit of the permit fund. Upon the completion of the work the commissioners were required to repay the current appropriation for assessment and permit work out of such permit fund one-half the cost of such work and return to the depositors from the same fund any surplus remaining over and above one-half of the cost of the work. It will be noticed that this statute was not enacted until several years after the promulgation of said order of June 13, 1888, and was authority for half-cost and not whole-cost work.

The declaration alleges that on the 6th of February, 1897, the commissioners passed an order providing that for convenience in keeping the account "in case of repairs made by the District of cuts in pavements and other work done by the District, which were paid for from private deposits, a general account be opened styled 'Deposit and Assessment Fund,' and that all material and labor for such works to be charged against said account and to be paid by assessments against the deposits made for such purposes."

The act of June 30, 1898 (30 Stat., 525), provided for the appointment by the Commissioners of the District of a disbursing officer for the District, who was required to give bond in the sum of $50,000. This act expressly provided that thereafter advances in money should be made "on the requisition of said commissioners to the said disbursing officer instead of to the commissioners," and required him to account for the same as then "required by law of the said commissioners."

The only other act necessary to be noticed is the act of July 1, 1902 (32 Stat., 592), requiring the auditor of the District to continue to prepare and countersign all checks issued by the disbursing officer, no check of such officer involving the disbursement of public moneys to be valid unless so countersigned.

It is of course axiomatic that while duties akin to those expressly imposed upon a bonded officer may be subsequently devolved upon him so as to charge his sureties, duties of a wholly different character may not, the reason being that one class of duties may reasonably be presumed to have entered into the contemplation of the parties at the time of the execution of the bond, while the other class may not. (Gasson *v.* United States, 97 U. S., 584; 2 Brandt S. & G., sec. 660.) The question before us in this case, however, is not so much whether there has been a breach of any after-imposed duties on the part of the auditor as whether, upon this record, it can be said that responsibility for the custody of the moneys mentioned in the declaration in any way devolved upon him.

It is so apparent, we think, as to render discussion unnecessary that down to the promulgation of said order of June 13, 1888, there was no law, rule, or regulation making the auditor of the District custodian or accountable for public moneys. It is insisted by the appellees that the whole-cost work, to which the "permit-work" deposit mentioned in this order was devoted, was entirely unauthorized by law, and hence that the order is not material here. We can find no statute authorizing the District to receive or expend such permit-work deposits. On the contrary, the commissioners were prohibited for contracting for improvement of streets, etc., except in pursuance of appropriations made by law." (Abert's Compilation, chap. 19, secs. 29, 31, pp. 201–202.) The order, therefore, has no place in this inquiry as the moneys received from citizens for street improvement were not public moneys in any legal sense. The transaction was between the individuals holding the office of commissioner and the citizens who advanced the money.

The act of 1891, making appropriation "for one disbursing clerk," provided that payments to laborers and employees should be made by such clerk with moneys advanced to him not by the auditor, but by the commissioners. This disbursing clerk was also, under the act, required to give bond to the United States, and was made subordinate not to the auditor but to the commissioners. His derelictions the act expressly charged not to the auditor but to the commissioners. The auditor was required to audit the accounts of this disbursing clerk, but again the act placed responsibility upon the commissioners by requiring the auditor promptly to forward such accounts to them for approval. From 1891 to the act of June 30, 1898, it is conceded there was no change in the method of disbursement. That act, as noted, created a disbursing officer for the District, required him to be appointed by the commissioners, and required him to give bond for the faithful performance of his duties "in the disbursing and accounting, according to law, for all moneys of the United States and of the District of Columbia that may come into his hands." The proviso following that advances in money should be made to the disbursing officer "instead of to the commissioners," and that he should account for such moneys "as now required by law of said commissioners," negatives the contention that it was then understood that advances had previously been made to the auditor and is in affirmation of the proposition that such advances had previously been made to the commissioners.

The declaration specifically assigns, as the breach for which recovery is sought, the failure on the part of the auditor to account for certain checks alleged to represent moneys. The exact nature of these various transactions is set out in the declaration. There was no law making it the duty of the auditor to have the custody of or to disburse any of these moneys, nor does the declaration, as we have found, set out any prescribed rule, order, or regulation imposing said duties, or either of them, upon the auditor. It follows, therefore, that the demurrer was rightly sustained.

The refusal of the court to permit still further amendment of the declaration is assigned as error. While it is difficult to perceive how the defect in the declaration could be overcome by amendment, we are certainly not prepared to hold that there was an abuse of discretion by the trial court in overruling the motion. Almost eight years had intervened since the filing of the original declaration. An oral motion for leave to file a third amendment was made, unaccompanied—so far as the record discloses—by any showing of cause or by any suggestion as to the character of the proposed amendment. In the circumstances, the court was entirely justified in overruling the motion.

Judgment affirmed with costs.

Affirmed.

(Indorsed:) No. 2215. District of Columbia, a municipal corporation, appellant, *v.* James T. Petty et al. Opinion of the court per Mr. Justice Robb. Court of Appeals, District of Columbia. Filed May 1, 1911. Henry W. Hodges, clerk.

MONDAY, *May 1, A. D. 1911.*

District of Columbia, a municipal corporation, appellant, *v.* James T. Petty, Charles W. Church, William A. H. Church, et al. No. 2215. April term, 1911.

APPEAL FROM THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia and was argued by counsel. On consideration whereof it is now here ordered and adjudged by this court that the judgment of the said supreme court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. JUSTICE ROBB,
May 1, 1911.

IN THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

District of Columbia, a municipal corporation, appellant, *v.* James T. Petty, Charles W. Church, William A. H. Church, Mary A. Church, and Joseph J. Darlington, executors of Charles B. Church, Jesse B. Wilson, and George T. Dearing, appellees. No. 2215.

PETITION FOR WRIT OF ERROR.

And now comes the District of Columbia, a municipal corporation, plaintiff herein, and says:

That on or about the 1st day of May, 1911, the Court of Appeals of the District of Columbia entered a judgment herein in favor of the above-named defendants against the plaintiff, in which judgment and the proceedings had prior thereto in this case certain errors were committed to the prejudice of this plaintiff, all of which will more in detail appear from the assignment of errors which is filed with this petition.

Wherefore this plaintiff prays that a writ of error may issue in this behalf out of the Supreme Court of the United States for the correction of errors so complained of, and that a transcript of the record, proceedings, and papers in this cause, duly authenticated, may be sent to the Supreme Court of the United States.

EDWARD H. THOMAS,
Corporation Counsel, Attorney for Plaintiff.

IN THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

District of Columbia, a municipal corporation, appellant, *v.* James T. Petty, Charles W. Church, William A. H. Church, Mary A. Church, and Joseph J. Darlington, executors of Charles B. Church, Jesse B. Wilson, and George T. Dearing, appellees. No. 2215.

ASSIGNMENT OF ERRORS.

The plaintiff, the District of Columbia, a municipal corporation, in connection with and as part of its partition for writ of error filed herein, makes the following assignment of errors, which it avers were committed by the court in the rendition of the judgment against this plaintiff appearing of record herein, that is to say:

First. The court erred in holding and deciding that the original declaration of the plaintiff and as amended did not state facts sufficient to constitute a cause of action against the defendants.

Second. The court erred in holding and deciding that there is no law nor any rule or regulation pleaded under which the defendant, Petty, and his sureties were chargeable with the custody of, or otherwise accountable for, any of the moneys in said original declaration and the amendments thereto mentioned.

Third. The court erred in holding and deciding that the action was founded on failure to observe the rules and regulations from time to time prescribed for the government of the civil service of the District of Columbia and that it was necessary to plead such rules and regulations, and in failing to hold that said Petty was liable for not accounting for all moneys that came into his possession or that the purpose of the bond was to hold him for all public moneys received by him.

Fourth. The court erred in holding and deciding that the condition of the bond in suit did not cover breaches under laws and regulations enacted and in force subsequent to the execution of the bond.

Fifth, the court erred in holding and deciding that the moneys which came into the hands of said Petty could not be disbursed except by congressional appropriation.

Sixth, the court erred in not holding and deciding that the bond in suit was good although not a statutory bond and that the principal and sureties were estopped to deny its validity.

Seventh, the court erred in sustaining the demurrers of the defendants to the original declaration and the amendments thereto and in rendering judgment for the defendants.

Wherefore the plaintiff prays that the said judgment may be reversed.

DISTRICT OF COLUMBIA,
By EDWARD H. THOMAS,
Corporation Counsel.

(Indorsed:) At law, No. 2215. District of Columbia, a municipal corporation, appellant, *v.* James T. Petty, Charles W. Church, William A. H. Church, Mary A. Church, and Joseph J. Darlington, executors of Charles B. Church, Jesse B. Wilson, and George T. Dearing, appellees. Petition for writ of error and assignment of errors. Court of appeals, District of Columbia. Filed May 12, 1911. Henry W. Hodges, clerk.

FRIDAY, MAY 12, A. D. 1911.

District of Columbia, a municipal corporation, appellant, *v.* James T. Petty, Charles W. Church, William A. H. Church, et al. No. 2215.

On motion of Mr. William H. White, of counsel for the appellant, it is ordered by the court that a writ of error to remove this cause to the Supreme Court of the United States issue.

UNITED STATES OF AMERICA, *ss:*

The President of the United States to the honorable the justices of the Court of Appeals of the District of Columbia, greeting:

Because in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said court of appeals before you, or some of you, between District of Columbia, a municipal corporation, appellant, and James T. Petty, Charles W. Church, William A. H. Church, et al., appellees, a manifest error hath happened, to the great damage of the said appellant as by its complaint appears. We being willing that error, if any hath been, should be duly corrected, and

full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same in the said Supreme Court at Washington within 30 days from the date thereof, that the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein to correct that error, what of right, and according to the laws and customs of the United States should be done.

Witness the Hon. Edward D. White, Chief Justice of the United States, the 12th day of May, in the year of our Lord 1911.

[SEAL COURT OF APPEALS, DISTRICT OF COLUMBIA.]

HENRY W. HODGES,
Clerk of the Court of Appeals of the District of Columbia.

UNITED STATES OF AMERICA, *ss:*

To James T. Petty; Charles W. Church, William A. H. Church, Mary A. Church, and Joseph J. Darlington, executors of Charles B. Church; Jesse B. Wilson, and George T. Dearing, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, at Washington, within 30 days from the date hereof, pursuant to a writ of error, filed in the clerk's office of the Court of Appeals of the District of Columbia, wherein District of Columbia, a municipal corporation, is plaintiff in error, and you are defendants in error, to show cause, if any there be, why the judgment rendered against the said plaintiff in error as in the said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the Hon. Seth Shepard, chief justice of the Court of Appeals of the District of Columbia, this 12th day of May, in the year of our Lord 1911.

SETH SHEPARD,
Chief Justice of the Court of Appeals of the District of Columbia.

Service acknowledged May —, 1911.

J. J. DARLINGTON.
Of Counsel for Appellees Other than Petty & Wilson.
W. C. SULLIVAN,
Counsel for Appellee Petty.
J. H. RALSTON.
Attorney for Defendant Jesse B. Wilson.

[Indorsed:] Court of Appeals, District of Columbia. Filed May 12, 1911. Henry W. Hodges, clerk.

COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

I, Henry W. Hodges, clerk of the Court of Appeals of the District of Columbia, do hereby certify that the foregoing printed and typewritten pages numbered from 1 to 53, inclusive, contain a true copy of the transcript of record and proceedings of said court of appeals in the case of the District of Columbia, a municipal corporation, appellant, *v.* James T. Petty, Charles W. Church, William A. H. Church, et al., No. 2215, April term, 1911, as the same remain upon the files and records of said court of appeals.

In testimony whereof I hereunto subscribe my name and affix the seal of said court of appeals, at the city of Washington, this 16th day of May, A. D. 1911.

[SEAL COURT OF APPEALS, DISTRICT OF COLUMBIA.]

HENRY W. HODGES,
Clerk of the Court of Appeals of the District of Columbia.

Indorsed on cover: File No. 22,723. District of Columbia Court of Appeals. Term No. 647. The District of Columbia, plaintiff in error, *v.* James T. Petty; Charles W. Church et al., executors of Charles B. Church, deceased; Jesse B. Wilson and George T. Dearing. Filed June 7, 1911. File No. 22,723.

Mr. LEWIS. I do not think the point of order on my amendment was sustained. I think it is too late. He reserved the point of order and did not make it.

The CHAIRMAN. The gentleman from Kentucky [Mr. JOHNSON] reserved a point of order. The gentleman from Maryland was heard on it, and the gentleman from Kentucky rose and renewed the point of order, and the Chair sustained it.

Mr. LINTHICUM. Mr. Chairman, I wish to offer an amendment. After line 9, page 7, I wish to offer the amendment down to and including the figures "$47,000."

The CHAIRMAN. The Clerk will report the amendment.

Mr. JOHNSON of Kentucky. Where is "$47,000"?

Mr. LINTHICUM. In the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 7, at the end of line 9, insert the following:

"For the erection of shelters on the open space at the intersection of Ohio and Louisiana Avenues with Tenth and Twelfth Streets, bounded by Tenth and Twelfth and B and Little B Streets NW., known and designated as the farmers' produce market, and the necessary paving in connection therewith, $47,000."

Mr. JOHNSON of Kentucky. Mr. Chairman, I reserve the point of order on the item for the reason that it increases an expenditure besides being legislation. An amendment is in order to reduce an appropriation, but an amendment is not in order to enlarge one. It is also new legislation.

Mr. LINTHICUM. Mr. Chairman, I understand that to be the case. If the amendment is germane to the bill, I do not see why we have not the right to amend and increase the appropriation. This is not to increase any specific appropriation. It is making an entirely separate appropriation for the protection of the farmers who bring their produce to that market. It seems to me from what the gentleman from Maryland, my colleague [Mr. LEWIS], has said that that protection should certainly be given to these farmers. If we want the farmers to bring their produce and sell it directly to the consumer, certainly every convenience ought to be offered for that provision, just as we are giving protection to those people who are selling in the inclosed markets. I do not see that the gentleman's point of order is well taken there.

Mr. JOHNSON of Kentucky. I make the point of order.

The CHAIRMAN. However meritorious the gentleman's amendment might be, that is not for the Chair to pass upon. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Fish wharf and market: Market master and wharfinger, who shall have charge of the landing of vessels, the collection of wharfage and dockage rentals, and the collection of rents for fish houses at the municipal fish wharf and market hereinafter established, for not exceeding 16 months at the rate of $75 per month, beginning March 1, 1913, $1,200; assistant market master, who shall also act as laborer, for the same period, at the rate of $50 per month, not exceeding $800; in all $2,000, to be immediately available; and the Commissioners of the District of Columbia are authorized and directed in the name of the District of Columbia to take over, exclusively control, regulate, and operate as a municipal fish wharf and market, the water frontage on the Potomac River lying south of Water Street, between Eleventh and Twelfth Streets, including the buildings and wharves thereon, and said wharf shall constitute the sole wharf for the landing of fish and oysters for sale in the District of Columbia; and said commissioners shall have power to make leases, fix and determine rentals, wharfage and dockage fees, and to collect and pay the same into the Treasury, one-half to the credit of the United States and one-half to the credit of the District of Columbia, and to make and amend, from time to time, all such regulations as they may deem proper for the control, regulation, and operation of said municipal fish wharf and market; and all leases, subleases, and other private rights of occupancy in and to any or all of said property are terminated on, from, and after March 15, 1913; and all laws and parts of laws requiring the advertisement and sale of rights and privileges for a fish wharf or dock, and all laws or parts of laws inconsistent with the provisions hereof are repealed.

Mr. JOHNSON of Kentucky. I make a point of order against the paragraph because it is legislation.

Mr. BURLESON. Mr. Chairman, will the gentleman withhold for a moment?

Mr. JOHNSON of Kentucky. I will reserve the point of order.

Mr. BURLESON. I want to ask the gentleman whether he will permit the House to pass upon the proposition if I can satisfy him that this is meritorious?

Mr. JOHNSON of Kentucky. Mr. Chairman, there is one feature in it that I wish to speak of. It is admitted that for the purpose of landing oyster boats and vessels down there about $7,000 a year is collected. That $7,000 a year goes on the price of oysters and fish in the city of Washington, and I very much doubt the propriety of it.

Mr. BURLESON. Does the gentleman understand that this fish wharf is now under the control of a private contractor, and that his contract will expire on the 15th day of March of this year, and that the District derives a revenue at this time of only about $1,200 a year, with the addition of $210, and that under the new scheme the District would derive a revenue of six or seven thousand dollars which now goes to the private contractor? The same burden may hereafter rest upon the consumer, it is true, after the authorities have taken it over, but instead of the revenue now being derived going into the pockets of a private individual we have a new plan whereby it would go into the treasury of the District government. In addition thereto, a very insanitary condition exists at the fish-market wharf at this time, and we hope to correct it by the municipal authorities taking control.

I will say to the gentleman that if he will look into the proposition—if he will reserve his point of order and look into the proposition—and does not then say that it is meritorious, I shall not contend with him about the matter. But I would like, if the gentleman will permit it, for the members of the subcommittee to explain the matter to the House just as it is, and let the House pass on it as to whether or not it shall continue in the bill.

Mr. JOHNSON of Kentucky. Mr. Chairman, I have already looked into the subject.

Mr. BURLESON. It is subject to a point of order, I admit.

Mr. JOHNSON of Kentucky. They are contemplating the erection of very costly buildings down there. This lease will expire in a few months, and the property will become public, and no private individual will derive any rents from it. But the District Commissioners contemplate the erection of costly buildings there, and the hiring of a number of men to take charge of them, and will impose a tax of several thousand dollars a year on the people of Washington for their fish and oysters.

Mr. BURLESON. If the gentleman will permit, the gentleman is wholly mistaken about it. There is no contemplation on the part of the commissioners to erect any character of buildings there at all.

Mr. JOHNSON of Kentucky. Then I misread what is in the Book of Estimates, as sent here by the Secretary of the Treas-

ury upon the recommendation of the Commissioners of the District, and there is also much in the hearings relative to it.

Mr. BURLESON. I will state to the gentleman that during the hearings, as I recall, nothing was said about the erection of costly buildings, or buildings of any character whatever.

Mr. JOHNSON of Kentucky. It is all there.

Mr. BURLESON. The only difference between the future conditions and the conditions that exist there now will be that, instead of being controlled by a private contractor, it will be controlled by the municipality.

Mr. JOHNSON of Kentucky. May I ask the gentleman a question right there?

Mr. BURLESON. Yes.

Mr. JOHNSON of Kentucky. Does the gentleman contend that the private contractor will have anything to do with this property after the lease expires?

Mr. BURLESON. He will not.

Mr. JOHNSON of Kentucky. Then that settles it.

Mr. BURLESON. He will not; but we will be compelled to re-advertise and permit another contractor to operate this fish wharf, because the service must be rendered to the people of the District.

Mr. JOHNSON of Kentucky. Then do not let them have it for $1,200 when it is worth $6,000 or $7,000.

Mr. BURLESON. I will state to the gentleman that the District Commissioners, under the operation of the law, will be compelled, unless we can embody this item in the bill, to re-lease this fish wharf.

Mr. JOHNSON of Kentucky. I am not sure that the gentleman is correct in that. I think it requires an act of Congress to again lease it.

The CHAIRMAN. The point of order made by the gentleman from Kentucky [Mr. JOHNSON] is sustained. The Clerk will read.

The Clerk read as follows:

Engineer Commissioner's office: Engineer of highways, $3,000; engineer of bridges, $2,250; superintendent of streets, $2,000; superintendent of suburban roads, $2,300; superintendent of sewers, $3,300; inspector of asphalts and cements, $2,400 (*Provided*, That the inspector of asphalts and cements shall not receive or accept compensation of any kind from, or perform any work or render any services of a character required of him officially by the District of Columbia to, any person, firm, corporation, or municipality other than the District of Columbia); assistant inspector of asphalts and cements, $1,500; superintendent of trees and parkings, $2,000; assistant superintendent of trees and parkings, $1,200; assistant engineers—1 $2,200, 1 $2,100, 4 at $1,800 each, 2 at $1,600 each, 4 at $1,500 each, 1 $1,350, 1 $1,200; transitmen—2 at $1,200 each, 1 $1,050; rodmen—4 at $900 each, 8 at $780 each, 12 chainmen at $650 each; draftsmen—1 $1,500, 1 $1,350, 2 at $1,200 each, 1 $1,050; general inspector of sewers, $1,300; inspector of sewers, $1,200; bridge inspector, $1,200; inspectors—2 at $1,500 each, 6, including 3 inspectors of streets, at $1,200 each, 1 $1,000, 1 $900; foremen—12 at $1,200 each, 1 $1,050, 10 at $900 each; foreman, Rock Creek Park, $1,200; 3 subforemen, at $1,050 each; bridge keepers—1 $650, 3 at $600 each; chief clerk, $2,250; permit clerk, $1,500; assistant permit clerk, $1,000; index clerk and typewriter, $900; clerks—1 $1,800, 3 at $1,500 each, 2 at $1,400 each, 5 at $1,200 each, 2 at $1,000 each, 1 $900, 1 $840, 2 at $750 each, 1 $600; messengers—1 $600, 6 at $540 each; skilled laborers—1 $625, 2 at $600 each; janitor, $720; principal steam engineer, $1,800; 3 steam engineers, at 1,200 each; 3 assistant steam engineers, at $1,050 each; 6 oilers, at $600 each; 6 firemen, at $875 each; inspector, $1,400; storekeeper, $900; superintendent of stables, $1,500; blacksmith, $975; 2 watchmen, at $630 each; 2 drivers, at $630 each; inspector of gas and meters, $2,000; assistant inspectors of gas and meters—1 $1,000, 2 at $900 each; messenger, $600; in all, $180,710.

Mr. FOWLER. Mr. Chairman, I make a point of order against that part of this paragraph in line 7, page 9, superintendent of suburban roads, $2,300. This salary is increased from $2,000 to $2,300.

Mr. BURLESON. That is true. Does the gentleman desire to know the reason why?

Mr. FOWLER. I will reserve the point of order, if the gentleman desires to have me do so.

Mr. BURLESON. I do not desire to consume the time of the Committee of the Whole if the gentleman is going to make the point of order anyway.

Mr. FOWLER. I am going to make the point of order. I have looked into the matter.

Mr. BURLESON. If, in spite of any explanation I might make, the gentleman is going to make the point of order, I have nothing to say.

The CHAIRMAN. The point of order is sustained.

Mr. BURLESON. In line 7, page 9, after the word "roads," where the blank has been created by the words stricken out under the point of order, I move to insert the figures "$2,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 7, after the word "roads," at the end of the line, insert "$2,000."

The amendment was agreed to.

The Clerk read as follows:

Municipal architect's office: Municipal architect, $3,600; superintendent of construction, $2,000; chief draftsman, $1,700; draftsmen—1 $1,400, 1 $1,300; heating, ventilating, and sanitary engineer, $2,000; superintendent of repairs, $1,800; assistant superintendent of repairs, $1,200; boss carpenter, boss tinner, boss painter, boss plumber, boss steam fitter, 5 in all, at $1,200 each; boss grader, $1,000; machinist, $1,200; clerks—1 $1,050, 1 $620; copyist, $840; driver, $540; in all, $26,250.

Mr. FOWLER. I move to strike out the last word.

Mr. JOHNSON of Kentucky. I make a point of order against that paragraph.

The CHAIRMAN. The gentleman from Kentucky makes the point of order against the paragraph.

Mr. JOHNSON of Kentucky. There is legislation in it, increasing a salary from $1,600 to $1,800, on page 10, line 24.

The CHAIRMAN. Does the gentleman from Texas [Mr. BURLESON] desire to be heard?

Mr. BURLESON. No.

The CHAIRMAN. The point of order is sustained.

Mr. BURLESON. I offer an amendment. After the word "repairs," in line 24, insert the words "$1,600" in the blank caused by sustaining the point of order.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk reads as follows:

Page 10, line 24, after the word "repairs," insert "$1,600."

The amendment was agreed to.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move to strike out the last word. In the former bill this language appears:

Municipal architect's office: Municipal architect, whose duty hereafter shall be to prepare or supervise the preparation of plans for and superintend the construction of all municipal buildings, and the repair and improvement of all buildings belonging to the District of Columbia, and serve under the direction of the Engineer Commissioner of the District of Columbia, $3,600.

I would ask the gentleman from Texas [Mr. BURLESON] who has charge of this bill whether or not, in his opinion, the leaving out of those words will lessen the duties of the municipal architect?

Mr. BURLESON. It will not.

Mr. JOHNSON of Kentucky. I am rather inclined to that belief. In fact, I feel reasonably certain of it, because of the use of the word "hereafter" in the former appropriation. But while we are upon this subject I desire to state that while the law is that the municipal architect shall prepare all the plans and specifications, notwithstanding that fact the Commissioners of the District of Columbia paid out for architect's fees—

On the Strong John Thomson School, No. 156	$3,493.00
On the Business High School, No. 144	2,425.50
On the Charles F. Powell School, No. 157	1,946.00
On the Monroe School, No. 72	1,296.47
On Sixteenth Street Bridge	82.00
To replace Potomac School, No. 159	2,000.00
On John Eaton School, No. 160	2,000.00
On the McKinley Manual Training School, No. 130	4,950.00
On Engine Company No. 2	1,200.00
On Chemical Engine Company No. 2	770.00
On Manual Training School, Wisconsin Avenue, No. 164	1,023.23
On Armstrong Manual Training School, No. 129	1,902.39
On the Cardozo Manual Training School, No. 168	1,113.32
On Engine Company No. 24	770.35
On Normal School No. 2, No. 169	7,000.00
On the Q Street Bridge	3,000.00
On the building of Columbia Hospital for Women	1,762.59
On the Takoma Park Library	1,224.00
On Engine Company No. 23	995.50
On Convenience Station No. 3	599.62
On plans for the Reformatory and Workhouse	5,000.00
On plans for a new Central High School	22,500.00

Notwithstanding there is this law staring the commissioners in the face they have paid out that large sum of money for architects' service.

The CHAIRMAN (Mr. GARRETT). The time of the gentleman has expired.

Mr. JOHNSON of Kentucky. I ask for five minutes more.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. MANN. When were these amounts that the gentleman has just stated paid out?

Mr. JOHNSON of Kentucky. During the present term of the municipal architect.

Mr. MANN. I think this provision as permanent law has not been in very long.

Mr. JOHNSON of Kentucky. I do not know how long, but I asked the commissioners to furnish me with the amounts that the architect's office had paid out during this time, and this is what I have just read.

Mr. MANN. The provision went in as permanent law last summer. I would like to ask the gentleman whether this provision was carried in the bill before; I know there was some contest about it in the House. Were these amounts paid out before it became permanent law?

Mr. JOHNSON of Kentucky. No; they were not; I am quite sure.

Mr. MANN. It was not made permanent law until last summer.

Mr. JOHNSON of Kentucky. I think not, because I hold in my hand a letter dated August 9, 1909, addressed to the Commissioners of the District, signed by Mr. Tweedale, as auditor of the District of Columbia, overruling the items, which the commissioners afterwards paid. I wish to make that letter a part of my remarks.

In that letter the auditor plainly told the commissioners that these fees were being illegally paid, and refused to let them pass through his office. They took an appeal from his decision, and Mr. R. J. Tracewell, Comptroller of the Treasury, overruled the auditor of the District of Columbia and permitted them to pay.

Mr. COX. What is the date of that decision?

Mr. JOHNSON of Kentucky. The date of the decision is August 18, 1909. When the comptroller overruled the auditor of the District of Columbia he was compelled, in order to do so, not to mention in his ruling the very point upon which the auditor has based his decision. In order that this matter may go into the RECORD, I wish to embody Mr. Tracewell's ruling as a part of my remarks. The law is that the municipal architect shall do the work himself, and, notwithstanding that law, these enormous fees have been paid outside.

Mr. BURLESON. Mr. Chairman, I want to ask the gentleman if these buildings were not contracted for before the law became effective imposing the duty on the municipal architect?

Mr. JOHNSON of Kentucky. I have not gone into that matter closely, but there is a letter from the auditor to the District Commissioners saying that it was against the law for him to pay these amounts, and he declined to pay them.

The CHAIRMAN. The pro forma amendment will be withdrawn.

The following are the papers referred to by Mr. JOHNSON of Kentucky:

OFFICE OF THE AUDITOR OF THE DISTRICT OF COLUMBIA,
Washington, August 9, 1909.

The honorable the COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

GENTLEMEN: Under date of August 4, 1909, the commissioners issued the following order:

"That contract be entered into between the District of Columbia and the following-named persons, to assist the municipal architect in the preparation of plans and specifications for the school buildings and other buildings hereinafter mentioned, at the compensation and within the time limitation stated in each case respectively, upon the following conditions, namely:

"First. That the plans and specifications shall be prepared and delivered to the municipal architect within the time limited in each case, respectively.

"Second. That the plans and specifications so prepared shall be approved by the Commissioners of the District of Columbia.

"Third. That in the event a bona fide proposal can not be obtained by said commissioners to construct a building upon the plans and specifications so prepared, within the amount of money available for each building, respectively, the person or persons who prepared same shall so modify said plans and specifications, without further compensation, as to enable a proposal to be obtained within the amount of money available for each building, respectively.

"Fourth. That the above conditions shall be accepted in writing by the persons named before this contract shall be in effect.

"With Paul J. Pelz for plans and specifications for the eight-room school building to take the place of the old Potomac School building, at a compensation of $2,000 for plans, specifications, and necessary details; to be completed within three months from the date of this order.

"With Appleton P. Clark, jr., plans and specifications for the eight-room school building at Cleveland Park, at a compensation of $2,000 for plans, specifications, and necessary details; to be completed within three months from the date of this order.

"With Thomas W. Power for plans and specifications for the public-convenience station at Ninth and F Streets NW., at a compensation of $700 for the plans, specifications, and necessary details; to be completed within two months from the date of this order.

"With L. E. Dessez for plans and specifications for the engine house to take the place of No. 2, at a compensation of $1,200 for plans, specifications, and necessary details; to be completed within three months from date of this order.

"With Averill, Hall & Adams for plans and specifications for the engine house near Minnesota and Pennsylvania Avenues, at a compensation of $770 for plans, specifications, and necessary details; to be completed within three months from the date of this order.

"With H. J. Rush Marshall for plans and specifications for annex or extension of McKinley Manual Training School, at a compensation of $3,150 for plans, specifications, and necessary details; to be completed in time to begin construction next spring, not later than April 1, 1910."

This order is based on the recommendation of the municipal architect dated July 27, 1909. The municipal architect states that there are 16 buildings provided for in the 1910 District appropriation act—11 new buildings and 5 additions or enlargements. The municipal architect further states giving the work to outside architects would be the most expeditious method of securing the completion of the plans and specifications for the reason that, if all the plans had to be made in the office of the municipal architect, it would take about 32 months with the present force of 4 draftsmen, and it would require 22 draftsmen to complete the plans for the 16 buildings in 6 months. He further states that it would not be advisable for the District to employ 22 men for a period of 6 months and discharge them after their work had been completed, as by this method the District would not be able to secure the services of good experienced draftsmen without paying very high rates, and with the strong probability that the employment of that number of draftsmen in the office of the municipal architect would impose such a drain on the employment of per diem services authorized by section 2 of the District appropriation act as to seriously jeopardize the administrative work of the several branches of the engineer department, which secures the employment of per diem services under the said section.

The office of municipal architect was created by the 1910 District appropriation act in the following language:

"* * * Municipal architect, whose duty it shall be to prepare and supervise plans for, and superintend the construction of all municipal buildings, and the repair and improvement of all buildings belonging to the District of Columbia under the direction of the Engineer Commissioner of the District of Columbia, $3,600; and all laws or parts of laws placing such duties upon the inspector of buildings of the District of Columbia are hereby repealed." (35 Stat., 692.)

Further reference is made to the municipal architect in the 1910 District appropriation act under the head of public schools:

"That the plans and specifications for all buildings provided for in this act shall be prepared under the supervision of the municipal architect and shall be approved by the Commissioners of the District of Columbia, and shall be constructed in conformity therewith." (35 Stat., 709.)

Prior to the creation of the office of municipal architect the law provided as follows:

"That the plans and specifications for school buildings shall be prepared under the supervision of the inspector of buildings of the District of Columbia and shall be approved by the Commissioners of the District, and shall be constructed by the commissioners in conformity therewith; and the plans and specifications for all other buildings provided for in this act shall be prepared under the supervision of the inspector of buildings of the District of Columbia, and shall be approved by the Superintendent of the Capitol Building and the Commissioners of the District and shall be constructed in conformity therewith." (35 Stat., 295.)

It will be observed that this provision of law did not specifically impose on the inspector of buildings, as is the case with the municipal architect, the duty of preparing plans for District buildings. Congress undoubtedly recognized that to add this very important feature of municipal administration to an office already charged by law with very large and important responsibilities would not produce the best results and would hinder, rather than advance, the expeditious handling of the work. This, it appeals to me, was the reason why the inspector of buildings, under the provision quoted, was only charged with having the plans and specifications prepared under his supervision, and not with the actual preparation of the plans and specifications.

The language of this provision is practically the same as that which appears under the head of public schools in the District appropriation act for the fiscal year 1910, in reference to the municipal architect. But the law creating the office of municipal architect expressly and in terms declares that it shall be the duty of the municipal architect to prepare and supervise the plans for and superintend the construction of all municipal buildings, and the repair and improvement of all buildings belonging to the District of Columbia under the direction of the Engineer Commissioner of the District.

In submitting to Congress the necessity for the creation of the position of municipal architect of the District of Columbia, the commissioners recommended that the duties of the proposed officer should be prescribed as follows:

"Municipal architect, whose duty it shall be to supervise the preparation of plans for and the construction of all municipal buildings, and the repair and improvement of all buildings belonging to the District of Columbia, under the direction of the Engineer Commissioner of the District of Columbia; and all laws or parts of laws placing such duties upon the inspector of buildings of the District of Columbia are hereby repealed." (Estimates of Appropriations, 1910, p. 504.)

The duties recommended by the commissioners for the municipal architect were substantially those which were imposed by law upon the inspector of buildings. Congress, however, in creating the office, did not adopt verbatim the language of the law proposed by the commissioners, as will be seen by a comparison of the recommendation of the commissioners with the law of Congress creating the position of municipal architect. As illustrating the views of the engineer commissioner of the District and the views of the Subcommittee on District Appropriations of the House of Representatives, as those views appear of record in the printed hearings on the District of Columbia appropriation bill for 1910, pages 19 et seq., the following is here quoted:

"MUNICIPAL ARCHITECT.

"Mr. BOWERS. Here is some legislation—

"Municipal architect, whose duty it shall be to supervise the preparation of plans for and the construction of all municipal buildings and the repair and improvement of all buildings belonging to the District of Columbia under the direction of the engineer commissioner of the District of Columbia, $3,600; and all laws or parts of laws placing such duties upon the inspector of buildings of the District of Columbia are hereby repealed.

"Maj. MORROW. That we went into last year, and it is explained in the notes.

"Mr. BURLESON. We did not allow it last year?

"Mr. BOWERS. No; evidently not; otherwise it would not be here now.

"Mr. VREELAND. Don't you think you can get a greater diversity by getting different architects to prepare designs for the school buildings?

"Maj. MORROW. We do not intend that this man shall do all the architectural work of the District. He will probably design half of the school buildings. Probably a quarter of the school buildings are now designed in the office of the inspector of buildings. He will simply employ architects and supervise their work.

"Mr. VREELAND. Who does this work now?

"Maj. MORROW. The inspector of buildings this year, and we employ several architects under him.

"Mr. MADDEN. What percentage do you pay the architects?

"Maj. MORROW. They are paid according to the architect's schedules; 2½ per cent and 3½ per cent.

"Mr. MADDEN. Two and one-half per cent where they do not superintend?

"Maj. MORROW. Two and one-half per cent where they work up a given plan. Three and one-half per cent when they furnish the plan and designs; it would be 5 per cent when they do the work of designing and supervising the construction.

"Mr. GARDNER. Does the inspector get anything additional where he furnishes the plans?

"Maj. MORROW. No, sir; not a cent.

"Mr. GARDNER. There are no perquisites of that kind?

"Maj. MORROW. No, sir.

"Mr. MACFARLAND. I believe that the inspector of buildings ought to be relieved of the work which a municipal architect ought to do, and that it would improve the service greatly.

"Mr. GARDNER. He is substantially relieved if he has only the plans for two buildings.

"Maj. MORROW. Not at all, Mr. Chairman. You do not understand that very clearly. For instance, one day last week the inspector of buildings and myself spent an hour or more in the office of Marsh & Peter, architects, to go over the plans of a new 12-room building to relieve the Thompson School, now about to be advertised. He had the supervision of those plans, although the architect is preparing them. In the office we went over those tracings and made numerous pencil notes on those tracings. That took one hour and a half of his time out of that day in the supervision of the plans prepared by this architect, the architect being paid 3½ per cent for the work that he does on the plans, work which is largely done by the employees of that office who have to prepare those plans. They are not in the office of the inspector of buildings. That same things happens with all other school buildings that are designed outside, and that was only one of a number of visits he has had to make to that office. At the same time, the municipal architect would not have so much of the other work to do but that he could take care of a few more buildings in his own office.

"Mr. MADDEN. Is every contractor who is about to erect a building required to submit his plans to the inspector of buildings for his approval before he begins construction?

"Maj. MORROW. Yes, sir.

"Mr. MADDEN. Who looks after the sanitary provisions in the plans before the permit is issued?

"Maj. MORROW. The inspector of buildings and the inspector of plumbing. All the plumbing arrangements are looked over by the inspector of plumbing before the permit is issued, and all the details are worked over by the computers to see if the walls are of the right thickness and that the floors have the proper strength, and so on.

"Mr. MADDEN. Is the inspector of buildings an engineer?

"Maj. MORROW. Yes.

"Mr. MADDEN. He knows how to figure on the strength?

"Maj. MORROW. Yes, sir; and he has two computers in his office who do but little else.

"Mr. MADDEN. Is he required to be an engineer?

"Maj. MORROW. The present inspector of buildings is a graduate of Lafayette College.

"Mr. MACFARLAND. The board of education has recommended that there shall be a school architect at $3,000 a year under the board of education, and the commissioners have recommended that all that work shall be done by the municipal architect, together with all other municipal buildings, at a salary of $3,600.

"Mr. GARDNER. One man, you think, ought to be able to take care of it all?

"Mr. MACFARLAND. Without doubt."

Congress has prohibited the employment of personal services by the government of the District of Columbia, except where authority is specifically granted the commissioners by law for such employment. In the District appropriation act for the fiscal year 1906, section 2, is found the following prohibitory legislation:

"That no civil officer, clerk, draftsman, copyist, messenger, assistant messenger, mechanic, watchman, labor, or other employee shall, after June 30, 1905, be employed in any office, department, or branch of the government of the District of Columbia except annually at such rates and in such numbers, respectively, as may be specifically appropriated for by Congress for such clerical and other personal service for each fiscal year; and no civil officer, draftsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employee shall after said date be employed in any office, department, or other branch of the government of the District of Columbia or be paid from any appropriation made for contingent expenses or for any specific or general purpose unless such employment is authorized and payment therefor specifically provided in the law granting the appropriation or authorized as hereinafter provided, and then only for services actually rendered in connection with and for the purposes of the appropriation from which payment is made and at the rate or compensation usual and proper for such services." (33 Stat., 913.)

By reference to the 1910 District appropriation act it will be found that Congress has provided for the several offices and departments of the District government positions and offices carrying annual compensations. In addition to the offices carrying annual compensations, Congress has authorized the commissioners to employ certain temporary per diem services within a given amount. This authority for the current fiscal year is contained in section 2 of the District appropriation act for the fiscal year 1910, which reads as follows:

"The services of draftsmen, assistant engineers, levelers, transmen, rodmen, chainmen, computers, copyists, overseers, and inspectors temporarily required in connection with sewer, street, or road work, or the construction and repair of buildings and bridges, or any general or special engineering or construction work authorized by appropriations may be employed exclusively to carry into effect said appropriations when specifically and in writing ordered by the Commissioners of the District; and all such necessary expenditures for the proper execution of said work shall be paid from and equitably charged against the sums appropriated for said work; and the Commissioners of the District in their annual estimates shall report the number of such employees performing such services and their work and the sums paid to each and out of what appropriation: *Provided*, That the expenditures hereunder shall not exceed $62,000 during the fiscal year 1910." (35 Stat., 310.)

It will be seen that this section authorizes the employment of draftsmen and other necessary clerical services in connection with the construction and repair of buildings, and does not authorize the employment of personal services of architects designated as such. I am in very grave doubt whether the commissioners have the authority under the law to enter into contracts with architects for the preparation of plans and specifications for school buildings, as indicated in their order of August 4, 1909, supra. It appeals to me that in creating the office of municipal architect and in terms providing that that officer shall prepare and supervise all plans that Congress meant, taking into consideration the several laws herein quoted, that such plans were to be prepared in the office of the municipal architect and under his supervision, and, if necessary, through the employment of temporary per diem services of the character mentioned in section 2 of the District appropriation act for the fiscal year 1910, above quoted.

In view of the grave doubt as to the authority of the commissioners to enter into contracts with the architects mentioned in their order of August 4, 1909, supra, I have the honor to recommend that the questions be submitted to the Comptroller of the Treasury for his decision—

1. Whether under the law the commissioners can legally make such contracts; or

2. Whether in the preparation of plans and specifications for school buildings and other municipal buildings such plans and specifications shall be prepared in the office of the municipal architect; and

3. If additional services be necessary, whether such services must not be employed under section 2 of the District appropriation act for the fiscal year 1910, supra.

Very respectfuly,

A. TWEEDALE,
Auditor District of Columbia.

TREASURY DEPARTMENT,
Washington, August 18, 1909.

To the PRESIDENT OF THE BOARD OF COMMISSIONERS
OF THE DISTRICT OF COLUMBIA.

SIR: I am in receipt, by your reference of the 13th instant, of a letter from the Auditor for the District of Columbia, wherein the general question is raised whether your board is authorized to let contracts to outside architects for the preparation of plans and specifications for the erection of certain school and other municipal buildings in the District of Columbia, namely: For one eight-room school building, to take the place of the old Potomac School building; for an eight-room school building at Cleveland Park; for annex or extension of McKinley Manual Training School; for a public-convenience station at Ninth and F Streets NW.; for an engine house, to take the place of No. 2; for an engine house near Minnesota and Pennsylvania Avenues. It is stated also in the auditor's letter that the District appropriation bill for the current fiscal year contains provision for 16 municipal buildings—11 new buildings and 5 additions or enlargements; that there are at present 4 draftsmen in the employ of the District and at the command of the municipal architect; that it will require the services of 22 draftsmen for a period of 6 months to make the plans for these 16 buildings; and that such a drain would jeopardize the other services contemplated by section 2 of said appropriation act, which provides for the employment of draftsmen, assistant engineers, levelers, transitmen, rodmen, chainmen, computers, copyists, overseers, and inspectors temporarily required in connection with sewer, street, or road work, or the construction and repair of buildings and bridges, or any general or special engineering or construction work authorized by appropriations, and to be exclusively employed to carry into effect such appropriations when specifically and in writing ordered by the Commissioners of the District; and that all such expenditures shall be paid from and equitably charged against the sums appropriated for said works, provided that the expenditures for said purposes shall not exceed $62,000 for the current fiscal year.

Prior to the present fiscal year the law made no provision for a municipal architect for the District of Columbia.

The architectural work of the District was provided for in 35 Statutes at Large, page 205, as follows:

"That the plans and specifications for school buildings shall be prepared under the supervision of the inspector of buildings of the District of Columbia and shall be approved by the Commissioners of the District, and shall be constructed by the commissioners in conformity therewith; and the plans and specifications for all other buildings provided for in this act shall be prepared under the supervision of the inspector of buildings of the District of Columbia, and shall be approved by the Superintendent of the Capitol Building and the Commissioners of the District, and shall be constructed in conformity therewith."

As the necessary consequence of this legislation outside architects were employed and paid from the several building appropriations. It would appear from the above act that all the architectural work of the District was to be prepared under the supervision of the inspector of buildings of the District of Columbia, and the plans for school buildings were to be approved by the Commissioners of the District. The plans and specifications for all other municipal buildings, except school buildings, were to be approved jointly by the Superintendent of the Capitol Building and the District Commissioners.

The District appropriation act for the current fiscal year (35 Stat. L., p. 692) first created the office of municipal architect for the District of Columbia in the following language, and prescribed his duties as follows:

"* * * municipal architect, whose duty it shall be to prepare and supervise plans for, and superintend the construction of, all municipal buildings, and the repair and improvement of all buildings belonging to the District of Columbia, under the direction of the Engineer Commissioner of the District of Columbia, $3,600. And all laws or parts of laws placing such duties upon the inspector of buildings of the District of Columbia are hereby repealed."

Further along in said act, page 709, we find the following clause:

"That the plans and specifications for all buildings provided for in this act shall be prepared under the supervision of the municipal architect and shall be approved by the Commissioners of the District of Columbia, and shall be constructed in conformity therewith."

There is apparently a conflict between these clauses as to the duties of the municipal architect. From their casual reading it would appear that it was the duty of this officer, as prescribed in the clause creating his office, to prepare the plans and specifications for all the municipal buildings of the District. But when read more carefully it is apparent that Congress even in this clause had in mind that there was some municipal buildings that he was to supervise their plans and specifications only, and not prepare them. The language is "whose duty it shall be to prepare and supervise plans for." * * * Where he is required by law to prepare plans and specifications for a building, it would be little less than nonsensical for Congress to command him to supervise his own preparations.

Bringing to our aid a few well-understood rules of statutory construction the apparent conflict between these two clauses of the act disappear.

1. It is presumed that all legislation is enacted to accomplish the result sought.

2. That each and every word in a law is to be given its plain and ordinary meaning, unless it has a technical one different from the ordinary meaning.

3. That a law general in its character must give way to a law special in its nature on the same subject.

The results sought in the enactments contained in the laws providing for the erection of municipal buildings in the District of Columbia, and about which you inquire, is the erection of these buildings in a reasonable time from the date of the availability of the appropriations therefor. One of the necessary and preliminary incidents to the accomplishment of these results is the preparation of plans and specifications for these buildings. The clause creating the office of municipal architect and defining its duties is general in character and apparently covers all municipal buildings. The second clause is special, and defines his duties as to the particular municipal buildings provided for in the appropriation act for the present fiscal year.

It is not made his duty in the latter clause to prepare plans and specifications for these particular buildings, but on the contrary to supervise these plans. This clause has the same legal effect as if it were a proviso to the clause wherein he is directed to prepare all plans *and specifications* for all municipal buildings. It also serves to explain why Congress used the words "supervise plans" in the first clause.

I am therefore of the opinion that you are authorized to contract with outside architects for the plans and specifications of all municipal buildings provided for in the District of Columbia appropriation act for the present fiscal year, and that it is the duty of the municipal architect to prepare the plans and specifications for all other municipal buildings, and to superintend the construction of all municipal buildings, including the buildings provided for in the current District appropriation act, under the direction of the engineer commissioner of the District.

The second and third questions submitted are:

"2. Whether in the preparation of plans and specifications for school buildings, and other municipal buildings, such plans and specifications shall be prepared in the office of the municipal architect; and

"3. If additional services be necessary, whether such services must be employed under section 2 of the District appropriation act for the fiscal year 1910, supra."

The second question is fully answered above.

Any temporary additional draftsmen, computers, copyists, etc., needed by the municipal architect to enable him to prepare plans and specifications for municipal buildings, or to properly supervise plans prepared by outside architects, must be furnished him under the conditions and limitations of section 2 of the District of Columbia appropriation act for the present fiscal year, above referred to in this decision.

Respectfully,

R. J. TRACEWELL, *Comptroller.*

Mr. FOWLER. Mr. Chairman, I move to strike out the last word. I desire to ask the chairman the reason for creating the new office on page 11, line 2.

Mr. BURLESON. The skilled machinist?

Mr. FOWLER. He is designated as a machinist.

Mr. BURLESON. The Commissioners of the District, acting upon the recommendation of the municipal architect, reached the conclusion that the additional officer was needed in connection with repair work on certain engines and boilers and other machinery that is used in the District service, and also in connection with certain service to be rendered in the schools. They say that there are several steam and gas engines for running the fans and electric motors, which are in constant need of repair. They were satisfied that it would be more economical to employ regularly a machinist for this purpose than to give sporadic employment to other concerns for the repairs.

Mr. FOWLER. The bill provides for a boss carpenter, a boss tinner, a boss plumber, a boss steam fitter, and boss grader.

Mr. BURLESON. All of whom are kept busy in the discharge of their official duties. The commissioners reached the conclusion that this additional man was necessary. I have before me the note, which is as follows:

The service of a skilled machinist is badly needed in connection with the repair shop, for the reason that there are in the various school buildings 46 gas engines, used for running the fans, and 7 electric motors, used for the same purpose. There are also several steam engines which are constantly in need of repairs of such a nature as to require the services of a skilled machinist. They comprise the boring out of gas-engine cylinders, making piston rings, piston rods, etc. Heretofore it has been necessary to send these parts to some local machine shop for repair, and in doing so great delays have been experienced and in many cases exorbitant charges have been made on account of the work being done as an emergency job. As we have at present an up-to-date machine shop, equipped with lathes, shaper, power drills, etc., which have been collected and installed by the superintendent of repairs, with the aid of a machinist, from equipment discarded by the school officials as unfit for further use, work can be turned out at a great saving to the District, and can be done in a more satisfactory manner than if it were sent out to outside concerns.

Mr. FOWLER. I was going to ask, after enumerating the various bosses, if any of the duties provided for this new officer were not now performed by any of these various bosses?

Mr. BURLESON. No; the repairs that have been necessary have been sent to various machinists, local machine shops, for repair, and in doing so many of the charges were exorbitant by reason of their being emergency jobs. As I have stated, the committee believed it would be more economical to employ a regular skilled machinist.

Mr. FOWLER. Is it intended to send him to the various parts of the city for the purpose of looking after these machines?

Mr. BURLESON. He is to repair and supervise the repair of these various machines.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. COX. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 11, line 3, at the end of the line, add the following: "*Provided,* That no money herein appropriated shall be paid to architects outside of the municipal architect's office for any public building in the District of Columbia."

Mr. BURLESON. Mr. Chairman, on that I reserve the point of order.

Mr. MANN. Mr. Chairman, I make the point of order against the amendment in its present form. The current law expressly provides for the employment of architects outside of the municipal architect's office, and I do not think the gentleman himself would desire to have this change that law.

Mr. COX. I understand that the present law requires all the plans and specifications to be prepared by the architect's office.

Mr. MANN. That is what I supposed the gentleman thought. Last year there was more or less contest in reference to the high school buildings. There was an appropriation for the purchase of land for the high school buildings. A bill was reported from the Committee on the District of Columbia providing that the surplus funds not expended might be used in the preparation of plans. That bill was never passed; but when the appropriation bill passed it provided the same thing, and provided, as I recall it, expressly, that outside architects might be employed. I do not think anyone wishes to change that provision, because that has already been done.

Mr. COX. What law was that in?

Mr. MANN. In the District of Columbia appropriation bill.

Mr. JOHNSON of Kentucky. Mr. Chairman, if the gentleman will permit, I will say that since the adoption of this general law there have been two or three instances in the making of appropriations where that law has been overlooked by Congress, and a special provision inserted in the few instances to which I have referred, for the employment of an outside architect; but I do insist that in the list which I just sent to the Clerk's desk as a part of my remarks, from which I read, there is item after item paid out by the Commissioners of the District of Columbia for services of outside architects, notwithstanding the item which I now have before me prohibiting it, and which reads as follows:

Municipal architect's office: Municipal architect, whose duty hereafter it shall be to prepare or supervise the preparation of plans for, and superintend the construction of, all municipal buildings, and the repair and improvement of all buildings belonging to the District of Columbia, and serve under the direction of the engineer commissioner of the District of Columbia, $3,600.

The CHAIRMAN. Does the gentleman from Illinois insist upon his point of order?

Mr. MANN. I make the point of order.

Mr. BURLESON. Mr. Chairman, it is a change of existing law.

Mr. MANN. Mr. Chairman, I do not think the gentleman from Indiana desires his amendment to go in in the shape in which it is.

Mr. COX. It may not be perfect.

Mr. MANN. The provision in reference to the Central High School building last year was—

that the Commissioners of the District of Columbia are hereby authorized to use so much as may be necessary of any unexpended balances remaining in the appropriations for the purchase of a site for a new Central High School and for the purchase of a site for a new M Street High School, contained in the District appropriation act for the fiscal year 1912, approved March 2, 1911, for the employment of architectural services in the preparation of plans and specifications for said high schools and for such other personal services and expenses in connection therewith as may be necessary.

Mr. COX. Does the gentleman contend that is a general law?

Mr. MANN. Certainly it is a general law as to these schools, and that is all.

Mr. COX. Does it apply to all of the public-school buildings here?

Mr. MANN. No; only to those two school buildings.

Mr. COX. Then it is not a universal law. It is not an organic act that shall apply to every public building.

Mr. MANN. Certainly not.

Mr. COX. Then, Mr. Chairman, I contend that my amendment is solely a limitation, and is clearly within the rules of the House.

Mr. BURLESON. The Chair will understand there is an appropriation carried in this bill for the Central High School building and the M Street High School building, and to that extent it would be a change of the law referred to by the gentleman from Illinois.

Mr. MANN. Mr. Chairman, of course I do not know just what the gentleman's amendment covers in the way it is offered. It is offered as an amendment to a paragraph containing certain salaries, no portion of which could be used for the employment of outside architects at all. If the gentleman's amendment is only a limitation upon that paragraph, of course it would be in order, but useless.

The CHAIRMAN. The language of this is—

Provided, That no money herein appropriated shall be paid to architects outside of the municipal architect's office for any public building in the District of Columbia——

Mr. MANN. The usual provision is, that no money appropriated by this paragraph or section, or no money appropriated by this act. That does not say either one. I do not know how the comptroller or the Chair might construe that.

Mr. COX. Now, Mr. Chairman, I want to submit this observation.

Mr. MANN. Mr. Chairman, I withdraw the point of order. I believe it is a pure limitation, whatever it may mean.

Mr. BURLESON. Mr. Chairman, I renew the point of order.

The CHAIRMAN. The Chair will hear from the gentleman from Indiana on his point of order.

Mr. COX. Mr. Chairman, I want to submit this observation. While my amendment was hastily drawn and may not be properly and correctly worded, I believe it ought to pass, in view of the facts that have been recently disclosed here by the gentleman from Kentucky. There is a frightful condition of affairs here, and I will lead up to the point in a moment. Here we are appropriating to maintain a great architect's office in the District of Columbia, the sum total of the appropriation being $26,250 a year to maintain the salaries in that office, and yet, Mr. Chairman, under the figures disclosed by the gentleman from Kentucky [Mr. JOHNSON], the District of Columbia in some way or manner has paid out $67,000 to outside architects to prepare plans and specifications, I presume, for public buildings here in the District of Columbia. Now, if my amendment is a limitation upon the appropriation for this bureau, which I insist it is, then I insist, Mr. Chairman, it is clearly in order under the Holman rule, as it certainly tends to reduce expenditures.

The CHAIRMAN. The rule in regard to limitations upon an appropriation is pretty liberal and there can be a limitation, as the gentleman from Texas understands, that does change existing law under the existing rules——

Mr. BURLESON. Mr. Chairman, of course I am not familiar with the facts stated in the communication read by the gentleman from Kentucky, but as was said by the gentleman from Illinois [Mr. MANN], last year there was a specific authorization to employ outside architects in the preparation of the plans for the M Street High School and the new Central High School. I have not had an opportunity to examine this amendment, but I would not want anything to go into this bill that might interfere with the carrying out of the express purpose of Congress in that particular. I am inclined to think that probably as it reads it may be a limitation, but I will ask that the amendment be voted down, because it can serve no good purpose.

The CHAIRMAN. Does the gentleman withdraw the point of order?

Mr. BURLESON. I withdraw the point of order and ask that the amendment be voted down.

The CHAIRMAN. The question is on the amendment of the gentleman from Indiana [Mr. Cox].

The question was taken, and the Chairman announced the noes seemed to have it.

Upon a division (demanded by Mr. Cox) there were—ayes 7, noes 20.

Mr. JOHNSON of Kentucky. Mr. Chairman, I demand tellers.

The CHAIRMAN (after counting). Thirteen gentlemen demand tellers; not a sufficient number.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] Fifty-three gentlemen are present—not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ames	Byrnes, S. C.	Davidson	Floyd, Ark.
Anderson	Cantrill	Davis, Minn.	Focht
Ansberry	Carter	Davis, W. Va.	Fornes
Anthony	Clark, Fla.	De Forest	Foss
Barchfeld	Claypool	Difenderfer	Gardner, Mass.
Bartholdt	Cline	Dixon, Ind.	Gardner, N. J.
Bartlett	Collier	Doremus	George
Bates	Cravens	Driscoll, D. A.	Gill
Bathrick	Crumpacker	Dupré	Gillett
Berger	Currier	Ellerbe	Godwin, N. C.
Booher	Curry	Fairchild	Goldfogle
Burke, Pa.	Danforth	Finley	Gould
Gray	Lenroot	Parran	Slemp
Greene, Vt.	Lever	Patten, N. Y.	Smith, J. M. C.
Gregg, Pa.	Lewis	Patton, Pa.	Speer
Griest	Lindsay	Pepper	Stack
Gudger	Littlepage	Plumley	Stanley
Hamlin	Littleton	Pou	Stephens, Miss.
Hardwick	Longworth	Prince	Taggart
Harris	McCall	Pujo	Talbott, Md.
Harrison, Miss.	McCoy	Rainey	Taylor, Ala.
Harrison, N. Y.	McCreary	Randell, Tex.	Thayer
Hartman	McGillicuddy	Ransdell, La.	Thistlewood
Hayes	Maher	Rauch	Tilson
Heald	Martin, Colo.	Reyburn	Townsend
Higgins	Matthews	Richardson	Vare
Hill	Merritt	Riordan	Vreeland
Holland	Mondell	Roberts, Nev.	Warburton
Hull	Moon, Pa.	Rubey	Webb
Jones	Morgan, La.	Rucker, Colo.	Weeks
Kahn	Morse, Wis.	Rucker, Mo.	Whitacre
Kinkead, N. J.	Mott	Sabath	White
Kitchin	Murdock	Scully	Wilder
Konig	Needham	Sells	Wilson, Ill.
Lafean	Nelson	Shackleford	Wilson, N. Y.
Lafferty	Nye	Sheppard	Wilson, Pa.
Lamb	Oldfield	Sherwood	Wood, N. J.
Langley	O'Shaunessy	Simmons	Woods, Iowa

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. GARRETT, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee finding itself without a quorum, he had directed the roll to be called, and he reported the list of the absentees.

The SPEAKER. Two hundred and twenty-nine Members have responded to the call—a quorum.

AGRICULTURAL EXTENSION BILL.

Mr. MANN. Mr. Speaker, the Lever agricultural extension bill, H. R. 22871, an act to establish agricultural extension departments in connection with agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, with Senate amendments, is on the Speaker's table. The gentleman from South Carolina [Mr. LEVER] is absent temporarily, and at his suggestion I ask unanimous consent that there be a print of the bill with Senate amendments made, and that it remain on the table.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent for a print of the bill H. R. 22871, the agricultural extension bill, with Senate amendments, and that the bill shall remain on the table. Is there objection?

Mr. BLACKMON. Reserving the right to object, Mr. Speaker, I did not quite catch the request of the gentleman from Illinois [Mr. MANN].

The SPEAKER. The gentleman wants the bill to be printed with Senate amendments, and asks that it remain on the table so that the Members can find out what is in the Senate amendments. Is there objection? [After a pause.] The Chair hears none.

LATE REPRESENTATIVE M'HENRY.

Mr. ROTHERMEL. Mr. Speaker, I ask unanimous consent for the present consideration of the following order.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for present consideration of the following order, which the Clerk will report.

The Clerk read as follows:

Ordered, That Sunday, the 16th of February, be set apart for addresses on the life, character, and public services of Hon. JOHN G. MCHENRY, late a Representative from the State of Pennsylvania.

The SPEAKER. Is there objection to considering this order now? [After a pause.] The Chair hears none.

The question is on agreeing to the order.

The question was taken, and the order was agreed to.

The SPEAKER. The Chair will state that both of these requests, the one on the part of the gentleman from Illinois [Mr. MANN] and the one on the part of the gentleman from Pennsylvania [Mr. ROTHERMEL] are out of order, and are not to be taken as a precedent as to other business having a right to go in between a committee rising on a call and resuming its sitting.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN (Mr. GARRETT). The question is on the amendment proposed by the gentleman from Indiana [Mr. Cox].

Mr. BURLESON. Inasmuch as the House is now full, I think probably there ought to be some explanation or short statement in order that the Members may know exactly what they are voting upon.

The CHAIRMAN. An amendment was pending on which the House was dividing, when the point of no quorum was made, which precipitated this roll call.

Mr. BURLESON. I ask unanimous consent that the amendment may be again reported, and I move that I may have five

minutes in which to explain the situation, and that the gentleman from Kentucky [Mr. JOHNSON] may have five minutes.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection.

The Clerk read the amendment, as follows:

Page 11, at the end of line 3, insert:

"*Provided*, That no money herein appropriated shall be paid to architects outside of the municipal architect's office for any public buildings in the District of Columbia."

The CHAIRMAN. The gentleman from Texas [Mr. BURLESON] asks unanimous consent that he may address the committee for five minutes, and that the gentleman from Kentucky [Mr. JOHNSON] may address the committee for five minutes. Is there objection? [After a pause.] The Chair hears none. The gentleman from Kentucky [Mr. JOHNSON] is recognized.

Mr. JOHNSON of Kentucky. Mr. Chairman, in explanation of the amendment I desire to say to the House that the Committee of the Whole House on the state of the Union was acting with a very few members present. With that small attendance I read a statement furnished by the Commissioners of the District of Columbia, at my request, to the effect that notwithstanding the fact that there is a law which directs the municipal architect and his force to prepare all the plans and specifications for all buildings erected by the District of Columbia—notwithstanding that mandatory law—the commissioners have recently paid out the sum of more than $67,000 to outside architects. The gentleman from Indiana [Mr. Cox] has offered an amendment of limitation to the bill, providing that there shall be in substance no outside architect's fees paid under the provision of this bill.

That is the substance of the question that is now before the House. I think that a simple, plain statement of it is just as good as a longer presentation of it would be, and just as good as any elaborate argument would be. The law is mandatory, I repeat, that there be no fees paid to outside architects. But notwithstanding that fact, the commissioners have paid these outside architects' fees to the extent of more than $67,000.

It may be well, however, for me to state that the $67,000 is not made up entirely of fees paid out in direct violation of the law, for the reason that two or three appropriations have carried with them the right to employ outside architects. But it leaves the fact still remaining that the commissioners, notwithstanding the law, do employ outside architects. It is believed that if the amendment offered by the gentleman from Indiana [Mr. Cox] is adopted it can not be done out of any appropriation that is made in this bill.

Mr. BURLESON. Responding to the statement made by the gentleman from Kentucky [Mr. JOHNSON] that there is no authorization of law for the employment of architects in the preparation of plans within the District of Columbia, it is only necessary for me to read you the law. The law reads as follows:

Municipal architect, whose duty hereafter it shall be to prepare or supervise the preparation of plans for, and superintend the construction of, all municipal buildings, and the repair and improvement of all buildings belonging to the District of Columbia.

Under that law there has been no concealment of the practice of the District authorities. The statement was made in last year's hearings by the Engineer commissioner, in clean-cut terms, showing just exactly what was being done, and I will read it to the committee:

Maj. JUDSON. As to the municipal architect's office, I would say that no increase in that office is essential, but it seems to be advisable because we are still, as Congress has been informed from year to year, obliged to give some portion of our work out to architects. The force is not enough to design all of the buildings that are provided for. Most of the changes are directed toward the end of permitting a greater number of the buildings to be designed in the municipal architect's office.

I asked him, then, this question:

Mr. BURLESON. What percentage of them would be prepared in the municipal architect's office if these increases were granted?

Maj. JUDSON. That is a little hard to say, because I do not know just what the appropriations will be for buildings next year or the character of them.

Mr. BURLESON. Can you tell me the percentage of buildings the designs for which were prepared by the municipal architect's office last year?

Maj. JUDSON. I will insert that information in the record.

Mr. SAUNDERS. In proportion to those prepared on the outside?

Maj. JUDSON. I will insert that in the record. I know it is true that the municipal architect's work was done at considerably less cost than the work that was put out. So it was a very good thing to have as many as possible designed in his office. The total cost of planning and inspecting construction was 3.38 per cent of the cost of the buildings. It would have been 6 per cent if outside architects had done it all, and 5.04 per cent if the architects had made all of the plans. The cost of inspection by the municipal architect's office was 1.54 per cent, and the cost of preparation of plans by that office was less than 1 per cent. Outside architects receive 3½ per cent for plans alone. Sixty-two and one-half per cent of the work was done in the office of the municipal architect, and 37½ per cent of the work was done by private architects in 1911 (fiscal year).

Now, gentlemen, under the limitation proposed and discussed by the gentleman from Kentucky [Mr. JOHNSON] it would be impossible to secure the assistance of outside architects in the preparation of plans for these buildings. Every man here knows that it is utterly impossible for the municipal architect's force, costing only $26,250, many of the employees of this office being employed in repair work and supervision work, to prepare all the plans for all the buildings that are being authorized by the Congress for municipal purposes.

Mr. COX. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. BURLESON. Certainly.

Mr. COX. Does not the gentleman know that that is the same and the identical argument that is used by the architects in the Treasury Department, but that notwithstanding that argument, Congress repealed what is known as the Tarsney Act, which gave to the outside architects a tremendous amount of work?

Mr. BURLESON. That may be; but as I have shown you, in 67½ per cent of the work the service is rendered by the municipal architect's office at less than the cost of the outside service, and the commissioners, in order that the municipal architect could do a larger portion of this work, have asked for a larger force and yet have stated from year to year that the municipal architect's office can not do all of this work. It has not been the policy here to have all the buildings modeled after the same plan, and in last year's bill we authorized the employment of an unexpended balance for payment to Mr. Ittner, in order that we might secure his services in the preparation of plans for the new Central High School Building, which is to cost $1,000,000.

I do not want to see that amendment go on, because it would interfere with the interests of the public service, and it would interfere with that architect going on with this work in the preparation of the plans for the new Central High School Building.

And it is for these reasons that we ask the committee to vote down the amendment that has been offered.

Mr. JOHNSON of Kentucky. Mr. Chairman, I believe I have some time left.

The CHAIRMAN. The gentleman from Kentucky has two minutes remaining.

Mr. JOHNSON of Kentucky. Mr. Chairman, the argument made by the gentleman from Texas [Mr. BURLESON] could not be more forcibly stated than he has stated it as a reason why this amendment should pass.

Mr. BURLESON rose.

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Texas?

Mr. BURLESON. I have no desire to shut off the gentleman from speaking, but he did not reserve the remainder of his time.

Mr. JOHNSON of Kentucky. I was given five minutes without any reservation.

Mr. BURLESON. I should like to know how much time he consumed originally.

The CHAIRMAN. The gentleman from Kentucky is recognized for two minutes.

Mr. JOHNSON of Kentucky. The fact remains that the Commissioners of the District of Columbia are violating the law. Where they get the money to pay this $67,000 to outside architects I do not know, but they pay it, and they pay it over the protest of their own auditor. They pay it against the written opinion of their own auditor that they have no right to pay it.

Mr. BURLESON. But Mr. Tracewell, the supreme authority, overruled him.

Mr. JOHNSON of Kentucky. They appealed it to Mr. Tracewell, Comptroller of the Treasury, and I have just filed his written opinion, in which, in order to agree with the commissioners, he is compelled not to mention the main question, but he writes all around it. He ignores absolutely the good argument put up by the auditor for the District of Columbia, and simply does not controvert it or mention it otherwise.

The chairman of the subcommittee, the gentleman from Texas [Mr. BURLESON], has just read to you the permanent law, which provides that they shall not go on the outside for architects. Yet they have gone on the outside for them. This amendment, if it does no other good, will emphasize the fact that they are going beyond their authority, and that Congress does not intend to stand for their violation of the law. They even go into a hearing admitting their violation of it, and a Member of this House comes here and practically boasts of their defiance of the law. [Applause.]

Mr. SLAYDEN. Mr. Chairman, I move to strike out he last word. I confess that I am not familiar with the statute that has been referred to by the gentleman in charge of the bill and by the chairman of the Committee on the District of Columbia, but I hope that if the law does not now permit, it will be so amended that in the future it will permit the employment of high-class architects outside of the municipal architect's office. It may be a little bit cheaper—although of that I am not convinced—to employ an architect on a salary to design buildings who will get up stock designs and put up a building here and a building there and a building in some other place, all alike. Perhaps, Mr. Chairman, if we were controlled by the argument of the gentleman we would be influenced to adopt Mr. Edison's plan of poured concrete houses on models that we could go into the market and buy.

Now, my information with reference to the operations of the Tarsney Act is that it did not entail any additional expense upon the Government of the United States.

Mr. COX. If the gentleman will permit me, the proof before my committee last summer showed it to be a fact that it increases the total cost about 2 per cent.

Mr. SLAYDEN. Possibly I was misinformed. I do not know. I said I had been informed. I have not read the evidence as carefully as the gentleman has.

Mr. COX. And I will state to the gentleman that that is J. Knox Taylor's own statement.

Mr. SLAYDEN. Mr. J. Knox Taylor was interested in having that work confined to his office. I do not mean to insinuate that he would not tell the truth about it, for I believe he would; but every man is more or less influenced in his judgment by the interest of his office or his organization, and he was ambitious to do all that work. Now, I believe we will get materially better buildings by consulting outside architects. I have just been assured that we will get materially better buildings and better-looking buildings and a style of architecture that will more commend us and our taste to future generations, and without materially increasing the cost, by securing the additional services of outside architects.

Mr. COX. The Tarsney Act has been repealed.

Mr. SLAYDEN. Yes; and I think it was a mistake. I voted against its repeal.

Mr. COX. I voted for it.

Mr. SAUNDERS. Mr. Chairman, I move to strike out the last two words. The committee opposes the amendment because it does not regard the same as good legislation. Such an amendment in its possible effect might interfere with a provision of the bill adopted last year. Another reason for objecting to this amendment is that the same principle which might render it altogether proper that all the work done in Capt. Taylor's office should be done by the employees of that office, does not apply in this case.

Many of the Government buildings are of a uniform character; the architect's office can use, and does use the plans of one building for another building. The question of architectural beauty does not in many instances enter into the preparation of the plans necessary to be prepared in Capt. Taylor's office.

But in Washington, with respect to a number of buildings that are to be constructed, having regard to the general character of the architecture in other public buildings, having further regard to the general beautification of the public buildings in Washington, in its proper development by a succession of stately buildings for public use, it is absolutely necessary that authority should be given to call upon, and employ on certain occasions, the services of outside architects.

It is no reflection upon the architect's department that this is necessary to be done. Every State has an attorney general, and yet it is frequently true in all the States that special assistants are provided for the attorney general in respect of some cases of peculiar difficulty. Every county has its prosecuting officer, but frequently it is necessary to go beyond the county and secure special counsel to aid in the conduct of some prosecution of an unusual character. To put such a limitation as this into the bill would hinder the District from securing the assistance of architects required for special work. This amendment is not good legislation.

So far as the ruling referred to by the gentleman from Kentucky [Mr. JOHNSON], is concerned, I call attention to the fact that one of the documents filed, contains a reversal of the ruling of the auditor. I do not wish to enter at all into the merits of either ruling. It is unnecessary to do so. But the fact remains that the ruling of the auditor was overruled by Mr. Tracewell to whom the appeal was taken. It is perfectly competent for this body, if it chooses, so to do, to put this limitation on the architect's office of the District. It is up to the committee.

Mr. COX. Mr. Chairman, I rise to oppose the amendment offered by the gentleman from Virginia. I crave the indulgence of the committee for only a few moments. Incidentally the Tarsney Act became involved in this discussion. I presume there are Members of the House who have read the correspondence between Mr. Burnham, the then acknowledged peer of the architects in this country, and the great John G. Carlisle, of Kentucky, who at that time was Secretary of the Treasury. The outside architects were not employed, notwithstanding the statute looked him squarely in the face which gave him the right to employ outside architects. Mr. Carlisle, in his rugged honesty, refused to employ them, and Mr. Burnham took him to task for it. The result was that all through Mr. Carlisle's term of office the Tarsney Act was not put into effect.

Mr. MANN. If the gentleman will pardon me, Mr. Carlisle named the architect of that monstrosity known as the Chicago post office.

Mr. COX. It may be that the architecture of that building gave to the city of Chicago a building suitable to the city of Chicago. I do not know anything about that. But, Mr. Chairman, the proof is easily within the reach of every Member of this House that, by reason of the Tarsney Act increasing the cost of public buildings in this country 2 per cent, Congress in its wisdom and candid judgment repealed the Tarsney Act. J. Knox Taylor, in my judgment a splendid architect, said that he had no doubt that his office was perfectly capable of handling all buildings up to $2,000,000. I am not in favor of creating architecture bureaus and then going outside of them and employing outside architects. If they are not competent, they have no business to be in office. If they are not competent to design and superintend the construction of public buildings, my judgment is that they had better get out of office in the District of Columbia and get some one else that is.

Mr. BURLESON. But the office has not the force.

Mr. COX. I stand ready at any moment to vote for enough money in this bill that will make the architect's office in the District of Columbia of sufficient size and force to do all the work necessary to be done.

Mr. BURLESON. But points of order will be made against those provisions.

Mr. COX. It is up to this House to settle this one question, in my judgment, Does this House propose, in the first place, to vote this amendment in?

If it proposes to stand for economy, it will vote for it. Of that, I have not the shadow of a doubt. But their idea that they say they have to go outside to get outside architects to me is preposterous; I do not believe one word of it.

Mr. AUSTIN. Mr. Chairman, will the gentleman yield?

Mr. COX. Yes.

Mr. AUSTIN. Is it not a fact that the Supervising Architect's Office of the Treasury Department is now two years behind with plans and specifications for public buildings already authorized by Congress?

Mr. COX. That has nothing on earth to do with this question. They were behind long before Congress repealed the Tarsney Act.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. COX. Certainly.

Mr. MADDEN. Mr. Chairman, I understood the gentleman stated that while John G. Carlisle was Secretary of the Treasury no outside architects were appointed.

Mr. COX. Under the Tarsney Act.

Mr. MADDEN. Does the gentleman know who was the Supervising Architect of the Treasury under Mr. Carlisle?

Mr. COX. No.

Mr. MADDEN. Does the gentleman know who drew the plans for the Chicago Federal Building during the term of office of Mr. John G. Carlisle as Secretary of Treasury?

Mr. COX. I do not know. I suppose it is a great design.

Mr. MADDEN. If the gentleman knew, he would know that the Supervising Architect of the Treasury had nothing whatever to do with it, and that Mr. Henry Ives Cobb, the celebrated architect, was appointed by Mr. John G. Carlisle to draw those plans and supervise the construction of that building.

Mr. COX. And I will undertake to say that the architecture of the public building in Chicago is all right.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. COX. Mr. Chairman, I ask unanimous consent to proceed for one minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COX. Mr. Chairman, it is demonstrated here beyond any doubt, no one has controverted the proposition, that the commissioners of this District, in open, notorious violation of the law of the country——

Mr. BURLESON. Oh, that is controverted, and it is denied in fact.

Mr. COX. Are going outside and hiring outside architects. Let them keep within the law. If they have not force enough in this bureau, let them go before the great Committee on Appropriations and ask for it, and I feel sure that no man on the floor of this House will undertake to vote against such a proposition. I hope the amendment will be voted in the bill. If it is done, it will be in the interest of economy and, in addition, will serve notice on the commissioners that they must obey the law.

The CHAIRMAN. The question is on the amendment of the gentleman from Indiana, the pro forma amendments being considered as having been withdrawn.

The question was taken; and on a division (demanded by Mr. Cox) there were—ayes 18, noes 34.

So the amendment was rejected.

The Clerk read as follows:

Surveyor's office: Surveyor, $3,000; assistant surveyor, $2,000; clerks—1 at $1,225, 1 at $975, 1 at $675; 3 assistant engineers, at $1,500 each; computer, $1,200; record clerk, $1,050; inspector, $1,200; draftsmen—1 $1,225, 1 $900; assistant computer, $900; 3 rodmen, at $825 each; chainmen—3 at $700 each, 2 at $650 each; computer and transitman, $1,200; in all, $25,925.

Mr. FOWLER. Mr. Chairman, I make the point of order on the provision for an assistant surveyor, on line 4, at $2,000. That is an increase of $200 in the salary.

The CHAIRMAN. The point of order is sustained.

Mr. BURLESON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 12, line 4, after the word "surveyor" insert "$1,800."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

Free Public Library, including Takoma Park branch: Librarian, $3,500; assistant librarian, $1,500; chief circulating department, $1,200; children's librarian, $1,000; librarian's secretary, $900; reference librarian, $1,000; assistants—1 $1,000; 6, including 1 in charge of Takoma Park branch, at $720 each, 5, including 1 for the Takoma Park branch, at $600 each, 3 at $540 each, 3, including 1 in charge of Takoma Park branch, at $480 each; copyist, $480; classifier, $900; cataloguers—1 $720, 1 $600, 2 at $540 each; stenographer and typewriter, $720; attendants—6 at $540 each, 5 at $480 each; collator, $480; 2 messengers, at $480 each; 10 pages, at $360 each; 2 janitors, at $480 each, 1 of whom shall act as night watchman; janitor of Takoma Park branch, $360; engineer, $1,080; fireman, $720; workman, $600; library guard, $720; 2 cloakroom attendants, at $360 each; 6 charwomen, at $180 each; in all, $41,900; and hereafter the Takoma Park branch shall be kept open on the same days and during the same hours as the Free Public Library shall be open to the public.

Mr. FOWLER rose.

Mr. FOSTER. Mr. Chairman, I reserve the point of order on the paragraph.

The CHAIRMAN. Does the gentleman from Illinois [Mr. FOWLER] yield to his colleague from Illinois, Mr. FOSTER?

Mr. FOWLER. Yes.

Mr. FOSTER. Mr. Chairman, I desire to make an inquiry of the chairman of the committee. Does this provide for keeping the library open on Sundays?

Mr. BURLESON. It was to require those in charge of the public library to keep open the branch library at Takoma Park the same hours that the main library is kept open, in order that the people of that section of the city may receive the same service.

Mr. FOSTER. And that is on Sundays?

Mr. BURLESON. I do not remember. I think probably they do keep it open during some hours on Sunday.

Mr. TAYLOR of Ohio. Mr. Chairman, I think I can explain that language, as I asked the questions respecting it in the hearings. The authorities in charge of that library have been in controversy with the committee because we insist on combining the Takoma Park branch and making it a mere adjunct and part of the main library, while they want it a separate institution, and ask for quite an elaborate clerical force. We did not meet their demands. The result is that during the current year they have been opening the Takoma branch only three days in the week, claiming that we had so cut down their clerical force that they were obliged to have those clerks during the other three days of the week, in order to keep up the work of the main library. A very careful and exhaustive examination of these gentlemen, who were perfectly sincere in their belief, undoubtedly, did not satisfy the committee that that was necessary, but we did believe that by adding one clerk at $600 that would give the very necessary help which they claimed and make it possible to keep open the Takoma branch library the same length of time and the same hours and days as is the main library. We have added one clerk, and we then say they must keep it open, because we believe that they sincerely believe they can not keep it open with the one clerk, and therefore they might not keep it open, to the detriment of the people in the neighborhood of Takoma Park, unless they were directed to do so.

Mr. FOSTER. So this additional clerk is for the purpose of keeping that library open the extra hours?

Mr. TAYLOR of Ohio. Yes; and extra days. We insist upon that being done at Takoma Park, and the branch is to be kept open.

Mr. FOSTER. I withdraw the point of order.

Mr. FOWLER. Mr. Chairman, on page 13, line 9, I move to strike out the words "one hundred and eighty" and insert the words "two hundred and forty." Now, Mr. Chairman——

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 13, line 9, by striking out "$180" and inserting "$240."

Mr. BURLESON. On that I make the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas makes the point of order.

Mr. BURLESON. I will reserve the right to object.

Mr. JOHNSON of Kentucky. Mr. Chairman, I know the item is subject to the point of order, but I ask the gentleman from Texas to waive it and let the House determine whether or not the pay should be increased.

Mr. BURLESON. I will do it if the gentleman will agree for the House to pass upon the points of order which the gentleman proposes to make to this bill.

Mr. JOHNSON of Kentucky. No; I will not do anything of the kind.

Mr. BURLESON. I will be glad to permit the House to pass on them.

Mr. JOHNSON of Kentucky. I have no doubt the gentleman will be willing to exchange $1,000,000 for $180.

Mr. BURLESON. I reserve the point of order in order that the gentlemen may discuss it.

Mr. FOWLER. Mr. Chairman, I have no disposition to increase materially the appropriation in this bill as it comes from the hand of this intelligent committee. The library building is used six days in the week by the public. There is a provision in this bill requiring it to be kept open on Sunday, making seven days in the week, which use undoubtedly would cause the accumulation of deleterious matter and would require as much time to clean it as any building in this city.

Mr. BURLESON. Will the gentleman permit a question?

Mr. FOWLER. Surely.

Mr. BURLESON. Does the gentleman from Illinois know how long these employees are engaged in their labors?

Mr. FOWLER. Well, I only know what is required at the House Office Building. It takes the women there from two to four hours to clean that building, and I suppose that the time required there is about the average required by the force employed in other public buildings.

Mr. BURLESON. Then I understand the gentleman does not claim to have any knowledge with reference to the situation in the library?

Mr. FOWLER. Only in a general way. I have understood that it requires from two to four hours' work to clean this building.

Mr. BURLESON. Well, I will state to the gentleman that he is mistaken about that. I will ask the gentleman now, does he know how many people are engaged in the performance of this service?

Mr. FOWLER. Only what the bill carries—the bill for six charwomen in that vast library where concourse after concourse of people go for the purpose of reading.

Mr. BURLESON. But the gentleman will admit that an entirely different character of population visits the Municipal Building from that which visits the library building, will he not?

Mr. FOWLER. Well, I do not know; of course there is always a difference in the class of people visiting the different buildings because of the business transacted in the buildings.

Mr. BURLESON. That is the point; so the gentleman concedes that proposition, and admits he has absolutely no information——

Mr. FOWLER. No; I do not admit I have no information, because I have been making inquiries concerning it. I have made that my business, and I do not know of any building in the city or used by the Government where charwomen are paid such low wage.

So I seek by this amendment to try to equalize the pay so that these women may receive a better salary for their services.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FOWLER] has expired.

Mr. SAUNDERS. May I ask the gentleman a question?

Mr. FOWLER. Certainly; if I may have the time.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FOWLER] has expired.

Mr. SAUNDERS. I ask unanimous consent that it be extended for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SAUNDERS. These women are paid for work of two or three hours a day; we will say that it is three hours.

Mr. FOWLER. The information I have is that they average from two to four hours.

Mr. SAUNDERS. Then they are paid at the rate of $90 a month on the basis of a day of eight hours.

Mr. FOWLER. One hundred and eighty dollars a year.

Mr. SAUNDERS. If they are paid at the rate of $15 a month, it would be at the rate of three times that, or $45 a month, for an eight-hour day. That is pretty good compensation.

Mr. FOWLER. If you see fit to analyze time in that way——

Mr. SAUNDERS. That is a fair way to do it.

Mr. FOWLER. When one is required to do short-hour work at a certain time it is very hard to get employment at other work in other places in a piecemeal and dodge-about way.

Mr. SAUNDERS. This is not a dodge-about way; it is a fixed time in the evening of the day.

Mr. FOWLER. But to get additional work at other places under other masters in order to make up a fair salary for the day or the month does involve much dodge-about uncertainty in getting steady employment.

Mr. SAUNDERS. We have no information to the effect that that trouble exists. On the contrary, we are informed that there is great competition for these places, and they are regarded as desirable places at the wages that they carry.

Mr. FOWLER. It is true that there is great competition, and there is great poverty which requires the competition. If the business was elevated to a higher level, with a better wage, the number of applicants would increase so rapidly that you could not get office room sufficient to accommodate the additional applicants.

Mr. SAUNDERS. For that reason we do not care to increase it. Your statement in that respect is true.

Mr. FOWLER. I say that there ought to be an adequate wage for the character of work done.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FOWLER] has again expired.

Mr. FOWLER. I trust the gentleman will permit the question to be passed on by the committee.

Mr. BURLESON. Mr. Chairman, the Public Library is under the control of a board of directors made up of some of the most reputable citizens in this District. The chairman of the board is Mr. Theodore Noyes, who has always taken the deepest interest in this library and its condition. He has repeatedly appeared before the subcommittee and urged certain increases for the library force, and certain increases in the compensation of the various employees of the library. I am quite sure that Mr. Noyes and his fellow members have not overlooked a single class of employees connected with the library who deserve an increase. Yet they never have urged at any time an increase in the compensation of this particular force. I feel quite sure that if this was not adequate compensation for the service that is being rendered, Mr. Noyes would have brought it to the attention of the subcommittee.

I insist on the point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Miscellaneous, Free Public Library, including Takoma Park branch: For books, periodicals, and newspapers, including payment in advance for subscriptions to periodicals, newspapers, subscription books, and society publications, $7,500.

Mr. FOSTER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] moves to strike out the last word.

Mr. FOSTER. May I inquire of the gentleman from Texas [Mr. BURLESON] if last year's bill did not provide for the purchase of books, periodicals, and newspapers, and this does not?

Mr. BURLESON. There is certain additional language there. The additional language is—

Including payment in advance for subscriptions to periodicals, newspapers, subscription books, and society publications.

Under the rule of many publishing houses they will not furnish their publications without a prepayment of the subscription, and it was necessary that this language should be embodied in the bill in order to meet that requirement.

Mr. FOSTER. I understand; but in last year's bill you provided, as I remember, for the purchase of books.

Mr. BURLESON. This does that, too. We dropped out the word "purchase" because it was surplusage.

Mr. FOSTER. That includes it, does it?

Mr. BURLESON. Oh, yes.

Mr. FOSTER. Last year you had that, but you did not have the other language. I wondered if this gave you the necessary authority.

Mr. BURLESON. It does.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Telephones connected with the system of the Chesapeake & Potomac Telephone Co. may be maintained in the residences of the superintendent of the water department, superintendent of sewers, secretary of the Board of Charities, health officer, chief engineer of the fire department, and superintendent of police, of the District of Columbia, under appropriations contained in this act.

Mr. COX. Mr. Chairman, I make a point of order on that paragraph. It is clearly subject to it.

Mr. BURLESON. That is true; but will the gentleman reserve it?

Mr. COX. I will reserve it.

Mr. BURLESON. Under the paragraph carried in the legislative appropriation bill last year payment for telephones installed in the offices of the various employees of the Federal Government in the executive departments is prohibited. The Commissioners of the District of Columbia estimated in this bill for 12 telephones, informing us originally that various employees in the District government had requested telephones to the number of 52. They had that many at the time this item that I have referred to was embodied last year in the legislative appropriation bill. The commissioners reduced the number to 12. Subsequently they submitted to us a list of the officials that they thought should be furnished with telephones. This list embraced twenty-odd employees of the District government.

The subcommittee went over the list carefully. In that list were telephones for the commissioners and for the secretaries to the commissioners and various other employees. The subcommittee went over the list carefully, I say, and, considering only the interests of the people of the District of Columbia, considering only the efficiency of the municipal public service, we reduced the number to six, as now carried in the bill. We believe that the burden of paying for a telephone should not be imposed upon the superintendent of sewers, to illustrate, or on the superintendent of the water department or on the chief engineer of the fire department. It is in the interest of the people that these officials should be promptly reached if their services are required; and believing that, we embodied in the bill this item to furnish these particular officials with telephone service at the cost of the District.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. BURLESON. Certainly.

Mr. COX. Your bill does not say how many you purpose to carry by your appropriation.

Mr. TAYLOR of Ohio. It provides for six. It names them specifically.

Mr. FOWLER. They are denominated.

Mr. BURLESON. Each one is specified.

Mr. COX. What do these telephones cost?

Mr. BURLESON. I think the cost is $4 a month.

Mr. COX. Four dollars a month?

Mr. BURLESON. Yes.

Mr. COX. This request is in violation of the law passed last year, is it not?

Mr. BURLESON. This is intended to meet that situation. It is to modify the law, in so far as these particular officials are concerned.

Mr. COX. But, as I understand the law as it now exists, there can not be any appropriation made for any of these officials, and this is an exception to the law passed last year?

Mr. BURLESON. Yes; for these particular persons that we have enumerated.

Mr. COX. I do not see any reason why that should be done. It seems, according to the suggestion of the gentleman from Kentucky [Mr. JOHNSON], that the plan is gradually to enlarge the list next year, and then the year after, so that in the course of a very few years the law passed last year will be virtually emasculated and destroyed and the total number will eventually be restored that were in last year. I can not see, Mr. Chairman, any reason at all for the item remaining in this bill, for the reason that the very titles of the persons to whom it is proposed to give these telephones show that they are all high-priced and high-salaried men.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. COX. I insist on the point of order.

The CHAIRMAN. The gentleman from Indiana [Mr. Cox] insists on his point of order.

Mr. TAYLOR of Ohio. The purpose of the committee was not in any sense to begin a raid against the legislation carried in last year's measure. But if you will look at the particular officials designated, you will find that each one of these men is at the head of what might be termed an emergency department, subject to call at any hour of the day or night.

Mr. COX. Does not the gentleman believe they ought to pay their own telephone bills at their own private residences, telephones which they can use for their own personal purposes?

Mr. TAYLOR of Ohio. No.

Mr. COX. If it is true, let us live up to the law.

Mr. TAYLOR of Ohio. These men, by reason of their positions, are called upon officially at all hours and should be in close touch with the public.

Mr. COX. There is no question about that; but let them pay for their own telephones.

Mr. TAYLOR of Ohio. They may be called upon at any time to meet a serious emergency. That is why the committee have made this allowance, and they are the only ones we ever will allow, as far as the present subcommittee is concerned.

Mr. LOBECK. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Indiana yield?

Mr. COX. I yield.

Mr. LOBECK. I want to commend the committee for making the recommendation for these six persons who are named here. No up-to-date city in the country requires that the superintendent of a water department shall pay for his own telephone at his home. From heavy rainfalls sewers at any point in a city may be flooded. The superintendent of sewers must keep a telephone at home, so that he can be called in his official capacity. He may be called at any hour of the night. There may be a flood in any portion of the city, and his men call him up. The same can be said of every one of these six men named here. They must be in touch with their departments at all times. It is necessary that they should have telephones convenient, for the protection of property and of the people of this city, and no up-to-date city requires the heads of this class of municipal departments to pay for telephones, but telephone service is paid for by the taxpayers.

The CHAIRMAN. The time of the gentleman from Indiana has expired. Does the gentleman make the point of order?

Mr. COX. I make the point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

For carrying out the provisions of the act approved March 1, 1899, entitled "An act to authorize the Commissioners of the District of Columbia to remove dangerous or unsafe buildings and parts thereof, and for other purposes," to pay the members of the board of survey provided for therein, other than the inspector of buildings, at a compensation of not to exceed $10 for each survey, and to pay the cost of making safe or removing such buildings upon the refusal or neglect of the owners so to do, the unexpended balance of the appropriation made for this purpose for the fiscal year 1913 is reappropriated for the fiscal year 1914.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order against that paragraph, because lines 22, 23, 24, and 25 are legislation.

The CHAIRMAN. Does the gentleman from Texas [Mr. BURLESON] desire to be heard on the point of order?

Mr. BURLESON. What is the gentleman's point of order?

Mr. JOHNSON of Kentucky. The unexpended balance of this appropriation is reappropriated.

Mr. BURLESON. There was an unexpended balance in this fund last year.

Mr. FOSTER. How much?

Mr. BURLESON. About $7,500, or something in excess of $7,000, and instead of appropriating directly out of the Treasury, we have reappropriated the unexpended balance, as one means of keeping up with the expenditures that are being made by the board.

Mr. FOSTER. Do you appropriate enough each year then to keep up this fund? I notice that last year the sum of $2,000 was appropriated.

Mr. BURLESON. We try to make the appropriation adequate for the service that is to be performed. Sometimes in a fund of this kind the amount appropriated is not all expended, and we frequently reappropriate the amount. It is not unusual in appropriation bills. There is no change in the law. It is done in order to avoid duplication of appropriations. It is a good practice, and I think it is not a violation of any of the rules of the House. It is one recognized form of appropriating money.

Mr. JOHNSON of Kentucky. Mr. Chairman, under the covering-in act this money would go back into the Treasury. These four lines suspend the operation of the covering-in act, so far as this appropriation is concerned, and reappropriate it.

The CHAIRMAN. The Chair is ready to rule. The point of order is overruled.

The Clerk read as follows:

Hereafter any final judgment or decree of the Court of Appeals of the District of Columbia may be reexamined, affirmed, reversed, or modified by the Supreme Court of the United States, upon writ of error or appeal, in all cases wherein is involved the validity or infringement of any patent in which the District of Columbia, or the Commissioners of the District of Columbia, or a contractor doing work for the District of Columbia under a contract where said commissioners assume responsibility for infringement of patent rights, or any of them, are parties in interest, and all laws or parts of laws inconsistent with the provisions hereof are hereby repealed.

Mr. MOORE of Pennsylvania. Mr. Chairman, I make a point of order against the pagagraph on the ground that it is new legislation.

Mr. JOHNSON of Kentucky. Will the gentleman reserve it?

Mr. MOORE of Pennsylvania. I will.

Mr. JOHNSON of Kentucky. In explanation of this, Mr. Chairman, I will say that there is a claim made that there is a patent on so simple a thing as asphalt pavement. In order to be entirely rid of any annoyance on that score, a bill was prepared and introduced into the House, went before the District Committee, a favorable report was made on the bill, it came before the House, and was passed practically unanimously and is now before the Senate. This ought to become a law for the protection of the commissioners in the building of streets in the District of Columbia. If it can not become a law in the regular way, there is no excuse for its not becoming a law in this way.

Mr. MOORE of Pennsylvania. Mr. Chairman, this is clearly new legislation. It is injecting into an appropriation bill legislation that does not pertain particularly to it. It multiplies the work imposed upon the Supreme Court of the United States and involves the question of the interminability of suits at law. I insist on the point of order.

Mr. BARTLETT. Does not the gentleman think as important a question as this ought to be dealt with by the Supreme Court of the United States?

Mr. MOORE of Pennsylvania. If it is a question of such importance, I will say to the gentleman it ought to come up as new legislation, to be discussed in the regular way.

Mr. BARTLETT. It has passed the House unanimously.

The CHAIRMAN. Does the gentleman from Pennsylvania insist upon his point of order?

Mr. MOORE of Pennsylvania. I insist upon the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Condemnation of streets, roads, and alleys: For purchase or condemnation of streets, roads, and alleys, $1,000.

Mr. JOHNSON of Kentucky. Mr. Chairman, I reserve a point of order upon that. I would like to ask the chairman of the committee if he does not think it well to limit the appropriation of money for condemnation purposes to alleys? The law does not apply to streets and roads.

Mr. BURLESON. As I understand, there is a general law authorizing the condemnation of streets and assessing all the damages and benefits to property owners.

Mr. JOHNSON of Kentucky. But you are asking money for it.

Mr. BURLESON. Only a thousand dollars.

Mr. JOHNSON of Kentucky. Does not the gentleman think it had better be limited to alleys?

Mr. BURLESON. I do not, for the money is expended only in very rare instances, to meet emergencies.

Mr. JOHNSON of Kentucky. I withdraw the point of order.

The Clerk read as follows:

The part of Twentieth Street NW., in the District of Columbia, beginning at Park Road and extending north along the west side of square 2617 to the north end of said square, shall hereafter be designated Park Road; and the part of said Twentieth Street beginning at Park Road and extending south along square 2604 to Adams Mill Road shall hereafter be designated Walbridge Place.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order that that is new legislation.

Mr. TAYLOR of Ohio. Will the gentleman reserve it?

Mr. JOHNSON of Kentucky. I will.

Mr. TAYLOR of Ohio. Mr. Chairman, the purpose of this legislation arises from the peculiar condition with reference to Twentieth Street and a street also called Twentieth Street, located, I should say, a mile away from it; not in a direct line with it, but entirely across Rock Creek Park from Twentieth Street as we know it. Carrying out Twentieth Street as far as they could up to the park, the commissioners ran across the

park and found a little road about one block long that is, in fact, Park Road, and named it Twentieth Street. The next block, and all the rest of the road, is called Park Road. The matter was brought to our attention by the commissioners and by a Member of this House, the gentleman from Wyoming, Mr. MONDELL, who lives on this part called Twentieth Street. He and his neighbors have unanimously petitioned for this change because their friends and those who come from the stores are unable to find them. They go as far as they can on Twentieth Street and find no such house number and give it up. It is to meet an unusual condition and an error made by some previous Board of Commissioners by which the street, which is in no way attached to Twentieth Street, not on a direct line with it and more than a mile away, was erroneously named, and, as I say, the balance of it is called Park Road. We thought it was to meet a pressing emergency and we have put it in the bill.

Mr. JOHNSON of Kentucky. Mr. Chairman, I believe that I will insist on the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

The Commissioners of the District of Columbia are authorized, in their discretion, to use such portion of public space lying south of Water Street and east of Fourteenth Street SW. as may, in their judgment, be necessary for the site of an asphalt plant and the storage yards and other necessary accessories therefor, and to construct a bulkhead on the water side of said site, upon such lines as they may deem necessary to rectify the present bulkhead line: *Provided*, That the District of Columbia shall pay to the United States as compensation for the land contained in said site one-half the estimated value thereof, namely, $19,500, and there is hereby appropriated, entirely from the revenues of the District of Columbia, said sum of $19,500, which shall be deposited in the Treasury of the United States to the credit of the United States, and thereafter the title to said property shall be in the name of the District of Columbia. And they are further authorized to establish, construct or purchase, maintain, and operate, on the site above described, an asphalt plant with the necessary accessory structures, materials, means of transportation, road rollers, tools and machinery, and railroad sidings, all or any part of the above work to be executed by day labor or contract, as in the judgment of the commissioners may be deemed most advantageous to the District of Columbia, and the cost of the same and of any necessary incidental or contingent expenses in connection therewith shall be paid from the appropriation for "Repairs streets, avenues, and alleys" made herein: *Provided further*, That the total expenditure under the above authorization for an asphalt plant shall not exceed the sum of $90,000; and the portable asphalt plant purchased under the appropriation for repairs of streets, avenues, and alleys for the fiscal year 1913 may be operated under the immediate direction of the Commissioners of the District of Columbia in doing such work of resurfacing and repairs to asphalt pavements, in the repair of macadam streets by constructing on such macadam streets an asphalt macadam wearing surface and in the construction of asphaltic macadam surfaces on concrete base, as in their judgment may be economically performed by the use of said plant, and so much of this appropriation as is necessary for the purposes aforesaid is hereby made available for such work.

Mr. GREGG of Pennsylvania. Mr. Chairman, I make the point of order against the paragraph that it is new legislation.

Mr. JOHNSON of Kentucky. Mr. Chairman, I also make the point of order against the paragraph.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BURLESON. Mr. Chairman, I have a substitute which I desire to offer as an amendment in lieu of the paragraph stricken out, which I send to the desk and ask to have read.

The Clerk read as follows:

The portable asphalt plant purchased under the appropriation for repairs of streets, avenues, and alleys for the fiscal year 1913 may be operated under the immediate direction of the Commissioners of the District of Columbia in doing such work of resurfacing and repairs to asphalt pavements, in the repair of macadam streets by constructing on such macadam streets an asphalt macadam wearing surface and in the construction of asphaltic macadam surfaces on concrete base, as in their judgment may be economically performed by the use of said plant, and so much of this appropriation as is necessary for the purposes aforesaid is hereby made available for such work.

Mr. JOHNSON of Kentucky. Mr. Chairman, on that I reserve the point of order.

Mr. SAUNDERS. Mr. Chairman, on behalf of the committee I would like to make a statement in this connection. This is an apparatus, or machine that the city now owns. It is in use at the present time for the repair of streets. In its practical operation it has proved to be most efficient and economical, but there is not enough work to occupy it all the time. In the course of its use for the purposes of repair, the District authorities have ascertained as a practical proposition, as a matter of dollars and cents, that it could be economically used for the actual paving of short sections of the streets. It is not proposed to go into general street paving and this proposition has nothing to do with any asphalt plant proposition. The paragraph is simply intended to authorize the District of Columbia to use machinery which it already owns, to the fullest extent of its economic possibilities. That is all there is to the proposition. The officials have ascertained that short sections of the street can be paved most economically in this way. They give the figures, and ask only to be allowed to use this machine for paving during such hours as it is not in use for the repair of streets. This use will effect a most desirable and economical result.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS. Yes.

Mr. MOORE of Pennsylvania. Is this work that would ordinarily be advertised for?

Mr. SAUNDERS. Yes, I so understand.

Mr. MOORE of Pennsylvania. Would there be any competition brought about by advertising for this kind of work?

Mr. SAUNDERS. So far as that is concerned, there would be no advertising for the relatively small amount of paving that this machine would do.

Mr. MOORE of Pennsylvania. Then there would be some competition?

Mr. SAUNDERS. Oh, no, so far as the question of competition is concerned, that would be eliminated. The city has ascertained, so that it is no longer a matter of theory, that short sections of the street, when other sections of the street are pulled up, can be paved by the use of this portable plant. The machine reduces the material, and it is then used for the paving of these short sections.

Mr. MOORE of Pennsylvania. The city owns the plant?

Mr. SAUNDERS. Yes. It is proposed to utilize a present piece of machinery for certain paving that can be economically done by its use.

Mr. JOHNSON of Kentucky. Mr. Chairman, there have been persistent efforts made during the last few years to build a municipal asphalt plant. Each of those efforts carried with it the giving away of the public domain. Because of that, more than for any other reason, I have each time opposed the establishment of a municipal asphalt plant. After the proposition had several times met defeat at the hands of the House, then the commissioners came with a proposition to expend $7,500 for a portable asphalt plant for the purpose of repairing holes and breaks in the asphalt streets. It was not contemplated, in so far as anybody knew, that they were to go further, but it now develops that that $7,500 plant was the camel's head being stuck in, because immediately following that comes the proposition that the law compelling competitive bids and the advertising for the work to be done by competitive bid is to be done away with, and this $7,500 plant to be succeeded, most likely, with a $175,000 plant, which will become a permanent fixture. When that happens, that the work is being done by day laborers under perhaps an extravagant commission and is not being done as cheaply as it could be had from a contractor, then this law is permanent and we must go ahead under that system. It repeals the contract system, and believing—having no doubt in my own mind—that this is, as I said, an instance of the camel's head, the next step will be entirely within the house, and the camel will be the sole occupant. Now, it was contemplated in the first place, as I said, to give up Government domain. Then the bill comes along with another proposition to pay half of what somebody says this public domain is worth, and the figure fixed for one-half of it is $19,000. I have contended upon the floor of this House before, and I again repeat, that if you pass the amendment just now offered the next step taken will be to find a place to store the material for this $7,500 asphalt plant. That will require a roof. Then it will be immediately proposed to be enlarged into a permanent municipal asphalt plant, and perhaps put upon this very valuable piece of property lying in the District of Columbia, which I have said before, and I repeat now, is the most valuable piece of water front in the District of Columbia, as bounded upon the south is the main channel of the Potomac and bounded upon the west is the railroad track which reaches the railroad trains and gives access by railroad to all the world; and, as I said, it also runs on the main channel of the Potomac River and has water access to all the world, yet the commissioners come and tell us that it is worth a dollar a foot. I have made some investigation——

Mr. BURLESON. Will the gentleman permit an interruption?

Mr. JOHNSON of Kentucky. Certainly.

Mr. BURLESON. I will state that I thought that was the gentleman's objection to this project last year, and we tried to meet the objection by imposing upon the District government the burden of paying for one-half of the lot that is to be occupied, and I will state to him that I am perfectly willing that he should place an estimate upon this property in any sum he sees fit and I will accept it as an amendment to this bill.

Mr. JOHNSON of Kentucky. Well, the gentleman is assuming both for myself and for himself; but I believe, Mr. Chairman, as I was about to say, that the $7,500 movable asphalt plant was the camel's head. That was simply to do patchwork. Now they come and want to do street work. And when this

$7,500 plant appears to be too small, then what are they going to do? Ask for a bigger one, and get it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order.

Mr. SAUNDERS, Mr. MOORE of Pennsylvania, and Mr. REDFIELD rose.

Mr. SAUNDERS. Mr. Chairman, I desire to be heard on the point of order.

Mr. JOHNSON of Kentucky. Mr. Chairman, I will reserve the point of order.

The CHAIRMAN. The gentleman from Kentucky reserves the point of order, and the Chair will recognize the gentleman from New York [Mr. REDFIELD], a member of the committee.

Mr. REDFIELD. Mr. Chairman, I am sorry that I was not in the House when this subject of the asphalt plant came up, because I have had peculiar experience in connection with this matter, and I think I may venture for a few moments to lay the results of that before the committee. When I was commissioner of public works in the borough of Brooklyn, in New York City, in 1902 and 1903, the department under my care laid 100 miles of asphalt pavement in two years. We had something like 300 miles of asphalt streets. There was one particular problem with which the contract system under which we had to work could not deal well, and that was the problem of street repairs. I found it literally impossible to proceed under contract with that particular item for a very practical reason. Street repairs are caused by plumbers' cuts and by odd breaks in pavements here and there. They will be a yard or less in area and will occur in scattered places. No contractor can estimate accurately the cost of doing these little petty items of work scattered over hundreds of miles of streets. We finally got an asphalt plant largely for that purpose, with the result that the cost of the work was cut about in half and greatly increased in quality. Now, the next item was the item of small repairs, such as resurfacing small areas. That can not be done economically by contract, because the quantities are too small and the places are too scattered to permit the contractor to properly estimate upon it, and for a like reason we carried our municipal asphalt plant into that service, with the admirable effect, Mr. Chairman, of cutting the cost down largely and increasing the quality of the work greatly.

The using of this small plant for small jobs of resurfacing may be, as my friend from Kentucky [Mr. JOHNSON] says, the entering of the camel's head. If it be, then experience shows, Mr. Chairman, it is a mighty good camel. Personally I speak from having myself done, I think, as much as any other man to destroy the Asphalt Trust. I carried on a combat with that trust every day for many long months and drove it out of the streets of Brooklyn entirely and put in free competition. I am the last man to speak in favor of anything in the world which restricts the freedom of action on the part of contractors, but this is a particular element in street work of which I speak from practical knowledge, which can not properly be done by large contractors and which can not be economically done by small ones. I hope the measure will prevail as it stands.

Mr. SAUNDERS. Mr. Chairman, as I said, I wish to address myself to the point of order, because I do not consider that this item is properly subject to a point of order. This paragraph comes within the operation of the Holman rule, because it reduces the amount covered by the bill. It reduces the amount that would otherwise be necessary for the operations to which this bill relates.

Now, as to whether or not a permanent plant would reduce the expenses, that would be a matter of speculation. A paragraph providing for such a plant would clearly be subject to a point of order. Its operation would be a prospective and problematical matter. But with respect to a plant of the kind in present use, in this city, it has been tested, and we have the figures in relation to its operation. Its cost of operation is no longer a question of speculation, but a matter of easy verification. That is the difference between this, and an entire asphalt proposition. With such a proposition we are not concerned at this time. If the experience of the city with this temporary plant is satisfactory, and it is proved to be a good thing then we ought to go further and provide for a complete and permanent asphalt plant. But that is another proposition. It might be good legislation to provide for such a plant, but we are not considering such a plant in the present measure. In this connection I wish to call the attention of the Chair to the figures relating to the particular use of the plant for which this authority is asked. There is no question but that the paragraph is new legislation, and unless it can be shown that the new legislation proposed will reduce expenses, it is clearly subject to a point of order. We admit that. But if it is shown that it will reduce expenses, then it comes within the rulings that have been made touching the Holman rule.

Permit me to call the attention of the Chair to the situation with respect to this portable plant. This plant, according to the testimony before us in the hearings—and there is nothing to the contrary—has been highly successful. With it the city is now repairing all the places where the streets are cut to lay pipes of any kind. All the holes that occur in the street are repaired with this same plant. But this use occupies only a portion of its time. It is a familiar proposition of business that hardly requires any demonstration, that when you own a piece of property, which in its limited use is operated economically, you can increase that use with an additional resulting economy. That is what is proposed to be done here. It is proposed to make further use of an existing apparatus that has demonstrated its utility and economy, so as to reduce expenses still further by its operation.

Now, for what purpose would that plant be used under the authority of this paragraph? A small section of street——

Mr. MOORE of Pennsylvania. Mr. Chairman——

The CHAIRMAN. Will the gentleman from Virginia [Mr. SAUNDERS] yield to the gentleman from Pennsylvania [Mr. MOORE].

Mr. SAUNDERS. Certainly.

Mr. MOORE of Pennsylvania. Can the gentleman tell whether there was authority in law for the purchase of this plant?

Mr. SAUNDERS. Oh, yes. It was put in the bill last year, but its use was limited to the repair of cuts and holes, in a word to repair work pure and simple.

Mr. MOORE of Pennsylvania. How much is involved by its use?

Mr. SAUNDERS. Relatively little. The city can not go into a large business with one small machine. It is a matter of only a few hours' work additional to its present use.

Mr. MOORE of Pennsylvania. If it were a matter of a thousand dollars and merely smoothing off edges here and there, I think there could be no serious objection to it; but if it is a matter of a thousand dollars, where competition would be eliminated——

Mr. SAUNDERS. No competition involved here, as I will show the gentleman in a minute.

There is a provision in this bill for macadamizing a short section of street by the Pan American Building.

Should that section be paved by the asphalt company here, and no other can practically compete with it the paving would be done according to a contract price. It is proposed to give authority for the use of the portable plant, so far as it can be used, to pave short sections of street with the material that is dug up elsewhere. Thus they will do this paving with city labor, city material, and city plant. Only a few sections, comparatively speaking, or a few blocks, would be paved in the course of a year, by the use of this machine, but a valuable object lesson might be furnished.

Mr. MOORE of Pennsylvania. Of course, the gentleman realizes that if that work were extended it would mean the establishment of a new bureau in the District of Columbia?

Mr. SAUNDERS. Possibly, but that would require additional legislation. This is purely a business proposition. If its operation proves to be economical and effective, the gentleman would desire to extend it, would he not?

Mr. MOORE of Pennsylvania. I see no objection to it if it is used simply in smoothing off edges, and so forth.

Mr. SAUNDERS. It is small construction work that is intended to be provided for.

Mr. MOORE of Pennsylvania. There being warrant of law for it?

Mr. SAUNDERS. There is warrant of law for the repair of streets, but not for the paving of streets. Permit me to give you the figures in this connection, from the hearings:

Mr. BURLESON. Could you do the work on the street between the Bureau of American Republics and the Daughters of the American Revolution buildings in that way?

The answer was:

Col. JUDSON. Yes; we could do that very easily.

Mr. JOHNSON of Kentucky. Whose answer is it?

Mr. SAUNDERS. Col. Judson's answer. He said:

Yes; we could do that very easily.

Then the colloquy proceeded—

Mr. BURLESON. That could be done with this portable asphalt plant?

Col. JUDSON. Yes, sir.

Mr. BURLESON. And could be done very much cheaper than by contract?

Col. JUDSON. Yes. I may say that these figures are worked out most carefully by Mr. McComb, who is a very careful man, from the best data that could be obtained in the country. He showed that, per cubic

foot, the standard asphalt material for repairs cost 54.4 cents by contract; that it would cost 41.84 cents with a fixed municipal plant, and that it cost 45.6 cents with a portable plant, which, as you will see, is intermediate. What is capable of being done by a portable plant is based on what has actually been done. What could be done here with a municipal fixed plant is, of course, just a matter of calculation.

This matter of the work that can be done with this portable plant, is no longer a question of speculation.

These figures, and the experience of the city differentiate as clearly as can be done, the difference between the pending proposition and one for an entire plant. In the one case we have the results of actual experience, in the other the inquiry would be speculative. The effect of this legislation will be to reduce expenses. In its work this repair plant has already reduced expenses. Hence it has been demonstrated that in its further use, a further reduction of expenses will be effected. Therefore it is within the benefit of the Holman rule.

The CHAIRMAN. The Chair is ready to rule.

Mr. JOHNSON of Kentucky. Mr. Chairman, this is a very plain proposition.

The CHAIRMAN. The Chair is ready to rule.

Mr. JOHNSON of Kentucky. I do not know whether the Chair will rule with me or against me. [Laughter.]

The CHAIRMAN. If the ruling of the Chair is not satisfactory to the gentleman, the Chair will reopen his mind. The point of order made against the amendment appears, of course, in the RECORD. The members of the committee as well as the Chairman are familiar with the splendid and elaborate opinion rendered construing the Holman rule and applied to a somewhat similar proposition by the distinguished gentleman from Virginia [Mr. SAUNDERS]; also the opinion by the distinguished gentleman from Kentucky [Mr. JOHNSON]; and by the distingushed gentleman from Tennessee [Mr. GARRETT], who presided over the committee about a year ago when this bill was under consideration; and lest the Chair may not state these rulings so clearly and differentiate as thoroughly and accurately as those gentlemen did, the present occupant of the chair will only direct attention to those lucid interpretations of the Holman rule and announce that, enlightened and guided by these precedents, it is his judgment that the amendment is not safely within the Holman rule, and therefore sustains the point of order.

Mr. BURLESON. Mr. Chairman, I offer another amendment. I offer the same amendment with additional words added after the last word of the amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Texas [Mr. BURLESON].

The Clerk read as follows:

The portable asphalt plant purchased under the appropriation for repairs of streets, avenues, and alleys for the fiscal year 1913 may be operated under the immediate direction of the Commissioners of the District of Columbia in doing such work of resurfacing and repairs to asphalt pavements, in the repair of macadam streets by constructing on such macadam streets an asphalt macadam wearing surface and in the construction of asphaltic macadam surfaces on concrete base, as in their judgment may be economically performed by the use of said plant, and so much of this appropriation as is necessary for the purposes aforesaid is hereby made available for such work: *Provided*, That the powers herein conferred shall not be exercised except under conditions that will insure the doing of the work contemplated hereunder at prices that shall be less per square yard than such or similar work can be done by contract.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order on that.

The CHAIRMAN. The gentleman from Kentucky [Mr. JOHNSON] makes a point of order on the amendment. The point of order is sustained.

Mr. SAUNDERS. May I have a moment, Mr. Chairman? This amendment meets the objection sustained by the Chairman in his former ruling. The face of this amendment carries a reduction. Unquestionably this amendment is legislation, but it effects a reduction. The apparatus can be utilized under this amendment provided the cost of operation is less than the cost of the same work, if it be done by contract. If the work can not be done with this portable machine at less than the contract price per cubic yard, then the machine shall not be used at all.

The CHAIRMAN. In the opinion of the Chair, the provisions of the Holman rule are not satisfied by this conditional and contingent provision for retrenchment. This amendment provides for the operation of a certain instrumentality upon the express condition that if at some time hereafter, in the judgment and opinion of those District officers employing and operating it, it may be employed so as to reduce expenses. As in this case, more specifically stated, the amendment may retrench or it may not retrench, dependent on opinion of some other authority than the House, and provided some future ascertainment will justify the experiment. Whether there will be a reduction of expenses is to be determined by the judgment of those executing the work under one system, as compared with the cost of the work under the system now employed by the District. The rule requires the House to legislate a positive, not a contingent or equivocal reduction. The House may and does nominate others to carry retrenchment into effect, but so long as the language of the amendment shows on its face that there may never be a saving or attempted saving by the legislation, if enacted, it is impossible for the Chair to rule that the amendment will retrench expenditures. The Chair sustains the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, in that connection I call attention to the paragraph on page 20 which we have just passed, which fixes a limit of $1.80 per square yard for this kind of work. There was an opportunity for the gentleman offering the amendment to establish the efficiency of the rule by fixing a rate which might lower the cost. Rather than that he has left it to the discretion of the commissioners.

Mr. BURLESON. I ask unanimous consent that this item may be passed until we can prepare an amendment, and that the Clerk proceed with the reading of the bill.

Mr. JOHNSON of Kentucky. I understand that the Chair has ruled, so the only question will be whether the Chair will reopen the question or not.

Mr. BURLESON. No; we are going to offer another amendment.

The CHAIRMAN. If at any time it should come to the attention of the Chair that he had made an incorrect ruling, he would be perfectly willing to correct that ruling, but the Chair has no doubt of the correctness of his ruling at this time.

Mr. BURLESON. I am not asking the Chair to reopen the matter at all. I am just asking the Chair to pass this until we can prepare a new amendment, and proceed with the reading of the bill in order not to lose any time.

The CHAIRMAN. If there be no objection, this paragraph will be passed with that understanding, and the Clerk will read.

The Clerk read as follows:

The authority given the Commissioners of the District of Columbia in the act making appropriations for the expenses of the District of Columbia, approved March 2, 1907, to make such changes in the lines of the curb of Pennsylvania Avenue and its intersecting streets in connection with their resurfacing as they may consider necessary and advisable is made applicable to such other streets and avenues as may be improved hereafter under appropriations: *Provided*, That no such change shall be made unless there shall result therefrom a decrease in the cost of the improvement.

Mr. FOSTER. I make a point of order on that paragraph.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] makes a point of order against the paragraph.

Mr. BURLESON. Will the gentleman reserve it for an explanation?

Mr. FOSTER. I reserve it.

Mr. BURLESON. The purpose of this is to enable the commissioners to narrow a street or shift the curbing from the line prescribed by the highway plan, in order to save the lives of a line of trees. Frequently in resurfacing a street to establish a new line of curbing, it becomes necessary to cut down through the roots of the trees which are close to the street and sidewalk being recurbed. This results in the killing of the trees. The sole purpose of this is to give the same authority which was conferred upon the District Commissioners with reference to Pennsylvania Avenue and the streets adjacent thereto, and to extend this authority to other streets, provided, in every case, that the expense shall be less.

Mr. FOSTER. I understand that last year we had this provision in the bill, with some modifications from this. This makes it permanent law, and does not propose to limit it to the appropriations made at this time. It makes it the law for all time to come.

Mr. JOHNSON of Kentucky. They did not do what they said they would on Pennsylvania Avenue. They have torn up old curbing and put down new curbing in the same place.

Mr. FOSTER. I do not think we ought to make this the law until it is thoroughly considered by the committee having jurisdiction of such matters.

Mr. BURLESON. As I understand, then, the gentleman objects to the use of the word "hereafter," which makes it permanent?

Mr. FOSTER. Yes.

Mr. BURLESON. Then I ask unanimous consent that the word "hereafter" may be stricken out.

The CHAIRMAN. In what line?

Mr. JOHNSON of Kentucky. In line 8, page 27.

The CHAIRMAN. With the point of order reserved, the gentleman from Texas [Mr. BURLESON] asks unanimous consent to consider the paragraph, and that the word "hereafter" may be stricken out. Is there objection?

Mr. FOSTER. And then put in the words "contained in this act" after the word "appropriation."

Mr. BURLESON. All right. I have no objection to that.

The CHAIRMAN. The Clerk will report the amendment to the paragraph.

The Clerk read as follows:

Page 27, line 8, strike out the word "hereafter." In line 9, after the word "appropriation," insert the words "contained in this act."

Mr. BURLESON. That is all right. I accept that amendment.

Mr. FOSTER. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Texas.

The question was taken, and the amendments were agreed to.

The Clerk read as follows:

Highway Bridge across Potomac River: Draw operators—2, at $1,020 each, one $720; 4 watchmen, at $720 each; labor, $1,500; lighting, power, and miscellaneous supplies, and expenses of every kind necessarily incident to the operation and maintenance of the bridge and approaches, $8,620; in all, $15,760.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order against the item of $720 in line 24, page 27. It is an increase of salary of $120.

Mr. BURLESON. It is subject to a point of order, Mr. Chairman.

The CHAIRMAN. The point of order is sustained.

Mr. BURLESON. I move to amend by inserting the figures "$600."

The Clerk read as follows:

Page 27, line 24, insert "$600" at the beginning of the line.

The amendment was agreed to.

The Clerk read as follows:

For the construction of a bridge across Rock Creek on the lines of Pennsylvania Avenue, in accordance with plans approved by the Commissioners of the District of Columbia, and the said commissioners are authorized to enter into a contract or contracts for said work at a total cost not to exceed $160,000, of which so much thereof as may be necessary is authorized to be used for carrying suitable water mains across Rock Creek, to replace those now carried over said creek, to be immediately available and remain available until expended, $25,000.

Mr. JOHNSON of Kentucky. Mr. Chairman, to that I reserve a point of order.

Mr. BURLESON. Mr. Chairman, this item makes provision for the construction of a new bridge across Pennsylvania Avenue. The old bridge across Pennsylvania Avenue beyond Washington Circle is quite old. For many years it has been regarded in a measure as insecure, if not unsafe; it is quite narrow, and the street car company is unable to cross it because it is not of sufficient strength to uphold their cars. By reason of their inability to cross it they pass over on N Street, making a very abrupt and, in a way, dangerous turn.

For a number of years the people in Georgetown have been petitioning the Committee on Appropriations to provide for the construction of this new bridge. It is not a monumental bridge, although the plans they have in mind will provide a bridge in form and in the general outline and in the general appearance of the other bridges that have been constructed across Rock Creek.

The committee has endeavored, as far as they could, to safeguard the interests of the District in this paragraph. The original estimate provided that 15 per cent should be assessed against the railroad company as their portion of the contract part of the construction of this bridge.

The subcommittee were inclined to the belief that that was not a sufficient amount to be paid by the railroad company. They directed the municipal authorities to take a census of the traffic at that point—a census of the foot passengers, vehicles, and tonnage as well. They carefully considered the data furnished and reached the conclusion that the railroad company should bear at least 33⅓ per cent of the total cost of the construction of the bridge.

Under the general law the railroad, after this bridge has been constructed, will be compelled to bear 50 per cent of the cost of maintenance. I believe, in brief, those are the main reasons for the appropriation.

Mr. COX. Will the gentleman yield for a question?

Mr. BURLESON. Certainly.

Mr. COX. I see it authorizes the commissioners to enter into a contract or contracts for said work, the total cost not to exceed $160,000. I would like to know how that contract is let; is it by open competition?

Mr. BURLESON. By competitive bids.

Mr. COX. Bids called for in the newspapers?

Mr. BURLESON. Yes; in the usual way.

Mr. COX. Open competitive bids, to be let to the lowest responsible bidder?

Mr. BURLESON. Yes. There is no possibility of collusion, and I want to say that the District has been remarkably free from graft in the construction of the great improvements that we have made here for a number of years past.

Mr. LOBECK. Will the gentleman yield?

Mr. BURLESON. I will.

Mr. LOBECK. In making the plans has consideration been given to the proposed roadway to the Potomac?

Mr. BURLESON. Yes; some consideration has been given that, and provision made for it.

Mr. LOBECK. It is proposed to put a road down through there to the Potomac.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BURLESON. I ask for two minutes more.

[By unanimous consent, the time of Mr. BURLESON was extended two minutes.]

Mr. COX. Is the gentleman prepared from memory to tell us something about the tonnage and traffic that passes over this point?

Mr. BURLESON. I believe it is in the hearings.

Mr. COX. While they are looking that up, I will ask this question: Has the gentleman any estimate of what the total cost will be when finally completed?

Mr. BURLESON. One hundred and sixty thousand dollars. I neglected to state that there will be certain real estate acquired for the abutments of this bridge. All the damages are to be assessed as benefits.

Mr. COX. Let me see if I understand the gentleman. The amount carried by this bill is $160,000 for a bridge, and, as I understand it, that is the total cost of the bridge. Is that correct?

Mr. BURLESON. Certainly.

Mr. COX. And of that sum of $160,000 does the gentleman say that the railroad company will be required to pay 33⅓ per cent?

Mr. BURLESON. Thirty-three and one-third per cent of the $160,000.

Mr. COX. So that the only cost to the District of Columbia would be $160,000 less 33⅓ per cent.

Mr. BURLESON. The railroad company will pay 33⅓ per cent, the District of Columbia will pay 33⅓ per cent, and the General Government will pay 33⅓ per cent, and under the general law the railroad company will pay 50 per cent of the cost of maintenance of the bridge.

Mr. COX. Do I understand the gentleman desires to put something in the RECORD from the hearings?

Mr. BURLESON. Yes. I read from pages 261 and 262, from a letter addressed to me by Engineer Commissioner Judson:

This census was taken betwen the hours of 7 a. m. and 7 p. m., January 9, 1913. Calculated on the theory that the traffic across the proposed new bridge would equal the total street railway traffic now crossing the M Street Bridge, the total of traffic now crossing the present Pennsylvania Avenue Bridge, and one-half of all the other traffic, exclusive of street railway traffic, now crossing the M Street Bridge, the estimated traffic over the proposed new bridge would be as follows:

	Tons.	Passengers.
Street railway	10,336	10,785
Other traffic	3,105	6,912

Mr. COX. That is per day.

Mr. BURLESON. Yes; per day.

Mr. TAYLOR of Ohio. That was taken between 7 and 7.

Mr. BURLESON. Showing that the street car traffic was more than twice what the other traffic amounts to.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order.

The CHAIRMAN. The Chair would like to ask the gentleman from Kentucky, who makes the point of order, how he differentiates between this paragraph, which the Chair will read, which is a part of the present bill, and a paragraph from which he will quote, from Hinds' Precedents. The Chair reads the first few lines of the pending paragraph:

For the construction of a bridge across Rock Creek, on the lines of Pennsylvania Avenue, in accordance with plans approved by the Commissioners of the District of Columbia—

And so forth. The Chair finds a ruling made on May 4, 1906, by Mr. Chairman DALZELL, in Hinds' Precedents, volume 4, page 531:

The construction of a bridge on a road in the District of Columbia was held to be the continuation of a public work. On May 4, 1900, the sundry civil appropriation bill being under consideration in Committee of the Whole House on the state of the Union, this paragraph was read:

"For construction of a bridge across Rock Creek on the line of the roadway from Quarry Road entrance, under the direction of engineer commissioner of the District of Columbia, $22,000, one-half of which sum shall be paid out of the revenues of the District of Columbia."

Mr. J. H. BANKHEAD, of Alabama, having made a point of order, the Chairman held:

"The Chair has no doubt that this appropriation is in continuation of a public work already begun and is not subject to a point of order."

Mr. JOHNSON of Kentucky. Has the Chairman nothing to say about the $25,000 to be immediately available?

Mr. BURLESON. That is clearly in order. The Chair will recall that, under the rules, the Committee on Appropriations has exclusive jurisdiction over deficiencies.

The CHAIRMAN. The gentleman from Kentucky calls the attention of the Chair to the following language in the bill:

Of which so much thereof as may be necessary is authorized to be used for carrying suitable water mains across Rock Creek to replace those now carried over said creek, to be immediately available and remain available until expended, $25,000.

Why would not that come clearly under this ruling in Hinds' Precedents?—

An appropriation for repair of an existing Government road to a national cemetery, etc., is in order on a general appropriation bill as in continuance of a public work.

Mr. JOHNSON of Kentucky. But, Mr. Chairman, there is already a bridge there. This is not a continuation of a bridge already there. It is proposed to tear down and build a new bridge. The same proposition would apply to schools—to tear down one school and build another. You can not do that. If there was no bridge there that would be a different proposition, but there is a bridge there, and it has just been so stated by the gentleman who is in charge of the bill.

Mr. BURLESON. Suppose the bridge were to break down?

Mr. JOHNSON of Kentucky. There is no use in supposing that when it has not done it. That is a different proposition. When we get to the broken-down bridge, then we will cross the gully.

The CHAIRMAN. The Chair is ready to rule. In connection with what has been propounded in the nature of an inquiry by the Chair to the gentleman from Kentucky, as part of the Chair's ruling, the Chair will only add that if it appears that there is a bridge of some type at the point where it is proposed to construct the bridge, as provided for in the paragraph, it is not a parliamentary question as to whether or not the paragraph would be in order. The committee might decide that a wider bridge or a new bridge was necessary for public use. It does not devolve on the Chair to pass upon this phase of the subject. The Chair, therefore, overrules the point of order.

Mr. JOHNSON of Kentucky. Mr. Chairman, take the remarks of the Chairman himself. I will have the stenographer read them to you——

The CHAIRMAN. The Chair overrules the point of order.

Mr. SLAYDEN. Mr. Chairman, I would like to ask the gentleman in charge of the bill a question about a matter that is not strictly pertinent to this paragraph, but as all of page 29 seems to deal with the traction company it suggests a question. The gentleman perhaps knows that I live in a part of the city that has been denied transportation facilities for a long time, and from time to time we have had promises from the people who are responsible for that crime known as the Sixteenth Street herdic that there would be certain facilities granted to the people who live in that section. Now, I have once or twice this year been able to mount that extraordinary vehicle that in one respect at least bears a striking likeness to the wonderful one-horse shay. In all of its joints, in all of its wheels, and in all of its connections it has grown uniformly and hopelessly decrepit, and the one I was on one day went to pieces as Dr. Holmes's shay did, and I hope it will never be repaired. I have seen it stated in the papers from time to time that we should have better facilities for transportation in that region, but they do not come. I do not know which committee has jurisdiction over this matter, whether such matters are cared for by the gentleman from Kentucky [Mr. JOHNSON] or the gentleman from Texas [Mr. BURLESON], but I do hope that from one or the other of them we will have legislation that will either force an abandonment of the street or give us a decent service. Nothing now remains of the Sixteenth Street herdics but smell and noise.

Mr. JOHNSON of Kentucky. Mr. Chairman, I desire to state that a bill reaching the matter the gentleman from Texas desires has already passed this House, been signed by the President, and has become a law.

Mr. SLAYDEN. But we can not ride the law.

Mr. JOHNSON of Kentucky. There have been some indulgences granted by the Commissioners of the District, but I am reliably informed that the new herdics will go on service the 22d day of February.

Mr. SLAYDEN. Is that in celebration of the memory of the man who never told a lie? [Laughter.] I will have to accept that statement.

Mr. REDFIELD. Mr. Chairman, I ask unanimous consent to recur to line 17, on page 2.

The CHAIRMAN. The gentleman from New York [Mr. REDFIELD] asks unanimous consent to recur to line 17, page 2.

Mr. REDFIELD. I move——

The CHAIRMAN. Is there objection?

Mr. FOSTER. Could we find out the purpose of the gentleman's request?

Mr. REDFIELD. The purpose of this motion is to restore the item of $1,450, reduced by an oversight to $1,300, to its present amount of $1,450, for this reason: The purchasing agent of the District of Columbia, pursuant to the report of a committee of which I was a member, has let go one clerk entirely and has either let a second clerk go or is about so to do. In so doing he threw a large amount of additional work upon this particular man, and I told him I believed Congress would be sufficiently fair, when this man had assumed the work of two others, or substantially so, to recognize his willingness to do that by increasing his salary to $1,450. This was stricken out on a point of order in my absence. I called the attention of the chairman of the Subcommittee on Appropriations to that, and also the chairman of the District Committee. I think it is clearly a case of justice to a hard-working employee, and the District will be something like $1,500 to the good on the transaction. My amendment is to restore the figures $1,450 which were stricken out.

Mr. TAYLOR of Ohio. You are asking unanimous consent to revert to this paragraph?

Mr. REDFIELD. I am.

Mr. TAYLOR of Ohio. Do I understand from the gentleman from New York he only asks this in one particular case and for one particular salary, or does he intend to allow others to go back and convince the jury or committee that many of these salaries which were increased were increased because they were deserved, but which also went out on points of order?

Mr. REDFIELD. No; this was the one case.

Mr. TAYLOR of Ohio. Then I shall have to object.

Mr. REDFIELD. Will the gentleman withhold his objection?

Mr. TAYLOR of Ohio. I will withhold it.

Mr. REDFIELD. Mr. Chairman, in regard to this one single case, as a member of the committee on the purchasing methods of the District of Columbia, whose report has been filed, and where I did a considerable portion of the work, I frankly told the purchasing agent that his office was, to my mind, run at too large an expense for the clerical force and I told him he ought to reduce that force. Pursuant to the suggestion he did let one man go entirely. I told him he still should reduce his force, and pursuant again to the suggestion he either let the second man go or is about so to do. Now, this work that two men did was good work and it had to be done, and it is now thrown upon the one man to my personal knowledge; and, speaking not from what I am told but from what I know, the work which two men did before, now put upon the shoulders of one man, is loyally and faithfully undertaken.

There is no case of the kind to my knowledge in the bill anywhere. I think it is only an act of common, ordinary justice to let this man have this trifling amount, when the District stands a gainer by 15 times the sum because of this arrangement.

Mr. TAYLOR of Ohio. Mr. Chairman, I quite understand, and have no doubt that this clerk should have been promoted, else I would not, as a member of the subcommittee in charge of the bill, have voted and advocated his promotion. But to my personal knowledge there is not an increase advocated by the committee in this bill that is not a just and proper increase; and I can not subscribe to going back in the case of one individual and giving him a promotion at the request of any of my fellow members unless they agree that we go back to them all and try to convince the committee of the merits of their promotion. And for that reason I insist upon my objection.

The CHAIRMAN. The gentleman from Ohio [Mr. TAYLOR] objects, and the Clerk will read.

The Clerk read as follows:

And the Chief of Engineers, United States Army, is authorized and directed to transfer to the Commissioners of the District of Columbia the land under his jurisdiction in square 1194 which is necessary, in the judgment of said commissioners, for the construction of the aforesaid bridge and approaches.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order to that paragraph. It is another attempt to give away the public domain.

Mr. BURLESON. What part does the gentleman mean?

Mr. JOHNSON of Kentucky. On top of page 31 there.

The CHAIRMAN. The gentleman from Kentucky [Mr. JOHNSON] makes a point of order on the paragraph.

Mr. BURLESON. I will state to the Chairman that this land is necessary as an abutment upon which one end of the bridge is to rest. It is owned by the Government; and it is necessary, as I understand it, to raise the western end of the bridge upon this property.

The CHAIRMAN. The Chair is ready to rule. The point of order is sustained. The Clerk will read.

Mr. BURLESON. Before the Clerk proceeds to read, I ask unanimous consent that that particular paragraph may be passed in order that we may prepare an amendment to see if we can not meet the objection made by the gentleman from Kentucky [Mr. JOHNSON].

Mr. JOHNSON of Kentucky. With the point of order pending, Mr. Chairman?

The CHAIRMAN. Does the Chair understand that the gentleman from Kentucky [Mr. JOHNSON] desires that the ruling as made by the Chair be revoked and remain pending?

Mr. JOHNSON of Kentucky. Mr. Chairman, I do not wish to lose my right to make a point of order.

The CHAIRMAN. Against the amendment the gentleman may offer at the time?

Mr. JOHNSON. Yes; nor against this.

Mr. BURLESON. As I understand it, you will have the right to make a point of order against any amendment I may offer.

Mr. JOHNSON of Kentucky. That is right.

The CHAIRMAN. The Chair will state that any amendment which the gentleman from Texas may propose at the time would be new matter, and subject to a point of order or the reservation of a point of order. The Clerk will read.

Mr. BORLAND. Mr. Speaker, on page 31, following line 6, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

That hereafter whenever, under appropriations made by Congress, the roadway of any street, avenue, or road in the District of Columbia is improved by laying a new pavement thereon or by resurfacing an existing pavement from curb to curb or from gutter to gutter, where the material used is sheet asphalt, asphalt block, asphaltic or bituminous macadam, concrete, or other fixed roadway pavement, such proportion of the total cost of the work, including the expenses of the assessment, to be made as hereinafter prescribed, shall be charged against and become a lien upon the abutting property, and assessments therefor shall be levied pro rata according to the linear frontage of said property on the street, avenue, or road or portion thereof upon the roadway of which said new pavement is laid or the existing roadway of which is resurfaced: *Provided, however,* That there shall be excepted from such assessment the cost of paving or resurfacing the roadway space included within the intersections of streets, avenues, and roads, as said intersections are included within building lines projected, and also the cost of paving the space within such roadways for which street railway companies are responsible under their charters or under law on streets, avenues, or roads where such railways have been or shall be constructed.

The assessments hereinbefore provided for shall be levied in the following manner, viz: Where the average width of roadway is 32 feet or less between curbs, or between gutters where no curb exists, one-half the total cost of the work, including the expenses of the assessment, shall be assessed as hereinbefore provided; where the average width of roadway is greater than 32 feet between curbs, or between gutters where no curb exists, one-half of the proportion of the total cost of the work which the width of 32 feet bears to the total width of the roadway between curbs, or between gutters where no curbs exist, together with one-fourth of the proportion of the total cost of the work which the balance of the roadway width in excess of 32 feet bears to the total width of the roadway, including the expenses of the total assessment, shall be assessed as hereinbefore provided.

Assessments levied under the provisions hereof shall be payable and collectible in the same manner and under the same penalty for nonpayment as is provided for assessments for improving sidewalks and alleys in the District of Columbia, as set forth on page 248 of volume 28, United States Statutes at Large: *Provided,* That the cost of publication of the notice of such assessment upon the failure to obtain personal service upon the owner of the property to be assessed therein provided for, and of the services of such notices, shall be paid out of the appropriation for the work, and such assessments when collected shall be deposited in the Treasury of the United States to the credit of the United States and the District of Columbia in equal parts.

Mr. BURLESON. Mr. Chairman, I will state that the committee would have made a report of this paragraph, but we were afraid a point of order might be made against it. I am free to say that I have not examined it with that care which I would have given it if I had thought it was going into the bill. It is a matter of great importance, and I am perfectly willing that it should be considered on its merits.

I now move that the committee do rise.

Mr. GARNER. Mr. Chairman, I ask unanimous consent for permission to extend my remarks in the RECORD for the purpose of inserting a short address made by my colleague from Mississippi [Mr. WITHERSPOON] before the Society of Sons of the American Revolution on Wednesday, January 15, 1913.

The CHAIRMAN. The gentleman from Texas [Mr. GARNER] asks unanimous consent to extend his remarks in the RECORD by publishing the address as indicated. Is there objection?

There was no objection.

Mr. BORLAND. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BORLAND. The chairman of the subcommittee, the gentleman from Texas [Mr. BURLESON], had begun the debate on this amendment, and then he moved that the committee rise. Does that give me an opportunity to debate the question when the committee sits again?

The CHAIRMAN. The Chair will state for the information of the gentleman that the amendment offered by him will be considered as a new paragraph and as having been read by the Clerk, and pending, with no further proceedings taken.

Mr. BORLAND. Well, the gentleman from Texas [Mr. BURLESON] had made some formal debate of the matter, and then moved that the committee rise. My question is, Do I have an opportunity to resume the debate when the committee sits again?

Mr. BURLESON. No point of order has been made.

The CHAIRMAN. There is no rule that now occurs to the Chair that would interrupt the ordinary procedure of debate under the five-minute rule.

Mr. BORLAND. No point of order having been made upon it, the matter is open for debate?

The CHAIRMAN. The Chair rules that if no point of order has been made, it is now too late to make a point of order.

Mr. BURLESON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RODDENBERY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 28499) making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, and had come to no resolution thereon.

OFFICERS ON THE ACTIVE LIST OF THE ARMY.

Mr. HAY. Mr Speaker, I am directed by the Committee on Military Affairs to call up House resolution 790. It is a privileged resolution, asking for certain information from the Secretary of War.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolution (H. Res. 790) calling on Secretary of War for information.

Resolved, That the Secretary of War be, and he is hereby, directed to submit to the House of Representatives at the earliest practicable date a statement showing, in the case of each officer on the active list of the Army with rank above that of colonel, the following items of information, to wit:

First. Total length of service as a commissioned officer of the Army.

Second. Length of service as a commissioned officer of the line of the Army in each grade from second lieutenant to colonel, both grades inclusive; also the total length of such service in all of said grades.

Third. Length of time actually on duty with troops, as a commissioned officer of the line of the Army, in each grade from second lieutenant to colonel, both grades inclusive; also the total length of such duty in all of said grades.

Fourth. Length of service as a commissioned officer of a staff corps or department, or of a bureau or office of the War Department, in each grade below that of brigadier general; also the total length of such service in all of said grades.

Fifth. Length of service as a general officer, or as chief of a staff corps or department of the Army, or as a chief of a bureau or office of the War Department, with the rank of a general officer.

Mr. BURKE of South Dakota. Mr. Speaker, is that a request for unanimous consent?

The SPEAKER. No; it is a privileged matter.

Mr. BURKE of South Dakota. I would like to ask the gentleman from Virginia [Mr. HAY] if it has a unanimous report from the Committee on Military Affairs?

Mr. HAY. It has.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

On motion of Mr. HAY, a motion to reconsider the vote whereby the resolution was agreed to was laid on the table.

RELIEF OF INDIANS OCCUPYING RAILROAD LANDS.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to call up Senate bill 5674, for the relief of Indians occupying railroad lands, and ask unanimous consent that the House insist on its amendments and agree to the conference asked by the Senate.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

An act (S. 5674) for the relief of Indians occupying railroad lands.

The SPEAKER. The gentleman from Texas [Mr. STEPHENS] asks unanimous consent that the House insist on its amendments to this bill and agree to the conference asked for by the Senate. Is there objection?

There was no objection; and the Speaker announced as conferees on the part of the House Mr. STEPHENS of Texas, Mr. HAYDEN, and Mr. BURKE of South Dakota.

ENROLLED JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 157. Joint resolution to enable the Secretary of the Senate and the Clerk of the House of Representatives to pay

the necessary expenses of the inaugural ceremonies of the President of the United States on March 4, 1913.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 24194. To create a new division of the western judicial district of Texas and to provide for terms of court at Pecos, Tex., and for other purposes; and

H. R. 18841. Incorporating the National Institute of Arts and Letters.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Military Affairs was discharged from further consideration of House Document No. 1317, and the same was referred to the Committee on Appropriations.

HOUR OF MEETING TO-MORROW.

Mr. BURLESON. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet to-morrow at 11 o'clock a. m.

The SPEAKER. The gentleman from Texas [Mr. BURLESON] asks unanimous consent that when the House adjourns to-day it adjourn to meet to-morrow at 11 o'clock a. m. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. BURLESON. Mr. Speaker, I desire to give notice that to-morrow, immediately after the approval of the Journal, I shall move to proceed with the consideration of the District of Columbia appropriation bill. I now ask unanimous consent that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of that bill immediately after the reading of the Journal to-morrow.

The SPEAKER. The gentleman from Texas [Mr. BURLESON] asks unanimous consent that immediately after the reading of the Journal to-morrow the House shall resolve itself automatically into Committee of the Whole House on the state of the Union for the further consideration of the District of Columbia appropriation bill. Is there objection?

Mr. BURKE of South Dakota. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Texas [Mr. BURLESON] who has made the request if he has consulted the minority leader, Mr. MANN, in relation to it?

Mr. BURLESON. I have not; but I feel quite sure that the gentleman from Illinois [Mr. MANN] appreciates the importance of getting on with the appropriation bills.

Mr. BURKE of South Dakota. The same request could be made when the House meets to-morrow morning at 11 o'clock.

Mr. SAUNDERS. Let me suggest to my friend that the gentleman from Illinois [Mr. MANN] was here yesterday when the same thing was done, although to-day would have been private-bill day under the rule. To-morrow it will be different, because this bill will be in order in due course.

Mr. BURKE of South Dakota. I will ask the gentleman what time he will expect the committee to rise to-morrow evening, to-morrow being Saturday?

Mr. BURLESON. At the usual hour.

Mr. BURKE of South Dakota. What hour is that?

Mr. BURLESON. Somewhere in the neighborhood of 5 o'clock.

Mr. BURKE of South Dakota. With the understanding that the committee will rise at the usual hour, I will offer no objection.

The SPEAKER. Is there objection?

There was no objection.

ELECTION OF UNITED STATES SENATORS BY POPULAR VOTE.

The SPEAKER laid before the House a communication from the secretary of state of Oregon, announcing the ratification by the legislature of that State of the amendment to the Constitution of the United States providing that Senators shall be elected by the people of the several States.

Mr. LEVER. Mr. Speaker, I desire to inquire if it is true that unanimous consent has been given during the day for a print of the Senate amendments to House bill 22871?

The SPEAKER. Yes; that consent was given.

DEATH OF REPRESENTATIVE LEGARE.

Mr. JOHNSON of South Carolina. Mr. Speaker, it is my sad duty to announce to the House of Representatives the death of Hon. GEORGE S. LEGARE, a Representative from the State of South Carolina. I shall not take the time of the House now, but on some future occasion we shall ask the House to pay proper tribute to his memory. I offer the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 804.

Resolved, That the House has heard with profound sorrow of the death of Hon. GEORGE S. LEGARE, a Representative from the State of South Carolina.

Resolved, That a committee of 15 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expense in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The SPEAKER. The Chair will ask unanimous consent to have that resolution amended by providing for a committee of 16 Members instead of 15. Is there objection?

There was no objection.

The resolution was agreed to; and the Speaker announced as the committee on the part of the House Messrs. DAVIDSON, LOUD, WILSON of Illinois, ANDRUS, YOUNG of Kansas, FINLEY, ELLERBE, JOHNSON of South Carolina, BYRNES of South Carolina, AIKEN of South Carolina, LEVER, HAMLIN, MCLAUGHLIN, BROUSSARD, REILLY, and BOOHER.

ADJOURNMENT.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask the Clerk to report the last resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect this House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 42 minutes p. m.) the House, under the order heretofore adopted, adjourned until to-morrow, Saturday, February 1, 1913, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Savannah River at Augusta, Ga., with a view to determining what improvements are necessary in the interest of navigation by way of enlarging and extending the project authorized by the river and harbor act of June 25, 1910 (H. Doc. No. 1319); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Lake Crescent and Dunns Creek, Fla., from the St. Johns River to Crescent City (H. Doc. No. 1320); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

3. A letter from the Secretary of the Treasury, laying before Congress facts regarding cost of building at the port of Boston authorized by act of February 23, 1909, and suggesting legislation increasing limit of cost of same (H. Doc. No. 1322); to the Committee on Immigration and Naturalization and ordered to be printed.

4. A letter from the president of the Capital Traction Co., transmitting annual report of said company for the year ending December 31, 1912 (H. Doc. No. 1321); to the Committee on the District of Columbia and ordered to be printed.

5. A letter from the Secretary of Commerce and Labor, transmitting part 2 of the annual report of the Commissioner of Lighthouses for the fiscal year ended June 30, 1912 (H. Doc. No. 1323); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. LAMB, from the Committee on Agriculture, to which was referred the bill (S. 6497) to protect migratory game and insectivorous birds in the United States, reported the same without amendment, accompanied by a report (No. 1424), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN, from the Committee on Agriculture, to which was referred the bill (H. R. 27279) to amend the second clause of section 4 of chapter 784 of the United States Statutes at Large, volume 32, page 195, reported the same without amendment, accompanied by a report (No. 1427), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TUTTLE, from the Committee on the Post Office and Post Roads, to which was referred the resolution (H. Res. 778) directing the Committee on the Post Office and Post Roads to institute and carry forward an investigation into the letting of contracts, etc., reported the same without amendment, accompanied by a report (No. 1426), which said bill and report were referred to the House Calendar.

Mr. ROTHERMEL, from the Committee on Expenditures in the Department of Commerce and Labor, submitted a report (No. 1425), together with the views of the minority, on the ful-seal industry of Alaska, which report was referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. McKELLAR, from the Committee on Military Affairs, to which was referred the bill (H. R. 26849) for the relief of Charles Dudley Daly, reported the same with amendment, accompanied by a report (No. 1428), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. STEPHENS of Texas: A bill (H. R. 28558) to regulate the sale or other disposition by Indians of property issued to them by the United States, and for other purposes; to the Committee on Indian Affairs.

By Mr. CRAGO: A bill (H. R. 28559) for the relief of the nurses who served in the War with Spain; to the Committee on Pensions.

By Mr. COVINGTON: A bill (H. R. 28560) for the purchase of a site and erection of a Federal building at Cambridge, Md.; to the Committee on Public Buildings and Grounds.

By Mr. LEWIS: A bill (H. R. 28561) to amend an act entitled "An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes," approved March 19, 1906, as amended by the act approved March 2, 1907; to the Committee on the District of Columbia.

By Mr. FERRIS: Resolution (H. Res. 802) requesting the President of the United States to furnish the House of Representatives with all the affidavits, charges, corroborating evidence, letters, and other official documents in the case of Willard N. Jones; to the Committee on the Judiciary.

By Mr. SIMS: Resolution (H. Res. 803) to nonconcur in gross in Senate amendments to H. R. 19115; to the Committee on Rules.

By Mr. LAFFERTY: Memorial of the Legislature of the State of Oregon, urging the calling of a convention to propose a constitutional amendment prohibiting polygamy in the United States; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of Oregon, favoring the passage of a Federal law for the protection of migratory birds; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 28562) granting an increase of pension to Wilson S. Thorp; to the Committee on Pensions.

By Mr. CULLOP: A bill (H. R. 28563) granting an increase of pension to Francis M. Neal; to the Committee on Invalid Pensions.

By Mr. FERGUSSON: A bill (H. R. 28564) granting a pension to Thomas F. Lancaster; to the Committee on Invalid Pensions.

By Mr. HEALD: A bill (H. R. 28565) granting a pension to Wilhelmina Widdoes; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 28566) for the relief of the heirs of Sarah B. Matthews and Elijah B. Matthews, deceased; to the Committee on War Claims.

By Mr. LEE of Pennsylvania: A bill (H. R. 28567) granting an increase of pension to John Drobel; to the Committee on Invalid Pensions.

By Mr. PARRAN: A bill (H. R. 28568) granting an increase of pension to Mary E. Ryan; to the Committee on Invalid Pensions.

By Mr. REDFIELD: A bill (H. R. 28569) for the relief of Charles L. Schroeder; to the Committee on Claims.

By Mr. TAYLOR of Ohio: A bill (H. R. 28570) granting an increase of pension to Samuel C. Chesley; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of the Navy League of the United States, Washington, D. C., favoring the passage of House bill 1309, to establish a council of national defense; to the Committee on Naval Affairs.

Also, papers to accompany bill (H. R. 26681) for the relief of William L. Johnson; to the Committee on Pensions.

By Mr. CALDER: Petition of the Remington Typewriter Co., New York, protesting against the passage of the Oldfield patent revision substitute bill (H. R. 23417) for certain changes in the present patent laws; to the Committee on Patents.

Also, petition of the National Association of Shellfish Commissioners, Boston, Mass., favoring the passage of legislation making appropriations for investigations for the development of the oyster industry; to the Committee on the Merchant Marine and Fisheries.

By Mr. CARY: Petition of sundry citizens of Madison, Wis., favoring passage of the McLean bill for Federal protection of migratory birds; to the Committee on Agriculture.

Also, petition of the Fond du Lac Table Manufacturing Co., Fond du Lac, Wis., favoring the passage of the Weeks bill (H. R. 2756) for a 1-cent letter postage rate; to the Committee on the Post Office and Post Roads.

By Mr. CRAGO: Petition of the Coke Producers' Association, of Connellsville, Pa., protesting against the passage of Senate bill 3175, for the restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of the National Society for the Promotion of Industrial Education, favoring the passage of Senate bill 3, for Federal aid to vocational education; to the Committee on Agriculture.

Also, petition of Harry G. Harris and Jacob Sands, of Kirksville, Mo., favoring passage of House bill 1331, to increase pension of veterans of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

By Mr. GARNER: Petition of citizens of Edinburg and Hidalgo, Tex., favoring the passage of House bill 22589, making appropriation for the building of diplomatic buildings in some of the leading countries; to the Committee on Foreign Affairs.

Also, petition of the Dock and Marine Council, Galveston, Tex., protesting against any change in the present laws controlling the collection of tolls of vessels at the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILTON of West Virginia: Petition of Local Union No. 22, A. F. G. W. U., Williamstown, W. Va., protesting against the passage of any legislation for the reduction of tariff on glassware; to the Committee on Ways and Means.

Also, papers to accompany bill (H. R. 24582) granting an increase of pension to J. T. Piggott, Parkersburg, W. Va.; to the Committee on Invalid Pensions.

By Mr. KALANIANAOLE: Petition of the Honolulu Chamber of Commerce, Honolulu, Hawaii, favoring the passage of legislation for the recognition of the Chinese Republic by the United States; to the Committee on Foreign Affairs.

By Mr. LEVY: Petition of Charles King and W. E. Curtis, New York, favoring the passage of House bill 1309, to establish a council of national defense; to the Committee on Naval Affairs.

By Mr. LINDSAY: Petition of the Thread Agency, New York, favoring the passage of House bill 16663, permitting corporations, joint-stock companies, etc., to file their annual returns at the close of their fiscal year; to the Committee on Ways and Means.

By Mr. REILLY: Petition of the National Association of Shellfish Commissioners, Boston, Mass., favoring the passage of legislation making appropriations for investigations for improving the oyster industry; to the Committee on the Merchant Marine and Fisheries.

By Mr. SLOAN: Petition of Edward M. Heating and other ex-Philippine soldiers, favoring the passage of House bill 25312, granting increase of pension to all who lost sight of one eye in the military service of the United States; to the Committee on Pensions.

By Mr. WEEKS: Petition of the young men's department, Congregational Church, Newton, Mass., favoring the passage of the Kenyon-Sheppard bill to prevent the shipping of liquors into dry territories; to the Committee on the Judiciary.

SENATE.

SATURDAY, *February 1, 1913.*

(Continuation of legislative day of Thursday, January 30, 1913.)

The Senate reassembled at 11 o'clock and 45 minutes a. m., on the expiration of the recess.

READING OF WASHINGTON'S FAREWELL ADDRESS.

The PRESIDENT pro tempore (Mr. GALLINGER). Under the order of the Senate of January 24, 1901, the Chair announces the appointment of the senior Senator from Connecticut [Mr. BRANDEGEE] to read Washington's Farewell Address on February 22, 1913.

REPORT OF INTERURBAN RAILWAY CO. (H. DOC. NO. 1328).

The PRESIDENT pro tempore laid before the Senate the annual report of the Interurban Railway Co. for the year ending December 31, 1912, which was referred to the Committee on the District of Columbia and ordered to be printed.

ELECTORS FOR PRESIDENT AND VICE PRESIDENT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, an authenticated copy of the certificate of the final ascertainment of electors for President and Vice President appointed in the State of South Carolina at the election held in that State November 5, 1912, which was ordered to be filed.

CALLING OF THE ROLL.

Mr. CULLOM. Mr. President, I suggest the want of a quorum.

The PRESIDENT pro tempore. The Senator from Illinois suggests the absence of a quorum, and the roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Lodge	Shively
Bourne	Curtis	McCumber	Smith, Ariz.
Brandegee	Dixon	McLean	Smith, Ga.
Bristow	du Pont	Martine, N. J.	Smoot
Brown	Gallinger	Myers	Stephenson
Bryan	Gronna	Nelson	Sutherland
Burnham	Guggenheim	Page	Swanson
Burton	Hitchcock	Paynter	Thomas
Chilton	Jackson	Percy	Thornton
Clark, Wyo.	Jones	Perkins	Townsend
Crawford	Kavanaugh	Perky	Wetmore
Culberson	Kenyon	Richardson	Williams
Cullom	La Follette	Sanders	Works

Mr. JONES. I desire to state that the Senator from Vermont [Mr. DILLINGHAM], the Senator from South Dakota [Mr. GAMBLE], the Senator from Minnesota [Mr. CLAPP], the Senator from Kentucky [Mr. BRADLEY], the Senator from Pennsylvania [Mr. OLIVER], the Senator from Indiana [Mr. KERN], the Senator from Florida [Mr. FLETCHER], and the Senator from Alabama [Mr. JOHNSTON] are absent at a meeting of the Committee on Privileges and Elections.

Mr. THORNTON. I wish to announce the necessary absence of my colleague [Mr. FOSTER] on account of illness in his family, and also that he is paired with the junior Senator from Wyoming [Mr. WARREN]. I will let this announcement stand for the day.

The PRESIDENT pro tempore. Fifty-two Senators have answered to their names. A quorum of the Senate is present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House insists upon its amendments to the bill (S. 5674) for the relief of Indians occupying railroad lands disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. STEPHENS of Texas, Mr. HAYDEN, and Mr. BURKE of South Dakota managers at the conference on the part of the House.

ENROLLED JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (S. J. Res. 157) to enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States on March 4, 1913, and it was thereupon signed by the President pro tempore.

SENATOR FROM DELAWARE.

Mr. RICHARDSON. I present the credentials of WILLARD SAULSBURY, chosen by the Legislature of the State of Delaware a Senator from that State for the term beginning March 4, 1913, which I ask may be read, and there is accompanying it a letter from the secretary of state of the State of Delaware which I ask to have printed in the RECORD.

The credentials of WILLARD SAULSBURY, chosen by the Legislature of the State of Delaware a Senator from that State for the term beginning March 4, 1913, were read and ordered to be filed.

The PRESIDENT pro tempore. The Senator from Delaware asks that a letter from the secretary of state of the State of Delaware, relating to the credentials of the Senator elect, be printed in the RECORD. Is there objection? The Chair hears none.

The letter referred to is as follows:

STATE OF DELAWARE,
OFFICE OF SECRETARY OF STATE,
Dover, Del., January 31, 1913.

SECRETARY OF THE UNITED STATES SENATE,
Washington, D. C.

SIR: I herewith inclose the certificate of election of WILLARD SAULSBURY to the United States Senate as a Senator from Delaware for the constitutional term beginning March 4, 1913.

For your information, and in accordance with section 2, Rule VI, of the standing rules of the Senate, I herewith hand you the following information in connection with this election:

Name, WILLARD SAULSBURY.
Date of certificate, January 29, 1913.
Governor (signing certificate), Charles R. Miller.
Secretary of state (signing certificate), Thomas W. Miller.
State from which Senator is elected, Delaware.
Vote given at election: WILLARD SAULSBURY, 28; HARRY A. RICHARDSON, 11; John G. Townsend, jr., 5; Alfred I. du Pont, 3; Ruby R. Vale, 1; Alexander P. Corbit, 1; Simeon S. Pennewill, 1; necessary to choice, 26.

Very truly, yours,

THOMAS W. MILLER,
Secretary of State.

SENATOR FROM SOUTH DAKOTA.

Mr. GAMBLE. I present the credentials of THOMAS STERLING, chosen by the Legislature of the State of South Dakota a Senator from that State for the term beginning March 4, 1913, which I ask may be read and placed on file.

The PRESIDENT pro tempore. The Secretary will read the credentials.

The credentials of THOMAS STERLING, chosen by the Legislature of the State of South Dakota a Senator from that State, for the term beginning March 4, 1913, were read and ordered to be filed.

INTERSTATE SHIPMENT OF LIQUOR.

Mr. GRONNA. I ask unanimous consent to have printed as a Senate document a brief on the so-called Kenyon interstate liquor-shipment bill.

Mr. LODGE. I regret to do it, but I must make the same point of order that I made previously. Under the unanimous-consent agreement no other business is in order.

The PRESIDENT pro tempore. The Senator from Massachusetts makes the point of order that under the unanimous-consent agreement no routine business can be transacted. The point of order is sustained. Senate joint resolution No. 78 is before the Senate as in Committee of the Whole.

THE PRESIDENTIAL TERM.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States.

The PRESIDENT pro tempore. The Senator from Iowa [Mr. CUMMINS] is entitled to the floor.

Mr. CUMMINS. Mr. President, with respect to the phase of the matter that I was discussing last evening I desire only to say further that I believe every constitution should contain a provision that a proposed amendment to the Constitution initiated by the legislative branch of the Government and failing to meet the approval of that branch of the Government should be submitted to the people for their approval or disapproval upon a fair and reasonable proportion of the people indicating their desire for such submission. I think that is a proposition upon which those who believe in the referendum will agree.

Our Constitution has no such provision. Our forefathers intended that it should be difficult to amend the Constitution. I believe that there ought to be such opportunities for reflection and consideration as would always prevent hasty or ill-advised action; but in view of the development of the science of government and of the sociology of the present day I think it has become the duty of Congress to submit proposed amendments to the people whenever Congress is made to understand that a fair and reasonable proportion of the people to be affected desire such an amendment to be submitted to them. It will become more and more, it seems to me, our duty to construe the Constitution in this way.

What I said yesterday was simply to make it clear that there had been from the beginning of the Government a continuous, persistent demand for this amendment to our organic law. That demand has found expression in the declaration of political parties. It has found expression in the action of many States.

It has found expression in the declaration of an illustrious line of patriots and statesmen from the beginning until now. I think that we can well accept this evidence of the desire of the people to be permitted to determine for themselves what their government shall be in the stead of that definite petition which modern constitution makers have inserted in modern constitutions.

I now pass for a very few minutes to discuss the merits of the proposal. In doing so I am acting not as a Senator in the Congress of the United States. I am not speaking now as a Senator; I am speaking as one of an hundred millions of people, all of whom are to be affected by the amendment if it becomes a part of the Constitution. I am considering it precisely as though all the voters of the United States were assembled and we were trying to determine for ourselves whether it is wise or unwise to prescribe this rule for the conduct of our public business.

I assume that there is no Senator who will declare that the people, the source of all power, ought not to prescribe rules for their own government. I know that there is a tendency in these later days to disparage the rules which are intended to prevent the people from doing at any particular time and in any way in which they desire to do it whatsoever they at that moment may want to do—that is to say, what a majority of them may want to do—but I can not think that that view has found approval among the thinking men of the country, and especially has it not found approval in the Senate of the United States.

This is a Government of law; it is a Government of constitutions; and it is absolutely necessary, as I think every Senator here will agree, that the people shall in their primary capacity prescribe rules not only for the restraint of their representatives but for their own restraint as well.

Let us take some of the examples of these restraints. I do not say that all of them are wise; I only instance them in order that we may have the subject well in mind. The Constitution of the United States declares that no man shall be elected President of the country unless he be 35 years of age. The people in that have restrained themselves from selecting a man for President who has not attained the age of 35 years. It is a limitation, a restriction upon their powers and privileges, of which we have heard so much.

Again, the Constitution declares that the person chosen for President must be a natural-born citizen. No matter how long he may have been a citizen of the United States, no matter how early in his life he may have come into the United States, the people have no right under the Constitution to elect any man President unless he was born a citizen of the United States. Whether this is a wise or an unwise restraint I do not say. I only mention it in order to indicate that always the people have recognized that they must prescribe rules for their Government that will bind themselves as well as their representatives.

Again, the Constitution says that no man shall be elected a Senator in the Congress of the United States unless he is 30 years of age, unless he has been nine years a citizen of the United States, and unless he be at the time he is elected an inhabitant of the State from which he comes.

A State might very much desire at the moment to select a man who had not been a citizen of the United States for nine years; it might desire to select a man who was not an inhabitant of the State; and yet they have put this restraint upon themselves, because at the time the Constitution was adopted it was believed that on the whole the country would be better served if these persons excluded by the Constitution are not permitted to hold this particular office.

It is likewise true of Representatives in Congress. A man to hold that office must be 25 years of age, and must have been a citizen of the United States for seven years before his election, and must have been an inhabitant of the State from which he comes.

These are simply illustrations of the restraints which the people have hitherto put upon themselves with regard to the selection of a President, a Senator, and a Representative.

Again, it is in the power of the House of Representatives to impeach and in the power of the Senate to try and convict. The Constitution says that one of the penalties imposed after a conviction in an impeachment proceeding may be disqualification for any office under the laws of the United States. Therefore, if a President were impeached and the Senate of the United States had attached this disqualification to him, no matter how much the people of the country might desire after that time to elect him President or to elect him Senator or to elect him Representative, they would be incapable of doing it, because the framers of the Constitution believed it would be better for the country and that the calm counsel of a deliberative body in establishing rules would furnish better protection than the act of the immediate time.

But that is not all. Our Constitution puts many restraints upon the people in a legislative way. Suppose that we had introduced into the United States the system of direct legislation. I will not discuss the practicability or the merits of that system at this time, but suppose it had been established. We would be met with these restraints upon the power of the people:

> No bill of attainder or ex post facto law shall be passed.

Does any Senator here believe that it is not wise for the people to say to themselves in the deliberation of a constitutional convention or assemblage that we shall not pass a bill of attainder or ex post facto law?

Or, again, that—

> No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

That is a restraint upon the people, indirect now because it is a restraint upon their Representatives in Congress, but it would be direct if we had the system of direct legislation.

And again, passing to another section:

> No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

A State, if it had the system of direct legislation as many States now have, might think it very desirable at a particular time to pass a law that would impair the obligation of a contract. The people of the State might feel the injustice of a particular obligation so keenly that they would be willing to pass a law that would impair the obligation of the contract in which the debt or obligation was created.

Is there, however, anyone who feels that it is an invasion of the powers and the privileges of the people if they themselves declare as a rule of their own conduct that they will not pass any law which violates the obligation of a contract or pass any law which makes a thing criminal that before that time was not criminal, and makes an act committed before that time a criminal act that was innocent at the time it was performed?

I simply mention these things in order to show that we may go far afield if we attempt to fashion our conduct upon the hypothesis or upon the proposition that the people in making their laws and in making their constitutions ought not to put any restraint upon themselves.

It is not a wise and sound principle of government that the majority of the people have a right to do at a given time anything that a majority at the moment desire to do. There is no government in the world that could survive for a decade the establishment of a principle of that kind.

Therefore, without going further into the philosophic doctrine itself, or the abstract doctrine, I come to consider whether it is wise for the people to say to themselves, "We will not elect a man President of the United States who has held that office"; in other words, that we will establish the system of a single term for President of the United States.

Now, I recognize that there may be a great difference of opinion upon the merits of this proposition. I take great pleasure in acknowledging my own belief that those who oppose it are entirely sincere and that they oppose it because they believe that it is not wise to so restrict the action of the people. I grant you that there is no other tribunal so trustworthy in the election of a President as the tribunal of the people. I have implicit faith, the highest confidence, in their patriotism, in their intelligence, in their desire to render complete justice among themselves; but I have no higher confidence in the ability of the people to select a President of the United States than I have in their ability to declare, when the question is submitted to them, whether they desire that, under any circumstances, one who has held the office shall again hold the office. I think that the highest privilege, the dearest power that the people of this country can exercise is the power to say for themselves what their Constitution shall be, by what rule they will be governed in the future. Therefore, in appealing for the passage of this joint resolution, I am opening the door to the exercise of that highest and most sacred right which any free people can either enjoy or exercise. If we wait until two-thirds of the Senators and two-thirds of the House of Representatives are individually convinced that this rule ought to obtain before we give the people the opportunity to declare upon it themselves we will wait either until the millenium or we will wait until the pressure of public opinion upon Senators and Representatives leaves them no other course to pursue save the submission of the amendment.

Let us see now for a moment the point we have reached in the argument. The people want a President who will render

them the best possible service; they want a President who will be a faithful, efficient public servant. I will endeavor to state the argument on the other side, and if I do not state it fairly I want some one who is opposed to the joint resolution to correct me. It is said that a President will more faithfully and more efficiently execute his duties if he executes them with a view to a renomination by the party to which he belongs and a reelection by the people; that the stimulus of this popular approval will lead him to a better and more complete performance of the duties with which he is charged than if he knew that there could be for him no renomination and no reelection. I do not believe in that proposition. I believe that the President of the United States will more faithfully execute his duties under the proposed limitation. I am not now speaking of the President as a leader of a party, because we do not elect Presidents as leaders of parties or as leaders of the people. Presidents may be leaders of the party to which they belong; they may be leaders of public thought; but they are not elected either to be leaders of parties or leaders of public thought. They are elected to perform certain duties imposed upon them by the Constitution and by the laws which have been enacted by the Congress of the United States.

I do not want it to be understood that I think a President ought to efface himself from political affairs; that he ought not to occupy his abilities and to employ his experience in the general service of the people; but if he has those abilities and if he has that experience, he will be a leader of men, not because he has the power of a President, but because he has the power of character and capacity. I am not considering that phase of the activities of a man who happens for the time being to be a President of the United States. I am considering only those duties which he has sworn to perform which the Constitution places upon him and which the Congress of the United States have required should be performed.

I think that a President of the United States will more perfectly keep an eye single to the work which he has undertaken to do if he is not disturbed, if he is not vexed, if he is not influenced by the thought of renomination or reelection.

Very much has been said in praise of the Presidents of the United States from the beginning until now. I join in it all, and would emphasize if I could. The United States has been conspicuously fortunate in the character and attainments of the men who have been elevated to the high office of President; but, nevertheless, I am bound to say that it is my belief that every President of the United States, save one—and he is only a possible exception, but I do make one exception—that every President of the United States save one, no matter how good a President he was, would have been a better President if he had been ineligible to renomination and reelection. The exception that I make in my own mind is George Washington; and I make it only because I believe that he was indifferent—wholly indifferent—with respect to his renomination and reelection.

Mark you, I am not taking away any of the just praise which ought to be accorded to all these illustrious men when I say that the ambition for renomination and reelection disturbed their serenity when they ought to have been most serene, impaired their efficiency when they ought to have been most efficient, because so long as the Constitution remains as it is, so long as the incumbent of the presidential office is eligible for renomination and reelection, he must be a candidate for it, for it is the renomination and the reelection that constitute the approval of what he has done, and failure to renominate and reelect is a disapproval of what he has done. Therefore, in the first place, a President is bound to devote a very considerable part of his time to the mere work of securing a renomination and the mere participation in a campaign for reelection.

The duties of the presidential office are growing in importance with every day; the power of the President has immeasurably increased in the last quarter of a century; and so long as you put before the President the view that he must be renominated and reelected in order not to be disgraced he will devote, he ought to devote, a large part of his time that should be wholly employed in the public service to the manipulation and the organization necessary to bring about a renomination and reelection. No man can escape from that temptation. If we could bring candidates from the heavenly regions, with all the exemptions which they have from mortal weakness, they could not escape the temptation which I have pointed out.

Now, it will be said, I know, that that temptation is the very thing that leads Presidents to a faithful performance of their duties. I do not think so. I am not saying, mark you, that the people are not competent to reject a President who has not been efficient and faithful. The history of the country is full of instances in which such Presidents have been rejected. That is not the point that I am trying to make. The point that I am making is the effect upon the administration of the office itself and the weakness that it injects into the work which the President must necessarily do. It makes no difference whether the people reject him or not, his work has been neglected and illy done; and for that wrong, for that misfortune, there is no remedy whatsoever. I believe that a President will more faithfully perform his duty if no influence can approach him from any quarter touching a renomination or a reelection.

What are the duties of a President? They are, first, to execute the Constitution and the laws of the United States; and they ought to be executed without fear, without favor, without influence. They ought to be executed against the rich and the poor alike; they ought to be executed against the great and the small alike; they ought to be executed against the famous and the obscure alike. We have a great variety of laws; some of them are popular and some of them are unpopular; some of them are popular with a certain portion of the community and unpopular with another portion of the community. Those laws will increase in number and they will multiply in importance. What we desire, what we ought to have, is a condition in which the President of the United States will move forward to the execution of these laws blind to personality, blind to influence, blind to the position of those who are to be affected by the enforcement of the statutes. Take, for instance, the statute which I think is the most important of all the legislation of Congress, a statute that vitally affects, I think, the integrity and the permanency of our institutions, a statute which will grow with every day. I mean the statute directed against contracts, combinations, and conspiracies in restraint of trade and commerce. I think that this law—I mention it as one of many—will be more faithfully administered, more energetically applied without respect to persons or conditions, if the President of the United States is free from the influences which these great powers can exert.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I yield.

Mr. BORAH. That is one of the strong reasons, to my mind, why this proposed constitutional amendment should not be adopted. The influences which exert themselves against the execution of this law would still operate directly upon the President, but the influence which demands the enforcement of this law, the public sentiment of the people of the United States, will be taken away and entirely destroyed. I think it is well to have in operation public sentiment as well as private interests.

Mr. CUMMINS. It makes no matter, Mr. President, as I said a few moments ago, if the people condemn the action of the President; the action has been had, the wrong has been inflicted. I am endeavoring to support this proposal upon the belief on my own part that it is not so likely that neglect will occur and inefficiency will intervene and partiality be exercised if the President is free from all these influences. I can not think a man whom the people of the United States elect as President of the United States, and therefore a man of high character, therefore a man of great ability, therefore a man of wide and generous experience—I can not think that he is as likely to abandon his duty because he has no hope of reelection as he will be to abandon it under the influence of those who are interested either for or against the administration of the law, when that influence reaches or affects renomination and reelection.

If the people could see everything that is done, could know just why everything is done, and could penetrate the hidden recesses of the presidential thought, that might be so, and part of my objection might disappear, but the people can not understand everything that takes place in the administration of law. The neglect, the inefficiency must be marked and long-continued before it will be or can be condemned by the great mass of the people.

I think, Mr. President, that this proposal, if carried into the Constitution, will work for the highest welfare of the people of this country. I believe as firmly as I can believe anything that these insidious influences, presented under the most extraordinary circumstances—I do not mean, of course, that a President of the United States would deliberately bargain away his integrity and his manhood; but the thought I have in mind is this: The President wants to be renominated and reelected; a man approaches him in order to influence, as he may think very properly, his conduct in the administration of the law; the President know that this man holds high position in the community in which he lives and is capable of exercising great influence upon the thought and action of his fellow men; the Presi-

dent knows also that if he is not renominated and reelected the rejection will be the equivalent of a condemnation of his Presidency—there is no mortal man who will not be moved by that influence. He may be unconscious of it; he may insensibly take on the opinion that seems to him the one best adapted for his renomination and reelection, but it is not within human nature to wholly reject the influence.

Mr. BORAH. Will it interrupt the Senator if I ask him a question?

Mr. CUMMINS. Not at all. I shall be very glad to have the Senator do so.

Mr. BORAH. If this is a legitimate argument—and the Senator is presenting it with great effect—suppose we take this illustration: The Senator has referred to the enforcement of the Sherman law. Let us assume that some powerful interest is opposed to the enforcement of the Sherman law and representatives of that interest visit the President; they present their view of it, and more insidious influences operate than the insidious influence of reelection; and suppose those insidious influences have their effect. The counterbalancing influence is the public demand that that law shall be enforced. I sincerely think that when you take away the counterbalancing influence, the public demand, and remove the President from the touch of the public influence, you leave him to deal alone with the private interests which may operate in this insidious and subtle way with a President of the United States, if we are to assume that the argument is legitimate at all.

Mr. CUMMINS. I have assumed that it is legitimate, because it seems to me to bear directly upon the merits of the matter.

Mr. BORAH. I did not mean to say that it is not; but if it is an argument to be taken into consideration that a President can be affected by these influences, then there are two influences operating one against the other—the one represented by the public demand, the other represented by the private interests operating in a subtle and secret way.

Mr. CUMMINS. No, Mr. President; I do not look upon the equation from that point of view. I assume, now, that the President is an honest man. I assume that the people have acted with intelligence in selecting him as President. I am assuming that he intends to remain honest during the course of his administration. I am assuming that he desires faithfully to execute the law as he understands the law and as he recognizes his duty. I do not think any man who would probably be elected President of the United States would be deflected from the path of his duty by these influences unless they should be coupled up with a desire of his own—a desire to accomplish a thing which he would stand condemned before the American people if he did not accomplish.

I can not think we will install a President whose instinct is to do wrong. I believe the history of the country will sustain my assertion that our Presidents have been honest men and they have desired to do their duty. But the conflicting interests and conflicting emotions which must reside in the presidential mind or conscience when he must balance up his course in a particular matter with respect to its effect upon his political future I regard as a most flagrant weakness in our institutions.

I do not think he ought to be compelled to undergo the temptation. I think he ought to understand that when he reaches the Presidency he has attained the climax of human ambition, and that when he presides for a period of years over the fortunes of the greatest Nation on the face of the earth his ambition ought to be satisfied. So far as he is concerned, we will work no injury upon him by excluding him thereafter from the office. The only question is whether the people will have a President who will more faithfully perform the duties which have been imposed upon a President by Constitution and by law if he is free from the ambition to court any interest or any influence save the influence that grows out of an honest execution of his duties, or whether we ought to put him in the maelstrom of politics from the beginning to the end of his administration—put him where he must travel from one end of the country to the other, appealing to the people in precisely the same way as does a candidate for any other office.

I think the work of a President of the United States is sufficient to consume all his time. It is sufficient to demand all his strength. It ought to require his undivided and his persistent devotion. And even then it may grow too great for mortal man successfully to perform.

But you will observe I have not mentioned the matter of patronage. That does not affect me very much. I have not had much experience in patronage myself, and I care very little about it. I know that vast power grows out of its distribution. All I have to say about that part of the matter is that any President who attempts, either through the use of patronage, through its grant, or through its refusal, to influence any other department of the Government or any member of any other department of the Government, or who attempts to influence any man in the United States in his primary relations to the Government is not only utterly unfit for the office but falls under the specific condemnation of the Constitution of the United States.

I am not a believer in this notion that the President of the United States is the administration of which he is a part. I am not a believer in this modern sentiment that we elect Presidents of the United States to establish policies and to ordain the course which the Government should take during the time they may be in office. We do not elect Presidents for any such purpose. If the man elected President by his intrinsic or inherent worth is able to influence public opinion in a legitimate way, he has a perfect right to do it. But he has no right, moral or legal, to use any part of the power bestowed upon him by virtue of his election to influence anybody or to influence any event. He may recommend, according to his views, legislation which he thinks should be enacted. That is entirely within his constitutional privilege. He may inform Congress as to the state of public affairs. That is entirely within his privilege. But aside from these two things the President who performs the duties of his office, who administers the laws of his country with any view whatsoever to his own reelection, and who attempts to use the power of his office, either for that or for legislation, violates not only the ethics of good government but the Constitution of his country as well.

As great as the office is, as much power as it has, I think we have been in recent years assigning to it a place which it does not occupy in the framework of our Government, and we have been magnifying it in a way which will ultimately destroy the independence of Congress and make a President of the United States, whether for one term or for many terms, the practical dictator of our affairs.

That leads me to just one last remark. I have heard it said several times that when we establish the principle of a single term we overturn the work of the fathers, that we reverse a result which they reached deliberately and, of course, for a patriotic purpose. I have thought that those who have hitherto spoken upon that subject—I mean within the last day or two—have somewhat misapprehended the history of this controversy in the Federal convention which prepared and submitted to the people the National Constitution; and I intend to call attention, for just a moment, to what actually did happen there.

When this convention met, immediately after its organization, two plans of government were proposed, one by Edmund Randolph, of Virginia, another by Charles Pinckney, of South Carolina. Under the Randolph plan the President of the United States was to be elected by what he called the National Legislature—what we know as Congress—and was to be ineligible for reelection. In the Pinckney plan there was no provision as to the method of electing a President of the United States, and he was to be eligible for reelection. Hamilton's plan, which came a little later, provided for the election of a President by electors and that he should hold his office during good behavior.

A report of the committee of the whole house was made on June 19, 1787, and in that report, submitted to the convention as a convention, the Randolph idea was adopted. I need not go through all the debates that occurred between the submission of the plan and the report I have just mentioned.

By the report of that committee—the committee of the whole—to the convention the President was to be elected by the Congress, or National Legislature, and was not to be eligible for reelection. I only mention that to inquire further the reason given for the ineligibility. There was but one. It was reiterated a great many times and in a great many forms and varieties of phrase. When all is said, the reason was that the President of the United States should be independent; that he should not be subject to the influence of Congress; that he should be free to execute the laws of the country in the way that an upright conscience would demand. Therefore so long as the Federal convention held to the idea of electing a President by the National Legislature, so long it held to the idea that he must be ineligible for reelection.

I have now stated what occurred on the 19th of June, 1787. I may say, however, that the term during all this time was to be seven years. Finally, on the 26th of July, the resolutions of the convention which declared ineligibility were referred to a committee of detail, whose power was to look them over and again report. This committee was composed of Rutledge, Randolph, Gorham, Ellsworth, and Wilson. That committee reported on the 6th day of August, and it reported in favor of an election by the National Legislature and ineligibility for

reelection. From that day until August 30 the subject was not considered. On August 30 those subjects which had been postponed were referred to a committee of 11, one from each State.

On September 4 this committee of 11 reported a modification of this article, reducing the term to four years, entirely changing the method of electing the President and saying nothing respecting ineligibility, being substantially the plan that was finally adopted in the Constitution—an election by electors chosen by the several States.

Mr. LIPPITT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. CUMMINS. Certainly.

Mr. LIPPITT. While the Senator is reviewing that part of the proceedings of the constitutional convention, I hope he will not fail to call to the attention of the Senate the fact that the question of ineligibility was closely related to the method by which the President was to be elected. So long as the President was to be elected by what was then called the National Legislature—what we now know as Congress—the members of the convention, as I remember, seemed to be very fixed in their determination to have the President ineligible for reelection. His relations with the National Legislature itself were to be so close that it was thought quite inadvisable that a President and a National Legislature should be in those relations to each other with regard to the reelection of the President that they were also in concerning the constant daily transaction of business.

One of the great reasons why that method of selecting the President was not decided upon was because, on mature consideration, the convention was opposed to making the President ineligible. One strong reason for finally selecting the present method of electing the President was to get over, as I remember, what they considered the inadvisability of making the President ineligible for another election.

I simply desire to call that view of the matter to the Senator's attention.

Mr. CUMMINS. Mr. President, in most of what has just been said by the Senator from Rhode Island I agree, because it recites historical facts. I had already stated that the original plan presented by Mr. Randolph required the election by the National Legislature, and that the President was to be ineligible, because it was feared that there would not be sufficient independence of action upon his part, and it was desirable that the President should be independent in the conduct of the office. During the whole of the convention they were seeking for some plan for the election of a President of the United States that would make him independent, that would insure the execution of the law without fear or favor, on the part of the President, of anybody or toward anybody.

The Senator from Rhode Island is quite right in saying that the matter of ineligibility was closely connected with the method of electing a President; but after all the principle that was present in the minds of the members of the convention and the problem that they were seeking to solve was, How can we get a President of the United States who will be free of all influence in the performance of his duty? It was believed——

Mr. WORKS. Mr. President——

Mr. CUMMINS. I will yield in just a moment. It was believed finally, when they had fallen upon the idea of electing a President, not by the National Legislature but by a body of electors chosen by the several States, that they had succeeded in discovering a plan that would make the President of the United States an independent branch of the Government of the United States.

I now yield to the Senator from California.

Mr. WORKS. In discussing this question some time back I made a part of my remarks the proceedings of the Constitutional Convention, and it was shown by the proceedings that at one time during their deliberation a majority of the States voted in favor of the particular proposition that is now before the Senate, except that the term of office was fixed at seven years instead of six. To my mind it is perfectly evident that the outcome by which we have our present system was a compromise between the two extremes upon that question, which was discussed day after day and presented at various times. There was a conflict between the two extremes in respect to it, some of them going to the extent of desiring that it should be made a life tenure. It is perfectly evident to me, from a consideration of the proceedings themselves, that the present mode of selecting the President and his term of office was a compromise that was not really satisfactory to either branch of that convention.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do.

Mr. BORAH. The vote which was taken by the several States in favor of the proposition as it is now proposed was taken at the time when they still had before them the proposition of electing the President by Congress. Never after the proposition of electing by the electoral vote was agreed upon was there any considerable support in the convention for the ineligibility of the President.

Mr. CUMMINS. I agree with the statement of the Senator from Idaho. First, let me say that the work of the convention went to the committee of 11, with the provision that the President was to be elected by the National Legislature for seven years and that he was to be ineligible. That is the way it went to the committee. But when the report came in from the committee—and this was very near the close of the convention—the Randolph provision had been stricken out and the plan of electing by electors had been adopted and the term reduced to four years, without saying anything whatever as to eligibility or ineligibility. After that time there was practically no discussion of the subject and little division.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from California?

Mr. CUMMINS. I do.

Mr. WORKS. There was no practical discussion of that question, because that occurred right at the close of the convention.

Mr. CUMMINS. Precisely; within a very few days of the close.

Mr. WORKS. And as a matter of fact it received very little consideration, as far as the record shows.

Mr. CUMMINS. Hardly any.

Mr. LIPPITT. Mr. President——

Mr. CUMMINS. I yield to the Senator from Rhode Island.

Mr. LIPPITT. I do not want to inject myself unduly into the very careful speech which the Senator from Iowa is making on this question, but the statement has just been made that the final decision which was reached by the Constitutional Convention was a compromise. I have in the course of considering this question examined the proceedings of that convention with considerable care, and I can not agree to the statement that the final result was in any degree a compromise.

To my mind it was not only not a compromise, but after the most mature deliberation of this question, after taking vote after vote upon it, and after considering it from every different standpoint, because the questions of the duration of the term, of eligibility, and of the method of election were all inextricably mixed up with each other—I say, after considering all these relations with the greatest care the final result was a victory, complete, final, and decisive for the method of election which we now have in force. The original idea was that the term of the President should be seven years, that he should be ineligible, and that he should be elected by the National Legislature. The final result of the discussion, which was very elaborate and during which there were votes taken upon many methods, was the adoption of the present method. This was the opposite extreme of the method first proposed.

Therefore I fail to see where there was any element of compromise in it or where there was anything but evidence of entire conviction after the most mature deliberation.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS. I do.

Mr. WILLIAMS. I think the personal equation entered into this matter very much, though of course it could not be discussed before the convention. George Washington presided over that convention. Everybody knew that he was going to be the first President of the United States. Everybody knew that he was the only man in America in whom all Americans had absolute confidence as to his integrity and his wisdom, especially his integrity, and his patriotism. That seems to me to have been the case, reading more between the lines than in the discussion itself, because that matter could not have been discussed out loud in the convention, but men talked to one another about it. It will be remembered that the school which followed Mr. Jefferson was in favor of seven years at first, with ineligibility forever afterwards, and he expresses why they changed their desire in a letter a part of the language of which, with the permission of the Senator from Iowa I will read. This is what he said when he gave up this idea, and wrote to his friends to give it up. It had been put in the Constitution as it

is, and the point was as to whether they should insist upon that as one of the amendments conditional to the ratification of the Constitution. He writes:

Indeed, since the thing is established—

That is, this four years term, with indefinite reeligibility—

Indeed, since the thing is established I would wish it not to be altered during the life of our great leader—

Referring to Washington—

whose executive talents are superior to those, I believe, of any man in the world, and who, alone, by the authority of his name and the confidence reposed in his perfect integrity, is fully qualified to put the new Government so under way as to secure it against the efforts of opposition. But having derived from our error all the good there is in it I hope we shall correct it the moment we can no longer have the same name at the helm.

I think that thought running through the minds of very many accounts for the fact that although a majority of that convention at one time desired to put ineligibility into the Constitution after a fixed term, they finally took the position which they did take. Very many people were of the opinion that, except for George Washington being President and being reeligible as long as the Nation needed him at that time, we could not get our institutions out of the wet mold and get them dry set, as I expressed it the other day. I think the personal equation had much to do with it.

Mr. LIPPITT. May I interrupt the Senator further? The Senator from Mississippi is bringing the name of Thomas Jefferson into this question. On the contrary, Jefferson had absolutely nothing to do with the formation of the Constitution. Jefferson was in Paris at that time.

Mr. WILLIAMS. I said this was a letter written from Paris, did I not?

Mr. LIPPITT. If the Senator from Iowa will pardon me one minute, Jefferson was in Paris at that time, and when the draft of the Constitution was sent to him one thing that he more than anything else objected to was this question of the eligibility of the President. He felt that it would inevitably result in a permanent President, and in the most extravagant language wrote those views to several of his friends in this country. On the other hand, George Washington, who while he took no active part in the debates on this subject, writing just a short time after the receipt of Jefferson's letters in this country on the same subject, said that the matter had been decided to his full satisfaction.

As a plain matter of fact, when the final vote upon this question was taken it is rather a curious illustration of the way the minds of the men who composed that convention changed as the result of their deliberations; the only State that voted against the present method of electing the President was the State of North Carolina, which, when the first vote had been taken for the purpose of making the President ineligible and his term seven years, had been one of the States that had voted against that method of electing the President, assuming probably that they were in favor of a shorter term of eligibility. In other words, all the States that had been at first in favor of noneligibility came over to the side of eligibility, and the State that voted finally the other way was one of the States that voted against it at the first instance. As a matter of fact, with scarcely an exception all the men who composed that convention finally came to the view which has been engrafted in the Constitution.

Mr. WILLIAMS. If the Senator from Iowa will pardon me just a moment longer, I was rather unfortunate if I conveyed the impression that this was the language used by Mr. Jefferson in America. I thought I said he wrote the letter from Paris to his friends after the Constitution had been decided upon and had been submitted to the people. That is what took place.

The people who were opposed to the Constitution as it first came from the convention were opposed to it mainly upon three grounds: First, that it contained no bill of rights; secondly, that it contained no express assertion that all authority not delegated was reserved to the States—they insisted upon that—and, third, this question of the ineligibility of the President. This letter was read by me to show what Mr. Jefferson from abroad advised his friends; and, by the way, his letters were used in the Virginia convention to secure the adoption; and had his great name and influence been with George Mason, and with Monroe, and with Richard Henry Lee, and the other men who were opposing the adoption Virginia never would have adopted the Constitution, and if Virginia had not adopted it the scheme would not have gone into operation.

I quoted it to prove that he recognized at that time—that it was in his mind and therefore by analogy to infer that it was in other people's minds—that during the lifetime of George Washintgon, at any rate, this ineligibility should not be engrafted upon the Constitution, he himself saying that "the thing having been established as it is now, I would not have it changed during the lifetime of our great chief," as he called him. I think that idea was in the mind of very many of the people in the convention. It evidently was in the mind of somebody who had written to Jefferson, to whom Jefferson was replying in writing this letter; and it was in the mind of very many people, and very reasonably so, too. After the Government was once taught to march properly, after it had become stable, after the people had become accustomed to the institutions, after the Union had lasted long enough to cement its several parts together, then he helped for a change to the first principle that he had advocated.

Mr. CUMMINS. I fear this very interesting discussion about an immaterial matter has obscured the point I was trying to make.

However, I might as well add the result of my recollection as to the matter that has now been propounded. The truth is that there was a very large amount of discussion on this question from the beginning of the convention up to the middle of July, but although it had been decided this way and that way, and possibly half a dozen different times, finally, on the 26th of July, the convention submitted to the committee that I have already mentioned the resolutions which up to that time had the concurrence of the convention tentatively, and those resolutions included a seven-year term election by the National Legislature and ineligibility.

On the 6th day of August this committee reported, approving the resolutions in that respect and recommending the adoption of a constitution containing those provisions.

Now, mark you, that was on the 6th day of August. Then ensued weeks of discussion, but not upon this subject. On the 30th of August a committee of 11 was elected which reported on September 4 substantially in favor of the Constitution as it now is in this respect. The convention adjourned within a few days after that time, as I remember it, and there was no extended discussion upon the question after the report of the last committee. The votes had mainly been taken before then. I do not remember of any important debate that occurred upon the resolutions after that time.

I did not, however, refer to the history of the convention for the purpose of ascertaining whether it was for or against ineligibility. It finally was against ineligibility, and I accept that. It was against it, however, because it believed that it had found a plan of election through which the President would be independent of all influences save his own sense of duty. I have brought it to the attention of the Senate because I believe that the developments of the 125 years or more of our national existence, the national experience, the observations of thoughtful patriots, must lead us to believe that influences have arisen since the adoption of the Constitution, unknown and unanticipated by its framers, which ought to be guarded against as sedulously and as effectually as the fathers attempted to guard against the undue influence of the National Legislature over the Executive.

I agree that our forefathers intended that the President of the United States should be free and independent; I agree that they believed that he ought to be undisturbed and unvexed by any thought save the execution of the Constitution and the laws of the United States; they believed that they were devising a plan that would accomplish that result. History, however, has taught us that they failed to perceive the influences that would arise. They failed to understand that a President in office and eligible to reelection must devote his time, his abilities, and his power for reelection in order to escape the censure that would otherwise be inferred. When we propose here ineligibility, we are proceeding upon the same principle which animated our forefathers; we are seeking to protect the presidential office against the same dangers in character that were present in the minds of the men who finally adopted the Constitution, and I believe that we can render no higher service to the people of this country than by giving them a chance to exercise the most important, the most sacred, the most vital power or privilege which the freemen of any country can exercise—the opportunity to say what their Constitution shall be in the days to come.

Mr. CRAWFORD. Mr. President, before the Senator takes his seat I desire to ask him a question.

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. CUMMINS. I am very glad to yield.

Mr. CRAWFORD. The Senator has made a very interesting presentation of his views. I confess, however, to being a little disappointed at his not developing or considering in his remarks more than he has done this phase of the question: What advantage is gained or what compensation have the people in re-

turn for giving up the check and restraint which they can now exercise upon the President by reason of their having the power at the end of four years to put the seal of condemnation upon his acts? For instance, an active campaign is waged, one of intensity, one of very deep interest, among the whole people of the United States in relation to the solution of a great controversial issue, and a President has been elected who the people expected would represent their view in the settlement of that controversy, and within three or four months after his election and after his being installed in office they discover that, while he may not be corrupt or dishonest, his real sympathies, the real viewpoint by which he is governed, is not what they expected it to be, and that influences far more conservative, on the one hand, perhaps, or far more radical, on the other hand, perhaps, than the viewpoint which they expected him to take is the viewpoint by which he is being governed. Now, if he can immediately assure himself that he can follow his own bent and inclination without harm, because he is going to hold this office for six years, and the people have no power to exercise any influence or check or restraint upon him, and the coterie of advisers who are congenial to him, who may represent him, and whom the people consider absolutely inimical are his chief advisers, they are helpless, because this opportunity to put the seal of condemnation upon his acts in the case of reelection within the shorter period during which he can continue to abuse their confidence has been destroyed.

Mr. CUMMINS. Mr. President, in so far as the real duties of the Chief Executive are concerned, I think I have answered the question propounded by the Senator from South Dakota. It is plainly evident that his view of what a President should be and what he should do is vastly different from mine. I deplore the fact that the Presidents of the United States have in recent years attempted to be or to manage the Government of the United States, have attempted to establish policies to which they have coerced everybody who could be brought within the influence of their great power. I do not look upon a President of the United States from any such standpoint. I think he is elected to execute the law, and that he ought to do it without courting the popular favor or the favor of special interests. The President, if he is conscientious, has vastly less discretion than would appear from the general view that we accept now of Presidential duties. I think the people of this country ought to be taught that their legislation is to come from Congress and that the policies of the country, so far as they are established and perpetuated by legislation, are to be established by Congress. I therefore have not looked at the question from the standpoint occupied by the Senator from South Dakota.

Mr. CRAWFORD. Well, Mr. President, I can see that in its relationship to the people the Senator would give narrower scope and environment to the office of President than I would. I think it is absolutely right that the President should seek to be of assistance to the American people in shaping policies; but that is not the particular idea I wanted to emphasize.

Mr. CUMMINS. As a man that is true, and as a President, he may recommend to Congress whatsoever he desires; but I do not believe, as I have often said, that a President, nominated by a party and elected by the people, should be permitted to set up a standard of loyalty or of patriotism, either to the party or to the country, and to hold every man disloyal who did not accept it.

Mr. CRAWFORD. But I want to call the Senator's attention to another feature, which I regard as a very important one, and that is, the opportunity to bring to bear upon the conduct of public officials, whether they are in Congress or whether they occupy executive offices, the power of the people of the United States to bring to bear upon them the effect of wholesome public opinion. The Senator knows that oftentimes a lethargy is in possession of this Congress, so that year after year goes by and no action whatever is taken, although a clamor exists among the people of the United States for some specific relief—it may be railway legislation; it may be tariff revision, or what not—and yet we are sluggish, inactive, unresponsive, and finally the power of public opinion knocking at these doors compels results. Now, I would have the power of public opinion have the same opportunity to influence Executive action. If Executive action is slow, unresponsive, hesitating, or if Executive action is inclined to be wrong, I think this opportunity to put the seal of disapproval upon the conduct of the Executive furnishes one of the strongest weapons in the hands of the people to compel the consideration of public interests that the people have in their possession; and would not this amendment absolutely take it away?

Mr. CUMMINS. Not at all, Mr. President, unless it is assumed that the people deliberately select a scoundrel for President of the United States. If they do make so unwise a selection as that, of course I think some of the results that have been indicated by the Senator from South Dakota would follow; but I am assuming that a man enters the presidential office with honest purposes, with the intent and capacity to execute or perform his duty, and I am seeking simply to remove from him those influences which, in my opinion, will and which, in my opinion, have, in a great many instances, diverted the Chief Executive from the path that he ought to have pursued.

During the delivery of Mr. CUMMINS's speech,

Mr. BRANDEGEE. I send to the desk a proposed amendment that I intend to offer at the proper time, or I will offer it now if I may do so and have it pending. I am obliged to leave the Chamber, and that is the reason why I ask leave to offer it now. I will discuss it later.

The PRESIDENT pro tempore. The Senator from Connecticut proposes the amendment now?

Mr. BRANDEGEE. I will propose it now if it is in order. I am not familiar with the parliamentary situation.

The PRESIDENT pro tempore. The joint resolution is still in Committee of the Whole.

Mr. BRANDEGEE. I thought it was in the Senate.

The PRESIDENT pro tempore. It is not.

Mr. BRANDEGEE. My impression is that the RECORD shows it is in the Senate.

The PRESIDENT pro tempore. The RECORD does not show that.

Mr. BRANDEGEE. Very well. Then I do not desire to offer the amendment as in Committee of the Whole, because it is similar to one that was voted down in Committee of the Whole. I will present it in the Senate.

After the conclusion of Mr. CUMMINS's speech,

Mr. SUTHERLAND. Mr. President, I offer an amendment to the amendment.

The PRESIDENT pro tempore. The Senator from Utah submits an amendment to the amendment of the committee, which the Secretary will state.

The SECRETARY. On page 2, line 10, of the committee amendment, after the word "election," it is proposed to insert:

Provided, That the foregoing shall not operate to extend the term of the President in office at the time this amendment is adopted.

Mr. SUTHERLAND. Mr. President, I am not certain whether the amendment is in order in Committee of the Whole, in view of the amendment offered by the Senator from Pennsylvania [Mr. OLIVER], which was voted down, and I submit that parliamentary question to the Chair.

The PRESIDENT pro tempore. If the amendment is identical with the amendment which was voted down, the Chair would be of opinion that it ought to be withheld until the joint resolution shall have been reported to the Senate.

Mr. SUTHERLAND. Then I give notice that I will offer the amendment when the joint resolution reaches the Senate.

The PRESIDENT pro tempore. The joint resolution is still before the Senate as in Committee of the Whole and open to amendment.

Mr. GRONNA. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from North Dakota suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators responded to their names:

Ashurst	Cummins	Lippitt	Simmons
Bankhead	Dillingham	McLean	Smith, Ariz.
Borah	Fletcher	Martine, N. J.	Smith, Ga.
Bourne	Gallinger	Nelson	Smith, Md.
Bradley	Gamble	Oliver	Smoot
Bristow	Gronna	Page	Stephenson
Burnham	Hitchcock	Paynter	Swanson
Burton	Jackson	Percy	Thomas
Catron	Johnson, Me.	Perkins	Thornton
Chamberlain	Johnston, Ala.	Perky	Townsend
Clapp	Jones	Poindexter	Wetmore
Clark, Wyo.	Kavanaugh	Richardson	Williams
Clarke, Ark.	Kenyon	Root	
Crawford	La Follette	Shively	

The PRESIDENT pro tempore. On the call of the roll 54 Senators have answered to their names. A quorum of the Senate is present.

Mr. POINDEXTER. Mr. President, I do not desire to go over a second time the merits of this resolution. I can not consent, however, that a vote shall be taken without some reference on my part to the argument made by the Senator from Iowa as to the duty of the Senate to submit this resolution to the people in the nature of a referendum.

The charge of the Senator from Iowa that those who are opposed to this resolution are opposing a progressive measure, a measure which represents the principles of a political movement which has come recently to be known by that name, coming from that Senator, who has been such a distinguished

champion of progressiveism in the United States, is a charge which can not be passed over without some defense.

The Senator from Iowa has for many years, in his own State and throughout the Nation, come to be known as a champion of liberal policies. He led a movement which his party finally accepted by a declaration in its platform; and if the party, when it was returned to power after a campaign conducted upon that platform, had kept its pledges, the division of the party which has taken place and its deposition from the seat of government would not have occurred.

I do not share, though, the pessimism and the discouragement expressed by the Senator from Iowa as to the hope which he said he once had, and which I think all progressives had, and most of them still have, that there would be a real and a natural division of political parties in this country by which, on the one hand, those who advocate progressive policies would gather themselves in a party which might be called a liberal or, if you choose, a radical party, drawing to itself progressive elements from all of the old parties, or from those of no party; and, on the other hand, those who were opposed would gather themselves together in a tory party, or a conservative, reactionary, or standpat party. I say, I can not share his feeling that that result will not yet come about.

I think there is a seething movement lying underneath the surface of party organization in all of the old parties which is constantly tending toward that end. I think there has been an actual accomplishment—sometimes not acknowledging itself by the adoption of a party name, but shown by the votes in both branches of Congress, shown by the cooperation of members of different parties who believe in progressive principles, in the States, and in the conduct of campaigns—proving that this movement is not only not hopeless, but that it is gaining ground, that it has accomplished results, and that ultimately there will be here, as there is in every other country which has a government by party, a logical division between those of liberal and progressive principles and those who believe in reaction.

Mr. President, it is certainly a legitimate argument on the part of the Senator from Iowa that if the question before the Senate is in the nature of a referendum, as he contends it is, it would be in line and in harmony with and in fact would be required by the principles of the Progressive Party, regardless of the individual views of the Members of the Senate that they should adopt the resolution, not for the purpose of expressing their conviction upon the merits of the matter, but for the purpose of submitting it to the people that the people might decide whether the Constitution was to be amended or not.

I am willing to agree with the Senator from Iowa that the Constitution should be more elastic, that it should be more easily susceptible of amendment, that it should be in a larger degree, at least, more responsive to the people. It is difficult for me, however, to harmonize that portion of the argument of the Senator from Iowa with the concluding part of his argument, in which he seemed rather to tend to the opposite extreme, judging from the illustrations which he made, in which he seemed to contend that the Constitution should be fixed so that the people could only with great difficulty change it, and that it was necessary for the people——

Mr. CUMMINS. Mr. President——

Mr. POINDEXTER. Just allow me to conclude the sentence—to put restraints upon themselves which they were not able with readiness to remove, to bring about just and orderly government.

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Iowa?

Mr. POINDEXTER. I yield.

Mr. CUMMINS. Mr. President, the Senator from Washington has very greatly misunderstood me. I am sure nothing I said would bear that interpretation, because it has been one of the fundamental tenets of my political faith that many of the obstacles in the way of amending constitutions ought to be removed. I think there ought to be an initiative with regard to the Constitution so that the people themselves, without the intervention of any legislative branch of the Government, could compel the submission of a constitutional proposal.

Mr. POINDEXTER. I understand that that is the Senator's view. I have always understood, at least, that that general policy was advocated by the Senator.

Mr. CUMMINS. I do not think, however, that the people ought to change their Constitution without the opportunity for mature and deliberate reflection and consideration. I am sure the Senator will agree with me in that.

Mr. POINDEXTER. Entirely.

Mr. CUMMINS. When it comes to the merits of a particular proposal, that is quite a different matter. I believe there are rules which the people ought to lay down for their own guidance and that they ought not to depend upon their action at a particular time respecting many of the subjects of government. I think the Senator from Washington will agree with me about that.

Mr. POINDEXTER. I do agree, and that is why I am not discouraged in the belief that we will be able to cooperate toward that one grand, and I hope not far off, if not divine event—the uniting of all progressives in one party.

Mr. CUMMINS. I am not pessimistic about that.

Mr. POINDEXTER. The fact that we may differ about this particular measure does not discourage me in the belief that we may agree about the underlying principle, because the question here is simply as to a means for accomplishing a result upon which I think we are in harmony.

Mr. CUMMINS. I hope the Senator from Washington will not think I have any doubt about the progress, with accelerated speed and effectiveness, of the great progressive movement of the last decade. What I said with regard to that was that I rather despaired of being able to gather the progressives into a single political organization, in view of the great difference of opinion among progressives as to the merits of a particular measure.

Mr. POINDEXTER. There always will be that difference of opinion about particular measures or particular agencies. I do not think it is cause for discouragement, for instance, that we have different opinions about this particular measure. Just as it is said "there is one glory of the sun and another glory of the moon and another glory of the stars, and one star differeth from another star in glory," so real Progressives differ as to the means and agencies for bringing about the result upon which they are agreed.

I think we are all agreed, for instance, that there should be in this country a rule of law rather than of men, and that it should operate uniformly and equally on all alike; that force and violence and fraud, from whatever source, should be subjected to the law. I mention these very general propositions because it is a live question. We have seen the rule of law departed from, and the rule of force and violence and fraud and bribery substituted in its place, both by those who are mighty in their power, although private citizens, and by those who are their servants. We have seen the corporations use these means, and we have seen the labor unions use them.

I understand that all progressives are agreed that one object to be accomplished by this great movement is that all, whether individuals or corporations or labor unions, shall be subjected to law, and that the law shall operate upon them all equally. That is one general principle upon which we are all agreed. I am sorry to say that there are many political opponents of ours who, while they may pretend to believe in that doctrine, do not practice it; and many of them boldly admit that they do not believe in it, but assert that there must and ought to be special privilege and special exemption in this country.

I think we are all agreed that, while there is wealth and ought to be, and while it should have its personal enjoyment and opportunity and the social advantages which wealth gives, wealth should not command legal advantages; that mere money should not be above manhood nor above the Government nor above the officers and the Senators of the people, but that the officers of the Government should be above mere property and its agents.

I think we are all agreed, as progressives—most of us, at least—that while the natural resources of the country and the great wealth of the public lands should be developed, and even developed by private means, for the increment and for the benefit of the private means which develop them, yet there should be attached to that development, and to the franchises under which it operates, certain conditions and restraints by which the Nation whose property this is shall share in the profits and in the increment which comes from its use and its enjoyment. There are many of our opponents who do not believe in that principle, but who are seeking, by one means or another, to escape from it, sometimes by advocating State control of natural resources, which, in their minds, means no control at all.

It is true, as I said, that I agree with the Senator from Iowa that the people should have reasonable opportunity to amend the Constitution.

If we were operating here under an elastic law by which, upon certain conditions, this resolution coming before us should be submitted to the people for their consideration and rejection or ratification, I would readily consent that we should so act. I would favor a law of that nature, of course with certain restrictions and under certain conditions.

But I can not consent to the doctrine advanced by the Senator from Iowa that we must surrender our opinions as to the merits of this resolution, and that because it is presented here by a

Senator and advocated by some Senators, and because, as is said, during the 124 years of the life of Congress under the Constitution a number of similar resolutions have been presented, and because Thomas Jefferson in his time, which was a century or more ago, favored this principle, we must surrender our judgment as to what is best for the American people to-day and permit the resolution to take its course under the Constitution after Congress has ratified it by a two-thirds vote.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Does the Senator from Washington yield to the Senator from Kansas?

Mr. POINDEXTER. I yield.

Mr. BRISTOW. As I understand it, if the Senator will excuse me, while Thomas Jefferson seemed to favor a continuous term, did he not connect that with the principle of the recall by the people of the President if he was unsatisfactory?

Mr. POINDEXTER. He did. Furthermore, I would say upon that point, that whatever Jefferson may have advocated—a letter was read here this morning which indicated that he did not advocate the ineligibility of the incumbent to such an extent that he opposed the adoption of the Constitution on that account—whatever may have been his views or whatever may have been the views of some of his contemporaries or their successors in the conduct of public affairs in this country, it still remains that the consensus of opinion in the Federal convention and in the decades which followed it from that time to this has been opposed to this contention.

When the convention adjourned it appeared to be unanimously in favor of the system which is now established. Many similar resolutions have been introduced in Congress, but they have never met with sufficient favor, so far as I am informed, to attain a two-thirds vote in either branch of Congress.

The Senator from Iowa assumes that there is a public demand for it, and on that account he would submit it to the people and surrender our views upon the merits of it. I disagree with him upon that. I want to cite an instance, and I hesitate to do it because I think probably my motives will be misconstrued. I wish to call attention to the condition of affairs when Mr. Roosevelt went out of office. I say it without any consideration whatever of personal affiliation or personal preference as to the Presidency or personal ambition or personal desires. I sincerely believe, and I think it will be admitted by many, at least, of those who are frank and who apparently opposed Mr. Roosevelt, that, notwithstanding the fact that he had served practically two terms in the Presidency, he would have received the approval of the American people by election to a third term if he had been willing to receive it at that time.

It indicated the view of the American people on the doctrine of ineligibility when more than 4,000,000 votes were cast for Mr. Roosevelt in the last campaign, conducted with an imperfect organization, after an effort of a few weeks by a new and untried organization, gotten hastily together. Does that indicate that the American people have any deep-seated conviction that under those circumstances they should not reelect a man who had already served in the Presidency? I do not think that it does.

I have not seen any evidence, I have not seen nor heard in the address of the Senator from Iowa anything upon which I think it can be predicated that any substantial proportion of the American people are concerned in the adoption of this resolution. But even if they were, is it incumbent upon us, upon the record here and upon the showing which has been made, to throw aside our convictions upon this particular measure because we might believe in a referendum or in the elasticity of the Constitution and act contrary to our convictions upon this question? However elastic the Constitution might be, and however the referendum might be established, under any system when men in the Senate and out of the Senate are called upon to vote they are supposed to vote their judgment and their convictions upon the particular thing on which they are voting and not to vote in favor of an amendment to the Constitution, a very important one, which they do not believe in and which they think would be injurious, which they believe would be dangerous, which might be of fatal consequences in some crisis, in order to indicate that they are in favor of a general principle which is involved. Yet that is the substance of the argument of the Senator from Iowa.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Iowa?

Mr. POINDEXTER. I yield to the Senator from Iowa.

Mr. KENYON. The Senator has touched the point that has troubled me a great deal in this discussion, and I should like to ask him a question. If a substantial part of our population desired certain changes in the Constitution and the only way they could reach that matter would be through their legislatures, the legislature or the convention approving it, and if the Senator did not believe in the proposition that a substantial majority of the people might want, would he still believe it was his duty to vote to give them a chance to express their belief, regardless of his own opinion?

I am not in favor of this amendment, but this is not the adoption of the amendment to the Constitution. It is merely giving a chance, in the only way there is a chance, for the people, acting through their legislatures, to amend the Constitution. What is the Senator's idea about that?

Mr. POINDEXTER. My idea about that is that if a Senator is opposed to the resolution strongly, if his convictions are fixed, if he is of the opinion that it would be a governmental mistake of deep significance, exercising his duty here in a vote which while the Senator says is not the adoption of the amendment may lead to the adoption of the amendment, which is the first step in the adoption of the amendment, he should vote his convictions and his judgment upon the merits of the question. That is what he is here for. That is the function which he is performing as a Senator.

If it were perfectly plain, I will say to the Senator from Iowa, under the Constitution that a Senator in so voting to submit an amendment is not necessarily expressing his convictions on the subject and on the merits of the question, but that he is simply voting in order to give the people an opportunity, and if that were the system under which we were operating, of course a Senator ought to vote that way. It would be his duty to so vote under that system, because he would then be voting in accordance with law, in accordance with the Constitution. But when the Constitution puts the Senate as a political court to determine the merits of the question, their votes are regarded by the people of the country as an indication of their views. Leaders in the several States constitute the membership of this body, and their views may influence the judgment of their constituents to some extent, at least; and their constituents are entitled to their judgment upon the merits of the question.

Mr. KENYON. If the question were to be submitted directly to the people for ratification, then I take it the Senator would be in favor of submitting this amendment to the people regardless of his own view. I do not think the people are influenced very much by the opinion of Senators. It has not been the history heretofore.

Mr. POINDEXTER. I qualified my statement by saying "to some extent." How much or how little would depend on circumstances. It would depend on the Senators and upon the conditions in their States.

I wish to say, however, pursuing the argument a little further, that what I have just been saying was assuming that if we were to submit this resolution it would be in the nature of a referendum, and I was arguing it upon that basis. That is a much stronger case than the one which is before us, because it would not be a referendum to the people. The action of the State legislatures in many instances which are required to ratify this amendment to make it effective, in instances which every Senator can recall, are as far from the popular will and from the desire of an enlightened public opinion as the nadir is from the zenith.

It is not a submission to the people, but it is a submission to a representative body many of whom hold over from year to year in the senates of the several States, which contain all the disabilities and all the disadvantages so far as being a reflection of the popular will is concerned, which has been discussed throughout the country for a generation or more in the contention about the direct election of United States Senators. It has been demonstrated in a great many States that where the people desire one man for United States Senator the legislatures abandoned their duties as legislators and the enactment of laws and devoted an entire session to controversy about the election of men none of whom the people would favor.

I only mention that as illustrating that the votes of legislatures upon this question need not and probably would not represent the popular will. I have known in my own State many times when the people overwhelmingly desired certain legislation it was impossible to obtain it in the legislature. The secret influences which have been spoken of that operate at times upon the high office of President, or with a possibility of operating there, have the same possibility of operating in the legislatures, and do operate there and have operated there. In many

instances it became known and published. Many instances were not known.

The senior Senator from Iowa bases, in part, his argument in favor of this resolution upon its advocacy by some great men in the early days of the Republic. I have already said that while those men advocated it they did not represent the consensus of opinion; but even though they did represent the consensus of opinion, even though it was generally advocated and the Constitution had been adopted contrary to the public will, so far as this provision is concerned it would not be a reason, in my judgment, why we should change the provision at this time, because the conditions under which the country is governed and the necessities and needs as to the Federal Government and the views of the people toward the Federal Constitution have been revolutionized in the last hundred years.

When the Federal Constitution was adopted it was not a Democratic instrument, but it was so framed that the people could not readily control the Government. It was what we would call a reactionary instrument as viewed from the conditions of affairs at the time of the Revolution itself. It was in a great wave of democracy which upheld the armies, the Declaration of Independence, and the principles of government expressed there, and which sustained the great movement against the wealth of the country, against the Tories and the King and Parliament of Great Britain. There had been, after the Revolution, a reaction. There had been a swinging back of the pendulum. There was a jealousy not only on the part of the States but on the part of the people against the Federal Government. They did not need so much government in those days. The purpose of the Government is to restrain the aggressions of the strong against the weaker ones in the community. There were not any very strong in the community in those days. All were comparatively equal.

Now, the question is the control, the regulation, the restraint not only of those who are stronger than they were at the time the Senator from Iowa holds up as a precedent, but stronger private individuals controlling greater influence over the conditions of their neighbors and the masses of the people than any other country ever had in any age of the world.

So the question is where is the authority coming from for the necessary restraint of this power, which in the hands of selfishness and avarice is used to oppress, to extort an undue share from the people of the wealth of the country? It can not come from any source except the Federal Government. The tendency now is not to limit the powers of the Federal Government, but it is to extend them and to avoid the dangers which were apprehended from a strong Federal Government, by at the same time establishing agencies which give the people control over the Federal Government.

I pointed out, and I do not care to repeat it, that one of these new agencies is the nomination of a President by a direct primary, which removes the possibility of the abuse of patronage. We saw in the last election a demonstration as perfect as it could be that this country has nothing to fear from the abuse of patronage under this new system of party patronage—that nomination of a President by the people can not be brought about by the abuse of patronage. Patronage was abused. Patronage was used to every extent to which it could be used to secure a renomination. It was justified by those who used it as having been the practice of their predecessors in office. But the result of it was 8 electoral votes in the electoral college, 4 of them from Vermont gained by a margin of 1,200 plurality, and 4 of them from the State of Utah gained with the support and power of the great religious organization in that State which supported the Republican candidate for the Presidency.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Utah?

Mr. POINDEXTER. I yield.

Mr. SMOOT. I think the statement the Senator has just made is not correct.

Mr. POINDEXTER. I am not saying this in any hostile sense toward the State of Utah; I am simply citing as an illustration the narrow margin by which those eight electoral votes were obtained. Is it not true that the president of the Mormon Church issued a public declaration prior to the election advising the adherents of that religious faith to support Mr. Taft for the Presidency?

Mr. SMOOT. It is not true, Mr. President. He did not advise anybody to vote for President Taft. He spoke of President Taft's administration in connection with a statement that he made in relation to the conditions in Mexico. The State of Utah, of course, did not cast the number of votes for President Taft that it did four years ago by something like thirteen or fourteen thousand. I have not the exact figures here.

Mr. POINDEXTER. He got a pretty fine vote in Utah; much better than he did in Vermont.

Mr. SMOOT. I can not state as to Vermont, but the Republican Party carried the State of Utah by between six and seven thousand votes. They carried it four years before by, I think, twenty-odd thousand.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the junior Senator from Utah?

Mr. POINDEXTER. I yield.

Mr. SUTHERLAND. The truth about it is that——

Mr. POINDEXTER. I should like to say in explanation, before the Senator makes his statement—I do not want to be misunderstood about it—that I am not making any attack upon President Smith nor upon the Mormon Church at this time, nor any criticism of what he did. I am simply referring to the fact, if my statement is a fact, and if it is not correct I will be glad to be corrected; but if I am not correct, then there are thousands of good Mormons throughout Idaho and Utah who were misled in this statement, because they believed that the president of the church was in favor of the election of Mr. Taft.

Mr. SUTHERLAND. Mr. President, the fact is that President Taft carried the strongest non-Mormon county in the State, namely, the county of Salt Lake. Indeed, he procured the greater part of his majority——

Mr. POINDEXTER. I think that was probably due to the fact that the junior Senator from Utah lives there and supported him.

Mr. SUTHERLAND. Of course, that may have had something to do with it. I can not enter into a discussion of that. But that is the fact. It is also a fact that President Taft was supported by the strongest non-Mormon newspaper in the State, a newspaper which has been in the past bitterly antagonistic to the Mormon Church. It is also a fact that he lost the vote—that is, a majority of the vote went against him—in two of the strongest Mormon counties in the State, namely, the county of Utah and the county of Cache, where there are comparatively few non-Mormons.

Mr. POINDEXTER. I understood there was an insurgent movement among the Mormons.

Mr. SUTHERLAND. There was an insurgent movement of a limited extent throughout the State. It did not materialize sufficiently to carry the State away from Mr. Taft. But what I am stating to the Senator is a fact.

Now, as far as Idaho is concerned, I have no information as to the vote. It is true that President Smith some time prior to the election, when the administration had been criticized for its conduct in the affairs of Mexico, published an article on that subject, in which, as I recall it, he advocated the attitude of the administration; but he gave no instruction of any kind.

Mr. POINDEXTER. Is it or is it not true that that statement from the president of the Mormon Church, made, I think, on Saturday or Friday, was read the following Sunday morning before the election in every Mormon Church in Utah?

Mr. SUTHERLAND. I do not think that is true.

Mr. SMOOT. Mr. President, I will state to the Senator that that is absolutely false. There is not a word of truth in it.

Mr. POINDEXTER. How many churches was it read in?

Mr. SMOOT. None whatever the Sunday before the election, or any other Sunday.

Mr. POINDEXTER. I am very glad the Senator has put himself on record in that regard. I asked the question. I have seen a published statement to that effect.

Mr. SMOOT. If the Senator undertakes to judge the people of Utah by statements that he may see from time to time in the press, he certainly will misjudge them most of the time, because the press in general contain articles of a sensational character rather than statements of facts.

Mr. POINDEXTER. I did not make the statement, but only inquired of the Senator from Utah in regard to the matter. The statement which I did make as to President Smith is in substance, I believe, correct.

Now, I think that is all I have to say upon the first suggestion of the senior Senator from Iowa [Mr. CUMMINS], in the first place, that we are not called upon here to act in the capacity of passing a referendum, but that we are called upon here to vote upon a constitutional amendment; and, in the second place, that even if we did act as though we were referring a referendum it would not have that effect and there would be no referendum, because there is no opportunity for the people to vote upon the proposition.

Before I pass, however, from the reference of the junior Senator from Utah [Mr. SUTHERLAND] to the matter which was just under discussion, stating that he did not know what the conditions were in the State of Idaho, I want to say that the conditions there were that Col. Roosevelt, who with a number of

other men—it makes no difference whatever to me who it affects—would be excluded by the operation of this joint resolution, if it were adopted, from being a candidate, received over 25,000 votes, without having the names of his electors on the ballot, on account of the decision of a court which under a strained, and as I am advised by competent lawyers in Idaho—and it is my own opinion—an unwarranted construction of the statutes of that State issued a writ of injunction against the printing of the names of the Progressive presidential electors upon the ballot. That was the condition in Idaho.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington further yield to the Senator from Utah?

Mr. POINDEXTER. Yes.

Mr. SUTHERLAND. How does the result in Idaho, under the conditions the Senator has stated, differ from that in California where another candidate for the Presidency was affected?

Mr. POINDEXTER. They differ very radically from the conditions in California, because the Republicans in California had an opportunity to put the names of their electors upon the ballot and refused to use it, preferring, what no doubt, if they were willing to subordinate principle, was a fine piece of political strategy and tactics upon their part, to combine with the Democrats in order to defeat the Progressives.

Mr. SUTHERLAND. The decision in California, as I recall, came too late for the regular Republicans to have the names on the ballot by a regular petition.

Mr. POINDEXTER. In California all parties had the same opportunity to put their electors upon the ballot. The Republicans could have done it in the same way that the Progressives did. It was a question whether or not the names of the presidential candidates should be printed on the ballot.

The Progressives were willing their candidate's name should be printed there. The Republicans had a candidate—I do not feel like referring to these various individuals—whose name they did not want printed on the ballot, and they refused to put their electors on the ballot as Taft Republicans. That is the reason why they did not put them there. That was the decision of the court. The same rule applied to all parties. But in Idaho there was an absolute inhibition against the Progressives from printing the names of electors on the ballot at all, and notwithstanding that fact they came near carrying the State, polling substantially a third of the vote in this three-cornered contest.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Will the Senator from Washington yield to the Senator from Nebraska?

Mr. POINDEXTER. Yes.

Mr. HITCHCOCK. Do I understand that one of the reasons why the Senator is opposed to this proposed constitutional amendment is that it would except ex-President Roosevelt from being a candidate hereafter for President?

Mr. POINDEXTER. Not at all. I think my vote indicates that that is not my position.

Mr. HITCHCOCK. I was trying to reconcile the Senator's vote yesterday on my amendment. He stated just now that one of the evils of the amendment pending would be to exclude ex-President Roosevelt, who had been so popular in Idaho and other States.

Mr. POINDEXTER. The Senator misapprehended my remarks. I did not say that one of the evils would be that it excluded him. I said that it would exclude him. That is quite different from saying it would be an evil. My opinion is if it was adopted at all it ought to exclude him, and I voted that way and believe that way. I do not hold any brief for ex-President Roosevelt or anyone else in this matter. I believe that he ought to have been elected President of the United States because he had a legitimate majority of delegates in the Republican national convention, and I think he would have been elected if he had had a united party behind him and had been nominated there.

But that has nothing to do with this question. What I did say was that the number of votes that were cast for him, while he would be excluded by this amendment, indicates that popular opinion is not demanding the amendment. That is the point I am making.

Mr. HITCHCOCK. So the Senator's position is this: He is opposed to the proposed constitutional amendment because it proposes to limit the power of the people to select their candidates.

Mr. POINDEXTER. Yes.

Mr. HITCHCOCK. Yet if it is adopted he wants it to go so far as to exclude ex-President Roosevelt.

Mr. POINDEXTER. I do. That is my position exactly. If it is to operate at all, of course it should operate on all alike.

Mr. President, only one word with reference to the merits of the question. The senior Senator from Iowa [Mr. CUMMINS] said that there was no country in the world which was ruled by a majority. I do not agree with that; I think that there are some countries that are ruled by a majority; but I do not know of any country in the world which has restricted itself from keeping a fit man in office, as this resolution proposes to do. I know there are some countries that are ruled by a minority; and there are some countries that are ruled by one man. I am not in favor of an unconstitutional government; I am in favor of a constitutional government, with all due restrictions upon the power of the majority, but I would much rather have a country ruled by a majority than to have one ruled by a minority or than to have one ruled by a monarchy. I think that that is one of the general distinctions between the progressives and the reactionary parties.

The Progressive Party prefers the opinion and the power of the majority, and the reactionary party prefer the power and the control of a minority, because they have no faith in the ability and the intelligence of the masses to operate the Government whether directly of through representatives.

Of course, there is nothing involved in this discussion or in any of the new agencies of government which in any way justifies the attacks which have been made by the "stand-pat" Republicans throughout the country upon that movement on the ground that it is undermining the foundations of the Constitution. It does not deal with the Constitution; it does not affect in any way whatever the substance or the principle of representative government, but it makes representative government more responsive to the people.

One objection that I have to this amendment is not that it gives too much power to the Government, but that it makes the Government too weak. The constant change in the administration of the Government, the compelled and absolute requirement that there shall be rotation in office under all circumstances, obviously weakens the Government.

As I said before, that was the object in the early days of this Republic. The object was to weaken the Government. I am in favor, and I think many other Progressives are in favor, although they are misunderstood upon that subject, of strengthening the Government. I think it will have to be strengthened if it is going to be able to deal with modern political problems, but at the same time the people should be given control over it; in other words, the Government should be responsive and at the same time it should be responsible. Agencies can be adopted, and have been adopted, by which the evils that come from the eligibility for reelection to the office of President can be removed and eligibility for reelection to the office can still be retained.

I am not in favor of the indefinite continuance of the President in office. I think that reasonable rotation in office, when it is voluntary, when it is in response to public opinion, as it has been in this country, is a good thing; but when it ceases to be in response to an enlightened public opinion; when it is imposed contrary to the will of the people by a Constitution, which may have been adopted 50 years before the problems originated with which it has to deal and solve, it is not progressive; it does not tend to enable the people, through their Government, to restrain the evils of private monopoly, growing out of the great modern agencies of industry and transportation—the telegraph, modern machinery, and steam locomotion.

The Senator from Iowa said that there was no Government ruled by a majority. I think England is ruled substantially by a majority. I am not going to repeat the comparison between the Government of England and our Government. It is natural to make it because the English are our forbears; we speak their language, and have substantially their laws. Our capacity for self-government and the love of liberty we inherited from them.

Why does not the majority rule in England substantially? Of course they have a King, but he is about like a queen bee in a hive. He is absolutely under the control of the people; his functions are largely those of a social leader. The entire Government of Great Britain is elected by a majority of the people at one time. There are no checks in the way of hold-over members of the House of Commons; there are no checks in the way of courts that can set aside the acts of Parliament; there are no checks in the way of a veto, which either the House of Lords or the King can impose upon the acts of the House of Commons made in response to well-settled public opinion. That is a Government by a majority, and it is a successful Government by a majority. It is true that the majority have imposed certain restraints upon themselves in the way of a bill of rights. We have inherited that bill of rights, and we have modeled it to meet our conditions here; but I refuse absolutely in this argument to have the argument transplanted by the Senator from Iowa into a proposition of whether there should be any

constitutional restraint or whether there should be this particular constitutional restraint.

We are not debating here the question of whether or not there should be trial by jury fixed in the Constitution, whether or not there should be an inhibition against the violation of contracts, or the right to bear arms or that property can not be taken without due process of law. Of course such provisions ought to be in the Constitution; of course those principles are sound; but because the principle in general is sound does it follow that we must limit the term of the President and make him ineligible for reelection? What connection is there between the Bill of Rights and the tenure of office of the Chief Executive? There is not any whatever. We can concede the general principle advocated by the Senator from Iowa and yet oppose this particular proposed provision of the Constitution, which could not have any other effect than to cripple the Government and to cripple the people in wrestling with the great questions with which they are compelled to wrestle through the Government, which is the only agency they have with which to deal with them. The safety of the Constitution is in its justice and wisdom. An unjust or unwise amendment is but a weakness and temptation to violate it, and disrespect for the fundamental law endangers the Republic.

Mr. DIXON. Mr. President, I want to take up about six minutes of the time of the Senate; but before this debate closes, and before the vote is taken, I want to have presented to the Senate the most comprehensive argument, boiled down in a few words, presenting more phases of this subject than any other argument that has ever yet been made on this question.

We heard yesterday from the senior Senator from Iowa [Mr. CUMMINS] quotations from Charles Sumner and, I think, one from Henry Clay; and the senior Senator from Mississippi [Mr. WILLIAMS] many times referred to the views of Mr. Jefferson on this much-mooted question at the time of the holding of the constitutional convention. But the views of Hamilton himself, the greatest mentality of them all, have not in this debate even been suggested, I think, by any Senator. Hamilton 125 years ago said all that has since been said on this same subject. He said it in a very few and concise words. I should like to have the entire Senate hear it, for it is almost equal to Washington's Farewell Address, to which we devote one day during each session. Therefore, before I ask the Secretary to read the article in the Federalist, I should like to suggest the absence of a quorum, so that we may have a fuller house to hear Alexander Hamilton's viewpoint.

The PRESIDING OFFICER. The Senator from Montana suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Lippitt	Shively
Bankhead	Curtis	Lodge	Simmons
Bourne	Dillingham	McCumber	Smith, Ariz.
Brandegee	Dixon	McLean	Smith, Ga.
Bristow	du Pont	Oliver	Smith, Md.
Brown	Fletcher	Overman	Smoot
Bryan	Gallinger	Page	Stephenson
Catron	Gamble	Paynter	Sutherland
Chamberlain	Hitchcock	Percy	Swanson
Chilton	Jackson	Perkins	Thomas
Clapp	Johnson, Me.	Poindexter	Thornton
Clark, Wyo.	Johnston, Ala.	Pomerene	Townsend
Clarke, Ark.	Jones	Richardson	Wetmore
Crawford	Kenyon	Root	Williams
Cullom	Kern	Sanders	Works

Mr. KERN. I desire to announce the unavoidable absence of the junior Senator from South Carolina [Mr. SMITH] on account of illness in his family.

The PRESIDING OFFICER. Sixty Senators have answered to their names. A quorum of the Senate is present.

Mr. DIXON. Now, Mr. President, with a larger audience present, I hope Senators will pay real attention to what is probably the most powerful and concise argument yet delivered on this question, made not during the constitutional debate, but contained in an article which appeared in the Federalist, written by Hamilton after he had heard all of the arguments advanced during the entire period of the Constitutional Convention. It will take only four or five minutes to read what Hamilton had to say. I now ask that the Secretary read what I send to the desk.

The PRESIDENT pro tempore. The Senator from Montana asks unanimous consent that the Secretary read the matter to which he has referred. Without objection, the Secretary will read as requested.

The Secretary read as follows:

ALEXANDER HAMILTON ON THE QUESTION OF REELECTION.

The administration of government in its largest sense comprehends all the operations of the body politic, whether legislative, executive, or judicial, but in its most usual and, perhaps, in its most precise signification it is limited to executive details and falls peculiarly within the province of the Executive Department. The actual conduct of foreign negotiations, the preparatory plans of finance, the application and disbursement of the public moneys in conformity to the general appropriations of the legislature, the arrangement of the Army and Navy, the direction of the operations of war; these and other matters of a like nature constitute what seems to be most properly understood by the administration of government. The persons, therefore, to whose immediate management these different matters are committed ought to be considered as the assistants or deputies of the chief magistrate; and on this account they ought to derive their offices from his appointment, at least from his nomination, and ought to be subject to his superintendence. This view of the subject will at once suggest to us the intimate connection between the duration of the Executive Magistrate in office and the stability of the system of administration. To reverse and undo what has been done by a predecessor is very often considered by a successor as the best proof he can give of his own capacity and desert; and in addition to this propensity, where the alteration has been the result of public choice, the person substituted is warranted in supposing that the dismission of his predecessor has proceeded from a dislike to his measures; and that the less he resembles him the more he will recommend himself to the favor of his constituents. These considerations, and the influence of personal confidences and attachments, would be likely to induce every new President to promote a change of men to fill the subordinate stations, and these causes together could not fail to occasion a disgraceful and ruinous mutability in the administration of the Government.

With a positive duration of considerable extent, I connect the circumstance of reeligibility. The first is necessary to give to the officer himself the inclination and the resolution to act his part well, and to the community time and leisure to observe the tendency of his measures, and thence to form an experimental estimate of their merits. The last is necessary to enable the people, when they see reason to approve of his conduct, to continue him in the station in order to prolong the utility of his talents and virtues, and to secure to the Government the advantage of permanency in a wise system of administration.

Nothing appears more plausible at first sight nor more ill founded upon close inspection than a scheme which, in relation to the present point, has had some respectable advocates—I mean that of continuing the Chief Magistrate in office for a certain time and then excluding him from it, either for a limited period or forever after. This exclusion, whether temporary or perpetual, would have nearly the same effects; and these effects would be for the most part rather pernicious than salutary.

One ill effect of the exclusion would be a diminution of the inducements to good behavior. There are few men who would not feel much less zeal in the discharge of a duty when they were conscious that the advantages of the station with which it was connected must be relinquished at a determinate period than when they were permitted to entertain a hope of obtaining, by meriting, a continuance of them. This position will not be disputed so long as it is admitted that the desire of reward is one of the strongest incentives of human conduct, or that the best security for the fidelity of mankind is to make their interest coincide with their duty. Even the love of fame, the ruling passion of the noblest minds, which would prompt a man to plan and undertake extensive and arduous enterprises for the public benefit, requiring considerable time to mature and perfect them, if he could flatter himself with the prospect of being allowed to finish what he had begun, would, on the contrary, deter him from the undertaking when he foresaw that he must quit the scene before he could accomplish the work and must commit that, together with his own reputation, to hands which might be unequal or unfriendly to the task. The most to be expected from the generality of men in such a situation is the negative merit of not doing harm instead of the positive merit of doing good.

Another ill effect of the exclusion would be the temptation to sordid views, to peculation, and, in some instances, to usurpation. An avaricious man who might happen to fill the office, looking forward to a time when he must at all events yield up the emoluments he enjoyed, would feel a propensity, not easy to be resisted by such a man, to make the best use of the opportunity he enjoyed while it lasted; and might not scruple to have recourse to the most corrupt expedients to make the harvest as abundant as it was transitory; though the same man, probably, with a different prospect before him might content himself with the regular perquisities of his situation, and might even be unwilling to risk the consequences of an abuse of his opportunities. His avarice might be a guard upon his avarice. Add to this that the same man might be vain or ambitious as well as avaricious. And if he could expect to prolong his honors by his good conduct, he might hesitate to sacrifice his appetite for them to his appetite for gain. But with the prospect before him of approaching and inevitable annihilation, his avarice would be likely to get the victory over his caution, his vanity, or his ambition.

An ambitious man, too, when he found himself seated on the summit of his country's honors, when he looked forward to the time at which he must descend from the exalted eminence forever, and reflected that no exertion of merit on his part could save him from the unwelcome reverse; such a man, in such a situation, would be much more violently tempted to embrace a favorable conjuncture for attempting the prolongation of his power, at every personal hazard, than if he had the probability of answering the same end by doing his duty.

Would it promote the peace of the community or the stability of the Government to have half a dozen men, who had had credit enough to be raised to the seat of the supreme magistracy, wandering among the people like discontented ghosts and sighing for a place which they were destined never more to possess?

A third ill effect of the exclusion would be the depriving the community of the advantage of the experience gained by the Chief Magistrate in the exercise of his office. That experience is the parent of wisdom, is an adage, the truth of which is recognized by the wisest as well as the simplest of mankind. What more desirable or more essential than this quality in the governors of nations? Where more desirable or more essential than in the first magistrate of a nation? Can it be wise to put this desirable and essential quality under the ban of the Constitution and to declare that the moment it is acquired its possessor shall be compelled to abandon the station in which it was acquired and to which it is adapted? This, nevertheless, is the precise import of all those regulations which exclude men from serving their country, by the choice of their fellow citizens, after they have by a course of service fitted themselves for doing it with a greater degree of utility.

A fourth ill effect of the exclusion would be the banishing of men from stations in which, in certain emergencies of the State, their presence might be of the greatest moment to the public interest or safety.

There is no nation which has not at one period or another experienced an absolute necessity of the services of particular men; in particular situations perhaps it would not be too strong to say to the preservation of its political existence. How unwise, therefore, must be every such self-denying ordinance as serves to prohibit a nation from making use of its own citizens in the manner best suited to its exigencies and circumstances. Without supposing the personal essentiality of the man, it is evident that a change of the Chief Magistrate, at the breaking out of a war or at any similar crisis, for another, even of equal merit, would at all times be detrimental to the community, inasmuch as it would substitute inexperience for experience and would tend to unhinge and set afloat the already settled train of the administration.

A fifth ill effect of the exclusion would be that it would operate as a constitutional interdiction of the stability in the administration. By necessitating a change of men in the first office of the Nation it would necessitate a mutability of measures. It is not generally to be expected that men will vary and measures remain uniform. The contrary is the usual course of things. And we need not be apprehensive that there will be too much stability, while there is even the option of changing; nor need we desire to prohibit the people from continuing their confidence where they think it may be safely placed, and where, by constancy on their part, they may obviate the fatal inconveniencies of fluctuating councils and a variable policy.

These are some of the disadvantages which would flow from the principle of exclusion. They apply most forcibly to the scheme of a perpetual exclusion; but when we consider that even a partial exclusion would always render the readmission of the person a remote and precarious object, the observations which have been made will apply nearly as fully to one case as to the other.

What are the advantages promised to counterbalance these disadvantages? They are represented to be, first, greater independence in the Magistrate; second, greater security to the people. Unless the exclusion be perpetual, there will be no pretense to infer the first advantage. But even in that case may he have no object beyond his present station to which he may sacrifice his independence? May he have no connections, no friends, for whom he may sacrifice it? May he not be less willing by a firm conduct to make personal enemies when he acts under the impression that a time is fast approaching on the arrival of which he not only may but must be exposed to their resentments upon an equal, perhaps upon an inferior, footing? It is not an easy point to determine whether his independence would be most promoted or impaired by such an arrangement.

As to the second supposed advantage, there is still greater reason to entertain doubts concerning it. If the exclusion were to be perpetual, a man of irregular ambition, of whom alone there could be reason in any case to entertain apprehension, would, with infinite reluctance, yield to the necessity of taking his leave forever of a post in which his passion for power and preeminence had acquired the force of habit. And if he had been fortunate or adroit enough to conciliate the good will of the people he might induce them to consider, as a very odious and unjustifiable restraint upon themselves, a provision which was calculated to debar them of the right of giving a fresh proof of their attachment to a favorite. There may be conceived circumstances in which this disgust of the people, seconding the thwarted ambition of such a favorite, might occasion greater danger to liberty than could ever reasonably be dreaded from the possibility of a perpetuation in office by the voluntary suffrage of the community exercising a constitutional privilege.

There is an excess of refinement in the idea of disabling the people to continue in office men who had entitled themselves, in their opinion, to approbation and confidence, the advantages of which are at best speculative and equivocal, and are overbalanced by disadvantages far more certain and decisive.

PUBLIUS.

(The Federalist, pp. 398–403.)

Mr. WILLIAMS. Mr. President, it is not at all astonishing that a follower of a man who would like to be President of the United States for life should have had read to the Senate a moment ago the utterances of Alexander Hamilton which we have just heard. It is not at all astonishing that Alexander Hamilton should have written that. Nobody acquainted with Hamilton's views would have the slightest doubt as to how Hamilton would vote to-day if this question were submitted to him. He would vote against any proposition that fixed any term of public service at all, short of life, for the President of the United States and for most other officers.

I have said that, and I want to prove it by showing that historically the plan of government presented by Alexander Hamilton for the consideration of the Constitutional Convention provided that the President should hold his office for life. It provided that the Senators should hold their offices for life. It provided that the Senate should have power to declare war and to make peace. It provided, furthermore, that the judges should be Federal judges in the States, and that they should hold their offices for life.

It is no wonder that a man who entertained these views should be favorable to any plan under which an opportunity could possibly present itself for a man to hold the office of President for life. Not only that, but under the plan which he presented to the Constitutional Convention the Federal Government was to appoint the governors of the States. It is not at all to be wondered at that a man who wanted a President to hold office for life should have made a very labored argument in favor of an indefinite tenure of presidential office, so that possibly a man might serve for life.

Mr. DIXON. Mr. President, in the earlier sittings of the Constitutional Convention Jefferson presented a tentative plan of his conception of a possible constitution. Along with Jefferson's plan dozens of other members of the same Constitutional Convention presented possibly not so comprehensive a scheme but as to the various details of government suggestions as widely at variance with the final work of that convention as was Hamilton's.

This was not Hamilton's opinion at the beginning of the convention. It was his judgment after having sat for three months in Philadelphia and having heard all the various schemes presented and there debated. This was his judgment months afterwards, when the ratification of the Constitution was pending before the constitutional convention of the State of New York. It was his final ripened judgment and conclusion. Notwithstanding it may not be perfect, I offer it to the Senate, and believe it is entitled to as much consideration as the views of any Senator who has presented them during this discussion, whether he be from Mississippi or from any other State. These are the views of Alexander Hamilton.

Mr. SUTHERLAND. I should like to ask the Senator from Montana a question before he takes his seat. He says that in the course of three months Hamilton changed his mind to the radical extent which the Senator has described. Does he not think that if Hamilton were living to-day, after the experience of 125 years that this country has had, he might by this time have agreed with us upon this subject?

Mr. DIXON. Mr. President, the Senator from Utah does not exactly state what I tried to say. I say these were the final views of Hamilton, after having heard all the various suggestions that arose in the constitutional debates during the entire summer in Philadelphia.

How Hamilton would vote this afternoon, if a Member of this body, I do not know. I do not presume to have so intimate an acquaintance with his views as some other Senators have professed regarding certain other men of that period. I have heard one or two Senators freely vouch for what Jefferson would do or what Henry Clay would do after an experience of 125 years. What Hamilton would do under these conditions, I am frank to say, I do not know. But I wanted the Senate to have the benefit of his matured views after all that discussion had gone on for a space of about two years; and I commend it to the careful attention of the Senators who are advocating this amendment.

Mr. WILLIAMS. Mr. President, so far as I know, Alexander Hamilton never changed his views. If the Senator will take the trouble to read the letters of Gouveneur Morris, his nearest and dearest personal friend, the man selected by Hamilton's family to pronounce his eulogy, he will find that assertion to be supported.

In the articles in the Federalist, Hamilton was arguing not for what he believed, but for what was attainable. Hamilton, above all men at that time, desired a union between the American Colonies; and he desired a union which should be stable and fixed and permanent. Therefore, when the Constitutional Convention rejected every single proposition and sentence offered to it by Alexander Hamilton—there is not in the Constitution one sentence that proceeds from him—he still advocated the adoption of the Constitution as it left the convention, because it was, of course, very much nearer his ideal than the old confederacy, which was but a rope of sand.

A higher compliment can not be paid to any man than to say that having left his own firm foundation of faith for the purpose of advocating the nearest attainable thing to it, he did it with exceeding great ability.

What I said a moment ago was not said with the view of attacking the man's intellectual integrity. I merely wanted to reenforce the idea that a man who was in favor of life tenure for the Presidency naturally would have his mind gravitate toward every argument in favor of indefinite tenure of the Presidency.

I stated a moment ago what Hamilton's plan of government was, but I did not state that that was a compromise between Hamilton and himself; and yet it was. In the very speech in which he advocated his plan, which I have outlined, he said that if we were seeking a model government, the government which he would recommend as a model government, if it could be adopted—and he confessed that it could not be then—was one under which the office of Executive should be hereditary and not for life alone. In that same speech he went on later to give the reasons why an hereditary Executive was always better than an elective Executive—so highly paid, that he was subject to no temptation of corruption; so far above the ordinary politics of the country that he could not be the subject of any momentary tumult of feeling or of passion. I am not attempting to repeat literally what he said, of course, because I can not remember it. So that even that utterance was a compromise between himself and his advocacy of a life tenure; and his advocacy of a life tenure was a compromise between him and himself with regard to his real, original view in favor of an hereditary Executive.

It is not astonishing that the so-called new nationalism advocated by the Senator from Washington—or by the chief of the party to which he belongs, at any rate—should ally itself at every point of possible contact with ancient, discredited Federalism. They are identical in their ultimate purposes.

Mr. POINDEXTER. Mr. President, is there anything in the ancient federalism in the nature of direct election of Senators, or party control by primary nominations, or the referendum or the recall? Those are the things that are advocated by the "new nationalism," as the Senator from Mississippi calls it. They seem to me to be rather the antithesis of the views of Alexander Hamilton which he has just been describing.

Mr. WILLIAMS. Mr. President, the end sought by both is a freedom from constitutional trammels and restrictions. The end sought by both is that a government shall do whatever that government thinks is right, regardless of any fundamental restriction of any description. The instrumentalities by which it is sought to accomplish the end are totally different.

In the beginning the man who wanted a government unrestricted in power sought it by frankly stating that and by frankly setting up a government hereditary in tenure of office, with a class set aside, as John Adams proposed and advocated, who should represent gentlemen as against simple men. When you come down years later, we of America have furnished the most remarkable man that has existed for a long time. His idea is, under the name of "new nationalism," by plebiscite rule, by force of the popularity of the proposer of the plebiscite, to set aside all restrictions upon a majority, so that a majority may do whatever it pleases.

There is no distinction in my mind between letting a king do whatever he pleases and letting a majority do whatever it pleases. A majority can be wrong. Even Abraham Lincoln said:

> You can fool all of the people some of the time, and you can fool some of the people all of the time.

I believe, with him, that you can not fool all of the people all the time. I believe, with Jefferson, that error is not to be feared so long as reason is left free to combat it. But it does not follow from that that for short intervals of time you may not have a tyranny of a majority equal to the tyranny of any Czar or any Cæsar that ever existed.

The point of union between the Senator, or between his chief, at any rate—I do not know whether he completely understands the philosophy of his chief or not—and ancient Hamiltonians is that they both want a government unrestricted and unrestrained by constitutional limitations.

Why, the latest announcement of the Senator's chief was that he wanted to set aside a decision of the Supreme Court of the United States——

Mr. POINDEXTER. Mr. President——

Mr. WILLIAMS. Oh, I beg your pardon; I beg your pardon. He wanted to set aside a decision of a State supreme court, not the Supreme Court of the United States. He wanted to set aside the decision of a State supreme court by submitting the decision to a plebiscite, one of the plebiscites of Napoleon the Third.

Mr. POINDEXTER. Mr. President——

Mr. WILLIAMS. No doubt the Senator was about to rise and correct me and say that he did not advocate submitting a decision of the Supreme Court of the United States to a plebiscite.

Mr. POINDEXTER. That was not what I had in mind.

Mr. WILLIAMS. That was going a bit too far for him. And yet, in logic and in common sense, if it is right to submit to a plebiscite a decision of the supreme court of a State, it is equally right to submit to a plebiscite a decision of the Supreme Court of the United States.

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Washington?

Mr. WILLIAMS. I yield.

Mr. POINDEXTER. I am very much surprised that the Senator from Mississippi shies so much at the idea of submitting to the people a constitutional question involving the decision of a court, as I have heard him so many times eulogize the political principles of Thomas Jefferson, who believed that the courts should not even have any power to declare unconstitutional a law of Congress.

There is another statement the Senator made that I should like to call attention to at the same time, if it will not interrupt him too much. It is due, apparently, to his being afraid of this name "new nationalism." I do not call it that. The Senator calls it that. It does not make any difference what we call it.

The Senator is inveighing against the rule of the majority. The cardinal principle of Thomas Jefferson's political philosophy was the rule of the majority, subject, of course, to constitutional restrictions. When the Senator says that the "new nationalism," or the Progressive Party, advocates an unconstitutional government its simply indicates that he does not understand Progressive principles.

Nobody is advocating the abolishment of constitutional restrictions. The greatest advocate of popular liberty in this country—and that is what the Progressives are advocating—framed the Bill of Rights of the Constitution. The Progressive Party would be the last, I believe, to abolish the Bill of Rights. I have not heard any suggestion tending in that direction. So the Senator puts the whole question upon a false ground when he says that they are in favor of setting aside all constitutional restrictions. They are not in favor of any such thing. There is nothing in the record of the party or any principle which they have ever advocated or adopted that indicates that they are in favor of setting aside all constitutional restrictions.

Mr. WILLIAMS. Let us see about that, Mr. President. Here is a man who comes upon the arena and who says that the decision of a court shall be set aside by plebiscite. I take it the Senator from Washington and I will agree that thus far the ex-President's utterance goes. If I am mistaken about that, I should like to be corrected.

Here is a man who comes upon the arena and says that the decision of a court shall be set aside by plebiscite. When? Under what circumstances? Whenever that decision is founded upon the opinion of the court to the effect that the law is unconstitutional. If I am mistaken about that, I should like to be corrected.

When a court decides that a given statute is invalid because it is unconstitutional, the court is, in the court's opinion, upholding a constitutional limitation. This knight of the twentieth century would set aside the constitutional limitation which the court has pronounced to exist regarding that particular act by virtue of the vote of the people in a plebiscite submitted to the people.

You go further. This election decides that the decision shall be reversed. There is no appeal from that election. Does it not necessarily follow, therefore, that you have set aside all constitutional limitations whenever a majority votes to set them aside? And is there any answer to that?

There is but one really novel feature in the American Government. Every other feature in it came either from our English forbears or from our colonial ancestors. That novel feature is that there shall be a written constitution which shall be the organic, fundamental law of the land, and that no other law not in pursuance of that, no other law in violation of that, shall be law at all.

Senators know that I almost worship Thomas Jefferson. My old grandfather said he took his religion and his politics both from him. I do not take my religion from him, but I do take my politics very largely from him. Very frequently they play on my passion for him by introducing irrelevant things to get me off on the subject of Thomas Jefferson. I shall not follow the Senator much upon that question; but when the Senator says that Thomas Jefferson said that the courts should have no power to set aside unconstitutional acts of Congress, I will give him six months to furnish the evidence to support his assertion.

What Thomas Jefferson complained about was not that the courts set aside unconstitutional acts but that they failed to set them aside. He complained that John Marshall undertook to make a constitution by judicial construction, and that, instead of abiding by the Constitution as it was written, he undertook to make a constitution by construction.

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Washington?

Mr. WILLIAMS. Yes.

Mr. POINDEXTER. I shall be glad to furnish the evidence that the Senator calls for in much less than six months, in the form of Jefferson's written declarations on the subject and his well-known position.

Mr. WILLIAMS. The Senator can produce a lot of things which, taken out of keeping with everything else, might have a tendency in that direction. For example, Jefferson once said that the Federal courts were "the sappers and miners of the Constitution." At another time he said that unless the powers of the courts were restrained the entire Federal Government and our system would go to pieces, although not in that exact language. The first language was his language, "the sappers and miners of the Constitution."

He fought the Federal judiciary all of his life, and the Federal judiciary fought him. His quarrel with the Federal judiciary, however, was not that it failed to set aside unconstitutional acts, but that it affirmed unconstitutional acts; in other words, that it undertook to create a constitution by construction. That was his quarrel with John Marshall in the Marbury-Madison case; that was his quarrel all the way through.

As I said a moment ago, it is becoming evident, even to my somewhat dense intellect, that Senators upon the other side now and then attempt to deflect me from the line of an argument by referring to Thomas Jefferson. It seems to be admitted that I have made myself his professional defender.

Mr. POINDEXTER. Now that the Senator has been deflected, I will not deflect him any further, except to agree that the logic of the Senator's statement that Jefferson objected, not to the courts setting aside unconstitutional laws but to their refusal to set aside constitutional laws, amounted simply to this, that Jefferson refused to accept the judgment of the courts as to which laws were constitutional and which were unconstitutional, and insisted on substituting either his own judgment or that of Congress for theirs. Jefferson even went so far as to refuse to submit to the decisions of the Supreme Court as to the constitutionality of acts of Congress.

Mr. WILLIAMS. O Mr. President, the Senator has now raised a totally different question. Of course, Jefferson refused to accept as his opinion the opinion of a court concerning a constitutional question. Andrew Jackson refused to do it. Everybody else has refused to do it. I refuse to do it right now. Abraham Lincoln refused to do it. Abraham Lincoln said that the only thing that the Dred Scott case settled was that Dred Scott was still a slave, but it could not settle any political question. That far, of course, Jefferson went. That far the Senator goes. That far I go. That far every man with common sense goes, unless he is a mere lawyer and nothing else; and the most dangerous man to free institutions is a mere lawyer and nothing else.

Mr. POINDEXTER. Especially if he is a constitutional lawyer.

Mr. WILLIAMS. I do not admit for one minute that the opinion of the Supreme Court concerning a constitutional question binds me in my official capacity as a Senator. Jefferson did not admit that it bound him in his official capacity as a President. Andrew Jackson did not admit that it bound him in his official capacity as a President. He went so far as to say: "John Marshall has pronounced the decree of the court; now let him execute it."

In so far as the Senator is concerned, as a Senator, or I, or a man at the other end of the Capitol in the House of Representatives, we have sworn to maintain the Constitution, not according to the opinion of the Supreme Court, but according to our own. That is a totally different question. It has nothing to do with this one.

In the next place, the Senator said that Mr. Jefferson said that our duty was to submit to the rule of a majority. Why, the very difference between Jefferson and Rousseau was this: Rousseau said that the only free government was a government by a majority, and that even the English people were not free, because they were not free except once or twice in so many years, when they went to an election to elect representatives, and that that was not a free government nor a government of the people. Jefferson contended, upon the contrary, more strenuously than any man in America except Roger Williams, that there were limitations upon the power of majorities; that there were fields into which majorities must not enter at any time; that there were things of the first table between man and his Maker with which majorities had nothing to do. He contended for it to the last day of his life, and always. You will find in his inaugural address these words:

> The rule of the majority, in order to be binding, must be reasonable.

When he was contending for his own right to be President of the United States because he had been elected by the people, he worded it thus:

> He relied upon the voice of a majority, honestly and constitutionally expressed.

"Honestly and constitutionally expressed." What does that mean? That excluded the voice of the majority as to matters of the first table with which the majority had nothing to do, and it merely included the voice of the majority as to matters of the second table, and even in connection with that only when it was constitutionally expressed.

I did not intend to talk as long as this, but before I sit down I want to repeat that the longer any sensible man examines the theory of Roosevelt and the theory of Hamilton the more he will find that they are nearly identical. Of course, the one was advanced in one period of the world's history by arguments adapted to that period and the other is propounded in another period by arguments adapted to that period. But when you carry them back to the matter of utlimate analysis they amount to this: That majorities ought to be untrammeled, that there ought to be no sort of written constitutional restrictions upon them which they can not set aside by an election. In the first case the argument was that government ought to be sufficiently strong to withstand pressure from the people. In the second case it is that a majority of the people ought to be so strong as to withstand pressure from ethics, morals, constitutions, and anything else. They come back to the same point of an untrammeled, unlimited, unrestricted government, the only difference between them being as to who may constitute the government, and that is all.

Mr. DIXON. Mr. President, just one suggestion for one minute. It did not occur to me when I asked to have the opinion of Hamilton read for the benefit of the Senate that the mere mention of the name of Alexander Hamilton with Theodore Roosevelt automatically started the Senator from Mississippi in a denunciation of both those eminent men, and usually with a peroration eulogistic of Thomas Jefferson. But the Senator's historical reminiscences are always interesting.

Mr. WILLIAMS. I did not understand the Senator. Did the Senator say that I denounced either Alexander Hamilton or Roosevelt? I was confining myself to their opinions.

Mr. DIXON. I said the Senator's historical reminiscences are always interesting; but I think they always have to be taken from the viewpoint of the Senator from Mississippi. Jefferson was so anxious for majority rule that he proposed a new constitutional convention every 17 years. He said that each generation should have the right, and it should be executed, to override the fundamental basic law. When the Senator from Mississippi quotes some far-fetched suggestion of Alexander Hamilton regarding the Presidency, that he enunciated about the time of the Philadelphia convention, he will remember that Franklin, supported by several members of that convention, proposed a Presidency of three men, not united in one head. But that does not detract from the unanswered argument made by Hamilton in the article from the Federalist, which the Secretary read a few minutes ago, regarding the limitation of presidential power.

Mr. HITCHCOCK. I now offer the amendment I send to the desk.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 2, strike out lines 4 to 10 in the amendment of the committee, and insert:

> The executive power shall be invested in a President of the United States of America. The term of the office of President after March 3, 1917, shall be six years, and no person elected for six years after the adoption of this amendment shall be eligible again to hold the office by election.

Mr. HITCHCOCK. Mr. President, I am going to ask for the yeas and nays on this amendment, without any particular discussion as far as I am concerned, for the reason that the question has been very thoroughly canvassed. I want to say, however, that my amendment is the shortest one that has been proposed, occupying only five lines; that it is without any ambiguity whatever; that it has not lengthened the term of President elect Wilson; that it does not exclude Wilson from reelection; that it does not exclude ex-President Roosevelt or President Taft from reelection; but merely establishes the principle hereafter, as a rule and part of the Constitution, that no man who has once occupied the office of President of the United States by election shall be eligible to reelection.

Mr. BORAH. Mr. President, the brevity of the amendment offered by the Senator from Nebraska is in its favor, but as I understand the effect of his amendment it would be to permit two parties occupying a prominent place in our politics to serve for 10 years and the other for 13.

Mr. HITCHCOCK. I think that is not the proper way to state the matter.

Mr. BORAH. I am trying to state it as I understood it.

Mr. HITCHCOCK. I think that that is not a correct statement of the matter. It does not permit them to do so, and it does not forbid the people from selecting those men who have previously occupied office if they desire to do so.

My amendment, Mr. President, is designed to attach to the Constitution the intended reform in the fairest possible way, leaving to the American people the utmost possible freedom of judgment as far as these three particular individuals are concerned.

I think it rather inconsistent for the Senator from Idaho to object to this form of amendment, when it is less restrictive

than the other form, and when the Senator is complaining of the other form because it is somewhat restrictive.

I think we can well trust the American people in the next few years to decide whether they desire to elect Roosevelt President or not. I think we can trust them to decide whether they desire to reelect President Taft or President-elect Wilson or not. We can at least afford to take our chances on those possibilities, which already exist, in order that we may engraft upon the Constitution this very desirable reform.

I wish to say to the Senator that it may be proper to vote against this amendment on principle, but I think it is hardly fair to oppose the amendment on the ground that it is intended to popularize it among the people.

Mr. BORAH. Mr. President, I was simply desirous of knowing whether or not this amendment had the effect which I thought it had, and I find now that it has that precise effect. But the Senator from Nebraska and I will agree that we may leave it to the people to select Col. Roosevelt again if they desire, or Mr. Wilson again if they desire, or Mr. Taft again if they desire. I have the same faith in posterity that I have in the present generation. For that reason I am willing to leave it to them to elect some future Roosevelt or Wilson or Taft again if they desire to do it. For that reason I am opposed to the whole affair.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Nebraska [Mr. HITCHCOCK] to the amendment of the committee.

Mr. SUTHERLAND. I ask to have the amendment to the amendment again read.

The PRESIDENT pro tempore. The amendment to the amendment will be again read.

The SECRETARY. On page 2 strike out lines 4 to 10, inclusive, in the amendment of the committee and insert:

The executive power shall be vested in a President of the United States of America. The term of the office of President after March 3, 1917, shall be six years, and no person elected for six years after the adoption of this amendment shall be eligible again to hold the office by election.

Mr. SUTHERLAND. Mr. President, so far as I am concerned, I am in favor of both propositions contained in this amendment, but I think it is unwise to submit both propositions together, because there are probably some Members of the Senate who are in favor of one but not in favor of the other.

If I understand the amendment, it proposes to accomplish two things—first, to prevent this resolution from being construed so as to extend the term of the President in office when the amendment is adopted, and, second, so as to permit persons otherwise ineligible under the general language of the resolution as now drawn to be eligible to the Presidency notwithstanding they have served in that office one or more terms in the past.

I think, Mr. President, that I shall ask to have the question divided, so that we may vote upon each separately; but before I do that I want to say a word or two in reference to the first branch of the amendment. It seems to me exceedingly desirable that that part of the amendment should be adopted, whether we adopt the second or not.

I was somewhat surprised yesterday when the Senator from California [Mr. WORKS], for whose legal judgment I have the utmost respect, stated that the resolution as reported to the Senate would have the effect, if adopted, of extending the presidential term of the President in office at the time it was adopted for two years longer. I understood the Senator from Iowa [Mr. CUMMINS] coincided in that view, and perhaps other Senators did the same.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from California?

Mr. SUTHERLAND. Certainly.

Mr. WORKS. I infer from what the Senator says that he disagrees with me upon that legal proposition. Suppose that be so, does the Senator think we ought to send out this resolution to be voted upon with a degree of uncertainty as to the construction which should be placed upon it?

Mr. SUTHERLAND. No; Mr. President, I intended to say before I finish, that I think it should not be sent out with that uncertainty. But I first want to state very briefly why I think the resolution in its present form is not susceptible of that construction. The joint resolution propcses, so far as this particular question is concerned, to amend the Constitution so that the term of office of the President shall be six years.

Now, the rule of construction is beyond all doubt that statutes, constitutions, municipal ordinances are all to be given a prospective effect and not a retrospective effect, unless provision is clearly made to the contrary. In other words, unless the statute contains terms clearly indicating that it shall be given a retroactive effect it must always be given a prospective effect only.

The doctrine was very clearly laid down by Lord Chief Justice Cockburn in the Second Law Reports of Queen's Bench Division, 269, in this language:

It is a general rule that where a statute is passed altering the law, unless the language is expressly to the contrary, it is to be taken as intended to apply to a state of facts coming into existence after the act.

The Supreme Court of the United States has repeatedly held that the rule applies to a constitution as well as to a statute.

In Shreveport *v.* Cole (129 U. S., 43) that court said:

Constitutions as well as statutes are construed to operate prospectively only, unless on the face of the instrument or enactment the contrary intention is manifest beyond reasonable question.

Now, the question is whether or not to hold this constitutional amendment to extend the term of office of the President in office at the time it shall be adopted would be to give it a retroactive effect. It seems to me clearly that it would. I call attention to what is said in Sutherland on Statutory Construction, in the second volume at page 1161:

It is always presumed that statutes were intended to operate prospectively, and all doubts are resolved in favor of such a construction. These same rules of construction apply to constitutional provisions and to by-laws and ordinances. A new constitutional provision as to the advanced age which should prevent the incumbents of certain judicial offices from retaining them was held prospective; it did not apply to persons in office at the time of its taking effect.

And again in section 643:

Acts changing the term of office or compensation of public officers were held not to apply to those in office.

And again on page 1163:

Where an act made provision for a pension for policemen who shall serve 20 years it was held to apply only where the 20 years' service was after the passage of the act.

Now, I call attention to a case which I think is very clearly in point, decided by the supreme court of my own State, the case of Farrel against Pingree, reported in Fifth Utah, page 443, the syllabus of which reads:

A statute will not be given a retrospective effect, unless its terms show clearly a legislative intention that it should operate restrospectively, and where an act amending an act relating to the terms of county treasurers substituted the words "two years" for the words "four years" a person elected to the office before the term of the incumbent who was elected and had served almost two years before the passage of the amendatory act had expired will not be entitled to the office as against the incumbent.

In other words, they hold that to give the statute that construction would be to give it a retroactive effect. In the course of the opinion the court says, on page 447:

There was no vacation of the office in express terms by the enactment of the 11th of March, 1886. The question then arises, Was there such a vacation by implication? There was no repeal of the act creating the office. The amendment dealt only with the length of the term of office. It left all the residue of the statute intact and in full force. If the legislature intended to vacate the office, that intention must clearly appear before a court is warranted in saying it exists. The defendant claims that such intent is shown in the enactment declaring that the old statute "is hereby amended by striking out the word 'four.'" But all that the striking-out clause vacates is the word "four." Nothing else is pretended in the act to be vacated. That word is dropped out of the statute, but the office is not dropped out. It is left to stand as it stood before.

Then, lower down:

He—

Meaning the county treasurer—

had been duly elected to it nearly two years prior to that time, had not been removed, nor had he resigned, and the office had not been abolished. Only the time limit had been removed. But the true rule of construction is to take the whole of a statute and consider all of its parts together, and not to take a fraction and consider that by itself. The amendatory enactment of the 11th of March, 1886, not only contained the words "striking out the word 'four,'" but it also contained the words "substituting the word 'two' in lieu thereof." The striking out and the substitution were simultaneous acts. With the word "two" in place of "four" we are to consider the effect of the change. There is no authority or sound reason for holding that such an amendment took effect as of August, 1884—nearly two years prior to its enactment.

So there could be no ground for holding here, if this constitutional amendment shall be adopted, that in reality it took effect at the beginning of the term of the incumbent of the office at the time the amendment was adopted.

The defendant contends that although the statute took effect on the day of its passage, yet that it related back to the August of 1884, the date of Harris's election. We are at a loss to know why this is so. The amendment says nothing whatever about the enactment relating back two years, or any other time, prior to its passage, and we see nothing in the amendment upon which to hang an inference of that nature. We are not justified in adding to a statute something that the legislature never intended or had in contemplation in enacting the statute. The legislature had the power to have said so; but we are not now considering the power of the legislature, we are simply considering whether they had exercised that power.

And on the following page I will insert in the RECORD still another extract from the opinion, without stopping now to read it:

It being clear, therefore, that the legislative intent that the amendment should be retrospective does not appear. It is settled by an

overwhelming weight of authority that the enactment of the 11th of March, 1886, had no retrospective or retroactive effect, but its operation is entirely prospective. The well-nigh two years that Harris had held the office of county treasurer could not, therefore, be counted as part of the two years' term of office provided for in the amendment. The two years contemplated in the enactment were some two years to begin at a time subsequent to its passage. The amendment found Harris in office. It did not vacate his office nor abolish it. The amendment, if made applicable to him at all, simply told him that thereafter he could hold the office for two years. The word "thereafter" would, of course, mean after the amendment should go into effect, which would occur when there had been a publication of the enactment. (Comp. Laws, p. 78, sec. 2.) He would therefore be entitled to hold the office under the amendment, if it could apply to him, for the period of two years after publication of the amendment; and the time of such publication does not appear, nor is it material, as no doubt the publication took place shortly after its passage and prior to the general election in August, 1886. But as we have seen, if the amendment be at all applicable to Harris, he was under it authorized to hold the office two years following the enactment, and consequently the election of the defendants to the office at the general election in August, 1886, and before such two years had expired, was unauthorized by law. But the statute was in no way applicable to Harris. He held his office under a statute which had not been repealed, nor had it in any manner been modified, except that the term of office after its passage was to be two instead of four years, as theretofore. No reference was made to the cases of persons then in office. The statute was wholly prospective, and related to terms of office in the future.

In that case the change in the law was the converse of what is attempted to be made here—that is, it shortened the term instead of having lengthened it—but the rule of construction would be precisely the same because nobody has a vested right in an office. The legislature has exactly the same power to shorten the term that it has to extend it. It is purely a question of statutory construction as to whether it should be given a retroactive effect.

The only other case I desire to call attention to is the case of Greer against Asheville, reported in One hundred and fourteen North Carolina, page 678. I shall only stop to read the syllabus of that case:

> The term of office of a city marshal appointed under a charter providing that marshals should hold office during the official term of the aldermen is not enlarged from one to two years by an amendment to the charter extending the term of the aldermen from one to two years.

So, Mr. President, while I feel quite convinced that the resolution, if adopted, would not have the effect of extending the term of the then incumbent of the presidential office, at the same time I recognize that there are many lawyers who disagree with that construction, and it is quite reasonable to suppose that many others throughout the country may differ with it also.

That being so, it is of vast importance, as it seems to me, to make it perfectly clear just what we intend by this joint resolution. It is necessary that we should do that for two, to my mind, very sufficient reasons. First, if we do not make it clear, we will jeopardize, in my judgment, the adoption of this amendment by the people of the country. That reason, of course, will not appeal to those who are opposed to the joint resolution in any form. It ought to appeal to the friends of the joint resolution. It will jeopardize it in this way: Doubt will be suggested as to whether the effect of the joint resolution will be to extend the term of President Wilson, if he should happen to be in office, and many members of the legislatures will be unwilling to bring about that result.

I am perfectly free to say that, so far as I am concerned, I consider it a matter of no great consequence in the adoption of this great fundamental principle whether we extend the term of President Wilson or any other man two years. I care very little about that, but there are many people in the country who will care much about it; and when that question is presented to the various legislatures of the States it will be a makeweight against the adoption of the amendment. It seems to me that for that reason the friends of this measure ought to be willing to make it perfectly certain that it is not intended to have that result.

Now, the second objection to leaving it uncertain, and to my mind it is a more serious objection than the one which I have discussed, is that if the joint resolution shall be adopted in its present form the matter will still be left in doubt as to whether it operates to extend the term of the then incumbent, and we shall have the question presented to us whether we shall hold an election in 1916 or 1918, whether the incumbent of the office at that time shall continue to hold for two years longer or shall go out of office on the 4th of March, 1917. We can all see that that may result not only in a serious dispute, which would be exceedingly unfortunate, but that, in some state of the public mind, which may exist at that time, it may result in great disturbance and in a situation the gravity of which we can not foresee.

We do not know what dispute it may lead to; we do not know how serious the dispute may be; and we do not know what serious results may flow from the dispute. For both of these reasons, it seems to me to be of the utmost importance that we should make it perfectly clear that we do not intend, in the resolution, to extend the term of any President who is in office, whoever he may happen to be.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

Mr. SUTHERLAND. I ask for a division of the question as indicated by me.

Mr. LODGE. I make the point of order that it can not be divided. It is a motion to strike out and insert.

The PRESIDENT pro tempore. The Chair will have to sustain the point of order under Rule 18:

> If the question in debate contains several propositions, any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided.

The pending amendment is a motion to strike out and insert.

Mr. WORKS. Mr. President, I am not going to detain the Senate by any discussion of the legal question that has been raised by the Senator from Utah [Mr. SUTHERLAND] because of the fact that we are so thoroughly agreed as to the duty of the Senate to make the resolution so clear and plain that there can be no question of construction with reference to it. I have the very highest regard for the opinion of the Senator from Utah upon this or any other legal question, but I think he overlooks the fact that by this resolution the term of six years is fixed. There can be no other term. Therefore I think the resolution applies directly to the term which exists at the present time and extends it. But I am not going to emphasize my views upon that subject.

The PRESIDENT pro tempore. The Senator from Nebraska demands the yeas and nays on agreeing to the amendment to the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I transfer the general pair I have with the senior Senator from South Carolina [Mr. TILLMAN] to the Senator from New Mexico [Mr. FALL]. I make this announcement for the day. I vote "yea."

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As he is absent from the Chamber and I have no means of knowing how he would vote if present, I will withhold my vote.

The PRESIDENT pro tempore (when Mr. GALLINGER's name was called). The Senator from New Hampshire is paired with the junior Senator from New York [Mr. O'GORMAN]. The Senator from Massachusetts [Mr. CRANE] is paired with the Senator from Maine [Mr. GARDNER]. By consent, a transfer will be made whereby the Senator from New York and the Senator from Massachusetts will stand paired and that will permit the Senator from Maine and me to vote. I vote "nay."

Mr. LIPPITT (when his name was called). I announce my general pair with the senior Senator from Tennessee [Mr. LEA], and in his absence will refrain from voting.

Mr. RICHARDSON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. SMITH]. I transfer that pair to the Senator from Illinois [Mr. CULLOM] and vote. I vote "nay."

Mr. TOWNSEND (when Mr. REED's name was called). I have been handed a telegram from the Senator from Missouri [Mr. REED], stating that he is detained at home on account of sickness in his family, and that if he were here he would vote against the presidential term limited to six years. He is paired with the senior Senator from Michigan [Mr. SMITH].

Mr. ROOT (when his name was called). I have a general pair with the junior Senator from Texas [Mr. JOHNSTON], and therefore withhold my vote.

Mr. CHILTON (when Mr. WATSON's name was called). I announce the pair of my colleague [Mr. WATSON] with the senior Senator from New Jersey [Mr. BRIGGS].

The roll call was concluded.

Mr. CLARK of Wyoming. On all votes to-day I transfer the general pair which I have with the senior Senator from Missouri [Mr. STONE] to the junior Senator from Nevada [Mr. MASSEY], and vote. I vote "nay."

Mr. BRISTOW. I am requested to announce that the junior Senator from South Dakota [Mr. CRAWFORD] is paired with the junior Senator from New Jersey [Mr. MARTINE] and that the junior Senator from North Dakota [Mr. GRONNA] is paired with the junior Senator from Montana [Mr. MYERS].

Mr. CHILTON. I have a general pair with the Senator from Illinois [Mr. CULLOM], but an arrangement has been made, which has been announced, for the transfer of that pair, so that I am at liberty to vote. I vote "nay."

Mr. ASHURST. I have been requested to announce that the Senator from Montana [Mr. MYERS] is absent on business of

the Senate, and that he is paired with the Senator from North Dakota [Mr. GRONNA].

Mr. BRYAN. I have been requested to state that the junior Senator from Texas [Mr. JOHNSTON] is absent on business of the Senate, and, as has been stated, is paired with the Senator from New York [Mr. ROOT].

The result was announced—yeas 27, nays 42, as follows:

YEAS—27.

Ashurst	Fletcher	Newlands	Sutherland
Bryan	Gardner	Oliver	Swanson
Burton	Gore	Percy	Thomas
Chamberlain	Hitchcock	Perky	Thornton
Clarke, Ark.	Johnson, Me.	Shively	Wetmore
Cummins	Johnston, Ala.	Smith, Ga.	Works
Dillingham	Kavanaugh	Smith, Md.	

NAYS—42.

Bankhead	Clark, Wyo.	Lodge	Pomerene
Borah	Curtis	McCumber	Richardson
Bourne	Dixon	McLean	Sanders
Bradley	Gallinger	Nelson	Simmons
Brandegee	Gamble	Overman	Smith, Ariz.
Bristow	Guggenheim	Owen	Smoot
Brown	Jackson	Page	Stephenson
Burnham	Jones	Paynter	Townsend
Catron	Kenyon	Penrose	Williams
Chilton	Kern	Perkins	
Clapp	La Follette	Poindexter	

NOT VOTING—26.

Bacon	Fall	Martine, N. J.	Smith, S. C.
Briggs	Foster	Massey	Stone
Crane	Gronna	Myers	Tillman
Crawford	Johnston, Tex.	O'Gorman	Warren
Culberson	Lea	Reed	Watson
Cullom	Lippitt	Root	
du Pont	Martin, Va.	Smith, Mich.	

So Mr. HITCHCOCK's amendment to the amendment of the committee was rejected.

Mr. WILLIAMS. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Mississippi offers an amendment, which will be stated.

The SECRETARY. It is proposed, on page 2, to strike out lines 4, 5, 6, 7, 8, 9, and 10 of the amendment of the committee and to insert:

> The executive power shall be vested in a President of the United States of America. The term of the office of President shall be four years. He shall be reeligible for one additional term of four years, and not thereafter reeligible at any time. No person who shall hereafter hold the office or discharge its powers or duties, or act as President by succession for any fraction of a term under the Constitution and laws made in pursuance thereof, shall be reeligible beyond such a fraction of a term and for one term by election.

Mr. WILLIAMS. Mr. President, this amendment has two salient points in it. The first is to write into the Constitution what has hitherto been regarded as the unwritten law. The second point is to eliminate from the controversy all possible personal issues by making the amendment take effect prospectively altogether and retrospectively not at all, so that every citizen of the United States, after this amendment passes, will stand upon an equal footing.

The PRESIDENT pro tempore. The question is upon the amendment submitted by the Senator from Mississippi to the amendment of the committee. [Putting the question.] The noes appear to have it.

Mr. WILLIAMS. I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. If there be no further amendment to be offered as in Committee of the Whole, the question is on agreeing to the amendment to the joint resolution reported by the Committee on the Judiciary.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended.

Mr. BRANDEGEE. I sent to the desk a few moments ago an amendment which I should like the Secretary to read now, and I will offer it. Then I should like to have the Secretary read an amendment, which I understand has been sent to the desk by the Senator from Utah [Mr. SUTHERLAND], on the same subject, as I want to see which I like best.

The PRESIDENT pro tempore. The Senator from Connecticut asks for the reading of his proposed amendment. The Secretary will read as requested.

The SECRETARY. On page 2, line 10, after the word "election," in the amendment made as in Committee of the Whole, it is proposed to insert:

> The provision of this proposed amendment concerning the term of office shall affect the term of office of Presidents hereafter elected only.

The PRESIDENT pro tempore. The Senator from Connecticut asks that the amendment proposed by the Senator from Utah [Mr. SUTHERLAND] be also read. If agreeable to the Senator from Utah, that will be done.

The SECRETARY. On page 2, line 10, after the word "election," in the amendment made as in Committee of the Whole, it is proposed to insert:

> *Provided*, That the foregoing shall not operate to extend the term of the President in office at the time this amendment is adopted.

Mr. BRANDEGEE. May I ask the Senator from Utah a question? If this proposed constitutional amendment should not be ratified for six or eight years, would not the Senator want this six-year term to apply to the President who might then be in office?

Mr. SUTHERLAND. No; the very purpose of the proposed amendment is to make it clear that it shall not apply to the President in office; that no matter when the amendment is adopted it should not so apply.

Mr. BRANDEGEE. If the amendment were adopted and a man were elected President after the amendment was the law of the land, why ought it not to apply?

Mr. SUTHERLAND. Because it would be giving it a retroactive effect.

Mr. BRANDEGEE. I do not follow the Senator in that.

Mr. SUTHERLAND. My whole position about it is that, no matter when this amendment shall be adopted, if it be 10 years from now, we will find some President in office, and there will then be a doubt as to whether it operates to extend the office of that President or whether it does not. It is of vast importance, as it seems to me, to settle that doubt in this joint resolution, to make it perfectly clear either that we do intend to extend the term of the incumbent at the time it is adopted or that we do not so intend—one thing or the other. That necessity will be just as great in 10 years as it will be in 2 years. We shall always find some President in office.

Mr. BRANDEGEE. I will ask that the amendment which I proposed be again stated.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Connecticut will be again stated.

The SECRETARY. On page 2, line 10, after the word "election," in the amendment made as in Committee of the Whole, it is proposed to insert:

> The provision of this proposed amendment concerning the term of office shall affect the term of office of Presidents hereafter elected only.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Connecticut [Mr. BRANDEGEE] to the amendment made as in Committee of the Whole.

Mr. CUMMINS. Mr. President, as a friend of the main proposition, I wish to say that, while the object of the Senator from Connecticut is identical apparently with the object of the Senator from Utah, it seems to me that the amendment proposed by the Senator from Utah will accomplish the object more perfectly and certainly than would the one proposed by the Senator from Connecticut.

Mr. BRANDEGEE. In view of that statement, if the Senator from Iowa is of that opinion, I will withdraw my proposed amendment to the amendment.

The PRESIDENT pro tempore. The Senator from Connecticut withdraws his amendment to the amendment.

Mr. SUTHERLAND. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Utah to the amendment made as in Committee of the Whole will be stated.

The SECRETARY. On page 2, line 10, after the word "election," it is proposed to amend the amendment by inserting:

> *Provided*, That the foregoing shall not operate to extend the term of the President in office at the time this amendment is adopted.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Utah to the amendment made as in Committee of the Whole.

Mr. CUMMINS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

The PRESIDENT pro tempore (when Mr. GALLINGER'S name was called). The present occupant of the chair has a general pair with the junior Senator from New York [Mr. O'GORMAN], which he transfers to the junior Senator from Massachusetts [Mr. CRANE]. The occupant of the chair votes "nay."

Mr. RICHARDSON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH]. I transfer that pair to the Senator from Illinois [Mr. CULLOM] and will vote. I vote "yea."

Mr. ROOT (when his name was called). I again announce my pair with the Senator from Texas [Mr. JOHNSTON] and withhold my vote.

The roll call was concluded.

Mr. DU PONT. I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. He is absent from the

Chamber, and I therefore withhold my vote. If I were free to vote, I should vote "yea" on this amendment.

Mr. ASHURST. I have been requested to announce that the Senator from Montana [Mr. MYERS] is paired with the Senator from North Dakota [Mr. GRONNA] and that they are both absent on business of the Senate.

Mr. CHILTON. I have just been informed that the arrangement as to the transfer of my pair with the senior Senator from Illinois [Mr. CULLOM] stands for this vote also, and I therefore desire to vote. I vote "nay."

While I am on my feet, I desire to make the same announcement as to my colleague [Mr. WATSON] as on the previous roll call.

The result was announced—yeas 29, nays 38, as follows:

YEAS—29.

Ashurst	Dillingham	Nelson	Sanders
Brandegee	Gamble	Oliver	Smoot
Brown	Gore	Penrose	Sutherland
Burnham	Guggenheim	Percy	Wetmore
Burton	Jackson	Perkins	Works
Clark, Wyo.	Johnson, Me.	Perky	
Cummins	Jones	Pomerene	
Curtis	McCumber	Richardson	

NAYS—38.

Bankhead	Dixon	Lodge	Smith, Ga.
Borah	Fletcher	McLean	Smith, Md.
Bourne	Gallinger	Overman	Stephenson
Bristow	Gardner	Owen	Swanson
Bryan	Hitchcock	Page	Thomas
Catron	Johnston, Ala.	Paynter	Thornton
Chamberlain	Kavanaugh	Poindexter	Townsend
Chilton	Kenyon	Shively	Williams
Clapp	Kern	Simmons	
Clarke, Ark.	La Follette	Smith, Ariz.	

NOT VOTING—28.

Bacon	du Pont	Martin, Va.	Root
Bradley	Fall	Martine, N. J.	Smith, Mich.
Briggs	Foster	Massey	Smith, S. C.
Crane	Gronna	Myers	Stone
Crawford	Johnston, Tex.	Newlands	Tillman
Culberson	Lea	O'Gorman	Warren
Cullom	Lippitt	Reed	Watson

So Mr. SUTHERLAND's amendment to the amendment made as in Committee of the Whole was rejected.

The PRESIDENT pro tempore. The question now is upon concurring in the amendment made as in Committee of the Whole.

Mr. DIXON. I ask that the amendment made as in Committee of the Whole be read.

The PRESIDENT pro tempore. The Secretary will read as requested.

The SECRETARY. The amendment made as in Committee of the Whole was, on page 1, line 9, after the words "as follows," to strike out:

The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of six years and shall be ineligible to a second term, and, together with the Vice President, who shall hold for a like term, and shall also be ineligible to a second term, be elected as follows:

And in lieu thereof insert:

The executive power shall be vested in a President of the United States of America. The term of the office of President shall be six years; and no person who has held the office by election, or discharged its powers or duties, or acted as President under the Constitution and laws made in pursuance thereof shall be eligible to hold again the office by election.

The President, together with a Vice President chosen for the same term, shall be elected as follows:

The amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, and read the third time.

The PRESIDENT pro tempore. The question is, Shall the joint resolution pass?

Mr. CUMMINS. Mr. President, in view of the fact that the Constitution requires this joint resolution to be adopted by a two-thirds vote, I call for the yeas and nays.

The PRESIDENT pro tempore. The Chair will state that upon the question of the passage of the joint resolution a two-thirds vote is required. The Senator from Iowa demands the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRISTOW (when Mr. CRAWFORD's name was called). I am requested to state that upon this vote the Senator from South Dakota [Mr. CRAWFORD] is paired with the senior Senator from Virginia [Mr. MARTIN] and with the junior Senator from New Jersey [Mr. MARTINE].

Mr. DU PONT. I again announce my pair with the senior Senator from Texas [Mr. CULBERSON] and withhold my vote.

The PRESIDENT pro tempore (when Mr. GALLINGER's name was called). The occupant of the chair again announces his pair with the junior Senator from New York [Mr. O'GORMAN]. He transfers that pair to the junior Senator from Massachusetts [Mr. CRANE]. The Chair is informed that if those two Senators were present the Senator from New York would vote "yea" and the Senator from Massachusetts "nay." The Chair votes "nay."

Mr. GARDNER (when his name was called). Under the announcement just made by the Chair, I am at liberty to vote. I vote "yea."

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. On questions involving a two-thirds vote, by agreement with him I am relieved from that pair, and therefore I vote "nay."

Mr. SWANSON (when the name of Mr. MARTIN of Virginia was called). My colleague [Mr. MARTIN of Virginia] is detained from the Senate on account of sickness. As stated by the Senator from Kansas [Mr. BRISTOW], my colleague is paired with the junior Senator from South Dakota [Mr. CRAWFORD]. If my colleague were present, he would vote "yea."

Mr. RICHARDSON (when his name was called). I transfer my pair with the junior Senator from South Carolina [Mr. SMITH] to the Senator from Illinois [Mr. CULLOM] and will vote. I vote "nay."

Mr. ROOT (when his name was called). I again announce my pair with the junior Senator from Texas [Mr. JOHNSTON] and withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. SMITH of Georgia (when his name was called). I vote "yea." While on my feet, I desire to announce that the senior Senator from Georgia [Mr. BACON] has been detained until to-day at home by sickness in his family. He hopes to be here to-morrow.

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I desire to state that the senior Senator from Michigan [Mr. SMITH] is absent on business and is paired with the junior Senator from Missouri [Mr. REED].

Mr. KERN (when the name of Mr. SMITH of South Carolina was called). I desire again to state that the Senator from South Carolina [Mr. SMITH] is unavoidably absent on account of illness in his family.

Mr. CLARK of Wyoming (when the name of Mr. WARREN was called). I desire to announce the unavoidable absence of my colleague [Mr. WARREN]. He is paired with the senior Senator from Louisiana [Mr. FOSTER].

Mr. CHILTON (when Mr. WATSON's name was called). I again announce the pair of my colleague [Mr. WATSON] with the Senator from New Jersey [Mr. BRIGGS].

The roll call was concluded.

Mr. SANDERS. I wish to announce the unavoidable absence of the senior Senator from Tennessee [Mr. LEA].

Mr. SIMMONS. I have been requested to state that the Senator from Texas [Mr. CULBERSON] is paired with the Senator from Delaware [Mr. DU PONT]. If the Senator from Texas were present and at liberty to vote, he would vote "yea."

Mr. DU PONT. In view of the statement just made by the Senator from North Carolina [Mr. SIMMONS], I feel at liberty to vote. I vote "yea."

Mr. ASHURST. I have been requested to announce that the Senator from Montana [Mr. MYERS] and the Senator from North Dakota [Mr. GRONNA] are both absent from the Senate on business of the Senate, and that those Senators are paired. If present the Senator from Montana would vote "yea," and the Senator from North Dakota would vote "nay."

The result was announced—yeas 47, nays 23, as follows:

YEAS—47.

Ashurst	Cummins	McCumber	Smith, Ariz.
Bankhead	Dillingham	Nelson	Smith, Ga.
Brandegee	du Pont	Newlands	Smith, Md.
Brown	Fletcher	Overman	Smoot
Bryan	Gamble	Owen	Sutherland
Burnham	Gardner	Paynter	Swanson
Burton	Guggenheim	Penrose	Thomas
Catron	Hitchcock	Percy	Thornton
Chamberlain	Johnson, Me.	Perkins	Wetmore
Chilton	Johnston, Ala.	Perky	Williams
Clark, Wyo.	Kavanaugh	Pomerene	Works
Clarke, Ark.	Kern	Simmons	

NAYS—23.

Borah	Dixon	Lippitt	Richardson
Bourne	Gallinger	Lodge	Sanders
Bradley	Jackson	McLean	Shively
Bristow	Jones	Oliver	Stephenson
Clapp	Kenyon	Page	Townsend
Curtis	La Follette	Poindexter	

NOT VOTING—25.

Bacon	Foster	Massey	Stone
Briggs	Gore	Myers	Tillman
Crane	Gronna	O'Gorman	Warren
Crawford	Johnston, Tex.	Reed	Watson
Culberson	Lea	Root	
Cullom	Martin, Va.	Smith, Mich.	
Fall	Martine, N. J.	Smith, S. C.	

The PRESIDENT pro tempore. Upon the final passage of the joint resolution the yeas are 47 and the nays are 23. More than two-thirds of the Senators present having voted in the affirmative, the joint resolution is passed.

IMMIGRATION OF ALIENS.

Mr. LODGE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses to the bill (S. 3175) entitled "An act to regulate the immigration of aliens to and the residence of aliens in the United States" having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

Strike out the text inserted by the House amendment and insert in lieu thereof the following:

"That the word 'alien' wherever used in this act shall include any person not a native-born or naturalized citizen of the United States; but this definition shall not be held to include Indians not taxed or citizens of the islands under the jurisdiction of the United States. That the term 'United States' as used in the title as well as in the various sections of this act shall be construed to mean the United States and any waters, territory, or other place subject to the jurisdiction thereof, except the Isthmian Canal Zone; but if any alien shall leave the Canal Zone and attempt to enter any other place under the jurisdiction of the United States, nothing contained in this act shall be construed as permitting him to enter under any other conditions than those applicable to all aliens. That the term 'seamen' as used in this act shall include every person signed on the ship's articles and employed in any capacity on board any vessel arriving in the United States from any foreign port or place.

"That this act shall be enforced in the Philippine Islands by officers of the General Government thereof designated by appropriate legislation of said Government.

"SEC. 2. That there shall be levied, collected, and paid a tax of $5 for every alien, including alien seamen regularly admitted as provided in this act, entering the United States. The said tax shall be paid to the collector of customs of the port or customs district to which said alien shall come, or, if there be no collector at such port or district, then to the collector nearest thereto, by the master, agent, owner, or consignee of the vessel, transportation line, or other conveyance or vehicle bringing such alien to the United States, or by the alien himself if he does not come by a vessel, transportation line, or other conveyance or vehicle. The tax imposed by this section shall be a lien upon the vessel or other vehicle of carriage or transportation bringing such aliens to the United States, and shall be a debt in favor of the United States against the owner or owners of such vessel or other vehicle, and the payment of such tax may be enforced by any legal or equitable remedy. That the said tax shall not be levied on account of aliens who have in accordance with law declared their intention of becoming citizens of the United States or on account of aliens who shall enter the United States after an uninterrupted residence of at least one year, immediately preceding such entrance, in the Dominion of Canada, Newfoundland, the Republic of Cuba, or the Republic of Mexico, nor on account of otherwise admissible residents of any possession of the United States, nor on account of aliens in transit through the United States, nor upon aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory: *Provided*, That the Commissioner General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, by agreement with transportation lines, as provided in section 23 of this act, may arrange in some other manner for the payment of the tax imposed by this section upon any or all aliens seeking admission from foreign contiguous territory: *Provided further*, That said tax, when levied upon aliens entering the Philippine Islands, shall be paid into the treasury of said islands, to be expended for the benefit of such islands: *Provided further*, That in the cases of aliens applying for admission from foreign contiguous territory and rejected, the head tax collected shall upon application be refunded to the alien: *Provided further*, That the provisions of this section shall not apply to aliens arriving in Guam or Hawaii; but if any such alien, not having become a citizen of the United States, shall later arrive at any port or place of the United States on the North American Continent the provisions of this section shall apply.

"SEC. 3. That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous; persons who have had one or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars; vagrants; persons afflicted with tuberculosis in any form or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living; persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who admit their belief in the practice of polygamy; anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all forms of law, or who disbelieve in or are opposed to organized government, or who advocate the assassination of public officials; persons who are members of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocate or teach the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character; prostitutes, or women or girls coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who procure or attempt to bring in prostitutes or women or girls for the purpose of prostitution or for any other immoral purpose; persons who are supported by or receive in whole or in part the proceeds of prostitution; persons hereinafter called contract laborers, who have been induced, assisted, encouraged, or solicited to migrate to this country by offers or promises of employment, whether such offers or promises are true or false, or in consequence of agreements, oral, written or printed, express or implied, to perform labor in this country of any kind, skilled or unskilled; persons who have come in consequence of advertisements for laborers printed, published, or distributed in a foreign country; persons who have been deported under any of the provisions of this act, and who may again seek admission within one year from the date of such deportation, unless prior to their reembarkation at a foreign port, the Secretary of Commerce and Labor shall have consented to their reapplying for admission; persons whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes; persons whose ticket or passage is paid for by any corporation, association, society, municipality, or foreign Government, either directly or indirectly; stowaways, except that any such stowaway may be admitted in the discretion of the Secretary of Commerce and Labor; all children under 16 years of age, unaccompanied by one or both of their parents, at the discretion of the Secretary of Commerce and Labor or under such regulations as he may from time to time prescribe; persons who can not become eligible, under existing law, to become citizens of the United States by naturalization, unless otherwise provided for by existing agreements as to passports, or by treaties, conventions, or agreements that may hereafter be entered into. The provision next foregoing, however, shall not apply to persons of the following status or occupations: Government officers, ministers or religious teachers, missionaries, lawyers, physicians, chemists, engineers, teachers, students, authors, editors, journalists, merchants, bankers, and travelers for curiosity or pleasure, nor to their legal wives or their children under 16 years of age who shall accompany them or who subsequently may apply for admission to the United States, but such persons or their legal wives or foreign-born children who fail to maintain in the United States a status or occupation placing them within the excepted classes shall be deemed to be in the United States contrary to law, and shall be subject to deportation as provided in section 19 of this act.

"That after four months from the approval of this act, in addition to the aliens who are by law now excluded from admission into the United States, the following persons shall also be excluded from admission thereto, to wit:

"All aliens over 16 years of age, physically capable of reading, who can not read the English language or some other

language or dialect, including Hebrew or Yiddish: *Provided*, That any admissible alien or any alien heretofore or hereafter legally admitted or any citizen of the United States may bring in or send for his father or grandfather over 55 years of age, his wife, his mother, his grandmother, or his unmarried or widowed daughter, if otherwise admissible, whether such relative can read or not; and such relatives shall be permitted to enter. That for the purpose of ascertaining whether aliens can read the immigrant inspectors shall be furnished with slips of uniform size, prepared under the direction of the Secretary of Commerce and Labor, each containing not less than 30 nor more than 40 words in ordinary use, printed in plainly legible type in the various languages and dialects of immigrants. Each alien may designate the particular language or dialect in which he desires the examination to be made, and shall be required to read the words printed on the slip in such language or dialect. No two aliens coming in the same vessel or other vehicle of carriage or transportation shall be tested with the same slip. That the following classes of persons shall be exempt from the operation of the illiteracy test, to wit: All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Commerce and Labor that they are seeking admission to the United States solely for the purpose of escaping from religious persecution; all aliens in transit through the United States; all aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory: *Provided*, That nothing in this act shall exclude, if otherwise admissible, persons convicted of an offense purely political, not involving moral turpitude: *Provided further*, That the provisions of this act relating to the payments for tickets or passage by any corporation, association, society, municipality, or foreign government shall not apply to the tickets or passage of aliens in immediate and continuous transit through the United States to foreign contiguous territory: *Provided further*, That skilled labor, if otherwise admissible, may be imported if labor of like kind unemployed can not be found in this country, and the question of the necessity of importing such skilled labor in any particular instance may be determined by the Secretary of Commerce and Labor upon the application of any person interested, such application to be made before such importation, and such determination by the Secretary of Commerce and Labor to be reached after a full hearing and an investigation into the facts of the case; but such determination shall not become final until a period of 30 days has elapsed. Within 3 days after such determination the Secretary of Commerce and Labor shall cause to be published a brief statement reciting the substance of the application, the facts presented at the hearing, and his determination thereon in three daily newspapers of general circulation in three of the principal cities of the United States. At any time during said period of 30 days any person dissatisfied with the ruling may appeal to the district court of the United States of the district into which the labor is sought to be brought, which court or the judge thereof in vacation shall have jurisdiction to try de novo such question of necessity, and the decision in such court shall be final. Such appeal shall operate as a supersedeas: *Provided further*, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants: *Provided further*, That whenever the President shall be satisfied that passports issued by any foreign government to its citizens or subjects to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holder to come to the continental territory of the United States to the detriment of labor conditions therein, the President shall refuse to permit such citizens or subjects of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone: *Provided further*, That nothing in this act shall be construed to prevent, hinder, or restrict any alien exhibitor or holder of a concession or privilege for any fair or exposition authorized by act of Congress from bringing into the United States, under contract, such alien mechanics, artisans, agents, or other employees, natives of his country, as may be necessary for installing or conducting his exhibit or for preparing for installing or conducting any business authorized or permitted under any concession or privilege which may have been or may be granted by any such fair or exposition in connection therewith, under such rules and regulations as the Commissioner General of Immigration, with the approval of the Secretary of Commerce and Labor, may prescribe both as to the admission and return of such persons: *Provided further*, That nothing in this act shall be construed to apply to accredited officials of foreign governments nor to their suites, families, or guests: *Provided further*, That nothing in this act shall exclude the wife or minor children of a citizen of the United States.

"SEC. 4. That the importation into the United States of any alien for the purpose of prostitution, or for any other immoral purpose, is hereby forbidden; and whoever shall, directly or indirectly, import, or attempt to import, into the United States any alien for the purpose of prostitution or for any other immoral purpose, or shall hold or attempt to hold any alien for any such purpose in pursuance of such illegal importation, or shall keep, maintain, control, support, employ, or harbor in any house or other place, for the purpose of prostitution or for any other immoral purpose, any alien, in pursuance of such illegal importation, shall in every such case be deemed guilty of a felony, and on conviction thereof shall be punished by imprisonment for a term of not more than 10 years and by a fine of not more than $5,000. Jurisdiction for the trial and punishment of the felonies hereinbefore set forth shall be in any district to or into which said alien is brought in pursuance of said importation by the person or persons accused, or in any district in which a violation of any of the foregoing provisions of this section occur. That any alien who shall, after he has been excluded and deported or arrested and deported in pursuance of the provisions of this act which relate to prostitutes, procurers, or other like immoral persons, attempt thereafter to return to or to enter the United States shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment for a term of not more than two years. In all prosecutions under this section the testimony of a husband or wife shall be admissible and competent evidence against a wife or husband.

"SEC. 5. That it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way to induce, assist, encourage, or solicit the importation or migration of any contract laborer or contract laborers into the United States, unless such contract laborer or contract laborers are exempted under the provisions of section 3 of this act, and for every violation of any of the provisions of this section the person, partnership, company, or corporation violating the same shall forfeit and pay for every such offense the sum of $1,000, which may be sued for and recovered by the United States, or by any person who shall first bring his action therefor in his own name and for his own benefit, including any such aliens thus offered or promised employment as aforesaid, as debts of like amount are now recovered in the courts of the United States; or for every violation of the provisions hereof the person violating the same may be prosecuted in a criminal action for a misdemeanor, and on conviction thereof shall be punished by a fine of $1,000, or by imprisonment for a term of not less than six months nor more than two years; and under either the civil or the criminal procedure mentioned separate suits or prosecutions may be brought for each alien thus offered or promised employment as aforesaid.

"SEC. 6. That it shall be unlawful and be deemed a violation of section 5 of this act to induce, assist, encourage, or solicit any alien to come into the United States by promise of employment through advertisements printed, published, or distributed in any foreign country, whether such promise is true or false, and either the civil or the criminal penalty imposed by said section shall be applicable to such a case: *Provided*, That States or Territories, the District of Columbia, or places subject to the jurisdiction of the United States may advertise, and by written or oral communication with prospective alien settlers make known, the inducements they offer for immigration thereto, respectively.

"SEC. 7. That it shall be unlawful for any person, association, society, company, partnership, corporation, or others engaged in the business of transporting aliens to the United States, including owners, masters, officers, and agents of vessels, directly or indirectly, by writing, printing, or oral representation, to solicit, invite, or encourage any alien to come into the United States, and anyone violating any provision hereof shall be subject to either the civil or the criminal prosecution prescribed by section 5 of this act; or if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any owner, master, officer, or agent of a vessel has brought or caused to be brought to a port of the United States any alien so solicited, invited, or encouraged to come by such owner, master, officer, or agent, such owner, master, officer, or agent shall pay to the collector of customs of the customs district in which the port of arrival is

located or in which any vessel of the line may be found the sum of $400 for each and every such violation; and no vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine, or while the fine imposed remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit with the collector of customs of a sum sufficient to cover such fine: *Provided further*, That whenever it shall be shown to the satisfaction of the Secretary of Commerce and Labor that the provisions of this section are persistently violated by or on behalf of any transportation company, it shall be the duty of said Secretary to deny to such company the privilege of landing alien immigrant passengers of any or all classes at United States ports for such a period as in his judgment may be necessary to insure an observance of such provisions: *Provided further*, That this section shall not be held to prevent transportation companies from issuing letters, circulars, or advertisements, confined strictly to stating the sailings of their vessels and terms and facilities of transportation therein.

"SEC. 8. That any person, including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or shall attempt, by himself or through another, to bring into or land in the United States, by vessel or otherwise, or shall conceal or harbor, or attempt to conceal or harbor, or assist or abet another to conceal or harbor in any place, including any building, vessel, railway car, conveyance, or vehicle, any alien not duly admitted by an immigrant inspector or not lawfully entitled to enter or to reside within the United States under the terms of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $1,000, or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment for each and every alien so landed or brought in or attempted to be landed or brought in.

"SEC. 9. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel, to bring to the United States any alien afflicted with idiocy, insanity, imbecility, epilepsy, tuberculosis in any form, or a loathsome or dangerous contagious disease, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation, and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $200 for each and every violation of the provisions of this section. It shall also be unlawful for any such person to bring to any port of the United States any alien afflicted with any mental or physical defect of a nature which may affect his ability to earn a living, as contemplated in section 3 of this act, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was so afflicted at the time of foreign embarkation, and that the existence of such mental or physical defect might have been detected by means of a competent medical examination at such time, such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $25 for each and every violation of this provision. It shall also be unlawful for any such person to bring to any port of the United States any alien who is excluded by the provisions of section 3 of this act because unable to read or who can not become eligible, under existing law, to become a citizen of the United States by naturalization, as provided in section 3 of this act, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that these disabilities might have been detected by the exercise of reasonable precaution prior to the departure of such aliens from a foreign port such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $100 for each and every violation of this provision. And no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fine, or while the fine remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit of a sum sufficient to cover such fine and costs, such sum to be named by the Secretary of Commerce and Labor.

"SEC. 10. That it shall be the mandatory and unqualified duty of every person, including owners, officers, and agents of vessels or transportation lines, other than those lines which may enter into a contract as provided in section 23 of this act, bringing an alien to any seaport or land border port of the United States to prevent the landing of such alien in the United States at any time or place other than as designated by the immigration officers, and the failure of any such owner, officer, or agent to comply with the foregoing requirements shall be deemed a misdemeanor and on conviction thereof shall be punished by a fine in each case of not less than $100 nor more than $1,000 or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment; or, if in the opinion of the Secretary of Commerce and Labor it is impracticable or inconvenient to prosecute the owner, master, officer, or agent of any such vessel, a pecuniary penalty of $1,000 shall be a lien upon the vessel whose owner, master, officer, or agent, violates the provisions of this section, and such vessel shall be libeled therefor in the appropriate United States court.

"SEC. 11. That whenever he may deem such action necessary the Secretary of Commerce and Labor may, at the expense of the appropriation for the enforcement of this act, detail immigrant inspectors and matrons of the United States Immigration Service for duty on vessels carrying immigrant or emigrant passengers, or passengers other than first and second cabin passengers, between ports of the United States and foreign ports. On such voyages said inspectors and matrons shall remain in that part of the vessel where immigrant passengers are carried. It shall be the duty of such inspectors and matrons to observe such passengers during the voyage, and report to the immigration authorities in charge at the port of landing any information of value in determining the admissibility of such passengers under the laws regulating immigration of aliens into the United States. It shall further be the duty of such inspectors and matrons to observe violations of the provisions of such laws and the violation of such provisions of the "passenger act" of August 2, 1882, as amended, as relate to the care and treatment of immigrant passengers at sea, and report the same to the proper United States officials at ports of landing. Whenever the Secretary of Commerce and Labor so directs, a surgeon of the United States Public Health Service detailed to the Immigration Service, not lower in rank than a passed assistant surgeon, shall be received and carried on any vessel transporting immigrant or emigrant passengers, or passengers other than first and second cabin passengers, between ports of the United States and foreign ports. Such surgeon shall be permitted to investigate and examine the condition of all immigrant and emigrant passengers in relation to any provisions of the laws regulating the immigration of aliens into the United States and such provisions of the "passenger act" of August 2, 1882, as amended, as relate to the care and treatment of immigrant passengers at sea, and shall immediately report any violation of said laws to the master or commanding officer of the vessel, and shall also report said violations to the Secretary of Commerce and Labor within 24 hours after the arrival of the vessel at the port of entry in the United States. Such surgeon shall accompany the master or captain of the vessel in his visits to the sanitary officers of the ports of call during the voyage, and, should contagious or infectious diseases prevail at any port where passengers are received, he shall request all reasonable precautionary measures for the health of persons on board. Such surgeon on arrival at ports of the United States shall also, if requested by the examining board, furnish any information he may possess in regard to immigrants arriving on the vessel to which he has been detailed. While on duty such surgeons shall wear the prescribed uniform of their service and shall be provided with first-class accommodations on such vessel at the expense of the appropriation for the enforcement of this act. For every violation of this section any person, including any transportation company, owning or operating the vessel in which such violation occurs shall pay to the collector of customs of the customs district in which the next United States port of arrival is located the sum of $1,000 for each and every day during which such violation continues, the term "violation" to include the refusal of any person having authority so to do to permit any such immigrant inspector, matron, or surgeon to be received on board such vessel, as provided in this section, and also the refusal of the master or commanding officer of any such vessel to permit the inspection and visits of any such surgeon as provided in this section, and no vessel shall be granted clearance papers pending the determination of the question of the liability of such fine, or while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of all such questions upon the deposit of a sum sufficient to cover such fine and costs, such sum to be named by the Secretary of Commerce and Labor.

"SEC. 12. That upon the arrival of any alien by water at any point within the United States on the North American Continent from a foreign port or a port of the Philippine Islands, Guam, Porto Rico, or Hawaii, or at any port of the said insular possessions from any foreign port, from a port in the United States on the North American Continent, or from a port of another insular possession of the United States, it shall be the duty of the master or commanding officer, owners or consignees of the steamer, sailing, or other vessel having said alien on board to deliver to the immigration officers at the port of arrival lists or manifests made at the time and place of embarkation of such alien on board such steamer or vessel, which shall, in answer to questions at the top of said list, contain full and accurate information as to each alien as follows: Full name, age, and sex; whether married or single; calling or occupation, personal description (including height, complexion, color of hair and eyes, and marks of identification); whether able to read; nationality; country of birth; race; country of last permanent residence; name and address of the nearest relative in the country from which the alien came; seaport for landing in the United States; final destination, if any, beyond the port of landing; whether having a ticket through to such final destination; by whom passage was paid; whether going to join a relative or friend, and if so, what relative or friend, and his or her name and complete address; whether ever before in the United States, and if so, when and where; whether ever in prison or almshouse or an institution or hosiptal for the care and treatment of the insane or supported by charity; whether a polygamist; whether an anarchist; whether a person who believes in or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or who disbelieves in or is opposed to organized government, or who advocates the assassination of public officials, or is a member of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character; whether coming by reason of any offer, solicitation, promise, or agreement, express or implied, to perform labor in the United States; the alien's condition of health, mental and physical; whether deformed or crippled, and if so, for how long and from what cause; and such master or commanding officer, owners, or consignees shall also furnish information in relation to the sex, age, class of travel, and the foreign port of embarkation of arriving passengers who are United States citizens. That it shall further be the duty of the master or commanding officer of every vessel taking passengers from any port of the United States on the North American Continent to a foreign port or a port of the Philippine Islands, Guam, Porto Rico, or Hawaii, or from any port of the said insular possession to any foreign port, to a port of the United States on the North American Continent, or to a port of another insular possession of the United States to file with the immigration officials before departure a list which shall contain full and accurate information in relation to the following matters regarding all alien passengers, and all citizens of the United States or insular possessions of the United States departing with the stated intent to reside permanently in a foreign country, taken on board: Name, age, and sex; whether married or single; calling or occupation; whether able to read; nationality; country of birth; country of which citizen or subject; race; last permanent residence in the United States or insular possessions thereof; if a citizen of the United States or of the insular possessions thereof, whether native born or naturalized; intended future permanent residence; and time and port of last arrival in the United States, or insular possessions thereof; and such master or commanding officer shall also furnish information in relation to the sex, age, class of travel, and port of debarkation of the United States citizens departing who do not intend to reside permanently in a foreign country, and no master of any such vessel shall be granted clearance papers for his vessel until he has deposited such list or lists with the immigration officials at the port of departure and made oath that they are full and complete as to the name and other information herein required concerning each person of the classes specified taken on board his vessel; and any neglect or omission to comply with the requirements of this section shall be punishable as provided in section 14 of this act: *Provided*, That in the case of vessels making regular trips to ports of the United States the Commissioner General of Immigration, with the approval of the Secretary of Commerce and Labor, may, when expedient, arrange for the delivery of such lists of outgoing aliens at a later date: *Provided further*, That it shall be the duty of immigration officials to record the following information regarding every resident alien and citizen leaving the United States by way of the Canadian or Mexican borders for permanent residence in a foreign country: Name, age, and sex; whether married or single; calling or occupation; whether able to read; nationality; country of birth; country of which citizen or subject; race; last permanent residence in the United States; intended future permanent residence; and time and port of last arrival in the United States; and if a United States citizen, whether native born or naturalized.

"SEC. 13. That all aliens arriving by water at the ports of the United States shall be listed in convenient groups, the names of those coming from the same locality to be assembled so far as practicable, and no one list or manifest shall contain more than thirty names. To each alien or head of a family shall be given a ticket on which shall be written his name, a number or letter designating the list in which his name, and so forth, are contained, and his number on said list, for convenience of identification on arrival. Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer, or the first or second below him in command, taken before an immigration officer at the port of arrival, to the effect that he has caused the surgeon of said vessel sailing therewith to make a physical and oral examination of each of said aliens, and that from the report of said surgeon and from his own investigation he believes that no one of said aliens is of any of the classes excluded from admission into the United States by section 3 of this act, and that also according to the best of his knowledge and belief, the information in said lists or manifests concerning each of said aliens named therein is correct and true in every respect. That the surgeon of said vessel sailing therewith shall also sign each of said lists or manifests and make oath or affirmation in like manner before an immigration officer at the port of arrival, stating his professional experience and qualifications as a physician and surgeon, and that he has made a personal examination of each of the said aliens named therein, and that the said list or manifest, according to the best of his knowledge and belief, is full, correct, and true in all particulars relative to the mental and physical condition of said aliens. If no surgeon sails with any vessel bringing aliens, the mental and physical examinations and the verifications of the lists or manifests shall be made by some competent surgeon employed by the owners of the said vessels, and the manifests shall be verified by such surgeon before a United States consular officer.

"SEC. 14. That it shall be unlawful for the master or commanding officer of any vessel bringing aliens into or carrying aliens out of the United States to refuse or fail to deliver to the immigration officials the accurate and full manifests or statements or information regarding all aliens on board or taken on board such vessel required by this act, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that there has been such a refusal or failure, or that the lists delivered are not accurate and full, such master or commanding officer shall pay to the collector of customs at the port of arrival or departure the sum of $10 for each alien concerning whom such accurate and full manifest or statement or information is not furnished, or concerning whom the manifest or statement or information is not prepared and sworn to as prescribed by this act. No vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine, or while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such question upon the deposit with the collector of customs of a sum sufficient to cover such fine.

"SEC. 15. That upon the arrival at a port of the United States of any vessel bringing aliens it shall be the duty of the proper immigration officials to go or to send competent assistants to the vessel and there inspect all such aliens, or said immigration officials may order a temporary removal of such aliens for examination at a designated time and place, but such temporary removal shall not be considered a landing, nor shall it relieve the transportation lines, masters, agents, owners, or consignees of the vessel upon which said aliens are brought to any port of the United States from any of the obligations which, in case such aliens remain on board, would, under the provisions of this act bind the said transportation lines, masters, agents, owners, or consignees: *Provided*, That where removal is made to premises owned or controlled by the United States, said transportation lines, masters, agents, owners, or consignees, and each of them shall, so long as detention there lasts, be relieved of responsibility for the safekeeping of such aliens. Whenever a temporary removal of aliens is made the transportation lines which brought them and the masters, owners, agents, and consignees of the vessel upon which they arrive shall pay all ex-

penses of such removal and all expenses arising during subsequent detention, pending decision on the aliens' eligibility to enter the United States and until they are either allowed to land or returned to the care of the line or to the vessel which brought them, such expenses to include those of maintenance, medical treatment in hospital or elsewhere, burial in the event of death, and transfer to the vessel in the event of deportation, excepting only where they arise under the terms of any of the provisos of section 18 hereof. Any refusal or failure to comply with the provisions hereof to be punished in the manner specified in section 18 of this act.

"SEC. 16. That the physical and mental examination of all arriving aliens shall be made by medical officers of the United States Public Health Service who shall have had at least two years' experience in the practice of their profession since receiving the degree of doctor of medicine, and who shall certify, for the information of the immigration officers and the boards of special inquiry hereinafter provided for, any and all physical and mental defects or diseases observed by said medical officers in any such alien; or, should medical officers of the United States Public Health Service be not available, civil surgeons of not less than four years' professional experience may be employed in such emergency for such service, upon terms as may be prescribed by the Commissioner General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor. Medical officers of the United States Public Health Service who have had especial training in the diagnosis of insanity and mental defect shall be detailed for duty or employed at all large ports of entry, and such medical officers shall be provided with suitable facilities for the detention and examination of all arriving aliens in whom insanity or mental defect is suspected, and the services of interpreters shall be provided for such examination. That the inspection, other than the physical and mental examination, of aliens, including those seeking admission or readmission to or the privilege of passing through or residing in the United States, and the examination of aliens arrested within the United States under this act, shall be conducted by immigrant inspectors, except as hereinafter provided in regard to boards of special inquiry. Immigrant inspectors are hereby authorized and empowered to board and search for aliens any vessel, railway car, conveyance, or vehicle in which they believe aliens are being brought into the United States. Said inspectors shall have power to administer oaths and to take and consider evidence touching the right of any alien to enter, reenter, pass through, or reside in the United States, and, where such action may be necessary, to make a written record of such evidence; and any person to whom such an oath has been administered, under the provisions of this act, who shall knowingly or willfully give false evidence or swear to any false statement in any way affecting or in relation to the right of any alien to admission, or readmission to, or to pass through, or to reside in the United States shall be deemed guilty of perjury and be punished as provided by section 125 of the act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States." Any commissioner of immigration or inspector in charge shall also have power to require the attendance and testimony of witnesses before said inspectors and the production of books, papers, and documents touching the right of any alien to enter, reenter, reside in, or pass through the United States, and to that end may invoke the aid of any court of the United States; and any district court within the jurisdiction of which investigations are being conducted by an immigrant inspector may, in the event of neglect or refusal to respond to a subpœna issued by any commissioner of immigration or inspector in charge or refusal to testify before said immigrant inspector, issue an order requiring such person to appear before said immigrant inspector, produce books, papers, and documents if demanded, and testify; and any failure to obey such order of the court shall be punished by the court as a contempt thereof. That any person, including employees, officials, or agents of transportation companies, who shall assault, resist, prevent, impede, or interfere with any immigration official or employee in the performance of his duty under this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment for a term of not less than six months nor more than two years, or by a fine of not less than two hundred nor more than two thousand dollars; and any person who shall use any deadly or dangerous weapon in resisting any immigration official or employee in the performance of his duty shall be deemed guilty of a felony and shall on conviction thereof be punished by imprisonment for not less than 1 nor more than 10 years. Every alien who may not appear to the examining immigrant inspector at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry. In the event of rejection by the board of special inquiry, in all cases where an appeal to the Secretary of Commerce and Labor is permitted by this act, the alien shall be so informed and shall have the right to be represented by counsel or other adviser on such appeal. The decision of an immigrant inspector, if favorable to the admission of any alien, shall be subject to challenge by any other immigrant inspector, and such challenge shall operate to take the alien whose right to land is so challenged before a board of special inquiry for its investigation.

"SEC. 17. That boards of special inquiry shall be appointed by the commissioner of immigration or inspector in charge at the various ports of arrival as may be necessary for the prompt determination of all cases of immigrants detained at such ports under the provisions of the law. Each board shall consist of three members, who shall be selected from such of the immigrant officials in the service as the Commissioner General of Immigration, with the approval of the Secretary of Commerce and Labor, shall from time to time designate as qualified to serve on such boards. When in the opinion of the Secretary of Commerce and Labor the maintenance of a permanent board of special inquiry for service at any sea or land border port is not warranted, regularly constituted boards may be detailed from other stations for temporary service at such port, or, if that be impracticable, the Secretary of Commerce and Labor shall authorize the creation of boards of special inquiry by the immigration officials in charge at such ports, and shall determine what Government officials or other persons shall be eligible for service on such boards. Such boards shall have authority to determine whether an alien who has been duly held shall be allowed to land or shall be deported. All hearings before such boards shall be separate and apart from the public. Such boards shall keep a complete permanent record of their proceedings and of all such testimony as may be produced before them; and the decision of any two members of a board shall prevail, but either the alien or any dissenting member of the said board may appeal through the commissioner of immigration at the port of arrival and the Commissioner General of Immigration to the Secretary of Commerce and Labor, and the taking of such appeal shall operate to stay any action in regard to the final disposal of any alien whose case is so appealed until the receipt by the commissioner of immigration at the port of arrival of such decision, which shall be rendered solely upon the evidence adduced before the board of special inquiry. In every case where an alien is excluded from admission into the United States, under any law or treaty now existing or hereafter made, the decision of a board of special inquiry if adverse to the admission of such alien shall be final, unless reversed on appeal to the Secretary of Commerce and Labor: *Provided*, That the decision of a board of special inquiry, based upon the certificate of the examining medical officer, shall be final as to the rejection of aliens affected with tuberculosis in any form or with a loathsome or dangerous contagious disease, or with any mental or physical disability which would bring such aliens within any of the classes excluded from admission to the United States under section 3 of this act.

"SEC. 18. That all aliens brought to this country in violation of law shall, if practicable, be immediately sent back, in accommodations of the same class in which they arrived, to the country whence they respectively came on the vessels bringing them. The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessels on which they respectively came. That it shall be unlawful for any master, purser, person in charge, agent, owner, or consignee of any such vessel to refuse to receive back on board thereof, or on board of any other vessel owned or operated by the same interests, such aliens; or to fail to detain them thereon; or to refuse or fail to return them in the manner aforesaid to the foreign port from which they came; or to pay the cost of their maintenance while on land; or to make any charge for the return of any such alien; or to take any security from him for the payment of such charge; or to take any consideration to be returned in case the alien is landed; or knowingly to bring to the United States at any time within one year from the date of deportation any alien rejected or arrested and deported under any provision of this act, unless prior to reembarkation the Secretary of Commerce and Labor has consented that such alien shall reapply for admission, as required by section 3 hereof; and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that such master, purser, person in charge, agent, owner, or consignee has violated any of the foregoing provisions such master, purser, person in charge, agent, owner, or consignee shall pay to the collector of customs of the customs district in which the port of arrival is located, or in which any vessel of the line may be found, the sum of $300 for each and every violation of any provision of this section; and no vessel shall have clearance

from any port of the United States while any such fine is unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such question upon the deposit with the collector of customs of a sum sufficient to cover such fine. If the vessel by which any alien ordered deported came has left the United States and it is impracticable for any reason to deport the alien within a reasonable time by another vessel owned by the same interests, the cost of deportation may be paid by the Government and recovered by civil suit from any agent, owner, or consignee of the vessel: *Provided further*, That the Commissioner General of Immigration, with the approval of the Secretary of Commerce and Labor, may suspend, upon conditions to be prescribed by the Commissioner General of Immigration, the deportation of any alien found to have come in violation of any provision of this act if, in his judgment, the testimony of such alien is necessary on behalf of the United States Government in the prosecution of offenders against any provision of this act; and the cost of maintenance of any person so detained resulting from such suspension of deportation, and a witness fee in the sum of $1 per day for each day such person is so detained, may be paid from the appropriation for the enforcement of this act, or such alien may be released under bond, in the penalty of not less than $500, with security approved by the Secretary of Commerce and Labor, conditioned that such alien shall be produced when required as a witness and for deportation. No alien certified, as provided in section 16 of this act, to be suffering from tuberculosis in any form, or from a loathsome or dangerous contagious disease other than one of quarantinable nature, shall be permitted to land for medical treatment thereof in any hospital in the United States, unless with the express permission of the Secretary of Commerce and Labor: *Provided further*, That upon the certificate of a medical officer of the United States Public Health Service to the effect that the health or safety of an insane alien would be unduly imperiled by immediate deportation, such alien may, at the expense of the appropriation for the enforcement of this act, be held for treatment until such time as such alien may, in the opinion of such medical officer, be safely deported: *Provided further*, That upon the certificate of a medical officer of the United States Public Health Service to the effect that a rejected alien is helpless from sickness, mental or physical disability, or infancy, if such alien is accompanied by another alien whose protection or guardianship is required by such rejected alien, such accompanying alien may also be excluded, and the master, agent, owner, or consignee of the vessel in which such alien and accompanying alien are brought shall be required to return said alien and accompanying alien in the same manner as vessels are required to return other rejected aliens.

"SEC. 19. That any alien, at any time within three years after entry, who shall enter the United States in violation of law; any alien who within three years after entry becomes a public charge from causes existing prior to the landing; except as hereinafter provided, any alien who is hereafter sentenced to imprisonment for a term of one year or more because of conviction in this country of a crime involving moral turpitude, committed within three years after the entry of the alien to the United States; any alien who shall be found an inmate of or connected with the management of a house of prostitution or practicing prostitution after such alien shall have entered the United States, or who shall receive, share in, or derive benefit from any part of the earnings of any prostitute; any alien who is employed by, in, or in connection with any house of prostitution or music or dance hall or other place of amusement or resort habitually frequented by prostitutes, or where prostitutes gather, or who in any way assists, protects, or promises to protect from arrest any prostitute; any alien who shall import or attempt to import any person for the purpose of prostitution or for any other immoral purpose; any alien who, after being excluded and deported or arrested and deported as a prostitute, or as a procurer, or as having been connected with the business of prostitution or importation for prostitution or other immoral purposes in any of the ways hereinbefore specified shall return to and enter the United States; any alien convicted and imprisoned for a violation of any of the provisions of section 4 hereof; any alien, at any time within three years after entry, who shall enter the United States by water at any time or place other than as designated by immigration officials, or by land at any place other than one designated as a port of entry for aliens by the Commissioner General of Immigration, or at any time not designated by immigration officials, shall, upon the warrant of the Secretary of Commerce and Labor, be taken into custody and deported: *Provided*, That the provision of this section respecting the deportation of aliens convicted of a crime involving moral turpitude shall not apply to one who has been pardoned, nor shall such deportation be made or directed if the court sentencing such alien for such crime shall, at the time of imposing judgment or passing sentence, make a recommendation to the Secretary of Commerce and Labor that such alien shall not be deported in pursuance of this act; nor shall any alien convicted as aforesaid be deported until after the termination of his imprisonment: *Provided further*, That the provisions of this section, with the exceptions hereinbefore noted, shall be applicable to the classes of aliens therein mentioned irrespective of the time of their entry into the United States. In every case where any person is ordered deported from the United States under the provisions of this act or of any law or treaty now existing, the decision of the Secretary of Commerce and Labor shall be final.

"SEC. 20. That the deportation of aliens provided for in this act shall, at the option of the Secretary of Commerce and Labor, be to the country whence they came or to the foreign port at which such aliens embarked for the United States; or, if such embarkation was for foreign contiguous territory, to the foreign port at which they embarked for such territory; or, if such aliens entered foreign contiguous territory from the United States and later entered the United States, or if such aliens are held by the country from which they entered the United States not to be subjects or citizens of such country, and such country refuses to permit their reentry, or imposes any condition upon permitting reentry, then to the country of which such aliens are subjects or citizens, or to the country in which they resided prior to entering the country from which they entered the United States. If effected at any time within five years after the entry of the alien, such deportation, including one-half of the entire cost of removal to the port of deportation, shall be at the expense of the contractor, procurer, or other person by whom the alien was unlawfully induced to enter the United States, or, if that can not be done, then the cost of removal to the port of deportation shall be at the expense of the appropriation for the enforcement of this act, and the deportation from such port shall be at the expense of the owner or owners of such vessels or transportation line by which such aliens respectively came, or, if that is not practicable, at the expense of the appropriation for the enforcement of this act. If such deportation is effected later than five years after the entry of the alien, or, if the deportation is made by reason of causes arising subsequent to entry, the cost thereof shall be payable from the appropriation for the enforcement of this act. A failure or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Secretary of Commerce and Labor to take on board, guard safely, and transport to the destination specified any alien ordered to be deported under the provisions of this act shall be punished by the imposition of the penalties prescribed in section 18 of this act: *Provided*, That when in the opinion of the Secretary of Commerce and Labor the mental or physical condition of such alien is such as to require personal care and attendance, he may employ a suitable person for that purpose, who shall accompany such alien to his or her final destination, and the expense incident to such service shall be defrayed in like manner. Pending the final disposal of the case of any alien so taken into custody he may be released under a bond in the penalty of not less than $500 with security approved by the Secretary of Commerce and Labor, conditioned that such alien shall be produced when required for a hearing or hearings in regard to the charge upon which he has been taken into custody, and for deportation if he shall be found to be unlawfully within the United States.

"SEC. 21. That any alien liable to be excluded because likely to become a public charge or because of physical disability other than tuberculosis in any form or a loathsome or dangerous contagious disease may, if otherwise admissible, nevertheless be admitted in the discretion of the Secretary of Commerce and Labor upon the giving of a suitable and proper bond or undertaking, approved by said Secretary, in such amount and containing such conditions as he may prescribe, to the United States and to all States, Territories, counties, towns, municipalities, and districts thereof, holding the United States and all States, Territories, counties, towns, municipalities, and districts thereof harmless against such alien becoming a public charge. The admission of such alien shall be a consideration for the giving of such bond or undertaking. Suit may be brought thereon in the name and by the proper law officers either of the United States Government or of any State, Territory, District, county, town, or municipality in which such alien becomes a public charge.

"SEC. 22. That wherever an alien shall have taken up his permanent residence in this country, and shall have filed his declaration of intention to become a citizen, and thereafter shall send for his wife or minor children to join him, if said wife or any of said children shall be found to be affected with any con-

tagious disorder, such wife or children shall be held, under such regulations as the Secretary of Commerce and Labor shall prescribe, until it shall be determined whether the disorder will be easily curable or whether they can be permitted to land without danger to other persons; and they shall not be either admitted or deported until such facts have been ascertained; and if it shall be determined that the disorder is easily curable and the husband or father or other responsible person is willing to bear the expense of the treatment, they may be accorded treatment in hospital until cured and then be admitted, or if it shall be determined that they can be permitted to land without danger to other persons, they may, if otherwise admissible, thereupon be admitted.

"SEC. 23. That the Commissioner General of Immigration shall perform all his duties under the direction of the Secretary of Commerce and Labor. Under such direction he shall have charge of the administration of all laws relating to the immigration of aliens into the United States, and shall have the control, direction, and supervision of all officers, clerks, and employees appointed thereunder; he shall establish such rules and regulations, prescribe such forms of bond, reports, entries, and other papers, and shall issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this act and for protecting the United States and aliens migrating thereto from fraud and loss, and shall have authority to enter into contract for the support and relief of such aliens as may fall into distress or need public aid, and to remove to their native country, at any time within three years after entry, at the expense of the appropriations for the enforcement of this act, such as fall into distress or need public aid from causes arising subsequent to their entry and are desirous of being so removed; he shall prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico, so as not unnecessarily to delay, impede, or annoy persons in ordinary travel between the United States and said countries, and shall have power to enter into contracts with transportation lines for the said purpose; it shall be the duty of the Commissioner General of Immigration to detail officers of the Immigration Service from time to time as may be necessary, in his judgment, to secure information as to the number of aliens detained in the penal, reformatory, and charitable institutions (public and private) of the several States and Territories, the District of Columbia, and other territory of the United States and to inform the officers of such institutions of the provisions of law in relation to the deportation of aliens who have become public charges. He may, with the approval of the Secretary of Commerce and Labor, whenever in his judgment such action may be necessary to accomplish the purposes of this act, detail immigration officers, and also surgeons of the United States Public Health Service employed under this act for service in foreign countries. The duties of commissioners of immigration and other immigration officials in charge of districts, ports, or stations shall be of an administrative character, to be prescribed in detail by regulations prepared under the direction or with the approval of the Secretary of Commerce and Labor: *Provided*, That for the purpose of making effective the provisions of this section relating to the protection of aliens from fraud and loss, and also the provisions of section 30 of this act, relating to the distribution of aliens, the Secretary of Commerce and Labor shall establish and maintain immigrant stations at such interior places as may be necessary, and, in the discretion of the said Secretary, aliens in transit from ports of landing to such interior stations shall be accompanied by immigrant inspectors.

"SEC. 24. That immigrant inspectors and other immigration officers, clerks, and employees shall hereafter be appointed and their compensation fixed and raised or decreased from time to time by the Secretary of Commerce and Labor upon the recommendation of the Commissioner General of Immigration and in accordance with the provisions of the civil-service act of January 16, 1883: *Provided*, That said Secretary, in the enforcement of that portion of this act which excludes contract laborers, may employ, without reference to the provisions of the said civil-service act, or to the various acts relative to the compilation of the official register, such persons as he may deem advisable and from time to time fix, raise, or decrease their compensation. He may draw annually from the appropriation for the enforcement of this act $50,000, or as much thereof as may be necessary, to be expended for the salaries and expenses of persons so employed and for expenses incident to such employment; and the accounting officers of the Treasury shall pass to the credit of the proper disbursing officer expenditures from said sum without itemized account whenever the Secretary of Commerce and Labor certifies that an itemized account would not be for the best interests of the Government: *Provided further*, That nothing herein contained shall be construed to alter the mode of appointing commissioners of immigration at the several ports of the United States as provided by the sundry civil appropriation act approved August 18, 1894, or the official status of such commissioners heretofore appointed.

"SEC. 25. That the district courts of the United States are hereby invested with full and concurrent jurisdiction of all causes, civil and criminal, arising under any of the provisions of this act. That it shall be the duty of the United States district attorney of the proper district to prosecute every such suit when brought by the United States under this act. Such prosecutions or suits may be instituted at any place in the United States at which the violation may occur or at which the person charged with such violation may be found. That no suit or proceeding for a violation of the provisions of this act shall be settled, compromised, or discontinued without the consent of the court in which it is pending, entered of record, with the reasons therefor.

"SEC. 26. That all exclusive privileges of exchanging money, transporting passengers or baggage, or keeping eating houses, and all other like privileges in connection with any United States immigrant station, shall be disposed of after public competition, subject to such conditions and limitations as the Commissioner General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, may prescribe, and all receipts accruing from the disposal of such exclusive privileges shall be paid into the Treasury of the United States. No intoxicating liquors shall be sold at any such immigrant station.

"SEC. 27. That for the preservation of the peace and in order that arrests may be made for crimes under the laws of the States and Territories of the United States where the various immigrant stations are located the officers in charge of such stations, as occasion may require, shall admit therein the proper State and municipal officers charged with the enforcement of such laws, and for the purpose of this section the jurisdiction of such officers and of the local courts shall extend over such stations.

"SEC. 28. That any person who knowingly aids or assists any anarchist or any person who believes in or advocates the overthrow by force or violence of the Government of the United States, or who disbelieves in or is opposed to organized government or all forms of law, or who advocates the assassination of public officials, or who is a member of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, to enter the United States, or who connives or conspires with any person or persons to allow, procure, or permit any such anarchist or person aforesaid to enter therein shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine of not more than $5,000 or by imprisonment for not more than five years, or both.

"SEC. 29. That the President of the United States is authorized, in the name of the Government of the United States, to call, in his discretion, an international conference, to assemble at such point as may be agreed upon, or send special commissioners to any foreign country, for the purpose of regulating by international agreement, subject to the advice and consent of the Senate of the United States, the immigration of aliens to the United States; of providing for the mental, moral, and physical examination of such aliens by American consuls or other officers of the United States Government at the ports of embarkation, or elsewhere; of securing the assistance of foreign Governments in their own territories to prevent the evasion of the laws of the United States governing immigration to the United States; of entering into such international agreements as may be proper to prevent the immigration of aliens who, under the laws of the United States, are or may be excluded from entering the United States, and of regulating any matters pertaining to such immigration.

"SEC. 30. That there shall be maintained a division of information in the Bureau of Immigration and Naturalization; and the Secretary of Commerce and Labor shall provide such clerical and other assistance as may be necessary. It shall be the duty of said division to promote a beneficial distribution of aliens admitted into the United States among the several States and Territories desiring immigration. Correspondence shall be had with the proper officials of the States and Territories, and said division shall gather from all available sources useful in-

formation regarding the resources, products, and physical characteristics of each State and Territory, and shall publish such information in different languages and distribute the publications among all admitted aliens at the immigrant stations of the United States and to such other persons as may desire the same. When any State or Territory appoints and maintains an agent or agents to represent it at any of the immigrant stations of the United States, such agents shall, under regulations prescribed by the Commissioner General of Immigration, subject to the approval of the Secretary of Commerce and Labor, have access to aliens who have been admitted to the United States for the purpose of presenting, either orally or in writing, the special inducements offered by such State or Territory to aliens to settle therein. While on duty at any immigrant station such agents shall be subject to all the regulations prescribed by the Commissioner General of Immigration, who, with the approval of the Secretary of Commerce and Labor, may, for violation of any such regulations, deny to the agent guilty of such violation any of the privileges herein granted.

"SEC. 31. That any person, including the owner, agent, consignee, or master of any vessel arriving in the United States from any foreign port or place, who shall knowingly sign on the ship's articles, or bring to the United States as one of the crew of such vessel, any alien, with intent to permit such alien to land in the United States in violation of the laws and treaties of the United States regulating the immigration of aliens, or who shall falsely and knowingly represent to the immigration authorities at the port of arrival that any such alien is a bona fide member of the crew, shall be liable to a penalty not exceeding $5,000, for which sum the said vessel shall be liable and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense.

"SEC. 32. That no alien excluded from admission into the United States by any law or treaty of the United States regulating the immigration of aliens, and employed on board any vessel arriving in the United States from any foreign port or place, shall be permitted to land in the United States, except temporarily for medical treatment, or pursuant to regulations prescribed by the Secretary of Commerce and Labor providing for the ultimate removal or deportation of such alien from the United States, and the negligent failure of the owner, agent, consignee, or master of such vessel to detain on board any such alien after notice in writing by the immigration officer in charge at the port of arrival, and to deport such alien, if required by such immigration officer or by the Secretary of Commerce and Labor, shall render such owner, agent, consignee, or master liable to a penalty not exceeding $1,000, for which sum the said vessel shall be liable, and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense.

"SEC. 33. That it shall be unlawful and be deemed a violation of the preceding section to pay off or discharge any alien employed on board any vessel arriving in the United States from any foreign port or place, unless duly admitted pursuant to the laws and treaties of the United States regulating the immigration of aliens: *Provided*, That in case any such alien intends to reship on board any other vessel bound to any foreign port or place he shall be allowed to land for the purpose of so reshipping, and may be paid off, discharged, and permitted to remove his effects, anything in such laws or treaties or in this act to the contrary notwithstanding, provided due notice of such proposed action first be given to the principal immigration officer in charge at the port of arrival.

"SEC. 34. That any alien seaman who shall desert his vessel in a port of the United States or who shall land therein contrary to the provisions of this act shall be deemed to be unlawfully in the United States and shall, at any time within three years thereafter, upon the warrant of the Secretary of Commerce and Labor, be taken into custody and brought before a board of special inquiry for examination as to his qualifications for admission to the United States, and if not admitted said alien seaman shall be deported at the expense of the appropriation for this act as provided in section 20 of this act.

"SEC. 35. That it shall be unlawful for any vessel carrying passengers between a port of the United States and a port of a foreign country, upon arrival in the United States, to have on board employed thereon any alien afflicted with idiocy, imbecility, insanity, epilepsy, tuberculosis in any form, or a loathsome or dangerous contagious disease, if it appears to the satisfaction of the Secretary of Commerce and Labor, from an examination made by a medical officer of the United States Public Health Service, and is so certified by such officer, that any such alien was so afflicted at the time he was shipped or engaged and taken on board such vessel and that the existence of such affliction might have been detected by means of a competent medical examination at such time; and for every such alien so afflicted on board any such vessel at the time of arrival the owner, agent, consignee, or master thereof shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $25; and no vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine and while it remains unpaid: *Provided*, That clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine: *Provided further*, That such fine may, in the discretion of the Secretary of Commerce and Labor, be mitigated or remitted.

"SEC. 36. That upon arrival of any vessel in the United States from any foreign port or place it shall be the duty of the owner, agent, consignee, or master thereof to deliver to the principal immigration officer in charge of the port of arrival lists containing the names of all aliens employed on such vessel, stating the positions they respectively hold in the ship's company, when and where they were respectively shipped or engaged, and specifying those to be paid off and discharged in the port of arrival; or lists containing so much of such information as the Secretary of Commerce and Labor shall by regulation prescribe; and after the arrival of any such vessel it shall be the duty of such owner, agent, consignee, or master to report to such immigration officer, in writing, as soon as discovered, all cases in which any such alien has deserted the vessel, giving a description of such alien, together with any information likely to lead to his apprehension; and before the departure of any such vessel it shall be the duty of such owner, agent, consignee, or master to deliver to such immigration officer a further list containing the names of all alien employees who were not employed thereon at the time of the arrival, but who will leave port thereon at the time of her departure, and also the names of those, if any, who have been paid off and discharged, and of those, if any, who have deserted or landed or been duly admitted; and in case of the failure of such owner, agent, consignee, or master so to deliver either of the said lists of such aliens arriving and departing, respectively, or so to report such cases of desertion, or landing, such owner, agent, consignee, or master shall, if required by the Secretary of Commerce and Labor, pay to the collector of customs of the customs district in which the port of arrival is located the sum of $10 for each alien concerning whom correct lists are not delivered or a true report is not made as above required; and no such vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine and, in the event such fine is imposed, while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such question upon deposit of a sum sufficient to cover such fine.

"SEC. 37. The word 'person' as used in this act shall be construed to import both the plural and the singular, as the case may be, and shall include corporations, companies, and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any director, officer, agent, or employee of any corporation, company, or association acting within the scope of his employment or office shall in every case be deemed to be the act, omission, or failure of such corporation, company, or association, as well as that of the person acting for or in behalf of such corporation, company, or association.

"SEC. 38. That this act, except as otherwise provided in section 3, shall take effect and be enforced from and after July 1, 1913. The act of March 26, 1910, amending the act of February 20, 1907, to regulate the immigration of aliens into the United States; the act of February 20, 1907, to regulate the immigration of aliens into the United States, except section 34 thereof; the act of March 3, 1903, to regulate the immigration of aliens into the United States, except section 34 thereof; and all other acts and parts of acts inconsistent with this act are hereby repealed on and after the taking effect of this act: *Provided*, That this act shall not be construed to repeal, alter, or amend existing laws relating to the immigration or exclusion of Chinese persons or persons of Chinese descent, nor to repeal, alter, or amend section 6, chapter 453, third session Fifty-eighth Congress, approved February 6, 1905, or the act approved August 2, 1882, entitled 'An act to regulate the carriage of passengers by sea,' and amendments thereto: *Provided*, That nothing contained in this act shall be construed to affect any prosecution, suit, action, or proceedings brought, or any act, thing, or matter, civil or criminal, done or existing at the time of the taking effect of this act, except as mentioned in the last proviso of sec-

tion 19 hereof; but as to all such prosecutions, suits, actions, proceedings, acts, things, or matters, the laws or parts of laws repealed or amended by this act are hereby continued in force and effect."

H. C. LODGE,
WM. P. DILLINGHAM,
LE ROY PERCY,
Managers on the part of the Senate.
JOHN L. BURNETT,
AUGUSTUS P. GARDNER,
Managers on the part of the House.

The report was agreed to.

REPORT OF POTOMAC ELECTRIC POWER CO. (S. DOC. NO. 1053).

The PRESIDENT pro tempore laid before the Senate the annual report of the Potomac Electric Power Co. for the year ended December 31, 1912, which was referred to the Committee on the District of Columbia and ordered to be printed.

REPORT OF WASHINGTON RAILWAY & ELECTRIC CO. (S. DOC. NO. 1047).

The PRESIDENT pro tempore laid before the Senate the annual report of the Washington Railway & Electric Co. for the year ended December 31, 1912, which was referred to the Committee on the District of Columbia and ordered to be printed.

REPORT OF ANACOSTIA & POTOMAC RIVER RAILROAD CO. (S. DOC. NO. 1048).

The PRESIDENT pro tempore laid before the Senate the annual report of the Anacostia & Potomac River Railroad Co. for the year ended December 31, 1912, which was referred to the Committee on the District of Columbia and ordered to be printed.

REPORT OF CITY & SUBURBAN RAILWAY (S. DOC. NO. 1049).

The PRESIDENT pro tempore laid before the Senate the annual report of the City & Suburban Railway of Washington for the year ended December 31, 1912, which was referred to the Committee on the District of Columbia and ordered to be printed.

REPORT OF BRIGHTWOOD RAILWAY CO. (S. DOC. NO. 1050).

The PRESIDENT pro tempore laid before the Senate the annual report of the Brightwood Railway Co. for the year ended December 31, 1912, which was referred to the Committee on the District of Columbia and ordered to be printed.

REPORT OF GEORGETOWN & TENNALLYTOWN RAILWAY CO. (S. DOC. NO. 1051).

The PRESIDENT pro tempore laid before the Senate the annual report of the Georgetown & Tennallytown Railway Co. for the year ended December 31, 1912, which was referred to the Committee on the District of Columbia and ordered to be printed.

REPORT OF THE CAPITAL TRACTION CO. (H. DOC. NO. 1321).

The PRESIDENT pro tempore laid before the Senate the annual report of the Capital Traction Co. for the year ended December 31, 1912, which was referred to the Committee on the District of Columbia and ordered to be printed.

REPORT OF GEORGETOWN GAS LIGHT CO. (H. DOC. NO. 1324).

The PRESIDENT pro tempore laid before the Senate the annual report of the Georgetown Gas Light Co. for the year ended December 31, 1912, which was referred to the Committee on the District of Columbia and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a joint resolution adopted by the Legislature of North Carolina, which was ordered to lie on the table and to be printed in the RECORD, as follows:

Joint resolution memorializing the Congress of the United States to pass the Webb-Kenyon-Sheppard bill, relative to shipping liquors into prohibition territory.

Whereas the State of North Carolina, by a direct vote of the people, has prohibited the manufacture and sale of liquors; and

Whereas the Federal Government under its present laws protects the liquor traffic outside of the State in shipping and delivering their liquors to illicit dealers within the State of North Carolina, thus interfering with the State in the enforcement of her liquor laws; and

Whereas there is now pending in the Congress of the United States a measure known as the Webb-Kenyon-Sheppard bill (S. 4043), which has as its purpose the prevention of interstate shipment of liquors which are to be disposed of in violation of the State laws: Therefore be it

Resolved by the house of representatives (the senate concurring), That the Congress of the United States be, and the same is hereby, earnestly memorialized and requested to pass the said Webb-Kenyon-Sheppard bill at the earliest possible date; and be it further

Resolved, That a copy of these resolutions, properly certified, be forwarded at once to the Speaker of the House of Representatives and to the President of the Senate of the United States.

In the general assembly read three times and ratified this the 29th day of January, 1913.

H. N. PHARR,
President pro tempore of the Senate.
GEO. W. CONNOR,
Speaker of the House of Representatives.

Examined and found correct.

NEWELL, *for Committee.*

STATE OF NORTH CAROLINA,
DEPARTMENT OF STATE,
Raleigh, January 30, 1913.

I, J. Bryan Grimes, secretary of state of the State of North Carolina, do hereby certify the foregoing and attached two sheets to be a true copy from the records of this office.

In witness whereof I have hereunto set my hand and affixed my official seal.

Done in office at Raleigh, this 30th day of January, in the year of our Lord 1913.

[SEAL.]

J. BRYAN GRIMES,
Secretary of State.

The PRESIDENT pro tempore presented resolutions adopted by the Philippine Assembly favoring the enactment of the so-called Jones bill, providing independence for the people of the Philippine Islands, which were referred to the Committee on the Philippines.

He also presented a memorial of sundry members of the Little Russian National Union, residents of the State of Ohio, remonstrating against the adoption of the so-called "illiteracy test" amendment to the immigration bill, which was ordered to lie on the table.

Mr. CULLOM presented a petition of sundry citizens of Humboldt, Ill., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

He also presented a petition of the Trades and Labor Assembly of Alton, Ill., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. PAGE presented a memorial of the congregation of the Seventh-day Adventist Church of Wolcott, Vt., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. DU PONT presented a petition of the congregation of the First Baptist Church, of New Castle, Del., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. CATRON, from the Committee on Military Affairs, to which was referred the bill (S. 8139) for the relief of William W. Prude, reported it without amendment and submitted a report (No. 1173) thereon.

Mr. BRISTOW, from the Committee on Military Affairs, to which was referred the bill (H. R. 17256) to fix the status of officers of the Army and Navy detailed for aviation duty, and to increase the efficiency of the aviation service, reported it with amendments and submitted a report (No. 1174) thereon.

He also, from the same committee, to which was referred the bill (S. 6371) to fix the status of officers of the Army detailed for aviation duty, and to increase the efficiency of the aviation service, reported adversely thereon, and the bill was postponed indefinitely.

Mr. PENROSE, from the Committee on Finance, to which was referred the bill (H. R. 2359) to refund certain tonnage taxes and light dues, reported it without amendment.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McLEAN:

A bill (S. 8333) granting an increase of pension to Emily H. Bailey (with accompanying papers); and

A bill (S. 8334) granting an increase of pension to Mary J. Mackin (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 8335) to establish the legislative reference bureau of the Library of Congress and the congressional corps of legislative investigators, and to maintain them until July 1, 1914; to the Committee on the Library.

By Mr. SUTHERLAND:

A bill (S. 8336) granting to the civilian employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment; to the Committee on the Judiciary.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FLETCHER submitted an amendment providing for the survey of the channel from St. Johns River to Crescent City,

Fla., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment providing for a harbor of refuge for the safe anchorage of vessels at Key West, Fla., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BRYAN submitted an amendment providing for the improvement of the harbor at Miami (Biscayne Bay), Fla., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. PENROSE submitted an amendment providing for indefinite leaves of absence under certain conditions for employees in the postal service who have become incapacitated through superannuation, etc., intended to be proposed by him to the Post Office appropriation bill, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. CURTIS submitted an amendment proposing to appropriate $2,000 to complete the sidewalks, curbing, etc., around the new post-office building at Clay Center, Kans., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BRANDEGEE submitted an amendment proposing to appropriate $100,000 to procure for the Bureau of Standards a large testing machine of fine quality for transverse loads on built-up beams, bridge girders, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. HITCHCOCK submitted an amendment proposing to increase the number of post-office inspectors in charge of divisions, at $3,000 each, from 15 to 16, etc., intended to be proposed by him to the Post Office appropriation bill, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. DU PONT submitted an amendment proposing to appropriate $50,000 for the acquisition by purchase or condemnation of land for a suitable range for Field Artillery target practice, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. WETMORE submitted an amendment proposing to appropriate $50,000 for continuing the improvement of the harbor of refuge, Block Island, R. I., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. JONES submitted an amendment providing for a survey of the Apoon mouth of the Yukon River, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

THE SENATE CHAMBER.

The PRESIDENT pro tempore. On the 15th day of January the Senate adopted a resolution (S. Res. 432), which the Secretary will read.

The Secretary read as follows:

Resolved, That the President of the Senate pro tempore is hereby authorized to appoint a special committee of five Senators. Said committee shall investigate and at the earliest practicable date report to the Senate whether it is feasible and desirable to improve or remodel the Senate Chamber and the rooms thereunto appertaining.

The PRESIDENT pro tempore. Under the terms of the resolution the Chair appoints Mr. REED, Mr. OLIVER, Mr. CUMMINS, Mr. LIPPITT, and Mr. OWEN members of the special committee.

REPORT OF NATIONAL ACADEMY OF SCIENCES.

Mr. WETMORE. I present the annual report of the National Academy of Sciences for the fiscal year 1912, as required by statute. The same statute provides for the printing, so that no action on the part of the Senate is required. I ask that the report may lie on the table.

The PRESIDENT pro tempore. The report will lie on the table.

THE FEDERAL ADMINISTRATIVE (S. DOC. NO. 1054).

Mr. SUTHERLAND. I have a copy of an article by Jasper Yeates Brinton, assistant United States attorney, Philadelphia, Pa., on "Some powers and problems of the Federal administrative," which I regard as a very valuable document. I ask that the paper be printed as a Senate document.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CONNECTICUT RIVER DAM.

Mr. BRANDEGEE. Mr. President, I should like to have a little better order in the Chamber.

The PRESIDENT pro tempore. The Senate will be in order. The Senator from Connecticut complains that on account of the confusion he is unable to make himself heard.

Mr. BRANDEGEE. I wanted order so that Senators might hear me while I make a request for unanimous consent. I did not want any question to arise about Senators understanding the request.

The PRESIDENT pro tempore. The Senate will be in order.

Mr. BRANDEGEE. Mr. President, there has been upon the calendar for several weeks an important bill concerning the authorization of a dam across the Connecticut River. There is opposition to the measure on the part of some Senators, and the views of the minority have been filed. It is very important that action of some kind shall be taken upon it at this session if possible. I have conferred with the Senator who drew the views of the minority, and he has agreed with me and the chairman of the Committee on Commerce and the Senator under whose immediate charge the bill is that it might be taken up, if the other Senators would agree to it, on next Thursday for consideration and action.

I send to the desk a request for unanimous consent, which I hope may be granted.

The PRESIDENT pro tempore. The order will be read.

The Secretary read as follows:

It is agreed by unanimous consent that on Thursday, February 6, 1913, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of Senate bill 8033, Calendar No. 1001, authorizing the construction of a dam across the Connecticut River, and before adjournment on that legislative day will vote upon any amendment that may be pending, all amendments that may be offered, and upon the bill through regular parliamentary stages to its final disposition.

This agreement shall not interfere with the unanimous-consent agreement entered into on January 11, 1913, concerning Senate bill 4043, to prohibit interstate commerce in intoxicating liquors in certain cases.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Connecticut?

Mr. BORAH. Mr. President, this bill apparently is of local importance only; and it would seem strange perhaps that I should make any suggestions about it; but the bill carries a provision which establishes a policy, as I understand, with reference to power sites in this country.

I am not sufficiently familiar with the bill to express my views as to how I would finally act upon the matter, but it is a matter of vital importance to that portion of the country from which I have the good fortune to come. There is no measure which will come before the Senate at this session of so much importance to the people of the West as this particular measure. I only want to say that, if we are going now to take steps to establish a policy with reference to conservation, I want an opportunity to present a side of that subject which has not yet been given very much attention.

We have succeeded splendidly in tying up all the natural resources of the West, and, so far as they have been tied up as against waste and monopoly, the West does not object; but they have been tied up just as successfully and just as effectively against the people of the West. If a conservation policy is now in its inception, I want, if I can, to attach to the measure some provision which will also give some relief to those who, in good faith, are trying to avail themselves of some of the natural resources of the West. I wish, therefore, the Senator from Connecticut would not make this request for unanimous consent prior to Monday. It may be that by that time I could agree to the date suggested by him, but it gives very little time for discussion in the closing hours of the session, and very little time for consideration. I shall endeavor not to interfere with the consideration of the bill or the convenience of the Senator from Connecticut; but, in view of its great importance to us, I should like to have the Senator defer his request until Monday at least, and then I hope to be able to determine definitely whether or not I can get my amendment ready.

Mr. BRANDEGEE. Of course, Mr. President, I have to yield to the request of the Senator.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had agreed to the concurrent resolution of the Senate, No. 35, providing for the assembling of the two Houses of Congress for the counting of the electoral votes for President and Vice President of the United States.

The message also announced that the House had appointed Mr. RUCKER of Missouri and Mr. YOUNG of Michigan tellers on the part of the House.

POPULAR GOVERNMENT.

Mr. OWEN. I ask unanimous consent for an order to print 1,000 copies of Senate Document No. 603, Sixty-first Congress, second session, which is exhausted.

Mr. WILLIAMS. Mr. President, before that is granted, reserving the right to object, what is the document?

Mr. OWEN. It is a document giving a list of the various statutes relating to the people's rule system of government.

Mr. WILLIAMS. I shall object to that.

The PRESIDENT pro tempore. Objection is made to the request of the Senator from Oklahoma.

DONATION OF CONDEMNED CANNON.

Mr. SANDERS. I ask unanimous consent for the present consideration of the bill (S. 8273) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls.

The PRESIDENT pro tempore. The Senator from Tennessee asks unanimous consent for the present consideration of a bill the title of which will be stated.

The SECRETARY. A bill (S. 8273) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of War to deliver condemned bronze or brass cannon or fieldpieces and suitable outfit of cannon balls as follows:

To the city of Lancaster, in the State of Pennsylvania, for the use of General William S. McCaskey Camp, No. 53, United Spanish War Veterans;

To the town of Washington, in the State of Mississippi, for the use of Jefferson College;

To the city of Corinth, in the State of Mississippi;

To the city of Grand Forks, in the State of North Dakota;

To the city of Lakota, in the State of North Dakota;

To the State of North Dakota, for use at the Fort Rice Memorial Park;

To the proper authorities of the State Soldiers' Home at Port Orchard, Wash.;

To the city of Davenport, Wash.;

To the city of Trinidad, in the State of Colorado, for the use of the Trinidad Post, No. 25, Grand Army of the Republic; and

To the city of Rocky Ford, in the State of Colorado, for the use of the Wadsworth Post, No. 93, Grand Army of the Republic.

Mr. SANDERS. On behalf of the committee I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Tennessee offers an amendment, which will be stated.

The SECRETARY. On page 2, line 5, after the word "Dakota," it is proposed to strike out "one" and insert "two."

The amendment was agreed to.

Mr. SWANSON. Mr. President, I should like to offer an amendment.

Mr. OLIVER. Mr. President, I suggest that the Senator from Tennessee has a number of amendments to submit on behalf of the committee. Then other amendments would naturally be in order.

Mr. SANDERS. On behalf of the committee I offer the amendments which I send to the desk.

The PRESIDENT pro tempore. The amendments will be stated.

The SECRETARY. On page 2, after line 12, it is proposed to insert:

To the city of Minot, in the State of North Dakota, one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls.

On page 3, after line 2, to insert:

To the city of Raton, in the county of Colfax and State of New Mexico, two condemned bronze or brass cannon and a suitable outfit of cannon balls.

To the town of Lookout Mountain, in the State of Tennessee, two condemned cannon and a suitable outfit of cannon balls.

The amendments were agreed to.

Mr. SWANSON. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. Following the amendment just agreed to, it is proposed to insert:

To the county of Mecklenburg, in the State of Virginia, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls.

The amendment was agreed to.

Mr. WILLIAMS. Mr. President, I offer the amendment which I send to the desk and ask to have read.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the amendment last agreed to it is proposed to insert:

To the city of Jackson, in the State of Mississippi, one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls.

The amendment was agreed to.

Mr. CLAPP. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the amendment last agreed to it is proposed to insert:

To the city of Bellevue, in the State of Ohio, one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls.

The amendment was agreed to.

Mr. FLETCHER. Mr. President, I offer the amendment which I send to the desk and ask to have read.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the amendment last agreed to it is proposed to insert:

To the city of Jacksonville, in the State of Florida, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls.

The amendment was agreed to.

Mr. CHILTON. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the amendment last agreed to it is proposed to insert:

To the Greenbrier Military Academy at Lewisburg, in the State of West Virginia, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls.

The amendment was agreed to.

Mr. PAGE. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the amendment last agreed to it is proposed to insert:

To the county of Lamoille, in the State of Vermont, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls.

The amendment was agreed to.

Mr. SMOOT. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the amendment last agreed to it is proposed to insert:

To the University of Utah at Salt Lake City, in the State of Utah, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls.

The amendment was agreed to.

Mr. THOMAS. I move an amendment to include the University of Colorado at Boulder, Colo.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the amendment last agreed to it is proposed to insert:

To the University of Colorado at Boulder, in the State of Colorado, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. CLAPP. Mr. President, I move the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to insert:

To the city of Virginia, in the State of Minnesota, one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LACE-MAKING AND OTHER MACHINERY.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (H. R. 12813) to refund duties collected on lace-making and other machines and parts or accessories thereof imported subsequently to August 5, 1909, and prior to January 1, 1911.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent for the present consideration of the bill, which will be read by the Secretary.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM W. PRUDE.

Mr. SMOOT obtained the floor.

Mr. JOHNSTON of Alabama. Will the Senator yield to me for a moment?

Mr. SMOOT. I yield to the Senator.

Mr. JOHNSTON of Alabama. I ask unanimous consent for the immediate consideration of order of business 1040, being the bill (S. 8139) for the relief of William W. Prude.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent for the present consideration of a bill, which will be read by the Secretary.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the President of the United States to appoint William W. Prude, late a cadet at the Military Academy at West Point, second lieutenant of Infantry of the Army, and to place him upon the retired list with the pay of a retired second lieutenant of Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SETTLERS ON UNSURVEYED LANDS.

Mr. JONES. I ask unanimous consent to consider the bill (S. 8190) authorizing settlers on unsurveyed lands to make final proof under laws existing at the time of settlement.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Lands with an amendment, on page 1, line 9, after the word "perfect," to strike out "his," so as to make the bill read:

Be it enacted, etc., That any person entitled to enter lands under the homestead laws, who may have established residence upon unsurveyed lands prior to the passage and approval of the act of June 6, 1912, entitled "An act to amend section 2291 and section 2297 of the Revised Statutes relating to homesteads," may perfect his proof for such lands under said act of June 6, 1912, or under the law existing at the time of the establishment of such residence, as he may elect, such election to be signified to the Department of the Interior in accordance with rules and regulations to be prescribed by the Secretary.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CAROLINE O. BALLARD.

Mr. PENROSE. I ask unanimous consent for the present consideration of Senate resolution 439, a resolution submitted by me and reported from the Committee to Audit and Control the Contingent Expenses of the Senate, being Calendar No. 1028.

There being no objection, the resolution was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, out of the contingent fund of the Senate, to Caroline O. Ballard, widow of William S. Ballard, late a messenger of the Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

Mr. SMOOT. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock p. m., Saturday, February 1) the Senate adjourned until Monday, February 3, 1913, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 1, 1913.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Out of the deeps where the purest and sweetest affections have their birth and from which spring spontaneously faith, reverence, worship, we cry unto Thee, O God, our Father, for help, strength, guidance in the onward march of time, that our lives may be worthy and our acts in consonance with Thy will; that at the end of our earthly sojourn we may merit Thine approval. And everlasting praise be Thine in Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

FUR-SEAL INVESTIGATION.

Mr. ROTHERMEL. Mr. Speaker, I ask unanimous consent to make the hearings relating to the investigation of the fur-seal industries of Alaska a part of the report of the Committee on Expenditures in the Department of Commerce and Labor.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to make the hearings in the fur-seal investigation a part of the report. Is there objection?

Mr. FOSTER. Mr. Speaker, reserving the right to object, I will ask the gentleman from Pennsylvania how extensive these hearings are?

Mr. ROTHERMEL. They contain about 1,000 pages, but nearly all of it is in type in the Printing Office. The hearings have been carried away and there is such a demand for them that it will become necessary to have some more printing done in the case. I thought it would be better to make it a part of the report. There has been a tangle in the fur-seal business for 40 years, and we have endeavored to settle the dispute, so far as investigations are concerned, up to this time, so that there will be no investigation needed in the future. I thought it would be a good idea to make a public document of the entire proceedings.

Mr. FOSTER. Mr. Speaker, it seems to me that this is not a very good plan without first going to the Committe on Printing.

Mr. ROTHERMEL. It has been the custom heretofore to make it a part of the report, I understand, and I really feel it is hardly necessary to do that, I would say to the gentleman from Illinois.

Mr. FOSTER. Mr. Speaker, I will state that I have endeavored to get some matters printed as documents heretofore and have been unable to do so because the Committee on Printing has objected to printing these matters as documents. I believe they ought to go to the Committee on Printing, and let that committee decide the matter of whether we shall have this printed as a document.

The SPEAKER. The gentleman is not asking to have it printed as a document, but as a part of his report.

Mr. FOSTER. In practice it would amount to the same thing as though it were printed as a document.

Mr. ROTHERMEL. Mr. Speaker, I would say to the gentleman from Illinois that the entire committee has agreed that it is necessary to do this.

The SPEAKER. How much is there of it?

Mr. ROTHERMEL. There are about 1,000 pages, but about 75 per cent of that is in type in the Government Printing Office.

Mr. FOSTER. Mr. Speaker, I wish the gentleman would let the matter go over to-day.

The SPEAKER. Is there objection?

Mr. FOSTER. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. BURLESON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 28499, the District of Columbia appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for further consideration of the District of Columbia appropriation bill, with Mr. RODDENBERY in the chair.

The CHAIRMAN. When the committee rose yesterday there was an amendment pending presented by the gentleman from Missouri, Mr. BORLAND.

Mr. BORLAND. Mr. Chairman, for the present I will yield to the gentleman from Texas, the chairman of the committee.

Mr. BURLESON. Mr. Chairman, I ask unanimous consent to return to page 25 of the bill, under an agreement reached yesterday, for the purpose of offering an amendment which obviates the difficulty which we encountered yesterday.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BURLESON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 25, after line 7, insert as a new paragraph the following: "The portable asphalt plant purchased under the appropriation for repairs of streets, avenues, and alleys for the fiscal year 1913 may be operated under the immediate direction of the Commissioners of the District of Columbia in doing such work of resurfacing and repairs to asphalt pavements, in the repair of macadam streets by constructing on such macadam streets an asphalt-macadam wearing surface, and in the construction of asphaltic macadam surfaces on concrete base as in their judgment may be economically performed by the use of said plant, and so much of this appropriation as is necessary for the purposes aforesaid is hereby made available for such work: *Provided*, That at no time hereafter shall more work of resurfacing and repairs be done with the portable asphalt plant than can be accomplished with the single portable plant now owned by the District of Columbia."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BORLAND. Mr. Chairman, I desire to discuss the amendment which was submitted on yesterday.

Mr. CANNON. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again read the amendment.

Mr. CANNON. Mr. Chairman, is this now offered for the first time?

Mr. BORLAND. No; it was offered last night.

Mr. CANNON. I wish to reserve a point of order upon it.

The CHAIRMAN. The Chair will state to the gentleman from Illinois that when the amendment was offered on yesterday just prior to the committee rising, the question of whether a point of order could be raised was presented. The Chair ruled that no point of order having been made until after debate had began it was too late to make the point of order. The amendment of the gentleman from Missouri was offered and read at the Clerk's desk. The gentleman from Texas [Mr. BURLESON] submitted a few remarks and made some inquiries, whereupon the question of whether a point of order could be made or not was raised, and the Chair ruled that it was too late.

Mr. CANNON. I think the Chair was correct.

Mr. BOOHER. Mr. Chairman, this is a very important amendment. It changes the law of this District in relation to these improvements entirely. It seems to me that it is as important as any legislation we have been considering this session. There are but 22 Members present this morning, and I do not believe that legislation of this great importance ought to be entered upon unless there is a quorum present. I therefore make the point of order that there is no quorum present.

The CHAIRMAN. Evidently there is no quorum present, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Aiken, S. C.	Gardner, N. J.	Lever	Riordan
Alexander	George	Lewis	Roberts, Nev.
Ames	Gill	Lindsay	Rodenberg
Andrus	Gillett	Littleton	Rubey
Ansberry	Glass	Longworth	Rucker, Colo.
Anthony	Goldfogle	Loud	Rucker, Mo.
Ashbrook	Graham	McCoy	Sabath
Barchfeld	Green, Iowa	McCreary	Scully
Bartholdt	Greene, Mass.	McDermott	Sells
Berger	Griest	McGillicuddy	Shackleford
Bradley	Gudger	McGuire, Okla.	Sheppard
Broussard	Hamilton, W. Va.	McKenzie	Simmons
Burke, Pa.	Hamlin	McLaughlin	Slayden
Burke, S. Dak.	Hammond	Madden	Slemp
Burke, Wis.	Hardwick	Maguire, Nebr.	Sloan
Byrnes, S. C.	Hardy	Maher	Smith, Saml. W.
Calder	Harris	Mann	Speer
Callaway	Harrison, N. Y.	Martin, Colo.	Stack
Candler	Hart	Martin, S. Dak.	Stanley
Carlin	Hartman	Matthews	Stephens, Cal.
Claypool	Haugen	Merritt	Sterling
Clayton	Hawley	Moon, Pa.	Sweet
Cooper	Hayden	Morgan, La.	Taggart
Copley	Heald	Murdock	Talbott, Md.
Covington	Henry, Conn.	Needham	Taylor, Ala.
Cravens	Higgins	Nelson	Thayer
Curry	Hill	Norris	Thistlewood
Davidson	Holland	Nye	Tilson
Davis, Minn.	Houston	Olmsted	Tuttle
Davis, W. Va.	Howard	O'Shaunessy	Underwood
De Forest	Howell	Palmer	Vare
Denver	Howland	Parran	Vreeland
Dickinson	Hughes, Ga.	Patten, N. Y.	Warburton
Dies	Hull	Payne	Watkins
Difenderfer	Humphrey, Wash.	Peters	Webb
Dixon, Ind.	James	Plumley	Weeks
Dodds	Johnson, S. C.	Porter	Whitacre
Donohoe	Kindred	Post	White
Driscoll, D. A.	Kinkead, N. J.	Pou	Wilder
Dupré	Kitchin	Pray	Wilson, Ill.
Dwight	Konig	Prince	Wilson, N. Y.
Finley	Konop	Pujo	Wilson, Pa.
Fitzgerald	Korbly	Rainey	Wood, N. J.
Floyd, Ark.	Lafean	Randell, Tex.	Woods, Iowa
Focht	Lafferty	Ransdell, La.	Young, Kans.
Fordney	Lamb	Rauch	Young, Mich.
Fornes	Langley	Redfield	Young, Tex.
Foss	Lawrence	Reilly	
Gardner, Mass.	Lee, Ga.	Reyburn	

During the roll call the Speaker directed that his name be called.

The Clerk called the name of Mr. CLARK of Missouri, and he answered "Present."

The committee rose; and the Speaker having resumed the chair, Mr. RODDENBERY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee finding itself without a quorum he caused the roll to be called, that 189 Members had answered present, and he reported herewith the names of the absentees to the House.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee finding itself without a quroum he caused the roll to be called, and 189 Members—a quorum—responded to their names, and he furnishes a list of the absentees to the House.

The committee resumed its session.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent that I may proceed for 15 minutes instead of 5 in order to explain this amendment.

The CHAIRMAN. The gentleman from Missouri [Mr. BORLAND] asks that he may proceed for 15 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BORLAND. Mr. Chairman, the pending amendment which I have offered to the District bill embodies a reform for which I have been fighting since the time when I was a member of the District Committee in the Sixty-first Congress, as my former colleagues on that committee well know. It proposes that a portion of the cost of street improvements shall be assessed against the abutting property benefited. That is the law in an overwhelming majority of American cities. Street improvements of a certain class are classed as a special benefit to the property adjoining the improvement and are not classed as a part of the general tax burden of the community. That is the law in nearly every American city of which I know. In the District of Columbia, on the contrary, street improvements of a very important class—pavements and resurfacing—have been paid for entirely out of the general fund. That general fund, as you know, is made up one-half by contributions from the Federal Treasury, which means the people of the United States and in general, and one-half from the general revenues of the District of Columbia. Toward that one-half contributed by the general revenues of the District of Columbia every property owner and resident of the District of Columbia contributes. The merchant contributes on the little stock of groceries on his shelves toward the raising of that general revenue fund; the householder pays on his little household goods; the teamster pays on his wagon; everybody contributes toward that general fund. Then that general fund is drawn upon to provide the street improvements and construction of streets in localities and in additions, in which after they have been brought to a high state of improvements streets have been opened up, paved, and so on, put upon the market as high-priced property, sometimes as $2 or $3 a square foot, much higher than the property that contributes toward their improvement. While they are in the course of improvement, before they are platted and actually put upon the market, they are assessed at comparatively low rates, and contribute only as unplatted property toward this general fund which is going toward their improvement and advancement. Now that is the concrete condition of affairs here. This amendment provides that half of the cost of street improvements shall be charged against the abutting property on both sides, which would mean that one-fourth of it would fall upon a particular piece upon one side. We take the average width of the running surface of the street at 32 feet. The amendment provides that where the street is 32 feet or less one half shall be paid by the property owners on both sides and the other half shall be paid out of the general fund. Where the street is wider than 32 feet, one-fourth of the excess over 32 feet is charged against the abutting property owner. The reason of that, of course, is apparent. There are in the District a number of exceptionally wide streets, more than there are in some of the other American municipalities, and it is only fair that the excessive width shall be only partly borne by the adjoining property. These exceptionally wide streets are in the down-town district, where improvements have been made, so as a practical question we can not improve except on the resurfacing, which is not a very expensive matter.

The amendment also provides that the part which must be paved by the street railway company shall be deducted from the cost of the construction of the street. So that in the aggregate the down-town property will not be charged with a great deal of expense. Now, I am free to confess that I believe it would be perfectly fair on a 32-foot street, or any average width of street, to charge the abutting property with the total cost of the construction or reconstruction of the street, because that is true in 62 per cent of the American cities. In addition to that, gentlemen, as most of you know, the abutting property pays in many cities for the repair of the street. But this amendment leaves the repair of the street still at the expense of the general fund. This is a very conservative amendment. It not only leaves the property owner free from the expense of repair, but it only charges him with one-half of the cost of construction and one-fourth of the excess over the average width of the street. I am free to say that I would have drawn the amendment to make him pay all the cost of a 32-foot street, but this amendment has been prepared with a great deal of care by the assistant engineer officer of the District. I believe in having the principle

established that the abutting property contribute, and then we can amend in the future if a demand appears. If they ask for better or further legislation, we, of course, are in position to give it to them from time to time. But at present it is the principle that we are contending for, that a portion of this expense must be paid by the abutting property owner. Now it has been said, and it may be raised in the course of this argument, that a little property owner who has bought his home on the installment plan may be affected by this proposition. The contrary is true. The little property owner who has bought his home on the installment plan will be relieved by the operation of this amendment. He is now being taxed to pay for the construction of the new property. He is not being taxed for his own property, because he bought his own property from the builder, who was engaged in the speculation of putting up these houses. But he bought it with the street improvements put in new, and paid a price which covered those improvements, and he is now taxed for the other property which is sold by the same builder on the installment plan.

Mr. FRANCIS. Will the gentleman yield?

Mr. BORLAND. I yield to the gentleman from Ohio.

Mr. FRANCIS. What does your amendment define a special improvement to be? Within what limits is it?

Mr. BORLAND. It is confined to one class of special improvements, the surfacing of streets and the construction of the same. And it extends the same rule to those streets that now applies to sidewalks and alleys. And that is all. Now suppose we take a little property owner who has bought a house on an 18-foot lot, and that may be at least the average width, although, perhaps, it is a little wider than the average width, of these cheap houses. Suppose he is on a 32-foot street. He and the property owner across the street from him pay for 16 feet of that. In other words, each of them pay for 8 feet, and he pays on 18-foot frontage.

The new construction or entire reconstruction of that street would not cost over $2 a yard, and his whole cost in 11 years would be $32 if he paid for the entire construction of the street. But the resurfacing, which might occur once in five or six years, would not cost over more than $16 or $17 in the entire five or six years. There is not a chance of a hardship on the little property owners or nothing in the argument that he is being taxed for the larger property owner, but it is to equalize the conditions between the little property owner and the big property owner that this amendment is introduced. And, more than that, it is to equalize the condition between the little merchant and the little teamster and the person who is paying on personal property for the construction of these streets. You all know that the bankers and rich men do not pay on securities. They do not pay a penny on the magnificent fortunes here toward the maintenance of the District of Columbia, and, of course, they do not pay for street improvement. The person that has tangible property in the District, who pays a personal tax, and who has only a little bit of a grocery store, pays for the construction of these streets.

Mr. JOHNSON of Kentucky. I invite the gentleman's attention to the further fact relative to the payment of tax upon tangible property, or not paying it upon intangible property, that under an act of Congress personal adornments are exempt from taxation, so that those who wear thousands and thousands of dollars worth of diamonds in the District of Columbia are exempt by act of Congress from paying taxes upon them.

Mr. CANNON. The gentleman says the bankers and plutocrats do not pay on securities and property, and so forth. The gentleman says that those who have the diamonds and precious jewels do not pay. I want to ask the gentleman if it is not in the power of Congress to enact legislation that will make the so-called plutocrats pay and those with the fortunes in diamonds pay, and if that would not be better than to tax in the aggregate the great majority of the people in the District who own their little homes? Is it not better to recollect——

Mr. BORLAND. Mr. Chairman, I shall join very heartily with the gentleman from Illinois [Mr. CANNON] in the tax reform that he suggests. I am glad that the suggestion comes from him, and I am going to second his efforts with all the determination that I have. But we do not necessarily take the place of this legislation by doing so. The gentleman's argument points out the necessity for this very legislation.

This legislation is a part of the reform to secure justice between property owners, big and little. In my city and district, and I undertake to say in other cities represented by gentlemen here, when real estate men are getting ready an addition for the market they sometimes pave the streets, put in the sewers, put in handsome waiting stations at the car lines, and everything to make the property attractive, and then donate those improvements to the city when they offer their addition for sale. They do not wait for the ordinary machinery of law, but in all cases they, not the property owners, have to pay for those improvements.

Now, we come here to the situation in the District of Columbia, where they have never paid for these improvements. They have always been paid for out of the general fund, one-half of which is paid by the people of the United States at large, so that, unlike the situation in my city, the citizen here will not pay for the street improvement of his own property.

Mr. CANNON. Mr. Chairman, are we operating under the five-minute rule?

The CHAIRMAN. We are operating under the five-minute rule.

Mr. BORLAND. Mr. Chairman, did I consume all of my time?

The CHAIRMAN. All but three minutes.

Mr. CANNON. Mr. Chairman——

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. CANNON. Under the rules of the House, Mr. Chairman, legislation is prohibited on appropriation bills. At times those rules by special order have been nullified for the time being, and unless points of order are made promptly items on appropriation bills subject to points of order or amendments to appropriation bills subject to points of order are not subject to points of order after debate has begun on such amendments. That is the case here.

Now, it is difficult in five minutes to talk adequately about this amendment, and if I do not get through in five minutes I am going to ask for an additional five minutes. Here is legislation, far-reaching, proposed without notice to the House, without any investigation, so far as I know, and certainly without even the introduction of a bill referred to the Committee on the District of Columbia, to tax according to the size of the lot, the linear foot, one-half of the improvement and the resurfacing where the surface of the street is to be renewed, and in the name of benefiting the poor man, the small property holder.

Mr. Chairman, I never owned a foot of property in the District of Columbia, and never expect to. The temptation was strong during this great development of Washington and my service in the House, but I refused to purchase for the simple reason that, as one of the common council for the District, I preferred not to be embarrassed. It was not unlawful to purchase, and I will not say it was contrary to good taste, but I preferred not to be embarrassed in the premises.

Now, what is this propostion? It is to tax, without regard to the value, the property upon the various streets for construction and for resurfacing. Let us see how it would operate. Take Pennsylvania Avenue as an example. I find that there is 91 feet of it. You take out the street car tracks that the street car companies would have to care for, and after you would take out the curbs there would be subject to this taxation 30 feet of it on the adjacent property on each side, that would pay half; and 13½ feet for resurfacing, one-fourth.

Go to F Street; go to G Street. Why, property is constantly decreasing in value on this great, wide Pennsylvania Avenue, while it is constantly increasing in value on F Street and G Street. Property is now worth $30 or $40 a square foot there, and you can not, I dare say, as far as Sixth Street—maybe Seventh Street on the Avenue—you can not get $3 or $4 a square foot. And yet on this broad avenue the many little property holders must care for that broad thoroughfare in this resurfacing.

Take the whole of Washington from the Capitol to the Eastern Branch. There are many streets, wide streets, that are not worth one-tenth part of what property on Massachusetts Avenue from Dupont Circle away out to Rock Creek is worth. Yet there is the same charge. Now we have plenary power.

Mr. TAYLOR of Ohio. I might say also that that valuable part of Massachusetts Avenue from Dupont Circle west is improved and will not be taxed for many years to come.

Mr. CANNON. Precisely. "He that hath, to him shall be given; and he that hath not, from him shall be taken even that which he hath." That was meant from the spiritual standpoint. Here is a proposition, as I see it, that comes from the physical and material standpoint.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of Kentucky. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois be given time to conclude his remarks.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the gentleman from Illinois be given time to conclude his remarks. Is there objection?

There was no objection.

Mr. CANNON. I shall not take much time. I do not wish to weary the Committee of the Whole. Now, in the aggregate,

the small property holders in Washington, as I believe, are to be found where the property is the least valuable; and this proposition is that if somebody has 30, 40, or 50 feet in depth and 20 or 30 feet in width, with a shanty on it that is not worth $100 or $1,000, he shall pay just the same as the owner of an apartment house or a six-story hotel like the National Hotel or the Metropolitan Hotel, on the Avenue, and so on. The little fellow, colored or white, who may have only 50 feet in depth, with a one-story shack upon it, pays just as much under this law as the man pays who has a six-story building. He pays just as much as the property owner on F Street or just as much as the owners of the Willard Hotel or property in that neighborhood, where it is said that the ground sells for from $30 to $40 a square foot. And this is proposed in the name of benefiting the poor man.

Gentlemen, take the great houses in this city that cost $100,000, $200,000, $300,000, or half a million dollars, if you choose. It is an open secret that property of that kind does not, according to what it cost, pay one-half of the proportionate tax that the little property of the poor clerk or poor laborer pays. As assessments go in this District the poorer property owners pay two or three times as much tax in proportion to the value of their property. It is said that this policy is pursued in order to enable good improvements to be constructed in this city. Yet under this law the cheap property, that is not worth one-tenth as much as the expensive property, pays just as much for the construction and resurfacing of pavements as does that very valuable property. Oh, they say that they cut off hills and fill valleys, and that great avenues are laid out, and that great capitalists and real estate speculators build houses and sell lots. Yes; they do.

Now, we have plenary power. The gentleman from Missouri [Mr. BORLAND] says he wants to relieve the poor man and the multitude of them in Washington, with their little homes, paying taxes already overburdened in comparison, from paying for the improvement of these great avenues. We have plenary power, and I would be ready to join hands with the gentleman from Missouri [Mr. BORLAND] under well-matured, well-considered legislation providing that in the improvement of that kind of property the owner of the more valuable property should pay a part or all of the expense, if you choose, of paving or resurfacing the streets.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Yes.

Mr. BORLAND. The House had that plenary power during all the eight years that the gentleman from Illinois was Speaker of the House and appointed the Committee on the District of Columbia. That furnished a fair opportunity to put the gentleman's views into operation.

Mr. CANNON. The gentleman is correct. I was Speaker for eight years. Before that I was chairman of the Committee on Appropriations. The gentleman from Missouri says that the bankers do not pay, and that the street car companies and others did not pay proper taxes. But Mr. Babcock, who was chairman of the Committee on the District of Columbia, being sick, the Committee on Appropriations, of which I was chairman, took up of necessity the question of amending the tax law of the District of Columbia, and that committee spent weeks upon a tax law, and there came a special order making that bill in order as an amendment to the District of Columbia appropriation bill, which had been matured by the committee after full notice to all the District, full hearings, and ample discussion. For the time being the Committee on Appropriations became, as to that legislation, practically a Committee on the District of Columbia.

We made it in order, and, as I recollect, 3 to 4 per cent was levied upon the gross earnings of the banks, and a similar amount upon the gross receipts of the street railways. So that while it is true the District Committee did not report it, yet is that any reason why, with a hop, skip, and a jump, the gentleman from Missouri should turn a double somersault, able as he is and having given the investigation that he has, in the twinkling of an eye, and put upon us this legislation that I assert here now will relieve the bankers and the alleged plutocrats and the capitalists and the real estate men and put a further burden upon the small property holder, the poor negro, the poor clerk, and men who live within Washington proper.

Now, if we entered on this matter at all I doubt if there is a man in the House, except my friend from Missouri and possibly the chairman of the District Committee, who is prepared, with a hop, skip, and a jump, in the closing days of the session of Congress, to prepare a proper amendment. The gentleman says, "Why, you can offer an amendment to tax these people as they extend new avenues and go into real estate speculation." Oh, yes; it is easy to say that, but my observation is that it is not an easy task to mature a tax system and do it intelligently under the five-minute rule right off the bat. It requires study and investigation.

Now, the gentleman says that in Kansas City the whole of this charge is placed upon the adjacent property holders without regard to its improvements, without regard to its value. I apprehend that is true. The whole of the charge in certain streets in Danville was placed there, but it works a great hardship. Nevertheless the ordinance was passed and the tax was paid, but property that was worth $200 a front foot paid no more for the improvement of these streets than the property a mile away that was not worth $10 a front foot. It worked an injustice, and yet the desire to have good streets made us pass the ordinance, and the tax was collected.

Now, I want to say, touching the District of Columbia, that it is not on all fours with Kansas City. Kansas City has had a wonderful growth, but it has not had time to apportion the taxes there equitably. It is a wonderful business city and has had wonderful prosperity. Washington, in the aggregate, is made up in its population of clerks, messengers, watchmen, and the great aggregate of them are poor men. It is not a manufacturing city; it is not a business city, except as retailers furnish to the 300,000 people that which they desire to buy. Of course, we come in here and see the beautiful city, one-half of the expense of which is borne by the Government and one-half by the District, and we think they are a favored people. But, gentlemen, they are not the favored people. There are bright people in the public service in Washington; they are splendid and magnificent in intellect. They come here and drop into a groove; but whenever I see one come here and drop into that groove—and I am now speaking of the average man—I feel like saying, "Abandon hope all ye who enter here," because they fall out of acquaintanceship in Illinois, in Missouri, and Oklahoma, and they live and die spending their month's salary, in many cases two or three months in advance, and, speaking respectfully, they get the dry rot. [Applause.] When they drop out of the service they have no way to live. That is a penalty instead of a benefit.

Now, I would have been glad if the gentleman from Missouri, in precipitating this amendment upon the House, had thought about it and had provided for all or a part of the improvement of streets and avenues that extend far out to the northwest, and after a while may extend to the northeast. I would have been glad if he had separated the improvements of that kind and said how much or all that should be made at the expense of the proposed new property that sells from two to three or four dollars a square foot, whereas you can not get one quarter of that here; and when you get down into the territory of the southwest and the southeast property is hardly worth owning.

It is not equitable; it is not fair. Our Democratic friends are soon to come into full power with full responsibility. You are going to have a session of Congress commencing somewhere in March or April. It may be a long session. You have two years in front of you with full power, and I apprehend that my friend from Missouri [Mr. BORLAND], still being in the House, will retain his place on the Committee of Appropriations and will be on the—perhaps upon the subcommittee on the District of Columbia. I know that he is able; I know that he is zealous. I am not criticizing him personally; I am commending him; but I do say that, in my opinion, upon this bill in the closing days of this session of Congress, we have neither the time nor the information to properly and equitably enact this legislation.

Mr. JOHNSON of Kentucky. Mr. Chairman, I ask unanimous consent to address the committee for 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. JOHNSON of Kentucky. Mr. Chairman, in the discussion of this most important subject I believe no better way of discussing it can be had than to go just a little bit into the history of affairs. At one time we had simply the city of Washington, bounded on the south by the Potomac River, upon the east by the Eastern Branch of the Potomac River, upon the north and the northwest by Florida Avenue, and upon the west by a short strip of Rock Creek Park. When the Federal Government concluded to adopt what is known as the half-and-half plan for the city of Washington its contemplation was that it would adopt the half-and-half plan for the about 6,000 acres which composed the original city of Washington.

Mr. SHERWOOD. Mr. Chairman, the gentleman does not mean 6,000 acres in the original city of Washington. It was built in a wilderness.

Mr. JOHNSON of Kentucky. Still that was the original boundary and embraced about 6,000 acres. In those 6,000 acres were the Anacostia Flats, the Mall, and the Potomac Flats.

When you take those swamps that existed then from the 6,000 acres you have a comparatively small portion left. Congress did agree to appropriate half for the current expenses of that, but by an act of Congress that boundary has been obliterated. You have now no city of Washington, you have no city of Georgetown, but you have instead the District of Columbia, and the half-and-half plan now extends to the 69¾ square miles of the whole District of Columbia.

Tracts of land in the District of Columbia, in the midst of primeval forests, are opened up and laid out into town lots. Under that plan the District of Columbia calls upon the Federal Government to pay one-half for the expense of the streets that are opened and macadamized and paved through that, and the Federal Government does it.

The Federal Government pays its half. Across the eastern branch of the river you find streets laid out and you find authority for Congress to go in there and pave them with asphalt, where there is almost not a house, and if you will look to-day you will find the boxes of the rural route established there. Is that what Congress contemplated when it agreed to go upon the half-and-half plan for the city of Washington? I say that no such contemplation was entertained.

To go further along with the history of the District of Columbia, the act of June 11, 1878, which is the half-and-half plan, taxation was made "uniform." Taxation now in the District of Columbia is not uniform. When did it lose its uniformity? It lost its uniformity under the act of 1902, when the gentleman from Illinois [Mr. CANNON] was chairman of the Committee on Appropriations. At that time the Committee on Appropriations brought in an appropriation bill for the District of Columbia, and brought in with it a rider of four or five printed pages changing the plan of taxation in the District of Columbia. By that bill the original rate of taxation of $1.50 a hundred upon real estate was changed to $1.50 a hundred upon a two-thirds valuation, instead of $1.50 upon a real valuation as had been theretofore.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Certainly.

Mr. CANNON. In language the gentleman is correct. In fact he is wrong. In other words, under the operation of that act of 1902 there became a real valuation, more nearly real than ever before that time, by far. Property theretofore was taxed happy-go-lucky and without a full consideration, and Congress concluded that if we could get a real valuation and then make it two-thirds, we would get far greater revenue than we were getting under the assessments and the mode of taxation in vogue up to that time, and such proved to be the fact. The revenues have constantly increased from that time to the present.

Mr. JOHNSON of Kentucky. Mr. Chairman, as I was saying, before this rider was attached to the appropriation bill in 1902 the rate of taxation in the District of Columbia was "uniform."

Mr. CANNON. It was still uniform.

Mr. JOHNSON of Kentucky. The adoption of that rider on the appropriation bill brought about the change that I was mentioning. The act of June 11, 1878, the organic act, provided that real estate should be taxed at $1.50 a hundred upon its real value. The rider to which I have just referred changed that law and made the tax rate $1.50 upon two-thirds of its real value. That makes the tax upon real estate a dollar a hundred, and that same rider, gentlemen, did another thing: It left the tax standing at a dollar and a half as to the real value upon the tangible personal property, so the tax law was made to discriminate in favor of real property as against personal property. Real estate is now taxed at a dollar a hundred, and personal property in the District of Columbia is taxed at $1.50 a hundred.

Mr. Chairman, the gentleman from Illinois [Mr. CANNON] has just criticized this procedure of coming in, as he says, in the last few days of a session to correct the manner of building streets in the District of Columbia. Let me invite the attention of the gentleman from Illinois to the fact that when he, as chairman of that committee in 1902, placed this rider, to which I have referred, upon the District appropriation bill, that it did not pass this body until the 3d day of March, just an hour before the adjournment of Congress. With more than 30 days——

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Mr. Chairman, I trust the gentleman may have such extension as he may desire.

Mr. SIMS. Mr. Chairman, I ask that the gentleman be permitted to conclude his remarks, as he is chairman of the District of Columbia Committee.

The CHAIRMAN. The gentleman from Illinois and the gentleman from Tennessee ask that the gentleman from Kentucky may be permitted to proceed and conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of Kentucky. Now, Mr. Chairman, with some 30 days yet remaining of this session I contend there is ample time to give due consideration to this amendment, and I believe the gentleman from Illinois should be the last of all those here to criticize, in view of the fact that he succeeded in having passed a discriminatory act as to taxation one hour before the final adjournment of Congress in 1902.

The gentleman has said that he has never owned a foot of ground in the District of Columbia. For that I most genuinely and sincerely congratulate him. I have no doubt that his opportunities to have grown rich from real estate transactions here have been many, and I congratulate him most heartily that he has declined them. Mr. Chairman, we have over the signatures of great men who have been in this body and in the other end of the Capitol the statement that they have grown rich out of real estate speculations in the District of Columbia. We know it to be a fact that a recent Vice President of the United States carried real estate in the District of Columbia in the name of his secretary. That statement became a public statement when Mr. Saunders, one of the most reputable and prominent real estate dealers in the District of Columbia, appeared before the Committee on the District of Columbia not a great while ago and made that statement. Now, Mr. Chairman, the question comes down to this: Will the Federal Congress continue to pay half of all the expenses for building the streets in the wilderness portion of the District of Columbia when it was not contemplated in the act of 1871 when the boundary line of the city of Washington and the boundary line of the city of Georgetown were wiped away and these 69¾ square miles were made one municipal corporation instead? The wording of the amendment which the gentleman from Missouri [Mr. BORLAND] offers is that when streets lying in front of property owned by the Federal Government are improved the Federal Government must come in and pay its proportion of building the streets just like a private citizen would. What can be fairer, what can be fairer? But to say that a man can own 10 or 100 acres out here in the unbroken wilderness of the District of Columbia and lay it out in lots, streets, and alleys, and come in here and ask the Congress to appropriate a quarter of a million dollars perhaps, and it has been done many times, to build asphalt streets and granitoid pavements through it, and then sell those lots to the poor, not for what they were worth before the Federal money was spent upon them, but for what they were worth before plus the hundreds of thousands of dollars added to them as a subsidy by the Congress.

Talk about the poor! There are three classes of people in this District—one is the rich, the other is the middle class, and the other is the poor. The rich we know, and everybody else knows, are escaping taxation. This is the haven of the tax dodger. Here the rich man can live and die cheaper than anywhere else on earth. We have here no inheritance tax. I have been endeavoring to get out of the District of Columbia Committee an inheritance-tax bill introduced, I believe, by the gentleman from Minnesota [Mr. NYE]. Thus far I have been unable to do so, and it is a sad commentary that even if we did get it out there is a death trap at the other end of this building for such measures.

But, Mr. Chairman, reverting for just one minute to the question of Representatives and Senators owning real estate in the District of Columbia. In the Washington Post of August 28, 1911, is the following most significant statement. It reads as follows:

> The drift of the well-to-do and influential element toward this city could take no better turn than we see in the increasing number of congressional homes. Once they become interested it is noticeable that Members undergo a change of heart that bodes no ill for the municipality. Naturally they come to see that Washington really needs all that Washington people are asking for. Already we owe much to the efforts of Senators and Representatives who have made permanent investments here, and conceivably the good offices of many others would be quickened if proper influences were brought to accelerate the movement from the "deestrict" to the District.

Mr. SIMS. Does it specify what those "proper" elements are that are going to bring about the action of which the gentleman has just read?

Mr. JOHNSON of Kentucky. I can only say this, that but recently one of the Commissioners of the District of Columbia told me that one of the richest and most powerful men in the District of Columbia had told him that he had made it his policy to have influential Members of the House and Senate purchase real estate in the District of Columbia, in order that their assistance might be had toward keeping down the taxes and toward securing improvements in the District.

Mr. SIMS. All of which that commissioner, I suppose, heartily approved?

Mr. HAMILTON of Michigan. May I ask the gentleman a question?

Mr. JOHNSON of Kentucky. Yes, sir.

Mr. HAMILTON of Michigan. Is it true or is it not true that the proportion of Representatives who own property in the District of Columbia is quite small on account of the brevity of their tenure?

Mr. JOHNSON of Kentucky. I believe it is comparatively small, and I am perfectly frank to say that I believe the article which I have just read from the Washington Post is a libel upon Members of Congress. [Applause.] I know that there are men in this body, and I know that there are men in the other body who own their own homes here, that are just as far from being corrupt as the Almighty Himself, and this article is but another of the many libels heaped upon Members of this House who will not blindly go and do their bidding. Now, Mr. Chairman——

Mr. HAMILTON of Michigan. That is making them a little too honest. [Laughter.]

Mr. JOHNSON of Kentucky. No, sir. I believe the people have selected to come here and represent them some of the most honest men in the United States.

Mr. HAMILTON of Michigan. I agree with that, but I want to suggest that when the gentleman states that men are as honest as the Almighty, that is putting it strong.

Mr. JOHNSON of Kentucky. I believe there are men here who are absolutely and perfectly honest. For perfect honesty there can be no exaggerated comparison.

Mr. MURDOCK. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes, sir.

Mr. MURDOCK. The gentleman started to segregate the people of this District into three classes, and he mentioned, first, the rich, and then he spoke of the middle classes of this city. Who constitute the middle classes?

Mr. JOHNSON of Kentucky. As I was saying, the rich are the rich. That is definition sufficient. They are the people who own magnificent homes. They are the people who have big bank accounts. They are the people who have bonds and securities securely locked up, upon which they pay no tax, and they are the people who steer this ship of state from behind. Then, again, we have the humble house owners, and those are the middle class. And then we have those who are too poor to own a home. And by the act of 1902, to which I have just referred, a man who owns a house and leases it pays a dollar a hundred tax upon the house and ground upon which it stands, while the man who is too poor to own a house must pay a dollar and a half a hundred tax upon his little personal effects.

Now, one other feature in this matter presents itself to me. It is no new idea with me, and last fall I prepared a table upon the subject. The table which I now have in my hand has each of the 48 States upon it, and it shows, according to population, what proportion each State bears toward this subsidy granted by Congress to the District of Columbia.

Why, gentlemen, we come here and fight among ourselves, not only day after day, but week after week, as to whether or not the Federal Government shall build one battleship or two. Yet we can scarcely secure a corporal's guard, a dozen men, to come here and participate in the consideration of the District of Columbia appropriation bill, by which every Congress grants as a subsidy to the District of Columbia more than the cost of a *Dreadnought* and pay no sort of attention to it. We fight among ourselves here as to whether the widow of a distinguished general in the War of 1861–1865 shall be paid a pension of $50 a month, and yet we come here and pay as a pension to the widow of a policeman the salary of $50 a month and never ask a question. Part of that pension comes from the revenues of the District of Columbia and the rest of it comes by reaching into the Treasury of the Federal Government for it.

What does each State pay toward this subsidy of which I am speaking? Alabama pays $144,571; Arizona pays $13,770; Arkansas pays $106,081; California pays $160,260; Colorado pays $53,841; Connecticut pays $75,116; Delaware pays $13,633; Florida pays $50,714; Georgia pays $175,810; Idaho pays $21,939; Illinois, $379,945; Indiana, $181,993; Iowa, $149,912; Kansas, $113,941; Kentucky, $154,301; Louisiana, $11,612; Maryland, $50,023; Massachusetts, $87,284; Michigan, $226,849; Minnesota, $189,356; Mississippi, $121,089; Missouri, $221,915; Montana, $25,340; Nebraska, $80,335; Nevada, $5,517; New Hampshire $29,013; New Jersey, $170,962; New Mexico, $22,055; New York, $614,103; North Dakota, $38,884; Ohio, $321,223; Oklahoma, $11,664; Oregon, $45,333; Pennsylvania, $516,498; Rhode Island, $35,562; South Carolina, $102,107; South Dakota, $39,344; Tennessee, $147,218; Texas, $262,561; Utah, $25,158; Vermont, $23,985; Virginia, $138,918; Washington, $76,951; West Virginia $82,282; Wisconsin, $157,262; Wyoming, $9,836; and the District of Columbia, $22,308.

Mr. KINKAID of Nebraska. Mr. Chairman, will the gentleman yield for a single question?

The CHAIRMAN. Does the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. KINKAID of Nebraska. Upon what basis is that table ascertained?

Mr. JOHNSON of Kentucky. As I said before reading it, on the basis of population.

Mr. TOWNER. What census?

Mr. JOHNSON of Kentucky. The last census.

Mr. MURDOCK. Mr. Chairman, I want to get this correctly in my mind. Does the gentleman's table show that the States of Pennsylvania and New York pay annually over a million dollars taxes to the District of Columbia?

Mr. SIMS. Yes.

Mr. JOHNSON of Kentucky. New York pays $614,103 and Pennsylvania $516,498.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. MOORE of Pennsylvania. Does the gentleman mind telling us how he arrives at the figures in this particular table? The proportions, as I understand, are based on the population of the States, and, as the gentleman states it, each State contributes so much to the maintenance of the District of Columbia. I want to ascertain the manner in which the statement was prepared.

Mr. JOHNSON of Kentucky. For the fiscal year—for the current year——

Mr. MOORE of Pennsylvania. Based on general appropriations?

Mr. JOHNSON of Kentucky. Yes. For the current year the Federal Government has subsidized the District of Columbia to the extent of $6,197,403.

Mr. MOORE of Pennsylvania. Then the gentleman divides that amongst the States as per population?

Mr. JOHNSON of Kentucky. Yes.

Mr. MOORE of Pennsylvania. I see.

Mr. JOHNSON of Kentucky. Now, Mr. Chairman, I have here, if the committee will bear with me just a little bit, some more very intersting figures. For streets, sewers, and water mains the State of Alabama pays $14,097.

The State of Arizona pays $1,347; the State of Arkansas, $1,380; California, $15,675; Colorado, $5,267; Connecticut, $7,350; Delaware, $1,335; and so on through with all the States; showing that the subsidy for streets paid by the States of this Union to the District of Columbia amounts to $606,472 this fiscal year.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield? The gentleman used the term that annually the United States "subsidizes" the District to the extent of something over $6,000,000.

Mr. JOHNSON of Kentucky. Yes; for the current year, $6,197,403.

Mr. YOUNG of Michigan. How many cents?

Mr. BURKE of South Dakota. Does the gentleman think the word "subsidizing" is the proper term?

Mr. JOHNSON of Kentucky. I use the term advisedly.

Mr. BURKE of South Dakota. That is the amount of money that Congress annually appropriates.

Mr. JOHNSON of Kentucky. That is the amount of money that Congress appropriated for the current fiscal year. For the approaching fiscal year they are asking considerably more.

Mr. BURKE of South Dakota. That is the appropriation for the District of Columbia.

Mr. JOHNSON of Kentucky. Yes.

Mr. BURKE of South Dakota. And that is what the gentleman refers to as a subsidy; that is one-half of the moneys that are expended in the District of Columbia for its government.

Mr. JOHNSON of Kentucky. Yes. The total amount contributed for the present fiscal year is more than six millions.

Mr. HELGESEN. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. HELGESEN. Can the gentleman tell this House how much each State would contribute to the expenses of the government of the District of Columbia if the National Government paid its share of the taxes on the property it owns here at a full valuation, under the ordinary system of taxation?

Mr. JOHNSON of Kentucky. It is the old, old rule that the king pays no taxes. For the Federal Government to tax itself, collect the money, and return it into the Treasury would be the equivalent of taking money out of one pocket and putting it into the other.

Mr. TAYLOR of Ohio. That is what it is doing now to the extent of $6,000,000.

Mr. JOHNSON of Kentucky. The gentleman from North Dakota [Mr. HELGESEN] has put a hypothetical question for the answer to which there is absolutely no basis to work from. If it were a real question instead of a hypothetical one, then we would have a basis from which to fix it. The statement has been made so many times that some people have come to believe that the Federal Government owns one-half of all the property in the District of Columbia.

In 1873 or 1874 Gov. Shepherd made the statement, which found its way into print, that the Federal Government owned one-half of all the property, not in the District of Columbia but in the city of Washington, the city of Washington being then bounded, as I have said, by what is now Florida Avenue. But that statement made by Gov. Shepherd was based upon values and not upon area.

We all know that the Federal buildings here have cost a great deal more than any other buildings in the District. As to what their value is I am not advised. But when we come to area, only one-sixth of the entire District of Columbia is built up, and then, if we consider Federal property in the District of Columbia that is used for Federal purposes alone, we have another subject.

The Federal Government owns Potomac Park, but Potomac Park is not owned by the Federal Government for the exclusive use of the Federal Government. Potomac Park is owned by the Federal Government, improved and kept up for the pleasure of the citizens of Washington. The Federal Government owns Lafayette Square, opposite the White House, but that square is not for the exclusive use of the Federal Government. It is for the use, the pleasure, and the health of the citizens of the city of Washington. The Federal Government owns Lincoln Park. That is not owned for Federal use. It is owned and kept for the pleasure and recreation of the citizens of Washington. Does anybody tell me that that should be a basis for taxation between the Federal Government and the District of Columbia?

I say no; and I further say that when we come to ascertain how much property the Federal Government owns in the District of Columbia for Federal use exclusively, that it is my opinion that all told it is less than 20 acres out of more than 50,000 acres.

Mr. SIMS. May I ask the gentleman a question right there?

Mr. JOHNSON of Kentucky. Certainly.

Mr. SIMS. I want to ask the gentleman if it is not a fact that Potomac Park and Rock Creek Park, while owned by the Federal Government, are practically inaccessible to the clerks, the Federal employees of whom the gentleman from Illinois [Mr. CANNON] spoke awhile ago, and to the average citizen of the District of Columbia? I ask the gentleman if they are not almost altogether used by well-to-do people who go there in their carriages and automobiles?

Mr. JOHNSON of Kentucky. Almost exclusively used by the rich. Show me one man or woman or child afoot in Rock Creek Park, and I will show you 5,000 in automobiles and carriages.

Mr. CAMPBELL. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I will.

Mr. CAMPBELL. Did the gentleman from Kentucky ever walk out through there?

Mr. JOHNSON of Kentucky. No, sir; I will never walk out there; it is too far.

Mr. CAMPBELL. I have walked out there, and I have seen thousands on foot where I have seen one in an automobile. I have walked out there holidays and every Sunday.

Mr. JOHNSON of Kentucky. There is not a Member on the floor of this House who will agree that he has seen the same thing.

Mr. TAYLOR of Colorado. Oh, yes; I have.

Mr. MURDOCK. I think the gentleman is mistaken.

Mr. FARR. I think the gentleman from Kansas is right.

Mr. HAYES. Mr. Chairman, I want to say that I can testify to the correctness of the statement made by the gentleman from Kansas. I have seen thousands on foot in Rock Creek Park where I have seen a hundred in automobiles.

Mr. JOHNSON of Kentucky. Mr. Chairman, I do not believe that I am blind.

Mr. SISSON. The gentleman is not blinded by the interests.

Mr. JOHNSON of Kentucky. As suggested by the gentleman from Mississippi, the interests have not blinded me, either.

Mr. BURKE of South Dakota. The gentleman from Kentucky has given the subject of District affairs a great deal of consideration, and will he tell us how the taxes in the District of Columbia compare with the taxes on property of a similar character in other cities of the population of the city of Washington?

Mr. JOHNSON of Kentucky. I am glad the gentleman asked me that question. I have no table here to read the exact figures from, but I do not hesitate to make the broad statement that taxes in this municipality are less than that of any other city of the same size in the United States. The newspapers are undertaking to blind the people upon that subject. Take the metropolis of my own State, the city of Louisville. There they have a city tax, there they have a county tax, and there they have a State tax. Here you have only the city tax, without the county tax or the State tax. I say that every other city of any consequence in the whole United States, when these three taxes are added together, pays a much larger tax than does the city of Washington.

Mr. BORLAND. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Certainly.

Mr. BORLAND. I want to call the gentleman's attention to a further analysis of the gentleman's position by stating the fact that most all cities have a State tax, a county tax, a city tax, a school-district tax, and a special improvement tax, all five included in this one tax here.

Mr. JOHNSON of Kentucky. That is true, and we have but one tax here. As the gentleman from Illinois [Mr. CANNON] said a few moments ago, the tax upon the big property is less than it should be and the tax on the little home is more than it should be. In confirmation of that I refer gentlemen to the report recently filed in this body by the Committee on the District of Columbia showing that there are 40,000 homes here that are overtaxed, and during the inquiry and during the publicity that was given to that inquiry only one man had the courage to say that he was undertaxed, and that was Gifford Pinchot, and I wish to commend him most highly for it.

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Certainly.

Mr. MICHAEL E. DRISCOLL. The gentleman has given the subject of taxation much thought and consideration. I will ask the gentleman if he has any information as to how the tangible property and the intangible property has escaped readjustment of taxation?

Mr. JOHNSON of Kentucky. That depends upon how you readjust.

Mr. MICHAEL E. DRISCOLL. I mean how is it brought about?

Mr. JOHNSON of Kentucky. You see in the daily press, you see it every day, that there is a "compact" between the District of Columbia and the Federal Government relative to taxation. Between whom was the compact? Who represented the District of Columbia when that compact was made? Less than a dozen men, who beat at the doors of Congress until they succeeded in having the rate of taxation made lower for the rich man without lessening that for the poor man.

Mr. MURDOCK. The gentleman from Kentucky enumerated a few moments ago the property owned by the Federal Government. I wish he would clear my mind on this impression that I have had for many years—that the roads and streets belong to the Government, that the ground upon which the sidewalks are erected belong to the Government, and that the land between the sidewalk and the buildings, which are constructed on the building line, also belongs to the Government. I would like to ask the gentleman if I am correct in that impression?

Mr. JOHNSON of Kentucky. Mr. Chairman, if the gentleman will indulge me one moment, I think I can read to him a decision of the Supreme Court of the United States on that subject.

Mr. MURDOCK. I want to know if the Federal Government owns the roads, the land upon which the sidewalks are constructed, and the intervening land between the sidewalk and the building line.

Mr. JOHNSON of Kentucky. I can not turn to that decision at this moment, but I will say that the Supreme Court of the United States has decided that the Federal Government has sovereignty only in the streets. Gov. Shepherd and others who have undertaken to show that the Federal Government owns one-half of the original city of Washington included all the streets, squares, parks, and alleys in that estimate, and in valuing it away back yonder in 1874 placed a valuation of 36 cents a square foot upon all streets in order to prove that idea. All

these business houses down town run their cellars or basements out to the curbstone, and that is on property not owned by them and for which they pay no rent. Take the banks and trust companies. Their vaults extend under the streets beyond their own property line, and the property does not belong to them, and yet they rent the vaults that are embraced therein.

Mr. MURDOCK. The gentleman understands that in other cities, where householders do occupy ground not belonging to them under a pavement, they pay rent for it.

Mr. JOHNSON of Kentucky. Yes.

Mr. MURDOCK. This Government pays for such rental outside of the customhouse in New York.

Mr. JOHNSON of Kentucky. Investigations of a subcommittee of the District of Columbia recently have developed that the vaults of the banks and trust companies here, for which they are receiving large revenue, are out under the streets, for which they pay neither to the District of Columbia nor to the Federal Government a single penny.

Mr. Chairman, getting back one moment to the parks, what a ludicrous idea it is to hear stated on this floor and to see paraded through the public press the great overwhelming necessity for opening a park between the old Soldiers' Home and Rock Creek Park! It is only a mile or two, and I imagine I can see the one-legged ex-Federal soldier going down for a few miles through the parks that are provided for his special enjoyment. That idea is absurd. If you are to spend millions of dollars there, that the old soldier may have the benefit of the parks, how long is that going to last for these one-armed and one-legged, full-crutched old men, none of whom can now expect to live more years than you have fingers on your hands. They talk about levying assessments for parks to be acquired under the bill now before us. You may authorize it to be done, but who is to do it? Congress may most solemnly direct that it shall be done, but will it at last be done? More than 20 years ago Congress appropriated $1,200,000 for the acquirement of Rock Creek Park. A commission was appointed to acquire Rock Creek Park. Perhaps the richest man in the District of Columbia a few days ago said before the District of Columbia Committee, when under oath, that he had gone to the President and had secured the appointment of that commission. That commission, when it came to acquire Rock Creek Park, looked up the assessed values of the various tracts of lands that it was to acquire. Then they doubled the amount of the assessed value, with a view of paying the property holders double the amount of the assessed value of their property; but when they had doubled it they found they had money left of the $1,200,000. Having money left they multiplied the assessed valuation by three, and still they had money left. Then they multiplied that assessed valuation by four, and still had money left. Then they multiplied it over and over again, until they paid the owners of that property 600 per cent more than it was assessed at. Those commissioners were charged by solemn act of Congress to assess benefits upon the surrounding property. All but one of that commission has passed to the great beyond, but that assessment of benefits upon the surrounding property to this day stands unmade.

Great sums of money have been spent to beautify that park and improve the value of the surrounding property. Congress has solemnly directed that benefits be assessed upon the surrounding property, but it has not been done in all these 20 years. That commission, or, rather, most of that commission, has died, only one lives, but the commission is not dead. That survives. When the commission last adjourned the record shows that it did not adjourn sine die. Consequently it is within the power of the President of the United States to appoint a commission to take the place of these dead men, that they may go back and assess these benefits.

Mr. SISSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Mississippi?

Mr. JOHNSON of Kentucky. I do.

Mr. SISSON. In speaking of the amount of property which has been condemned for the Government and amounts paid by the Government for this property, the gentleman stated it was six times the assessed value.

Mr. JOHNSON of Kentucky. Six hundred per cent.

Mr. SISSON. Six hundred per cent more than the assessed value. Is that an exception to the general rule when the Government buys property in the District?

Mr. JOHNSON of Kentucky. Mr. Chairman, in answer to that I will say that I do not wish to make a statement unless I can be accurate in it.

Mr. SISSON. I will simply state this to the gentleman: That in the condemnation of the property between the Capitol and the Union Station he will find that the property was assessed at $1 a square foot, and that it was condemned at $6 a square foot, so I simply want to know if six times the assessed value was the general rule when the Government wants to buy property.

Mr. JOHNSON of Kentucky. I hear it stated, Mr. Chairman, and nobody has disputed or disclaimed it, that the property that is now being condemned between the Capitol and the Union Station is being paid for many times more than it is worth and many times more than it has ever been assessed at until it was known that this property was to be acquired by the Government. I was talking about benefits not having been assessed on property adjacent to Rock Creek Park. There is a proposition pending now to sell that property to the United States. Sell it for what? With these benefits that should have been assessed against it? No; but they propose to sell it to the United States Government, improved as it is by the expenditure of a public fund, with the increased value added. We hear much about the McMillan Park scheme. Ten years ago that was conceived by the real-estate speculators of the District of Columbia. It calls for a chain of parks extending around the town. Over here we have a jail that cost nearly $1,000,000, that is said to be one of the best jails in the whole United States. That falls within the scope of the McMillan Park plan. In order to get away from that your penal institution has gone down to Occoquan, in the State of Virginia, and no man who has information upon the subject will deny the assertion that I now make that it is contemplated to tear down this million-dollar jail and let that ground go into the park system. Already they have planned for it, for a race track and other propositions like that. Mr. Chairman, one other thing. I was informed, Mr. Chairman, in advance of the final draft of this bill that the Committee on Appropriations, or rather the Subcommittee on Appropriations, desired to bring in the amendment which is now pending, introduced by the gentleman from Missouri [Mr. BORLAND], but they were apprehensive that the point of order would be raised against it.

I congratulate them for their good intentions in this matter, and the gentleman from Missouri [Mr. BORLAND] ought specially to be the subject of congratulation of the people of this land throughout its length and breadth for having brought this amendment in here and having managed it so well that it will come to a vote before this House. The question upon this amendment is this: Under the act of June 11, 1878, when it was contemplated that the Federal Government should pay one-half of the current expenses of the city of Washington Congress did agree to pay one-half of all the cost of the streets. But now that it is claimed, now that it is being put into effect, that Congress must pave one-half of all the streets in this 69¼ square miles comprising the District, that is another proposition. So this bill reduces that expenditure from one-half upon the part of the Federal Government to one-third, and this, I say, is a great step in the right direction.

It is a step that I know the people will approve from ocean to ocean, and I say again that the gentleman from Missouri [Mr. BORLAND] is to be congratulated for having gotten it before this House.

Let me call the attention of this House to one more proposition. But recently we saw the Washington papers exploiting the fact that over in Philadelphia there was a great meeting of people from all over the United States, and that there they adopted a resolution deploring the idea that anybody would contemplate doing away with the half-and-half plan, and expressing the hope that this half-and-half plan would continue. Who were those people? That was a gathering of the real-estate men of the United States. Who introduced that resolution? One of the most prominent real-estate dealers in the District of Columbia introduced it. Was that an uprising on the part of the people throughout the States from which these real-estate people came? Did the poor people or the people in the middle walks of life in the District of Columbia send that real-estate broker from Washington to the city of Philadelphia to introduce that resolution? I say, No. That resolution had its conception in the minds of the real-estate speculators in the District of Columbia.

Mr. Chairman, in conclusion I ask to insert in the RECORD the statement from which I have just read as a part of my remarks.

The CHAIRMAN (Mr. BARTLETT). The gentlemen from Kentucky [Mr. JOHNSON] asks unanimous consent to insert the paper to which he has referred in the RECORD. Is there objection?

There was no objection.

The statement is as follows.

Annual Federal aid to the District of Columbia.

[This tabulation and analysis sets forth the Federal aid extended toward the municipal expenses of the District of Columbia, distributed pro rata to population among the various States, for the fiscal year 1911–12. The numerous items which constitute the District budget have been reduced to 10 heads following the main lines of expenditure, and grouping under "Miscellaneous" the Federal apportionment, i. e., one-half of such items as "Militia, $80,650; contingent expenses, $101,030; emergency fund, $8,000; marking historical places, $500"; and numerous smaller items. "Schools" carry both salaries and maintenance and new buildings. "Improvements and repairs" carry such items as extensions of streets, paving, assessment and permit work, bridges, and construction other than school buildings. "Streets and sewers" carry street cleaning and all sewer work and maintaining. The groupings are necessarily arbitrary, but the main idea has been to convey a definite statement of the net charge against each State in the Union of the general subsidy paid by the Federal Government toward the purely local and municipal expenses of the District of Columbia.]

	States and Territories.	I. Schools.	II. Streets, sewers, water mains.	III. Police.	IV. Improvements and repairs.	V. Salaries and health.	VI. Interest, sinking fund.	VII. Lighting.	VIII. Fire department.	IX. Charities, corrections.	X. Miscellaneous.	Total.
1	Alabama	$37,171	$14,097	$11,859	$26,847	$9,657	$11,333	$5,405	$7,758	$16,224	$3,720	$144,571
2	Arizona	3,552	1,347	1,133	2,566	922	1,083	516	741	1,550	360	13,770
3	Arkansas	27,373	10,380	8,733	19,745	7,113	8,345	3,980	5,714	11,945	2,763	105,081
4	California	41,339	15,675	13,187	29,811	10,769	12,602	6,010	8,626	18,032	4,155	160,206
5	Colorado	13,878	5,267	4,431	10,032	3,608	4,235	2,029	2,899	6,055	1,407	53,841
6	Connecticut	19,380	7,350	6,182	14,000	5,035	5,907	2,818	4,044	8,454	1,946	75,116
7	Delaware	3,520	1,335	1,121	2,538	913	1,072	511	734	1,535	354	13,633
8	Florida	13,083	4,963	4,174	9,448	3,398	3,989	1,903	2,730	5,710	1,316	50,714
9	Georgia	45,360	17,203	14,472	32,762	11,778	13,830	6,595	9,466	19,790	4,558	175,810
10	Idaho	5,660	2,147	1,806	4,088	1,470	1,726	823	1,181	2,472	566	21,939
11	Illinois	98,028	37,076	31,277	70,775	25,470	29,887	14,254	20,455	42,807	9,916	379,945
12	Indiana	46,942	17,797	14,979	33,913	12,200	14,316	6,798	9,799	20,482	4,767	181,993
13	Iowa	38,666	14,667	12,340	27,935	10,047	11,792	5,624	8,071	16,884	3,886	149,912
14	Kansas	29,382	11,147	9,378	21,263	7,637	8,962	4,275	6,135	12,832	2,930	113,941
15	Kentucky	39,811	15,096	12,700	28,751	10,342	12,137	5,788	8,308	17,373	3,995	154,301
16	Louisiana	28,796	10,920	9,186	20,805	7,482	8,780	4,187	6,010	12,574	2,872	111,612
17	Maine	12,904	4,893	4,118	9,321	3,353	3,935	1,876	2,693	5,630	1,300	50,023
18	Maryland	22,520	8,539	7,185	16,263	5,850	6,866	3,274	4,700	9,811	2,276	87,284
19	Massachusetts	58,496	22,195	18,671	42,269	15,206	17,844	8,510	12,212	25,542	5,904	226,849
20	Michigan	48,855	18,517	15,588	35,285	12,693	14,894	7,105	10,195	21,327	4,897	189,356
21	Minnesota	36,081	13,685	11,513	26,059	9,374	11,002	5,246	7,530	15,745	3,632	139,867
22	Mississippi	31,243	11,847	9,968	22,556	8,116	9,525	4,543	6,520	13,631	3,140	121,089
23	Missouri	57,256	21,713	18,267	41,337	14,873	17,456	8,326	11,949	25,032	5,706	221,915
24	Montana	6,538	2,478	2,085	4,727	1,698	1,994	951	1,364	2,849	656	25,340
25	Nebraska	20,727	7,859	6,612	14,969	5,385	6,319	3,013	4,326	9,035	2,090	80,335
26	Nevada	1,423	539	454	1,027	369	433	207	297	621	147	5,517
27	New Hampshire	7,486	2,851	2,388	5,401	1,944	2,282	1,088	1,562	3,264	747	29,013
28	New Jersey	44,110	16,727	14,074	31,844	11,461	13,448	6,414	9,205	19,258	4,421	170,962
29	New Mexico	5,690	2,157	1,815	4,108	1,478	1,736	827	1,187	2,485	572	22,055
30	New York	157,957	60,374	50,554	114,333	41,100	48,423	23,311	33,066	69,383	15,977	614,103
31	North Carolina	38,357	14,546	12,239	27,713	9,965	11,694	5,577	8,005	16,750	3,850	148,666
32	North Dakota	10,027	3,804	3,200	7,242	2,607	3,058	1,459	2,093	4,375	1,019	38,884
33	Ohio	82,853	31,430	26,444	59,854	21,530	25,268	12,052	17,295	36,181	8,316	321,223
34	Oklahoma	28,815	10,925	9,190	20,806	7,485	8,785	4,189	6,012	12,581	2,876	111,664
35	Oregon	11,695	4,434	3,737	8,446	3,039	3,556	1,708	2,441	5,105	1,172	45,333
36	Pennsylvania	133,254	50,500	42,521	96,254	34,618	40,628	19,378	27,810	58,234	13,301	516,498
37	Rhode Island	9,433	3,576	3,009	6,812	2,451	2,876	1,371	1,968	4,114	952	36,562
38	South Carolina	26,345	9,991	8,405	19,027	6,845	8,032	3,831	5,498	11,504	2,629	102,107
39	South Dakota	10,150	3,852	3,238	7,332	2,638	3,095	1,476	2,118	4,424	1,021	39,344
40	Tennessee	37,982	14,403	12,118	27,433	9,868	11,581	5,523	7,926	16,570	3,814	147,218
41	Texas	67,743	25,730	21,615	48,926	17,599	20,654	9,851	14,136	29,623	6,684	262,561
42	Utah	6,491	2,460	2,071	4,688	1,686	1,979	944	1,364	2,828	647	25,158
43	Vermont	6,188	2,378	1,974	4,469	1,607	1,887	900	1,291	2,690	601	23,985
44	Virginia	35,841	13,592	11,435	25,958	9,300	10,928	5,212	7,480	15,641	3,531	138,918
45	Washington	19,868	7,529	6,335	14,339	5,157	6,043	2,887	4,143	8,661	1,989	76,951
46	West Virginia	21,206	8,050	6,773	15,333	5,515	6,473	3,086	4,480	9,265	2,101	82,282
47	Wisconsin	40,574	15,387	12,945	29,305	10,541	12,485	5,900	8,468	17,716	4,041	157,262
48	Wyoming	2,544	962	810	1,834	659	774	367	529	1,108	249	9,836
49	District of Columbia	5,762	2,182	1,835	4,157	1,495	1,755	836	1,201	2,514	571	22,308
	Total	1,598,355	606,472	510,144	1,154,592	415,346	487,704	232,497	333,735	698,216	160,340	6,197,403

Mr. LENROOT rose.

The CHAIRMAN. The Chair will state to the gentleman from Wisconsin that all debate has been exhausted.

Mr. LENROOT. Mr. Chairman, I move to strike out the last word. The debate has wandered far afield from the real subject that is before this committee, and I want to discuss for a few moments the merits of the amendment. I do not know but that the committee needs to be refreshed in their recollection of what the amendment really is.

The amendment proposed by the gentleman from Missouri provides that in certain cases of paving streets there shall be assessed to the abutting property where the pavement is less than 32 feet in width one-half the cost of the improvement, and where the pavement is in excess of 32 feet a different rate.

Now, Mr. Chairman, I had supposed that the question of the justice of assessment of special benefits upon property adjoining an improvement was so clearly established that it would not be open to argument. I think the District of Columbia perhaps is the only place in the United States where the system of assessment of special benefits has not been adopted. But, Mr. Chairman, I do not know whether the gentleman from Missouri [Mr. BORLAND], in presenting his amendment, was aware that the system he now proposes in this amendment is now being rapidly discarded by every State in the Union. He proposes what is known as the "front-foot rule" method of assessing benefits, a method, Mr. Chairman, assuming that it is valid and constitutional, that is open to most serious objection. I shall discuss the legal phase of it in just a moment, but I want to call attention now, assuming its validity, to the situation that would exist if this amendment should be adopted.

We all know there are a great many triangles in the city of Washington, where private property in a triangle comes to an apex. With this amendment adopted—the front-foot rule method—one-half the cost assessed to the end of the triangle, will anyone say that it will not mean confiscation?

Mr. BORLAND. Are not the triangles which the gentleman has in mind in many cases owned by the Government?

Mr. LENROOT. But a great many are not.

Mr. BORLAND. There are some at the intersection of avenues, like New Hampshire Avenue, perhaps, and others, but property there is valuable and would not be confiscated.

Mr. LENROOT. Of course, the apex of a triangle comes to nothing. Now, does the gentleman think that the 1 foot at the apex of that triangle should stand the same cost for pavement of a street abutting it as other property?

Mr. BORLAND. I have no hesitation in answering that question. Light and accessibility are the great desirable features of property, and people buy those triangles at higher prices on account of not being restricted as to light and accessibility. They pay more for the triangle than they do for the inside piece of property, and it can more easily bear the cost of street improvement.

Mr. LENROOT. Of course at a triangle there are two streets, one on either side. Does the gentleman believe the apex of that triangle may be owned by one individual and a part of it by another, and does he think the apex of the triangle is benefited as much as the base of it is?

Mr. BORLAND. Unquestionably.

Mr. LENROOT. Then I do not care to argue with the gentleman if he thinks that is true.

Mr. BORLAND. The man who owns the base of the triangle can only get light from the two ends, but the man who owns the apex has light all around his premises. If it is business property it is worth for rental purposes two or three times as much, and if it be residence property it is worth a great deal.

Mr. LENROOT. But we are making assessments to property by reason of the improvement.

Mr. BORLAND. We have no right to impose special benefits for the improvement of a street and put some general benefits on it by reason of the location.

Mr. LENROOT. I want to call the gentleman's attention to the fact that all of those features have been brought out and decided in the Supreme Court of the United States, and these arguments have been raised in many cases.

The CHAIRMAN (Mr. RODDENBERY). The time of the gentleman from Wisconsin [Mr. LENROOT] has expired.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

Mr. BURLESON. Mr. Chairman, I ask unanimous consent that the debate on this amendment be closed in 30 minutes, 5 minutes of which shall be given to the gentleman from Wisconsin [Mr. LENROOT], 5 minutes to the gentleman from Iowa [Mr. PROUTY], 5 minutes to the gentleman from Ohio [Mr. TAYLOR], 5 minutes to the gentleman from Indiana [Mr. CULLOP], and 5 minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SISSON. I would like to say to the chairman of the subcommittee that I have taken no time during the entire discussion of this bill, and I would like to have 5 minutes.

Mr. BURLESON. Then I would add to that request that the gentleman from Mississippi [Mr. SISSON] have 5 minutes.

Mr. LENROOT. Reserving the right to object, Mr. Chairman, there has been an hour and a half discussion, but practically none on the merits of this amendment. I do desire 10 minutes, because I believe I have something of value upon this subject, and it is all upon the amendment.

Mr. TAYLOR of Ohio. I quite agree with the gentleman from Wisconsin [Mr. LENROOT]. There has been unlimited time given to several gentlemen who have discussed the amendment to some extent, and who spent most of their time discussing the general features of District legislation which met with their approval or disapproval. Now, this is a very radical and most important piece of legislation, coming on the floor, as it does, without having the approval or the consideration of any great committee of this House. The only opportunity to thrash it out and discuss it on its merits is to be afforded by giving a little time to gentlemen who may have ideas on the subject, and I ask that we give an hour for discussion, and that we give the gentleman from Wisconsin [Mr. LENROOT] 10 minutes, if he desires.

Mr. BURLESON. Very well, Mr. Chairman. I ask unanimous consent that the debate on this amendment be closed in 1 hour; that an hour be given to this discussion; and that out of that time there be given to the gentleman from Wisconsin [Mr. LENROOT] 10 minutes and to the other gentlemen I have named 5 minutes each, and that I be given 5 minutes.

The CHAIRMAN. The gentleman from Texas [Mr. BURLESON] asks unanimous consent that all debate close on this amendment and amendments thereto——

Mr. BURLESON. Yes——

The CHAIRMAN. In 1 hour, and that 10 minutes of the time be given to the gentleman from Wisconsin [Mr. LENROOT], 5 minutes to the gentleman from Indiana [Mr. CULLOP], 5 minutes to the gentleman from Tennessee [Mr. SIMS], 5 minutes to the gentleman from Mississippi [Mr. SISSON], 5 minutes to the gentleman from Iowa [Mr. PROUTY], and 5 minutes to the gentleman from Texas [Mr. BURLESON].

Mr. TAYLOR of Ohio. Well, Mr. Chairman, I also desire time. I might want 10 minutes. Inasmuch as there will be plenty of time in that hour, I shall want 10 minutes, although I may not use it all.

The CHAIRMAN. And 10 minutes to the gentleman from Ohio [Mr. TAYLOR], the remainder of the time to be controlled on recognition.

Mr. SISSON. Mr. Chairman, one moment. I do not know that I shall consume more than 5 minutes, but there is one phase of the question that I would like to discuss, and I want to have an understanding with the gentleman from Texas [Mr. BURLESON] that if I shall need 10 minutes I shall have such time. I may not want it all, for I shall try to get through in 5 minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

The CHAIRMAN. The remainder of the time to be allotted on recognition by the Chair, the right to obtain extension of time by unanimous consent, of course, prevailing under the rule. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Wisconsin [Mr. LENROOT] is recognized for 10 minutes.

Mr. LOBECK. In regard to the matter of apexes, is it not a fact that most of the apexes are in the old part of Washington, and that there are practically none of that character of streets that are now being improved?

Mr. LENROOT. I live away out on Mount Pleasant, and I will say to the gentleman that there are some there.

Mr. LOBECK. I was just looking at the map.

Mr. LENROOT. I want to call attention to another inequality in this amendment. Take, for example, two corners. Upon one corner the owner owns 20 feet in depth. Across the street from him another owner owns 100 feet in depth, and yet under this amendment the assessment will be the same upon the man who owns 20 feet as upon the man that owns 100 feet. No one would say for a moment that those two owners of property were being equally benefited.

Now, Mr. Chairman, with reference to the principle upon which this assessment of special benefits rests, I can do no better than to quote the language of the Supreme Court of the United States in the case of Norwood against Baker, in United States Reports 172, page 269, which only reiterates the well-established rule laid down by all the courts. They say in the syllabus:

> The principle underlying special assessments upon private property to meet the cost of public improvements is that the property upon which they are imposed is peculiarly benefited, and therefore that the owners do not in fact pay anything in excess of what they receive by reason of such improvement.

That is the principle, Mr. Chairman, and unless the property owner does receive that special benefit we have no right to impose the cost upon him. We have no right to impose upon him one penny in excess of the special benefit that he receives.

Now the gentleman from Missouri [Mr. BORLAND] made the statement that the front-foot rule method had been indorsed by all the courts and was adopted by all the States. I will say, Mr. Chairman, that 30 years ago that was true. All the States of the Union at that time practically upheld that doctrine, but they are now rapidly getting away from it. Remember, that when we pass an amendment in this form Congress itself arbitrarily determines what assessment shall be paid by property owners in Washington. Such provisions have been sustained, but solely upon the ground that the legislative body itself determined the benefit equaled the cost, but that is purely a legal fiction. The gentleman from Missouri will not claim that Congress is to-day determining that all property that is improved is benefited, regardless of its situation, regardless of its amount, to the extent of one-half of the cost of the improvement. This opinion in Norwood against Baker goes on to say:

> But the power of the legislature in these matters is not unlimited. There is a point beyond which the legislative department, even when exerting the power of taxation, may not go consistently with the citizen's right of property. As already indicated, the principle underlying special assessments to meet the cost of public improvements is that the property upon which they are imposed is peculiarly benefited, and therefore the owners do not, in fact, pay anything in excess of what they receive by reason of such improvement. But the guaranties for the protection of private property would be seriously impaired if it were established as a rule of constitutional law that the imposition by the legislature upon particular private property of the entire cost of a public improvement, irrespective of any peculiar benefits accruing to the owner from such improvement, could not be questioned by him in the courts of the country. It is one thing for the legislature to prescribe it as a general rule that property abutting on a street opened by the public shall be deemed to have been specially benefited by such improvement, and therefore should specially contribute to the cost incurred by the public. It is quite a different thing to lay it down as an absolute rule that such property, whether it is in fact benefited or not by the opening of the street, may be assessed by the front foot for a fixed sum representing the whole cost of the improvement.

Since that decision, Mr. Chairman, in a footnote to Elliott on Roads and Streets, I find that a number of States, following the reasoning in Norwood against Baker, have held the front-foot rule absolutely invalid. Among them are two Texas cases, in Ninety-fourth Federal and Ninety-first Federal Reporter, and an Arkansas case. Elliott, in this work, says:

> Since the recent decision of the Supreme Court of the United States in the Norwood *v.* Baker case, there is a reaction in this direction—

That is, against upholding the validity of statutes arbitrarily imposing assessments on the front-foot rule.

Now, Mr. Chairman, I am heartily in accord with what the gentleman from Missouri [Mr. BORLAND] desires to do, and if it were possible, on the spur of the moment, to frame an amendment to his amendment providing that the property owner should have a right to come before the commission and show

that he was not specially benefited by the improvement to the extent that it is proposed to assess him, and that would give the commission the right in that case to exempt him from the assessment, or only assess him such sum as he was specially benefited, then I should heartily favor the amendment; but I am not in favor of this proposition, which is a step backward, and which all the other States of the Union that are legislating upon this subject are now discarding.

Mr. TOWNER. Is it not true that what you contend for under the decisions as they now exist would really be the case; that is, that the party would have the right to make this showing in his behalf under the terms of this law now?

Mr. LENROOT. Absolutely not; because while reference is made to the statute of 1894, which does provide for a notice of the proposed assessment, and the right of the property owner to make objections, that notice is not provided for at all in the amendment of the gentleman from Missouri [Mr. BORLAND].

Mr. TOWNER. The notice is comparatively an unimportant matter. The question is as to his integral right, the right that he would have to be heard as to whether or not such taxation could legally be placed against him.

Mr. LENROOT. I will say to the gentleman that the decisions are uniform, that if the property owner has the right to be heard, he has a constitutional right to be given notice of the hearing, and if the statute does not provide for notice, the statute itself is invalid.

Mr. TOWNER. I agree to that.

Mr. LENROOT. Now, Mr. Chairman, as I have said, I should be glad if an amendment could be offered; but realizing that it is a technical subject, I have not had the time to venture to prepare such an amendment, because it must provide for notice, and must provide for power upon the part of the commission to determine the matter of benefits.

I wish very much that this matter might go over until Monday, so that this situation could be cleared up. I think when the gentleman from Missouri comes to consider the matter carefully and consider the decisions on the subject he will agree with me that there should be an amendment along the lines I have suggested.

Mr. TOWNER. Mr. Chairman, the legal propositions involved in this matter have been ably presented to the committee. I think the gentleman from Wisconsin exaggerates, perhaps, the necessity for the particular act which grants the power to make the assessment also include the notice as a part of that act.

However, I should have no objection whatever to that amendment being made to this act. I desire to call attention to a few of the objections that are made to this proposition. In the first place it is suggested that this legislation ought not now, during the closing days of the session, be brought to the consideration of Congress—that there is not time enough to consider it. I presume that objection might always be made, but let me suggest to gentlemen that this method of taxation, that this proposition of placing the burden for paving the streets and properly surfacing them on the adjoining property owners, is the almost universal rule in this country. This proposition is only for the purpose of bringing this city in uniformity with other municipalities in this country. It is not a new proposition. It is a proposition that has been before every court in the United States. There has been a great diversity of laws on this proposition, and the principle has been definitely settled that where there are any benefits that may be shown to accrue to the adjoining property owner by reason of the improvement, the right of taxation by this method exists; and further, that they will not go into a close and careful computation as to the amount of the benefit when it comes to determining whether the right of taxation exists.

It has been further suggested, Mr. Chairman, in opposition to this legislation, that it will be a burden upon the poor man and not upon the rich, who have already received that benefit. Let me suggest to gentlemen that this objection may be urged at any time in the future, and if it were a valid objection it might always be urged and therefore prevent any legislation whatever being had. It is time, I think, and I am sure the country will conclude, that the taxation of the city of Washington should be placed upon a fair and equitable basis. It is time that the changes that ought fairly to be made should be made. It is time that we should make the property of the city bear a fair burden of the taxation of the city. It is not necessary for us to offer special inducements to those who come here for the purpose of escaping taxation, and therefore I believe that we should now adopt a system of taxation which is fair and just and is uniform with that of the whole country. We should begin to-day to do that which it is our duty to do, to see that the property in this city bears at least a fair proportion of the taxation for its public improvements. [Applause.]

Mr. CANNON. Mr. Chairman, I made a statement from recollection a little while ago, and, after all, when one who has had long service in the House depends on his recollection it is not always easy to get things accurate, but, in substance, I did get what I said accurate. The gentleman from Kentucky, no doubt in the best of faith, attacked the legislation of 1902. His attack was not, in my judgment, well founded.

Let us see what the conditions were in 1902. By decisions of the courts, by the practice in 1902 before the act was amended, while the half-and-half act provided for the taxation of personal property, it was practically a dead letter. Prior to 1902 personal property paid, in round numbers, $147,000. The law was amended in 1903, and then it yielded $372,000. In 1904, $632,000; in 1905, $662,000; 1906, $699,000; and in 1912, $1,100,000. Assessors were removable by the District Commissioners if they did not perform their functions, but while the dollar and a half law was on the statute books the assessments ran all awry.

In 1902, under the law prior to the amendment that was passed upon the appropriation bill, the taxes received were $2,858,000. The very first year, the law being enacted in June, real estate yielded in 1903, $3,250,000; in 1904, $3,259,000; in 1905, $3,315,000; in 1906, $3,575,000; in 1912, $4,883,000. That is the same law which my friend from Kentucky [Mr. JOHNSON] complains has changed the law of 1877. There is the plain tale.

Why was this done? It did not belong to the Committee on Appropriations, but the Committee on Appropriations was asked to recommend further advances to the District. The District was falling behind. The year before this act was enacted in 1902 the District of Columbia owed a floating debt of more than $1,000,000, with additional obligations in sight under legislation in process of enactment on reports from the District Committee which increased that floating debt in 1903 to more than three millions and a half. That was what they asked. The House struck it out, and struck out the enacting clause, and yet the floating debt was to increase. Under spur of the necessity of the situation the Committee on Appropriations reported on the District of Columbia appropriation bill that year a provision which required a reduction of the appropriations carried for salaries in the District of Columbia appropriation bill by 10 per cent, unless there should be enacted during that year a personal-tax law. The provision went through the House of Representatives on the District appropriation bill for the fiscal year 1903—and an amendment providing for a reformation in making assessments. The Senate struck it out and substituted therefor a general real estate and personal tax law, which was finally agreed upon in conference and, being agreed to by the two Houses, now constitutes the law.

[The time of Mr. CANNON having expired, by unanimous consent, on the request of Mr. JOHNSON of Kentucky, his time was extended for 10 minutes, not to be included within the time already arranged for by the committee.]

There was an act that provided for a personal tax, which by practice, backed up by decisions that I have not now time to discuss, cut the personal tax down to almost nothing. The machinery did not operate. That was the condition. We put on an amendment for a reduction of 10 per cent on the salaries, knowing that if anything would move the personnel of the District it would be a reduction of salaries, to take effect and to remain in effect unless a provision were enacted into law providing for a personal tax, or the collection of a personal tax. We put that provision on under a special rule. The Senate struck out both provisions. It went to conference, and we obtained the legislation I refer to. I just want to read a few words from some broken remarks I made on that conference report on June 28, 1902:

> The Committee on Appropriations under the organic law was confronted with this condition and with these estimates. It commenced the preparation of its bill in December, expecting to report it before the holidays, but with this condition it deferred consideration. It waited through December, January, February, and March for legislation. Through the public prints and by announcement inspired from another body, and from the committee that had legislative jurisdiction in another body, we were led to infer that the proper committees would give legislation for an increase of taxation. We waited and waited and waited in vain, until finally, when it was patent that the Congress was to close without any effort for legislation, the Committee on Appropriations reported this bill. It contained a provision cutting down 10 per cent all the salaries of employees in the District, and by special rule we put on a provision providing the machinery to enforce the law of 1877, so that we could get tax revenues from personal property.

The Senate struck out both provisions, and it went to conference. We obtained a compromise bill, which for the first time placed a tax of 4 per cent upon the gross receipts of the banks, street railway companies, and building associations. We

doubled the excise tax for retail, and so forth. That is the law to-day—not as much as it ought to be. I still think that sufficient tax is not laid upon personalty, and perhaps not upon the banks and street railway companies, but I shall not take time now to refer to that matter.

There is the whole story. What has happened in the meantime? Under that law, with the rapidly increasing appropriations for the District of Columbia, we have paid almost $2,800,000 of that floating debt, and it would not have been paid, but would have been constantly increasing, if that law had not been enacted. This bill succeeded in wiping that out, and, in addition to that, we paid the District's part for the construction of the Municipal Building.

We have extended our sewer system at great cost. We have had to do with our water improvements at a large expense and many other exceedingly great expenses; $3,800,000 went out for the filtration plant. Now listen:

In the judgment of your committee, the conferees on the part of the House, the Senate bill did not raise enough money. We needed more, and after a long conference we got something of a concession, the best we could do.

And then I speculated about what would be raised, and much more was raised under that taxation than I anticipated. I submitted some more remarks and said that this was not a labor of love, which I have not time to read. It was a condition that was forced upon the Committee on Appropriations, over which I had the honor at that time to preside—a unanimous committee—and forced upon the House, not under the general rules of the House, but by a special order bringing this whole matter before the House and sending to the Senate a provision that moved the Senate to act, and it did act, and I said here that I had no pride in this legislation; I was not an expert about the matter. We amended the law. We put the assessment board to be appointed by the President for a term of three years, and provided they should not be removed except for cause, and that the court should pass upon that cause. Why? Because the poor assessor has about as much chance, with all the influences, social—I will not say corrupt—and otherwise, about as much chance, unless he has protection, as a cat in hell without claws. [Laughter and applause.]

Now, I have told you merely this passing history; I have hastily revived my recollection. I have said all I desire to say; I will not again refer to my remarks touching taxation by the linear foot for street improvements; I have already spoken of that.

Mr. JOHNSON of Kentucky. May I ask the gentleman one question?

Mr. CANNON. Certainly.

Mr. JOHNSON of Kentucky. I wish to ask the gentleman to restate the reason for giving the assessors a practical life tenure of office?

Mr. CANNON. The reason was this, that with all the social influences and with all the power arising from every standpoint that citizens of the District had to affect the District Commissioners, with a press that was in harmony and very properly in harmony because here the press lives, the assessor who was seeking to do his duty and keep his oath, his tenure of office was liable to be very, very short, and therefore we put in that provision in extremis, and I think, upon the whole, it has acted very well.

Mr. JOHNSON of Kentucky. Well, I am glad to have the explanation from the gentleman as to why the assessors were given this practical life tenure. It has been suspected by myself, I will say, and believed by many, that another provision in this same bill creates the assessors as an excise board, and, as I have just said, a great many people believe they were given practically life tenure of office, because the powers of an excise board were conferred upon them, and suitable men, when once gotten in for that purpose, might be held indefinitely.

Mr. CANNON. Well, it was for the protection of the assessors. It was to provide, starting in with proper and honest assessors, that they could not be discharged except for cause.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. Mr. Chairman and gentlemen of the committee, I want to congratulate the gentleman from Illinois [Mr. CANNON] upon the enactment of that legislation under the circumstances which the record shows it was then enacted, and I want to say also that in serving on the Committee on Appropriations with the gentleman from Illinois that he is faithful, cautious, and always strong, and is one of the most careful legislators on the Committee on Appropriations, and on the subject of appropriations he is absolutely sound. So I want to congratulate him, and it is not amiss to say he has rendered many services of like kind and character to the people of the United States. I differ with him, however, in reference to the position he takes on the amendment before the committee. Under the amendment proposed by the gentleman from Missouri [Mr. BORLAND] the property owner would pay one-fourth of the street expenses; that is, the property owner on one side would pay one-fourth and the property owner on the other side would pay one-fourth and the Federal Government, under the half-and-half system would pay one-fourth and the District taxes would bear the burden of one-fourth. I believe that the evidence that it is not unfair to the property owners of the District of Columbia is because so many of the great cities require the property owners to pay all of the street pavement in front of their property, and I presume that those people in the cities who have a direct vote upon the municipal officers and do vote for the municipal officers secure in the main practically the government which they think best. We ought to be peculiarly careful, as Members of Congress, in enacting legislation for this District, because they do not have representation here.

No property owner should be done an injustice, but I believe that under the present system of taxation that the small property owner could not in any sense of the word be injured. But under the system which prevails it inures absolutely to the benefit of the real estate man who is improving property for sale. For example, you take a large quantity of land which is farm land now, and a company is organized for the purpose of developing the property; if they have sufficient influence to have streets built, it costs them absolutely nothing, for the United States now owns the water system; and when they plat the land the water is placed under each lot without expense to the property, and the street is built without expense to the property. Land thus bought by the acre is sold by the square foot. The real estate speculator in the District charges the property with all these improvements which have cost him nothing, and in addition thereto enjoys the unearned increment. Under the present iniquitous system he enjoys all this without expense to himself and without paying one cent for a house. The land has been made valuable for homes out of Government money, and these real estate men get the entire benefit—not the poor home seeker or Government clerk or Government employee. They then charge the property with all the money that has been expended by the Federal Government, and farm land is sold after these improvements are made wholly out of the Federal Treasury and the District treasury, and the real estate speculator gets the entire benefit; and he charges up to the small home owner who desires to buy a lot the entire expenditure in the nature of improvements. In addition to that, the natural increase and the rise in values, by virtue of opening it up to settlement and building the streets, is also charged to the small property owner. He has to pay for them under this present system, whereas if the system were changed the property owner opening up property would be compelled himself to pay one-half of the street improvement. The result would be that the unimproved real estate would be developed less rapidly and the small home owner would have infinitely more opportunity to buy the unimproved real estate and suffer the inconveniences a while, and then, when the street is opened up and enough settlement is there to justify municipal improvements going to that neighborhood, the poor property owner and the poor home owner would get the benefit of the unearned increment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. Mr. Chairman, there was an understanding that if I should not complete my remarks within the time, I should have five minutes more.

The CHAIRMAN. The Chair will state that by special order 50 minutes of time was disposed of, leaving 10 minutes undisposed of. Gentlemen have been recognized in order, and have consumed that 10 minutes. There now remains no time in which extensions can be had. Does the gentleman ask unanimous consent?

Mr. SISSON. I will state, Mr. Chairman, that I had an understanding with the chairman of the subcommittee.

Mr. TAYLOR of Ohio. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended five minutes, not to be taken out of the time under the order.

The CHAIRMAN. The gentleman from Ohio [Mr. TAYLOR] asks unanimous consent that the time of the gentleman from Mississippi [Mr. SISSON] be extended for five minutes, not to be taken out of the time under the order already made by the committee. Is there objection? [After a pause.] The Chair hears none.

Mr. SISSON. Mr. Chairman, now this debate has taken quite a wide range. Nothing has been said about the amount of property owned by the Government in the District of Columbia. I do not know what percentage of area the Government owns, but it has been intimated here that by virtue of the ownership of the streets by the Federal Government, the Federal Government should pay the taxes on the ground covered by

the streets. I do not know of a municipality, a town, or a village in the world where there has ever been a tax placed upon the property owned by the city, and because the title to the street happens to be in the Federal Government I do not think that it will be seriously argued here the Government should pay taxes on the streets. It has also been argued that because the Government owned so much property here and so much area here that for that reason the Federal Government should pay a part of the municipal taxes. I do not believe that argument is tenable, because the presence of the Federal Government in this city is what gives the value to all real estate and makes it possible for this to be a city, and the people living in the District of Columbia, doing business here, educating their children here, get a hundredfold more benefit from the Federal Government than do those people who do not happen to be so fortunate as to live within the District. So I do not believe that that argument is tenable, because in no State does the State pay taxes in the capital of the State on property owned by the State. It has been suggested that this Capital be removed nearer the center of population. If St. Louis would duplicate the buildings and duplicate the property we have here I would favor moving the Capital to that city, being, as it is, in the center of the United States. It could well afford to duplicate those buildings and have the Capital City moved there, and there would be no contention whatever that the Federal Government would be a curse to that city. I am getting tired of the continuous complaint coming from the citizens of the District of Columbia and coming from the real estate people of the District that Congress is penurious in dealing with District matters. We are by far more liberal than we ought to be.

Mr. JOHNSON of Kentucky. California gave $17,000,000 to get an exposition located there for only a little while.

Mr. SISSON. The gentleman from Kentucky [Mr. JOHNSON] has stated to me that the State of California gave $17,000,000 for an exposition to be located there but for a short time. I do not blame the people of the District of Columbia so much. I presume if other people would live here as they do, they would soon become educated as are the people of the District of Columbia. I am criticizing the system which Congress is maintaining in this District. If you would change it, you would hear a different cry. Cut out the half-and-half system.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CULLOP. Mr. Chairman, I am heartily in accord with the purpose of this amendment. And yet the amendment may not do equal justice to all the citizens. But it is hardly possible to pass any law that will do equal and exact justice to all. This amendment, however, is predicated upon a principle that is practically right and one that a great many of the States of the Union have adopted and are carrying out successfully.

Some objection has been made that in some of the States of the Union legislation of this kind has been stricken down by the courts. That would not be the case here. In such States, where decisions of that kind have been rendered, it will be found, doubtless, by an examination of them, that the legislation came in conflict with some provision of the constitutions of those States, and for that reason the law in those States was held to be invalid.

Now, if the citizen is to pay for the improvements of the street, as provided for in this amendment, he will take an interest in the making of the improvements; he will see that the proceeds derived from the taxation of his property are economically and wisely expended and that the improvements are well made.

Objection has been made also that some of the property may be taxed unjustly on account of this provision; that a valuable piece of property will have to bear its proportion and that a piece of property not so valuable will have to bear its proportion. Mr. Chairman, adjoining properties will bear the same burden fairly distributed under this amendment, and, consequently, will receive the same proportion of benefits from it. Therefore it will work fairly as to the two kinds of property, and the owners will not suffer any injustice from the adoption of such an amendment as this.

Now, I think that every Member in this House is desirous of improving the city of Washington, but it is unfair that the owners of property in the city of Washington shall receive an increase of value in their property by the payment of taxes collected from people all over the Union. As the law now stands, the property owner of California is taxed for the purpose of improving the property—increasing the value of the property owned by a citizen of the city of Washington; and while that far-distant citizen has a pride in the city of Washington, still he ought not to be taxed in the same proportion as the owner of property in Washington is taxed for the purpose of improving the value of property here in the city of Washington. Such a course is manifestly unfair.

Now, in the improvement of streets it will bring about a better system of improvements. It will not improve the streets out in the parts of the District of Columbia where there are no residents and no public requirement for such improvement, but it will curtail that improvement and improve the streets only in such localities where the property is built up and the population dense. Upon the plan now employed it is unfair to the property owner in one locality that he be taxed, as he is now taxed, for the purpose of building up the improvements out in another locality far distant from him. Under the method proposed by this amendment the property owners adjoining the street pay one-half of the improvement, the Government one-fourth, and the District of Columbia one-fourth; and I take it that the amendment will work fairly to all the country if it is adopted, as I hope it will be.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS and Mr. TAYLOR of Ohio rose.

Mr. SIMS. Mr. Chairman, I will yield in favor of the gentleman from Ohio [Mr. TAYLOR], who is a member of the committee.

The CHAIRMAN. The gentleman from Ohio [Mr. TAYLOR] is recognized.

Mr. TAYLOR of Ohio. Mr. Chairman, I am not in favor of this amendment, not because I am not in favor of an equitable distribution of the cost of improvements among the citizens who enjoy those improvements, but for the reason that I am opposed to vital legislation being catapulted on the floor of the House without any consideration at the hands of any of the great committees that may have jurisdiction over it and then passed or rejected merely on statements made and theories propounded by gentlemen who are practically relying upon their personal opinions fortified by mere guesswork.

I am glad to have heard the argument of the gentleman from Wisconsin [Mr. LENROOT]. I am familiar with the case of Norwood against Baker. I know a good deal about the front-foot rule. I live in Ohio, and in my home city we pay for our improvements under that rule. That city is laid out in squares and not laid out in angles, as is Washington There is not a city in the Union of which I have any knowledge where the front-foot rule would work such gross inequalities and injustices as it would in the city of Washington.

Now, that is one thing that a committee, and a very able committee, should consider before we write into the statute books a radical change from our present system of taxation. Why, Mr. Chairman, when the present law providing for the half-and-half system and the $1.50 rate of taxation was enacted it became a law only after a great committee, a joint committee of the House and Senate, composed of very able members, had spent months of investigation and had filed a very elaborate and complete report upon which the legislation was based.

Although my service in Congress will soon be over, I stand ready to-day to vote for anything along the lines of just and equitable taxation and vote to see that the citizens pay their just proportion of the benefits peculiar to them as individuals. I am not opposing that, but I am opposing this method of trying to enact legislation without proper and intelligent consideration.

Here is another inequality. The city is full of these triangles which the gentleman from Wisconsin [Mr. LENROOT] mentioned. Some gentleman stated in his argument that they were in the old portion of the city. If a man knows anything about the new portions of the city, I guarantee he will find more jogs and triangles by far in the new portions of the city than in the older parts of the city.

I happen to have a map here that was furnished to our committee while we were considering street improvements. We are asked now under this amendment to compel those who desire streets in front of their property, if this amendment becomes a law, to pay a proportion of that cost. Now, what effect is that going to have? They are not only going to pay one-fourth or one-half, but as repairs are not covered in this amendment, they must still go on and pay their regular $1.50 rate of taxation toward repairs and maintenance of streets already laid down in front of their properties.

Here is a map of the District of Columbia. All that part marked in brown has completed improved streets. The very heart and core of the great District of Columbia is to-day improved permanently with asphalt streets. Those streets, with the repairs put on them out of the general revenues, are good for not less than 20 years, and we now propose to make the people who are beginning to live out in the part of the District shown in white on this map, the poor clerks and small householders, proceed immediately to pay for their street improve-

ments, while for 20 years the millions of dollars of real property in the heart of Washington will not have to pay one cent toward the upkeep of those streets. We relieve entirely, except for repairs, those gentlemen who own the great central part of the city until their streets are worn out.

Let us look this amendment squarely in the face. Let us send it to a great committee. The chairman of the District Committee is here to-day. Many of its members have been on the floor throughout the discussion of this bill. Let them come in, after a careful consideration of this great subject, and present a just and equitable bill, and if I am in Congress it will receive my support. But I will not vote for one separate amendment which on its face lacks equity and shows that the great mass of the people will not be affected by it for many years to come, while those who can least afford to bear it will begin to pay immediately.

Mr. SISSON. Will the gentleman permit one interruption?

Mr. TAYLOR of Ohio. Certainly.

Mr. SISSON. The gentleman from Kentucky stated that you could now assess the benefits that have accrued to the property owners by virtue of street improvements. Do you believe that could be done now?

Mr. TAYLOR of Ohio. Do you mean that you could assess back the benefits on the finished work?

Mr. SISSON. That is what I am asking.

Mr. TAYLOR of Ohio. I do not think you could.

Mr. SISSON. I just wanted to ask about that.

Mr. TAYLOR of Ohio. This amendment does not provide for it.

Mr. SISSON. I am speaking of the present law.

Mr. TAYLOR of Ohio. I am giving my off-hand judgment, which, as a rule, is not very good when things like this are sprung suddenly, that you could not do it.

Mr. SISSON. My reason for asking the question was that if that could be done, then if the law was enforced you could assess these benefits against these recently improved streets.

Mr. TAYLOR of Ohio. If that could be done there would be some equity in it, but it is not proposed to be done in this amendment, and a proposition to amend the amendment would simply result in a hodgepodge.

Mr. SISSON. If the difficulty lies in a failure to enforce the existing law, then the thing to do is to enforce it.

Mr. TAYLOR of Ohio. We are enforcing the present law, as far as I am able to find out.

Now, I want to speak of one thing that everybody seems to be worried about. That is, that the people of the country are paying something, or, as the gentleman from Kentucky [Mr. JOHNSON] says, are paying a subsidy to the citizens of the District of Columbia. I live in the State of Ohio, which, according to the figures presented by the chairman of the District Committee [Mr. JOHNSON of Kentucky], pays about the third largest amount.

New York, Pennsylvania, possibly Illinois and Ohio are the ones paying the largest amounts according to his population figures, which are absolutely worthless, because we collect no per capita taxes. If you—living outside this District—do not want to pay anything toward the support of the District of Columbia or the support of the Federal Government, do not smoke, drink, chew, or import anything, and you are out of it.

I never have heard a citizen of my district but what was proud to a great degree of the city of Washington, which they consider to be the city of the whole people of the United States, and they want what little money the Government sees fit to spend upon it expended in such a way as to make it the greatest capital of any nation in the world. I do not believe one Member of this House has ever had a complaint or a petition from his constituents asking that they be relieved from any burden caused by the Government participation in the expenses of the District of Columbia. I have had hundreds, possibly thousands, of visitors from my home city and county, and every one of them left here proud of what they saw had been accomplished, and willing to see greater things done toward the beautification and upbuilding of the greatest capital of the greatest nation in the world.

I am against this amendment, but I am not against just and equitable taxation for improvements peculiarly beneficial to individuals in this District or any other place. [Applause.]

Mr. SIMS. Mr. Chairman, it is an admitted fact that no intangible personal property in the District of Columbia is taxed, and that there is a thousand dollars exemption on tangible personal property. Stocks, bonds, mortgages, money, it makes no difference how many millions in value, pay absolutely no tax in this District whatever.

Now, if there was a corresponding burden upon the property that is taxed equivalent to that failure to tax intangible property that is lost to the District by not being taxed, we could excuse such a thing. But here in the District of Columbia real estate, the only thing that is taxed except tangible personal property, is permitted by law to be taxed at two-thirds of its value. It is utterly impossible for an assessor, as the gentleman from Illinois [Mr. CANNON] said, to stand against the pressure brought to bear on him and assess it for more than that. Therefore, taxes on the only species of property, real estate, that is taxed at all is $1 a hundred, or $10 a thousand, in the finest improved city in the United States.

Take my own State and district; the largest town in my district does not exceed 20,000 inhabitants, and the tax upon practically the same assessed value is $3.45 a hundred dollars. I do not mean the city tax, but all taxes combined. Why should a man, because he lives in the finest city in the United States, yea, the finest city in the world, be further compensated by reducing his taxes? Just as long as the half-and-half plan exists we will have this anomalous condition on us. That is the fundamental error of the whole thing. It may have been wise to do it when it was done, but we will have these people continuously knocking at the door of Congress for increased appropriations for the District of Columbia while the percentage burden of taxation is being reduced.

I say that the man who lives in the District of Columbia and owns his home ought to pay more taxes than in any other place on earth, because he is getting more for his money than anywhere else. But the purpose that seems to lie behind the people of the District of Columbia is to get rid of paying for city benefits, which they get in a greater volume than the people in any other city on the face of the earth. The only way to do justice is to levy a just, reasonable, and fair tax upon the people of the District of Columbia, both upon the real, tangible, and intangible personal property, regardless of the appropriations made; make it uniform and let them pay it into the Treasury of the United States, and then let Congress make the appropriations with reference to the city's needs, and then what these fair and just taxes do not pay, pay the balance out of the United States Treasury. Then you will stop this eternal knocking at the doors of Congress and this nagging at us to buy this frog pond and that gulch and other useless forms of real estate because the District can pay its part without increasing its burden and because the volume of values must and always will increase.

There is no reason why this Capital should be a great and populous city. What benefit is Chevy Chase to the National Government as a seat of government? What benefit is it to Members of Congress to have a clubhouse away out in the woods while our people pay for part of it? It is absurd, it is wrong, it is illogical, and it is robbery of our constituents. The people here ought to bear these expenses because they get the exclusive benefits of same.

There is a necessity for this amendment so that these great avenues and extensive projects may be kept up, at least in part, by the people of the District of Columbia. The morality usually voiced by the people here has been a dollar-and-cent morality, an exchange of their rights as citizens for a mess of pottage in reduced taxation called the organic act. It is organic folly, and we will never get rid of these troubles until we wipe that statute off the books and let everybody pay their taxes according to what they own, and let the Government pay the balance of whatever appropriations may be made regardless of ratio. [Applause.]

Mr. PROUTY. Mr. Chairman, I have been a member of the Committee on the District of Columbia for nearly two years, and I appear on this occasion as a kind of amicus curiæ for that committee. Ever since I have been on that committee somebody has appeared asking for an extension of some road, an improvement of some highway, and I have felt that if these fellows that were appearing there had to pay the expenses of the improvements they would not besiege the committee so persistently as they do, and therefore as a friend of that committee I am in favor of the principle, at least, of this measure.

While I have the floor, however, I wish to make a few general remarks upon this subject. I have for the last 30 days been listening to experts in this city upon the question of real-estate values, and if there is any one thing that has been established beyond all doubt and all controversy it is that real estate in the city of Washington is springing and leaping in values as it is nowhere else in the United States. We had one little piece of property down here upon which was centered the thought of this committee, which had sprung in value from $18 a square foot to $50 a square foot in a little over three years. This naturally led me to inquire the cause of this remarkable increase in the value of real estate in the city of Washington. Everybody who is familiar with real estate values knows that

the question of taxation is an important factor. It always figures in the value. This led me to a general inquiry, and I addressed letters to the mayor of every large city of the United States inquiring as to the assessment of the property in other cities, and without going into detail I might say this, that while the assessment on real estate property in the city of Washington is 10 mills, the average of cities of this size and class in the United States is 22 mills. In other words, real estate assessments in the United States is more than twice what it is in the city of Washington.

Take, for instance, my own city. We pay 22 mills on every dollar of real value of real estate in our city. In addition to that, every man has to pay for special improvements that are put in front of his property. In Washington that is all absorbed by the General Government and by general taxation. That is not fair. There has been a good deal of talk here about the fact that in the District of Columbia there is a large amount of property belonging to the Federal Government. I undertake to say that the ownership of that property does not throw a single burden upon the property of the individual owner in the District of Columbia. [Applause.]

Another thing has been called to my attention in making this investigation, and that is this—that the people of the city of Washington, per capita, are the wealthiest people in the United States. The average wealth of the citizens of Washington is $2,300, and in the next highest city it is $1,800. That shows that the people of Washington are at least able to bear their share in carrying on the burdens of their purely local government. I have given a good deal of thought and attention to this whole matter during the last month. I have looked at it from almost every angle, but I can see no reason in the world why the citizens of Washington should not maintain and control and pay the bills for their own local government, just like any other city does. I have addressed letters to the capitals of all of the principal countries of the world, and so far as I can find there is not another capital in the world that is subsidized by its General Government like the city of Washington is.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. SIMS. Mr. Chairman, I ask unanimous consent that the gentleman from Iowa be permitted to proceed for five minutes, not to be included in the general order heretofore made.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. PROUTY. I yield to the gentleman from Kansas.

Mr. CAMPBELL. The gentleman from Iowa is very pronounced in the opinion that the entire amount of money necessary to maintain the District government should be paid out of local taxation. Does the gentleman from Iowa couple with that proposition the right of self-government in the District of Columbia?

Mr. PROUTY. Yes; I think they are two things that should go hand in hand.

Mr. CAMPBELL. Then, instead of the amendment that is being discussed here, as well as other questions that are not included in the amendment, the whole question calls for general legislation of the greatest possible importance not only to the District of Columbia but to the country; and does the gentleman think that that legislation should be enacted by an amendment on an appropriation bill?

Mr. PROUTY. My answer to that would be this, in a general way: I am engaged in preparing a bill, which I will have the pleasure of presenting to this House, which covers all of these questions; but as this goes in part along the line I am in favor of, I propose to do all I can to get just as far as I can, and I will frankly say to the Members of the House that I will call on them to the best of my ability to consider a general proposition for reorganizing the entire system of government in the city of Washington. In other words, after having looked this question over from every corner, I do not believe there is any way that these questions can all be solved except by an absolute divorce between the District of Columbia in its purely municipal affairs and the Federal Treasury. [Applause.]

The CHAIRMAN. For what purpose does the gentleman from New York rise?

Mr. REDFIELD. I did not mean to interrupt the gentleman, but I would like to be recognized for five minutes when he has finished.

Mr. PROUTY. Mr. Chairman, there is no greater wrong in my opinion that a sovereign power can exercise than that of taxing one class of people for the benefit of another, and the first thought of every candid and sincere Congressman or legislator must be on the line of so adjusting things that unreasonable burdens will not fall upon anybody. As has been called to your attention by the chairman of our distinguished committee, not the distinguished chairman, but the chairman of our distinguished committee [laughter and applause] we not only pay all of these burdens at home in sustaining all of these affairs, but we come down here with our contribution to the people of the city of Washington. My people at home pay for their own schooling, pay for their own policing, pay for all those affairs, and then we come down here and throw into the laps of people who are wealthier per capita than my people a certain portion for the purpose of providing water, light, and everything else.

Mr. CANNON. Will the gentleman allow me?

Mr. PROUTY. With pleasure. I probably will have to ask a minute or two more.

Mr. CANNON. I hope it will be granted, but my recollection is from a careful examination that the citizens of Iowa per capita are the wealthiest people in the United States, and I believe in the world.

Mr. PROUTY. I accept the compliment, but unfortunately that only applies to the agricultural portion; I am talking about cities of the size of Washington.

Mr. CANNON. It includes all of them.

Mr. PROUTY. We are wealthy out there; we admit it; but we have not reached that point of generosity where we are willing to take from our own treasury and pour it into the laps of fellows who are just as well fixed as we are.

Mr. SISSON. You want to keep your riches.

Mr. PROUTY. What I wanted to state is, so you will understand it, for I speak with deliberation, that there is no city of the size in the group between 300,000 and 400,000 in the United States where the individuals per capita are as wealthy as they are in the city of Washington. That being true, what excuse can anybody give for taking money from the people of some other city and bringing it down here to pay the expenses of the fellows who live in this city.

The CHAIRMAN. The time of the gentleman has expired.

Mr. REDFIELD. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from New York [Mr. REDFIELD] rise?

Mr. REDFIELD. Mr. Chairman, I would like to speak for a few moments on the amendment.

The CHAIRMAN. The Chair will advise the gentleman that under a unanimous agreement the time has been fixed for debate and except by unanimous consent——

Mr. JOHNSON of Kentucky. Mr. Chairman, I ask unanimous consent that the gentleman from New York may address the committee for five minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the gentleman from New York may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none. The understanding of the Chair is that that is not to be deducted from the order the committee has already made.

Mr. REDFIELD. Mr. Chairman, I should not trouble the committee in this debate were it not that I happen to have had experience in administering a law of this kind much more severe in its terms, and can speak from experience. In the Borough of Brooklyn, in the city of New York, the law requires that the entire expenses of all public improvements of every nature having to do with street improvements, sewers, pavements, and everything of that kind, shall be borne wholly by the abutting property owners, the extent of the assessment area on each side being one-half the abutting block unless by special enactment. The only protection against confiscation which the property owner has under this severe statute is that the city has no right of its own to begin improvements. They must be initiated by the property owners themselves through a special proceeding provided for that purpose, and in the cases where assessments are very large—I had under my care a single sewer that cost something over $3,000,000—in such cases the law now permits the carrying of the assessment over a term of years, with interest thereon, but the entire cost of all these improvements is willingly paid by the property owners, and it does not in the faintest degree restrict the activities and the growth of the city in the construction of public works. As a matter of fact, in one year I had under my care some 80 contractors at work doing work of this character under the very onerous—or, rather, the very drastic—provision that I have described.

When I came to Washington from that experience, and found in the outlying parts of this city that the city, supported in part by the United States Government, was making improvements in streets, the benefit of which immediately accrued to the abutting property, but without expense to it, it seemed to me, and it seems to me now, one of the most shocking things I ever heard of the kind. I think this amendment would be bet-

ter if they—the property owners—paid it all. If they paid it all, then they should have the right to initiate, because it is not proper that the city should impose upon property owners such a tax of its own will without any voice upon their part. And in large improvements I think they might be given a term of years in which to pay, as, for example, in the case of a great trunk sewer, and things of that kind. But the principle of this amendment is perfectly sound. My property is benefited by a street; not yours a mile away, but mine. I expect to get that benefit back, and I ought to pay, and cheerfully pay, without any question of justice or injustice, what I am squarely getting back through the proceeds of that work. That is the practice elsewhere, and it ought to prevail here. [Applause.]

Mr. BURLESON. Mr. Chairman, the issue presented is quite simple and easily understood. Under the amendment proposed by the gentleman from Missouri [Mr. BORLAND] a change of plan in the payment for the construction and reconstruction of streets and avenues within the District of Columbia is proposed. The present plan authorized by law for paving of streets and avenues in the District requires that one-half of the expense shall be met by the District government and one-half by the General Government. The first question that arises in one's mind is, Is that just and fair? One way to arrive at a satisfactory answer to the query as to whether it is just and fair is to look to other cities and see what plan has been adopted in such cities in dealing with the subject matter under discussion.

It has been made manifest by repeated statements here that in an overwhelming majority of cities in the United States the entire cost of the construction and the reconstruction of streets is borne by the abutting property owner on the thoroughfare being improved. Such being the case, one is justified in concluding that there is nothing radically unfair in the proposition to impose a small part of such expense on abutting property owners in the District of Columbia. There is nothing novel in the plan to accomplish this result as outlined in the amendment of the gentleman from Missouri. He utilizes the same plan that exists in other cities of the United States for assessments against property owners. The only question remaining to be decided is whether the percentage of this cost to be assessed is too high. Is what he proposes unjust and unfair? What does he propose? He proposes that the abutting property owner, the man who owns the property to be benefited, shall pay one-fourth of the cost of the pavement on the street in front of such property. In other cities, as has been said, such property owner frequently has to pay the entire cost of such improvement. In some cases they pay half, but here it is proposed that such owner shall pay only one-fourth of the cost of the paving.

Mr. TAYLOR of Ohio. It is one-half of the cost. Where the property owner is charged to the center of the street he pays *one-half of the cost.*

Mr. BURLESON. One-half of the cost to the street-car track, or the center of the street, one-fourth of the entire cost of the street in front of his property.

Mr. TAYLOR of Ohio. But in other cities the person also pays only 50 per cent, because he only pays to the center of the street.

Mr. BURLESON. There is no difference between us. The proposition to be determined then is, is this too much; if so, offer an amendment to reduce it. The gentleman from New York [Mr. REDFIELD] has just suggested that he thinks the abutting property owner ought to pay all the cost of such street construction. I do not think he ought to pay it all in the city of Washington. Personally I do not want to completely abandon the half-and-half plan of paying municipal expenses that prevails in this city, but I want to call the attention of those who favor the existing plan that there are certain inequalities growing out of this plan which must be corrected or the whole plan will be either abolished and abandoned or radically changed. There is no doubt about that. I am a friend of the city of Washington. I do not want the present half-and-half plan abandoned, but I do desire certain inequalities, certain injustices, that result therefrom changed. These injustices against the whole people of the United States should be speedily eliminated or changed, in order that the plan itself may be saved. Personally I do not believe that the people of the United States should pay anything toward defraying the cost of schooling the children of the District of Columbia.

I believe that ought to be changed. There are also other injustices resulting from this plan, and if we correct these inequalities we will continue under the present half-and-half system until Washington is made and maintained as the most beautiful city in the world. Mr. Chairman, I appeal now to this committee to act cautiously in this matter. If we do act advisedly, act in the interest of the city, by adopting this amendment offered by the gentleman from Missouri [Mr. BORLAND], we may prevent more radical action in the future. [Applause.]

Mr. TAYLOR of Ohio. Will the gentleman yield just for one question? As chairman of the subcommittee in charge of the bill is it not a fact that this very amendment in the last days of our consideration of the bill was presented by you as chairman to the committee and discussed, and it was unanimously decided that it was inopportune to bring forth radical changes in legislation in an appropriation bill, and that this was conveyed to the full committee which agreed unanimously with us?

Mr. BURLESON. That is measurably true. It is a matter that we were afraid we ought not to undertake at this time. But as far as the amendment is concerned I want to say that it was prepared by one of the most competent engineer officers ever brought to the service of this District, the assistant engineer commissioner, Capt. Brooke. He had also the assistance of the law officers of the District in preparing this amendment.

Mr. TAYOR of Ohio. But not by a lawyer, or by anybody familiar with taxation.

Mr. BURLESON. It was prepared after full consultation with the law officer of this city, and it will stand the test in the courts. Take that from me. [Applause.]

Mr. SISSON. Mr. Chairman, I simply want to make this statement that the action was not entirely unanimous in the Committee on Appropriations.

Mr. BORLAND. Mr. Chairman, I want to call the attention of the committee in closing this debate to a fact that was referred to here by the chairman of the subcommittee [Mr. BURLESON], that this amendment is not a hasty suggestion, but has been carefully prepared by an engineer officer, Capt. Brooke, the assistant engineer officer of the District. It has been prepared with a view of articulating into and operating according to the machinery of the law now governing the District of Columbia. It is an adaptation of a principle that is in force in the District of Columbia in regard to sidewalks and alleys, and has been enforced and passed upon by the Supreme Court of the United States. It simply extends that principle to another class of improvements, to wit, the surfacing of the roadways of the streets.

There is not any question but that legally the proposition is sound and that we can go at least as far as making the abutting property owner pay one-half of the cost of those improvements. The gentleman from Wisconsin [Mr. LENROOT] recalled the case of Norwood against Baker, which was decided in 1898, and which caused a great deal of confusion at that time in the assessment laws of the various States. The opinion in the case of Norwood against Baker went away beyond the facts involved in that particular case in criticizing the front-foot rule or any other arbitrary form of assessing the benefits. Immediately after the decision in that case there went to the court from Kansas City the case of the Barber Asphalt Co. against French, in which case the question of the legality of the front-foot rule of assessment in paving improvements was squarely presented. The issue had not been clearly defined in the Norwood-Baker case. The front-foot rule was sustained by the Supreme Court of Missouri and by the Supreme Court of the United States in the case of the Barber Asphalt Co. against French, as reported in One hundred and eighty-first United States.

In that case the opinion not only reviewed every preceding case involving street improvements, but even specially mentioned the case of Mattingly against the District of Columbia, in which the Supreme Court sustained the very law that we are now proposing to extend to street improvements. That will be found on page 345 of the opinion. Then the court proceeds to say that the opinion in the case of Norwood against Baker should go no further than to leave to every man the constitutional right under the fourteenth amendment to go into a court of equity and enjoin the municipal authorities in any rare case of confiscation that may occur. That is true with respect to this law. A man has the right now to go into a United States court of equity and enjoin a case that happens to be a case of confiscation.

Mr. LENROOT. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. BORLAND. Yes.

Mr. LENROOT. The gentleman knows that that was a decision by a divided court?

Mr. BORLAND. Yes.

Mr. LENROOT. The gentleman knows that Mr. Justice Harlan dissented?

Mr. BORLAND. Yes.

Mr. LENROOT. And that two other justices dissented?

Mr. BORLAND. Yes. That has been true since the rendering of the court's opinion in the case of the Barber Asphalt Co. against French. It leaves the question in such a position that where a man feels he is damaged he can go into court and litigate the question himself. It is now a question whether you will have a general law on the subject or whether you will put upon the property owner the necessity in each case of going to a jury and determining the damages in each case. You must either have a general plan of ascertaining damages, as under this front-foot rule, which works well in the majority of cases, or you must submit every particular case to a jury and show the exact damages and benefits to each piece of property. Under the latter plan of apportionment the burden of taxation is so increased by these expenses that it becomes a substantial injustice to the property owner instead of an act of justice.

Mr. LENROOT. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. LENROOT. Can the gentleman furnish any authority for the proposition that it requires a jury to settle these questions? The commission decide them.

Mr. BORLAND. Yes; but the Constitution of the United States says it shall not be done without due process of law, and every man still has that right reserved in all these forms of city improvements. For that reason, gentlemen, we can at least go this far. As has been said by the gentleman from New York [Mr. REDFIELD], I repeat it is a conservative step toward making the property owner pay a part of the improvements. I would go as far as the gentleman from New York [Mr. REDFIELD] does. I would make the property owner pay it all; but I agree that we ought now to adopt the principle of making property owners here pay a portion of the cost of the improvements opposite their property, and do it according to the established machinery of law which is now in operation in the District.

I call for the vote.

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

Mr. LENROOT. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amend the amendment by striking out the word "levied" where it appears after the word "assessments," in the first line of the last paragraph, and inserting the word "levied" before the word "payable," in the same line.

Also add to the amendment the following:

"*Provided further*, That if upon any hearing of objections to the proposed assessment by any property owner affected the commissioners shall determine that the special benefits accruing to the property proposed to be assessed are not equal to the proposed assessment, then and in such case the commissioners shall determine the amount of such special benefits, if any, and such amount only shall be assessed against such property."

Mr. BORLAND. These are separate amendments, and I demand a division of them.

Mr. LENROOT. I suggest to the gentleman that while they are separate they should be treated together.

Mr. BORLAND. I have no objection to the first one.

Mr. LENROOT. The first one ought not to go in unless the last one is adopted.

Mr. BORLAND. I demand a division of those amendments, because, as I say, I am not opposed to the first one, that it shall be levied as well as collected under the rule applying to sidewalks; but I am opposed to the second amendment, which gives the commissioners some sort of arbitrary discretion to discriminate against certain property owners as to how much shall be paid.

Mr. SISSON. That is now the law.

Mr. BURLESON. That is now the law, absolutely.

The CHAIRMAN. Debate is closed, and everything is proceeding now by unanimous consent.

Mr. LENROOT. I ask unanimous consent that I may have two minutes in which to make a statement concerning my amendment.

Mr. BORLAND. Reserving the right to object, I should like to have two minutes in which to reply.

Mr. BURLESON. Very well; but I serve notice that I am going to object to any further extensions to anybody.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin [Mr. LENROOT]?

There was no objection.

Mr. LENROOT. Merely in the interest of the gentleman's own amendment I wish to state that he does not want this first amendment adopted unless the second one is adopted, because the first amendment will require the commission to give the notice under the law of 1894, and the gentleman does not want that notice given unless there is some discretion to be reposed in the commission, as under the law of 1894, but which is not proposed in the gentleman's amendment. So the two practically go together and ought to stand or fall together.

Mr. BORLAND. The gentleman is not quite correct about that. The notice is not intended to cover the cost of the apportionment of the assessment. The notice is not intended to cover the desirability of the improvement at all, and that notice is perfectly feasible under this law as it is under the sidewalk law. I have no objection to the first amendment.

Mr. BURLESON. Mr. Chairman, I ask that the amendment offered by the gentleman from Wisconsin be voted down.

The CHAIRMAN. The gentleman from Missouri asks for a division of the amendment offered by the gentleman from Wisconsin, and the question is on the adoption of the first part of the amendment.

The question was taken; and on a division (demanded by Mr. LENROOT] there were 8 ayes and 45 noes.

So the amendment to the amendment was lost.

The CHAIRMAN. The question now is on the second part of the amendment offered by the gentleman from Wisconsin in the nature of a proviso.

The question was taken, and the amendment was lost.

Mr. CALDER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. Is it an amendment to the pending amendment?

Mr. CALDER. It is.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CULLOP having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Curtiss, one of its clerks, announced that the Senate had passed the following resolutions (S. Res. 445):

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. GEORGE S. LEGARE, late a Representative from the State of South Carolina.

Resolved, That a committee of nine Senators be appointed by the President of the Senate pro tempore, to join the committee appointed on the part of the House of Representatives, to attend the funeral of the deceased, at Charleston, S. C.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

And that in compliance with the foregoing the President of the Senate pro tempore had appointed as said committee Mr. TILLMAN, Mr. SMITH of South Carolina, Mr. MARTINE of New Jersey, Mr. SWANSON, Mr. PERKY, Mr. MYERS, Mr. GRONNA, Mr. CRAWFORD, and Mr. POINDEXTER.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Amend the amendment, in the first paragraph, by striking out the words "or by resurfacing and existing pavement."

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from New York.

The question was taken, and the amendment was lost.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Missouri [Mr. BORLAND].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For the purpose of investigating and reporting upon the collection and disposal of garbage and other city waste originating in the District of Columbia, including the preparation of plans and specifications for the construction of plants, the necessary accessories, and the employment of personal services and such other incidental expenses as may be necessary to carry out the purposes of this appropriation, to be immediately available, $10,000.

Mr. FOWLER. Mr. Chairman, I reserve a point of order against the paragraph. I desire to ask the gentleman in charge of the bill if it is contemplated by this provision in the bill to take that portion of the Baltimore & Ohio Railroad right of way which was abandoned by virtue of a law passed February 12, 1901, whereby this roadway become the property of the United States and subsequently was completed by a deed thereto. I ask if it is intended by this paragraph to take that as the site for the proposed building?

Mr. BURLESON. Mr. Chairman, I have no idea as to where it is intended to locate the proposed garbage plant. I ask unanimous consent that this item be passed, as the gentleman from Virginia [Mr. CARLIN] requested to have it passed if he was not present at this time.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that this paragraph may be passed over with the point of order pending. Is there objection?

There was no objection.

Mr. LOBECK. Mr. Chairman, I want to suggest to the gentleman from Illinois [Mr. FOWLER] that the item on page 39 of the bill is probably the one that he refers to, instead of this one on page 33.

The Clerk read as follows:

Bathing beach: For superintendent, $600; watchman, $480; temporary services, supplies, and maintenance, $2,250; for repairs to buildings, pools, and the upkeep of the grounds, $1,500, to be immediately available; in all, $4,830.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order against the paragraph for the reason that it is not authorized by existing law.

Mr. BURLESON. The gentleman refers to the words making it immediately available?

Mr. JOHNSON of Kentucky. No; I refer to the bathing-beach proposition.

Mr. BURLESON. There is a statute which authorizes it.

Mr. JOHNSON of Kentucky. I will read the statute to the gentleman if he wishes to hear it. It is as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby authorized and permitted to construct a beach and dressing houses upon the east shore of the tidal reservoir against the Washington Monument grounds, and to maintain the same for the purpose of free public bathing, under such regulations as they shall deem to be for the public welfare; and the Secretary of War is requested to permit such use of the public domain as may be required to accomplish the objects above set forth.

SEC. 2. That the sum of $3,000 is hereby appropriated, from the revenues of the District of Columbia, to be immediately available for the purposes of this act.

Approved, September 26, 1890. (U. S. Stat., vol. 25, p. 490.)

Now, Mr. Chairman, this carries the proposition of $2,250 for repairs and another item of $1,500 for upkeep, payable half and half. It is quite clear from the act that I have just read that it was originally a District proposition.

Mr. BURLESON. I will state to the Chair that under the act of Congress authorizing a bathing beach it has been established, and appropriations for its maintenance and upkeep have been carried in this paragraph, I think, for some years by law. It has been carried for a number of years in the exact language that is contained in this bill except the words "immediately available." We have that right under the rules of the House, and, furthermore, it is necessary, because a number of the buildings have been injured by a storm. If the bathing beach is to be utilized during the coming summer when bathing beaches are ordinarily utilized, the money must be immediately available in order that the repairs may be effected.

The CHAIRMAN. Will the gentleman from Kentucky read the second section in the act of 1890 again?

Mr. JOHNSON of Kentucky. It is as follows:

SEC. 2. That the sum of $3,000 is hereby appropriated, from the revenues of the District of Columbia, to be immediately available for the purposes of this act.

Therefore it is quite apparent on its face, Mr. Chairman, that the money to be available for the purpose of the act was to be appropriated from the revenues of the District of Columbia, and not on the half-and-half plan.

The CHAIRMAN. The Chair will ask the gentleman from Texas if the act of 1890 is authorization for the bathing beach, and for its maintenance, repairs, and continuance, if the Congress would not have to look to that act as its authority for its continuance and repairs, and if the original act made it chargeable only against the District revenues, if it would not be subject to a point of order upon that ground—not on the ground that $4,830 is in excess of $3,000, but considering the first paragraph of the bill in connection with the paragraph against which the point of order is made, in the light of the act of 1890, would not the Chair be obliged to sustain the point of order?

Mr. BURLESON. Mr. Chairman, the bathing beach was established under that act, but there is no stipulation in it that the maintenance and upkeep shall be wholly from the revenues of the District of Columbia. It is true that was the first appropriation for the bathing beach, and it is stipulated by terms that it should be wholly from the revenues of the District of Columbia; but having established it, it is a municipal institution, and the necessary appropriation was carried in the District appropriation bill in the usual way, couched in the language of the present paragraph.

I call the attention of the Chair to the fact that in the act of 1908 $10,000 was appropriated.

The CHAIRMAN. That was an appropriation act?

Mr. BURLESON. An appropriation act for the improvement of wharves and floating baths. That was one-half from the revenues of the General Government and one-half from the revenues of the District government. Consequently this is a composite institution, if such a term can be used. It has been erected partly from funds taken only from the revenues of the District of Columbia and partly from the revenues taken one-half from the District and one-half from the General Government. I will read to the Chair the language of the act of 1908. Providing for the superintending force it then says:

And for temporary service, maintenance, and repairs, $1,950; construction of bathhouses, and for improvement of the wharves and floating baths, $7,000; and the appropriation of $5,000 for this purpose for the fiscal year 1907 is hereby made available, and in addition to the $5,000 herein provided.

There are $12,000 appropriated in the act of 1908 for improvements and the construction of new buildings for the bathing beach. This is simply for the supervisory force to take care of an institution that has been erected partly out of the funds of the District of Columbia and partly out of the funds of the General Government.

The CHAIRMAN. Is there any other act?

Mr. JOHNSON of Kentucky. That is the only act.

Mr. BURLESON. It is a public work in progress.

The CHAIRMAN. Is there any other act, except that of 1890, and the appropriation bill from which the gentleman has just read?

Mr. BURLESON. None other than the ordinary appropriations carried from year to year since that time.

Mr. GILLETT. Mr. Chairman, may I suggest this, that in the act of 1890 it is the first section by itself which authorizes the bathing beach. That section says nothing as to how the funds shall be paid. It simply authorizes the construction and maintenance. Consequently, of course, under the ordinary law it would be paid half and half; but it happens that we one year pay half and half and in other years, as, for instance, in the case of the playgrounds, we pay wholly by the city. That is a matter which the House can determine each year.

The CHAIRMAN. Can the House determine that each year in an appropriation bill, if the question is raised?

Mr. GILLETT. I think so. It might be a question whether it was not subject to a point of order to say that it should be paid entirely by the District. But when the work is once authorized it can certainly be paid in one year half and half. Any existing project authorized can be maintained afterwards half and half.

This original law was in two sections, one independent from the other. The first provided for the construction and maintenance of a bathing beach and then the second provided that the appropriation should be made by the District alone. I do not concede that that limits and offsets the general law that the expenses shall be always paid half and half. It simply provided that that portion of the appropriation should be paid by the District, and it seems to me, inasmuch as the bathing beach was authorized alone by a section, that it is in the discretion of the House afterwards to decide as to how it shall be paid.

Mr. SAUNDERS. Mr. Chairman, this is a public work, and it is a public work that was constructed under the following authority of law:

That the Commissioners of the District of Columbia are hereby authorized and permitted to construct a beach and dressing houses on the east shore of the tidal reservoir against the Washington Monument grounds, and to maintain the same for the purpose of free public bathing, etc.

The Chair will observe that not only is authority given for the construction of this beach, and the buildings therewith, but for the maintenance of the same. It is to be maintained, too, as the Chair will observe, as a free bathing resort under regulations which are prescribed. I wish to further call the attention of the Chair to——

The CHAIRMAN. Before proceeding, will the gentleman read the next paragraph so the Chair may have the two in connection? The Chair has not the act.

Mr. SAUNDERS. The Chair will observe that there is an authorization for the construction of this public work. Hence there is authority to appropriate for the same, because whatever is established by authority of law, may be appropriated for by Congress. In the very act pursuant to which this work was constructed there is a provision for buildings. The second and last section, is as follows:

That the sum of $3,000 is hereby appropriated out of the revenues of the District of Columbia, to be immediately available for the purposes of this act.

This section has no relation to the authority for the construction of the work. That portion of the act stands alone. So far as the appropriation of this money from a particular source is concerned it may be said that this fact does not furnish any ground for holding that thereafter, when the work has been established, these buildings may be allowed to go to ruin for lack of authority to appropriate for them under the general principle relating to the appropriations for repairs, and continuation of a public work. There are a great many rulings relating to appropriations that may be made with respect to a public

work that is in progress. Permit me to call the attention of the Chair to this particular one:

An appropriation for current repairs and improvements of the Botanic Garden was held to be a continuation of a public work. (4 Hinds, sec. 3787; see also 4 Hinds, sec. 3778.)

I am informed that there was no law establishing that garden, but be that as it may, the proposition to which I direct the attention of the Chair is that an appropriation for improvements and current repairs of the Botanic Garden was held to be a continuation of a public work.

Certain buildings are called for in connection with this bathing beach. Unless in due course these buildings are repaired, this public property will fall into ruin, and become valueless for the purposes for which it was designed. Will it be contended that the general principles relating to the authority to appropriate for continuing a public work should not apply to this case, merely because the original act provided that the first appropriation should be made from the revenues of the District of Columbia? There is no inhibition in this act operating to restrain a subsequent Congress from appropriating for repairs or improvements, as these appropriations are usually made in the District of Columbia. The money in the first instance might have been given for this purpose, and the act might have provided in terms that the construction of the beach should be made with this money; but such a provision would not operate to deprive a subsequent Congress of the authority to appropriate for the continuation of the work. If the act making the first appropriation is to be construed as intending that all subsequent appropriations must be made from the District of Columbia, then it may be fairly contended that no greater amount than $3,000 may be appropriated, and that this particular sum must be regarded as the limit of cost. This beach has been appropriated for in the District bill for many years, just as other public works have been appropriated for. The interpretation sought to be given to the act is a strained and fanciful one, and I submit to the Chair that in the interpretation of this act, aid may be found in the fact that this statute has not been heretofore construed, as it is sought to be construed to-day. Why should it be considered that with reference to this small item, it was the intention of Congress to provide that it should not be appropriated for on the half and half principle? Why should this distinction be made as to this little work, and why, unless the meaning of the statute is absolutely clear, should it be so construed as to take this work out of the general rule? This construction is not the inevitable meaning of the section of the act providing that the first $3,000 should be appropriated from the revenues of the District. There may have been many reasons for this provision in the first instance, all consistent with the intent that, thereafter when the work was established, and progressing, it should be controlled by the general principles relative to appropriations for such works. The act itself shows that the first appropriation was intended to start the work at once. It was to be immediately available. The legislators may have thought that the District of Columbia ought to put the work on its feet, so to say, and therefore ought to pay the initial cost. But this is perfectly consistent with an intention to authorize Congress to appropriate for the work thereafter on the half and half principle. I repeat that to take this one appropriation, this initial appropriation from the District revenues, and argue, therefrom that thereafter all appropriations for maintenance and repair must be made exclusively from the District revenues, is to give a strained and fanciful interpretation to the act, an interpretation opposed to its manifest meaning, and at variance with the general policy relating to appropriations in the District of Columbia. For these reasons we insist that the point of order should be overruled.

The CHAIRMAN. The Chair is ready to rule.

Mr. JOHNSON of Kentucky. The gentleman has just stated this is a public work——

The CHAIRMAN. The Chair is ready to rule.

Mr. JOHNSON of Kentucky. Just a moment. I wish to state this is a public graft. I remained in Washington for 30 days after the adjournment of Congress, and if the often repeated statements in the newspapers are to be believed, the superintendent of that place when the doors of it were locked against the public was down there receiving people to bathe for which he received special fees. In addition to that, Mr. Chairman——

Mr. GILLETT. May I ask the gentleman, how does the gentleman obtain that information? Does he know it personally?

Mr. JOHNSON of Kentucky. I announced that if the statements often made in the newspapers last fall were to be believed that was true. I have heard also the commissioners had an investigation of that matter, but I do not know of my own knowledge that that is true.

Mr. GILLETT. I do not know anything about it myself, only it seems to me such a serious charge as that ought to have a more definite foundation than mere newspaper statements.

Mr. JOHNSON of Kentucky. The newspapers day after day charged that to be a fact, and then the superintendent came into the public print and made his statement in regard to it.

Mr. BURLESON. Does the gentleman always accept the statements made in that newspaper?

Mr. JOHNSON of Kentucky. I wish to assure him that I do not. But, Mr. Chairman, just one other thing. The gentleman from Virginia [Mr. SAUNDERS] has advanced a new rule for the construction of a pavement. He says the first section stands by itself for the construction of the whole bill. Just the reverse is true. Any paper must stand in its entirety to be construed. It applies not only to a will, to a deed of conveyance, but it applies also to the act of any legislative body. That I may not be misunderstood, Mr. Chairman, my point of order in the main—and I have minor points of order against the item—is that there is nothing in this which authorizes an expenditure on the part of the Federal Government. I do not take the position that this bill does not authorize the continuance of this thing for the people of the District of Columbia.

Mr. BURLESON. If the Chair will just permit an additional suggestion. Frequently provision is made for the erection or construction of public-school buildings, which provision would be subject to a point of order had it been directed against the item at the time it was originally presented. But the public-school building having been provided for and erected under that appropriation, surely no one would contend that the Government could not make provision for janitor service or repairs to the school building after it had been brought into existence. And that is exactly analogous to the present case.

The CHAIRMAN. The Chair entirely agrees with the statement of the gentleman from Texas [Mr. BURLESON] just made with reference to public schools or playgrounds, and concedes the authority of Congress by appropriation to provide for their continuance as a public work after they have once been put into operation. But the Chair would not agree with the gentleman's position if there were a general act, or special act, originally providing for the construction and maintenance of those buildings if thereafter an appropriation were sought to be made upon terms contrary to the act of original authorization under which they were first brought into existence and maintained. In regard to this particular paragraph against which the point of order is now made, if the paragraph for a bathing beach, and so forth, had appeared in this appropriation bill prior to the passage of this act of 1890, it would have been subject to the point of order, because there was no law authorizing it, either wholly out of District revenues or by half-and-half appropriation. On September 26, 1890, however, an act was passed, the first section of which reads:

That the Commissioners of the District of Columbia are hereby authorized and permitted to construct a beach and dressing houses upon the east shore of the tidal reservoir against the Washington Monument Grounds, and to maintain the same for the purpose of free public bathing, under such regulations as they shall deem to be for the public welfare; and the Secretary of War is requested to permit such use of the public domain as may be required to accomplish the objects above set forth.

The second section is as follows:

That the sum of $3,000 is hereby appropriated from the revenues of the District of Columbia, to be immediately available, for the purposes of this act.

It is of course assumed that the $3,000 was expended for the purposes of this act as provided in section 1. The purposes of the act as set out in section 1 are "to construct a beach and dressing houses," and so forth, and "to maintain the same." Then, if any subsequent appropriation is sought to be made for the maintenance, repair, and continuance of this public work, why not follow the act in pursuance of which the first appropriation was made? Why discard the special act of Congress passed for this specific purpose and rely upon an implied authority, derived from another law of prior existence?

In the view of the existing statute on the subject, the entire act being, according to familiar rule, construed together, a judicial officer would be required under rules of law to look to the intention of the legislation and to the intention, if necessary to be resorted to, of the legislators at the time the act was passed. It seems to the Chair that if it was intended by Congress at the time of passing the act of 1890 that the construction and maintenance of the bathing beach would be chargeable to the District of Columbia for one year only, and that thereafter the maintenance and repair of the bathing beach would be chargeable and appropriated for under the half-and-half clause, then Congress would undoubtedly have said so in the act, either by express provision to that effect or by words of limitation. There is no ambiguity in the language contained in the act of

1890; there is no conflict or want of harmony between the two sections; the last is the logical sequence to the first, and it fixes the expense of the enterprise wholly on the District. This being true, as is apparent from a clear reading of the act itself, the Chair is forced to the legal conclusion, giving to words their usual and ordinary meaning and significance, that the bathing beach, as authorized and appropriated for by the act, was to be for free public bathing in the District of Columbia, to be constructed and maintained wholly from the revenues of the District. At any rate, that is what the law which brought the beach into existence says. In that view of the case, the Chair is compelled to sustain the point of order. The Clerk will read.

The Clerk read as follows:

For the construction, by contract or otherwise, of an underground drain from the fountain lying south of the White House, across the grounds of the White House (reservation No. 1) and of the Washington Monument (reservation No. 2) to the bathing beach near Seventeenth and B Streets NW., $2,500; and the Commissioners of the District of Columbia are authorized to enter said reservations for the purpose of installing said drain.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order against the paragraph as being new legislation.

Mr. BURLESON. The bathing pools are gone now, and, of course, we do not want the water. I concede that it is new legislation.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

The commissioners shall submit for the consideration of Congress, in the annual estimates for the government of the District of Columbia for the fiscal year 1915, detailed estimates for the construction of not exceeding two public bathing beaches, with all necessary buildings, on separate sites other than that now used and where tidal water shall be constantly available for bathing purposes.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order against the paragraph, because it is legislation.

Mr. BURLESON. It is conceded, Mr. Chairman.

The CHAIRMAN. The point of order is conceded and sustained. The Clerk will read.

The Clerk read as follows:

For salaries: Clerk (stenographer and typewriter), $900; supervisor, $2,500; to be employed not exceeding 10 months, as follows—13 directors of playgrounds or recreation centers at $65 per month each, assistant director at $60 per month; to be employed not exceeding 7 months, as follows—2 assistant directors at $60 per month each, assistant director at $50 per month; to be employed not exceeding 3 months, as follows—1 assistant director at $60 per month, 13 assistants at $45 per month each; watchmen, to be employed not exceeding 12 months, as follows—10 at $45 per month each, one at $25 per month; in all, $21,275.

Mr. FOSTER. Mr. Chairman, last year's bill, I think, provided for——

Mr. FOWLER. I reserve a point of order against the paragraph, Mr. Chairman.

Mr. FOSTER (continuing). The salary of the superintendent for 10 months at $175 per month. This year I see $2,500 is recommended.

Mr. BURLESON. We made provision last year for only certain months of the year.

Mr. FOSTER. Ten months.

Mr. BURLESON. And they now want it for 12 months, the entire year, and they have increased his salary proportionately.

I will call the attention of the gentleman from Illinois [Mr. FOSTER] to the fact that all of these funds are to be paid wholly from the revenues of the District of Columbia, and that was really one of the terms of the compromise—that if they would assent to the proposition that these expenses were to be taken only from the treasury of the District of Columbia, we would be liberal with them in making provision for the playgrounds.

And whereas we have not ceased to scrutinize these items, yet we have been inclined to be liberal with them in this matter, inasmuch as the money is to come wholly from the revenues of the District of Columbia, and these various changes that are suggested in this item were earnestly urged by those in charge of the playgrounds.

Mr. TAYLOR of Ohio. Mr. Chairman, may I suggest to the gentleman from Texas [Mr. BURLESON] further that the superintendent of the playgrounds, or whatever his title may be——

Mr. FOSTER. Supervisor of the playgrounds——

Mr. TAYLOR of Ohio. Yes. Was brought here under what amounts to a moral promise to receive this salary. He left a larger salary at the place he came from.

Mr. COX. Where did he come from?

Mr. TAYLOR of Ohio. I do not know, but his last employment was in my city. I never knew him and had not met him before he came to Washington, but I understand he received a larger salary there, and we thought we were under a sort of moral obligation to see to it that the promise made to him was fulfilled.

Mr. FOSTER. That is no authority.

Mr. TAYLOR of Ohio. I know; but that is one of the considerations that influenced the committee in reporting this salary—that he had been led to expect a compensation equal to that which he received before he came here. I do not represent him, and have no authority to speak for him.

Mr. FOSTER. Did the District Commissioners recommend that this be done?

Mr. TAYLOR of Ohio. Yes. The District Commissioners put it in the estimates, and we were liberal because, as the gentleman from Texas [Mr. BURLESON] has said, the payment comes entirely out of the District revenues.

Mr. FOSTER. Still I do not think Congress ought to let certain people control this matter, and only a few of them who have to say anything about it. It comes off the taxpayers.

Mr. BURLESON. I will say to the gentleman from Illinois that we would not permit any unreasonable charge. We have not omitted our supervision of the matter. We still have it under scrutiny; but, as I say, we have been more liberal by reason of the fact that the entire burden of this service must be borne by the District taxpayers.

Mr. FOSTER. And it is the gentleman's opinion that after an investigation of this subject the matter ought to stand as it is?

Mr. BURLESON. Yes. We regard them as reasonable and just charges.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] reserved a point of order on the paragraph.

Mr. FOWLER. Mr. Chairman, under the explanation of the chairman of the committee that the amount is to be paid wholly out of the funds of the District of Columbia, I will withdraw the point of order.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] withdraws his point of order. The Clerk will read.

The Clerk read as follows:

Hereafter, all railroads using engines propelled by steam shall pay to the District of Columbia for the lighting, under the direction and control of the Commissioners of the District of Columbia, of the public roads, streets, avenues, and alleys, for their full width, through which their tracks may be laid, for the length of the street occupied by the said tracks, whether the said tracks be laid above, below, or at grade; as well as for the lighting of the subways and bridges over or under which the tracks of said railroads pass; and in default of payment of such bills actions at law may be maintained by the District of Columbia against said railroads or their successors, transferees, or lessees therefor: *Provided*, That nothing herein shall be held to repeal the act of May 26, 1908, relating to the Washington Terminal Co.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move to strike out the last word. I wish to inquire of those who have the bill in charge whether it would not be better, instead of saying "all railroads using engines propelled by steam," to say "all railroads other than street railroads," or something like that. The distinction has been made all along in the District of Columbia between street railroads and the other kind of railroads by designating the latter as railroads using engines propelled by steam. It may be that at no very distant day all those railroads upon entering the District of Columbia will use electricity to propel them, particularly through the tunnel down here.

Mr. SAUNDERS. So far as I am personally concerned, I am willing to accept the amendment. The chairman of the subcommittee is absent at this moment, and I suggest that we pass it without prejudice, to be returned to later.

Mr. JOHNSON of Kentucky. Will the gentleman make that request?

Mr. SAUNDERS. I ask unanimous consent that this section be passed without prejudice, to be returned to on motion hereafter.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the pending paragraph be passed without prejudice, with the right to recur to it hereafter. Is there objection?

There was no objection.

The Clerk read as follows:

For the erection of a brick or concrete storehouse and wall on land belonging to the District of Columbia, or on the portion of the old right of way of the Baltimore & Ohio Railroad through square 857, which the commissioners are hereby authorized to use as a site for this storehouse and for any other municipal use they may deem necessary, including the grading and improving of the ground, $7,500.

Mr. FOWLER. Mr. Chairman, I make a point of order against that paragraph. It is entirely new legislation, without any authorization.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BURLESON. Mr. Chairman, this item is subject to a point of order, but it will save the District, as well as the General Government, considerable expense if the warehouse is erected. They are now paying rather an exorbitant sum for rent of buildings to protect the materials and supplies of the electrical department. By the construction of a building costing

$7,500 this rent could be saved. But I admit that this is new legislation, and subject to a point of order.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. FOWLER. Yes.

Mr. LITTLEPAGE. I insist on it.

The CHAIRMAN. The point of order is insisted on by the gentleman from Illinois [Mr. FOWLER] and the gentleman from West Virginia [Mr. LITTLEPAGE]. The point of order is sustained.

Mr. SAUNDERS. Mr. Chairman, just a moment ago the paragraph on page 38, begining with line 5, was passed by unanimous consent, to be recurred to at any time. I ask that that be done now.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to recur to page 38, beginning at line 5, for the purpose of offering an amendment. Is there objection?

Mr. SAUNDERS. The amendment is proposed by the gentleman from Kentucky [Mr. JOHNSON]. It is that the words "using engines propelled by steam" be stricken out, and the words "other than street railroads" be inserted in lieu thereof.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 38, lines 5 and 6, by striking out the words "using engines propelled by steam," and inserting in lieu thereof the words "other than street railroads."

Mr. SAUNDERS. So far as the committee are concerned they accept that amendment.

The amendment was agreed to.

The Clerk read as follows:

For completing the purchase, installation, and maintenance of water meters to be placed on the water services of the National Museum, Washington Aqueduct, Naval Hospital, Naval Medical School, Library of Congress, and Hygienic Laboratory Buildings and for each and every purpose connected therewith, said meters to be purchased, installed, and maintained by and remain under the observation of the officer in charge of the Washington Aqueduct, $4,700.

Mr. JOHNSON of Kentucky. Mr. Chairman, reserving the right to make the point of order, I wish to inquire of the gentleman from Texas [Mr. BURLESON], who is in charge of the bill, as to whether or not these are items similar to the ones to which the gentleman from Illinois [Mr. MANN] made a point of order last year.

Mr. SAUNDERS. The gentleman from Illinois [Mr. MANN] did make the point of order, as I remember it, but he withdrew the point of order upon the statement made that the purpose was to detect waste of water.

Mr. TAYLOR of Ohio. To determine the capacity of the plant.

Mr. BURLESON. To detect the wastage of water occasioned by leakage.

Mr. JOHNSON of Kentucky. Mr. Chairman, I decline to make a point of order.

The CHAIRMAN. The Clerk will read.

Mr. HEFLIN. Mr. Chairman, I ask unanimous consent to extend some remarks in the RECORD by printing a speech delivered by the Hon. AUGUSTUS O. STANLEY, of Kentucky, on the subject of injunctions and the subject of Robert E. Lee.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to extend some remarks in the RECORD by inserting the addresses referred to. Is there objection?

Mr. FOSTER. Reserving the right to object, I would like to ask the gentleman if these speeches will come at the end of the RECORD instead of in the midst of the proceedings?

Mr. HEFLIN. They will come at the end of the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

Heads of departments in high and manual training high schools in group B of class 6, 12 in all, at a minimum salary of $1,900 each.

Mr. CULLOP. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman a question. I observe that in the language of this bill it provides always for the minimum salary of the teachers. For instance, the paragraph just read says:

Heads of departments in high and manual training high schools in group B of Class 6, 12 in all, at a minimum salary of $1,900 each.

Mr. BURLESON. That is the basic pay; the salary is increased from year to year, and the longevity pay is carried in a separate paragraph.

Mr. CULLOP. I observe in the report on page 4, that seven teachers' salaries have been increased from $1,000 to $1,000 a year.

Mr. BURLESON. That is true.

Mr. CULLOP. Are those the only increases that are made?

Mr. BURLESON. No; but all of the teachers, I think, receive a certain increase of salary each year as the result of their length of service. That increase continues for a fixed period.

Mr. CULLOP. That is the automatic increase provided for some years ago.

Mr. BURLESON. This particular increase resulted from an item carried in the last year's appropriation bill, embodied in that bill at the other end of the Capitol. There were certain teachers who had been, under the provisions of law, denied longevity increase, and so that particular paragraph was put in the bill. This increase is the accumulated longevity pay to which they were entitled.

Mr. CULLOP. And which had been denied them under the operation of law?

Mr. BURLESON. Yes.

Mr. CULLOP. Mr. Chairman, I want it understood that I am not opposed to any increase in teachers' salaries. In my opinion, they are engaged in the most important service that there is connected with our civilization.

Mr. BURLESON. The gentleman is speaking generally and not particularly with reference to the school-teachers of the District of Columbia.

Mr. CULLOP. I am speaking of the school-teachers generally.

Mr. BURLESON. I am glad of that.

Mr. CULLOP. I think they perform the most important service of any employees we have in the Nation. I have long since believed that as a general rule all over the country school-teachers ought to be paid more liberally than they are because of the valuable and important service that they render to the public.

Mr. Chairman, the school-teachers in our public schools, I desire to take this occasion to say, are entitled to the highest consideration for their unselfish efforts in behalf of humanity. They perform a service for which we all owe them a debt of lasting gratitude, and wherever I can promote their welfare I feel it my duty to do so.

Upon them rests a great responsibility, and every reasonable encouragement should be given them in order to show our full appreciation for their great and good work. Intrusted to their care and keeping in a great measure is the future of the country and the hope of the Republic. The public schools are the people's colleges, and in these the young of this generation are trained for the responsibilities of succeeding generations, and as they perform their services the result will bear its fruit when the opportunities are presented. To them is committed for education the children of our land. They train the head, heart, and body, and the character of the future men and women is being formed and molded in a great degree by them; hence our consideration for their service. In their great work we should lend encouragement and stimulate their efforts for the highest standard, in order that it should be well performed; and therefore it should be well remunerated, that the best results may be obtained.

The Clerk read as follows:

Longevity pay: Longevity pay for director of intermediate instruction, supervising principal, supervisor of manual training, principals of the normal, high, and manual training high schools, principals of the grade manual training schools, heads of departments, director and assistant director of primary instruction, directors and assistant directors of drawing, physical culture, music, domestic science, domestic art, and kindergartens, teachers, clerks, librarians and clerks, and librarians to be paid in strict conformity with the provisions of the act entitled "An act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia," approved June 20, 1906, as amended by the acts approved May 26, 1908, May 18, 1910, and June 26, 1912, $375,000.

Mr. JOHNSON of Kentucky. Mr. Chairman, reserving the right to make a point of order, I wish to inquire of the gentleman the reason of inserting the word "high," on page 43, line 18.

Mr. BURLESON. That is to make it more specific and clear. My recollection is that under the terms of the amendment referred to a moment ago these teachers were in the high school.

Mr. TAYLOR of Ohio. Mr. Chairman, it refers to manual-training school teachers, and in order that there shall be no mistake, there being grade manual-training schools and high manual-training schools, the word "high" was inserted.

Mr. BURLESON. It is a word of limitation rather than enlargement.

Mr. JOHNSON of Kentucky. Mr. Chairman, I do not make the point of order.

The Clerk read as follows:

J. Ormond Wilson Normal School and Ross School, engineer, $900; janitor, $600; laborer, $420; 3 laborers, at $360 each; in all, $3,000.

Mr. FOWLER. Mr. Chairman, I reserve a point of order on that.

The CHAIRMAN (Mr. HAY). Does the gentleman reserve it or make it?

Mr. FOWLER. I reserve it. For the J. Ormond Wilson Normal School and the Ross School provision is made for an

engineer, at $900. I desire to ask the gentleman in charge of the bill if that is a new position created in the department, a new engineer?

Mr. BURLESON. Yes; this is a new building just completed, and we are supplying the force.

Mr. FOWLER. Do they need an engineer there all the time?

Mr. BURLESON. Certainly they do. It is a building that is intended to house several hundred students, and very much larger than the library, about which the gentleman was talking yesterday.

Mr. FOWLER. If it is necessary, I do not want to cut it out at all.

Mr. BURLESON. It is necessary.

Mr. FOWLER. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

Eastern High School, janitor, $900; laborer, $420; laborer $360; in all, $1,680.

Mr. FOWLER. Mr. Chairman, I move to strike out the last word. I desire to ask the chairman why it is that in the Eastern High School no provision is made for an engineer, whereas in the paragraph on page 45, to which I called your attention a moment ago, there is an engineer provided for?

Mr. BURLESON. The Eastern High School has a janitor. It is a very much smaller building.

Mr. FOWLER. Are there not three buildings together in that Eastern High School?

Mr. BURLESON. We did not allow them an engineer because they did not ask for it and did not make it plain that one was needed. If they had asked for it and made it plain to us that one was needed, we would have allowed it. The fact that one is not there is because they did not make it plain that one was needed.

Mr. FOWLER. Mr. Chairman, I accept the gentleman's explanation.

The Clerk read as follows:

McKinley Manual Training School, janitor, $900; engineer and instructor in steam engineering, $1,500; assistant engineer, $1,000; 2 assistant janitors, at $720 each; fireman, $420; 2 laborers, at $360 each; in all, $5,980.

Mr. FOWLER. Mr. Chairman, I reserve the point of order. I desire to ask the gentleman why the salary of the engineer is increased from $1,200 to $1,500?

Mr. BURLESON. Because the District Commissioners estimated for the increase and urgently insisted upon it, and because the president of one of the labor organizations appeared before the committee and directed our attention to the fact that the engineers and employees of the District school service were underpaid. They convinced us that there ought to be a slight increase in the salary, and for that reason we granted it.

Mr. FOWLER. Why did you not increase the salary of the two laborers from $360 to something like $400 or $500?

Mr. BURLESON. Because we thought the service they were rendering was not worth that amount of money.

Mr. JOHNSON of Kentucky. Mr. Chairman, I will say to the gentleman from Illinois that the Committee on the District of Columbia in the course of investigations held found that the pay for many of the engineers and janitors was so small that competent service could not be obtained, and that because of that fact many of the engines and furnaces were being destroyed. The Committee on the District of Columbia believes it would be a matter of economy to increase the salaries of some of them rather than to leave valuable machinery and boilers in the hands of alleged incompetent men.

Mr. GARNER. Mr. Chairman, was it not the duty of the Committee on the District of Columbia to report a bill increasing these salaries rather than to leave it to the Appropriations Committee?

Mr. JOHNSON of Kentucky. I do not know whether the gentleman would call it duty. That recommendation has been filed by the committee.

Mr. GARNER. Under the rules of the House, is it not impossible for the Committee on Appropriations to increase the salaries if a point of order be made?

Mr. JOHNSON of Kentucky. My opinion is that this is subject to a point of order.

Mr. GARNER. Being subject to a point of order and being legislation that is desirable, it occurs to me that it is the duty of the Committee on the District of Columbia to bring in this legislation and make it absolutely so the will of the House can be carried out.

Mr. JOHNSON of Kentucky. The gentleman from Texas fails to appreciate, I am sure, the extent of the work that the District of Columbia Committee has had upon its hands, quite recently in any event.

Mr. FOWLER. Mr. Chairman, I see in the next paragraph, providing for the Armstrong Manual Training School, there is an increase of salary of the engineer from $1,000 to $1,200. Why was not his salary made $1,500, the same as it was in the McKinley Manual Training School?

Mr. BURLESON. Because we thought it was adequate compensation for the service that particular engineer was rendering. The measure of responsibility was less.

Mr. FOWLER. There are some assistant engineers there, and their salaries have been increased from $720 to $1,000.

Mr. BURLESON. We did it for the same reason I have just stated to the gentleman. They are all subject to the point of order. I will call the attention of the gentleman from Illinois to the fact that they are all subject to a point of order.

Mr. FOWLER. I felt I knew that, but I was trying to see whether I ought to make the point of order or not.

Mr. MOORE of Pennsylvania. Will the gentleman reserve that for a moment, until I ask a question of the gentleman from Texas?

The CHAIRMAN. Does the gentleman from Illinois reserve the point of order?

Mr. FOWLER. I will reserve the point of order for a moment.

Mr. MOORE of Pennsylvania. Does the gentleman from Texas say that the representatives of the labor organizations were in favor of the increase of this salary?

Mr. BURLESON. That was not the reason that moved the committee to grant the increase. The District Commissioners estimated for this increase. They earnestly urged that it be granted and gave the reasons therefor. Subsequently a representative of the labor organizations asked to come before the committee. We granted him permission, and he made full explanation of the salaries received by engineers connected with the school service compared with the wages received by persons engaged in similar services in private employment, and we reached the conclusion that it was only just and fair that this increase should be granted.

Mr. MOORE of Pennsylvania. It was apparent to the committee that it was the wish of the labor organizations that the increase in this particular instance should be granted?

Mr. BURLESON. Undoubtedly. The representative of the labor organization was very earnest in his insistence that the increase be granted, stating it was inadequate compensation for the services rendered, and the committee was impressed with the justice of his contention and unanimously granted the increase.

Mr. MOORE of Pennsylvania. It seems to be in conformity with the union rules in the District in regard to wages paid for this kind of work?

Mr. BURLESON. We did not go into that, being governed entirely by the representation that this was inadequate compensation for the services which were being rendered.

Mr. MOORE of Pennsylvania. I ask the indulgence of the gentleman from Illinois for just one more question. I would like the gentleman from Texas to say whether or not this engineer and instructor in steam engineering renders services both as an engineer in the management of the building and also as an instructor in steam engineering to the students of the school?

Mr. BURLESON. That is true.

Mr. MOORE of Pennsylvania. So he acts in a dual capacity?

Mr. BURLESON. He acts in a dual capacity.

Mr. MOORE of Pennsylvania. And the committee, of course, was unable to pay him two salaries, and, Solomon-like, differentiate between the engineer who does the actual work in the school building, and the instructor in steam engineering who instructs the scholars—— [Cries of "Regular order!"]

I hope the gentleman from Illinois will withdraw his point of order in this instance, as it seems to me to be a most meritorious case.

Mr. FOWLER. Mr. Chairman, the same work which is done in the McKinley Manual Training School is done in the Armstrong Manual Training School—that is, he is both engineer and instructor in engineering; but if I could get an understanding that they both will be placed upon the same plane, that you will not object to an amendment I shall offer to increase the salary of the engineer of the Armstrong Manual Training School, I have no disposition to interpose a point of order.

Mr. MOORE of Pennsylvania. Will the gentleman from Illinois yield?

Mr. FOWLER. Certainly.

Mr. MOORE of Pennsylvania. Is it not apparent to the gentleman that the committee was confronted with a great difficulty in solving this question? Here was an employee occupying a dual position, an engineer in charge of the engineering features of the building, charged with the preservation of the property and the safety of the machinery. That was one job——

Mr. FOWLER. It is the same in the Armstrong Manual Training School.

Mr. MOORE of Pennsylvania. He is certainly worth $750 for that, and that would have been only one-half of his employment. Then he is employed as instructor of steam engineering, training the young idea how to shoot. That is worth $750 more.

Mr. FOWLER. The gentleman fails to understand my contention.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FOWLER] has expired.

Mr. MOORE of Pennsylvania. I submit to the gentleman that this is a meritorious case, and he ought not to press his point of order.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. FOWLER. I desire to say if the gentleman will not agree to allow an increase in the salaries in the Armstrong Manual Training School——

Mr. BURLESON. I will state to the gentleman from Illinois that when we reach the item I will explain it to his complete satisfaction as to why the change is made in the salaries.

Mr. FOWLER. Mr. Chairman, upon the guaranty of the gentleman I will withdraw the point of order. [Applause.]

The Clerk read as follows:

Armstrong Manual Training School, janitor, $900; assistant janitor, $720; engineer and instructor in steam engineering, $1,200; assistant engineer, $720; 2 laborers, at $360 each; in all, $4,260.

Mr. FOWLER. Mr. Chairman, I reserve a point of order against this paragraph, and desire to ask the gentleman in charge of the bill why it is that he did not increase the assistant engineer's salary in this school from $720, to $1,000, the same as was done in the McKinley Manual Training School, the same character of work being performed by these assistant engineers in each of the schools?

Mr. BURLESON. Because the conditions are entirely different. The McKinley Manual Training School is a white school. The attendance is twice the attendance of the Armstrong Manual Training School, which is a negro school. In the McKinley School a very large percentage of the pupils are males, and the duties devolving upon this engineer as an instructor are very much greater than the duties devolving upon the engineer at the Armstrong Manual Training School, where a large percentage of the pupils are females. Inasmuch as these schools are very different in size, not only as to the buildings but in the number of pupils attending them, and because of the fact that the duties of the engineer at the McKinley Manual Training School are more onerous and responsible than the duties imposed upon the engineer at the Armstrong Manual Training School, we felt constrained to make this difference in their salaries.

Mr. FOWLER. Why, then, did you make an increase at all?

Mr. BURLESON. Because we did not want to be put in the attitude of discrimination, even if the service was not exactly as important. We went beyond the recommendation of the school board in the case of the Armstrong Manual Training School.

Mr. FOWLER. Did they recommend any increase in the salary of the engineer?

Mr. BURLESON. They did not. But we thought it was only fair, so long as we were increasing the salaries of these other engineers—although the cases were entirely different, although there was no estimate in their behalf, and no labor organization appearing in their interest—we did not propose to discriminate against them.

Mr. FOWLER. Is that engineer a colored man?

Mr. BURLESON. He is.

Mr. FOWLER. Why not increase his salary the same as you do that of the engineer in the McKinley Training School?

Mr. BURLESON. We did more for him than we did for the white man.

Mr. FOWLER. You have increased his salary $200, whereas you increased the salary of the McKinley Manual Training School engineer $300.

Mr. BURLESON. There was an urgent insistence that the salary of the engineer of the McKinley Training School be increased for the reasons I have given. There was no recommendation for an increase of the salary of the engineer in the Armstrong School.

Mr. FOWLER. He does exactly the same work in this school that the engineer does in the McKinley Manual Training School.

Mr. BURLESON. The point we make is that it is not the same kind of work.

Mr. FOWLER. He is both an engineer and a teacher of engineering.

Mr. BURLESON. That may all be.

Mr. FOWLER. Is there any difference in the size of these schools?

Mr. BURLESON. I have just stated to the gentleman that the McKinley Manual Training School is twice as large as the Armstrong Manual Training School.

Mr. FOWLER. You did in a way.

Mr. BURLESON. I did say in express terms that the McKinley Manual Training School is more than twice as large as the other.

Mr. TAYLOR of Ohio. And the work of the engineer at the McKinley Manual Training School is very much heavier and very much more important than that of the engineer at the Armstrong Manual Training School, and the salaries are very equitable. In fact, the colored engineer, at $1,200, is very much better paid, in my judgment, than is the white engineer at the other school, at $1,500.

Mr. FOWLER. Mr. Chairman, I withdraw my point of order and——

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] withdraws his point of order.

Mr. FOWLER (continuing). And move to strike out the words "$1,200," in line 14, page 26, and insert in lieu thereof the words "$1,300."

Mr. BURLESON. To which amendment I make a point of order.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The Clerk read as follows:

Amend, line 14, page 26, by striking out "$1,200" and inserting in lieu thereof "$1,300."

The CHAIRMAN. Does the gentleman from Texas [Mr. BURLESON] make a point of order against the amendment?

Mr. BURLESON. I made a full statement about this matter. I will withdraw my point of order, Mr. Chairman, and let the House pass upon the proposition.

Mr. FOWLER. Mr. Chairman, the amendment is not subject to a point of order.

Mr. TAYLOR of Ohio. The gentleman from Texas [Mr. BURLESON] has withdrawn it.

Mr. FOWLER. An increase having once been made and carried in the bill permits an amendment under the rules of the House.

Now, Mr. Chairman, I will be very glad to see this amendment carried for many reasons. I would not have a bill passed here discriminating against a man because of his color for any consideration.

Mr. BLACKMON. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. FOWLER. That every man stands upon an equality before the law in America must be conceded by all. [Applause.]

The CHAIRMAN. Does the gentleman yield to the gentleman from Alabama?

Mr. FOWLER. Yes.

Mr. BLACKMON. I wish to ask the gentleman from Illinois if the fact were shown to him that the white man was doing twice as much work as the negro, would he want to give the same salary to the negro as to the white man?

Mr. FOWLER. If the labor differs in character and quantity sufficiently to justify a discrimination were both laborers white men, then I would make a discrimination if one were a white man and the other a colored man.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. FOWLER. But, Mr. Chairman, unless there is such a difference in the work to be performed in these institutions that it can be said upon principles of equity that a distinction ought to be made, then I am not in favor of making such distinction.

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Pennsylvania?

Mr. FOWLER. Yes. I have only five minutes. I will yield for a question only.

Mr. MOORE of Pennsylvania. Does the gentleman know whether the union rules with regard to the wage scale obtain in this case as in the other?

Mr. FOWLER. Oh, I suppose the wage scale has nothing to do with this case at all, and it ought not to have anything to do with the other case. In other words, Congress, in passing upon the question of an adequate wage, ought to do its duty upon the basis of right, and not upon any other consideration.

Mr. MOORE of Pennsylvania. I am speaking of the union-labor question now. Where a wage scale is fixed for this kind of work the highest and best scale ought to be paid. Is the

gentleman arguing that in this particular instance labor organizations are interested, or is he arguing——

Mr. FOWLER. I can not say, Mr. Chairman, whether labor organizations have had anything to say concerning this question or not, but the highest scale ought to be paid where a wage scale has been agreed upon.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FOWLER. Mr. Chairman, I desire an extension of time for three minutes.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask that the gentleman's time be extended three minutes.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] asks that the time of the gentleman from Illinois [Mr. FOWLER] be extended three minutes. Is there objection?

Mr. GARRETT. I object.

The CHAIRMAN. The gentleman from Tennessee [Mr. GARRETT] objects.

Mr. BURLESON. Mr. Chairman, just a word in reply. I want to assure the committee that there has been absolutely no discrimination in practice in this case. If there was any discrimination, it was in behalf of the engineer at the Armstrong Manual Training School. He did not ask for the increase himself. The District Commissioners did not ask it for him. The labor organizations did not ask that his salary be increased. But when we took into consideration the other institutions, we discriminated in his favor by granting him an increase when we were really probably not justified in granting the increase, and I ask the committee to vote down the amendment.

Mr. DYER. I want to ask the gentleman if the question of color had anything to do with it?

Mr. BURLESON. Oh, absolutely nothing. The facts are just as I have stated them.

Mr. MOORE of Pennsylvania. Will the gentleman yield for a question there? Does he know whether in this particular instance the engineer happens to be a member of a labor organization? The gentleman from Illinois [Mr. FOWLER] was indicating that he spoke very largely as a representative of the workingmen, and there is a question as to whether the colored brother is a member of any labor union in this District.

Mr. BURLESON. I think they are not permitted to be members of labor unions.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Illinois.

The question being taken, the Chairman announced that the "noes" appeared to have it.

Mr. FOWLER. Division, Mr. Chairman.

The committee divided; and there were—ayes 2, noes 17.

Mr. FOWLER. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count.

Mr. BURLESON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Mr. FOWLER. Mr. Chairman, I withdraw the point of no quorum.

The CHAIRMAN. The Chair would like to carry into effect the withdrawal of the point of order by the gentleman from Illinois if he can find a parliamentary way in which to do it; but the gentleman from Texas moved that the committee rise, and the motion has been agreed to and the result announced.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. RODDENBERY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 28499) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, and had come to no resolution thereon.

SPEAKER PRO TEMPORE AT SUNDAY SESSION.

The SPEAKER designated Mr. LINTHICUM to act as Speaker pro tempore at the session of the House to-morrow, Sunday, February 2.

COUNTING THE ELECTORAL VOTE.

Mr. RUCKER of Missouri. Mr. Speaker, I ask to take from the Speaker's table Senate concurrent resolution 35, and consider the same.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Wednesday, the 12th day of February, 1913, at 1 o'clock in the afternoon, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President of the Senate pro tempore shall be their presiding officer; that two tellers shall be previously appointed on the part of the Senate and two on the part of House of Representatives, to whom shall be handed, as they are opened by the President of the Senate pro tempore, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate pro tempore, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

The SPEAKER. The question is on concurring in the Senate resolution.

Mr. BURKE of South Dakota. Mr. Speaker, before the question is taken I desire to ask the gentleman in charge of the resolution if it is in the usual form?

Mr. RUCKER of Missouri. It is a verbatim copy of the resolution passed four years ago.

The resolution was concurred in; and the Speaker appointed Mr. RUCKER of Missouri and Mr. YOUNG of Michigan as tellers.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Military Affairs was discharged from the further consideration of House Document No. 1316, and the same was referred to the Committee on Appropriations.

ADJOURNMENT.

Mr. BURLESON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 40 minutes p. m.) the House adjourned until Sunday, February 2, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on advisability of providing for the west breakwater at Kahului Harbor, Hawaii (H. Doc. No. 1330); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of preliminary examination and survey of Bayou Teche, La., with view to securing increased depth (H. Doc. No. 1329); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

3. A letter from the president of the City & Suburban Railway Co. of Washington, transmitting annual report of said company for the year ending December 31, 1912 (S. Doc. No. 1049); to the Committee on the District of Columbia and ordered to be printed.

4. A letter from the president of the Potomac Electric Power Co., transmitting annual report of said company for the year ending December 31, 1912 (S. Doc. No. 1053); to the Committee on the District of Columbia and ordered to be printed.

5. A letter from the president of the Brightwood Railway Co., transmitting annual report of said company for the year ending December 31, 1912 (S. Doc. No. 1050); to the Committee on the District of Columbia and ordered to be printed.

6. A letter from the president of the Washington Railway & Electric Co., transmitting annual report of said company for the year ending December 31, 1912 (S. Doc. No. 1047); to the Committee on the District of Columbia and ordered to be printed.

7. A letter from the president of the Georgetown & Tennallytown Railway Co., transmitting annual report of said company for the year ending December 31, 1912 (S. Doc. No. 1051); to the Committee on the District of Columbia and ordered to be printed.

8. A letter from the president of the Anacostia & Potomac River Railroad Co., transmitting annual report of said company for the year ending December 31, 1912 (S. Doc. No. 1048); to the Committee on the District of Columbia and ordered to be printed.

9. A letter from the Secretary of the Treasury, transmitting, for the information of Congress, detailed statement of the refunds of customs duties, etc., for the fiscal year ended June 30, 1912 (H. Doc. No. 1325); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

10. A letter from the Secretary of the Treasury, transmitting, for the consideration of Congress, an amended estimate of appropriation submitted by the acting chairman of the Interstate

Commerce Commission for the year 1914 (H. Doc. No. 1326); to the Committee on Appropriations and ordered to be printed.

11. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting an amendment to the estimate of appropriation for printing and binding for the Department of Commerce and Labor for the year 1914 (H. Doc. No. 1327); to the Committee on Appropriations and ordered to be printed.

12. A letter from the chairman of the executive committee of the Washington Interurban Railway Co., transmitting the annual report of said company for the year ending December 31, 1912 (H. Doc. No. 1328); to the Committee on the District of Columbia and ordered to be printed.

13. A letter from the Acting Secretary of State, transmitting, pursuant to law, an authentic copy of the certificate of the final ascertainment of electors for President and Vice President appointed in the State of South Carolina at the election held therein on the 5th day of November, 1912; to the Committee on Election of President, Vice President, and Representatives in Congress.

14. A letter from the president of the Georgetown Gas Light Co., transmitting annual report of said company for the year ending December 31, 1912 (H. Doc. No. 1324); to the Committee on the District of Columbia and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FIELDS, from the Committee on Military Affairs, to which was referred the bill (S. 7415) granting to the Atchison, Topeka & Santa Fe Railway Co. a right of way through the Fort Wingate Military Reservation in New Mexico, and for other purposes, reported the same without amendment, accompanied by a report (No. 1429), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DENT, from the Committee on the Public Lands, to which was referred the bill (S. 5378) releasing the claim of the United States Government to that portion of land, being a fractional block, bounded on the north and east by Bayou Cadet, on the west by Cevallos Street, and on the south by Intendencia Street, in the old city of Pensacola, reported the same with amendment, accompanied by a report (No. 1431), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (S. 5377) releasing the claim of the United States Government to lot No. 306 in the old city of Pensacola, reported the same with amendment, accompanied by a report (No. 1432), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. NYE: A bill (H. R. 28571) to authorize the Northern Pacific Railway Co. to construct a bridge across the Mississippi River in Minneapolis, Minn.; to the Committee on Interstate and Foreign Commerce.

By Mr. EDWARDS: A bill (H. R. 28572) officially naming the War between the States; to the Committee on the Judiciary.

By Mr. CLAYTON: A bill (H. R. 28573) to amend section 32 of an act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States"; to the Committee on the Judiciary.

By Mr. THOMAS: A bill (H. R. 28574) to provide for the erection of a monument to Lester Bryant; to the Committee on the Library.

By Mr. COOPER: A bill (H. R. 28575) to provide a commission to secure plans and designs for a bridge as a memorial of peace and union, to be known as the Grant-Lee Bridge, and to be constructed across the Potomac River from a point in the city of Washington near the site selected by law for a memorial to Abraham Lincoln to the national cemetery at Arlington, in the State of Virginia; to the Committee on the Library.

By Mr. ADAMSON: A bill (H. R. 28576) to promote the efficiency of the Public Health Service; to the Committee on Interstate and Foreign Commerce.

By Mr. CARTER: A bill (H. R. 28577) to authorize the enlargement of the Federal building site at Ardmore, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 28578) to increase the limit of cost of the Federal building at McAlester, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. LINTHICUM: A bill (H. R. 28579) to provide uniform regulations for boats engaged in the towing service; to the Committee on the Merchant Marine and Fisheries.

By Mr. CRAVENS: Resolution (H. Res. 805) providing for two additional clerks to the Committee on Enrolled Bills; to the Committee on Accounts.

By Mr. AKIN of New York: Resolution (H. Res. 806) for reform in the civil service; to the Committee on Reform in the Civil Service.

By Mr. CARTER: A memorial from the Legislature of the State of Oklahoma, asking for the appointment of a committee to investigate rural-credit systems in foreign countries to the end that such systems be established in the United States; to the Committee on Banking and Currency.

Also, a memorial from the State of Oklahoma, praying for correction of boundary line between the Fort Sill Military Reservation and the State of Oklahoma; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CALDER: A bill (H. R. 28580) for the relief of Alexander H. Allan and others; to the Committee on Claims.

By Mr. CARLIN: A bill (H. R. 28581) for the relief of William S. Shacklette; to the Committee on Claims.

Also (by request), a bill (H. R. 28582) for the relief of Bella Crounse and other heirs of the estate of James Bell, deceased; to the Committee on Claims.

By Mr. CARY: A bill (H. R. 28583) for the relief of Patrick Powers; to the Committee on Military Affairs.

Also, a bill (H. R. 28584) for the relief of Leonard Seis; to the Committee on Military Affairs.

By Mr. DAVIS of West Virginia: A bill (H. R. 28585) for the relief of James H. McGill; to the Committee on Military Affairs.

Also, a bill (H. R. 28586) for the relief of the heirs of Elijah M. Hart; to the Committee on War Claims.

By Mr. DIXON of Indiana: A bill (H. R. 28587) granting an increase of pension to Allen Hartwell; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 28588) granting a pension to Margaret Cassidy; to the Committee on Invalid Pensions.

By Mr. FERGUSSON: A bill (H. R. 28589) granting an increase of pension to Augustin Prada; to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 28590) granting a pension to Olive H. Glines; to the Committee on Invalid Pensions.

By Mr. GREENE of Massachusetts: A bill (H. R. 28591) granting an increase of pension to Catherine L. Dow; to the Committee on Invalid Pensions.

By Mr. GREGG of Pennsylvania: A bill (H. R. 28592) granting an increase of pension to Alexander Barclay; to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 28593) granting an increase of pension to Clara P. Schnader; to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 28594) granting a pension to Ralph E. Henderson; to the Committee on Pensions.

By Mr. MOTT: A bill (H. R. 28595) for the relief of Hausen & Dieckmann; to the Committee on Claims.

By Mr. POWERS: A bill (H. R. 28596) to restore to the rolls in the War Department the name of Joel B. Ellis and to issue to him an honorable discharge; to the Committee on Military Affairs.

By Mr. SAUNDERS: A bill (H. R. 28597) granting a pension to John L. Taylor; to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 28598) for the relief of Mary Bailey Pratt; to the Committee on Claims.

By Mr. STERLING: A bill (H. R. 28599) granting a pension to Mary C. Cherry; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Navy League of the United States, Washington, D. C., favoring passage of legislation for reorganizing the personnel of the Navy; to the Committee on Naval Affairs.

By Mr. ASHBROOK: Petition of the Chamber of Commerce of Richmond, Va., favoring the passage of legislation for a

reform in the banking system of the United States; to the Committee on Banking and Currency.

Also, petition of the public-service commission of Ohio, favoring the passage of Senate bill 6099, for the establishment of a uniform classification of freight; to the Committee on Interstate and Foreign Commerce.

By Mr. CALDER: Petition of Charles C. Suffren, of Brooklyn, N. Y., favoring the passage of legislation for the establishment of a council for national defense (H. R. 1309); to the Committee on Naval Affairs.

Also, petition of George W. Wingate, favoring the passage of House bill 1309, providing for a council of national defense; to the Committee on Naval Affairs.

Also, petition of Newman Erb, of New York, favoring the passage of House bill 1309, providing for a council of national defense; to the Committee on Naval Affairs.

By Mr. CARLIN: Papers to accompany bill for the relief of William S. Shacklette; to the Committee on Claims.

By Mr. CLARK of Florida: Petition of B. T. Wheeler and other citizens of Orange County, Fla.; Lewis Young and other citizens of Volusia County, Fla.; and A. L. Maclean and other citizens of Orange County, Fla., favoring the retention of the present tariff on all citrus fruits; to the Committee on Ways and Means.

Also, petition of T. A. Taylor and other citizens of Volusia County, Fla., asking for the retention of the present tariff duties on citrus fruits; to the Committee on Ways and Means.

By Mr. DRAPER: Petition of the Chamber of Commerce of the United States of America, Washington, D. C., favoring the passage of Senate bill 3, for Federal aid for vocational education; to the Committee on Agriculture.

By Mr. DYER: Petition of the Navy League of the United States, favoring the passage of the bill for legislative reorganizing the personnel of the Navy; to the Committee on Naval Affairs.

Also, petition of John D. Roberts Camp, No. 7, United Spanish War Veterans, of Hoquiam, Wash., favoring the passage of legislation to permit the battleship *Oregon* the right of first passage through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Missouri Fish and Game League, favoring the passage of the Weeks bill (H. R. 36) and the Kent bill (H. R. 23839) for the Federal protection of migratory birds; to the Committee on Agriculture.

Also, petition of Claude Kilpatrick and others, of St. Louis, favoring the passage of the bill for protection of migratory birds; to the Committee on Agriculture.

Also, petition of the Chamber of Commerce of the United States of America, Washington, D. C., favoring the passage of Senate bill 3, for Federal aid to vocational education; to the Committee on Agriculture.

By Mr. ESCH: Petition of the Chamber of Commerce of the United States of America, Washington, D. C., favoring the passage of Senate bill 3, for Federal aid for vocational education; to the Committee on Agriculture.

By Mr. FOSS: Petition of the Chicago Women's Outdoor Art League, protesting against the passage of any legislation tending to destroy the present system of national forest preservation; to the Committee on Agriculture.

By Mr. FRANCIS: Petition of teachers and students of the Freeport schools, Freeport, Ohio, favoring the passage of the McLean bill granting Federal protection to all migratory birds; to the Committee on Agriculture.

By Mr. GREENE of Massachusetts: Petition of the Board of Trade, North Attleboro, Mass., protesting against the passage of legislation changing the tariff duties on jewelry, silverware, and kindred articles; to the Committee on Ways and Means.

By Mr. HAYES: Petition of the Towner's Mercantile Co., Salinas, Cal., and the Griffin & Shelley Co., San Francisco, Cal., favoring the passage of House bill 27567, for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of the Sacramento Valley Development Association, Sacramento, Cal., protesting against the passage of legislation for a reduction of tariff on olives and olive oils; to the Committee on Ways and Means.

Also, petition of Charles A. Kofoid, Berkeley, Cal., and David Starr Jordan, Stanford University, Cal., favoring the passage of legislation for the repairing of the U. S. S. *Albatross*; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Home Industry League of California; the Federal Rubber Manufacturing Co., San Francisco, Cal.; and the Klauber Wangerheim Co., San Diego, Cal., favoring the passage of House bill 27567, for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of the Woman's Christian Temperance Union, Morgan Hill, Cal., favoring the passage of the Kenyon "red-light" injunction bill, for the cleaning up of Washington for the inauguration; to the Committee on the District of Columbia.

By Mr. KAHN: Petition of the congregation of the First N. P. Church, San Francisco, Cal., favoring the passage of the Kenyon "red-light" injunction bill for the cleaning up of Washington for the inauguration; to the Committee on the District of Columbia.

By Mr. KONOP: Petition of the Yahr & Langé Drug Co., Milwaukee, Wis., protesting against the passage of legislation changing the duties on chemicals; to the Committee on Ways and Means.

By Mr. LEVY: Petition of the Chamber of Commerce of the United States, favoring the passage of the Page agriculture and industrial education bill (S. 3); to the Committee on Agriculture.

Also, petition of Philip Hiss, of New York, N. Y., favoring the passage of legislation for the establishment of a council for national defense (H. R. 1309); to the Committee on Naval Affairs.

Also, petition of the United States Live Stock Sanitary Association, Chicago, Ill., favoring the passage of legislation to increase the appropriation for the eradication of ticks; to the Committee on Agriculture.

By Mr. LINDSAY: Petition of the Navy League of the United States, Washington, D. C., favoring passage of legislation for reorganizing the personnel of the Navy; to the Committee on Naval Affairs.

Also, petition of the Dentists' Supply Co., New York, favoring the passage of legislation to regulate the practice of pharmacy and the sale of poisons in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Augustus R. Smith, Philadelphia, Pa., favoring passage of House bill 1339, to increase the pensions of veterans of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

Also, petition of the Philadelphia Coal Exchange, Philadelphia, Pa., favoring the passage of legislation to repeal the mercantile-tax bill; to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce of the United States of America, Washington, D. C., favoring the passage of Senate bill 3, for Federal aid for vocational education; to the Committee on Agriculture.

By Mr. MOTT: Petition of the National Association of Shellfish Commissioners, Boston, Mass., favoring the passage of legislation for investigations for the improvement of the oyster industry; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Remington Typewriter Co., New York, protesting against the passage of the Oldfield patent bill (H. R. 23417) proposing certain changes in the present patent laws; to the Committee on Patents.

Also, petition of the Poughkeepsie (N. Y.) Chamber of Commerce, favoring the passage of House bill 25106, granting a Federal charter to the Chamber of Commerce of the United States; to the Committee on the Judiciary.

Also, petition of the Chamber of Commerce of the United States of America, favoring the passage of Senate bill 3, for Federal aid for vocational education; to the Committee on Agriculture.

By Mr. PARRAN: Papers accompanying bill (H. R. 28568) granting an increase of pension to Mary E. Ryan; to the Committee on Invalid Pensions.

By Mr. POST: Petition of the Navy League of the United States, Washington, D. C., favoring the passage of legislation to reorganize the personnel of the Navy; to the Committee on Military Affairs.

By Mr. PRAY: Petition of the Central Labor Council, Anaconda, Mont., favoring the passage of legislation for a congressional investigation regarding the enforcement of laws relating to safety appliances on railroads and boiler inspection; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: Petition of the Philadelphia Coal Exchange, Philadelphia, Pa., favoring the passage of legislation to repeal the mercantile tax bill; to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce of the United States of America, Washington, D. C., favoring the passage of Senate bill 3, for Federal aid to vocational education; to the Committee on Agriculture.

Also, petition of the Federal Rubber Co., San Francisco, Cal., favoring the passage of House bill 27567, for a 1-cent letter postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of J. D. Sweeney, Rev. Ellis Purlee, and H. P. Andrews, of Red Bluff, Cal., favoring the passage of the Kenyon-Sheppard bill, preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. STEVENS of Minnesota: Petition of the Minnesota Educational Association, St. Paul, Minn., favoring the passage of legislation for the establishment of a national university in Washington, D. C.; to the Committee on Education.

Also, petition of Branch No. 28, N. A. L. C., St. Paul, Minn., favoring the passage of House bill 20995, providing for compensation of Government employees who may be injured while in the line of duty; to the Committee on the Judiciary.

HOUSE OF REPRESENTATIVES.

SUNDAY, *February 2, 1913.*

The House met at 12 o'clock noon and was called to order by Mr. LINTHICUM as Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our God and our Father, whose presence pervades all space with rays divine, humbly, reverently we wait on Thy blessing. Open Thou our spiritual eyes, that we may see the glories round about us; our spiritual ears, that we may hear "the rustle of wings," the song of angels; our spiritual hearts, that we may feel the warm currents of Thy love and be reassured in our longings, hopes, and aspirations. Time and space are nothing, life in Thee alone is life, so we believe, so we aspire, so we pray. Our coming together to-day in memory of a great man is the earnest of that immortality which springs spontaneously from the soul and lifts us to the realms of high heaven, source of all good. His deeds speak more eloquently than tongue or pen of his worth to State and Nation. It is well thus to commemorate them, that he may live again in those who shall come after him.

Comfort those who knew and loved him, his bereaved wife and family, in the undying hope of the eternal and everlasting life in a risen and glorified Christ. For Thine is the kingdom, and the power, and the glory forever. Amen.

The SPEAKER pro tempore. The Clerk will read the Journal of the proceedings of yesterday.

Mr. TALBOTT of Maryland. Mr. Speaker, I ask unanimous consent to dispense with the reading of the Journal.

The SPEAKER pro tempore. The gentleman from Maryland asks unanimous consent to dispense with the reading of the Journal and that the Journal be approved. If there be no objection, it will be so ordered.

There was no objection.

THE LATE SENATOR RAYNER.

The SPEAKER pro tempore. The Clerk will report the order for to-day's session.

The Clerk read as follows:

On motion of Mr. LINTHICUM, by unanimous consent,

Ordered, That Sunday, February 2, 1913, at 12 o'clock m., be set apart for addresses upon the life, character, and public services of Hon. ISIDOR RAYNER, late a Senator from the State of Maryland.

Mr. LINTHICUM. Mr. Speaker, I offer the following resolution.

The Clerk read as follows:

House resolution 807.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. ISIDOR RAYNER, late a Senator from the State of Maryland.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolutions were agreed to.

Mr. TALBOTT of Maryland. Mr. Speaker, my remarks upon this solemn occasion, when we meet to pay tribute to the late Senator from Maryland, Hon. ISIDOR RAYNER, shall be very brief, but I feel that I should not permit the opportunity to pass without saying something about his life, character, and public services.

In the death of Senator RAYNER, to quote from the Evening Sun of Baltimore—

Maryland has lost a man of real statesmanlike stature, of clear public vision, and of true democratic ideas.

Maryland not only loses this great man but his death is a severe blow to the Democratic Party, now about to come into control of every branch of the National Government.

My acquaintance with Senator RAYNER dates from 1876. I first met him in the presidential campaign of that year at an open-air mass meeting in Baltimore. He was then a young man, and made one of the best political speeches I ever heard. He attracted the attention of the people and the party leaders, and from that time on during the whole of his life he was always in demand as a popular and able orator.

I served with Mr. RAYNER in the Fifty-third Congress, when Mr. Cleveland was President, and he was one of the Congressmen who stood loyally by the President in his fight for the redemption of the party pledges.

He later was elected as attorney general of Maryland on the ticket with the now senior Senator from Maryland, Hon. JOHN WALTER SMITH, who was the successful candidate for governor in 1899. It is useless for me to say that he filled this high office with credit and distinction. It was not long after this that he was called upon to represent the hero of Santiago, Admiral Schley, in his defense before the court of inquiry. Mr. RAYNER'S splendid effort in this notable case will long be remembered as a masterly defense of a brave and heroic man by a great and accomplished lawyer.

Mr. RAYNER came to the Senate in 1905 to succeed the late Hon. Louis E. McComas. His campaign for the senatorship was a most vigorous and nerve-racking one. There were no less than five candidates for the office, and it was only after many caucuses, party conferences, and the keenest political maneuvering that he was chosen.

On account of his previous experience in Congress, his capacity to grasp public questions, his knowledge of public affairs, and his legal training he immediately took a most prominent part in all discussions and the workings of the legislative machinery in the Upper House.

Mr. RAYNER spent more than seven years in the Senate, and he took his place there as an orator, a debater, and a constitutional lawyer, and his career in that august body soon proved to his constituents that they had made no mistake in choosing him as their representative, for in all his actions and dealings as a public official he was always in entire sympathy with the people whom he was chosen to represent and was quick to respond to popular sentiment.

Again quoting from the Evening Sun, of Baltimore:

Above all, his instincts were true to the principles of popular government, and he intuitively turned to the side of right in nearly every great public contest. There was no shadow of turning in his democracy, and he upheld with unflinching firmness and enthusiasm the traditions and the faith of his party as handed down to him by its great political apostles.

As a member of the Judiciary Committee and the Committee on Foreign Relations he rendered most valuable service to his country and his party. He made a special study of the Constitution and international affairs, and was looked upon by both Republicans and Democrats as one of the leading authorities and most active and widely informed Senators on these great questions.

It was a great disappointment to Senator RAYNER not to be able to take part in the late campaign. The national committee and the Maryland Democratic State central committee had mapped out a most important work for him, and his inability to take up the work not only grieved him, but considerably handicapped the party leaders, and was more keenly felt as the campaign progressed.

His last public appearance was in the debate at Baltimore with the former Congressman W. Bourke Cockran, in which he acquitted himself with great credit. After this, on advice of his physicians, he was obliged to cancel all his campaign engagements and was forced to take to his bed, and five or six weeks thereafter he passed into the life everlasting.

Mr. RAYNER was known as a home man. He belonged to but one club and was only rarely found there, preferring to spend the few leisure hours which he did have in his family circle. He was a devoted husband and a loving and indulgent father, and no matter what we say or do here to-day we can not fill the wide gap that has been made in his family circle by his untimely death.

Peace and death's beauty to his heart to-day,
Who is not dead, but only gone away
To sleep a little, as a child who goes
When twilight folds the petal of the rose.

Mr. HAUGEN took the chair as Speaker pro tempore.

[Mr. COVINGTON addressed the House. See Appendix.]

Mr. LINTHICUM. Mr. Speaker, in offering this tribute to the memory of ISIDOR RAYNER, late a Senator from the State of Maryland, there comes to me a flood of feelings peculiarly tender.

The latter portion of Senator RAYNER'S public life was so interwoven with events with which I was intimately connected

that I was in position to observe at close range this man of whom all Maryland was proud, and by reason of the nearness of my viewpoint able to analyze his motives and understand the inspiration which led him step by step into the fuller confidence of his fellow men, finally bringing him that reward which inevitably follows the faithful and intelligent discharge of a great public trust.

ISIDOR RAYNER first saw the light of day in Baltimore, April 11, 1850, the son of William S. and Amelia R. Rayner. Completing his primary education in Rippert & Newell's Academy, in Catonsville, Baltimore County, Md., he entered the University of Virginia, supplementing an academic course by one in law at the same institution, where, as a member of the Jefferson Society of the university, at the age of 18, he was chosen anniversary orator, taking as the subject of his address "Religious liberty." So well did he acquit himself in his study of the law that the examining board of the university said to him:

There is no occasion to ask you anything more. You have mastered your book so recently and well that you know more about these matters than we do.

Returning from college, he entered the law offices of Brown & Brune, in Baltimore; in 1870 was admitted to the bar, and within a comparatively short space of time won an enviable standing in his chosen profession.

It is the general testimony of those lawyers acquainted with his legal ability that he was a deep and careful student, who, within a comparatively brief period, thoroughly mastered the principles of law. His power of analysis was keen, his penetration deep, his argument sound, and invariably supported by a multitude of citations that evidenced the thoroughness with which he explored his subject. Had he devoted himself exclusively to that jealous mistress whom so many have wooed in vain, doubtless he would now be remembered as one of the far-reaching beacons of the legal profession. As it was, with his attention distracted by the endless exactions of public office, he left a reputation which hundreds may well envy whose opportunities for legal preferment far exceeded those he enjoyed.

Perhaps the greatest legal achievement of Senator RAYNER was his defense of Admiral Schley, a gallant citizen of Maryland. It was not expected the defense would mainly devolve upon Senator RAYNER, as Judge Jere M. Wilson, of Washington, was senior counsel, but Judge Wilson died soon after the court convened, and thus upon the Senator was shifted the entire burden of the case. He did not shrink from the task, although he was not an admiralty lawyer. The rapidity with which he mastered the subject, studied trigonometry, sea law and lore, gulf-stream currents, and a multitude of other intricate details, was astounding to his friends, who knew him to be the possessor of a mind likened by one of his admirers to a—

mighty machine and a delicate mechanism, capable of strokes of the greatest power and at the same time of the most delicate, exquisite, and subtle touches.

When the time for argument arrived, Senator RAYNER at first spoke in agreeable and measured tones, until, becoming warmed to his subject, he struck out with powerful and convincing blows. Stripping his discussion of useless surplusage he dwelt upon the salient features of the case, and scoring the tricky memories of witnesses, lashed with Herculean vigor the traducers of the man whose fame rang around the world and whose exclamation in the height of victory, "There's glory enough for all," will go down to future generations as one of the most magnanimous expressions of the age.

As the oratorical flight of the great Marylander reached its climax, the court and the great assemblage awed, as it were, by the brilliancy of the orator and his earnestness, seemed unwilling to utter a sound, hardly to breathe, for fear that some word which fell from his lips might be lost; when instantly that the tension was relieved, there broke forth an applause such as might be likened only to a pent-up storm suddenly released. The three admirals, acting as the court, hastened to congratulate him; his friends and the assembled spectators poured praise upon him, and the brilliancy of his effort was spread broadcast throughout the United States.

Senator RAYNER's advent in politics was almost simultaneous with his entry upon the practice of his profession. In 1878 he was elected to the Maryland Legislature, where he served on the judiciary committee and was chairman of the Baltimore city delegation. In 1885 he was elected to the State senate, resigning when his term was about half finished to become the Democratic candidate for Congress. He was elected to the Fiftieth, Fifty-second, and Fifty-third Congresses and declined to receive a fourth term. Accepting the nomination for attorney general for Maryland he was elected to that office, which he held from 1899 to 1903.

I vividly recall the events connected with his first election to the United States Senate in 1904. The balloting was carried on for about a month, and the tenacity with which his friends clung to him during that long interval, despite the repeated and vigorous endeavors to sway them, convinced me that there was something unusual in a personality which could inspire such unbroken and unwavering devotion. I had the pleasure of working and voting for him and felt it almost a personal triumph when victory was finally determined for him at the night caucus of the legislature preceding the final vote of that body the next day.

Senator RAYNER stood high in the distinguished body of which he was a member. Constitutional law was the favorite field of his brilliant and versatile mind, and his masterful knowledge of the subject was expanded and enriched by contact on the floor of the Senate with contemporary students of that document, notably Senators Spooner, Bailey, and ROOT. Only a few days before his death I read in the Saturday Evening Post one of those humorous and always interesting sketches by Samuel G. Blythe, in which he poked fun in his inimitable way at the fondness of the Maryland Senator for speaking on his favorite subject. But Mr. Blythe did not say—as he would have been justified in adding—that whenever Senator RAYNER discussed the Federal Constitution the floor and galleries of the Senate always filled, and those who came invariably remained until his last word was spoken, experiencing every sensation within the art of the orator to inspire, marveling at his knowledge of the subject, fascinated with his lucidity, thrilled by his eloquence, and delighted with the deep intuition and clever reasoning which he displayed in debate.

As an example of his pleasing and graceful style in address one should read his remarks on Roosevelt's "The Charter of Democracy." Probably no words of Senator RAYNER ever were more eagerly received or widely applauded. With deferential respect for the individual whose program he was discussing, with charity toward the ignorance of law which distinguished that program, with the keenest irony and the most subtle ridicule, he demonstrated by convincing example and clever analysis the folly of subjecting to popular recall the decisions of the judiciary. Two paragraphs of that address ever will be remembered. One is typical of the gentle irony and convulsing ridicule of which he was master and which he employed so effectively; the other breathes that intense love of his country's institutions which he understood so well.

I quote them:

I never retired at night that I did not expect some political earthquake in the morning, and I never arose in the morning that I did not look for some volcanic eruption at night. I think he is a most captivating and charming person. He can talk to you by the hour upon subjects that he does not know anything about at all with the same ease and facility that he can discuss those to which he has devoted the closest study. This is a gift of Providence that none of his predecessors ever possessed. His dissertations upon the Constitution are a feast of reason and a flow of soul. The last conversation I had with him was in relation to the case of Col. Stewart, whom he had charged with certain temperamental infirmities and in whose behalf I had asked for a court of inquiry in the Senate. He informed me that being Commander in Chief of the Army and Navy of the United States he would not pay the slightest attention to any law that Congress passed and that he had a perfect right, if he wanted to, to sentence Col. Stewart to death; that he did not intend to do it, but that he had the constitutional right to do so.

* * * * * * *

Speaking for my country and not for my party, speaking for the autonomy and stability of our institutions, speaking for the Constitution, in all of its parts, if we are to pass in again under his yoke, with his outstretched arm under his latest utterance hanging over the seat of justice, the refuge and bulwark of our institutions, ready to strike it down with a wanton attack upon its integrity, and if this attack is to succeed and the era of the common law is to be revived, when its judges were the abject serfs and slaves of the crown, then, in my judgment, it would have been better if the Constitution had never been framed and its authors had never attempted by an apportionment of constitutional functions almost perfect in their allotment to construct an indissoluble union of indestructible States.

Those who knew not Senator RAYNER in his home life knew not the Senator at his best. It was here he shone with all his tenderness, with all his love, and with that great devotion which he ever exhibited for his loved ones. His home life was ideal. He possessed those domestic virtues which stand for the integrity of the American home, the corner stone of American institutions. Within the sheltering privacy of the family circle was revealed those lovable traits of his sterling character that will ever endear his memory to his friends. None who enjoyed access to that circle could fail to approximate him at his true worth. Here the formalities of official position were forgotten and he was to be seen in the more treasured rôle of husband, father, companion, or host.

His addresses were always in eager demand. The mere announcement that he would speak was sufficient to command a large audience. They came to gather knowledge from his lips, to revel in the delight his oration afforded, to witness the fearless freedom and ease with which he handled his subject. Such an occasion was a mental feast none could fail to relish.

His last public address was in the Lyric Theater, in Baltimore, where, on October 7, 1912, he met the Hon. W. Bourke Cockran in joint debate on the issues of the late campaign. His effort was a splendid one and added to his reputation, but even then the invisible and blighting hand of death was upon him. More than one of his admirers left the hall that night shaking their heads, solemnly averring:

The Senator was not his best this evening.

His address lacked just enough of that sparkling keenness which always distinguished his utterances to render it noticeable. The old-time fire was not in his words and actions. Those who observed his subdued vigor mentally and physically little dreamed that the tumult of the great national campaign then raging, in which with pain-racked body he was heroically doing his part, hardly would have subsided ere this favorite and beloved son of Maryland would have laid him down to his final sleep.

Like Wolfe at Quebec, he lived long enough to see the banners of that army in which he was a valiant and trusted leader wreathed with the garlands of victory. The flush of success doubtless gave him new lease of life, though brief. It must have been a source of extreme pleasure to him in his last days that his countrymen, accepting his appraisement of our Federal Constitution as correct, had by an overwhelming majority voted to preserve the integrity of that document whose surpassing worth and splendidly balanced unity had been his chosen theme on more than one occasion.

We hear the dip of the golden oars
And catch a gleam of the snowy sail,
And, lo, they have passed from our yearning heart;
They cross the stream and are gone for aye.
We may not sunder the veil apart
That hides from our vision the gates of day;
We only know that their bark no more
May sail with us o'er life's stormy sea.

Mr. Speaker, I ask unanimous consent to print in the RECORD the remarks of Rev. Ulysses G. B. Pierce, Chaplain of the Senate and pastor of All Souls Unitarian Church of Washington, at the funeral of Senator RAYNER.

The SPEAKER pro tempore. The gentleman from Maryland asks unanimous consent to extend his remarks by printing the address referred to. Is there objection?

There was no objection.

The address of Dr. Pierce is as follows:

"Once more, in the providence of God, we stand with bowed head and with hushed voices in the ineffable presence of death. Labor as we will to school and discipline ourselves, we can not so stultify ourselves as to be insensible to the majesty and augustness of this solemn hour. Repress our utterance as we may, the heart will find some secret and silent language to voice our awe and our faith. We are not so hardened and calloused that, as we journey on the highway of life, we can stay the tears as we behold—

"The milestones into headstones changed,
"'Neath every one a friend.

"And at such a time, when the occasion breathes its own thought, how little we can do! When, as of yore, the Spirit with its tongues of fire seems to descend upon us and to speak to each one in his own language, how cold and empty seems all that we can say! How well-nigh impertinent seem our words of praise! They seem to cut and wound hardly less than words of blame. And we would not have it otherwise. For we know the grief that is in our hearts, however our lips may fail in utterance.

"We speak sometimes of the silent tribute of tears. Are we not wiser than we suspect when we use such words? Why should we disguise the matter? Why should we attempt to conceal what our very presence here says so plainly? The simple truth is that our own deep sense of loss is the highest tribute we can pay to him who has gone from us. And who does not feel that this loss is personal? Not to everyone is it given thus to endear himself to all who knew him. And our own sense of personal loss is a true measure of his greatness.

"It is just as so often happens in our ordinary walk of life. We rejoice in the tree whose strength and beauty have been our admiration. Under its shade we found shelter. We were nourished by its fruits. But not until storm or tempest or the ruthless ax of the woodman has laid its prostrate form before us do we know its true proportions. We sometimes call death the great leveler; and so it is. But is not death also the great revealer? And now that the long and honorable career of public service and private life is brought to a close we realize, as never before, how blessed we have been and how great is the loss we suffer.

"Did I say public service and private life? Alas, these are sometimes separate and distinct things. But with the true man public service and private life grow from the same root of faithful devotion to duty. To such a man his public life is only an extension of his private character; it is a sharing with the larger family of the city, State, or Nation of those qualities which make home a sacred place. To such private life is not a screen where he would hide aught, but it is the smaller area into which are concentrated as by a sunglass the love and devotion which the larger public has shared and rejoiced in. No wonder, then, that when we are called to part with such a man home and city and State and Nation should each feel its own loss to be supreme. The larger family of the public mourns him as an honored and faithful servant of the common good; the family circle mourn for him as husband and father, and mourn as they only can who were privileged to share with him the sanctities of the home.

"And yet, as was said, here are not two lives, but one life. Public service and private life grew from the same divine root. Faithfulness to duty, dependence upon God, there is no fruitage of the Spirit that can not grow from this. Is not this the meaning of the poet's great words—

"Yea, let all good things await
Him who cares not to be great
But as he saves or serves the State.
Not once or twice in our fair country's story
The path of duty was the way to glory.
He, that ever following her commands,
On with toil of heart and knees and hands,
Thro' the long gorge to the far light has won
His path upward, and prevail'd,
Shall find the toppling crags of Duty scaled
Are close upon the shining table-lands
To which our God himself is moon and sun.

"Duty—heaven; by a beautiful necessity does not the one lead always to the other? When, like Jacob of old, we go faithfully on our way, is it not then that the angels of God meet us? And when in our pilgrimage we tarry at a certain place because the sun of life is set, do we not in the morning find this to be none other than the house of God, this to be the gate of heaven? When we know that to live is Christ, then, also, we know that to die is gain. And when we speak of our deep loss we are speaking of ourselves, not of him. If our sense of loss is the measure of his great worth, so also is it the measure of his gain. For it is true beyond peradventure that—

"Virtue treads paths that end not in the grave;
No bar of endless night exiles the brave;
And to the saner mind
We rather seem the dead that stay behind.

"It is, then, for ourselves that we mourn, knowing our great loss, while he has ascended to his Father and to our Father, to his God and to our God.

"And, indeed, when one has come into the world richly endowed, when he has trained and disciplined his mind and has submitted all to the Father of our spirits, when a man has unsparingly given himself for others and has counted not his own life dear unto himself if only he may work the work of Him who sent him while it is called day, and when at the last his every thought has been not for self, but for others, why should not such a soul be able to say, with the apostle, 'I have fought the good fight, I have finished the course, I have kept the faith; henceforth there is laid up for me the crown of righteousness which the Lord, the righteous Judge, shall give to me at that day'? And can we doubt that even now the liberated spirit of such a man has heard the approving words, 'Well done, good and faithful servant; enter thou into the joy of thy Lord'?"

Mr. LEWIS. Mr. Speaker, in a few words I wish to state the view held by the people of Maryland of the Hon. ISIDOR RAYNER, their late representative in the Senate. He was distinctively, as has been said, a statesman. And by this, of course, they meant to designate an unswerving and unusual spirit of loyalty to national interests as well as the interests of Maryland. It is undeniable that the citizen has two sets of rights and interests: In one of his relations he is purely an individual with corresponding claims direct upon his fellows; in another he is a member in a great State or national cooperative organization, where his rights and interests are collective in character and depend for the protection and enjoyment upon the degree of wisdom and loyalty exhibited by his representatives in official life. It is in the latter relation that Senator RAYNER was best known to our people, and it is a great pleasure to testify to their high appreciation of his signal devotion and very great ability in serving them.

There can be no question of his unyielding courage and fixity of purpose in this respect. The history of all parts of our country has been practically alike since the war, and all understand the terrific power wielded by those whose interests were individual and opposed in character to the collective interests, and how too many have yielded—even great political parties have succumbed—to individual interests which have had the power to set aside the collective interests in favor of their own. In such a situation the loyalty of ISIDOR RAYNER was always invincible, for he was a statesman and not one of those who look to the actions of individuals rather than to the collective organization of society for their applause and protection.

With this great spirit of loyalty to public interests there was combined a degree of talent in advocacy which amounted to genius itself. I shall not need to recite his life's story or the commanding incidents of his public career. They have been presented by others. But Maryland was proud, almost immoderately proud, of his prowess in debate. She had had others in this House or the Senate of whose brilliancy she was proud; and the Nation was proud. He sustained, and splendidly sustained, her past glory and brought her added glory with the recurring years. She knew how to judge and compare great men in the public service. For had she not reared at least her share and devoted them to the Nation's service? There was Pinckney; there was Henry Winter Davis; and then ISIDOR RAYNER.

He has gone with them, but his glory remains here with theirs. It is good and is as imperishable as the spirit of loyalty to the public.

Mr. KONIG. Mr. Speaker, ISIDOR RAYNER is dead. His work is done. Our action to-day can neither brighten nor tarnish his fame. But, sir, the beauty of the custom is its defense—to gather here in the workshop of a departed worker and here on the day of rest for those of us who are still in the struggle remind one another of the accomplishments of him who has gone to his eternal rest.

Senator RAYNER was a leader in the Senate; he was a leader in the House; he was a leader at the bar of Maryland. Wherever he served, there he led; and he led because he deserved to lead. Endowed with a genius for oratory, imbued with high ambition, gifted with strong intelligence and remarkable industry, and possessed of great wealth, Senator RAYNER soon took his place among the men at the top.

But, Mr. Speaker, I revere the memory of ISIDOR RAYNER not because he got to the top, but I revere his memory because wherever he served he served with fidelity and honesty. Men deserve honor only as they are faithful and honest, albeit they may have fame and notoriety as they are successful. But for a vagary of fortune the unknown sailor at the mast might have been the famed admiral on the bridge, and the obscure soldier in the ranks might have been the heralded general at the front, the sweating toiler the proud captain of industry, and the humble voter the exalted magistrate. Fortune favors, and we are famous; fortune frowns, and we are obscure.

Whether fortune enables us to become famous or keeps us obscure, we have it within us to say whether we shall be honest or dishonest, faithful or unfaithful; and accordingly as we choose do we deserve the approval or the disapproval of our fellow men. And, after all, what difference does it make whether we are remembered with the world's great men or forgotten with its men unknown? It may well be that we all in playing our little parts are but deceiving ourselves with our seriousness; that we, with our heavy trifling, are the sport of some genius to us as inconceivable as it is unknown.

But, taking ourselves as we find ourselves, there is no man with an ambition to attain anything who does not as soon as he attains it finds himself possessed of an ambition to attain something else above and beyond it, and the which if he does not attain leaves him as much unsatisfied as if his first ambition had not been realized. Such is the nature of human effort and ambition; perhaps it is well that it is so.

This fact of human history teaches us all a lesson, no matter what may be our station in life, our lot, or our fortune; if we do our duty honestly and faithfully we need envy no man, no matter what his wealth or what his position. There is no top rung to the ladder. Position, wealth, and parts are not in themselves happiness, but, on the contrary, they are oftentimes sources of unhappiness. The wise man tempers his ambition with contentment.

ISIDOR RAYNER served his country well and faithfully; let us pray God that we may do likewise. The great majority of us can not hope to be as famed as Senator RAYNER, but we all can hope and endeavor to leave behind us that which our late lamented friend left behind him, a reputation for honesty and fidelity.

Mr. LEWIS. Mr. Speaker, I ask unanimous consent that the Members of the Maryland delegation and of the House have one week in which to print remarks on the subject of the life, character, and public services of the late Senator RAYNER.

The SPEAKER pro tempore. The gentleman from Maryland asks unanimous consent that the Members of the House from Maryland and other Members of the House have unanimous consent to print remarks in the RECORD at any time within one week. If there be no objection it will be so ordered.

There was no objection.

And then, in accordance with the resolution previously adopted and as a further mark of respect to the memory of the late Senator RAYNER, the House (at 12 o'clock and 44 minutes p. m.) adjourned until to-morrow, Monday, February 3, 1913, at 12 o'clock noon.

SENATE.

MONDAY, *February 3, 1913.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the order of the Senate of December 16, 1912.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on request of Mr. CULLOM and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MISSISSIPPI RIVER BRIDGE.

Mr. CULLOM. Out of order, I ask leave to call up the bill (S. 8182) granting to the Inter City Bridge Co., its successors and assigns, the right to construct, acquire, maintain, and operate a railway bridge across the Mississippi River. It will take only a minute to pass it.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent for the present consideration of the bill indicated by him. Is there objection? The Chair hears none. The bill will be read.

The Secretary read the bill.

Mr. CUMMINS. Mr. President, I have just entered the Chamber. Is there a request for the present consideration of this bill?

The PRESIDENT pro tempore. There is.

Mr. CUMMINS. I wish to have an opportunity to examine it before it is put on its passage.

The PRESIDENT pro tempore. The Chair will state to the Senator from Iowa that the bill has been taken up by unanimous consent, but that does not——

Mr. CULLOM. I am willing that the bill shall go over if the Senator from Iowa wants to look at it.

The PRESIDENT pro tempore. The bill will go over upon the request of the Senator from Iowa.

SENATORS FROM TENNESSEE AND TEXAS.

Mr. SANDERS presented the credentials of WILLIAM ROBERT WEBB, chosen by the Legislature of the State of Tennessee a Senator from that State for the remainder of the term ending March 3, 1913, in the room and stead of NEWELL SANDERS, heretofore appointed by the governor of Tennessee as the successor of Robert L. Taylor, deceased, which were read and ordered to be filed.

Mr. CULBERSON presented the credentials of MORRIS SHEPPARD, chosen by the Legislature of the State of Texas a Senator from that State for the unexpired portion of the term of Hon. Joseph W. Bailey ending March 3, 1913, which were read and ordered to be filed.

Mr. CULBERSON. The Senator elect from Texas is present and ready to take the oath of office.

Mr. LEA. The Senator elect from Tennessee is in the Chamber and ready to take the oath of office.

The PRESIDENT pro tempore. The Senators elect will present themselves at the desk for that purpose.

Mr. SHEPPARD and Mr. WEBB advanced to the Vice President's desk, escorted by Mr. CULBERSON and Mr. LEA, respectively, and the oath prescribed by law having been administered to them, they took their seats in the Senate.

CALLING OF THE ROLL.

Mr. CLARKE of Arkansas. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Arkansas suggests the absence of a quorum. The Secretary will proceed to call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cullom	Lea	Shively
Bacon	Cummins	Lippitt	Simmons
Bankhead	Curtis	Lodge	Smith, Ariz.
Borah	Dillingham	McCumber	Smith, Ga.
Bourne	du Pont	McLean	Smith, Md.
Bradley	Fletcher	Martine, N. J.	Smith, Mich.
Brandegee	Gallinger	Myers	Smoot
Bristow	Gamble	O'Gorman	Stephenson
Brown	Gardner	Oliver	Sutherland
Burnham	Gronna	Overman	Swanson
Burton	Guggenheim	Owen	Thornton
Catron	Jackson	Page	Tillman
Clapp	Johnson, Me.	Perkins	Townsend
Clark, Wyo.	Johnston, Ala.	Perky	Warren
Clarke, Ark.	Jones	Pomerene	Webb
Crane	Kavanaugh	Richardson	Wetmore
Crawford	Kenyon	Root	Williams
Culberson	La Follette	Sheppard	Works

Mr. THORNTON. I desire to announce the necessary absence of my colleague [Mr. FOSTER] on account of illness in his family, and also that he is paired with the junior Senator from Wyoming [Mr. WARREN]. I ask that this announcement may stand for the day.

Mr. MARTINE of New Jersey. I was requested to state that the Senator from Colorado [Mr. THOMAS] is absent from the city on important business.

Mr. SWANSON. I desire to announce that my colleague [Mr. MARTIN] is detained from the Senate on account of sickness. I wish this announcement to stand for the day.

The PRESIDENT pro tempore. Upon the call of the roll of the Senate 72 Senators have answered to their names. A quorum is present.

CREDENTIALS.

Mr. CULBERSON presented the credentials of MORRIS SHEPPARD, chosen by the Legislature of the State of Texas a Senator from that State for the term beginning March 4, 1913, which were read and ordered to be filed.

IMPRISONMENT IN THE ARMY AND NAVY (S. DOC. NO. 1059).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of January 7, a statement of the number of persons serving in the Navy or Marine Corps of the United States confined, through sentence of general court-martial, during the year 1912, their offenses, term of confinement imposed in each case, and the prison or other place of confinement, etc., which with the accompanying papers, was referred to the Committee on Naval Affairs and ordered to be printed.

REPORT OF WASHINGTON GAS LIGHT CO. (H. DOC. NO. 1333).

The PRESIDENT pro tempore laid before the Senate the annual report of the Washington Gas Light Co. for the year ended December 31, 1912, which was referred to the Committee on the District of Columbia and ordered to be printed.

WASHINGTON & OLD DOMINION RAILWAY CO. (H. DOC. NO. 1334).

The PRESIDENT pro tempore laid before the Senate the annual report of the Washington & Old Dominion Railway Co. for the year ended December 31, 1912, which was referred to the Committee on the District of Columbia and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

John J. Ennis *v.* United States (Brooklyn Navy Yard) (S. Doc. No. 1057);

Charles W. Brock, and sundry subnumbered cases, *v.* United States (Portsmouth Navy Yard, Portsmouth, N. H.) (S. Doc. No. 1058);

Virginia C. Boush, administratrix of Jonathan E. Boush, deceased, and sundry subnumbered cases, *v.* United States (Norfolk Navy Yard) (S. Doc. No. 1056); and

John W. Parrish *v.* United States (United States Naval Academy, Annapolis, Md.) (S. Doc. No. 1055).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House insists upon its amendments to the bill (S. 8035) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RICHARDSON, Mr. DICKSON of Mississippi, and Mr. WOOD of New Jersey managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States, and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. CRAWFORD. I present a joint resolution adopted by the Legislature of South Dakota, which I ask may be read and referred to the Committee on Public Lands.

The joint resolution was read and referred to the Committee on Public Lands, as follows:

STATE OF SOUTH DAKOTA,
DEPARTMENT OF STATE.

UNITED STATES OF AMERICA, *State of South Dakota, ss:*

I, Frank Glasner, secretary of state of the State of South Dakota, do hereby certify that the annexed senate joint resolution No. 2 was duly passed by the 1913 session of the Legislature of the State of South Dakota, and is now is full force and effect.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota this 30th day of January, A. D. 1913.

[SEAL.] FRANK GLASNER, *Secretary of State.*
By J. T. NELSON, *Assistant Secretary of State.*

A joint resolution requesting the Congress of the United States to amend the 320-acre homestead law, designated and known as the Mondell bill, to include the State of South Dakota.

Be it resolved by the Senate of the State of South Dakota (the House of Representatives concurring): SECTION 1:

Whereas there are now in force and effect certain laws enacted by the Congress of the United States granting and giving to citizens the right to make homestead entry upon 320 and 640 acre tracts of land; and

Whereas certain Government lands situate in the State of Nebraska are affected by the 640-acre homestead law, and certain Government lands situate in the States of Wyoming, Idaho, Montana, Washington, Oregon, Utah, Arizona, New Mexico, and Colorado are affected by the 320-acre homestead law; and

Whereas Government lands in the State of South Dakota have been and are now eliminated from any law giving to citizens the right to make homestead entry upon more than 160 acres of land; and

Whereas the general classification of the Government lands in South Dakota compares with the lands in the State so affected by the laws aforesaid; and

Whereas it is just and reasonable, from the nature of conditions, that the Government lands in the State of South Dakota be included in the 320-acre homestead act: Therefore be it

Resolved, That we favor and earnestly urge the Congress of the United States by proper enactment to so amend the 320-acre homestead law, known as the Mondell bill, as to include the remaining Government lands suitable for homestead entry situate in the State of South Dakota; and be it further

Resolved, That we request our Senators and Representatives in Congress to employ their best efforts to compass this end.

Mr. CRAWFORD. I present a joint resolution adopted by the Legislature of South Dakota, which I ask may be read and referred to the Committee on Indian Affairs:

The joint resolution was read and referred to the Committee on Indian Affairs, as follows:

STATE OF SOUTH DAKOTA,
DEPARTMENT OF STATE.

UNITED STATES OF AMERICA, *State of South Dakota, ss:*

I, Frank Glasner, secretary of state of the State of South Dakota, do hereby certify that the annexed senate joint resolution No. 8 was duly passed by the 1913 session of the Legislature of the State of South Dakota, and is now in full force and effect.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota this 30th day of January, A. D. 1913.

[SEAL.] FRANK GLASNER, *Secretary of State.*
By J. T. NELSON, *Assistant Secretary of State.*

A joint resolution requesting the Secretary of the Interior to take steps to revise existing rules for the leasing of allotted Indian lands, and that our Senators and Representaives in Congress assist in securing such revision.

Be it resolved by the Senate of the Legislature of the State of South Dakota (the House of Representatives concurring), That the Secretary of the Interior be requested to take needful and necessary steps looking to an immediate revision of existing rules and regulations promulgated by him governing the right to lease and the manner of leasing allotted Indian lands, with a view to securing the more rapid development of the large areas of unoccupied land now held by Indian allottees of the various Indian tribes. To the end that such object may be speedily attained, our Senators and Representatives in Congress are earnestly requested to lend their aid in securing immediate and favorable consideration thereof.

SEC. 2. That a copy hereof be transmitted to the Secretary of the Interior and to each of the Senators and Representatives in Congress from the State of South Dakota.

Mr. CRAWFORD presented memorials of the congregations of the Seventh-day Adventist Churches of Huron, Webster, Aberdeen, and Florence, all in the State of South Dakota, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. CURTIS. I present a memorial from the Cherokee Freedmen, which I ask may be printed in the RECORD and referred to the Committee on Indian Affairs.

There being no objection, the memorial was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

Memorial of Cherokee Freedmen.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Whereas by certain articles of the treaty, made and entered into by and between the United States of America and the Cherokee Nation, proclaimed August 11, 1866, there were certain freedmen, free colored persons, and their descendants clothed with all the rights of native Cherokees; and

Whereas by certain acts of deceit, discrimination, and opposition on the part of certain classes of Cherokees and the Cherokee Nation, and by the effect of certain acts of congressional legislation, and by the acts and doings of certain agents of the Government of the United States said persons believe and feel that said rights have been limited, curtailed, abridged, and in various instances overlooked or ignored, whereby they, as a class and as individuals of a class of citizens of the Cherokee Nation, have sustained much damage and received great injury, and believe themselves entitled to some form of redress; and

Whereas said freedmen, free colored persons, and their descendants, firmly believing in the right of the people to peaceably assemble for their own good and apply to those invested with the powers of Government for redress by petition, address, or remonstrance, have organized themselves together in one band or association under the name of ———, for the enforcement and protection of all rights granted them by the aforesaid treaty, and have adopted this method of making their grievances known and praying for relief.

Our grievances are:

1. After having been given the right to elect to settle and live in certain designated parts of the Cherokee Nation by article 4 of the treaty of 1866, said right has been violated, and the enjoyment thereof entirely defeated by promises and agreements made on the part of the Cherokees, which have not been kept and performed by them.

2. The Cherokee Nation did, about the year 1867, erect large and costly school buildings, create, and for a period covering about 16 years, maintain and support, high schools for the education of their children out of the funds of the Cherokee Nation to the exclusion of our children.

3. Said nation did erect and for many years maintain and support a blind asylum and orphans' home out of the funds of said nation to the exclusion of our people.

4. The Cherokee National Council passed certain intermarriage laws, and enforced the same, the effect of which put the Indians directly in touch with the highest form of American civilization, and gave them advantages that could not have been attained in no other way, to the exclusion of our people.

5. In the matter of the payment of moneys per capita we believe and feel that we have been unjustly dealt with, in that some of our people whose names appeared upon approved rolls of citizenship in the Cherokee Nation were paid and received such payments, while others of the same class whose names appeared upon the same rolls were paid and received none.

6. And certain classes of Cherokees have been permitted, and did by various attacks, by various suits at law, attempt to and at this time have a suit at law pending calculated to defeat our property rights in the Cherokee Nation entirely, thereby putting us to great and useless expense of time and money.

7. We believe and feel that we have been unjustly dealt with in the matter of the enrollment of our people, some of the members of some of our families having been duly enrolled as citizens, while the applications for the enrollment of others of the same families having the same status have been rejected.

8. That the applications for the enrollment of many of our people were rejected because of the time limit and the hasty action of the Secretary of the Interior and the Dawes Commission in trying to obey the requirements of the time limit.

9. A large number of our people who were rejected had been theretofore enrolled by various authorities as citizens of the Cherokee Nation, had settled in said nation in good faith, made lasting and permanent improvements upon the lands, lived unmolested for from 10 to 30 years, had exercised many of the rights of citizenship, and after being rejected were ejected and dispossessed from and of said improvements, leaving their labor and improvements without compensation.

10. The restrictions upon the alienation and incumbrance of our lands, both adults and infants, have been removed, and the supervisory jurisdiction of the Government over us and our valuable inherited lands has been relinquished all in advance of those of the Indians, and our people, though comparatively lowest in point of intelligence as a class of Cherokee citizens, have been left exposed to the greed and grafts of the shrewd and unscrupulous hoarders of wealth, who would naturally be first to appear upon the scene, and left unfavorably exposed to the attacks of the disgruntled element of the Indian citizens who yet enjoy the care and protection of the United States Government.

Wherefore we, the freedmen, free colored persons, and their descendants of the late Cherokee Nation, respectfully petition that our grievances above mentioned be given due consideration, and that we be given such redress as in the wisdom of your honorable body seems meet, and your petitioners will ever pray.

ELI NAVE, *President.*

SIM ROGERS, *Secretary.*
(Through our delegation.)

Mr. TILLMAN. I send to the desk a letter which I ask may be read and referred to the Committee on Claims.

There being no objection, the letter was read and referred to the Committee on Claims, as follows:

2004 ELEVENTH STREET NW.,
Washington, D. C., January 23, 1913.

Hon. B. R. TILLMAN,
United States Senate, Washington, D. C.

HONORED SIR: My name is Jane Steptoe. I was born in South Carolina, not far from Beaufort, and I deposited in the Freedmen's Bank $1,100. I still have a balance of $800. I am now 72 years old, not able to work to earn my living, and am dependent upon other people for my support, and you know that I do not get all that I should have in these my declining years.

We have been encouraged about this money for several years. The Presidents have asked Congress to pay us our money ever since Mr. Cleveland was President, and Congress will not pay us. I now write to ask you, as you are in Congress and one of the men who has to appropriate this money, if you will please get this appropriation through and let Congress pay us. I can not tell you how my conditions are, but just place yourself in my position, at my age, and suppose that you had no means of support, you would think it very hard; but as the Lord has blessed and prospered you, and you don't have to be dependent upon others, please remember me and others and the Lord will certainly bless you more than twofold if you will let Congress pay us the money which is our very own. We do not ask you to give us something that does not belong to us; we are simply asking in the name of the Lord for that which is our own hard-earned money.

Respectfully, yours, JANE STEPTOE.

Mr. FLETCHER. I present resolutions adopted by the Tampa Bay Pilots' Association, of Florida, which I ask may be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the resolutions were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

TAMPA BAY PILOTS' ASSOCIATION,
Tampa, Fla., January 17, 1913.

Resolution.

Whereas we, the undersigned pilots of the port of Tampa, Fla., do hereby protest against the various bills now pending in the Commerce Committee of the United States Senate—"A bill to provide for the further Federal regulation of pilotage," introduced by Mr. NELSON, and known as S. 7629, and "A bill relating to the anchorage of vessels in navigable waters of the United States," also introduced by Mr. NELSON, and known as S. 3619; also a bill, H. R. 20630, introduced by Mr. HARDY, entitled "A bill to provide for the further Federal regulation of pilotage," which is awaiting the action of the Committee on the Merchant Marine and Fisheries; and

Whereas we view the introduction, favorable report, and passage of the said bills to be extremely detrimental, if not, indeed, absolutely destructive, to the fundamentals of the pilotage system in this country, as well as detrimental to many of the ports; and

Whereas this pilotage system has been under control of the States for over 100 years and a board selected by the persons most interested in the safety and prosperity of shipping and appointed by our governor and approved by the State senate; and

Whereas this bill proposes arbitrarily and unnecessarily to destroy this system and to take control of this important service from the hands of those most interested in its efficiency, by whom it has been brought to its present satisfactory condition, and proposes to confide it to those who, whatever ability they may have in other respects, can not be said with certainty to have had any experience whatsoever with the duties and requirements of the service; and

Whereas the Federal regulations, as they appear to us (a) would not increase the efficiency of the pilots or the pilotage system now in vogue; (b) would and could not decrease the rates of pilotage without becoming a drain on the Public Treasury; (c) would tyrannically usurp a business which has been built by time, experience, and the expenditures of large sums of money, thereby depriving many individuals of the fruits of their labor, to which they are justly entitled: Therefore be it

Resolved, That we, the pilots aforesaid, do hereby respectfully, and as earnestly and emphatically as in our power, memorialize and petition our United States Representatives in Congress and United States Senators from this State to use their utmost endeavors to prevent these bills from becoming a law or any antipilotage legislation of any nature.

Also, that a copy of this resolution be sent to the President of the Senate, one to the Speaker of the House of Representatives, one to the chairman of the Commerce Committee, one to the chairman of the Committee on the Merchant Marine and Fisheries, one to the president of American Pilots' Association, and urge them to use their influence in defeating these bills.

C. J. BELGAU.
H. L. JOHNSON.
H. G. WARNER.
C. D. THAMES.
CARL WM. BAHRT.
JNO. J. FORGARTY.
MARK RYAN.

Mr. SMITH of Maryland presented petitions of sundry citizens of Burtonsville, Beltsville, and Silver Spring; of Eureka Grange, No. 177, Patrons of Husbandry, of Eureka; and of Local Grange No. 179, Patrons of Husbandry, of Beltsville, all in the State of Maryland, praying that an appropriation be made for the erection of shelters covering the Wholesale Produce Market between Tenth, Twelfth, and B Streets, in the city of Washington, D. C., which were referred to the Committee on Appropriations.

He also presented a petition of sundry citizens of Allegany County, Md., praying for the establishment of game reservations upon the public lands, which was ordered to lie on the table.

Mr. GARDNER presented resolutions adopted by the Chamber of Commerce of Oldtown, Me., favoring the passage of the so-called Page vocational education bill, which were ordered to lie on the table.

He also presented a memorial of members of the Woman's Club of Houlton, Me., remonstrating against the transfer of the control of the national forests to the several States, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. WARREN presented a memorial of the congregation of the Seventh-day Adventist Church of Lander, Wyo., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. BRISTOW presented a petition of sundry citizens of Emporia, Kans., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

He also presented memorials of the congregations of the Seventh-day Adventist Churches of Severy and Herndon, in the State of Kansas, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. RICHARDSON presented petitions of the congregations of the Methodist Episcopal Churches of Camden, Lebanon, and Nassau, all in the State of Delaware, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. JACKSON presented a memorial of sundry citizens of Hagerstown, Md., remonstrating against the parole of Federal life prisoners, which was ordered to lie on the table.

He also presented a petition of the congregation of the Mount Olive Methodist Episcopal Church, of Delmar, Del., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. OWEN. I present a concurrent resolution passed by the Legislature of Oklahoma, memorializing Congress to pass a law providing for the election of Federal district judges by the people of their respective States. I ask that the concurrent resolution be read and referred to the Committee on the Judiciary.

There being no objection, the concurrent resolution was read and referred to the Committee on the Judiciary, as follows:

House concurrent resolution 3.

Resolution memorializing Congress to pass a law providing for the election of Federal district judges by the people of their respective States.

Be it resolved by the House of Representatives of the State of Oklahoma (the Senate concurring therein), That—

Whereas the Federal district judges who receive their office by appointment by the President of the United States and who hold their office for life, or during good behavior, and who are not amenable to the people, and by reason of this are not always mindful of the rights and privileges of the people; and

Whereas since their creation by the American Congress their jurisdiction and powers have been enlarged until the special interest seeking classes and the wealthy can and do compel the common people of our country to go into the Federal courts oftentimes at a large expenditure of money and time, taking them away from the judges whom they, the common people, elect; and

Whereas the Federal district judges have become a refuge for the great corporations, contesting the laws passed by our State legislature and thereby having them declared unconstitutional, as in the recent case of our revenue laws, whereby the corporations were permitted to get from under the burdens of taxation and shift them upon the farmer, the merchant, and laboring classes: Therefore be it

Resolved by the House of Representatives of the State of Oklahoma (the Senate concurring therein), That we memorialize, request, and urge Congress to pass a law providing for the election of Federal district judges, limiting their jurisdiction and power and their tenure of office to a term of years.

That a copy of this resolution be sent to our United States Senators and Members of the National House of Representatives.

Passed by the house of representatives January 20, 1913.

J. H. MAXEY,
Speaker of the House of Representatives.

Passed the senate January 25, 1913.

C. B. KENDRICK,
President pro tempore of the Senate.

Mr. OWEN. I present a concurrent resolution passed by the Legislature of Oklahoma relative to immediate provision being made for the payment to all members of the Choctaw and Chickasaw Tribes of Indians who have been endowed with the rights of citizenship of their pro rata part of all funds now held by the Government of the United States, and so forth. I ask that the concurrent resolution be read and referred to the Committee on Indian Affairs.

There being no objection, the concurrent resolution was read and referred to the Committee on Indian Affairs, as follows:

House concurrent resolution 4.

Be it resolved by the house of representatives (the senate concurring therein), That—

Whereas the Government of the United States holds in trust approximately the sum of $6,500,000 for the members of the Choctaw and Chickasaw Tribes of Indians; and

Whereas under the terms of the treaty of 1866 between the Choctaw and Chickasaw Indians and the United States certain lands known as the Leased District, lying between the ninety-eighth and one-hundredth meridian west longitude, were ceded to the United States for a nominal consideration of $300,000; and

Whereas the members of said tribes of Indians have, through their officials and representatives, since said treaty contended that it was the intention of the tribes to lease said lands to the United States for specific purposes and not to sell the same; and

Whereas the actual value of said Leased District was many millions of dollars in excess of said $300,000: Now therefore be it

Resolved by the Legislature of the State of Oklahoma, That we respectfully memorialize the Congress of the United States—

First. That it make immediate provision for the payment of all those members of the Choctaw and Chickasaw Tribes of Indians who have been endowed with all the rights of citizenship, including the right to alienate their lands as other citizens of the United States, of their pro rata part of all funds now held by the Government of the United States for said Indians; and

Second. That it enact such legislation as will provide for suitable and adequate payment to the members of said tribes of Indians for the reasonable value of said Leased District: And be it further

Resolved, That the Senators and Representatives from the State of Oklahoma are requested to use all honorable means to secure the enactment of the foregoing legislation.

Passed the house of representatives January 20, 1913.

J. H. MAXEY,
Speaker of the House of Representatives.

Passed the senate January 20, 1913.

E. L. MITCHELL,
Acting President of the Senate.

I hereby certify that this is a true and correct copy of the above and foregoing resolution.

GUS POOL, *Chief Clerk.*

Mr. CULLOM presented a petition of members of the Young Men's Baraca Class of the South Street Methodist Episcopal Church, of Rockford, Ill., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. LODGE. I present a resolution passed by the directors of the Springfield (Mass.) Board of Trade December 10, 1912, in regard to the Connecticut River Dam. The resolution is very brief and with no signatures. I ask that it lie on the table and be printed in the RECORD.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Resolution passed by the directors of the Springfield (Mass.) Board of Trade December 10, 1912.

Resolved, That this community is in urgent need of practicable navigation of the Connecticut River from Long Island Sound to Holyoke; that, in the opinion of this board, the enactment of the bill introduced by the Connecticut River Co. at this session of Congress will insure the accomplishment of such navigation. Wherefore this board earnestly urges the Members of both Houses of Congress to enact said bill at this session.

Mr. LODGE presented a petition of the Young Men's Class of the Congregational Church of West Newton, Mass., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Bryantville and Boston, in the State of Massachusetts, praying for the construction of a public highway from Washington, D. C., to Gettysburg, Pa., as a memorial to Abraham Lincoln, which were ordered to lie on the table.

Mr. MYERS presented a memorial of the congregation of the Seventh-day Adventist Church, Great Falls, Mont., and a memorial of the congregation of the Seventh-day Adventist Church of Stevensville, Mont., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. CHAMBERLAIN. I present a joint resolution adopted by the Legislature of Oregon, which I ask may be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the joint resolution was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

Senate joint resolution 2.

STATE OF OREGON,
TWENTY-SEVENTH LEGISLATIVE ASSEMBLY,
SENATE CHAMBER.

Whereas it appears from an investigation recently made by the Senate of the United States, and otherwise, that polygamy still exists in certain places in the United States, notwithstanding prohibitory statutes enacted by the several States thereof; and

Whereas the practice of polygamy is generally condemned by the people of the United States, and there is a demand for the more effectual prohibition thereof by placing the subject under the Federal jurisdiction and control, at the same time reserving to each State the right to make and control its own laws relating to marriage and divorce: Now therefore be it

Resolved by the senate (the house of representatives concurring), That the application be made, and hereby is made, to Congress under the provisions of Article V of the Constitution of the United States, for the calling of a convention to propose an amendment to the Constitution of the United States whereby polygamy and polygamous cohabitation shall be prohibited, and Congress shall be given power to enforce such a prohibition by appropriate legislation.

Resolved, That the legislatures of all other States of the United States, now in session or when next convened, be, and they are hereby, respectfully requested to join in this application by the adoption of this or an equivalent resolution.

Resolved further, That the secretary of state be, and he is hereby, directed to transmit copies of this application to the Senate and the House of Representatives of the United States, and to the several Members of the bodies representing this State therein; also to transmit copies hereof to the legislatures of all other States of the United States.

Adopted by the house January 16, 1913.

C. N. MCARTHUR,
Speaker of the House.

Adopted by the senate January 15, 1913.

DAN J. MALARKEY,
President of the Senate.

Indorsed: Senate joint resolution No. 2.

JOHN W. COCHRAN,
Chief Clerk.

Filed January 20, 1913.

BEN W. OLCOTT,
Secretary of State.

—

UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, Ben W. Olcott, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint resolution No. 2 of the Twenty-seventh Legislative Assembly of the State of Oregon with the original thereof as filed in the office of the secretary of state of the State of Oregon on the 20th day of January, 1913, and that it is a full, true, and complete transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 20th day of January, A. D. 1913.

[SEAL.]

BEN W. OLCOTT,
Secretary of State.

Mr. CHAMBERLAIN. I present a joint memorial adopted by the Legislature of Oregon, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the joint memorial was ordered to lie on the table and to be printed in the RECORD, as follows:

Senate joint memorial 2.

STATE OF OREGON,
TWENTY-SEVENTH LEGISLATIVE ASSEMBLY,
SENATE CHAMBER.

Whereas there have been introduced in Congress three bills (Nos. H. R. 36, H. R. 4428, S. 2367) to afford Federal protection to migratory game birds; and

Whereas there is a very general sentiment in this State in favor of such protection, and an urgent request for the enactment of such a law has been made, as appears by the numerous petitions received: Now therefore

Resolved (the house concurring), That Congress be, and hereby is, requested to enact a law giving ample protection to migratory game birds.

Resolved, That the legislatures of all other States of the United States now in session or when next convened be, and they are hereby,

respectfully requested to join in this request by the adoption of this or an equivalent resolution.

Resolved further, That the secretary of state be, and he hereby is, directed to transmit copies of this resolution to the Senate and the House of Representatives of the United States and to the several Members of said body representing this State therein; also to transmit copies hereof to the legislatures of all other States of the United States.

Concurred in by the house January 20, 1913.

C. N. MCARTHUR,
Speaker of the House.

Adopted by the senate January 16, 1913.

DAN J. MALARKEY,
President of the Senate.

Indorsed: Senate joint memorial No. 2, by committee on Federal relations.

J. W. COCHRAN,
Chief Clerk.

Filed January 22, 1913.

BEN W. OLCOTT,
Secretary of State.

—

UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, Ben W. Olcott, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 2 of the Twenty-seventh Legislative Assembly of the State of Oregon with the original thereof as filed in the office of the secretary of state of the State of Oregon on the 22d day of January, 1913, and that it is a full, true, and complete transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 22d day of January, A. D. 1913.

[SEAL.] BEN W. OLCOTT,
Secretary of State.

Mr. BROWN. I present a joint resolution passed by the Legislature of Nebraska, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the joint resolution was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

STATE OF NEBRASKA,
OFFICE OF SECRETARY OF STATE.

STATE OF NEBRASKA, *Office of Secretary of State:*

I, Addison Wait, secretary of state of the State of Nebraska, do hereby certify that I have carefully compared the annexed copy of memorial and joint resolution in re Nebraska Territorial Militia enacted and passed by the thirty-third session of the Legislature of the State of Nebraska, with the enrolled bill on file in this office, and that the same is a true and correct copy of said memorial and joint resolution.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Nebraska.

Done at Lincoln this 31st day of January, A. D. 1913, of the independence of the United States the one hundred and thirty-sixth, and of this State the forty-sixth.

[SEAL.] ADDISON WAIT,
Secretary of State.

[Memorial and joint resolution in relation to the Nebraska Territorial Militia; introduced by Robert C. Druesedow.]

Whereas the Nebraska Territorial Militia, who served four months in subduing the several raids and depredations of hostile Indians between 1862 and 1864, have never been officially recognized as entitled to all the benefits of the pension laws as other volunteer organizations for the alleged reason that they were not regularly mustered into the service of the United States; and

Whereas these volunteer soldiers were called and mustered into active service by our Territorial executive officers, appointed by the Federal Government, and when no time was given for sending the regular mustering officers on account of the sudden unprovoked acts of marauding and murdering bands of Indians, the acknowledged wards of the Government; and

Whereas the settlers of the border territory, the overland mail, and the emigrants to the Rocky Mountain district were justly entitled to the quickest and fullest protection of the Federal authorities: Be it

Resolved, That our Senators and Representatives in Congress, present and prospective, be requested to renew the best and earliest endeavors of their predecessors to procure the passage of an act similar to the one passed in February, 1895, giving the Missouri State Militia title to pension, etc.; and

Resolved, That the honorable secretary of the State of Nebraska be requested to forward a certified copy of this memorial to each of our Senators and Representatives as soon as possible after its passage and approval, as a bill for the relief of the militia of several border States is in the hands of committee on Federal relations, which ought to include the Nebraska Territorial Militia, whose services were rendered and accepted when the Government did not have sufficient troops for the common defense of our frontier.

I hereby certify that the above is a correct copy of a resolution adopted by the House of Representatives of the Nebraska Legislature on the 28th day of January, 1913.

HENRY C. RICHMOND, *Chief Clerk.*

Mr. HITCHCOCK presented a memorial of Local Union No. 107, Farmers' Educational and Cooperative Union, of Elkhorn Valley, Nebr., and a memorial of the Farmers' Educational and Cooperative Union of Dodge County, Nebr., remonstrating against the adoption of the so-called Aldrich currency plan, which were referred to the Committee on Finance.

He also presented memorials of the congregations of the Seventh-day Adventist Churches of Loup City, Omaha, and Brock, all in the State of Nebraska, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. JOHNSON of Maine presented memorials of the congregations of the Seventh-day Adventist Churches of Lewiston, Poland, Dyer Brook, Crouseville, and South Woodstock, all in the State of Maine, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. JONES presented a resolution adopted by members of the King County Democratic Club of Seattle, Wash., favoring the recognition of the Republic of China by the United States, which was referred to the Committee on Foreign Relations.

Mr. GAMBLE presented a joint resolution adopted by the Legislature of South Dakota, favoring the adoption of certain amendments to the homestead law, which was referred to the Committee on Public Lands.

He also presented a joint resolution adopted by the Legislature of South Dakota, favoring a revision of the existing rules regulating the leasing of allotted Indians lands, etc., which was referred to the Committee on Indian Affairs.

Mr. GRONNA presented a memorial of the congregation of the Seventh-day Adventist Church of Stanley, N. Dak., and a memorial of the congregation of the Seventh-day Adventist Church of Newhome, N. Dak., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. PAGE. I present a joint resolution passed by the Legislature of Vermont, which I ask may be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the joint resolution was referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Joint resolution making application to Congress under the provisions of Article V of the Constitution of the United States for the calling of a convention to propose an amendment to the Constitution of the United States whereby polygamy and polygamous cohabitation shall be prohibited.

Whereas it appears from investigation recently made by the Senate of the United States, and otherwise, that polygamy still exists in certain places in the United States, notwithstanding prohibitory statutes enacted by the several States thereof; and

Whereas the practice of polygamy is generally condemned by the people of the United States and there is a demand for the more effectual prohibition thereof by placing the subject under Federal jurisdiction and control, at the same time reserving to each State the right to make and enforce its own laws relating to marriage and divorce: Now therefore

Resolved by the senate and house of representatives, That the application be made, and hereby is made, to Congress, under the provisions of Article V, of the Constitution of the United States, for the calling of a convention to propose an amendment to the Constitution of the United States whereby polygamy and polygamous cohabitation shall be prohibited, and Congress shall be given power to enforce such prohibition by appropriate legislation.

Resolved, That the legislatures of all other States of the United States now in session or when next convened be, and they hereby are, respectfully requested to join in this application by the adoption of this or an equivalent resolution.

Resolved further, That the secretary of state be, and he hereby is, directed to transmit copies of this application to the Senate and House of Representatives of the United States, and to the several Members of said bodies representing this State therein; also, to transmit copies hereof to the legislatures of all other States of the United States.

FRANK E. HOWE,
President of the Senate.
CHARLES A. PLUMLEY,
Speaker of the House of Representatives.

Approved December 18, 1912.

ALLEN M. FLETCHER, *Governor.*

—

STATE OF VERMONT,
OFFICE OF THE SECRETARY OF STATE.

I hereby certify that the foregoing is a true copy of a joint resolution making application to Congress, under the provision of Article V of the Constitution of the United States for the calling of a convention to propose an amendment to the Constitution of the United States, whereby polygamy and polygamous cohabitation shall be prohibited, approved December 18, 1912, as appears by the files and records of this office.

Witness my signature and the seal of this office, at Montpelier, this 10th day of January, 1913.

[SEAL.] GUY W. BAILEY,
Secretary of State.

Mr. SIMMONS. I have in my hand a joint resolution of the Legislature of North Carolina ratifying the seventeenth amendment to the Constitution of the United States, providing for the election of United States Senators by the people. North Carolina was the first State to ratify the amendment, and as the resolution directs that a copy of it shall be sent to the two Houses of Congress, I ask that this resolution lie on the table and be printed in the RECORD.

There being no objection, the joint resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Joint resolution ratifying the seventeenth amendment to the Constitution of the United States.

Whereas both the Houses of the Sixty-second Congress of the United States of America, at its second session, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America, in the following words, to wit:

"Resolved that the Senate and the House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That in lieu of the first paragraph of section

3 of Article I of the Constitution of the United States, and in lieu of so much of paragraph 2 of the same section as relates to the filling of vacancies, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the States:

"The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

"When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

"This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution."

Therefore be it

Resolved by the Senate and House of Representatives of the State of North Carolina, That the said proposed amendment to the Constitution of the United States be, and the same is hereby, ratified by the General Assembly of the State of North Carolina; and further be it

Resolved, That certified copies of this joint resolution be forwarded by the governor of this State to the Secretary of State at Washington and the presiding officers of each House of the National Congress.

In the general assembly, read three times, and ratified this 25th day of January, 1913.

E. L. DAUGHTRIDGE,
President of the Senate.
GEO. W. CONNOR,
Speaker of the House of Representatives.

Examined and found correct.
A. L. MARTIN, *of Cherokee, for Committee.*

STATE OF NORTH CAROLINA, DEPARTMENT OF STATE,
Raleigh, January 25, 1913.

I, J. Bryan Grimes, secretary of state of the State of North Carolina, do hereby certify the foregoing and attached (three sheets) to be a true copy from the records of this office.

In witness whereof, I have hereunto set my hand and affixed my official seal.

Done in office at Raleigh, this 25th day of January, A. D. 1913.

[SEAL.] J. BRYAN GRIMES,
Secretary of State.

REPORTS OF COMMITTEES.

Mr. CURTIS, from the Committee on the District of Columbia, to which was recommitted the bill (H. R. 19236) to regulate the practice of osteopathy in the District of Columbia, reported it with amendments and submitted a report (No. 1175) thereon.

He also, from the Committee on Pensions, to which was referred the bill (H. R. 27806) granting a pension to Mary MacArthur, reported it without amendment and submitted a report (No. 1176) thereon.

He also, from the same committee, to which was referred the bill (H. R. 3967) granting an increase of pension to John R. Fugill, reported it without amendment and submitted a report (No. 1177) thereon.

Mr. FLETCHER, from the Committee on Public Health and National Quarantine, to which was referred the bill (S. 7722) to promote the efficiency of the Public Health Service, reported it without amendment and submitted a report (No. 1178) thereon.

Mr. BOURNE, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 7467) for the relief of George H. Grace, asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

Mr. CLAPP, from the Committee on Indian Affairs, to which was referred the bill (S. 8077) for the relief of the Turtle Mountain Chippewa Indians, and for other purposes, asked to be discharged from its further consideration and that it be referred to the Committee on Public Lands, which was agreed to.

APPOINTMENT OF GENERAL COURTS-MARTIAL.

Mr. DU PONT. From the Committee on Military Affairs I report favorably, with an amendment, the bill (S. 8272) regulating the appointment of general courts-martial in the Armies of the United States, including all persons belonging thereto and all persons now or hereafter made subject to military law, and I submit a report (No. 1182) thereon. I ask unanimous consent for the present consideration of the bill. I trust that there may be no objection made, for the reason that the legislation embodied in it has been and is most urgently and pressingly needed for the proper discipline and efficiency of the Army.

The PRESIDENT pro tempore. The Senator from Delaware makes a report from the Committee on Military Affairs. The matter is not in order for debate unless permission for the present consideration of the bill is granted, and the question has not yet been submitted to the Senate.

Mr. DU PONT. Mr. President, the few words I am going to say are of an explanatory nature.

The PRESIDENT pro tempore. Without objection, the Senator will proceed.

Mr. DU PONT. I repeat that the few remarks I am going to make are simply of an explanatory nature, so that Senators may understand the importance of the measure. The administration of military justice is seriously hampered by certain provisions of existing laws which were framed many years ago and are entirely out of touch with present conditions.

In the first place, the delays incident to trials by general courts-martial are excessive. The report of the Judge Advocate General for the past year shows that the average period between the preferment of charges and the official announcement of acquittal or conviction is nearly seven weeks, and, this being the average period, it goes without saying that in very many cases the time is as long as three or four months; during which period, if officers, the accused remain in arrest, and, if enlisted men, in confinement, and in either case are unable in consequence to perform their appropriate military duties. This is a very poor showing, as the fundamental principle of a code of military punishment is the enforcement of prompt obedience by prompt punishment.

Another consideration, perhaps even more important, is that whenever troops are assembled in any considerable numbers, under existing conditions, for instruction or other purposes, there is no provision of law by which military offenses can be punished, and I can best illustrate this by citing the state of things which existed when a division of troops was assembled on the Mexican frontier about a year ago. The commander of that division had no authority to convene a general court-martial for the trial of offenders, and discipline could only be preserved by the convening of general courts-martial under the fiction of law, by one of his subordinate officers who happened to be in command of the Department of Texas.

The Military Committee has made careful examination into this state of affairs and believes that it is imperative that some legislation should be passed at once to promote the proper discipline and efficiency of the Army; and I am informed that the House Committee on Military Affairs has already examined and approved of the legislation embodied in this bill in connection with the proposed revision of the Articles of War. I hope, therefore, that it may pass the Senate, to the end that it may be incorporated in the Army appropriation bill and put into effect on the 1st of July next.

It is to be observed that the greater part of the provisions embodied in the bill are those now on the statute book. The changes proposed enable general courts-martial to be convened with greater facility and promptitude, as well as to more effectively guard the rights of the accused, both of which considerations are of the highest importance. The special courts-martial herein provided for take the place of the old garrison and regimental courts-martial, with authority to impose sentences of somewhat more severity, which will enable these tribunals to deal with many offenses which heretofore had to be brought before general courts-martial, and will greatly expedite the administration of military justice. The provisions in regard to summary courts-martial are practically those which are now on the statute book, with one proviso, which is believed to be more just to the enlisted men who are brought before these courts.

In this connection I will send to the Secretary's desk, and ask that it be read, a communication to the Secretary of War from nearly all of the general officers of the Army enlarging upon the necessities of the prompt passage of the legislation referred to.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read the letter, as follows:

WASHINGTON, *January 13, 1913.*

The SECRETARY OF WAR.

SIR: In response to your verbal request for an expression of opinion upon the "proposed new articles of war," now being considered by Congress with a view to their enactment into law as a military code for the armies of the United States, we, the undersigned general officers of the Army, after a deliberate study of the proposed new articles, are pleased to state as follows:

1. That we, and we believe all other older officers of the Army, have long been impressed with the fact that the present Articles of War are archaic in character, ill adapted to the prompt and efficient administration of military justice in the Army under modern service conditions, and therefore badly in need of revision.

2. That we consider the revision of present articles, as set forth in the "proposed new articles," has been thoroughly and carefully made, obsolete articles in the present code having been omitted, the remaining articles carefully revised, new and badly needed articles added, and the whole so systematically and scientifically arranged as to form a military code admirably adapted to the needs of military justice both in peace and in war in the Army not only as at present organized but also under the proposed reorganization.

3. That we are therefore of the opinion that the "proposed new articles of war" are in every way a great and a much-needed improvement upon the present articles, and that the sooner they are enacted

into law the better it will be for the interests of prompt and efficient administration of military justice in the Army.

Arthur Murray, major general, United States Army; Thomas H. Barry, major general, United States Army; Wm. H. Carter, major general, United States Army; Tasker H. Bliss, brigadier general, United States Army; E. Z. Steever, brigadier general, United States Army; R. K. Evans, brigadier general, United States Army; C. R. Edwards, brigadier general, United States Army; Fred. A. Smith, brigadier general, United States Army; R. W. Hoyt, brigadier general, United States Army; W. S. Schuyler, brigadier general, United States Army; M. M. Macomb, brigadier general, United States Army; Marion P. Maus, brigadier general, United States Army.

Mr. JOHNSTON of Alabama. Mr. President, I only desire to say at this time that I heartily concur with the chairman of the committee [Mr. DU PONT] that this proposed legislation is of great importance to the administration of the affairs of the Army. Especially has the measure commended itself to those of us who have seen service in either of the armies during the Civil War.

The PRESIDENT pro tempore. From the Committee on Military Affairs the Senator from Delaware reports Senate bill 8272, and asks unanimous consent for its present consideration. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Military Affairs was to strike out all after the enacting clause and insert:

That courts-martial shall be of three kinds, namely: First, general courts-martial; second, special courts-martial; and third, summary courts-martial.

SEC. 2. General courts-martial may consist of any number of officers from 5 to 13, inclusive.

SEC. 3. Special courts-martial may consist of any number of officers from three to five, inclusive.

SEC. 4. A summary court-martial shall consist of one officer.

SEC. 5. The President of the United States, the commanding officer of a territorial division or department, the Superintendent of the Military Academy, the commanding officer of an army, a field army, an army corps, a division, or a separate brigade, and, when empowered by the President, the commanding officer of any district or of any force or body of troops, may appoint general courts-martial whenever necessary; but when any such commander is the accuser or the prosecutor of the person or persons to be tried, the court shall be appointed by superior competent authority, and no officer shall be eligible to sit as a member of such court when he is the accuser or a witness for the prosecution.

SEC. 6. The commanding officer of a district, garrison, fort, camp, or other place where troops are on duty, and the commanding officer of a brigade, regiment, detached battalion, or other detached command, may appoint special courts-martial for his command; but such special courts-martial may in any case be appointed by superior authority when by the latter deemed desirable, and no officer shall be eligible to sit as a member of such court when he is the accuser or a witness for the prosecution.

SEC. 7. The commanding officer of a garrison, fort, camp, or other place where troops are on duty, and the commanding officer of a regiment, detached battalion, detached company, or other detachment may appoint summary courts-martial for his command; but such summary courts-martial may in any case be appointed by superior authority when by the latter deemed desirable: *Provided*, That when but one officer is present with a command he shall be the summary court-martial of that command and shall hear and determine cases brought before him.

SEC. 8. General courts-martial shall have power to try any person subject to military law for any crime or offense made punishable by the Articles of War, and any other person who by statute or by the law of war is subject to trial by military tribunals: *Provided*, That no officer shall be brought to trial before a general court-martial appointed by the Superintendent of the Military Academy.

SEC. 9. Special courts-martial shall have power to try any person subject to military law, except an officer, for any crime or offense not capital made punishable by the Articles of War: *Provided*, That the President may by regulations, which he may modify from time to time, except from the jurisdiction of special courts-martial any class or classes of persons subject to military law.

Special courts-martial shall have power to adjudge punishment not to exceed confinement at hard labor for six months or forfeiture of six months' pay, or both, and in addition thereto reduction to the ranks in the cases of noncommissioned officers, and reduction in classification in the cases of first-class privates.

SEC. 10. Summary courts-martial shall have power to try any soldier, except one who is holding the privileges of a certificate of eligibility to promotion, for any crime or offense not capital made punishable by the Articles of War: *Provided*, That noncommissioned officers shall not, if they object thereto, be brought to trial before a summary court-martial without the authority of the officer competent to bring them to trial before a general court-martial.

Summary courts-martial shall have power to adjudge punishment not to exceed confinement at hard labor for three months or forfeiture of three months' pay, or both, and in addition thereto reduction to the ranks in the cases of noncommissioned officers and reduction in classication in the cases of first-class privates: *Provided*, That when the summary-court officer is also commanding officer no sentence of such summary court-martial adjudging confinement at hard labor or forfeiture of pay, or both, for a period in excess of one month, shall be carried into execution until the same shall have been approved by superior authority.

SEC. 11. Articles 72, 73, 75, 81, 82, and 83 of section 1342 of the Revised Statutes; the first section of an act entitled "An act to promote the administration of justice in the Army," approved October 1, 1890, as amended by the first section of an act approved June 18, 1898 (30 Stat., 483, 484), are hereby repealed.

SEC. 12. That this act shall take effect on July 1, 1913.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill regulating the constitution, composition, and jurisdiction of courts-martial in the armies of the United States, and for other purposes."

UNITED STATES ATTORNEY FOR DISTRICT OF CONNECTICUT.

Mr. BRANDEGEE. From the Committee on the Judiciary I report favorably, with an amendment, the bill (S. 8058) providing for an increase of salary of the United States attorney for the district of Connecticut, and I submit a report (No. 1179) thereon. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Connecticut?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on the Judiciary was, in line 5, after the words "rate of," to strike out "$5,000" and insert "$3,500," so as to make the bill read:

Be it enacted, etc., That from and after the passage of this act the salary of the United States attorney for the district of Connecticut shall be at the rate of $3,500 a year.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAWS RELATING TO ALASKA.

Mr. SMOOT. From the Committee on Printing I report with amendments Senate concurrent resolution No. 38, to print the laws of the United States applicable to the Territory of Alaska. I ask unanimous consent for the present consideration of the resolution.

The amendments were, in line 2, before the word "thousand," to insert "four"; in line 7, before the word "copies," to strike out "thousand" and insert "1,500"; in line 8, before the word "copies," to strike out "thousand" and insert "and 2,500"; and in line 9, after the words "House of Representatives," to strike out "and ——— copies for each of the Committees on Territories of the Senate and the House of Representatives," so as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring), That there be printed 4,000 copies of the laws of the United States applicable to the Territory of Alaska, compiled by the Committee on Territories of the Senate and the Committee on Territories of the House of Representatives in compliance with Public Act No. 334, 1,500 copies of which shall be for the use of the Senate and 2,500 copies for the use of the House of Representatives.

The amendments were agreed to.

The concurrent resolution as amended was agreed to.

SEIZURES OF COTTON.

Mr. SUTHERLAND. From the Committee on the Judiciary I report back favorably without amendment the bill (H. R. 16314) to amend section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, and I submit a report (No. 1181) thereon. I ask for the present consideration of the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill? The Chair hears none.

Mr. SUTHERLAND. The bill which I send to the desk is a House print, and the motion in italics should be read as part of the bill. The Senate committee has submitted no amendments.

The PRESIDENT pro tempore. The Chair would suggest to the Senator that according to the recognized practice of the Senate it is necessary that it should be the Senate print.

Mr. SUTHERLAND. It has been printed; but the clerk, by mistake, sent me the wrong print.

The PRESIDENT pro tempore. It can be read, if the Senator desires.

The Secretary read the bill, as follows:

Be it enacted, etc., That section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, be amended so as to read as follows:

"SEC. 162. The Court of Claims shall have jurisdiction of any claim therefor filed prior to January 1, 1915, of those whose property was taken subsequent to June 1, 1865, under the provisions of the act of Congress approved March 12, 1863, entitled 'An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States,' and acts amendatory thereof where the property so taken was sold and the net proceeds thereof were placed in the Treasury of the United States; and the Secretary of the Treasury shall return said net proceeds to the owners thereof, on the judgment of said court, and full jurisdiction is given to said court to adjudge said claims, any statutes of limitations to the contrary notwithstanding: *Provided*, That no allegation or proof of loyalty shall be required in the presentation or adjudication of such claims."

Mr. CRAWFORD. I shall be obliged to ask to have the bill go over.

Mr. SUTHERLAND. I think the Senator from South Dakota will not ask that, if he will allow me to make a very brief statement in regard to the measure.

The PRESIDENT pro tempore. Without objection, the Senator from Utah will proceed.

Mr. SUTHERLAND. The only change the bill proposes to make in existing law is to add the proviso which dispenses with the allegation and proof of loyalty in this particular class of claims. These are claims that originated after the close of the war, as a result of the seizure of certain cotton by the Government of the United States. The general rule stated by the statute is that in the case of claims brought in the Court of Claims there shall be an allegation and proof of loyalty; but it occurred to the House, which passed the bill, and to the Senate Committee on the Judiciary, which considered it, that that ought to be dispensed with in cases of this kind, where the seizure was made and the claim arose after the conclusion of the war.

Mr. CRAWFORD. I should like to ask the Senator if the limitation as to time, 1915, is the present law?

Mr. SUTHERLAND. No. That, however, is a limitation upon the existing law and not an extension of it, because under the existing law no time is fixed within which the claims are to be presented, and this limits their presentation to the time stated, 1915.

Mr. CRAWFORD. In the omnibus claims bill we inserted a provision that barred the sending of these war claims to the Court of Claims upon the passage of the bill.

Mr. OVERMAN. If I may interrupt the Senator, these are cases that do not come to Congress at all. They are presented under the general provision that allows a person to go to the Court of Claims if he has a claim of this sort. They will never come before Congress.

Mr. CRAWFORD. What class of claims are they?

Mr. OVERMAN. They are claims where cotton was seized as abandoned property after June 1, 1865, the proceeds of the sale of which, the Supreme Court of the United States held, have been held in the Treasury as a trust fund, as after Lincoln's and Johnson's proclamations everybody was loyal.

Mr. CRAWFORD. Then this is a class of cases where the money is actually in the United States Treasury?

Mr. SUTHERLAND. Precisely.

Mr. OVERMAN. Exactly.

Mr. SUTHERLAND. The money is in the Treasury.

Mr. OVERMAN. We do not have to give any authority to the claimants to go to the Court of Claims.

Mr. CRAWFORD. It is not a class of claims that comes to Congress, then?

Mr. SUTHERLAND. Not at all. I thought the Senator did not realize that these claims are not of that class.

Mr. SMOOT. I should like to ask the Senator if they are not claims, however, that have been before the Claims Committee for many, many years past?

Mr. OVERMAN. Claims of this sort have been before Congress; but the Senator will remember a few years ago Congress passed a general statute allowing anybody having a claim of this sort to go directly to the Court of Claims, and this is intended to remove the necessity for pleading and establishing loyalty. It will allow anyone who has a just claim to go before the Court of Claims.

The Senator will remember that I had published a list of the claims where the property seized was held by the person as the bailee for the Southern Confederacy. That was done to keep anybody from going to the Court of Claims in such a case, because where it was held by him as bailee for the Southern Confederacy of course he could not recover.

Any person who has a just claim arising after June 1, 1865, for property seized after that date, of course under Lincoln's and Johnson's amnesty proclamations, is not required to prove loyalty. But in the statute the words were not sufficient, and the court has held that they must plead loyalty. This bill removes that bar. It has twice passed the House of Representatives unanimously.

Mr. SMOOT. Does the bill apply simply to the $4,000,000 held in the Treasury?

Mr. OVERMAN. It will not be $4,000,000; it wll not be $1,000,000. It covers all those claims where property was seized after June 1, 1865, in the hands of an owner who had been pardoned by Abraham Lincoln and Andrew Johnson. That is the truth about it.

Mr. SUTHERLAND. It applies to the fund of $4,000,000, which will not be increased.

Mr. OVERMAN. It applies to that fund. It will not be one-third of it or one-fourth of it or one-fifth of it.

Mr. JOHNSTON of Alabama. I ought to say to the Senator from Utah that there is a contention that a good deal of the cotton had been previously sold to the Confederate Government. That, of course, is an issue that is not involved in this bill at all. The Government claimed, of course, that where the original owner had sold the cotton to the Confederate Government he could not then claim compensation for it from the United States. But that does not apply to these cases where the cotton was sold, and the name of the claimant reported to the Government, and the money placed in the Treasury. It merely allows the real owners at the time of the seizure to put in their claim.

Mr. OVERMAN. The bill simply removes that bar of disloyalty.

Mr. SMOOT. Do I understand the Senator to mean to say that if a man was disloyal before the 1st of June, 1865, and was the owner of the cotton, and after June 1, 1865, it was taken by the Government of the United States, the bill removes that bar of disloyalty?

Mr. OVERMAN. It does. Of course, they were all disloyal prior to April, 1865, but then when Lincoln and Johnson issued their amnesty proclamations and they were received back into the Union they were loyal citizens, and the Supreme Court in the Klein case—Thirteenth Wallace—has already held that they were loyal.

Mr. SMOOT. Does the bill provide any way to take care of cases, like many that I believe exist, where the Southern Confederacy had taken the cotton but it was held in the hands of private individuals?

Mr. OVERMAN. It does not affect that class of cases. In these cases the Government gave a receipt and the fund was placed in the Treasury.

Mr. SMOOT. The pending bill does not touch that class of claims.

Mr. OVERMAN. It does not touch any claim except where the person was the real bona fide owner of the cotton after June, 1865, where the cotton was seized and the money put into the Treasury and held in trust; and the Supreme Court has said twice that it is a trust fund.

Mr. SUTHERLAND. It simply applies to this one class of claims.

Mr. CLARKE of Arkansas. Mr. President, I was on the committee that framed the code of which that provision is one of the sections. The purpose of it was to remove the bar of the statute of limitations. For six years after 1869, I think it was, the owners of this cotton had the right to go before what was known as the Southern Claims Commission to assert their ownership. The cotton was taken under the authority of an act of Congress known as the captured and abandoned property act, which was subsequently held to be unconstitutional by the Supreme Court. The result of that action of the Supreme Court was to leave no authority whatever for the seizure of the cotton. It left the taking wholly unauthorized. The question of loyalty or disloyalty had nothing to do with it. The special agents of the Government found a number of persons in the South in possession of cotton, and seized it under the supposed authority of the act of Congress which was afterwards decided to be invalid.

This bill is intended to so change the law as to give a cause of action to those whose property was thus taken and afterwards sold and the proceeds placed in the Treasury to the credit of the persons in whose possession it was at the time of seizure. It does not propose to enlarge the provisions of law so as to create a cause of action in favor of those whose cotton was taken and sold and the proceeds not placed in the Treasury. This latter class of taking constitutes about 50 per cent of the cotton that was taken under the authority of that supposed act. A very limited part of the seizures made under the authority of that act resulted in the proceeds being actually placed in the Treasury. The entire fund now in the Treasury and subject to be claimed under the provisions of this bill, I think, represents less than $4,000,000.

Before the owners of the cotton were advised by the claim agents, who stir up such things as this, that they were the owners of this money and there was a cause of action in their favor for its recovery, the statute of limitations had in many cases run against the claims. Thus the matter stood for some 25 years, until we incorporated certain provisions in the new code of practice in that chapter relating to the organization and jurisdiction of the courts of the United States. In dealing with that part of the chapter which related to the practice and jurisdiction of the Court of Claims it was thought to be an appropriate place to insert a provision of this kind. The effect of the passage of this act will be, therefore, to renew, in favor of those who owned the cotton at the time of seizure, provided this took place after the 1st of June, 1865, a cause of action, and their recovery in such a proceeding is limited to the funds that are now on deposit in the Treasury of the United States to the credit of that particular claimant. It does not enlarge, as I said before, the scope of the proceeding so as to include those whose property was seized and the proceeds thereof never accounted for in the form of a deposit in the Treasury.

I think that this provision for dispensing with proof of loyalty of the claimant, now sought to be incorporated in the law, was taken for granted when we framed the code. The Court of Claims has recently worked out the result, though, that another provision of the law which related to claims for damages

to property seized and destroyed during the war should apply, and that in this class of cases it should be a condition precedent that the owner should be able to show that he was loyal at the date of the taking.

This class of claims is to be differentiated altogether from that class of claims, because the seizure in these cases was made after the war had ceased, and whether the owners of the cotton seized were disloyal or loyal, the agents of the Government were not entitled to seize it, because it was not the policy of the victorious army nor the Government of the United States to take from the vanquished in the Civil War such property as they rightfully owned in their individual right.

Therefore I say I think there is no great mystery about the matter when it is somewhat well understood, as it can be well understood by a very short examination.

It is now sought to introduce a limitation of time, which, in my opinion, is wholly unnecessary, since there is a limitation of the amount and identity of fund to be recovered. The right of action is confined to those who have money on deposit in the Treasury and which fact is shown by the public record. If that provision limiting the time for presenting claims to January 1, 1915, is inserted now, it will be necessary to change it again if some claim agent at any time after 1915 shall discover that some one has not presented his claim. But the question of loyalty was a minor one, and really ought not to arise in the controversy, because the fact is that this was property taken from private custody and after the war ceased.

Mr. CRAWFORD. Mr. President, the fact that this report was just handed in this morning and has not been printed, and these claims may have relation in some form—I am not sure that they do or do not—to other claims, or may establish some precedent with reference to the extension of time that is serious, I feel disposed to insist that the matter shall go over until the report is printed. It can not delay the measure much, and I think it is a better procedure than to act immediately upon these reports without having them printed and having an opportunity to examine them.

Mr. CLARKE of Arkansas. If the matter goes over under that objection, I trust the Senator from South Dakota will look into it also with a view to inserting a provision affirmatively, if not there now, that will prevent a recovery for cotton that was sold to the Confederate Government and subsequently seized by other persons under some claim that it had been abandoned by the Confederacy and that these therefore became entitled to it by mere act of taking it. I should limit the relief to persons whose cotton was taken from them personally and from their ownership. There exist many claims growing out of the seizure of cotton that was bought by the Confederate Government and because of inadequate transportation facilities was not shipped to the centers where it was converted into money or supplies by the Confederate Government. There are doubtless a number of persons who have that sort of pretended title and who may come in under this bill with claims unless specifically excluded. I do not think there is anything in the bill that includes what the Senator from South Dakota has in mind, and it is a feature worthy of adoption.

Mr. OVERMAN. The courts have held in numerous cases that they can not recover.

Mr. CLARKE of Arkansas. This is a general act giving to everybody the right, but I think it ought to be limited.

Mr. OVERMAN. If the Senator from South Dakota desires that the bill may go over I have no objection to that. I am satisfied if he will examine it he will favor it.

The PRESIDENT pro tempore. Without objection, the bill will go over.

STANLEY MITCHELL.

Mr. SWANSON. From the Committee on Naval Affairs I report back favorably without amendment the bill (S. 7622) for the relief of Stanley Mitchell (S. Rept. 1180). I call the attention of the junior Senator from North Carolina [Mr. OVERMAN], who introduced the bill, to this report.

Mr. OVERMAN. I ask unanimous consent for the consideration of the bill. It will take only a minute.

Mr. GALLINGER. Let it be read for the information of the Senate.

Mr. JONES. I think it should be read before the question of consideration is put.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, appoint Stanley Mitchell, midshipman, United States Navy, an ensign in the United States Navy, and place him upon the retired list as such with three-quarters pay of his grade: *Provided*, That the said Stanley Mitchell shall not, by the passage of this act, be entitled to back pay or allowances.

Mr. GALLINGER. I should like to have a brief statement made concerning this matter. It is a little irregular.

Mr. OVERMAN. This man was a cadet at Annapolis. He stood his mental examination for graduation and stood very high in his class, but failed on the physical examination, on account of tuberculosis. Three doctors and the Army surgeon said he had contracted the disease while a student at Annapolis.

Mr. GALLINGER. I am now reminded of the fact. I am familiar with the case, and I think it is a very just one.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LA FOLLETTE:

A bill (S. 8337) to create a legislative drafting bureau and to establish a legislative reference division of the Library of Congress; to the Committee on the Library.

By Mr. McCUMBER:

A bill (S. 8338) granting an increase of pension to Caleb E. Stewart; to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 8339) to remove the charge of desertion from the military record of William M. Carroll; and

A bill (S. 8340) for the relief of John W. Terry; to the Committee on Military Affairs.

A bill (S. 8341) granting an increase of pension to R. C. Jones; and

A bill (S. 8342) granting an increase of pension to John C. Steeves; to the Committee on Pensions.

By Mr. PERKY:

A bill (S. 8343) granting an increase of pension to William Oliver (with accompanying papers); and

A bill (S. 8344) granting a pension to Walter L. Hammond; to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 8345) granting an honorable discharge to Ustacio B. Davison (with accompanying papers); to the Committee on Military Affairs.

By Mr. CRAWFORD:

A bill (S. 8346) granting to the counties of Aurora and Brule, in the State of South Dakota, the title to lands situated therein which lie within the meandered lines defining beds of lakes; to the Committee on Public Lands.

By Mr. BURTON:

A bill (S. 8347) granting a pension to Allen Landis (with accompanying papers); to the Committee on Pensions.

By Mr. THORNTON:

A bill (S. 8348) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Minor Meriwether, jr.; to the Committee on Naval Affairs.

By Mr. GUGGENHEIM:

A bill (S. 8349) for the relief of the heirs of Frederick T. Dent; to the Committee on Claims.

By Mr. JONES:

A bill (S. 8350) granting a pension to Mabel F. Coen; to the Committee on Pensions.

By Mr. BURNHAM:

A bill (S. 8351) granting an increase of pension to Daniel W. Eaton; and

A bill (S. 8352) granting an increase of pension to Elijah C. Lawrence; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 8353) granting an increase of pension to Lucy A. Bradley (with accompanying papers);

A bill (S. 8354) granting an increase of pension to David Burns (with accompanying papers); and

A bill (S. 8355) granting an increase of pension to Elizabeth Fogg (with accompanying papers); to the Committee on Pensions.

By Mr. GUGGENHEIM:

A bill (S. 8356) for the enrollment of Tilla A. Provost and Harold Provost, Nebraska Winnebago Indians, and for making an allotment to Tilla A. Provost; to the Committee on Indian Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. O'GORMAN submitted an amendment proposing to appropriate $250,000 for improving the Harlem River Ship Canal for rectification of the bend between the Hudson River and Broadway, etc., intended to be proposed by him to the river and

harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. SUTHERLAND submitted an amendment proposing that the words "civil-service employees" used in section 4 of the act of June 30, 1913, be declared to extend to and include all employees in the unclassified service under the jurisdiction of the War Department, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. McCUMBER submitted an amendment relative to the rank of petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

He also submitted an amendment relative to the rank of petty officers, noncommissioned officers, and enlisted men of the Army on the retired list who had creditable Civil War service in the Regular or Volunteer forces prior to April 9, 1865, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate $8,500 for the improvement of Macomb Street NW., from Thirty-third Street to Thirty-sixth Street, intended to be proposed by him to the District of Columbia appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. CLAPP (by request) submitted an amendment proposing to appropriate $2,000 for the opening and improvement of Eighteenth Street, between Minnesota Avenue and Good Hope Road SE., intended to be proposed by him to the District of Columbia appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. FLETCHER submitted an amendment proposing to appropriate $75,000 for an inland waterway from Pensacola Bay through Bay La Launch to the western shore of Wolf Bay, Fla. and Ala., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment providing for an inland waterway from Wolf Bay to Mobile Bay, Ala., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BRANDEGEE submitted an amendment proposing to appropriate $400 for the expenses of the jury commission of the District of Columbia, etc., intended to be proposed by him to the District of Columbia appropriation bill, which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. LODGE submitted an amendment proposing to appropriate $25,000 to meet the expenses incident to holding an international shooting competition at Camp Perry, Ohio, in cooperation with the Perry Victory Centennial celebration to be held in September, 1913, etc., intended to be proposed by him to the Army appropriation bill, which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. SIMMONS submitted an amendment proposing to appropriate $1,100,000 for the construction of a harbor of refuge at Cape Lookout, N. C., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. CRAWFORD submitted an amendment proposing to appropriate $75,000 for such bank revetment above Elk Point, on the Missouri River, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $5,000 for expenses of exploration in the steppe regions of western Siberia for specimens and seeds of yellow-flowered hardy alfalfa for use in experimental tests, etc., intended to be proposed by him to the Agriculture appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. CURTIS submitted an amendment proposing to appropriate $85 to pay A. L. Robb, of Atchison, Kans., for extra services as mail carrier, intended to be proposed by him to the Post Office appropriation bill, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. BOURNE presented an amendment proposing to appropriate $100,000 for improving Tillamook Bay and Bar, Oreg., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment providing for the survey of Nehalem Bay and River, Oreg., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for improving the Columbia River between the foot of The Dalles Rapids and the head of Celilo Falls, Oreg. and Wash., from $600,000 to $1,200,000, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment providing for the improvement of the harbor at Coos Bay, Oreg., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for improving the Willamette and Yamhill Rivers, Oreg., from $30,000 to $40,000, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

CONNECTICUT RIVER DAM.

Mr. BORAH. I submit an amendment intended to be proposed by me to the bill (S. 8033) to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of Connecticut, which I ask may be read and lie on the table.

There being no objection, the amendment was read and ordered to lie on the table, as follows:

Amendment intended to be proposed by Mr. BORAH to the bill (S. 8033) to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of Connecticut, to wit:

Insert a new section, to be known as section 6, as follows:

"SEC. 6. That no part of the cost or expense incurred or sustained in locating, constructing, building, or maintaining any dam located, constructed, built, or maintained under the act of June 17, 1902, entitled 'An act appropriating the receipt from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands,' shall be charged against the entrymen or settlers taking up lands upon such reclamation projects, but all and the entire of such cost or expense shall be borne by the Government and paid out of the Treasury of the United States, out of any money not otherwise appropriated, and any charges heretofore made against settlers or entrymen for the locating, constructing, building, or maintaining of any such dam or dams shall be deducted and taken out of any amounts yet due and unpaid to the Government by and upon the part of such entrymen or settlers."

SEC. 2. Renumber section 6 as section 7.

WITHDRAWAL OF PAPERS—JOHN CARR.

On motion of Mr. CURTIS, it was

Ordered, That the papers accompanying the bill (S. 6531) granting a pension to John Carr, Company D, One hundred and sixteenth Regiment Illinois Volunteer Infantry, be withdrawn from the files of the Senate, no adverse report having been made upon the same.

EMPLOYMENT OF STENOGRAPHER.

Mr. BRISTOW submitted the following resolution (S. Res. 446), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay for a stenographer to a Senator who is not chairman of a committee, at $1,200 per annum, from February 3, 1913, to be paid from the contingent fund of the Senate until the expiration of the present Congress.

COUNTING OF ELECTORAL VOTE.

Mr. DILLINGHAM. I submit the following resolution, for which I ask present consideration.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the tellers on the part of the Senate authorized by the concurrent resolution of the two Houses relating to the counting of the electoral vote for President and Vice President of the United States be appointed by the President pro tempore.

The PRESIDENT pro tempore. Under the resolution just adopted by the Senate, the Chair appoints the Senator from Vermont [Mr. DILLINGHAM] and the Senator from New Jersey [Mr MARTINE] tellers on the part of the Senate.

INTERSTATE SHIPMENT OF LIQUORS (S. DOC. NO. 1060).

Mr. GRONNA. I have a pamphlet, being a brief on the so-called Kenyon interstate liquor shipment bill. I ask that the pamphlet be printed as a Senate document.

The PRESIDENT pro tempore. Without objection it is so ordered.

STANDING ROCK INDIAN RESERVATION.

Mr. CLAPP. I present a conference report, and as it is very brief I ask unanimous consent for its present consideration.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 109) to authorize the sale and disposition of the surplus and unallotted lands in the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with the following amendments: Page 3 of the amendment, line 21, after the word "said," strike out the word "reservations" and insert in lieu thereof the word "reservation." Page 6 of the amendment, line 4, after the word "entry" strike out the word "six" and insert in lieu thereof the word "five." Page 6 of the amendment, line 8, strike out the first two words of said line, to wit: "Four dollars" and insert in lieu thereof the words "Three dollars and fifty cents," and the House agree to the same.

MOSES E. CLAPP,
PORTER J. MCCUMBER,
HENRY F. ASHURST,
Managers on the part of the Senate.

JOHN H. STEPHENS,
SCOTT FERRIS,
CHARLES H. BURKE,
Managers on the part of the House.

The report was agreed to.

CONNECTICUT RIVER DAM.

Mr. BRANDEGEE. Mr. President, on Saturday last, just before adjournment, I asked unanimous consent for the fixing of a day for the consideration of an important bill on the calendar, authorizing the construction of a dam across the Connecticut River. At the request of the senior Senator from Idaho [Mr. BORAH], the matter was deferred until to-day. I now send to the desk a proposed unanimous-consent agreement relating to that bill, and I ask unanimous consent for its adoption.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent for the adoption of the order which he has sent to the desk, which will be read.

The Secretary read as follows:

It is agreed by unanimous consent that on Thursday, February 6, 1913, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of Senate bill 8033, calendar No. 1001, authorizing the construction of a dam across the Connecticut River, and before adjournment on that legislative day will vote upon any amendment that may be pending, all amendments that may be offered, and upon the bill through regular parliamentary stages to its final disposition.

This agreement shall not interfere with the unanimous-consent agreement entered into on January 11, 1913, concerning Senate bill 4043, to prohibit interstate commerce in intoxicating liquors in certain cases nor with appropriation bills, conference reports, or the consideration of the commemorative resolutions which are on the calendar for Saturday, February 8.

Mr. BORAH. Mr. President, this bill, as I said upon Saturday, is apparently one of local concern only, but, upon examination of the bill, I conceive it to be one of very general concern. I do not want to be placed in the position of opposing the proper consideration of the bill, and I am perfectly willing that the bill shall, for instance, be made the unfinished business, so that it may come up from day to day and we may discuss it; but I do not feel this morning that I am willing to consent, at this late hour in the session, that a bill, which is of vast importance to the country, and to our part of the country particularly, shall be crowded in and considered under the compulsion of a unanimous-consent agreement. If the bill should pass without certain amendments, judging the future by the past, the President would undoubtedly veto the bill, and therefore nothing would be gained. If the bill should pass with certain amendments, then it is the entering wedge, Mr. President, to the establishment of a policy in this country with reference to power sites than which there is no more important subject before the country. Whether I agree with the bill or whether I disagree with it in its present form would make very little difference, for the reason that there is not sufficient time to work out and amplify and make efficient a power-site measure which will be what it ought to be when it is finally adopted. What I object to, however, is the adoption of that which will be cited as a precedent and the initiation of a policy without carrying with it all those things which a policy of that kind should have.

Step by step, rather quietly and inoffensively and modestly, they are fastening upon our part of the country a system which is not entirely agreeable to all parties. While this measure may be a proper one, I think anyone must concede that there are many other things which ought to go with it, and that many things should be done with reference to the matter of conservation on the other side of the question, in order to make conservation something aside from that of reservation. What I want is to take up this whole question and formulate a policy of conservation which will make our natural resources available to the people. As it is now our coal, our power sites, our agricultural lands are locked up, and it does seem to me that we ought to formulate a policy which while conserving these resources against monopoly permits them to be available to the people. I am opposed to this piecemeal, slipshod, incomplete, and ineffective method of dealing with the subject.

Mr. President, just a word further. I am perfectly willing, as I have said, to meet with all those who are in favor of establishing a policy with reference to our water-power sites, such a policy as will prevent their being taken possession of by a few corporations and monopolies; but, at the same time, I should want a policy which would be of some service to the people in the community in which the power sites are established. If we are going to push this bill with these amendments in it, I feel that the entire subject should be fought out and a policy as broad as the country established, because this will be cited as a precedent.

I ask the Senator from Connecticut if he is not willing that this bill should be made the unfinished business, so that we may work out around this proposition a measure commensurate with the importance of the subject with which it deals?

Mr. BRANDEGEE. Mr. President, replying to the suggestion of the Senator from Idaho, I have this to observe: Of course I understand that what he has said is tantamount to an objection if I should persist in the application for unanimous consent to vote on the bill on the legislative day named. Am I not correct?

Mr. BORAH. Permit me to say, Mr. President, that I would say that it is tantamount to that only for to-day. I would have to object to it for to-day for the reason that the Senator from Colorado [Mr. THOMAS], who is absent, asked that the matter be not disposed of to-day, and, so far as to-day is concerned, I would have to object. I am very anxious—just as anxious as anyone else can be—that this matter be worked out; but I am sure that only one side of it is being worked out by this bill; and while I do not say that I would object to a unanimous-consent agreement, I would object to it taking effect in so short a time that we could not have sufficient opportunity to properly debate the measure. I would want a longer time than the 6th of February.

Mr. BRANDEGEE. The 6th of February, of course, was only the time of the legislative day upon which the bill would be acted upon. The legislative day might run on for any number of calendar days after that, as it would if the bill were the unfinished business.

Mr. BORAH. But it might require a vast amount of physical energy to run it on.

Mr. BRANDEGEE. The only objection to making the bill the unfinished business, Mr. President, would be that it might then be displaced at any time if the Senate should get tired of hearing the advocates of the bill discuss it. The Senate might then proceed to the consideration of something else, when the bill would be swept from its preferred position and relegated to the calendar.

So far as the discussion of the measure is concerned, of course, it could be proceeded with any day as the unfinished business, exactly as well as though the unanimous consent was granted; but there was no agreement for a disposition of the bill if it were made the unfinished business. I had offered the unanimous-consent proposition after conference with the chairman of the Committee on Commerce, the senior Senator from Minnesota [Mr. NELSON]; with the Senator from Alabama [Mr. BANKHEAD], who drew the views of the minority; and with the Senator from Ohio [Mr. BURTON], under whose immediate charge the bill is. It was satisfactory to all of us, and I had hoped that the unanimous consent might be granted. I think I should hardly feel justified in agreeing to another course of procedure unless there was actual objection made to this request for unanimous consent.

Mr. BORAH. Mr. President, as I have said, I shall have to object to the request for the day, but if the Senator from Colorado returns to-morrow perhaps we can agree upon it. I do not want to prevent the Senator from Connecticut getting his bill passed at this session, but I am very anxious that a proper time be given for its consideration, because there are extra-

neous matters in the bill, as I look at it—there are matters in it which ought to be in a separate bill—so that we could work out a policy with reference to power sites without having the extreme pressure of a local situation forcing us to the subject.

Mr. BRANDEGEE. Mr. President, I hope the Senator from Idaho will not proceed to the discussion of the bill now. I do not want to take up so much of the time of the Senate in asking for a unanimous-consent agreement. I admit there are many things in the bill about which Senators have different ideas, and I agree with the Senator from Idaho that time enough ought to be taken in the discussion of the provisions of the bill so that a proper bill may be worked out, if this is not a proper bill, and that a proper policy should be adopted; but my view has been, and still is, that that result, much to be desired, could be attained under a unanimous-consent agreement—a proposition which could run on for any number of calendar days—to finally dispose of it in some way upon the legislative day. That simply means that, without interfering with appropriation bills, conference reports, and the funeral exercises, the bill will be kept before the Senate until it is acted upon. It might be passed, it might be rejected, it might be amended, or it might be indefinitely postponed or laid upon the table; but the mere agreement to dispose of it does not at all deprive anybody of any rights, so far as I can see.

Mr. BORAH. Mr. President, as I have said, I will have to object to the request for to-day; but I do not desire to be understood, if the Senator wishes to consider the matter, as objecting further than to-day.

Mr. BRANDEGEE. I understand the Senator does not object in a captious spirit at all, but in order that my own record may be clean and that I may not have waived any right or violated any understanding I had with the chairman of the committee, I wanted the objection to be made for the day. I will then confer with all these gentlemen again and propose some other course to-morrow. I give notice, however, that each day, until some program is agreed upon, I shall ask the Senate to attempt to agree upon a program for the early consideration of this bill.

Mr. JONES. Mr. President, I merely desire to suggest to the Senator that it seems to me a rather unusual course to ask for unanimous consent to consider a bill through all the stages to its final passage, involving a matter of this importance, when it has not been discussed at all and no consideration has been given to the measure in the Senate.

Mr. BRANDEGEE. Why, Mr. President, the procedure is not at all unusual.

Mr. JONES. I do not remember——

Mr. BRANDEGEE. The discussion may go on, as I have said, all the rest of the session, if Senators want to keep the matter before the Senate——

Mr. JONES. So I understand; but the bill——

Mr. BRANDEGEE. And if they do not so desire, they can indefinitely postpone the bill at any time.

Mr. JONES. That, of course, is entirely plain; but I do not remember of any time in my short service here where a bill of any importance has been put down by unanimous consent for consideration and disposal on a legislative day when no discussion has been had on it at all during the session.

Mr. BRANDEGEE. I do not care to discuss that now, because objection was made and the matter is not before the Senate.

Mr. JONES. I simply wanted to suggest that for the consideration of the Senator.

Mr. SMITH of Michigan. Mr. President, apropos of the discussion which has just taken place, I send to the Secretary's desk, and ask to have read for the information of the Senate, some telegrams bearing upon the Connecticut River improvement measure.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

SPRINGFIELD, MASS., *January 27, 1913.*

Hon. WILLIAM ALDEN SMITH, *Washington, D. C.:*

We urge the immediate passage of Connecticut River bill as it is, without any amendments.

HOLYOKE BOARD OF TRADE,
By MORTON HULL, *Secretary.*

—

SPRINGFIELD, MASS., *January 27, 1913.*

Hon. WILLIAM ALDEN SMITH,
United States Senate, Washington, D. C.:

We trust that the Connecticut River bill will pass Congress without amendment. This is of vital commercial importance to all the large industries and commercial interests of Springfield, Chicopee, and Holyoke.

SPRINGFIELD BOARD OF TRADE.

SPRINGFIELD, MASS., *January 27, 1913.*

Senator WILLIAM ALDEN SMITH, *Washington, D. C.:*

Entire membership Connecticut Valley Waterways Association urge immediate passage in Senate, without amendment, of Connecticut River bill.

H. H. BOWMAN, *Vice President.*

—

SPRINGFIELD, *Mass., January 28, 1913.*

WILLIAM ALDEN SMITH,
Senate, Washington, D. C.:

We request immediate passage Connecticut River bill, without amendment.

JOHN A. DENISON, *Mayor.*

—

SPRINGFIELD, MASS., *January 27, 1913.*

Hon. WILLIAM ALDEN SMITH,
United States Senate, Washington, D. C.:

It is absolutely necessary to obtain adequate navigation in Connecticut River for western Massachusetts that Connecticut River bill be passed without amendment at this session of Congress.

SPRINGFIELD BOARD OF TRADE,
CHAS. H. BECKWITH, *Counsel.*

INSPECTION AND GRADING OF GRAIN.

Mr. CRAWFORD. Mr. President, the bill (S. 223) to provide for the inspection and grading of grain entering into interstate commerce, and to secure uniformity in standards and classification of grain, and for other purposes, being Calendar No. 870, is a bill in which the producers of cereals and grains in the Northwest are very much interested. I give notice that at the conclusion of the consideration of Senate bill No. 1, which the Senator from Oklahoma [Mr. OWEN] has given notice he would call up for consideration, I shall ask the Senate to consider Senate bill 223.

DEPARTMENT OF HEALTH.

Mr. OWEN. Mr. President, on January 30 I gave notice that to-day, after the morning business was disposed of, I should move that the Senate proceed to the consideration of Senate bill No. 1, a bill providing for the establishment of a department of health.

It has been three years since a bill was introduced for the purpose of establishing a department of health substantially of like purpose with that which is now before the Senate, on the calendar as Senate bill No. 1, providing for a department of health. This bill was very thoroughly and carefully considered by the committee; many hearings were given; and it was reported on April 13, 1912, now nearly one year ago.

The Republican Party has committed itself to the policy of improving the processes for caring for the public health. The Democratic Party has declared in favor of it in terms most explicit. The question has been referred to the President's Commission on Efficiency, and a favorable report made by that commission.

I do not think the bill now needs debate. I do not wish to take up the time of the Senate to go into any prolonged debate. I should like merely to state, as a brief——

The PRESIDENT pro tempore. The Chair will call the attention of the Senator to the fact that he has not yet moved to take up the bill.

Mr. OWEN. I am now submitting a few preliminary observations, and will then make the motion.

The PRESIDENT pro tempore. Without objection, the Senator will proceed.

Mr. OWEN. The bill merely provides for the consolidation of an independent health service with our present health service, combined with the bureaus having charge of the enforcement of the pure-food act and the collection of vital statistics. The matter is before the Senate, and I think it is well understood by every Senator. I trust the matter may be disposed of without any extended debate. I shall be very glad to answer any questions with regard to it that may be asked.

I now move that the Senate proceed to the consideration of Senate bill No. 1.

Mr. WORKS. Mr. President, I hope the Senate will not take up this bill for consideration at this time. This is what is generally known as the Owen medical bill. It is perhaps one of the most generally discussed bills outside of Congress, and it is one of the most earnestly opposed bills that has ever been before the Senate.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. BRYAN in the chair). Does the Senator from California yield to the Senator from Utah?

Mr. WORKS. I yield to the Senator.

Mr. SMOOT. If we are going to discuss this question and to vote upon it, I believe we ought to have a quorum of the Senate present. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cullom	Lea	Shively
Bacon	Cummins	Lippitt	Simmons
Bourne	Curtis	McCumber	Smith, Ariz.
Brandegee	Dillingham	McLean	Smith, Ga.
Bristow	du Pont	Martine, N. J.	Smith, Md.
Brown	Gallinger	Myers	Smith, Mich.
Bryan	Gamble	Oliver	Smoot
Burnham	Gardner	Owen	Stephenson
Burton	Gore	Page	Thornton
Catron	Gronna	Paynter	Warren
Chamberlain	Hitchcock	Percy	Watson
Clapp	Jackson	Perkins	Webb
Clark, Wyo.	Johnson, Me.	Perky	Wetmore
Clarke, Ark.	Jones	Pomerene	Williams
Crane	Kenyon	Richardson	Works
Culberson	La Follette	Sheppard	

The PRESIDING OFFICER. Sixty-three Senators have responded to their names. A quorum of the Senate is present.

Mr. OWEN. Mr. President, upon my motion I call for the yeas and nays.

The yeas and nays were not ordered.

Mr. WORKS. Mr. President, when I was interrupted I was saying that this is what is generally known as the Owen medical bill——

Mr. GALLINGER and Mr. HITCHCOCK addressed the Chair.

The PRESIDING OFFICER. Does the Senator from California yield, and to whom?

Mr. WORKS. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I suggest to the Senator from California, if he will *permit* me, that under our rules the motion is not debatable. It is true the Senator from Oklahoma debated it before making the motion, but I think we ought not to violate our rule. We will have plenty of debate if the bill comes up.

Mr. WORKS. I am certainly not disposed to violate any of the rules of the Senate. If there is objection——

Mr. GALLINGER. Of course, I do not object.

The PRESIDING OFFICER. The question is, Shall the Senate take up Senate bill No. 1 for consideration?

Mr. SMOOT. Mr. President——

Mr. GALLINGER. To which there is objection.

The PRESIDING OFFICER. The Senator from New Hampshire objects.

Mr. OWEN. I move that the Senate proceed to the consideration of the bill. I have a right, I believe, under the parliamentary rule, to have the voice of the Senate upon that question. I ask that the yeas and nays be taken, if the motion is not agreed to by a viva voce vote.

The PRESIDING OFFICER. Undoubtedly the Senator has a right to a vote upon whether or not the Senate will take up the bill. But the Senator has not a right to the yeas and nays, unless a fifth of the Senators present demand the yeas and nays.

Mr. GALLINGER. And the Senate has declined to order the yeas and nays.

Mr. OWEN. I wish to suggest that there has not been submitted to the Senate the question whether or not the bill shall be taken up.

Mr. WORKS. I ask unanimous consent that I may make an explanation with reference to the matter, for the purpose of showing why I, personally, am not prepared at the present time to take up the discussion of the bill, and to give my reasons therefor in a very few words.

The PRESIDING OFFICER. The Senator from California asks unanimous consent that he may proceed to discuss the bill. Is there objection?

Mr. WORKS. Not to discuss the bill; I am not asking that. I do not expect to do that.

Mr. OWEN. The request of the Senator from California, I understand, is that the bill be not now considered because he is not prepared to discuss it.

Mr. WORKS. That is all.

Mr. OWEN. To that I am constrained to object.

The PRESIDING OFFICER. Objection is made. The question is whether the Senate shall take up Senate bill No. 1, notwithstanding the objection of the Senator from New Hampshire.

Mr. CLARKE of Arkansas. I ask unanimous consent that the Senator from California be allowed to submit certain remarks in explanation of the reasons why he does not care to have the bill considered at this time. That is all he asks.

Mr. WORKS. That is all I ask.

Mr. OWEN. I have no objection to that.

Mr. GALLINGER. I rise to correct a statement by the Chair. I did not object to the bill coming up. The Senator from Oklahoma moved that it should be taken up, and on that motion he asked for the yeas and nays. The yeas and nays were denied; and the only objection I made was, the yeas and nays having been denied, that the Senator could not renew his request.

The PRESIDING OFFICER. The Chair understood the Senator from New Hampshire to object. Is there objection to the request that the Senator from California may proceed to make an explanation as to his attitude upon the bill, or a personal explanation, as the Chair understands the request? The Chair hears none. The Senator from California will proceed.

Mr. WORKS. Mr. President, one of the very important questions that will arise in the discussion of this bill is as to whether or not it is necessary legislation. On the 6th day of January I offered a resolution here, which was passed by the Senate, calling upon the Secretary of the Treasury to furnish to the Senate information as to the medical activities of the Government, and the amount of money that has been expended during the last year for that purpose. That report has not yet come to the Senate. I expect it to disclose fully the different bureaus and branches of the medical service as they now exist and the amount of money that the Government has paid out in sustaining the medical activities of the Government.

The delay in receiving this report has not been upon my part. I have inquired about it on one or two occasions. I wrote to the Secretary of the Treasury a private letter, saying to him that it was important that that information should be had by the Senate before this bill was taken up. This morning, after I learned that the Senator from Oklahoma desired to take up the bill, I telephoned to the Treasury Department to ascertain when that information could be had, and was informed that two of the bureaus had not yet furnished the necessary information, and that it would take a day or two, or perhaps a little longer, to get that information.

I very much desire, and I think the Senate will desire, to have that important information before the Senate before the bill is taken up for discussion. It is one that necessarily will be discussed at considerable length. I expect to make some extended remarks upon it myself, and I desire to have this information and data before the bill is taken up for discussion.

Mr. SMOOT. I move that the Senate proceed to the consideration of executive business.

Mr. OWEN. I make the point of order that my motion is before the Senate.

The PRESIDING OFFICER. The motion of the Senator from Utah, however, has precedence.

Mr. OWEN. Then I move a recess until 2 o'clock.

Mr. SMOOT. That motion is not in order, Mr. President.

Mr. OWEN. That motion takes precedence of a motion to go into executive session, as I understand the rules of the Senate.

Mr. SMOOT. Not a motion for a recess; a motion to adjourn is the only motion that would take precedence.

Mr. OWEN. I make a motion that the Senate adjourn and reassemble at 2 o'clock.

Mr. SMOOT. That motion is not in order, Mr. President.

The PRESIDING OFFICER. The Chair will hear from the Senator from Oklahoma upon that motion.

Mr. JOHNSTON of Alabama. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Alabama suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Curtis	McLean	Smith, Md.
Bacon	Dillingham	Martine, N. J.	Smoot
Bourne	Gallinger	Myers	Stephenson
Brandegee	Gardner	O'Gorman	Sutherland
Bristow	Gore	Oliver	Swanson
Brown	Gronna	Owen	Thornton
Bryan	Hitchcock	Page	Tillman
Burnham	Johnson, Me.	Percy	Townsend
Catron	Johnston, Ala.	Perkins	Warren
Chamberlain	Kavanaugh	Perky	Watson
Clapp	Kenyon	Pomerene	Webb
Clark, Wyo.	La Follette	Richardson	Wetmore
Clarke, Ark.	Lea	Sheppard	Williams
Cullom	Lippitt	Shively	Works
Cummins	McCumber	Smith, Ariz.	

The PRESIDING OFFICER. Fifty-nine Senators have responded to their names, and a quorum of the Senate is present. The Senate will pardon a statement. The Chair is of the opinion that the motion of the Senator from Oklahoma would take precedence, but the time having arrived to which he moved a recess the motion becomes inoperative. The Senator from Utah moves that the Senate proceed to the consideration of executive business. The question is on the motion of the Senator from Utah.

Mr. SMITH of Georgia. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. I transfer that pair for the day to the junior Senator from Nevada [Mr. MASSEY]. I vote "yea."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON] and therefore withhold my vote.

Mr. RICHARDSON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. SMITH] and therefore withhold my vote. If he were present, I should vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Louisiana [Mr. FOSTER]. I therefore withhold my vote.

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS]. I transfer that pair to the junior Senator from Colorado [Mr. THOMAS] and vote "nay."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the junior Senator from Missouri [Mr. REED] and vote. I vote "nay."

The roll call was concluded.

Mr. SHIVELY. I wish to announce that my colleague [Mr. KERN] is temporarily absent from the Chamber on important public business.

Mr. WARREN. As I stated before, I am paired with the Senator from Louisiana [Mr. FOSTER]. I make a transfer so that that Senator will stand paired with the Senator from Maryland [Mr. JACKSON]. I will therefore vote. I vote "yea."

Mr. DU PONT (after having voted in the affirmative). I should like to inquire whether the senior Senator from Texas [Mr. CULBERSON] has voted.

The PRESIDING OFFICER. The Chair is informed that that Senator has not voted.

Mr. DU PONT. Under those circumstances, as I have a general pair with the senior Senator from Texas, I will withdraw my vote.

Mr. RICHARDSON. I will transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from New Mexico [Mr. FALL] and vote "yea."

Mr. SMOOT. I desire to announce that the senior Senator from Minnesota [Mr. NELSON] is paired with the senior Senator from Virginia [Mr. MARTIN].

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is detained from the Chamber on important business.

The result was announced—yeas 37, nays 37, as follows:

YEAS—37.

Bourne	Crawford	Lippitt	Smoot
Brandegee	Cummins	Lodge	Stephenson
Bristow	Curtis	McCumber	Sutherland
Brown	Dillingham	McLean	Townsend
Burnham	Gallinger	Oliver	Warren
Burton	Gamble	Page	Wetmore
Catron	Gronna	Perkins	Works
Clapp	Guggenheim	Richardson	
Clark, Wyo.	Jones	Root	
Crane	Kenyon	Smith, Mich.	

NAYS—37.

Ashurst	Johnson, Me.	Owen	Smith, Md.
Bacon	Johnston, Ala.	Paynter	Swanson
Bankhead	Kavanaugh	Percy	Thornton
Bryan	La Follette	Perky	Tillman
Chamberlain	Lea	Pomerene	Watson
Clarke, Ark.	Martine, N. J.	Sheppard	Webb
Fletcher	Myers	Shively	Williams
Gardner	Newlands	Simmons	
Gore	O'Gorman	Smith, Ariz.	
Hitchcock	Overman	Smith, Ga.	

NOT VOTING—21.

Borah	Dixon	Martin, Va.	Smith, S. C.
Bradley	du Pont	Massey	Stone
Briggs	Fall	Nelson	Thomas
Chilton	Foster	Penrose	
Culberson	Jackson	Poindexter	
Cullom	Kern	Reed	

So the Senate refused to proceed to the consideration of executive business.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Oklahoma [Mr. OWEN] to proceed to the consideration of Senate bill No. 1. [Putting the question.] The noes appear to have it.

Mr. OWEN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As he is absent from the Chamber, I will withhold my vote.

Mr. RICHARDSON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH]. I transfer that pair to the Senator from New Mexico [Mr. FALL] and vote "nay."

Mr. WARREN (when his name was called). I transfer my general pair with the Senator from Louisiana [Mr. FOSTER], so that he will stand paired with the Senator from Maryland [Mr. JACKSON]. I vote "nay."

Mr. WATSON (when his name was called). I transfer my pair with the Senator from New Jersey [Mr. BRIGGS] to my colleague [Mr. CHILTON], and I vote "yea."

Mr. WILLIAMS (when his name was called). With the same explanation that I made upon the last roll call, I desire to vote. I vote "yea."

The roll call was concluded.

Mr. DILLINGHAM (after having voted in the negative). I will inquire whether the senior Senator from South Carolina [Mr. TILLMAN] has voted.

The PRESIDING OFFICER. That Senator has not voted, the Chair is informed.

Mr. DILLINGHAM. Then I withdraw my vote, having a general pair with that Senator.

The result was announced—yeas 33, nays 33, as follows:

YEAS—33.

Ashurst	Gore	O'Gorman	Smith, Ga.
Bacon	Hitchcock	Overman	Swanson
Bryan	Johnson, Me.	Owen	Thornton
Burton	Johnston, Ala.	Paynter	Watson
Chamberlain	Kavanaugh	Percy	Webb
Clarke, Ark.	Lea	Perky	Williams
Crawford	Martine, N. J.	Pomerene	
Fletcher	Myers	Sheppard	
Gardner	Newlands	Smith, Ariz.	

NAYS—33.

Borah	Crane	Lippitt	Stephenson
Bourne	Cullom	Lodge	Sutherland
Brandegee	Cummins	McCumber	Townsend
Bristow	Gallinger	Oliver	Warren
Brown	Gronna	Page	Wetmore
Burnham	Guggenheim	Perkins	Works
Catron	Jones	Richardson	
Clapp	Kenyon	Smith, Mich.	
Clark, Wyo.	La Follette	Smoot	

NOT VOTING—29.

Bankhead,	du Pont	Massey	Smith, Md.
Bradley	Fall	Nelson	Smith, S. C.
Briggs	Foster	Penrose	Stone
Chilton	Gamble	Poindexter	Thomas
Culberson	Jackson	Reed	Tillman
Curtis	Kern	Root	
Dillingham	McLean	Shively	
Dixon	Martin, Va.	Simmons	

So Mr. OWEN's motion was not agreed to.

THE CALENDAR.

Mr. SMITH of Georgia. I move that the Senate take up the regular calendar of business and proceed to the consideration of unobjected bills.

Mr. LODGE and others. That is right.

The PRESIDING OFFICER. The Senator from Georgia moves that the Senate proceed to the consideration of unobjected bills under Rule VIII.

The motion was agreed to.

Mr. LODGE. Only unobjected bills are to be considered.

The PRESIDING OFFICER. The first bill on the calendar will be stated.

The bill (S. 2493) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri was announced as first in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill goes over on objection.

The bill (S. 1505) for the relief of certain officers on the retired list of the United States Navy was announced as next in order.

Mr. BRISTOW. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 2151) to authorize the Secretary of the Treasury to use at his discretion surplus moneys in the Treasury in the purchase or redemption of the outstanding interest-bearing obligations of the United States was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 256) affecting the sale and disposal of public or Indian lands in town sites, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 3) to cooperate with the States in encouraging instruction in agriculture, the trades, and industries and home economics in secondary schools; in maintaining instruction in these vocational subjects in State normal schools; in maintaining extension departments in State colleges of agriculture and mechanic arts; and to appropriate money and regulate its expenditure, was announced as next in order.

Mr. GALLINGER. I move that the bill be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PAGE subsequently said: I should like to know what action was taken on Senate bill No. 3?

The PRESIDING OFFICER. The bill was indefinitely postponed.

Mr. PAGE. I suppose that is what will be eventually done with it, but I ask the Senate not to do it now, for I do not know what may be the condition later.

The PRESIDING OFFICER. That has already been done.

Mr. GALLINGER. I ask that the motion be reconsidered; that the bill be passed over without prejudice.

Mr. PAGE. Yes; let it go over without prejudice.

The PRESIDING OFFICER. Without objection, the motion by which the bill was indefinitely postponed will be reconsidered, and the bill goes over.

The bill (S. 2234) to provide for a primary nominating election in the District of Columbia, at which the qualified electors of the said District shall have the opportunity to vote for their first and second choice among those aspiring to be candidates of their respective political parties for President and Vice President of the United States, to elect their party delegates to their national conventions, and to elect their national committeemen was announced as next in order.

Mr. GALLINGER. Let the bill go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 5728) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Osage Nation of Indians against the United States was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 3316) to repeal an act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, was announced as next in order.

Mr. GALLINGER. I ask that the bill be placed under Rule IX.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The bill (S. 5186) to incorporate the Brotherhood of North American Indians was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 461) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Ponca Tribe of Indians against the United States was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 5917) relating to procedure in United States courts was announced as next in order.

Mr. CLARKE of Arkansas. Let that bill go over.

The PRESIDING OFFICER. The bill goes over.

HARRIET PIERSON PORTER.

The bill (S. 118) granting an increase of pension to Harriet Pierson Porter was announced as next in order.

Mr. DU PONT. Mr. President, if there is no objection to that bill, I should be very glad to have it taken up.

Mr. McCUMBER. There will be some discussion on it, if that is done, but I do not desire to object.

The PRESIDING OFFICER. What is the request of the Senator from Delaware?

Mr. DU PONT. My request is that the bill be taken up; it has been on the calendar a very long time.

Mr. BRANDEGEE. No one has objected to its consideration.

Mr. GALLINGER. No.

The PRESIDING OFFICER. No one has objected to the consideration of the bill so far. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments, on page 1, line 7, before the word "general," to strike out "brevet brigadier" and insert "major"; in line 7, after the name "United States," to strike out "Army" and insert "Volunteers"; and in line 8, after the words "rate of," to strike out "one hundred" and insert "fifty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet Pierson Porter, widow of Fitz John Porter, late major general, United States Volunteers, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments were agreed to.

Mr. McCUMBER. I ask for the reading both of the favorable and the adverse reports in this case.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read the report submitted by Mr. DU PONT April 10, 1912, as follows:

The Committee on Pensions, to whom was referred the bill (S. 118) granting an increase of pension to Harriet P. Porter, have examined the same and report:

This bill as amended proposes to increase from $12 to $50 per month the pension of Harriet P. Porter, widow of Fitz John Porter, late major general, United States Volunteers.

The military history of Gen. Fitz John Porter shows that he was a cadet at the United States Military Academy from July 1, 1841, to July 1, 1845, when graduated and appointed brevet second lieutenant, Fourth Artillery. He was promoted full second lieutenant June 18, 1846; first lieutenant May 29, 1847; and was breveted assistant adjutant general June 27, 1856. He was commissioned as colonel, Fifteenth Infantry, May 14, 1861, and a few days later was appointed brigadier general of Volunteers. He was promoted major general of Volunteers July 14, 1862, and was cashiered and dismissed from the Army January 21, 1863. By act of Congress, approved July 1, 1886, he was restored as colonel of Infantry, to rank from May 14, 1861, and was retired from active service August 7, 1886. He served in the War with Mexico from September 6, 1846, to September, 1847, when wounded at the storming of Chapultepec. Gen. Porter died May 21, 1901, at the ripe old age of 80 years.

A similar bill, S. 5593, was introduced in the Sixty-first Congress and referred to a subcommittee. The following report made by that subcommittee in the third session of the Sixty-first Congress sets out in detail the services of Gen. Porter and the peculiar circumstances in his case:

"Your subcommittee, to whom was referred S. 5593, granting a pension to Harriet Pierson Porter, reports the same favorably with the following amendment, viz:

"Amend the title so as to read: 'Granting an increase of pension to Harriet Pierson Porter.'"

"In line 8 strike out the period and insert a comma and the words 'in lieu of that she is now receiving.'

"Maj. Gen. Fitz-John Porter, to whose widow the bill gives an increase of pension, entered the United States Military Academy in 1841, graduated in 1845, and took part with the greatest distinction in all the battles of our Army under Gen. Scott in the Mexican War. He was wounded in the desperate assault upon the Belen Gate of the City of Mexico, the 2 other officers of his battery being killed, and 27 out of 30 enlisted men of the battery being killed or wounded.

"He served with honor in the Regular Army until the breaking out of the Civil War, when he was appointed colonel of one of the new regiments of Infantry, and soon afterwards major general of Volunteers, being assigned to the command of a division and afterwards the Fifth Corps of the Army of the Potomac under Gen. McClellan. Detached with his corps from that Army and ordered to join Gen. John Pope in front of Washington, he took part in the second Battle of Bull Run in August, 1862, where the Fifth Corps lost in about an hour's time 2,151 men, being one-third of its force present. Not long after a successful attempt was set on foot to unjustly make Gen. Porter the scapegoat of the disastrous defeat of the Union forces in that battle. Charges were preferred against him, and notwithstanding his indignant assertions of entire innocence he was tried by a general court-martial, which, after hearing a great deal of conflicting testimony, found him guilty and sentenced him to be cashiered and not allowed to hold any office of trust or profit under the United States Government.

"Conscious of his innocence, Gen. Porter used every effort for years to have his case reopened, and, after many unsuccessful attempts, in 1878 President Hayes at last ordered a board of inquiry to make a thorough investigation of his case. Various original dispatches and other important papers which had not been presented at the court-martial were laid before this board, together with the testimony of many Confederate general officers as to the exact location and strength of the southern troops opposed to Porter at the second Battle of Bull Run, upon which were based some of the chief allegations in support of the original charges, all of which conclusively showed that the previous evidence against him was absolutely false and misleading.

"The members of the board of inquiry, consisting of Gens. Schofield, Terry, and Getty, after a most searching investigation lasting over 12 months, reported that 'the original charges and specifications bore no discernible resemblance to the actual facts in the case. That the judgment of the original court-martial upon Gen. Porter's conduct was based upon totally erroneous impressions, not only respecting what his conduct really was, but respecting all the circumstances under which he acted, and that not one of all the gallant soldiers who took part in the occurrences under consideration was less deserving of such condemnation than he.'

"They further reported that, in their opinion, 'justice requires at his hands such action as may be necessary to annul and set aside the findings and sentence of the court-martial in the case of Maj. Gen. Fitz-John Porter, and restore him to the positions of which that sentence deprived him, such restoration to take effect from the date of his dismissal from the service.'

"President Hayes submitted this report to Congress 'for such action as shall seem expedient and just,' and although Gen. Grant, in a printed article in the North American Review made a very strong appeal that justice be done to Gen. Porter, no action was taken by Congress until June 25, 1885, when the bill was passed restoring him to the Regular Army with the rank of colonel as of the date of his dismissal, coupled with the proviso that he was to receive no pay or emoluments during the time he was out of service.

"Gen. Porter, upon his complete vindication and restoration to the Army, did not receive the back pay and emoluments, amounting to $97,310.18, to which he would have been entitled had he not been most unjustly deprived of his commission, and which he should have received under every principle of justice and equity and in conformity with the precedents established by several analogous cases. In the opinion of your subcommittee this is a sufficient reason for excluding from consideration the fact that Mrs. Porter, who owns no real estate whatever, has an income of a little over $1,700 a year upon which she has to support herself and an unmarried daughter.

"Attention is called to the statement of account hereto appended in the case of Gen. Fitz-John Porter, and also to a statement of analogous cases in which back pay and allowances were granted to officers who were restored to the Army as of the dates of their original commissions.

"H. A. DU PONT."

Statement of account in the case of Maj. Gen. Fitz-John Porter, showing the amount which would be due him on the assumption that he remained in the service as a major general of Volunteers until Dec. 1, 1865, and that from that date up to Aug. 6, 1886, he held the grade of colonel on the active list.

PAY.

Jan. 21, 1863, to Dec. 31, 1865, pay of a major general, at $220 per month	$5,226.00
Jan. 1, 1863, to Feb. 28, 1865, 15 rations a day, at 30 cents each	1,809.00
Mar. 21, 1865, to Dec. 31, 1865, 15 rations a day, at 50 cents each	2,250.00
Total pay	9,285.00

ALLOWANCES.

Servants: The officer was entitled to servants, not to exceed four, if employed.

Jan. 21, 1863, to Mar. 2, 1865, 4 servants, at $11 per month each	$1,116.13
Mar. 3, 1865, to Dec. 31, 1865, 4 servants, at $16 each per month	590.40
Total servant hire	1,706.53

FORAGE.

Forage for horses, if kept.

Jan. 1, 1863, to Dec. 31, 1865, at $20 per month	$465.96

PAY.

Jan. 1, 1866, to June 30, 1866, pay of colonel, at $95 per month	$570.00
6 rations and 4 additional rations for length of service, at 50 cents	900.00
July 1, 1866, to Mar. 1, 1867, pay of a colonel, at $95 per month	763.16
6 rations and 5 additional rations for length of service, at 50 cents	795.30
Mar. 2, 1867, to July 14, 1870, pay of a colonel, at $110 per month	4,443.92
July 1, 1866, to June 30, 1868, 33⅓ per cent increase on pay proper under section 1 of the act of Mar. 2, 1867	843.37
Mar. 2, 1867, to July 27, 1867, 6 rations plus 5 additional rations for length of service, at 50 cents	962.50
July 28, 1867, to July 14, 1870, 6 rations plus 5 additional rations, at 50 cents	3,554.21
Total pay for period from Jan. 1, 1866, to July 14, 1870	12,832.46

SERVANT HIRE.

If servant was employed—July 1, 1866, to July 14, 1870, 2 servants, at $16 each per month	$1,552.00
Forage for horses Jan. 1, 1865, to Mar. 2, 1867, at $12 per month	312.60

PAY.

July 14, 1870, to Aug. 5, 1886, pay of a colonel with more than 20 years' service, at $4,500 per annum	72,262.50

Summary.

PAY.

Jan. 21, 1863, to Dec. 31, 1865	$9,285.00
Jan. 1, 1866, to July 14, 1870	12,832.46
Total	22,117.46
Less 5 per cent tax	1,106.87
	21,010.59
Pay—July 14, 1870, to Aug. 5, 1886	72,262.50
Total pay	93,273.09

ALLOWANCES.

Servant hire	3,258.53
Forage	778.56
	4,037.09

STATEMENT OF ANALOGOUS CASES.

"The act of February 24, 1905 (33 Stat. L., 806), contains the following provision:

"'That the proper accounting officers be, and they are hereby, directed to settle and adjust to Sarah K. McLean, widow of the late Lieut. Col. Nathaniel H. McLean, all back pay and emoluments that would have been due and payable to the said Nathaniel H. McLean as a major from July 23, 1864, to the date of his reinstatement, March 3, 1875, and that the amount due by said adjustment is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated.'

"NOTE.—This officer resigned from the service July 23, 1864, on account of having been ordered to Oregon for duty. The order sending him to Oregon was the result of his activity in unearthing frauds in the Quartermaster Department and his resignation was in the nature of a protest against the treatment which was accorded him. The full circumstances relating to the matter will be found in House Report No. 279, Forty-third Congress, second session, and Senate Report No. 126, Fifty-third Congress, second session.

"Attention is called to the case of Collins *v.* United States (14 C. Cls., 568; and 15 C. Cls., 22).

"In this case the officer was restored to the Army and judgment was rendered in his favor for back pay amounting to $17,987.83.

"In the case of Kilburn *v.* United States (15 C. Cls., 41, 46) the court used this language:

"'In all the cases referred to the parties to whom back pay has been allowed have been considered by Congress to have been illegally or unjustly or inadvertently dismissed the service. In order to remedy the wrong or repair the injustice of such dismissal, it has been considered both just and humane that its revocation should be complete, and should relate back to the day of the order of dismissal, so as to make the party entitled to full pay, as though no such order had ever been made. (Winters *v.* The United States, 3 C. Cls. R., 136; Smith *v.* United States, 2 C. Cls. R., 206.) But such arrearages of pay have in every instance been allowed only under the acts of Congress authorizing the beneficiaries under them to assume a definite rank from a past date. This doctrine is fully expounded in the case of Maj. Collins (ante, p. 22).'"

Mrs. Porter now receives a pension of $12 per month, provided by the acts of January 29, 1887, and April 19, 1908, on account of her distinguished husband's service in the Mexican War. She was married to the deceased officer March 19, 1857, and is now over 72 years of age and in very poor health.

In a sworn statement accompanying the bill she declares that her average income from railroad bonds, etc., is about $1,700 per year.

In view of the statements set forth in the foregoing a majority of your committee recommend the passage of the bill when amended as follows: On line 8 strike out the words "one hundred" and insert in lieu thereof the word "fifty."

On line 7 strike out the words "brevet brigadier" and insert in lieu thereof the word "major," and in the same line strike out the word "Army" and insert in lieu thereof the word "Volunteers."

The PRESIDING OFFICER. The views of the minority will now be read, as requested by the Senator from North Dakota.

The Secretary read as follows:

VIEWS OF THE MINORITY.

Mr. MCCUMBER, on the part of the minority of the committee, submits the following views:

The minority of the Committee on Pensions, feeling that the claim for a special bill in this case is wholly unjustified from any standpoint, submit the following reasons for their refusal to concur with the majority of the committee in reporting this bill favorably:

COMMITTEE ON PENSIONS CREATED TO RELIEVE CASES OF DESTITUTION ONLY.

Preceding the rules which have governed the committee for many years is a note, which reads as follows:

"NOTE.—The Pension Committees of the two Houses of Congress were created to consider a very few claims in which, from their peculiar circumstances of extreme disability and destitution, adequate relief could not be obtained from the bureau, * * *. Nor is it the policy of the Government to provide full support for soldiers or their widows, but solely to prevent absolute want, and it is believed, therefore, that private pension legislation should be restricted to cases of such extreme destitution as render assistance imperative."

Rule 7 provides:

"Where the widow of an officer is pensioned under the act of April 19, 1908, an increase will not be recommended in excess of the general-law rating for his rank; in cases where the circumstances suggest that a lower rate would be proper such lower rate only will be recommended."

Rule 7 also provides:

"No increase of pension to widows will be recommended above the general-law rating except in cases of destitution, to be substantiated by competent testimony; and the word 'destitution' will be held to mean the same when applied to an officer or his widow as when applied to a private or his widow; it will not be contracted or expanded to meet particular cases."

These rules are recited, first, to show the purposes of private pension legislation, and, second, to show wherein the particular case in question should be governed by those rules.

In a sworn statement accompanying the bill, Mrs. Porter declares that her average income from railroad bonds, etc., is about $1,700 per year. In addition to this she is receiving $144 per year pension, making her total income $1,844 per year, or over $150 per month.

This is not a case of destitution. And if it is not a case of destitution, what is it? Favoritism, pure and simple.

If Mrs. Porter should be entitled to $600 per year pension, in addition to her present income from other sources, then the widow of every other officer of similar rank should receive the same, and she should receive it under a general law. It is not the proper province of either the committee or Congress to single out anyone for special favor. If the general law does not grant sufficient pension to the widows of officers, then the general law should be changed and made applicable to all cases.

By granting this special favor to one who is not in need of it we are committing a rank injustice to the hundreds who are refused and who are in need of it.

Mr. DU PONT. Mr. President I wish to say a few words on this matter.

The views of the minority, after citing the rules of the Pension Committee, which I have already discussed in the case of Mrs. Hawkins, states that Mrs. Porter's case is not a case of destitution but of "favoritism, pure and simple," and that if she should be entitled to $600 per year, as provided in the bill, in addition to her present income from other sources, "then the widow of every other officer of similar rank should receive the same," and that by granting this "special favor" we are committing a "rank injustice" to others.

I take issue with these statements. Mrs. Porter's case has nothing in common with the hundreds of other cases that have come before Congress. It is unique. Nothing like it has ever occurred before and probably will never occur again. Gen. Porter belonged to the Regular Army for almost 22 years, his service including both the Mexican and Civil Wars. During the former war he was wounded in the heroic assault upon the Belen Gate of the City of Mexico, the other two officers of his battery

being killed, and 27 of the 30 enlisted men which composed it being killed or wounded. In the latter war he served with great distinction and gallantry until the autumn of 1862, when he was unjustly court-martialed and dismissed from the Army. In 1878, by direction of President Hayes, a searching reinvestigation as to the real facts in the case was made by a court of inquiry, which vindicated Gen. Porter in the most handsome manner, and reported that the judgment of the original court-martial was based upon totally erroneous impressions not only respecting what his conduct really was, but respecting all the circumstances under which he acted, and added that justice required that the findings and sentence of the original court-martial be annulled and set aside, and that he be restored to the position of which he had been deprived, such restoration to take effect from the date of his dismissal from the service. It was not until 1885 that Congress took action and restored him to his rank in the Regular Army, but under the influence of party prejudice denied him the pay or emoluments during the time that he was unjustly deprived of his commission, which amounted to a large sum of money. This latter stipulation was contrary to all precedents and in violation of every principle of equity and justice.

Mrs. Porter is over 70 years of age and has a daughter dependent upon her for support. It is submitted that the granting of the pension provided for in the bill is not by any means an act of "favoritism," but a proper recognition of the long, faithful, and distinguished service which Gen. Porter had rendered to his country in two wars. I trust that the bill for her relief may be favorably considered by the Senate, which would thus make indirectly, but in a very meager and inadequate way, some compensation for the pay and emoluments of which her husband was so unjustly deprived.

Mr. McCUMBER. Mr. President, if I remember aright, another bill which had a place on the calendar just preceding the pending measure was considered by the Senate at the last session. I refer to the bill granting an increase of pension to the widow of Gen. Hawkins. The evidence in that case showed that the claimant was in receipt, as I now remember, of an income in the neighborhood of $1,400 per annum. It differs from this bill only in the matter of the amount. In this particular case the claimant is now in receipt of a general income amounting to $1,844 a year, or about $150 per month.

Mr. President, this brings clearly before the Senate the danger of passing these special bills without consideration and without any general rule that would apply to all cases. Suppose, now, that we were to pass this bill in favor of Mrs. Porter, and should grant her this extra sum of $600 per year as is provided in this bill, giving her something over $2,000 a year, what answer could we make to the claim of Mrs. Hawkins that she has not been justly treated? What reply could we give to hundreds of other widows who are exactly in the same position, namely, whose claims have been rejected because they did not bring their cases within the very salient rule of the committee, which indicates the very purpose for which the committee was created, or, at least, the main purpose which it is conserving to the public, and that is, to grant relief only in cases of destitution.

I confess that I know very little about the merits of the controversy which resulted in the dismissal of Gen. Porter and his reinstatement in his position; but I do know that if he was unjustly removed by court-martial, then certainly his widow ought to be entitled to present a bill to the Committee on Claims, and if there was anything due to the general that was unjustly taken from him the Committee on Claims ought to investigate that question and grant such relief as would be proper and just in that particular case.

I would be in favor of that course; but I am not in favor of trying the question whether or not the general was unjustly deprived of his salary and emoluments for a number of years in connection with an application for the benefit of Mrs. Porter which, if allowed, would take her case entirely out of the general range of cases that have been considered by the Committee on Pensions.

I have said time and again, Mr. President, that the Senate, by allowing a spirit of sympathy or of favoritism or of friendship in some particular case to govern them, will necessarily put the committee in a position that will be extremely embarrassing. I again call attention to that portion of the report which I submitted as the views of the minority as to the very object of the creation of this committee. It was created, in the first instance, Senators, for the purpose of considering general pension legislation. Its functions were increased so that it should consider special legislation for what purpose? Not for the purpose of taking up particular cases in which any Senator would desire to have a pension increased, but for the sole and only purpose that, sitting as a quasi court of equity, it might do justice to those cases which could not be reached by the general law. We ought not to extend the function of that committee; we ought not to extend the power of that committee so that it will go beyond this and take up any case without reference to any rule and grant such pension as the momentary impulse of either the committee or the Senate may dictate.

As I have stated in this report, the very purpose of the committee—its operation, at least—is indicated in the little note preceding our rules, which reads:

> The Pension Committees of the two Houses of Congress were created to consider a very few claims—

Those "few claims" have increased very materially—

> in which, from their peculiar circumstances of extreme disability and destitution, adequate relief could not be obtained from the bureau.

I want to call attention to the fact that in every case the question of disability and destitution becomes a leading question.

> Nor is it the policy of the Government to provide full support for soldiers or their widows, but solely to prevent absolute want, and it is believed, therefore, that private pension legislation should be restricted to cases of such extreme destitution as render assistance imperative.

Following out this very object, the very soul and spirit of the power which was given to the committee to consider special pension legislation, the rules further provide:

> No increase of pension to widows will be recommended above the general-law rating except in cases of destitution, to be substantiated by competent testimony—

Mark this part of a proper rule—

> and the word "destitution" will be held to mean the same when applied to an officer or his widow as when applied to a private or his widow; it will not be contracted or expanded to meet particular cases.

Mr. President, we are now asked to expand it enormously to meet a particular case. The income of Mrs. Porter to-day is about $1,844 per year. It is asked by this bill to increase it $600 more, so that it will be $2,444 per year.

I object to this; I oppose it because it does an injustice to the hundreds of widows whose cases we have turned down in the past, and because it forces upon us a precedent that we can hardly escape in the consideration of future cases that may come before the committee.

Since I have been chairman of the Committee on Pensions my main efforts have been directed toward the preventing that committee ever being used for the purpose of favoritism. I think we have been eminently successful in that endeavor. We have an established rule that in no case will we recommend a pension above $50 per month. The Senate itself has overruled that sort of unwritten law of the committee on two or three occasions—I think two within the last two years—where $100 a month has been granted.

We are now brought face to face with a condition that we ought to meet, and ought to meet fairly. If, as a matter of fact, Mrs. Porter is entitled to $50 per month without reference to the amount of her income, then there are at least 200 widows, whose husbands were of the same rank, who are entitled to the same amount. If they are entitled to that, then we ought to have the courage to stand up here and vote through a general bill, so that we will not be forced to take up one bill and grant fifty or one hundred dollars a month and then take up another bill and grant twelve or fifteen dollars per month.

Mr. DU PONT. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Delaware?

Mr. McCUMBER. I yield to the Senator.

Mr. DU PONT. I should like to ask the Senator from North Dakota a question. He spoke of some 200 or 250 widows whose husbands were of the same rank as Gen. Porter. I should like to ask him if there are any of those 250 widows whose husbands were unjustly driven out of the service and lost for a long period of years the pay and emoluments to which they were entitled and were deprived of them in this way? That is what differentiates this case from the others.

Mr. McCUMBER. Mr. President, undoubtedly no two cases are alike. I again assert that if the widow of Gen. Fitz John Porter has any just claim against the Government for the deprivation of the general during his life of certain salaries that should have been received by him during that time the remedy is and ought to be by a bill which would refer that matter to the Court of Claims or the Committee on Claims. The Senate Committee on Pensions did not investigate that matter. It was not necessary for them to investigate that matter. So I simply ask the Senate to stand with that rule of the committee, which was designed to secure the doing of equal justice in respect to every claim brought before them.

Mr. GALLINGER. Mr. President, Gen. Fitz John Porter was a New Hampshire man. At the time when passions were heated

there were many people in New Hampshire who believed that Gen. Porter had not done his entire duty as an officer of the Army of the United States. That time has passed, and a monument has been erected in the city of Portsmouth to the memory of Gen. Porter.

When this matter was under discussion before the House of Representatives a Member of that House from New Hampshire, who served under Gen. Porter, made a speech that cleared up, in my mind, every thought that I ever had entertained—and I confess I had entertained some doubts—as to Gen. Porter's loyalty and as to his conduct while he represented the Government on the field of battle.

The record of this man is a remarkable record. It goes back to the War with Mexico, where he performed distinguished service and where he received a very severe wound. To my mind, in dealing with this particular case, the fact is worthy of consideration that this man, because of the unjust accusations made against him—and beyond a doubt they were unjust—was deprived of some $60,000 that he otherwise would have received. I understand, in fact, that it is a much larger amount than that.

Mr. DU PONT. Nearly $90,000.

Mr. GALLINGER. Nearly $90,000, that he otherwise would have received, had not those accusations been made against him. He died in comparative poverty. During all the long years that he served the Government he had accumulated in bonds, I believe, enough to give his widow an income of $1,700 a year. That $1,700 a year went to support the widow and an unmarried daughter whom she is supporting at the present time.

Congress gave this widow a pension of $12 a month, which she is now receiving. To my mind it is a most extraordinary thing that any member of the Committee on Pensions should haggle about this proposed increase to $50 per month. I hesitate to say a word on this subject, because for a number of years I served as chairman of the Committee on Pensions, and the very rule that the Senator from North Dakota has invoked—or a portion of it, at least—was written by me. But that rule never was used to debar worthy widows whose husbands had served with great distinction as officers of the United States.

If I remember correctly—and I do not say this at all in a controversial spirit—the Senator from North Dakota has declared over and over again that he did not believe the widow of a general officer was entitled to any more pension than the widow of a private soldier. I think I am not incorrect in making that statement.

Mr. McCUMBER. The Senator can assert that as my statement on prior occasions and as my statement to-day.

Mr. GALLINGER. Of course I take issue with that, Mr. President, because I think it is a most extraordinary position for a Senator to take.

I do not know how many widows of general officers holding the rank of major general, without any reference to the great injustice that was done Gen. Fitz John Porter, are receiving less than $50 per month, but I know that a great many of them are receiving that amount and some of them a much larger amount.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Utah?

Mr. GALLINGER. Yes.

Mr. SMOOT. Has the Senator in his mind the idea that the committee has refused to recommend a pension of $50 per month in this case?

Mr. GALLINGER. I have that in mind; yes.

Mr. SMOOT. I want to say to the Senator that the bill provides $50 a month pension for the widow of Gen. Porter.

Mr. GALLINGER. Yes; the committee has so reported, but the chairman of the committee insists that the bill ought not to pass. That is what I am addressing myself to—the attitude of the chairman of the committee. The chairman of the committee wants this woman to remain on the pension roll at $12 per month.

I have a little list here, to which I will refer in a moment. I remember that the Senate in its wisdom—and it was an act of wisdom, notwithstanding the Senator from North Dakota took precisely the position he does now, in opposition to it—voted $50 a month to the widow of Admiral Schley. I voted for it. I believed it was right, notwithstanding the rule that the Senator then invoked, which he argued ought to debar her from receiving more than $12 per month, I suppose.

We are not granting such large pensions now as we did shortly after the war, and I am glad we are not. We then voted $2,000 a year, in one case, to the widow of an officer not more distinguished than was Gen. Fitz John Porter. I think in several instances pensions of as much as $2,000 per year were granted—to the widows of Gen. Thomas, Gen. Logan, Gen. Blair, and others—and a pension of $2,500 was granted to the widow of Gen. Sheridan. In running over the list I have found a number of cases which I want to put in the RECORD, because they are illuminating. They may not have been wisdom, but they were the action of Congress.

Sallie R. Alexander, widow of Lieut. Col. Thomas L. Alexander, is getting $50 a month. She is the widow of a lieutenant colonel.

Emily L., widow of Gen. Benjamin Alvord, is getting $50 a month.

Eliza B., widow of Gen. Robert Anderson, was given $50 a month, and it was afterwards increased to $100.

Abby P., widow of Gen. Richard Arnold, is getting $50 a month.

Juliet Opie H., widow of Col. Romeyn B. Ayers, is getting $75 a month.

Margaret T., widow of Commander Samuel H. Baker, United States Navy, $50 a month.

Mary A., widow of Gen. Edward D. Baker, $50 a month.

Mrs. Mary Palmer Banks, widow of Gen. Nathaniel P. Banks, is getting $100 a month.

Mary T., widow of Gen. Joseph K. Barnes, $50 a month.

Elizabeth T. Beall, $50 a month.

Fannie S., widow of Admiral John C. Beaumont, $50 a month.

Mary A. Bedel, $50 a month.

Margaret C., widow of Admiral Henry H. Bell, $50 a month.

Mrs. Henry A. Benham, widow of Gen. Henry A. Benham, $50 a month.

Eliza Berry, widow of Gen. Hiram G. Berry, $50 a month.

Emily B., widow of Gen. Daniel D. Bidwell, $50 a month.

Maria A., widow of Gen. David B. Birney, $50 a month.

Sarah M. Bissell, widow of Commodore Simon B. Bissell, $50 a month.

Sarah R., widow of Paymaster John V. B. Bleecker, $50 a month—a paymaster in the Navy, I suppose.

Elise Blenker, $50 a month.

Nancy Carson Blunt, $75 a month.

Ellen M., widow of Pay Director William Benton Boggs, $50 a month—I presume a pay director in the Navy.

Henrietta E., widow of Rear Admiral Charles S. Boggs, $50 a month.

Celestia A., widow of Horace Boughton, $50 a month.

Leonora A. Boyden, $50 a month.

Jane D., widow of Capt. Thomas L. Brent, $50 a month.

Martha C., widow of Capt. Kidder Randolph Breese, $50—a captain, not a major general.

F. Selina Buchanan, $50 a month.

Priscilla R. Burns, $50 a month.

Mrs. Rochie Brien Buell, widow of Gen. George P. Buell, $50 a month.

Hattie A., widow of Gen. Ward B. Burnett, $50 a month.

Mr. President, I happen to have information that some of those widows have quite as much property, and in some instances I know more property, than has the widow of Gen. Fitz John Porter. The Senator from Illinois [Mr. CULLOM] reminds me that the widow of Gen. John M. Palmer is receiving $50 a month, and I recall that fact; and the widow of Gen. McClellan, and a great many others I have not named. I have simply selected a few.

It is sometimes a good thing to break rules. The Senate broke rules when I was chairman of the Committee on Pensions, in many instances overruling me, and I did not find any fault. I wanted to keep down these special pension bills as much as possible. I think they ought to be kept down, and there ought to be great discrimination exercised. But it is a little different when we come to consider a case like this, where a man performed the remarkable services that Gen. Fitz John Porter did in two wars, and left his widow, accustomed to some of the luxuries of life, at least, with a mere pittance, because it is a pittance. Her income is less than girls are receiving as stenographers in the Capitol to-day, and half of what some young men are receiving as clerks to committees in the Capitol to-day.

I submit, Mr. President, that it is hardly worth while for the Senate to spend a great deal of time in coming to the conclusion that this bill, amended as it has been, should be passed. I should have opposed a pension of $100 a month. But this bill, amended as it has been to $50 a month, ought not to be opposed by any Senator, and certainly ought not to be defeated by a vote of the Senate.

Mr. McCUMBER. Mr. President, I am constrained to believe that it is always worth while for the Senate to prevent injustice being done; that it is always worth while for the Senate, as nearly as it can, to insist that equal justice shall be done to all persons.

The Senator has read the names of a large number of people who receive pensions of $50 a month. As is well known, this system of granting private pensions is a system that has been followed for more than half a century. Immediately after the close of the war, when, it seems to me, that perhaps we were swayed more by impulse than we are to-day, but very little attention was paid to the needs of the claimants. Those pensions were voted upon the record of the officer, and upon that record alone.

I should like to ask the Senator from New Hampshire if he knows of a single case in the last quarter of a century in which a private pension bill carrying $50 per month has been passed for the benefit of a widow who had an income of over $150 per month?

Mr. GALLINGER. I call the Senator's attention to the bill which I hand to him.

Mr. McCUMBER. The Senator refers to the case of the widow of Admiral Schley. I do not remember now just what her income was. I stated but a short time ago that that was one of the cases in which the Senate had made an exception and had granted a pension in a case where I thought it ought not to be granted, on account of the income that was being received.

Mr. President, the Senate has that power. It has the power to make any kind of precedent it sees fit to make. If it desires by its vote that the widow of Gen. Hawkins, who has an income of $1,400 a year, shall receive no additional pension, but that the widow of Gen. Porter, who has an income of over $1,800 a year, shall receive a pension of $50 a month, the Senate can do that. There will be at least one vote against that inconsistency and that injustice.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Harriet Pierson Porter."

DEPARTMENT OF PUBLIC HEALTH.

The bill (S. 1) to establish a bureau of health, and for other purposes, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

PONCA INDIANS OF OKLAHOMA AND NEBRASKA.

The bill (S. 5169) authorizing the Ponca Tribe of Indians to intervene in the suit of the Omaha Indians in the Court of Claims, and for other purposes, was considered by the Senate as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments, on page 2, line 6, after the word "authorities," to insert "under contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior, in accordance with the provisions of existing law"; and on line 13 to strike out "to decree the fees to be paid to the attorney employed by the Ponca Indians to represent them therein and his associates, such fees to be paid out of any funds of the tribe in the Treasury of the United States," and insert "said court shall decree the amount of the fee to be paid the attorney for the claimant Indians, such amount to be deducted from any money which may be found to be due said Indians: *Provided*, That the amount of the attorney's fee shall not be greater than that named in the approved contract," so as to make the bill read:

Be it enacted, etc., That the Ponca Tribe of Indians, residing in the States of Oklahoma and Nebraska, is hereby authorized and empowered to appear in and be made parties to any suit or suits in the Court of Claims heretofore instituted or which may hereafter be begun under and by virtue of an act of Congress approved June 22, 1910, entitled "An act of Congress authorizing the Omaha Tribe of Indians to submit claims to the Court of Claims," with full rights of appeal as therein provided for other tribes.

In such suits the Ponca Tribe may file such petitions, interventions, answers, or other pleadings as they may be advised are necessary or proper, which pleadings shall be verified by their attorney selected and employed by their tribal authorities under contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior, in accordance with the provisions of existing law, to represent the tribe therein; and the Court of Claims shall have full jurisdiction, legal and equitable, in such suits to hear and determine the rights of the Ponca Indians against the United States and against any other tribe or band of Indians parties thereto; and upon final determination of any such suit said court shall decree the amount of the fee to be paid the attorney for the claimant Indians, such amount to be deducted from any money which may be found to be due said Indians: *Provided*, That the amount of the attorney's fee shall not be greater than that named in the approved contract.

The amendments were agreed to.

Mr. GALLINGER. I was about to inquire, but I see the Senator from Oklahoma [Mr. OWEN] is not in his seat, as to what the fees ordinarily are that are named in the approved contracts. But the Senator from Utah [Mr. SMOOT] suggests that the bill is all right; and as I know very little about Indian affairs, I will not oppose it at all.

Mr. SMOOT. I will say to the Senator that I took up the question with the department, and the department approves this bill, with the amendments that have just been made.

Mr. GORE. Mr. President, my colleague is absent from the Senate at this time. Personally, I am not familiar with the bill. I have no information in regard to it. I should like to see it reasonably limited, however; but I do not know enough about the measure to propose a proper amendment, if one is necessary.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 3463) to establish a bureau of national parks, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let that bill go over.

The PRESIDENT pro tempore. The Senator from New Hampshire objects, and the bill will go over.

The bill (S. 2371) to amend section 3224 of the United States Compiled Statutes so as to prevent the restraining of the assessment or collection of any tax—State, county, municipal, district, or Federal—was announced as next in order.

Mr. SMOOT. I ask that the bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 5455) to establish a system of wireless telegraphy in the Philippine Islands was announced as next in order.

Mr. GRONNA. I ask to have the bill go over.

The PRESIDENT pro tempore. The Senator from North Dakota objects, and the bill will go over.

The bill (S. 5955) for the relief of certain retired officers of the Navy and Marine Corps was announced as next in order.

The PRESIDENT pro tempore. The bill has been heretofore read as in Committee of the Whole.

Mr. CLARKE of Arkansas. Let it be read for information, Mr. President, and then I will see whether or not I wish to object to it.

The Secretary read the bill.

Mr. CLARKE of Arkansas. I object.

The PRESIDENT pro tempore. Objection being made, the bill will go over.

INDIAN ALLOTMENTS.

The bill (H. R. 1332) regulating Indian allotments disposed of by will was considered as in Committee of the Whole.

The PRESIDENT pro tempore. The bill has already been considered as in Committee of the Whole, and an amendment submitted by the Senator from Washington [Mr. JONES] was agreed to. If not so desired, the amendment will not be again stated, and the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

BILLS, ETC., PASSED OVER.

The bill (S. 5863) for the retirement of employees in the civil service, and for other purposes, was announced as next in order.

Mr. JOHNSTON of Alabama and Mr. OLIVER. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 4654) to regulate contracts for the future delivery of cotton was announced as next in order.

Mr. LODGE. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 6109) for the protection and increase of State game resources was announced as next in order.

Mr. SMITH of Arizona. Let the bill go over.

The PRESIDENT pro tempore. The bill goes over under objection.

The bill (S. 5069) to promote the efficiency of the enlisted personnel of the United States Navy was announced as next in order.

Mr. CLARKE of Arkansas. I object to that bill.

The PRESIDENT pro tempore. Under objection, the bill goes over.

The bill (S. 93) to establish a botanical laboratory at Denver, Colo., was announced as next in order.

Mr. LODGE. Let that go over.

The PRESIDENT pro tempore. The bill goes over under objection.

The bill (S. 2344) to pay the balance due the loyal Creek Indians on the award made them by the Senate on February 16, 1903, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDENT pro tempore. Upon objection, the bill goes over.

The bill (S. 2845) to acquire certain land in Washington Heights for a public park to be known as McClellan Park was announced as next in order.

Mr. GRONNA. Let that go over.

The PRESIDENT pro tempore. The bill goes over under objection.

The next business on the calendar was the motion of Mr. POINDEXTER that the Senate Committee on Interstate Commerce be discharged from the further consideration of S. 3297, to abolish the Commerce Court, etc., and that said bill be placed upon the calendar, under Rule VIII, for consideration by the Senate.

Mr. GALLINGER. Let that go over.

The PRESIDENT pro tempore. The motion goes over under objection.

The bill (S. 7030) to provide for a permanent supply of coal for the use of the United States Navy and other governmental purposes; to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 6896) to reopen and extend certain letters patent granted to Richard B. Painton; to insert certain claims in said letters patent dated May 9, 1899, was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 2518) to provide for raising the volunteer forces of the United States in time of actual or threatened war was announced as next in order.

Mr. McCUMBER. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 6172) to regulate the method of directing the work of Government employees was announced as next in order.

Mr. McCUMBER. Let that go over.

The PRESIDENT pro tempore. The bill will go over under objection.

The bill (S. 4043) to prohibit interstate commerce in intoxicating liquors in certain cases was announced as next in order.

Mr. GALLINGER. Let that go over under Rule IX.

Mr. LODGE. That is a special order.

Mr. GALLINGER. It is; but let it go under Rule IX.

Mr. KENYON. The bill is a special order, and a time has been fixed by unanimous consent for a vote upon it.

Mr. GALLINGER. It will not affect it at all if it goes under Rule IX.

The PRESIDENT pro tempore. Under the suggestion of the Senator from New Hampshire, without objection the bill will go to the calendar under Rule IX.

FREDERICK H. FERRIS.

The bill (H. R. 21524) for the relief of Frederick H. Ferris was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, on page 1, lines 9 and 10, to strike out "28th day of February, 1865," and insert "30th day of December, 1864," so as to make the bill read:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Frederick H. Ferris shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a second lieutenant of the Seventy-fourth Regiment United States Colored Infantry on the 30th day of December, 1864: *Provided*, That no pension shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 6812) to amend section 3 of an act entitled "An act to provide for the allotment of land in severalty," etc., approved February 28, 1891, was announced as next in order.

Mr. McCUMBER. Let that go over.

The PRESIDENT pro tempore. The bill will go over under objection.

The next business on the calendar was S. Res. 362, for an investigation into the expenditures of the Forest Service and the appointment of a committee for that purpose.

Mr. SMOOT. I desire to ask a question of the Senator who introduced the resolution. I notice that he is not present in the Chamber. For that reason I ask that it may go over to-day.

The PRESIDENT pro tempore. The resolution will go over under objection.

The bill (H. R. 22913) to create a department of labor was announced as next in order.

Mr. SMOOT. Let that go over to-day, Mr. President.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 223) to provide for the inspection and grading of grain entering into interstate commerce, and to secure uniformity in standards and classification of grain, and for other purposes, was announced as next in order.

Mr. CLARKE of Arkansas. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

Mr. CRAWFORD. As I said this morning, this is a bill in which the producers of cereals and shippers of grain in the Northwest are very much interested. They have been pressing upon Congress for some time——

Mr. CLARKE of Arkansas. Let me say——

Mr. CRAWFORD. I was going to ask that some day certain be fixed when we might take up this bill.

Mr. CLARKE of Arkansas. I have no objection to its being taken up at any time. I was requested to interpose an objection on behalf of the senior Senator from Maryland [Mr. SMITH]. Whenever he is present I will be very glad to turn the matter over to him.

Mr. LODGE. I object to the consideration of the bill.

The PRESIDENT pro tempore. Under objection the bill goes over.

The bill (H. R. 24153) to amend and reenact section 5241 of the Revised Statutes of the United States was announced as next in order.

Mr. PENROSE. Let that go over.

The PRESIDENT pro tempore. The bill goes over under objection.

The bill (S. 3345) to amend the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies" was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDENT pro tempore. The bill goes over under objection.

FIRST LIEUTENANT SYDNEY SMITH.

The bill (S. 7288) to authorize the transfer of First Lieut. Sydney Smith from retired to the active list of the Army was announced as next in order.

Mr. SMOOT. If the Senator reporting that bill is present I should like to have some explanation as to the reason for it. I do not see that Senator in the Chamber. I ask that the bill may go over.

Mr. GALLINGER. That is a bill in which some friends of mine are interested. I do not rise to ask for action on it. It was reported without a written report, which is unfortunate, and I am going to move that it be recommitted to the committee. We never will pass it in its present form without a report.

The PRESIDENT pro tempore. The Senator from New Hampshire moves that the bill be recommitted to the Committee on Military Affairs.

The motion was agreed to.

BILLS, ETC., PASSED OVER.

The next business on the calendar was Senate resolution 375, proposing to discharge the Committee on the Judiciary from further consideration of the concurrent resolution (S. Con. Res. 4) instructing the Attorney General of the United States to prosecute the Standard Oil Co. and the American Tobacco Co.

Mr. CLARKE of Arkansas and Mr. GALLINGER. Let that go over.

The PRESIDENT pro tempore. The resolution goes over under objection.

The bill (H. R. 16461) to regulate judicial procedure of the courts of the United States was announced as next in order.

Mr. CATRON. Let that go over.

The PRESIDENT pro tempore. The bill goes over under objection.

The bill (H. R. 25741) amending section 3392 of the Revised Statutes of the United States, as amended by section 32 of the act of August 5, 1900, was announced as next in order.

Mr. KENYON. I ask that that bill may go over.

The PRESIDENT pro tempore. Being objected to, the bill goes over.

PROTECTION OF WATER SUPPLY IN COLORADO.

The bill (H. R. 23293) for the protection of the water supply of the city of Colorado Springs and the town of Manitou, Colo., was announced as next in order.

Mr. SMOOT. The Senator from Wyoming [Mr. CLARK] is not in the Chamber, and I understand that he desires to make a statement before the bill shall pass.

Mr. GUGGENHEIM. I have not been informed by the Senator from Wyoming that he objects to the bill. The fact is that the Senator from Wyoming is upon the Committee on Public Lands. If I remember correctly, I attended the meeting, and that Senator at that time voted in favor of this bill. I do not think, therefore, the Senator from Utah is justified in bringing up the question at this time.

Mr. SMOOT. I am justified in bringing up the question if there are a number of Senators who have stated that they wish to express their views on the bill when it comes before the Senate. While they voted to report it to the Senate many of them thought that the land ought to be given directly to the cities, rather than have a joint administration of the cities and the Government. The Senator from Colorado was at the committee meeting, and I suppose he remembers very well that that was the position of a great many Senators there.

Mr. GUGGENHEIM. My recollection is that there was one Senator who objected at the time, and he has since withdrawn his objection. I should like very much to have the bill considered. It has been on the calendar for some time. It has passed the House, and is a very meritorious and a very just bill. I feel constrained to move, notwithstanding the objection of the Senator from Utah, that the bill be taken up.

Mr. GALLINGER. The Senator can not make that motion.

Mr SMOOT. Of course, not under the rule we are proceeding, but I am not going to object to the consideration of the bill, after listening to the statement of the Senator from Colorado, any further than to say that I believe it was a very bad practice to establish to grant certain lands in any forest reserve for the protection of a watershed unless you grant it directly to the city and allow the city or cities, as the case may be, to control it.

In this bill we provide that there shall be a joint control between the city of Manitou and the city of Colorado Springs with the Forest Service. I think myself that it is rather a bad practice.

Now, that is all I want to say in relation to the bill, and I am not going to object to the present consideration of it.

Mr. GUGGENHEIM. Mr. President, the mayor of the city of Colorado Springs was in the city and appeared before the committee in reference to this bill. It received the support of that gentleman and also of the department. There is a very exhaustive report with the bill, and from what I can see it is a very meritorious measure. I trust that it may pass.

Mr. SMOOT. The mayor of the city would be more than pleased if the lands were given outright to the city and allow them to control them and patrol them in the future. There is not any question about that. But they did not think it could be passed in the House in that shape, and therefore the bill is here giving joint control to the cities and the Department of Agriculture.

Mr. GRONNA. I should like to ask the Senator from Utah a question. Has it been the policy of the department to administer lands in this way?

Mr. SMOOT. This is the first measure I remember passing the Senate where there was joint control of a watershed between cities and the Department of Agriculture.

Mr. GRONNA. The Senator from Utah is chairman of the Committee on Public Lands. Of course, he knows what the policy of the department is in this respect. May I ask him if it is the policy of the department to give the lands outright to the cities where needed for a watershed?

Mr. SMOOT. Time and again we have passed bills here for different cities within Colorado allowing the cities to buy the land at $1.25 an acre, but this bill provides that there shall be certain lands, I forget how many thousand acres, set aside for the purpose of the protection of watersheds at Colorado Springs and in Manitou, but it does not provide for the purchase of the lands. The lands are set apart for that purpose, and the joint control and patrol of them is to be in the future between the two cities and the Department of Agriculture.

I want to say to the Senator from Colorado, I am in sympathy with the idea and with what is to be accomplished by this bill, but to get it through Congress the mayor of Colorado Springs thinks that the bill provides now the only way of doing so at the present session of Congress.

Mr. GUGGENHEIM. This bill has passed the House of Representatives.

Mr. SMOOT. Yes; it passed the House of Representatives, but if it went into conference with any other provision they were afraid the House would not agree to it, and therefore we could not get it through at this session.

Mr. GUGGENHEIM. I should think that the Senator from Utah would permit the Senator from Colorado to take that chance.

Mr. SMOOT. I am not objecting to the consideration of the bill now. I have made my statement, and it shall pass as far as I am concerned. I was only answering the question of the Senator from North Dakota [Mr. GRONNA].

Mr. GALLINGER. If the Senator from Colorado will permit me, I observe that the department recommends the passage of the bill with an amendment which has been incorporated in the bill, and that the Interior Department says that consultation has been had with the Secretary of Agriculture, and he likewise approves of it.

Mr. GUGGENHEIM. Both the departments approve of it—the Agricultural Department and the Interior Department. As I have said, it is a very meritorious bill, and it is of a local nature.

Mr. GRONNA. May I ask the Senator from Colorado if the bill as it passed the House is, in substance, the same as the bill we now have before us?

Mr. GUGGENHEIM. This is the House bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments.

The first amendment was, in section 3, page 6, line 19, after the word "by," to strike out "the Secretary of Agriculture in cooperation with" and to insert "and at the expense of," and in line 21, after the word "Manitou," to insert "under the supervision of the Secretary of Agriculture," so as to make the section read:

SEC. 3. That the lands heretofore described and reserved for municipal water-supply purposes shall be administered by and at the expense of the city of Colorado Springs and the town of Manitou, under the supervision of the Secretary of Agriculture, for the purpose of storing and conserving the water supply, protecting them from pollution, and preserving the timber on said lands to more fully accomplish such purposes, and to that end said city and town shall each have the right, subject to approval by the Secretary of Agriculture, to the use of any and all parts of the lands reserved for them, respectively, for the storage and conveying of water, and the construction and maintenance thereon of reservoirs, pipes, mains, conduits, and other like improvements.

The amendment was agreed to.

The next amendment was, in section 5, page 7, line 24, after the word "heretofore," to insert "or hereafter"; in the same line, after the word "any," to insert "municipality"; and on page 8, line 1, after the word "thereof," to strike out "and now existing under and by virtue of the laws of the United States or of the State of Colorado" and to insert "or the water thereof," so as to make the section read:

SEC. 5. That this act shall be subject to all legal rights heretofore or hereafter acquired by any municipality, person, or persons in or to the above-described premises, or any part thereof, or the water thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

INCOME TAX.

Mr. BROWN. Mr. President, I am pleased to inform the Senate that advices from the States of Wyoming and Delaware to-day are to the effect that the income-tax amendment has been ratified by both States. The joint resolution originated in the Senate, and I congratulate the Senate on the part it played. The joint resolution having been favored by a special message by the President of the United States, I congratulate him, and I congratulate the American people on having ratified this, the sixteenth amendment to the Constitution.

SWAMP LAND IN NEVADA.

The bill (S. 4994) to authorize the inclosure of certain lands in the State of Nevada containing dangerous quagmires was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

HARRY S. WADE.

The bill (H. R. 15181) for the relief of Harry S. Wade was announced as the next in order.

Mr. CRAWFORD. Mr. President, I wish to say that is a very appealing case of personal injury. A laborer on the Government works out on one of the coast rivers lost his sight entirely and is almost totally deaf because of an explosion in

some dredging operations there in which there was negligence on the part of some of the employees above him.

This bill passed the House and came to the Senate and was reported to the Senate before the close of the last session in August. It was amended there by reducing the amount, and afterwards when a more complete statement of the facts was reported they appealed so strongly to the members of the committee that it was recalled after having been passed with this amendment, for the purpose of having it reconsidered so that the Senate might have an opportunity to pass it just as the House passed it.

A motion to reconsider has never in form been made, and I now move to reconsider the vote by which the amendment was adopted and the bill passed by the Senate at the last session, so that we may have it before the Senate for the purpose of passing it in the same form in which it passed the House. I make that motion.

The PRESIDENT pro tempore. What is the motion the Senator makes?

Mr. CRAWFORD. Pursuant to a notice which I gave some time ago, I move to reconsider the vote by which the Senate amended the bill H. R. 15181.

The PRESIDENT pro tempore. The Chair would suggest to the Senator that it is necessary to move to reconsider the vote by which the Senate passed the bill.

Mr. CRAWFORD. Very well; I put it, then, in that form. I want to put it in the right way, of course.

The PRESIDENT pro tempore. The question is on the motion of the Senator from South Dakota that the Senate reconsider the votes by which the bill was read the third time and passed by the Senate.

The motion to reconsider was agreed to.

The PRESIDENT pro tempore. The bill is before the Senate and the question is, the Chair presumes, upon the motion the Senator now makes.

Mr. CRAWFORD. What I desire is to abandon the amendment by which the amount was reduced from $2,500 to $1,500. This is a workingman who, as a result of the explosion, lost his sight, both eyes absolutely, and his hearing is also practically destroyed, and the physicians so report. It comes to us through the department.

The PRESIDENT pro tempore. The question is upon the motion to reconsider the vote by which the amendment of the committee was adopted.

The motion to reconsider was agreed to.

Mr. CRAWFORD. I ask that the amendment be rejected.

The PRESIDENT pro tempore. The affirmative is always put. The question is on the amendment which was proposed by the committee.

The amendment was rejected.

Mr. CRAWFORD. Now I ask that the bill be put upon its passage as it came from the House.

The bill was ordered to a third reading, read the third time, and passed.

CONNECTICUT RIVER DAM.

The bill (S. 8033) to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of Connecticut, was announced as next in order on the calendar.

Mr. GALLINGER. Let that go over.

The PRESIDENT pro tempore. The bill goes over on objection.

PROTECTION OF INTERSTATE SHIPMENTS.

The bill (H. R. 16450) to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, the unlawful entering of such cars, the stealing of freight and express packages or baggage or articles in process of transportation in interstate shipment, and the felonious asportation of such freight or express packages or baggage or articles therefrom into another district of the United States, and the felonious possession or reception of the same, was announced as next in order.

Mr. CLARKE of Arkansas. Mr. President, at the last session of the Senate when the calendar was considered I objected to this bill, not because I did not recognize the fact that it covered a subject matter which needed legislation, but because of my scruples against leaving to the Federal Government any more doubtful authority. In respect to the constitutionality of this bill it falls within the so-called twilight zone, which is gradually disappearing by surrender to the National Government in response to a demand for effective remedies for developed evils with which the State authorities seem wholly incompetent to deal.

It is said to be a fact by those whose investigations have covered the subject somewhat comprehensively that the breaking into interstate cars has become an evil of such magnitude that the State authorities are either unwilling or unable to deal with it, and that some remedy ought to be extended against a gang, band, or association of persons in existence who depredate upon property of that character. My whole trend of thought is in the direction of an effective Government. I am in favor of a Government that will govern, and I am in favor of an effective remedy wherever there is a developed evil that can not be successfully coped with. My scruples therefore are somewhat elastic, and in this particular case I am disposed to yield to the evident justice of the case and permit this bill to pass, and I intend to vote for it.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

The amendments were, on page 3, line 13, after the word "judgment," to strike out "or" and insert "of," and, in line 14, after the word "conviction," to insert "or acquittal on the merits," so as to make the bill read:

Be it enacted, etc., That whoever shall unlawfully break the seal of any railroad car containing interstate or foreign shipments of freight or express, or shall enter any such car with intent, in either case, to commit larceny therein; or whoever shall steal or unlawfully take, carry away, or conceal, or by fraud or deception obtain from any railroad car, station house, platform, depot, steamboat, vessel, or wharf, with intent to convert to his own use any goods or chattels moving as, or which are a part of or which constitute, an interstate or foreign shipment of freight or express, or shall buy, or receive, or have in his possession any such goods or chattels, knowing the same to have been stolen; or whoever shall steal or shall unlawfully take, carry away, or by fraud or deception obtain, with intent to convert to his own use, any baggage which shall have come into the possession of any common carrier for transportation from one State or Territory or the District of Columbia to another State or Territory or the District of Columbia, or to a foreign country, or from a foreign country to any State or Territory or the District of Columbia, or shall break into, steal, take, carry away, or conceal any of the contents of such baggage, or shall buy, receive, or have in his possession any such baggage or any article therefrom of whatsoever nature, knowing the same to have been stolen, shall in each case be fined not more than $5,000 or imprisoned not more than 10 years, or both, and prosecutions therefor may be instituted in any district wherein the crime shall have been committed. The carrying or transporting of any such freight, express, baggage, goods, or chattels from one State or Territory or the District of Columbia into another State or Territory or the District of Columbia, knowing the same to have been stolen, shall constitute a separate offense and subject the offender to the penalties above described for unlawful taking, and prosecutions therefor may be instituted in any district into which such freight, express, baggage, goods, or chattels shall have been removed or into which they shall have been brought by such offender.

SEC. 2. That nothing in this act shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof; and a judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution hereunder for the same act or acts.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

LANDS IN MONTANA.

The bill (S. 3130) to authorize the Secretary of the Interior to permit the Conrad-Stanford Co. to use certain lands was announced as next in order.

Mr. CLARK of Wyoming. I think that bill may, perhaps, give rise to some discussion. I object to its consideration.

The PRESIDENT pro tempore. The bill goes over under objection.

Mr. MYERS. I realize that Senators are probably not prepared to-day to discuss the bill, but if it does not meet with any objection I should like to have the bill set down for consideration on some certain day in the future.

Mr. CLARK of Wyoming. I do not know that I would object to that, but I am pretty sure that the discussion will take a very wide range.

Mr. MYERS. That is my object in asking to have the bill set down for consideration on some certain day, so that those who wish to express their views may have time to do so, which they probably would not have to-day.

Mr. CLARK of Wyoming. It occurs to me, Mr. President, that unanimous consent, perhaps, could not well be given while the Senate is so thin as it is at present.

Mr. MYERS. I must say I do not hear what the Senator says.

Mr. CLARK of Wyoming. I think I shall object.

The PRESIDENT pro tempore. The Senator from Wyoming objects.

CIGARS FURNISHED EMPLOYEES BY MANUFACTURERS.

Mr. BRYAN. When Calendar No. 949, being House bill 25741, was called, I understood the Chair to say that objection was made, but I am informed that the Senator from Iowa [Mr. KENYON] did not object to that calendar number, so I make the request that it be again called.

Mr. KENYON. My objection was intended to apply to Order of Business No. 942 and not to Order of Business No. 949.

The PRESIDENT pro tempore. Objection having been made inadvertently, the Secretary will again state Order of Business No. 949.

The SECRETARY. A bill (H. R. 25741) amending section 3392 of the Revised Statutes of the United States, as amended by section 32 of the act of August 5, 1900.

Mr. ROOT. I think that bill had better go over, Mr. President.

The PRESIDENT pro tempore. The bill goes over, under objection.

Mr. LODGE. Mr. President, I should like to make an appeal to have that objection withdrawn. All that the great mass of this bill does it to merely reenact existing law. The only thing it does is to permit the continuance of a custom which is as old as the trade. The workmen are allowed to have one or two cigars that are spoiled, that are not perfectly rolled. They are known as "smokers." This is to permit the workmen to have those cigars without tax. The law has been recently interpreted that those "smokers" should be taxed, and this is to exempt them from taxation. I believe it is a thoroughly just bill. The committee considered it very carefully and I hope it may be allowed to go through.

Mr. PENROSE. I wish to add, Mr. President, to what the Senator from Massachusetts has said, that such cigars are taken for the consumption of the workmen; they are not sold.

Mr. LODGE. That is entirely right. They are not taken for sale; they are taken only for the consumption of the workmen.

Mr. PENROSE. It seems to me to be a good standard for a cigar when the maker smokes it and can stand it. [Laughter.]

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. ROOT. I withdraw my objection.

The PRESIDENT pro tempore. The objection is withdrawn.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 3392 of the Revised Statutes of the United States, as amended by section 32 of the act of August 5, 1909, to read as follows:

SEC. 3392. All cigars weighing more than 3 pounds per thousand shall be packed in boxes not before used for that purpose containing, respectively, 5, 10, 12, 13, 25, 50, 100, 200, 250, or 500 cigars each; and every person who sells, or offers for sale, or delivers, or offers to deliver, any cigars in any other form than in new boxes as above described, or who packs in any box any cigars in excess of or less than the number provided by law to be put in each box, respectively, or who falsely brands any box, or affixes a stamp on any box denoting a less amount of tax than that required by law, shall be fined for each offense not more than $1,000, and be imprisoned not more than two years: *Provided*, That nothing in this section shall be construed as preventing the sale of cigars at retail by retail dealers from boxes packed, stamped, and branded in the manner prescribed by law: *Provided further*, That each employee of a manufacturer of cigars shall be permitted to use, for personal consumption and for experimental purposes, not to exceed 21 cigars per week without the manufacturer of cigars being required to pack the same in boxes or to stamp or pay any internal-revenue tax thereon, such exemption to be allowed under such rules and regulations as the Secretary of the Treasury may prescribe: *And provided further*, That every manufacturer of cigarettes shall put up all the cigarettes that he manufactures or has manufactured for him and sells or removes for consumption or use in packages or parcels containing 5, 8, 10, 15, 20, 50, or 100 cigarettes each, and shall securely affix to each of said packages or parcels a suitable stamp denoting the tax thereon, and shall properly cancel the same prior to such sale or removal for consumption or use, under such regulations as the Commissioner of Internal Revenue shall prescribe; and all cigarettes imported from a foreign country shall be packed, stamped, and the stamps canceled in like manner, in addition to the import stamp indicating inspection of the customhouse before they are withdrawn therefrom.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEGAL REPRESENTATIVES OF SAMUEL SCHIFFER.

The bill (H. R. 8861) for the relief of the legal representatives of Samuel Schiffer was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and to insert:

That the claim of the legal representatives of Samuel Schiffer, growing out of the purchase by the late firm of J. Schiffer & Co., of New York, of certain lots of cotton registered as turned over to or seized by the United States authorities at Savannah, Ga., about January, February, and March, 1865, in the names of Keziah Hall, M. Rich, Mrs. John (Catherine) Ruckert, A. Fawcett, Mary Haley, John Elkan, A. B. Wessolowsky, Lewis Levi, Raphael Cohen, Simon (or Solomon) Cotner, L. Hohenstein, S. W. Silverhill, Mrs. H. M. Kenney, and Mrs. Henry (Hannah) Fowler, be, and the same is hereby, referred with all accompanying papers to the Court of Claims, and jurisdiction is hereby conferred on said court to hear and determine the same, and to enter judgment for any amount found to be due as the net proceeds of the sale of said cotton or any part thereof. Said court is hereby authorized to consider said claim under the provision of section 162 of the act of March 3, 1911 (36 Stats., 1135, the Judicial Code), and to adjudge said claim, the act of July 2, 1864 (13 Stat. L., 376), and all other nonintercourse laws to the contrary notwithstanding.

Mr. SMOOT. Mr. President, I should like to ask the Senator who reported the bill if the amendment simply allows the claim to be referred to the Court of Claims, or does it give the Court of Claims any authority whatever to enter a judgment, to be paid by the Government without an act of Congress?

Mr. OLIVER. It does, Mr. President. It allows the Court of Claims to pass upon the merits of the claims, to make an award, and to enter judgment against the Government, to be paid without further action of Congress.

Mr. CRAWFORD. Does it allow an appeal to the Supreme Court?

Mr. OLIVER. Of course, at least it does not prevent it, and I assume that an appeal would lie in any event.

Mr. CRAWFORD. I presume it would.

Mr. OLIVER. If not, the bill can be so amended as to provide that an appeal will lie to the Supreme Court.

Mr. President, I may say that the bill as passed by the other House provided for the payment of $62,158.34; but when the bill was referred to me by the Committee on Claims, upon examination of the matter, while I was thoroughly satisfied of the justice of the claim, it seemed to me there were certain facts in connection with some of the claims, but only a small part of the claims, that ought to be inquired into by a court. I therefore reported to the committee that instead of providing for the direct payment of the claim it should be referred to the Court of Claims for consideration.

I will state that this claim has been before four different Congresses, has passed the Senate once or twice, and has passed the other House in the present Congress, and it now rests with us. The money has actually been in the Treasury of the Government ever since 1865, and the claim ought to be paid. It is a just claim; but in order to be absolutely certain about it, I thought it was better to refer the matter to the Court of Claims than for Congress to take the responsibility of withdrawing the money directly from the Treasury.

Mr. GALLINGER. Did I understand the Senator to say that the House bill provides for direct payment of the claim?

Mr. OLIVER. The House bill provides for direct payment of the claim without qualification. My amendment substitutes for that a provision for reference to the Court of Claims.

Mr. SMOOT. I should like to ask the Senator if the claim has ever been before the Court of Claims?

Mr. OLIVER. A part of this claim was before the Court of Claims and judgment awarded. It was appealed to the Supreme Court of the United States solely upon the question of the nonintercourse law which prevailed at that time, and it was reversed by the Supreme Court.

This cotton, Mr. President, was purchased somewhat under color of the authority of President Lincoln himself. The more I investigated the claim the better I became satisfied of its justice, except perhaps as to certain items of it. It may be that, upon inquiry by the Court of Claims, some of the items will be thrown out and the award will be for not so great a sum as is provided by the House bill. That is the only doubt that I have upon the subject.

Mr. SMOOT. I was going to say, Mr. President, that if the claim has already been before the Court of Claims and judgment has been awarded there, if sent back to the Court of Claims, perhaps the same judgment will be rendered. It seems to me that as the amendment is framed it would preclude the Government from appealing to the Supreme Court of the United States, for it reads:

And the same is hereby referred with all accompanying papers to the Court of Claims, and jurisdiction is hereby conferred on said court to hear and determine the same, and to enter judgment for any amount found to be due as the net proceeds of the sale of said cotton or any part thereof.

Mr. OLIVER. I would suggest that at the end of that clause there be inserted an additional amendment providing for an appeal to the Supreme Court of the United States. There is no objection to that.

Mr. SMOOT. If that be put in so that there will be no doubt as to right of appeal, I will not object to the consideration of the bill.

Mr. OLIVER. Then, Mr. President, I move that the committee amendment be amended by inserting after the word "thereof," in line 15, on page 2, the words:

The said judgment to be subject to an appeal to the Supreme Court of the United States.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MOTOR BOAT FOR CUSTOMS SERVICE.

The bill (H. R. 26549) to provide for the construction or purchase of motor boat for customs service was considered as in Committee of the Whole. It directs the Secretary of the Treasury to construct or purchase one gasoline motor boat for service in the customs collection district of Corpus Christi, Tex., at a cost not to exceed $6,000, but the Secretary of the Treasury may use the boat elsewhere than at Corpus Christi, as the exigencies of the service may require.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE L. THOMAS.

The bill (S. 7488) for the relief of George L. Thomas was considered as in Committee of the Whole. It directs the Postmaster General to credit to the accounts of George L. Thomas, postmaster at New Bethlehem, Pa., $5,711.93, and to certify the said credit to the Auditor for the Post Office Department, that being the amount of money-order funds embezzled by Ella E. Latimer, an employee in the post office, without fault or negligence on the part of George L. Thomas, and appropriates $5,711.93 for the payment of the claim.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN AID OF PUBLIC SCHOOLS.

The bill (S. 6507) to further assure title to lands granted the several States, in place, in aid of public schools was considered as in Committee of the Whole. It provides that where a grant of lands in place has heretofore been made or may hereafter be made to any State in aid of public schools the governor of any such State may cause to be listed with the Secretary of the Interior any sections or parts of sections so granted, and it shall be the duty of the Secretary of the Interior to examine such lists, and if the lands are found to be of the character so granted and free from valid adverse claim, initiated prior to the survey of the township in which they are situated, to certify them to the State entitled thereto in further assurance of title; but no such list shall be certified until the State shall have published, for a period of 30 days in a newspaper of general circulation in the vicinity of the land, a notice of the filing thereof, and as to lands hereafter surveyed such publication shall not be made until after the expiration of three months from the filing of the township plat of survey in the district land office. Nothing herein contained shall be construed to postpone the time of the attachment of the grant of such lands under existing law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. LODGE the title was amended so as to read: "A bill further to assure title to lands granted the several States, in place, in aid of public schools."

CORVALLIS AND YAQUINA BAY MILITARY WAGON ROAD.

The bill (H. R. 8151) providing for the adjustment of the grant of lands in aid of the construction of the Corvallis and Yaquina Bay military wagon road, and of conflicting claims to lands within the limits of said grant, was announced as next in order.

Mr. BURTON. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over on the objection of the Senator from Ohio.

Mr. CHAMBERLAIN. Mr. President, I trust the Senator will withdraw the objection. There is no adverse report on the bill, and it is merely a local measure.

Mr. BURTON. My objection was based on the portion of the report made by the Secretary of the Interior on the bill, in which he says:

> In conclusion the department must report adversely upon a bill which would permit selection of more than 9,000 acres, and suggests that if legislation is to be had relative to the adjustment of this grant any further measure of relief extended should not permit of selection in excess of 1,848.84 acres, and such selections should be restricted to the unreserved, unoccupied, nonmineral, surveyed public lands of the United States in the State of Oregon subject to homestead entry.

Mr. CHAMBERLAIN. Mr. President, if the Senator will look at the bill further he will find that it has been amended to conform exactly to the report of the Secretary of the Interior. There is no question about it.

Mr. SMOOT. If the Senator will allow me a moment, the first section of the bill provides:

> That the Secretary of the Interior be, and he is hereby, authorized and directed to cause patents to be issued conveying to the administrator of the estate of T. Egenton Hogg 1,848.84 acres.

That is the number of acres, as the Senator from Ohio will notice, which the Secretary says should be allowed to be selected.

Mr. BURTON. Do the Senator from Oregon and the Senator from Utah state that this bill is now in the form approved by the Secretary of the Interior?

Mr. SMOOT. It is.

Mr. CHAMBERLAIN. Yes. If it is not, I will be very glad to withdraw my approval of it at any time.

Mr. BURTON. Then, I will make no further objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGES AT MINNEAPOLIS, MINN.

The bill (S. 8248) to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn., was considered as in Committee of the Whole. It proposes to extend the time for commencing and completing the construction of the bridge authorized by the act of Congress approved January 27, 1912, to be built across the Mississippi River, from the intersection of Nineteenth Avenue south and Bluff Street to the intersection of Tenth and University Avenues southeast, in the city of Minneapolis, Minn., to one year and three years, respectively.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. LODGE. Mr. President, I suggest that the next three bills are precisely the same as the bill just passed, providing for extending the time for the construction of bridges at Minneapolis at different points, and I ask unanimous consent that all three bills may be read the third time and passed. As I have said, they are exactly the same, except as to the location of the bridges.

Mr. GALLINGER. I will have to object to that, Mr. President. Let the bills be taken up in order.

The PRESIDENT pro tempore. The bills will have to be considered in their order.

The bill (S. 8249) to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 8251) to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 8250) to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROCK RIVER BRIDGE AT COLONA FERRY, ILL.

The bill (H. R. 27157) granting an extension of time to construct a bridge across Rock River at or near Colona Ferry, in the State of Illinois, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

The joint resolution (H. J. Res. 226) for the appointment of three members of the Board of Managers of the National Home for Disabled Volunteer Soldiers was announced as next in order.

Mr. CLARKE of Arkansas. I understand the senior Senator from Missouri [Mr. STONE] desires to be present when that joint resolution is considered. For that reason I object to its present consideration.

The PRESIDENT pro tempore. The joint resolution will go over under objection.

CHARLES S. JACKSON.

The bill (H. R. 20385) to reimburse Charles S. Jackson was considered as in Committee of the Whole. It proposes to appropriate $82 to reimburse Charles S. Jackson, late lieutenant, Eleventh Regiment United States Cavalry, for the amount paid by him by deduction from his pay as lieutenant for hire of a mount, equipments, and forage under the order of the chief quartermaster at Atlanta, Ga., dated the 5th of April, 1910,

which mount and equipments were used by him in connection with progressive military-map work in the Department of the Gulf, to which he had been detailed by proper authority.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC PARK IN THE DISTRICT OF COLUMBIA.

The bill (S. 7772) to authorize the condemnation of land for a park at the intersection of Twenty-sixth Street, Twenty-seventh Street, and Q Street NW., and a highway from said park along the boundary of Oak Hill Cemetery and across the north part of square 1284 to Twenty-ninth and R Streets was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in section 2, page 2, line 15, after the word "damages," to strike out:

Provided, however, That of the amount found to be due and awarded by the jury in said condemnation proceeding as damages for and in respect of the land to be taken in said condemnation proceeding herein authorized, plus the costs and expenses of the proceeding, not less than one-half thereof shall be assessed by the jury as benefits against those lots, pieces, or parcels of land situate, lying, or being within an assessment area hereby created, which assessment area shall embrace all of the area lying within the distance of 1 mile from any point of said park and connecting highway: *Provided further,* That all land owned by the United States or the District of Columbia lying within said assessment area shall be exempt from assessment; which benefits, when collected, shall be covered into the Treasury of the United States to the credit of the revenues of the District of Columbia and the United States in equal parts.

So as to make the section read:

SEC. 2. That there is hereby appropriated, one-half from the revenues of the District of Columbia and one-half from any money in the United States Treasury not otherwise appropriated, an amount sufficient to pay the necessary costs and expenses of said condemnation proceeding taken pursuant hereto and for the payment of amounts awarded as damages.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSISSIPPI RIVER RAILWAY BRIDGE.

The bill (S. 8182) granting to the Inter City Bridge Co., its successors and assigns, the right to construct, acquire, maintain, and operate a railway bridge across the Mississippi River was announced as next in order.

Mr. CUMMINS. Mr. President, that is the bill which was called up this morning by the Senator from Illinois [Mr. CULLOM]. An understanding was reached that the bill was not to be considered until we have an opportunity to examine it. Therefore I ask that it go over.

The PRESIDENT pro tempore. The bill will go over under objection.

RESTRAINT OF TRADE.

The bill (H. R. 25002) to amend sections 73 and 76 of the act of August 27, 1894, was announced as next in order.

Mr. SMITH of Maryland. I ask that that bill go over.

The PRESIDENT pro tempore. The bill will be passed over under objection.

Mr. CUMMINS subsequently said: Mr. President, while the Senator from Maryland [Mr. SMITH] is here, I desire to give notice that I shall call up for consideration to-morrow morning, after the routine morning business, House bill 25002, being Order of Business 1021. It is a very important measure, and it is thought by those who have proposed it and those who have considered it to be so important that it should be promptly considered. I desired to make that statement before the Senator from Maryland left the Chamber.

Mr. SMITH of Maryland. I will say to the Senator that I do not know that I shall offer any objection whatever to the bill. My object in asking to have it go over was, inasmuch as I had received some letters from constituents calling my attention to it, that I wanted to make some inquiry in regard to the measure.

Mr. CUMMINS. I do not want to call it up before the Senator from Maryland has had full opportunity to examine it; but there is a real and immediate demand for the legislation. I hope the Senator from Maryland will be able to examine it by to-morrow morning.

Mr. SMITH of Maryland. I merely desire to make some inquiry about it. I do not know that I shall object to it at all, and I do not know just whether the inquiries that I have will have any effect at all upon my mind. I merely wanted to ascertain about some features of it.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 8274) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole. It proposes to pension the following-named persons at the rates per month stated:

William Q. Mahan, late of Company G, Thirty-third Regiment Illinois Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Elmer Howe, late of Company L, Twenty-second Regiment New York Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Annie George, widow of Philip George, alias Archie Thompson, late of Company G, Thirteenth Regiment Wisconsin Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Flavius J. Jordan, late of Company L, Thirteenth Regiment Missouri Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Ellen E. Payne, widow of Charles W. Payne, jr., late of Company C, Sixth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Sarah A. Perkins, widow of George A. Perkins, late of Company A, One hundred and eleventh Regiment New York Volunteer Infantry, $12 per month.

John Murphy, late of Company C, First Regiment New Hampshire Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

John M. Guthrie, late of Company B, Twenty-fourth Regiment Iowa Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Fannie L. Graham, widow of John L. Graham, late of Company B, Sixth Regiment Connecticut Volunteer Infantry, $12 per month.

Reuben Bronson, late of Company E, Forty-eighth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Mary E. Briggs, widow of Benajor A. Briggs, late of Company D, Thirtieth Regiment Wisconsin Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Susannah Elmore, former widow of James B. Long, late of Company G, Ninety-ninth Regiment Indiana Volunteer Infantry, $12 per month.

John Dodgion, late of Company F, Fifth Regiment Provisional Enrolled Missouri Militia, $24 per month in lieu of that he is now receiving.

Wiley C. Hunter, late of Company A, Second Regiment North Carolina Volunteer Mounted Infantry, $24 per month in lieu of that he is now receiving.

James A. Swaney, late of Company D, Fortieth Regiment Missouri Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Aldano Neal, late of Capt. Chandler's company, National Guards, New Hampshire Militia, $20 per month in lieu of that he is now receiving.

Samuel Elliott, late of Company A, Seventh Regiment Pennsylvania Reserves Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William Cook, late of Company A, Ninety-fifth Regiment Pennsylvania Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Henry E. Hayes, late second lieutenant Company I, Tenth, Regiment New York Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Samuel M. Skelton, late of Company F, Ninety-first Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Elijah H. Spencer, late of Companies B and H, Twenty-first Regiment Missouri Volunteer Infantry, $30 per month in lieu of that he is now receiving.

James H. Cowan, late of Company K, Fifteenth Regiment Missouri Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

William H. Chapman, late of Company B, Fourth Regiment West Virginia Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Warner P. Price, late of Company A, Fifteenth Regiment West Virginia Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Jacob Bowser, late of Company C, Fourth Regiment Ohio Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Henry Basemann, late of Company E, Twelfth Regiment Kansas Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Elmer Joseph, late of Company G, Fifty-third Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Lorenzo Birch, late of Company D, Eighty-seventh Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Daniel Van Syckel, late of Company I, Forty-seventh Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Frederick H. Williams, late of Company I, Thirty-first Regiment Wisconsin Volunteer Infantry, and Company E, Eighteenth Regiment United States Infantry, $30 per month in lieu of that he is now receiving.

Titus Rexroad, now known as Titus S. Rector, late of Company A, One hundred and twenty-fifth Regiment United States Colored Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Martha A. Johnson, widow of Albert H. Johnson, late of Company H, First Battalion, Fourteenth Regiment United States Infantry, $20 per month in lieu of that she is now receiving.

John Moulton, late of Company K, Third Regiment Vermont Volunteer Infantry, $40 per month in lieu of that he is now receiving.

James B. Davis, late quartermaster sergeant Sixth Regiment West Virginia Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Sarah F. Elwell, widow of William H. Elwell, late acting ensign, United States Navy, $20 per month in lieu of that she is now receiving.

Lyman B. Gillett, late of Company K, Twenty-third Regiment Illinois Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Sarah J. Wilson, former widow of Reason H. Wilson, late of Company G, Fourteenth Regiment West Virginia Volunteer Infantry, $12 per month.

Oliver Jones, late of Company G, Eighth Regiment Minnesota Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Abel Grovenor, late captain Company C, Hatch's Independent Battalion Minnesota Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Henry Harris, late of Company D, First Regiment West Virginia Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Byron M. Standish, late of Company K, One hundred and forty-fifth Regiment Ohio National Guard Infantry, $30 per month in lieu of that he is now receiving.

Jane Starrett, widow of William P. Starrett, late of Company F, One hundred and fifty-first Regiment Pennsylvania Volunteer Infantry, $12 per month.

William H. Warren, late of Company C, Seventeenth Regiment Connecticut Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George W. Sills, late of Company E, Second Regiment Potomac Home Brigade, Maryland Volunteer Infantry, $30 per month in lieu of that he is now receiving.

James R. C. Fink, late of Company M, Second Regiment Pennsylvania Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Arthur F. McNally, late of Company K, Twelfth Regiment West Virginia Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Walter Niles, late of Company A, Twenty-fourth Regiment Michigan Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Amos R. Sutton, late of Company K, Twenty-sixth Regiment Illinois Volunteer Infantry, $24 per month in lieu of that he is now receiving.

John H. Howlett, late of Capt. Degge's Company A, Fifth Battalion District of Columbia Militia Infantry, $12 per month.

George W. Youngs, late of Company D, Sixth Regiment Connecticut Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Frankie E. Bedell, widow of Byron C. Bedell, late of Company L, Seventh Regiment Michigan Volunteer Cavalry, and Company C, Third Regiment Veteran Reserve Corps, $20 per month in lieu of that she is now receiving.

Joseph Cole, late of Company F, Thirty-fourth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Jonas Skinner, late of Company E, Eighty-second Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William Monks, late captain Company K, Sixteenth Regiment Missouri Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Inger A. Steensrud, widow of Anthon A. Steensrud, alias Anthony Olson, late of Company B, Sixth Regiment Wisconsin Volunteer Infantry, and Company B, Twenty-first Regiment Veteran Reserve Corps, $20 per month in lieu of that she is now receiving.

Renhard Habig, late of Battery H, First Regiment West Virginia Volunteer Light Artillery, $24 per month in lieu of that he is now receiving.

Marion O. Brown, late of Company C, Second Regiment Colorado Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

John E. Watkins, late of Company G, Third Regiment Wisconsin Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Samuel Green, late of Company H, Fifth Regiment United States Colored Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George H. Batchelder, late of Company D, Fourth Regiment Iowa Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

George H. Torrence, late of Company B, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Levi H. Hahn, late of Company I, Forty-fifth Regiment Pennsylvania Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Joseph Johnson, late of Company B, Eleventh Regiment Connecticut Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Arbell Skaggs, widow of John C. Skaggs, late of Company E, Thirty-seventh Regiment Kentucky Volunteer Infantry, $12 per month.

Clara H. Scott, widow of David E. Scott, late of Company D, Twenty-third Regiment Ohio Volunteer Infantry, $12 per month.

Charles W. Ash, late of Company C, Thirty-third Regiment, and Company I, Twenty-sixth Regiment, Kentucky Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William H. Clouser, late of Company I, Eighty-fourth Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Thomas S. Underwood, late of Battery E, Third Regiment United States Artillery, $24 per month in lieu of that he is now receiving.

Charlotte Lewis McMahon, widow of Michael McMahon, late of Company I, Eighth Regiment New York Volunteer Heavy Artillery, and former widow of Merritt Lewis, late of Company K, Seventh Regiment Michigan Volunteer Cavalry, $12 per month.

George W. Thompson, late of Company D, Thirty-seventh Regiment Kentucky Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Frederick D. Skinner, late musician, band, Fifth Regiment New York Volunteer Infantry, $12 per month.

Catherine Benson, widow of Andrew J. Benson, late of Battery B, First Regiment Michigan Volunteer Light Artillery, $20 per month in lieu of that she is now receiving.

William Putnam, late chaplain One hundred and sixtieth Regiment New York Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Ezekiel R. Thomas, late of Company D, Nineteenth Regiment Maine Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Lucius E. Fletcher, late of Company H, Fourth Regiment Wisconsin Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Samuel E. Merriam, late of Company A, Tenth Regiment Vermont Volunteer Infantry, and Battery E, First Regiment United States Artillery, $24 per month in lieu of that he is now receiving.

William J. Heal, late of Company H, Fourth Regiment, and Company H, Nineteenth Regiment, Maine Volunteer Infantry, $40 per month in lieu of that is now receiving.

Andrew E. Clark, late captain Company F, Twenty-sixth Regiment Maine Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Isaac A. Conant, late of Company I, Twenty-sixth Regiment Maine Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Thomas McKenna, late of Company A, First Regiment Connecticut Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Ophelia A. Comstock, widow of Daniel E. Comstock, late of Company K, Twenty-seventh Regiment Massachusetts Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Mary J. Weeks, widow of William L. Weeks, late of Company I, Third Regiment New Hampshire Volunteer Infantry, and Company K, Fifteenth Regiment, and Company H, Second Regiment, New Jersey Volunteer Infantry, $20 month in lieu of that she is now receiving.

Luriette S. Case, widow of John E. Case, late of Company E, Sixteenth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Adaline Minnett, widow of Charles W. Minnett, late of Company F, Twenty-first Regiment New Jersey Volunteer Infantry, $20 per month in lieu of that she is now receiving.

John G. K. Ayers, late of Company H, Eighth Regiment Missouri Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Anna M. Johnson, widow of John B. Johnson, late captain Company D, One hundred and thirty-seventh Regiment Illinois Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Thomas B. Foutty, late of Company C, Second Regiment West Virginia Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Moses Rowell, late of Company I, Eleventh Regiment, and Company I, Sixth Regiment, New Hampshire Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Huldah Nesbitt, former widow of Allen Nesbitt, late of Company K, Thirty-fifth Regiment Iowa Volunteer Infantry, $20 per month.

Charles S. Penley, late of Company H, Twenty-third Regiment Maine Volunteer Infantry, and unassigned company, Maine State Guards, $24 per month in lieu of that he is now receiving.

David H. Gray, late of Company A, Fourteenth Regiment Maine Volunteer Infantry, $40 per month in lieu of that he is now receiving.

John Snyder, late of Company K, Thirty-first Regiment New Jersey Volunteer Infantry, and Company C, One hundred and thirty-fifth Regiment Ohio National Guard Infantry, $30 per month in lieu of that he is now receiving.

Mary M. Croft, widow of Charles I. Croft, late hospital steward, First Regiment California Volunteer Cavalry, $24 per month in lieu of that she is now receiving.

Riley Hawley, late of Company I, Forty-fourth Regiment Wisconsin Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Mary E. Workman, widow of Stephen H. Workman, late of Company G, One hundred and seventeenth Regiment Ohio Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Hellen L. Chatfield, widow of Markus M. Chatfield, late of Company B, First Regiment Iowa Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

John Sanderson, late of Company A, Fifty-eighth Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Caroline J. McBratney, widow of Sherman McBratney, late of Company M, Tenth Regiment Ohio Volunteer Cavalry, $12 per month.

John C. Vennum, late of Company B, Seventy-fifth Regiment Illinois Volunteer Infantry, $36 per month in lieu of that he is now receiving.

John Painter, late of Company C, First Regiment Arkansas Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Lefford Mathews, late of Company D, First Regiment Arkansas Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Francis W. Crumpton, late of Company B, Second Regiment Missouri State Militia Cavalry, $40 per month in lieu of that he is now receiving.

John Wells, late of Company A, Second Regiment Rhode Island Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Charles Herbstreith, late of Company F, Eleventh Regiment Illinois Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Joseph Girdler, late of Company C, Second Regiment Kentucky Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Harvey T. Smith, late of Company B, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Francis M. Bishop, alias Marion F. Bishop, late first lieutenant Company E, First Regiment Michigan Volunteer Infantry, and captain Company H, Second Regiment United States Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Richard T. Blaikie, late of Company B, Eighty-second Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Marcellus B. Kent, late of Company I, Forty-sixth Regiment Illinois Volunteer Infantry, $40 per month in lieu of that he is now receiving.

George W. Seymour, late of Company D, Twenty-second Regiment Connecticut Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Lucinda M. Fuller, widow of Henry A. Fuller, late of Company M, First Regiment New Hampshire Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

John Emanuel Smith, late of Twenty-sixth Unattached Company, Massachusetts Militia Infantry, $30 per month in lieu of that he is now receiving.

Catherine Soper, widow of Edward B. Soper, late of Company C, Twenty-second Regiment Connecticut Volunteer Infantry, $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 8275) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole. It proposes to pension the following-named persons at the rates per month stated:

John W. Slaughter, late of Company L, Second Regiment Kentucky Volunteer Infantry, War with Spain, $20 per month in lieu of that he is now receiving.

Warren Hilliard, late of Company B, Eighteenth Regiment United States Infantry, War with Spain, $8 per month.

Louisa A. Thatcher, widow of Joseph L. Thatcher, late carpenter, United States Navy, and dependent mother of William J. Thatcher, late chief turret captain, U. S. S. *Georgia*, United States Navy, $24 per month in lieu of that she is now receiving.

George Hollederer, late of Troop I, Third Regiment United States Cavalry, $12 per month.

Charles W. Camp, late of Company M, Twenty-seventh Regiment United States Volunteer Infantry, War with Spain, $20 per month in lieu of that he is now receiving.

George R. Smith, late of Company B, One hundred and sixtieth Regiment Indiana Volunteer Infantry, War with Spain, $20 per month.

Edward Seaton, late of Company K, Forty-fourth Regiment United States Volunteer Infantry, $15 per month in lieu of that he is now receiving.

Florida Kennerly, widow of Pierre M. Kennerly, late of Capt. McKinstry's Volunteers, War with Mexico, $20 per month in lieu of that she is now receiving.

Charles M. Baughman, late of Company K, Sixth Regiment Illinois Volunteer Infantry, War with Spain, $30 per month.

Elizabeth S. Lewerenz, widow of Alfred C. Lewerenz, late civil engineer, United States Navy, $40 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said Alfred C. Lewerenz until he reaches the age of 16 years.

Minnie Wadsworth Wood, widow of Oliver E. Wood, late colonel, Artillery Corps, and brigadier general, United States Army, retired, $40 per month in lieu of that she is now receiving.

Francis Redmond, late of Troop K, Ninth Regiment United States Cavalry, and Hospital Corps, United States Army, $12 per month.

Charles E. Harris, late of Company G, Tenth Regiment United States Infantry, War with Spain, $12 per month.

Annie V. Smith, widow of Sebree Smith, late captain Third Regiment United States Artillery, $30 per month in lieu of that she is now receiving.

Barbara B. Haws, widow of William Haws, late of Capts. Robert Thomas and Coleman Boren's companies, Utah Volunteers, Utah Indian war, $12 per month.

Martha A. Hughes, widow of Edward M. Hughes, later commander, United States Navy, $40 per month in lieu of that she is now receiving.

Charles L. Stevens, late of Troop E, Fifth Regiment United States Cavalry, $16 per month.

Emily W. Tilley, widow of Benjamin F. Tilley, late rear admiral, United States Navy, $50 per month in lieu of that she is now receiving.

James McMahon, late of Company B, Twenty-sixth Regiment United States Infantry, $30 per month in lieu of that he is now receiving.

Israel Wood, late of Company K, First Regiment Oregon Riflemen, Cayuse Indian war, $16 per month in lieu of that he is now receiving.

George W. Thurman, late of Capt. Abel George's Company B, Second Regiment Oregon Mounted Volunteers, $16 per month in lieu of that he is now receiving.

Andrew G. Aiken, late of Capt. William H. Harris's company of Minute Men, Ninth Regiment Oregon Mounted Volunteers,

Oregon and Washington Territory Indian war, $16 per month in lieu of that he is now receiving.

James P. Bartlett, late of Capt. William Strong's Company A, Washington Mounted Volunteers, Oregon and Washington Territory Indian war, $16 per month in lieu of that he is now receiving.

Mary F. Read, widow of Thomas Read, late of Company A, Fourth Regiment United States Infantry, War with Mexico, $20 per month in lieu of that she is now receiving.

William Cornell, late of Company M, First Regiment United States Volunteer Engineers, War with Spain, $10 per month.

Michael Hoffman, late of Company B, United States Mounted Rifles, Texas and New Mexico Indian war, $16 per month in lieu of that he is now receiving.

Ornan F. Hibbard, late of Capt. Hiram Wilbur's Company B, First Regiment Oregon Volunteers, Oregon and Washington Territory Indian war, $16 per month in lieu of that he is now receiving.

Emma Myers, widow of Fred Myers, late of Troop K, Sixth Regiment United States Cavalry, $12 per month.

Frederick M. Douglass, late of Capt. Stewart's company, First Regiment Florida Mounted Volunteers, Seminole Indian war, $16 per month in lieu of that he is now receiving.

Sara S. Dowdy, widow of Robert W. Dowdy, late major, Twenty-sixth Regiment United States Infantry, $25 per month.

Green Hines, dependent father of Hilton P. Hines, late of Company F, Second Regiment United States Infantry, War with Spain, $24 per month in lieu of that he is now receiving.

Esther B. Shultz, widow of Joseph S. Shultz, late civil engineer, with rank of lieutenant, United States Navy, $35 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of the said Joseph S. Shultz until she reaches the age of 16 years.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROOF OF SIGNATURES AND HANDWRITING.

The bill (H. R. 20102) relating to proof of signatures and handwriting was announced as next in order.

Mr. LODGE. Let that bill go over, Mr. President.

The PRESIDENT pro tempore. The bill will go over under objection.

Mr. KENYON. Mr. President, I should like to inquire what is the objection to this bill.

Mr. LODGE. I made objection under a misapprehension. I thought the bill read was Order of Business 1025. It was my mistake. I have no objection whatever to Order of Business 1029, being House bill 20102.

Mr. JONES. I desire to call the attention of the Senate to the fact that Order of Business No. 1025 has already been passed, and should not be on the calendar.

The PRESIDENT pro tempore. The Chair has been informed that Order of Business 1025, being Senate resolution 418, and Order of Business 1028 have heretofore been disposed of, and should not now be on the calendar.

Mr. LODGE. I find there are a number of bills on the calendar that have been previously passed, such as the agricultural extension bill. I do not know why they are kept on the calendar.

The PRESIDENT pro tempore. Those which have been passed are not, of course, being laid before the Senate. The Senator from Massachusetts withdraws his objection to the consideration of House bill 20102.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, in line 3, before the word "officer," to insert "judicial," so as to make the bill read:

Be it enacted, etc., That in any proceeding before a court or judicial officer of the United States where the genuineness of the handwriting of any person may be involved, any admitted or proved handwriting of such person shall be competent evidence as a basis for comparison by witnesses, or by the jury, court, or officer conducting such proceeding, to prove or disprove such genuineness.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS PASSED OVER.

The bill (H. R. 27475) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was announced as next in order.

Mr. BRYAN. Let that bill go over, Mr. President.

The PRESIDENT pro tempore. The bill will go over.

Mr. McCUMBER. Mr. President, was objection made to the consideration of House bill 27475? I did not hear it.

Mr. BRYAN. I objected to the consideration of the bill.

The PRESIDENT pro tempore. The bill goes over, under objection.

The bill (S. 4241) to encourage rifle practice and promote a patriotic spirit among the citizens and youth of the United States was announced as next in order.

Mr. McCUMBER. I object to the consideration of that bill.

The PRESIDENT pro tempore. The bill will be passed over, under objection.

The bill (S. 8188) to amend section 113 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1912, was announced as next in order.

Mr. LODGE. I object to that bill.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 110) to authorize the sale and disposition of a portion of the surplus and unallotted lands in Todd and Bennett Counties, in Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect, was announced as next in order.

Mr. SMOOT. Let that go over for the day.

The PRESIDENT pro tempore. The bill goes over, under objection.

The bill (S. 8297) to transfer the Pacific Branch of the National Home for Disabled Volunteer Soldiers to the War Department was announced as next in order.

Mr. JONES. The Senator from Kansas [Mr. BRISTOW] was uncertain in committee whether he was in favor of that bill or not. As he is not present, I ask that it go over.

The PRESIDENT pro tempore. The bill will go over under objection.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 8314) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole. It proposes to pension the following-named persons at the rates per month stated:

Kate Brown, widow of William N. Brown, late of Companies E and K, Sixty-fifth Regiment Illinois Volunteer Infantry, $20 per month in lieu of that she is now receiving.

James R. Haldeman, late first lieutenant Company E, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Mary Francis, widow of John A. Francis, late second lieutenant Company F, Eighteenth Regiment Connecticut Volunteer Infantry, $24 per month in lieu of that she is now receiving.

Jane De Graw, widow of Charles R. De Graw, late of Company A, Twenty-second Regiment New Jersey Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Carrie Engberg, widow of Peter Engberg, late of Company G, Seventh Regiment Minnesota Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Sarah E. McCann, widow of Francis McCann, late of Company K, Fourth Regiment Rhode Island Volunteer Infantry, and First Company, Second Battalion Veteran Reserve Corps, $24 per month in lieu of that she is now receiving.

Susan M. Sumner, widow of John H. Sumner, late captain Company A, Third Regiment Michigan Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Mary J. Anderson, widow of James S. Anderson, late of Company G, One hundred and twenty-second Regiment Ohio Volunteer Infantry, $20 per month in lieu of that she is now receiving.

John W. Anderson, late of Company A, Sixth Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

John S. Rodgers, late of Independent Battery F, Pennsylvania Volunteer Light Artillery, $30 per month in lieu of that he is now receiving.

John G. Myers, late of Company A, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Andrew J. Furry, late of Company E, First Regiment United States Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Charles F. Cooken, late of Company F, Forty-fifth Regiment Iowa Volunteer Infantry, $24 per month in lieu of that he is now receiving.

William Robertson, late of Company C, Fourteenth Regiment United States Infantry, $30 per month in lieu of that he is now receiving.

George W. Leslie, late of Company I, Fourth Regiment Pennsylvania Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

William H. Weber, late of Company C, Thirty-sixth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George Ketzler, late of Company B, Fiftieth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

August Schurman, late of Company B, Seventy-fourth Regiment New York Volunteer Infantry, and Company C, Twentieth Regiment Veteran Reserve Corps, $30 per month in lieu of that he is now receiving.

Samuel J. Riley, late of Company C, Fifteenth Regiment Missouri Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

William E. Huestis, late of Company F, Fifth Regiment Kansas Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Orlina M. Cadwell, widow of George Cadwell, late of Company B, Forty-ninth Regiment Massachusetts Volunteer Infantry, $20 per month in lieu of that she is now receiving.

George Warnick, late of Company H, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Louis M. Lea, late of Company D, One hundred and forty-eighth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Thomas F. Stevens, late of Company B, One hundred and twenty-second Regiment Illinois Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Darwin Zeek, late of Company E, One hundred and fourth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

David F. Stewart, late of Company A, Fifth Regiment Indiana Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Nathan Vanaman, late of Company D, Twelfth Regiment West Virginia Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Joseph Johnson, late of Company G, Eighth Regiment Illinois Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

John N. Postlethwait, late of Company A, Eleventh Regiment West Virginia Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John Miller, late of Company H, Fifty-second Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John O. Branson, late of Company B, One hundred and thirty-fourth Regiment Indiana Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Adam P. S. Poisal, late of Company F, Second Potomac Home Brigade Maryland Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Francis M. Hanes, late of Company B, Eighth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John L. Skinner, jr., late second lieutenant Company E, One hundred and fortieth Regiment Illinois Volunteer Infantry, $24 per month in lieu of that he is now receiving.

John P. Glenn, late of Company B, Eighth Regiment Iowa Volunteer Cavalry, and Company D, Seventeenth Regiment Veteran Reserve Corps, $30 per month in lieu of that he is now receiving.

William A. Stewart, late of Company A, Twenty-seventh Regiment Iowa Volunteer Infantry, $24 per month in lieu of that he is now receiving.

William Turnbeaugh, late of Company E, Eighteenth Regiment Missouri Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Julia A. Snedeker, widow of George W. Snedeker, late of Company C, Eighty-fifth Regiment Indiana Volunteer Infantry, $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Gertrude M. Snedeker, helpless and dependent child of said George W. Snedeker, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Julia A. Snedeker the name of the said Gertrude M. Snedeker shall be placed on the pension roll, at $12 per month, from and after the date of death of said Julia A. Snedeker.

Martha R. Brown, widow of Preston W. Brown, late of Company I, Fourth Regiment Michigan Volunteer Cavalry, $12 per month.

Elias Redmon, late of Company B, One hundred and twenty-fourth Regiment United States Colored Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George Moffatt, late of Company B, Fifty-second Regiment Wisconsin Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Kate F. Sage, widow of George D. Sage, late paymaster's steward, U. S. S. North Carolina and Coeur de Leon, United States Navy, $20 per month in lieu of that she is now receiving.

Myra Van Winkle, widow of Barrack S. Van Winkle, late of Company H, Thirty-first Regiment Iowa Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Charles G. Glidden, late of Company C, Twenty-second Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Clara V. King, widow of Charles King, late of Company B, First Regiment Michigan Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

James Griffey, late of Company H, Twenty-seventh Regiment United States Colored Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Sarah F. Boynton, widow of David C. Boynton, late of Company B, Fifth Regiment Minnesota Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Emiles Pomeroy, late of Company K, Eighty-third Regiment Pennsylvania Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Fannie M. Page, widow of Fernando Page, late of Company K, Third Regiment Michigan Volunteer Infantry, $12 per month.

Thomas Gannon, late of U. S. S. *Sabine*, *Potomac*, and *Stockdale*, United States Navy, $24 per month in lieu of that he is now receiving.

Orlan A. Hibbs, late of Company A, Seventeenth Regiment Kentucky Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

William H. Hall, late of Company B, Fourteenth Regiment Connecticut Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William T. Francis, late of Company C, Thirtieth Regiment Kentucky Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Marshall D. House, late of Company C, Sixteenth Regiment Connecticut Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Henry McClure, late of Company G, Thirteenth Regiment Kentucky Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Mary J. Wood, widow of Warren M. Wood, late of Company E, Second Regiment Connecticut Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Ephraim Benedict Murphy, alias Ephraim Benedict, late of Company B, Sixty-first Regiment Massachusetts Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Jay Doty, late of Company C, Twenty-third Regiment Connecticut Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Lorenzo F. Nolan, late of Company I, Forty-fourth Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Erastus G. Cummings, late of Company I, Twentieth Regiment Maine Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Victoria L. McHone, widow of Lewis McHone, late second lieutenant Company B, Ninth Regiment Kansas Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Margaret L. Thompson, former widow of William B. Hooper, late of Company L, First Regiment New Jersey Volunteer Cavalry, $12 per month.

Daniel Hand, late of Company K, Eighty-eighth Regiment Indiana Volunteer Infantry, $12 per month.

Horace C. Webber, late of Company L, First Regiment Maine Volunteer Heavy Artillery, $50 per month in lieu of that he is now receiving.

Stanley H. Husted, late of Company B, First Regiment Wisconsin Volunteer Heavy Artillery, and second lieutenant Company F, Twelfth Regiment United States Colored Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

Joseph Cassiday, late of Company C, Second Regiment Maryland Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

William L. Sheaff, late of Company I, One hundred and twenty-ninth Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Louis C. Emmett, late of Company C, First Regiment Oregon Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Christian Bowman, late of Company D, Two hundred and first Regiment Pennsylvania Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Stephen Collar, late of Company F, Thirteenth Regiment Michigan Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Baxter Johnson, late of Company I, Seventh Regiment Michigan Volunteer Infantry, and Company F, Twenty-eighth Regiment United States Infantry, $30 per month in lieu of that he is now receiving.

Mary E. Allen, widow of Charles G. Allen, late captain Company D, Fourteenth Regiment United States Colored Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Georgiana Packard, widow of George W. Packard, late of Company A, Ninth Regiment Kansas Volunteer Cavalry, and Company G, Eighth Regiment United States Veteran Volunteer Infantry, $24 per month in lieu of that she is now receiving.

Josephine E. Miller, widow of Abraham B. Miller, late pilot U. S. S. Minnesota, United States Navy, $12 per month.

Delia H. Austin, widow of John F. Austin, late captain Company M, Seventeenth Regiment Illinois Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Wendell P. Hood, late of Company F, Forty-eighth Regiment Massachusetts Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Lucy Gamble, widow of David W. Gamble, late of Company C, Fifteenth Regiment West Virginia Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Elizabeth Croft, widow of William M. Croft, late of Company A, Ninth Regiment Pennsylvania Reserves Volunteer Infantry, and Company B, One hundred and ninetieth Regiment Pennsylvania Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Stephen B. Johnson, late of Company I, Eleventh Regiment New York Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Ferdinand O. Tennison, late of Company D, Third Regiment Missouri State Militia Cavalry, $30 per month in lieu of that he is now receiving.

Thomas Moody, late of Company F, Second Regiment Missouri State Militia Cavalry, $30 per month in lieu of that he is now receiving.

Charles Belknap, late of Company E, Nineteenth Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ENLARGED HOMESTEAD.

The bill (H. R. 23351) to amend an act entitled "An act to provide for an enlarged homestead" was considered as in Committee of the Whole. It proposes to amend sections 3 and 4 of the act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, and of an act entitled "An act to provide for an enlarged homestead," approved June 17, 1910, so as to read as follows:

SEC. 3. That any homestead entryman of lands of the character herein described, upon which entry final proof has not been made, shall have the right to enter public lands, subject to the provisions of this act, contiguous to his former entry, which shall not, together with the original entry, exceed 320 acres.

SEC. 4. That at the time of making final proofs, as provided in section 2291 of the Revised Statutes, the entryman under this act shall, in addition to the proofs and affidavits required under said section, prove by two credible witnesses that at least one-sixteenth of the area embraced in such entry was continuously cultivated for agricultural crops other than native grasses beginning with the second year of the entry, and that at least one-eighth of the area embraced in the entry was so continuously cultivated beginning with the third year of the entry: *Provided*, That any qualified person who has heretofore made or hereafter makes additional entry under the provisions of section 3 of this act may be allowed to perfect title to his original entry by showing compliance with the provisions of section 2291 of the Revised Statutes respecting such original entry, and thereafter in making proof upon his additional entry shall be credited with residence maintained upon his original entry from the date of such original entry, but the cultivation required upon entries made under this act must be shown respecting such additional entry, which cultivation, while it may be made upon either the original or additional entry, or upon both entries, must be cultivation in addition to that relied upon and used in making proof upon the original entry; or, if he elects, his original and additional entries may be considered as one, with full credit for residence upon and improvements made under his original entry, in which event the amount of cultivation herein required shall apply to the total area of the combined entry, and proof may be made upon such combined entry whenever it can be shown that the cultivation required by this section has been performed; and to this end the time within which proof must be made upon such combined entry is hereby extended to seven years from the date of the original entry: *Provided further*, That nothing herein contained shall be so construed as to require residence upon the combined entry in excess of the period of residence, as required by section 2291 of the Revised Statutes.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DESERT-LAND ENTRIES IN CALIFORNIA.

The bill (S. 7875) to exempt from cancellation certain desert-land entries in the Chuckawalla Valley and Palo Verde Mesa, Riverside County, Cal., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment, on page 2, line 3, after the word "east," to insert "San Bernardino meridian," so as to make the bill read:

Be it enacted, etc., That no desert-land entry heretofore made in good faith under the public-land laws for lands in townships 4 and 5 south, range 15 east; townships 4 and 5 south, range 16 east; townships 4, 5, and 6 south, range 17 east; townships 5, 6, and 7 south, range 18 east; townships 6 and 7 south, range 19 east; townships 6 and 7 south, range 20 east; townships 4, 5, 6, 7, and 8 south, range 21 east; townships 5, 6, and 7 south, range 22 east; township 5 south, range 23 east San Bernardino meridian, shall be canceled prior to May 1, 1916, because of failure on the part of the entryman to make any annual or final proof falling due upon any such entry prior to May 1, 1916.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONFEDERATE CEMETERY AT LITTLE ROCK, ARK.

The bill (H. R. 24365) providing for the taking over by the United States Government of the Confederate cemetery at Little Rock, Ark., was announced as next in order.

Mr. SMOOT. Mr. President, I should like to ask the Senator from Arkansas what special reason there is for the United States Government to take over the Confederate cemetery at Little Rock, Ark.?

Mr. CLARKE of Arkansas. The reasons are largely sentimental. The fact is that the National Government maintains quite a considerable cemetery at that particular point. Near there, or just adjoining there, on a small tract of land 400 by 200 feet, or possibly larger than that, are buried the remains of quite a number of Confederate soldiers. It was thought to be in accordance with the progress of reconciliation which has already taken place that those cemeteries be under one control, something after the fashion of that adopted at Springfield, Ill. The expense is a nominal one. I personally had thought that possibly the ex-Confederates might keep it up. But it was deemed to be the sentiment of the community that there should be no longer two managements of that particular resting place of those who had distinguished themselves upon that occasion which has now become a memory so dear to all of us.

There is much to be said, or nothing to be said, on the subject one way or the other. If it is intended to be debated, there would be much to be said upon it. If the propriety of it does not occur to the Senator immediately upon the statement, it probably would require some elaborate argument to convince him.

Mr. SMOOT. I asked the Senator the question because of the fact that I thought perhaps there was some special reason for this. I notice that he says that they are adjoining each other.

Mr. CLARKE of Arkansas. They are immediately adjoining. There is just a stone wall between them.

Mr. SMOOT. I wish to ask the question whether the same help that takes care of the national cemetery at Little Rock of the Federal soldiers will take care of the Confederate cemetery?

Mr. CLARKE of Arkansas. That is the understanding. The expense will be nominal.

Mr. SMOOT. The only expense would be $2,125 a year?

Mr. CLARKE of Arkansas. No, sir; that would be the entire expense of making the opening in the wall and making such repairs as may be required. The entire expense now of maintaining the cemetery there is probably $2,000 a year. The understanding is that it will not add materially to the expense of maintaining the cemetery.

Mr. SMOOT. I see that the Quartermaster General states that there is no objection on the part of his office to the favorable consideration of the bill, but if it becomes a law it will be necessary to make provision for placing it in the proper repair by increasing the appropriation for the care and maintenance of national cemeteries for the fiscal year 1914.

Mr. CLARKE of Arkansas. At present the Confederate cemetery is not kept up as well as the national cemetery adjoining, and the probabilities are that the walks would be improved and a variety of little improvements would be made that would be necessary to make it conform to the general appearance of the other cemetery.

Mr. SMOOT. Mr. President, as the two cemeteries adjoin, I shall not object.

Mr. MARTINE of New Jersey. Mr. President, with the Senator's permission, I beg to say that it was my privilege when at Little Rock a few months or weeks ago to visit this spot. Immediately the question was raised in my mind, and I so expressed it, that it seemed a bit of dire neglect that the soldiers' graves on one side were so beautifully taken care of and the others were in a most chaotic and neglected state; and I recall having suggested to the gentlemen who were with me that it seemed sad and unfortunate——

Mr. GALLINGER. That did not reflect on the Government, however.

Mr. MARTINE of New Jersey. Not at all, sir—that 50 years had passed since that horrid strife, and God's green grass grew alike over them both, and did its best to obliterate the horrid thoughts and memories of the past. It seemed to me ungenerous, to say no more, that within this distance of 30 or 40 feet this plat should be so neglected, and I expressed my hope that the United States, in its generosity and charity, would in the very near future take that in, and that they might all be cared for alike.

It is useless to contend now as to the sentiments or as to the reasons of the strife. They were all of God's creation, and all of one great, glorious, and grand country. The cost of maintaining that little plat could be but a pittance, the remains of a few Confederate soldiers; and I do plead with all the earnestness of my nature that the Senate of the United States may do its part toward obliterating the evidences of that horrid strife in that little plat.

Mr. SMOOT. There is nobody objecting, so far as I know.

Mr. MARTINE of New Jersey. I know that; but I say, at the same time, that I really ache sometimes for the opportunity to give vent to my sentiments in a case that is so deserving as I feel this is.

Mr. McCUMBER. Let the matter go over for the present.

The PRESIDENT pro tempore. Objection being made, the bill will go over.

Mr. CLARKE of Arkansas subsequently said: I ask unanimous consent to take up the bill (H. R. 24365) providing for the taking over by the United States Government of the Confederate cemetery at Little Rock, Ark. The bill has been read.

The PRESIDENT pro tempore. The Senator from Arkansas asks that the Senate consider the bill indicated by him. Is there objection?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HERMAN C. FUNK.

The bill (S. 4549) to place the name of Sergt. Herman C. Funk upon the officers' retired list was considered as in Committee of the Whole. It authorizes the President to place the name of Herman C. Funk on the retired list created by the act of Congress approved March 2, 1907, with the rank, pay, and allowances of a sergeant of infantry retired.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to place the name of Herman C. Funk upon the retired list created by act approved March 2, 1907."

OFFICERS DETAILED FOR AVIATION DUTY.

The bill (H. R. 17256) to fix the status of officers of the Army and Navy detailed for aviation duty, and to increase the efficiency of the aviation service, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That after the passage and approval of this act the pay as now or as may be hereafter fixed by law for officers of the Regular Army, Navy, and Marine Corps shall be 20 per cent additional for such officers as are now or may be hereafter detailed by the Secretary of War or the Secretary of the Navy on aviation duty: *Provided*, That this increase of pay shall be given to such officers only as are actually engaged in the flying of heavier-than-air craft, and while so detailed, as provided herein: *Provided further*, That no officer holding rank above that of captain shall receive the additional pay provided for by this act: *And provided further*, That at the same time no more than 30 officers of the Army and 30 officers of the Navy and Marine Corps shall be detailed to the aviation service.

SEC. 2. That all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

REFUND OF TONNAGE TAXES.

The bill (H. R. 2359) to refund certain tonnage taxes and light dues was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to refund the following amounts to the respective named companies, assessed and collected under section 4225, Revised Statutes, which amounts are hereby appropriated: Ninety-three dollars in the case of the American dredge *Erie*, without enrollment, upon the application of the Duluth-Superior Dredging Co.; and $270 in the case of American scows *Nos. 1* and *2*, American dredge *Lincoln*, and American derrick-scow *No. 1*, without enrollment, upon the application of the Duluth Marine Contracting Co.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. That concludes the calendar.

LAND IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. The bill (S. 1899) to repeal a portion of an act heretofore passed relating to the alienation of the title of the United States to land in the District of Columbia some way got under Rule IX and has escaped my attention. It is a bill recommended by the Department of Justice, the Commissioners of the District of Columbia, and Gen. Bixby, of the Engineer Corps. I hope it will be taken up now and passed. There is no objection to it, as far as I know.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to repeal section 2 of the act approved March 3, 1899 (30 Stats., 1346), authorizing and directing the Secretary of War to correct the records of the War Department in respect to any of the lots mentioned in Senate Document No. 277, Fifty-fifth Congress, second session.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FLATHEAD IRRIGATION PROJECT.

Mr. SMOOT. The bill (S. 5957) providing for the issuance of patents to entrymen for homesteads in the so-called Flathead irrigation project is on the calendar under Rule IX. I move its indefinite postponement.

The motion was agreed to.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 2 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 4, 1913, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 3, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord, our God and our Father, we approach Thee in the sacred attitude of prayer in faith and confidence that by the uplift of the moment we may receive of that spirit which knows no anger, turmoil, nor strife, but which is "first pure, then peaceable, gentle, and easy to be entreated, full of mercy and good fruits," that we may leave behind us a record clean, pure, after the similitude of the Prince of Peace. Amen.

The Journal of the proceedings of Sunday, February 2, 1913, was read and approved.

RESIGNATION OF REPRESENTATIVE SHEPPARD.

The SPEAKER laid before the House the following communication, which was read by the Clerk:

FEBRUARY 3, 1913.

Hon. CHAMP CLARK,
Speaker House of Representatives.

MY DEAR SIR: I have this day notified the governor of Texas of my resignation as a Member of the House of Representatives from the first Texas district, said resignation to be effective immediately.

Yours, very truly,

MORRIS SHEPPARD.

THE LATE REPRESENTATIVE CONNELL.

Mr. AYRES. Mr. Speaker, I ask unanimous consent for the present consideration of the following order, which I send to the Clerk's desk.

The Clerk read as follows:

Ordered, That Sunday, February 16, 1913, be set apart for addresses upon the life, character, and public services of Hon. RICHARD E. CONNELL, late a Representative from the State of New York.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of the order. Is there objection?

There was no objection.

The order was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 12813. An act to refund duties collected on lace-making and other machines and parts or accessories thereof imported subsequently to August 5, 1909, and prior to January 1, 1911.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 78. Joint resolution proposing an amendment to the Constitution of the United States.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 8190. An act authorizing settlers on unsurveyed lands to make final proof under laws existing at the time of settlement;

S. 8273. An act authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls; and

S. 8139. An act for the relief of William W. Prude.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 8190. An act authorizing settlers on unsurveyed lands to make final proof under laws existing at the time of settlement; to the Committee on the Public Lands.

S. 8273. An act authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls; to the Committee on Military Affairs.

S. 8139. An act for the relief of William W. Prude; to the Committee on Military Affairs.

S. J. Res. 78. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

MALAMBO FIRE CLAIMANTS.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to discharge the Committee on Appropriations from the further consideration of the bill H. R. 23836, and refer it to the Committee on Claims.

The SPEAKER. The gentleman from New York asks unanimous consent to discharge from further consideration the Committee on Appropriations and refer to the Committee on Claims the bill of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 23836) to enable the Secretary of War to pay the amount awarded to the Malambo fire claimants by the joint commission under article 6 of the treaty of November 18, 1903, between the United States and Panama.

The SPEAKER. Is there objection?

There was no objection.

HOT SPRINGS RESERVATION, ARK. (H. DOC. NO. 1331).

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to print as a House document the document prepared by the Interior Department showing the receipts and expenditures on account of the Hot Springs Reservation, Ark., and refer it to the Committee on Appropriations.

The SPEAKER. The gentleman from New York asks unanimous consent to have printed as a House document the report of the Arkansas Hot Springs Reservation and refer it to the Committee on Appropriations. Is there objection?

Mr. MANN. Reserving the right to object, what is this report?

Mr. FITZGERALD. It is a statement showing the receipts and expenditures of the Hot Springs Reservation during the last three years. It shows the receipts from the sale of lots. It was brought before the committee in a hearing, and I think it is of sufficient importance to have it printed as a House document rather than in the hearings of the committee.

Mr. MANN. Why does it go to the Committee on Appropriations instead of to the Committee on Public Lands?

Mr. FITZGERALD. It comes in connection with some estimates that are before the committee in connection with the reservation.

The SPEAKER. Is there objection?

There was no objection.

PENSIONS.

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent that the House insist on its amendments to the bill S. 8035, granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and wars other than the Civil War, and to certain widows and dependent relatives of said soldiers and sailors, and agree to the conference asked for.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the House insist on its amendments to the bill S. 8035 and agree to the conference. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. RICHARDSON, Mr. DICKSON of Mississippi, and Mr. WOOD of New Jersey.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. This is Unanimous Consent Calendar Day, and the Clerk will report the first bill on that calendar.

CHOCTAW AND CHICKASAW INDIANS.

The first bill on the Unanimous Consent Calendar was the bill (H. R. 25507) to authorize certain changes in homestead allotments of the Choctaw and Chickasaw Indians in Oklahoma.

The Clerk began the reading of the bill.

Mr. CARTER. Mr. Speaker, I have little hope of this bill getting through by unanimous consent, and I ask to have it passed on the calendar without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

EXCHANGE OF LANDS FOR SCHOOL SECTIONS WITHIN AN INDIAN, MILITARY, NATIONAL FOREST, OR OTHER RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25738) to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes.

The bill was read.

The SPEAKER. This bill is on the Union Calendar.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole House on the state of the Union.

Mr. MARTIN of South Dakota. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. MARTIN of South Dakota. The question of unanimous consent has not been put to the House.

The SPEAKER. Is there objection?

Mr. KNOWLAND. Mr. Speaker——

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to suggest to the gentleman first, that this is a House bill on this calendar, and that later on the calendar, as the gentleman knows, there is a Senate bill. Why not strike this bill off the Calendar for Unanimous Consent and let whatever disposition is made depend upon what is done with the Senate bill?

Mr. RAKER. I desire to substitute at this time the Senate bill and lay aside the House bill.

Mr. MANN. Well, the Senate bill will be reached in due time, and it can be disposed of. When the Senate bill is reached the proposition can be disposed of, and therefore I object to the consideration of this bill.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar. The Clerk will report the next bill.

COAL MINING COMPANIES IN THE STATE OF OKLAHOMA.

The next business on the Calendar for Unanimous Consent was the bill (S. 3843) granting to the coal-mining companies in the State of Oklahoma the right to acquire additional acreage adjoining their mine leases, and for other purposes.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior, under rules and regulations to be prescribed by him, may grant to the operator of any coal mine or mines in the State of Oklahoma the right to acquire additional acreage from the unleased segregated coal land of the Choctaw and Chickasaw Nations, in the State of Oklahoma, not to exceed in any case 640 acres of land: *Provided*, That the land sought to be acquired adjoins and is contiguous to the coal-mining property in operation: *And provided further*, That the right to acquire such additional lands shall extend only to coal-mining corporations, individual, or individuals actually operating coal mines in said State in good faith, and in only such cases as may be found necessary for the successful administration of such mine: *And provided further*, That the lease or leases on such additional coal lands shall not be made for a longer period of time than existing leases and shall not be made at a less rate of royalty than the rate of royaty paid on existing leases now in operation in said State of Oklahoma.

SEC. 2. That all parts of the act entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw Tribes of Indians, and for other purposes," passed and approved July 1, 1902, in conflict with the provisions of this act are hereby repealed.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object——

Mr. CARTER. Mr. Speaker, in explanation of this measure I will say that this is simply a proposition to provide for the leasing of new lands for mining purposes which lie adjacent to present leases. The act of June 28, 1898, provided for the leasing of all of the coal lands in the Choctaw and Chickasaw Nations in Oklahoma, making an arbitrary rate of royalty to 12 cents per ton, as I now recall, on screened coal. By that law the Secretary of the Interior was permitted to change the rate of royalty when he thought it necessary, and the rate was afterwards changed to 8 cents per ton for mine run, which those who are familiar with coal mining will know is a much better rate for the lessor than 10 cents on the screened basis.

Under that law something over 100 leases were taken out for the mining of coal, running for 30 years from the date of the lease, but on July 1, 1902, you had the so-called supplemental agreement providing for the sale of those coal lands. Advertisements were made for bids, and numerous bids were received, but none, in the opinion of the Secretary of the Interior, of sufficient price to warrant the sale of the land. So coal mining drifted along under this lease system, until some leases have been worked out completely; that is to say, worked up to the limit of the leases. No further progress can be made until some authority be given by this Congress to the Secretary of the Interior permitting him to make additional leases, at least to the operators who heretofore have operated the mines in good faith. Now, if this bill is not passed, the natural result will be that the old openings will fill up with water and the coal, which is the property of the Indians, will be damaged and perhaps destroyed and the Indians will get absolutely nothing from it. If this bill is permitted to pass, then the Secretary can go ahead and make new leases to the old operators under the same condition of their old leases and the Indians continue to get 8 cents per ton royalty, for this provides a royalty basis by tonnage and no sale of the land giving anyone any advantage over another person.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. CARTER. I yield to the gentleman from South Dakota.

Mr. BURKE of South Dakota. As I understand the law at the present time no new leases can be made of any coal lands in the Choctaw and Chickasaw Nations?

Mr. CARTER. That was stopped by the act of July 1, 1902.

Mr. BURKE of South Dakota. And that act was passed on the theory that the lands were going to be sold, and they did not want to have them leased.

Mr. CARTER. That is true.

Mr. BURKE of South Dakota. Now, recently we have enacted a law by which it is proposed to dispose of the surface——

Mr. CARTER. Yes.

Mr. BURKE of South Dakota (continuing). And not sell the coal. So that in fact there ought to be some legislation to dispose of coal by lease or otherwise. But this bill only goes to the extent of permitting the Secretary of the Interior to lease not exceeding 640 acres of land contiguous to land that has been worked out to a person who holds a lease. Is not that correct?

Mr. CARTER. That is true.

Mr. BURKE of South Dakota. Unless there is some such legislation an operator who has exhausted the coal in the land covered by his lease will have to cease operations. Is not that true?

Mr. CARTER. That is true.

Mr. BURKE of South Dakota. And he will therefore lose to a very great extent the value of his machinery, and so forth, that he has there?

Mr. CARTER. Not only that, if the present openings are abandoned, they will fill up with water and the coal belonging to the Indians will be very badly and permanently damaged.

Mr. BURKE of South Dakota. The money that is received from coal royalties is used, I believe, for the purpose of education among the Chickasaw and Choctaw Indians. So that there ought not to be any objection to this bill. But I will say there ought to be general legislation permitting the leasing of these coal lands.

Mr. CARTER. I expected to cover all that in the course of my remarks, and I am very glad the gentleman from South Dakota has brought it out in such a lucid manner.

Mr. STEPHENS of Texas. The attorneys here in Washington representing them are in favor of this bill for the reason that it will add considerable to the amount of revenue they will receive for the coal mined?

Mr. CARTER. That is true.

Mr. STEPHENS of Texas. New railroad tracks will have to be put down, and unless the mines start it would be an insecure position for them to take. In other words, it would injure them greatly. So that under these leases the adjoining lands can be operated under existing leases and plants now in operation?

Mr. CARTER. That is true.

Mr. MANN. Now, Mr. Speaker, will the gentleman from Oklahoma yield?

Mr. CARTER. Yes.

Mr. MANN. How many coal operators are there on these lands now holding leases?

Mr. CARTER. Do you mean the number of leases or the number of operators?

Mr. MANN. The number of men.

Mr. CARTER. I can not say accurately, Mr. Speaker, but I would judge that there were some 50 or more.

Mr. MANN. How many leases are held?

Mr. CARTER. Something over 100, if I remember correctly.

Mr. MANN. That is, the same operator holds more than one lease in many cases?

Mr. CARTER. Yes, in some instances; but a great many of them have only one.

Mr. MANN. How much coal is being mined there?

Mr. CARTER. I think about 3,000,000 tons per annum.

Mr. MANN. How many of these leases are there where the coal is practically exhausted under the present leases?

Mr. CARTER. There are about half a dozen at present, I presume.

Mr. MANN. What is the size of these leases, ordinarily?

Mr. CARTER. Nine hundred and sixty acres. The gentleman will understand, though, that the leases were made at an early day, before the coal crop was well defined, and by saying 960 acres of leased land it might not necessarily follow that there are 960 acres of coal, because much of the land that was first leased was found afterwards to be barren of coal.

Mr. MANN. The gentleman proposes in the bill the limitation of 640 acres. That means that the new leases shall not cover more than 640 acres in any case?

Mr. CARTER. That is the intention.

Mr. MANN. When the coal is exhausted on that 640 acres the same conditions will exist then as exist now on the present leases?

Mr. CARTER. Undoubtedly, unless we have legislation in the meantime taking care of that.

Mr. MANN. What does this bill mean when it says that operators may acquire additional acreage?

Mr. CARTER. That means that they may acquire the lease within the discretion of the Secretary. At least, that is the intention of it.

Mr. STEPHENS of Texas. Not to exceed 640 acres.

Mr. MANN. Do the terms mean to acquire the title to operate? Does it mean there to acquire a title to this 640 acres?

Mr. CARTER. That is not the intention of it. It was meant to acquire a lease of 640 acres.

Mr. MANN. That is not what the bill says.

Mr. CARTER. If the title might be said to exist to a lease, they might acquire that title, might they not?

Mr. MANN. Would the gentleman have any objection to making that read "acquire by lease" wherever they use the term "acquire"?

Mr. CARTER. None in the least. I think that is a good suggestion.

Mr. CAMPBELL. I will state to the gentleman from Illinois [Mr. MANN] that that is the only way he could acquire it now, except by violating the law.

Mr. MANN. But here is proposed a new law to permit them to acquire the property.

Mr. CAMPBELL. But this does not repeal the general law.

Mr. MANN. I beg the gentleman's pardon. It proposes to repeal the existing law and all laws that may be in conflict with it.

Mr. BURKE of South Dakota. Mr. Chairman, I would like to ask the gentleman whether, if you change the word "acquire" to "lease," so as to permit the acquiring of the right to lease, that would not meet the objection, and strike out the word "acquire" entirely?

Mr. MANN. I had it marked that way in my bill, but——

Mr. BURKE of South Dakota. I think by changing the word "acquire" to "lease" would accomplish what is proposed by the framers of the bill.

Mr. CARTER. Strike out "acquire" and insert "lease" will answer every purpose.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. CARTER. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Oklahoma [Mr CARTER] asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection?

Mr MANN. I object to that.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects.

Mr. CARTER. Mr. Speaker, I move to go into the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Oklahoma [Mr. CARTER] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (S. 3843) granting to the coal-mining companies in the State of Oklahoma the right to acquire additional acreage adjoining their mine leases, and for other purposes, with Mr. HUMPHREYS of Mississippi in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of Senate bill 3843, which the Clerk will report.

The Clerk read the title of the bill, as follows:

An act (S. 3843) granting to the coal-mining companies in the State of Oklahoma the right to acquire additional acreage adjoining their mine leases, and for other purposes.

Mr. CARTER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with. It has just been read.

The CHAIRMAN. The gentleman from Oklahoma [Mr. CARTER] asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. CARTER. Mr. Chairman, aside from the amendments that have been suggested by the gentleman from Illinois [Mr. MANN] I do not care to make any further discussion on the bill, and so I ask that it be read under the five-minute rule for amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior, under rules and regulations to be prescribed by him, may grant to the operator of any coal mine or mines in the State of Oklahoma the right to acquire additional acreage from the unleased segregated coal land of the Choctaw and Chickasaw Nations, in the State of Oklahoma, not to exceed in any case 640 acres of land: *Provided*, That the land sought to be acquired adjoins and is contiguous to the coal-mining property in operation: *And provided further*, That the right to acquire such additional lands shall extend only to coal-mining corporations, individual or individuals actually operating coal mines in said State in good faith, and in only such cases as may be found necessary for the successful administration of such mine: *And provided further*, That the lease or leases on such additional coal lands shall not be made for a longer period of time than existing leases and shall not be made at a less rate of royalty than the rate of royalty paid on existing leases now in operation in said State of Oklahoma.

Mr. STEPHENS of Texas. Mr. Chairman, I want to say, for the information of the gentleman from Illinois [Mr. MANN], a word regarding the proviso beginning on line 5, page 2. I do not think it would be necessary for him to offer any amendment, because this proviso makes it perfectly plain. The bill provides—

That the lease or leases on such additional coal lands shall not be made for a longer period of time than existing leases and shall not be made at a less rate of royalty than the rate of royalty paid on existing leases now in operation in said State of Oklahoma.

Mr. MANN. What is the object in leaving the matter open to construction when there are two constructions, and we mean only one thing and can say so?

Mr. STEPHENS of Texas. I will say to the gentleman from Illinois that in my opinion the whole section should be construed together, and it is perfectly clear that this last provision shall apply only to leases. It says—

That the lease or leases on such additional coal lands shall not be made for a longer period of time than existing leases and shall not be made at a less rate of royalty than the rate of royalty paid on existing leases now in operation in said State of Oklahoma.

Mr. MANN. I do not agree with the gentleman as to that.

Mr. STEPHENS of Texas. From that it is perfectly apparent that only leasing can be done under this act.

Mr. MANN. No; that applies only when leases are made, and under the former part of the bill they might pass title to the property.

Mr. STEPHENS of Texas. I beg leave to differ with the gentleman. The language is perfectly plain.

Mr. MANN. I have great deference for the opinion of my friend from Texas, and yet when you are passing a bill why not make it clear beyond a question of construction?

Mr. Chairman, I move to strike out, in line 6, page 1, the word "acquire" and insert the word "lease."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

Amend, page 1, line 6, by striking out the word "acquire" and inserting the word "lease."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. In line 10 strike out the word "acquired" and insert the word "leased."

The Clerk read as follows:

Page 1, line 10, strike out the word "acquired" and insert the word "leased" in lieu thereof.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move, in line 11, after the word "property," to insert the words "of the applicant," so that it will read:

Contiguous to the coal-mining property of the applicant in operation.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, line 11, by inserting after the word "property" the words "of the applicant."

Mr. STEPHENS of Texas. There is no objection to that.

The amendment was agreed to.

Mr. MANN. I move to amend, on page 2, line 1, by striking out the word "acquire" and inserting the word "lease"

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, line 1, strike out "acquire" and insert "lease."

The amendment was agreed to.

Mr. MANN. In line 7, page 2, after the word "leases," insert "of the respective applicants."

The Clerk read as follows:

Page 2, line 7, after the word "leases," insert the words "of the respective applicants."

The amendment was agreed to.

Mr. BURKE of South Dakota. Mr. Chairman, I move to strike out the last word for the purpose of getting some information. I call the attention of the gentleman from Oklahoma [Mr. CARTER] to the language that appears in the last proviso of section 1 on page 2, where it is provided that the royalty shall not be—

a less rate of royalty than the rate of royalty paid on existing leases now in operation in said State of Oklahoma.

I suppose it is intended that the royalty shall not be less than the operator is paying under the lease that he now has. Will the gentleman explain what is intended by the language:

And shall not be made at a less rate of royalty than the rate of royalty paid on existing leases now in operation in said State of Oklahoma.

That might mean any leases in Oklahoma.

Mr. CARTER. They have now an arbitrary rate of royalty at 8 cents per ton, and under the law the rate must be uniform.

Mr. BURKE of South Dakota. That is what I wanted to know—whether there are any coal lands in Oklahoma leased at less than that rate.

Mr. CARTER. They are all at a flat rate of 8 cents per ton, with the right of the Secretary of the Interior either to increase or reduce the rate.

Mr. BURKE of South Dakota. Let me ask the gentleman if there is any operator who is paying a greater royalty than 8 cents?

Mr. CARTER. There is not at present in Oklahoma.

Mr. BURKE of South Dakota. It occurs to me that if an operator was paying 10 or 12 cents and we granted him a lease of additional land adjoining that which he is now operating he ought not to have the lease at less than he is now paying.

Mr. CARTER. All leases are at the same flat rate—8 cents per ton mine run.

Mr. MILLER. I move to strike out the last two words for the purpose of asking another question. As I understand there are two methods of paying royalties on coal, both per ton, but one for mine run and the other for screened coal.

Mr. CARTER. No; it is a flat rate of 8 cents a ton, mine-run coal, for all leases in Oklahoma.

Mr. MILLER. I admit that in the Choctaw and Chickasaw countries there is only one method, which is 8 cents per ton mine run, but my additional inquiry is if there is not another method in use elsewhere?

Mr. CARTER. Perhaps so, but not on the land in question here.

Mr. MILLER. There is some controversy as to which brings in the largest remuneration to the mine owner. It has been found there, has it not, that this method of paying 8 cents per ton mine run is more valuable to the owner of the mine than, say, 12 cents per ton screened coal?

Mr. CARTER. Mr. Chairman, that would depend, of course, on the amount of slack that the coal might run. The coal in Oklahoma would, I judge, run about 30 per cent to 50 per cent slack, so that the rate of 8 cents a ton would produce a much larger royalty than 10 or 12 per ton on screen basis.

Mr. MILLER. Under this bill is it not possible for the Secretary of the Interior to prescribe almost any reasonable sum as a royalty, provided it is not less than 8 cents, mine run?

Mr. CARTER. He can raise or lower it, as he sees fit, above or below 8 cents a ton.

Mr. MILLER. How can he bring it below under this bill?

Mr. MANN. He can not bring it below 8 cents under this bill.

Mr. CARTER. I was speaking of the present law.

Mr. MILLER. This bill safeguards the Indians from every standpoint as long as the Secretary of the Interior faithfully does his work.

Mr. CARTER. The bill gives safeguards to the leases made under its provisions which do not now exist in regard to other leases of land.

Mr. MILLER. This, as the gentleman knows, is touching on a subject that a great many minds have a right to be active about. Is it not the gentleman's opinion that there should be some comprehensive general legislation in the near future to take care of this entire coal question of the Choctaws and Chickasaws?

Mr. CARTER. Undoubtedly there ought to be provision made to dispose of the segregated mineral land, either by sale or by lease. It seems now that it might be impossible for us to sell the land under present conditions. So the only alternative left in justice to the Indians and the proper development of the country would be to lease the lands. Right now we are menaced by the lack of coal in parts of this very coal district, for the reason that leases can not be made that should be made. But this bill comes over from the Senate in its present form, and this is the first opportunity we have had for consideration without objection. It is now late in the session. If any substantial change is made in its provisions it may cause its defeat. Therefore we feel obliged to urge such relief as is contained in this measure.

Mr. MILLER. By the so-called supplemental agreement, under date of July 1, 1902, Congress agreed with the Indians that there should be a sale of the entire mineral area, something like 446,000 acres. I should like to ask the gentleman from Oklahoma if he thinks that as good a price could be received now as could have been received in 1904? What is the present market as to coal in that section?

Mr. CARTER. That is a question that is largely conjecture. The coal business in Oklahoma has been in pretty bad shape for the past several years on account of the oil and gas development near the coal lands. But as the supply of gas has become diminished to some extent and the railroads are reinstating coal burners the price of coal is again coming back somewhat to the normal conditions that existed before the discovery of oil and gas in Oklahoma.

Mr. MILLER. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

SEC. 2. That all parts of the act entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw Tribes of Indians, and for other purposes," passed and approved July 1, 1902, in conflict with the provisions of this act are hereby repealed.

Mr. MANN. Mr. Chairman, I move to strike out section 2.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, by striking out section 2.

Mr. MANN. Mr. Chairman, as it now stands, if enacted into law, it would repeal all of sections 56 to 63, inclusive, of the act of July 1, 1902, repealing, as I recall, the very basis of the original leases. That is not intended to be done, and there is no occasion for the repealing clause in the bill.

Mr. CARTER. Mr. Chairman, I differ with the gentleman from Illinois about that, but I see no necessity for section 2 in the bill.

Mr. MANN. Has the gentleman from Oklahoma looked up the act of July 1, 1902, to see what this would repeal?

Mr. CARTER. I am very familiar with the act of July 1, 1902.

Mr. MANN. It would repeal sections 56 to 63, inclusive, in the act of July 1, 1902, because they are all in conflict with this act.

Mr. CARTER. Oh, I do not think so. It would not repeal anything except in so far as the operation of its own provisions are concerned.

The act of July 1, 1902, sought to do two things, as follows: First, to provide for the sale of these lands; second, to prevent any further leasing of them. Now, this bill certainly does not, in any manner, contemplate a sale, but it does provide to lease under certain conditions, and to that effect it amends the act of July 1, 1902, whether this language remains in the bill or not; but there is no necessity for it.

Mr. MANN. The gentleman will notice that this provision does not even say "all parts of the act so far as they are in conflict with this act." It says it repeals all of the provisions which are in conflict with said act, and all of sections 56 to 63 of the original act are in conflict with this act.

Mr. BURKE of South Dakota. Mr. Chairman, I would suggest to the gentleman from Oklahoma that I think he ought to consent to the amendment.

Mr. CARTER. I have already expressed a willingness to consent to the amendment. It is immaterial and superfluous as I have just tried to show.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. CARTER. Mr. Chairman, I move that the committee do now rise and report the bill with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HUMPHREYS of Mississippi, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 3843, and had directed him to report the same back to the House with sundry amendments thereto, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en grosse. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. MANN. Mr. Speaker, I offer the following amendment to the title, which I send to the desk and ask to have read.

The Clerk read as follows:

Strike out the title of the bill and insert:
"Authorizing the Secretary of the Interior to lease to the operators of coal mines in Oklahoma additional acreage from the unleased segregated coal land of the Choctaw and Chickasaw Nations."

The SPEAKER. The question is on the amendment to the title.

The amendment was agreed to.

On motion of Mr. CARTER, a motion to reconsider the vote by which the bill was passed was laid on the table.

STANDARD FRUIT AND VEGETABLE BARRELS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23113) to fix the standard barrel for fruits and vegetables.

The Clerk proceeded to read the bill.

Mr. ASHBROOK (interrupting the reading). Mr. Speaker, the gentleman from New Jersey [Mr. TUTTLE], the author of this bill, is not in the Chamber at this time. I ask unanimous consent that the bill be temporarily passed over without prejudice.

The SPEAKER. The gentleman from Ohio asks unanimous consent to pass this bill temporarily without prejudice. Is there objection?

Mr. MANN. Mr. Speaker, what does the gentleman mean by "temporarily"?

Mr. ASHBROOK. Mr. Speaker, I understand the gentleman from New Jersey will be here later in the day, and he desires to have the bill called up at that time.

Mr. MANN. Mr. Speaker, I do not think we ought to commence that practice.

The SPEAKER. The gentleman from Illinois objects.

Mr. MANN. Mr. Speaker, if the gentleman desires to pass the bill on the calendar, I have no objection.

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

NORTH RIVER BRIDGE CO.

The next business on the Calendar for Unanimous Consent was the bill (S. 4978) to supplement and amend the act entitled "An act to incorporate the North River Bridge Co. and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road," approved July 11, 1890.

The Clerk read the bill, as follows:

Strike out all after the enacting clause and insert:

"That section 2 of the act entitled 'An act to incorporate the North River Bridge Co., and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road,' approved July 11, 1890, be, and the same is hereby, so amended as to extend the time for the completion of the said bridge and approaches therefor for 10 years from the date of the approval hereof: *Provided*, That this act shall not be construed as authorizing the building of said bridge in accordance with plans heretofore approved by the Secretary of War, but drawings showing the location and plans of said structure shall again be submitted to him for his consideration and approval before construction shall be entered upon: *And provided further*, That actual work hereunder and in accordance with such plans so approved must be commenced within three years after the approval of this act, or in default thereof the grantee shall forfeit all rights and privileges hereby and herein granted.

"SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. KINKEAD of New Jersey. Mr. Speaker, I object.

Mr. GOLDFOGLE. Mr. Speaker, I will ask the gentleman from New Jersey to reserve his objection for a moment.

Mr. KINKEAD of New Jersey. Very well.

Mr. HAMILL. Mr. Speaker, I ask unanimous consent to make a short statement with regard to my attitude and the attitude of my colleague upon this bill.

The SPEAKER. For how long?

Mr. HAMILL. For three minutes.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. HAMILL. Mr. Speaker, this is a bill to incorporate the North River Bridge Co. The purpose of the charter is to enable the company to put a bridge over the North River, connecting the States of New York and New Jersey. When the bill first came up for consideration I objected to it, because I did not know what the purpose of the charter was. After a consultation with the gentleman from New York [Mr. GOLDFOGLE] and other persons interested in the bill, I came to the conclusion that it was a good bill and am still of that belief. I am, however, opposed to its consideration to-day for this important reason: The States of New York and New Jersey have appointed a joint commission to consider the advisability of building a bridge across the North River. That commission has been in communication with me through a personal call of some of its members, and they expressed fear that the rights which would be granted to the North River Bridge Co. might be exclusive of and detrimental to the rights given to the commission under the acts of the two legislatures.

They cite as an instance the fact that when the Williamsburg Bridge was built in New York City over the East River the municipality had to pay $800,000 to a bridge company which had previously acquired rights on both sides of the stream, and the commission is fearful lest the same situation may develop with regards to the operations of the North River Bridge Co. Now, I am unwilling that the State of New Jersey, in the event of its determining to contribute to the erection of an interstate bridge, should be put in a position where it would be compelled to pay part of an indemnity to a bridge company formed under a Federal charter which vested certain rights in the company that should have been withheld in the act granting incorporation.

The amount both States would have to pay as part of the cost of construction would be a heavy enough burden upon the taxpayers without requiring an expenditure for such an incidental as I have mentioned. It is solely for this reason that I am compelled at this time to object. I am in favor of building a bridge across the North River because I fully realize what a great boon it would be to have the States of New York and New Jersey connected by that means. I do not share the belief expressed by some gentlemen on this floor that this company has no intention of building a bridge and that the only purpose in procuring a charter is to enable the incorporators to issue stock and sell it to innocent buyers. From what I can learn I believe these incorporators are amply sound financially and that they are ready and able to construct a single span bridge which will, I understand, cost something like $60,000,000. However, the rights granted by the bill under consideration might, as I said, conflict with other rights conferred on the joint commission appointed by the States of New York and New Jersey, and might put upon these States additional and unwarranted expense. I can not positively state that such would be the effect of this charter, but I can inform the House that the attorney for the interstate commission is carefully considering this bill to determine whether or not this would be so, and in a short time I expect he will let us know what his conclusions on the matter are. If the rights granted in this charter do not conflict with the rights of the commission or impose on the States the liabilities I have mentioned, then I want to be understood as being ardently in favor of the passage of this charter, and I will in that event do all I can to have the North River Bridge Co. obtain it. Therefore, Mr. Speaker, I am compelled to object.

I am sorry to disappoint my colleague [Mr. GOLDFOGLE] who for a long time has had this bill in charge. I realize how hard and patiently he has labored to have the bill enacted. I know with what diligence and persistency he has tried to overcome all objections. I hope, nevertheless, that I can bring about a conference between my colleague [Mr. GOLDFOGLE] and the members of the New York and New Jersey bridge commission which will bring about a friendly agreement as to the proper form of a charter for the North River Bridge Co., and I have no doubt he will then have the pleasure of seeing his work accomplished and a bridge bill passed.

Mr. GOLDFOGLE. Mr. Speaker——

The SPEAKER. The gentleman from New Jersey objects.

Mr. GOLDFOGLE. Will the gentleman from New Jersey kindly reserve his objection until I make a statement?

Mr. HAMILL. I will reserve my objection.

The SPEAKER. The gentleman withholds his objection.

Mr. GOLDFOGLE. Mr. Speaker, I thank the gentleman from New Jersey [Mr. HAMILL] for his courtesy and for his kind words of commendation uttered a few moments ago. This bridge contemplated by the bill has become a public necessity. I have stated on the floor here on a previous occasion the great necessity that exists for a bridge across the Hudson River. The ever-increasing population of both New York and New Jersey in the vicinity where the bridge is contemplated over there, the enormous increase in freight as well as passenger traffic, the absolute necessity under existing conditions of facilitating transportation, the fact that the present tunnels are for passengers only, all require that there should be no further hesitation in passing this measure. The mayor of New York City and the board of estimates have petitioned Congress to pass this bill so we can get this much-needed bridge.

Years ago, after the charter of the North River Bridge Co. was passed, financial depression set in and that for quite a while prevented the financing of the project. Happily that condition has long passed. Then there were engineering difficulties in the way. Those engineering difficulties have been surmounted and overcome, and the best engineers of this country, the most skillful we have, say that such a bridge as is contemplated can easily be built. I am but repeating to-day what I have said before, both to members of the Committee on Interstate and Foreign Commerce and to this House, that men perfectly reputable and of very high standing in the community from which I come have given assurances that there will be ample capital furnished to build the bridge. I ought to say, also, that some of the delay which occurred in proceeding with the work of construction was due to a protracted litigation that finally terminated in the company's favor in the Supreme Court of the United States, which court affirmed the validity of the charter. Now, I trust that the gentleman from New Jersey, who has been so very kind heretofore and so exceedingly courteous to me, can see his way clear to withdraw his objection; but if the gentleman from New Jersey still insists in opposing the measure for the reasons that he has already stated, may I ask the gentleman from New Jersey to allow this bill to be passed without prejudice?

Mr. HAMILL. We have no objection.

Mr. CALDER. Mr. Speaker, I ask unanimous consent to address the House for a minute or two on this subject.

The SPEAKER. Did the gentleman from New Jersey reserve his right to object, or did he make objection?

Mr. HAMILL. I still reserve the right to object, Mr. Speaker.

The SPEAKER. The gentleman from New York [Mr. CALDER] asks unanimous consent to address the House for two

minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CALDER. Mr. Speaker, the authorities of New York City, including the mayor and board of estimate and apportionment, have adopted a resolution and forwarded it to the Speaker of this House recommending the enactment of this legislation. I rise simply, Mr. Speaker, to ask unanimous consent to insert in the RECORD at this time the resolution referred to.

Mr. HAMILL. Regarding what?

Mr. CALDER. Recommending the passage of this bill.

Mr. HAMILL. There are two North River bridge bills.

Mr. CALDER. I speak of the one now under consideration.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The resolution referred to is as follows:

Resolution of the board of estimate and apportionment of the city of New York.

Whereas a petition has been presented to this board by the North River Bridge Co., dated January 22, 1913, asking us to recommend to Congress the passage of an act, S. 4978, which provides for an extension of time for the construction of the proposed bridge over the Hudson River, extending from the State of New Jersey to the city of New York, which act has already passed the United States Senate; and

Whereas it is in our opinion in the public interest that such bill should be passed and that such a bridge should be built as soon as the location and character thereof, and the manner of its operation, are approved by the Secretary of War, the communities in New Jersey affected thereby, and this board: Now, be it

Resolved, That we favor the passage of said act by Congress; and further, be it

Resolved, That the mayor be requested to send to the House of Representatives copies of said petition and this resolution.

It is understood, however, that our approval of said act is upon the express condition that it shall be so worded that the free and unrestricted rights of the States of New York and New Jersey to erect a bridge at any location between said States shall be unimpaired, except at the location which may be finally selected for the bridge to be constructed by the North River Bridge Co.

I hereby certify that the foregoing is a true copy of a resolution adopted by the board of estimate and apportionment at a meeting of said board held on January 23, 1913.

Dated, New York, January 23, 1913.

JOSEPH HAAG,
Secretary Board of Estimate and Apportionment.

Mr. TOWNSEND. Mr. Speaker, I ask unanimous consent to address the House for three minutes, to explain why I am not in accord with my two colleagues, Mr. KINKEAD and Mr. HAMILL, and I ask them to temporarily withhold their objection.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to address the House for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. TOWNSEND. Mr. Speaker, I see no reason why anyone, either from New York or New Jersey, should object to any legislation proposed here in the slightest degree helping or calculated to help the building of a bridge over the North River, connecting the city of New York with the New Jersey shore. We have here two bills, each proposing an extension of time to a company formed for the purpose of building a bridge such as I have suggested. Without attempting to pass on the relative merit or strength of these companies, I contend that we are more likely to get a bridge if we encourage two competing companies than if we discourage both, as is now proposed by my colleague, Mr. HAMILL.

There is an interstate commission for examining this problem, but there is no reason why we should not have two or three bridges there. One of these bills relates to an extension of time of a company which has already expended a quarter of a million of dollars in engineering work, in doing practical work, in boring the bed of the river, and so forth. The Legislature of New Jersey and the Legislature of New York have approved the proposed plans incorporated in one of these bills, and the Secretary of War also has approved these plans.

Mr. HAMILL. Will the gentleman yield for a question? I will ask for more time for him.

Mr. TOWNSEND. Certainly; I will yield to my colleague.

Mr. HAMILL. Does the gentleman believe this charter ought to be granted if it would exclude the commission from building a bridge anywhere within the same limits within which this company may build a bridge?

Mr. TOWNSEND. Certainly not, Mr. Speaker. There is ample room on Manhattan Island and in the State of New Jersey for the approaches to three bridges. Across the East River there are already four bridges.

Mr. HAMILL. The gentleman does not get my point. I will state it again. This company may, I understand, build the bridge between Forty-second Street and Fifty-ninth Street, New York. Now, if this privilege would exclude the commission from putting a bridge within those limits, would the gentleman then favor this bill to the exclusion of the right of the commission?

Mr. TOWNSEND. My colleague makes an inference that is not founded upon good reason. The Brooklyn Bridge and the Manhattan Bridge are as near in their terminals as these two bridges would be if they were in the same district indicated by my colleague.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAMILL. Mr. Speaker, I would like to have the gentleman yield for a moment.

Mr. ADAMSON. Mr. Speaker, I would like to make two or three remarks about this bill, inasmuch as it and the next one on the calendar came from our committee. It is true both of these bills are in behalf of enterprises that have been before the public for a long time, and the objection, I understand, now about extending the authority in the two cases is that they are thought to be speculative and that there is no prospect of building a bridge. All of us would be glad to see a bridge or two bridges or more, if they could be built, and all I have to say will be said without deciding the question of whether or not there is money in sight to build either. So we reported them both together, and if anybody objects to one I want both objected to, because I want them to stand or fall together. If they are speculative, I want them both in the field instead of one.

Mr. FOSTER. The gentleman from Georgia need not be afraid about that.

Mr. MANN. Will the gentleman from Georgia yield?

Mr. ADAMSON. Yes, sir; I yield.

Mr. MANN. Does the gentleman believe that at this time there is a field for profitable operation of two bridges across the Hudson River at New York?

Mr. ADAMSON. If the charge be true that either enterprise is speculative, only reaching out and trying to make money by building a bridge or promoting such project, we would be just as safe with two authorizations as one. I prefer to have the two.

Mr. MANN. Ought not the gentleman's committee to determine as to what company shall be permitted to build a bridge there, so that two companies will not be authorized, one possibly intending to build a bridge and the other intending to sell stock to innocent purchasers for the purpose of taking care of themselves?

Mr. ADAMSON. Both enterprises have been complimented with that charge.

Mr. MANN. I understand.

Mr. ADAMSON. The gentleman having long been a great ornament to the committee of which I have the honor to be the chairman——

Mr. MANN. An able and efficient chairman——

Mr. ADAMSON (continuing). Is thoroughly familiar with the fact that these charges have been bandied back and forth, and we have renewed this authority two or three times in the last 20 years. It is unnecessary to say, even if it were in order, who opposed and who supported the granting or the ordering of these reports.

Mr. MANN. It seems to me, if the gentleman will permit, if a bridge is needed across the Hudson River at New York, the gentleman's committee ought to determine, before it makes a recommendation or gives authority, that somebody is able to raise the money and carry on the enterprise, and that we ought not to pass one or two speculative propositions in order to aid gentlemen selling stock, which I am afraid both of these are for.

Mr. ADAMSON. It is not violating any propriety to say that several members of the committee made that same suggestion that has been made by the gentleman from Illinois a good many times before the report was made.

Mr. HAMILL. Mr. Speaker——

The SPEAKER. Is there objection?

Mr. ADAMSON. I would like just to add, in conclusion, Mr. Speaker, that if any man with the money in bank or to his credit, according to reputation, would say to our committee that the money is in hand to build the bridge, that bridge company could get authority from our committee unanimously any day without any question about it.

Mr. GOLDFOGLE. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Georgia [Mr. ADAMSON] yield to the gentleman from New York [Mr. GOLDFOGLE]?

Mr. ADAMSON. Yes; I yield.

Mr. GOLDFOGLE. I desire to ask the gentleman from Georgia [Mr. ADAMSON], the chairman of our committee, whether it is not a fact that one of New York's most prominent, substantial, and best-standing citizens wrote a letter, which I showed to the gentleman, vouching for the fact that capital was ready for the building of this bridge, and that gentlemen of responsibility and of high standing in financial circles stood

ready to pay in sufficient money to carry on the building and construction of the bridge?

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. ADAMSON. I will answer that. Answering that, Mr. Speaker, the distinguished gentleman from New York did show me a letter from a great and learned man expressing opinions as to what they would be able to do after this authority is granted.

Mr. GOLDFOGLE. No; his absolute assurances.

Mr. ADAMSON. I have also had letters from the mayor and other men also making these same promises and reasoning as to what they would be able to do in the market after the authorization was granted. I have written to every single one of them to the effect that "if one of your numerous money kings of New York shall write me saying that the money shall be forthcoming you will secure the passage of these bills."

Mr. GOLDFOGLE. The gentleman from Georgia, I hope, will concede that the gentleman I referred to as having written the letter I showed him is a highly reputable citizen of high standing in our community.

Mr. ADAMSON. Yes; but he did not say the money was ready, but thought it could be raised.

Mr. GOLDFOGLE. Yes; he said the money was ready.

Mr. MANN. Does not the gentleman from Georgia [Mr. ADAMSON] remember, having served on the Committee on Interstate and Foreign Commerce for many years with me, that when he and I first served on that committee we heard the same roseate representations as to the prospect of the next 10 years in the history of this bridge after the first 10 years were about to run out?

Mr. ADAMSON. Yes. I not only remember that, but I remember that President McKinley called an extra session of Congress at that time, so that the gentleman from Illinois and I, as we had just been first elected, could show to the public the benefit of our service [laughter], and a picture of that bridge was then hung in our committee room, and it is hanging there yet.

I want to be honest with this House, and I want to say that those gentlemen have not shown to us that there is money in readiness to be paid out. If it is their desire to be licensed to go out fishing for capital, I do not want them to have a monopoly; I want them to have competition.

Mr. HAMILL. Mr. Speaker, I just want to get into this frightfully turbulent discussion one word edgewise. [Laughter.]

Mr. ADAMSON. It is good-humored. We are giving the gentleman some good jokes. [Laughter.]

Mr. HAMILL. I am thoroughly convinced of the necessity of building a bridge across the North River, and for no other reason than that the present tunnel under the North River is inadequate for carrying freight across the river through the tunnels to the terminal in New York, but, as I stated, the rights which we might grant by this charter may possibly conflict with rights conferred on the joint commission formed by the Legislatures of New York and New Jersey, and it is because of that that I am objecting at this time to the consideration of this bill.

The SPEAKER. Is there objection?

Mr. COX. I object.

Mr. HAMILL. Yes; I object.

The SPEAKER. The gentleman from New Jersey [Mr. HAMILL] and the gentleman from Indiana [Mr. Cox] both object. The bill is stricken from the calendar. The Clerk will report the next one.

NEW YORK & NEW JERSEY BRIDGE COMPANIES.

The next business on the Calendar for Unanimous Consent was the bill (S. 5659) to supplement and amend an act entitled "An act to authorize the New York & New Jersey Bridge Cos. to construct and maintain a bridge across the Hudson River between New York City and the State of New Jersey," approved June 7, 1894.

The Clerk read the title of the bill.

Mr. AYRES. Mr. Speaker, I ask unanimous consent that this bill be passed without prejudice.

The SPEAKER. The gentleman from New York [Mr. AYRES] asks unanimous consent to pass this bill without prejudice. Is there objection?

Mr. GOLDFOGLE. Reserving the right to object——

Mr. MANN. Reserving the right to object, let me ask the gentleman what possible good will it do to keep this bill on the Unanimous Consent Calendar, occupying a little space there, when the gentleman knows that the bill can not pass on the Unanimous Consent Calendar?

Mr. AYRES. If the gentleman states that to be true, I will not ask it.

Mr. MANN. It is true if I live.

Mr. FITZGERALD. Mr. Speaker, this bill and the preceding one must go together.

The SPEAKER. Is there objection?

Mr. GOLDFOGLE, Mr. FITZGERALD, and Mr. HAMILL objected.

The SPEAKER. The bill will be stricken from the Calendar for Unanimous Consent, and the clerk will report the next bill.

LAND IN KANSAS CITY, KANS.

The next business on the Calendar for Unanimous Consent was the bill (S. 3952) for the purpose of repealing so much of an act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indians located in Kansas City, Kans., providing for the sale of a tract of land located in Kansas City, Kans., reserved for a public burial ground under a treaty made and concluded with the Wyandotte Tribe of Indians on the 31st day of January, 1855 (said section of said act relating to the sale of said land), be, and the same is hereby, repealed.

The bill was read, as follows:

Be it enacted, etc., That so much of an act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1907, approved June 21, 1906, providing for the sale of a tract of land located in Kansas City, Kans., reserved for a public burial ground under a treaty made and concluded with the Wyandotte Tribe of Indians on the 31st day of January, 1855 (said section of said act relating to the sale of said land), be, and the same is hereby, repealed.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Chair understands that the gentleman from Kansas [Mr. TAGGART] desires to offer an amendment to this bill.

Mr. TAGGART. Mr. Speaker, I offer an amendment to remove an objection that was made to this bill by the gentleman from Illinois [Mr. MANN] when the bill was considered on a former occasion.

The SPEAKER. The gentleman will send up his amendment.

Mr. TAGGART. I send the amendment to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all the words in line 3, page 2, after the word "six," and all of lines 4, 5, 6, and 7, and the words "relating to the sale of said land," in line 8, and insert in lieu thereof the following:

"That the Secretary of the Interior is hereby authorized to sell and convey, under such rules and regulations as he may prescribe, the tract of land located in Kansas City, Kans., reserved for a public burial ground under a treaty made and concluded with the Wyandotte Tribe of Indians on the 31st day of January, 1855. And authority is hereby conferred upon the Secretary of the Interior to provide for the removal of the remains of persons interred in said burial ground and their reinterment in the Wyandotte Cemetery at Quindaro, Kans., and to purchase and put in place appropriate monuments over the remains reinterred in the Quindaro Cemetery. And after the payment of the costs of such removal, as above specified, and the costs incident to the sale of said land, and also after the payment to any of the Wyandotte people, or their legal heirs, of claims for losses sustained by reason of the purchase of the alleged rights of the Wyandotte Tribe in a certain ferry named in said treaty, if, in the opinion of the Secretary of the Interior, such claims or any of them are just and equitable, without regard to the statutes of limitation, the residue of the money derived from said sale shall be paid per capita to the members of the Wyandotte Tribe of Indians who were parties to said treaty, their heirs, or legal representatives."

Mr. BURKE of South Dakota. There was a further amendment intended to be included.

Mr. TAGGART. It was intended to include the words "as reads as follows" before the words proposed to be inserted.

The SPEAKER. If there be no objection, the Clerk will make that modification.

Mr. FERRIS. Mr. Speaker, I desire to inquire if this amendment changes the purpose of the bill, or does it simply change the verbiage of the bill?

Mr. TAGGART. It simply makes the intention of the bill definite and certain, leaving no doubt as to what is repealed and what the intention of the bill is.

Mr. FERRIS. Does it accomplish for these Indian women what the gentleman hopes to accomplish?

Mr. TAGGART. It accomplishes precisely what they have demanded and what was the evident intention of the Senate in passing the bill, inasmuch as this paragraph is contained on page 2 of the report accompanying the bill.

Mr. FERRIS. The gentleman from Kansas [Mr. TAGGART] and the gentleman from Illinois [Mr. MANN] had a conversation about it last week, and the gentleman from Illinois was of the opinion at that time that the bill, in fact, did not accomplish anything, I think.

Mr. MANN. It repealed a great deal that the gentleman did not wish repealed. Now the gentleman in his amendment recites the language he wishes to repeal.

Mr. FERRIS. The trouble about it was that the amendment was so long I could not exactly catch it.

Mr. TAGGART. That is the language of the paragraph that is sought to be repealed. I did not draw the bill and had no share nor part in it.

The SPEAKER. The Clerk will report the additional language that the gentleman wishes to put in the amendment.

The Clerk read as follows:

As reads as follows.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill as amended.

The bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "An act repealing the provision of the Indian appropriation act for the fiscal year ending June 30, 1907, authorizing the sale of a tract of land reserved for a burial ground for the Wyandotte Tribe of Indians in Kansas City, Kans."

CONVEYANCE OF CERTAIN LANDS TO THE STATE OF TEXAS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 27875) authorizing the President to convey certain lands to the State of Texas.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is, in his discretion, hereby, authorized to direct the Secretary of the Interior to convey to the State of Texas, for the use of the State experimental station in connection with the agricultural research and demonstration work, such portions of the old Fort Brown Military Reservation as he may deem advisable: *Provided*, That should the State of Texas fail or refuse to use the property herein authorized to be conveyed for the purposes above set out, it shall revert to the United States and become a part of the public domain thereof.

With the following amendment recommended by the committee:

Amend, by adding after the word "authorized," in line 4, the words "in his discretion, to direct the Secretary of the Interior."

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman from Texas how much land is involved in this tract.

Mr. GARNER. The Agricultural Department has requested 280 acres. My understanding is that the buildings occupy about 40 acres, and there is about 320 acres in the tract.

Mr. MANN. The intention is to turn over the entire 320 acres?

Mr. GARNER. No; the intention is to convey that portion of the land set out in the President's order of June 12, 1912, which is set out by metes and bounds.

Mr. MANN. The Government is now maintaining an experiment station on the land?

Mr. GARNER. Yes.

Mr. MANN. If it is turned over to the State of Texas the State will maintain it and partially relieve the Government from the expense of its further maintenance?

Mr. GARNER. The Government intends to cooperate with the State of Texas.

Mr. MANN. The bill provides that should the State of Texas fail or refuse to use the property herein authorized to be conveyed for the purposes above set out, it shall revert to the United States. Does that mean fail or refuse at any time?

Mr. GARNER. I suppose so.

Mr. MANN. Then, why not say so?

Mr. GARNER. Well, this is the usual clause that is put in every bill. I do not want the property used for any purpose except what the bill says it shall be used for.

Mr. MANN. The last part of the proviso is that if it is not so used it shall revert to the United States and become a part of the public domain thereof. If it became a part of the public domain, would it be subject to entry in any shape? Why not say that it shall revert to the United States?

Mr. GARNER. I care nothing about it; it is a part of the public domain of the United States now. It was transferred from the War Department to the Interior Department some months ago.

Mr. MANN. In one sense it is a part of the public domain, and if so, it does not need to recite it here.

Mr. SISSON. Will the gentleman from Texas yield?

Mr. GARNER. Yes.

Mr. SISSON. Does the gentleman know what this land is worth?

Mr. GARNER. I do not know that I can state to the gentleman with any degree of accuracy the value of the land. If it is land subject to irrigation from the Rio Grande, it would be worth $100 an acre. If it is not subject to irrigation, I should think $10 or $25 an acre would be all that it was worth.

Mr. SISSON. Does the gentleman know what the Government paid for it?

Mr. GARNER. I have no idea. It is an old fort, over 60 years old, and it is right on the edge of Brownsville.

Mr. FITZGERALD. Will the gentleman yield?

Mr. GARNER. Yes.

Mr. FITZGERALD. Does the gentleman expect the United States to give Texas all of the military reservations in that State?

Mr. MANN. Not all at once. [Laughter.]

Mr. GARNER. Speaking for myself, I have an idea about what ought to be done with these abandoned posts. I may as well state my own personal views about it now. If the information I get is correct, and especially applied to these two posts that were spoken of, they ought to be used for public purposes, and I will tell the gentleman why. You can not possibly sell these houses at the post the gentleman referred to a moment ago at Fort Clark, Tex., for 10 per cent of the value that they could be put to for public purposes, such as a tuberculosis sanitarium.

Mr. MANN. The gentleman is willing to make one agreement, I suppose, that as long as he is here he will not ask for more than two forts to be turned over in any one year? [Laughter.]

Mr. GARNER. I think that would be fair and liberal on my part.

The SPEAKER. Is there objection?

Mr. FOSTER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Texas if it is the intention of the department to go ahead and do the same amount of work on this reservation that it is now doing?

Mr. GARNER. It will cooperate with the State.

Mr. FOSTER. Or is it the intention that the National Government shall withdraw its support from this particular tract of land?

Mr. GARNER. Mr. Speaker, I will say to the gentleman from Illinois [Mr. FOSTER] that there is now before the Legislature of Texas a proposition for an appropriation of $25,000, and I have information from the chairman of the finance committee of the senate, as well as from members of the house of representatives, that if this bill goes through $25,000 to continue this work there will be appropriated by the Texas Legislature. It is my understanding from Dr. Galloway that the United States Government will cooperate, but to what extent or in what manner I am not informed; but it is the policy of his department to encourage the States as much as possible to do this work under their supervision and suggestion.

Mr. FOSTER. Would the gentleman from Texas be willing to put in an amendment providing that the National Government should not expend any more money on this particular tract?

Mr. GARNER. I should think it would be very unwise to prohibit the National Government from cooperating with the State in a situation of this kind.

Mr. FOSTER. Would the gentleman be willing to provide that the State must appropriate not less than $25,000 before this transfer is made?

Mr. GARNER. I think that would be an undesirable provision. The question here is simply whether or not the Agricultural Department shall continue to appropriate $20,000 each year to keep up this garden, as it does in California and in Florida—there are three of them in the United States—or whether it will permit the State of Texas through its legislature to carry on this work under the supervision and instruction of the Agricultural Department.

Mr. FOSTER. If the State of Texas is going to do that, I do not see any particular objection to the bill.

Mr. GARNER. My information is that they are making an effort. It does not lie within the power of any man to foretell the acts of the Legislature of the State of Texas or the acts of the Congress of the United States.

Mr. FOSTER. This may help them to get the appropriation.

Mr. GARNER. I think when this bill becomes a law it will be an incentive.

Mr. FOSTER. Then the gentleman thinks it would not be wise to provide either one of these conditions. Would it not be well to lease this to the State of Texas?

Mr. GARNER. I do not understand this is anything more than a perpetual lease. If the State fails to use this for any other purpose than that for which it is conveyed, it will revert to the United States.

Mr. MANN. Mr. Speaker, does not my colleague think we can afford to give any State in the Union some land to carry on experimental work in preference to giving it the money out of the Federal Treasury?

Mr. FOSTER. My colleague probably was not in the Chamber at the moment I asked the gentleman from Texas if he would be willing to have an amendment inserted providing that the Government should not expend any more money there.

Mr. MANN. Oh, but the Government may wish to make some experiments there itself, but meanwhile the State of Texas has to carry on this experimental work now being carried on exclusively by the United States, and if the State fails to do that the property goes back to the United States Government.

Mr. FOSTER. I do not think that under the terms of this bill there is any reason for the National Government not expending the same amount of money in the future as in the past.

Mr. MANN. Even if it does, the State of Texas will have to spend most of the money.

Mr. FOSTER. I will ask the gentleman from Texas, then, if he is willing to put in a provision that the State of Texas this year shall appropriate $25,000, which the gentleman from Texas thinks it is going to do.

Mr. MANN. I know, but the gentleman from Texas objects to that as a matter of courtesy between legislative bodies. [Laughter.]

Mr. FOSTER. It may be a matter of economy to the State of Texas.

Mr. MANN. Does not my colleague think that if we can work the State of Texas into this that we ought to do it?

Mr. FOSTER. Oh, yes.

Mr. SHERLEY. Does the gentleman from Illinois think that we will ever be successful, through a member of the Texas delegation, in working the State of Texas for anything?

Mr. MANN. Oh, yes; we worked them last year for a tuberculosis sanitarium.

Mr. SHERLEY. And they worked us for a lot of valuable property.

Mr. MANN. We worked them for a sanitarium, or sanatorium; I have forgotten which it was in this case.

Mr. FOSTER. Mr. Speaker, in view of the gentleman's explanation, as good as he is able to make, and his plea for the State of Texas, I shall not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. GARNER. Mr. Speaker, there are committee amendments.

The SPEAKER. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 1, line 3, after the word "is," at the end of the line, insert the words "in his discretion."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 1, line 4, after the word "authorized," insert the words "to direct the Secretary of the Interior."

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to amend, in line 9, by inserting, after the word "Texas," the words "at any time."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 9, after the word "Texas," insert the words "at any time."

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to amend, page 2, lines 2 and 3, by striking out "and become a part of the public domain thereof."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, lines 2 and 3, strike out the words "and become a part of the public domain thereof."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GARNER, a motion to reconsider the vote by which the bill was passed was laid on the table.

AMERICAN COMMISSION FOR INVESTIGATION OF RURAL CREDITS IN EUROPE.

The next business on the Calendar for Unanimous Consent was S. J. Res. 132, providing for an American commission for the investigation of rural credits in Europe.

The Clerk read as follows:

Whereas the Department of State of the United States detailed, upon the application of the Southern Commercial Congress, David Lubin, American delegate to the International Institute of Agriculture, Rome, Italy, to direct a conference on agricultural finance, held under the auspices of the Southern Commercial Congress in Nashville, Tenn., April 1 to 6; and

Whereas 27 States were represented through delegates in the conference; and

Whereas resolutions were unanimously adopted providing for an American commission to go abroad for the investigation of rural credits in Europe; and

Whereas the Southern Commercial Congress will send the commission abroad, composed of delegates from all States of the United States, to report to the International Institute of Agriculture (which under treaty is supported by the Government of the United States), at the time of the meeting of the General Assembly of the International Institute of Agriculture, May, 1913: Therefore be it

Resolved, etc., That the Congress of the United States, in recognition of the valuable service to be rendered the United States in the investigation of the European systems of agricultural finance, hereby indorses the proposed American commission and invokes for it the diplomatic consideration of the countries to be included in the itinerary.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask some gentleman upon what theory is the committee proceeding in having Congress interfere in diplomatic relations directly?

Mr. MOSS of Indiana. Mr. Speaker, this resolution has passed the Senate unanimously and has been reported unanimously by the Committee on Foreign Affairs. It does not call for a dollar's expenditure on the part of the United States Government. It is an effort on the part of certain persons to begin at their own expense a cooperative study of certain questions affecting the agricultural prosperity in the United States, and they would like to have an opportunity to do so under the most favorable circumstances, and therefore are asking from Congress an official recognition of the project and seeking to obtain certain diplomatic courtesies from Governments in Europe. Now, Mr. Speaker, this question has been referred to the President of the United States, and I shall ask permission to insert in the RECORD as a part of my remarks the remarks which President Taft made at a dinner held here in Washington a few days ago specifically indorsing this particular project and this particular inquiry. I shall ask also, without taking the time to read it, Mr. Speaker, to insert in the RECORD a letter which Sir Horace Plunkett, a member of the British Parliament, wrote to Gov. Woodrow Wilson, calling his attention to this particular commission and the scope of it, and asking him to express his approval or disapproval. I will insert his reply, and at this point I should like to read the letter which Gov. Wilson wrote in reply specifically indorsing this project.

The letter is as follows:

STATE OF NEW JERSEY, EXECUTIVE DEPARTMENT,
January 30, 1913.

Hon. DUNCAN U. FLETCHER, *Washington, D. C.*

MY DEAR SENATOR: The inclosed letter from Sir Horace Plunkett will explain itself. I had a long talk with Sir Horace the other day, and I write now, as he suggests, to tell you that the proposed enlargement of the scope of inquiry by the commission which is to visit Europe has my entire and cordial approval. I think there are few safer guides than Sir Horace Plunkett.

Cordially and sincerely, yours,

WOODROW WILSON.

So this, Mr. Speaker, is a movement which has not only the indorsement of President Taft but that of President Elect Wilson.

Mr. BATHRICK. Will the gentleman yield?

Mr. MOSS of Indiana. With pleasure.

Mr. BATHRICK. Do I understand the gentleman to say that the project of farm credits, or the proposed commission to investigate farm credits, has the indorsement of Woodrow Wilson?

Mr. MOSS of Indiana. The proposed commission and its visit to Europe is what he referred to.

I hold in my hand, Mr. Speaker, also resolutions of indorsement that were passed by the American Association of Commercial Executives, by the Farmers' National Congress, by the National Grange, by the Chambers of Commerce of the United States, and by the Farmers' Educational and Cooperative Union of America, which I will ask also to insert as a part of my remarks.

Now, Mr. Speaker, without arguing this question further, I desire to say when this commission was proposed it was primarily to study the European system of agricultural credits. And it was to be composed of delegates, two from each State of the Union, to go at their own expense, or at the expense of the local organization nominating them. There have been acceptances from practically every State in the Union and from certain Provinces in Canada. But since that time there has been a change made in the purposes of the commission which greatly enlarges the scope of it.

Mr. KINDRED. Will the gentleman yield?

Mr. MOSS of Indiana. With pleasure.

Mr. KINDRED. Does this bill carry with it any appropriation?

Mr. MOSS of Indiana. It does not carry a dollar of appropriation. That is probably the only mistake that has been made in this movement. When the immigration question reached Congress an appropriation of hundreds of thousands of dollars was made to send a commission abroad to study that question, but the farmers of the country, recognizing the fact that this movement is essentially a cooperative matter, and that it is a ques-

tion with which the National Government properly has very little to do, assumed the initiative and proposed to study it at their own expense, and all that they are asking of Congress is that this activity shall have the recognition of Congress, and thereby assure the diplomatic courtesies of the European countries which it is proposed to visit.

Now, as I said, Mr. Speaker, there has been a change and enlargement in the scope of this inquiry which makes it a study more particularly of the cooperative methods of farmers themselves, as related to the whole branch of agricultural production and agricultural distribution, rather than to the one question of agricultural credit; and if it is carried out it will be an American commission to inquire into the organization of agricultural business in Europe. The inquiry will embrace an examination of the methods employed by the progressive agricultural communities in production and marketing and in the financing and all similar operations. Special note will be taken first of the parts played, respectively, in the promotion of agriculture by the Government and by volunteer organizations of the agricultural classes; second, the application of the cooperative system to agricultural production, distribution, and finance; third, the effect of cooperative action upon social conditions in rural communities; fourth, relation of the cost of living to the business organization of the food-producing classes.

Mr. SISSON. Will the gentleman yield a moment?

Mr. MOSS of Indiana. Certainly.

Mr. SISSON. I want to state to the gentleman that I am in sympathy with the movement that is on foot to establish a proper system of agricultural credits. How will the personnel of this commission be selected?

Mr. MOSS of Indiana. It is to be selected by recommendation from governors of the States, so far as the governors may make nominations; also by responsible commercial bodies of the States and by invitations extended by the Southern Commercial Congress and accepted by representative individuals who are willing to pay their own expenses.

Mr. SISSON. What I am endeavoring to arrive at is what part the different farmers' organizations will have, throughout the respective sections of the country, to do with the selection of these delegates.

Mr. MOSS of Indiana. Farmers' organizations have the same right as commercial organizations to select delegates, provided they pay the expense.

Mr. SISSON. Of course, the gentleman appreciates the value of the report depends largely on the character of this commission. If the commission is of a character in sympathy with this movement, you would get recommendations which might result in a great deal of good, and information that might result in a great deal of good; but if it should be made up of men who might take a different view of the situation we might get the very information we do not want.

Mr. MOSS of Indiana. There are at present, Mr. Speaker, more than 60 acceptances.

Mr. SISSON. Can the gentleman give me any information in a general way, about who these men are?

Mr. MOSS of Indiana. I have said, Mr. Speaker, that I do not have the personnel; but the governors of certain States, and more particularly of the Southern States, have made nominations, and where the governor of any State nominates two delegates they are recognized as the official delegates. I think that in most of the Southern States the governors have made nominations; but as to some of them I am not sure.

Mr. BARTLETT. Will the gentleman permit me to say in answer to his question, that I know the gentleman selected from my State, Mr. Harvey Jordan, who was at one time president of the Cotton Growers' Association. That is the character of the selection from my State. I know he was selected for that purpose by those authorized to select him. There was no economy in selection, so far as he is concerned.

Mr. SISSON. The gentleman states that this is to be without expense to the Federal Government?

Mr. MOSS of Indiana. Absolutely.

Mr. SISSON. Now, in the event these gentlemen accept the appointment and go on this commission, there will be no purpose on their part to ask Congress to defray any expenses they might incur?

Mr. MOSS of Indiana. Absolutely none.

Mr. BATHRICK. Mr. Speaker, will the gentleman yield?

Mr. MOSS of Indiana. With pleasure.

Mr. BATHRICK. I desire to ask whether any farm organizations have been requested officially to name any person on this commission?

Mr. MOSS of Indiana. That I can not say, specifically, Mr. Speaker, because I have not that information. But I do know that any farm organization that nominates a delegate and provides for his expenses is welcome to have that delegate go with the commission. Members of this House and Members of the Senate have also accepted and are to be members of this commission.

Mr. BATHRICK. Another question, please. I am entirely in sympathy with any method of investigation looking to the ascertainment of facts respecting a farm credit system. Does not the gentleman think that it will hasten legislation or action in some direction toward getting a farm credit system if this commission were asked to report at an early date?

Mr. MOSS of Indiana. I will state in regard to that, Mr. Speaker, that I do not regard this question as requiring national legislation. I believe that this is a question of purely State legislation, and in no sense of the word will it come within the purview of national legislation. That is my view of the matter.

Mr. BATHRICK. I believe that the gentleman will ascertain himself later that it is a matter of national legislation and that it will be considered.

Mr. MOSS of Indiana. This only emphasizes that this is a question requiring considerable thought and study, and this is the first systematized and organized effort which has been made in the United States to study it.

Mr. BURKE of Pennsylvania. Mr. Speaker——

The SPEAKER. Is there objection?

Mr. MANN. I reserve the right to object.

Mr. BURKE of Pennsylvania. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. MOSS of Indiana. With pleasure.

Mr. BURKE of Pennsylvania. The gentleman stated that the present Chief Executive had indorsed this. Did he indorse this resolution, or did he indorse the Southern Commercial Congress? What is the expression?

Mr. MOSS of Indiana. I will say to the gentleman that the Southern Commercial Congress gave a dinner here in the city at which Sir Horace Plunkett was a guest and at which President Taft himself was a guest, and that President Taft, discussing this matter, used these words:

> The subject of credits and the necessity for improving the method of the securing of better credit for the farmers is one that I have discussed; taking much of it on credit, because I have not had the personal experience that justifies me in speaking with any authority. The results that we have seen in Germany and in France and other countries—doubtless in Ireland—makes me think that we would be without our usual willingness to adapt anything good that we see unless we take up this subject, study it, as you propose to study it, through your commission, and then adapt it to the States in so far as it may be adapted to our civilization and our people.

It was specifically, Mr. Speaker, an indorsement of this particular commission and its method of going to Europe and making this study.

Mr. BURKE of Pennsylvania. Has either the President or Mr. Wilson or the chambers of commerce of the United States particularly indorsed this particular provision that the Congress of the United States invokes for it the diplomatic consideration of the countries to be included in the itinerary? Has anybody holding any official position indorsed that particular proposition?

Mr. MOSS of Indiana. Why, Mr. Speaker, I do not think it would be necessary for the President of the United States or any incoming President of the United States to petition Congress to extend a courtesy to a group of representative American citizens, comprising from 60 to 100, who are going abroad to spend 60 days, at their own expense, in a study that must be prosecuted in European countries. This is a request for an official recognition by Congress in order that European countries which they are going to visit may extend every opportunity to prosecute their studies, with the understanding that they are to meet their own expenses and to make reports to the States and organizations which send them.

Mr. BURKE of Pennsylvania. Does the gentleman know of anything by which Congress directly invoked the diplomatic consideration of other countries?

Mr. MOSS of Indiana. I know of no precedent, but if a precedent is wanting I favor making it.

Mr. BURKE of Pennsylvania. Would it not be a bad one——

Mr. MOSS of Indiana. That is a matter about which there may be a difference of opinion——

Mr. BURKE of Pennsylvania (continuing). To set aside all the traditions and all the practices of a well-ordered government?

Mr. MOSS of Indiana. I should like to say that my service in the House has been very short, and I came here from the farm. Therefore I have not had large opportunity of studying the precedents of Congress. So I can not answer the gentleman's question more fully; but I will say that I can see no impropriety whatever in the Congress of the United States giving official recognition to a body of representative American citi-

zens who are going abroad to study a question that has been recognized by every national platform that has been written in the past campaigns and to carry out a mission which has been specifically indorsed by the President of the United States and by the man who in four weeks will be President of the United States. More than that, the question of the high cost of living is one, I think, that is being discussed as generally as any other question before the people. The President of the United States within a week has said that the American Nation are at a point where they will soon be importing food to feed the American people. The Government, both State and National, is spending large and ever-increasing sums in agricultural education. Yet consumption steadily gains on production. The farmer under present conditions sells his products to the middlemen, who in turn become the purveyors of our population. The official reports of the Secretary of Agriculture disclose that the middleman increases the average price 65 per cent to the consumer. In many instances the producer sells at a loss, while the consumer pays an extortionate price, with only the middleman making a profit. Under these circumstances it seems to me that Congress should not hesitate to take this action.

Mr. SHERLEY. Mr. Speaker, I think one point that is in the minds of a good many of us here is why the Government should undertake to commend a body of men over whose selection it has no control. In other words, you are asking Congress to give an unusual letter of credit to a group of men the personnel of which we know nothing about. Now, if it is so important that the Government itself should ask other Governments to consider representatives from this country, ought not the Government, as a Government, to select those representatives? And when has the State become so obscure that the accredited representatives from a State need an additional indorsement in order to receive consideration abroad?

Mr. MOSS of Indiana. Mr. Speaker, that is a question that goes to every man in his representative capacity, and will have to be answered by each one upon his own responsibility. It is a question that I am not here to answer, only for myself and to my constituents.

Mr. SHERLEY. But it is proposed that Congress shall ask consideration for them abroad.

Mr. MOSS of Indiana. This matter has passed the Senate unanimously.

Mr. SHERLEY. A great many things pass the Senate unanimously.

Mr. MOSS of Indiana. It has received the approval of the President and of the incoming President.

Mr. MANN. Will the gentleman yield for a question?

Mr. MOSS of Indiana. Certainly.

Mr. MANN. If consideration is given for this resolution, does the gentleman intend to offer any amendment to it, or to pass it as it is?

Mr. MOSS of Indiana. To pass it as it is.

Mr. MANN. Who appoints these delegates?

Mr. MOSS of Indiana. They are to be appointed, in large part, by the governors of the States.

Mr. MANN. The resolution says the Southern Commercial Congress will send the commission abroad.

Mr. MOSS of Indiana. The Southern Commercial Congress initiated the movement and is in nominal control only.

Mr. MANN. Is that the fact, or is it not?

Mr. MOSS of Indiana. This commission received its initiative from the Southern Commercial Congress, but the Southern Commercial Congress is asking the governors of the States and other authorities to make the nominations.

Mr. MANN. That may be, but does the Southern Commercial Congress intend to name the men? The resolution says "delegates from all the States." Is it necessary before they go abroad that there shall be delegates from each State?

Mr. MOSS of Indiana. No, sir; that is not necessary. It is an opportunity for all of the States to send delegates.

Mr. MANN. Then the resolution is not accurate in that respect, because it says "delegates from all the States."

Mr. MOSS of Indiana. I know there have been acceptances to the number of more than 60 of these delegates, but no man can tell to-day whether there will actually be representatives from every State.

Mr. MANN. That is what I thought. Therefore it seems to me improper to recite it in the resolution, which may be presented to somebody, when it may not be true. Now, is it expected that the Southern Commercial Congress will pay the expenses of these delegates or that they will pay those expenses themselves?

Mr. MOSS of Indiana. Either the delegates personally or the organization nominating them.

Mr. MANN. I suppose that is so, but which is it?

Mr. MOSS of Indiana. In some instances one and in some the other.

Mr. MANN. Do I understand that the Southern Commercial Congress makes a discrimination and will pay the expenses of some, but will not pay the expenses of others?

Mr. MOSS of Indiana. Why, Mr. Speaker, the Southern Congress does not pay the expenses of any of the delegates.

Mr. MANN. I understood the gentleman to say that they did. It is understood, then, that these gentlemen go abroad at their own expense?

Mr. MOSS of Indiana. Absolutely so.

Mr. MANN. And they are expected to study the subject of rural credits and report to whom?

Mr. MOSS of Indiana. Their report, Mr. Speaker, will be to the organization appointing them.

Mr. MANN. That is not what the resolution says.

Mr. MOSS of Indiana. These gentlemen will go back to their respective communities to discuss this question and awaken public interest, thus taking the first steps toward securing practical cooperation among the farmers of the country.

Mr. MANN. This says that the commission shall report to the International Institute of Agriculture at Rome at its meeting in May.

Mr. MOSS of Indiana. The word "report" there means that they shall convene at Rome to begin their labors.

Mr. MANN. I think not.

Mr. MOSS of Indiana. That is the meaning of it.

Mr. MANN. I think that is not the meaning of it and not the intention of the resolution, in my opinion. Now, if the purpose is to send a letter to this agricultural institute at Rome, commending to the institution a lot of gentlemen who want to make a visit abroad, that is one thing; but the resolution says they are to report to the International Institute of Agriculture in May, 1913.

Mr. MOSS of Indiana. The word "report" means that they are to arrive at Rome at that time and start on their tour.

Mr. MANN. What will they do with the resolution if passed; present it to the institute and say, "Gentlemen, we are here; look at it"? To whom will they present the resolution? It is safe to say that the nations abroad are not waiting with bated breath to know whether this resolution passes; they do not know that it is in existence. Suppose it does pass, what will be done with it, as a matter of fact? Will it be presented to somebody abroad? I take it that they will not walk up to the Parliament of England and say, "Here is a resolution; give us seats in the gallery." Will they present it to the prime minister? It will be rather an unusual thing to pass a resolution to be presented to an administrative officer of a foreign government. It would be rather an unusual thing for the administrative body abroad to pay any attention to a legislative resolution passed here.

Mr. NORRIS. Mr. Speaker, I think it ought to be stated here that the question of rural credits in Europe is one that has received a great deal of consideration here. While I have no objection to this resolution, it seems to me that the gentleman from Illinois [Mr. MANN] has pointed out some of the reasons why it certainly could not be of any great consequence.

Now, there was a resolution on this subject which passed the Senate. There have been two resolutions to the same effect introduced in this House that provided for the study of the European agricultural credit system by a commission of five American citizens that should be appointed by the President; and I think the resolutions, or some of them, provided that the appointment should be confirmed by the Senate and that their expenses should be paid; and I think also these resolutions provided that a salary should be paid to them while making the study, and providing a time in which they should report to Congress the conclusions which they reached.

It seems to me that the question is one well worthy of serious and careful study. I do not have much faith in this proposed resolution. I have no objection to it, but I do not believe it will accomplish much. While nobody could object to anyone going over and studying as they please, yet if we want to get something upon which to base National or State legislation from a study of this question, it ought to be made, it seems to me, by men who are named either by Congress or by the President, and whose duty it will be to make a report; and then we ought to pay their expenses and also for their time in order that the appointing power may not be confined only to men who are sufficiently wealthy to bear their own expenses. We should not confine it only to the wealthy.

It seems to me before the final consideration of this particular resolution it ought to be known to the House that the kind of resolution that I have indicated has passed the Senate and is before the Committee on Agriculture of this House; that this committee has given several hearings on the subject, and has

heard men from different parts of the United States as well as Members of Congress on the question; that we ought not to deceive ourselves into the idea that by passing this resolution we are going to accomplish anything of particular merit. While I shall not object to it, I am perfectly willing that these men should go and study as they please, but I do not want somebody afterwards, if a resolution should be reported by the Agricultural Committee, to say that it had already been passed upon and that this was sufficient. I want investigation made of the rural credit systems of Europe. The farmers of our country have to pay too high a rate of interest when they borrow money. They have the best security in the world and ought to be able to borrow money at a much lower rate. The farmers of Europe by a system of cooperation have been able to get money as low, if not lower, than business men. I would like to send a commission of farmers to Europe to study the subject with a view of applying it here. We sent a commission over there to study banking in a commercial sense, why not let the farmers have a commission of their own number to study rural or farmers' cooperative banks?

Mr. BATHRICK. Mr. Speaker, will the gentleman yield?

Mr. NORRIS. Certainly.

Mr. BATHRICK. The gentleman concedes that the passing of this resolution, with the assistance given officially to these gentlemen who propose to go abroad and discuss and investigate this subject at their own expense, is not going to do any harm, but may result in good.

Mr. NORRIS. That may be, and I shall not object, but I do not believe that the resolution will result in much good, for the several reasons that the gentleman from Illinois [Mr. MANN] has indicated, and that I have tried to point out myself. If we desire to study this question then we ought to provide in our resolution for a method of selection of the men who shall make up the commission, and provide that they shall make a report, and then we ought to pay them for their work. We ought not to confine the investigation to men who are wealthy enough to pay their own expenses.

Mr. MANN. Mr. Speaker, in addition to what the gentleman from Nebraska [Mr. NORRIS] has said, we have a great many consular representatives abroad. We have a number of general consular representatives and we have some commercial agents abroad, any one of whom is qualified to make a study of this subject. It is not so difficult to study, so far as that is concerned, as far as the facts are concerned. It is easy to ascertain the facts concerning these rural banks abroad. The difficulty is in applying those facts to the situation in our own country. I do not see how anybody can allow this resolution to pass and then object to similar legislation that may be asked by the ladies' sewing society or some other society anywhere throughout the land that wishes to send abroad members to study some particular subject, and asks Congress to pass a resolution granting or asking diplomatic courtesies to their delegates.

Mr. BUTLER. Mr. Speaker, can not these gentlemen go abroad without legislation?

Mr. MANN. They can not only go without legislation if they have the money, but they can obtain from the Secretary of State a special letter commending them to all of the diplomatic officials of the United States abroad, and thereby obtain an introduction with commendatory words to the respective administrative officers abroad.

Mr. STEENERSON. Mr. Speaker, it seems to me that in line 7 on page 2 this resolution seeks to command the officers of foreign Governments.

Mr. MANN. It must be addressed to the administrative and executive officers abroad through the legislative branch of this country.

Mr. MOSS of Indiana. Mr. Speaker, just a word, and then we will pass the matter, whether it be objected to or not. In regard to what the gentleman from Nebraska [Mr. NORRIS] has said, there will be no objection on my part, and I believe upon the part of no one associated with these men, to the Government of the United States appointing a commission and paying them salaries and their expenses, if the Government cares to do it. There are, however, a great many consular officers, as has been said by the gentleman from Illinois [Mr. MANN], and other paid officials of the United States stationed abroad, and it seems to me this body of men has the right to be commended to their good offices as well as to similar courtesies upon the part of foreign Governments.

As regards the resolution referred to by the gentleman from Nebraska [Mr. NORRIS] there is this objection to that. The men who are behind this proposition are the pioneers who proposed this question of going abroad. It is they who have awakened public interest and have gotten to the point where there are at least 25 or 30 States willing to appoint delegates and pay their expenses. Naturally there are gentlemen who would like to get on the pay roll of the United States Government, and take advantage of the popularity that has been created on this particular subject. They propose that a commission shall be appointed to go abroad on a junket, having their expenses paid out of the Treasury of the United States as well as their salaries. It seems to me that is a very poor reason for objecting to this voluntary commission and for this attempt to prevent these gentlemen receiving the diplomatic courtesy of European Governments and the ordinary courtesy of the Congress of the United States. Gov. Wilson has truly said that it is difficult for the common people to be heard at Washington and that a few men are ready to act as guardians for the Nation, but I doubt if the governor anticipated that an objection would be made on the floor of this House to a recognition of a voluntary commission to go abroad at private expense, under the guidance and with the fellowship of a distinguished member of the British Parliament, to study a question of supreme importance to every citizen of the Nation.

THE SOUTHERN COMMERCIAL CONGRESS,
Southern Building, Washington, D. C.

THE AMERICAN COMMISSION TO INQUIRE INTO THE ORGANIZATION OF AGRICULTURAL BUSINESS IN EUROPE.

GENERAL INSTRUCTION TO THE COMMISSION.

The inquiry will embrace an examination of the methods employed by progressive agricultural communities in production and marketing and in the financing of both these operations.

Special note will be taken of—

First. The parts played, respectively, in the promotion of agriculture by the Governments and by voluntary organizations of the agricultural classes.

Second. The application of the cooperative system to agricultural production, distribution, and finance.

Third. The effect of cooperative action upon social conditions in rural communities.

Fourth. The relation of the cost of living to the business organization of the food-producing classes.

PRESIDENT TAFT'S ADDRESS.

He spoke as follows:

"In our workaday politics one sometimes gets just a little bit tired of the use of the term 'progressive' by gentlemen who make no progress except in its use for platform purposes, and therefore when you meet a man who has really made the progress for his people that we are all seeking he is entitled to our sincere tribute of respect.

"There is not anything that the Southern Commercial Congress has done that shows the sincerity of its purpose more than this honor to Sir Horace Plunkett. He has been engaged in a country in which the accumulations of mistaken legislation had produced such a condition that it needed almost the surgeon's knife to bring about a betterment, but the history of the land legislation of Ireland is one that now, with its successful result, we ought to study for the purpose of enabling us to see whether we can not take something from that experience to help us on.

"It is true they have no constitution in England or in Ireland that is written, and Parliament is absolute, and there were a good many things done with respect to land in Ireland that we could not do here under our Constitution, and that would not have been justified, except for the evils that had grown out of parliamentary legislation and of a misstatement—or a misunderstanding certainly—of the necessities of Ireland.

ACHIEVES GREAT SUCCESS.

"Now, Sir Horace Plunkett has worked in that field, and he has made a great success; and it is certain that the Southern Commercial Congress in looking to the improvement of the South, and the improvement of the agricultural methods, and the improvement of those methods with relation to the improvement of the people engaged in agriculture, has done something that can be of great assistance to them. Now, I came here to say that, and that only.

"The subject of credits, and the necessity for improving the method of the securing of better credit to the farmers, is one that I have discussed, taking much of it on credit, because I haven't had the personal experience that justifies me in speaking with any authority. The results that we have seen in Germany and in France and in other countries—doubtless in Ireland—make me think that we would be without our usual willingness to adapt everything good that we see unless we take up this subject, study it, as you propose to study it, through your commission, and then adapt it through the States, in so far as it may be adapted to our civilization and our people.

CONFRONTED BY NECESSITY.

"We used to think that we could not learn anything about agriculture from the other side; that we were so rich and that our crops were so big that really to look over to England, where they had to cultivate down to the last foot, was to do something that indicated a retrogression rather than a progression; but now we are reaching a point where we can calculate that unless we do something in the way of improving our methods of agriculture we shall be at a point where we shall have to import what we eat, and we shall become dependent on other countries, rather than to feel the independence which has swelled our heads to a point—sometimes I think to a point of danger. We have a great deal to learn, and I doubt not that from such authority as Sir Horace Plunkett we can learn a great deal.

"The South has a great deal to learn. She is learning. She is learning rapidly in her exchange of cotton for a diversified planting.

* * * * * * * * * I only came here to express, on behalf of the whole country, the pleasure we have in the presence of a gentleman who has shown by what he has done—not by what he has said—and by what he has brought about that he is a progressive.

JANUARY 29, 1913.

Hon. WOODROW WILSON,
Governor of New Jersey, Trenton, N. J.

DEAR GOV. WILSON: The Southern Commercial Congress, which initiated the proposed American commission to Europe upon agricultural credit, honored me with a dinner on Monday last, at which President

Taft attended and spoke. The President had asked me to attend the conference of governors at the White House upon the same subject on December 7, but my ship was delayed in a storm and I could not be present. As I intimated to you at the interview you were kind enough to give me on the 21st instant, I was very skeptical as to any useful purpose being served by this costly project, and I feel that I ought now to tell you of certain changes in the original plan which have completely changed my judgment upon the matter.

That the system of credit prevailing in agricultural communities in this country is not all that it should be may be admitted, but it is equally certain that the entire business organization of the American farmers is in a deplorably backward condition. It may be generally stated that agriculture is the only important business occupation in this country which is unorganized, and until some progress has been made in applying what is now coming to be recognized as the obvious remedy—the introduction of cooperation—it is little use discussing the best kinds of credit system to meet the farmers' needs. In any case, the literature upon the subject is good and exhaustive. A few economists and financiers familiar with agricultural conditions could derive from this source far more light upon the American problem than is likely to be shed by the collective wisdom of the traveling commission.

I found that the leaders in the movement were altogether inclined to agree with this view. Before the dinner they agreed to change the scope of the proposed inquiry, and I send you herewith a copy of the instructions which will be given to the commission. At the dinner this document was adopted, and President Taft indorsed it.

My purpose in troubling you with this matter at such an extremely inconvenient time is that your Presidency will be seven weeks old before the commission starts for Europe on April 26. I think you will agree that if the issues which are now raised in the inclosed document are really well discussed by the commission a profound effect may be produced upon public opinion in regard to the place of agriculture in your national economy. In any case, I am certain that the mere raising of these issues in so public a manner will stir thought throughout the Union, which will have its influence upon legislation and administration affecting the production and distribution of the Nation's food. If you could see your way to write either to Senator FLETCHER, president of the Southern Commercial Congress, or to me, or both, a letter expressing your own personal approval of the enlarged inquiry, it would, I am sure, be extremely helpful to those who are anxious that some real benefits should accrue from all the labor which will be involved. I only mention myself in this connection because it might enable me to be more useful to the commission in Europe if I had this official recognition to strengthen my hand.

Believe me to be,

Very respectfully, yours, HORACE PLUNKETT.

P. S.—Address, 36 West Tenth Street, New York City.

Resolutions adopted by national organizations indorsing the American commission that is being assembled by the Southern Commercial Congress.

AMERICAN ASSOCIATION OF COMMERCIAL EXECUTIVES.

Whereas the Department of State of the United States detailed, upon the application of the Southern Commercial Congress, David Lubin, American delegate to the International Institute of Agriculture, Rome, Italy, to direct a conference on agricultural finance, held under the auspices of the Southern Commercial Congress in Nashville, Tenn., April 1 to 6; and

Whereas 27 States were represented through delegates in the conference; and

Whereas resolutions were unanimously adopted providing for an American commission to go abroad for the investigation of rural credits in Europe; and

Whereas the Southern Commercial Congress will send the commission abroad, composed of delegates from all States of the United States, to report to the International Institute of Agriculture (which under treaty is supported by the Government of the United States) at the time of the meeting of the general assembly of the International Institute of Agriculture, May, 1913: Therefore be it

Resolved, That the American Association of Commercial Executives, in recognition of the valuable service to be rendered the United States in the investigation of the European systems of agricultural finance, hereby indorses the proposed American commission.

FARMERS' NATIONAL CONGRESS.

Resolved, That the Farmers' National Congress favors an investigation of agricultural banking and credit in vogue in Europe, and indorses the movement to send a national investigating commission abroad to study and report upon the rural credit system in effect in continental European countries.

NATIONAL GRANGE.

Whereas the Department of State of the United States detailed, upon the application of the Southern Commercial Congress, David Lubin, American delegate to the International Institute of Agriculture, Rome, Italy, to direct a conference on agricultural finance held under the auspices of the Southern Commercial Congress in Nashville, Tenn., April 1 to 6; and

Whereas resolutions were unanimous adopted providing for an American commission to go abroad for the investigation of rural credits in Europe; and

Whereas the Southern Commercial Congress will send the commission abroad, composed of two delegates from each State of the United States, to report to the International Institute of Agriculture, which under treaty is supported by the Government of the United States, at the time of the meeting of the general assembly of the International Institute of Agriculture, May, 1913: Therefore be it

Resolved by the National Grange in convention assembled at Spokane, Wash., That in recognition of the valuable service to be rendered the United States in the investigation of the European systems of agricultural finance they hereby indorse the proposed American commission.

Resolved, That we, the members of the National Grange in annual session in the city of Spokane, Wash., in this our forty-sixth annual session, do urge that the legislature of each State in the United States appropriate $2,400 to defray the expenses of two delegates, who, in company with the delegates from the other States, shall make a study of the various financial systems of the world and evolve a plan that shall meet our financial needs.

CHAMBER OF COMMERCE OF THE UNITED STATES.

(Resolution will be forwarded later.)

FARMERS' EDUCATIONAL AND COOPERATIVE UNION OF AMERICA.

(Resolution will be forwarded later.)

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I dislike to object to anything that the gentleman from Indiana [Mr. Moss] so urgently presses, because I have come to have great confidence in his judgment; but still on this occasion I feel the resolution is improper, and therefore I object.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar.

REFUND OF CORPORATION TAX.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 27323) to provide for refund or abatement under certain conditions of penalty taxes imposed by section 38 of the act of August 5, 1909, known as the special excise corporation-tax law.

The Clerk read the bill, as follows:

Be it enacted, etc., That any corporation, joint-stock company, association, or any insurance company subject to the special excise tax provided by section 38 of the act of August 5, 1909, known as the special excise corporation-tax law, which has been or may be compelled to pay or become liable for any additional tax within the provisions of subsection 5 of said section 38, which additional tax has been or may hereafter be imposed for a neglect to file a return as provided in said corporation-tax law on or before the 1st of March of any year, may, within one year after the passage of this act, or within one year after the date of notice of assessment where such notice is given after the passage of this act, make application to the Commissioner of Internal Revenue for a refund of such additional tax. And the Commissioner of Internal Revenue, with the advice and consent of the Solicitor of Internal Revenue, is hereby directed to remit, abate, or pay back all such additional taxes in excess of $100 for any single year whenever in any case it appears to his satisfaction that the additional tax was assessed or imposed solely because of a neglect to make a return at the time or times specified in said act, and without any intention or design on the part of any officer of such corporation, joint-stock company, association, or insurance company to hinder or delay the United States in the collection of the tax originally assessed.

The SPEAKER. Is there objection?

Mr. SHERLEY. Mr. Speaker, reserving the right to object, I would like to have an explanation in regard to this bill. Is this bill retroactive at all?

Mr. BRANTLEY. To some extent.

Mr. SHERLEY. To what extent?

Mr. BRANTLEY. Mr. Speaker, I would like to state to the gentleman from Kentucky—and then I will yield to the gentleman from Maine [Mr. MCGILLICUDDY], the author of the bill, to answer any specific questions in reference to it—that this bill is designed to grant some relief from one of the very drastic penalties of the present corporation-tax law. It has the very cordial support of the Treasury Department, and has been unanimously reported by the Committee on Ways and Means after full hearing and investigation. It is a thoroughly meritorious measure. I will now yield to the gentleman from Maine [Mr. MCGILLICUDDY] to answer the specific questions of the gentleman from Kentucky.

Mr. MCGILLICUDDY. Mr. Speaker, under the provision of the act of August 5, 1909, as the House knows, a tax of 1 per cent on net incomes not exceeding $5,000 is assessed and collected. Now, under section 3 of that act it is provided that the return containing the information upon which the tax is assessed shall be made on or before the 1st day of March in every year. In section 5 it is provided that in cases of fraudulent intent, or of failure to file the return because of fraud, then an additional tax of 100 per cent of the original tax is assessed, and in case of mere neglect to file the return an additional tax of 50 per cent is assessed. And in addition to that, under section 8 of the act, it is provided wherever a refusal or neglect to file the return exists there shall be a fine of from $1,000 to $10,000. Now, the proposed bill does not alter or change the law in any respect affecting anybody except those persons who, through some inadvertence and without any intention whatever of evading or delaying the collection of the tax, have failed to file their return on the 1st day of March in each year.

Mr. BARTLETT. May I interrupt the gentleman?

Mr. MCGILLICUDDY. Certainly.

Mr. BARTLETT. Then it is also the fact that people who are not liable to pay the tax by reason of not having the amount of income provided for are also penalized for failure to make the return.

Mr. MCGILLICUDDY. Precisely; that occurred in my State where a corporation did not earn anything in the way of net income, and as provided by the act they were subject not only to this original penalty but to the fine of section 8 in addition.

Now, as has been stated by the gentleman from Georgia, who reported the bill, this bill when it was introduced was referred to the Committee on Ways and Means and by the chairman of that committee was referred to the Secretary of the Treasury

for his suggestion, and I will read what he says in regard to it. This is under date December 20 last:

I am of opinion that the proposed bill, providing as it does for refund or abatement of all taxes or assessments over and above $100 in any individual case, accomplishes the desired purpose admirably by providing a punishment which, taken in connection with paragraph 9 of section 38 of the tariff act of August 5, 1909, will prove amply sufficient to insure the proper compliance with the provisions of this law and at the same time prevent the infliction of drastic punishment for simple neglect. The language of the proposed bill seems to be free from criticism, and I unqualifiedly recommend that the proposed measure be enacted into law.

Respectfully, FRANKLIN MACVEAGH, *Secretary.*

Mr. SHERLEY. If the gentleman pleases, I have read what the Secretary says, but I am not quite sure whether he is accurate, and he does not give me the information I desire. I would like to ask the gentleman how much refund there will be if this becomes the law?

Mr. McGILLICUDDY. As near as can be ascertained, about $225,000.

Mr. SHERLEY. I would like to ask the gentleman, secondly, whether he considers the language of the act as presented here limits the refund of assessments under section 5 or whether it does not permit at least a plausible contention for a refund for any other penalties under any other section of the excise act?

Mr. McGILLICUDDY. I think not.

Mr. SHERLEY. I would like for the gentleman to look at it with that in mind, because I am not at all sure.

Mr. McGILLICUDDY. Well, this bill does not cover anything except the failure to make returns through mere neglect, and when it appears there was no intent or design to delay or in any way hinder the collection of the tax.

Mr. SHERLEY. That is just the question. The gentleman sees that. I call his attention to the fact that on page 1 of the bill it speaks there of the payment under subsection 5.

Mr. McGILLICUDDY. From what line are you reading?

Mr. SHERLEY. Lines 8 and 9. There it refers to subsection 5 of the excise act, but when it comes to the refund with reference to any additional penalty, it is not any additional penalty because of the provisions of section 5. It seems to be very much broader than the Secretary's letter would indicate, or the gentleman's statement would indicate.

Mr. McGILLICUDDY. I think the bill was drawn very carefully with that in view, and it all refers back to subsection 5 of section 38.

Mr. SHERLEY. Let us see, if the gentleman will permit. It says:

And the Commissioner of Internal Revenue, with the advice and consent of the Solicitor of Internal Revenue, is hereby directed to remit, abate, or pay back all such additional taxes in excess of $100 for any single year.

Now, that does not seem to limit it to the excess taxes that were collected under the excise part of the act.

Mr. McGILLICUDDY. It limits it.

Mr. SHERLEY. Does it necessarily? I think, in a matter of this kind, it ought not to be a matter of inference or doubt or construction to be put on the word "such." The gentleman's contention may be the right one, but——

Mr. McGILLICUDDY. But the only tax referred to, if you will permit, is the tax referred to in line 8, and that specifically refers to subsection 5, where it says, "Any such additional tax." It can not possibly refer to any other. There is no other tax to which it can refer.

The SPEAKER. Is there objection?

Mr. SHERLEY. Mr. Speaker, reserving the right to object, this is a matter of considerable importance. It is rather an unusual bill to pass by unanimous consent at best, and I want to feel sure that it does not accomplish anything beyond what the gentleman states.

Mr. McGILLICUDDY. I am in hearty sympathy with what the gentleman has to say. If he can make the bill any better than it is, I shall be very glad to have it done.

Mr. MANN. Will the gentleman yield?

Mr. McGILLICUDDY. Yes.

Mr. MANN. The only thing that can be paid back in any event is the additional tax?

Mr. McGILLICUDDY. And not all of that.

Mr. MANN. I understand. The additional taxes are the penalty for not making the return.

Mr. McGILLICUDDY. It is not called a penalty. It is called "an additional tax."

Mr. MANN. I am calling it a "penalty." That is what it is.

Mr. McGILLICUDDY. It is in effect; yes.

Mr. SHERLEY. I understand you are not going to pay back in any event anything but what you designate as a "penalty," but you ought not to pay back the penalty except in a very limited number of cases, where the failures to make the returns are excusable.

Mr. McGILLICUDDY. There is no provision to pay back any penalty.

Mr. SHERLEY. We are using the words "additional tax" and "penalty" in the same sense.

Mr. McGILLICUDDY. It is hardly in the same sense in the original act. One is an additional tax assessed under section 5 and another is a penalty collected under section 8.

Mr. SHERLEY. I understand; but there are several additional taxes, as I recall, under the various sections. There are three or four sections that call them "additional payments." Have you the excise law there?

Mr. McGILLICUDDY. Yes; I have the law.

Mr. SHERLEY. If the gentleman will read the provisions that are set forth——

Mr. McGILLICUDDY. Section 5 is the only provision involved. It says:

All returns shall be retained by the Commissioner of Internal Revenue, who shall make assessments thereon; and in case of any return made with false or fraudulent intent, he shall add 100 per cent of such tax; and in case of refusal or neglect to make a return or verify the same as aforesaid, he shall add 50 per cent of such taxes.

That is all this bill refers to. Now, under section 8, if the gentleman will follow it, there are penalties both for the intentional failure to file the return and for the refusal or neglect. That is the penalty. And in the next clause there is a further penalty of imprisonment in certain cases, with which this bill has nothing whatever to do. I am sure, if the gentleman will examine the bill, he will find it accomplishes all he has in mind.

Mr. SHERLEY. I am trying to do that, but from the way in which the gentleman brings up this bill I have to examine it on my feet or my remedy passes by. Now, as I understand, a penalty, where they simply neglect to make the return, is imposed to the extent of 50 per cent. That is an arbitrary amount.

Mr. McGILLICUDDY. Yes.

Mr. SHERLEY. And where there has been a real intent to defraud it is 100 per cent.

Mr. McGILLICUDDY. That is correct.

Mr. SHERLEY. If that be so, and you want to refund only those taxes which come about through neglect why use the language "when it appears to his satisfaction that the additional tax was assessed or imposed solely because of neglect"? There can be no discretion there. The amount of the tax will show whether it was done through neglect or through intent to defraud. Why not have the law limited to a refund in those cases where the additional tax was 50 per cent and exclude those cases where it was 100 per cent? Do you not here open up all of them?

Mr. McGILLICUDDY. You accomplish the same purpose in different language.

Mr. SHERLEY. Oh, here under the original law you let the very size of the tax determine the character of the fault, whereas in this bill you leave it to the discretion of the officials to determine in all cases under section 5 whether or not it was because of the one reason or the other.

Mr. McGILLICUDDY. Not all cases, but simply in cases of neglect, where there was no intent to defraud.

Mr. SHERLEY. I understand; but you leave it to the discretion of the official to determine what was the reason, whereas the size of the tax determines it better than his discretion.

Mr. McGILLICUDDY. I do not see how that can be.

Mr. SHERLEY. For instance, here are two men who have a certain tax return to make, of the same amount. One of them has an additional tax levied of $1,000, which is 100 per cent. The other has an additional tax levied of $500, because in his case the failure was due simply to neglect, whereas in the first man's case the failure was due to a desire to defraud. Now, you are not limiting the recovery to the case of one, but leaving it to the discretion of the official, where he may think the other fellow did it through neglect and order a remission of the tax. Now you have a certain rule. Why make it uncertain, in the discretion of the official?

Mr. BRANTLEY. Mr. Chairman, let me call the attention of the gentleman to the language of the bill, which permits the right to make application for a refund only in those cases where the 50 per cent additional tax is imposed for failure or neglect to file the returns.

Mr. SHERLEY. Where is the language to warrant that statement?

Mr. BRANTLEY. In lines 5 and 6 of page 2. He may "make application to the Commissioner of Internal Revenue for a refund of such additional tax," which additional tax is referred to on the first page as the tax imposed under subsection 5 of section 38 for a neglect to file a return, and the whole bill deals only with the tax imposed for a neglect to make the return. Then, of course, when it comes before the Treasury Department on the application for a refund, the Treasury De-

partment must have the right to inquire as to whether this is a mere case of neglect or not, and if they find it is——

Mr. SHERLEY. Why?

Mr. BRANTLEY. Because somebody must enforce the law.

Mr. SHERLEY. Ah, but that is just the point. The very provisions of the law separate the classes of cases, and there is no discretion given. There is an arbitrary additional tax of 50 per cent imposed when there is neglect only. Now, if that is the only case you are trying to reach, why not require, when the additional tax of 50 per cent has been added through neglect, that such tax shall be refunded?

Mr. BRANTLEY. I will say to the gentleman from Kentucky that this is precisely what this bill does.

Mr. SHERLEY. That is the gentleman's conclusion.

Mr. BRANTLEY. The honorable Secretary of the Treasury, who has carefully examined the bill, says the bill is admirably drawn.

Mr. SHERLEY. Oh, the gentleman has been in Congress longer than I have been, and he knows how much credit to give to the recommendation of a Secretary in a matter that perhaps has never met his personal eye.

Mr. BRANTLEY. I want to say to the gentleman that the Commissioner of Internal Revenue——

Mr. SHERLEY. I would rather have the gentleman's opinion than that of either of those officials.

Mr. BRANTLEY. Let me suggest to the gentleman from Kentucky that perhaps he does not understand the application of the law in question. The Commissioner of Internal Revenue informs us that in the operation or enforcement of the present incorporation tax law he has had numerous complaints made, or applications made, for a refund of this 50 per cent additional tax upon the ground that the failure to file the returns promptly on March 1 was mere inadvertence or neglect, and therefore that the applicants ought not to be required to pay a penalty; that he found on construing the law that this 50 per cent is not imposed as a penalty, but that it is a tax—so the language of the law is—and no matter how well satisfied he might be that a clerk or agent has neglected to obey the order of the president of the corporation to file the tax returns, with no thought or purpose of evading the payment of the tax, that the additional amount must be exacted. In one case it was shown that the return was made out, and then a clerk put it in his desk and forgot to take it out.

Numerous cases of that kind have occurred; and yet no relief could be granted, because under the construction given the law the tax is mandatory.

Mr. SHERLEY. I have no issue with the gentleman as to the desirability of refunding in cases of that sort, but I have a very strong desire that the act shall be limited to just that kind of cases. The gentleman assures me that that is the fact, but I am not completely satisfied from the cursory reading of the bill, which I have had to give it on my feet, and I suggest to the gentleman, inasmuch as there is a classification made by the law itself, why leave it to a matter of construction? Why not simply in three of four lines provide that power is given for a refund of additional taxes of 50 per cent that were levied because of the failure on account of neglect? Then you exclude the other.

Mr. BRANTLEY. Mr. Speaker, I think if the gentleman will study the language of the bill carefully he will see that that is what it does.

Mr. SHERLEY. That may be, but we ought not to have any doubt about it.

Mr. BRANTLEY. If you limit it simply to cases where the tax is imposed in case of mere neglect, necessarily some officer has to say, when you make application for the refund, that that failure to make the return was a mere case of neglect.

Mr. SHERLEY. But there is a difference in the way the officer acts. In one case he is limited to the fact that the additional tax is 50 per cent. According to your bill he is limited in his discretion.

Mr. BRANTLEY. I do not think there is a member of the Committee on Ways and Means who does not sympathize with the purpose and wishes of the gentleman from Kentucky. I want to say to him that this bill was really very carefully considered by the committee. We did not stop with the letter from the Secretary of the Treasury. We invited a hearing; we had an oral hearing, and nearly every word of the language of this bill was criticized in the committee, and we reached the conclusion that it accomplished the identical result that the gentleman from Kentucky desires to accomplish.

Mr. SHERLEY. I have a very high opinion of the accuracy of the gentleman and his ability as a lawyer, and I shall not press my point to the extent of objecting to the consideration of the bill, but I have called the attention of the House to what seems to me to be a doubtful construction.

Mr. SLAYDEN. Has the gentleman in his mind the words that he thinks are essential to correct the bill?

Mr. SHERLEY. I think in three or four minutes I could draw the necessary amendment, but the gentleman is asking at my hands a rather unfair thing. I have been engaged in a running debate, and it is hard for me immediately to offer the language.

Mr. SLAYDEN. I hope the gentleman will disabuse his mind of the idea that I wanted to ask an unfair question.

Mr. SHERLEY. No; but what the gentleman asks is rather a severe test.

Mr. SLAYDEN. The particular case in which the gentleman from Kentucky said no one would object to the refund is a case that arose in my town. The clerk made the report and dropped it into his desk. The authorities of the corporation thought that it had been filed. They paid their tax 30 days before it matured, in fact.

Mr. SHERLEY. I indicated that I thought the law, in providing a refund where the additional tax of 50 per cent had been assessed, would be completely narrowed to cases such as the gentleman has stated.

Mr. SLAYDEN. The gentleman from Maine [Mr. McGILLICUDDY] is willing to do anything which is necessary in order to make the bill clear.

Mr. McGILLICUDDY. I am entirely willing to do anything that will make the bill as clear as possible to accomplish the purpose that we all agree upon. I think it does accomplish it as it now reads.

Mr. SHERLEY. I can not attempt on my feet to amend the bill. If I was going to amend it, I would strike it all out and rewrite it in about six lines.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. BRANTLEY. Mr. Speaker, I ask unanimous consent to have this bill considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Georgia asks unanimous consent to have this bill considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill for amendments.

The Clerk read the bill at length.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BRANTLEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

PHILIPPINE HEMP INDUSTRY.

The next business on the Calendar for Unanimous Consent was House resolution 767, requesting from the President of the United States information concerning the exemption of American importers of manila hemp from payment of the export tax thereon.

The Clerk read the resolution with the committee amendments.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman from Georgia whether the Ways and Means Committee reporting this resolution asking for the information of the President in regard to a tariff matter in regard to the effect on an industry growing out of the tariff, intends to get the advice of the present President or the next President; whether the present Ways and Means Committee desires the advice of President Taft about the effect of a tariff on an industry, or whether it is simply laying the foundation by the passage of this resolution to have the President elect when inaugurated make a report to the Committee on Ways and Means of the House on this subject?

Mr. BRANTLEY. Mr. Speaker, if my friend from Illinois will permit me to tell him why the resolution was reported I think that will answer his inquiry. It appears that the resolution, which is in courteous form, seeks certain information that it is very desirable to have. It is represented that the present tariff law imposes an export tax at Manila on all hemp exported from Manila, but provides that where such hemp is exported to the United States and is used and consumed in the United States there shall be a refund of a large proportion of this export tax.

Now, it is claimed that the effect of all this is that the manila hemp grower, being unable to know whether his hemp is going to be used and consumed in the United States, has to sell his hemp with the export tax on it, which tax he has to pay, and then that the importer in the United States gets the rebate. It is charged that this results in quite a concession to certain im-

porters in the United States at the expense of the hemp growers in the Philippines.

The purpose of this resolution is to get at the facts, and it seems there is no place to get them except from the executive department of the Government. The information sought might be of material advantage, if furnished by the present Chief Executive, to the Ways and Means Committee in framing the hemp and flax schedule of the tariff.

Mr. MANN. There is now practically free trade between the Philippine Islands and the United States with reference to hemp.

Mr. BRANTLEY. On the exported hemp the grower pays the export tax.

Mr. MANN. I say there is practically free trade between the United States and Manila in hemp. Now, the gentleman proposes to pass a resolution and, not content with asking for the facts, he asks the President's advice to the House whether this free trade has operated unjustly, and also to what extent it has depressed the hemp industry. That is not a question of fact; it is a question of opinion, and a political opinion.

Mr. BRANTLEY. Let me ask the gentleman from Illinois, if it be a fact that the present method of granting the rebate on these export taxes does not result in an injustice to the Manila and the Philippine hemp grower, does he not think that the present President of the United States ought to have the privilege of saying that it does not?

Mr. MANN. I do not think the present President of the United States desires any further opportunity to advise the Democratic House what it shall do on the tariff question, because the President is quite certain that if he gives you good advice you will sneer at him, and if he gives you bad advice you will take advantage of it.

Mr. BRANTLEY. But this is for the Filipinos.

Mr. MANN. It is a matter within the control of the Ways and Means Committee and a matter for Congress to legislate upon. If the gentleman desires the opinion of President Taft on the tariff, I will be glad to join with him in asking the President to give his opinion on free trade and protection as a tariff policy.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

Mr. BRANTLEY. I yield.

Mr. BARTLETT. Mr. Speaker, I desire to suggest to my colleague, so far as the advice of the President is concerned, he has never yet given the Democratic House any good advice on the subject of tariff.

Mr. MANN. The trouble is that the Democrats have not followed his good advice, though they will wish some day that they had.

Mr. BARTLETT. I think he rather wishes now that he had not given it.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar.

PAY OF OFFICERS IN THE NAVY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25715) providing that officers of the Navy be allowed pay from the dates they take rank.

The Clerk read the bill, as follows:

Be it enacted, etc., That all officers of the Navy who, since the 3d day of March, 1899, have been advanced or may hereafter be advanced in grade or rank pursuant to law shall be allowed the pay and allowances of the higher grade or rank from the dates stated in their commissions.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, as I understand this simply proposes to grant back pay to officers of the Navy who were not confirmed for some time after they were nominated, according to the additional grade they received, from the time they were nominated up to the time of confirmation.

Mr. HOBSON. The gentleman is correct.

Mr. MANN. How much is involved?

Mr. HOBSON. It involves in the neighborhood of $20,000, according to the estimate of the Paymaster General.

Mr. MANN. Are not these officers of the Navy who receive their promotions quite satisfied at the time they receive them, without coming in and asking Congress to pay back pay for 12 or 13 years back?

Mr. HOBSON. Mr. Speaker, of course the gentleman realizes that an officer is always glad to have a promotion. There is a term they call that kind of a promotion—a jackass promotion—one which does not give the officer any pay with his advancement. They like to have even jackass promotions. But I will say to the gentleman that this is simply a matter of justice. Those officers when promoted perform the duties of the higher grade, and the intention of the law originally was to give them pay from the date of their commission; and, in fact, the law ran from 1874 until 1899 with that interpretation. This is simply to overcome a construction given to it by a particular Comptroller of the Treasury.

Mr. MANN. Mr. Speaker, I have great admiration for the officers of the Army and Navy at all times. It is unfortunate, perhaps, for the Government that in time of peace many of them are not very busy and some of them lie awake nights or spend some time of the day finding out new methods of trying to increase pay. They were the ones who wanted the personnel bill of 1899 passed. They were the ones who urged Congress to pass the bill which gives them promotions more than they would have had before.

Mr. HOBSON. Mr. Speaker, this has nothing to do with the personnel bill of 1899. This has nothing to do with officers who have been promoted by law—that is, special promotions. This is simply in the ordinary routine of business. Sometimes the Senate is in session and sometimes it is not. Nearly all of the officers of the Navy get their pay from the date of their commission, but it happens that a certain comptroller ruled that in the process of promotions of certain young officers the law did not permit them to be paid from the date of their commissions, but that their pay should not begin till the date of confirmation by the Senate, which is an uncertain matter. It is only these few exceptional cases that this bill deals with.

Mr. MANN. What is the date of the commission?

Mr. HOBSON. It varies, of course. It is the date when they are advanced.

Mr. MANN. What is the date of the commission as related to nomination and confirmation?

Mr. HOBSON. In some cases the date is established by law. Take ensigns, for instance, to which this bill applies. Ensigns' commissions are dated now from the 1st day of July of the year of graduation from Annapolis. Formerly they were dated two years from that time. The pay of an assistant civil engineer will run from the time that the President issues the commission, irrespective of any other antecedents. It dates from the day the President signs it. That is not fixed by law. He begins his duties on that day. The Senate may confirm it immediately or the Senate may not be in session, and it may be a long time before it is confirmed, but the officer will be subject to orders and will perform the duties of the office from the date of his commission. In all other cases except these pay begins with the date of commission when they begin the duties of their office, and not later, when the Senate confirms them.

Mr. MANN. The gentleman has not answered my question, which I asked for information. Where the President nominates an officer for promotion and that nomination is not confirmed for some time, what date does the commission bear?

Mr. HOBSON. It bears the date of the vacancy in some cases, as pointed out above, and in all cases the date of the issuance of the commission by the President. The commission bears the date when the duties begin even though the President may be a few days late in issuing it. His practice is to have the date that of the date of the existence of the vacancy to which the promotion is made.

Mr. MANN. Regardless of when the nomination is confirmed?

Mr. HOBSON. Regardless of the confirmation, and this only asks that those officers who have come under this exception shall be treated as all other officers and get their pay from the day on which they are promoted.

Mr. MANN. It is a case of a man having received a basket full of good things and kicks because he loses one cherry and thinks he ought to have it.

Mr. HOBSON. The gentleman in some cases may be correct, but in this specific case he is not, and I will give an illustration: There is a difference, say, between Members here who are continued from one Congress to the next and those who come in fresh. Suppose that Congress, not assembling until December, the Sergeant at Arms should determine that those who pass from the old Congress to the new should receive their pay from the 4th of March, and those who came in new should not receive their pay until they were finally sworn in. It is exactly analogous to this.

Mr. MANN. Why, no; I will give the gentleman the analogy. Suppose the Members who were elected last fall, who are not new Members of Congress, should say their commissions should date practically from the day of election and they should be paid from that date, not from the date that they were sworn in. That is the analogy.

Mr. HOBSON. The gentleman is very much mistaken.

Mr. MANN. That is the exact analogy.

Mr. HOBSON. The gentleman is very much mistaken. The pay of the older Members only begins the 4th of March. Now, all they ask is that the new Members shall begin at the same time when the new Members assume the responsibility and duties of the office on the 4th of March. All of these officers who fall under this exception did assume the duties of their office, and they ought to begin to receive their pay from such date of commission. It is analogous to the 4th of March for a new Member. The gentleman's ideas might apply to other cases, but they do not apply to this specific case.

Mr. NORRIS. Will the gentleman yield?

Mr. HOBSON. Certainly.

Mr. NORRIS. I want to ask the gentleman for information, suppose the Senate for any particular cause does not confirm?

Mr. HOBSON. The officer is not promoted, and if his place is taken by another in the lower rank and he is not confirmed in the higher grade, then he would be dropped from the Navy.

Mr. NORRIS. No; I mean before the promotion he is drawing a certain salary, and then the President appoints him to a particular place——

Mr. MANN. He is not expelled from the Navy, because if they did there would be a great many out of the Navy.

Mr. NORRIS. Now, suppose he is not confirmed by the Senate. If this bill were passed, would he be drawing another salary in the meantime?

Mr. HOBSON. He would be drawing the salary from the date of his commission when he assumed the duties. Now, then, when he went up to that place his place would be taken in the lower grade by another officer, and when the appointment of the lower grade is confirmed by the Senate and the officer moving to the higher grade is not confirmed by the Senate when the time comes for that officer to be passed up, and he has never been confirmed by the Senate, he will be practically without any position. He could not go back to the lower grade.

Mr. NORRIS. The gentleman has not quite taken the illustration I want to make. I am not speaking of the man who comes up and takes his place, but what I want to know is, would he draw the salary for the promotion that he eventually would not get, as a matter of fact, in case the Senate failed to confirm him?

Mr. HOBSON. I do not think a case like that ever came up.

Mr. MANN. They would have to go over that as a matter of bookkeeping.

Mr. NORRIS. I presume it is liable to occur now, as there are a great many confirmations that are liable to fail in the Senate. What I want to know is, when the President promotes a man would he then be entitled to pay, if this bill passes, from the date the President promoted him?

Mr. HOBSON. Yes, if finally confirmed; all the others do now, and those carried by this bill would also.

Mr. NORRIS. Suppose that promotion was not confirmed. It might be a year even before the Senate acted, or several months. In the meantime he has been drawing the salary.

Mr. HOBSON. I think the gentleman will find that if the Senate votes adversely on a nomination for promotion the officer goes back to his original grade, provided his position in the lower grade has not been filled by nomination and confirmation.

And then, if the Senate continued to decline to confirm, it would simply legislate the officer from the Navy.

Mr. NORRIS. It would not legislate him out of the Navy. He would still have his old position, would he not?

Mr. HOBSON. Well, if his position in the lower grade had been filled by another, there would not be any position for him.

Mr. MANN. What becomes of him?

Mr. HOBSON. The comptroller would then decline to pay his salary. I do not believe that has ever occurred. The President could wait for confirmation before sending in a nomination to fill the lower grade.

Mr. MANN. Suppose a man gets a recess appointment during the long vacation of Congress and his nomination is not confirmed. He may be nominated, say, to one of the admirals' positions. That is a matter of grace and not of rank. Does the gentleman mean to say that he does not draw pay of the lower rank?

Mr. HOBSON. He draws pay of the higher rank under existing law until the Senate acts. If it acts adversely, then the pay of the higher grade ceases forthwith.

Mr. MANN. If the nomination is not confirmed, he goes back, of course. There are a large number of nominations, as we know from the CONGRESSIONAL RECORD, pending confirmation in the Senate now. In my talk with people in Washington and meeting naval officers, I have heard considerable anxiety expressed as to whether they be confirmed, but I have not heard anybody stand on the question of whether he would receive the salary of the old rank or the new rank for the course of a few weeks' time. They are all willing to take the confirmation and the commission and pay from the date of the confirmation.

Mr. HOBSON. The gentleman refers to the cases in the Senate, and I am glad he cites those because they are in point. The officers he meets and those now before the Senate need have no anxiety as to the pay. That is provided for by law. The law of 1874 reads as follows:

That on and after the passage of this act any officer of the Navy who may be promoted in course to fill the vacancy in the next higher grade shall be entitled to the pay of the grade to which promoted from the date he takes rank therein, if it be subsequent to the vacancy he is appointed to fill.

And the date he takes rank therein is the date of his commission. The President can issue a temporary commission—a gunboat commission—pending action by the Senate, but, of course, the President can not actually issue or hand the final commission to the officer until the Senate has confirmed him. But when the Senate does confirm the date of the commission is made the date of the vacancy, and the pay of the officer in the higher grade begins under the law at the date specified in the commission. If confirmation were never made, the pay of the higher grade would still be legal till the date of the Senate's refusal. All that is asked in this bill is that the law be made uniform, that these exceptions that have been made contrary to the intent of the law be removed, and these officers, in the name of right and justice, be included under the law. They have done the work of the advanced position. It is the practice of our Government, and of all Governments, that officers promoted should receive the pay of the higher grade from the date of promotion, the date of their commission, the date when they actually begin to do the duties of the higher grade.

Mr. MANN. The gentleman is an authority on this subject, and I would like to propound a conundrum to him. Suppose one of these Army or Navy officers now under nomination and not yet confirmed in the Senate becomes of a retiring age before the confirmation is made, is the man retired at the higher rank or the lower rank?

Mr. HOBSON. I believe that the gentleman from Illinois knows perfectly well that he never finally attains the higher rank until confirmed by the Senate, and that the law for retirement is mandatory, and that he would retire on attaining the age limit of the law, and consequently, if not confirmed by the Senate before that age, would never receive the pay or the rank of the higher grade.

Mr. MANN. The gentleman is very positive, perhaps, that he is right; but it is a matter that is not settled in the Army and Navy circles yet, because they have such cases now, and they are very much exercised over them.

Mr. HOBSON. May I ask the gentleman if it has been his intention all the time to object to the consideration of this bill?

Mr. MANN. It has been my intention, unless the gentleman could remove the objection I had to it.

Mr. HOBSON. If the gentleman really has an objection, I will try to remove it.

Mr. MANN. I had thought I had indicated the objection I had. The gentleman and I do not seem to agree upon the proposition.

The SPEAKER. Is there objection?

Mr. MANN. I will have to object, Mr. Speaker.

AERODYNAMICAL LABORATORY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 27992) to authorize the creation of a temporary commission to investigate and make recommendation as to the necessity or desirability of establishing a national aerodynamical laboratory, and prescribing the duties of said commission, and providing for the expenses thereof.

The Clerk read the bill, as follows:

Be it enacted, etc., That the action of the President in creating a temporary commission, consisting of Dr. R. S. Woodward, president Carnegie Institute of Washington, chairman; Charles D. Walcott, Smithsonian Institute, secretary; Dr. S. W. Stratton, Director United States Bureau of Standards; Prof. William J. Humphreys, consulting physicist, United States Weather Bureau; Brig. Gen. James Allen, United States Army, Chief Signal Officer; Maj. Samuel Reber, chief signal officer, eastern district; Capt. W. I. Chambers, United States Navy, in charge of aviation, United States Navy; Naval Constructor David W. Taylor, United States Navy; M. B. Sellers, technical committee, Aeronautical Society of New York; Henry A. Wise Wood, scientific engineer, vice president Aero Club of America; Bion J. Arnold, scientific engineer, Aero Club of Chicago; Prof. W. F. Durand, scientific engineer, Leland Stanford University; Prof. Richard MacLaurens, president Massachusetts Institute of Technology; Charles M. Manley; Harold H. Sewall; Herbert Parsons; Col. Frederick H. Smith; Hon. Frank West Rollins; and Dr. A. F. Zahm, secretary Aero Club of Washington, to consider and to make recommendation at the earliest practicable date on the necessity or desirability of establishing a national aerodynamical laboratory be, and the same is hereby, confirmed; said commission shall be composed of not to exceed 19 members. It shall have a stenographer and such other assistants as said commission may authorize.

The members shall each be paid their actual expenses in going to and returning from Washington when necessary to attend meetings, and actual expenses while attending the same..

Said commision shall diligently inquire into the desirability or necessity of establishing a national aerodynamical laboratory, and shall at the earliest practicable date report to Congress its recommendations, together with such facts as it may have ascertained.

SEC. 2. That to meet the expenses made necessary by this act the sum of $5,000, or so much thereof as is necessary, is hereby appropriated from any moneys not otherwise appropriated.

SEC. 3. That said commission shall make its report at the earliest practicable date, not later than the 4th day of March, 1913, and shall at the filing of said report cease to exist.

The SPEAKER. Is there objection?

Mr. MANN. I reserve the right to object.

The SPEAKER. The gentleman from Illinois [Mr. MANN] reserves the right to object.

Mr. MANN. May I ask the gentleman from Alabama [Mr. HOBSON], is this commission now doing business at all?

Mr. HOBSON. It is.

Mr. MANN. Who is here attending it?

Mr. HOBSON. Nearly all the members, I understand, are here.

Mr. MANN. There are quite a number of members that I know who are not here, and who have not been here. I do not know what they are doing in connection with it. I wondered who has charge and who is doing the work here.

Mr. HOBSON. I have not made a roll call of them. Capt. Chambers is in charge. He informed me on Saturday that the commission was proceeding and hoping to be able to make its report before the 4th of March.

Mr. MANN. Are they having any meetings?

Mr. HOBSON. They are having meetings daily, morning and afternoon, I understand.

Mr. MANN. What do they need an appropriation for?

Mr. HOBSON. To pay the necessary expenses of their members.

Mr. MANN. What expenses can there be? Capt. Chambers already has a stenographer at his beck and call, has he not?

Mr. HOBSON. The gentleman understands that they are receiving the hospitality of the Carnegie Foundation here, and are using its hall. There is no expense for the hall. If the gentleman will read section 2 he will find——

Mr. MANN. I have just read it. I have referred to it.

Mr. HOBSON. It covers the necessary expenses of the commission. I will say to the gentleman that there are no salaries. They are not paid for their time, and the money will be used chiefly to pay their traveling expenses from their homes to Washington and their hotel bills while in Washington.

Mr. MANN. Well, of course most of these officers are in Washington.

Mr. HOBSON. And there will be none for those who are.

Mr. MANN. Here is a proposition to have a report submitted to Congress in a month's time. Of course 20 or 30 gentlemen, or whatever may be the number of them—whether 19 or otherwise—holding meetings on the subject of aeroplanes and air navigation and air experimentation, will not get together on anything unless somebody has it prepared for them. I supposed Capt. Chambers had it all worked out. Why not get Capt. Chambers's views?

Mr. HOBSON. We have his views.

Mr. MANN. Why, then, this commission?

Mr. HOBSON. We believe that, competent as Capt. Chambers is in such matters, the advice of 18 other experts in such matters, in private and official life, would add to the value of such a report.

Mr. MANN. What authority had the President for appointing this commission?

Mr. HOBSON. None.

Mr. MANN. Do we not have a law forbidding it to be done?

Mr. HOBSON. We did enact such a law, and that is the reason why it is necessary to pass this law, if the commission——

Mr. MANN. And the President, having violated the law——

Mr. HOBSON. I am not going to be put in the position of saying the President violated the law.

Mr. MANN. That was the law.

Mr. HOBSON. The President did not violate that law or any other law that I know of; but the President could not pay the expenses of the commission unless it was confirmed or authorized by law. The President, I take it, could appoint any gentlemen he pleased on a nonofficial commission, and if they desired they could assemble in Washington and make a report; but the President could not defray their expenses, and the commission would not have the standing and dignity of an official commission unless it received the sanction of such a bill as this.

Mr. MANN. I suppose the President can ask Bill Jones or anybody else for an opinion on any question, but I think that the President has not the power to appoint an official commission without the authority of Congress.

Mr. HOBSON. The gentleman must understand that this commission is not official unless this bill or some such bill is passed.

Mr. MANN. We have in the Army men working on aviation——

Mr. HOBSON. Not very many——

Mr. MANN. Not as many as I would like to have, and we have men in the Navy working on aviation.

Mr. HOBSON. This will get more.

Mr. MANN. I supposed that is what it is for.

Mr. HOBSON. Yes.

Mr. MANN. In advance, as the gentleman says, of any report of any commission or authority to do it.

Mr. HOBSON. The gentleman is as omniscient as any man I know, but in aerodynamics even the most learned of all are in a realm that requires careful and scientific investigation.

Mr. MANN. The gentleman scolds me because I agree with him that there should be more men working on this subject. The gentleman said we needed more men. Therefore, following him for once at least I said, "I am ready to give more men without waiting for the report of the commission." Then the gentleman lectured me because I did not want to wait until the commission was appointed.

Mr. HOBSON. If the gentleman will listen to me a little longer, I will explain to him that this commission would make the development and expansion of aerodynamics regular and consecutive and effective, and under it we could proceed then with this aerodynamic laboratory as the nations abroad have done, and it would be more economical and more efficient than simply having to appoint more officers and detail them at random to this duty.

Mr. MANN. Now, let us see. If this commission should be appointed, this bill having been reported from the Committee on Naval Affairs, I take it that the report of that commission when made might naturally be sent to the distinguished committee which reported in favor of the bill, thereby conferring upon the Committee on Naval Affairs practically exclusive jurisdiction of the subject of air navigation in the House. Is that one of the purposes of the bill?

Mr. HOBSON. I disagree with the gentleman. I do not think he really thinks that.

Mr. MANN. Certainly, I really think that. That would probably be the result.

Mr. HOBSON. That the report of this commission would give the Naval Committee exclusive jurisdiction of aerodynamics?

Mr. MANN. Oh, exclusive jurisdiction of this subject of an aerodynamic laboratory.

Mr. HELM. I would like to ask the gentleman from Illinois or the gentleman from Alabama a question.

Mr. HOBSON. If the gentleman from Illinois [Mr. MANN] will excuse me for a moment, I will yield to the gentleman from Kentucky.

Mr. MANN. The gentleman from Alabama has the floor.

Mr. HOBSON. If the gentleman from Illinois will excuse me long enough to listen to the question of the gentleman from Kentucky——

Mr. MANN. Certainly.

Mr. HELM. Does the Army appropriation bill carry an appropriation of about $175,000 for aeroplane purposes?

Mr. MANN. It carries $100,000.

Mr. HELM. I thought it was a total of $175,000—an appropriation of $100,000 and an unexpended balance of about $75,000.

Mr. MANN. No.

Mr. HELM. Remaining from the former bill.

Mr. HOBSON. The total appropriation of the United States Government to date for this purpose, exclusive of the present Army and Navy bills, is only $140,000, while the appropriations abroad to the same date are as follows: France, $7,400,000; Russia, $5,000,000; Germany, $2,250,000; Great Britain, $2,100,000; Italy, $210,000; and Japan, $600,000.

Mr. MANN. The appropriation in the Army bill for aeroplanes is $100,000.

Mr. HAY. In the current bill it is $125,000.

Mr. MANN. It is included in the appropriation for the signal service.

Mr. HAY. And we appropriated $125,000 for that purpose.

Mr. MANN. I thought it was $100,000.

Mr. HAY. It was last year, but this year it was made $125,000.

Mr. HELM. Did you not also carry over an unexpended balance of $60,000 or $65,000?

Mr. HAY. Oh, no.

Mr. HOBSON. This commission has the head of the Signal Corps as one of its members, and the Navy seeks no preponderance or priority of authority.

Mr. MANN. The gentleman is familiar with the reports that have already been made from some of the committee of the House, possibly not for an aerodynamic laboratory, but for something along the same line, at once place in Ohio and one place, I believe, in the South.

Mr. HOBSON. I do not think those are questions of pending legislation.

Mr. MANN. Yes.

Mr. HOBSON. I thought the experimental place in Texas was a matter of assignment by the War Department.

Mr. MANN. There are bills on the subject in the House.

Mr. HOBSON. I do not say there are not.

Mr. MANN. Bills which have been reported.

Mr. HOBSON. I have not seen them.

Mr. MANN. There are reported bills on the subject in the House. The gentleman from Ohio [Mr. SHARP] has been very much interested in the subject. The gentleman from Georgia [Mr. HARDWICK] has been very much interested. He has had a bill on the subject for some plant at some place in the South.

Mr. HOBSON. I have heard no objection, in the hearings before our committee or elsewhere, to having a central aerodynamical laboratory similar to the ones they have in other countries—in France, England, Italy, and Germany—where they have found them absolutely necessary for the development of the art of aviation and aerostatics. As far as I know, no objection to this bill has been made by Members of Congress or others interested in establishing stations in other places.

On the contrary, there is the most cordial concurrence by those in civil life with the military and naval authorities over this bill. Abroad several aerodynamic laboratories have been established where the expense was met and defrayed partially by the Government and partially by private citizens. I have been unofficially informed that as soon as this Government gives proper encouragement to the movement in this country there are many citizens of this country who are prepared to give the same kind of cooperation in defraying expenses that has been made abroad.

I will say to the gentleman from Illinois [Mr. FOSTER] that there is probably no department of modern knowledge and scientific progress that is more important than this department. There is none in which the experimentation is as important or as necessary as this. It took many, many decades of experimenting to determine the constants for the formulæ used in navigation of the water, and water navigation is not yet beyond the realm of experimentation. It will require the most careful scientific experimentation to get the corresponding constants for formulæ for navigation of the air. Such experimentation as this commission would promote is necessary for the proper development of the art and science of this navigation, both for commercial purposes and the purpose of defense, in which we have already fallen behind the rest of the world.

Mr. FOSTER. I want to say that I am not opposing the establishment of this laboratory, but it seems to me that it is useless to appoint a commission to determine whether we ought to establish it. Now, I know that the gentleman's knowledge of naval affairs is great and that his advice is good. I am always glad to listen to him on these subjects. But it seems to me that if it is necessary, and the gentleman shows by the report here that the establishment of this laboratory in foreign countries has been had and what good work is being done there, in the light of that it seems to me useless to have a commission to determine whether we ought to establish a laboratory. I might agree with the gentleman if he would bring in a bill to establish a laboratory.

Mr. HOBSON. I will say to the gentleman that a bill will be brought in before long for that purpose; but I want to say to the gentleman that the authority of the commission, the nature of its report, and all those questions raised by the gentleman were gone into by the Naval Committee, and the gentleman will find that while the bill does not direct the committee to make a general investigation of the subject of the aerodynamic laboratory, it does call upon them to report recommendations, with such facts as they have ascertained, and their report will not be simply that the Government ought to establish an aerodynamic laboratory, but it will go further. The report will embody the plans for such a laboratory carefully formulated, with such information as they have gathered from the rest of the world, and the plan will embody the opinions of experts from all parts of the country and we will have this valuable result at practically no cost for their services.

We are getting the services of 19 men of the highest achievement in that science practically free. All we are asked to do, when they are doing the work for the Government as a labor of love, is to dignify them by making it an official commission, defraying their necessary traveling and hotel expenses. If we report that, I can assure the gentleman from Illinois that it will not be merely a question of reporting whether we ought or ought not to have such a laboratory, and that I am sure he himself will be much gratified and fully satisfied with the nature of their report. After that report we will bring in a bill based upon the information which has been gathered by the 19 members and their joint conclusions and plans, to establish a proper aerodynamic laboratory in Washington for the use of the Army, the Navy, and the Marine Corps and the use of civilians and for all those interested in the art and science generally. I hope the gentleman from Illinois will not persist in his objection.

Mr. MANN. What will be the line of work of this aerodynamic laboratory if established?

Mr. HOBSON. I can tell the gentleman that, in my judgment, it will be largely the same line of experimentation that was made in the development in the art of navigation at sea, only they will be dealing with a gas instead of a liquid; but they will have to get similar constants for the various formulæ, which they can only get by systematic investigations. I could go into detail and tell you about the question of thrust and the question of friction, involving the pitch, shape, area of the propellers, the lifting power, working area, obliquity, shape of planes, and so forth.

Mr. MANN. That is what we want to hear about. The gentleman says he can, but can he?

Mr. HOBSON. I think I can.

The SPEAKER. Is there objection?

Mr. FOSTER. I object.

AMENDING GENERAL PENSION LAW.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 28093) to amend the general pension act of May 11, 1912.

Mr. FOSTER. Mr. Speaker, the gentleman from Missouri [Mr. RUSSELL], the author of this bill, is compelled to be away to-day. He requested that I ask unanimous consent that the bill might go over until another day.

Mr. MANN. Why should not we pass it now?

The SPEAKER. The gentleman from Illinois asks unanimous consent that this bill be passed over without prejudice.

Mr. MANN. Mr. Speaker, let us have the bill read, and then we will see if anybody objects to it. I do not believe there is any objection to the bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the general pension act of May 11, 1912, is hereby amended by striking out section 5 and adding in lieu thereof a new section, so as to read as follows:

"SEC. 5. That it shall be the duty of the Commissioner of Pensions, as each application for pension filed under this act is adjudicated, to cause to be kept a record showing the name, length of service, and age of each claimant, the monthly rate of payment granted to or received by him, and the county and State of his residence; and shall at the end of the fiscal year 1914 tabulate the records so obtained by States and counties, and to furnish certified copies thereof upon demand and payment of such fee therefor as is provided by law for certified copies of records in the executive departments; and that further increase of rate under this act on account of advancing age shall be made without further application by pensioner and shall take effect and commence from the date he is shown by the aforesaid record to have attained the age provided by this act as a basis of rating: *Provided*, That where a claim has been heretofore adjudicated and the record therein does not sufficiently establish the date of birth of the soldier or sailor pensioner nothing herein shall prevent such further investigation as is deemed necessary, in order to establish a record upon which future increases of rate under this act, on account of advancing age, may be possible, the object being to advance automatically the rate of pension, as provided for by this act, without unnecessary expense to the pensioner."

The SPEAKER. Is there objection?

Mr. SLAYDEN. Mr. Speaker, I would like to ask the gentleman from Illinois for a little information about this bill. I could not get the entire purport of it from the reading of the Clerk. It says something about automatic increases of pensions.

Mr. FOSTER. Mr. Speaker, for instance, a soldier is 66 years old. He gets his pension based upon that age, for his service, whatever it may have been. The record shows and it has been established that his age be 66. This bill provides that when he becomes 70 years of age he gets an increase given to him automatically without his going through all the form of an affidavit and a formal application.

Mr. MANN. Mr. Speaker, if the gentleman will permit, I think the matter is very well stated in a letter sent by the

gentleman from Missouri [Mr. RUSSELL] to the Interior Department, and a reply to that letter. He stated:

It has always occurred to me that the increase of pensions by reason of age ought to be allowed automatically, but I realize that your department can not, without much additional work in preparing lists, tell when the increase should begin, but I can see no necessity for formal applications when all the necessary proof is already on file. Many old soldiers are poor, afflicted, and many miles from a notary public, and if a written notice was sufficient it would save them much trouble and expense and often avoid delay.

Thereupon the department prepared a memorandum which went into this bill, for the purpose of obtaining and retaining—which they get in the ordinary course—the addresses of these soldiers. Under this bill as they grow older, and as age allows an increase of pension, it is allowed to them without their being required to file an application for an increase.

Mr. FOSTER. When we passed the bill in 1908 all of the widows' pensions were increased automaticaly, and this simply provides that the increase shall be done in that way.

Mr. MANN. On account of age.

Mr. FOSTER. On account of age and nothing more.

Mr. SLAYDEN. Mr. Speaker, both gentlemen from Illinois, like Plato, reason well.

The SPEAKER. Is there objection?

Mr. FOSTER. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole, as it is on the Union Calendar.

The SPEAKER. Is there objection?

Mr. RODDENBERY. Mr. Speaker, reserving the right to object, will the gentleman from Illinois have any objection to a short amendment being offered to the bill?

Mr. FOSTER. Mr. Speaker, I have no objection to that. The gentleman has the right to offer his amendment. I could not prevent that.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Illinois asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the bill for amendment.

The Clerk again read the bill.

Mr. RODDENBERY. Mr. Speaker, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, on page 1, line 12, after the semicolon following the word "residence," by inserting the following:

"And upon inquiry and ascertainment first made by the commissioner a record showing and designating the names and addresses and salaries or pay of all claimants who are in the employment in any department or branch of the Government service at a rate of pay or salary in excess of $1,000 per annum."

The SPEAKER. The question is on the amendment offered by the gentleman from Georgia.

The question was taken; and on a division (demanded by Mr. RODDENBERY) there were—ayes 15, nays 35.

So the amendment was rejected.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FOSTER, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE MISSISSIPPI RIVER, MINNEAPOLIS, MINN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 27944) to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city.

The Clerk read as follows:

Be it enacted, etc., That the city of Minneapolis, in the county of Hennepin and State of Minnesota, a municipal corporation organized under the laws of the State of Minnesota, be, and it is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River from Third Avenue south, near its intersection with First Street south on the west side of said river, to the intersection of Second Street and First Avenue southeast, on the east side of said river, in the city of Minneapolis, in the State of Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the committee amendment, as follows:

Strike out all of section 1 after the enacting clause and insert in lieu thereof the following:

"That the time for commencing and completing the bridge authorized by the act of Congress approved January 27, 1910, as amended by the act approved January 27, 1912, to be built across the Mississippi River from Third Avenue south to First Avenue southeast, in the city of Minneapolis, Minn., is hereby extended to one year and three years, respectively, from date of approval hereof."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn."

BRIDGE ACROSS MISSISSIPPI RIVER, MINNEAPOLIS, MINN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 27988) to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city.

The Clerk read as follows:

Be it enacted, etc., That the city of Minneapolis, in the county of Hennepin and State of Minnesota, a municipal corporation organized under the laws of the State of Minnesota, be, and it is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto in said city across the Mississippi River, extending from Washington Avenue north, near its intersection with Lyndale Avenue north and Forty-second Avenue, crossing the tracks of the Minneapolis, St. Paul & Sault Ste. Marie Railway Co. and the Water Works Park, across the river to the intersection of Thirty-seventh Avenue northeast, if extended, with the river south of the pumping station, in such a manner as not to impede or hinder navigation in said river at the location above stated, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the committee amendment, as follows:

Strike out all of section 1 of the bill after the enacting clause and insert in lieu thereof the following:

"That the time for commencing and completing the construction of the bridge authorized by the act of Congress approved January 27, 1912, to be built across the Mississippi River from Washington Avenue north, near its intersection with Lyndale Avenue north and Forty-second Avenue, to Thirty-seventh Avenue northeast, in the city of Minneapolis, Minn., is hereby extended to one year and three years, respectively, from date of approval hereof."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn."

BRIDGE ACROSS MISSISSIPPI RIVER, MINNEAPOLIS, MINN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 27986) to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city.

The Clerk read as follows:

Be it enacted, etc., That the city of Minneapolis, in the county of Hennepin and State of Minnesota, a municipal corporation organized under the laws of the State of Minnesota, be, and it is hereby, authorized to construct, maintain, and operate a new bridge and approaches thereto across the Mississippi River, where an old bridge is now standing, from Plymouth Avenue north, on the west side of said river, to Eighth Avenue northeast, on the east side of said river, in the city of Minneapolis, in the State of Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the committee amendment, as follows:

Strike out all of section 1 except the enacting clause and insert in lieu thereof the following:

"That the time for commencing and completing the construction of the bridge authorized by the act of Congress approved February 15, 1910, as amended by the act approved January 27, 1912, to be built across the Mississippi River, from Plymouth Avenue north to Eighth Avenue northeast in the city of Minneapolis, Minn., is hereby extended to one year and three years, respectively, from date of approval hereof."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn."

BRIDGE ACROSS MISSISSIPPI RIVER, MINNEAPOLIS, MINN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 27987) to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city.

The Clerk read as follows:

Be it enacted, etc., That the city of Minneapolis, in the county of Hennepin and State of Minnesota, a municipal corporation organized under the laws of the State of Minnesota, be, and it is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River, extending from the intersection of Nineteenth Avenue south and Bluff Street across the river to the intersection of Tenth and University avenues southeast, in the city of Minneapolis, in the State of Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the committee amendment, as follows:

Strike out all of section 1 after the enacting clase and insert in lieu thereof the following:

"That the time for commencing and completing the construction of the bridge authorized by the act of Congress approved January 27, 1912, to be built across the Mississippi River from the intersection of Nineteenth Avenue south and Bluff Street to the intersection of Tenth and University Avenues southeast, in the city of Minneapolis, Minn., is hereby extended to one year and three years, respectively, from date of approval hereof."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn."

On motion of Mr. NYE, a motion to reconsider the votes by which the above four bills were passed was laid on the table.

BRIDGE ACROSS MISSOURI RIVER IN NORTH DAKOTA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 27879) providing authority for the Northern Pacific Railway Co. to construct a bridge across the Missouri River in section 36, township 134 north, range 79 west, in the State of North Dakota.

The Clerk read as follows:

Be it enacted, etc., That the Northern Pacific Railway Co., a corporation organized under the laws of Wisconsin, its successors and assigns, are hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation in section 36, township 134 north, range 79 west, in the State of North Dakota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. MANN. Mr. Speaker, this bill is on the Unanimous Consent Calendar in another place.

The SPEAKER. The Clerk will strike it off where it appears at another place.

PUBLICITY IN TAKING EVIDENCE UNDER THE SHERMAN ANTITRUST LAW.

The next business on the Calendar for Unanimous Consent was the bill (S. 8000) providing for publicity in taking evidence under the act of July 2, 1890.

The Clerk read as follows:

Be it enacted, etc., That in the taking of depositions of witnesses for use in any suit in equity brought by the United States under the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, and in the hearings before any examiner or special master appointed to take testimony therein, the proceedings shall be open to the public as freely as are trials in open court; and no order excluding the public from attendance on any such proceedings shall be valid or enforceable.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, it seems to me, I will say to the gentleman from Nebraska [Mr. NORRIS], that the Supreme Court having recently made some rulings which very much reformed the procedure in court, that it is a matter of doubtful propriety for us to try to enact a new rule right following that.

I would like to encourage the Supreme Court to make rules all along the line of procedure and provide a rule that would not only prevent depositions under the trust law being secret, but prevent the taking of any depositions in secret.

Mr. NORRIS. I would like to say to the gentleman that I agree fully with what he says, but there are reasons that I think will appeal to the gentleman why this law should be passed as affecting the so-called Sherman antitrust law that do not apply to cases generally. As he knows, it is the universal rule—I presume there has been no exception to it—that in every case commenced under that act the evidence is always taken by a master, because it is scattered over the country, and he goes around from place to place and takes the evidence, and he is a good while taking it. And the ordinary case that as a rule is heard in court is somewhat different. Almost universally in these cases practically all of the evidence is taken by the master and taken at various places. The Attorney General tells me that in this particular case where the question was raised in Boston it was the first time it ever had been raised. Everybody supposed, or at least the department did, that the taking of the testimony by the master must be taken in public the same as in open court. He also tells me that in these cases he has never known an exception to this rule; that at various times the publicity that is given to the taking of the evidence as the case progresses, it usually taking several months to take the evidence—he, on account of such publicity, gets additional evidence that he is able to offer in the case before the case is finally closed. Now, the evidence taken in this way in the aggregate constitutes hundreds and sometimes thousands of pages, so that when it gets into court, if this should be secret until that time, it means it always will be secret, because it is too great and voluminous for any attention to be paid to it by anyone.

Mr. MANN. Mr. Speaker, I have no doubt whatever in my own mind, so far as the United States courts are concerned, that all evidence ought to be taken in public. They do not try divorce cases or things of that sort. But here is a proposition to have Congress immediately after the making of equity rules by the Supreme Court provide that in a certain class of cases evidence shall be public.

Mr. NORRIS. The equity rules of the Supreme Court do not apply here.

Mr. MANN. I understand they do not cover this; thereby giving the impression to the courts and masters that the taking of evidence in other cases may properly be in secret. I think if the Supreme Court has its attention directed to the case the gentleman speaks of, or any case on the subject, that the court will make a rule permitting the taking of testimony by any master or examiner in secret, which would be far better, in my judgment, than enacting this into law.

Mr. NORRIS. I will say to the gentleman from Illinois that I think he readily concedes that there is a reason, as I have, in my weak way, tried to give, for the enactment of this law as applied to these cases, that does not apply to the ordinary case.

Mr. MANN. No; I do not see any reason that does not apply to the ordinary case.

Mr. NORRIS. The reason is——

Mr. MANN. I think the gentleman's reasoning is good. I do not wish the gentleman to misunderstand me. And I think it is also good on other occasions.

Mr. NORRIS. There is not any other class of cases that I know of where it is the almost universal rule that all the evidence is taken by a master or a traveling court. Most of this evidence in the ordinary case is taken in open court.

Mr. MANN. On the contrary, the bulk of the testimony in all of the interstate cases is taken by the master and not taken in open court.

Mr. NORRIS. I presume the cases the gentleman refers to are cases under this Sherman antitrust act.

Mr. MANN. Certainly not. They are cases in which the Interstate Commerce Commission is interested, and have nothing to do with the Sherman antitrust cases, and there are many cases in which not only the Government is interested, and other parties interested, and are now tried where the bulk of the testimony is taken by deposition, although the court in recent rulings endeavors to have as much testimony taken in open court as possible. But take one of the railroad cases involving rates of fare, and I do not want to give the masters or examiners the impression that they can take that testimony in secret.

Mr. NORRIS. And I do not either, I will say to the gentleman. But let us now consider it just for a moment. It is conceded by everybody that there are some cases that arise in court where there are reasons why the evidence should be taken in secret.

Mr. MANN. What kind of a case? I do not concede anything of the kind in any case that comes before the United States court.

Mr. NORRIS. There are hundreds of men who claim it, for instance, in cases, as it was referred to in this particular case I had reference to up in Massachusetts, where the object of the case is to obtain secrecy and the publication of the evidence would absolutely nullify the judgment that somebody is seeking in the court. And there are other cases where the evidence might be immoral and indecent, or something of that kind, where the court, for that reason, might order it taken in secret, but none of these reasons exist in cases brought by the Government under the Sherman antitrust act, and this bill applies only to such cases.

The exceptions are very few; I admit it. But if we made this law general we would not be able to get it passed, because there are exceptions that ought to exist.

Mr. MANN. Is not that a very good reason, then, why it ought to be handled by the Supreme Court in making its rules, so that it can provide for the exceptions?

Mr. NORRIS. If the Supreme Court had such rules with regard to evidence taken in such cases, that would be well. I can not speak with authority on that subject, but, in my judgment, in this particular case, where the court ordered the evidence to be taken in secret, it means that the United States Government will go no further in the case.

Mr. MANN. I do not know what the case is, I will say to the gentleman.

Mr. NORRIS. It is a denial of justice.

Mr. KENDALL. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. NORRIS. Yes; I yield to the gentleman.

Mr. KENDALL. I understood the gentleman from Illinois [Mr. MANN] to suggest that the Supreme Court had recently promulgated certain rules covering the practice, but their rules were not inclusive of this case?

Mr. MANN. That is what I said.

Mr. KENDALL. The gentleman also advanced the idea that if an abuse of this sort occurred the court might correct it. I assume it is the inferior court the gentleman has reference to?

Mr. MANN. No; the Supreme Court.

Mr. KENDALL. The rules of the Supreme Court were promulgated after this Massachusetts case?

Mr. NORRIS. Yes.

Mr. MANN. That may be true. They may have been promulgated after that. They were prepared, I understand, before this question arose.

Mr. KENDALL. In this Massachusetts case, on complaint, I suppose, of the Attorney General, or the law officer of the Department of Justice, an appeal was made to the court to direct the master to order an open hearing, and the court, after very careful deliberation, approved entirely the action of the master.

Mr. MANN. It may be the court was right. I do not know.

Mr. KENDALL. The gentleman can conceive of a case.

Mr. NORRIS. I am not contending that the court was wrong as a matter of law. I do not believe the Government could get that order reversed if it tried to. I have read the proceedings, and there was very little of it on either side. I think it was conceded by both sides that it was a matter in which the court had the discretionary right to say either way, and if this bill is not passed the court can provide that a hearing shall be secret, and the Supreme Court can not set aside that order.

Mr. MANN. The Supreme Court can issue an order any day amending the rules.

Mr. NORRIS. Yes; but a case would not be reversed if it went up on that particular account.

Mr. KENDALL. It is not contended that any law was violated by the judge. It was simply an impropriety?

Mr. NORRIS. Yes.

Mr. CLAYTON. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Nebraska yield?

Mr. NORRIS. Yes; I yield to the gentleman.

Mr. CLAYTON. Mr. Speaker, I appreciate fully the value of the suggestion made by the gentleman from Illinois [Mr. MANN] that there ought not be any special legislation where a general rule or a general statute could take care of the subject matter of any proposed legislation. I think that is a wise and salutary rule to be observed in lawmaking. But there are exceptions to the rule which are just as wise as the rule, and those exceptions sometimes are themselves of greater wisdom than a mere adherence to the rule.

Now, in this case, as everybody knows, the case of the Shoe Machinery Trust, which called for this special legislation, no suit or proceeding can be begun under the Sherman antitrust law, so called, as this suit against the Shoe Machinery Co. was begun, except by the consent and by the authority and in the name of the Attorney General. Now, the Attorney General, in the administration of justice and in the prosecution of that proceeding has found himself hampered by a rule of the court, and he has appealed to the Congress to remove that obstacle.

He claims that in this very case against the Shoe Machinery Manufacturing Trust, in Boston, the order of Judge Putnam that the testimony be taken behind closed doors has worked to the detriment of the correct administration of public justice; and from the fact that he has asked for this legislation I infer that he has been unable to get relief anywhere else. I infer that he has been unable to get relief from Judge Putnam's court, and he is unable to get relief through any rules of the Supreme Court. Therefore he appeals to Congress to pass this act.

Mr. COOPER. Mr. Speaker, will the gentleman from Alabama tell us what, if any, reason was assigned by the judge who ordered that testimony to be taken in secret?

Mr. CLAYTON. I am not apprised of the reason the judge gave for his ruling.

Mr. COOPER. What reason could he give?

Mr. CLAYTON. I can not imagine any; but whether he had a reason or not, he did it, and we are trying to correct what I believe to be an obstruction to the correct administration of justice.

Mr. BURKE of Pennsylvania. Does the gentleman know in what way a Government case would be prejudiced as a consequence of an order of this kind? I assume, of course, that neither of the parties to the proceeding would be excluded, nor would their counsel. Both parties would be made fully cognizant of every step taken in the proceedings. Now, what I would like to ask the gentleman is in what way is the Government or the Attorney General prejudiced by the order to take the testimony in secret?

Mr. CLAYTON. I can not answer exactly what reason the Attorney General may give for it, because I do not have it directly from the Attorney General, and I do not wish to give reasons which may be chargeable to him, but I want to give what I suppose to be his reasons. In all these matters like the shoe machinery trust case the public is interested, and in every one of these investigations, through the medium of spreading the information through the press and through the bystanders who heard it, public information has been disseminated, and in many cases the Department of Justice has had its attention called to other facts with which it was unacquainted until these public hearings.

Sometimes the bystanders have heard things and the Attorney General has derived information from them which, if they had been excluded from the hearings, he perhaps would not have gotten. Sometimes the matter has gone to the press and has been discussed there, and from that source he has derived further information beneficial to him in the successful prosecution of suits against the trusts. At any rate, the Attorney General has said not only to the gentleman from Nebraska [Mr. NORRIS], who introduced the bill on this subject in the House, but to Senator NELSON, of Minnesota, that he regarded it as important that the taking of testimony in these suits hereafter should be in public. I think I am violating no confidence when I say that the distinguished Senator from Minnesota [Mr. NELSON] said he introduced this bill and secured its passage through the Senate at the request of the Attorney General, and that it was prepared at the Department of Justice, and that the reason for it was that in a recent suit instituted by the Department of Justice under the antitrust law against the Boot and Shoe Machinery Manufacturing Trust in Boston United States Circuit Judge Putnam ordered that the testimony before the master be taken behind closed doors. This the Attorney General, so the Senator from Minnesota thinks, rightfully objected to and insisted that the taking of the testimony should be open to the public.

Now, Mr. Speaker, the day has long since passed when we should have star-chamber proceedings, and the public has a right to know, especially in a matter like the Shoe Machinery Trust case, what is going on, because a suit of that kind is not between private parties. It is a suit in behalf of the people. It is inaugurated by the Attorney General, and can not be inaugurated except through the Department of Justice, and it is peculiarly a public matter and the public is peculiarly interested in it, and it can not be said that there can be any sound public policy why the testimony should be taken in secret. I assume it will not be said that the disclosures will be so indecent as to shock the public. If the trust has been guilty of anything so wrong, so shocking to the sensibilities of a judge, the people ought to know about it; and they have a right to have these hearings in the open, as they have always been before.

At any rate, the chief law officer of the Government has advised Congress that it would promote the administration of public justice to have this bill passed, and I am quite willing to take his judgment, because he is primarily chargeable with the execution of the law.

Mr. BURKE of Pennsylvania. I would just as soon take the judgment of the chairman of the Committee on the Judiciary on that subject.

Mr. CLAYTON. I thank the gentleman for the compliment. If it is of any value, I will say that the chairman of the Committee on the Judiciary agrees with the Attorney General.

Mr. BURKE of Pennsylvania. I do not dissent from the gentleman's opinion, but I wanted to know if there was any special reason, growing out of any particular case, that made it necessary for the passage of this legislation. It seems to me that there might be cases where trade secrets might be disclosed, for we all know that there have been improvident prosecutions.

Mr. CLAYTON. To meet that objection, this bill is limited in its nature.

Mr. BURKE of Pennsylvania. With reference to the Sherman antitrust law, but I believe there have been cases brought under that statute where it ought not to apply.

Mr. CLAYTON. The fact that it is limited met with the disapproval of the gentleman from Illinois, as I understood it.

Mr. MANN. If this bill was referred to the Attorney General and he expressed an opinion in regard to it, was there any special reason why that opinion should not be furnished to the House?

Mr. NORRIS. It was not referred to the Attorney General, and, with the exception of a slight change, it was drawn by the Attorney General.

Mr. MANN. Every department of the Government draws a great many bills for Members of Congress. I would like to have the department express its opinion in writing.

Mr. NORRIS. The Attorney General was not asked by the committee to do that, but he has referred to this particular case in this report, published and before Congress.

Mr. MANN. Yes.

Mr. NORRIS. Recommending this very legislation.

Mr. MANN. That is true. I have no doubt the Attorney General is in favor of it.

Mr. NORRIS. Why should we refer the bill back to the Attorney General after he had prepared it?

Mr. MANN. So as to have a statement in reference to it. The Attorney General is conducting a lawsuit. He has been unable to get the judge to do what he wants done, and thereupon he proposes to force the judge to do it by legislation through Congress for the purpose of affecting that particular lawsuit.

Mr. NORRIS. Does the gentleman from Illinois think the Attorney General is trying to cover up anything?

Mr. MANN. The gentleman from Illinois would not put it upon that ground. I have great confidence in the Attorney General.

Mr. NORRIS. If the gentleman's criticism is correct, it ought to go to the committee and not to the Attorney General.

Mr. MANN. I am not criticizing.

Mr. NORRIS. The Attorney General, I know, would not object to giving his opinion.

Mr. MANN. I asked if there was any reason why we did not have the opinion of the Attorney General, and the gentleman from Nebraska has given the reason, and that is satisfactory, so far as I am concerned. But I am not satisfied to pass the bill by unanimous consent.

Mr. BURKE of Pennsylvania. Will the gentleman from Nebraska yield?

Mr. NORRIS. For a question.

Mr. BURKE of Pennsylvania. Will the gentleman indicate what benefit there would be derived by the passage of this particular provision to open to the public this testimony?

Mr. NORRIS. The gentleman has asked a question which I will answer. The first reason is that unless there is some reason to the contrary, the proceedings of court should always be open to the public. If we are going to permit the decision of this court to stand—and I do not know how we can meet it without a change of the law—you will be met at the threshold of every prosecution under the Sherman antitrust law with an application for a secret hearing. In effect, it will mean that in every case under the Sherman antitrust law the evidence shall be buried and not given to the public if we do not pass this legislation.

Further answering the gentleman, I want to say that these cases to which this act would apply are always cases in which the United States Government is a party, commenced by the Attorney General of the United States. He represents the people of the United States, and any citizen ought to have the right to go into the court and have cognizance of the proceedings, particularly in a case where the people of the United States are a party.

Mr. BURKE of Pennsylvania. If that is true, why did the gentleman qualify and make an exception in some cases? If the courts are to be opened, why ought they not to be opened in all cases?

Mr. NORRIS. If we should come in here with a general act there would be a dozen objections, and one would be that there might be some case where the testimony was immoral and indecent and where the court ought to have a right to make it secret.

Then they would say it would apply to other cases where the evidence is taken in open court rather than by a master, as in this case. The reason why we are not having it apply generally is we want to avoid the very objection the gentleman seems inclined to make because we did not include all the cases. We concede there may be cases in which the hearing ought to be secret.

Mr. BURKE of Pennsylvania. Mr. Speaker, if the gentleman can conceive why there should be exceptions made with reference to other laws, is it not possible that other gentlemen can conceive why there should be exceptions made in the administration of this law?

Mr. NORRIS. I concede that is right, and if the gentleman can point out any reason why there should not be publicity, I think that is proper.

Mr. BURKE of Pennsylvania. I simply point out this fact. There has been no reason pointed out by the proponents of this bill why this particular statute should be taken out and made an exception of when it comes to its enforcement by the Attorney General.

Mr. NORRIS. I thought I had stated that to the gentleman in the first place. One reason for it is that, unless there should be reasons given to the contrary, there ought to be publicity in court proceedings, and no man has ever yet been able to give any reason why there should not be publicity in cases under the Sherman Antitrust Act.

Mr. BARTLETT. In this particular case what was the reason?

Mr. NORRIS. I am answering one question and I will yield to the gentleman just as soon as I get through with this answer. Another reason why this class of cases should be made public is because the testimony is always taken by a referee, a master. The gentleman understands that under the Sherman antitrust law there will be some evidence taken in San Francisco and some in Massachusetts. It is scattered around. A master is appointed and he may consume six months in taking the testimony.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object——

Mr. NORRIS. Mr. Speaker, I desire to finish my answer. The master is traveling all over the country taking evidence. He takes some in Kansas City, and then he goes to Omaha, where he takes some more evidence, and then in New York City, and so on around the country. When he gets through he has a large amount of evidence, thousands of pages, perhaps. If the public are excluded from the hearings in Kansas City and in Omaha, the public does not know what the evidence is until it is filed in open court. At that time if there is any reason why publicity should be given, it disappears for the reason that no man would go through such a voluminous record.

Mr. BURKE of Pennsylvania. Who is to decide the issue in that judicial proceeding—the public or the judge?

Mr. NORRIS. I will tell the gentleman where the public comes in, if the gentleman does not think the public ought to be in as a matter of right. The result will be that there will be no publicity, as a matter of practice, in these cases unless the publicity takes place when the evidence is produced before the master. In every case yet that the present Attorney General has ever commenced under the Sherman Antitrust Act, and he has commenced more than any other Attorney General, there has never been one yet where in some hearing evidence was not developed and given to the public which was the means of giving to him additional evidence, which he offered in the case before it was finally finished. So that in this class of cases, if the newspapers publish what one witness or another witness testifies to before the master, some man a thousand miles away will read it and he will write to the Attorney General and give him some information that is of material benefit in the case.

Mr. TOWNSEND. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TOWNSEND. Mr. Speaker, has a reservation of objection been made upon this bill?

The SPEAKER. Yes.

Mr. TOWNSEND. Is the gentleman who has made the reservation too jealous of it to allow the rest of us to enjoy some of its benefits?

The SPEAKER. The Chair does not know. The gentleman from Illinois [Mr. MANN] made the reservation.

Mr. MANN. Mr. Speaker, if the gentleman from New Jersey will propound that question so that I can understand it, I will be very glad to answer it. I could not understand it as propounded before.

Mr. NORRIS. Mr. Speaker, I think that a proposition coming from the Attorney General of the United States is entitled to great weight, wherein he says that there is not a case where publicity has been given that it has not assisted him.

Mr. BURKE of Pennsylvania. The fact that the Attorney General has instituted a prosecution under the Sherman antitrust law becomes a matter of public knowledge the moment the papers are filed. The newspapers throughout the United States make that known, especially the papers of the community where the offending party resides.

Now, a suit already having been begun by the Federal Government and knowing such a proceeding is in course of being con-

cluded, and knowing that such a complaint is made against a particular institution, what additional virtue is there to be found in inviting the public into these hearings where trade secrets and methods of doing business are in line with everything that is legitimate, fair, and proper? What is to be gained by admitting the public there for the purpose of ascertaining those secrets and peddling them to their rivals?

Mr. NORRIS. Does the gentleman dispute the word of the Attorney General?

Mr. BURKE of Pennsylvania. I have not the word of the Attorney General. I have the gentleman's word that——

Mr. NORRIS. Does the gentleman deny that I am telling him correctly?

Mr. BURKE of Pennsylvania. I do not; I do not doubt the gentleman's word at all.

Mr. NORRIS. There is the reply; the gentleman's question is answered.

Mr. MANN. Mr. Speaker, I have no doubt of the word of the gentleman from Nebraska on anything. I had intended, if I may say to the gentleman, when this matter came up to move to strike out the restriction and let it apply to all hearings, but the gentleman has convinced me that there are some cases, which I can not imagine myself, where there ought to be secrecy, so I do not feel disposed to make that motion if the bill comes up. On the other hand, I think it requires further attention, and for the present, at least, I shall object.

The SPEAKER. The gentleman from Illinois objects, and the bill is stricken from the calendar.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. FLOOD of Virginia, from the Committee on Foreign Affairs, reported the bill (H. R. 28607) making appropriations for the consular and diplomatic service for the fiscal year ending June 30, 1914, which was read the first and second time, and, with the accompanying report (No. 1434), ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

UNALLOTTED TRIBAL LANDS OF THE CHOCTAW AND CHICKASAW NATIONS.

The next business on the Calendar for Unanimous Consent was the bill (S. 5676) authorizing the Secretary of the Interior to set aside for sanatorium purposes not to exceed four sections of the unallotted tribal lands of the Choctaw and Chickasaw Nations of Oklahoma.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to designate and set aside not to exceed four sections of the unallotted lands belonging to the Choctaw and Chickasaw Tribes of Indians in Oklahoma, said reservation being for the purpose of providing land on which to build a sanatorium or sanatoria for the benefit of said tribes of Indians.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, whoever is in charge of the bill I would like to ask if he intends to ask for the passage of the bill or for the amendment, which is not shown by the bill reported by the committee?

Mr. CARTER. Mr. Speaker, we intend to ask for the passage of the substitute as shown in the report.

Mr. MANN. Well, then, I shall object.

The SPEAKER. Did the Chair understand the gentleman from Illinois to say he would object?

Mr. MANN. Mr. Speaker, I will reserve the right to object.

Mr. HARRISON of Mississippi. Mr. Speaker, I desire also to reserve the right to object.

Mr. MANN. Mr. Speaker, I do not think the gentleman ought to expect to come in here with a bill where they report an amendment which is not reported in such shape that it is reported with the bill where it should be—only printed in the report—gross negligence by some one—carrying an appropriation which the original bill does not do, and then, having obtained the consent of the House to consider the same bill, proposes to consider something entirely different that never was properly presented to the House.

Mr. CARTER. Mr. Speaker, I presume that was a mistake of the printer, or some one.

Mr. MANN. Oh, it is not a mistake of the printer at all.

Mr. CARTER. Well, where does the mistake lie?

Mr. MANN. I do not know where it lies, but it lies with somebody—probably lies with the gentleman who made the report——

Mr. KENDALL. The gentleman said the printer, or some one.

Mr. MANN. That is my friend from Oklahoma.

Mr. CARTER. Does the gentleman consider that I am not some one?

Mr. MANN. No; I think the gentleman is a big one—nearly the whole thing in these matters.

Mr. CARTER. Mr. Speaker, I will admit I did not look after sending the copy to the printer. I did tell the clerk of the committee what I would like to have in the report, and the gentleman from Illinois certainly understands that Members do not have time to look after all these details.

Mr. MANN. Well, I know I have made more reports on bills to this House than any man in the House, unless it be from the Committee on Pensions, and I have never brought a report to the House without looking at the bill and the report to see whether it was properly marked.

Mr. CARTER. The gentleman certainly does not expect the perfection in the ordinary Member that he has acquired.

Mr. MANN. I expect more in the gentleman from Oklahoma than I ever expect to acquire before I get to the other world.

I know how this occurred. The gentleman, instead of giving it to the printing clerk and putting in the basket a marked copy of the bill itself, showing the amendment, simply showed the amendment in the report. The printing clerk does not read through the long reports presented by committees in order to ascertain what amendments are proposed and fix up the bill accordingly. They would have to have 40 printing clerks if that were done. There should be filed with the report two copies of the bill. I asked the gentleman whether he was willing to have the Senate bill and pass it, or whether he wanted to take the House substitute that was not before the House.

Mr. CARTER. The bill as it passed the Senate only provides there shall be 2,500 acres of land, without any appropriation for the hospital at all. The House bill, as we expected to have it, provides an appropriation of $50,000 for the building of the hospital. Now, we have not any use for the land to be set aside unless we have the appropriation for the hospital.

Mr. MANN. The appropriation belongs in the Indian appropriation bill. If this bill should pass and go to the President and be signed, the gentleman would probably, without any difficulty at all, have inserted in the Indian appropriation bill $50,000, or even $50,000,000, for the purpose.

Mr. CARTER. But that would put it off for another year, Mr. Speaker, and this is a very urgent matter.

Mr. MANN. I do not think it would put it off at all, although I do not think it would hurt very much if it were put off for another year.

Mr. CARTER. We could not have the appropriation this year if we passed the bill, because I think the Indian appropriation bill will be reported to the Senate right away—in fact, it may be reported to-day.

Mr. HARRISON of Mississippi. I want to ask the gentleman from Oklahoma [Mr. CARTER] if the Senate substitute carries with it an appropriation of $50,000?

Mr. CARTER. The Senate bill has no substitute. The Senate passed the bill originally. The House substitute does carry an appropriation of $50,000.

Mr. HARRISON of Mississippi. With the four sections of land?

Mr. CARTER. With the four sections of land.

Mr. BURKE of South Dakota. On that line I want to say a word, because I do not think the gentleman from Illinois [Mr. MANN] understands the situation perhaps. As I understand it, the Choctaw Council has made an appropriation of $50,000 out of their own money, and that has been approved, as I understand it, by the President. Am I correct?

Mr. CARTER. That is correct.

Mr. BURKE of South Dakota. Now, this simply ratifies it and allows them to expend their own money for this purpose, which, to my notion, is a much better way of disposing of this amount of money than paying it to them per capita, which we would be obliged to do.

Mr. MANN. That is ordinarily true. We are not supposed on unanimous-consent days to pass appropriations, much less appropriations like this. I think it would be bad practice to pass such an amendment as is proposed here.

Mr. HARRISON of Mississippi. I want to ask the gentleman from South Dakota [Mr. BURKE] if in approving this matter Mr. Taft says that the $50,000 is to be taken out of the Choctaw fund?

Mr. BURKE of South Dakota. That is what I have stated.

Mr. HARRISON of Mississippi. Why not the Choctaw and Chickasaw fund?

Mr. BURKE of South Dakota. The gentleman from Oklahoma [Mr. CARTER] probably can explain. My understanding is that it is to be a Choctaw matter, and the Chickasaws are not to participate in it.

Mr. CARTER. There was some doubt of the propriety of Congress to appropriate funds of any of the Five Civilized

Tribes for such purpose as this without their consent. We had the consent of the Choctaw Council, but not of the Chickasaw legislature, for the use of these funds, and the governor of the Chickasaw Nation objected to having any appropriation made for this purpose out of Chickasaw funds unless the Chickasaw legislature agreed to it. For that reason we made it a Choctaw proposition at the request of the chief of the Choctaws.

Mr. HARRISON of Mississippi. Did the Chickasaw Council agree that their land should be allotted?

Mr. CARTER. There is no allotment of land. The Chickasaw legislature took no action in the premises for the very good reason that they have not met for several years, but the governor of the Chickasaws said that in view of the fact that the land where the hospital would be built was worth very little money he would make no objection to the use of the land, but did object to any part of the appropriation coming out of the Chickasaw funds unless the Chackasaws agreed to it.

Mr. HARRISON of Mississippi. Why is it necessary to have four sections of land to use for sanitarium purposes?

Mr. CARTER. I do not know that it is necessary.

Mr. HARRISON of Mississippi. That is what you purpose to give.

Mr. CARTER. We followed the recommendations of the Choctaw Council.

Mr. HARRISON of Mississippi. Who is supposed under this bill to attend to this sanitarium?

Mr. CARTER. The Secretary of the Interior, under rules and regulations, will appoint somebody to attend to it, I presume.

Mr. HARRISON of Mississippi. Who are allowed to attend there for treatment?

Mr. CARTER. Any bona fide Choctaw. That might not mean that people from your State with less than one two-hundred-and-fifty-sixths Indian, and who are now attempting to divest the Choctaws of Oklahoma of some of their just rights, would be admitted.

Mr. HARRISON of Mississippi. That means that no part of this sum shall be used for the treatment of any Choctaw from Mississippi, and that those Choctaws are to be cut off?

Mr. CARTER. It might mean the keeping out of many thousands of people who, though they may be among the best people in the gentleman's State, yet to all intents and purposes are Indians for revenue only. [Laughter.]

Mr. HARRISON of Mississippi. Then I will object to the bill.

The SPEAKER. The gentleman from Mississippi objects.

Mr. MANN. I wish the gentleman would withhold his objection for a moment.

Mr. HARRISON of Mississippi. Then, Mr. Speaker, I will reserve the right to object.

Mr. MANN. I would like to know whether the gentlemen are willing to pass the Senate bill as reported in the House without the amendment, which is not shown on the face of the bill, because, as a matter of practice, I shall object to the passing of the bill with an amendment here, reported back to the House with a report recommending the striking out of all after the enacting clause, but not showing it on the bill, so that Members are not put on guard. That is an exceedingly bad practice.

Mr. FERRIS. Mr. Speaker, I shall not attempt to say anything, or contend that the report is properly gotten up. We all agree about that. But I want to call the attention of the gentleman to one or two things before he knocks the bill off the calendar——

Mr. MANN. Which I shall do unless the gentlemen are willing to take the original bill.

Mr. FERRIS. I want the gentleman to understand one or two facts before he does that. The Choctaw legislature, which is a legislative body, has formally passed this bill, the president has approved it. It is now up to Congress to ratify it.

Mr. MANN. I know that——

Mr. FERRIS. The Choctaw legislature spent most of the winter considering and passing upon this proposition.

Mr. MANN. Yes; they appropriated $50,000, but it requires our approval.

Mr. FERRIS. And the President of the United States has sent to this Congress at this session a long message particularly urging upon us the necessity of the protection of the Indians from disease.

Mr. MANN. I understand that.

Mr. FERRIS. And when the Indian appropriation bill was up, the gentleman from Illinois [Mr. MANN] and the gentleman from Wisconsin [Mr. COOPER] and others belabored the committee for not appropriating more of the moneys of the Federal Government for this purpose. The object of this bill is to appropriate the money of the Indian people, and they themselves have appropriated it, to do the very thing that the President has asked to be done by his special message, and to do the very thing about which the gentleman from Illinois and others complained, because it was not done. I think the gentleman ought to let the Indians spend some of their own money for this purpose, when it is conceded so necessary by everyone who knows the facts.

Mr. MANN. I shall not prevent them. The money will still be there and will still be used for that purpose.

Mr. FERRIS. But there will be no hospital there, and the Indians can not spend their money only as they come to Congress for their authority.

Mr. MANN. There may be no hospital; that is true.

Mr. HARRISON of Mississippi. I object.

The SPEAKER. The gentleman from Mississippi objects, and the bill is stricken from the calendar. The Clerk will report the next one.

MEMORIALS TO THOMAS JEFFERSON AND ALEXANDER HAMILTON.

The next business on the Calendar for Unanimous Consent was the bill (S. 745) providing for the erection of a statue to Thomas Jefferson at Washington, D. C.

The Clerk read the bill, as follows:

An act (S. 745) providing for the erection of a statue to Thomas Jefferson, at Washington, D. C.

Be it enacted, etc., That a commission is hereby created, to be composed of the Secretary of State, the chairman of the Committee on the Library of the Senate, and the chairman of the Committee on the Library of the House of Representatives, of the Sixty-second Congress, to select a site on the public grounds in the District of Columbia, exclusive of the Capitol Grounds and the grounds of the Library of Congress, for a statue of Thomas Jefferson to cost, complete, not to exceed $100,000; and, to procure plans and designs for the same to be reported to Congress during its next session, the sum of $5,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to have read the amendment proposed by the committee.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

That a commission is hereby created, to be composed of the Secretary of State, the Secretary of the Treasury, the chairman of the Committee on the Library of the Senate, and the chairman of the Committee on the Library of the House of Representatives of the Sixty-second Congress, to select sites on the public grounds in the District of Columbia, exclusive of the Capitol Grounds and the grounds of the Library of Congress, for memorials to Thomas Jefferson and Alexander Hamilton, to cost, complete, not to exceed $100,000 each; and to procure plans and designs for the same, to be reported to Congress during its next session, the sum of $10,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 2. There shall be deducted from the $100,000 authorized for the erection of the memorial to Alexander Hamilton a sum equal to that turned over to the commission by the Alexander Hamilton Memorial Association.

SEC. 3. The designs of the memorials shall be subject to the approval of the Commission of Fine Arts.

The SPEAKER. The gentleman from Illinois [Mr. MANN] reserves the right to object.

Mr. SLAYDEN rose.

The SPEAKER. The gentleman from Texas [Mr. SLAYDEN] is recognized.

Mr. SLAYDEN. Mr. Speaker, I had expected that the gentleman from Massachusetts [Mr. GARDNER], who made the report on this measure, would be in the House. Oh, I beg the gentleman's pardon; I see he is here. I yield to the gentleman.

Mr. GARDNER of Massachusetts. Mr. Speaker, two bills came over from the Senate, one providing for a statue of Thomas Jefferson, and the other providing for a statue of Alexander Hamilton. They came to our Committee on the Library, and we thought it best to combine the two bills together and present the measure to the House in the present form.

As a matter of fact, there has been a Hamilton Memorial Association for some time which has raised about $6,000, and we provide in this bill that that $6,000 shall be turned into the fund of $100,000 to be devoted to the erection of a statue to Hamilton. In the past there has been legislation looking toward the erection of a monument to Jefferson.

Mr. MANN. Mr. Speaker, I withdraw my reservation of the right to object.

Mr. COX. I renew it.

The SPEAKER. The gentleman from Illinois withdraws his reservation of the right to object, and the gentleman from Indiana [Mr. Cox] makes a reservation of his own.

Mr. GARDNER of Massachusetts. Nothing has been done under the prior resolution, I think, largely owing to the death of John Hay. That is the whole story.

Mr. COOPER. Will the gentleman from Massachusetts inform the House, if he can, what has become of the fund raised by the sale of a very handsome edition of the works of Thomas

Jefferson for the purpose of erecting in this city a memorial hall in honor of Jefferson.

Mr. GARDNER of Massachusetts. I do not know. I know nothing about that. This is the first time I ever heard of it.

Mr. COOPER. I ask because I have $60 invested in those books myself.

Mr. BARTLETT. The gentleman got the books, did he not?

Mr. COOPER. I got the books.

Mr. MONDELL. Were they worth the money?

Mr. BARTLETT. They were well worth the money.

Mr. MANN. They were worth the money if you could not get them for less.

Mr. GARDNER of Massachusetts. I think the gentlemen who were members of the committee at that time are not now on the committee. Possibly the gentleman from Texas [Mr. SLAYDEN] may have some recollection about it.

Mr. COOPER. I should like to ask the gentleman from Texas [Mr. SLAYDEN], chairman of the Committee on the Library, if he knows what has become of that fund?

Mr. SLAYDEN. I could not hear the gentleman's inquiry.

Mr. COOPER. Several years ago a society was organized, the exact name of which I do not recollect, but my impression is that it was the Jefferson Memorial Association——

Mr. SLAYDEN. That is correct.

Mr. COOPER (continuing). The purpose of which was to secure funds by the sale of copies of the works of Thomas Jefferson to erect a memorial building to him in this city.

Mr. SLAYDEN. I regret to say that I can not advise the gentleman about that. I was a subscriber to the work—20 volumes, as I remember—and I think I paid $60 for them.

Mr. COOPER. I was a subscriber and paid $60. [Laughter.]

Mr. SLAYDEN. The books were worth the money. They were the best collection of Jefferson's works that I have ever seen, and I do not regret the investment; but if the association ever made any money out of the publication I do not know of it. The Committee on the Library had no connection whatever with it.

Mr. CANNON. If I may be allowed, a gentleman sitting not a great distance from me suggests that the two gentlemen who bought the books were easy marks.

Mr. COOPER. In reply to the gentleman from Illinois I will say that, in my judgment, I was not taken in at all in purchasing the works of Thomas Jefferson. I have read them with great pleasure and profit. [Applause on the Democratic side.]

Mr. McCOY. Mr. Speaker, as there seem to be so many suckers in the House, I suggest that the inquiry of the gentleman from Wisconsin be referred to the Committee on the Merchant Marine and Fisheries. [Laughter.]

The SPEAKER. The gentleman moves that this bill be referred to the Committee on the Merchant Marine and Fisheries. Those in favor will say aye.

The affirmative vote was taken.

Mr. MANN. Mr. Speaker, unanimous consent to consider the bill has not yet been given.

The SPEAKER. That is true. Did the gentleman from New Jersey make his motion in earnest?

Mr. McCOY. Only by way of suggestion to the gentleman from Wisconsin [Mr. COOPER].

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. COX. I reserve the right to object, Mr. Speaker.

The SPEAKER. The gentleman from Indiana [Mr. COX] reserves the right to object.

Mr. SLAYDEN. Mr. Speaker, these bills to erect statues or memorials to Thomas Jefferson and Alexander Hamilton did not originate in the House. The distinguished Senator from Massachusetts, Mr. LODGE, offered a bill in the Senate a year ago to commemorate Alexander Hamilton, and Mr. BACON, the senior Senator from Georgia, followed immediately with a similar bill to appropriate for a statue or memorial for Thomas Jefferson. Thus these two distinguished men who did such wonderful service for the country in those early days were again put into company running, so to speak, a race with each other at this late day. Both bills passed the Senate, as I remember, unanimously. Having come to the Committee on the Library, the committee finally, as the gentleman from Massachusetts [Mr. GARDNER] stated, thought it better to combine the two.

Now, Mr. Speaker, I want to say to some gentlemen who do not seem to know it, that this is the first bill reported out of the Committee on the Library which asks the Government to undertake a penny of expense. There are pending in that committee bills that call for an aggregate sum approximately of four and a half million dollars, asking for statues or memorials to people, many of whom, I confess with shame, I never heard of before these authorizations were asked. Ninety per cent are intended to commemorate the deeds of soldiers and sailors, and the Committee on the Library has reached the conclusion that enough had been done in that line for a long time. They believe that civilians had something to do with the creation and the maintenance and the direction of this Government; that some people besides those who wore epaulets are entitled to the gratitude of the American people and have a right to expect that honor will be done to the memory of such men.

In December last the committee, being appalled by this great number of bills asking that memorials be erected to Colonel This and General That, to celebrate a skirmish at this place and a battle at that, passed a resolution expressing the opinion of the committee that until proper recognition had been given to civilians who had done great service for the people they would report no other bills for memorials. The committee think that the great statesmen, the great literary and scientific men, should be recognized, and that great events, rather than individuals, may properly be commemorated.

That is the attitude of the committee to-day, and this is the first and only bill that it has reported in the whole life of the Sixty-second Congress, and I believe that I speak with approximate accuracy when I say that it is probably the only one that will emerge.

Mr. SHERWOOD. Will the gentleman yield?

Mr. SLAYDEN. Yes.

Mr. SHERWOOD. What is to be the expected cost of it?

Mr. SLAYDEN. I will say that when we conferred with the members of the Fine Arts Commission with reference to the bills presented in the Senate and which use the word "statue" we were told that $100,000 was too much for a statue and it might be enough or too little for a memorial. We believe that a statue made by a great artist on a proper pedestal can be erected for less than $100,000, and therefore the bill was phrased as it is.

Mr. MURRAY. Mr. Speaker, I want to inquire of the gentleman——

Mr. GARDNER of Massachusetts. Mr. Speaker, have I the floor?

Mr. MURRAY. I thought the gentleman had yielded the floor to the gentleman from Texas.

Mr. GARDNER of Massachusetts. I did not intend to do so.

Mr. MURRAY. I only wanted to ask the gentleman from Texas if he would tell me what memorials there are in the city of Washington to Hamilton and Thomas Jefferson?

Mr. SLAYDEN. None that I know of.

Mr. KENDALL. Will the gentleman from Massachusetts yield?

Mr. GARDNER of Massachusetts. Certainly.

Mr. KENDALL. I want to inquire, without any view of interposing an objection, because I am in favor of the bill, under the provisions of this resolution the Secretary of State, the Secretary of the Treasury, and the chairman of the Committee on the Library in the House and in the Senate are to have the selection of the site, as I understand it?

Mr. GARDNER of Massachusetts. Yes.

Mr. KENDALL. I wanted to inquire if the Committee on the Library in the House had considered the question of site?

Mr. GARDNER of Massachusetts. Yes.

Mr. KENDALL. It seems to me it would be fitting and appropriate to locate in front of the State Department the statue of Jefferson and in front of the Treasury Department the statue of Hamilton. I wanted to know whether that sentiment met with any favor in the committee.

Mr. GARDNER of Massachusetts. Yes; those suggestions were both discussed along with many others, and the committee came to the conclusion that it would provide nothing as to the site except to exclude from consideration the Library grounds and the Capitol grounds.

Those sites are excluded by the terms of the bill, but otherwise we felt that this commission was more competent to decide the question than we.

Mr. KENDALL. This Commission on Fine Arts will have no influence at all in determining the location of these memorials.

Mr. GARDNER of Massachusetts. No; this special commission designated in the bill——

Mr. KENDALL. The Commission on Fine Arts must approve finally of the type of memorial, but it will have nothing to say as to where they shall be located.

Mr. GARDNER of Massachusetts. No; the bill leaves the question of site in the hands of two members of the incoming Cabinet, a Member of the Senate, and a Member of the House. I want to say to the gentleman from Indiana [Mr. COX] that

if he intends to make his objection in any event, I wish he would make it now. If he desires any explanation, I shall be very glad to give it.

Mr. COX. Mr. Speaker, I will say that I intend to make the objection.

Mr. GARDNER of Massachussetts. Mr. Speaker, then I make the objection now.

Mr. COX. Mr. Speaker, I object.

The SPEAKER. The gentleman from Massachusetts and the gentleman from Indiana object.

DESERT-LAND ENTRIES, CHUCKAWALLA VALLEY, CAL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 26943) to exempt from cancellation certain desert-land entries in the Chuckawalla Valley and the Palo Verde Mesa, Riverside County, Cal.

The Clerk read the bill, as follows:

Be it enacted, etc., That no desert-land entry heretofore made in good faith under the public-land laws for lands in townships 4 and 5 south, range 15 east; townships 4 and 5 south, range 16 east; townships 4, 5, and 6 south, range 17 east; townships 5, 6, and 7 south, range 18 east; townships 6 and 7 south, range 19 east; townships 6 and 7 south, range 20 east; townships 4, 5, 6, 7, and 8 south, range 21 east; townships 5, 6, and 7 south, range 22 east; township 5 south, range 23 east, shall be canceled prior to May 1, 1916, because of failure on the part of the entryman to make any annual or final proof falling due upon any such entry prior to May 1, 1916.

Mr. FOSTER. Mr. Speaker, I reserve the right to object. I notice that this provides for the time of filing the proof, prior to May 1, 1915, or 1916, as it was in the bill originally. I notice the letter from the Secretary of the Interior says that an extension of one year is all that ought to be given, and if that extension be given it would enable these entrymen to determine whether this project could be irrigated or not, and that one year was all that they needed.

Mr. FERRIS. But he made a later report than that.

Mr. FOSTER. I have not the later one.

Mr. RAKER. Mr. Speaker, I feel that I may be able to explain the situation. The committee will observe that the first report was made December 28, 1912. It is found on pages 4 to 5 of the report.

Mr. FOSTER. I have the report.

Mr. RAKER. Recommending one year. These people, through their associations, sent Mr. Shepherd to Washington, and the matter has been taken up by the Department of the Interior. It has been gone into very fully, together with the report of the engineer in charge. The Secretary now states that he feels it is right and proper that an extension of two years be granted these people.

I want to say, in addition to that statement, that I have here the report of the engineer of this project, showing the plat and the map and pictures of this desert land, some 250,000 acres. There is no water there, nothing except some brush of various kinds, and no living creature is there except at two places where deep wells have been dug and a little water obtained. These people have gone out and prepared this report. It is by one of the best engineers in the United States—a man who participated in the building of the Panama Canal. The people had to pay, on an average, $320—$80 for filing. In taking their witnesses from Los Angeles and other places in California it cost them in the neighborhood of $100, and I want to say to the committee that these are all residents of the State of California. There are something over 800 of them. It costs, under the law—and those up to the first of the year have expended that amount—$320 on each tract of land. The entire cost of this project they figure on will be from six to eight millions of dollars. The original organization, when these people first filed, got into some complications, and on account of the arrangement of the Secretary of the Interior and the condition in Mexico a board has now been appointed to investigate whether or not they will be permitted to use the water. That being the case, this one firm was unable to go ahead.

These 800 people have formed an association for the purpose of going in there, and here is the report of the engineer that it is feasible; that the water can be had and that the ditches can be made, and that these 250,000 acres of barren desert land can be made as beautiful as the valley of San Jose or the Imperial Valley in southern California. Less than $50 an acre will be the expense to these people. Going out into the sagebrush and pulling it out and pulling up this vegetation without any water, and having to haul it, it will be no improvement on the land. They ask this Congress to grant them two years' time in which to complete the organization, to the end that they might go on the Colorado River, put in the necessary pumps and build the necessary ditches for the purposes of getting this water out upon this land, and then when that time has expired they will be compelled to pay the same amount upon the improvement of the land and of the ditches and the water rights which will go into its development.

The Government loses nothing; absolutely nothing; it just simply says to these people, "We will give you two years' time to develop and improve the methods so as to be able to obtain sufficient water for these lands."

Mr. KAHN. Will my colleague yield for a question?

Mr. RAKER. I do.

Mr. KAHN. This land is absolutely valueless unless they get the right to take the water from the Colorado River and put it upon this land?

Mr. RAKER. It is absolutely valueless, and a man can not live there without water being brought in that country.

Mr. KAHN. And by putting the water upon the land it will provide homes for many thousands of people?

Mr. RAKER. It will.

Mr. KAHN. It will take at least two years in perfecting the work of pumping the water from the river?

Mr. RAKER. In arranging the conditions to get it started, it will.

Mr. KAHN. How much has been already expended by the people who are interested in this project?

Mr. RAKER. Oh, something over $200,000.

Mr. KAHN. And that money will be largely lost unless this legislation passes?

Mr. RAKER. Absolutely. The money will be absolutely lost, and they will have lost their right to the lands, and the expenditure of this money will go for naught.

Mr. KENT. I desire to ask my colleague some questions. As I understand this project, these people expected to obtain water by the action of a corporation which was put out of business, in part at least, by its disagreement with the Government as to its powers to secure water from the Colorado River.

Mr. RAKER. That is it. On account of conditions in Mexico.

Mr. KENT. On account of Mexican conditions and contentions. Then this water corporation having been put out of business, these people who had taken up the land found themselves powerless to carry out the conditions imposed by the laws respecting arid lands and were unable to proceed in the way of development simply because there was no way by which they could get water. Hence I understand that they have organized together in a mutual association to provide the water of which they were deprived by the failure of this corporation.

Mr. RAKER. That is the condition.

Mr. KENT. I understand that they have expended a very large amount of money in clearing their land and preparing for irrigation, and it is utterly impossible to carry their improvements any further or to obey the letter of the law because they are barred from obtaining water at the present time.

Mr. RAKER. The gentleman states the condition correctly.

Mr. KENT. Now I understand that the proposed bill simply gives these people a chance to save their money, gives them a run for their money as it were; that there is no one interested in taking their land away from them; that the land is valueless without such improvements as they may put upon it. The only objection I have heard against giving them the extension of time they request is that they may be swindled by some one asking them to furnish more money for irrigation. This, it seems to me, is beside the point. It is our duty to give them the opportunity to do all they can do. Neither the Government nor anyone else will be injured in the slightest degree by the extension of their right to the two years asked by this bill.

Mr. RAKER. That is true.

Mr. FOSTER. Mr. Speaker, I withdraw the objection.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask if this bill should become a law what possibility is there of getting irrigation on this land within the next two years?

Mr. RAKER. Well, I will answer the gentleman by stating I hold in my hand here——

Mr. MANN. That will not answer it.

Mr. RAKER. I can not answer it in one word—showing the examination and the feasibility of this irrigation project. The secretary of the association and a list of men I have here who are scattered all over California are working now and preparing to handle this work——

Mr. MANN. Where is that set forth in the report?

Mr. RAKER. Well, you will find the statement of Mr. L. V. Shepherd to the Secretary of the Interior on page 2, January 15, 1913. That is set out in that statement. I state in addition to the statement we have gone over the matter with Mr. Shepherd and many others; they are scattered all over the State of California, and this list will show their names and

where they live. I know many of them, and I know they are in earnest in trying to develop this desert country.

Mr. MANN. I know. But how are they going to get the water?

Mr. RAKER. They are going to get the water first by putting in a dam and carrying it down to a certain distance——

Mr. MANN. I find in Mr. Shepherd's letter, to which the gentleman has referred, this statement, that letter being addressed to the Secretary of the Interior:

> Pending the settlement of the international question that has arisen concerning the waters of the Colorado River, you have ruled that we shall not be allowed to take any water from that stream. Because of the revolution in that country it may be many years before a settlement of this question can be made.

Now, the gentleman attempts, with that letter before him, to say that that letter bears out the proposition that they can get this water on this land within two years, when the place they are going to get it from is likely to be in dispute for many years, according to the letter itself.

Mr. RAKER. In answer to the gentleman, I will state that Mr. Shepherd and those people would like to have three years. That is their idea of the matter, and they believe they can get it arranged. As to the international question, the matter is being taken up now, and I am informed by the authorities that in the next few months that question will be disposed of so far as the Government is concerned.

Mr. MANN. You have no more information than Mr. Shepherd has, and he says that it will be many years; and we all know they are not in position to settle it now.

Mr. RAKER. I took the matter up with the Secretary and Mr. Newell, and went over that situation, and they are in process of adjusting it now. You can not do the thing in a minute.

Mr. MANN. They had best get it adjusted before we come in on *this* proposition.

Mr. KAHN. As I understand it, the international question that is involved is this: The water that is to be used on this land is to be taken from the Colorado River. None of this land is on the Mexican boundary. It is altogether in the State of California. But there may be some international question involved as to the right to withdraw the quantity of water from the river for irrigating this vast tract of land, and that is what I believe they have been trying to negotiate with the Government of Mexico.

Mr. MANN. Now, having called the attention of the gentleman to the letter of Mr. Shepherd, which he quotes, that they probably can not settle this question for many years to come—meaning the international question—let me call his attention to the next statement made by Mr. Shepherd, as follows:

> Although there is enough water flowing down the Colorado River annually, according to measurements taken at Yuma, Ariz., by the United States Reclamation Service, to irrigate every acre available along the lower reaches of the river, in order to avoid litigation with prior rights, we may be obliged to wait until the waters of Colorado River are conserved, which will have to be done by the Government because of the magnitude of the undertaking.

What encouragement does the gentleman find in the proposition that they will get this water within two years?

Mr. RAKER. I will answer the gentleman as to the encouragement I find in that. It is that these people have spent their money. They are bona fide residents of the State of California. They have formed an organization or an association, and they are going there now to continue the expenditure of their money and get the matter arranged to expend all the way from $6,000,000 to $8,000,000 to develop this water right and irrigate this desert land. They are the ones who understand it. They are on the ground; and certainly the Government is not injured, no living man on earth is injured, and if we can by an extension of two years relieve these people of expending their money for nothing and eventually developing a first-class irrigating system by private individuals, I ask the gentleman from Illinois if that is not a proper method of legislation and if we ought not to do it?

Mr. KENT. It seems to me that the gentleman from Illinois is unduly heedful that these people may be swindled by somebody else, having, in his opinion, been swindled in the past.

Mr. MANN. If I had been more heedful, or if somebody else had been more heedful before they had been swindled at first, that would have been better.

Mr. RAKER. These are the same men.

Mr. KENT. The point is that these people have been acting in perfect good faith in taking up this useless land and believing they could make it useful, and I do not understand why we, acting for the Government, should enforce against them the hardships of the law when the conditions are such as they are. I believe they ought to have a chance to have a run for their money and see if they can not obtain water. Because this gentleman or that one believes they can not get water is not sufficient reason for us to clamp down on them.

Mr. FERRIS. What earthly harm could it do for them to keep on trying if they want to do so, inasmuch as they may get it in the last analysis?

Mr. MANN. The Chuckawalla Development Co. undertook to develop this land.

The people of California and the other people of the country had the right to believe that the Government of the United States would not authorize the formation of a company to start in on irrigation and obtain the money of the people for the irrigation—for the water—unless it could be carried into effect. They sold these rights all over the State of California to innocent purchasers, who believed that the Government in its wisdom would protect them from that kind of a swindle, and when they got through they find that the Chuckawalla Valley & Palo Verde Mesa Development Co. consists only in obtaining money and using it themselves, not in obtaining water. Now comes along a proposition of the gentlemen themselves, or some of them——

Mr. RAKER. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Will the gentleman yield?

The SPEAKER. Does the gentleman yield? To whom does he yield?

Mr. MANN. Not unless I can stop it. I want to make a statement. It makes no difference to me.

Now, gentlemen come in and want to go ahead with this scheme, knowing that they can not get any water in the time fixed by this bill. And we know that what they intend to do is to get all the people interested in this land to put up some more money to go a little further. Everyone that knows anything about it knows that they can not furnish the water within the time fixed by this bill, and in the end we will help to delude these innocent purchasers again to put in more good money to follow the bad money that went before.

Mr. GARNER. This must be a bunco scheme, then. [Laughter.]

Mr. MANN. I do not doubt the good faith of the gentlemen.

Mr. FERRIS and Mr. KAHN rose.

The SPEAKER. To whom does the gentleman yield?

Mr. MANN. I have not the floor.

Mr. FERRIS. Mr. Speaker, 800 entries are involved here. Eight hundred entrymen have been trying to get water to irrigate these 800 entries. They failed in the first instance to get the water required. I call it to the attention of this House that in the last 10 years the Reclamation Service has expended more than $60,000,000 in experimenting, and much of the time they have failed. Here are 800 entrymen trying to keep from failing, trying to irrigate their own lands with their own money, at their own expense.

They have been trying since 1908 to convert a portion of California's arid lands into a productive area. They come here now and ask nothing but two more years in which to try. If they fail—if they never get water—the Federal Government gets back every acre of the land. What possible bugaboo and what possible mountain can we erect here, and what "possible straw" man can we conjure up to keep 800 people from the opportunity of trying to irrigate their own lands with their own money, at their own expense?

There is nothing else in this bill. The Secretary of the Interior has looked this over, and in a letter that he wrote to the chairman of the Committee on Public Lands on January 16, 1913, only two or three weeks ago, he says, among other things, this:

> After consideration of the representations now made I am willing to modify the report previously submitted to conform with the present request made on behalf of the desert-land claimants, and I have, therefore, to recommend that the proposed extension be made, as suggested by the pending bill, but that the last line on page 2 be amended to read "entry prior to May 1, 1915."

He says he is willing to modify his first report. In the letter he first wrote he said they ought to have one year. The people there were asking for three years, and he now compromises with them and urges that they have two years' extension.

Now, it is proposed to throw this House into a frenzy because 800 men are trying to have an extension of two years in which to irrigate and water their own lands.

Mr. CANNON. If the land is worthless, what possible objection would there be to giving them five years?

Mr. FERRIS. None at all. I think they ought to have it. The Secretary says two years in his report, and when we come here by unanimous consent it must be two years or none at all. If we had exceeded the two years by one month in this report there would be 75 objections, coming from as many Members, and this bill would have been stricken off the calendar, and those 800 men would have had to abandon their homesteads.

Members ought not to conjure up straw men here when there is no ground of objection.

Mr. MANN. That is a great term of the gentleman's, is it not—"conjure up"?

Mr. FERRIS. It is a term that may not sound well, but it expresses the case.

Mr. KAHN. Is it not true that when these entrymen made their application to the Secretary of the Interior they wanted to get three years and that it was cut down one year?

Mr. FERRIS. That is true.

Mr. MARTIN of South Dakota. If this is so simple a matter as the gentleman's eloquence would indicate, what reason, if any, does the Secretary furnish to the committee for insisting upon two years' extension instead of three?

Mr. FERRIS. He thinks they can probably accomplish it in two years.

Mr. MARTIN of South Dakota. In his report, then, he takes the view opposite to that of the gentleman from Illinois that the thing is impossible altogether?

Mr. FERRIS. A man by the name of Shepherd had some correspondence with the Interior Department and with the Reclamation Service about it, and I think they stated that the revolution in Mexico may require more time, and they may have trouble to divert the water from the Colorado River; but the Secretary in a letter written two weeks ago says he has no objection to two years, and I call his attention to his letter contained in the report on page 2, where he sets out his views on the subject. This bill ought to pass. The settlers need the legislation. The State needs the development. It is a heroic fight they are making on desert lands to make homes and comply with the law. It seems to me when only an extension is asked the Federal Government ought to give them a chance. It is unfortunate that the calendar is such that this bill has to be subjected to a unanimous-consent consideration. It is a case of fiddling while Rome burns. No possible harm could come. There is every reason to believe good will come from it.

Mr. KENT. I have a very recent letter from the Assistant Secretary of the Interior, which came to me yesterday, and I very much regret that I have not the letter with me, in which he strongly recommends the granting of this time. He thinks it is in the interest of justice and a proper thing to do. That is the most recent word on the subject, I believe.

Mr. LAFFERTY. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. LAFFERTY. It seems that the objection behind the granting of this time grows out of the fact that Mexico has some claim to the water of the Colorado River. I should like to inquire if any gentleman on the floor of this House knows of any reason, in any treaty or provision of international law, which authorizes the Government of Mexico to interpose any objection to the diverting of sufficient water from the Colorado River to irrigate these lands?

Mr. SHERWOOD. Have they any government in Mexico?

Mr. LAFFERTY. I do not see why the people of the United States should be restricted in their right to the use of the water.

Mr. KAHN. I think I can answer the question, to a certain extent. There is a diversion from the Colorado River in Mexican territory some hundreds of miles south of the land covered by this bill, and I daresay that the Mexican Government has a right to receive constantly the quantity of water which it is now using. That, of course, makes an international complication, but I do not think it is so serious that it will be difficult to reach a determination as soon as there is a government in Mexico that our Government can treat with.

Mr. STEPHENS of Texas. Are the citizens of Mexico using any water from the river now? My understanding is that there is no water being used from the river in Mexico, and hence they have no prior rights.

Mr. KAHN. Yes; there is considerable water being used. I do not know to what extent it is being used in Mexico.

Mr. STEPHENS of Texas. In Mexico is what I speak of.

Mr. KAHN. But the diversion dam of the irrigation company that waters the Imperial Valley is in Mexican territory.

Mr. STEPHENS of Texas. How many Mexican citizens are using water on Mexican territory?

Mr. KAHN. I think there is some irrigation down there in the neighborhood of a place they call Calexico.

Mr. STEPHENS of Texas. Unless there is some, they would have no prior right, and we would have the right to take water if we had use for it.

Mr. KAHN. Very true.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MANN. I object.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that this may be passed over until next unanimous-consent day. I did not really complete what I had to present to-day, and this seems to be so vital to these people that I ask that unanimous consent.

Mr. MANN. The gentleman has the right to put it on the Unanimous Consent Calendar again.

The SPEAKER. The gentleman from Illinois objects. The bill will be stricken from the Calendar for Unanimous Consent, and the Clerk will call the next bill.

Mr. RAKER. I desire to insert in the RECORD a list of these applicants who own the land.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The list of entrymen referred to is as follows:

ENTRYMEN IN THE CHUCKAWALLA VALLEY.

Los Angeles: C. E. Adams, 323 West Forty-seventh Street; Ellis R. Allen, 1205 South Olive Street; Daniel and Maud L. Althouse, 201 Story Building; Edw. W. Austin, 143 East Avenue 41; H. C. Bailie, 2075 West Twenty-ninth Place; Stephen E. Bandle, 149 North Pritchard Street; Emil Bechter, 307 West Fourth Street; Eva Beeson, 319 South Cahuenga Boulevard; Joe Beeson, 319 South Cahuenga Boulevard; Asa D. Bemis, 1702 West First Street; John F. Betz, 690 P. E. Building; C. E. Black, 702 Ferguson Building; Inez Boydstun, 2833 Huron Street; Walter N. Bradley, 349 Towne Avenue; E. H. Bresee, 1006 Lake Street; Dr. Paul Bresee, 524 South Spring Street; Aaron Brown, 137 South Spring Street; W. A. Brown, City Hall; William M. Bullock, 301 South Broadway; Frank M. Cagwin, 2351 West Thirtieth Street; Daniel H. Carey, 360 South Hill Street; Mrs. E. V. Cash, 732 South Flower Street; Elizabeth C. Clarke, 933 Manhattan Place; Eugene E. Cohn, 802 California Street; Isadore Cohn, 225 South Los Angeles Street; Morris Cohn, 216 South Los Angeles Street; Jesse M. Colburn, 233 H. W. Hellman Building; J. P. Colburn, 1020 Story Building; Julius Conrad, 127 South Main Street; James P. Conway, 131 West Avenue 51; Edgar W. Cook, Box 123, Station C; Frank S. Cooper, 1632 Seventh Avenue; Rowland H. Crocker, West Seventh Street; Edw. J. Crowley, 3954 Normandie Avenue; William J. Daley, 3759 South Main Street; Francis Davis, Seattle; Nancy E. Davis, Seattle; Phillip Denitz, 225 San Fernando Building; Mrs. John Dutcher, care of McM. & Hueth; William A. Eckerly, 309 North Boylston Street; L. C. Edwards, 226 Laughlin Building; Dr. H. B. Fasig, 2121 North Broadway; Estella S. Flood, 305 North Boylston Street; Eber M. Frazee, 3611 Arroyo Seco Avenue; Charles Gardner, 324 Douglas Building; R. A. Geissel, 1535 West Twenty-eighth Street; Jennie Z. Gewertz, Citizens' Bank Building; H. A. Gilman, 769 Pacific Electric Building; John J. Gonzales, 105 South Spring Street; Martin J. Gress, 537 South Broadway; William J. Hanna, 5008 Pasadena Avenue, Trust and Savings Building; V. J. Hannon, 1444 Dana Street; Sherman E. Hart, 3131 Pasadena Avenue; Henry E. Hartwell, 1823 East Sixty-fifth Street; William C. Havener, 603 East Thirtieth Street; William C. Hefflefinger, 2129 Park Grove Avenue; Frank W. Heidel, 221 East Avenue 40; George W. Hifle, care Hamburger's Department Store; F. J. Hirtz, 4014 Marathon Street; Charles M. Hoff, 1245 Norton Avenue; Grant W. Holland, 1462 West Thirty-seventh Place; William L. Holland, 1462 West Thirty-seventh Place; Charles A. Holt, 512 Mount Washington Drive; A. E. Hughes, 1429 West Thirty-eighth Place; Cary M. Hunt, 2914 South Vermont Avenue; Fred B. Johnson, 518 East Twelfth Street; John A. Johnson, Congress Hotel; Julia Johnson, Congress Hotel; John A. Johnson, Congress Hotel; Julian P. Jones, 2131 Twenty-ninth Place; E. F. King, 314 South Olive Street; Albert F. Koenig, 424 P. E. Building; Charles C. Lane, 140 West Avenue 34; John W. Lawrence, 209 South Fresno Street; V. L. Lawrence, 2825 East Second Street; George Du. Lee, 614 West Fifty-fourth Street; A. E. Loder, 615 International Bank Building; George L. Louden, 966 Arapahoe Street; H. G. Louden, 1431 South Los Angeles Street; Miss Marie E. Louden, 966 Arapahoe Street; Ella P. McConnell, 463 Kenmore Avenue; Peter McCready, 532 South Main Street; Edw. C. McGarrell, 715 West Fifty-fifth Street; James E. McMahon, 532 South Main Street; William J. McMahon, 532 South Main Street; George Mack, 409 Columbia Trust Building; Frank A. Marnell, Baltimore Hotel; Alice R. Martin, 3964 Denker Avenue; Arthur W. Martin, 1278 West Twenty-second Street; Charles B. Messenger, 143 North Avenue 54; Mrs. E. R. Michael, 732 South Flower Street; Winifred Michael, 453 South Hope Street; Charles H. Miller, 1608 West Seventh Street; George H. Moore, rural route No. 12, box 93; Marks S. Moses, 130 East First Street; Thomas A. Nash, 153 Naud Street; Lizzie M. Nave, 321 South Grand Avenue; Loyd P. Nichols, 926 West Thirty-fifth Street; Charles T. Nouman, 4200 Pasadena Avenue; Charles F. Off, 104 North Union Avenue; John A. Painter, 280½ South Spring Street; Ira S. Palmer, 1315½ East Eighteenth Street; Marcus Pluth, 1462 West Thirty-seventh Place; Edwin A. Pope, 424 Laughlin Building; Ezra J. Post, 3131 Pasadena Avenue; Herman H. Powell, 983½ East Fortieth Street; Jessie C. Read, care Southern Pacific Railroad Co., Arcade Station; E. M. Reinhard, 1521 Harvard Boulevard; B. R. Reinhold, 624 Citizens Bank Building; Mary B. Rothroch, 301 North Broadway; W. F. Sagar, care Wetherby-Kayser Shoe Co.; A. E. Schmutzler, 500 East Thirty-fifth Street; Ray M. Seymour, 933 East Forty-sixth Street; L. V. Shepherd, 5034 Pasadena Avenue; Frank U. Sherman, 106 North Hope Street; Edw. M. Skeats, 1547 Council Street; Col. H. Slabaugh, 2914 South Vermont Avenue; Ernest J. Smith, 202 West Thirty-second Street; George E. Smith, 143 East Avenue 42; H. G. Smith, 1562 East Twenty-third Street; Charles A. Spears, Hall of Records; Peter B. Spears, Hall of Records; Peter Spellacy, 411 Citizens Bank Building; L. C. Strohminger, 2357 North Thirtieth Street; Albert O. Switzer, 2308 West Thirtieth Street; Harry Wallace, 501 Western Avenue; Mortimer A. Webber, 1323 Dewey Avenue; Claude Wheeler, 2833 Huron Street; William E. Wheeler, 2833 Huron Street; Alden N. Whitcomb, 181 North Daly Street; Edw. W. Whitcomb, 181 North Daly Street; Emma W. White, Hotel Victoria, Seventh and Hope; Zell A. Wood, 909 Manhattan Place.

ENTRYMEN ON THE PALO VERDE MESA.

In Los Angeles only: John W. Anderson, 1096 West Jefferson Street; Everett E. Atkins, 4150 South Main Street; Sidney M. Barbour, 1709 West Twenty-fifth Street; Emory W. Bartlett, 603 East Thirtieth Street; Ruth T. Bayley, 178 South Oxford Avenue; William A. Brown, 4242

South Flower Street; Walter H. Butler, 1314 Orange Street; Arden B. Clarke, 1081 West Thirty-fifth Street; James M. Clinard, 219 East Adams Street; George B. Copelin, 849 East Twenty-third Street; William H. Cramer, 1171 West Thirtieth Street; Julian F. Cumberland, 131 West Avenue, 51; George J. Damerel, 412 South Broadway; Walter V. Dysert, 512 Laughlin Building; John H. Engler, 410 West Second Street; Elizabeth J. Esgen, 2354 Seventh Avenue; Fred W. Esgen, 609 Fay Building; Lyman Farwell, 618 Fay Building; Victor P. Finley, 444 South Hope Street; Benjamin F. Frease, 1143 East Forty-eighth Street; Edwin F. Frease, 1143 East Forty-eighth Street; Bert O. Gardner, Chamber of Commerce; William D. Hammel, 1128 San Pedro Street; Ella M. Hildebrandt, 1110 East Eighth Street; Maud A. Hodge, 519 Crocker Street; Maurice J. Jones, 1616 Griffith Avenue; Netta S. Knox, 1136 South Alvarado Street; A. H. Koebig, 841 Title Insurance Building; A. H. Koebig, jr., 841 Title Insurance Building; William H. Kribs, 1804 Central Avenue; Curtis H. McClure, 235 East Second Street; J. N. King, 1136 Townsend Avenue (or Blythe); Erwin H. Mack, 2313 London Street; Fay M. Manatt, 1039 South Union Avenue; William Marsden, care of Equitable Branch Security Trust & Savings Bank; Margaret I. Martin, 1830 New England Street; Cynthia Meador, 1012 North Alvarado Street; E. A. Montgomery, 409 Columbia Trust Building; Beatrice Moore, 3811 Maplewood Avenue; George V. Morrison, 1830 New England Avenue; Albert E. Nicholls, 1128 San Pedro Street; Harry Peterson, 134 West Thirtieth Street; Jefferson A. Phillips, 927 East Twenty-ninth Street; George Popkin, 451 South Spring Street; Edith M. Remalia, 835 South Olive Street; Meta E. Remalia, 2370 West Twentieth Street; John C. Reutch, 1424 Vernon Avenue; Edward J. Rodden, 2219 West Sixteenth Street; James C. Rush, 219 East Adams Street; Mary Rush, 219 East Adams Street; Susie B. Rush, 219 East Adams Street; J. L. Ryder, 2017 Pasadena Avenue; Frank Saich, 333 Crocker Street; Fred Sayles, 121 West Ninth Street; Julius Shwerdtferger, 816 West Jefferson Street; Louis Scobey, 1516 Maple Avenue; George T. Shugard, 926 Santee Street; Edward Siebke, 2727 Dalton Avenue; Elsie T. Simpson, 131 West Fortieth Place; W. H. Slabaugh, 2914 Vermont Avenue; Edwin E. Smith, 1146 East Thirty-third Street; Arthur W. Stevens, 1406 Burlington Avenue; Ernest Sunshine, 143 Chestnut Street; Everett W. Vaughn, 423 East Twenty-third Street; George Vaughn, 423 East Twenty-third Street; Mary C. West, corner Twenty-fifth Street and Seventh Avenue; George L. Wight, 317 West Seventeenth Street; Albert W. Wilding, 1639 North Thirty-seventh Place; Clarence E. Wiley, 948 East Twenty-third Street; William J. Woods, 504 Fremont Avenue; A. R. Hueth, Citizens' Bank Building; F. L. McMechen, Citizens' Bank Building; Dr. C. F. English; William Lord, general delivery; Miss E. B. Stephens, Bixel Street; R. Sandoval, 1451 East Fifty-first Street; Mrs. Bertha M. McConnell, 218 East Forty-third Street.

Afton (via Yermo): Mrs. Nettie Galbraith.

Alhambra: Josephine B. Woolverton, 926 North Garfield Avenue; Monta G. Woolverton, 926 North Garfield Avenue.

Altadena: Abraham L. Holling.

Anaheim: Francis M. Dowling, R. F. D. No. 3.

Angels Camp: John A. Bracco, George M. Brodie, Archie O. Dunbar, George D. Garland, Fred B. Jones, T. H. Ryan Jones, August May, Dr. George F. Pache, James Redding, James A. Snow, Albert C. Wilson.

Azusa: Cora C. Du Bois, Peter V. Du Bois, Katherine W. Fobes.

Arcadia: George L. Tucker.

Arlington: Clason S. Burgess.

Bakersfield: John W. Dunn.

Baldwin Park: Gus O. Dodson.

Berkeley: Andrew Moore, 1320 Arch Street; Arthur B. Smith; Robert H. Harding, 1410 Spring Street; Fanny D. Moore, 1320 Arch Street.

Banta: Henry L. Schmidt.

Blanco: Samuel Black, jr.

Boulder Creek: John B. Sinnott.

Bloomington: David M. Waddell.

Blythe: Tyndall Boice, Abner F. Bowen, Dr. Alexander Brown, Mrs. Luella M. Clayton, Mrs. Anna G. Green, William A. Hadden, Ernest Hubner, Charles D. Patterson, Charles E. Yost, John I. Bunch, Albert T. Clayton, Bazil De Meyer, George England, Charles E. Fine, Andrew A. Graham, John R. Graham, William G. Graham, Edward A. Green, Joseph W. Hopkins, Anna M. Hulett, Henry B. Hulett, Lillian Hulett, Joseph T. Kerley, Elmer Layton, George A. Layton, John E. Long, Johnston McElroy, George C. Rice, Ernest F. Smith, Robert Tankard, Guy H. Waltman, Henry Baumann, Charles H. Pipher.

Brawley: Phillip Doetsch, Frank Hooley, John Schwartz, Milton A. Conner, Walter A. Simons.

Clearwater: Sarah E. Blake, James M. Williams.

Chico: James B. Rowray.

Coalinga: Merl L. Boles, care W. K. Oil Co.; Maud L. Corona, box 908; William H. Garrigan, box 717; David P. Harpster; Frank M. McWreath.

Congress Junction, Ariz.: William H. Borders.

Colton: Earl P. Burke.

Compton: Louis I. Finn, R. F. D. No. 2.

Chicago, Ill.: Joel Spitz, 529–531 South Franklin Street.

Corona: William T. Blackman; J. G. Daniels; Martha C. Ford; Glen D. Francisco, box 252; Gotthold C. Hirtz, R. F. D., care Mr. Robinson; Ancil T. Hoffman, box 177; Lewis C. Kirby; Sarah R. Kirby; Walter F. Korn; Clarence McDaniels, box 151; James L. Parks, box 1788; E. E. Penprase, box 204; George M. Roberds; Anton Scherman, jr.; August J. Steinke; Hiram C. Strauss; Elzie Veach; George H. Walker; Andrew J. Ware; Jasper N. Wells; Hal H. Wood, R. F. D. No. 1; David M. Browning; Lawrence F. Malone; Cecil B. Randall; Charles W. Wrestler; William H. Sargent.

Courtland: L. R. Beckley, Charles E. Hollister, Frank E. Hollister.

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Downey: Phillip S. Jewell, R. F. D. No. 1, box 147; Patrick F. Ryan; William C. Showalter.

Danville: Ellis Price.

Davenport: Menno S. Price.

Exeter: Evalena Bailor.

Fort Bidwell: Robert H. Wilson, care F. N., Bidwell News.

Fullerton: Harry F. Dalrymple; Macager Good; Jesse Goodwin; William A. Goodwin; James F. Hixon; C. N. Lacock, box 212; Orion W. Lillie; Albert M. Russell, R. F. D. No. 1; Arthur Staley; Drusilla Staley; George W. Jenkins, jr.

Fairfield: George A. Roney, care superior court, Solano County.

Felton: William C. Stevenson.

Glendale: Elmer E. McQuivy, 1551 Ivy Street; Lilly H. McQuivy, 1551 Ivy Street; Arthur T. Wintersgill, 111 North Louise Street.

Gardena: M. A. Schofield (for H. M. Zurbuchen).

Glendora: Wallace L. Howard, Frank M. Kuhry, Daniel H. Mauerhan, Fred C. Neet, Cyrus W. Wilhite.

Glenwood: Edwin S. Martin.

Gonzales: Charles W. Parsons.

Hanford: James N. Hoyt.

Hueneme: Wilmot C. White.

Hollywood: Henry A. Lohlker, 124 Chester Court; Ada M. Sheppard, 6919 Hawthorne Avenue; Roy Sheppard, Idaho Falls, Idaho; Will C. Sheppard, 6919 Hawthorne Avenue; Harriet M. Zurbuchen, care M. A. Schofield, Gardena.

Hynes: Lizzie Hughes.

Jackson: Elmer D. Boydsten, William H. Greenhalgh, Mrs. Addell Zumbiel, Edwin V. Zumbriel.

Jamestown: George T. Black; Mrs. Josephine T. Black; Joseph P. Cardoza; Dr. C. E. Congdon; Mrs. Helen L. Davenport, Hotel Neville; Charles N. Hamblin; John E. Nolan; Luther W. Smith; Ben F. Stine.

King City: William M. Branstetter; Frederick Burchard, box 87; Henry A. Burchard, box 87; Hans J. Lang; George A. Martin; Mrs. Belle Talbott; Paul Talbott.

Lindsay: Sidney A. Allen, Albert Ford, Effie M. Griswold, Oliver J. Griswold.

La Canyada: Miss May C. Young.

Lodi: Frank F. Irey.

Lompoc: Thomas R. Archer, Ernest Eckert, Ray B. Saunders.

Long Beach: Mrs. E. Brownburger, 143 Chestnut Street; P. W. Barrett, 147 East Ocean Avenue; John B. Burke, 1819 East Fourth Street; Fred A. Curtis, No. 2, box 87; Clifford C. Doran, Hotel Del Mar; Joe M. Sewell, 630 Linden Avenue; Chester H. Brockway, 829 New York Street; Oroinsey S. Brockway, 829 New York Street; Frank I. Curtis, No. 2, box 87; George E. Curtis, No. 2, box 87; Millard F. Curtis, No. 2, box 87.

Lordsburg: E. H. Bixby, L. H. Bixby, Mrs. Margaret C. Bixby, Sadie P. Bixby, Charles M. Harvey, R. T. Soper, A. A. Woelk.

Los Gatos: Arch L. Cilker, John M. Cilker.

Manhattan, Kans.: A. B. Smith.

Martinez: Albert L. Dooley.

Mecca: P. S. Gruendike.

Mesaville: W. H. Saults, Robert N. Coffey, Christian T. Lang, J. E. Pierson, T. E. Poore, Paul S. Knight, Mrs. J. E. Knight.

Modesto: Fidelis A. Lukins.

Monrovia: Dr. Joseph E. Pottenger, Hal Maxwell Slemons.

Murphys: John A. Manuel, Raymond T. Manuel, David E. Roberts.

Napa: William J. Otten.

Neighbors: Arabella E. Bodkin, Jane Nelson, Clarence E. Vertrees.

Nordhoff: Henrich P. Hess.

Oakland: Harry R. Browne, 590 East Twentieth Street; George P. Clough, 1472 Ninth Avenue; Samuel F. Rutter, 1516 Eighth Avenue; Henry F. Wintermeyer, 2333 Twenty-fifth Avenue, East Oakland.

Ocean Park: Simon L. Hardman, 2650 Main Street; William M. Kendall, post-office box 294; Charles G. Reed, box 327; Frank W. Seager, 3018 Third Street.

Oswego, Oreg.: John Q. Jamieson, R. F. D. No. 1, box 169.

Orange: Samuel A. Luke; James Nickle; Vernon S. C. Barger; Henry Schaffert; Albert C. Storum, 118 Olive Street.

Oxnard: Francis L. Scoles, 250 D Street; Anthony H. Wittman, 226 E Street.

Pasadena: E. I. Ames, R. F. D. No. 1, box 228; Corda L. Anderson, 37 East Walnut Street; George N. Anderson, 37 East Walnut Street; George W. Collis, 58 East Colorado Street; Laura S. Eddy, 425 North Orange Grove Avenue; William W. Fitch, R. F. D. No. 11, box 120; M. H. Hannum, 825 Park Avenue; William Y. Harding, 523 North Galena Avenue; Moses A. Hughes, 335 Park Street; George Wharon James, 1098 Raymond Avenue; Charles W. Mann, 148 South Grand Avenue; Lenore Meyer, 556 Prospect Avenue; Harry S. O'Brien, 790 Garfield Avenue; Charles Pinnick, 37 East Walnut Street; Alice M. Skinner, 556 Prospect Avenue; Aug. C. Skinner, 556 Prospect Avenue; Lulu M. Anderson, 37 East Walnut Street; Tillie Burns, 721 Mound Avenue, South Pasadena; Frank L. Carr; Lizzie Carr, 88 North Marengo Avenue; Rachel N. Hammel, 177 North Los Robles Avenue; Guy R. Jacobs, 1189 North Wilson Avenue; Mrs. A. W. Jinnerich, 858 Summit Avenue; William F. Kruger, 37 East Walnut Street; Alfred H. Lovely, 721 Mound Avenue, South Pasadena; Dr. Z. T. Malaby, 666 North Raymond Avenue; Benjamin A. Moll, 445 North Wilson Avenue; Eliza J. Slaven, 345 Stevenson Avenue.

Pomona: William H. Manchester, 749 North Gordon Street; Frederick C. Thomas; Mr. Burke.

Paris: Frank Kramer.

Perris: Harvey A. Shiffer.

Port Costa: Louis J. Delos.

Phoenix, Ariz.: Mabel Ward, care Ward & Billson Nursery Co.; H. L. Billson, care Scottsdale stage; Mrs. H. L. Billson, care Scottsdale stage; Ray W. Ward, care Scottsdale stage.

Princeton: Justin C. Crowell, Thomas E. Davies.

Puente: Lee Craig.

Quincy: Robert N. Fletcher.

Rannels: Florence M. Johnston, Eliza S. Curtis, Joseph Fountain, John Klink, Carl A. Benson, Josef Siebold, Helen M. Marlow, John P. Snyder, Milton K. Handy.

Redlands: Francis L. Chamberlain, James H. Richards, William E. Blecke, William H. Goodrich, William Leistico, Richard R. Tatnall.

Redondo Beach: William N. Perry, 200 Pacific Avenue.

Rio Vista: Emory J. Fraser, Murray L. Isham, Daniel McCormick, Ethel P. McCormick, Agnes M. Stewart, William A. Stewart.

Rivera: Leroy A. Pawley, R. F. D. No. 1; Verd M. Anderson, R. F. D. No. 10.

Riverside: Edward T. Grundstrom, Ninth and Main Streets; Irving M. Huberty, 309 Magnolia Avenue; Charles G. Reynolds, 187 East Arlington Avenue.

Salinas: Dr. George F. Faulkner, Albert C. Hensen, Christen H. Hansen, George T. Scott.

San Bernardino: George L. Barrows; Ben Humphreys; Harriet J. Humphreys, 147 Seventh Street; Mathew A. Humphreys, 147 Seventh Street; Ola M. Lawrence; Mary A. Sedgwick; Albert G. Knight, 404 Tenth Street; Harold T. Merritt, 404 Tenth Street; George G. Oldaker, 276 Mount Vernon Avenue.

San Diego: Benjamin L. Hinman, care Brewster.

San Dimas: Charles A. Butler, George M. Butler, Mauree Du Bois, Frank H. Harwood, Frank A. Hickman, Percy A. Johnstone, William R. Johnstone, J. E. McFadden, John F. McLean, Elisha Mitchell, Christa T. Muggelberg, Herbert J. Phelps, Wilson M. Smith, Elizabeth H. Taylor, Lucien S. Taylor, David C. Teague, Elmer E. Teague, Minnie E. Teague, Robert M. Teague, Russell W. Teague, Edward W. Thomas, Myrtle R.

Thomas, Raymond A. Torrey, Genevieve Walker, Harry E. Walker, Loyal O. Whitmer.

San Fernando: William J. Millen.

San Jacinto: Edgar Vertrees, Clarence E. Vertrees.

San Francisco: I. A. Cottingham, 3319 Jackson Street; Robert J. Craig, 205 Tehama Street; John R. Cunningham; Gus Davis, 2135 Sutter Street; Arthur B. Eddy, 51 Hill Street; Joseph S. Harlan, 809 Pierce Street; Lelia Harlan, 809 Pierce Street; Edw. C. Johnson, 439 Jones Street; Louis P. McGettigan, 40 Belvidere Street; Reginald H. McKaig, 1000 First National Bank Building; Homer W. Norton; H. M. R. Rodman, 2020 Howard Street; Charles F. Rutter, 1752 Steiner Street; Margaret Rutter, 1752 Steiner Street; Alexander E. Sim, 157 Sutter Street; Edward T. Taylor, 94 Walter Street; Sol. J. Vogel, care New York Life Insurance Co.; George N. Williams, 1001 Pine Street; Hal A. Curtis, Empire Theater; Margaret E. Hatton, 1111 Pine Street; Albert M. Howe, 1156 Fell Street; Edgar L. Lewis, 2424 Buchanan Street; Frederick M. Lewis, San Marco Hotel; Harry F. Lewis, 510 Battery Street; Martha L. McKaig, 2022 Fell Street; Florence Moore, Keystone Apartments; Joseph A. Moore, 840 Cole Street; Robert S. Moore, corner Maine and Howard Streets; Mary A. Rethers, 2900 Scott Street; Theodore C. Rethers, 2900 Scott Street; Henry Rosenfeld, 1024 Merchants Exchange; Louis Rosenfeld, 1024 Merchants Exchange; R. S. Shainwald, 34 First Street; George B. Thornton, care American-Hawaiian Steamship Co., Pier 23; Fanny D. Moore, 1320 Arch Street.

San Jose: James Beatty, First National Bank Building; Henrietta K. Beatty, First National Bank Building; William J. Close, 31 West Santa Clara Street; Earl B. Isham, 297 North Third Street; Mrs. Clara R. Long, 655 South Sixth Street (care Rev. George I. Long); Rev. George I. Long, 655 South Sixth Street; Frank W. Luther, 601–602 First National Bank Building; Edgar E. Lynde; Arden H. Michener; Fred J. Rugg, 341 North Crittenden Street; William E. Stevens, 60 South Seventh Street.

San Pedro: Louis Levy; Gustax Litschke, 420 Beacon Street.

Santa Barbara: Ira C. Goodridge, care The Upham.

Santa Clara: Arthur E. Graham.

Santa Cruz: C. P. R. Adney, care William H. Bias; Robert B. Bias, 73 Walnut Street; William H. Bias; Philip P. Bliss; Christian Buch; Mrs. Charles H. Cornell, 177 North Braciforte Avenue; William H. Crowe, 406 Ocean Street; William D Crumpton; F. A. DeCray; Henry H. Frapwell; Henry J. Godfrey; Abraham T. Grove; George H. Harrington; Henry Hertz; Peter M. Kimmey; Charles Lewis; Matt R. Marko, 28 Franklin Street; Mathilde Metzler; William W. Morley; Leonard J. Nehf; Ella St. C. Orton; Frank H. Parker; C. S. Price, superintendent of schools; William E. Vanderwort; Willett Ware; Dr. F. D. Webley, corner Brighton Avenue and East Cliff Drive; George W. Whitney; Joseph T. Winterholder; Benjamin C. Wise.

Santo Monica: Bertha C. Chase, 313 Nevada Avenue, box 346; Arthur A Weber.

Santa Paula: Albert Hofmeister.

Santa Rosa: Charles Hallowell.

Saratoga: John L. Pendleton, Charles S. Pendleton.

Sawtelle: Perry A. Ball, Soldiers' Home; E. J. Calhoun, 614 Fourth Street; James Hill, Soldiers' Home; Oscar R. Lord, Soldiers' Home; George Raper, Soldiers' Home; John W. Ball; Edwin L. Barnard; Charles G. Bunting, Soldiers' Home; Benjamin F. Cook, Soldiers' Home; George B. Dunkin; Henry C. Gilbert; William Hasse, Soldiers' Home; Dr. Augustus B. Hromadke; Julia A. Johnson; Lydia J. Ledwith; Samuel A. McCorrison; Abraham Palmer; Arthur C. Seward; Gilbert Tull.

Sebastopol: Olive T. Allen.

Selma: Charles Hallowell.

Sonora: Joseph M. Buthenuth, Harris J. Coffill, Dr. E. T. Gould, George A. Howard, Bertha M. Kahl, Rebecca Lick, Roy T. McNeely, George Michel, Gilbert M. Voorheis.

Soquel: Albert F. Davis, George Cunnison.

Spreckels: Stanley A. Gandy, Jennie E. Moore, James R. Riley, George E. Stadler, Ralph H. Moore.

Stockton: Dr. L. M. Haight; Reinhart Hall, 229 East Oak Street; Francis M. Johnson, care Dr. Fitzgerald, Elks Building; George E. McLeod, 9 South Hunter Street; Joseph W. Manuel, 212 West Acacia Street; John W. Moore; Luke W. Peart, care Heald's College; Benjamin M. Woodhull, 1115 East Weber Avenue.

Suisun: Frederick A. Butterfield, Mary E. Crocker, box 53; James A. Keys, Charles E. Mayfield, May A. Mayfield, James S. Polland, Robert Stewart, Augustus C. Tillman, Alexander E. Trainor, George C. Trainor, Dr. F. E. Webster.

Terra Bella: Harry G. Hutchins.

Tipton: A. C. Walsh.

Tracy: Henry Schmidt, Wilhelm Schmidt.

Vallejo: John H. Brennan, Albert R. Casper, Valentine Hathaway, Fred H. Heegler, Gustave O. Klotz, John E. Paulson, Eva F. Suydam.

Visalia: Charles C. Robinson.

Waterman: Laverne L. Freeman; Oliver L. Morton, care L. L. Freeman.

Watts: Hays Anderson, Joseph Burgess, Lemuel L. Ellis, Delos E. Gamble, William L. Summers, Charles A. West, James H. West, Myrtle A. West, Arthur R. Wilms.

Westminster: E. C. Phelps.

Westgate: Louis H. Duryee, Lawrence G. Marshall, Francis J. Folsom.

Whittier: Omer S. Coppock; Kittie A. Coulthurst, care William H. Coulthurst; Harry A. Eckert; Rev. N. T. Edwards; Ruby L. Faucett; Nellie W. Keen, care Scott Keen; Amos C. Maple; John Neal, care Robert Neal; Arthur C. Pickering; Cecil E. Pickering; William J. Randall; Reba Randall; V. A. Reynolds; Agnes R. Sargent; Prof. R. E. Smith; Estelle Stevens, care Alfred J. Stevens; Albert K. Tanner; Emit Tanner; Parmelie Tanner; Anna M. Todd, care Joseph Todd; Charles G. Warner, 637 North Washington Avenue; May L. Warner, 637 North Washington Avenue; Herbert E. White; Laura A. Yale; Eddie W. Reider, 514 East Bailey Street; Elizabeth R. Saxman, 140 Newlin Street; Jessie C. Smith, 516 East Camillia Street.

EXCHANGE LANDS FOR SCHOOL SECTIONS IN RESERVATIONS.

The next business on the Calendar for Unanimous Consent was the bill (S. 5068) to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes.

The Clerk read the bill at length.

Mr. MANN and Mr. MARTIN of South Dakota reserved the right to object.

Mr. MANN. Mr. Speaker, I hope the gentleman from California will ask to have this go over without prejudice. It is pretty late in the day, and I do not know whether anybody is to object or not, but I want to be heard for a few moments upon the bill.

Mr. RAKER. I am perfectly willing to do so, but this is the last bill that will be taken up.

Mr. MANN. It is?

Mr. LAFFERTY. How does the gentleman know? I have got a bill on the calendar.

Mr. MANN. The gentleman speaks by the card. But I can say to him that we are not going to take this one up. I think there are several little bills, however, that gentlemen would like to get through which are unobjected to. If this comes up it will take some little time. It is a Senate bill, and I shall ask for the regular order.

The SPEAKER. The gentleman from Illinois demands the regular order, and the regular order is, Is there objection?

Mr. MARTIN of South Dakota. Mr. Speaker, unless I am permitted to reserve an objection I will make it, but I am perfectly willing to reserve it.

Mr. FERRIS. Mr. Speaker, along early in the afternoon, when a companion House bill to this was up and had a good chance to be considered, the gentleman from Illinois suggested that we let it go by, so that we could take up the Senate bill. Now, does not the gentleman think it would be right to let the gentleman from California take up his bill, because he lost his opportunity early in the day?

Mr. MANN. The gentleman did not lose his opportunity; he had no opportunity.

Mr. FERRIS. The gentleman from Illinois will remember the conversation.

Mr. MANN. I remember the facts and the conversation.

Mr. FERRIS. Have I misstated them?

Mr. MANN. I do not think the gentleman has, but he has drawn an inference that ought not to be drawn from the facts. I do not think there is any necessity of wasting time in taking the bill up to-night. I do not desire to sit here late in the evening, but I wish to be heard for a few moments on the bill if it is taken up. If that is not satisfactory to the gentleman from California, I will ask for the regular order.

Mr. FERRIS. I think it would follow from the fact that the gentleman from Illinois suggested that——

Mr. MANN. I did not suggest anything, because I was going to object to the House bill. The gentleman had a Senate bill in another place on the calendar.

Mr. FERRIS. That is precisely what I said.

Mr. MANN. There was no act of bad faith.

Mr. FERRIS. I did not charge that.

Mr. MANN. Well, I think the gentleman rather intimated it.

Mr. FERRIS. Oh, not at all. The gentleman is never in bad faith. I merely thought it would appeal to him.

The SPEAKER. Is there objection?

Mr. MARTIN of South Dakota. I object.

BOARD OF REGENTS, SMITHSONIAN INSTITUTION.

The next business on the Calendar for Unanimous Consent was Senate joint resolution 156, to appoint George Gray a member of the Board of Regents of the Smithsonian Institution.

The Clerk read the Senate joint resolution, as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, shall be filled by the reappointment of George Gray, a citizen of Delaware.

The SPEAKER. Is there objection?

There was no objection.

The Senate joint resolution was ordered to a third reading, was read the third time, and passed.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3175. An act to regulate the immigration of aliens to and the residence of aliens in the United States.

FINAL PAYMENT FOR LANDS, UMATILLA RESERVATION, OREG.

The next business on the Calendar for Unanimous Consent was the bill S. 3225, an act providing when patents shall issue to the purchasers or heirs of certain lands in the State of Oregon.

The Clerk read the bill, as follows:

Be it enacted, etc., That all persons who have heretofore purchased any of the lands of the Umatilla Indian Reservation, in the State of Oregon, and have made or shall make full and final payment therefor in conformity with the acts of Congress of March 3, 1885, and of July 1, 1902, respecting the sale of such lands, shall be entitled to receive patent therefor upon submitting satisfactory proof to the Secretary of the Interior that the untimbered lands so purchased are not susceptible of cultivation or residence, and are exclusively grazing lands, incapable of any profitable use other than for grazing purposes.

SEC. 2. That where a party entitled to claim the benefits of this act dies before securing a patent therefor, it shall be competent for the executor or administrator of the estate of such party, or one of the heirs, to make the necessary proofs and payments therefor to complete the same; and the patent in such cases shall be made in favor of the heirs of the deceased purchaser and the title to said lands shall inure to such heirs as if their names had been especially mentioned.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The bill was ordered to a third reading, was read the third time, and passed.

On motion of Mr. FERRIS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

TO INCREASE THE EFFICIENCY OF THE NAVY AND MARINE CORPS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24225) to amend an act entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," approved March 3, 1899.

Mr. MANN. Mr. Speaker, to save time, unless the gentleman from Texas asks to have this passed over, I shall object.

Mr. GREGG of Texas. If the gentleman from Illinois is going to object, I ask that it be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

TITLE TO CERTAIN LAND IN BALDWIN COUNTY, ALA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11478) to quiet title and possession with respect to a certain unconfirmed and located private land claim in Baldwin County, Ala., in so far as the records of the General Land Office show said claim to be free from conflict.

The Clerk read the bill, as follows:

Be it enacted, etc. That all the right, title, and interest of the United States in and to the lands situate in section 44, township 1 north, range 2 east, and section 49, township 1 north, range 1 east, containing 639.97 acres, in Baldwin County, Ala., known as the Francis Girard grant, shall be, and the same are, in so far as the records of the General Land Office show the said land to be free from conflict, hereby directed to be granted, released, and relinquished by the United States, in fee simple, to the respective owner or owners of the equitable titles thereto and to their heirs and assigns forever as freely and completely, in every respect whatever, as could be done by patents issued therefor according to law.

SEC. 2. That nothing in this act shall in any manner abridge, divest, impair, injure, or prejudice any valid right, title, or interest of any person or persons in or to any portion or part of the lands mentioned in the said first section, the true intent of this bill being to relinquish and abandon, grant, give, and concede any and all right, interest, and estate, in law or equity, which the United States is or is supposed to be entitled to in said lands, in favor of all persons, estates, firms, or corporations who would be the true and lawful owners of the same under the laws of the State of Alabama, including the laws of prescription, in the absence of the said interest and estate of the United States.

SEC. 3. That the Department of the Interior shall cause patents to issue for such lands, and such patents shall issue in the name of the original claimant, and when issued shall be held for the use and benefit of the true and lawful owner or owners, as provided in sections 1 and 2 of this act.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to have the gentleman tell us what this is.

Mr. FERRIS. Mr. Speaker, this bill seeks to acquire title to about 414.5 acres of land that were acquired under the Girard grant. It was always assumed that the grant was confirmed by the act of 1819, but the Interior Department says that is not true. It says it was not approved. The bill only seeks to confirm the title to that portion of the grant which is not in conflict, and the Interior Department says that the 414.5 acres are not in conflict. The Interior Department in its letter suggests an amendment to the end that the Federal Government will not be seeking to confer title to some one, being left in the attitude of an insurer of title. We have modified the bill and amended it so that it meets with the approval of the department. The department's letter is of date July 24, 1912, signed by the Assistant Secretary, Samuel Adams. He recommends it. The bill was before his predecessor, Mr. Ballinger, and he recommended it. The land has been occupied and owned and held for so long that I think there can be no possible objection to the bill. The same care about confirmations and perfecting of title did not prevail then that is now present. There can be no possible objection to the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, strike out line 4 and insert "persons, estates, firms, or corporations, who would be the true and lawful owners of the same under the laws of Alabama, including the laws of prescription had the private-land claim of the said Francis Girard been confirmed by the third section of the act of March 3, 1819 (3 Stat., 528)."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FERRIS, a motion to reconsider the vote by which the bill was passed was laid on the table.

TERMS OF UNITED STATES COURT AT NEWARK, N. J.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 28094) to amend section 96, chapter 5, of the act of Congress of March 3, 1911, entitled "The Judicial Code."

The Clerk read the bill, as follows:

Be it enacted, etc., That section 96, chapter 5, of the act of Congress approved March 3, 1911, and therein designated "The Judicial Code," be amended so that the same shall read as follows:

"SEC. 96. The State of New Jersey shall constitute one judicial district, to be known as the district of New Jersey. Terms of the district court shall be held at Newark on the third Tuesday in January, the first Tuesday in May, and the third Tuesday in October, and at Trenton on the first Tuesday in April, the third Tuesday in September, and the first Tuesday in December. The clerk of the court for the district of New Jersey shall maintain an office, in charge of himself or a deputy, at Newark and at Trenton, each of which offices shall be kept open at all times for the transaction of the business of the court; and the marshal shall also maintain an office, in charge of himself or a deputy, at Newark and at Trenton, each of which offices shall be kept open at all times for the transaction of the business of the court."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object. What is the necessity for holding court at Newark?

Mr. McCOY. Mr. Speaker, the necessity arises from the fact that most of the business done in the United States courts in the district of New Jersey arises in the northern counties. More than half of the population of the State is in those northern counties and still there is no term of court held except in Trenton.

Mr. MANN. I suppose this bill was prepared after some consideration and possibly consultation. It was introduced on January 15, reported on January 28, and nearly every date that was in the original bill is changed by amendments. Is this in conformity with the wishes of the people over there?

Mr. McCOY. Mr. Speaker, the bill as introduced provided for six terms, three in one place and three in another, but after consultation with the two judges of the United States district courts and with attorneys in the northern part of the State it was agreed that the four terms would be sufficient—two in Newark and two in Trenton.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. McCOY. Mr. Speaker, I ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Line 10, page 1, strike out the words "the third Tuesday in January" and the word "May" and insert in place of the word "May" the word "April."

Line 11, page 1, strike out the word "third" and insert in place thereof the word "first." Strike out the word "October" and insert in place thereof the word "November."

Line 1, page 2, strike out the words "first Tuesday in April the" and the word "September" and insert in place of the word "September" the word "January."

Lines 2 and 3, page 2, strike out the word "first" and insert in place thereof the word "second." Strike out the word "December" and insert in place thereof the words "September of each year."

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. McCOY, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS MISSISSIPPI RIVER, BATON ROUGE, LA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25762) for the construction of a bridge across the Mississippi River at or near Baton Rouge, La.

The Clerk read as follows:

Be it enacted, etc., That the Baton Rouge Bridge & Terminal Co., a corporation organized under the laws of the State of Louisiana, its successors and assigns, be, and are hereby, authorized to construct, maintain, and operate a bridge, and all approaches thereto, across the Mississippi River at or near the city of Baton Rouge, La., at a point suitable to the interests of navigation, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That said bridge shall be so constructed, maintained, and operated that, in addition to its use for railroad trains and trolley cars, it shall provide for a separate roadway and approaches and continuous use by the public as a highway bridge, to be used for all kinds of highway traffic and travel, for the transit of which reasonable rates of toll may be charged and received, but no rate for passage of a single passenger on a railroad train shall exceed 25 cents.

SEC. 2. That the Interstate Commerce Commission shall have authority to make rules and regulations for the use of this bridge by any other common carrier engaged in interstate commerce at any time any other such common carrier may desire to use it jointly, and the Interstate Commerce Commission is authorized to fix charges for any such joint use, and such charges shall be based upon the relation that the proportionate use of each carrier bears to the interest of the net income from the sale of bonds to the amount of the actual cost of construction.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I notice the War Department reports that this bill is in the usual form, which it is not. I would like to ask the gentleman who has charge of the bill why there is a departure in this bill from the usual form with reference to bridge bills, and why we should pass a bill authorizing the charge of 25 cents to each passenger on a train crossing the bridge. The bill says not to exceed 25 cents, and I assume it is 25 cents. I would like to ask why it is not left within the control of the War Department, which would have control under the general bridge act without this specific provision in it?

Mr. BROUSSARD. Mr. Speaker, the gentleman from Illinois will notice that the committee has stricken out that portion of the bill to which he refers.

Mr. MANN. I did not hear the gentleman.

Mr. BROUSSARD. I said the gentleman from Illinois will notice that the committee has stricken out that portion of the bill to which he refers.

Mr. MANN. I beg the gentleman's pardon, it has done nothing of the kind; the gentleman is mistaken. The committee has reported striking out section 2, but what I refer to is in the first section, under the proviso, the last part of which reads, "but no rate for passage for a single passenger on a railroad train shall exceed 25 cents."

Mr. BROUSSARD. The proviso reads:

Provided, That said bridge shall be so constructed, maintained, and operated that, in addition to its use for railroad trains and trolley cars, it shall provide for a separate roadway and approaches and continuous use by the public as a highway bridge, to be used for all kinds of highway traffic and travel, for the transit of which reasonable rates of toll may be charged and received, but no rate for passage of a single passenger on a railroad train shall exceed 25 cents.

Mr. MANN. The last part is what I read.

Mr. BROUSSARD. Now, the gentleman asks, as I understand it, why the 25 cents was put in this bill. It was only a restriction upon the charges that may be placed upon passengers going across this bridge.

Mr. MANN. Well, I think it would be construed as authority to charge 25 cents, whereas without that provision the War Department may determine that 10 cents is enough, as it probably is.

Mr. BROUSSARD. I am perfectly willing for that to go out, if the charge seems to be too high, because what we are seeking to secure by this bill is a bridge across the Mississippi River where five great roads run to the river at a little town across from the capital of the State, Port Allen, and to be permitted to cross the river on a bridge provided for by this company organized for that purpose, and if the charge for passengers be too high in the gentleman's opinion, I am perfectly willing to eliminate that charge. In fact, as the gentleman will see by section 2, we wanted the Interstate Commerce Commission to fix the charge.

Mr. MANN. I take it it is a railroad and wagon bridge.

Mr. BROUSSARD. Yes; that is what it is.

Mr. MANN. That is all covered in the general bridge act without this proviso in the bill.

Mr. BROUSSARD. I am perfectly willing to strike out the proviso. We wanted the commission to regulate the charges on this bridge as we originally introduced the bill, but the Interstate Commerce Committee thought proper to strike out that provision.

Mr. MANN. The gentleman may not understand that under the general bridge law the Secretary of War can regulate this absolutely.

Mr. BROUSSARD. Without any specific declaration?

Mr. MANN. Without any specific declaration at all.

Mr. BROUSSARD. I should welcome the gentleman's amendment.

Mr. MANN. They have that authority, and that is far better for the security of the people than even the Interstate Commerce Commission.

Mr. BROUSSARD. I will strike out that portion of the bill which limits the charge which shall be made for passengers going over the bridge. What we are seeking to do is to get the bridge.

Mr. MANN. I think the gentleman would be a great deal better off if he would move to strike out the proviso in section 1. He will be in better position to get the bridge.

Mr. BROUSSARD. Mr. Speaker, I move to strike out the proviso in section 1.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I would like to ask the gentleman how far this bridge would be from the city of New Orleans?

Mr. BROUSSARD. It will be about 80 miles up the river.

Mr. MOORE of Pennsylvania. That is, the distance from New Orleans to the capital of Louisiana?

Mr. BROUSSARD. From New Orleans to Baton Rouge.

Mr. MOORE of Pennsylvania. Is it to be a fixed bridge or a drawbridge?

Mr. BROUSSARD. It will be a drawbridge, and a modern one that will not interfere with navigation on the river.

Mr. MOORE of Pennsylvania. I do not want to interfere with the gentleman's project nor his section of the country, but the Government is spending large sums of money on the improvement of the Mississippi River for a distance, all told, of about 2,500 miles from the Lakes to the Gulf, and the distance from Baton Rouge to New Orleans, as the gentleman has stated, is about 80 miles, so that this bridge would probably be the southernmost bridge on the Mississippi River up to the present time. I wanted to ask about the navigation. The gentleman says the bridge would be constructed so it would not impede the navigation, and that it would be a drawbridge so that masted vessels might get through. Has the gentleman any information with regard to the effect of this bridge and its abutments upon floods that occasionally break out in this vicinity on the Mississippi River?

Mr. BROUSSARD. Mr. Speaker, to be perfectly frank with the gentleman from Pennsylvania [Mr. MOORE], I have not that information beyond this, that the people who are interested are not interested because they propose to have any stock in this company organized in Louisiana to build the bridge, but because of the fact that the people in that section of Louisiana where I live can, by virtue of this proposition, get to New Orleans, by retracing the line of railroad west, an hour earlier; and so will the mail reach western Louisiana and southeastern Texas one hour sooner than it does now by crossing on the ferry at New Orleans. So that, inasmuch as the people whose lands are subject to overflow are petitioning for this bridge to be built in order to convenience them in their travel, and to convenience the mail in reaching destination in that populous section of the country, I judge that they have considered the matter, and if they are not fearful of any results that might come from any impediment of the flow of the river to the sea, by which there might be a greater danger in protecting their lands from overflow, we should not be.

Mr. MOORE of Pennsylvania. Baton Rouge is on comparatively high ground, is it not? Does it not stand well up above the river?

Mr. BROUSSARD. It stands well up above the river. In fact, Baton Rouge is on a hill, and we who come from the side of the river where I live—the western side of the river—will have to meet very high hills on the Baton Rouge side, the eastern or capital side of the river, and this bridge will have to be built so as to meet the ridge above the capitol. I want to say to the gentleman from Pennsylvania, besides that, that the War Department has recommended that this bill be passed.

Mr. MOORE of Pennsylvania. Yes; I have seen that in the report.

Mr. BROUSSARD. It will not interfere with navigation, according to the United States engineers, but besides that it gives a quicker access to New Orleans, which, in my judgment,

will be the city to which all the trade of the Mississippi River Valley will come after the Panama Canal is completed. All the western country that is reached by the Texas & Pacific Railroad and by the Southern Pacific Railroad will find its terminus in order to reach these markets, whether on the Atlantic side of South and Central America or on the Pacific side of South and Central America, and in the Orient as well. And the Frisco system, that recently has come to Port Allen, is anxious to cross the river and get on to the western side and carry freight on to the Pacific coast.

Besides the Colorado Southern and other roads, five in all, as I am informed, meet at that point just across the river from Baton Rouge, being able to cross by bridge, will reach the Atlantic seaboard, and reach the Panama Canal, and reach the western part of this hemisphere, and reach the Orient as well. All of these roads centering at Port Allen, across from Baton Rouge, will be able to save 1 hour in crossing so far as passengers are concerned, and possibly 24 hours in crossing so far as freight is concerned, and get on the other side of the river and reach their destination so much the sooner.

Mr. MOORE of Pennsylvania. I sincerely trust that that development will take place, but I want to call the attention of the gentleman to the fact that 2,500 miles of this navigaion will land up against this bridge, once constructed, and if it impedes the commerce that is being carried on on this navigable stream it would be a serious matter.

Mr. MANN. Mr. Speaker, I call for the regular order.

The SPEAKER. The regular order is demanded. Is there objection?

Mr. MOORE of Pennsylvania. I hope the gentleman does not want to destroy this bill.

Mr. MANN. I call for the regular order.

Mr. MOORE of Pennsylvania. I hope the gentleman will not destroy this bill.

The SPEAKER. The regular order is demanded, and if anybody objects, the bill will be stricken from the calendar.

Mr. MOORE of Pennsylvania. Mr. Speaker——

The SPEAKER. It is not debatable. Every Member has the right to call for the regular order when he chooses.

Mr. MOORE of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOORE of Pennsylvania. In view of the demand for the regular order, is it not in order to make the point that no quorum is present?

The SPEAKER. It is always in order to make that point.

Mr. TALBOTT of Maryland. Mr. Speaker, I move that the House adjourn.

The SPEAKER. The gentleman from Maryland moves that the House adjourn.

Mr. FITZGERALD. I trust the gentleman will withhold that motion until I can submit a request.

Mr. TALBOTT of Maryland. I will withhold my motion, Mr. Speaker.

Mr. MOORE of Pennsylvania. The demand for the regular order is a closure measure. I do not wish to defeat the measure that the gentleman from Louisiana [Mr. BROUSSARD] has in hand.

Mr. MANN. Mr. Speaker, I call for the regular order. Let it go over until next week.

Mr. MOORE of Pennsylvania. I do not want to prejudice this bill.

Mr. MANN. Unless the gentleman himself objects to it, it does not go off the calendar.

Mr. BROUSSARD. Mr. Speaker, I ask unanimous consent that this bill go over until next week without prejudice.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

HOUR OF MEETING TO-MORROW.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 10.30 o'clock to-morrow morning.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that when the House adjourns to-day it adjourn until 10.30 o'clock to-morrow morning. Is there objection?

Mr. MANN. We have not got through the appropriation bills, and we shall have to meet at 9 o'clock pretty soon.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. FITZGERALD. Mr. Speaker, the gentleman from Texas [Mr. BURLESON] asked me to announce that the House will sit late to-morrow night in order to finish the District of Columbia appropriation bill.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on the Library was discharged from the further consideration of the bill (H. R. 28575) to provide a commission to secure plans and designs for a bridge as a memorial of peace and union, to be known as the "Grant-Lee Bridge," and to be constructed across the Potomac River from a point in the city of Washington near the site selected by law for a memorial for Abraham Lincoln to the national cemetery at Arlington, in the State of Virginia, and the same was referred to the Committee on Interstate and Foreign Commerce.

ADJOURNMENT.

Mr. TALBOTT of Maryland. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 4 minutes p. m.) the House, in accordance with the order previously made, adjourned until to-morrow, Tuesday, February 4, 1913, at 10 o'clock and 30 minutes a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred, as follows:

1. A letter from the president of the East Washington Heights Traction Railroad Co., transmitting annual report of said company for the year ending December 31, 1912 (H. Doc. No. 1332); to the Committee on the District of Columbia and ordered to be printed.

2. A letter from the Secretary of War, transmitting memorandum report of the Chief of the Bureau of Insular Affairs, giving a list of useless papers pertaining to said bureau (H. Doc. No. 1335); to the Committee on Disposition of Useless Executive Papers and ordered to be printed.

3. A letter from the president of the Washington Gas Light Co., transmitting annual report of said company for the year ending December 31, 1912 (H. Doc. No. 1333); to the Committee on the District of Columbia and ordered to be printed.

4. A letter from the president of the Washington & Old Dominion Railroad, transmitting annual report of said company for the year ending December 31, 1912 (H. Doc. No. 1334); to the Committee on the District of Columbia and ordered to be printed.

5. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Vermillion River, La., and channel to connect Vermillion River with the inland waterway between Franklin and Mermentau, at Schooner Bayou (H. Doc. No. 1336); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CARY, from the Committee on the District of Columbia, to which was referred the bill (S. 7509) to authorize the extension of Twenty-fifth Street SE. and White Place, reported the same without amendment, accompanied by a report (No. 1433), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. McCALL: A bill (H. R. 28600) to authorize the Lincoln Memorial Commission to procure a plan and design for a memorial bridge across the Potomac River; to the Committee on Interstate and Foreign Commerce.

By Mr. McKELLAR: A bill (H. R. 28601) for the purchase of a site and erection of a public building in the city of Memphis, Shelby County, Tenn.; to the Committee on Public Buildings and Grounds.

By Mr. STEVENS of Minnesota: A bill (H. R. 28602) to authorize the Secretary of War to make an agreement with the Municipal Electric Co., a corporation, for the disposal of the hydroelectric power developed by the dam between St. Paul and Minneapolis, Minn.; to the Committee on Rivers and Harbors.

By Mr. HUMPHREY of Washington: A bill (H. R. 28603) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes," approved July 1, 1898; to the Committee on the Public Lands.

By Mr. COVINGTON: A bill (H. R. 28604) for the purchase of a site and the erection of a Federal building at Salisbury, Md.; to the Committee on Public Buildings and Grounds.

By Mr. CARTER: A bill (H. R. 28605) for the purchase of a building and lot as a mine rescue station at McAlester, Okla.; to the Committee on Mines and Mining.

By Mr. MARTIN of South Dakota: A bill (H. R. 28606) to authorize the sale and disposition of a portion of the surplus and unallotted lands in Todd County, in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect; to the Committee on Indian Affairs.

By Mr. FLOOD of Virginia: A bill (H. R. 28607) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914; to the Committee of the Whole House on the state of the Union.

By Mr. BUCHANAN: A bill (H. R. 28608) to provide the Government with means sufficient to supply the national want of a sound circulating medium; to the Committee on Ways and Means.

By Mr. DAVIS of Minnesota: A bill (H. R. 28609) providing for the purchase of a site and the erection of a public building at Northfield, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. GARNER: Resolution (H. Res. 808) requesting the Attorney General to transmit to the House of Representatives certain information; to the Committee on the Judiciary.

By Mr. STEENERSON: Resolution (H. Res. 809) requesting information of the President as to practicability of extending a 2-cent letter postage rate similar to that in force with Great Britain and Germany to other European countries desiring the same; to the Committee on the Post Office and Post Roads.

By Mr. BURKE of South Dakota: Memorial from the Legislature of the State of South Dakota requesting the Secretary of the Interior to revise the rules governing right to lease and manner of leasing allotted Indian lands; to the Committee on Indian Affairs.

Also, memorial from the Legislature of South Dakota, asking Congress to amend the 320-acre homestead law, known as the Mondell bill, so as to include the remaining Government lands in South Dakota; to the Committee on the Public Lands.

By Mr. MARTIN of South Dakota: Memorial from the Legislature of the State of South Dakota, requesting the Secretary of the Interior to revise the rules governing right to lease and manner of leasing allotted Indian lands; to the Committee on Indian Affairs.

Also, memorial from the Legislature of South Dakota, asking Congress to amend the 320-acre homestead law, known as the Mondell bill, so as to include the remaining Government lands in South Dakota; to the Committee on the Public Lands.

By the SPEAKER (by request): Memorial from the Legislature of North Carolina, memorializing the Congress of the United States to pass the Webb-Kenyon-Sheppard bill relative to shipping liquors into prohibition territory; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FLOOD of Virginia: A bill (H. R. 28610) to remove the charge of desertion from the military record of William H. Harlow, alias John Deen; to the Committee on Military Affairs.

By Mr. FORDNEY: A bill (H. R. 28611) to remove the charge of desertion from the record of Robert J. McConkey; to the Committee on Military Affairs.

By Mr. HINDS: A bill (H. R. 28612) granting a pension to Daniel Donovan; to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 28613) to construe the name of E. T. Bourger, as the same appears in the report of Hawkins-Taylor commission in relation to Company F, Osage County Battalion Missouri Home Guards, to refer to Joseph Bourgeret of Osage County, Mo.; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the King County Democratic Club, of Seattle, favoring the passage of legislation for the recognition of the Chinese Republic by the United States; to the Committee on Foreign Affairs.

By Mr. ANSBERRY: Petition of the department of agriculture of the State of Ohio, Columbus, Ohio, favoring the passage of legislation making appropriation for Federal cooperation for the eradication of hog cholera; to the Committee on Agriculture.

By Mr. ASHBROOK: Petition of the Ohio State board of agriculture, favoring the passage of bill for an appropriation for the cooperation of the Federal Government with the States in the eradication of the swine plague; to the Committee on Agriculture.

By Mr. BARTLETT: Petition of the Southern Labor Congress, Atlanta, Ga., relative to the treatment of the employees by the Louisville & Nashville Railroad; to the Committee on Labor.

By Mr. CARY: Petition of the Yahr & Lange Drug Co., Milwaukee, Wis., protesting against the passage of legislation for the reduction of tariff on medicinal chemicals; to the Committee on Ways and Means.

Also, petition of the Friday Afternoon Club, favoring the passage of House bill 25685, providing for the labeling and tagging of all fabrics and articles intended for sale which enter into interstate commerce; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of the United States, favoring the passage of the Page agriculture and industrial bill (S. 3); to the Committee on Agriculture.

Also, petition of the Philadelphia Coal Exchange, favoring the passage of legislation for repeal of the mercantile-tax bill; to the Committee on Ways and Means.

Also, petition of the Wisconsin Retail Hardware Association, favoring the passage of the Weeks bill (H. R. 27567) for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. DANFORTH: Petition of the Central Trades and Labor Union Council, Rochester, N. Y., favoring the passage of legislation for enforcing the inspection of locomotive boilers and safety appliances for railway equipment; to the Committee on Interstate and Foreign Commerce.

By Mr. FORDNEY: Petition of the American Flint Glass Workers' Union, Local Union No. 127, Lancaster, Ohio, protesting against the passage of legislation for the reduction of tariff on imported glassware; to the Committee on Ways and Means.

By Mr. FULLER: Petition of John Bodwell, Paxton, Ill., favoring the passage of House bill 1339, to increase the pensions of veterans of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

Also, petition of the National Refining Co., Peoria, Ill., favoring the passage of the Weeks bill (H. R. 27567), for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

By Mr. GOLDFOGLE: Petition of the Columbia Ribbon & Carbon Manufacturing Co., New York, favoring the passage of legislation for the reduction of duty on cotton tapes to be used for typewriter ribbons; to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce of the State of New York, protesting against the passage of legislation for placing the Board of General Appraisers under control of the Treasury Department; to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Wholesale Liquor Dealers' Association of America, Cincinnati, Ohio, protesting against the passage of the Kenyon liquor bill, for preventing the shipment of liquor into dry territories; to the Committee on the Judiciary.

Also, petition of the Maritime Association of the Port of New York, favoring the passage of legislation for the establishment of a Weather Bureau station at Sandy Hook; to the Committee on Appropriations.

By Mr. KAHN: Petition of the Howard Presbyterian Church, of San Francisco, Cal., and the Ministers' Union of San Francisco, Cal., favoring the passage of the Kenyon "red-light" injunction bill for the cleaning up of Washington for the inauguration; to the Committee on the District of Columbia.

By Mr. KNOWLAND: Petition of the Methodist Church of Oakland, Cal., favoring the passage of the Kenyon "red-light" injunction bill, for the cleaning up of Washington, D. C., for the inauguration; to the Committee on the District of Columbia.

By Mr. LINDSAY: Petition of M. S. Becker, commissioner second district of Albany, N. Y., favoring the passage of Senate bill 6099, for the establishment of a uniform classification of freight; to the Committee on Interstate and Foreign Commerce.

By Mr. LINDBERGH: Petition of citizens of Richmond, Minn., protesting against the passage of legislation permitting the sale of colored oleomargarine for a substitute for butter; to the Committee on Agriculture.

Also, petition of sundry citizens of Cross Lake, Minn., asking for a congressional investigation of the prosecution of the Government of the Appeal to Reason; to the Committee on Expenditures in the Post Office Department.

By Mr. NYE: Petition of sundry citizens of Minneapolis, Minn., favoring passage of legislation for the establishment of a counsel of national defense; to the committee on Naval Affairs.

By Mr. O'SHAUNESSY: Petition of the Audubon Society of Rhode Island favoring the passage of the McLean bill for the Federal protection of migratory birds; to the Committee on Agriculture.

By Mr. SCULLY: Petition of the Richmond Chamber of Commerce, Richmond, Va., favoring the passage of legislation for a reform in the present banking system of the United States; to the Committee on Banking and Currency.

Also, petition of the National Association of Shellfish Commissioners, Boston, Mass., favoring the passage of legislation making appropriations for investigations for the improvement of the oyster industry; to the Committee on the Merchant Marine and Fisheries.

By Mr. SPARKMAN: Petition of citizens of the first district of Florida favoring the passage of the Jones-Works bill to limit the number of saloons in the District of Columbia; to the Committee on the District of Columbia.

By Mr. TAYLOR of Ohio: Petition of sundry citizens of Columbus, Ohio, favoring the passage of the McLean bill for the Federal protection of migratory birds; to the Committee on Agriculture.

By Mr. UNDERHILL: Petition of the Chamber of Commerce of the United States, favoring the passage of the Page agricultural and industrial education bill (S. 3) for Federal aid for vocational education; to the Committee on Agriculture.

Also, petition of the Poughkeepsie Chamber of Commerce, Poughkeepsie, N. Y., favoring the passage of pending legislation granting a Federal charter to the Chamber of Commerce of the United States of America; to the Committee on the Judiciary.

Also, petition of the legislative committee of the Philadelphia Coal Exchange, favoring the passage of legislation for the repeal of the mercantile tax bill; to the Committee on Ways and Means.

By Mr. WILSON of New York: Petition of the Navy League of the United States, Washington, D. C., favoring the passage of legislation for reorganizing the personnel of the Navy; to the Committee on Naval Affairs.

SENATE.

TUESDAY, *February 4, 1913.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. BRANDEGEE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

RELIEF OF INDIANS ON RAILROAD LANDS.

Mr. ASHURST. Mr. President, I ask leave to withdraw as one of the conferees on the part of the Senate upon the disagreeing votes of the two Houses on the bill (S. 5674) for relief of Indians occupying railroad lands.

The PRESIDENT pro tempore. The Senator from Arizona asks to be excused from further service upon the conference committee as stated by him. Without objection, he is excused, and the senior Senator from Missouri [Mr. STONE] will be appointed in his stead.

VENTILATION OF SENATE AND HOUSE CHAMBERS (S. DOC. NO. 1061).

The PRESIDENT pro tempore laid before the Senate a communication from the Superintendent of the United States Capitol Building and Grounds, transmitting certain information relative to the better ventilation of the Senate and House Chambers, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

EAST WASHINGTON HEIGHTS TRACTION RAILROAD (H. DOC. NO. 1332).

The PRESIDENT pro tempore laid before the Senate the annual report of the East Washington Heights Traction Railroad for the year ended December 31, 1912, which was referred to the Committee on the District of Columbia and ordered to be printed.

DISPOSITION OF USELESS PAPERS.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of Commerce and Labor, recommending the disposal of certain papers on file in the Department of Commerce and Labor which have no permanent value or historical interest.

The communication will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Chair appoints as a committee on the part of the Senate the Senator from Arkansas [Mr. CLARKE] and the Senator from New Hampshire [Mr. BURNHAM].

The Secretary will notify the House of Representatives of the appointment of the committee on the part of the Senate.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of sundry citizens of Crossville, Ill., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. BRISTOW presented a petition of sundry citizens of Colby, Kans., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. RICHARDSON presented a petition of the congregation of the Groome Memorial Methodist Protestant Church, of Lewes, Del., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. ASHURST presented resolutions adopted by the Chamber of Commerce of Graham County, Ariz., favoring the enactment of legislation providing for the conservation of the flood waters of the San Francisco and Gila Rivers, etc., which were referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented resolutions adopted by the Trades Council of Phoenix, Ariz., favoring the strict enforcement of legislation providing for the inspection of locomotive boilers and safety appliances for railway equipment, which were referred to the Committee on Interstate Commerce.

He also presented a memorial of the congregations of the Seventh-day Adventist Churches of Phoenix, Ariz., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. BOURNE. I present a petition signed by 226 residents of Oregon, praying that the lands now included in the Siuslaw National Forest Reserve be restored to settlement. I ask that the form of the petition, but not the signatures, be printed in the RECORD, and that the petition be referred to the Committee on Public Lands.

The PRESIDENT pro tempore. The Senator from Oregon asks that the form of the petition, without the signatures, be printed in the RECORD, and that the petition in its entirety be referred to the Committee on Public Lands. Without objection, it is so ordered.

The petition is as follows:

STATE OF OREGON, *County of Lane.*

Hon. JONATHAN BOURNE, JR.,
United States Senator from Oregon:

We, the undersigned residents of the Siuslaw National Forest Reserve, hereby petition our honorable Senators and Representatives in Congress to return the Siuslaw National Forest Reserve to settlement, subject to homestead entries and settlement. In support of our claims we do hereby state the following reasons:

1. That a national forest is a detriment to the people who live in its vicinity.
2. That all kinds of natural resources within the national forest are withheld from use.
3. That the national forests are run so as to favor the big man and not to help the home builder.
4. That the homestead is taken away from settlement for ranger stations.
5. That the forestry officers are opposed to the settlers and are anxious to keep the country a wilderness by reporting against all claims whether good or bad.
6. That the forestry officials are eastern theorists who know nothing about the West.
7. That the timber sales are handled in the interest of monopoly for the Lumber Trust.
8. That the forest reserve prohibits settlement and improvement, thereby reducing the amount of taxes for schools and roads, which are greatly needed in the Siuslaw National Forest.

Dated this — day of ———, 1912.

Mr. SIMMONS. I present a joint resolution passed by the General Assembly of North Carolina, declaring the views of that body with reference to interstate passenger and freight rates and charges. I ask that the joint resolution be printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the joint resolution was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

A joint resolution declaring the views of the General Assembly of North Carolina with reference to interstate passenger and freight rates and charges, and for other purposes.

Resolved by the house of representatives (the senate concurring):

First. That in the view of the General Assembly of North Carolina, Congress should declare illegal, under any and all circumstances, any greater charge by any public-service company for transporting passengers or freights of a given kind and quantity a shorter distance than is charged for transporting the same a longer distance in the same direction when the shorter haul is included in the longer.

Second. That the Senators and Representatives in Congress from this State be, and they are hereby, requested and respectfully urged to support a bill repealing the first and second proviso to section 4 of the interstate-commerce act and to support such other amendments as

may be necessary to make effective the policy declared for in the first resolution above.

Third. That pending the enactment into law by Congress of the principles above declared for it should, in the opinion of the General Assembly of North Carolina, be the policy of the State to press before the Interstate Commerce Commission objections to the injustice of allowing any discrimination against North Carolina points in favor of other points outside of the State to which hauls are longer than to the North Carolina points, and which longer hauls include the hauls to such North Carolina points.

Fourth. That in addition to the powers conferred on the North Carolina Corporation Commission to institute and prosecute cases before the Interstate Commerce Commission for relief to the people of North Carolina for discriminatory and excessive charges by common carriers, power is conferred upon the governor to institute and prosecute such cases, either independently or in conjunction with the North Carolina Corporation Commission in his name on behalf of the people of the State or in the name of any combined association or body of citizens, or in the name of the North Carolina Corporation Commission, and for such purpose the sum of not exceeding $5,000 a year is appropriated, out of any money in the State treasury not otherwise appropriated, to be paid on the order of the governor.

Fifth. That the secretary of state shall transmit to each of the United States Senators and Members of Congress from this State a copy of these resolutions.

That this resolution shall be in force from and after its ratification.

In the general assembly read three times and ratified this 30th day of January, 1913.

E. L. DAUGHTRIDGE,
President of the Senate.
GEO. W. COSMOS,
Speaker of House of Representatives.

STATE OF NORTH CAROLINA,
DEPARTMENT OF STATE,
Raleigh, January 30, 1913.

I, J. Bryan Grimes, secretary of state of the State of North Carolina, do hereby certify the foregoing and attached (three sheets) to be a true copy from the records of this office.

In witness whereof I have hereunto set my hand and affixed my official seal.

Done in office at Raleigh, this 30th day of January, A. D. 1913.

[SEAL.] J. BRYAN GRIMES,
Secretary of State.

Mr. BURTON presented petitions of the congregation of the Methodist Episcopal Church of Cambridge and of sundry citizens of Sulphur Springs and Buffalo, in the State of Ohio, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. SMITH of Michigan presented memorials of sundry citizens of Ann Arbor and Detroit, in the State of Michigan, remonstrating against the parole of Federal life prisoners, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Barry and Eaton Counties, in the State of Michigan, praying for the enactment of legislation providing for the protection of migratory birds, which was ordered to lie on the table.

He also presented memorials of the congregations of the Seventh-day Adventist Churches of Flint, Battle Creek, Reed City, Byron Center, Bunker Hill, Monterey, Omer, Clare, Sandusky, Detroit, Alden, Birmingham, Dimondale, Bancroft, Durand, Gleenwood, Sand Lake, Sault Ste. Marie, Oleon, Shelby, Iron River, Traverse City, Gaylord, Wilson, Hazelton, Chapin, White Lake, Lapeer, Frankfort, Ola, Mt. Pleasant, Lakeview, Olmwood, L'Anse, Stanton, Whittemore, Coleman, Bushnell, Kent City, Grand Haven, Alpena, Jefferson, St. Louis, Holly, Marion, Elwell, Allendale, Grand Ledge, Kalamazoo, and Homer, all in the State of Michigan, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. GALLINGER presented the memorial of Clara Sherwood Waters, D. O., of Washington, D. C., remonstrating against the enactment of legislation to regulate the practice of osteophathy in the District of Columbia, which was ordered to lie on the table.

He also presented the petition of Prof. Robert Fletcher, Thayer School of Engineering, Dartmouth College, Hanover, N. H., praying for the enactment of legislation to promote a continuing and consistent program of naval construction, which was referred to the Committee on Naval Affairs.

He also presented the petition of Fred T. Pollard, of Newport, N. H., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. CLAPP presented a petition of the Woman's Christian Temperance Union of Winnebago, Minn., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

He also presented a petition of the members of the Minnesota Educational Association, praying for the establishment of a national university at Washington, D. C., which was referred to the Committee on the University of the United States.

Mr. SMITH of Maryland presented a petition of sundry citizens of Laurel and Burtonsville, in the State of Maryland, praying that an appropriation be made for the erection of shelters over the Wholesale Produce Market between Tenth, Twelfth, and B Streets NW., city of Washington, which was referred to the Committee on Appropriations.

He also presented a petition of the Ministerial Union of Baltimore, Md., praying for the enactment of legislation to prohibit the interstate transmission of race gambling bets, which was referred to the Committee on the Judiciary.

Mr. PENROSE presented a memorial of the Coke Producers' Association of the Connellsville coke region, of Pennsylvania, remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. PERKINS presented memorials of the congregations of the Seventh-day Adventist Churches of Arcata, San Bernardino, and Ferndale, all in the State of California, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of the Grand Lodge of Good Templars of San Francisco, Cal., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Morgan Hill, Cal., praying for the passage of the so-called Kenyon "red-light" injunction bill, which was ordered to lie on the table.

He also presented a petition of the board of directors of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of legislation exempting American coastwise shipping from tolls through the Panama Canal, which was referred to the Committee on Interoceanic Canals.

Mr. BROWN presented telegrams, in the nature of petitions, from members of the Medical Society of Douglas County, the Medical Society of Dodge County, and the Medical Society of Lancaster County, all in the State of Nebraska, praying for the establishment of a national department of public health, which were ordered to lie on the table.

He also presented a memorial of the congregation of the Seventh-day Adventist Church of Crawford, Nebr., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented memorials of members of the Farmers' Educational and Cooperative Unions of Dodge County, Scribner, Hooper, and of Nickerson, all in the State of Nebraska, remonstrating against the adoption of the so-called Aldrich currency plan, which were referred to the Committee on Finance.

Mr. JONES. I present a telegram from Mrs. O. G. Ellis, public health department, State Federation of Women's Clubs of Olympia, Wash., which I ask to have read and lie on the table.

The PRESIDENT pro tempore. The Senator from Washington asks that a telegram which he sends to the desk be read and lie on the table.

The Secretary read as follows:

OLYMPIA, WASH., *February 3, 1913.*

Senator WESLEY L. JONES,
Senate Chamber, Washington, D. C.:

The National Federation and Washington State Federation of Women's Clubs have studied and then indorsed the Owen bill overwhelmingly. We uge you to vote and work for Owen bill as representing 7,000 Washington women.

MRS. O. G. ELLIS,
Public Health Department,
State Federation of Women's Clubs.

Mr. JONES. I have several other telegrams relating to the same subject. I simply ask that the signatures be noted in the RECORD and that the telegrams lie on the table.

There being no objection, the telegrams were ordered to lie on the table, as follows:

From W. W. Seymour, mayor; Dr. Edwin W. James, health officer; Arizona B. Wimple, pure-food inspector; Mrs. F. J. Schug, president Council of Women's Clubs; and Dr. C. Stewart Wilson, president Pierce County Medical Society, of Tacoma, Wash.

From the Medical Women's Club, of Seattle, Wash.

From Christen Quevli, president Washington State Antituberculosis League, of Tacoma, Wash.

From Mrs. H. L. Willis, chairman of Civic Committee of State Federation, and president of Civic Improvement Club of Mount Vernon, Wash.

From James R. Yocom, of the Committee on Medical Legislation of Washington State Medical Association, of Tacoma, Wash.

Mr. JONES presented a petition of sundry citizens of Wenatchee, Wash., praying that an investigation be made into the action of the Interior Department in declining to approve a lease granted to the Uncle Sam Oil Co. by the Osage National Council, which was referred to the Committee on Public Lands.

Mr. PAGE presented memorials of sundry citizens of Ferrisburg and Vergennes, in the State of Vermont, remonstrating

against the enactment of legislation providing for the parole of Federal life prisoners, which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. PERKINS, from the Committee on Appropriations, to which was referred the bill (H. R. 28186) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes reported it with an amendment and submitted a report (No. 1183) thereon.

Mr. BRISTOW, from the Committee on Claims, to which was referred the bill (S. 4669) for the relief of S. W. Fenton, reported it with amendments and submitted a report (No. 1184) thereon.

Mr. PENROSE, from the Committee on Naval Affairs, to which was referred the bill (S. 7202) fixing the date of reenlistment of Gustav Hertfelder, first-class fireman, United States Navy, reported it without amendment and submitted a report (No. 1185) thereon.

Mr. ROOT. From the Committee on the Library, I report favorably with amendments the bill (S. 8337) to create a legislative drafting bureau and to establish a legislative reference division of the Library of Congress. I ask leave, at a later day, after the hearings which the committee has had upon the subject have been written out and printed, to file a written report to accompany the bill.

The PRESIDENT pro tempore. The bill will be placed on the calendar. Without objection, the Senator from New York will have the permission of the Senate to file a report as requested.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. O'GORMAN:

A bill (S. 8357) for the relief of Maurice Edgar Rose, late assistant surgeon, United States Navy; to the Committee on Naval Affairs.

By Mr. JOHNSTON of Alabama:

A bill (S. 8358) granting an increase of pension to John A. Shannon (with accompanying papers); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 8359) to incorporate the Chamber of Commerce of the United States of America; to the Committee on the Judiciary.

By Mr. SHIVELY:

A bill (S. 8360) granting an increase of pension to Seth Watson; to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 8361) granting a pension to Mary E. Bennett (with accompanying papers); to the Committee on Pensions.

By Mr. PERKY:

A bill (S. 8362) to authorize reclamation of arid public lands (with accompanying paper); and

A bill (S. 8363) to authorize reclamation of arid ceded trust lands in former Indian reservations (with accompanying paper); to the Committee on Public Lands.

By Mr. BANKHEAD:

A bill (S. 8364) to amend section 70 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911 (with accompanying paper); to the Committee on the Judiciary.

By Mr. RICHARDSON:

A bill (S. 8365) to promote the safety of travelers and employees upon railroads engaged in interstate and foreign commerce.

The PRESIDENT pro tempore. The bill will be referred to the Committee on the Judiciary.

Mr. BRANDEGEE. I should like to have the title of the bill read again. As it was read, I thought it should go to the Committee on Interstate Commerce.

The PRESIDENT pro tempore. The Chair glanced at it very hurriedly, and thought it involved legal matters. The Secretary will again read the bill by title.

The Secretary again read the bill by title.

Mr. BRANDEGEE. I am not sure but that most of the bills involving safety appliances have gone to the Committee on Interstate Commerce heretofore.

The PRESIDENT pro tempore. The Chair will change the reference to that committee.

Mr. BURTON. I should like to ask to what committee the bill is to be referred.

The PRESIDENT pro tempore. The Committee on Interstate Commerce.

Mr. BURTON. It pertains to the equipment of railways?

The PRESIDENT pro tempore. The Chair is so informed. The Chair first indicated the Judiciary Committee, thinking it was a bill of a different nature.

By Mr. LEA:

A bill (S. 8366) granting a pension to John H. Gray; to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 8367) granting an increase of pension to Alice I. Simpson (with accompanying papers); to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 8368) to amend an act entitled "An act granting an increase of pension to Marie J. Blaisdell," approved May 24, 1900; to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 8370) to incorporate the Mothers' Day International Association; to the Committee on the Judiciary.

A bill (S. 8371) granting an honorable discharge to Lawrence Lynch; to the Committee on Naval Affairs.

A bill (S. 8372) granting an honorable discharge to Edgar B. Strang (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 8373) granting an increase of pension to William Raup; and

A bill (S. 8374) granting an increase of pension to Dallas Bumbaugh (with accompanying papers); to the Committee on Pensions.

By Mr. BACON:

A bill (S. 8375) for the restoration of Park Howell, late captain, to the Medical Corps of the Army of the United States (with accompanying papers); to the Committee on Military Affairs.

OLD EXCHANGE BUILDING, CHARLESTON, S. C.

Mr. TILLMAN. I introduce a bill authorizing the Secretary of the Treasury to give to the order of the Daughters of the American Revolution the Old Exchange Building in Charleston, S. C., which I ask may be read twice by its title and referred to the Committee on Public Buildings and Grounds.

The bill (S. 8369) authorizing the Secretary of the Treasury to give to the order of Daughters of the American Revolution the Old Exchange Building, in the city of Charleston, S. C., was read twice by its title.

Mr. TILLMAN. I present petitions of various chapters of the order of the Daughters of the American Revolution, signed by F. Louise Mayes, State regent of South Carolina; Lee C. Harby, chairman of the standing committee on local affairs, Rebecca Motte Chapter, Daughters of the American Revolution, of Charleston, S. C.; James Simons, president of the Society of the Cincinnati of the State of South Carolina; and Jeannie M. Baker, regent for the Sumter's Home Chapter. I ask that the papers be referred to the Committee on Public Buildings and Grounds, to accompany the bill.

The PRESIDENT pro tempore. The bill and accompanying papers will be referred to the Committee on Public Buildings and Grounds.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. O'GORMAN submitted an amendment proposing to appropriate $235,700 for improving the channel in Flushing Bay, Long Island, N. Y., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $250,000 for continuing the improvement of the Harlem River Ship Canal, New York, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. LODGE submitted an amendment proposing that books not containing advertising matter or issued for purposes of advertising shall be subject in all respects to the provisions of section 8 of the Post Office act approved August 24, 1912, intended to be proposed by him to the Post Office appropriation bill, which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of Georgia submitted an amendment proposing to appropriate $60,000 for the improvement of the Savannah River at Augusta, Ga., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BURTON submitted an amendment proposing to appropriate $5,000 for the participation of the United States by official delegates at the international conference for the purpose of drawing up international rules and regulations for the as-

signment of load lines to merchant ships, etc., intended to be proposed by him to the diplomatic and consular appropriation bill, which was referred to the Committee on Foreign Relations and ordered to be printed.

Mr. JONES submitted an amendment proposing to appropriate $1,521.88 for payment of judgment rendered in cause No. 58, United States District Court for the Western District of Washington, southern division, rendered February 23, 1912, in favor of Julius Anthon and Marie Anthon, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMITH of Maryland submitted an amendment proposing to appropriate $47,000 for the erection of shelters on the open space at the intersection of Ohio and Louisiana Avenues with Tenth and Twelfth Streets, in the city of Washington, D. C., etc., intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BRANDEGEE submitted an amendment providing for securing of increased depths and the removal of obstructions to navigation in Stamford Harbor, Conn., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

INTERSTATE SHIPMENT OF LIQUORS.

Mr. WEBB. I have here a brief which I desire to have printed in the RECORD and as a public document. It was prepared by W. G. M. Thomas, of Chattanooga, Tenn., a lawyer of great legal ability.

Mr. SMOOT. I should like to ask the Senator if it is a brief upon any bill before the Senate?

Mr. WEBB. Yes, sir; and it is a brief prepared by a lawyer of great legal learning.

Mr. SMOOT. Upon what bill?

Mr. WEBB. On the Kenyon-Sheppard temperance bill, which is to come up for final action on the 10th of February.

Mr. SMOOT. Does the Senator want to have it printed in the RECORD and also as a public document?

Mr. WEBB. I make that request, sir. I should like to have it in the RECORD particularly.

Mr. SMOOT. Generally all such requests are for printing in the RECORD.

Mr. WEBB. Very well.

Mr. SMOOT. I will say to the Senator that whenever such matter is printed in the RECORD, of course it can be sent through the mails just the same, and it would answer every purpose.

Mr. WEBB. All right.

Mr. SMOOT. I have no objection to its being printed in the RECORD.

Mr. WEBB. That is satisfactory to me.

The PRESIDENT pro tempore. The Senator from Tennessee limits his request to printing in the RECORD. Without objection, it will be so ordered.

There being no objection, the paper was ordered to lie on the table and to be printed in the RECORD, as follows:

For many years the liquor traffic has sought shelter behind two provisions of the Constitution of the United States whenever it has been assailed by State legislation seeking to regulate, restrain, or prohibit it.

1. The fourteenth amendment, which provides: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law."

2. Article I, section 8, of the Constitution, which provides that the Congress shall have power to regulate commerce among the several States. * * *

These two constitutional provisions the liquor interests have insisted are cities of refuge to which the traffic could flee when assaulted; but years ago the Supreme Court of the United States forced such interests to abandon this fourteenth amendment as either a defense or shelter, and it is now a fact that the only provision of the Federal Constitution to which such interests may retreat is Article I, section 8, known as the commerce clause of the Constitution.

As to the fourteenth amendment, the court has met and answered every argument, and a few cases will render this clear:

In one case the Supreme Court of the United States said that the sale of intoxicating liquors "is not one of the rights growing out of citizenship of the United States." (Bartemeyer *v.* Iowa, Wall., 129.)

In another case that court said: "And if any State deems the retail and internal traffic in ardent spirits injurious to its citizens and calculated to produce idleness, vice, or debauchery, I see nothing in the Constitution of the United States to prevent it from regulating and restraining the traffic or from prohibiting it altogether if it thinks proper." (The License cases, 5 How., 576–577.)

In another case the court said: "The law of a State prohibiting the manufacture and sale of intoxicating liquors is not repugnant to the Constitution of the United States. That question is now no longer open in this court." (Foster *v.* Kansas, 112 U. S., 201, 206.)

In still another case it is said the State has the right to prohibit the manufacture of intoxicating liquors within her limits and prohibit all sale and traffic in them in the State, "and such legislation by a State is a clear exercise of her undisputed police power, which does not abridge the liberties or immunities of citizens of the United States, nor deprive any person of property without due process of law, nor in any way contravene any provision of the fourteenth amendment to the Constitution of the United States." (Kidd *v.* Pearson, 128 U. S., 1, 16.)

And again in another case it is said: "A prohibition simply upon the use of property for purposes that are declared by valid legislation to be injurious to the health, morals, or safety of the community can not, in any just sense, be deemed a taking or an appropriation of property for the public benefit. Such legislation does not disturb the owner in the control or use of his property for lawful purposes nor restrict his right to dispose of it, but is only a declaration by the State that its use by anyone for certain forbidden purposes is prejudicial to the public interests." (Mugler *v.* Kansas, 123 U. S., 668–669.)

Article I, section 8, of the Federal Constitution provides that Congress shall have power to regulate commerce among the several States. In thus vesting in Congress this power the Constitution impliedly forbids any State the right to exercise it without the consent of Congress. Without such consent the State has no power to regulate commerce among the several States, but with such consent the State has unlimited power.

Under this clause of the Federal Constitution the rule of law is that the silence of Congress, or its failure to act, on the subject of commerce among the several States is to be taken as legally equivalent to its declaration that such commerce shall be free and unrestricted.

But with respect to interstate commerce in intoxicating liquor Congress has not been silent and it has not failed to act. In 1890 it enacted a law, known as the Wilson Act, providing that all intoxicating liquors transported into any State shall, upon arrival in such State, be subject to the operation and effect of the laws of such State. The liquor interests attacked that statute, but the Supreme Court of the United States upheld it as valid and constitutional; but it was the judgment of the court that the words "arrival in such State" included delivery to the consignee. Therefore, under the court's construction of this Wilson Act, interstate commerce did not cease until the liquor had actually reached the hands of the consignee. (Rhodes *v.* Iowa, 170 U. S., 412–421.)

The pending Kenyon bill proposes to advance one step beyond the provisions of the Wilson Act.

This Kenyon bill is, in fact, a simple measure. It does two things: First, it withdraws the power of Congress over interstate commerce in so far as intoxicating liquor is involved; second, it consents that the power of the State shall attach to such commerce immediately upon the arrival of the interstate shipment across the State's boundary line and before the article is delivered to the consignee.

Under the Kenyon bill the statutes of the State will control liquor from and after the arrival of the liquor in the State and before its delivery to the consignee.

This is a mere recognition of the doctrine of State rights.

Is there any sound reason to be assigned in opposition to this bill? Should not the people of each State have the free and unobstructed right to control their domestic affairs in their own way? Should not each State in the American Union have the right to expect the cooperation of the Federal Government in the due, impartial, and thorough administration and enforcement of the laws involving the State's public policy and internal affairs? Is it not both reasonable and right for the Congress of the United States to say to each State, "We voluntarily withdraw our constitutional power over interstate commerce in intoxicating liquors, and we consent that the State's power over such commerce shall attach immediately upon the arrival of any such liquor within the boundaries of the State and before it shall have been delivered to the consignee"?

This is the sum total of the Kenyon bill; and the supporters of the bill represent 71 per cent of the land area of the United States, as against 29 per cent represented by those who reside in "wet" territory. Fifty-one per cent, or forty-six and one-fourth million of the people of the United States live in "dry" territory. Nine American States are 100 per cent "dry," 39 are more than 50 per cent "dry," 25 are over 85 per cent "dry," and 19 are over 90 per cent "dry."

The Members of Congress and the people at large who favor this bill represent a majority of the inhabitants of the United States, and they represent almost three-fourths of the land area of the Nation.

The advocates of this bill in and out of Congress stand for the rule of the people, the right of the people in each several State to enforce State laws without Federal obstruction, and to administer their own internal affairs without statutory or constitutional hindrance on the part of the General Government.

The people of each State have the undoubted right, as American citizens, to determine for themselves whether their State shall be "wet" or "dry," and the Federal Government should freely grant to the State and its people the right to protect themselves by an unembarrassed enforcement of the law.

It is true that the Supreme Court of the United States has said: "Liquor, however obnoxious and hurtful it may be in the judgment of many, is a recognized article of commerce." (Adams Express Co. *v.* Kentucky, 214 U. S., 218, 222.)

But that court has also said: "The purpose of the Wilson bill was to make liquor, after its arrival, a domestic product and confer power upon the State to deal with it accordingly." (Pabst Brewing Co. *v.* Crenshaw, 198 U. S., 17, 27.)

And again:

"Congress, sedulous to prevent its exclusive right to regulate commerce from interfering with the power of the States over intoxicating liquor, by the Wilson Act, adopted a special rule enabling the States to extend their authority as to such liquor shipped from other States before it became commingled with the mass of other property in the State by a sale in the original package." (Delamater *v.* South Dakota, 205 U. S., 93, 98, 99.)

It is apparent that since the passage of the Wilson Act the settled purpose of the Supreme Court of the United States has been to differentiate intoxicating liquors from other objects of interstate commerce, and to distinguish between the decisions which have reference to ordinary articles of commerce between the States and those which concern intoxicating liquors.

In their literature, addressed to members and nonmembers, sent out by the liquor interests in opposition to the passage of this Kenyon bill, the assertions are made that "this bill is the most dangerous measure ever aimed at the liquor traffic"; that "this bill must be killed"; and "the passage of the Kenyon bill will be the biggest victory ever won by the Antisaloon League."

The liquor interests attempt to support their opposition by assigning but one reason, and that reason is that the bill interferes with the citizens' rights and personal liberty; but the Supreme Court of the United States has long since expressly overruled such an objection.

The sale of intoxicating liquors "is not one of the rights growing out of citizenship of the United States." (Bartemeyer *v.* Iowa, 18 Wall., 129.).

The following are quotations from decisions of the Supreme Court of the United States:

Mr. Chief Justice Taney:

"It is equally clear that the power of Congress over this subject does not extend further than the regulation of commerce with foreign nations and among the several States; and that beyond these limits the States have never surrendered their power over trade and commerce, and may still exercise it free from any controlling power on the part of the General Government. Every State therefore may regulate its own internal traffic according to its own judgment and upon its own views of the interest and well-being of its citizens." (License cases, 5 How., 574.)

The State "is not bound to furnish a market for it, nor to abstain from the passage of any law which it deems necessary or advisable to guard the health or morals of its citizens, although such law may discourage importation or diminish the profits of the importer or lessen the revenue of the General Government. And if any State deems the retail and internal traffic in ardent spirits injurious to its citizens and calculated to produce idleness, vice, or debauchery, I see nothing in the Constitution of the United States to prevent it from regulating and restraining the traffic or from prohibiting it altogether, if it thinks proper." (Id., 576, 577.)

Mr. Justice McLean:

"The acknowledged police power of a State extends often to the destruction of property. A nuisance may be abated. Everything prejudicial to the health or morals of a city may be removed. * * * It is a power essential to self-preservation, and exists, necessarily, in every organized community. It is, indeed, the law of nature, and is possessed by man in his individual capacity. He may resist that which does him harm, whether he be assailed by an assassin or approached by poison. And it is the settled construction of every regulation of commerce that under the sanction of its general laws no man can introduce into a community * * * anything which contaminates its morals or endangers its safety. * * * Individuals in the enjoyment of their own rights must be careful not to injure the rights of others." (Id., 589.)

Mr. Justice Grier:

"It is not necessary for the sake of justifying the State legislation now under consideration to array the appalling statistics of misery, pauperism, and crime which have their origin in the use or abuse of ardent spirits. The police power, which is exclusively in the States, is alone competent to the correction of these great evils, and all measures of restraint or prohibition necessary to effect the purpose are within the scope of that authority. There is no conflict of power or of legislation as between the States and the United States; each is acting within its sphere and for the public good; and if a loss of revenue should accrue to the United States from a diminished consumption of ardent spirits, she will be the gainer a thousandfold in the health, wealth, and happiness of the people. (Id., 631.)

Mr. Justice Woodbury:

"How can they (the States) be sovereign within their respective spheres without power to regulate all their internal commerce, as well as police, and direct how, when, and where it shall be conducted in articles intimately connected either with public morals or public safety or the public prosperity?" (Id., 628.)

Mr. Justice Harlan:

In Mugler *v.* Kansas (123 U. S., 660) it was insisted that, under our system of government, the State may not control the tastes, appetites, habits, and drink of the people except as to the individual's conduct to others, leaving him sole judge as to all that only affects himself.

Mr. Justice Harlan said:

"It will be observed that the proposition and the argument made in support of it equally concede that the right to manufacture drink for one's personal use is subject to the condition that such manufacture does not endanger or affect the rights of others. If such manufacture does prejudicially affect the rights and interests of the community, it follows, from the very premises, that society has the power to protect itself by legislation against the injurious consequences of that business.

"Government may require 'each citizen to so conduct himself and so use his own property as not unnecessarily to injure another.'" (Munn *v.* Illinois, 94 U. S., 113, 124.)

Mr. Justice Bradley:

"If the public safety or the public morals require the discontinuance of any manufacture or traffic, the hand of the legislature can not be stayed from providing for its discontinuance by any incidental inconvenience which individuals or corporations may suffer. All rights are held subject to the police power of the State."

The police power of the State extends "to the protection of the lives, health, and property of the citizens, and to the preservation of good order and public morals." (Beer Co. *v.* Mass., 97 U. S., 25, 32, 33.)

Mr. Chief Justice Waite:

The law of a State prohibiting the manufacture and sale of intoxicating liquors is not repugnant to the Constitution of the United States. That question is now no longer open in this court. (Foster *v.* Kansas, 112 U. S., 201–206.)

Mr. Justice Lamar:

The State has the right to prohibit the manufacture of intoxicating liquors within her limits, and prohibit all sale and traffic in them in the State, "and such legislation by a State is a clear exercise of her undisputed police power, which does not abridge the liberties or immunities of citizens of the United States nor deprive any person of property without due process of law." (Kidd *v.* Pearson, 128 U. S., 1.)

Mr. Justice Shiras:

"The evils attending the vice of intemperance in the use of spirituous liquors are so great that a natural reluctance is felt in appearing to interfere, even on constitutional grounds, with any law whose avowed purpose is to restrict or prevent the mischief." (Scott *v.* Donald, 165 U. S., 58, 91.)

Mr. Chief Justice Fuller:

"The Constitution does not provide that interstate commerce shall be free, but, by the grant of this exclusive power to regulate it, it was left free except as Congress might impose restraint. Therefore it has been determined that the failure of Congress to exercise this exclusive power in any case is an expression of its will that the subject shall be free from restriction or impositions upon it by the several States." (In re Rahrer, 140 U. S., 545, 555.)

"No reason is perceived why, if Congress chooses to provide that certain designated subjects of interstate commerce shall be governed by a rule which divests them of that character at an earlier period of time than would otherwise be the case, it is not within its competency to do so." (Id., 562.)

"All property in this country is held under the implied obligation that the owner's use of it shall not be injurious to the community." (Mugler *v.* Kansas, 123 U. S., 665.)

"By the settled doctrines of this court the police power extends at least to the protection of the lives, the health, and the property of the community against the injurious exercise by any citizen of his own rights." (Patterson *v.* Kentucky, 97 U. S., 501, 504.)

"A prohibition simply upon the use of property for purposes that are declared by valid legislation to be injurious to the health, morals, or safety of the community can not, in any just sense, be deemed a taking or an appropriation of property for the public benefit. Such legislation does not disturb the owner in the control or use of his property for lawful purposes, nor restrict his right to dispose of it, but is only a declaration by the State that its use by anyone for certain forbidden purposes is prejudicial to the public interests." (Mugler *v.* Kansas, 123 U. S., 668, 669.)

"There is no justification for holding that the State, under the guise merely of police regulations, is here aiming to deprive the citizen of his constitutional rights, for we can not shut out of view the fact, within the knowledge of all, that the public health, the public morals, and the public safety may be endangered by the general use of intoxicating drinks; nor the fact, established by statistics accessible to everyone, that the idleness, disorder, pauperism, and crime existing in the country are, in some degree at least, traceable to this evil. If, therefore, a State deems the absolute prohibition of the manufacture and sale within her limits of intoxicating liquors for other than medical, scientific, and manufacturing purposes to be necessary to the peace and security of society, the courts can not, without usurping legislative functions, override the will of the people as thus expressed by their chosen representatives. * * * And so, if, in the judgment of the legislature, the manufacture of intoxicating liquors for the maker's own use as a beverage would tend to cripple, if it did not defeat, the effort to guard the community against the evils attending the excessive use of such liquors, it is not for the courts, upon their views as to what is best and safest for the community, to disregard the legislative determination of that question." (Mugler *v.* Kansas, 123 U. S., 662.)

SPEECH OF SENATOR JOSEPH WELDON BAILEY.

Mr. MARTIN of Virginia. Mr. President, I have had a great many requests for copies of the speech delivered in the Senate by Senator Bailey on the 2d day of January last. I am unable to supply the calls that have been made on me for copies, and I ask that it be printed as a Senate document.

Mr. SMOOT. Did the Senator from Virginia say that the speech was delivered in the Senate?

Mr. MARTIN of Virginia. Yes; the speech was delivered in the Senate.

Mr. SMOOT. Then I wish to say to the Senator that the Joint Committee on Printing have refused at all times to have printed as a public document any speech delivered in either House of Congress.

I may state while I am on my feet the reason for this action. If we undertake to do that, then any Member of the House or Senate could deliver a speech upon any subject and have it not only in the RECORD but printed as a public document and send it, without expense to the Senator or Representative, to any part of the country he saw fit.

Mr. MARTIN of Virginia. If the Senator objects, of course that disposes of the matter. I might say that I have had personal requests for perhaps as many as 20 copies of that speech, and I am unable to supply them.

Mr. SMOOT. I do not want the Senator to think——

Mr. MARTIN of Virginia. I thought if it could be printed so that this demand could be supplied it would be very agreeable to me. That is all there was in it, so far as I am concerned, and the objection disposes of it.

Mr. SMOOT. I do not want the Senator to think that it is a captious objection.

Mr. MARTIN of Virginia. Not at all.

Mr. SMOOT. I want simply to say that the joint committee have agreed upon that course and have followed it out strictly so far.

Mr. MARTIN of Virginia. I understand the situation. I am not thinking that it is a captious objection at all.

The PRESIDENT pro tempore. The request is withdrawn.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts and joint resolutions:

On February 1, 1913:

S. J. Res. 158. Joint resolution approving the plan, design, and location for a Lincoln memorial.

On February 3, 1913:

S. J. Res. 157. Joint resolution to enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States on March 4, 1913;

S. 6919. An act to amend subchapter 2 of chapter 19 of the Code of Law for the District of Columbia;

S. 7508. An act to amend an act entitled "An act to reincorporate and preserve all the corporate franchises and property rights of the de facto corporation, known as the German Orphan Asylum Association of the District of Columbia"; and

S. 1072. An act to amend section 895 of the Code of Law for the District of Columbia.

PUNISHMENT OF MURDER IN THE DISTRICT (S. DOC. NO. 1062).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, ordered to be printed, and, with the accompanying bill, referred to the Committee on the District of Columbia:

To the Senate:

In response to the resolution of the Senate (the House of Representatives concurring) of January 30, 1913, I return herewith Senate bill No. 7162, entitled "An act to amend section 801 of the Code of Law for the District of Columbia."

WM. H. TAFT.

THE WHITE HOUSE, *January 31, 1913.*

OFFICERS FOR AVIATION DUTY.

The PRESIDENT pro tempore. If there is no further morning business, the morning business is closed.

Mr. CUMMINS. I ask unanimous consent——

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey rise for morning business?

Mr. MARTINE of New Jersey. I rose for inquiry as to a matter regarding a bill which was passed yesterday, the bill (H. R. 17256) to fix the status of officers of the Army and Navy detailed for aviation duty, and to increase the efficiency of the aviation service. I wish to offer an amendment to that bill at the proper time. Would it be proper at this time?

The PRESIDENT pro tempore. The Chair will entertain a motion affecting the bill.

Mr. MARTINE of New Jersey. I presume I should move a recall of the bill from the House.

The PRESIDENT pro tempore. It would be necessary for the Senator to enter a motion to reconsider the bill and ask for its recall.

Mr. MARTINE of New Jersey. If that be proper at this time, I ask respectfully a reconsideration of the vote by which the bill was passed.

The PRESIDENT pro tempore. The Senator can enter a motion to that effect and move to recall the bill.

Mr. MARTINE of New Jersey. I enter the motion, then.

Mr. CULBERSON. Will it not be necessary to recall the bill from the House?

The PRESIDENT pro tempore. The Chair was about to state——

Mr. MARTINE of New Jersey. I move that the Senate request the House to return House bill 17256.

The PRESIDENT pro tempore. The Senator from New Jersey moves the recall from the House of the bill indicated by him, with a view to its reconsideration by the Senate.

Mr. SMOOT. May I ask the Senator from New Jersey what is the bill to which he refers?

Mr. MARTINE of New Jersey. It is the bill (H. R. 17256) to fix the status of officers of the Army and Navy detailed for aviation duty, and to increase the efficiency of the aviation service.

Mr. SMOOT. That bill was passed yesterday.

Mr. MARTINE of New Jersey. It was passed yesterday.

The PRESIDENT pro tempore. The question is on the motion of the Senator from New Jersey to request the return from the House of Representatives of the bill named by him.

The motion was agreed to.

Mr. MARTINE of New Jersey. Now, I desire to offer——

The PRESIDENT pro tempore. A motion in reference to the bill is not in order until the bill shall have been returned to the Senate by the House of Representatives.

RESTRAINT OF TRADE.

Mr. CUMMINS. Mr. President, I ask unanimous consent for the present consideration of House bill 25002. The bill was brought to the attention of the Senate yesterday upon the call of the calendar.

Mr. SMITH of Maryland. Mr. President, I want to say that so far as any objection I made to the bill on yesterday is concerned I withdraw it. I presume the bill to which the Senator from Iowa refers is the same bill which I asked on yesterday be carried over, is it not?

Mr. CUMMINS. Yes.

Mr. SMITH of Maryland. I withdraw the objection to the bill I then made.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (H. R. 25002) to amend section 73 and section 76 of the act of August 27, 1894.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. CULBERSON. Let the bill be read for information, Mr. President.

The PRESIDENT pro tempore. The bill will be read.

The Secretary proceeded to read the bill, but was interrupted by——

Mr. CULBERSON. Mr. President, that is sufficient; I now remember the bill.

Mr. CUMMINS. Mr. President, may I suggest in a moment what the bill is?

Mr. CULBERSON. I have no objection to the consideration of the bill. I recalled the bill after a portion of it had been read by the Secretary.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CUMMINS. Mr. President, I think it is due to state to the Senate what the bill proposes to do. The act of 1894 made unlawful certain combinations and conspiracies substantially as the antitrust law does. Section 73 of that act is not amended by this proposed act in any other way than by inserting the words "as agent or principal." Those words are not very material, but it was thought better to insert them.

I will state the chief amendment proposed in section 76 of that act. Section 76 gave to the Government the right to seize property that was being transported from State to State in violation of the terms of section 73. Articles that were imported into the United States under such a combination or conspiracy were not included in the act of 1894, and the only purpose of this amendment is to enable the Government more effectively to administer the law by giving it the power to seize and confiscate articles coming into the United States which would be in violation of section 73.

I think there can be no objection to the proposed legislation. It is to correct a weakness in the law that has been discovered in certain prosecutions which have heretofore been instituted.

The PRESIDENT pro tempore. The amendments reported by the Committee on the Judiciary will be stated in their order.

Mr. CUMMINS. I ask that the first committee amendment shall be disagreed to, because it was made without remembering that the act of 1894 did not receive the approval of the President, but became a law without his approval. Therefore that amendment should be disagreed to.

The PRESIDENT pro tempore. The first amendment reported by the Committee on the Judiciary will be stated.

The first amendment was, on page 1, line 4, before the word "August," to strike out "of" and insert "approved," so as to read:

That section 73 and section 76 of the act approved August 27, 1894, etc.

The amendment was rejected.

The next amendment of the Committee on the Judiciary was, on page 1, line 5, after the words "eighteen hundred and ninety-four," to insert "entitled 'An act to reduce taxation, to provide revenue for the Government, and for other purposes'"; in line 7, after the word "same," to strike out "is" and insert "are"; on page 2, line 21, after the word "property," to strike out "owner" and insert "owned"; in line 23, before the word "and" and after the word "thereof," to strike out the parenthesis marks; in line 24, after the word "Act," to strike out "and" and insert "imported into and being within the United States or"; and on page 3, line 1, after the word "transportation," to strike out "from a foreign country into any State, or," so as to make the bill read:

Be it enacted, etc. That section 73 and section 76 of the act of August 27, 1894, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," be, and the same are hereby, amended to read as follows:

"SEC. 73. That every combination, conspiracy, trust, agreement, or contract is hereby declared to be contrary to public policy, illegal, and void when the same is made by or between two or more persons or corporations either of whom, as agent or principal, is engaged in importing any article from any foreign country into the United States, and when such combination, conspiracy, trust, agreement, or contract is intended to operate in restraint of lawful trade, or free competition in lawful trade or commerce, or to increase the market price in any part of the United States of any article or articles imported or intended to be imported into the United States, or of any manufacture into which such imported article enters or is intended to enter. Every person who is or shall hereafter be engaged in the importation of goods or any commodity from any foreign country in violation of this section of this act, or who shall combine or conspire with another to violate the same, is guilty of a misdemeanor, and on conviction thereof in any court of the United States such person shall be fined in a sum not less than $100 and not exceeding $5,000, and shall be further punished by imprisonment, in the discretion of the court, for a term not less than 3 months nor exceeding 12 months."

"SEC. 76. That any property owned under any contract or by any combination, or pursuant to any conspiracy, and being the subject thereof, mentioned in section 73 of this act, imported into and being within the United States or being in the course of transportation from one State to another, or to or from a Territory or the District of

Columbia, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. GRONNA. Mr. President, I should like to ask the Senator from Iowa whether or not this bill applies to anything but violations of the Sherman antitrust law?

Mr. CUMMINS. It does not. The act of 1894 provides:

SEC. 73. That every combination, conspiracy, trust, agreement, or contract is hereby declared to be contrary to public policy, illegal, and void when the same is made by or between two or more persons or corporations either of whom is engaged in importing any article from any foreign country into the United States and when such combination, conspiracy, trust, agreement, or contract is intended to operate in restraint of lawful trade or free competition in lawful trade or commerce, or to increase the market price in any part of the United States of any article or articles imported or intended to be imported into the United States or of any manufacture into which such imported article enters or is intended to enter.

That is made unlawful. The act, in a subsequent section, limited the power of the Government to seize property that was owned in violation of law and that was being used in violation of law to property being transported from one State to another, and did not include property that was imported into the United States and had not passed beyond the limits of the State into which it was imported. For instance, property coming into New York under the act of 1894 and owned illegally, as I have read, if it were passed from New York to New Jersey would be liable to seizure, but if it remained in the city of New York it could not be seized. This proposed act is intended to give the Government the same power to take the property before it enters into transportation between the States that it now has to take it if it does enter into transportation between the States.

Mr. GRONNA. So that the property which comes into this country in violation of the Sherman antitrust law would be subject to seizure under that law but under no other law?

Mr. CUMMINS. There is a little difference between the antitrust law and the act of 1894, although they are intended to carry out the same general policy. The section which we are now proposing to amend refers only to the goods that are condemned under section 73 of the act of 1894.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The PRESIDENT pro tempore. The amendment reported by the committee to the title of the bill will be stated.

The SECRETARY. It is proposed to amend the title so as to read: "A bill to amend section 73 and section 76 of the act approved August 27, 1894, entitled 'An act to reduce taxation, to provide revenue for the Government, and for other purposes.'"

Mr. BRANDEGEE. Mr. President, I call the attention of the Senator from Iowa to the title as proposed to be amended. I ask him if he does not think the word "approved," the first word in the third line from the end, should be changed to the word "of"?

Mr. CUMMINS. The bill has been so amended. The amendment reported by the committee in that respect has been disagreed to because that act was not approved by the President, but was allowed to become a law without his approval.

Mr. BRANDEGEE. An amendment was made in line 4, on the first page of the bill, but not in the title in the place I have indicated, in the third line from the end.

Mr. CUMMINS. That is true. That amendment to the title should be made.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. In the amended title as reported by the committee it is proposed to strike out the word "approved" and insert "of," before the word "August," so as to read: "A bill to amend section 73 and section 76 of the act of August 27, 1894, entitled 'An act to reduce taxation, to provide revenue for the Government, and for other purposes.'"

The amendment to the amendment was agreed to.

The amended title as amended was agreed to.

Mr. BRANDEGEE. Now, Mr. President, the bill having been passed, I should like to have it printed in the RECORD.

The PRESIDENT pro tempore. Without objection, upon request of the Senator from Connecticut, the bill as passed will be printed in the RECORD.

The bill as passed is as follows:

Be it enacted, etc., That section 73 and section 76 of the act of August 27, 1894, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," be, and the same are hereby, amended to read as follows:

"SEC. 73. That every combination, conspiracy, trust, agreement, or contract is hereby declared to be contrary to public policy, illegal, and void when the same is made by or between two or more persons or corporations either of whom, as agent or principal, is engaged in importing any article from any foreign country into the United States, and when such combination, conspiracy, trust, agreement, or contract is intended to operate in restraint of lawful trade, or free competition in lawful trade or commerce, or to increase the market price in any part of the United States of any article or articles imported or intended to be imported into the United States, or of any manufacture into which such imported article enters or is intended to enter. Every person who is or shall hereafter be engaged in the importation of goods or any commodity from any foreign country in violation of this section of this act, or who shall combine or conspire with another to violate the same, is guilty of a misdemeanor, and on conviction thereof in any court of the United States such person shall be fined in a sum not less than $100 and not exceeding $5,000, and shall be further punished by imprisonment, in the discretion of the court, for a term not less than 3 months nor exceeding 12 months."

"SEC. 76. That any property owned under any contract or by any combination, or pursuant to any conspiracy, and being the subject thereof, mentioned in section 73 of this act, imported into and being within the United States or being in the course of transportation from one State to another, or to or from a Territory or the District of Columbia, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law."

CONNECTICUT RIVER DAM.

Mr. BRANDEGEE. Mr. President, has morning business closed?

The PRESIDENT pro tempore. Morning business has closed.

Mr. BRANDEGEE. I should like to prefer a request for unanimous consent before the morning business is closed.

The PRESIDENT pro tempore. The Chair will consider it open for that purpose.

Mr. BRANDEGEE. I ask the Secretary to read the proposed unanimous-consent agreement which I handed to him a moment ago.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

It is agreed by unanimous consent that on Thursday, February 6, 1913, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of Senate bill 8033, calendar No. 1001, authorizing the construction of a dam across the Connecticut River, and before adjournment on that legislative day will vote upon any amendment that may be pending, all amendments that may be offered, and upon the bill through regular parliamentary stages to its final disposition.

This agreement shall not interfere with the unanimous-consent agreement entered into on January 11, 1913, concerning Senate bill 4043, to prohibit interstate commerce in intoxicating liquors in certain cases, nor with appropriation bills, conference reports, or the consideration of the commemorative resolutions which are on the calendar for Saturday, February 8.

Mr. BORAH. Mr. President, the proposed unanimous-consent agreement is the same, I presume, as that submitted yesterday morning.

Mr. BRANDEGEE. Yes; it was read from the RECORD.

Mr. BORAH. Mr. President, I object.

Mr. BRANDEGEE. Then, Mr. President, I give notice that I will ask the Senator in charge of the bill, the Senator from Ohio [Mr. BURTON], to move to proceed to the consideration of the bill to-morrow, on the return of the chairman of the Committee on Commerce [Mr. NELSON].

The PRESIDENT pro tempore. The notice will be entered.

Mr. BANKHEAD. Mr. President, I think perhaps it may be well to have the parliamentary status of this bill determined before we proceed any further with its consideration. Two reports have been filed—one was filed for the committee by the Senator from Ohio [Mr. BURTON]; the other was filed, signed by a majority of the committee, though in this case called the "minority report." The status, therefore, is that a majority of the Committee on Commerce file a report proposing to strike from the bill, as proposed by the Senator from Ohio, a certain proviso. When this bill comes before the Senate I should like to know who will have charge of the bill, whether or not it will be the minority or majority of the committee?

The PRESIDENT pro tempore. The bill is not now before the Senate. The Senator from Connecticut simply gave notice that at a certain time he would ask that it be taken up.

Mr. BANKHEAD. I misunderstood the Senator. We can determine that question, then, when the bill comes up.

The PRESIDENT pro tempore. "Sufficient unto the day is the evil thereof."

Mr. BORAH. May I ask the Secretary to state the notice which the Senator from Connecticut gave?

The PRESIDENT pro tempore. The reporter will please read it.

Mr. BRANDEGEE. I can state it again, Mr. President.

The PRESIDENT pro tempore. The reporter can read it.

The reporter read as follows:

Mr. BRANDEGEE. Then, Mr. President, I give notice that I will ask the Senator in charge of the bill, the Senator from Ohio [Mr. BURTON], to move to proceed to the consideration of the bill to-morrow upon the return of the chairman of the Committee on Commerce [Mr. NELSON].

Mr. BORAH. Mr. President, I have no doubt that that request will be granted by the Senator from Ohio.

Mr. BRANDEGEE. I will say that if it is not, I will call up the bill myself.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I yield.

Mr. SMOOT. I thought the Senator was through.

Mr. BURTON rose.

Mr. BORAH. I yield to the Senator from Ohio.

Mr. BURTON. Mr. President, I should be ready to make that motion now, but the chairman of the Committee on Commerce, the Senator from Minnesota [Mr. NELSON], made an earnest request that action be not taken on the bill until his return. He will return to-morrow morning. In any event, I give notice that whether the bill is brought up for consideration or not I shall seek to address the Senate on the bill immediately after the close of the routine morning business to-morrow.

Mr. BORAH. Mr. President, I shall not oppose the order which is to be moved by such concert of action; but I will say to the Senator from Connecticut that I am perfectly willing that the bill shall be made the unfinished business.

Mr. BRANDEGEE. That would be the effect if the motion prevailed to proceed to its consideration and the debate upon it continued until after 2 o'clock, as I understand.

Mr. BORAH. That depends upon the hour at which the motion is made.

Mr. BRANDEGEE. Yes.

Mr. BORAH. I have no objection whatever to the consideration of this bill, but I want it to come at a time when we can give it some consideration.

Mr. BRANDEGEE. The Senator and I are entirely in accord in that respect.

Mr. SMOOT obtained the floor.

Mr. WARREN. Mr. President——

Mr. SMOOT. I yield to the Senator from Wyoming for a moment.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WARREN. Mr. President, at an earlier day conferees were appointed on the legislative, executive, and judicial appropriation bill. The Senator from Louisiana [Mr. FOSTER], who was unavoidably called away and who will be away for some time, requests that his place upon the conference committee be filled, and I ask the Chair to fill it.

The PRESIDENT pro tempore. Upon the statement of the Senator from Wyoming, the Senator from Louisiana [Mr. FOSTER] will be excused from service upon the conference committee, and the Senator from North Carolina [Mr. OVERMAN] will be appointed in his place.

EXECUTIVE SESSION.

Mr. SMOOT. Mr. President, I move that the Senate proceed to the consideration of executive business.

The PRESIDENT pro tempore. The Senator from Utah moves that the Senate proceed to the consideration of executive business.

Mr. MARTIN of Virginia. Upon that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRADLEY (when his name was called). I am paired with the junior Senator from Indiana [Mr. KERN], and therefore withhold my vote.

Mr. CLARKE of Arkansas (when his name was called). I am paired with the junior Senator from Utah [Mr. SUTHERLAND]. Unless he appears before the roll call is concluded, I will not vote.

Mr. SHIVELY (when Mr. KERN's name was called). I desire to announce that my colleague is necessarily absent from the city. He is paired with the junior Senator from Kentucky [Mr. BRADLEY].

Mr. MARTIN of Virginia (when his name was called). I am paired for the day with the Senator from Minnesota [Mr. NELSON]. I transfer that pair to the Senator from Oklahoma [Mr. GORE] and vote. I vote "nay."

Mr. OLIVER (when his name was called). I am paired with the junior Senator from Oregon [Mr. CHAMBERLAIN]. I desire this announcement to stand for the day.

Mr. PAYNTER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. GUGGENHEIM]. As he is absent from the Chamber, I will withhold my vote.

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. As he is paired with the Senator from Massachusetts [Mr. CRANE], which leaves me free to vote, I will do so. I vote "yea."

Mr. RICHARDSON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. SMITH]. In his absence, I withhold my vote.

Mr. SMITH of Michigan (when his name was called). I am paired with the junior Senator from Missouri [Mr. REED]. I transfer that pair to the Senator from New Mexico [Mr. FALL] and will vote. I vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the Senator from Louisiana [Mr. FOSTER], who is detained from the Chamber by illness in his family. I therefore withhold my vote.

The roll call was concluded.

Mr. CLARK of Wyoming (after having voted in the affirmative). I transfer my general pair with the senior Senator from Missouri [Mr. STONE] to the junior Senator from Nevada [Mr. MASSEY] and will allow my vote to stand. I ask that this announcement may stand for the day.

Mr. WATSON. I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS]. I transfer that pair to the Senator from Oklahoma [Mr. OWEN] and vote. I vote "nay."

Mr. THORNTON. I desire to announce the necessary absence of my colleague [Mr. FOSTER] on account of illness in his family, and also that he is paired with the junior Senator from Wyoming [Mr. WARREN]. I ask that this announcement may stand for the day.

The result was announced—yeas 37, nays 35, as follows:

YEAS—37.

Borah	Crawford	Jones	Smith, Mich.
Bourne	Cullom	Kenyon	Smoot
Brandegee	Cummins	Lippitt	Stephenson
Bristow	Curtis	Lodge	Sutherland
Brown	Dillingham	McCumber	Townsend
Burnham	du Pont	McLean	Wetmore
Burton	Gallinger	Page	Works
Catron	Gamble	Penrose	
Clapp	Gronna	Perkins	
Clark, Wyo.	Jackson	Root	

NAYS—35.

Ashurst	Johnson, Me.	O'Gorman	Smith, Md.
Bacon	Johnston, Ala.	Percy	Swanson
Bankhead	Kavanaugh	Perky	Thomas
Bryan	La Follette	Pomerene	Thornton
Chilton	Lea	Sheppard	Tillman
Culberson	Martin, Va.	Shively	Watson
Fletcher	Martine, N. J.	Simmons	Webb
Gardner	Myers	Smith, Ariz.	Williams
Hitchcock	Newlands	Smith, Ga.	

NOT VOTING—23.

Bradley	Fall	Nelson	Reed
Briggs	Foster	Oliver	Richardson
Chamberlain	Gore	Overman	Smith, S. C.
Clarke, Ark.	Guggenheim	Owen	Stone
Crane	Kern	Paynter	Warren
Dixon	Massey	Poindexter	

So the motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 15 minutes spent in executive session the doors were reopened, and (at 2 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 5, 1913, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 4, 1913.

COLLECTOR OF CUSTOMS.

Frederick S. Stratton, of California, to be collector of customs for the district of San Francisco, in the State of California. (Reappointment.)

PROMOTIONS IN THE PUBLIC HEALTH SERVICE.

William E. Glanville to be assistant surgeon in the Public Health Service, United States, to fill an original vacancy.

John H. Smith, jr., to be assistant surgeon in the Public Health Service, United States, to fill an original vacancy.

Henry F. White to be assistant surgeon in the Public Health Service, United States, to fill an original vacancy.

SURVEYOR GENERAL OF OREGON.

D. L. Keyt, of Oregon, to be surveyor general of Oregon, vice George A. Westgate, term expired.

RECEIVER OF PUBLIC MONEYS.

Douglas W. March, of South Dakota, to be receiver of public moneys at Pierre, S. Dak., his term expiring February 5, 1913. (Reappointment.)

PROMOTIONS IN THE ARMY.

QUARTERMASTER CORPS.

Lieut. Col. Thomas Cruse, Quartermaster Corps, to be colonel from February 1, 1913, vice Col. William H. Miller, retired from active service January 31, 1913.

Maj. Arthur W. Yates, Quartermaster Corps, to be lieutenant colonel from February 1, 1913, vice Lieut. Col. Thomas Cruse, promoted.

INFANTRY ARM.

Lieut. Col. Samuel W. Dunning, Infantry, unassigned, to be colonel from February 1, 1913, vice Col. Charles A. Booth, unassigned, retired from active service January 31, 1913.

Maj. Robert H. Noble, Twelfth Infantry, to be lieutenant colonel from February 1, 1913, vice Lieut. Col. Samuel W. Dunning, unassigned, promoted.

Capt. Isaac C. Jenks, Infantry, unassigned, to be major from February 1, 1913, vice Maj. Robert H. Noble, Twelfth Infantry, promoted.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from January 25, 1913.

Roger Post Ames, of Louisiana.

George Henry Torney, jr., of Massachusetts.

POSTMASTERS.

ALABAMA.

Reuben Hosea Sartain to be postmaster at Oakman, Ala., in place of Alice A. Sartain, deceased.

Edgar A. McFerrin to be postmaster at Opp, Ala., in place of Edgar A. McFerrin. Incumbent's commission expires February 20, 1913.

Henry C. Willis to be postmaster at Alexander City, Ala., in place of Henry C. Willis. Incumbent's commission expires February 20, 1913.

ARIZONA.

Leonard D. Redfield to be postmaster at Benson, Ariz., in place of Leonard D. Redfield. Incumbent's commission expires February 11, 1913.

CALIFORNIA.

John J. Campbell to be postmaster at Galt, Cal., in place of John J. Campbell. Incumbent's commission expired January 20, 1913.

Albert E. Dixon to be postmaster at Point Loma, Cal., in place of Albert E. Dixon. Incumbent's commission expired January 20, 1913.

John T. Green to be postmaster at Wasco, Cal. Office became presidential January 1, 1913.

Frederick C. Harvey to be postmaster at Lone Pine, Cal. Office became presidential January 1, 1913.

Frank H. Owen to be postmaster at Colton, Cal., in place of Wilson Hays, deceased.

John H. Rupp to be postmaster at Cucamonga, Cal. Office became presidential January 1, 1913.

David C. Simpson to be postmaster at Courtland, Cal., in place of Charles E. Bauer, resigned.

Evelyn Stokes to be postmaster at Guadalupe (late Guadaloupe), Cal., in place of Evelyn Stokes, to change name of office.

COLORADO.

E. F. Van Noy to be postmaster at Fort Morgan, Colo., in place of Frank E. Baker, removed.

CONNECTICUT.

William E. Gates to be postmaster at Glastonbury, Conn., in place of William E. Gates. Incumbent's commission expired January 20, 1913.

Tudor Gowdy to be postmaster at Thompsonville, Conn., in place of Tudor Gowdy. Incumbent's commission expired January 20, 1913.

DELAWARE.

Walter Beaston to be postmaster at Middletown, Del., in place of John A. Dolls, deceased.

FLORIDA.

Leland M. Chubb to be postmaster at Winter Park, Fla., in place of Leland M. Chubb. Incumbent's commission expires February 9, 1913.

Florida E. Gay to be postmaster at Lynn Haven, Fla. Office became presidential January 1, 1913.

John Harvey to be postmaster at Williston, Fla. Office became presidential January 1, 1913.

James H. Lundy to be postmaster at Perry, Fla., in place of James H. Lundy. Incumbent's commission expired January 26, 1913.

GEORGIA.

Julian Asher to be postmaster at Midville, Ga. Office became presidential January 1, 1913.

Benjamin L. Bryan to be postmaster at Union Point, Ga., in place of Benjamin L. Bryan. Incumbent's commission expired January 27, 1913.

Mary P. Dixon to be postmaster at West Point, Ga., in place of Mary P. Dixon. Incumbent's commission expired January 27, 1913.

William T. Edwards to be postmaster at Canton, Ga., in place of William T. Edwards. Incumbent's commission expired January 11, 1913.

Henry M. Miller to be postmaster at Colquitt, Ga., in place of Henry M. Miller. Incumbent's commission expired January 27, 1913.

William F. Pentecost to be postmaster at Lawrenceville, Ga., in place of William C. Cole, resigned.

Josiah J. Walker to be postmaster at Bowden, Ga. Office became presidential January 1, 1913.

IDAHO.

Thomas C. White to be postmaster at St. Maries, Idaho, in place of Thomas C. White. Incumbent's commission expired December 17, 1912.

ILLINOIS.

Arthur Brown to be postmaster at Thebes, Ill., in place of Holly C. Marchildon, removed.

Wallace Diver to be postmaster at Dallas City, Ill., in place of Wallace Diver. Incumbent's commission expired January 26, 1913.

Mary E. Foster to be postmaster at Bradford, Ill., in place of Eugene A. Foster, deceased.

William M. McDonald to be postmaster at Chandlerville, Ill., in place of William M. McDonald. Incumbent's commission expired January 14, 1913.

Herman F. Mette to be postmaster at Flanagan, Ill., in place of Herman F. Mette. Incumbent's commission expires February 20, 1913.

S. J. Porterfield to be postmaster at Cullom, Ill., in place of John W. White. Incumbent's commission expires February 20, 1913.

INDIANA.

Joseph S. Vanatta to be postmaster at Earl Park, Ind., in place of Joseph S. Vanatta. Incumbent's commission expired January 25, 1913.

William L. Walters to be postmaster at Fort Branch, Ind., in place of William L. Walters. Incumbent's commission expires March 2, 1913.

IOWA.

George C. Allen to be postmaster at Estherville, Iowa, in place of George C. Allen. Incumbent's commission expired December 20, 1910.

Eugene M. Crosswait to be postmaster at Earlham, Iowa, in place of Eugene M. Crosswait. Incumbent's commission expires February 9, 1913.

Harry C. Chapple to be postmaster at Independence, Iowa, in place of Harry C. Chapple. Incumbent's commission expires February 20, 1913.

William B. Davis to be postmaster at Lewis, Iowa. Office became presidential January 1, 1913.

Susan Dickey to be postmaster at Mechanicsville, Iowa, in place of William L. Comstock. Incumbent's commission expired December 14, 1912.

John H. Hunt to be postmaster at Allison, Iowa, in place of John H. Hunt. Incumbent's commission expired December 14, 1912.

J. E. T. Johnson to be postmaster at Gowrie, Iowa, in place of J. E. T. Johnson. Incumbent's commission expired December 14, 1912.

Eva Keith to be postmaster at Goldfield, Iowa, in place of Eva Keith. Incumbent's commission expired January 11, 1913.

S. L. Thompson to be postmaster at Corwith, Iowa, in place of S. L. Thompson. Incumbent's commission expired March 25, 1912.

KANSAS.

Henry L. Cooper to be postmaster at Eldorado, Kans., in place of Alice Murdock, removed.

Clarence P. Dutton to be postmaster at McCracken, Kans., in place of Clarence P. Dutton. Incumbent's commission expired January 14, 1913.

Maude McElheny to be postmaster at Louisburg, Kans., in place of George V. McElheny, deceased.

Harry B. Price to be postmaster at Cherokee, Kans., in place of John F. Price. Incumbent's commission expired January 11, 1913.

Clark C. Thomas to be postmaster at Moran, Kans., in place of Clark C. Thomas. Incumbent's commission expired January 11, 1913.

LOUISIANA.

Tina Collins to be postmaster at Bastrop, La., in place of John Dominique. Incumbent's commission expired January 20, 1913.

Mary Hunter to be postmaster at Pineville, La. Office became presidential January 1, 1913.

MAINE.

Joseph F. Dorr to be postmaster at Kittery Point, Me., in place of Horace Mitchell, resigned.

Roy M. Hescock to be postmaster at Monson, Me., in place of Roy M. Hescock. Incumbent's commission expired January 12, 1913.

Clarence L. Ridlon to be postmaster at West Paris, Me., in place of Clarence L. Ridlon. Incumbent's commission expires March 1, 1913.

MARYLAND.

Edgar F. Bradley to be postmaster at Hurlock, Md., in place of William H. Stevens, jr. Incumbent's commission expired January 29, 1913.

Thomas O. Jefferson to be postmaster at Federalsburg, Md., in place of Thomas O. Jefferson. Incumbent's commission expires February 11, 1913.

William B. Massey to be postmaster at Greensboro, Md., in place of William B. Massey. Incumbent's commission expires February 11, 1913.

Asbury C. Riley to be postmaster at Snow Hill, Md., in place of Asbury C. Riley. Incumbent's commission expired January 11, 1913.

MASSACHUSETTS.

Benjamin Derby, jr., to be postmaster at Concord Junction, Mass., in place of Benjamin Derby, jr. Incumbent's commission expired February 1, 1913.

Francis D. Dunbar to be postmaster at Canton, Mass., in place of Francis D. Dunbar. Incumbent's commission expires February 9, 1913.

George H. Haines to be postmaster at Sandwich, Mass., in place of Charles E. Brady, resigned.

MICHIGAN.

Stuart Beatty to be postmaster at Utica, Mich., in place of Stuart Beatty. Incumbent's commission expired December 14, 1912.

Andrew Bram to be postmaster at Hancock, Mich., in place of Charles F. Rogers. Incumbent's commission expires February 9, 1913.

David J. Evans to be postmaster at Millington, Mich., in place of David J. Evans. Incumbent's commission expired December 14, 1912.

Edward Glerum to be postmaster at Le Roy, Mich. Office became presidential January 1, 1912.

Lynn T. Hulett to be postmaster at Augusta, Mich. Office became presidential October 1, 1912.

Maurice H. Kimberly to be postmaster at Bellevue, Mich., in place of George A. Barnes, resigned.

Ebenezer A. Litchfield to be postmaster at Elsie, Mich., in place of Ebenezer A. Litchfield. Incumbent's commission expires February 9, 1913.

Ben F. McMillen to be postmaster at Tekonsha, Mich., in place of Ben F. McMillen. Incumbent's commission expired January 14, 1913.

William C. Mertz to be postmaster at St. Charles, Mich., in place of William C. Mertz. Incumbent's commission expires March 1, 1913.

William E. Redick to be postmaster at Barryton, Mich., in place of James L. Campbell, removed.

O. J. Pennell to be postmaster at Berrien Springs, Mich., in place of Guy C. Mars. Incumbent's commission expires February 9, 1913.

Frank F. Taylor to be postmaster at Tawas City, Mich., in place of William B. Kelly, deceased.

MINNESOTA.

Frank E. Bardwell to be postmaster at Excelsior, Minn., in place of Frank E. Bardwell. Incumbent's commission expired January 14, 1913.

John D. Barstow to be postmaster at Barnum, Minn. Office became presidential January 1, 1913.

Jacob Geib to be postmaster at Gaylord, Minn., in place of Jacob Geib. Incumbent's commission expires February 9, 1913.

O. R. Hatton to be postmaster at Brooten, Minn., in place of O. R. Hatton. Incumbent's commission expires February 11, 1913.

James Haukland to be postmaster at Maynard, Minn. Office became presidential January 1, 1912.

Hattie J. Hodgson to be postmaster at Herman, Minn., in place of Hattie J. Hodgson. Incumbent's commission expires February 9, 1913.

Mathias B. Jenson to be postmaster at Clarkfield, Minn., in place of Mathias B. Jenson. Incumbent's commission expires February 9, 1913.

J. T. Larson to be postmaster at Evansville, Minn., in place of J. T. Larson. Incumbent's commission expires February 11, 1913.

Frank A. Lindbergh to be postmaster at Crosby, Minn. Office became presidential January 1, 1913.

Mary Mogren to be postmaster at Ortonville, Minn., in place of Mary Mogren. Incumbent's commission expires February 11, 1913.

Charles M. Nelson to be postmaster at Elbow Lake, Minn., in place of Charles M. Nelson. Incumbent's commission expires March 1, 1913.

J. B. Pallansch to be postmaster at Albany, Minn., in place of J. B. Pallansch. Incumbent's commission expires February 10, 1913.

Charles S. Peterson to be postmaster at Badger, Minn. Office became presidential January 1, 1913.

Fred D. Vibert to be postmaster at Cloquet, Minn., in place of Fred D. Vibert. Incumbent's commission expired January 22, 1913.

MISSISSIPPI.

Laura M. Gowdy to be postmaster at Batesville, Miss., in place of Laura M. Gowdy. Incumbent's commission expires February 9, 1913.

Samuel M. Howry to be postmaster at Oxford, Miss., in place of Samuel M. Howry. Incumbent's commission expired January 11, 1913.

Nannie B. Richardson to be postmaster at Woodville, Miss., in place of Nannie B. Richardson. Incumbent's commission expired January 11, 1913.

MISSOURI.

Mary C. Dyer to be postmaster at Warrenton, Mo., in place of Iola W. Morsey. Incumbent's commission expired December 14, 1912.

B. P. Sigler to be postmaster at Bethany, Mo., in place of B. P. Sigler. Incumbent's commission expires March 2, 1913.

MONTANA.

George W. Crane to be postmaster at Fort Benton, Mont., in place of George W. Crane. Incumbent's commission expires February 10, 1913.

Harry L. Coulter to be postmaster at Plains, Mont., in place of Harry L. Coulter. Incumbent's commission expires February 17, 1913.

NEBRASKA.

Andrew B. Anderson to be postmaster at Florence, Nebr. Office became presidential January 1, 1913.

Benjamin F. Colburn to be postmaster at Palmer, Nebr., in place of Orrin Peck, deceased.

Abraham L. Gray to be postmaster at Riverton, Nebr. Office became presidential January 1, 1913.

Jacob H. Jimerson to be postmaster at Liberty, Nebr. Office became presidential January 1, 1913.

J. L. Johnson to be postmaster at Bridgeport, Nebr., in place of Charles F. Clawges. Incumbent's commission expired January 28, 1913.

Adelbert W. Knight to be postmaster at Belgrade, Nebr. Office became presidential January 1, 1913.

Harry P. Tincher to be postmaster at Odell, Nebr. Office became presidential January 1, 1913.

Fay Whitfield to be postmaster at Peru, Nebr., in place of Fay Whitfield. Incumbent's commission expired December 17, 1912.

NEW HAMPSHIRE.

Adelia M. Barrows to be postmaster at Hinsdale, N. H., in place of Adelia M. Barrows. Incumbent's commission expired January 26, 1913.

NEW JERSEY.

Henry H. Banker to be postmaster at New Brunswick, N. J., in place of Charles W. Russell. Incumbent's commission expired January 13, 1913.

William H. Bannard to be postmaster at Asbury Park, N. J., in place of William H. Bannard. Incumbent's commission expires February 20, 1913.

William Cardwell to be postmaster at East Orange, N. J., in place of Marcus Mitchell, deceased.

Ezra F. Ferris to be postmaster at Chatham, N. J., in place of Ezra F. Ferris. Incumbent's commission expired January 26, 1913.

Samuel Gordon to be postmaster at South River, N. J., in place of Samuel Gordon. Incumbent's commission expired January 11, 1913.

Forman T. Johnson to be postmaster at Lakewood, N. J., in place of Albert M. Bradshaw. Incumbent's commission expired December 16, 1912.

Ada B. Nafew to be postmaster at Eatontown, N. J., in place of Ada B. Nafew. Incumbent's commission expired January 14, 1913.

Alexander B. Roberts to be postmaster at Tenafly, N. J., in place of Alexander B. Roberts. Incumbent's commission expires February 9, 1913.

William M. Thompson to be postmaster at Red Bank, N. J., in place of Louis Y. Manning. Incumbent's commission expires February 9, 1913.

NEW YORK.

Dana Brasted to be postmaster at Westport, N. Y., in place of Dana Brasted. Incumbent's commission expired January 11, 1913.

William T. Chapman to be postmaster at Pawling, N. Y., in place of William T. Chapman. Incumbent's commission expires February 17, 1913.

Jarius S. Chase to be postmaster at Windsor, N. Y., in place of Jarius S. Chase. Incumbent's commission expired January 11, 1913.

John A. Hanna to be postmaster at Dover Plains, N. Y., in place of John A. Hanna. Incumbent's commission expires February 17, 1913.

Ethel M. Makepeace to be postmaster at Alexandria Bay, N. Y., in place of Elbert E. Makepeace, deceased.

Hugh Smiley to be postmaster at Mohonk Lake, N. Y., in place of Daniel Smiley, resigned.

John Smythe to be postmaster at Cold Spring, N. Y., in place of John Smythe. Incumbent's commission expired January 18, 1913.

Philo C. Wheeler to be postmaster at Cincinnatus, N. Y., in place of Philo C. Wheeler. Incumbent's commission expired January 11, 1913.

Charles N. Wood to be postmaster at Angola, N. Y., in place of Charles N. Wood. Incumbent's commission expired January 11, 1913.

NORTH CAROLINA.

John F. Dobson to be postmaster at Goldsboro, N. C., in place of John F. Dobson. Incumbent's commission expired December 11, 1911.

Frank M. Grice to be postmaster at Elizabeth City, N. C., in place of John P. Overman. Incumbent's commission expired May 14, 1912.

Mattie S. Martin to be postmaster at Leaksville, N. C., in place of Mattie S. Martin. Incumbent's commission expired May 16, 1912.

NORTH DAKOTA.

William E. Biggs to be postmaster at New Rockford, N. Dak., in place of William E. Biggs. Incumbent's commission expires February 17, 1913.

Anna C. Knudson to be postmaster at Taylor, N. Dak., in place of Joseph F. Christen, resigned.

OHIO.

Edward H. Collins to be postmaster at Bedford, Ohio, in place of Edward H. Collins. Incumbent's commission expired January 21, 1913.

Lee W. Hungerford to be postmaster at Fairport Harbor, Ohio, in place of Thomas M. Irwin, deceased.

Thomas L. Knauf to be postmaster at Calla, Ohio, in place of Thomas L. Knauf. Incumbent's commission expired January 21, 1913.

Wilson A. Korns to be postmaster at New Philadelphia, Ohio, in place of Wilson A. Korns. Incumbent's commission expired April 13, 1912.

A. C. Smith to be postmaster at Byesville, Ohio, in place of Charles R. Austin, deceased.

OKLAHOMA.

Charles D. Campbell to be postmaster at Apache, Okla., in place of Charles D. Campbell. Incumbent's commission expired March 20, 1912.

Jay Collis to be postmaster at Manitou, Okla., in place of Jay Collis. Incumbent's commission expired January 14, 1913.

Lydia Dodson to be postmaster at Nowata, Okla., in place of Frank McCartney. Incumbent's commission expired February 28, 1912.

Ransom H. Drewry to be postmaster at Marlow, Okla., in place of Ransom H. Drewry. Incumbent's commission expired January 14, 1913.

Frank Gallop to be postmaster at Clinton, Okla., in place of Frank Gallop. Incumbent's commission expired January 28, 1913.

Marion Haskins to be postmaster at Blanchard, Okla., in place of Robert E. L. McLain, resigned.

Edwin F. Korns to be postmaster at Newkirk, Okla., in place of Edwin F. Korns. Incumbent's commission expired January 28, 1913.

Mary H. McBrian to be postmaster at Ryan, Okla., in place of Mary M. McBrian. Incumbent's commission expired January 21, 1913.

Charles G. Wattson to be postmaster at El Reno, Okla., in place of Charles G. Wattson. Incumbent's commission expired June 28, 1910.

James Wilkin to be postmaster at Tonkawa, Okla., in place of James Wilkin. Incumbent's commission expires February 11, 1913.

Orlo H. Wills to be postmaster at Delaware, Okla. Office became presidential July 1, 1911.

OREGON.

J. W. Donnelly to be postmaster at Condon, Oreg., in place of John F. Reisacher, resigned.

Frank B. Southwick to be postmaster at Salem, Oreg., in place of Squire Farrar. Incumbent's commission expired April 12, 1910.

Guy E. Tex to be postmaster at Central Point, Oreg., in place of Guy E. Tex. Incumbent's commission expires March 2, 1913.

Wilson S. Watters to be postmaster at Stayton, Oreg. Office became presidential January 1, 1912.

PENNSYLVANIA.

Frank M. Butterfield to be postmaster at New Milford, Pa., in place of Frank M. Butterfield. Incumbent's commission expires February 9, 1913.

William S. Davidson to be postmaster at Lemoyne, Pa. Office became presidential January 1, 1913.

Horace A. Deardorff to be postmaster at Aspinwall, Pa., in place of Samuel R. McMorran, resigned.

A. L. Etter to be postmaster at Middletown, Pa., in place of John S. Longenecker. Incumbent's commission expires February 9, 1913.

William T. Evans to be postmaster at Lykens, Pa., in place of Henry Feindt. Incumbent's commission expired January 12, 1913.

Julia C. Gleason to be postmaster at Villanova, Pa., in place of Julia C. Gleason. Incumbent's commission expired January 11, 1913.

Robert H. Johnston to be postmaster at Elk Lick, Pa., in place of Albert B. Lowry, resigned.

Timothy J. Leahy to be postmaster at Sayre, Pa., in place of Timothy J. Leahy. Incumbent's commission expires February 9, 1913.

James B. Mates to be postmaster at Butler, Pa., in place of James B. Mates. Incumbent's commission expires February 9, 1913.

Perry W. Orr to be postmaster at Harrisville, Pa. Office became presidential January 1, 1912.

Frank J. Over to be postmaster at Hollidaysburg, Pa., in place of Frank J. Over. Incumbent's commission expires March 2, 1913.

Thomas W. Parkinson to be postmaster at Norwood Station, Pa. Office became presidential October 1, 1912.

Thomas Powell to be postmaster at Patton, Pa., in place of Edward Hunter. Incumbent's commission expired February 17, 1912.

I. N. Rodkey to be postmaster at Spangler, Pa., in place of Eliza Mitchell. Incumbent's commission expired December 11, 1911.

Elizabeth R. Skelton to be postmaster at Cynwyd, Pa., in place of Elizabeth R. Skelton. Incumbent's commission expired January 25, 1913.

Sylvester C. Stout to be postmaster at Glenside, Pa., in place of Sylvester C. Stout. Incumbent's commission expires February 9, 1913.

Uriah H. Wieand to be postmaster at Emaus, Pa., in place of Uriah H. Wieand. Incumbent's commission expires February 9, 1913.

RHODE ISLAND.

Edward S. Payne to be postmaster at Block Island, R. I., in place of Edward S. Payne. Incumbent's commission expired January 11, 1913.

James S. Scully to be postmaster at Crompton, R. I. Office became presidential January 1, 1913.

SOUTH CAROLINA.

Philip L. Moorer to be postmaster at St. George, S. C., in place of Joseph H. Abbey. Incumbent's commission expired January 29, 1913.

SOUTH DAKOTA.

Arthur W. Bartels to be postmaster at Gary, S. Dak., in place of Arthur W. Bartels. Incumbent's commission expires February 9, 1913.

Charles McCaffree to be postmaster at Howard, S. Dak., in place of Boyd Wales. Incumbent's commission expired January 26, 1913.

N. Howard Wendell to be postmaster at Aberdeen, S. Dak., in place of N. Howard Wendell. Incumbent's commission expires February 11, 1913.

TENNESSEE.

Susanah E. Farley to be postmaster at Whiteville, Tenn., in place of Susanah E. Farley. Incumbent's commission expires March 3, 1913.

William C. Lyle to be postmaster at Dandridge, Tenn. Office became presidential January 1, 1913.

TEXAS.

John N. Johnson to be postmaster at Rockwall, Tex., in place of John N. Johnson. Incumbent's commission expires February 11, 1913.

F. H. Pierson to be postmaster at Lone Oak, Tex., in place of George L. Johnson, deceased.

C. R. Porterfield to be postmaster at Lott, Tex., in place of C. A. Cox. Incumbent's commission expired December 16, 1912.

G. B. Renfrow to be postmaster at Rockdale, Tex., in place of Ben Lowenstein. Incumbent's commission expired January 14, 1913.

J. T. Sewell to be postmaster at Daingerfield, Tex., in place of D. H. McCoy. Incumbent's commission expired January 27, 1913.

VERMONT.

Carroll B. Webster to be postmaster at Barton, Vt., in place of Carroll B. Webster. Incumbent's commission expires February 9, 1913.

VIRGINIA.

John S. Bateman to be postmaster at Crozet, Va. Office became presidential October 1, 1911.

A. B. Buchanan to be postmaster at Tazewell, Va., in place of William C. Pendleton, resigned.

Channing M. Goode to be postmaster at College Park, Va., in place of Channing M. Goode. Incumbent's commission expires February 9, 1913.

James H. Hurt to be postmaster at Wytheville, Va., in place of J. L. Gleaves, deceased.

William F. Kennedy to be postmaster at Kenbridge, Va. Office became presidential January 1, 1913.

Florence Rambo to be postmaster at Damascus, Va. Office became presidential October 1, 1912.

John C. Tucker to be postmaster at National Soldiers' Home, Va., in place of John C. Tucker. Incumbent's commission expired May 20, 1912.

WASHINGTON.

W. W. Askren to be postmaster at Bothell, Wash. Office became presidential January 1, 1913.

Carl E. Barron to be postmaster at Sumner, Wash., in place of De Witt C. Hostetter, resigned.

Fred Colbert to be postmaster at Ilwaco, Wash. Office became presidential January 1, 1913.

Jacob T. Grove to be postmaster at Deer Park, Wash., in place of Jacob T. Grove. Incumbent's commission expired January 28, 1913.

Orin D. Post to be postmaster at Sumas, Wash., in place of Orin D. Post. Incumbent's commission expires February 11, 1913.

WEST VIRGINIA.

Edward A. Byron to be postmaster at Berwind, W. Va. Office became presidential January 1, 1913.

James W. Hughes to be postmaster at Huntington, W. Va., in place of James W. Hughes. Incumbent's commission expired February 3, 1913.

Paul H. Metcalf to be postmaster at Williamstown, W. Va., in place of Paul H. Metcalf. Incumbent's commission expired January 11, 1913.

WISCONSIN.

Robert J. Audiss to be postmaster at Westfield, Wis., in place of Robert J. Audiss. Incumbent's commission expires February 9, 1913.

Charles E. Bartlett to be postmaster at Cameron, Wis., in place of Charles E. Bartlett. Incumbent's commission expired January 12, 1913.

Fred R. Bloodgood to be postmaster at Whitewater, Wis., in place of Frank B. Goodhue. Incumbent's commission expired January 11, 1913.

William W. Clarke to be postmaster at Milton, Wis., in place of William W. Clarke. Incumbent's commission expires March 1, 1913.

Frank W. Heath to be postmaster at Spencer, Wis. Office became presidential January 1, 1913.

William Kuelling to be postmaster at Shullsburg, Wis., in place of William Kuelling. Incumbent's commission expired December 14, 1912.

Irwin R. Nye to be postmaster at Wittenberg, Wis., in place of Irwin R. Nye. Incumbent's commission expired January 12, 1913.

Lewis P. Perry to be postmaster at Gillett, Wis., in place of Lewis P. Perry. Incumbent's commission expired February 13, 1912.

Frank J. Salter to be postmaster at Prentice, Wis., in place of Frank J. Salter. Incumbent's commission expires February 9, 1913.

Frank J. Wiley to be postmaster at Hancock, Wis., in place of Frank J. Wiley. Incumbent's commission expires February 18, 1913.

WITHDRAWALS.

Executive nominations withdrawn from the Senate February 4, 1913.

POSTMASTERS.

ALABAMA.

Dallas B. Smith to be postmaster at Opelika, in the State of Alabama.

CONNECTICUT.

Edward E. Ashley to be postmaster at Plainfield, in the State of Connecticut.

GEORGIA.

Hugh D. North to be postmaster at Midville, in the State of Georgia.

IOWA.

John H. Schlosser to be postmaster at Dallas Center, in the State of Iowa.

MISSOURI.

Campbell F. Reid to be postmaster at Warrenton, in the State of Missouri.

NEW YORK.

Melbourne Hutton to be postmaster at Nanuet, in the State of New York.

Daniel Smiley to be postmaster at Mohonk Lake, in the State of New York.

PENNSYLVANIA.

Daniel Smiley to be postmaster at Mohonk Lake, in the State of Pennsylvania.

WISCONSIN.

August G. Koch to be postmaster at Kewaskum, in the State of Wisconsin.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 4, 1913.*

The House met at 10.30 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art the God and Father of all men, who hearest and answerest prayer, take away from us unrighteous thoughts, ignoble desires, selfish ambitions, that we may dwell with our fellow men in the spirit of brotherhood, striving in our daily life to do unto them as we would have them do unto us. In the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

J. P. CORNES—LEAVE TO WITHDRAW PAPERS.

Mr. DANFORTH, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of J. P. Cornes (H. R. 21555, Sixtieth Congress), no adverse report having been made thereon.

RATIFICATION BY DELAWARE OF INCOME-TAX AMENDMENT.

The SPEAKER laid before the House a communication from the secretary of state of Delaware announcing the passage of the general assembly of that State of a concurrent resolution ratifying the sixteenth amendment to the Constitution of the United States relative to the income tax.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. BURLESON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the District of Columbia appropriation bill, H. R. 28499.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 28499) making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, with Mr. RODDENBERY in the chair.

The CHAIRMAN. When the committee rose on the day it was last considering this bill the committee was dividing on an amendment offered by the gentleman from Illinois [Mr. FOWLER]. The Clerk will report the amendment.

The Clerk read as follows:

Page 46, line 14, strike out "$1,200" and insert in lieu thereof "$1,300."

Mr. FOWLER. Mr. Chairman, I desire to withdraw my amendment.

The CHAIRMAN. If there be no objection the amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

Birney and annex, Brookland, Bryan, Curtis, Dennison, Force, Gage, Gales, Garfield, Garnet, Grant, Grover Cleveland, Henry, Johnson and annex, Langdon, Lincoln, Lovejoy, Miner, Monroe and addition, Peabody, Seaton, Sumner, Webster, Strong John Thomson Schools, 24 janitors, at $720 each; 24 laborers, at $300 each; in all, $24,480.

Mr. FOWLER. Mr. Chairman, I move to strike out the last word, for the purpose of asking the gentleman in charge of the bill why it was necessary to increase the janitors from 20 to 24 in this department?

Mr. BURLESON. To serve in new school buildings that have been brought into commission since the last appropriation bill was passed.

Mr. FOWLER. What additional schools have been instituted?

Mr. BURLESON. The Ross School, the J. Ormond Wilson Normal School, the Randle Highlands School, and, I think, one other.

Mr. FOWLER. There are no additional or new janitors on account of increases in numbers at old schools, are there?

Mr. BURLESON. We increased the compensation allowed to a number of janitors because of the earnest recommendation of a special committee that had been appointed by the District Committee, which made an investigation of the janitor service.

Mr. FOWLER. You have not increased the salaries of the janitors in these schools in this paragraph?

Mr. BURLESON. Not in this particular paragraph.

Mr. FOWLER. The increase in the number was the only question that was troubling me. I did not know what was the occasion for increasing the number.

Mr. BURLESON. The compensation allowed these janitors was not increased, because it was not estimated for and was not asked for by the school authorities. The increase in the compensation of a number of janitors was because of the necessity arising from the fact that new school buildings had been brought into service.

Mr. FOWLER. I withdraw the pro forma amendment, Mr. Chairman.

The CHAIRMAN. If there be no objection the pro forma amendment will be considered as withdrawn, and the Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RUBEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, announced that the Senate had passed without amendment bills of the following titles:

H. R. 2359. An act to refund certain tonnage taxes and light dues;

H. R. 8151. An act providing for the adjustment of the grant of lands in aid of the construction of the Corvallis and Yaquina Bay military wagon road, and of conflicting claims to lands within the limits of said grant;

H. R. 15181. An act for the relief of Harry S. Wade;

H. R. 20385. An act to reimburse Charles S. Jackson;

H. R. 23351. An act to amend an act entitled "An act to provide for an enlarged homestead";

H. R. 24365. An act providing for the taking over by the United States Government of the Confederate cemetery at Little Rock, Ark.;

H. R. 25741. An act amending section 3392 of the Revised Statutes of the United States, as amended by section 32 of the act of August, 1909;

H. R. 26549. An act to provide for the construction or purchase of motor boat for customs service; and

H. R. 27157. An act granting an extension of time to construct a bridge across Rock River at or near Colona Ferry, in the State of Illinois.

The message also announced that the Senate had passed with amendment bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 8861. An act for the relief of the legal representatives of Samuel Schiffer;

H. R. 16450. An act to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, the unlawful entering of such cars, the stealing of freight and express packages or baggage or articles therefrom in process of transportation in interstate shipment, and the felonious exportation of such freight or express packages or baggage or articles therefrom into another district of the United States, and the felonious reception or possession of the same;

H. R. 17256. An act to fix the status of officers of the Army and Navy detailed for aviation duty and to increase the efficiency of the aviation service;

H. R. 20102. An act relating to proof signatures and handwriting;

H. R. 23293. An act for the protection of the water supply of the city of Colorado Springs and the town of Manitou, Colo.; and

H. R. 21524. An act for the relief of Frederick H. Ferris.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 118. An act granting an increase of pension to Harriet Pierson Porter;

S. 1899. An act to repeal a portion of an act heretofore passed relating to the alienation of the title of the United States to land in the District of Columbia;

S. 4549. An act to place the name of Herman C. Fink upon the retired list created by act approved March 2, 1907;

S. 5169. An act authorizing the Ponca Tribe of Indians to intervene in the suit of the Omaha Indians in the Court of Claims, and for other purposes;

S. 6507. An act further to assure title to lands granted the several States, in place, in aid of public schools;

S. 7488. An act for the relief of George L. Thomas;

S. 7622. An act for the relief of Stanley Mitchell;

S. 7772. An act to authorize the condemnation of land for a park at the intersection of Twenty-sixth Street, Twenty-seventh Street, and Q Street NW., and a highway from said park along the boundary of Oak Hill Cemetery, and across the north part of square 1284 to Twenty-ninth and R Streets;

S. 7875. An act to exempt from cancellation certain desert-land entries in the Chuckawalla Valley and Palo Verde Mesa, Riverside County, Cal.;

S. 8058. An act providing for an increase of salary of the United States attorney for the district of Connecticut;

S. 8272. An act regulating the constitution, composition, and jurisdiction of courts-martial in the Armies of the United States, and for other purposes;

S. 8274. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 8275. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; and

S. 8314. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 38.

Resolved by the Senate (the House of Representatives concurring). That there be printed 4,000 copies of the laws of the United States applicable to the Territory of Alaska, compiled by the Committee on Territories of the Senate and the Committee on the Territories of the House of Representatives in compliance with public act No. 334, 1,500

of which shall be for the use of the Senate and 2,500 copies for the use of the House of Representatives.

The message also announced that the Senate had passed the following resolution:

Resolved, That the tellers on the part of the Senate authorized by the concurrent resolution of the two Houses relating to the counting of the electoral votes for President and Vice President of the United States be appointed by the President pro tempore.

In compliance with the foregoing resolution the President pro tempore appointed as said tellers Mr. DILLINGHAM and Mr. MARTINE of New Jersey.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

In the event of the absence of any engineer, assistant engineer, janitor, assistant janitor, laborer, fireman, or caretaker at any time during school sessions the board of education is hereby authorized to appoint a substitute, who shall be paid the salary of the position in which employed, and the amount paid to such substitute shall be deducted from the salary of the absent employee.

In all, $122,940.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move to strike out the last word. I wish to inquire if, in line 9, before the word "absent," it would not be well to insert the word "unauthorized"?

Mr. BURLESON. I think the amendment is not necessary, although I have no objection to it.

Mr. JOHNSON of Kentucky. I am not insisting on it. I notice in line 11 it is only to apply during school sessions. I think there has to be a janitor around in vacation time.

Mr. BURLESON. I will state that an unauthorized absence on the part of these engineer employees would mean that he had severed his connection with the school.

Mr. JOHNSON of Kentucky. No; they may have been given a vacation.

Mr. MANN. If the gentleman from Kentucky will yield, I understand the purpose of this is to appoint a substitute and have the substitute paid in the absence of the engineer. It is to save the doubling up of salaries.

Mr. JOHNSON of Kentucky. I only called the chairman's attention to it; I have no criticism to make.

Mr. BURLESON. In the event of the absence of the engineer without authority there would be no question but that the school board could put in a substitute and pay him a salary.

Mr. JOHNSON of Kentucky. Mr. Chairman, I withdraw my pro forma amendment.

The Clerk read as follows:

Medical inspectors: Chief medical inspector of public schools, $1,800; 12 medical inspectors of public schools, 1 of whom shall be a woman, 2 of whom shall be dentists, and 4 of whom shall be of the colored race, at $500 each; in all, $7,800: *Provided*, That said inspectors shall be appointed by the commissioners only after competitive examination, and shall have had at least three years' experience in the practice of medicine or dentistry in the District of Columbia, and shall perform their duties under the direction of the health officer and according to rules formulated from time to time by him, which shall be subject to the approval of the board of education and the commissioners.

Mr. FOWLER. Mr. Chairman, I move to strike out the last word.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order that this is not authorized by law. I will reserve the point of order for the present.

Mr. BURLESON. Mr. Chairman, I send to the Clerk's desk and ask to have read a letter from Dr. Woodward, health officer, in explanation of the creation of this new office.

The Clerk read the letter, as follows:

COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
HEALTH DEPARTMENT,
Washington, January 9, 1913.

Hon. ALBERT S. BURLESON,
House of Representatives, Washington, D. C.

DEAR SIR: As stated to you this morning, I am very much interested in the medical inspection of schools and hope that something can be done this year to make our service more efficient.

There are now 10 medical inspectors and 2 dental inspectors, each a part-time employee. No adequate provision has ever been made for the supervision of their work, and no provision has even been made for following up its results through school nurses. The pending tentative appropriation bill marks, therefore, in my judgment, a step in the right direction, inasmuch as it does provide for efficient supervision.

The basic principle upon which the medical inspection of schools in the District of Columbia is organized is embodied in section 1 of the regulations governing the service, which is as follows:

"SEC. 1. No pupil will be permitted to attend the public schools of the District of Columbia who is suffering from any defect or disease which renders his presence materially detrimental to the welfare or the safety of other pupils, nor will any pupil be permitted to attend school when such attendance will materially jeopardize his own health and the condition out of which such jeopardy arises is of a temporary character."

During the fiscal year 1912 the 10 medical inspectors made 8,258 visits to schools and 37 to the homes of pupils. The total number of examinations of pupils by medical inspectors was 10,603. The pupils examined were in 6,328 cases in attendance at school at the time of examination, and of these pupils 725 were found to be in such physical condition as to render it advisable that they be excluded. The pupils not in actual attendance at school at the time of examination were those who had been absent for varying periods and various causes and who were examined merely to determine whether they were in condition to resume their school duties, and all were readmitted. The usual examinations were made of applicants for admission to the normal schools.

By confining the work of each of the two recently appointed dental inspectors to one school at a time instead of having them go from school to school as medical inspectors do, there has been no loss of time on the streets. As a result, these two inspectors, during the school year, examined 4,165 pupils. Of these pupils 3,441 had teeth with 17,128 cavities, 9,012 of which had progressed so far as to be in need of filling at the time of examination. Eight hundred and thirty-one pupils had lost one or more teeth, of which 1,687 were of the second or permanent set. Eighty-six pupils had abscesses. Reexaminations were made of 1,600 pupils, and in only 180 cases had the dental work recommended by the dental inspector been done.

I append a table showing the number of children excluded from school and the principal causes for such exclusions by reason of the work of the medical inspection of schools and under authority of section 1 of the regulations governing the service set forth above. Most of these children excluded, probably all of them, would have remained in school to the detriment of other pupils, to their own detriment, or possibly to the detriment of the community had it not been for the medical-inspection service.

Yours, very truly,

W. C. WOODWARD,
Health Officer.

Statement showing the number and principal causes of exclusion of pupils from the public schools of the District of Columbia through the medical-inspection service during the fiscal year 1912.

Bronchitis	3
Cerebrospinal meningitis, exposure to	2
Chicken pox	50
Chorea	1
Conjunctivitis	35
Diphtheria	19
Exposure to	6
Suspected	15
Impetigo	28
Measles	26
Mumps	75
Pediculosis, capitis	247
Ringworm	6
Scarlatina	6
Tonsillitis	17
Whooping cough	60
Tinea	36
Miscellaneous	93
Total	725

Mr. JOHNSON of Kentucky. Mr. Chairman, in my judgment, this is clearly subject to a point of order. It is the creation of a new bureau, and it is one, if it should be tolerated at all, that should not be under the school board but under the board of health and come under that head.

On yesterday I noticed on the calendar on motions to discharge committees a bill to authorize the appointment of dental surgeons in the United States Navy. It certainly seems to me that the taxpayers throughout the length and breadth of this Nation should not be called upon to pay for the physicians who render medical service to all those who happen to be within the school age in the District of Columbia. Here there is a minimum school age, but there is no maximum school age. The school reports show persons in attendance as old as 66 years. So if a man wants his teeth fixed free of charge, all he has to do is to go to school one day and then have dental services free. If he is not well, no matter how old he is, all that is necessary is for him to go to school one day, be subjected to this medical examination, sent away from school, have a physician paid for out of the Public Treasury, then have nurses, paid for out of the Public Treasury, to go and nurse him. I say there is no warrant of law for anything of the kind.

The CHAIRMAN. The Chair would like to ask the gentleman from Kentucky a question. If this is only an instrumentality for protecting the thousands of children of the public schools against contagion and the contracting of disease, why is it not inherent within the power of the Appropriation Committee?

Mr. JOHNSON of Kentucky. It more properly belongs to the board of health. The board of health may take cognizance of it, and no doubt would have authority to go there, but I maintain that the school board is clothed with no such power.

Mr. BURLESON. Mr. Chairman, the medical inspectors are under the direction of the chief health officer of the District. The gentleman from Kentucky is laboring under a misapprehension as to the purpose and effect of this provision. It does not provide for free dental service; it does not provide for free medical attendance; it provides for the inspection of the mouths of children, with a view to ascertaining whether their teeth need attention, and if they ascertain there is necessity for attention to report that fact to the parents. There is no burden on the treasury of the District to supply this dental service.

It is simply an examination, and upon that examination, if an unhealthy condition is discovered, there is a report made by this medical inspector to the parent that the child's mouth needs attention, or if an illness is discovered there is simply a report made to the health officer, and the health officer requires the withdrawal of the child from the school. There is no free medical attendance furnished at all under this paragraph of the bill.

The CHAIRMAN. The Chair would like to ask the gentleman from Texas a question. How is the vaccination of school children supervised here at the present time?

Mr. BURLESON. It is all under this paragraph in the bill. If it is ascertained that a child has the smallpox or the chicken pox or any contagious disease, that child is immediately sent home and a report made to the health officer of the fact that the child has a disease, and the parent is advised, and then the parent provides medical attention for the child.

Mr. JOHNSON of Kentucky. Mr. Chairman, it is, under the law, the duty of the officers of the board of health to ascertain these facts for themselves directly and not indirectly through these sinecures herein provided for. If these people are to be paid to examine their teeth, why not have them paid to examine their feet? You can go from one end of the pupil to the other, and there is just as much authority for one as there is for the other.

Mr. BURLESON. Mr. Chairman, I will state to the gentleman from Kentucky that there is authority for examination of the feet of the child. If the child has the itch and it is discovered, a report of that fact is made to the parent of the child, and the child is excluded from the school, and that is the only means of protecting the school from an outbreak of contagious diseases.

Mr. JOHNSON of Kentucky. Mr. Chairman, every State in the Union has a board of health, I believe, and all of these quarantines and getting a diseased child out of the schools is done by the board of health; and I hope, before we have gone a very great deal further in the bill, to show the importance of why this item should come under the board of health and not under the school board. I hope to be able to show that this is designedly put under the head of the school board instead of under the board of health. That we will reach by and by.

Mr. BURLESON. Mr. Chairman, I will say to the gentleman from Kentucky that under the wording of the paragraph, if he will turn to it, he will see that these officers shall perform their duties under the direction of the health officer and according to the rules formulated from time to time by him.

Mr. JOHNSON of Kentucky. If so, then it ought to be paid for out of the appropriation for the health department and not out of this appropriation.

Mr. BURLESON. That merely looks to the arrangement of the bill.

Mr. JOHNSON of Kentucky. Mr. Chairman, I beg to differ with the gentleman and say that there is considerably more in it than the mere arrangement of the bill. Mr. Chairman, I make the point of order.

The CHAIRMAN. The Chair overrules the point of order.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. Does the gentleman from Kentucky desire to be heard?

Mr. JOHNSON of Kentucky. No.

Mr. BURLESON. Mr. Chairman, I think there ought to be a word of explanation to the committee. I want to state that these inspectors are under the direction of the health officer of the District of Columbia. This is the medical inspection that is furnished to protect the children of the public schools from an outbreak of contagious disease, and the gentleman from Kentucky is mistaken when he thinks that it affords free dental service or free medical service. All that this paragraph requires or all that it authorizes is that these medical inspectors shall examine the school children from time to time, and if a contagious disease is discovered, or if an unwholesome condition of their teeth is discovered, a report is made by the medical inspector to the health officer, and the health officer advises the parent of the child as to the facts. I think it should not be stricken out.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. BURLESON. Certainly.

Mr. WILLIS. Mr. Chairman, I simply wanted to suggest to the gentleman that I know personally that the educational institutions generally throughout the country, the teachers' associations, and so forth, are heartily in favor of this medical inspection as it is provided in this bill.

Mr. BURLESON. That is true. Every progressive city in the United States affords this service for the children.

Mr. WILLIS. Absolutely, without exception.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. BURLESON. Certainly.

Mr. MANN. The duties of these medical inspectors being as stated by the gentleman, what is the special advantage of employing a chief medical inspector?

Mr. BURLESON. If the gentleman from Illinois had been here a moment ago——

Mr. MANN. I was here a moment ago and I heard the letter read.

Mr. BURLESON. I had a letter read from the chief health officer.

Mr. MANN. I heard it read.

Mr. BURLESON. They have been insisting for a number of years that we did not have as adequate medical inspection as the city should be given. The health officer was very insistent that he should have a chief inspector in order that he might supervise the work of the other medical inspectors for the purpose of securing more efficient service and to cover a larger number of pupils than have heretofore been covered by the medical inspection.

Mr. MANN. I heard the letter read from the health officer, but that does not answer the question. What will this chief medical inspector of public schools do?

Mr. BURLESON. The chief medical inspector is to devote his entire time to this work——

Mr. MANN. But what is he to do?

Mr. BURLESON. Why, he performs the duties of an inspector as well as supervises the other medical inspectors under the direction of the chief health officer.

Mr. MANN. I take it the chief medical inspector himself is not going to go around to all the schools and examine pupils as to disease or the condition of their teeth. Is he to be a sort of detective and see whether the others do their work? If so, you will require one detective for each inspector.

Mr. BURLESON. No; he is not to perform service as a detective, but he is to visit all the schools and is to devote his entire time to this work. He has to look after the other inspectors and see that they are properly discharging their duties under the requirements.

Mr. MANN. It seems to me, with due respect to the gentleman and the health officer, if he wants to get additional service performed he had better divide the $1,800 among the inspectors rather than have a chief medical inspector who probably would have very little to do with the work of medical inspection.

Mr. BURLESON. On the contrary, I will say to the gentleman from Illinois, that he is to devote his entire time to this service, whereas the others only devote a part of their time to the service, and I am free to say that we followed the advice and suggestions made by the chief health officer.

Mr. MANN. That is the best reply the gentleman has given.

Mr. FOWLER. Mr. Chairman, I desire to ask the gentleman in charge of the bill why it is that this new position should be created when the bill provides that all of these medical inspectors shall perform their duties under the direction of the health officer, there being a health office department in this city?

Mr. BURLESON. It is utterly impossible for one health officer to inspect these schools. He must have assistants to aid him in the proper discharge of his duty.

Mr. FOWLER. You provide for 12.

Mr. BURLESON. We need more.

Mr. FOWLER. And you provide for a chief inspector.

Mr. BURLESON. We need a chief inspector for the reasons I have given, and I will read to the gentleman what the superintendent of schools had to say on this subject:

> Dr. DAVIDSON. Dr. Woodward, the health officer of the District, recommends that this item be recast, and that it shall provide for a chief medical inspector of the public schools at a salary of $1,800 a year. The medical inspection of the schools is under the guidance and direction of the health officer, who has from the very beginning felt that the work of inspection needed closer supervision than it is now receiving. He now desires to place the work under a chief medical inspector whose whole time shall be devoted to the supervision of the staff of medical inspectors and their work in the schools.

Now, if I were to talk a week I could not make more of an explanation than I have offered, and I ask the gentleman to permit us to vote on this proposition and proceed with the consideration of the bill.

Mr. FOWLER. Mr. Chairman, I have no disposition to delay the House one moment in the consideration of this bill. I realize the shortness of the session and the amount of work to be performed, and yet if this chief medical inspector is created here

it appears to me that he rather conflicts with the efficiency of the health department of this city.

It is a criticism of the health department. You have already had this medical inspection bureau of 12 members since 1904, and now you propose to create a head while these men have been acting under a head, to wit, the health department of the city.

Mr. BURLESON. But he can not give it that close supervision which he thinks it should have.

Mr. FOWLER. Then why not have the chief as the health officer and increase the force if it is inadequate?

Mr. BURLESON. Because the health officer thinks this office should be created, and in his recommendation he is supported by the unanimous action of the District Commissioners and the school board.

Mr. FOWLER. You are getting too many big men here at the expense of the little men. One health department appears to me to be sufficient if there is a sufficient amount of assistants under this department.

Mr. BURLESON. I will say to the gentleman from Illinois [Mr. FOWLER] that it is analogous to having a chief of police and inspectors of police under the chief of police.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FOWLER] has expired.

Mr. FOSTER. Mr. Chairman, I want to say one word before we vote on this provision for the appropriation of $7,800 for the medical inspection of the children in the schools of this District of Columbia. This is an important item, and is one that ought to have serious consideration. We know this, that children are liable to a great many contagious diseases, and then doctors are continually finding children among a lot of other children who are so afflicted, and it is important that there should be a head of this department so there may be a proper inspection of school children at the regular time, when their attention may be called to it by the teacher. And I think this is such an important proposition that it ought not to be stricken out of the bill.

Mr. FOWLER. Will the gentleman yield for a question?

Mr. FOSTER. Certainly.

Mr. FOWLER. This paragraph provides that these medical inspectors shall perform their duties under the direction of the health officer and according to the rules formulated by him from time to time. Does not that give a head?

Mr. FOSTER. Let me say this, that in here provision is made for one chief medical inspector, who is supposed to give his whole time to this work, at $1,800 per year. Now, I want to submit to my colleague that a salary of $1,800 a year, living in the city of Washington, for a competent physician who has had three years' practice here, is not an exorbitant one.

Mr. FOWLER. I am not complaining of the expense.

Mr. FOSTER. It is necessary that some one should be at the head of this work. Now, of course, we have the health department, and I want to submit to my colleague that the health department of the city of Washington is not an extravagant one. There is a good deal of work to be done so that the city shall have that proper attention which shall keep the city in a sanitary condition so that it shall be as healthy as possible.

Mr. FOWLER. Do you not think that if these medical examiners were under the health officer that the health officer constitutes a chief sufficient to give all proper instruction?

Mr. FOSTER. I think in the health department of the city that may be true, and yet I submit to my colleague that in the matter of thousands of little children, some of them coming from the kind of houses in which they live, this is an important matter. It is of such importance that I do not think it should be stricken from the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DYER. Mr. Chairman, I request recognition in order to ask the gentleman from Illinois [Mr. FOSTER] a question. He has given a good deal of time and attention to matters pertaining to the health of the people of this city during his service here. Under the present law is it not the duty of the health officer to look after the sanitation of the school buildings and see that they are kept in proper condition?

Mr. FOSTER. I think so. I think it very necessary we should have some head of the department to do that.

Mr. DYER. It is the duty of the health officer, is it not, to look after the sanitation now?

Mr. FOSTER. Yes; he is the head of all of it.

Mr. DYER. The gentleman is familiar with the health department here. Its work is limited. For instance, the health department does not give any attention practically to the public hospitals and institutions. Those are under the direction of what they call the Board of Charities.

Mr. FOSTER. Yes, sir.

Mr. DYER. And that the health commissioner has nothing else to do except to look after sanitation, practically?

Mr. FOSTER. I will state to the gentleman from Missouri [Mr. DYER] that if he gives that the attention it should have it will take his entire time, because no doubt the gentleman realizes, from his service on the Committee on the District of Columbia and visiting different parts of the city, that it is very necessary some one from the health department should visit these different places and try to keep the city in as sanitary a condition as possible.

Mr. DYER. I agree with the gentleman on that, Mr. Chairman. I further think that it is a bad precedent that has grown up here in the District of Columbia to have so many people unconnected, unresponsible to one another, looking after the health of the public. I believe that the responsibility should be centered, that it should be put into the hands of some one man, and that he should be held responsible for the sanitation and public health, including that of the schools. Inspectors should be furnished to assist him in this work, but some one should be held responsible to the public instead of dividing it up into half a dozen heads, with poor satisfaction in many instances.

Mr. FOSTER. This department is under the jurisdiction of the health officer.

Mr. DYER. And he is to be held primarily responsible?

Mr. FOSTER. Certainly——

Mr. BURLESON. By the very terms of this paragraph.

Mr. DYER. That is what I am in favor of, and I will say to the gentleman from Texas [Mr. BURLESON] that I think this whole health business in the District of Columbia should be put under one responsible head, instead of having a lot of men who have no responsibility looking after public institutions.

Mr. BURLESON. I will say to the gentleman that the health office of the District of Columbia is under one officer, the health officer.

Mr. DYER. I am speaking of hospitals and the poor.

Mr. BURLESON. I am inclined to agree with the gentleman about that.

Mr. JOHNSON of Kentucky. Mr. Chairman, I ask leave to withdraw the motion to strike out, and offer an amendment to the paragraph by striking out "Chief medical inspector of public schools, $1,800" and changing the amount from "$7,800" to "$6,000." In other words, the substance of my amendment is to do away with the creation of this new office.

The CHAIRMAN. The gentleman from Kentucky [Mr. JOHNSON] withdraws his pro forma amendment and offers an amendment which the Clerk will report.

The Clerk read as follows:

On page 48, lines 21 and 22, strike out the words "Chief medical inspector of public schools, $1,800" and change the amount in line 25 from "7,800" to "$6,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. DYER. Mr. Chairman, I ask for a division.

Mr. BURLESON. Mr. Chairman, I make the point of order that the gentleman did not rise soon enough. But I do not want to be captious, and I will withdraw the point of order.

The CHAIRMAN. The Chair thinks the gentleman from Texas is right. A division is asked for.

The committee divided; and there were—ayes 7, noes 15.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the purchase and repair of tools, machinery, material, and books, and apparatus to be used in connection with instruction in manual training, and for incidental expenses connected therewith, $25,000.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move to strike out the last word, for the purpose of getting some information.

The CHAIRMAN. The gentleman from Kentucky [Mr. JOHNSON] moves to strike out the last word.

Mr. JOHNSON of Kentucky. Is that the paragraph under which the school-book item comes, or is it under the next—line 10—or where does it come?

Mr. ROUSE. On line 14, page 50.

Mr. BURLESON. It comes in a subsequent paragraph.

Mr. JOHNSON of Kentucky. I withdraw the pro forma amendment, Mr. Chairman.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For textbooks and school supplies for use of pupils of the first eight grades, who at the time are not supplied with the same, to be distributed by the superintendent of public schools under regulations to be

made by the board of education of the District of Columbia, and for the necessary expenses of the purchase, distribution, and preservation of said textbooks and supplies, including one bookkeeper and custodian of textbooks and supplies, at $1,200, and one assistant, at $600, $65,000: *Provided*, That the board of education, in its discretion, is authorized to make exchanges of such books and other educational publications now on hand as may not be desirable for use.

Mr. JOHNSON of Kentucky. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Kentucky [Mr. JOHNSON] offers an amendment, which the Clerk will read.

The Clerk read as follows:

Add at the end of the paragraph just read, page 50, line 25, the following: *Provided further*, That no money appropriated by this act shall be expended for the purpose of furnishing textbooks or any school supplies to any pupil whose parent is able to purchase them; and every parent shall be deemed able to so purchase unless the contrary appear by the sworn statement of the parent and to the satisfaction of the superintendent of public schools for the District of Columbia."

Mr. BURLESON. Mr. Chairman, I reserve a point of order on the amendment.

Mr. JOHNSON of Kentucky. The point of order is not good. This is a limitation.

The CHAIRMAN. The point of order is reserved.

Mr. BURLESON. I will withdraw the point of order, Mr. Chairman, and let the committee pass upon the merits of the proposition.

Mr. JOHNSON of Kentucky. The point of order is not good, because the amendment clearly comes within the Holman rule. The question is simply this, Mr. Chairman, as to whether the people all over this country shall be taxed for the purpose of buying schoolbooks for the children of the very many rich people who reside in the District of Columbia. I am unquestionably of the opinion that people who live in the District of Columbia, and especially those who are very rich, should buy schoolbooks for their own children and not compel a tax to be imposed upon all the country for that purpose.

Mr. DYER. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. DYER. Does the gentleman know of any number of rich people in the city of Washington who send their children to the public schools?

Mr. JOHNSON of Kentucky. I do not know who send their children, and I do not know who do not send them.

Mr. DYER. I will ask the gentleman if it is not a fact that in practically all the large cities now textbooks are furnished to the children of the public schools free by the people.

Mr. JOHNSON of Kentucky. That may be true, but where that is done the local taxpayers pay for it, while here the local taxpayers pay half of it and the taxpayers in every quarter of this Nation pay the other half.

Mr. DYER. The gentleman will agree with me that the people of Washington pay whatever proportion is taxed up against them.

Mr. JOHNSON of Kentucky. Yes; and it is the proportion that I am objecting to. I do not see any reason why anybody should want to make it possible to have the poor people in the States taxed to buy books for their own children and then contribute to the purchase of schoolbooks here for the rich. We are all willing to be taxed everywhere to purchase schoolbooks for the poor children, but not for the children of the rich.

Mr. MURRAY. Will the gentleman from Kentucky allow me to interrupt him?

Mr. JOHNSON of Kentucky. Certainly.

Mr. MURRAY. I should like to inquire of the gentleman what the practice is in his home section in regard to the furnishing of textbooks for children in the schools?

Mr. JOHNSON of Kentucky. In the State of Kentucky the parent of every child who is able to furnish textbooks for his children must do so, and those who are not able to purchase them go to the county court judge and get them free of charge.

Mr. MURRAY. I should like to inquire of the gentleman, further, how that works out in practice?

Mr. JOHNSON of Kentucky. It works admirably.

Mr. MURRAY. Will the gentleman inform the committee whether or not any considerable number of children in the public schools of his State are furnished textbooks free?

Mr. JOHNSON of Kentucky. Oh, yes; a very large number of them. Practically every negro in the State gets his schoolbooks free. Many of the white people and nearly all the negroes have their textbooks furnished free.

Mr. MURRAY. Has there been any agitation at any time of a proposition to have all the school children furnished with books at public expense?

Mr. JOHNSON of Kentucky. Yes; and the legislature refused to pass such a bill.

Mr. MURRAY. Recently?

Mr. JOHNSON of Kentucky. Yes; only a few years ago. But I wish to call the attention of the gentleman from Massachusetts to this fact, that in his immediate locality and in mine a local tax is imposed to pay for the purchasing of schoolbooks for the children of that locality, while under this provision there is a tax levied upon the gentleman's locality and mine to pay for textbooks for children here in Washington.

Mr. MURRAY. Yes; but the objection the gentleman makes is a fundamental one against the system in vogue here. The gentleman is chairman of the Committee on the District of Columbia, and he might well, and I think in the course of time he will, work out some plan by which we may escape from all that sort of thing; but it does seem to me to be rather unwise to single out a particular object of taxation like this for reduction, while we permit the existing system to remain with respect to other things.

Mr. JOHNSON of Kentucky. I have not found one so easily selected as this. Neither have I found any other which is so horribly discriminative as this.

Mr. MURRAY. I understand, from a hasty reading of the gentleman's amendment, that those children who bring certificates that their parents can not furnish them, and are not financially able to furnish them, with books are to be given books for their children free.

Mr. JOHNSON of Kentucky. Oh, yes.

Mr. MURRAY. Is not that likely to make a discrimination among the different pupils in schools which will be rather unfortunate?

Mr. JOHNSON of Kentucky. Oh, no; they do not have to go to the schoolroom to do it. All that is necessary is for the parent to go to the school board and there make a satisfactory showing that he is not able to buy the books. He will then get them free.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. MURRAY. I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts [Mr. MURRAY] is recognized for five minutes.

Mr. MURRAY. Mr. Chairman, it is seldom that I differ with the gentleman from Kentucky [Mr. JOHNSON], and I do not like to do so in this instance. It is because of that dislike that I have asked him these questions, in order to get clearly in my mind the proposition contained in his amendment. I have never known the time since my earliest school age in Massachusetts when there was such a discrimination among the pupils in the schools as this amendment would make.

Some years ago there was an agitation in my State on this subject, and the time came in the Commonwealth of Massachusetts when by law the textbooks in the public schools were furnished free. It was first proposed that those parents who were able to furnish their children with textbooks should be required to do so; but the fatal objection was made that that made a discrimination among the children and singled out perhaps one child in a schoolroom who was known as having parents who were financially unable to furnish textbooks, while perhaps sitting alongside of that child was another child who felt superior to him because his parents were financially able to purchase books.

Mr. FERRIS. Will the gentleman yield for a question?

Mr. MURRAY. Yes.

Mr. FERRIS. I wonder if the gentleman has had time to make an analysis of the States that have laws providing for the furnishing of free textbooks and those that have not?

Mr. MURRAY. No, Mr. Chairman; I have not, because this amendment came up so suddenly that there was not time for me to obtain the information.

Mr. FARR. I can give the gentleman some information on that.

Mr. MURRAY. I have no information about that. I would that all States in the Union would take the stand that my own Commonwealth of Massachusetts has taken, because I am very sure that the plan we are now working under is working well. It is only recently that one man in a campaign was very severely criticized because he seemed to advocate a return to the old days of discrimination among the children.

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

Mr. MURRAY. I will yield.

Mr. FOWLER. I desire to ask the gentleman if in his State where textbooks are furnished you have any trouble with reference to the children taking the textbooks home to use for the purpose of preparing their lessons for the next day?

Mr. MURRAY. That is what they are given them for.

Mr. FOWLER. Is it not a fact that the control of the textbooks is left entirely with the teacher, and that it is wholly discretionary with the teacher?

Mr. MURRAY. Absolutely.

Mr. FOWLER. Is it not that way in this city now?

Mr. MURRAY. I am not sufficiently familiar with the practice in this city to answer the gentleman.

Mr. FOWLER. And do not the children have to go to the teacher and ask the teacher in order to get permission to take the book home to study?

Mr. MURRAY. That was the practice in my school days.

Mr. FOWLER. Does the gentleman think that system is a wise one?

Mr. MURRAY. It was wise enough in my day, because we could always get permission to take the books.

Mr. FOWLER. Does not the gentleman think that the children ought to have free use of the textbooks to take them home whenever they choose?

Mr. MURRAY. Yes.

Mr. FOWLER. Does not the gentleman think that furnishing the public textbooks without the free use is a detriment instead of a working benefit?

Mr. MURRAY. In practice that is not the result of it at all. It was always perfectly easy for me to take home my schoolbooks when I had an ambitious inclination to do it. There was no difficulty about it whatever. If the gentleman believes the passage of this amendment would be to encourage education and make it possible to take home textbooks where it is not possible now, he certainly is laboring under a misapprehension.

Mr. FOWLER. I had an experience in this city, and I find on examination of children to be promoted to the higher grades this month only a very small percentage of them passed the examination.

Mr. MURRAY. That is most regrettable.

Mr. TALCOTT of New York. Will the gentleman yield?

Mr. MURRAY. I yield to the gentleman from New York.

Mr. TALCOTT of New York. Is it not a fact that free textbooks necessarily follow a compulsory system of education?

Mr. MURRAY. Certainly; they go hand in hand.

Mr. FERRIS. Will the gentleman yield?

Mr. MURRAY. Certainly.

Mr. FERRIS. I want to ask the gentleman, if it develops that only 12 States out of 48, one-quarter in the aggregate, has free textbooks, does not the gentleman think it is time enough to have free textbooks when a majority of the States adopt it?

Mr. MURRAY. Oh, no; I would not wait for that.

Mr. COX. Will the gentleman from Massachusetts yield?

Mr. MURRAY. Certainly.

Mr. COX. The question of free textbooks was a vital issue in my State during the last campaign, and the gentleman is discussing an interesting subject to me. I would like to ask him if he has any data as to how much it costs the State of Massachusetts to furnish free textbooks?

Mr. MURRAY. I have not the details as to the cost. It can be obtained from the annual reports of the various school boards of the cities and towns. I think I ought to say that some gentlemen seem to think there is going to be a financial loss to the cities and towns by reason of furnishing free textbooks. At the beginning of the school year every pupil is given him to take home a blank in the nature of a receipt for the books issued, and the parents of the children sign that receipt. If at the end of the school, or at any time during the term, the child may have lost or destroyed the books charged to him, the parent is compelled to pay for them before new books can be issued or before the child can continue with his classes. That is a reasonable regulation and nobody objects to it.

Mr. FARR. Mr. Chairman, I hope this amendment will not prevail. It will be a decided step backward educationally and a humiliation to the people who are making a struggle to educate their children. Speaking from the standpoint of economy, I am certain that the District saves 20 per cent in the cost of books, without considering the additional life given to the textbook and the increased efficiency of the school work.

I have an amendment on my desk in favor of free textbooks to high-school pupils. I think they ought to be given to every high-school student. That is where the parents are having the hardest struggle to educate the children, and books ought to be free. We have had free textbooks in Pennsylvania since 1893. In one city, Pittsburgh, as the result of the law, in one year 3,000 children went into the public schools. The tendency was to increase the children in attendance in all grades, and in many cases the number attending high schools was doubled. Even in Massachusetts, where they have had compulsory education since the seventeenth century, one of the significant things following the adoption of free textbooks was an increase of 10 per cent in the attendance on high schools.

There is a benefit in many ways in free books. The knowledge of the benefits that follow free books is spreading all over the country, and in the course of a few years there will hardly be a State in the Union that will not furnish them free of charge to the pupils. It is more economical. They last longer. The efficiency in the schoolroom is greater. I recall an instance where there were 79 children out of 300 in attendance at a school who either did not have any books or not enough books. Think of the feelings of a child without a book sitting beside those having books and the inefficiency of the school work that must follow a condition like that.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. FARR. Certainly.

Mr. WILLIS. I want to ask whether the gentleman has considered this fact, that if this amendment carries it puts the badge of dishonor on free books and makes it humiliating to the child who uses them.

Mr. FARR. Yes; decidedly. One child, because it is poor, getting its books free and the other having them bought by its parents, the child on that condition getting the free books is humiliated and its individuality weakened.

Mr. JOHNSON of Kentucky. Mr. Chairman, I would like to ask the gentleman how one child is to know how the other gets its books.

Mr. FARR. Oh, the gentleman can trust the child for that. It will know.

Mr. JOHNSON of Kentucky. If there is anything in the gentleman's argument that there is humiliation carried with it, the child is not going to tell. Under my amendment all the parent has to do is to go before the school board and show his inability to buy, and then the school board turns over the books.

Mr. FARR. Why should a parent be compelled to go before the school board and show that he is unable to purchase school books?

Mr. FERRIS. Mr. Chairman, if a man is in the poorhouse, that humiliates him, and so on all along the line. Carried to its last analysis, if a man is poor, that humiliates him, and where is this socialism going to stop?

Mr. FARR. We do not want to subject the children who are not able to buy books to that humiliation. It is hurtful to the child.

Mr. JOHNSON of Kentucky. The same reason would apply to the purchase of a suit of clothes.

Mr. FARR. I want to say that if the gentleman lived in a State where free books are furnished he would not offer an amendment of this kind. We had a provision in Pennsylvania whereby books could be furnished to indigent persons, but it was not practical. We enacted a law that in one day provided free school books and school supplies to a million children, with the result that there was a large increase in the attendance in the lower grades and the nearly doubling of the attendance in the high-school grades in various parts of the State.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. HOBSON. Mr. Chairman, I move to strike out the last word. The gentleman from Pennsylvania [Mr. FARR] is correct in his position that the line of development now is toward free textbooks, a necessary concomitant of compulsory education, beginning with the elementary grades and advancing toward the higher studies. An investigation of the educational conditions of this country would show a most startling situation with regard to the education of about 94 per cent of the American children. About 6 per cent get an education. Ninety-four per cent do not get an education. That is a broad statement, but it is essentially correct. The little instruction they do get is largely lacking in the elements that bear upon the great facts and laws of life—writing, arithmetic, spelling, and grammar—this is all. The average American child leaves school to-day before the age of 12. One of the important reasons why they leave is the question of supplying textbooks. In addition, the line of progress is for free textbooks in order that the State and the community may more carefully determine the nature of the instruction. The time has come when education in this country should include instruction along vocational and vital lines, and that can come best with—I do not say only with—the practice of providing free textbooks. For my part I propose to vote against this amendment for these fundamental reasons.

Mr. BURLESON. Mr. Chairman, just a word with reference to the amendment offered by the gentleman from Kentucky [Mr. JOHNSON]. For many years before we made provision in

the District appropriation bill for free textbooks the State of Maryland had provided for free textbooks throughout all the elementary grades and the high schools. An agitation was started in the District of Columbia for free textbooks. A paragraph was embodied in this bill furnishing them for the grades. After a child passes from the grades to the high school the parent is required to purchase all the textbooks. That was before the law compelling compulsory education. After that law was passed the policy of furnishing free textbooks for the grade schools was continued just as it is carried in this bill. I can not for my life see how we are going to enforce the compulsory education law unless we furnish the children in the grades with free textbooks. [Applause.] Furthermore, gentlemen, the gentleman from Pennsylvania [Mr. FARR] and the gentleman from Ohio [Mr. WILLIS] struck the crux of this issue when they stated that if we adopted the amendment offered by the gentleman from Kentucky [Mr. JOHNSON] it would stigmatize the children of the poor. We all know that if this amendment is adopted that many, many children will avoid the schools because they do not want to be put in the attitude of asking for free textbooks when other children attending the schools are furnished textbooks by their parents. Personally I think we ought to furnish textbooks for the high schools, because I feel, as has been stated by the gentleman from Pennsylvania, there is a considerable percentage of the children who finish the grades and are unable to continue their education because they can not procure the necessary textbooks to enable them to attend the high schools.

Mr. J. M. C. SMITH rose.

The CHAIRMAN. Does the gentleman from Texas yield?

Mr. BURLESON. Not now—but that would be a matter of legislation which we have not attempted upon this bill, and I shall make the point of order against the amendment when it is offered by the gentleman from Pennsylvania because it is not authorized by law; but I do sincerely hope that the amendment offered by the gentleman from Kentucky will be voted down.

Mr. J. M. C. SMITH. I would like to make an inquiry of the gentleman.

Mr. BURLESON. Just for a question, because I want to get on with the bill.

Mr. J. M. C. SMITH. Will the gentleman please inform us what the average daily attendance of the schools is in the District of Columbia?

Mr. BURLESON. It is about 53,000.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky.

The question was taken, and the amendment was rejected.

Mr. FARR. Mr. Chairman, I move to strike out on line 14 and the beginning of line 15, page 50, the words "of the first eight grades."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 50, lines 14 and 15, strike out the words "of the first eight grades."

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order on the amendment on two grounds—that it is not authorized by law, and next that it increases the appropriation.

Mr. FARR. Will the gentleman reserve his point of order for a moment?

Mr. JOHNSON of Kentucky. I will reserve the point of order.

Mr. FARR. Mr. Chairman, I want to supplement my former remarks with the statement that, after all, the stock in trade of the poor boy is education. If we do not provide free books for him in these high schools, we are preventing hundreds of the young men and young women in Washington from getting a high-school education. Dr. Schaeffer, State superintendent of education of Pennsylvania, makes the assertion that the boy who does not get a high-school education is prevented from working in 40 different avocations. Now, I want to ask this intelligent Congress if we want to stand in the way of the American boy earning a livelihood in one of the 40 different avocations from which he would be precluded if he does not get a high-school education such as Washington so splendidly offers him?

Mr. HOBSON. Will the gentleman reserve his point of order for a moment?

Mr. JOHNSON of Kentucky. I will.

Mr. HOBSON. Mr. Chairman, I do not desire to keep the House long on this question, but I want to emphasize what the gentleman from Pennsylvania [Mr. FARR] has said. A careful investigation has shown that if a boy stops school at the age of 14, at the age of 25 his average wage will be $2. If he stops at the age of 16, two years longer, at the age of 25 his average wage is $4; it has been doubled. Furthermore, a more extensive investigation shows that of the 10,000 leaders in America 7,700 are recruited out of 2½ per cent of our people who get a college education. It shows this, that if a boy goes to college the chance is 1 in 40 that he will become one of the 10,000 leaders. If he only goes through the high school, the chance is 1 in 400. It is reduced tenfold, and if he only goes to the common school it is reduced twentyfold more. There is only 1 chance in 8,000, and the difference between the common school and the high school makes a twentyfold difference in the earning capacity of the citizen in the end. I would now like to discuss the point of order. In the public schools of Washington it is now the law that textbooks can be furnished free.

In the true spirit of the law why should you say one grade higher or one grade lower should not have the books? I believe the principle should be settled in this ruling that Congress can give free textbooks to the public schools of Washington City irrespective of grades, and I wish to advance this for not sustaining the point of order.

Mr. FARR. May I suggest there will not be necessarily an increase in the amount appropriated, should my amendment be adopted, on account of the fact that there will be a 20 per cent reduction in the cost of the books furnished those pupils promoted to the high schools, and the boys and girls now in the high schools will have books.

Mr. HOBSON. Irrespective of that fact, the law providing for free textbooks is not the law that, broadly interpreted, you can have for certain grades and not for other grades. The interpretation of existing law should go below the specification of grades, and I do not believe should be subject to a point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RUBEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 17256) to fix the status of officers of the Army and Navy detailed for aviation duty, and to increase the efficiency of the aviation service.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For utensils, material, and labor, for establishment and maintenance of school gardens, $1,200.

Mr. WILLIS. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of line 7, page 51, strike out "$1,200" and insert "$1,500," so that the paragraph will read:
"For utensils, material, and labor, for establishment and maintenance of school gardens, $1,500."

Mr. BURLESON. Mr. Chairman, I reserve a point of order on that.

Mr. WILLIS. I am willing to have the point of order disposed of. It is not subject to a point of order. I want to discuss the amendment on its merits. I will ask for a ruling by the Chair. This expenditure is authorized by existing law, and is not subject to a point of order.

The CHAIRMAN. Does the gentleman from Texas [Mr. BURLESON] make the point of order?

Mr. BURLESON. I doubt whether the point of order is good. I have made it in order that the gentleman might have an opportunity to discuss it.

The CHAIRMAN. The gentleman from Texas [Mr. BURLESON] withdraws the point of order. The gentleman from Ohio [Mr. WILLIS] is recognized.

Mr. WILLIS. This amendment provides that instead of appropriating $1,200 for the school gardens we shall appropriate $1,500 for that purpose. It may be recalled that there was a good deal of discussion of this item a year ago; $1,200 was provided for it in 1911. Last year it was cut down to $1,000. Some of us tried to increase the amount to $1,200, but failed. This year the superintendent of schools asked for $1,500; the committee allowed $1,200, the amount we tried to get last year, and I am proposing by this amendment to give simply what the

superintendent asks. I refer to the hearings, page 120, where the chairman of the committee is questioning Supt. Davidson:

Mr. BURLESON. You ask for an increase of $500 for the maintenance of school gardens.

Dr. DAVIDSON. The money required, Mr. Chairman, is for soil and manure for more than 100 school yards; for bulbs and seeds for the flower gardens on the school premises, and for the care and maintenance of the school gardens proper.

Mr. TAYLOR. Do you buy the seed?

Dr. DAVIDSON. Yes, sir.

Mr. BLAIR. The boys themselves do the work on these gardens, but the people who have the necessary technical skill direct them.

In other words, the superintendent asks for $1,500 for the school garden work. Now, I want to congratulate the committee on their liberalty to some extent. The appropriation, as stated, for the current year is $1,000. They are proposing to raise it to $1,200, $200 over what it was the year before. But I think that amount is not sufficient to properly carry on the work. What has been the result of the decreased appropriation? As a matter of fact, of these school gardens, where the boys and girls in the city of Washington are getting into "God's great out of doors" and raising vegetables and flowers and putting in their time, as they ought to, it has been necessary for the authorities to close two in the past year. Now, it seems to me, Mr. Chairman, at a time when this country is aflame with the idea of teaching agriculture in the schools, it is not desirable or wise to be rather niggardly in this appropriation.

I am frank to say, as I said before, that the committee has given something of an increase, but I believe not enough to properly carry on the work.

There is another effect of the reduction. Not only have two of the gardens absolutely been closed, but it has been found impossible to secure a proper amount of material and fertilizers so as to carry on this work as it ought to be carried on. I call attention to the fact that this appropriation has to be divided between about 109 or 110 schools, and in some of those schools, where the scholars are too small to do the heavy work, it is necessary to employ labor; and if it is necessary to have the work done as it ought to be done, it is necessary to employ some kind of instruction. Some of the teachers have been working through the summer helping the boys and girls without pay or with only nominal pay. Such work can not be carried on in a haphazard way and get the best results. I want to say that in all the schools where the scholars are big enough to do the work they do it. In some schools where the children are too small to do the work of spading the ground and other like work, it is necessary to employ common labor; but aside from that, the boys and girls of the city of Washington are doing the actual work. They are raising vegetables and flowers, and the inquiry has been made as to what is done with this product. In the first place the important thing is not the vegetables or the flowers, but the important thing is the boy or the girl and the training they get in this work. Incidentally, I may say that these vegetables and flowers are taken into the schoolroom and used as a means of nature study in absolutely the best possible way in which that important subject can be brought to the attention of the pupils.

I invite attention to another fact—that a large portion of this appropriation was expended in what you might call individual work; that is to say, individual plats of ground were assigned to a boy, and that boy was made to understand that that plat of ground was his and that the product of that ground would be his. There is the idea of ownership, which is one of the best things to develop in citizenship, I think.

Those boys cultivated those plats of ground. There was a healthy spirit of rivalry among them to see which boy should raise the biggest and best crop of vegetables or the finest flowers, and those products were carried to the teachers or the parents. I submit, Mr. Chairman, that there is not anything finer or more beneficial than that, and I think we ought to join in the spirit that is abroad in the land and increase this appropriation in the name of the 50,000 school children of Washington.

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment.

Mr. BURLESON. Mr. Chairman, your committee in dealing with this particular paragraph gave it careful consideration, and were very liberal with the school gardens. This item was intended to supply the means of conducting these gardens not by hired employees but by the school children themselves. We believe it would not be good policy to provide a fund out of which the labor should be provided for these school gardens. We thought that the children should perform such light labor for themselves as the cultivation of a garden required. We believed that it would make them self-reliant. We believed that it would not only make for the health of the pupils, but it would make for their self-respect if we allowed them to provide a little something for themselves, and have furnished in this item as much money as has ever been provided for this purpose.

By the same process of reasoning as the gentleman from Ohio [Mr. WILLIS] has brought forward here, we might increase this item to $5,000. If $1,200 is good, $1,500 would be better, and $5,000 would be still better. I think we have been liberal, and I ask that the committee vote down the amendment in order that we may proceed with the consideration of the bill.

Mr. WILLIS. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. BURLESON. I yield.

Mr. WILLIS. Has the gentleman noticed the statement of the director of school garden work, in which it is made clear that none of this money is expended for labor except in three schools in which the children are too small to perform the actual manual labor of spading the ground? After that is done the children themselves do the work.

Mr. BURLESON. Yes; we gave that matter consideration.

Mr. WILLIS. So that the work is actually done by the boys and girls big enough to do the work.

Mr. BURLESON. We did give consideration to that subject. The people in charge of this work are enthusiastic, as they should be. We are glad to know that they are deeply interested in it; yet no matter how much we allow, they will always feel that we should allow just a little more. I think the appropriation is adequate. It is as much as has ever been appropriated, and I ask the committee to vote down the amendment.

Mr. HOBSON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Alabama [Mr. HOBSON] moves to strike out the last word.

Mr. HOBSON. I do that simply to point out the wisdom of having the educational part of this bill, which I believe the committee realizes, increase with the increased attendance on the public schools.

When you apportion the $1,200 among 110 schools it makes about $10 or $11 to a school. Now, very clearly, that does not entail any element of extravagance, and the $1,500 would be only about $14 to a school. The money is not being used for labor, as has been pointed out by the gentleman who offered the amendment, and it would be in line with proper attention to the increase of school attendance and the extension of life study. It is in line with the latest development in educational work; that is, by the object-lesson method, the tangible contact with nature by the children who are learning these subjects.

Mr. WILLIS. Mr. Chairman, will the gentleman permit me to suggest to him, in answer to the remark made by the gentleman from Texas [Mr. BURLESON], that no portion of this money is used in the purchase of seeds or bulbs? The seeds and bulbs and shrubbery are purchased by the teachers and pupils themselves out of their own money, and this is for the purchase of material aside from that.

Mr. HOBSON. Yes. I notice that the Department of Agriculture is going to lend a hand more and more to the development of school gardens in all the schools of the country, particularly in the agricultural and rural districts, and that is a wise line of development. A small, reasonable increase of $300 out of a $1,200 fund, which is only one in four for this particular purpose, certainly looks reasonable to me, and in the line of proper development.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. WILLIS].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. HOBSON. A division, Mr. Chairman.

The committee divided; and there were—ayes 12, noes 17.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. WILLIS. Under the permission just granted I desire to add a statement from the report made last year by the teacher who acted as director of the school-garden work.

The statement is as follows:

I hereby submit to you an itemized statement of the expenditures under the school-garden appropriation for the fiscal year ending June 30, 1911. The appropriation reads:

"For utensils, materials, labor, and for establishment and maintenance of school gardens, $1,200."

Of this $800 has been apportioned to the white schools, $400 to the colored schools. You will note the expenditure for tools was small—$50.97—the larger part due to the opening of a new garden at Deanwood. Old tools are repaired every year at no expense to the District of Columbia. No unnecessary tools are on hand.

Under the head of materials, nothing but bone meal, manure, and soil has been bought, and the fencing for the Deanwood School. The soil and fertilizer, costing $549.93, have been distributed to 109 school buildings for lawns and shrubbery as well as the cultivated gardens. All the labor has been performed by children, except at three schools where the children were too small. At the Franklin there is no grade higher than the third, so a man was necessarily employed. Approximately 43,560 children, or all the children in the elementary schools, receive benefit from this expenditure of $549.93; for, after the yards have been properly fertilized, the gardens are planted and cultivated by the children and the flowers and vegetables raised are used for nature study in the schoolrooms.

No portion of the appropriation is used for the purchase of seeds, bulbs, or shrubbery. They are purchased by teachers and children.

We have used the remaining money—$550.79—in maintaining five gardens, four white and one colored, for sixth-grade boys, where each boy has his own garden plot and is taught elementary agriculture. The number of boys has fluctuated from 300 to 500 according to the land available. It was the wisdom of the committee wording this appropriation that no teacher was necessary for this number of boys or the subject. To obviate such conditions the Board of Education appointed the undersigned, in addition to her regular work as a training teacher in Normal School No. 1, supervisor of gardens of the District of Columbia at an annual salary of $1, such salary to be paid from the $1,200 appropriated. This salary has never been drawn.

The work with the boys' classes is started in February in the schoolroom by the regular teachers guided by the supervisor. Outdoor classes begin in April and last until October. During school months the undersigned and her assistant conduct the classes as stated before in addition to their regular work. During July and August there must be guidance. For four summers the undersigned devoted her entire vacation to directing the boys, without remuneration. Later, several young teachers in the white schools expressed their willingness to enroll as laborers at 25 cents per hour. Their average pay has been $4 per week. It has been somewhat more expensive in the colored schools as no one could be procured at such low rates. These persons have been called upon to perform every kind of laboring work connected with the garden except plowing, and at the same time have been teachers of elementary agriculture at less pay than street laborers, with such success that the attendance in some of these gardens has been between 90 and 98 per cent during the hottest days of August.

The appropriation proposed for 1913 is reduced $200, because the expenditure for labor is considered excessive. In other cities there are laborers employed by the year for school gardens, the city of Cleveland employing a number, the pay of these laborers being from $50 to $60 per month.

Our labor has been an intelligent one—by the day or hour, as needed. Anything less than the amount we have had will necessitate the closing of the community gardens until a corps of teachers is provided.

Respectfully submitted.

SUSAN B. SIPE,
Training Teacher in Normal School.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and the Speaker having resumed the chair, sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and resolutions of the following titles:

On January 23, 1913:

H. R. 14925. An act to amend "An act to parole United States prisoners, and for other purposes," approved June 25, 1910.

On January 24, 1913:

H. J. Res. 239. Joint resolution authorizing the Secretary of War to deliver a condemned cannon to the Army and Navy Union, United States of America;

H. R. 3769. An act for the relief of Theodore N. Gates;

H. R. 23001. An act to amend section 4472 of the Revised Statutes of the United States, relating to the carrying of dangerous articles on passenger steamers; and

H. R. 24137. An act to refund to the National Cartage & Warehouse Co., of New York City, N. Y., excess duty.

On January 27, 1913:

H. R. 25515. An act for the relief of Joshua H. Hutchinson;

H. J. Res. 369. Joint resolution authorizing the Secretary of the Treasury to give certain old Government documents to the Old Newbury Historical Society, of Newburyport, Mass.;

H. R. 25764. An act to subject lands of former Fort Niobrara Military Reservation and other lands to homestead entry; and

H. R. 25878. An act granting certain lands for a cemetery to the Fort Bidwell People's Church Association, of the town of Fort Bidwell, State of California, and for other purposes.

On January 28, 1913:

H. R. 45. An act affecting the town sites of Timber Lake and Dupree, in South Dakota;

H. R. 22437. An act for the relief of the heirs of Anna M. Toreson, deceased; and

H. R. 27062. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

On January 29, 1913:

H. R. 22010. An act to amend the license law, approved July 1, 1902, with respect to licenses of drivers of passenger vehicles for hire.

On February 3, 1913:

H. J. Res. 380. Joint resolution authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President elect on March 4, 1913, etc.

On February 4, 1913:

H. R. 8768. An act to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia; and

H. R. 18841. An act incorporating the National Institute of Arts and Letters.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For the purchase of a motor car for the superintendent of schools at a cost not exceeding $1,000, and for the purchase of a motor delivery vehicle, at a cost not exceeding $2,000, the maintenance of the said motor vehicle, including the hire of drivers of both vehicles, not exceeding $600 per annum each, $4,200.

Mr. COX. Mr. Chairman, I make a point of order against that paragraph.

Mr. BURLESON. Will the gentleman reserve the point of order?

Mr. COX. I will, if the gentleman from Texas wishes to make a statement, but I will make the point of order later on.

Mr. BURLESON. I think it is not subject to the point of order, and will discuss that question if the Chair desires it, but I want first to give the reason as to why we put this item in the bill.

The superintendent of schools of the District of Columbia came here from a city that was paying him a larger salary than he receives under the provisions of this bill. He has nearly 200 schools under his care, and if he is to discharge properly the important duties imposed upon him it is absolutely necessary that he visit these schools at least once a year, and frequently it is necessary that he visit a particular school more than once during the year.

Mr. COX. What means of transportation has he?

Mr. BURLESON. Last year the superintendent of schools—notwithstanding the fact that he received a salary of only $5,000 from the District of Columbia while the Nebraska city from which he came offered him $6,000—was compelled to pay $500 out of his own pocket for means of transportation to visit these schools. We thought that it was only an act of justice to him that he be furnished with the means of transportation, in order to enable him to make these visits. I contend that this item is not subject to a point of order, because it simply furnishes to an officer authorized by law the means for properly discharging the duties imposed upon him.

With reference to the other items embodied in this bill, we authorize the purchase and maintenance of a motor vehicle. Last year there was paid from the contingent fund of the District of Columbia the sum of $3,147 for a transportation charge that must be met, transportation that is absolutely necessary in order that these schools may be properly conducted and supplied. We reached the conclusion that it was in the interest of economy to provide a motor vehicle at $2,000 and a maintenance charge of $600, thereby saving this annual cost of $3,147.13. This is not just one isolated year, taken for the purpose of illustration. We went back through a series of years, and the average cost for transportation which must be met is in excess of $3,000 each year; and your committee, believing that it would save money for the Government and the District to provide this motor vehicle, embodied this item in this paragraph.

Mr. COX. What does the gentleman mean by saying that the cost of transportation aggregates $3,000 a year? What is that transportation for?

Mr. BURLESON. I will read the gentleman the item. It is fully set forth in the hearings.

Mr. COX. I have not had time to read the hearings on this subject.

Mr. BURLESON. In 1908 the contract for hauling was $2,255.89; special hauling, $6.37.

In 1909 the contract for hauling was $2,645.52, and special hauling of furniture from the various schools to the property yard and storage, absolutely necessary to carry on the schools, was $2,762. We maintain a storage department, and when a new school is opened, or when desks or other school furniture are required, they must be sent, and this hauling is absolutely essential.

In 1911 the contract for hauling was $3,312. In 1912 the contract for hauling was $3,144.13.

Mr. COX. Is this for the hauling of school supplies?

Mr. BURLESON. School supplies and school utensils, and all those things that are necessary for the proper conduct of the schools.

Mr. COX. Then the contemplated purchase of this motor vehicle is for the purpose of buying an auto to haul those supplies?

Mr. BURLESON. A motor truck to haul school supplies.

Mr. COX. The hearings have been handed me, and the gentleman has read some of them into the record. In 1908 there was a contract for hauling. Was that let out in one contract or is that the sum total of contracts making that amount?

Mr. BURLESON. I think it is not all carried under one contract. I think there are a number of contracts aggregating that amount.

Mr. COX. To one contractor?

Mr. BURLESON. I am not sure of that, but I know the expense entailed on the District during the years I have incorporated here is as I have read it. I know it is in the interest of economy that this item be continued in the bill.

Mr. COX. It looks as if the gentleman had made out a strong case for the motor delivery vehicle, but how about the cost of the motor car for the superintendent? Does the gentleman think that is a meritorious item?

Mr. BURLESON. I will state that the estimate for this motor car was $1,500. Your committee, with a view of economizing wherever economy could be practiced, made an inquiry, and we reached the conclusion that a suitable vehicle could be secured for $1,000. We also reached the conclusion that $600 was as little as we could possibly hope to provide a driver and the fuel for the vehicle.

Mr. COX. Does the gentleman think he can get two drivers for these cars for $600?

Mr. BURLESON. Six hundred dollars each.

Mr. COX. Does the gentleman think that for the sum total appropriated here, $4,200, he can purchase both cars and hire the drivers and pay for the cost of maintenance?

Mr. BURLESON. We thought so, but to be candid with the gentleman the matter was discussed in the subcommittee and there was some little apprehension expressed that perhaps $600 was not enough to pay for a driver and for the fuel for the automobile that is to be furnished for the school superintendent. A suggestion was also made that the superintendent might learn to run his own car.

Mr. COX. That is a good suggestion.

Mr. BURLESON. I assure the gentleman from Indiana that every effort has been made to economize, and we put the item in the bill because we believed it was economical and only just and fair to the superintendent.

Mr. COX. Is this the first time that the gentleman's committee has ever embarked on the scheme of providing transportation for the superintendent of schools?

Mr. BURLESON. No; in years gone by we furnished a horse and buggy, and for that service, I think, we allowed $320. The horse and buggy afforded slow means of transportation, and the superintendent was unable to make the character of examination of schools which he thought they required, so he abandoned the horse and buggy and utilized a motor vehicle last year, for which, as I say, he paid $500.

Mr. MANN. Will the gentleman yield?

Mr. BURLESON. Certainly.

Mr. MANN. We now provide, as I understand, a garage for the automobile owned by the superintendent?

Mr. BURLESON. I think the garage has not been provided.

Mr. MANN. I do not know that it has been actually provided, but it is authorized in the current appropriation law.

Mr. BURLESON. I think it is authorized, but I think it has not been provided. I think the quarters have not been secured, but there was an authorization.

Mr. MANN. Provided for in the last appropriation bill.

Mr. BURLESON. I think it has not been secured as yet, but there is an authorization for it in last year's bill.

Mr. MANN. I understood the gentleman to say just now that this item is intended to pay for the gasoline, and so forth, for the superintendent's car and for the motor vehicle. That is not the way the item reads.

Mr. BURLESON. We think the word "maintenance" covers gasoline.

Mr. MANN. Yes; but the word "maintenance" does not apply to the superintendent's motor car. The language is quite explicit.

Mr. BURLESON. I will state that this is the language of the estimate, and we thought it would cover the charge for gasoline.

Mr. MANN. But it does not. The language in the bill provides for the purchase of a motor car and the purchase of a motor vehicle and for the maintenance of the motor vehicle. I take it that where you authorize in one paragraph the purchase of a car and a vehicle and provide for the maintenance of the vehicle that that does not include the maintenance of the car.

Mr. BURLESON. I am free to say that I am not familiar with the language ordinarily used in connection with automobiles.

Mr. MANN. If it is intended to provide for the maintenance of the car it ought to say so, because plainly it does not say so now.

Mr. BURLESON. I suggest to the gentleman from Illinois that the matter can be remedied easily by adding the letter "s" to vehicle, making it plural.

Mr. MANN. Yes.

Mr. BURLESON. If the gentleman will offer an amendment——

Mr. MANN. I do not care to offer the amendment.

Mr. BURLESON. After the point of order is disposed of I will offer it.

Mr. COX. Mr. Chairman, I desire to ask the gentleman one more question. Is this the first time that we have ever purchased a motor car for the superintendent of public schools?

Mr. BURLESON. Yes; it is the first attempt to provide him with a motor car. I will state to the gentleman that in last year's bill provision was made for an allowance to the superintendents of schools of $300 each for the hire of the horse from a livery stable and of an automobile from a garage.

Mr. COX. That is in last year's bill?

Mr. BURLESON. Yes.

Mr. MANN. It is in the current law?

Mr. BURLESON. Yes.

Mr. COX. Mr. Chairman, at first blush, this looked to me like a useless expenditure of the people's money, but after hearing the explanation of the gentleman from Texas I think he has made a very strong case. I do not desire to cripple the public-school service of the city of Washington, and I withdraw the point of order.

Mr. BURLESON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 51, line 11, strike out the word "vehicle," after the word "motor," and insert the word "vehicles."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

For the purchase of fixtures, apparatus, specimens, and materials for the laboratories of the departments of chemistry and biology in the Central, Eastern, Western, Business, and M Street High Schools, J. Ormond Wilson Normal School, and Normal School No. 2, and the installation of the same, $2,100.

Mr. WILLIS. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman a question. The question has no relation whatever to the pending item. I notice in the committee report an estimate at page 93 for sanitary drinking fountains. There is no item in the bill that I can find, and I wondered whether provision was made in the bill for that item.

Mr. BURLESON. We make provision for a number of sanitary drinking fountains.

Mr. MANN. I will refer the gentleman to page 49, line 21.

Mr. WILLIS. Very well. I see it.

The Clerk read as follows:

Toward the construction of a new Central High School on the site purchased for that purpose and toward the grading and other work necessary to prepare the site, the grading of an athletic field, the construction of retaining walls, and the construction of an athletic stadium, and the total cost of said work shall not exceed $1,200,000, under contracts which are hereby authorized therefor, $3,000.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order against the paragraph. It is legislation unauthorized by law.

Mr. BURLESON. Mr. Chairman, under the District appropriation bill of last year an unexpended balance of a sum appropriated for the purchase of a site for this school was reappropriated for the purpose of securing the services of an architect to prepare plans for the Central High School building, to have a seating capacity of 2,500 students. Inasmuch as under former appropriation acts we have appropriated $250,000 for the purchase of a site, and inasmuch as we have reappropriated an unexpended balance of that sum appropriated for the site for the purpose of engaging the services of an architect to prepare plans for this school, I contend that this is a work in progress and is not subject to a point of order. I desire to

read to the chairman the language carried in the last appropriation act with reference to this particular school:

The Commissioners of the District of Columbia are hereby authorized to use so much as may be necessary of any unexpended balances remaining in the appropriation for the purchase of a site for a new Central High School and for the purchase of a site for a new M Street High School, contained in the District appropriation act for the fiscal year 1912, approved March 2, 1911, for the employment of architectural services in the preparation of plans and specifications for said high schools, and for such other personal services and expenses in connection therewith as may be necessary: *Provided*, That the plans for the Central High School shall provide accommodations for not less than 2,500 pupils.

Mr. JOHNSON of Kentucky. Mr. Chairman, I believe that this is the first time in the history of the Congress that anybody has contended that the erection of a new, unauthorized building was not subject to a point of order.

Mr. BURLESON. Mr. Chairman, before the gentleman proceeds, I desire to state that I will concede that if this is the first time an effort was made to provide for the erection of this high school by the purchase of a site and appropriation of money therefor, it would be subject to a point of order. The Chair must remember that in a former appropriation bill an amount was appropriated to purchase a site for a Central High School. The site has been purchased. Under an appropriation act an unexpended balance of the amount appropriated for the purchase of a site was directed to be expended in the preparation of plans for this high school and a limitation upon the cost of the high school was indirectly embodied in the bill by fixing 2,500 as a seating capacity of the school. Consequently my contention is that this is a work in progress; it has been begun, the site purchased, plans have been prepared, now followed by an attempt to appropriate money to erect the school.

Mr. JOHNSON of Kentucky. Mr. Chairman, Congress was willing during its last session to spend some money for the preparation of plans and specifications for a new building, to see whether or not they would afterwards make the appropriation. The architect who has made these plans and specifications frankly admits in the hearings that instead of the plan for an $800,000 building that he brought in a plan for a $1,200,000 building. The Chair will find on page 522, paragraph 3790, of Hinds' Precedents, that an appropriation for the construction of a new schoolhouse is subject to the point of order. That same ruling applies also to playgrounds. Then the Chair will find in Hinds' Precedents, fourth volume, page 576, paragraph 3860, that all preliminary work necessary, and so forth, is subject to the point of order; and, in section 3859, that an authorization to prepare estimates does not authorize, and so forth, and also paragraph 3782, the making of a survey does not authorize the beginning of a work. The precedents are quite numerous and have never been departed from in this House. I therefore make the point of order.

The CHAIRMAN. If the Committee on Public Buildings and Grounds authorized the purchase of a site for the construction of a public building, the Committee on Appropriations would thereupon be authorized to appropriate for the purchase of that site, but the Committee on Appropriation would not be authorized to proceed thereafter to appropriate for the construction of a building on this site until the Committee on Public Buildings and Grounds has further authorized the construction of a building thereon. It is clear that the Committee on Appropriations might insert in an appropriation bill a provision for the purchase of a site for a central high school, being moved by various reasons. One reason might be, in the opinion of the House, the point of order would not be insisted upon, or that at that time the site might be acquired much more advantageously than at some later time, although the House or the committee might not be inclined at that time to proceed with the construction of a building; and the point of order against that proposition not having been made at that time, the Chair is not of opinion that the failure to lodge the point of order against the appropriation for the acquisition of the site waives the right to make the point of order against the Appropriations Committee providing for the construction of the building unless in legal manner the authorization according to law has first been had. The point of order is sustained.

Mr. MANN. Mr. Chairman, the Chairman in his ruling stated that the Committee on Public Buildings and Grounds would have jurisdiction over the construction.

The CHAIRMAN. The District of Columbia Committee.

Mr. BURLESON. Did the Chair give consideration to that part of the bill directing the expenditure of the unexpended balance for the preparation of plans for the high school?

The CHAIRMAN. The Chair read in the last appropriation bill the provisions in that respect in connection with the paragraph against which the point of order was lodged and was of the opinion that the authorization of the plans did not amount in law to an authorization for the construction of a building. The Clerk will read.

The Clerk read as follows:

Toward the construction of a new M Street High School for colored pupils, on the site purchased for that purpose, and toward the grading of said site, and the total cost of said building shall not exceed $550,000, under contracts which are hereby authorized therefor, $150,000.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order against the paragraph.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For the purchase of ground adjacent to the Petworth School, $15,000.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order against the paragraph.

Mr. OLMSTED. Mr. Chairman, do I understand the point of order is made against lines 17 and 18?

The CHAIRMAN. The gentleman from Kentucky, as the Chair understands, reserved the point of order on lines 17 and 18.

Mr. JOHNSON of Kentucky. No; I did not.

The CHAIRMAN. On lines 19 and 20.

Mr. JOHNSON of Kentucky. Nineteen and twenty was my point of order.

Mr. OLMSTED. Mr. Chairman, I think they are not subject to a point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. OLMSTED. Mr. Chairman, the paragraph is—

For the purchase of ground adjacent to the Petworth School, $15,000.

Now, the Chair will find in the Manual, page 404—

The purchase of land for a work already established has been admitted under this principle, and also additions to existing buildings in cases where no limits of cost have been shown.

The CHAIRMAN. What page?

Mr. OLMSTED. Page 404, section 821, Manual of the Sixty-second Congress, second session. I do not know whether this land is actually adjoining or not. If it is, it is certainly in order to appropriate for this building. It is a question of fact which I am unable to answer. The language is "adjacent," which comes pretty near to "adjoining." You will find authority in section 3774 of the fourth volume of Hinds' Precedents for the proposition that—

The purchase of additional ground and the erection of an addition to an existing building was held to be in continuation of a public work.

The CHAIRMAN. What was the section the gentleman just read?

Mr. OLMSTED. Section 3774 of the fourth volume of Hinds'. If it is an entirely independent plat or in no way connected or related to the property already owned, it would be a new work. But if it is, as I understand, really adjoining the Petworth School, then the provision is in order.

Mr. SAUNDERS. May I submit to the Chair a word in this connection, simply carrying out the point suggested by the gentleman from Pennsylvania [Mr. OLMSTED]? If the Chair will look at the next page, in paragraph 3776, it seems that the distinction is made as to whether this is a separate tract or lot, not contiguous or adjoining to other tract, or whether it is adjoining the existing tract. If it is a separate and detached lot, it can not be purchased under the precedents. If it is adjoining, and in addition to a lot already owned, upon which there is an existing building, as suggested by the gentleman from Pennsylvania, it is not subject to a point of order. Section 3776 says:

A proposition to purchase a separate and detached lot of land for an Army target range was held not to be in continuation of a public work.

The CHAIRMAN. The Chair is ready to rule. The point of order is overruled. The Clerk will read.

The Clerk read as follows:

For the purchase of lots 7, 8, and 9, square 511, as a site for an annex to the John F, Cook School, $8,500.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order against that paragraph. It is for the purchase of a site.

The CHAIRMAN. The gentleman from Kentucky makes a point of order against the paragraph.

Mr. OLMSTED. Mr. Chairman, that is stated in the paragraph to be a site for an annex. If the land is adjoining land already owned, it is in order. I am not advised as to the facts in the matter.

The CHAIRMAN. The Chair would like to ask the gentleman from Texas [Mr. BURLESON] if the lots 7, 8, and 9, square 511, are adjoining and adjacent to the John F. Cook School?

Mr. BURLESON. They are, but the difficulty could be obviated—and I have no objection to it—by inserting after the word "eleven" the word "adjoining." I will state to the Chair that is the fact.

The CHAIRMAN. The Chair will accept the statement. It is not necessary for the Chair to rule, but the Chair would have to overrule the point of order.

The Clerk read as follows:

METROPOLITAN POLICE.

Major and superintendent, $4,000; assistant superintendent, with rank of inspector, $2,500; 3 inspectors, at $1,800 each; 11 captains, at $1,500 each; chief clerk, who shall also be property clerk, $2,000; clerk and stenographer, $1,500; clerk, who shall be assistant property clerk, $1,200; 3 clerks, at $1,000 each; 4 surgeons of the police and fire departments, at $720 each; additional compensation for 20 privates detailed for special service in the detection and prevention of crime, $4,800, or so much thereof as may be necessary; 13 lieutenants, 1 of whom shall be harbor master, at $1,320 each; 46 sergeants, 1 of whom may be detailed for duty in the harbor patrol, at $1,250 each; 491 privates of class 3, at $1,200 each; 100 privates of class 2, at $1,080 each; 49 privates of class 1, at $900 each; amount required to pay salaries of privates of class 2 who will be promoted to class 3 and privates of class 1 who will be promoted to class 2 during the fiscal year 1914, $2,729; 6 telephone operators, at $720 each; 14 janitors, at $600 each; messenger, $700; messenger, $500; inspector, mounted, $240; 55 captains, lieutenants, sergeants, and privates, mounted, at $240 each; 64 lieutenants, sergeants, and privates, mounted on bicycles, at $50 each; 18 drivers, at $720 each; 3 police matrons, at $600 each; in all, $907,789.

Mr. JOHNSON of Kentucky. Mr. Chairman I make the point of order against the entire paragraph that it is not authorized by existing law.

Mr. BARTLETT. None of it?

Mr. JOHNSON of Kentucky. None of it.

The CHAIRMAN. The gentleman from Kentucky makes a point of order against the entire paragraph on the ground that it is not authorized by existing law. The Chair will hear the gentleman on that.

Mr. JOHNSON of Kentucky. Mr. Chairman, I have no objection to taking the lead in the matter for the purpose of facilitating matters. I will make this brief statement relative to it: The Metropolitan police force was first organized, I believe, in 1861. During the continuance of the war of 1861–1865 the United States Government paid the Metropolitan police force. After the war was over and found conditions still unsettled, the Metropolitan police was carried along and paid for by the Federal Government until, perhaps, by the act of June 20, 1874. It might have assumed a new form, but the Federal Government nevertheless continued to pay the cost of the Metropolitan police force. When the act of June 11, 1878, was passed, in which was embraced the half-and-half plan, then it devolved upon the Federal Government to pay half and upon the government of the District of Columbia to pay the other half of the cost of maintaining that force. I wish to invite the attention of the Chair particularly to this fact, that here we have two governments—the Government of the United States and the government of the District of Columbia. The act of June 11, 1878, otherwise known as the "organic act," containing, as I just said, the half-and-half principle, went a little further with the police and the schools and the fire department and the streets than that act went with any other contingent expenditure of the government of the District of Columbia. The organic act just referred to recited in specific terms that the cost of maintaining the schools, the police and fire departments, and the building of the streets should be borne half by the Federal Government and half by the District of Columbia.

By that act the Federal Government incurred the expense of one-half of the maintenance of the Metropolitan police force. I repeat that, Mr. Chairman, by the act of June 11, 1878, the Federal Government incurred the expense of paying one-half of the cost of the Metropolitan police. But, Mr. Chairman, in the sundry civil appropriation bill which passed Congress on June 20, 1878, or, in other words, just nine days after the passage of the act of June 11, 1878, this language occurs:

And the said commissioners are hereby authorized to fix the salaries to be paid to the officers and privates of the Metropolitan police until otherwise provided by law, and to require the Washington Gaslight Co. to light the city lamps at such price as shall to said commissioners appear to be just and reasonable, and all the expenses heretofore incurred by the General Government for the board of health, for the Metropolitan police force, and for gas inspection shall hereafter be a charge upon the government of the District.

Now, Mr. Chairman, I contend that, while it must be admitted that by the act of June 11, 1878, the Federal Government incurred the expense of one-half of the cost of maintaining the Metropolitan police force, yet by the words contained in the sundry civil appropriation act which passed Congress just nine days thereafter that expense was transferred in every way, in every part, from the Federal Government to the government of the District of Columbia.

That, Mr. Chairman, is my point of order.

Mr. BURLESON. Mr. Chairman, I call the attention of the Chair to the act of Congress approved February 28, 1901, which carries this provision:

The Metropolitan police force shall consist of 1 major and superintendent, 1 captain and assistant superintendent, and such number of captains, lieutenants, sergeants, privates of class 2, privates of class 1, desk sergeants, and others as Congress may from time to time provide.

The CHAIRMAN. What is the gentleman reading from?

Mr. BURLESON. From the act of Congress approved February 28, 1901.

The CHAIRMAN. Following the argument of the gentleman from Kentucky [Mr. JOHNSON] as best the Chair could, the contention he makes is, that about nine days after the act of June 11, 1878, was passed, by a paragraph in the sundry civil appropriation act it was enacted that the Metropolitan police hereafter should be paid for exclusively from the revenues of the District of Columbia. Now, in what way does the act of 1901, cited by the gentleman from Texas, alter that act of June 20, 1878, providing the manner of payment, as cited by the gentleman from Kentucky [Mr. JOHNSON]?

Mr. BURLESON. I did not quite catch the point made by the gentleman from Kentucky. As I understand it, though, the point of the gentleman is that the expenses incurred by the Metropolitan police force should be borne exclusively from the District revenues. Is that the gentleman's point?

Mr. JOHNSON of Kentucky. That is the point.

The CHAIRMAN. That is the point the gentleman makes.

Mr. BURLESON. I will ask the Chair to indulge me until I can look up the law on the subject.

The CHAIRMAN. While the gentleman from Texas is looking up the law, and while the matter will be considered as pending, let us see if the mind of the Chair and the mind of the gentleman from Kentucky [Mr. JOHNSON] and the mind of the gentleman from Texas [Mr. BURLESON] meet upon what the proposition is. It is conceded by the gentleman from Kentucky that under the act of June 11, 1878, the expense of keeping up and maintaining the Metropolitan police was chargeable half and half from the revenues of the General Government and the revenues of the District of Columbia.

And the gentleman from Kentucky maintains that in nine days thereafter an act was passed providing that thereafter the entire expenses of the maintenance of the Metropolitan police force should be charged against the revenues of the District government.

Mr. JOHNSON of Kentucky. And in that connection, Mr. Chairman, I wish to present this further idea to the Chairman: That theretofore, as long as the Federal Government was participating in the payment of the police, the number was limited, and the salary was limited to $800. But by the act of June 20, 1878, nine days after the organic act was passed, imposing the payment of all the cost of the Metropolitan Police force on the District of Columbia, all limitations were taken off. The Commissioners of the District of Columbia, because they were to pay for it, were permitted to appoint as many police as they saw fit. Neither was there any further limitation upon the salaries paid until 1901, when the commissioners themselves succeeded in getting through Congress an act setting out or describing of what the Metropolitan Police should consist—of a major, and so forth, and so on—and fixing their salaries. But that does not shift the obligation as to who is to pay that debt.

Mr. BURLESON. I should like to ask the gentleman the date of that law.

Mr. JOHNSON of Kentucky. The date is stated on the top of it there—June 20, 1878, nine days after the passage of the organic act.

Mr. BURLESON. The gentleman furnishes me with a paper memorandum, but I do not find the date on it.

Mr. JOHNSON of Kentucky. The date is stated on it. I am giving the gentleman the correct date.

Mr. BURLESON. I wish the gentleman would furnish the text of the law, so that we can see the law rather than an isolated excerpt from it.

The CHAIRMAN. The gentleman from Texas [Mr. BURLESON] requests that the item be passed for the present, with the point of order pending.

Mr. BURLESON. With the point of order pending.

Mr. JOHNSON of Kentucky. For the further information of the gentleman I will say that the act of June 20, 1878, is in volume 20 of the statutes, and this part of it is on page 208.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas [Mr. BURLESON] that this paragraph be passed for the present with the point of order pending?

There was no objection.

The Clerk read as follows:

To aid in the support of the National Bureau of Criminal Identification, to be expended under the direction of the Commissioners of the District of Columbia, provided the several departments of the General Government may be entitled to like information from time to time as is accorded the police departments of various municipalities privileged to membership therein, $200.

Mr. JOHNSON of Kentucky. I make the point of order against that paragraph for the same reasons as just stated relative to the preceding paragraph.

The CHAIRMAN. If there be no objection, the paragraph will be passed with the same limitations as to unanimous consent.

Mr. JOHNSON of Kentucky. Let them all go together; yes.

The Clerk read as follows:

Miscellaneous: For fuel, $4,000.

Mr. JOHNSON of Kentucky. Mr. Chairman, I understand that my point of order extends to the item of "Miscellaneous: For fuel, $4,000," also. I make the point as to that upon the same ground.

The CHAIRMAN. If there be no objection, it will be passed under the same conditions with the point of order pending.

The Clerk read as follows:

For repairs and improvements to police stations and grounds, $5,500.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the same point of order.

The CHAIRMAN. The item will be passed subject to the same conditions.

The Clerk read as follows:

For miscellaneous and contingent expenses, including the purchase of new wagons, rewards for fugitives, modern revolvers, maintenance of card system, stationery, city directories, periodicals, telegraphing, telephoning, photographs, printing, binding, gas, ice, washing, meals for prisoners, furniture and repairs thereto, beds and bed clothing, insignia of office, purchase of horses, horse and vehicle for superintendent, bicycles, motor cycles, police equipments and repairs to same, harness, forage, repairs to vehicles, van, patrol wagons, motor patrol, and saddles, mounted equipments, and expenses incurred in the prevention and detection of crime, and other necessary expenses, $29,500; of which amount a sum not exceeding $500 may be expended by the major and superintendent of police for the prevention and detection of crime, under his certificate, approved by the Commissioners of the District of Columbia, and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended: *Provided*, That the War Department may, in its discretion, furnish the District Commissioners, for the use of the police, upon requisition, such worn mounted equipment as may be required.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the same point of order against that paragraph.

The CHAIRMAN. If there be no objection, the paragraph will be passed, subject to the same conditions.

The Clerk read as follows:

For five motor patrol wagons, at $2,500 each, $12,500.

Mr. JOHNSON of Kentucky. I make the same point of order as to that paragraph.

The CHAIRMAN. If there be no objection, it will be passed over like the preceding ones.

The Clerk read as follows:

For maintenance of motor vehicles, $2,500, or so much thereof as may be necessary.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the same point of order as to that paragraph.

The CHAIRMAN. If there be no objection, it will be passed, subject to the same conditions.

The Clerk read as follows:

In all, $54,000.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the same point of order as to that.

The CHAIRMAN. Without objection, the paragraph will be passed subject to the same conditions. The Clerk will read.

The Clerk read as follows:

Harbor patrol: Two engineers, at $1,000 each; watchman, $540; 2 deck hands, at $540 each; in all, $3,620.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the same point of order as to that paragraph; they all go together.

Mr. BURLESON. This has no connection with the Metropolitan police service.

Mr. JOHNSON of Kentucky. We will see whether it has or not. I reserve the point of order, and we will let it be passed with the others. If I do not show that it comes under the same provision, it would do no harm.

The CHAIRMAN. Without objection, the paragraph will be passed, with the point of order pending.

There was no objection.

The Clerk read as follows:

For fuel, construction, maintenance, repairs, and incidentals, $2,000; in all, $5,620.

Mr. JOHNSON of Kentucky. Mr. Chairman, I reserve a point of order against this item, the same as the other.

The CHAIRMAN. Without objection, this paragraph will be passed with the others, with the point of order pending.

There was no objection.

The Clerk read as follows:

FIRE DEPARTMENT.

Chief engineer, $3,500; deputy chief engineer, $2,500; 3 battalion chief engineers, at $2,000 each; fire marshal, $2,000; deputy fire marshal, $1,400; 2 inspectors, at $1,080 each; chief clerk, $1,800; clerk, $1,200; 37 captains, at $1,400 each; 39 lieutenants, at $1,200 each; superintendent of machinery, $2,000; assistant superintendent of machinery, $1,200; 25 engineers, at $1,200 each; 25 assistant engineers, at $1,100 each; 2 pilots, at $1,150 each; 2 marine engineers, at $1,200 each; 2 assistant marine engineers, at $1,100 each; 2 marine firemen, at $720 each; 39 drivers, at $1,150 each; 39 assistant drivers, at $1,100 each; 219 privates of class 2, at $1,080 each; 42 privates of class 1, at $960 each; hostler, $600; laborer, $480; in all, $353,870.

Mr. COX. Mr. Chairman, I make a point of order on the figures "$1,200," in line 14, page 58, and I also make a point of order against the figures "$1,200" at the end of line 15. They are increases in salary.

Mr. BURLESON. Will the gentleman reserve his point of order?

Mr. COX. Yes.

Mr. BURLESON. I will state that the change was made so that the salaries would conform to those being paid other engineers throughout the District service. It was made not only upon recommendations of the commissioners, but upon those of labor organizations, which claimed that the compensation which these engineers was receiving was inadequate, and that it was in nowise equal to the compensation for engineers engaged in similar employment by private firms. It is an increase, but was made to conform to the other increases made in the salaries of other engineers.

Mr. COX. I have no doubt that the purpose stated by the gentleman is true and genuine. Eleven hundred and fifty dollars is a pretty good salary, and I must insist on the point of order in both instances.

The CHAIRMAN. The points or order are sustained in both instances.

Mr. BURLESON. Mr. Chairman, I move to insert, after the word "at," on page 58, line 13, in the blank occasioned by the sustaining of the point of order, the figures "$1,150."

The Clerk read as follows:

Amend, page 58, line 13, by inserting, after the word "at," the figures "$1,150."

The amendment was agreed to.

Mr. BURLESON. I now move to amend by inserting, after the word "at," at the end of line 15, the figures "$1,150."

The Clerk read as follows:

Amend by inserting, after the word "at," at the end of line 15, page 58, the figures "$1,150."

The amendment was agreed to.

The Clerk read as follows:

HEALTH DEPARTMENT.

Health officer, $4,000; assistant health officer, who hereafter shall be a physician and during the absence or disability of the health officer shall act as health officer and discharge the duties incident to that position, $2,500; chief clerk and deputy health officer, $2,500; clerks—1, at $1,400; 5, at $1,200 each; 4, at $1,000 each; 1, at $720; chief sanitary inspector, $1,800; sanitary inspectors—8, at $1,200 each; 2, at $1,000 each; 2, at $900 each; chief food inspector, $1,600; food inspectors—5, at $1,200 each; 6, at $1,000 each; 5, at $900 each; chemist, $1,800; assistant chemist, $1,200; assistant bacteriologist, $1,200; skilled laborer, $600; messenger and janitor, $600; driver, $600; poundmaster, $1,200; laborers, at not exceeding $50 per month each, $2,000; in all, $63,620.

Mr. JOHNSON of Kentucky. Mr. Chairman, I reserve a point of order on this paragraph for the same reasons that I set out in making the point of order relative to the Metropolitan police. Upon the suggestion of the gentleman from Texas in charge of the bill, I make a point of order now to each item under the health department.

Mr. BURLESON. Mr. Chairman, it is understood that the same point of order is directed to each item under the health department until we reach the provisions relating to the courts.

Mr. JOHNSON of Kentucky. We have an understanding that I am not to rise at the end of each paragraph and renew the point of order.

The CHAIRMAN. The gentleman from Kentucky and the gentleman from Texas ask unanimous consent that each paragraph under the division of health department be passed with a point of order pending against each paragraph with the right to recur to it hereafter.

Mr. BURKE of Pennsylvania. Mr. Chairman, what effect will that have on amendments?

The CHAIRMAN. Of course, if the point of order was sustained there would be nothing to amend. If the point of order is not sustained it will be open to amendment.

Mr. JOHNSON of Kentucky. If I understand the Chair correctly, if the matter should go out on a point of order there would be no amendment in order to that part which is stricken out. I do not understand the Chair to hold that an amendment to the bill would not be in order, because, if these items requiring the Federal Government to participate in the payment should go out on that point, I myself shall offer an amendment to the bill continuing all of these things at the expense of the District of Columbia, where the law puts it.

Mr. BURKE of Pennsylvania. If the whole paragraph is passed, and, as I understand, if it is held to be in order, it will be open to amendment.

The CHAIRMAN. The Chair understands it so, and by unanimous consent it will be so ordered. Is there objection?

There was no objection.

Mr. BURLESON. Mr. Chairman, as I understand, the items are to be read, and if the gentleman from Pennsylvania desires to offer an amendment I am willing that he should offer it and consider it as pending, to be passed upon after the Chair has ruled upon the point of order.

The CHAIRMAN. The Clerk will read the paragraph.

The Clerk read as follows:

Not less than 12 of the sanitary and food inspectors above provided for shall be employed in the enforcement of the milk and pure-food laws and the regulations relating thereto and in the inspection of dairies and dairy farms.

For the enforcement of the provisions of an act to prevent the spread of contagious diseases in the District of Columbia, approved March 3, 1897, and an act for the prevention of scarlet fever, diphtheria, measles, whooping cough, chicken pox, epidemic cerebrospinal meningitis, and typhoid fever in the District of Columbia, approved February 9, 1907, and an act to provide for registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District, approved May 13, 1908, under the direction of the health officer of said district, and for the prevention of other communicable diseases, including salaries or compensation for personal services, not exceeding $10,000, when ordered in writing by the commissioners and necessary for the enforcement and execution of said acts, and for the prevention of such other communicable diseases as hereinbefore provided, purchase and maintenance of necessary horses, wagons, and harness, purchase of reference books and medical journals, and maintenance of quarantine station and smallpox hospital, $24,000: *Provided*, That any bacteriologist employed under this appropriation shall not be paid more than $6 per day and may be assigned by the health officer to the bacteriological examination of milk and other dairy products and of the water supplies of dairy farms, and to such other sanitary work as in the judgment of the health officer will promote the public health, whether such examinations be or be not directly related to contagious diseases.

Mr. JOHNSON of Kentucky. Mr. Chairman, I wish it understood that I reserve the point of order upon all of the two preceding paragraphs, not only for the reasons heretofore stated, but for the additional reason that under any and all circumstances it is legislation.

Mr. BURKE of Pennsylvania. Mr. Chairman, the amendment which I had in mind and which we discussed is to the paragraph on page 60 of the bill. I assume that the Chair understood that I did not wish to have the paragraph passed without submitting the amendment. I ask to have pending the amendment to line 11, page 60, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 60, line 11, strike out "$1,200" and insert "$1,500."

Mr. BURLESON. To that I reserve the point of order.

The CHAIRMAN. The gentleman from Texas reserves the point of order, and the amendment will be considered as pending.

Mr. JOHNSON of Kentucky. Mr. Chairman, I reserve the point of order against the whole paragraph.

The CHAIRMAN. As the Chair understands, the gentleman from Kentucky has already reserve the point of order against the paragraph. The Clerk will read:

The Clerk read as follows:

The action of the commissioners in locating a pound and stable for the health department on reservation No. 290, located along James Creek Canal at the intersection of South Capitol and I Streets SE., under the authorization contained in the District appropriation act approved March 2, 1911, is ratified and confirmed, and the jurisdiction and control over said reservation is transferred to the Commissioners of the District of Columbia: *Provided*, That the District of Columbia shall pay to the United States as compensation for the land contained in said reservation one-half the estimated value thereof, namely $4,100, and there is hereby appropriated, entirely from the revenues of the District of Columbia, said sum of $4,100, which shall be deposited in the Treasury of the United States to the credit of the United States, and thereafter the title to said reservation shall be in the name of the District of Columbia.

Mr. JOHNSON of Kentucky. Mr. Chairman, at the conclusion of the reading of that I wish to know if it is understood that I have reserved all points of order against everything which has gone before under the head of the Metropolitan police.

Mr. BURLESON. Undoubtedly. The point of order, as I understand it, is that the expense should all be borne by the District of Columbia.

Mr. JOHNSON of Kentucky. That is one point of order that I made. This is the second time that I have risen at the end of the particular paragraph for the purpose of stating that if that point of order should be overruled, I still am in the attitude of reserving points of order against legislation which occurs in the item just read as well as in the other items.

Mr. BURLESON. I have no objection to that.

The CHAIRMAN. Without objection, it is understood that the gentleman from Kentucky reserves all points of order on the several paragraphs.

There was no objection.

Mr. DYER. Mr. Chairman, I desire to offer an amendment which I send to the Clerk's desk. First, I desire to submit a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DYER. While the point of order is pending here to this paragraph is it in order to offer this amendment?

The CHAIRMAN. It is in order to offer amendments and have them read and remain pending, subject to such disposition as may be made of the point of order.

Mr. DYER. Very well. I offer the amendment.

The Clerk read as follows:

Add at the end of line 23, page 64, the following: "*Provided*, That hereafter the tuberculosis hospital shall be under the direction and control of the health department."

Mr. BURLESON. Mr. Chairman, to that I reserve the point of order.

The CHAIRMAN. The gentleman from Texas reserves the point of order to the amendment, which will be pending, and the Clerk will read.

The Clerk read as follows:

COURTS.

To pay the reporter of the Court of Appeals of the District of Columbia for volumes of the reports of the opinions of said court, authorized to be furnished by him under section 229 of the Code of Law for the District of Columbia as amended July 1, 1902, 22 volumes, at $5 each, namely, 11 copies each of volumes 40 and 41, $110.

Mr. COX. Mr. Chairman, I move to strike out the last word, for the purpose of getting some information. I would like to ask the chairman in charge of the bill whether the law mentioned in this paragraph fixes the price of these reports at $5. The reason I make the inquiry is that it strikes me as a very high price to pay for a supreme court report. The supreme court reports of the State of Indiana, I think, now sell at $1.50 each, at least at not more than $1.75 each, and I imagine they are about as large in bulk as these reports are. They may not contain as much law, though I doubt that.

Mr. BURLESON. Mr. Chairman, to be candid with the gentleman, I do not know to whom these particular volumes are furnished. It is evidently required by law that 22 volumes be furnished certain of the officials of the District of Columbia, and for which the reporter is entitled to make a charge of $5 per volume.

Mr. MANN. Eleven volumes.

Mr. BORLAND. There are two numbers, 40 and 41—22 volumes altogether, 11 of each.

Mr. BURLESON. The item has been carried in the bill for many years. We made no inquiry about it. It is only these officials of the District of Columbia who can complain about it, and there has never been any complaint laid with the committee or with the commissioners that the charge is excessive.

Mr. COX. Mr. Chairman, I have just had handed to me the Code of Laws of the District of Columbia, section 229 of the code, which provides for the publication, but the organic law itself does not seem to fix the price at which the volumes are to be sold. It seems to have been fixed in the appropriation act.

There is hereby appropriated out of any moneys in the Treasury not otherwise appropriated such sums as may be necessary to pay said reporter therefor at the rate of not exceeding $5 per volume, and said appropriation shall be deemed a permanent and annual appropriation, and one-half thereof shall be paid out of the revenues of the District of Columbia.

Mr. BURLESON. It is an indefinite, continuing appropriation.

Mr. COX. A permanent appropriation.

Mr. BURLESON. And the $5 per volume has been fixed and is chargeable. They pay it and have never complained of it being excessive. We have never had any complaint from any quarter about it.

Mr. COX. Well, I take it under this law these reports are furnished to the various courts of the District, are they not?

Mr. BURLESON. As I understand it, the reporter is authorized to charge not to exceed $5 a volume for the report.

Mr. COX. He furnishes it to the courts, does he not?

Mr. BURLESON. There are furnished 11 copies of each report to certain officials of the District, probably a copy goes to each court.

Mr. COX. Well, I take it the attorneys here in this city are interested in buying these same reports.

Mr. BURLESON. I do not know about that.

Mr. COX. The gentleman does not know, in other words, whether or not the attorneys here buy them at one price and the courts pay for them at another price?

Mr. BURLESON. We pay this amount to the reporter for the volumes that he is required by law to furnish to certain officials in the District.

Mr. COX. I understand, but the gentleman does not know what he sells them at to attorneys?

Mr. BURLESON. I have no information on that point.

Mr. COX. It strikes me as a very high price.

Mr. BORLAND. If the gentleman from Indiana will yield, $5 is a high price for law reports, and it is true that that is higher than the average of the supreme courts of the various States. The cost of that volume of law reports depends to a great extent upon the number of copies that are published, and in a very small jurisdiction like the District of Columbia the initial cost of getting up the volumes is the same, and the number of copies that can be sold is very much smaller than in the State of Indiana, and it controls very largely the price.

Mr. BURLESON. It is probable that very few volumes of these reports are published, and that, of course, as stated by the gentleman from Missouri, would entail an additional or greater cost on those who purchase the particular volume, because there are a very few of them required.

Mr. COX. If I remember correctly, the Supreme Court Reports of the United States only cost about $3 or $3.50.

Mr. BURLESON. But those reports are required by all the lawyers throughout the United States.

Mr. COX. What I was particularly interested in getting information if I could was whether or not this reporter was getting a certain price for them, to wit, $5 a volume for furnishing the courts, and then letting lawyers in the District who buy them have them at a less price.

Mr. BURLESON. I think in the legislative bill there is an item carried authorizing the reporter to charge persons in the District who desire this volume $5 per volume. I have that impression.

Mr. COX. I withdraw the pro forma amendment.

The Clerk read as follows:

Police court: Two judges, at $3,600 each; clerk, $2,200; deputy clerks—1, $1,600; 1, $1,500; 2, at $1,200 each; deputy financial clerk, $1,500; 7 bailiffs, at $900 each; deputy marshal, $1,000; janitor, $600; engineer, $900; assistant engineer, $720; fireman, $480; 2 assistant janitors, at $300 each; matron, $600; 3 charmen, at $360 each; in all, $28,680.

Mr. COX. Mr. Chairman, I make a point of order on the figures "$2,200," in line 7, and also on the figures "$1,600," in the same line.

Mr. BURLESON. Will the gentleman reserve the point of order?

Mr. COX. I will reserve it.

Mr. BURLESON. Mr. Chairman, I will state to the gentleman from Indiana that the clerk of this court has been in the service of the District government for 40 years, and in the last 6 or 8 years his labors have materially increased by reason of the increased litigation in this court and the lawyers of the District and the District Commissioners have repeatedly importuned us to increase his salary, stating that he was entitled to an increase by reason of the increased duties that have been imposed upon him. Now, those are the facts in this case. It is subject to the point of order.

Mr. COX. Mr. Chairman, I have no doubt of the sincerity of the gentleman in charge of the bill, nor do I have any doubt of the sincerity of the gentlemen who have importuned him and his committee to increase this, but $2,000 is a good deal of a salary.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BURLESON. Mr. Chairman, I move to amend by inserting, after the word "clerk," page 66, line 7, "$2,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert, after the word "clerk," page 66, line 7, "$2,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. BURLESON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RODDENBERY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 28499, the District of Columbia appropriation bill, and had come to no resolution thereon.

STATISTICS ON IMPORTS AND EXPORTS OF THE UNITED STATES (H. DOC. NO. 1340).

The SPEAKER laid before the House the following message from the President of the United States, which was read and referred to the Committee on Ways and Means and ordered to be printed:

To the Senate and House of Representatives:

By joint action of the Department of Commerce and Labor and the Treasury Department, committees of those two departments have recently made a careful investigation of the methods of preparing the statistics of the imports and exports of the United States.

These committees have unanimously recommended that the laws relating to the preparation of shippers' manifests be amended in such manner as to compel the preparation by exporters of accurate and complete lists in regard to merchandise sent out of the United States. Without such amended laws these committees deem that it is impossible for the customs officers to obtain with accuracy the figures of our export trade. The existing law regarding statistical returns of exports by sea was enacted in 1821, and naturally fails to meet conditions existing at the present time, when methods of communication and transportation, classes of articles entering international commerce, places of production of such articles, and the demands of business for information in reference thereto have greatly changed. A large proportion of the merchandise now being exported originates in the interior of the country, and is of such character and variety that a proper description thereof can not be made at the port of exportation. It is recommended, therefore, that a measure be enacted which will remedy the unsatisfactory conditions in our export statistics.

This new measure should provide that persons forwarding merchandise from interior points for exportation shall supply to the transportation company receiving such merchandise a manifest similar in general form to that required at the port of exportation, which manifest shall be conveyed by the transportation company to the port of exportation and delivered to the collector of customs.

For any omission from or incorrect description of the merchandise in any manifest, whether originating in the interior or at the port of exportation, as to kind, quantity, or value, the owner, shipper, or consignor, or agent of either, should be made liable to a fine of $50, unless it be shown that such omission was due to a mere clerical error. If it be shown that the incorrect statement has been willfully or fraudulently made, the person responsible therefor should be deemed guilty of a misdemeanor, and rendered liable to fine or imprisonment.

The bill should also provide a penalty for the failure of the transportation company to procure from the exporter at the original place of shipment the manifest noted above, and likewise a penalty for failure to transmit it to the collector of customs at the port of exportation, or for failure to deliver it to any other transportation company to which it may deliver the merchandise en route, and the company so receiving should be also required under penalty to forward to the collector of customs the said manifest.

The bill should prohibit, under penalty for violation, the disclosure by any officer, employee, or other representative of a common carrier of any information regarding the kind, quantity, value, destination, or consignee of any of the merchandise carried by it for exportation and described in the manifest above referred to.

It is believed that a measure embodying these suggestions into law would fully meet the objections now offered to the proposition that interior shippers shall supply manifests of the goods forwarded for exportation. The chief objection has been that information regarding their business might be disclosed by employees of the common carriers transporting the merchandise and receiving statements as to its character, valuation, destination, and the consignee. The plan, if carried into effect, would, it is believed, protect the original exporter against disclosure of his business, give to the customs officers at the port of exportation sufficient information to enable them to properly describe and value the mechandise, and also assure much

greater accuracy as to the true value of the merchandise being exported.

I suggest, as equally important, an amendment to section 4197 of the Revised Statutes of the United States, making the law conform to the present practice by which vessels are permitted to file a supplementary manifest within four business days after the clearance of the vessel, a practice without authority of law, but sanctioned by the customs regulations (art. 128).

The provisions of section 4197 of the Revised Statutes requiring the master of the vessel to file a complete manifest of the cargo before a clearance is granted, a measure enacted before the utilization of steam power in ocean traffic and prior to the transaction of business with the aid of telegrams, cablegrams, and telephonic communications, can not be carried out under present methods of commercial transactions. To demand a strict compliance with the requirements of the statute in this particular would congest traffic, delay travel and the transportation of the foreign mails, paralyze business, and jeopardize our international commerce. It is found that there has been no enforcement of this part of the statute at the larger ports of the United States for upward of 30 years. It is believed that the law for the clearance of vessels and filing of cargo manifests should be in harmony with the law requiring the presentation of shippers' manifests. The amendment proposed to the law would be justified by many years' experience and careful consideration of this important subject. It would add no burdens to the duties of steamship companies. Instead it would simplify the preparation of the manifest and legalize the present custom of filing supplementary manifests. It should fix the same penalty ($500) for failure to file a manifest and obtain a clearance for a vessel, and should provide a penalty of $50 for neglect of entering merchandise in the manifest. It should grant the same period for filing a supplementary manifest as the current practice under article 128 of the Customs Regulations.

The recommendations of this message have received the approval of the two departments whose work and functions will be most affected by them—the Treasury Department and the Department of Commerce and Labor.

If a bill or bills embodying the suggestions of this message would be useful to the Congress or to any committees thereof considering the subject, they will be forwarded on request.

WM. H. TAFT.

THE WHITE HOUSE, *February 4, 1913.*

NEW YORK AND NEW JERSEY JOINT HARBOR LINE COMMISSION (H. DOC. NO. 1339).

The SPEAKER laid before the House the following veto message from the President of the United States, which was read:

To the House of Representatives:

I return to you without my approval the joint resolution authorizing the President to appoint a member of the New Jersey and New York Joint Harbor Line Commission.

When it was first proposed to me that an officer of the Corps of Engineers should be made a member of a State commission proposed to be created by the States of New York and New Jersey to investigate and report upon port conditions in the port of New York, I expressed myself as being heartily in favor of legislation which would permit such an officer to be so designated. I believed and still believe that there are many matters affecting the said port, some of which are mentioned in the resolution of the Legislatures of the States of New York and New Jersey which creates the said joint commission, in the treatment of which conference and cooperation between the Federal and State authorities would be highly desirable. It has since been brought to my attention, however, that one of the objects embraced in the said resolution of the State legislatures, as to which the proposed joint board was to make investigation and report, was the question of the "extension of pierhead lines." Jurisdiction and authority over the location of pierhead lines in New York Harbor is at present vested wholly in the Federal authorities—that is, in the Secretary of War, acting on the advice and recommendation of the Chief of Engineers, and the New York Harbor Line Board, consisting of three officers of the United States Corps of Engineers. They exercise their duty, not in the interests of New York or New Jersey alone, but in the interest of the commerce of the entire Nation passing up and down the Hudson River and in and out of the port of New York. Since this resolution was first introduced, and since my attention was first called to the subject, there has arisen a sharp difference of opinion as to the location of the pierhead line in the Hudson River, in the said port of New York, between these Federal authorities and the local authorities of that neighborhood, including the very members of the two State commissions of New Jersey and New York, who constitute six of the proposed seven members of the joint board above mentioned. These local authorities and these State commissioners have urged the adoption of a pierhead line which would materially narrow the existing fairway of the Hudson River at its narrowest point, and their application has been denied by the Federal authorities. The proposal to narrow the Hudson River at that point has been passed upon by four successive Secretaries of War, including myself when I held that office. They have uniformly decided against the proposition. I myself hold firmly the conviction that any further encroachments upon the existing fairway of the Hudson River at that point would be most shortsighted and eventually destructive of the commercial interests of the Nation, which it is the duty of the Federal authorities to conserve. I regard the question as one which, in the light of these successive decisions, ought to be considered as finally and irrevocably settled. If a decision, made so carefully and uniformly by so many disinterested officers of the Government, can be now successfully opened and reversed upon the insistence of local officers or local business interests, there can be no assurance of any permanent, farsighted protection of the needed width of the great river upon which the prosperity of the commerce of the greatest port of this Nation ultimately depends.

Although the authority granted by the States of New York and New Jersey to this proposed joint commission is merely advisory, nevertheless, if it were permitted, with the sanction of Congress and with the presence in its membership of a Federal engineer, to investigate and recommend upon this subject of the location of pierhead lines, it would inevitably be claimed by those interested that its recommendation should be controlling upon the question. Its conclusions would either be urged upon the Federal authorities to induce them to surrender their independent judgment or they would be made the basis for an appeal directly to Congress to overrule that judgment and arbitrarily to fix the pierhead line by statutory enactment. I believe that such conditions could only operate injuriously to a proper decision. I deem it of the highest importance that this authority over the location of harbor lines shall be exercised, not by local officials, subject to the bias and prejudices of their locality, but by officers of the General Government after careful judicial investigation, as at present, exercising their functions with a vision broad enough to embrace the interests of the entire Nation.

I therefore return the joint resolution without my approval, suggesting that it be amended by a proviso that the authority of the joint commission of which such officer shall be a member shall not extend to the consideration of or recommendation upon the location of any harbor lines within the said port.

WM. H. TAFT.

THE WHITE HOUSE, *February 4, 1913.*

Mr. TOWNSEND. Mr. Speaker, I move that the resolution referred to in the President's veto message be passed, the objection of the President to the contrary notwithstanding. And upon that motion I desire to be heard when it is proper that I should be.

The SPEAKER. The gentleman from New Jersey [Mr. TOWNSEND] moves that on reconsideration the House shall pass the resolution; the objection of the President to the contrary notwithstanding. The Clerk will report the resolution.

The Clerk read as follows:

House joint resolution (H. J. Res. 210) authorizing the President to appoint a member of the New Jersey and New York Joint Harbor Line Commission.

Resolved, etc., That the President of the United States be, and is hereby, authorized to designate an officer of the Corps of Engineers, United States Army, whose assignment of duty relates to harbor work in, or in the neighborhood of, New York Harbor to act as a member of the said New Jersey and New York Joint Harbor Line Commission: *Provided*, That no expense shall accrue to the United States by reason of such appointment, and the officer designated may receive such compensation for his services on said commission as may be provided by the States aforesaid.

The SPEAKER. The gentleman from New Jersey [Mr. TOWNSEND] is recognized.

Mr. TOWNSEND. It is with naturally a great reluctance that I rise to make this motion, as a first-term Member. But the reading of the veto message discloses clearly that the President lacked certain essential information in writing as he did. I quote, Mr. Speaker, from the message wherein the President says:

When it was first proposed to me that an officer of the Corps of Engineers should be made a member of a State commission proposed to be created by the States of New York and New Jersey—

And so forth.

That commission, Mr. Speaker, had been in existence more than a year—I believe two years—when it was suggested to the President that he appoint an officer of the Corps of Engi-

neers to make a seventh member of it. And in spite of that fact, the message dated yesterday, refers to this as a "proposed commission." Further, in the veto message the President writes:

Although the authority granted by the States of New York and New Jersey in this proposed joint commission—

Again displaying the fact that, in the multitude of duties which engage his attention at this time, he has not been correctly informed as to the fact, which is that this commission which he twice refers to as a "proposed commission" has for two years been diligently at work endeavoring to adjust the differences existing between the States of New Jersey and New York in respect to that most momentous question, the harbor line.

It was my honor first to suggest to the President that, complying with the request made by the Legislature of New Jersey, he should appoint a seventh member of this commission The Legislature of New York, by resolution, did its part in creating this commission and appointed three commissioners; the Legislature of New Jersey did its part in creating this commission and appointed three commissioners, but added to its resolution a request that the President should appoint a seventh commissioner. When I had the honor to wait upon the President at the request of Gov. Wilson to ask him to comply with the request of the New Jersey Legislature, he took the matter under consideration, and with courteous promptness informed me that he believed he required the authority of Congress to appoint that seventh commissioner. I introduced the resolution authorizing him to do so; it was referred to the House Committee on Military Affairs, investigated, referred also, of course, by the House Committee on Military Affairs to the Secretary of War, reported favorably by the House Committee on Military Affairs, and passed this House. It went to the other body of this Congress and was there passed, after proper investigation. The resolution then went to the President for his signature, completing the legal requirements, so that he might comply with the request of these two States and appoint a seventh commissioner.

Gentlemen here need not be instructed as to the necessity of the seventh commissioner. Naturally the three commissioners representing New York and the three commissioners representing New Jersey might arrive at a tie vote in respect to matters properly coming before them under the authority of the resolutions creating that commission. I call the attention of gentlemen here to the fact that in this message of the President he says:

Although the authority of the States of New York and New Jersey in this supposed joint claim is merely advisory.

That is all of their authority; but that advice is most necessary. It is, indeed, absolutely essential that the great questions which now confront the shipping interests of New York and Newark, and therefore the shipping interests of this whole country, affecting the harbor lines of New York and New Jersey, should be finally settled.

This commission can have no power—no one has suggested that it has any power—to settle the extent of the pier lines on either the Manhattan or Jersey City or Hoboken or Weehawken fronts of the North River. Of course they can have no power. It is not suggested in the resolution, either of the Legislature of New York or of New Jersey. But these two halves of the commission consist of men who in some cases have given a life study to this very vital question, and they are now finally preparing themselves to solve it. They are not a "proposed commission," as described in this veto measure, but they are an existing body of men actively at work. They require the assistance and advice of a seventh member; and, as the resolution which has just been read at the Clerk's desk provides, that seventh member should be an officer of the Engineer Corps of the Army whose duties are related to the waters in and about the harbor of New York.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. HAY rose.

Mr. TOWNSEND. Certainly.

The SPEAKER. To whom does the gentleman yield?

Mr. TOWNSEND. I will yield first to the gentleman from Illinois [Mr. MANN] and to the gentleman from Virginia [Mr. HAY] next.

Mr. MANN. The gentleman refers to the language of the President about "a proposed commission," and takes exception to that language. I do not think it is very important, but it is quite certain that the existing commission does not consist of seven members, one of them being an engineer officer of the Army, and the "proposed commission," as I understand the language of the veto message, refers to the commission as it would exist if the resolution became a law and an engineer officer of the Army were detailed as a member of that commission. We can not require the State of New York or the State of New Jersey to accept an engineer officer as a member of the commission unless they consent to it, and the "proposed commission" is the one which will be organized with the engineer officer as a member.

But, barring that, does not the gentleman believe that it would be wiser to let the veto message and the resolution go to the committee which reported it for further examination before asking for a vote in the House?

Mr. TOWNSEND. I am disposed at all times to accept suggestions of the gentleman from Illinois when given in the friendly spirit in which he now speaks, and under ordinary circumstances I would at this time adopt his suggestion that this matter lie over. But I wish to say to the gentleman from Illinois and other Members of the House that this question of the harbor line in New York is urgent and acute, and the gentleman must understand that when I speak of that I am just as much interested as any New York Member, because the waters of New Jersey—that part of New Jersey which I in part represent—are a part of New York Harbor and are so treated in the statutes. I would adopt the gentleman's suggestion if it were not, as I say, that this matter has become acute.

Mr. HAY. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. TOWNSEND. In one second I will yield. Trans-Atlantic lines have already launched and are now outfitting steamers which have no berth into which they can be hauled, either on the Manhattan side or on the New Jersey side of New York Harbor. The matter is acute, I repeat, and should be definitely settled as soon as possible.

Mr. MANN. Assuming all that to be true, this resolution passed the House by unanimous consent, being on the Unanimous Consent Calendar, having apparently the recommendation of the War Department. Since then it has gone to the President, and the President has sent his veto message to the House. Now, the gentleman knows that the President in acting upon matters of this sort has the resolution referred to the proper department before he disposes of it, and in this case it is apparent and we have the right to assume that the Engineer Department of the War Department has advised the veto message. In that situation does not the gentleman think that before asking the House to vote the resolution over the President's veto we ought to have an opportunity given to the committee to investigate the matter, or at least that the membership of the House should have an opportunity to investigate it more than it can be done by mere debate?

Mr. TOWNSEND. I will withhold my answer until the chairman of the Committee on Military Affairs [Mr. HAY] asks his question, which may give the information desired by the gentleman from Illinois.

Mr. HAY. The President recommends a proviso which, if put upon the resolution, will cure the objections he has to it. What objection has the gentleman from New Jersey to the proviso recommended by the President in his veto message?

Mr. TOWNSEND. Mr. Speaker, I ask that that proviso be read again.

The SPEAKER. The Clerk will report the proviso, if there be no objection.

The Clerk read as follows:

I therefore return the joint resolution without my approval, suggesting that it be amended by a proviso that the authority of the joint commission of which such officer shall be a member shall not extend to the consideration of or recommendation upon the location of any harbor lines within the said port.

Mr. TOWNSEND. Mr. Speaker, the very purpose of this commission is to locate harbor lines. The President does not say there that this commission shall not determine pier lines. Of course, this commission can only recommend pier lines to Congress or to the Secretary of War.

Mr. HAY. What does the gentleman say as to the contention of the President that the Federal Government has complete control of these pierheads and harbor lines?

Mr. TOWNSEND. I concur in that contention absolutely; but the legislatures of these two States, after repeated delays, have decided in their wisdom that the best way to determine what is essential to cure the existing evils there would be to create this commission. I will say to the gentleman from Illinois that the commission have been at work for a year or more—two years I believe. They have accumulated data of very great importance; they are earnestly pushing their work in order that they may lay before the departments of the Government and Congress, and the committee of which the gentleman from Virginia [Mr. HAY] is chairman [the Committee on Military Affairs], data which is important and absolutely essential to proper legislation. They are proceeding upon a matter

that, as the President's message says, is of importance to the whole United States, and my objection to further delay is that delay can not be afforded in view of the imminent needs of the shipping interests of the harbors concerned. We are starved for harbor room and harbor facilities, not only in New York, but in Newark. Our commerce in Newark is growing so rapidly that the city of Newark itself is preparing plans to spend millions of dollars for harbor improvement independent of what Federal aid may be given to us.

Mr. OLMSTED. Mr. Speaker, will the gentleman from New Jersey yield?

Mr. TOWNSEND. Certainly.

Mr. OLMSTED. I understand the gentleman from New Jersey to agree entirely with the President that the question of harbor lines is one over which the Federal Government has entire control. Why, then, should we agree to a commission in which the Federal Government will have only one member out of seven?

Mr. TOWNSEND. I will answer the question in this way: An Army engineer goes up to New York. Or there may be three Army engineers if you please. They are scientists. They take hold of certain engineering problems and determine how they shall be carried out. They watch the contractors and see, for instance, that the new channel with which the gentleman is familiar is properly constructed; that the contractors do their work properly.

This joint commission, on the other hand, consists of men familiarly acquainted with the commercial interests of the ports, men who live there, men whose affairs are there. For instance, I know the members of the New Jersey commission personally, and I know that they are men who all their business lives have been concerned with this matter of the expeditious handling of commerce. They are there not because they are assigned there from the War Department scientifically to control certain engineering problems, but they are there eager to arrange this matter so that the commerce of the two ports, which are one port, shall be most efficiently, economically, and scientifically managed. These commissioners have a greater interest in the matter and a different interest than an Army engineer can have. An Army engineer is concerned with his science. He has a channel to build and he designs it, he watches it and controls the work.

But these commissioners want to know how near they can bring a ship to rail, how much they can improve the shipping facilities of the port of New York—or Newark, if you please—part of which I have the honor to represent, by dredging a channel close to unlimited warehouses and manufacturing plants. That is the difference, I will say to the gentleman.

Mr. OLMSTED. Could not the Government send its own engineers or commissioners, who could consult with the gentlemen so well informed? Would not that be better than for the Government to send one man to constitute a part of a commission the other members of which would have the power to outvote him six to one, although he is the representative of the Federal Government, which has the right of exclusive control of these harbors?

Mr. TOWNSEND. I will say to the gentleman that there is an assumption in his statement that these gentlemen, who are, at least so far as the New Jersey members are concerned, prosperous and respected citizens, and I assume the same as to the New York members, are going to suggest to the Government a program of improvement which is calculated to injure the very medium by which, in part, they conduct their prosperous business.

Mr. OLMSTED. I do not suppose they would do it intentionally, but it is a question for the Government itself and not for them to decide.

Mr. TOWNSEND. The Government must decide it in the final analysis, anyway. These gentlemen serve without pay, work hard and diligently, and suggest projects and plans to the Government. They not only suggest them, but they prepare and present to the Government data upon which the Government can intelligently act.

Mr. OLMSTED. What is to prevent them from doing it now, except that they themselves can not agree?

Mr. TOWNSEND. Because their suggestions at times must differ. They are only human beings. There are different and in some respects rival interests in New York and New Jersey which may bring them to a standstill. They are reasonable men, and they will consult with the engineer who, the resolution proposes, shall be added to the commission.

Mr. BORLAND. Will the gentleman yield?

Mr. TOWNSEND. Certainly.

Mr. BORLAND. I would like to ask the gentleman whether the proviso suggested by the President that this commission shall have no power to investigate and recommend the location of harbor lines would not in effect take the very meat out of the movement that gave rise to the creation of the commission?

Mr. TOWNSEND. The gentleman suggests the very thought: To say that we shall pass here a resolution assisting in creating a commission which shall not suggest the things they were created to suggest strikes me as evidence that the message of veto was somewhat hastily written.

Mr. BORLAND. Let me ask the gentleman this question: Was not the resolution passed by Congress in response to an invitation from the New Jersey Legislature that the President of the United States should appoint an engineer officer to serve with a commission that had already been created?

Mr. TOWNSEND. Quite so.

Mr. BORLAND. He was asked to appoint an officer whose powers and duties had been defined by the State Legislatures of New York and New Jersey.

Mr. TOWNSEND. The gentleman states the fact.

Mr. BORLAND. We have a right to refuse the invitation, but scarcely the right to say what the States of New York and New Jersey shall do in clothing their commission with the powers that they think important.

Mr. TOWNSEND. The gentleman has stated the situation exactly.

Mr. CARLIN. Will the gentleman yield?

Mr. TOWNSEND. Certainly.

Mr. CARLIN. Is it not a fact that the joint commission of New York and New Jersey are powerless to fix the harbor lines without the consent of the Federal Government?

Mr. TOWNSEND. Absolutely.

Mr. CARLIN. This resolution is intended to bind the Government to the result of the deliberations of that board?

Mr. TOWNSEND. I should say not. I will say to the gentleman from Virginia, as I was trying to explain to the gentleman from Pennsylvania, that this joint harbor line commission is investigating a great many questions not familiar, perhaps, to some gentlemen here. Those questions include the whole Staten Island proposition, they include the far reaches of the river opposite Manhattan, the East River proposition, the harbor line which will be extended by the barge canal coming down there, the Jamaica Bay project, and they also include the extension of harbor lines in many directions which are necessary to accommodate the rapidly growing commerce there.

Mr. CARLIN. The appointment of an engineer is not essential to the investigation by that board.

Mr. TOWNSEND. No; but the indorsement of the engineer will make of much greater value the recommendations of the committee when Congress and the executive departments of the Government find that the recommendations come not only from the joint harbor committee, but from a joint harbor committee acting with the advice of a member of the Engineer Corps.

Mr. CARLIN. Is it not a fact that the Engineer Corps could give the advice without being a member of this commission?

Mr. TOWNSEND. They could, but it is desirable that such advice should be given by an engineer officer who is known as acting with the commission.

Mr. KAHN. Will the gentleman yield?

Mr. TOWNSEND. I will.

Mr. KAHN. To what extent would the activities of this board be circumscribed if the Army officer were to act with them in an advisory capacity, although he made no recommendation as to the amounts to be expended? That, as I understand, is the purpose of the amendment suggested by the President.

Mr. TOWNSEND. I will say to the gentleman from California there is no proposal here that this board should recommend amounts to be expended. What they want to do is to so determine for all time, or within vision of human eyes, what it is best to do to establish these hundreds of miles of harbor front; to make a cohesive plan—a plan harmonious and which will equally apply to both States and all the waters not only of New York, the lower bay and upper bay, but at Newark—both the kills and both the rivers. It is a very large and interesting proposition.

These gentlemen have worked diligently; they are gentlemen of intelligence, gentlemen of rectitude and standing; and they now ask the Government to supply them with scientific advice, and the President, laboring, apparently, under the inadvertence of not being informed that this commission already exists, suggests that they be not so advised. That is the effect of the veto.

Mr. BURKE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. TOWNSEND. Certainly.

Mr. BURKE of Pennsylvania. The gentleman stated in the course of his remarks that the President evidently was not fully advised and suggested that the President had used language in his message to the effect that this was a "proposed" joint body. I think the gentleman will find upon examining the President's message more clearly that the word "proposed," as he used it, referred to the legislation on the part of the State of New Jersey and to the State legislation now existing prior to the creation of the body, and that it does not refer to the joint resolution before the House.

Mr. TOWNSEND. Of course the gentleman is at liberty to interpret the language as he sees fit.

Mr. BURKE of Pennsylvania. I know the gentleman does not wish to place a wrong construction upon the language.

Mr. TOWNSEND. Mr. Speaker, I do not desire to detain the House any longer. The House has listened with great patience and courtesy to me. I will read the language, and the gentleman can construe it as he wishes and I reserve the privilege of construing it as I understand it. The President writes in his message:

When it was first proposed to me that an officer of the Corps of Engineers should be made a member of a State commission proposed to be created—

If the gentleman thinks that the term "proposed to be created" is equivalent to the term "already created," that a proposed thing is a fait accompli, then we differ in our conception of the meaning of the English language and I am doubtless wrong. I also call his attention to this language, on page 4 of the message:

Although the authority granted by the States of New York and New Jersey in this proposed joint commission.

The joint commission was created more than a year ago, and I am under the impression two years ago, and has been in active operation. If that means that a commission is still to be created, I shall take a new grip upon my study of the English language.

Mr. BURKE of Pennsylvania. There is evidently a difference of opinion with reference to the language in the message. I can not quite agree with the construction the gentleman places upon it. I do not know whether his notes——

Mr. TOWNSEND. They are taken verbatim. I had an opportunity to examine the message before it was read from the Clerk's desk.

Mr. BORLAND. Mr. Speaker, will the gentleman yield?

Mr. TOWNSEND. Yes.

Mr. BORLAND. I will ask the gentleman to yield me time enough to have inserted as a part of my remarks the letter of Gov. Woodrow Wilson requesting this officer and the reply of President Taft.

Mr. TOWNSEND. Yes; I will gladly yield the gentleman enough time to read it at this time.

Mr. BORLAND. Very well; I will read it. I read now from the report of the Committee on Military Affairs, to accompany House joint resolution 210:

In pursuance with request of the New Jersey Legislature the governor of New Jersey wrote to the President of the United States, as follows:

"I take the liberty of sending you inclosed a copy of joint resolution of the two houses of the New Jersey Legislature passed and approved in March last.

"In compliance with that resolution I venture to ask if you would be willing to appoint an experienced member of the Engineering Corps of the Army, acquainted with port conditions in and around New York, to confer with the commissioners from this State and from the State of New York with regard to the matters referred to in the joint resolution. I know the interest felt by the War Department in the important matter of the development of the great port of New York, and I sincerely hope that it will be possible for you to permit us to have the invaluable cooperation suggested.

"Cordially and sincerely, yours,

WOODROW WILSON."

In reply to the above letter the President of the United States wrote to the governor of New Jersey as follows:

"I am fully in sympathy with the proposition for the joint commissions provided for by your State and New York, but the statutes of the United States are so strict with reference to my appointing commissions without the specific authority of Congress that I have referred your letter to the Secretary of War for consideration as to whether we have any authority. If we conclude that we have not—as is quite likely—then the Secretary of War and I will bring to the attention of Congress the necessity for such action as will enable us to cooperate with you fully in the useful purpose of your commission.

"Sincerely, yours, "WILLIAM H. TAFT."

Mr. KAHN. Mr. Chairman, will the gentleman yield for a moment?

Mr. BORLAND. I reserved only time enough to read this.

Mr. KAHN. As I heard the letter of the governor of New Jersey, and as I understood it, he asked for an Army officer to confer with this commission—the commission appointed by the two States. He did not ask for an officer to act with them as a member of the commission, but for an officer to confer with them. Is not the President's veto predicated upon the fact that the resolution provided that this officer should act with this commission, and does not the President suggest that the officer simply be placed in a position where he can confer with this commission?

Mr. BORLAND. No. The gentleman from California has not read the veto message with the care necessary to find out that point.

Mr. KAHN. I have not read it at all.

Mr. BORLAND. The President vetoes the resolution upon the ground that the harbor lines in New York have been fixed as recommended by four successive Secretaries of War, including himself, and that that question is not open and ought not to be reopened, and that he will not appoint an Army officer unless the powers of the State commissions herein spoken of are restricted so that they may not recommend any change in the harbor lines. That being the purpose of the commission, of course it would not be possible or wise for Congress to so suggest that they be restricted. It would not be wise if it were possible, and it is not possible. If the President's veto went no further than to say the Army officer should not be a member of the commission, that that would not be a wise thing from the Federal standpoint, that he should be designated to confer with the commission, I am satisfied that New Jersey and New York would accede to that kind of a change in the invitation extended.

Mr. TOWNSEND. Mr. Speaker, I will not detain the Members longer, except to say this: Here is an opportunity to get some action on this matter of finally determining certain very important points in relation to that one harbor, consisting of the bays and rivers of New Jersey and of New York. This resolution merely empowers the President to appoint a scientific adviser to this joint commission, and I hope that we will not be deprived of that at this very critical time, because we are being pressed on all sides in New Jersey as well as New York for the determination of this question.

Mr. MANN. Mr. Speaker, I made the suggestion a moment ago to the gentleman from New Jersey that the resolution which was vetoed and the veto message might be sent to the Committee on Military Affairs, which reported the resolution, so that the House might have more full information. May I understand now from the gentleman from New Jersey whether he declines to accept the suggestion that the matter be referred to the Committee on Military Affairs, or whether he proposes to insist upon voting upon the veto proposition at this time?

Mr. TOWNSEND. I say again to the gentleman from Illinois I reluctantly declined the suggestion made by him in good faith and——

Mr. MANN. I have no criticism of the gentleman. Mr. Speaker, I make the point of order there is no quorum present. It is quite evident we will have to have the House here before we can act upon a veto message.

Mr. TOWNSEND. Mr. Speaker, in view of the fact that other business pending here would be delayed, I will withdraw my motion, and I do so reluctantly, that the resolution do pass the veto of the President notwithstanding, and move that the resolution and President's message be referred to the Committee on Military Affairs.

The SPEAKER. Does the gentleman from Illinois [Mr. MANN] withdraw his point of no quorum?

Mr. MANN. Mr. Speaker, I withdraw the point of no quorum.

The SPEAKER. The gentleman from New Jersey moves that the resolution and the President's veto message be referred to the Committee on Military Affairs.

The question was taken, and the motion was agreed to.

THE LATE REPRESENTATIVE SMITH OF CALIFORNIA.

Mr. NEEDHAM. Mr. Speaker, I ask unanimous consent for the adoption of the following order.

The SPEAKER. The Clerk will report the order.

The Clerk read as follows:

Ordered, That Sunday, February 23, 1913, be set apart for addresses upon the life, character, and public services of the Hon. SYLVESTER CLARK SMITH, late a Representative from the State of California.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the order was agreed to.

RETURN TO SENATE OF H. R. 17256.

The SPEAKER laid before the House the following resolution from the Senate.

The Clerk read as follows:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill H. R. 17256, "An act to fix the the status of officers of the Army and Navy detailed for aviation duty and to increase the efficiency of the aviation service."

The SPEAKER. Without objection, the request of the Senate is agreed to.

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. BURLESON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 28499, the District of Columbia appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 28499, the District of Columbia appropriation bill, with Mr. RODDENBERY in the chair.

The CHAIRMAN. The Clerk will read.

Mr. BURLESON. Mr. Chairman, there is a point of order pending, made by the gentleman from Kentucky against the figures "$1,600," in line 7, page 66.

Mr. JOHNSON of Kentucky. I did not make any point of order.

Mr. BURLESON. The gentleman from Indiana [Mr. COX] made the point of order. I concede the point of order is well taken.

The CHAIRMAN. The point of order is sustained.

Mr. BURLESON. Mr. Chairman, I move to amend by adding after the word "one" the figures "$1,500" in line 7, page 66.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 66, line 7, after the word "one," insert the figures "$1,500."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Writs of lunacy: To defray the expenses attending the execution of writs de lunatico inquirendo and commitments thereunder in all cases of indigent insane persons committed or sought to be committed to the Government Hospital for the Insane by order of the executive authority of the District of Columbia under the provisions of existing law, including the employment of an alienist at not exceeding $1,200 per annum, $3,500.

Mr. BURLESON. Mr. Chairman, I ask now to return to the item of the Metropolitan police and that the Chairman hear the discussion on the point of order.

Mr. FOWLER. Mr. Chairman, I reserve a point of order on this paragraph before we leave it.

The CHAIRMAN. The gentleman from Illinois reserves a point of order upon the last paragraph read. The gentleman from Texas requests that the committee recur to page 54, under the head of "Metropolitan police," on the point of order raised against the paragraph and on the succeeding paragraph.

Mr. MANN. Does not the gentleman from Texas [Mr. BURLESON] desire to have the matter on which my colleague [Mr. FOWLER] reserved a point of order disposed of, so as to get rid of that item before we go back?

Mr. BURLESON. I am perfectly willing to do that.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] reserved a point of order on the paragraph.

Mr. FOWLER. Mr. Chairman, I can not see any reason for increasing the salary of the alienist in this paragraph.

Mr. BURLESON. I will say to the gentleman from Illinois that the alienist is an accomplished physician, a man of ability, and repeatedly the District Commissioners have urged that his compensation be increased. Last year we received a number of communications from physicians in the city urging that additional compensation be allowed.

Mr. COX. Does he devote all of his time to this work?

Mr. BURLESON. He devotes most of his time to this work. He is an expert in this line, and he does not devote all of his time to the work, but for a graduated physician $1,000 was considered by the committee as inadequate compensation for this service.

Mr. FOWLER. You can not find a very learned alienist even for $1,200, although he spend only half of his time. Well, Mr. Chairman, I withdraw the point of order.

Mr. FOSTER. I renew the point of order, Mr. Chairman.

The CHAIRMAN. The point of order is well taken.

Mr. FOSTER. I might not want to make the point of order.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] withdraws the point of order?

Mr. FOSTER. I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. BURLESON. I desire to amend by inserting "1,000" in lieu of the "1,200" stricken out.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Writs of lunacy: To defray the expenses attending the execution of writs de lunatico inquirendo and commitments thereunder in all cases of indigent insane persons committed or sought to be committed to the Government Hospital for the Insane by order of the executive authority of the District of Columbia under the provisions of existing law, including the employment of an alienist at not exceeding $1,000 per annum, $3,300.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The gentleman from Texas [Mr. BURLESON] requests that the committee return to page 54, line 19, the Metropolitan police, and proceed with the consideration of the points of order made against that paragraph and the succeeding paragraphs. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Kentucky [Mr. JOHNSON] is recognized.

Mr. JOHNSON of Kentucky. Mr. Chairman, I have stated the case, and if the gentleman on the other side, after having been heard, present anything worth while, I may have something more to say.

The CHAIRMAN. The Chair is ready to rule upon the point of order. A point of order was directed to the paragraph on the ground, as stated by the gentleman from Kentucky, that it was not in order, because the item should be paid wholly from the revenues of the District of Columbia, and upon the other points of order on which the gentleman from Kentucky [Mr. JOHNSON] reserved points of order, the Chair is not ready to rule, because the gentleman from Kentucky [Mr. JOHNSON] has not specifically stated what those points of order are. But the Chair is ready to rule on the first one.

Mr. SAUNDERS. I do not care to present any matters to the Chair——

The CHAIRMAN. Does the gentleman from Virginia rise to speak in support of or against the point of order?

Mr. SAUNDERS. I intended to give the history of legislation in this matter and show that beyond any question the point of order is not well taken. The history of legislation from the beginning of the formation of the Metropolitan police force down to its abolition and then the appearance of this item in the statute in connection with other matter shows that beyond question the point of order, as I expect to submit to the Chair, is not well taken.

The CHAIRMAN. The Chair does not care to hear the gentleman from Virginia [Mr. SAUNDERS]. The Chair will rule. The act of June 11, 1878, creating a permanent form of government for the District of Columbia provided that the expense and cost of maintaining the police force should be paid half and half from the revenues of the United States and the revenues of the District of Columbia, respectively. On June 20, 1878, the Congress passed in the sundry civil appropriation bill the following provision:

And the said commissioners are hereby authorized to fix the salaries to be paid to the officers and privates of the Metropolitan police until otherwise provided by law and to require the Washington Gas Light Co. to light the city lamps at such price as shall by said commissioners appear to be just and reasonable, and all expenses heretofore incurred by the General Government for the board of health, for the Metropolitan police, and for gas inspection shall hereafter be a charge upon the government of the District.

It is evident from reading that section of the act that the words "government of the District" are not employed as designating the legal title of the District government, because the word "government" begins with a small letter. It relates, then, to the fact of government and not to the form of government; the function of government, not the style of government. The act of 1878 having provided in what way the expenses of government of the District should be paid, the Chair fails to see how in any way the insertion of the paragraph in the sundry civil bill would change or conflict with the existing organic act of June 11, 1878.

In this connection it will be noted that in June, 1878, the first session of the Forty-fifth Congress was in progress. At that time there was no District of Columbia appropriation bill, eo nomine, but the expenses of the government of the District of Columbia were carried from year to year in the sundry civil bill. The same Congress, then, which enacted the clause of June 20, 1878, was the identical Congress that in 1879, at the second session of the same Congress, passed the sundry civil appropriation bill, charging the expenses of the Metropolitan police force equally against the Federal Treasury and the District treasury.

The act of the same Congress, at its second session, recognizing the half-and-half provision, goes of its own weight as an argument if not an implied construction. The same Congress which engrafted onto the sundry civil bill the paragraph upon which the gentleman from Kentucky bases the point of order, in the year immediately succeeding, provided appropriation for and charged the expense of the Metropolitan police force equally against the Federal Government and the District of Columbia. If there were any ambiguity this circumstance might, under the rules of legal construction, be looked to.

The Chair might recount also somewhat the history of the police force and the health board prior to 1878 and subsequent to 1878, but it seems to the Chair that the language of the section of the act upon which the point of order is sought to be based is sufficient of itself to warrant and indeed to impel the Chair to

overrule the point of order. The organic act of June 11, 1878, charged the expense of the government of the District jointly and equally against the District and Federal Government revenues. The act of June 20, 1878, in no way changed that law, but in fact reenacted it by charging the maintenance of the Metropolitan police to the government of the District. A reenactment pro tanto. Accordingly the point of order is overruled. The Clerk will read, unless the gentleman from Kentucky [Mr. JOHNSON] desires to present other points of order.

Mr. BURLESON. Mr. Chairman, my understanding is that the Chair's ruling embraces also the various points of order directed against the paragraph in the health department.

The CHAIRMAN. The Chair intends the ruling to be so construed.

Mr. JOHNSON of Kentucky. I accept the ruling to one as applying to all.

The CHAIRMAN. The Clerk will read.

Mr. JOHNSON of Kentucky. Mr. Chairman, I would like to know how far the Clerk had read.

The CHAIRMAN. The Clerk announces that he had read down to and including line 22, on page 67.

Mr. JOHNSON of Kentucky. He skipped a whole lot.

Mr. MANN. It was read.

The CHAIRMAN. The Clerk will report the first amendment pending.

Mr. JOHNSON of Kentucky. Mr. Chairman, I have some points of order reserved through these several pages. I am hurrying all I can to find them.

The CHAIRMAN. The Chair will indulge the gentleman.

Mr. JOHNSON of Kentucky. Mr. Chairman, there is one salary, on page 57, line 19, that is increased from $540 to $600.

The CHAIRMAN. The Clerk will report the paragraph. The gentleman from Kentucky [Mr. JOHNSON] makes a point of order. Which $600 salary does the gentleman refer to?

Mr. JOHNSON of Kentucky. The hostler, $600.

Mr. BURLESON. I concede the point of order; but I will state to the gentleman——

Mr. JOHNSON of Kentucky. I will withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn.

Mr. JOHNSON of Kentucky. What page is the health department on?

Mr. BURLESON. On page 59, at the bottom of the page.

Mr. MANN. Mr. Chairman, may I ask the gentleman from Texas [Mr. BURLESON] a question in reference to these sanitary and food inspectors?

Mr. BURLESON. I will state to the gentleman from Illinois that the paragraph as heretofore carried in the bill was very confusing, and we asked last year that the chief health officer reorganize his force, or rather that he rewrite the paragraph of the bill so that it could be readily understood by Members of Congress.

Mr. MANN. That is not what I wanted to ask about. The provision in the new paragraph with reference to 12 sanitary and food inspectors requires that they "shall be employed in the enforcement of the milk and pure-food laws and the regulations relating thereto and in the inspection of dairies and dairy farms." Has the gentleman been able to ascertain how much the Government is now spending inspecting dairy farms around Washington?

Mr. BURLESON. I am unable to state with any degree of accuracy the aggregate cost to the Government of inspecting dairy farms, but in these paragraphs carrying appropriations for the health service there were various provisions providing for milk inspection and milk inspectors and veterinary surgeons who should be inspectors of dairies. When the item was redrafted by the health officer, in order that the service should not be diminished or impaired in the slightest we aggregated the number of inspectors that were carried in bills heretofore for the milk service, and put this particular provision in the bill, that "not less than 12 sanitary and food inspectors, above provided for, shall be employed in the enforcement of the milk and pure-food laws," because that was the number of inspectors heretofore detailed for that service.

Mr. MANN. Heretofore we have provided specifically in this bill for two inspectors of dairies and dairy farms. You now have here a paragraph that would authorize 12. Of course, it is not expected that those 12 will be engaged in that work. I have no criticism of that, but I wish to know whether the gentleman has received any information as to how much the Government is now expending. Gentlemen understand that the Bureau of Animal Industry, under its general powers, sends inspectors all over this territory tributary to Washington inspecting dairies and dairy farms, so that I think the traveling expenses alone of the inspectors employed in the Bureau of Animal Industry doing this same work amount to more than the entire appropriation for this purpose in the District bill.

Mr. BURLESON. That is probably true, but the gentleman from Illinois knows——

Mr. MANN. Does not the gentleman think that, after all, there ought to be some segregation in some bill, and that we ought to know how much we are spending in inspecting the milk of which we happen to partake, as against the rest of the country, which has to pay its own expenses?

Mr. BURLESON. I will say to the gentleman that the very purpose of the re-formation of this item was to simplify it, in order that we might get before us an idea as to how many of these inspectors were engaged in inspecting milk.

Mr. MANN. But it just goes the other way. Now, under the existing law there are two inspectors of dairies and dairy farms. The gentleman cuts out the two and lumps them in with twelve, authorizing the whole twelve to be used for certain purposes, which may be necessary. I do not know about that.

Mr. BURLESON. If the gentleman will take the old bill——

Mr. MANN. I have a copy of it in my hand.

Mr. BURLESON. If the gentleman will take the old bill and go over it carefully he will find that a number of these inspectors were required to perform service as milk inspectors. We have aggregated the entire number and have tried to keep just as many in this service as the old bill required or authorized.

Mr. MANN. Under the existing law do the milk inspectors also become inspectors of dairies and dairy farms?

Mr. BURLESON. Some of them.

Mr. MANN. We having specifically provided for inspectors of dairies and dairy farms, do the other inspectors do that same work under the head of milk inspectors?

Mr. BURLESON. Some of them do and some of them do not. Some of them are veterinarians. Those that are veterinarians, in addition to inspecting milk or securing samples to be inspected at the laboratory, are engaged in performing service as dairy inspectors.

Mr. MANN. And then, in addition to that, the Bureau of Animal Industry in the Agricultural Department duplicates the work, and has other inspectors inspecting the same dairies and the same dairy farms.

Mr. COX. Does the gentleman remember the amount that the Bureau of Animal Industry spend in duplicating this service?

Mr. MANN. I do not remember the amount. My attention was attracted by a report in regard to traveling expenses, and I ran down the items of the traveling expenses of inspectors inspecting dairies and dairy farms adjacent to Washington.

Mr. COX. According to the Book of Estimates, the amount is between $25,000 and $30,000.

Mr. MANN. I do not remember the amount; but I found a considerable number of inspectors of the Bureau of Animal Industry doing inspecting work during long periods of the year and incurring considerable traveling expenses in addition to their salaries. Whether we get the benefit of their work or not I do not know, but it is quite certain that we are spending a very large sum of money in inspecting the dairies and dairy farms around Washington. It ought to be done by some one bureau or department of the Government and not duplicated by several.

Mr. BURLESON. Of course there is no authorization for any inspector, appointed under the provisions of the Agricultural appropriation bill, making any inspections within the limits of the District of Columbia.

Mr. MANN. These inspectors do not make inspections within the limits of the District of Columbia to any considerable extent.

Mr. BURLESON. Some of them do.

Mr. MANN. To the extent that there are dairies in the District of Columbia, and they are few and far between.

Mr. BURLESON. I will admit that, but there are some.

Mr. MANN. The milk comes from outside, and that is where they do the inspecting.

Mr. BURLESON. I will say to the gentleman that they inspect the dairies which are within the limits of the District of Columbia, too, I doubt not, although it is in violation of law. We have only furnished such inspectors as the District authorities have from time to time insisted were necessary for the proper performance of that service, and in re-forming this item we tried to continue in the District service the same number of inspectors that have heretofore been detailed as milk and dairy inspectors.

Mr. MANN. I am calling the attention of the gentleman from Texas to the situation because as an alternative proposition I hope that next year, if he is the Secretary of Agriculture, as I trust he will be [applause]——

Mr. BURLESON. Upon that subject I have no information. [Laughter.]

Mr. MANN (continuing). He will take the matter into consideration there, or, if he is making up the District bill here, he will ascertain how much work is being done by the Bureau of Animal Industry for the benefit of the District at the instance of the health officer here, possibly much of which is duplicated.

Mr. JOHNSON of Kentucky. Mr. Chairman, on page 64, beginning at line 7, down to and including line 23, inclusive, I make a point of order that it is legislation; not that this item entirely gives away the public domain, but that it is selling it for a trifle.

Mr. BURLESON. We endeavored to ascertain the real value of these lots, and we accepted the only information that was offered us on the subject. We are trying to impose on the District government the burden of paying one-half of the value of the lots upon which the farm was established.

Mr. MANN. May I ask the gentleman from Kentucky a question with reference to this item?

Mr. JOHNSON of Kentucky. I will yield to the gentleman from Illinois.

Mr. MANN. If the item goes out and the District does not pay for the land, will not they still have possession of it just the same?

Mr. JOHNSON of Kentucky. Yes; but the Government will still own the land and the house on it.

Mr. MANN. What good will that do the Government?

Mr. JOHNSON of Kentucky. It may be of value some time to the Government, and I insist on the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. BURKE of Pennsylvania. Mr. Chairman, what became of page 60?

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania [Mr. BURKE].

The Clerk again reported the amendment.

Mr. BURKE of Pennsylvania. Mr. Chairman, I hope the gentleman from Texas will withdraw his point of order. The situation is this: The poundmaster—Mr. Emil Kuhn—of this city for many years was paid $1,500, which was a very modest and well-earned salary. Last year for the first time it was reduced to $1,200, and he was the only employee in the District, so far as I have been able to find, whose salary was reduced. In addition to that, one subordinate in the department was taken away from him entirely, thus increasing his duties. Since the passage of the last appropriation bill the District Commissioners have imposed on the poundmaster an additional burden of taking care of the cats in the District. That is a very hazardous undertaking, as everybody knows; chasing cats is not usually a profitable or a pleasant pastime. Mr. Kuhn, who holds this position and has held it for some years, has been recommended by all the commissioners as an efficient and diligent officer and he certainly deserves the sum of $1,500, which was paid to his predecessor for a number of years and was paid to him during recent years. I believe the committee will so vote if the gentleman from Texas will not press his point of order.

Mr. BURLESON. Mr. Chairman, I will state that Mr. Kuhn, who holds the position, is a very efficient officer and is discharging his duties in a very satisfactory manner. The salary heretofore in the bill was carried for reasons which were explained last year, and the committee felt constrained to restore the salary to the sum it was before those reasons were brought into existence. I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. JOHNSON of Kentucky. What became of the point of order that I made to lines 7 to 23, inclusive, on page 64?

The CHAIRMAN. The point of order made by the gentleman from Kentucky was sustained. The Clerk will report the next amendment.

Mr. CARLIN. Mr. Chairman, I will ask the Chair to return to page 33, where there was a point of order pending against lines 4 to 11, inclusive. I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. BURLESON. Mr. Chairman, I ask unanimous consent to reconsider the motion by which the item at the bottom of page 67, line 22, was stricken out on a point of order, so that I may restore the original sum reported in the bill. I desire to state again that the salary paid to this officer, the alienist, is a very small salary for the services he renders. I ask now that the item be reconsidered, that my motion to substitute $1,000 in the blank, after sustaining the point of order, be reconsidered.

Mr. MANN. I object.

The Clerk read as follows:

INTEREST AND SINKING FUND.

For interest and sinking fund on the funded debt, $975,408.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order against the paragraph. In doing so I will say that I made a point of order against this paragraph in the bill of a year ago, but failed to get a ruling going directly to the matter. I have sent to the present occupant of the chair a copy of the CONGRESSIONAL RECORD containing three arguments heretofore made by me upon the subject, and also containing the arguments made by gentlemen who at that time opposed my views. In addition to that, I wish to read an opinion rendered by the attorney general of the State of New York, which throws some additional light upon this subject. The communication which I read is as follows:

STATE OF NEW YORK,
OFFICE OF THE ATTORNEY GENERAL,
Albany, November 9, 1875.

Hon. D. C. ELLIS,
Superintendent of Bank Department.

DEAR SIR: Yours of October 29, 1875, with inclosures, was duly received. The attorney general has examined with considerable care the questions propounded to the superintendent of the bank department on behalf of several savings banks in the city of New York, and has come to the conclusion that trustees of savings banks may, under the statutes of this State, lawfully invest the moneys deposited in said banks in the 3.65 bonds of the District of Columbia, issued under the acts of Congress of June 20, 1874, and February 20, 1875. By chapter 371 of the session laws of 1875, section 26, trustees of savings banks are authorized "to invest moneys deposited in those banks in stocks or bonds of the United States or those for which the faith of the United States is pledged to provide for the payment of interest and principal."

By section 7 of the act of Congress of June 20, 1874, as amended by the act of February 20, 1875, after providing for the issue of the bonds in question, and for the form thereof, it is further provided as follows:

"That the faith of the United States is hereby pledged that the United States will [by proper proportional appropriations, as contemplated by this act, and by causing to be levied upon property within said district such taxes as will do so] provide the revenues necessary to pay the interest on such bonds as the same may become due and payable, and create a sinking fund to pay the principal thereof at maturity."

The terms of this provision are so similar to those used in our State statute, in regard to investments by trustees of savings banks, as to raise a strong inference that the framers of the latter act must have had the acts of Congress in relation to the issue of these bonds before them and framed the act with special reference to these acts.

That was signed by Daniel Pratt, attorney general.

In addition to that, Mr. Chairman, as I stated in an argument upon this question upon the floor of the House made on the 12th of January a year ago, when the contemplated purchase of these bonds was under consideration by New York banking institutions, the distinguished Charles O'Conor was employed by them to give his opinion as to whether or not it would be a safe investment for them. That distinguished jurist, after going through the matter, recommended to President Grant that the words "do so" be added to the original act, and when those words were supplied it made the act read:

That the faith of the United States is hereby pledged * * * by causing to be levied upon property within said District such taxes as will do so, provide the revenue necessary—

And so forth. In addition to that, Mr. O'Conor, in treating of the subject, used this language in speaking of the methods adopted by the United States Government to see these bonds were paid:

By naming the methods in which the United States designs to perform its obligation—that is, through taxation on the District.

Mr. BURKE of Pennsylvania. Mr. Chairman, were those words inserted according to his suggestion?

Mr. JOHNSON of Kentucky. They were, and according to the opinion rendered by him they made the obligations payable out of the taxes levied upon the District of Columbia. Mr. Chairman, a year ago I stated as emphatically as I could, but for the benefit of those who did not read what I had to say on that occasion, as well as for those who are present now who were not present then, I wish to make this statement: That the faith of the United States has been solemnly pledged by the Congress to see that these bonds, both principal and interest, are paid. I take the position that as between the United States Government and the bondholder the United States Government is bound to him for the full payment of both principal and interest. That question and that question alone was always discussed by everybody who entered upon a discussion of that subject, but until I took up another feature of the bill a year ago nobody, from 1874 until now, that I could find, had ever discussed the proposition as to the liability existing between the Federal Government and the District of Columbia. My contention is, as I just said, that the United States Government is liable to the bondholder simply as a guarantor, and that as between the United States Government and the District of Columbia the United States Government is only such guarantor.

One of the first questions raised upon the floor of this House upon the subject was raised—I forget the year—by Mr. De Armond, then a Representative in Congress from the State of Missouri, when the House was presided over in the Committee of the Whole House on the state of the Union by the gentleman from New York [Mr. PAYNE]. Mr. De Armond offered an amendment to the sinking-fund and interest clause. After discussion of it, the gentleman from New York [Mr. PAYNE] rendered a

carefully prepared ruling. In that ruling he decided against the amendment offered by the gentleman from Missouri, Mr. De Armond. In rendering that ruling I contend that the gentleman from New York [Mr. PAYNE] substantiated the principle for which I now stand, because to have sustained the amendment offered by the gentleman from Missouri, Mr. De Armond, would have overruled my position, but when the gentleman from New York held the point of order good to the amendment offered by Mr. De Armond he then practically sustained the position for which I now contend. That ruling I have also, together with the one rendered a year ago by the gentleman from Tennessee [Mr. GARRETT], sent to the Chair, and I trust that he has read the CONGRESSIONAL RECORD containing the arguments made pro and con upon this question as well as the ruling rendered by the gentleman from New York [Mr. PAYNE], and also that rendered a year ago by the gentleman from Tennessee [Mr. GARRETT]. When the matter was up for discussion a year ago I was taking the position that inasmuch as the law directed that the Secretary of the Treasury should advance the money with which to pay the interest as it accrued that he was also thereby directed to charge it up against the District of Columbia as an advancement upon such appropriations as the Congress might make for the benefit of the District of Columbia. In the midst of my argument upon that occasion I was asked a question by the gentleman from Pennsylvania [Mr. DALZELL] as to whether or not the amount set out in the bill for the purposes of the sinking fund and interest was accurate, and my answer, of course, was I did not know; that I had not made the computation, but I did not believe that it had ever been accurate, for the reason that the Secretary of the Treasury of the United States could not in advance say what bonds of the 3.65 denomination would be redeemed during the then next six months ahead of him. Some gentleman upon the floor, I do not recall just who it was, left the floor, went into the cloakroom and used the telephone, and called up the Treasurer of the United States, and asked him if the amount appropriated in the bill had always been accurate, and as to whether or not there was any deficit left from that appropriation, or whether it had ever been exceeded. The answer came back, I can not give the words, but in substance, that the appropriation had always been accurate. Since then the accountant authorized by this House, who is going over the accounts between the Federal Government and the District of Columbia, has gone into that subject.

I have in my hand now only a partial report. When this was given to me a day or two ago by the accountant he had not completed the investigation, but the partial report shows that thirty-seven times the amount appropriated by Congress was insufficient to pay this sinking-fund item. The Treasurer of the United States, for the fiscal year ending 1882, in going into the Treasury to get more money than had been appropriated with which to pay the interest on these bonds, states in print in his report that he relies upon section 4 of the act of June 11, 1878, in order to get that money, that section being that the Secretary of the Treasury is directed to pay this interest, or rather to advance the money with which to pay this interest, and then to recoup the Federal Treasury out of the appropriations made by Congress as a subsidy to the District of Columbia. As I said, this partial report which I have in my hand gives the ledger number, the page, the fiscal year, the date of warrant, and the amount in thirty-seven times——

Mr. GARNER. In 37 different years?

Mr. JOHNSON of Kentucky. Not 37 different years, because the interest is payable semiannually, but upon 37 different semiannual payments; and this is only a partial list, the Treasurer of the United States insisting that the authority was conveyed by the last appropriation act, which is exactly similar to this, and relied upon the act which I am relying upon, and he advanced the money to pay this interest.

Mr. COX. What is the variation in the amount?

Mr. JOHNSON of Kentucky. I will read the amounts beyond the appropriation bill in each instance to which the Treasurer went, and then I will insert the whole statement.

The statement is as follows:

Statement of appropriations raised for the purpose of paying interest on the 3.65 bonds (authority quoted, section 4, act June 11, 1878).

	Page.	Date of warrant.			No. of warrant.	Amount.	Total.
		Fiscal year.	Year.	Day of month.			
Ledger No. 17	431 and 433	1882	1881	July 29	2015	$1,833.68	
Do	431 and 433	1882	1882	Feb. 27	529	7,650.79	
							[1] $9,480.47
Ledger No. 18	436 and 437	1883	1882	July 25	1816	27.52	
Do	436 and 437	1883	1882	Nov. 3	2974	4,225.88	
Do	436 and 437	1883	1883	June 16	1692	2,290.40	
							6,543.80
Ledger No. 19	331 and 332	1884	1884	Mar. 21	798	2,586.00	
Do	331 and 332	1884	1884	Mar. 28	835	3,113.34	
Do	331 and 332	1884	1884	May 12	1248	336.52	
Do	331 and 332	1884	1884	June 28	1725	863.31	
							6,899.17
Ledger No. 20	36	1885	1884	Aug. 28	2249	545.00	
Do	36	1885	1884	Oct. 30	3309	579.60	
Do	36	1885	1884	Nov. 25	3535	241.52	
Do	36	1885	1884	Dec. 31	3945	118.08	
Do	36	1885	1885	Jan. 13	118	7,935.00	
Do	36	1885	1885	June 11	1876	48.87	
							9,468.07
Ledger No. 21	35, 36, and 42	1886	1885	July 3	2245	59.80	
Do	35, 36, and 42	1886	1885	Aug. 31	3086	229.95	
Do	35, 36, and 42	1886	1885	Sept. 16	3242	1,149.75	
Do	35, 36, and 42	1886	1885	Oct. 14	3539	5,154.21	
							6,593.71
Ledger No. 22	37 to 40 and 49	1887	1886	July 8	33	1,051.20	
Do	37 to 40 and 49	1887	1886	Sept. 2	743	36.74	
Do	37 to 40 and 49	1887	1887	Mar. 5	3454	239.25	
							1,327.19
Ledger No. 23	36 to 39	1888	1888	Apr. 2	3564	17,103.10	
Do	36 to 39	1888	1888	June 27	4099	3,620.63	
							20,723.73
Ledger No. 24	31 to 34	1889	1888	Nov. 1	742	7,779.06	
Do	31 to 34	1889	1888	Sept. 1	568	749.85	
Do	31 to 34	1889	1889	June 21	1615	573.40	
							9,102.31
Ledger No. 25	31 to 36	1890	1889	Oct. 5	1945		13,499.52
Ledger No. 26	30 to 33	1891	1890	Dec. 6	3412		25,286.12
Ledger No. 27	30 to 33	1892	1891	Aug. 21	887	2,667.28	
Do	30 to 33	1892	1891	Oct. 23	2282	14,591.99	
							17,259.27
Ledger No. 28	31 to 34	1893	1893	Mar. 8	5814		1,181.68
Ledger No. 31	31 to 33	1896	1895	Dec. 2	1640	19,955.62	
Do	31 to 33	1896	1896	June 22	5409	4,876.20	
							24,831.82
Ledger No. 39	31 to 32	1904	1903	July 14	195		3,305.22
Ledger No. 40	31 to 32	1905	1905	Mar. 31	4834	22,419.10	
Do	31 to 32	1905	1905	May 22	6093	2,555.00	
							24,974.10
Total							180,485.18

[1] Treasury ledger gives as authority U. S. Stat., vol. 21, 465, 466.

Treasurer's published report fiscal year ending 1882 relies upon sec. 4, act June 11, 1878.

As the gentleman sees, the total is $180,485.18.

Mr. BURKE of Pennsylvania. Were those semiannual?

Mr. JOHNSON of Kentucky. They were semiannual payments made by the Treasurer of the United States Government, following the directions contained in section 4 of the act of June 11, 1878, for the purpose of paying the interest on these bonds.

Mr. BURKE of Pennsylvania. As I understand, the amounts you have read are those paid by the Treasurer in excess of the authorization?

Mr. JOHNSON of Kentucky. In excess of the authorization, but not in excess of the real authorization. I contend he had a perfect right to do it. He carried it in excess of the amount contained in the appropriation bill, but not in excess of the original act directing him to pay it, and then to charge it back to the District of Columbia.

Mr. BURKE of Pennsylvania. How does the gentleman account, I would like to know, for the variation in the amounts? The excess on one occasion was $37 and on another occasion it was $24,000. The amounts due semiannually would be the same, presumably, would they not?

Mr. JOHNSON of Kentucky. No; there are some coupons on those bonds that have never been sent in.

Mr. BURKE of Pennsylvania. He pays them as the coupons are sent in?

Mr. JOHNSON of Kentucky. As the coupons are sent in, and there are coupons due for thirty-seven and odd years that have never been sent in.

Mr. MANN. Will the gentleman yield for a question?

The CHAIRMAN. Will the gentleman from Kentucky [Mr. JOHNSON] yield to the gentleman from Illinois [Mr. MANN]?

Mr. JOHNSON of Kentucky. I will.

Mr. MANN. What proportion of this is for interest and what proportion for the sinking fund in the appropriation?

Mr. JOHNSON of Kentucky. I do not know and have not the slightest idea.

Mr. MANN. These amounts that were advanced by the Government, as the gentleman states, were charged up to the District of Columbia?

Mr. JOHNSON of Kentucky. They have not been charged up to the District yet, all of which will be shown in a hearing upon which I will begin in the next few days.

Mr. MANN. Those amounts, as the gentleman believes, are simply paid out of the Treasury of the United States?

Mr. JOHNSON of Kentucky. They have been paid out of the Treasury of the United States upon a debt that they never owed.

Mr. MANN. Regardless of that part, I wanted to get at the facts if I could. We appropriate $975,408, one-half out of the District treasury and one-half out of the Federal Treasury; now, these excess amounts have been paid wholly out of the Federal Treasury?

Mr. JOHNSON of Kentucky. They have.

Mr. MANN. And not charged to the District at all?

Mr. JOHNSON of Kentucky. Not at all.

Mr. MANN. The gentleman advances this proposition as a construction of the Treasurer in this letter. I suppose the gentleman wants to go only halfway with the construction. Apparently, the Treasurer construed that he had the authority to pay it out of the Treasury and it did not require him to charge it up against the District?

Mr. JOHNSON of Kentucky. He did; and I am not here to criticize him for it.

Mr. MANN. It is a question of fact.

Mr. JOHNSON of Kentucky. I am inclined to the opinion that the Treasurer of the United States, without one word being said about it in this bill, can go and pay that interest. And I base that opinion upon what is done relative to the interest on the Government bonds. The Secretary of the Treasury, under general law, is directed to pay interest on the debt of the United States, and you can search all the appropriation bills and you can not find a specific appropriation made for that purpose.

Mr. OLMSTED. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I will.

Mr. OLMSTED. If I correctly understand the gentleman from Kentucky, he says that by the general law, and without any authority to be contained in this bill, the Treasurer of the United States is authorized to pay the interest on these bonds?

Mr. JOHNSON of Kentucky. By general law the Treasurer of the United States is directed to advance the money and pay the interest on these bonds, and that direction carries with it a further clause, and that is, that in the adjustment of the account between the District and the Federal Government the amount so advanced shall be credited as a part of the appropriation for the year by the United States toward the expenses of the District of Columbia.

Mr. OLMSTED. What is the act?

Mr. JOHNSON of Kentucky. The act of June 28, 1874, which reads as follows:

> Hereafter the Secretary of the Treasury shall pay the interest on the 3.65 bonds of the District of Columbia issued in pursuance of the act of Congress approved June 28, 1874, when the same shall become due and payable, and all amounts so paid shall be credited as a part of the appropriation for the year by the United States toward the expenses of the District of Columbia as herein provided.

Now, Mr. Chairman, my point is this, and I not only wish the Chair to catch it but I wish the Members of the House to get it: That the provision now pending before the House for consideration has only the naked words—

> For interest and sinking fund on the funded debt, $975,408.

Now, that is a direct appropriation in equal parts from the treasury of the District as well as from the Federal Treasury. My contention is this, that there is no law to authorize that, but there is a law which authorizes that this interest shall be paid with the limitation placed upon it, that—

> The same shall be credited as a part of the appropriation for the year by the United States toward the expenses of the District of Columbia as herein provided.

I insist that that is the law and that when the Committee on Appropriations brings in here a clause expressed in a few words, leaving out the limitation that that money must be repaid by the District of Columbia to the Federal Government, the law has not been complied with. They have no authority, and I defy them to produce any authority, which authorizes the direct appropriation of Federal moneys to the payment of interest on this debt without the qualifying words that it shall be returned to the Federal Treasury to offset the appropriation made by Congress to the District of Columbia.

Mr. MANN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. MANN. Suppose this item should go out of the bill and no appropriation should be made. Under the law which the gentleman cites, as I understand from him, the Treasurer would still be obliged to pay the interest. Whether he would be obliged to provide for the sinking fund I am not prepared to say.

Mr. JOHNSON of Kentucky. The law is as direct in the one case as in the other.

Mr. MANN. Then he would have to pay out of the Treasury this sum of $975,408, and probably some excess, with no means provided by law for getting it out of the District treasury into the Federal Treasury, or any part of it. Where will we be left if we make no appropriation?

Mr. JOHNSON of Kentucky. I announced a year ago, Mr. Chairman, and I repeat it now, that if this item should go out of the District bill now before us I will offer an amendment, to read as follows:

> Hereafter the Secretary of the Treasury shall pay the interest on the 3.65 bonds of the District of Columbia in pursuance of the act of Congress approved June 28, 1874, when the same shall become due and payable, and all amounts so paid shall be credited as a part of the appropriation for the year by the United States toward the expenses of the District of Columbia as herein provided for, and that the sum of $975,408 is hereby appropriated for that purpose.

Then, if the Treasurer fails to make that proper credit, the Attorney General has the right to recover it; and if he does not, we can do in this instance what we did when we found that the District of Columbia was indebted on account of the lunatic asylum to the Federal Government in the sum of $769,000. You can put it on any bill and compel the District to reimburse the Federal Treasury, just as there is an item in this bill now in part to reimburse the Federal Government on that item.

Mr. MANN. I suppose we can pass a law requiring that any sum of money shall be transferred from the District treasury to the Federal Treasury; and if that sum of money is there, it will be transferred. But without legislation nothing would be accomplished. Now, the gentleman refers to deducting this $975,408——

Mr. JOHNSON of Kentucky. I read the law.

Mr. MANN. Yes; the gentleman read the law and referred to it.

Mr. JOHNSON of Kentucky. Yes; both.

Mr. MANN. I do not know how the appropriation was made at that time, but this appropriation bill is not so made up that that is practicable, as it seems to me.

Mr. JOHNSON of Kentucky. Neither the gentleman nor I made it up.

Mr. MANN. I understand. I will say to the gentleman that I am trying to get information. If you should say that there should be $975,000 deducted from the half of the Government

carried in this bill, the natural inquiry would be, "From what items should it be deducted?"

Mr. JOHNSON of Kentucky. Oh, I have anticipated all that, and year after year I have seen the attempts made by gentlemen upon this committee to defeat a plain act of Congress, in order that this year nearly $500,000 may be given to the District of Columbia as a present. I have seen former attempts successfully made to make presents to the District of Columbia out of moneys belonging to the people of this Nation of considerably more than that for the same purpose, because the amount of interest is year by year growing smaller. At one time the interest on this debt in your annual appropriation bill was something like $1,300,000. Now upon this $15,000,000 worth of 3.65 bonds, issued to refund the old indebtedness of the District of Columbia, not one dollar of which the Federal Government owed, the Federal Government has been made to pay $22,000,000 in interest, and that upon a debt which was originally but $15,000,000.

Mr. BURKE of Pennsylvania. Suppose you strike out lines 24 and 25. That brings you back, then, to the act of 1874, under which, as I understand it, the gentleman admits that the treasurer has full authority to pay not only the amount due this year but the entire principal.

Mr. JOHNSON of Kentucky. It brings it back to the act of 1878, but it also brings it back to the act of 1879 relative to the sinking fund.

Mr. BURKE of Pennsylvania. Under which acts the treasurer has the absolute authority to pay not only the amount due this year, but the entire amount of the principal and interest for future years until the entire debt is liquidated. Now, how would you secure from the District of Columbia the amount that you claim should be converted into the Treasury of the United States, except by some special provision? What is the gentleman's suggestion on that line?

Mr. JOHNSON of Kentucky. I have not gone into that feature of the matter with the degree of carefulness that I should have, first to see that the law is complied with in this appropriation bill.

If we can ever get a ruling to the effect that the limitation must go with it, that limitation being that this money must be returned to the Federal Government, then I shall be most willing and anxious to cooperate with anybody to devise any means or measure by which the money can be gotten out with which to pay the interest when it is due, and also to provide for its being refunded to the Federal Government; and I want again to ask that my position be distinctly understood. I stand with the most extreme man here or anywhere else; I stand with the bondholder himself in saying that this is a sacred obligation upon the part of the United States, and that these bonds and interest must be paid; but in paying these bonds and interest I do raise my voice in protest against coming in here in this appropriation bill with a part of this act, and leaving out the qualifying clause that that money shall be refunded to the Federal Government.

Mr. BURKE of Pennsylvania. Does the gentleman contend, then, that the voluntary assumption by the United States Government of the payment of this particular amount without the limitation removes the right of the Government to recover ultimately from the District?

Mr. JOHNSON of Kentucky. I am of the opinion that every year when the appropriation bill reads just as it reads now, and there is no remedy to collect that which has been paid—a thing which has been repeated for many years—this proposition makes it a gift, when coupled with the first provision of the bill, which reads that the items hereafter set out in the bill shall be paid upon the half-and-half plan. Now, if the present interest and sinking fund item is taken in connection with the first provision of the bill, which is that all these items in the bill shall be paid upon the half-and-half plan, then the half of this $975,000 becomes a gift to the District of Columbia by the Federal Government, and there is where I contend there is no authority.

There is existing law which authorizes an appropriation to be made to pay this sinking fund and interest, but there is no law which authorizes this committee to bring in a bill leaving out the limitation, leaving out the qualification that this money must, when advanced by the Treasurer of the United States and paid for the District of Columbia, be repaid to the Government of the United States; that is, that the United States Government must have credit upon its appropriation made to the District of Columbia.

Mr. SHERWOOD. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Certainly.

Mr. SHERWOOD. Did I understand the gentleman to say that the Government of the United States has paid $22,000,000 in interest?

Mr. JOHNSON of Kentucky. The Government of the United States has paid more than $22,000,000 interest upon this $15,000,000 debt, of which it never owed a cent.

Mr. BURKE of Pennsylvania. Does the gentleman know how much was paid in pursuance of authorizations similar to the one in this appropriation bill?

Mr. JOHNSON of Kentucky. My opinion is that the accountant who has been going over the matter will prove by their own bookkeeper that it has already been done to the extent of one and one-quarter million dollars; that there is now that much money unquestionably due from the District of Columbia to the Federal Government before this item that now appears in this appropriation bill ever appeared in any appropriation bill, including the amounts which I have just read, as overpayment on interest, and unauthorized by this bill.

Mr. BURKE of Pennsylvania. If there is one million and a quarter dollars due from the District—I do not quite catch the gentleman—how does he reconcile that with the statement that over $22,000,000 has been paid by the General Government?

Mr. JOHNSON of Kentucky. If this item that is now in this bill becomes the law, the half of $975,000 will be the interest payment as a present to the District of Columbia, and that will increase the twenty-two million to that extent.

Mr. BURKE of Pennsylvania. If the Federal Government has already paid $22,000,000, which the gentleman from Kentucky says it ought not to have paid, then the District of Columbia would owe more than a million and a quarter dollars to the Federal Government.

Mr. JOHNSON of Kentucky. The gentleman fails to understand me, or I fail to make myself quite clear. I will endeavor by repetition to concisely go over it again. I have just read a statement showing a payment of $180,000 more than is authorized in the bill. That one hundred and eighty-odd thousand dollars is unquestionably due from the District of Columbia to the Federal Government. Now, there are other amounts like that, but amounts paid, not under the direction as contained in the present bill, which will amount to a million and a quarter of dollars.

Mr. Chairman, a year ago I consumed the time of several hours in arguing this question. My argument now is addressed almost solely to the Chair. Having sent the CONGRESSIONAL RECORD to the Chair in advance, I suppose the Chair has examined it.

The CHAIRMAN. The Chair will state to the gentleman and to the committee that the Chair has examined the CONGRESSIONAL RECORD at the time the matter was presented, in 1896, when the gentleman from New York [Mr. PAYNE] was the Chairman, and the arguments and ruling of the Chair. He has also examined the very able and extensive arguments presented over a year ago by the gentleman from Ohio [Mr. TAYLOR] and others, and the arguments made a year ago by the gentleman from Kentucky [Mr. JOHNSON], the gentleman from Virginia, and the gentleman from Texas, and others, when this question arose on the last appropriation bill. He has also examined the persuasive ruling made at that time by the Chairman, the gentleman from Tennessee [Mr. GARRETT].

The Chair in the course of inquiry has also carefully examined, as he necessarily must, the acts of 1874, 1875, 1878, 1879, and the appropriation bills passed early after 1878, and some others. The Chair has given as diligent attention to the important questions involved as time in the last few days would permit. The Chair makes this statement, not to suggest an undue abbreviation of the discussion, but merely to let the gentleman from Kentucky, the gentleman from Texas, and other gentlemen understand that the Chair had given his attention to the subject, so that gentlemen who present arguments may do so with the knowledge that the Chair had looked into the statutes, rulings, and the arguments, and so forth. The point of order presents an important subject, and the Chair is disposed to hear gentlemen fully.

Mr. JOHNSON of Kentucky. Mr. Chairman, I shall invite the attention of the Chair particularly to the ruling made by the gentleman from New York [Mr. PAYNE], as well as to that made by the gentleman from Tennessee [Mr. GARRETT]. I ask that you take these two rulings, go through them carefully, with a view of ascertaining whether or not the ruling made by the gentleman from New York [Mr. PAYNE] does not thoroughly accord with my views. And further, for the purpose of ascertaining whether or not the gentleman from Tennessee [Mr. GARRETT], in making his ruling, did not leave the main question to one side and rather avoid or evade it, and render his opinion upon another subject entirely.

As I said, I have no desire to consume the valuable time of the House in repeating arguments of a year ago, which took several hours upon my part. In order to avoid that I have sent

the CONGRESSIONAL RECORD, with everybody's arguments in it, to the Chair, and the Chair having announced that he has read those things, unless some one wishes to ask me a question, I am ready to submit on the arguments heretofore made.

Mr. FOWLER. Mr. Chairman, I desire to ask the gentleman from Kentucky one or two questions.

Mr. JOHNSON of Kentucky. I will yield to the gentleman.

Mr. FOWLER. Does the gentleman contend that the Government should pay any part of this interest on these bonds?

Mr. JOHNSON of Kentucky. My contention is this, that the law does not make the Federal Government liable, as between the Federal Government and the District of Columbia, for 1 cent of either interest or principal of these bonds, and that this section of the bill of to-day is an attempt to appropriate money without authorization, to appropriate it without at the same time using the limitation set out in the law.

Mr. FOWLER. Then, if I understand the gentleman correctly, it was an original debt of the District?

Mr. JOHNSON of Kentucky. Nobody questions that.

Mr. FOWLER. And that the District is responsible for it, and all that the Government ever did on behalf of the District was to become guarantor for the payment of the bonds and interest.

Mr. JOHNSON of Kentucky. I will say to the gentleman that when these bonds were issued they sold as low as 30 cents on the dollar, but when Attorney Charles O'Conor, from New York, succeeded in having President Grant insert in his message the recommendation that the two words "do so" be added to the act, making it read that they should levy a tax to do so—to raise the revenue to pay these bonds—then those bonds went to par, and they have gone past par; they have gone as high as 128, and the sinking-fund commissioner, who is Treasurer of the United States, has retired those bonds at a premium of 128 with the law staring him in the face that none of these bonds shall be redeemed at more than par.

Mr. FOWLER. Then, if the Government does pay any part of this debt or interest, the gentleman thinks it ought to be chargeable to the District of Columbia?

Mr. JOHNSON of Kentucky. If the Government pays any part of it in accordance with law it must be refunded to the Federal Government by the District of Columbia, but if it is paid under this unlawful clause that is now before us, then one-half of it is a gift by the American people to the District of Columbia.

Mr. FOWLER. When did the Government become guarantor?

Mr. JOHNSON of Kentucky. On June 20, 1874, when these bonds were authorized. They are 50-year bonds and fall due in 1924.

Mr. FOWLER. I understand that there is a counter contention that the Government assumed to pay one-half of this debt and the interest thereon.

Mr. JOHNSON of Kentucky. The item in this bill does not disclose whether there is a counter contention or not. I do not believe that there is a legitimate counter contention claiming that the Federal Government, as between the Government and the District of Columbia, owes any part of these bonds, but there is year after year—and most usually it is successful—an attempt to give away half a million dollars of the public money without authorization of law.

Mr. FOWLER. If there is no legal authority for the Government to pay any part of this debt and the interest thereon, then this item of appropriation binds the Government to pay one half and the District the other half.

Mr. JOHNSON of Kentucky. And for that reason I have made a point of order, and I challenge any man to produce any law or any part of a law which authorizes the payment of 1 cent upon the part of the United States without carrying with it the qualification that that money shall be refunded to the Federal Government by the District of Columbia.

Mr. OLMSTED. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. OLMSTED. Mr. Chairman, if the Government, as between itself and the bondholders, is bound to pay the whole of this interest, then a simple proposition in an appropriation bill appropriating the full amount would be in order, would it not?

Mr. JOHNSON of Kentucky. I think so.

Mr. OLMSTED. Then is not an appropriation of one-half of it in order?

Mr. JOHNSON of Kentucky. No; the law and the good faith of the United States so solemnly pledged has not been complied with when that is done. The United States has guaranteed to pay the bondholders all of this interest, and when the United States has paid one-half of it it has broken good faith with the bondholders.

Mr. OLMSTED. Mr. Chairman, just one moment. For the purposes of what I shall say I am accepting the construction of law as placed upon this by the gentleman from Kentucky. He says that as between the Government and the bondholders the Government is bound to pay the whole sum, the interest and this money, to the sinking fund. Accepting that as the law—that is, the general law—it certainly authorizes an appropriation of this whole sum out of the Federal Treasury. If it authorizes the appropriation of the whole sum, then the general law clearly authorizes an appropriation for half that amount. This bill does not attempt to decide anything between the Government and the District of Columbia. It says, in the opening lines—

> That the half of the following sums named, respectively, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia.

In other words, so far as the Federal Treasury is concerned, it appropriates half of this interest and sinking-fund money. Now, if, as the gentleman from Kentucky contends——

Mr. JOHNSON of Kentucky. Will the gentleman pardon me just there for an interruption?

Mr. OLMSTED. Certainly.

Mr. JOHNSON of Kentucky. It appropriates it without the qualification and limitation that it must be returned by the District of Columbia to the Federal Government.

Mr. OLMSTED. I was just about to refer to that. Now, Mr. Chairman, if, as the gentleman says, there is a general law under which these bonds are issued requiring that the interest when paid by the Government shall be charged to and collected from the District of Columbia, it is not necessary to reiterate that general law once a year as long as the bonds are outstanding. That general law stands. We simply appropriate the money to be paid by the Treasurer. If, then, the general law requires him to charge that up to the District of Columbia this does not repeal or interfere with it; that law stands.

Mr. JOHNSON of Kentucky. If the gentleman will permit, this does repeal it, and if this clause of sinking fund and interest is taken in connection with the first provision of the bill which directs that it shall be paid upon the half-and-half plan, it repeals the original law, because the original law, as I again state, carries with it the qualification that this money must be returned to the Federal Government. This not only does away with the provision to return it, but makes it pay the half, and that part which comes from the Federal Treasury goes as a gift.

Mr. OLMSTED. That is the difference between the gentleman and myself. There is nothing in this bill making any gift. Instead of appropriating the whole money to pay the whole in the first instance out of the Federal Treasury we appropriate half of it and make the District of Columbia pay the other half in the first instance. If there is a law requiring the Secretary of the Treasury to charge up against the District of Columbia and collect from it whatever the Government pays, then he will have to collect from the District the half we pay under this bill. This bill attempts to decide nothing between the Government and the District of Columbia except as to the amount of this particular appropriation. One-half is appropriated out of any money in the Treasury. Now, if the law requires whatever is paid out of the Treasury for that purpose to be charged up against and collected from the District of Columbia, why, that will have to be collected in the way as pointed out by the law. This bill would not interfere with that at all, and therefore this appropriation is authorized by law and is in order.

Mr. SAUNDERS. Mr. Chairman, the gentleman from Kentucky [Mr. JOHNSON] has submitted a very extended argument in connection with the settlement of accounts that he has been making between the Government and the District. We are not concerned with that inquiry, and it can in no possible way be of aid to the Chair in the determination of the point of order. I submit that, assuming that the theory of the gentleman from Kentucky on the subject of reimbursement is correct, still even on that theory, as shown by the gentleman from Pennsylvania [Mr. OLMSTED], the provision in the pending bill is in order. This conclusion is in conformity with the ruling of a year ago, made by Mr. Chairman GARRETT on this identical point.

However, without discussing outside, and irrelevant matters, the committee insists that not only is it in order to appropriate for this sinking fund, as held by Mr. GARRETT, but that the authority is specifically given to appropriate for it on the half-and-half basis. Mr. GARRETT held that it was not necessary for him to rule on this proposition, in order to overrule the point of order. But we go further than his ruling and insist that the positive law commits the Government to the payment of one-half of the District debt. We are not concerned as a committee, with the wisdom or justice of the original assumption, but with the fact. If the assumption was made, the committee must appropriate accordingly, and this item is in order. It is also in order to move to strike it out. I therefore challenge the asser-

tion of the gentleman from Kentucky, that the Government has never assumed the payment of one-half of this District debt.

On the contrary I specifically assert, and intend to maintain, not only by the rulings of preceding occupants of the chair, but from the statute itself, and from the history of this legislation, the proposition that this Government deliberately assumed the burden of one-half of this indebtedness, principal as well as interest. We are not concerned for a moment with the question of the character of that indebtedness. It may, or it may not have been fraudulent. As to this I do not pause to inquire, for there are no sufficient available facts, on which to base an opinion. It is true that a charge to this effect was made by the gentleman from Kentucky, Mr. Blackburn, during a discussion on the merits of that provision of the act of 1879, which is now before the Chair, and upon which he is asked to rule. In fact Mr. Blackburn's opposition to the provision was avowedly due to the fact that in terms it proposed to charge the Government of the United States with the payment of one-half of a considerable debt which he insisted was largely fraudulent, and justly due to no one. Repeatedly Mr. Blackburn made the charge, and this charge emphasizes the meaning now imputed to this section. It is the same meaning imputed in the debate of 1879. The gentleman from Kentucky must admit that in this debate is nowhere found the suggestion that the Government would be reimbursed. If that is the meaning of the provision, then Mr. Blackburn's remarks were utterly lacking in force and point. A contract of reimbursement would have satisfied the gentleman from Kentucky [Mr. Blackburn], but to a contract of assumption which he declared this amendment to be, he was vehemently opposed.

During the elaborate discussion of the meaning and effect of the report of Mr. Atkins carrying the provision for the payment of one-half of the debt of the District, it was fully understood by both the friends, and opponents of the same, that if it was adopted, the Government would be charged with a new liability, and become immediately responsible for one-half of an alleged fraudulent indebtedness. That this is true, I will fully show by the RECORD.

The Chair has already adverted in another ruling to a principle to which I wish to call his attention in this connection, and that is, that when legislation of an ambiguous character, is enacted, the subsequent action of the Congress which enacts it, may furnish a clue to its meaning, and such action may be appropriately considered by the Chair when he comes to interpret the statute. In the act to which the former ruling related, Congress had legislated with reference to the police department, using language which, it was insisted in debate, charged the whole burden of that department upon the District. But the Chair called attention to the fact that immediately thereafter, Congress proceeded to appropriate for this department upon the half-and-half principle. Hence on this, and other grounds he overruled the point of order. Now the above is this case, only the present one is much stronger on the facts. Immediately subsequent to the act of 1879, Congress began to appropriate for the sinking fund, and has continued to do so in the same language ever since.

There are three acts relating to the half-and-half principle, the act of 1874, the act of 1878, and the act of 1879.

The provision assuming, on the part of the Government, one-half of the funded indebtedness of the District of Columbia is found in the sundry civil bill of 1879, and was fully debated at the time. In the absence of this contemporaneous debate, and without regard to the uniform action of Congress thereafter in appropriating for this sinking fund on the half-and-half basis, some question of difficulty might be presented in the terms of this amendment. The language in some respects is inapt and ambiguous. But in the interpretation of this language, the whole course of dealing between the District and the Government, as illustrated by the three acts of 1874, 1878, and 1879 must be kept in mind. After the body which finally approved the amendment had stamped it with the meaning which it was admitted to carry, it is too late after successive appropriations of over 30 years in strict conformity with this meaning, to challenge its correctness, or to insist that it bears a meaning other than the one imputed to it, when the statute was enacted.

Permit me to call the attention of the Chair to another principle in this connection. It is undoubtedly true that successive appropriations for a project clearly unwarranted by law, however long continued, give no authority for another appropriation.

There is no difference of view over that proposition. But if a statute is ambiguous, and year after year, day in, as it were, and day out, the body charged with its interpretation, gives to that statute a definite meaning, as evidenced by the character of its appropriation, and even when it is challenged, refuses to change that appropriation, then such successive acts may be fairly considered in the determination of the true meaning of the provision under consideration. To say the least, it should have a very persuasive effect upon the Chair in arriving at that determination. In addition the Chair should look to any antecedent rulings that may have been made on the question under consideration.

Permit me to call the attention of the Chair to some of this contemporaneous debate. In this connection, I wish to say, that in that House of Representatives there was a division of opinion over the merits of the proposition submitted by the conference report but none over its meaning. Some Members of that body, like Mr. Blackburn, denied that there were any considerations of reason, or justice that justified Congress in assuming this burden. Others insisted that Congress should assume it. But one and all they agreed that if the conference report carrying this provision was adopted, a new obligation would be fastened upon the United States, and they would be required to pay one-half of this indebtedness.

I wish to call the attention of the Chair somewhat in detail to what occurred in the debate upon the sundry civil bill of 1879. This bill at that time carried the appropriations for the District, and the chairman in charge of the same was Mr. Atkins of Tennessee. Mr. Blackburn was asked as to the meaning of the provision under consideration, and replied as follows:

Mr. BLACKBURN. I answer that this provision of the report of the committee on conference binds this Government in its own capacity to the payment of one-half of the debt.

Can language be plainer than this? The present contention, is that the Government is bound for one-half of the District debt, and Mr. Blackburn, though opposing the conference report insisted in the contemporaneous debate, that such would be the effect of its adoption. Nor is that all. In the course of the debate, which lasted for quite a while, a gentleman named Hendee, took a part. He said in part:

I understand the Government of the United States is just as much bound by proportional appropriations and by the taxation of this District to take care of the sinking fund as it is to provide for the ultimate payment of this debt when it is due and as it is to provide for the interest. We have time and again, year after year, appropriated money from the Treasury of the United States to pay the interest on the 3.65 debt. We did so upon the ground that it was due as the plighted faith of this Government that this interest should be paid. Shall we go on and make no provision for the ultimate payment of the debt by a sinking fund or otherwise by means of taxation or appropriation until 50 years shall have elapsed, and let the whole burden then come at once on the Government? Is that the proposition?

I say that would be not only bad faith but bad policy. I say the Government is bound to take charge of and pay a share of this sinking fund in order to pay off this debt of $13,000,000.

In this connection I must refer to the acts of 1874, and 1878 relating to the proportional payments to be made by the Government. These acts clearly commit the Government to the half-and-half principle, and explain the attitude of Mr. Hendee. He insisted that by these acts, apart from the act of 1879, the Government was bound to pay a proportional part of the debt, as well as interest. This proportional part had been fixed at one-half.

So that even then, Mr. Chairman, the contention was that the Government was bound for one-half of this debt without any suggestion of reimbursement. But the gentleman from Kentucky [Mr. JOHNSON], now insists that a provision for reimbursement should be inserted in this bill, claiming that the original undertaking contemplated such a reimbursement.

I quote further from Mr. Hendee:

The United States are not only bound under that law to take care of the interest or see that it is paid, but we are also bound to take care that the principal is paid or provide a sinking fund for that purpose.

A little further another gentleman, Mr. Mayhem, took a hand in the discussion. Mr. Mayhem said:

Now, Mr. Speaker, I do not understand that my distinguished friend the chairman of the Committee for the District of Columbia [Mr. Blackburn] makes any question as to the Federal Government being liable to make provision for the interest on the bonds, and under the plain language of the statute there can be no distinction made between providing for the payment of the interest and the bonds at maturity by the creation of a sinking fund. If the one is binding and obligatory on the Government, the other is equally so. * * *

If the bonds have been issued, and that provision of the statute has been carried out by the officers of the Government, and on the face of that provision of law these bonds have been issued and gone into circulation, then by what principle of justice and good faith can it be said that the Government has to-day been relieved from the obligation of the statute?

Still further, the gentleman from Kentucky, Mr. Blackburn, who was on the District Committee, made this statement:

All that this sundry civil bill does, is to say that out of the fund thus created, of which the United States Government has agreed to pay one-half, the pledge of the Government to establish a sinking fund shall be fulfilled.

I might multiply these citations; I might increase the number of these references, but to what end?

Mr. BURKE of Pennsylvania. What reply, if any, did the conferees in that case make?

Mr. SAUNDERS. Mr. Atkins, for the committee of conference, stated that he was opposed to that feature of the report which provided for the assumption of the debt, but he outlined what it was intended to accomplish, agreeing in that respect with Mr. Blackburn and others who were in opposition to the conference report. This was in 1879, not in 1878.

I wish to call the attention of the Chair to the answer of Mr. Atkins to queries propounded by two gentlemen relating to the provision for the sinking fund:

I can answer both the question of the gentleman from Missouri [Mr. Franklin], and the question of the gentleman from Texas [Mr. Reagan], at the same time. The gentleman from Texas asks me to state what the bill provides in regard to the interest and sinking fund on the funded debt of the District. This provision is made: "For the interest and sinking fund on the funded debt, $1,155,583.55."

The last sentence of the above answer differs from the one found in the present bill only in the amount carried.

So you will note that at the very time that Congress incorporated into this bill the assumption of one-half of the principal of the funded debt, that body began to legislate in regard to its payment precisely as we are now proposing to legislate in respect of the same in the present bill. This item, save as to the amount, has been carried in the District bill in the same language for over 30 years.

Permit me to call your attention to another fact in this connection, and that is that Mr. Blackburn for some years after the act of 1879 was a Member of this body. Yet never thereafter during his service in this House, did he attempt to challenge the proposition that under the above act, the Government was liable for one-half of the District indebtedness. He was in charge of the District of Columbia appropriation bill that carried the first provision for this sinking fund. I am advised that this is the fact, by the gentleman to my right, but am not personally apprised that such is true.

Mr. Atkins also stated that:

About $120,000 of that amount is designed to be a sinking fund, one half of which is to be paid by the District of Columbia and the other half by the United States Government.

The language used is most explicit. He continued:

Now, Mr. Speaker, I state with perfect frankness to the House that I did not in conference committee favor that proposition. I would have preferred that that had not been put in this bill. But, sir, I was overruled by a majority of the House conferees, and I am not willing, it is equally frank for me to say, to defeat this bill simply because that feature is in the bill, although I was not in favor of it.

Mr. Blackburn, in a further discussion of this proposition, stated:

This proposition of this section of the bill is to fasten upon the Government of the United States, for the first time, an obligation to pay one half of all funded debt—

Does the Chair note any suggestion on the part of the gentleman from Kentucky [Mr. Blackburn] that after assuming this obligation, the Government was to be reimbursed in whole, or in part? If he had this thought in mind, he certainly failed to give expression to the same. He added:

And leave the people of the District of Columbia, already ground into the earth by taxation, to pay the other half of this debt. The law to-day does not require the Government to pay a dollar.

How is it possible to argue against language so plain as this, used, as I say, by the very men who were opposing this proposition, in the first instance?

How can the Members of this House contend that the section now under discussion, provides for reimbursement, when the body which adopted it, were agreed that a meaning of a very different character attached to the language used? Mr. Chairman, permit me to call your attention——

Mr. BURKE of Pennsylvania. If the gentleman will allow me, I agree with him entirely that his position would be very much more thoroughly fortified if the opponents of the measure admitted it.

Mr. SAUNDERS. They did admit it. They brought the meaning of this section to the attention of the House. Hence the debate. Mr. Atkins, the chairman of the Appropriations Committee, also brought the effect of this amendment clearly before the House, in explaining his report.

Mr. BURKE of Pennsylvania. And he himself was opposed to it, but admitted that that was the effect of it.

Mr. SAUNDERS. Yes.

Mr. BURKE of Pennsylvania. I agree with the gentleman.

Mr. SAUNDERS. The section was debated upon the theory that it imposed a new and unjust obligation on the Government. In spite of this contention the report was agreed to. From that day forward, the appropriation bill for the District has provided for the sinking fund in the same language, each bill differing from the preceding bill only in the amount provided. As time has flowed by, the debt has been reduced from year to year, and successively smaller amounts have been required.

Mr. Chairman, if you were called upon to pass on this section as a disconnected proposition, unrelated to its environment, and apart from this contemporaneous debate, you might have difficulty in its interpretation. It is not very aptly drawn. But be this as it may, it is a sound principle of interpretation that a body of related legislation must be construed with respect to the general intent, and that the meaning of an individual paragraph, must be sought in the context and in the general intent and purpose of the related legislation. It is also well to have in mind the meaning given to a paragraph or statute, by the persons charged with some duty thereunder. It is a familiar proposition of law that if a contract is ambiguous, and the parties thereto, and living under it, have given the same a meaning, such an interpretation shall bind the parties to the contract, and be taken as its real purport.

If the Congress of the United States passes an act, and that act is debated, and upon consideration all parties are agreed as to the meaning of a section, then they stamp that section with that meaning, when they pass the bill of which it is a part. Such action may be fairly looked to, especially in a case like this, when the discussion took so wide a range, showing most clearly that all parties concerned were acting with knowledge in the final passage of the act.

Certainly this debate, and the subsequent action of Congress in appropriating for the sinking fund, is persuasive authority supporting our contention that one-half of this funded debt was assumed by the Government, and the committee was thereby authorized to appropriate for its discharge.

I wish to call the attention of the Chair to the fact of record, that the first time this appropriation was challenged, was by the gentleman from Missouri [Mr. De Armond], who moved an amendment to the effect that all of this sinking fund should be paid exclusively from the revenues of the District of Columbia. The point of order was made to this amendment on the ground that it changed existing law. In substance the Chair admitted this contention for the amendment was sustained under the Holman rule which was in effect at that time. As a result of this rule, the point of order was overruled. The Chair will note that this ruling carries an implication that but for the Holman rule, the amendment would have been out of order. The amendment was put to the committee, and rejected. Two years later Mr. De Armond renewed his motion.

The gentleman from New York [Mr. SERENO E. PAYNE] ruling on this proposition, held that the De Armond amendment was out of order, the Holman rule having been repealed, or dropped out of the rules. So far from this ruling supporting the contention of the gentleman from Kentucky [Mr. JOHNSON], it is decisively opposed to that contention. In the proportional act, the amount to be paid by the Government was one-half in all those cases in which it was required to pay anything.

The motion of Judge De Armond was as follows:

Amend by adding the following at the end of line 25, page 31, "to be paid out of the revenues of the District of Columbia."

The point of order was made to that specific amendment, and sustained on the ground that it changed existing law. If the Government was entitled to be reimbursed under the original contract, the amendment was in order.

The CHAIRMAN. Let the Chair put a question to the gentleman from Virginia. If it had been the opinion of the Chair that under the law the United States Government was not primarily liable for any portion of the interest or principal, had that been the opinion of the Chair as to what the law was, would not the amendment of the gentleman from Missouri, Mr. De Armond, have been in order, so far as anything appears in the ruling of the Chair made at that time?

Mr. SAUNDERS. Without undertaking to pass upon the effect of that, suppose it was. The Chair however referred to provisions arranging for payments by the Government on the half-and-half basis.

The CHAIRMAN. The Chair held in that case that the Federal Treasury is chargeable on its own account for half of the interest and half of the principal. Now, of course, if that be the law and the Chairman at that time construed the law so to be, then, of course, the amendment of the gentleman from Missouri, Mr. De Armond, was not in order.

Mr. SAUNDERS. Undoubtedly; that is the very point I am making.

The CHAIRMAN. It involved no difficult parliamentary situation once the law was clear. Now, if the law made the entire interest and principal chargeable against the District, would not the amendment of the gentleman from Missouri have been in order?

Mr. SAUNDERS. If it was all chargeable against the District, and the gentleman moved that it should be directed to be

paid out of the District funds, of course the amendment would have been in order. Why not?

The CHAIRMAN. The Chair simply wanted to ascertain if the gentleman from Virginia could escape from the conclusion based upon this presumption.

Mr. SAUNDERS. No, I do not seek to escape from anything. If the District of Columbia is liable for all of this debt, and an amendment is to that effect, such an amendment might be a superfluity, but it would not be contrary to existing law. On the contrary it would be conformable to existing law. But if the Government was liable for one half of the debt, and the District the other half, and the gentleman from Missouri proposed to make the District pay all of it, then of course his amendment was out of order on the ground that it changed existing law. This is the only view it seems to me that you can take of the ruling made by the gentleman from New York [Mr. PAYNE].

So much then for the parliamentary precedents, two in number, exclusive of the ruling of Mr. GARRETT. If the Chair takes the view that the bill merely provides an appropriation to pay a debt for which the Government is directly liable, then the Chair will reach the conclusion of the gentleman from Tennessee [Mr. GARRETT], and will not find it necessary to go further in his investigations.

If the appropriation is made, and the official charged with the duty of interpreting the law, applies the fund contrary to its terms, he will be guilty of malversation. If his action in this respect is directly opposed to the requirements of the law, he will act at his peril. The Chair however will presume that an official charged with administering a fund will do his duty, and carry out the law. For that matter the Government may pay all of the debt principal and interest, before requiring any reimbursement. Even upon the theory of the gentleman from Kentucky that the Government is entitled to reimbursement, there is no time fixed when reimbursement may be demanded. If the Government is liable to pay all the debt, it can not complain, if one-half is paid by the District. The amount for which it might demand reimbursement is thereby diminished.

The CHAIRMAN. Then, may I inquire of the gentleman from Virginia, in that view of it, and if this appropriation bill passes as law just as it stands, does the gentleman know of any general law, the act of 1873 or 1879, that would authorize this appropriation now about to be expended, and the total expenditure thereof, the whole amount be charged against the District of Columbia revenues?

Mr. SAUNDERS. No, I deny there is any such law, or proposition of law as that. That is the issue between the committee, and the gentleman from Kentucky.

The CHAIRMAN. The Chair only wanted to asceratin if the gentleman from Virginia clearly understood the issue.

Mr. SAUNDERS. Yes, I think I understand it. Our contention is, that if we make an appropriation for a purpose for which the Government is required to appropriate, as for instance for the payment of bonds for which it is liable in the first instance, then such an appropriation is in order, and the matter of reimbursement can be settled thereafter by appropriate action on the part of the Government. The payment of the debt for which the Government is liable is one thing, the demand for reimbursement is another.

The CHAIRMAN. Nor is it a question for the Secretary of the Treasury to determine in any way, that it would justify him in charging the District of Columbia with anything in the bill.

Mr. SAUNDERS. Mr. Chairman, we are not concerned with that at all. These matters of settlement of accounts are not relevant in this connection. They are utterly foreign to this inquiry. If it is desired to add a provision for reimbursement, conceiving that such is the law, it is perfectly in order for the gentleman from Kentucky [Mr. JOHNSON] or any other Member on this floor to submit an amendment to that effect, and have it voted upon by this committee. Such an amendment would be in order, if we are entitled to reimbursement. But if we make an appropriation authorized by law, it is not error on our part to omit a provision for reimbursement. It is not required, even if the right exists, to incorporate such a provision in an appropriation for an existing liability. Our right to reimbursement is not lost by failure to make demand for it concurrently with the discharge of a portion of our obligation.

I do not wish to be understood as admitting that the statute of 1879 fairly construed, having reference to its history, its contemporaneous discussion, and the just interpretation of the statutes fixing the policy of the Government in its relation to the District, can reasonably bear the construction, for which the gentleman from Kentucky contends. I submit that the precedents, and the whole body of related statutes properly construed with reference to their general intent, having in mind also the contemporaneous discussion of the act of 1879, and the action of Congress thereafter, all support the action of the committee in providing for this sinking fund, and constrain the Chair to the conclusion that this point of order should be overruled. I submit that having in mind all of these things, not only is this provision of the bill in order, but ample authority is afforded for the contention that Congress deliberately assumed the payment of one-half of the indebtedness of the District of Columbia. We are not concerned to go into the merits of any ancient controversy at this time. Grant that it was charged that these bonds were fraudulent in part? How does that affect the pending situation? The facts are not before us, and if before us would not aid us in the present inquiry. We are only concerned to inquire, if the Government assumed to pay one-half of this indebtedness. If it did, then the item is in order. But the committee is not required to make the appropriation. It can refuse to do so. It can strike out the item.

Mr. BURKE of Pennsylvania. Suppose there were defaults on those bonds, the Federal Government would be liable, would it not?

Mr. SAUNDERS. Yes; in part certainly.

Mr. BURKE of Pennsylvania. It would be liable because of the acts of 1874, 1878, and 1879, taken in conjunction with each other.

Mr. SAUNDERS. Take all of these acts, and they are in pari materia, construe them in conformity with the general purpose running through them all, and it will be clear that the Government assumed to pay this indebtedness to the extent of one-half of the same.

Mr. BURKE of Pennsylvania. And because of the existence of that liability, as a consequence of these three enactments construed as one, the Government of the United States is bound to pay this money. The gentleman's contention, as I understand it, is, that being an obligation of a Government, it has the right and it is its duty to appropriate without any qualification whatsoever in the proper bill.

Mr. SAUNDERS. In other words, whatever may be the interpretation placed on these statutes, whether it be the interpretation of the gentleman from Kentucky, or that of the committee, the Government is under obligation, in fact is in duty bound, to make an appropriation for the discharge of this principal and interest.

Mr. BURKE of Pennsylvania. And any limitation that exists here is really a limitation upon the bookkeeping in the Treasury Department.

Mr. SAUNDERS. That is a matter with which we are not concerned at all.

Mr. BURKE of Pennsylvania. That really should have nothing to do with the Chair in determining this question.

Mr. SAUNDERS. Mr. Chairman, this matter is remitted to your decision.

Mr. JOHNSON of Kentucky. Mr. Chairman, I will ask the Chair to bear with me for just a few moments. I will say now as heretofore, the gentlemen who take the other side of this question undertake to avoid a discussion of the act itself, and you can not get them to come up to the proposition and take hold of it and discuss that provision of the law which authorizes an appropriation with a limitation and a qualification. They will not discuss it in any way except laying the limitation and the qualification aside. As to what contemporaneous discussion discloses the CONGRESSIONAL RECORD of May 6, 1878, Forty-fifth Congress, second session, page 3222, shows that this provision was under discussion, and the section which I will now read was discussed, and is, without the dotting of an "i" or the crossing of a "t," now embodied in the statute, and it reads as follows:

That until otherwise provided by law the Secretary of the Treasury shall pay the interest accruing on the 3.65 bonds of the District of Columbia as the same matures, and the amount so paid shall be credited as a part of the appropriation for the year by the United States toward the expenses of the District as herein provided.

Now, while that was considered, what did Mr. Blackburn say—he has been quoted here extensively in discussing the bill as a whole. What does he say? Let us see.

Mr. SAUNDERS. What is the date of that?

Mr. JOHNSON of Kentucky. May 6, 1878. Mr. Blackburn says this:

I desire to say that if every Member of this House will read one other section of this bill he will see that this bill does not propose to make the Federal Government responsible for one dollar of the debt of the District or one dollar of the interest on that debt. It simply proposes to make the Government of the United States bear one-half of the current expenses of the District.

Continuing, Mr. Blackburn says:

Then it goes on further and provides that as the Federal Government is already bound to guarantee the payment of the interest on the

3.65 bonds of the District, every dollar that the Government of the United States pays as interest on that bonded debt of the District shall be accredited to it upon such portion of the current expenses as it assumes. This bill nowhere makes the Federal Treasury responsible for one dollar of the debt of the District, either of the principal or of the interest. But it does say that the Government of the United States shall pay 50 per cent of the current expenses of the District, and that it shall have credit on that payment for every dollar of interest it pays.

Mr. SAUNDERS. Mr. Chairman, you will observe the gentleman from Kentucky was reading from the debate of 1878, a debate of a different time, under different circumstances, and not related to the matter of the amendment contained in the act of 1879.

Mr. JOHNSON of Kentucky. But the gentleman will agree with me that he was discussing the 3.65 bond proposition and discussing the very proposition which became a part of the bill.

Mr. SAUNDERS. Not in the light of the amendment that appeared in the act of 1879, and that is the vital part of the pending proposition. My friend from Kentucky says we have not discussed the law of the case. On the contrary I have been discussing this law, and nothing else. The very paragraph which he undertakes to say carries one meaning, in our view carries a very different meaning. I have undertaken to show by the cotemporaneous debate upon this amendment that the debaters both pro and con were agreed on its meaning. Admittedly in that debate it was understood that by the passage of the act of 1879, the Government undertook to pay one-half of the debt of the District. In this connection I wish to read again from Mr. Blackburn's remarks in 1879.

Mr. BLACKBURN. I answer that this provision of the report of the committee on conference binds this Government in its own capacity to the payment of half the debt, and binds this Government in its own capacity.

For what? To assume the payment of the whole debt, with a provision for the reimbursement of the whole? Not all. Mr. Blackburn does not suggest anything to that effect. On the contrary he says:

It binds this Government in its own capacity to the payment of one-half the debt.

Then Mr. Mills asked—

How much is that?

And Mr. Blackburn replied—

I think about $22,000,000, in round numbers.

Mr. Blackburn stated further that in his judgment a good deal of that debt was not only not proper to be assumed by the Government, but was not justly due by anyone. So that in 1879 Mr. Blackburn when discussing the meaning of the Atkins' report, plainly declared that its adoption committed the Government to the payment of one-half of the municipal debt, not the interest for that had been already assumed, but the principal of the bonded indebtedness. When I am able to refer the Chair to an illuminating cotemporaneous debate like this, construing this particular subject matter, how can it be argued with any sort of plausibility, much less cogency that the Government did not assume the payment of one-half of this debt? It was agreed on all hands that this was exactly what they did undertake to do.

Mr. JOHNSON of Kentucky. I will say, Mr. Chairman, in 1913, just as Mr. Blackburn said in 1879, that if the law is to-day changed by this bill, then the Federal Government will have to pay one-half of this debt, whereas the law creating it never authorized it.

Mr. SAUNDERS. Well, Mr. Blackburn seemed to think that the effect of the act of 1879 would be to charge the United States with one-half of the funded debt of the District.

The CHAIRMAN. In the opinion of the Chair the question presented as raised by the point of order is more of a legal question than a parliamentary one. In fact, it is purely a legal question. Once the legal elements are properly assembled and composed the parliamentary construction is clear. The Chair has carefully considered the ruling of Mr. Chairman Payne, rendered on February 4, 1896, and fully set forth in Hinds' Precedents, section 3883, holding that the payment of this item was chargeable half and half to the United States and the District of Columbia.

The Chair has also with equal care examined the ruling of Mr. Chairman GARRETT holding that the Government of the United States was authorized to appropriate for the payment of the interest and sinking fund, and that it was the duty of the Treasury Department to see that the amount was credited according to the law. The Chair has the greatest respect for the opinion of both Chairmen, and dislikes to rule contrary to their decision, but the Chair, acting in a quasi judicial capacity, feels that it is his duty to rule in accordance with his views of the law.

The Chair is of the opinion that the act of June 11, 1878, and March 3, 1879, authorizes the United States to advance sufficient sums to pay the interest and sinking fund in the District of Columbia, but the entire amount is chargeable to the District of Columbia. In the opinion of the Chair all sums appropriated by the present bill are disbursed in accordance with the provisions of the bill and not in accordance with some other statute law.

The only bearing other acts can have on the question under consideration is whether or not there is law authorizing an appropriation to be made in this bill. Construing the half-and-half provision as it appears on the first page and in the first section of this bill in connection with the item against which the point of order is made, the Chair is forced to the legal conclusion that one-half of the amount would be charged to the United States and one-half to the District of Columbia; that is, that under this act, if it is passed, one-half is chargeable to the District revenues and one-half to the Federal Treasury, and that neither the Secretary of the Treasury nor any other administrative nor disbursing officer could apply it in any other way. The Chair is of the opinion that under the acts of 1878 and 1879 the entire amount is chargeable to the District, and, therefore, is of the opinion that there is no law authorizing the provision as incorporated in this bill. Therefore the Chair must sustain the point of order. The Chair has no sensitive pride of opinion and would be glad to entertain an appeal, so that the committee, composed largely, as it is, of able lawyers, may pass finally, if it may be so construed, upon the question.

Mr. JOHNSON of Kentucky. Mr. Chairman, I ask time in which to prepare an amendment.

Mr. BURLESON. Mr. Chairman, I respectfully appeal from the decision of the Chair, and I ask unanimous consent that action on the appeal may be withheld until the conclusion of the bill.

Mr. JOHNSON of Kentucky. I object, Mr. Chairman.

The CHAIRMAN. If there is no discussion, the question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and on a division (demanded by Mr. BURLESON) there were—ayes 21, noes 16.

Mr. BURLESON. Tellers, Mr. Chairman.

Tellers were refused.

Mr. BURLESON. I demand the other side.

The CHAIRMAN. A gentleman close to this vicinity advises the Chair there is no other side.

Mr. BURLESON. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] Seventy-one gentlemen are present, not a quorum. The Clerk will call the roll.

Mr. DYER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DYER. Will a vote on this indicate whether we sustain the Chair or not?

The CHAIRMAN. The vote on the roll call will be "present."

The roll was called, and the following Members failed to answer to their names:

Aiken, S. C.	Davis, W. Va.	Harris	McGillicuddy
Ainey	De Forest	Harrison, N. Y.	McGuire, Okla.
Ames	Dent	Hart	McKellar
Andrus	Dickson, Miss.	Hartman	McKinley
Ansberry	Difenderfer	Hawley	Madden
Anthony	Dixon, Ind.	Hay	Martin, Colo.
Ashbrook	Doremus	Heald	Matthews
Austin	Doughton	Higgins	Merritt
Ayres	Draper	Hill	Mondell
Barchfeld	Driscoll, D. A.	Hinds	Moon, Pa.
Bartholdt	Driscoll, M. E.	Howell	Moore, Pa.
Bates	Ellerbe	Hughes, Ga.	Morse, Wis.
Blackmon	Estopinal	Hughes, W. Va.	Mott
Boehne	Fairchild	Hull	Needham
Bradley	Farr	Humphrey, Wash.	Nelson
Brantley	Ferris	Humphreys, Miss.	Norris
Broussard	Finley	Jackson	O'Shaunessy
Burgess	Floyd, Ark.	James	Padgett
Burke, Wis.	Focht	Kahn	Palmer
Burnett	Fornes	Kent	Parran
Byrnes, S. C.	Foss	Kitchin	Patton, Pa.
Campbell	French	Konig	Payne
Cantrill	Fuller	Kopp	Pepper
Carter	Gardner, Mass.	Korbly	Peters
Clark, Fla.	Gardner, N. J.	Lafean	Porter
Claypool	George	Lenroot	Pou
Clayton	Gillett	Levy	Prince
Collier	Goldfogle	Lewis	Pujo
Conry	Gould	Lindsay	Randell, Tex.
Copley	Gregg, Pa.	Littleton	Ransdell, La.
Cravens	Gudger	Longworth	Reyburn
Crumpacker	Guernsey	McCall	Richardson
Curry	Hamill	McCoy	Riordan
Dalzell	Hamilton, W. Va.	McCreary	Roberts, Mass.
Davidson	Hamlin	McDermott	Roberts, Nev.

Rodenberg	Sims	Thistlewood	Whitacre
Rucker, Colo.	Sisson	Tilson	White
Sabath	Stack	Turnbull	Wilder
Scully	Stanley	Tuttle	Wilson, Ill.
Shackleford	Stevens, Minn.	Underwood	Wilson, N. Y.
Sheppard	Talbott, Md.	Vreeland	Wood, N. J.
Simmons	Taylor, Ohio	Warburton	Young, Mich.

The committee rose; and the Speaker having resumed the chair, Mr. RODDENBERY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the District of Columbia appropriation bill and, finding itself without a quorum, he had caused the roll to be called, whereupon 213 Members answered to their names, a quorum, and he presented a list of the absentees.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union [Mr. RODDENBERY] reports that that committee having under consideration the District of Columbia appropriation bill, and finding itself without a quorum, he had caused the roll to be called, whereupon 213 Members, a quorum, had responded to their names, and he reports a list of the absentees. A quorum being present——

Mr. BURLESON. Mr. Speaker, I move that the House adjourn.

Mr. JOHNSON of Kentucky. I object.

The SPEAKER. The Chair thinks that is not in order.

Mr. FITZGERALD. That is the only motion that is in order, Mr. Speaker. I can cite a precedent for that, if the Chair wishes.

Mr. MANN. Mr. Speaker, it has been ruled on a number of occasions that a motion to adjourn was in order after the report of the Chairman had been stated by the Speaker and before the Speaker had resolved the House back into the Committee of the Whole. I think that has been the ruling on the question. I hope the House will not adjourn.

Mr. FITZGERALD. I was going to discuss whether the motion was in order.

The SPEAKER. Is that where a quorum developed or did not develop?

Mr. MANN. Where a quorum developed.

Mr. FITZGERALD. A motion to adjourn is in order, Mr. Speaker, and that is the only motion that is in order.

The SPEAKER. The gentleman from Texas [Mr. BURLESON] moves to adjourn. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the "noes" seemed to have it.

Mr. BURLESON. A division, Mr. Speaker.

The House divided; and there were—ayes 51, noes 81.

Mr. BURLESON. Tellers, Mr. Speaker.

The SPEAKER. The gentleman from Texas demands tellers.

Mr. BURLESON. Mr. Speaker, I demand the yeas and nays.

Mr. JOHNSON of Kentucky. Mr. Speaker, I am anxious to see the names of those who want to put their hands in the Treasury. I demand the yeas and nays myself.

The SPEAKER. The Chair will count. Those in favor of taking the vote by yeas and nays will rise and stand until they are counted. [After counting.] Twenty-seven gentlemen have arisen—not a sufficient number.

Mr. FITZGERALD. The other side, Mr. Speaker.

The SPEAKER. Those opposed to taking the vote by yeas and nays will rise and stand until they are counted. [After counting.] One hundred and four gentlemen have arisen in the negative. On this vote the ayes are 27 and the noes are 104. Twenty-seven are a sufficient number, and the yeas and nays are ordered. The Clerk will call the roll. Those in favor of adjourning will, when their names are called, answer "yea;" those opposed, will answer "nay."

The question was taken; and there were—yeas 87, nays 119, answered "present" 9, not voting 166, as follows:

YEAS—87.

Adair	Gallagher	Lee, Ga.	Sherley
Austin	Garrett	Lever	Slayden
Barnhart	Godwin, N. C.	McCoy	Small
Bartlett	Goeke	Maguire, Nebr.	Smith, J. M. C.
Bates	Goodwin, Ark.	Maher	Smith, Tex.
Beall, Tex.	Greene, Mass.	Moon, Tenn.	Speer
Bell, Ga.	Greene, Vt.	Moore, Pa.	Stedman
Burleson	Gregg, Tex.	Moore, Tex.	Stephens, Miss.
Butler	Hamilton, W. Va.	Morgan, La.	Stephens, Nebr.
Cannon	Hardwick	Morgan, Okla.	Sulloway
Carlin	Hardy	Moss, Ind.	Sweet
Clayton	Harrison, Miss.	Olmsted	Taggart
Covington	Hayden	Page	Talcott, N. Y.
Crago	Hayes	Post	Thayer
Davenport	Henry, Tex.	Pray	Thomas
Denver	Holland	Rauch	Townsend
Doughton	Houston	Redfield	Underhill
Edwards	Humphrey, Wash.	Reilly	Watkins
Evans	Humphreys, Miss.	Rothermel	Weeks
Fitzgerald	Kindred	Russell	Wilson, Pa.
Flood, Va.	Kinkead, N. J.	Saunders	Young, Kans.
French	Konop	Sells	

NAYS—119.

Akin, N. Y.	Dodds	Howard	Powers
Alexander	Donohoe	Howland	Raker
Allen	Dupré	Jacoway	Rouse
Anderson	Dwight	James	Rubey
Ashbrook	Dyer	Johnson, Ky.	Rucker, Mo.
Ayres	Esch	Kennedy	Scott
Bathrick	Faison	Kinkaid, Nebr.	Shackleford
Berger	Farr	Knowland	Sherwood
Booher	Fergusson	Lafferty	Simmons
Borland	Fields	La Follette	Slemp
Brown	Floyd, Ark.	Lamb	Sloan
Buchanan	Foster	Langham	Smith, Saml. W.
Bulkley	Fowler	Langley	Smith, N. Y.
Burke, Pa.	Francis	Lee, Pa.	Steenerson
Burke, S. Dak.	Garner	Linthicum	Stephens, Cal.
Burnett	Glass	Lloyd	Stephens, Tex.
Byrns, Tenn.	Good	Lobeck	Sterling
Callaway	Graham	McKenzie	Stone
Candler	Gray	McKinney	Taylor, Ark.
Cantrill	Green, Iowa	McLaughlin	Taylor, Colo.
Cary	Griest	Macon	Towner
Cline	Hamilton, Mich.	Martin, S. Dak.	Tribble
Cooper	Hammond	Mays	Vare
Cox	Haugen	Murdock	Volstead
Curley	Heflin	Murray	Webb
Danforth	Helgesen	Neeley	Willis
Daugherty	Helm	Nelson	Witherspoon
Davis, Minn.	Henry, Conn.	Oldfield	Woods, Iowa
Dickinson	Hensley	Patton, Pa.	Young, Tex.
Dies	Hobson	Pickett	

ANSWERED "PRESENT"—9.

Adamson	Kendall	McMorran	Rainey
Browning	Lindbergh	Mann	Roddenbery
Fordney			

NOT VOTING—166.

Aiken, S. C.	Estopinal	Kerbly	Prince
Ainey	Fairchild	Lafean	Prouty
Ames	Ferris	Lawrence	Pujo
Andrus	Finley	Lenroot	Randell, Tex.
Ansberry	Focht	Levy	Ransdell, La.
Anthony	Fornes	Lewis	Rees
Barchfeld	Foss	Lindsay	Reyburn
Bartholdt	Fuller	Littlepage	Richardson
Blackmon	Gardner, Mass.	Littleton	Riordan
Boehne	Gardner, N. J.	Longworth	Roberts, Mass.
Bradley	George	Loud	Roberts, Nev.
Brantley	Gill	McCall	Rodenberg
Broussard	Gillett	McCreary	Rucker, Colo.
Burgess	Goldfogle	McDermott	Sabath
Burke, Wis.	Gould	McGillicuddy	Scully
Byrnes, S. C.	Gregg, Pa.	McGuire, Okla.	Sharp
Calder	Gudger	McKellar	Sims
Campbell	Guernsey	McKinley	Sisson
Carter	Hamill	Madden	Sparkman
Clark, Fla.	Hamlin	Martin, Colo.	Stack
Claypool	Harris	Matthews	Stanley
Collier	Harrison, N. Y.	Merritt	Stevens, Minn.
Conry	Hart	Miller	Switzer
Copley	Hartman	Mondell	Talbott, Md.
Cravens	Hawley	Moon, Pa.	Taylor, Ala.
Crumpacker	Hay	Morrison	Taylor, Ohio
Cullop	Heald	Morse, Wis.	Thistlewood
Currier	Higgins	Mott	Tilson
Curry	Hill	Needham	Turnbull
Daizell	Hinds	Norris	Tuttle
Davidson	Howell	Nye	Underwood
Davis, W. Va.	Hughes, Ga.	O'Shaunessy	Vreeland
De Forest	Hughes, W. Va.	Padgett	Warburton
Dent	Hull	Palmer	Whitacre
Dickson, Miss.	Jackson	Parran	White
Difenderfer	Johnson, S. C.	Patten, N. Y.	Wilder
Dixon, Ind.	Jones	Payne	Wilson, Ill.
Doremus	Kahn	Pepper	Wilson, N. Y.
Draper	Kent	Peters	Wood, N. J.
Driscoll, D. A.	Kitchin	Plumley	Young, Mich.
Driscoll, M. E.	Konig	Porter	
Ellerbe	Kopp	Pou	

So the motion to adjourn was rejected.

The Clerk announced the following pairs:

For the session:

Mr. SCULLY with Mr. BROWNING.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. RIORDAN with Mr. ANDRUS.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. FORNES with Mr. BRADLEY.

Mr. PALMER with Mr. HILL.

Mr. UNDERWOOD with Mr. MANN.

Until further notice:

Mr. KONIG with Mr. PORTER.

Mr. LITTLEPAGE with Mr. YOUNG of Michigan.

Mr. WILSON of New York with Mr. WOOD of New Jersey.

Mr. WHITE with Mr. WILSON of Illinois.

Mr. WHITACRE with Mr. WILDER.

Mr. TUTTLE with Mr. VREELAND.

Mr. TURNBULL with Mr. TILSON.

Mr. TAYLOR of Alabama with Mr. SWITZER.

Mr. STANLEY with Mr. ROBERTS of Massachusetts.

Mr. SABATH with Mr. ROBERTS of Nevada.

Mr. RUCKER of Colorado with Mr. REES.

Mr. RANSDELL of Louisiana with Mr. RODENBERG.

Mr. RANDELL of Texas with Mr. PRINCE.

Mr. POU with Mr. PLUMLEY.

Mr. PETERS with Mr. NORRIS.

Mr. PEPPER with Mr. PROUTY.
Mr. PATTEN of New York with Mr. NYE.
Mr. PADGETT with Mr. MOTT.
Mr. O'SHAUNESSY with Mr. MOON of Pennsylvania.
Mr. MARTIN of Colorado with Mr. MONDELL.
Mr. MCKELLAR with Mr. MILLER.
Mr. MCGILLICUDDY with Mr. MATTHEWS.
Mr. LEWIS with Mr. MADDEN.
Mr. LEVY with Mr. MCKINLEY.
Mr. KONIG with Mr. LOUD.
Mr. JOHNSON of South Carolina with Mr. LONGWORTH.
Mr. HUGHES of Georgia with Mr. JACKSON.
Mr. HAY with Mr. KAHN.
Mr. HART with Mr. HUGHES of West Virginia.
Mr. HAMLIN with Mr. HOWELL.
Mr. HAMILL with Mr. HIGGINS.
Mr. GUDGER with Mr. HEALD.
Mr. GOLDFOGLE with Mr. HARTMAN.
Mr. GEORGE with Mr. HARRIS.
Mr. FERRIS with Mr. GUERNSEY.
Mr. ESTOPINAL with Mr. GILLETT.
Mr. DIXON of Indiana with Mr. GARDNER of New Jersey.
Mr. DIFENDERFER with Mr. MCCREARY.
Mr. DENT with Mr. FULLER.
Mr. DAVIS of West Virginia with Mr. FOSS.
Mr. FINLEY with Mr. CURRIER.
Mr. CONRY with Mr. FOCHT.
Mr. COLLIER with Mr. DALZELL.
Mr. CLAYPOOL with Mr. CURRY.
Mr. CLARK of Florida with Mr. CRUMPACKER.
Mr. BURKE of Wisconsin with Mr. COPLEY.
Mr. BYRNES of South Carolina with Mr. CAMPBELL.
Mr. BURGESS with Mr. MICHAEL E. DRISCOLL.
Mr. BROUSSARD with Mr. CALDER.
Mr. BRANTLEY with Mr. ANTHONY.
Mr. SISSON with Mr. KENDALL.
Mr. BOEHNE with Mr. AMES.
Mr. ANSBERRY with Mr. BARTHOLDT.
Mr. BLACKMON with Mr. AINEY.
Mr. AIKEN of South Carolina with Mr. BARCHFELD.
Mr. LITTLETON with Mr. FAIRCHILD.
Mr. SPARKMAN with Mr. DAVIDSON.
Mr. KITCHIN with Mr. FORDNEY.
Mr. HULL with Mr. NEEDHAM.
Mr. PUJO with Mr. MCMORRAN.
Mr. HARRISON of New York with Mr. PAYNE.
Mr. RAINEY with Mr. MCCALL.
Mr. DANIEL A. DRISCOLL with Mr. MERRITT.
Mr. SIMS with Mr. DAVIS of Minnesota.
Mr. GOULD with Mr. HINDS.
Mr. RICHARDSON with Mr. THISTLEWOOD (either to be released when the other would vote the same way).
Mr. CARTER with Mr. MCGUIRE of Oklahoma.
Mr. MCDERMOTT with Mr. HAWLEY.
Mr. STACK with Mr. DRAPER.
Mr. GREGG of Pennsylvania with Mr. KOPP.
Mr. LINDSAY with Mr. LAFEAN.
Mr. DICKSON of Mississippi with Mr. LAWRENCE.

For the remainder of this day:

Mr. MORRISON with Mr. DE FOREST.
Mr. SHARP with Mr. TAYLOR or Ohio.

Mr. MANN. Mr. Speaker, I voted "no," but I am paired with the gentleman from Alabama, Mr. UNDERWOOD, and I desire to withdraw my vote and to be recorded as "present."

Mr. FORDNEY. I voted "aye." I am paired with the gentleman from North Carolina, Mr. KITCHIN, and I wish to withdraw my vote and to be recorded as "present."

Mr. KENDALL. I am paired with the gentleman from Mississippi, Mr. SISSON. I voted "no" in the first instance, but I wish to withdraw my vote and to vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The House refuses to adjourn, and the Committee of the Whole House on the state of the Union will resume its sitting.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 28499) making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, with Mr. RODDENBERY in the chair.

Mr. BURLESON. Mr. Chairman, in order that the membership may know the issue before the committee, I ask unanimous consent that we may have 30 minutes on a side to discuss the ruling of the Chair, so that it may be thoroughly understood. As the Chair knows, this involves at least $30,000,000 if the decision is sustained. It is in effect repudiating the indebtedness of the Federal Government to the District of Columbia to the extent of $30,000,000. Inasmuch as the ruling of the Chair overturns the decision of two former Chairmen, and is in the face of the appropriations in various Congresses——

Mr. TRIBBLE. Mr. Chairman, I make a point of order.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order that the matter is not debatable.

The CHAIRMAN. The Chair would be glad to have the committee grant the gentleman's request. The gentleman from Texas asks unanimous consent that there be 30 minutes' debate on a side on the appeal from the decision of the Chair, 30 minutes to be controlled by the gentleman from Texas [Mr. BURLESON] and 30 minutes by the gentleman from Kentucky [Mr. JOHNSON]. Is there objection?

Mr. JOHNSON of Kentucky. Mr. Chairman, I object because the time is too long. I will not object to 15 minutes on a side.

Mr. MANN. Then, Mr. Chairman, I ask unanimous consent that debate may proceed for 30 minutes, 15 minutes to be controlled by the gentleman from Texas [Mr. BURLESON] and 15 minutes to be controlled by the gentleman from Kentucky [Mr. JOHNSON].

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that there be 30 minutes debate on the appeal, 15 minutes to be controlled by the gentleman from Texas [Mr. BURLESON] and 15 minutes by the gentleman from Kentucky [Mr. JOHNSON].

Mr. HARDWICK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HARDWICK. I desire to know if gentlemen have not, as a matter of right, the opportunity to discuss it?

The CHAIRMAN. The Chair would like to rule that such a right did exist.

Mr. MANN. But the Chair ought to be willing to hear gentlemen on that question before he rules.

The CHAIRMAN. The question has not been raised or presented to the Chair until it was presented by the gentleman from Georgia in the form of a parliamentary inquiry. There was nothing for the Chair to do except to answer the parliamentary inquiry.

Mr. MANN. But before the Chair answers the parliamentary inquiry, which would be a ruling by the Chair on the question, the situation ought to be understood. The House divided on the question of sustaining the Chair. The question comes up de novo, because the question of a quorum was raised and no quorum was ascertained to be present. There was no closing of debate. The proposition was open to debate, too. I take it that it is still open to debate under the limitations of the five-minute rule.

The CHAIRMAN. The Chair will call attention to section 5928 of Hinds' Precedents:

> A division having commenced, debate is thereby precluded.
> On January 20, 1891, the Speaker announced that the question was on the approval of the Journal; and the question being taken, the Speaker said "the ayes seem to have it."
> Mr. Roger Q. Mills, of Texas, demanded a division.
> The Speaker having announced that a division was demanded, Mr. Mills demanded the opportunity to debate.
> The Speaker, Mr. Thomas B. Reed, of Maine, held that a division having commenced debate was thereby precluded.

Mr. MANN. What was the question before the House?

The CHAIRMAN. The approval of the Journal.

Mr. HARDWICK. The question of no quorum did not arise there.

Mr. MANN. And here the Chair sustained the point of no quorum, so that the whole proceeding was set aside in reference to the vote, and there was nothing left.

The CHAIRMAN. Did it vitiate the division?

Mr. MANN. Undoubtedly, it vitiated everything, because if it did not vitiate the division, then the vote would stand. A division was had, and the gentleman then demanded tellers, and he was refused tellers, and then made the point of no quorum. The point of no quorum was sustained and the whole proceeding on the vote was set aside under the practice and rulings of the House for a century.

Mr. SAUNDERS. I would like to suggest that within the last two weeks we have had two or three situations in which we resumed business and the matter came up de novo.

The CHAIRMAN. The Chair recalls that when the second session of the Sixty-second Congress adjourned there was pending an appropriation bill for certain Spanish War pensions, and a division was had. The question of a quorum was raised, and the House adjourned. The question went over and came up on the first Calendar Wednesday of the present session of the Sixty-second Congress.

The Speaker, Mr. CLARK, held when the matter arose that it was de novo and proceeded to put the question without debate;

and upon request for debate being proffered, he ruled that debate was not in order, and the vote was proceeded with. In that case it arose upon the question of the presence or absence of a quorum. There was no quorum present.

Mr. SAUNDERS. But if it is de novo, does not debate come up as a matter of right?

The CHAIRMAN. That is precisely the point that the present occupant of the chair undertook to have Mr. Speaker CLARK rule, because the gentleman now occupying the chair desired to be heard. The Speaker ruled that he could not be heard. In this instance the House was dividing, and while so dividing the question of a quorum was raised by the present occupant of the chair. A quorum was ascertained not to be present; a roll call to procure a quorum was being had when the House adjourned. When the matter again came up de novo debate was ruled not to be in order thereunder.

Mr. MANN. But was not the previous question ordered in that case? My recollection is that the previous question had been ordered.

The CHAIRMAN. The Chair can not state with certainty.

Mr. BURKE of Pennsylvania. Has not the Chair just reversed the rulings of the Chair for 30 years, and if the Chair is of opinion that the point raised by the gentleman is well taken——

The CHAIRMAN. The present occupant of the chair will not hesitate to reverse a ruling when he thinks it is wrong nor to sustain a decision when he thinks it is right.

Mr. BURKE of Pennsylvania. Then what purpose would be served by raising the point of no quorum if it did not vacate the proceedings in existence?

The CHAIRMAN. Has the gentleman any authority to submit upon that question? The gentleman from Illinois [Mr. MANN] asks unanimous consent that there be 30 minutes of debate, 15 minutes to be controlled by the gentleman from Texas [Mr. BURLESON] and 15 minutes by the gentleman from Kentucky [Mr. JOHNSON], and if the Chair may be permitted to say so, he would be very glad to have that request granted.

Mr. JOHNSON of Kentucky. Mr. Chairman, a few moments ago I was perfectly willing to consent to 15 minutes' debate on a side. I believe now that 5 minutes are sufficient. The House, I know, is impatient at this hour to get home.

Mr. BURLESON. Mr. Chairman, that was the reason I wanted to adjourn. I knew the House would not be willing to remain here and listen to a discussion of this matter. This is a matter of the gravest importance, and yet I knew the House would not be willing to remain here.

The CHAIRMAN. Is there objection?

Mr. MURDOCK. Mr. Chairman, I object.

Mr. JOHNSON of Kentucky. Mr. Chairman, I ask unanimous consent that debate proceed for 10 minutes—5 minutes on a side.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that debate of 10 minutes be had, 5 minutes to be controlled by himself and 5 minutes by the gentleman from Texas [Mr. BURLESON]. Is there objection?

Mr. MURDOCK. Mr. Chairman, I object.

Mr. BURLESON. Then, I ask unanimous consent that the Chair make a statement of the situation to the committee in order that the members of the committee may know exactly what has been done.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the Chair make a statement of the situation in order that the members now present may be apprised of what has been done. Is there objection. [After a pause.] The Chair hears none. The Chair will comply with the order of the committee and accordingly submits the following statement:

While the committee was engaged in consideration of the bill H. R. 28499—the District of Columbia appropriation bill—in the course of the reading of the bill the following paragraph on page 67 was reached in its order:

INTEREST AND SINKING FUND.

For interest and sinking fund on the funded debt, $975,408.

Against that paragraph the gentleman from Kentucky [Mr. JOHNSON] made a point of order, the point of order being that the paragraph was not authorized by existing law. Debate was had on the point of order, argument being made in favor of the point of order and against the point of order. The gentleman from Kentucky [Mr. JOHNSON] maintained that the District of Columbia was chargeable with the entire interest and sinking fund covered by this paragraph. The first paragraph of the pending bill provides as follows:

That the half of the following sums named, respectively, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia, in full for the purposes following.

The gentleman from Kentucky [Mr. JOHNSON] contended that in view of that paragraph the effect of the paragraph on page 67, which the Chair has already read, was to charge the District of Columbia with one half of the interest and sinking fund and the Treasury of the United States with the other half. That contention was not combated by the gentleman in charge of the bill, but it was contended by gentlemen in charge of the bill that the District of Columbia was liable for only 50 per cent of the interest and, finally, of the principal of the bonds, and that the Federal Government, under the law, was liable for the other half; and that therefore the point of order of the gentleman from Kentucky was not well taken. It was stated and contended by the gentlemen opposing the point of order that every appropriation bill since the act of 1878 had provided substantially as the present bill provides.

The gentleman from Virginia [Mr. SAUNDERS] read the debate taking place as early as 1879 in which it was contended that the District was chargeable with half of the interest and sinking-fund moneys and in which it was argued to the contrary. In 1896——

Mr. SAUNDERS. Will the Chair pardon me? There was nothing in the debate to the contrary; all admitted the fact that the amendment inserted in the bill in 1879 was to charge the Government with one-half of both the principal and interest.

The CHAIRMAN. The Chair stands corrected. It was in 1878, the Chair believes, submitted by the gentleman from Kentucky [Mr. JOHNSON], when the contrary position was taken.

Mr. BURLESON. That was before the act creating the government of the District of Columbia.

The CHAIRMAN. And not upon an appropriation?

Mr. JOHNSON of Kentucky. Upon that statement, Mr. Chairman, I must take issue.

The CHAIRMAN. It was contrary to the appropriation and——

Mr. JOHNSON of Kentucky. That is very foreign to me——

The CHAIRMAN. The Chair does not think the Chair or the committee misunderstands the statement in that regard. On February 4, 1896, the question again arose on a point of order. The paragraph appeared in the District appropriation bill that year as it does now. Mr. De Armond, of Missouri, moved to amend by providing that the entire amount for interest and sinking fund be charged to the District of Columbia. Mr. Chairman PAYNE, of New York, was presiding; debate was had, and, without taxing the committee with too great details, the gentleman from New York [Mr. PAYNE], the then Chairman, decided that, in his opinion, under the law the Federal Government was chargeable primarily and liable for one-half of the interest and one-half of the sinking fund, and the amendment, therefore, of the gentleman from Missouri [Mr. De Armond] was overruled. Thereafter, on January 25, 1912, the paragraph then being as the paragraph now is, the gentleman from Kentucky [Mr. JOHNSON] raised a point of order upon the same grounds as presented here to-day, which grounds have already been stated to the committee. The gentleman from Tennessee [Mr. GARRETT] was then presiding. Extended arguments were heard and a full decision rendered on that date by the gentleman from Tennessee [Mr. GARRETT].

The gentleman from Tennessee [Mr. GARRETT] in effect decided that the Government of the United States was authorized under the law to make an appropriation for the payment of the interest and sinking fund, and that he would not go into the question of the respective liability of the United States Government or the District, respectively, but that that remained for the administration of the appropriate department charged with carrying out the law. Accordingly, the point of order was again overruled. On to-day, when the same item—for interest and sinking fund—was reached, the gentleman from Kentucky [Mr. JOHNSON] renewed the same point of order——

Mr. FITZGERALD. Mr. Chairman, did the Chairman state what Mr. GARRETT'S ruling was, and would he state it?

The CHAIRMAN. The Chair has stated the ruling.

Mr. MANN. I think the Chair did not state it.

The CHAIRMAN. The gentleman from Tennessee [Mr. GARRETT] overruled the point of order. As just stated, the point of order now for disposition by the committee was again made by the gentleman from Kentucky. Debate was had. The act of 1874 was submitted to-day by gentlemen in the debate. The act of 1878 and the act of 1879, with reference to the proportional appropriations covering both the interest and the sinking fund, were also submitted during the debate. After debate was had, participated in by several gentlemen, the Chair rendered the following decision, sustaining the point of order. It is due the committee for the Chair to state that the decision is not written in full, but was rendered from abbreviated notes, and the Chair will undertake now to repeat, as nearly as he can, the decision as it was made, from the notes.

"In the opinion of the Chair the question presented is more of a legal question than a parliamentary one. In fact, it is essentially a legal question. Once the legal aspect of the matter is determined, the parliamentary conclusion follows and is simple. The Chair has carefully considered the ruling of Mr. Chairman PAYNE, rendered February 4, 1896, as appears in full in Hinds' Precedents, section 3883, holding that the payment of this item was chargeable half and half to the United States and the District of Columbia. The Chair has also carefully examined the ruling of Mr. Chairman GARRETT, holding that the Government of the United States was authorized to appropriate for the payment of the interest and sinking fund, and that it was the duty of the Treasury Department to see that the amount was credited according to law. The Chair has the greatest respect for the opinion of both of these distinguished Chairmen, and dislikes to rule contrary to their decisions; but the Chair, acting in a quasi official capacity, feels it is his duty to rule in accordance with his views of what the law is.

"The Chair is of the opinion that the acts of June 11, 1878, and March 3, 1879, authorized the United States to advance sufficient sums to pay the interest and sinking fund of the District of Columbia, but the entire amount is chargeable to the District of Columbia, and, therefore, no part to the United States. In the opinion of the Chair, all sums appropriated by the present bill are disbursed in accordance with the provisions of the bill and not in accordance with some other law, unless specifically so provided in the bill. The only bearing other acts have on the question under consideration is whether or not there is law authorizing the appropriation to be made. Construing the half-and-half provision on the first page and in the first section of this bill, in connection with the item to which the point of order is made, the Chair is forced to the legal conclusion that one-half of the amount under the bill as provided would be charged to the United States and one-half to the District of Columbia. The Chair is of the opinion that under the acts of 1878 and 1879 the entire amount is chargeable to the District of Columbia, and, therefore, is of the opinion that there is no law authorizing the provision incorporated in the bill. Therefore the Chair must sustain the point of order.

"The Chair has no sensitive pride of opinion and would be glad to entertain an appeal so that the committee, composed largely as it is of many able lawyers, may pass finally upon the question."

The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. BURLESON. Division, Mr. Chairman.

The committee divided; and there were—ayes 97, noes 33.

Mr. BURLESON. Tellers, Mr. Chairman.

Tellers were refused.

The CHAIRMAN. The decision of the Chair is therefore made the judgment of the committee.

So the judgment of the Chair was sustained.

Mr. TRIBBLE. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Georgia [Mr. TRIBBLE] moves that the committee do now rise.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. TRIBBLE. Division, Mr. Chairman.

The committee divided; and there were—ayes 74, noes 49.

Mr. BURLESON. Tellers, Mr. Chairman.

Tellers were ordered, and Mr. BURLESON and Mr. JOHNSON of Kentucky took their places as tellers.

The committee again divided; and the tellers reported—ayes 61, noes 61.

So the motion was rejected.

Mr. JOHNSON of Kentucky. Mr. Chairman, while the vote was 61, here is a Member who came up to the tellers and demanded to be counted.

Mr. GARNER. Mr. Chairman, the vote had been announced.

The CHAIRMAN. Does the gentleman demand the regular order?

Mr. GARNER. I do.

The CHAIRMAN. The gentleman from Texas [Mr. GARNER] demands the regular order, and the Clerk will read the bill.

The Clerk read as follows:

Court of appeals building, District of Columbia: For the following force, necessary for the care and protection of the court of appeals building: Two watchmen, at $720 each; elevator operator, at $720; three laborers, at $480 each; mechanician (under the direction of the Superintendent of the Capitol Building and Grounds), $1,200: *Provided*, That the clerk of the court of appeals shall be the custodian of said building, under the direction and supervision of the justices of said court; in all, $4,800.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order against the paragraph, because there is legislation in it.

The CHAIRMAN. The gentleman from Kentucky [Mr. JOHNSON] makes a point of order against the first paragraph on page 69.

Mr. JOHNSON of Kentucky. There is new legislation in it, Mr. Chairman. My point is directed to the provision which reads as follows:

Provided, That the clerk of the court of appeals shall be the custodian of said building, under the direction and supervision of the justices of said court; in all, $4,800.

That, Mr. Chairman, is, in my opinion, a piece of legislation looking toward covering up a good many jobs down there in that courthouse.

Mr. MANN. The $4,800 is not for that position.

Mr. JOHNSON of Kentucky. He appoints all the gentlemen around the building.

Mr. BURLESON. The gentleman recognizes the fact that this is an item that has been carried in the bill for a good many years?

Mr. JOHNSON of Kentucky. We want to cut it out right now, as we are going to have a new administration.

Mr. BURLESON. I think this is not legislation. It is an item that has been carried in the bill for many, many years. Somebody must have the care and custody of this building, and this provision is carried in the bill for the purpose of imposing that duty upon a particular officer. In fact, there is no salary allowed here, but it simply imposes a duty upon a particular officer of having the care and responsibility of the building——

Mr. JOHNSON of Kentucky. Which, Mr. Chairman, would give him the right to appoint all the custodian's force there. Consequently it is legislation.

The CHAIRMAN. If this provision were not in there, the Chair asks the gentleman from Kentucky [Mr. JOHNSON], who would do the appointing?

Mr. JOHNSON of Kentucky. I do not know, and I do not care. This is legislation. It is creating a custodian.

Mr. BURLESON. It is permanent legislation.

The CHAIRMAN. It strikes the Chair as being purely a matter of detail in administration, and unless there is some authority to be submitted the Chair will overrule the point of order. The point of order is overruled, and the Clerk will read.

The Clerk read as follows:

CHARITIES AND CORRECTIONS.

Board of Charities: Secretary, $3,500; chief clerk, $1,350; stenographer, $1,300; messenger, $600; inspectors—one at $1,200, three at $1,000 each, two at $900 each, two at $840 each; drivers—one at $780, three at $720 each; hostler, $540; traveling expenses, including attendance on conventions, $400; in all, $18,310.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order against the paragraph, particularly against the salary of the secretary and of the chief clerk and of the stenographer. The act creating the Board of Charities is to be found in volume 31, page 664, Statutes at Large, and fixes the salary of the secretary at $3,000 a year. The salary of $1,350 for the chief clerk, set out at the beginning of line 13, has been raised from $1,200, and the stenographer's salary, in line 13, has been raised from $1,200 to $1,300. Against these three items, Mr. Chairman, I make a point of order.

Mr. BURLESON. I concede that the point of order is well taken, and I offer the following amendment.

The CHAIRMAN. The gentleman from Texas [Mr. BURLESON] concedes the point of order and offers an amendment.

Mr. BURLESON. After the word "secretary," in line 12, page 70, insert "$3,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "secretary," in line 12, page 70, insert "$3,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BURLESON. After the word "clerk," in line 12, insert the figures "$1,200."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 70, line 13, at the beginning of the line, insert the figures "$1,300."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BURLESON. After the word "stenographer," on page 70, line 13, insert the figures "$1,200."

Mr. FOSTER. Mr. Chairman, I make the point of order that that is not subject to a point of order. The law provides a salary of a secretary at $3,000 a year and for such other

clerks and employees as may be necessary, to be appropriated by Congress as it sees fit; and I do not think either one of those items is subject to a point of order.

Mr. JOHNSON of Kentucky. The first one is.

The CHAIRMAN. The Chair will state to the gentleman from Illinois [Mr. FOSTER] that the point of order has already been made against the items and conceded by the chairman of the subcommittee in charge of the District of Columbia appropriation bill, and ruled on by the Chair.

Mr. FOSTER. I think the Chair ruled that way on the statement of the gentleman from Texas.

Mr. JOHNSON of Kentucky. Mr. Chairman, if it will help straighten out matters, I will say I think I have been in error. The second and third items are not subject to a point of order.

Mr. BURLESON. As I understand, Mr. Chairman, in all these increases the Chair has been sustaining points of order.

Mr. FOSTER. If the gentleman will permit, the law provides:

The board shall elect a president and vice president from among its own members, and shall appoint a secretary, who shall receive a salary of $3,000 per annum; and a messenger, who shall receive a salary of $840 per annum; and may appoint such other officers, inspectors, and clerks as it may deem proper, and fix the number, duties, and compensation of such other officers, inspectors, and clerks, subject to appropriations of Congress.

The CHAIRMAN. The gentleman from Kentucky [Mr. JOHNSON], who originally made the point of order, having conceded that he finds on investigation that he made the point of order under a misapprehension, and the gentleman from Texas [Mr. BURLESON] having stated that he conceded the point of order under a misapprehension——

Mr. BURLESON. No; I do not concede that I admitted it was made under a misapprehension.

The CHAIRMAN. He originally conceded the point of order.

Mr. SAUNDERS. It was not under a misapprehension at all. While the original act did not put in any limitation, this is an increase over the last appropriation bill, and if a point of order is made on that ground there is nothing for us to do but to concede it.

Mr. FOWLER. Certainly.

The CHAIRMAN. Unless the ruling of the Chair is vacated by unanimous consent the matter is already concluded.

Mr. MANN. Regular order!

The CHAIRMAN. The point of order has been sustained and the items have gone out.

Mr. BURLESON. I move to insert, after the word "stenographer," the figures "$1,200."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 70, line 13, after the word "stenographer," insert the figures "$1,200."

The amendment was agreed to.

The Clerk read as follows:

In all, under Washington Asylum and Jail, $130,335.

Mr. DYER. Mr. Chairman, I should like to ask the gentleman from Texas [Mr. BURLESON] why it is that they continue to carry this institution under the name of Washington Asylum and Jail? This is a hospital. Nurses are trained there and graduate, and they get certificates as nurses graduated from Washington Asylum and Jail.

Mr. BURLESON. That is the name fixed by law. The District of Columbia Committee has jurisdiction to change the name.

Mr. DYER. I want to call the attention of the committee to the conditions there just for a moment. I do not want to take much of the time of the committee. Recently a subcommittee of the District of Columbia Committee made some inquiry into the Washington Asylum Hospital, and as a result of my own investigations and of the investigations and opinions of other gentlemen, I want to say that it is a shame and a disgrace to the Capital City of the Nation that such an institution is allowed to exist in the city of Washington for the care of the sick poor.

Let me quote from the testimony of the visiting physician of the Washington Asylum and Jail, Dr. D. Percy Hickling, to give you an idea of the conditions that exist there. It is from his testimony recently given before a subcommittee of the District of Columbia Committee of this House during an investigation of the Tuberculosis Hospital of this city. The Washington Asylum Hospital and Jail was brought indirectly into that investigation, due to the fact that it was discovered that a number of tuberculous patients were being treated at the Washington Asylum and Jail. The following questions and answers appear from the doctor's testimony in this connection:

Mr. DYER. Doctor, I notice in your report, included in the report of the Board of Charities of the District of Columbia for the year ending June 30, 1911, the following (p. 53): "During the year there have been 75 cases of pulmonary tuberculosis admitted into the hospital. Of these, 37 have been transferred to the Tuberculosis Hospital, 15 discharged, and 23 have died. These cases are at the present time treated in the general wards of the hospital, which is, in my judgment, a detriment to their own condition, as well as a menace to the other patients and the nurses with whom they are associated. I would therefore urgently recommend that proper provision be made for their care and treatment."

Mr. DYER. That is a part of your report?

Dr. HICKLING. It is.

[From Dr. Hickling's testimony.]

I think I have summarized them in the same way in this part of my report. In the body of my report, which is over my signature, I said (p. 57 of the 1910 report) that I desired to call special attention to the fact that during the year we have been required to take care of 105 cases of tuberculosis, a large percentage of whom were suffering from the disease in a communicable form. As a matter of fact, there have been few days during the year when that hospital has been free from this class of cases, and there seems nothing to do with them but to place them in the wards with the other cases. If we are to be required to admit these cases into the hospital, we should be given the proper means to care for them. That is from my report.

* * * * * * *

Now, then, to make that clear, I want to call your attention, on page 30 of the 1911 report, to the fact that the Washington Asylum Hospital, during that last fiscal year, received and cared for 2,916 patients out of a total of 12,221 indigent patients of the District of Columbia. You will see by that table that we took care of more than any other hospital in the city; that Freedmen's Hospital comes next, in caring for 2,746 patients; the other institutions, which appeared to be larger, only took care of less than 1,000 cases, Garfield Hospital taking care of only 905 cases, and that is the third largest, so far as utility in taking care of the indigent cases of the District of Columbia is concerned.

Now, then, another fact. That same table shows that at the Washington Asylum Hospital the average number of days that each patient stayed in the hospital was only 18.11. That is the lowest number of any hospital in the city, according to that table, except the Emergency Hospital, showing the activity of the work out there. It is not in any sense of the word that the name implies an asylum, but a very active hospital.

Now, then, we are forced to take care of every case that is sent to us. We can not refuse to admit a case, no matter what the trouble may be. We have got to take it in and care for it as best we can. We take in the insane, the alcoholics, the syphilitics, and we take in children, and the tuberculosis cases when they are sent to us. We have not a right to refuse to admit a case.

Now, another thing; that is, the crowded condition of the wards. I want to explain to you what that means. It means more than the word seems to indicate. It means that the nurses have to take care of more patients than they can take care of. It means that the patients are justly dissatisfied. It means that the bed accommodations, the food accommodations, service accommodations are all cramped when the wards are overcrowded.

Another thing, two wards especially there—the psychopathic and the basement, the annex—which you saw, where the colored men were, are badly overcrowded most all the year, and are badly adapted to the treatment of cases. They do not have sufficient air space. They do not have sufficient light or sufficient ventilation. Now, then, these insane conditions, the condition of the psychopathic wards, where the criminal as well as the insane are crowded together; the insane are crowded together there; the drunk and the sober, the criminal and the insane, the black and the white, and the sound mind are all crowded together there in rooms that they should not be crowded in; and, more than that, there is no means, such as they have in other institutions, for outdoor exercise. I have recommended that; I want to lay stress on that not only as a health measure but as a therapeutic measure, to permit the recovery of these insane, because they do not recover as well in dark, ill-ventilated rooms as they do when they can get out into the air; and a very little money sufficient to build a fence is all that would be necessary; and for two years we have tried to get out of our contingent fund a little money to build a fence, and let these human being out into the fresh air that they need, not only from the hygienic but from the therapeutic standpoint. I want to make this as emphatic as I can. The alcoholics down there waste their time after they sober up, and we have no opportunity to encourage them to be not only self-supporting but yielding an income for the time they are there.

Another point, the question of children, I regard with extreme interest. We have treated during the last year, according to this report just read, 81 children under 16 years of age. Now, we have no children's ward there. They are mixed in with the vilest kind of men and women, and it is not fair to subject them to those surroundings. If we have to take care of them, we should have a children's ward where they can be properly taken care of. I want to emphasize that as strongly as I can. It is a condition which should not be permitted to exist.

Now, about the remedy. We have been unfortunate in getting Congress to recognize the fact that they needed and must have a new hospital. It has resulted in not getting a new hospital and leaving conditions at the Washington Asylum a little worse than the previous year.

Mr. DYER. A positive disgrace to the city.

Dr. HICKLING. If the appropriation goes through now as it is planned, next year we will be in just the same condition as we were last year, only a little worse. You have not helped us a bit. Now, then, if you do give us a new hospital, which has been recommended and which we all pray for, then the condition is relieved. If you do not do that, do something for us. Anything is better than nothing.

Mr. DYER. So you favor a proper municipal hospital?

Dr. HICKLING. Of course. Every year that has been favored for 12 years and urged as strongly as human voice could urge it. Now, then, each year, because we have urged that, it has resulted in nothing but leaving the Washington Asylum a little bit worse off than it was the year before.

Mr. Chairman, that is the testimony of the visiting physician in charge of that institution. Not only do these conditions prevail in this institution, which consists of a lot of old shacks bundled together to take care of over 1,200 of the sick poor of this city, but they have children there, too. During the past year they have had 80 patients there under 16 years of age.

They have no ward there for children. These young boys are thrown in there with the drunks, the insane, and the criminal. That is one of the hospital conditions existing in this Capital City of the Nation. Besides that, in the investigations by the Committee on the District of Columbia, we found that they have numerous cases of contagious diseases brought there. We found that they have numerous cases of tuberculosis brought there.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DYER. I ask for two minutes more.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. DYER. And, Mr. Chairman, let me invite the attention of the House further to the conditions at this so-called hospital as testified to at the hearing referred to by Col. F. N. Judson, one of the District Commissioners, as follows:

Mr. DYER. You are in favor of a municipal hospital?

Col. JUDSON. By all means, because we have one there now in name and as to patients, but we have no suitable accommodations for them. I do not think that place is suitable for patients at all. I have taken people there from other States, and they have said that in their community such a thing would not be tolerated, and that they could not imagine that in the Capital City of the Nation such a condition would be allowed to endure.

Mr. DYER. What is your suggestion, Mr. Commissioner, as to improvement?

Col. JUDSON. Well, a number of years ago there was purchased some 30 acres in a very suitable location for hospital purposes. The intention at the time of purchase was to build there a suitable hospital to care for indigent patients, and I think that plan should be carried forward as soon as possible.

Mr. CANNON. Will the gentleman yield?

Mr. DYER. Yes.

Mr. CANNON. Is there a bill pending to change this condition by legislation reported by the Committee on the District of Columbia?

Mr. DYER. Not so far as I know.

Mr. CANNON. Is the gentleman a member of that committee?

Mr. DYER. I am; and I will say that as one member——

Mr. CANNON. Does the gentleman oppose the appropriation in the absence of legislation?

Mr. DYER. No, Mr. Chairman; but I asked the gentleman from Texas [Mr. BURLESON] a question about these matters today, and he said that the House does not agree with the view that we take, which is that there should be in this city a municipal hospital to care for the sick poor, and not have this money thrown around piecemeal in different institutions.

Mr. BURLESON. The gentleman understands that we must provide for this institution as the law requires, and there is no authorization of law for a municipal hospital, and the only committee authorized to report legislation of that character is not the Committee on Appropriations but the gentleman's Committee on the District of Columbia.

Mr. DYER. I am glad to hear the gentleman say that, but what I wanted principally to find out was if the word "jail" had to stay there.

Mr. BURLESON. The word "jail" constitutes a part of the name of this institution fixed by law.

Mr. DYER. I should also like to ask why the nurses are not paid more than $10 or $12 a month? They have 17 nurses there to take care of an average of 200 patients.

Mr. BURLESON. They are pupil nurses, not graduates, and are there for the purpose of learning their profession.

Mr. DYER. That is the only kind you ever have there?

Mr. BURLESON. That is the only kind you can get to go there. We made such provision as was estimated for.

Mr. DYER. They will not stay there; they run away because the conditions are such that they will not stay. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

Home for the Aged and Infirm: Superintendent, $1,320; clerk, $900; matron, $600; chief cook, $720; baker, and laundryman, at $540 each; chief engineer, $1,000; assistant engineer, $720; physician and pharmacist, and second assistant engineer, at $480 each; 2 male attendants, and 2 nurses, at $360 each; 2 female attendants, 3 firemen, and assistant cook, at $300 each; assistant cook, $180; blacksmith and woodworker, and farmer, at $540 each; 3 farm hands, dairyman, and tailor, at $360 each; seamstress, laundress, hostler and driver, at $240 each; 3 servants, at $144 each; temporary labor, $1,000; in all, $15,752.

Mr. FOWLER. I desire to ask why the committee has increased the salary of the large-salaried officers and has not increased the salary of the low-salaried laborers, those that get $144 a year?

Mr. BURLESON. Because we regard the $144 as adequate for the services rendered and we did not regard the salary of $1,200 as adequate for the services rendered there. We made three increases in this bill.

Mr. FOWLER. I know that.

Mr. BURLESON. The superintendent, the cook, and the chief engineer. I have explained at great length the reason moving us to increase the engineer's salary. The cook's salary was increased because of the representation made to the committee that they could not retain the services of a competent person as a chief cook with the salary authorized.

Mr. FOWLER. Would the gentleman agree to an amendment making the $144 a year salary $300?

Mr. BURLESON. I would not; because that would be $160 more than the services are worth.

Mr. FOWLER. Mr. Chairman, I make a point of order against the increase of the superintendent's salary from $1,200 to $1,320.

Mr. BURLESON. Mr. Chairman, I concede the point of order is well taken.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BURLESON. Mr. Chairman, I move to insert the figures "$1,200."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 72, line 23, at the beginning of the line, insert the figures "$1,200."

The amendment was agreed to.

The Clerk read as follows:

In all, for Industrial Home School for Colored Children, $16,990: *Provided*, That all moneys received at said school as income from sale of products and from payment of board, of instruction, or otherwise, shall be paid over to the Commissioners of the District of Columbia to be expended by them in the support of the school during the fiscal year 1913.

Mr. DYER. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee if any recommendation was made for the increase of the salary of the superintendent or the resident physician?

Mr. BURLESON. We made no change in that item. We provide an increase of salary of one cook and three or four of the servants. Those are the only changes we have made.

Mr. DYER. There was no request made for an increase?

Mr. BURLESON. I think not.

Mr. DYER. I withdraw the pro forma amendment.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move to strike out the last word. I wish to ask if the word "thirteen," in line 7, page 79, should not be "fourteen."

Mr. BURLESON. I was just about to offer an amendment. I move to strike out the word "thirteen" and insert in lieu thereof the word "fourteen."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 79, line 7, strike out the word "thirteen" and insert the word "fourteen."

The amendment was agreed to.

The Clerk read as follows:

TEMPORARY HOMES.

Municipal lodging house and wood and stone yard, namely: Superintendent who shall also act as foreman, $900; cook, $360; night watchman for six months, at $25 per month, $150; maintenance, $1,820; in all, $3,230. Grand Army of the Republic, namely: Superintendent, $1,200; janitor, $360; cook, $360; maintenance, $4,000; in all, $5,920, to be expended under the direction of the Commissioners of the District of Columbia.

Mr. DYER. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

Mr. BURLESON. If the gentleman from Missouri will pardon me, I want to offer an amendment first. Before the word "Grand" insert the words "temporary home for ex-Union soldiers and sailors."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 80, line 11, before the word "Grand," insert "temporary home for ex-Union soldiers and sailors."

The amendment was agreed to.

Mr. DYER. Now, Mr. Chairman, I ask to have my amendment read.

The Clerk read as follows:

Page 80, line 11, strike out the words "Grand Army of the Republic" and insert in lieu thereof the words "ex-soldiers and sailors of the Civil War, Spanish War, and the Philippine insurrection."

Mr. BURLESON. To that I make a point of order.

Mr. DYER. Will the gentleman reserve the point of order?

Mr. BURLESON. I will reserve it for one minute.

Mr. DYER. Mr. Chairman, in the last appropriation bill the ex-Spanish War soldiers were taken out of this paragraph, and since that time the only ones who have been eligible are ex-Union soldiers of the Civil War. There has never been a sufficient demand to maintain a home for those alone. Many applications come from Spanish War soldiers, and the year pre-

ceding that, when it was open to both of these, the record shows that 235 were veterans of the Spanish War. There is more demand for those of the later war, and the later Philippine insurrection than from the Civil War. The veterans of the Civil War have all practically been granted pensions, and there are several homes for the old soldiers all over the country. If the home is to be maintained, it ought to be maintained for all those who need it, and I will ask the gentleman from Texas to withdraw his point of order.

Mr. MANN. Mr. Chairman, I desire to have the gentleman reserve his point for a little while.

Mr. BURLESON. I reserve the point of order.

Mr. MANN. Mr. Chairman, I wish to be heard on the proposition or on the point of order, I do not care which. I notice this paragraph provides for the maintenance of two lodging houses, one a municipal lodging house, which carries an appropriation of $1,820 for maintenance, and the other what purports to be a lodging house for ex-Union soldiers, and that carries for maintenance an appropriation of $4,000. Does anyone pretend to say that there are fewer people maintained at the municipal lodging house, where all the poor may go, than there are at the Grand Army lodging house, where, as a matter of fact, scarcely anyone goes?

Mr. BURLESON. Mr. Chairman, I will state to the gentleman from Illinois that I have but little confidence in either one of these institutions. In my deliberate judgment they are both fake institutions.

Mr. MANN. Mr. Chairman, it seems to me that in contemplation of the future and what is about to take place in the city of Washington, and the number of people who will be gathered together in Washington in about a month, who will find quarters first at the Willard Hotel, and then, afterwards, borrow money to get out of town before they get away, this ought to include not merely the ex-Union soldiers, the soldiers of the Spanish War, but, possibly, considering the situation in the country, the ex-Confederate soldiers.

Mr. BURLESON. As well as soldiers of fortune?

Mr. MANN. If it included soldiers of fortune it would require much more than $4,000 for maintenance.

Mr. HUMPHREYS of Mississippi. And ex-Congressmen, also.

Mr. FOWLER. Mr. Chairman, I desire to be heard on the point of order. The Chair will observe that the original heading of this paragraph is "Temporary home," without any limitation whatever. To that was appended by amendment the words "for ex-Union soldiers and sailors." I think that the amendment offered by the gentleman from Missouri [Mr. DYER] is not subject to a point of order, in the light of the amendment which has been offered by the chairman in charge of this bill. I think that the amendment is not only germane to the subject matter of this paragraph but that it deals with a question which, to my mind, ought to appeal to every man in the House, to wit, the care of the unfortunate soldiers who have been brave enough to offer their lives as a sacrifice upon the altar of their country. We all know, Mr. Chairman, that it is not the policy of America to take care of those who are able to care for themselves, but that it is the policy of America to care for the unfortunates. Even the almshouses of the townships in the country do that, and I think that if the policy of this country is to be indorsed in taking care of the unfortunate common citizens of the country, then it ought to be the policy of the country to take care of the unfortunate soldiers of the country. So I trust that the point of order will not be sustained and that the amendment offered by the gentleman from Missouri will be carried by every vote in this House.

I have been to the institution known as the Temporary Home of the ex-Union Soldiers, and I know that it is not a fake institution, but an institution founded upon the greatest charity for the purpose of taking care of those soldiers and sailors who are unfortunate. Mr. Chairman, these old soldiers who planned this home absolutely serve there as officers of that institution without money and without price, and they volunteer their services to look after the interests of this home in order that it may be maintained, and now the large sum of money—immense in its character, in its scope, and in its provisions, amounting to the tremendous sum of $5,920—is objected to here by some gentlemen on the floor of this House. What a wonderful drain one-half of that sum will be on the United States Treasury.

Mr. DYER. Mr. Chairman, addressing myself to the point of order, I just want to call the attention of the chairman to the fact that this is not subject to the point of order. It does not increase the expenditure in any way, and it is not new legislation. It simply states who are eligible to this home, and I will say to the Chair that in the previous appropriation bill it included everything I have mentioned, but it was left out of the current bill. I think it is not subject to a point of order. It does not take any more money from the funds of the Government, and if it is to be maintained I will say that the superintendent of the home and the officials of the institution are anxious to have it include the soldiers of the Spanish War as well as those of the Civil War and of the Philippine insurrection.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I would like to ask the chairman of the committee a question. In view of the action of the committee a short while ago striking out the provision for the half and half principle of the law——

Mr. BURLESON. Oh, the gentleman is mistaken about that; they simply repudiated the debt, that is all.

Mr. HUMPHREYS of Mississippi. Very well, express it as the gentleman desires, but the deed has been done.

Mr. BURLESON. For the time being.

Mr. HUMPHREYS of Mississippi. For the time being. In view of that fact will all of the expense of the maintenance of this temporary home fall on the taxpayers of the District of Columbia?

Mr. BURLESON. No; it falls one-half on the District of Columbia and one-half on the General Government.

Mr. HUMPHREYS of Mississippi. That is what I am trying to get at. The half and half provision will not affect this item at all.

Mr. BURLESON. Not at all; it will only affect the debt. Mr. Chairman, I do not think the Spanish-American soldiers are really seeking this, and I make the point of order.

The CHAIRMAN. The amendment provides for bringing into the act a class of persons now excluded, which makes it legislation, no authority appearing——

Mr. FOWLER. Mr. Chairman, one moment——

The CHAIRMAN. Just a moment—no authority of law for the inclusion of an additional class appearing, the Chair will sustain the point of order——

Mr. FOWLER. Just a moment, before the Chair rules.

The CHAIRMAN (continuing). Unless the gentleman from Illinois can submit some authority to the contrary.

Mr. FOWLER. The item for the Spanish-American soldiers was simply dropped out of the bill. It was carried prior to this time, but it was simply dropped out, and it is not an innovation upon permanent legislation.

The CHAIRMAN. The Chair is not officially apprised; he assumes, of course, the gentleman's statement of facts is correct——

Mr. FOWLER. That is the fact.

The CHAIRMAN. But the point of order is now made and the Chair could not change the ruling, and therefore the point of order under the rules must be sustained.

Mr. JOHNSON of Kentucky. Mr. Chairman, in view of what the chairman of the subcommittee has said, that this was a fake institution, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Kentucky moves to strike out the paragraph.

The question was taken, and the Chairman announced the "ayes" seemed to have it.

Mr. FOWLER. Division, Mr. Chairman.

Mr. JOHNSON of Kentucky. Mr. Chairman, just one minute. Does the motion to strike out the paragraph embrace between lines 7 and 14, both included? I want to move, if it is the proper time, to strike out from line 7 to line 14, both included.

Mr. BURLESON. Mr. Chairman, I make the point of order that the gentleman ought to have made it at the time, and I make the point of order that it comes too late.

Mr. JOHNSON of Kentucky. It may be too early, but it can not possibly be too late.

The CHAIRMAN. The question is on the motion of the gentleman from Kentucky to strike out the paragraph.

The question was taken, and the motion was rejected.

Mr. DYER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DYER. Mr. Chairman, where are we on the bill?

The CHAIRMAN. The Clerk has read the paragraph beginning on line 7 to line 14, inclusive, on page 86; a motion to strike out has been made and not agreed to.

Mr. DYER. I offer an amendment to strike out the following words, beginning on line 11, page 80, specifically referred to by the gentleman from Texas [Mr. BURLESON] as being, in his judgment, an item concerning a fake institution:

Grand Army of the Republic, namely: Superintendent, $1,200; janitor, $360; cook, $360; maintenance, $4,000; in all, $5,920.

I move to strike those words out.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. CANNON. Mr. Chairman, I would just like to say a word about it. As I understand it, this is the item that provides temporary shelter for soldiers of the United States, especially those of the Union Army, who are aged and indigent, and either through misinformation or on their own motion, as the case may be, come to Washington in the hope of getting relief from Congress, and are without shelter and without food temporarily. That is my understanding of it, and, if I am correct, I think the gentleman would hesitate to make the motion.

Mr. DYER. If the gentleman will yield, I will state to him that this provision here is for ex-Union soldiers and sailors of the Grand Army of the Republic. In other words, to be eligible to this home they have got to be members in good standing of the Grand Army of the Republic.

Mr. WILLIS. Is the gentleman opposed to the Grand Army of the Republic?

Mr. DYER. No. But, as I said a while ago, the gentleman from Texas makes a point of order against the Spanish War soldier and the Philippine soldiers, and leaves this home to the soldiers who are members of the Grand Army of the Republic.

I know, as a matter of fact, and I state it on authority, that not over 10 per cent of those who have been taken care of at the home during the past year were members of the Grand Army. There is no particular demand for the home by the members of the Grand Army of the Republic.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. CANNON] has expired.

Mr. DYER. I ask for five minutes more, Mr. Chairman.

Mr. WILLIS. Will the gentleman yield?

Mr. DYER. I will yield to the gentleman from Ohio [Mr. WILLIS].

Mr. WILLIS. I want to ask the gentleman whether he thinks it fair, simply because certain classes were not included whom he thinks ought to have been, to strike out the whole item and deprive the soldiers of this home?

Mr. DYER. That is not the principle. The principle is this: As the thing is now run under the present law it is a waste of public money to keep up and maintain this home. The amount paid out for services, rent, and fuel and gas is not in any way commensurate with the entire service rendered. Hardly ever a man applies there who is a member of the Grand Army of the Republic.

Mr. WILLIS. They are Union soldiers.

Mr. DYER. But this bill says "members of the Grand Army of the Republic."

Mr. WILLIS. But the gentleman says that, as a matter of fact, Union soldiers, some who are members of the Grand Army of the Republic and some who are not, are cared for here. Why does he want to strike out this item and deprive them of this benefit?

Mr. DYER. Because I do not feel there is any perceptible need for a home for the ex-Union soldiers. If they are eligible to the Grand Army, they belong to the Grand Army, and they are taken care of not only by the Government in many ways, but there are splendid homes all over this country for them. And it is a waste, Mr. Chairman, of public money to maintain and keep this home there for the good that it renders. If it could include all the veteran or Spanish War soldiers who want to go there for a week at a time I would say it should be kept up.

Mr. JOHNSON of Kentucky. It is kept up now principally for the officers of the concern.

Mr. DYER. It is kept up for no adequate good as it now exists and as the law now provides.

Mr. MANN. Mr. Chairman, I have made some little investigation of this home at two or three different times, and in my judgment you could put up and quarter at the New Willard Hotel, in a parlor suite, or even at the New Shoreham, at still higher prices, every old soldier who has applied at this home and keep him there for about as long as they are required in this bill to be kept at this home, or longer.

Here is a place where I might go down town and rent a house and say to Congress, "I am keeping a house for the indigent," and live in it, perhaps very comfortably, and sometimes take somebody in and keep him for a few days. That is all that has been done at this place for several years. There are practically no Grand Army men who apply there, and they have no occasion to apply there.

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

Mr. MANN. I will yield to my colleague.

Mr. FOWLER. Does my colleague know about the average number of soldiers who do lodge there daily?

Mr. MANN. I do not now recall; but last year I had the figures complete, here in the House, as to the number of people entertained there during the entire year, and the number of days, including everybody, counting a day, and the number was not very large.

Mr. FOWLER. I will say to the gentleman that before this home was open to Spanish-American War soldiers there were more than 360 Spanish-American War soldiers lodged there during the year.

Mr. MANN. That would be less than one a day. As I say, you could put them in a parlor suite at the Shoreham Hotel at less expense.

Mr. FOWLER. I desire to say to my colleague that I have been there on two occasions, and I have found an average from 15 to 20 unfortunate soldiers quartered there on each of my visits.

Mr. MANN. They must have known that my colleague was coming there and gathered them in. [Laughter.]

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. FOWLER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman moves to strike out the last word.

Mr. DYER. Mr. Chairman, if the gentleman will permit, I suggest that this amendment be considered as pending and taken up at the end of the bill, when the bill has been finished otherwise.

Mr. BURLESON. I agree to that, Mr. Chairman.

Mr. FOWLER. Mr. Chairman, I desire to be heard.

The CHAIRMAN. The Chair will state that the gentleman, having addressed himself to the amendment for five minutes, can not under a motion now to strike out the last word address himself to the same amendment for five minutes.

Mr. FOWLER. There is a motion pending to strike out a certain portion of the paragraph.

Mr. MANN. I submit that my colleague has not spoken on the motion, unless it was in my time.

The CHAIRMAN. The Chair misunderstood the situation, and stands corrected. The gentleman from Illinois [Mr. FOWLER] can proceed.

Mr. FOWLER. Mr. Chairman, I am somewhat surprised at the statement of my colleague from Illinois [Mr. MANN] that the number of soldiers who are quartered in this temporary home could be cared for at an expensive price at one of our best hotels in this city for the amount which this appropriation carries. Indeed, Mr. Chairman, the amount is only $4,000.

Mr. MANN. It is $5,920.

Mr. FOWLER. Well, that is not for subsistence.

Mr. MANN. But that is for this home.

Mr. FOWLER. I know personally, Mr. Chairman, that the superintendent of this institution gives all of his time to the gathering in of unfortunate soldiers who are lodged there. I know, also, that his good wife, without one cent of pay, either directly or indirectly, absolutely devotes her time, and all of her time, during the year for the purpose of taking care of those unfortunate soldiers who are lodged in that temporary home. If the gentleman contends that it is charity on the part of the United States to contribute one-half of this appropriation, then I say it is double charity on the part of the good wife of the superintendent of this home to devote all of her time to this work without pay and without price.

To my way of thinking it is horrible to strike out this appropriation. Old soldiers who come to this city for the purpose of securing information regarding their pensions or their applications for pensions often become stranded financially and must either go upon the charity of the city or upon the charity provided by this home. That being the case, Mr. Chairman, this country ought to rise to such dignity of respect for its soldiers as to prepare such an almshouse or place of refuge as is needed for their protection in their unfortunate condition.

Mr. Chairman, I have a heart that beats warmly for every man who has offered his services in the defense of my country, and I never will be the man who will vote against a liberal and charitable provision for the care of such honored men.

Neither will I ever vote against any proposition to care for them under such conditions as this home provides. Indeed, Mr. Chairman, it is a question which appeals to the patriotism of every Member of this House, and I believe that the patriotism of all Members of this House is as great as the patriotism of any other class of people in this country. Let our patriotism be measured now by our vote on this proposition.

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment.

The question being taken, on a division (demanded by Mr. DYER) there were—ayes 9, noes 17.

Accordingly the amendment was rejected.

The Clerk read as follows:

The reimbursement required to be made to the United States by the District of Columbia under the provisions of the sundry civil appropriation act approved August 24, 1912, on account of deficiencies in payments for the care and maintenance of the insane of said District during the fiscal years 1881 to 1911, inclusive, is hereby fixed at $719,536.09.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order against the paragraph, because it is legislation.

Mr. BURLESON. I will state to the gentleman from Kentucky that the purpose of this item is simply to correct a clerical error. The members of the subcommittee of the Committee on Appropriations dealing with the sundry civil bill last year, in ascertaining this amount, fixed it at $769,536.09, which was $50,000 in excess of what it should be.

There is no dispute whatever about the facts; no dispute between the Federal Government and the District government. It is simply that a clerical error was made, and this is to correct it.

Mr. JOHNSON of Kentucky. I believe I can throw some light on this subject.

Mr. MANN. Did I not make a point of order on this paragraph last year?

Mr. BURLESON. I think not.

Mr. MANN. Well, I did. I have forgotten how it got back into the bill, whether it was by a rule reported from the Committee on Rules or in some other way.

Mr. BURLESON. The gentleman made a point of order against the item carried in the sundry civil bill, but we did not deal with this subject in this bill last year.

Mr. MANN. You carried it in the sundry civil bill?

Mr. BURLESON. Yes.

Mr. MANN. That is the same thing. You say a mistake was made.

Mr. BURLESON. It became law.

Mr. MANN. I understand that it was subsequently inserted, and I said then that the committee was not prepared to state what the amount was. Now, the gentleman comes and says that the committee were mistaken, although he said then that they knew.

Mr. BURLESON. No; the committee was not mistaken. The committee ascertained the amount definitely, and it was $719,000, but in inserting it into the bill a clerical error was made.

Mr. MANN. And yet when the point of order was made, the committee assured us that the amount in the bill was correct. It may have been correct. I do not know. There was a dispute at that time as to the correctness of the item.

Mr. BURLESON. I will say to the gentleman from Illinois and the gentleman from Kentucky that this is simply to do substantial justice to the treasury of the District of Columbia. There may have been a dispute a year ago, but there is no dispute now, between the District of Columbia authorities and the Federal Government on the proposition that this is the amount due, and in order to have the bill carry the actual amount rather than attempt to impose on the District the burden of paying $50,000 in excess of what it should pay this item is embodied in the bill.

Mr. MANN. The gentleman admits that there was a mistake made last year?

Mr. BURLESON. There was a clerical error.

Mr. MANN. Oh, well, "clerical error" is a very good way to put it on the clerk, when the clerk of the Committee on Appropriations is the only one connected with the committee who ever makes a mistake. [Applause.]

Mr. JOHNSON of Kentucky. Mr. Chairman, there is more in this item than has been indicated.

The CHAIRMAN. The Chair is ready to rule.

Mr. JOHNSON of Kentucky. I prefer to say just a word, because I do not know how the Chair is going to rule.

Mr. KENDALL. He has indicated pretty clearly.

Mr. JOHNSON of Kentucky. The amount was ascertained by the Appropriations Committee to be $769,000. Now they come and state that that is a mistake. I say that the amount is several hundred thousand dollars more than $769,000, and the last line or two of this paragraph undertakes to fix it so that hereafter the real amount can never be gotten at. Now, I agree with the gentleman that in so far as the amount was ascertained when the matter was up for discussion last year he is correct.

But let me call his attention to one error in the books at the asylum that will more than offset the item of $50,000. An examination of their books shows that the superintendent of that asylum dropped at one time the names of 25 District patients upon his books, notwithstanding the patients were in the asylum and remained there for nine years. During those nine years the District was not charged with the maintenance of those 25 patients. After a lapse of nine years they were picked up by the superintendent and put on a charge against the District of Columbia, and were carried until they died or were discharged.

That error made by the superintendent of the asylum more than offset the $50,000. The accountant who is looking into the affairs between the District of Columbia and the Federal Government has located that item, with others, which will carry this item far beyond the $796,000 originally found to be due, and, of course, more than the $719,000, the amount provided for in this bill. This paragraph, if it becomes a law, will exclude the Federal Government from collecting from the District of Columbia the amount which may finally be found to be due and proven to be due, and therefore I make the point of order.

The CHAIRMAN. The point of order must be sustained; and the Chair sustains the point of order.

The Clerk read as follows:

For pay of troops, other than Government employees, to be disbanded under the authority and direction of the commanding general, $24,000.

Mr. BURLESON. Mr. Chairman, I move to amend, on page 85, line 20, by striking out the word "disbanded" and inserting the word "disbursed." It is an evident misprint.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 85, line 20, strike out the word "disbanded" and insert the word "disbursed."

The amendment was agreed to.

The Clerk read as follows:

In connection with said reclamation and development of the Anacostia River and Flats from the Anacostia Bridge to the District line the Commissioners of the District of Columbia are authorized and directed to institute in the Supreme Court of the District of Columbia, under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, a proceeding in rem to condemn and acquire for highway and park purposes the fee simple and absolute title to the land along the Anacostia River described as follows, namely: All that land lying on the right bank of the Anacostia River beginning at the easterly side of the Anacostia Bridge, and extending to the northeast boundary line between the District of Columbia and the State of Maryland, comprised between the high-water line of the Anacostia River as determined by the United States Coast and Geodetic Survey and a line following approximately the contour of 10 feet elevation above mean low water at the United States navy yard as determined by the United States Coast and Geodetic Survey, which said line is indicated in red on the plan filed in the office of the engineer commissioner of the District of Columbia, and approved by the Commissioners of the District of Columbia; and also the land on the left bank of said Anacostia River from the easterly side of the Anacostia Bridge to the northeast boundary line between the District of Columbia and the State of Maryland, comprising all that land between the high-water line of the Anacostia River as determined by the United States Coast and Geodetic Survey and a line following approximately the contour of 10 feet elevation above mean low water at the United States navy yard as determined by the United States Coast and Geodetic Survey, which said line is indicated in green on the plan hereinbefore referred to; and also all land below the high-water lines on each side of said Anacostia River between the Anacostia Bridge and the northeast boundary line between the District of Columbia and the State of Maryland that is not now owned by the United States.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order against the paragraph on the ground that it is legislation.

Mr. BURLESON. Will not the gentleman reserve it?

Mr. JOHNSON of Kentucky. I will.

Mr. BURLESON. The purpose of the item is to authorize the District authorities to condemn a strip of land lying along the edge of the property owned by the abutting property owners on the Anacostia River. Under the law if this property is reclaimed the ownership is vested in the property owners, but by condemning a small strip of land as Government property on the edge of the property owned by the abutting owners of what is reclaimed, the part reclaimed becomes the property of the General Government.

Mr. JOHNSON of Kentucky. Mr. Chairman, I believe I am thoroughly familiar with the proposition, and finally I shall insist on my point of order. I find in this bill two very remarkable expressions, more remarkable still if they were prepared by an engineer. I find a provision requiring the real estate "on the right bank of the river" and "on the left bank of the river" to be condemned. It depends upon which way a man is facing whether it is the right or the left bank; it depends upon whether the man is facing upstream or downstream. I believe the whole thing is unjust to the people who live in that section, and I make the point of order.

The CHAIRMAN (Mr. GARRETT). Does the point of order go to the whole paragraph?

Mr. JOHNSON of Kentucky. Yes.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

There is appropriated out of the revenues of the District of Columbia an amount sufficient to pay necessary costs and expenses of the

condemnation proceedings taken pursuant hereto, the costs and expenses of the necessary surveys and preparation of plans, and for the payment of amounts awarded as damages for and in respect of the land taken under said proceedings, the amount assessed as benefits, when collected, to be covered into the Treasury of the United States to the credit of the revenues of the District of Columbia.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order against the paragraph.

Mr. BURLESON. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

The entire amount found to be due and awarded by the jury under said proceedings as damages for and in respect of the land to be condemned for said highway and park purposes, as provided herein, plus the costs and expenses of the proceedings hereunder and the cost and expenses of the necessary surveys and preparation of plans, shall be assessed by the jury as benefits against those lots, pieces, or parcels of land situate, lying, or being within an assessment area bounded as follows: Beginning at the point where the high-water line of the Anacostia River intersects the northeast boundary line between the District of Columbia and the State of Maryland, and running northwest along said boundary line to a point where the southerly building line of Rhode Island Avenue extended as projected would intersect said boundary line; thence along said southerly building line of Rhode Island Avenue to the easterly building line of New Jersey Avenue; thence following the easterly building line of said New Jersey Avenue to the Anacostia River at a point where said easterly building line if projected would intersect the high-water line of said Anacostia River; thence following the high-water line of said Anacostia River in a northeasterly direction to the easterly side of the Anacostia Bridge; thence extending along the easterly side of said bridge to the easterly building line of Nichols Avenue; thence along said easterly building line of Nichols Avenue and the easterly building line of Giesboro Road to the point where said easterly building line of Giesboro Road intersects the southeast boundary line between the District of Columbia and the State of Maryland; thence along said southeast boundary line in a northeast direction to the northeast boundary line between the District of Columbia and the State of Maryland, and following said northeast boundary line to the point of beginning.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order against the paragraph.

Mr. BURLESON. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, the Commissioners of the District of Columbia are authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for highway and park purposes to preserve the Klingle Road Valley, comprising approximately 26½ acres, as shown on plans filed in the office of the Engineer Commissioner of the District of Columbia: *Provided*, That the tract of land hereinafter described, containing about 2 acres, shall be excepted from condemnation for such park, viz, a detached portion of said described park lying at the extreme eastern end thereof, east of the east line of a proposed street 90 feet wide, said described land being land now assessed in the name of Thomas Armat.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order against the paragraph.

Mr. BURLESON. Mr. Chairman, it is subject to a point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

There is appropriated an amount sufficient to pay the necessary costs and expenses of said condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages: *Provided*, That of the amount found to be due and awarded by the jury in said condemnation proceedings as damages for and in respect of the land to be taken in the condemnation proceedings herein authorized, plus the costs and expenses of the proceedings, not less than one-third shall be assessed by the jury as benefits against those lots, pieces, or parcels of land situated, lying, or being within an assessment area hereby created, which assessment area shall embrace all of the area lying within the distance of 1 mile from any point of said park: *Provided further*, That all land owned by the United States or the District of Columbia lying within said assessment area shall be exempt from assessment, which benefits, when collected, shall be covered into the Treasury of the United States to the credit of the revenues of the District of Columbia and the United States in equal parts.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order against the paragraph.

Mr. BURLESON. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

PINEY BRANCH VALLEY PARK.

For grading and improving a low, level road from Beach Drive, in Rock Creek Park, running along the Piney Branch Valley to Sixteenth Street and beyond Sixteenth Street so far as it may be necessary to return to the elevation of Sixteenth Street south of the bridge over Piney Branch with a suitable grade, $24,000.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order against the paragraph.

Mr. BURLESON. Mr. Chairman, I would like to know upon what grounds?

Mr. JOHNSON of Kentucky. Mr. Chairman, it is very clear:

For grading and improving a low, level road from Beach Drive, in Rock Creek Park, running along the Piney Branch Valley to Sixteenth Street—

There is no objection to it up to that point. To continue—

and beyond Sixteenth Street so far as it may be necessary to return to the elevation of Sixteenth Street south of the bridge over Piney Branch with a suitable grade, $24,000.

As a matter of fact, Mr. Chairman, on the west side of Sixteenth Street the property is publicly owned and is a part of Rock Creek Park. It is known as Piney Branch Valley. The Government owns that strip 600 feet wide running from the west part east until Sixteenth Street is intersected. There the ownership stops and east of Sixteenth Street is property privately owned, and if the present occupant of the chair will read he will see further along in the bill a provision to condemn that. Everything taken in connection with it thus clearly shows that the property east of Sixteenth Street must be condemned before this road can be built there.

Mr. BURLESON. There is nothing in the paragraph to indicate any such state of fact.

Mr. JOHNSON of Kentucky. Yes; it says beyond Sixteenth Street, and if this has been so drafted to deceive the House, then it becomes a worse proposition than it appears to be on its face. But if the Chair desires to ascertain from this bill whether or not the Government or the District, or the two combined, owns property east of Sixteenth Street, he can read a little further and he will see. I will say to the Chair that there has been a bill in various shapes before this House for several years to do this very thing, and every time that bill has been up it has been defeated. There is now pending a bill under the innocent guise of widening Sixteenth Street at Piney Branch, which would accomplish the purpose sought here. I make the assertion, and if the Chair will look further along in the bill he will see that I am right, that not one foot of ground at that point is publicly owned east of Sixteenth Street.

The CHAIRMAN. The present occupant of the chair is occupying it only temporarily, and he wishes to ask the gentleman from Kentucky if the ruling which he now insists upon is a ruling that has been made heretofore by the occupant of the chair?

Mr. JOHNSON of Kentucky. No ruling has been made. We are now reaching it for the first time.

The CHAIRMAN. Is it in line with the decisions that have been made heretofore?

Mr. JOHNSON of Kentucky. I do not think there has been anything like it up before, Mr. Chairman. The Chair can read a little bit further along himself and see the proposal to condemn this land east of Sixteenth Street, thereby setting clear the fact that it is not publicly owned and verifying just what I say about it. I will say that the engineer commissioner told me that that was to be acquired for the purpose of establishing a Rotten Row at that place. I do not know the fact, but he said that in London they have a place called Rotten Row—Rotten Row is what he said—where the rich go to exhibit their handsome equipages, and that this was desired for that purpose.

Now, I do not know whether that is true or not, but I do know that not one foot of ground at that place is owned publicly east of Sixteenth Street, and this has been purposely, I should say, worded so as to deceive.

Mr. FOSTER. Let me say to the gentleman from Kentucky that two or three years ago I remember very distinctly there was a proposition to buy the ground, just as the gentleman says, east of this bridge.

Mr. JOHNSON of Kentucky. Yes.

Mr. FOSTER. And build a beautiful winding road there.

Mr. JOHNSON of Kentucky. A figure-of-eight road.

Mr. FOSTER. Costing about $35,000; and there is no question but what the gentleman is correct about that statement.

Mr. JOHNSON of Kentucky. I know I am correct.

Mr. BURLESON. Mr. Chairman, I want to say for the committee that the statement that we purposely framed this item——

Mr. JOHNSON of Kentucky. Well, Mr. Chairman, I will explain I did not intend to reflect upon the committee. I believe that the committee did not prepare the draft of it.

Mr. BURLESON. This was estimated for in the language that is carried in the bill.

Mr. JOHNSON of Kentucky. Yes; and therefore being estimated for in the language we might infer from that that it was prepared by at least one of the commissioners.

Mr. BURLESON. And we naturally took the estimates, but I think it is due to the committee to say that the item is for grading and improving of a certain road in the District of

Columbia, and undoubtedly there is authority of law for grading and improving roads in the District of Columbia. It may be that all the gentleman says is true, but the information is not carried in the particular item against which his point of order is directed.

Mr. JOHNSON of Kentucky. And that has been done, Mr. Chairman, for the purpose of deceiving is my honest opinion about it; and if the Chair can advise himself of the fact that there is no ground publicly owned east of Sixteenth Street at Piney Branch, if he will but read the succeeding page where he will see the appropriation is made to condemn the ground upon which this original Rotten Row or figure-of-eight road is to be built——

The CHAIRMAN. The Chair would like to ask the gentleman from Kentucky, Is this new law?

Mr. JOHNSON of Kentucky. Why, certainly it is new law to build a road past Sixteenth Street where we have no right to build except under condemnation proceedings, as set out in the next paragraph.

The CHAIRMAN. It is a law for which there is no authority in a general act of Congress?

Mr. JOHNSON of Kentucky. Certainly there is no authority for it. The commissioners can not condemn except for alleys. They can not condemn streets; they can condemn alleys under the existing law, but they can not condemn streets or a park without a law to authorize it; and this comprises here, if they get it, forty-odd acres. If the Chair will just read ahead, the whole proposition will become as clear as the noonday sun.

Mr. BURLESON. There is an item following this for the purpose of condemning land adjacent to this road for a park; but surely no one will contend that the District Government is without authority under the law to improve a road within the District of Columbia, and upon its face that is all this particular item proposes to do.

The CHAIRMAN. The Chair overrules the point of order.

Mr. JOHNSON of Kentucky. Mr. Chairman, I appeal from the decision of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the Chairman announced the noes seemed to have it.

Mr. BURLESON. Division, Mr. Chairman.

Mr. JOHNSON of Kentucky. Mr. Chairman, I withdraw the appeal.

The CHAIRMAN. The appeal is withdrawn.

The Clerk read as follows:

Under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, the Commissioners of the District of Columbia are hereby authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land along and adjacent to the Piney Branch Valley and between Sixteenth Street and Fourteenth Street NW., and the land adjacent to the Municipal Hospital grounds between Fourteenth Street and Georgia Avenue NW., for park purposes, comprising in all approximately 42 acres of land, as shown on plans filed in the office of the Engineer Commissioner of the District of Columbia.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order that that is legislation.

Mr. BURLESON. I concede it.

The CHAIRMAN (Mr. BOOHER). The point of order is sustained.

The Clerk read as follows:

There is appropriated an amount sufficient to pay the necessary costs and expenses of said condemnation proceedings taken pursuant hereto and for the payment of the amounts awarded as damages: *Provided*, That of the amount found to be due and awarded by the jury in said proceedings as damages for and in respect of the land to be taken in the condemnation proceedings herein authorized, plus the costs and expenses of the proceedings, not less than one-third shall be assessed by the jury as benefits against those lots, pieces, or parcels of land situate, lying, or being within an assessment area hereby created, which assessment area shall embrace all of the area lying within the distance of 1 mile from any point of said park: *Provided further*, That all land owned by the United States or the District of Columbia lying within said assessment area shall be exempt from assessment, which benefits, when collected, shall be covered into the Treasury of the United States to the credit of the revenues of the District of Columbia and the United States in equal parts: *Provided further*, That the Commissioners of the District of Columbia are authorized to abandon for highway purposes any existing streets or parts of streets within the territory before described except Fourteenth Street: *Provided further*, That the Commissioners of the District of Columbia are authorized to prepare a new highway plan for that portion of the District of Columbia lying west of Fourteenth Street, south of Taylor Street, east of Rock Creek Park, and north of Newton Street NW., under the provisions contained in the act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and an amendment to said act approved June 28, 1898: *Provided*, That section 4 of said amendment shall not apply to the territory above described: *Provided further*, That under this authority Mount Pleasant Street may be extended with a minimum width of 45 feet; that Perry Place may be extended with a minimum width of 50 feet; and that Fourteenth Street Road may be established with a minimum width of 50 feet; that upon the completion and recording of said new highway plan it shall take the place of and stand for any previous plan for said portion of said District of Columbia.

Mr. BURLESON. That is all a part of the same item. It can all go out down to the top of page 94. It is all subject to a point of order, provided the gentleman from Kentucky [Mr. JOHNSON] makes it.

Mr. JOHNSON of Kentucky. I make the point of order.

Mr. BURLESON. I concede that it is subject to a point of order.

The Clerk read as follows:

SMALL PARKS.

For the condemnation of small park areas at the intersections of streets outside the limits of the original city of Washington, to be acquired from such areas shown on the map on file in the office of the Engineer Commissioner, in the discretion of the Commissioners of the District of Columbia, $15,000: *Provided*, That such condemnation shall be under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia: *Provided further*, That of the amount found to be due and awarded by the jury in any such proceeding as damages for and in respect of the land to be condemned for said parks, plus the costs and expenses of the proceeding thereunder, not less than one-half thereof shall be assessed by the jury as benefits, which, when collected, shall be covered into the Treasury of the United States, one-half to the credit of the United States and one-half to the credit of the District of Columbia. The public parks so acquired shall become a part of the park system of the District of Columbia and be under the control of the Chief of Engineers of the United States Army.

Mr. JOHNSON of Kentucky. I make a point of order against the paragraph. It is new legislation.

Mr. BURLESON. Will the gentleman reserve it for an explanation?

Mr. JOHNSON of Kentucky. Yes.

Mr. BURLESON. Under the original plan for the laying out and the building of Washington, certain triangles, circles, and other small plats of land of various geometrical shapes and sizes were set apart as public parks. There were 225 of these within the limits of the old municipality, with which the gentleman is thoroughly familiar. When the suburban district was laid out, following the same general plan, these little triangles, of course, were continued as private property and frequently they are seized upon by persons for the purpose of extorting money from those who owned the adjacent property. There is one case where a splendid church was erected.

Immediately in front was a small triangle. Under the law a certain part of this triangle was set apart as public parking, and there remained only 9 square feet in the center which could be improved. The person owning that triangle, or those 9 square feet, proposed to erect thereupon a superstructure that, of course, would disfigure very much the triangle and would be a great embarrassment to the splendid church edifice which was immediately across the street. He forced the people belonging to that church to pay an exorbitant sum for this little triangle, although it could be of no practical benefit to them. They were willing to pay this unreasonable sum in order that this structure might not be erected in front of their church.

Now, the purpose of this item is to give the District officials authority of law for condemning these small triangles and circles of the character I have indicated, and we are appropriating only $15,000. I think if the gentleman from Kentucky [Mr. JOHNSON] was thoroughly familiar with the situation he would not make this point of order.

Mr. BORLAND. Mr. Chairman, if the gentleman from Kentucky [Mr. JOHNSON] will withhold his point of order long enough for me to make a brief statement about the matter, I wish to say a few words concerning it. The amount appropriated here for these small parks is only $15,000.

Mr. JOHNSON of Kentucky. I withdraw the point of order.

Mr. BORLAND. Mr. Chairman, then I offer an amendment to the paragraph. On line 16 strike out the word "one-half" following the words "United States."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 94, line 16, strike out the word "one-half."

Mr. BORLAND. And then, Mr. Chairman, on lines 17 and 18, strike out the words "and one-half to the credit of the District of Columbia."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On lines 17 and 18 strike out the words "and one-half to the credit of the District of Columbia."

Mr. BORLAND. So that the sentence shall read:

Not less than one-half thereof shall be assessed by the jury as benefits, which, when collected, shall be covered into the Treasury of the United States to the credit of the United States.

Now, there is only $15,000 involved in this transaction, but, as the chairman of the subcommittee has explained, it is a

favorable opportunity to acquire small parks for light and air space in the outlying sections of the city. These sections are entitled to that advantage if they want it. I have always believed as to the system of private parks that we are constructing for the people of the District of Columbia that they ought to pay for the benefits like people of other cities. These are not public grounds of the United States, but they are for people in the neighborhood in which they happen to lie. And if they are wisely chosen, they ought to be an addition to the surrounding property. The cost ought to be absorbed in the increased value for residential purposes of the surrounding property. In that case the amount ought to be charged against the abutting property as benefits. It ought to be collected therefor. When it is returned to the Treasury of the United States it ought not to be one-half to the credit of the District of Columbia. All we have appropriated should be to the credit of the United States, although the fact is that one-half of it is expended out of the revenues of the District of Columbia.

That will make the District of Columbia itself as a whole pay for one-half of the cost of acquiring these parks, and the jury will have the right to assess the other one-half against the resident property owners of the District, and the result will be that none of the cost of these small parks will be assessed against the United States Treasury in the long run. The only result will be that the United States Treasury will temporarily advance the money while the work is in progress.

Mr. BURLESON. If the Federal Government advances half and the District advances half, then, when the benefits are finally assessed, does the gentleman believe that all should be paid back to the United States and none to the District of Columbia?

Mr. BORLAND. Yes.

Mr. BURLESON. Then the Federal Government would be getting one-half more than it has ever had heretofore.

Mr. BORLAND. The jury have the right to assess not more than one-half of the $15,000.

Mr. BURLESON. I think the gentleman is wholly in error about that.

Mr. BORLAND. No. The Federal Government is contributing $7,500, and the jury has the right to assess $7,500 on the property owners. That is the Government's half. That comes back, and that is all that does come back. It is the Government's half. The Government ought not to make anything on that proposition, but it ought to get back its half.

Mr. BURLESON. I think it would not be fair to require the District to pay one-half of this amount and then, when the benefits are assessed, receive no part of these benefits. For that reason I shall ask that the gentleman's amendment be voted down.

Mr. BORLAND. Does the gentleman understand that the Government is not going to make anything on this transaction?

Mr. BURLESON. No; and the District government is not going to make anything.

Mr. BORLAND. The District government pays one-half and the property owners pay one-half.

Mr. BURLESON. I hope the amendment will be voted down.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri [Mr. BORLAND].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. BORLAND. A division, Mr. Chairman.

The committee divided; and there were—ayes 6, noes 25.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Q STREET BRIDGE PARKWAY.

Under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, the Commissioners of the District of Columbia are authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land that may be necessary to provide a parkway at the intersection of Twenty-sixth Street, Twenty-seventh Street, and Q Street NW., and a connecting highway from said parkway along the boundary of the Oak Hill Cemetery, across the north part of square 1284, to Twenty-ninth and R Streets, in the District of Columbia, as shown approximately on plan filed in the office of the Engineer Commissioner of the District of Columbia.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order against the paragraph.

Mr. BURLESON. I concede that it is subject to a point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

There is appropriated an amount sufficient to pay the necessary costs and expenses of said condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages: *Provided*, That of the amount found to be due and awarded by the jury in said condemnation proceedings as damages for and in respect of the land to be taken in said condemnation proceedings herein authorized, plus the costs and expenses of the proceedings, not less than one-half thereof shall be assessed by the jury as benefits against those lots, pieces, or parcels of land situate, lying, or being within an assessment area hereby created, which assessment area shall embrace all of the area lying within the distance of 1 mile from any point of said parkway and connecting highway: *Provided further*, That all land owned by the United States or the District of Columbia lying within said assessment area shall be exempt from assessment; which benefits, when collected, shall be covered into the Treasury of the United States to the credit of the revenues of the District of Columbia and the United States in equal parts.

Mr. BURLESON. Mr. Chairman, it is all subject to a point of order down to the water department.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order on everything that is in the bill down to the water department.

Mr. BURLESON. I concede the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. BURLESON. Now, Mr. Chairman, I move that the committee rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BOOHER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 28499) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 12813. An act to refund duties collected on lace-making and other machines and parts or accessories thereof imported subsequently to August 5, 1909, and prior to January 1, 1911.

SENATE BILLS AND RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bills and resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 118. An act granting an increase of pension to Harriet Pierson Porter; to the Committee on Invalid Pensions.

S. 1899. An act to repeal a portion of an act heretofore passed relating to the alienation of the title of the United States to land in the District of Columbia; to the Committee on the District of Columbia.

S. 4549. An act to place the name of Herman C. Fink upon the retired list created by an act approved March 2, 1907; to the Committee on Military Affairs.

S. 5169. An act authorizing the Ponca Tribe of Indians to intervene in the suit of the Omaha Indians in the Court of Claims, and for other purposes; to the Committee on Indian Affairs.

S. 6507. An act further to assure title to lands granted the several States, in place, in aid of public schools; to the Committee on the Public Lands.

S. 7488. An act for the relief of George L. Thomas; to the Committee on Claims.

S. 7622. An act for the relief of Stanley Mitchell; to the Committee on Naval Affairs.

S. 7772. An act to authorize the condemnation of land for a park at the intersection of Twenty-sixth Street, Twenty-seventh Street, and Q Street NW., and a highway from said park along the boundary of Oak Hill Cemetery and across the north part of square 1284 to Twenty-ninth and R Streets; to the Committee on the District of Columbia.

S. 7875. An act to exempt from concellation certain desert-land entries in the Chuckawalla Valley and Palo Verde Mesa, Riverside County, Cal.; to the Committee on the Public Lands.

S. 8058. An act providing for an increase of salary of the United States attorney for the district of Connecticut; to the Committee on the Judiciary.

S. 8272. An act regulating the constitution, composition, and jurisdiction of courts-martial in the Armies of the United States, and for other purposes; to the Committee on Military Affairs.

S. 8274. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. 8275. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; to the Committee on Pensions.

S. 8314. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain

widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

Senate concurrent resolution 38.

Resolved by the Senate (the House of Representatives concurring), That there be printed 4,000 copies of the laws of the United States applicable to the Territory of Alaska, compiled by the Committee on Territories of the Senate and the Committee on Territories of the House of Representatives in compliance with public act No. 334, 1,500 copies of which shall be for the use of the Senate and 2,500 copies for the use of the House of Representatives—

to the Committee on Printing.

ADJOURNMENT.

Mr. BURLESON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 7 minutes p. m.) the House adjourned until to-morrow, Wednesday, February 5, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of Commerce and Labor, transmitting list of useless papers on file in said department and recommending that they be destroyed (H. Doc. No. 1337); to the Committee on Disposition of Useless Executive Papers and ordered to be printed.

2. A letter from the Secretary of Commerce and Labor, transmitting, for the consideration of the House of Representatives, draft of a bill to authorize the Secretary of Commerce and Labor to sell such technical, scientific, statistical, and other publications issued by the department as he may deem best for the public interest (H. Doc. No. 1338); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on examination and survey of Fancy Bluff Creek, connecting Turtle River and Brunswick Harbor with Little Satilla River, Ga. (H. Doc. No. 1342); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on examination and survey of Raritan River, N. J., including a widening of the channel from the mill on Martins Creek to Martin's Dock on the north side (H. Doc. No. 1341); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WEBB, from the Committee on the Judiciary, to which was referred the bill (H. R. 25781) to amend section 77 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported the same with amendment, accompanied by a report (No. 1436), which said bill and report were referred to the House Calendar.

Mr. EVANS, from the Committee on Military Affairs, to which was referred the bill (H. R. 28280) to authorize the use as a site for the United States immigration station and grounds at the port of Baltimore of a piece of land acquired by the United States about the year 1836 as part of an addition to Fort McHenry, in the State of Maryland, and which is now under the control of the War Department, and authorizing the Secretary of the Treasury to acquire an outlet therefrom to the city streets and to contract and arrange for necessary railroad facilities, reported the same without amendment, accompanied by a report (No. 1438), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DAVIS of West Virginia, from the Committee on the Judiciary, to which was referred the bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes, reported the same with amendment, accompanied by a report (No. 1441), together with the minority views, which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 28098) to authorize the construction of a bridge across the Sabine River at Orange, Tex., reported the same with amendment, accompanied by a report (No. 1439), which said bill and report were referred to the House Calendar.

Mr. GOEKE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 27837) to authorize the Buckhannon & Northern Railroad Co. to construct and operate a bridge across the Monongahela River in the State of West Virginia, reported the same with amendment, accompanied by a report (No. 1440), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. McKELLAR, from the Committee on Military Affairs, to which was referred the bill (S. 6877) to reinstate Robert N. Campbell as a first lieutenant in the Coast Artillery Corps, United States Army, reported the same with amendment, accompanied by a report (No. 1435), which said bill and report were referred to the Private Calendar.

Mr. ANTHONY, from the Committee on Military Affairs, to which was referred the bill (H. R. 2839) for the relief of William Hommelsberg, reported the same without amendment, accompanied by a report (No. 1437), together with the minority views, which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CLAYTON: A bill (H. R. 28614) giving powers to national banks in addition to the powers contained in section 5136 of the Revised Statutes; to the Committee on Banking and Currency.

By Mr. PUJO: A bill (H. R. 28615) to establish a fish-cultural station in the State of Louisiana; to the Committee on the Merchant Marine and Fisheries.

By Mr. GRIEST: A bill (H. R. 28616) to authorize the use of ordinary postage stamps on parcel-post packages; to the Committee on the Post Office and Post Roads.

By Mr. AUSTIN: A bill (H. R. 28617) to amend section 9 of the act entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," approved March 1, 1911; to the Committee on Agriculture.

By Mr. WATKINS: A bill (H. R. 28632) to authorize the construction of a bridge across Twelve Mile Bayou, in Caddo Parish, La.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 28633) to amend the act approved January 27, 1912, entitled "An act to authorize the construction of a bridge across Caddo Lake, in Louisiana"; to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN: Joint resolution (H. J. Res. 392) directing the Interstate Commerce Commission to investigate and report on the use of the Jennings combination railroad tie upon railroads engaged in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. AKIN of New York: Resolution (H. Res. 810) seeking report from Commissioners of the District of Columbia on telephone wires occupying public space; to the Committee on the District of Columbia.

By Mr. FERRIS: A memorial from the Legislature of Oklahoma, asking Congress to take action on the Oklahoma lease district claim in favor of the Choctaw and Chickasaw Tribes in Oklahoma; to the Committee on Indian Affairs.

Also, a memorial from the Legislature of Oklahoma, memorializing Congress to provide an amendment to the Federal Constitution providing for the election of Federal judges by popular vote; to the Committee on the Judiciary.

Also, a memorial from the Legislature of Oklahoma, protesting against the passage of the Aldrich central bank currency scheme; to the Committee on Banking and Currency.

By Mr. KINKAID of Nebraska: A memorial from the Legislature of Nebraska, favoring the enactment of a law placing on a pensionable status Nebraska Territorial Militia who served four months subduing hostile Indians, between 1862 and 1864; to the Committee on Invalid Pensions.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BATES: A bill (H. R. 28618) for the better payment of pensioners; to the Committee on Invalid Pensions.

By Mr. BATHRICK: A bill (H. R. 28619) granting a pension to Louisa L. Benedict; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28620) granting an increase of pension to George R. Huntley; to the Committee on Invalid Pensions.

By Mr. BUCHANAN: A bill (H. R. 28621) granting a pension to Felix Streyckmans; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 28622) granting an increase of pension to Mary Stice; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 28623) granting a pension to Joseph McWilliams; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 28624) granting an increase of pension to George C. Stevens; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 28625) granting a pension to Thomas M. Carew Birmingham; to the Committee on Pensions.

By Mr. STEDMAN: A bill (H. R. 28626) to appoint Frederick H. Lemly a passed assistant paymaster on the active list of the United States Navy; to the Committee on Naval Affairs.

By Mr. AINEY: A bill (H. R. 28627) granting a pension to William H. Plunkett; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 28628) for the relief of the heirs of Lidda Goff, deceased; to the Committee on War Claims.

Also, a bill (H. R. 28629) for the relief of the heirs of John Asher, deceased; to the Committee on War Claims.

By Mr. STERLING: A bill (H. R. 28630) granting an increase of pension to Francis M. Anderson; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 28631) granting a pension to Zachariah W. May; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 28634) for the relief of H. Clay McKee; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of the National Citizens' League of Columbus, Ohio, asking for a reform in the Federal banking laws; to the Committee on Banking and Currency.

By Mr. BATHRICK: Petition of Drs. Swan and Hertzog, of Chardon, Ohio; A. H. Symonds, of Conneaut, Ohio; G. C. Bushnell, Burghill, Ohio; and T. P. McCoy, Lockwood, Ohio, growers of ginseng, favoring an appropriation to sustain the further investigation of the diseases that are injuring that valuable plant; to the Committee on Agriculture.

By Mr. CARY: Petition of the Milwaukee Drug Co., opposing reduction of tariff duty on medicinals and fine chemicals; to the Committee on Ways and Means.

Also, resolutions of the California Club, of California, favoring the appropriation of $200,000 for use of the Attorney General in prosecuting violations of the white-slave law; to the Committee on Appropriations.

By Mr. DENVER: Letter from P. H. Flynn, Xenia, Ohio, setting forth facts for consideration in connection with the Oldfield bill; to the Committee on Patents.

By Mr. DYER: Petition of Leonard R. Woods, St. Louis, favoring the passage of the Prouty red-light bill for the District of Columbia; to the Committee on the District of Columbia.

By Mr. FITZGERALD: Resolutions of the Chamber of Commerce of Poughkeepsie, N. Y., favoring the movement to secure a Federal charter and incorporation for the Chamber of Commerce of the United States of America; to the Committee on the Judiciary.

Also, resolutions of the Richmond Chamber of Commerce, relative to currency and banking reform; to the Committee on Banking and Currency.

Also, resolution of the Association of Eastern Foresters, of Trenton, N. J., protesting against any movement to transfer the national forests; to the Committee on the Public Lands.

Also, resolutions of the National Association of Shellfish Commissioners of Boston, Mass., urging an appropriation requisite for carrying on investigations and experiments urgently needed for the development of the shell fisheries; to the Committee on Appropriations.

Also, resolutions of the New York State Fruit Growers' Association indorsing Nelson bill (S. 7208); to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the New York State legislative board, Brotherhood of Locomotive Engineers, favoring Federal workingmen's compensation bill; to the Committee on the Judiciary.

Also, resolutions of the Chamber of Commerce of the United States of America, indorsing the Page bill (S. 3) and urging its enactment; to the Committee on Agriculture.

Also, resolution of the Conservation Commission of New York, regarding Federal cooperation in forest-fire protection; to the Committee on Agriculture.

Also, resolutions of the Aero Club of Washington, urging that a national aeronautical laboratory, commensurate with the best in Europe, be established in Washington in charge of a permanent Government board, which shall supervise its work of developing the science of air craft and making instrumental tests thereof and other kindred investigations to subserve the needs of the Army, the Navy, and the United States; to the Committee on Naval Affairs.

Also, resolution of a number of citizens of Brooklyn, recommending the adoption of a continuing and consistent program of naval construction, to be determined by a council of national defense duly authorized by Congress; to the Committee on Naval Affairs.

By Mr. FULLER: Petition of Samuel Gompers, president of the American Federation of Labor, favoring the workman's compensation act; to the Committee on Labor.

Also, petition of the Nature Study Association, of Rockford, Ill., favoring the Weeks bill for the protection of migratory birds; to the Committee on Agriculture.

By Mr. GARNER: Petition of Clark Pease and other citizens of Corpus Christi, Tex., for the parole of Federal life prisoners as provided for in House bill 14925; to the Committee on the Judiciary.

By Mr. GRIEST: Petition of the members of the Columbia (Pa.) Ministerial Association, urging the enactment of the so-called Sheppard-Kenyon interstate-commerce liquor bill; to the Committee on the Judiciary.

By Mr. KAHN: Petition of the San Francisco Chamber of Commerce, indorsing exemption of American coastwise shipping from Panama Canal tolls; to the Committee on Interstate and Foreign Commerce.

By Mr. KNOWLAND: Resolution adopted by the San Francisco Labor Council, urging the national administration to recognize the Republic of China; to the Committee on Foreign Affairs.

Also, resolution passed by the San Francisco Chamber of Commerce, California, upholding the position taken by the Hon. Philander C. Knox, Secretary of State, in his reply to the protest of Great Britain against the exemption of American coastwise shipping from Panama Canal tolls; to the Committee on Interstate and Foreign Commerce.

By Mr. LA FOLLETTE: Resolutions of the Methow Valley District, Pomona No. 30, Patrons of Husbandry, indorsing vocational education and urging a national market bureau; to the Committee on Agriculture.

By Mr. LINDSAY: Petition of the American Federation of Labor and the Brotherhood of Locomotive Engineers, favoring employer's liability and workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of T. L. Kennedy, of Harvard University, favoring Page educational bill; to the Committee on Agriculture.

Also, petition of John Bodwell, Paxton, Ill., favoring House bill 1339, relative to maimed soldiers' pensions; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: Petition of the Association of Eastern Foresters, Trenton, N. J., opposing the transfer of the national forests to the several States; to the Committee on Agriculture.

Also, petition of the German-American Peace Society, New York, opposing the enactment of the militia pay bill (H. R. 8141) as tending toward militarism and a menace to liberty and peace; to the Committee on Military Affairs.

Also, petition of the New York State legislative board, Brotherhood of Locomotive Engineers, favoring the Federal workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of the Chamber of Commerce of the United States of America, Washington, D. C., favoring the passage of the Page agricultural and industrial education bill; to the Committee on Agriculture.

Also, resolutions of the Conservation Commission, Albert E. Hoyt, secretary, favoring the appropriation of a sufficient sum to be expended under the Weeks law for the protection of the headwaters of navigable streams; to the Committee on Appropriations.

Also, resolutions of Shellfish Commissioners, Boston, Mass., May 17, 1912, favoring appropriations to enable the Bureau of Fisheries to promote the shellfish industry; to the Committee on the Merchant Marine and Fisheries.

By Mr. POWERS: Affidavit of Letcher Sizemore, in support of the heirs of John Asher, deceased; to the Committee on War Claims.

Also, affidavit of T. C. Goff, to be filed with the Committee on War Claims in support of the bill just being introduced for the relief of the heirs of Lidda Goff, deceased; to the Committee on War Claims.

By Mr. PUJO: Papers to accompany bill (H. R. 28615) to establish a fish-cultural station in the State of Louisiana; to the Committee on the Merchant Marine and Fisheries.

By Mr. RAKER: Petition of the San Francisco Labor Council, favoring the recognition of China as a Republic; to the Committee on Foreign Affairs.

Also, letter from the California Retail Grocers and Merchants' Association, of San Francisco, Cal., opposing the Oldfield bill; to the Committee on Patents.

Also, telegram from the California State Audubon Society, Los Angeles, Cal., favoring the Weeks-McLean bill, giving Federal protection to migratory birds; to the Committee on Agriculture.

Also, letter from L. M. Davenport & Co., Los Angeles, Cal., and letter from the Klauber-Wangenheim Co., of San Diego, Cal., favoring the Weeks 1-cent postage bill; to the Committee on the Post Office and Post Roads.

By Mr. SCULLY: Petition of the Chamber of Commerce of the United States of America, Washington, D. C., favoring the passage of the Page agricultural and industrial education bill (S. 3); to the Committee on Agriculture.

By Mr. STEPHENS of Texas: Petition of citizens of Hall County, Tex., in behalf of legislation for eradication of the Russian thistle in Texas; to the Committee on Agriculture.

By Mr. TOWNSEND: Petition of the New Jersey Historical Society, to secure suitable housing for the national archives; to the Committee on the Library.

By Mr. WILDER: Petition of Eliot School, Natick, Mass., in favor of law for protection of migratory birds; to the Committee on Agriculture.

Also, petition of Massachusetts citizens, favoring bills for the protection of migratory birds; to the Committee on Agriculture.

SENATE.

WEDNESDAY, *February 5, 1913.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. CHILTON. Mr. President, I rise to a question of personal privilege.

Mr. LA FOLLETTE. If the Senator from West Virginia will yield, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Wisconsin suggests the absence of a quorum. The Secretary will proceed to call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Culberson	La Follette	Sheppard
Bacon	Cullom	Lodge	Smith, Ariz.
Bankhead	Cummins	McCumber	Smith, Mich.
Borah	Curtis	Martin, Va.	Smoot
Bourne	Dillingham	Martine, N. J.	Stephenson
Brandegee	Fletcher	Nelson	Swanson
Brown	Gallinger	O'Gorman	Thomas
Bryan	Gronna	Oliver	Thornton
Burnham	Guggenheim	Overman	Tillman
Burton	Hitchcock	Page	Townsend
Catron	Johnson, Me.	Paynter	Webb
Chilton	Johnston, Ala.	Perkins	Wetmore
Clapp	Jones	Perky	Works
Clarke, Ark.	Kavanaugh	Poindexter	
Crane	Kenyon	Pomerene	

Mr. THORNTON. I desire to announce the necessary absence of my colleague [Mr. FOSTER] on account of illness in his family, and that he is paired with the junior Senator from Wyoming [Mr. WARREN]. I ask that this announcement may stand for the day.

The PRESIDENT pro tempore. Upon the call of the roll of the Senate 58 Senators have responded to their names. A quorum of the Senate is present. The Senator from West Virginia will proceed.

SENATORS FROM WEST VIRGINIA.

Mr. CHILTON. Mr. President, at the last session of Congress and on the last day of that session a certain memorial, signed by five citizens of West Virginia, one of whom is the governor of the State, was presented to the Senate. It had been understood that that session of Congress would adjourn on Saturday, the 24th of August, 1912. With that understanding, on account of illness, I obtained leave of the Senate for an absence for the rest of the session. For some reason the Senate did not adjourn on Saturday, but remained in session until Monday following, the 26th, and on that day of the session that memorial was filed. I deeply regret that two of the gentlemen who signed that memorial have since died.

Had I been present, Mr. President, or had my colleague [Mr. WATSON], who was away with a similar understanding as myself, been present, we would have asked then and there that the Senate take some kind of action which would do justice to that situation and relieve us of the suspicion which such a memorial brings upon any man against whom it may be lodged.

But we were not present, and I can never forget the kindly words then spoken and the dignified consideration with which the Senate received that paper. So far as we personally may be concerned, that sense of justice and propriety, always to be relied upon in the Senate, took care of the situation presented on August 26, 1912, probably much better than the Senators from West Virginia could have done if then present; and yet I shall always regret that we were not present and shall always feel that fate then tempted our enemies with a rare opportunity to strike under the belt. The men who signed it were all members of parties other than the one to which the two Senators from West Virginia belong. That fact may have influenced them or it may not; but it has little or no effect in this body, and I shall treat the subject as if their motives were lofty and as if the campaign then pressing did not guide the pen which wrote their names to the paper.

Afterwards, however, we went through a campaign in West Virginia in which those charges were more or less adverted to. While I do not want to go into the details, I wish to say to the Senate that it had no effect, so far as Senator WATSON was concerned, upon that result. His home county gave him a record-breaking majority, his congressional district gave his party a majority, and his senatorial district, for the first time in many years, went Democratic.

On account of illness in my family, and on account of the necessary and unavoidable absence of Senator WATSON during a great part of the present session, it has been impossible for me to give consideration to this matter, and indeed I supposed that the committee of the Senate having it in charge, which I believe to be fair, whose judgments I believe are never dictated from political considerations, would do whatever might be just and proper, and having had no opportunity to meet the thrust when it was delivered, I have allowed the days to pass in the knowledge that we were innocent and that no investigation could harm us. Having no fears, and the campaign being over, we felt no need of a grand-stand play and abided the result of the committee's work.

But recently I had information that the man who had made a statement against Senator WATSON and myself, or was said to have made a statement against us, had retracted that statement publicly, and privately as well. But I had no definite knowledge thereof, nor did Senator WATSON, till within the last few days.

I wish the Senate to know that not a human being who ever lived ever questioned upon his own responsibility my right or the right of my colleague to a seat in this body. No one ever did it in the Senate or in the House of West Virginia; no one has ever done it in the public press; no one has ever done it in any paper filed here; and no one has ever done it upon the floor of this Senate. Beyond what Shock may have said, this memorial is rumor and newspaper gossip, to which any public official may at any time become the victim.

This man Shock, about whose supposed statement all of this trouble has arisen, never voted for Senator WATSON and he never voted for me. He never made a statement to the West Virginia Legislature; he never signed a statement to the West Virginia Legislature. A statement alleged to have been written or rather to have been dictated by him was read, and, as is explained in a paper which I am going to ask to have read in a moment, all the circumstances surrounding that were known to the Legislature of West Virginia, which elected us to the Senate.

My colleague within the last four or five days received a letter from Mr. Shock, which I now present to the Senate, saying that the statement referred to in the memorial was based upon no fact that involved the Senators from West Virginia or their friends; that nobody ever tried to influence his vote for them; that he alone conceived the scheme in order to defeat us before the Democratic caucus. In other words, he has very recently confessed his error, and I am glad to say that he never either signed or swore to the statement in the memorial.

I wish to lay that statement before the Senate with a statement from Senator WATSON and myself. We have prepared it as an answer to the memorial. I ask that it be referred to the Committee on Privileges and Elections, and if that committee or any Senator here or the Senate wants an investigation it will meet with my unqualified approval, and with the approval of Senator WATSON. True his term will expire in a few days. It seems practically impossible to enter upon an investigation at this session or while he may be a Member of this body. At the next session the committees will be reorganized. But these considerations only make it the more important that the Senate and the country shall know that the whole foundation of the Shock incident has crumbled away; that we have never retarded the orderly investigation of this subject, and that the committee has reached the case in due course and is dealing with the matter justly and fairly. We think that our side should go to the committee through the Senate and in the same public way that the memorial went.

I wish to say to the Senate that my election is as clear, that there is as little blot upon it within my knowledge, as the election of any Senator now before me or who ever was elected to this body. My colleague makes the same claim, and I firmly believe that he was honestly nominated and elected. I do know that he is an honest man and a valued, respected citizen of West Virginia, without a blot upon his private or public life. If there is anything wrong connected with my nomination or that of Senator WATSON, or with our election, we know nothing about it. It is most gratifying to us that not a single human being who ever voted for us in the caucus of our party, now attacked, has ever had the integrity of that vote questioned in this or in any other presence.

Mr. President, whatever the Senate may do, it will meet with the approval of the Senators from West Virginia. They crave the fullest investigation. There is not one word of truth, to my knowledge, in any charge that has ever been made, or any alleged charge, or in any newspaper article that has ever attacked their election.

I now send to the desk and ask to have this statement of Senator WATSON and myself read and referred to the Committee of Privileges and Elections, and whatever that committee or the Senate may do to that I bow without question.

The PRESIDENT pro tempore. The paper will be read without objection.

The Secretary read as follows:

To the Senate of the United States:

For the information of your honorable body we desire to reply to a certain memorial now before your committee, signed by William E. Glasscock, William Seymour Edwards, H. C. Ogden, David B. Smith, and Frederick A. MacDonald, and in order to be as brief and as clear as possible we will answer according to the order in which the said memorial sets out the several matters.

The first allegation is the statement made by the Hon. Nelson C. Hubbard, a member of the West Virginia House of Delegates, to the joint session of the legislature before a ballot for United States Senator was taken, in which he gave his reason for refusing to vote for the nominees of the Democratic caucus.

An attentive reading of what Mr. Hubbard said, as stated in the memorial, will show that he does not predicate his charge of corruption upon any fact or upon the testimony of any witness, but made it purely upon his belief, for which he offers no sufficient reason. The memorial, however, deliberately suppresses that part of Mr. Hubbard's statement in which he admitted that he had no evidence of bribery, and for the information of your committee we call attention to that part of Mr. Hubbard's statement, the omission of which the memorial indicates by stars. The omitted part is as follows:

"I do not pretend to say that I have any more information which would justify anyone at the present time as a juror under the evidence to convict any man of bribery, and I do not say that I know any court that would.

When read in connection with what the memorial quotes from Mr. Hubbard's speech, it is thus made plain that he was simply willing to declare his belief in corrupt practices, though compelled in the same connection to admit that he had no evidence.

The second allegation of the memorial is the statement of Senator George W. Bland, which, outside of some vague and general insinuations that charges of bribery had been made throughout the State, was based upon a statement made by Mr. L. J. Shock, a member of the House of delegates. That statement was that one Hamrick had given Shock $1,000 and promised him an additional $1,500 to vote for Mr. WATSON and Mr. CHILTON, and two reputable citizens of West Virginia were called in to see Shock count down the $1,000. We do not question that Shock exhibited the $1,000 to Hon. John J. Davis and Hon. W. G. Bennett, but that he had been furnished with that money for the very purpose of exhibiting it to these honorable gentlemen we think the committee will not doubt when they have read this statement. It will be noted first that the so-called statement of Shock read by Senator Bland was not signed, and it is a further fact that though he was present at the joint session, as shown by its records, when Senator Bland read his statement he did not utter a word on that subject.

Subsequently and within a few days after Bland had read Shock's statement Shock was asked to produce the $1,000 which it was charged he had received, and he explained his inability to do so by saying that two men had taken the money away from him. He further stated that he had never seen either of these two men before they took the money from him and had never seen them since.

It is not pretended that Shock raised any outcry against the men who took the money from him or even related the circumstance to anyone until he was asked to produce the money.

Shock's explanation of why he was unable to produce the money which he was asked to do as a basis of an investigation which we had requested at the hands of the legislature was so ridiculously absurd that every sensible man in the legislature at once understood that Shock had been supplied with the $1,000 for the very purpose of creating a scandal, and that those who supplied him with it were not willing to trust him with the custody of it long enough to carry out the scheme.

It is not necessary for us, however, to argue that question or to ask the committee to accept our view of the episode, because Shock himself has admitted that his story of the attempt to bribe him was a pure invention in the following letter which he voluntarily sent to Senator WATSON, the original of which we file herewith.

BURNSVILLE, W. VA., *January 8, 1913.*

Hon. C. W. WATSON, *Washington, D. C.*

DEAR SIR: The time has come when you should know the truth about the so-called Shock statement. I never have signed any statement that was read before the legislature, and I never have been under oath. I have let the talking go on because I hated to be put in a wrong light. The truth is that I set up the whole business; nobody tried to buy my vote and would not swear that they did. I wanted to nominate McGraw and I thought if I got this thousand dollars and made this play it would hurt you and CHILTON. The trick failed to work and now you have the truth. I do not know you and am sending this to you because I want justice to be done. So far as I know your election and CHILTON'S was honest and fair, and it is wrong to have this report going around.

Very truly, yours, L. J. SHOCK.

The third allegation is that a resolution to investigate the vague and indefinite charges of bribery was proposed in the Legislature of West Virginia and defeated.

While it is true that the joint session of the West Virginia Legislature refused, on a point of order, as under the Federal Statutes it was compelled to do, to postpone the election of a Senator, it is further true that the house of delegates, which was controlled by a Democratic majority of exactly 40, promptly and by a unanimous vote passed a resolution, offered by Hon. C. M. Seibert, who supported both of us in the Democratic caucus, ordering an investigation and sent it to the senate, which finally disposed of that resolution by tabling it, because in the meantime the absurd story of Mr. Shock about the money having been taken away from him by two unknown men had been made so public that it was known to all senators and representatives, and the charges of corruption which had been mainly based on it were then treated as an absurdity. This explanation which we make to the Senate is the same as was made to Seator CHILTON by Hon. D. E. French, a copy of which is attached and original of which we file. Mr. French was then a leading member of the State senate, and was unanimously nominated by the Democrats at the present session of the senate as their candidate for president of the senate. The allegation that we prevented the adoption of that resolution by the senate will be completely negatived when your committee reflects that the State senate was composed of 15 Democrats and 15 Republicans, which made it an easy matter for the investigation to have been ordered by a vote of the Republican senators, with the vote of even Senator Bland, and as there were several other Democratic senators active, aggressive, and even bitter opponents of the two nominees the investigation would have been ordered, except that every reasonable man in the senate was then thoroughly convinced that the charges were unfounded.

The committee will, of course, remember that the Legislature of West Virginia not only completed the regular session at which we were elected, but that it was subsequently convened in extraordinary session, which lasted 45 days; and during all that time, though we were in our seats at Washington, not even a suggestion that we were not entitled to our seats was made.

The fourth and last allegation in the memorial is that our election was brought about by a combination of the railroads and the Standard Oil Co. The committee will, of course, perceive by glancing at the memorial that this charge has no other or better foundation than the irresponsible comments of some newspapers, and we could well dismiss them as entitled only to the consideration which every Senator's experience warrants him in giving to them. The charge, however, is so contrary to the facts that we crave the indulgence of the committee while we show how thoroughly it is the reverse of true. In the first place the opponent of Senator WATSON was then and is now the general counsel in West Virginia of the Norfolk & Western Railroad, which was then and is now owned and controlled by the Pennsylvania Railroad, while Mr. McGraw, the opponent of Senator CHILTON, is the owner of the West Virginia Midland Railroad, which connects with the Baltimore & Ohio Railroad, and the attorney of Mr. McGraw's railroad, a member of the State senate at that time, is the same gentleman who prepared the statement of one L. J. Shock.

More than this, Mr. Hubbard, from whose speech the memorial makes a garbled quotation, was then and is now an attorney for one of the Pennsylvania Railroad lines in West Virginia.

The falsity of the charge that we were supported and elected by the Standard Oil Co. will appear to the Senate when they are told that this same Senator Bland, from whose statement at the joint session the memorial quotes so elaborately, was then and is now the attorney of the Hope Natural Gas Co., a subsidiary of the Standard Oil Co.

This statement makes it plain that we were opposed rather than supported by those special interests.

There is one statement made in these newspaper clippings to which we feel called upon to reply particularly. The memorial recites an editorial from the Monroe County Watchman, in which the editor of that paper quotes a letter from one of his correspondents, who is represented as saying, "We have positive information that $150,000 was expressed here last week for the purpose of corrupting the delegates. This information comes from such sources as render it absolutely reliable and proof is obtainable to a moral and legal certainty."

In reply to this assertion we state upon our honor as men and as Senators that neither $150,000 nor any other sum was expressed to us or to any of our friends for the purpose of corrupting the delegates or for any other purpose.

It can not be deemed inappropriate for us to say that the sinister purpose of this memorial is apparent from the fact that it was presented to the Senate on the last day of its last session when there could be no possible expectation of any action on it before the general election in November. Neither will it be out of place for us to say that after these charges, vague and indefinite as they are, have been circulated industriously throughout West Virginia for two years, Senator WATSON has been renominated by the unanimous vote of the Democratic caucus to succeed himself, thus expressing to the Senate and to

the world the judgment of the people who have the best opportunity and are in the best position to know the truth or falsity of them.

Reading this memorial in connection with our answer, we feel confident that your committee will promptly report to the Senate that no ground for an investigation has been shown. If any reasonable cause to challenge our election were before you, we would immediately demand an investigation as a matter of justice to the Senate, to the State of West Virginia, and to ourselves, but we do not believe that the time of the Senate ought to be wasted, the name of our State brought into question, and our attention diverted from our duties by a proceeding instigated by political revenge and supported by accusations which we have shown to be utterly unfounded.

C. W. WATSON.
W. E. CHILTON.

BLUEFIELD, W. VA., *June 17, 1911.*

Hon. WM. E. CHILTON,
Washington, D. C.

MY DEAR SENATOR: Yours of the 15th instant in regard to the statements made by Delegate Shock, of Braxton County, last winter, at Charleston, in regard to the election of United States Senators, received.

The facts in regard to this matter, as I now recollect them, are as follows:

Shock in his statement which was read at the joint session of the legislature, in which yourself and Senator WATSON were elected, said that just prior to the Democratic caucus at which you and Senator WATSON were nominated as the Democratic candidates for United States Senators he had been paid $1,000 by a man—my recollection is Hambrick, from Clay—as a part consideration, that he, Shock, would vote in the Democratic caucus for yourself and WATSON, and that Shock took the money to Judge Bennett, who counted it. Afterwards Shock went into the said caucus, and without saying anything in the said caucus about the payment of the money to him, voted on every ballot against yourself and Senator WATSON, and did not make any public statement concerning said matter until the joint session of the legislature was held, at which United States Senators were elected, at which time the statement above referred to, which purported to have been made by Shock, was read. It was also publicly stated and generally discussed among the members of the legislature and others that after the said caucus Shock stated to various members of the legislature and other persons that two men whom he did not know, neither of them being the man who gave him the money, came to him and demanded the said $1,000, and that thereupon he, Shock, delivered the money to the said strangers, neither of whom he has ever seen since; that he did not know either of the said men and that he did not take their names. That Mr. Hambrick, the person whom Shock claims gave him the money, upon hearing of Shock's statement, came to Charleston and confronted Shock, and that Shock then stated that Hambrick was not the man who gave him the money and that he did not know who the man was. That he had understood that it was Hambrick, and for that reason had named him as the man who had given him the money. It was also commonly reported that Shock had stated that he proposed to trap and expose any efforts at corruption in the selection of United States Senators.

In view of this state of affairs, I felt at the time, and still feel, and think most of the other senators thought likewise, that an investigation was unnecessary and uncalled for, and that for the senate to undertake to investigate such flimsy charges would not have reflected credit upon the senate and would only have lent color to charges which in themselves contained nothing substantial or tangible upon which an investigation could properly be based. In fact, this entire matter, to my mind, bore the earmarks of a fabricated scheme in which Shock was simply made a tool of, perhaps innocently, by others, who in this way sought to raise a cry of corruption in the Democratic Party and thus to reflect discredit upon the party and the United States Senators which it elected.

I recollect distinctly the statement made by Senator WATSON before the joint session of the legislature which elected him to the United States Senate, that if anyone could produce reasonable proof of corruption on his part in connection with his election to the United States Senate he would resign the office, and that you on the same occasion publicly stated that you courted the fullest investigation that any person or body of men could make of these charges. So far as I know, neither yourself nor Senator WATSON ever expressed a wish or said anything to prevent or hinder an investigation of these matters.

It is my recollection that you went into the Democratic caucus with some thirty-odd votes affirmatively for you, and I know there were others who held you as their second choice. The fact that Col. McGraw, who was your opponent in the Democratic caucus, came from an adjoining county to Senator WATSON, and that he was not a candidate against WATSON for the short term, and the further fact that it was not probable that both United States Senators would be selected from the same section of the State is certainly a sufficient explanation of the fact that many of your friends voted for WATSON and his friends voted for you.

With best wishes, I beg to remain,
Yours, very sincerely,
D. E. FRENCH.

The PRESIDENT pro tempore. The statement will be referred to the Committee on Privileges and Elections.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bill and joint resolution:

S. 3225. An act providing when patents shall issue to the purchaser or heirs of certain lands in the State of Oregon; and

S. J. Res. 156. Joint resolution to appoint George Gray a member of the Board of Regents of the Smithsonian Institution.

The message also announced that the House had passed the following bills, each with amendments, in which it requested the concurrence of the Senate:

S. 3843. An act granting to the coal-mining companies in the State of Oklahoma the right to acquire additional acreage adjoining their mine leases, and for other purposes; and

S. 3952. An act for the purpose of repealing so much of an act making appropriations for the current and contingent expenses of the Indian Department for fulfilling treaty stipulations with various Indians located in Kansas City, Kans., providing for the sale of a tract of land located in Kansas City, Kans., reserved for a public burial ground under a treaty made and concluded with the Wyandotte Tribe of Indians on the 31st day of January, 1885, said section of said act relating to the sale of said land be, and the same is hereby, repealed.

The message further announced that the House has passed the following bills, in which it requested the concurrence of the Senate:

H. R. 11478. An act to quiet title and possession with respect to a certain unconfirmed and located private land claim in Baldwin County, Ala., in so far as the records of the General Land Office show said claim to be free from conflict;

H. R. 27323. An act to provide for refund or abatement under certain conditions of penalty taxes imposed by section 38 of the act of August 5, 1909, known as the special excise corporation-tax law;

H. R. 27875. An act authorizing the President to convey certain land to the State of Texas;

H. R. 27879. An act providing authority for the Northern Pacific Railway Co. to construct a bridge across the Missouri River in section 36, township 134 north, range 79 west, in the State of North Dakota;

H. R. 27986. An act to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.;

H. R. 27987. An act to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.;

H. R. 27988. An act to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.;

H. R. 27944. An act to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.;

H. R. 28093. An act to amend the general pension act of May 11, 1912; and

H. R. 28094. An act to amend section 96, chapter 5, of the act of Congress of March 3, 1911, entitled "The Judicial Code."

The message also returned to the Senate, in compliance with its request, the bill (H. R. 17256) to fix the status of officers of the Army and Navy detailed for aviation duty, and to increase the efficiency of the aviation service.

The message further announced that the House had passed resolutions commemorative of the life and public services of Hon. ISIDOR RAYNER, late a Senator from the State of Maryland.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 2359. An act to refund certain tonnage and light dues;

H. R. 8151. An act providing for the adjustment of the grant of lands in aid of the construction of the Corvallis and Yaquina Bay military wagon road and of conflicting claims to land within the limit of said grant;

H. R. 12813. An act to refund duties collected on lace-making and other machinery and parts or accessories thereof imported subsequently to August 5, 1909, and prior to January 1, 1911;

H. R. 15181. An act for the relief of Harry S. Wade;

H. R. 20385. An act to reimburse Charles S. Jackson;

H. R. 23351. An act to amend an act entitled "An act to provide for an enlarged homestead";

H. R. 24365. An act providing for the taking over by the United States Government of the Confederate cemetery at Little Rock, Ark.;

H. R. 25741. An act amending section 3392 of the Revised Statutes of the United States as amended by section 32 of the act of August 5, 1909;

H. R. 26549. An act to provide for the purchase or construction of a motor boat for customs service; and

H. R. 27157. An act granting an extension of time to construct a bridge across Rock River at or near Colona Ferry, in the State of Illinois.

CREDENTIALS.

Mr. NEWLANDS presented the credentials of KEY PITTMAN, chosen by the Legislature of Nevada a Senator from that State to fill the vacancy in the term ending March 4, 1917, occasioned by the death of George S. Nixon, which were read and ordered to be filed.

Mr. CLAPP presented the credentials of KNUTE NELSON, chosen by the Legislature of Minnesota a Senator from that State for the term beginning March 4, 1913, which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. LODGE. I present resolutions adopted by the Board of Trade of North Attleboro, Mass., expressing their belief that

many improper classifications under the present tariff act, to the serious disadvantage of the jewelry and silverware industries, are due to the inclusion of the words "gold," "silver," and "platinum" in the final paragraph of the so-called metal schedule; and also expressing its disapproval of the inclusion of the words "gold," "silver," and "platinum" in the same paragraph with iron, steel, tin, lead, and so forth; and favoring a special paragraph either to precede or follow the paragraph referring to the cheaper metals, and in this new paragraph that the same rates be approved as are approved for the so-called jewelry paragraph. I move that the resolutions be referred to the Committee on Finance.

The motion was agreed to.

Mr. LODGE. I have a copy of resolutions adopted at a meeting of the Democratic town committee of Norton, Mass., a committee elected by the Democratic voters of that town to promote the best interests of the Democratic Party, expressing their disapproval of any reduction of the duty on jewelry, silverware, and kindred articles and urging upon Congress the necessity of maintaining the present rates of duty. I move that the resolutions be referred to the Committee on Finance.

The motion was agreed to.

Mr. LODGE. I present resolutions adopted by the Board of Selectmen of North Attleboro, Mass., favoring the present percentage of protective tariff on jewelry and silverware. I move that the resolutions be referred to the Committee on Finance.

The motion was agreed to.

Mr. POINDEXTER presented memorials of the congregations of the Seventh-day Adventist Churches of Fruitland, Friday Harbor, Elma, Tacoma, Walnut Grove, Centralia, Battleground, Hillyard, Carrollton, Aberdeen, Montesano, Puyallup, Walla Walla, Sara, and College Place, all in the State of Washington, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of Island Grange, No. 290, Patrons of Husbandry, of Arlington, Wash., praying that an investigation be made into the prosecution of the editors of the Appeal to Reason, published at Girard, Kans., which was referred to the Committee on the Judiciary.

Mr. OVERMAN presented a petition of the congregation of the West Market Street Methodist Episcopal Church, of Greensboro, N. C., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

He also presented a memorial of the congregation of the Seventh-day Adventist Church of Albemarle, N. C., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. CULLOM. I present a large number of memorials, signed by four or five thousand citizens of my State, remonstrating against the passage of the so-called Owen health bill. I move that the memorials be received and lie on the table.

The motion was agreed to.

Mr. FLETCHER presented memorials of sundry citizens of St. Andrews and Pensacola, in the State of Florida, remonstrating against the enactment of legislation providing for the Federal regulation of pilotage and pilots, which were referred to the Committee on Commerce.

Mr. GALLINGER presented a petition of the congregation of the Methodist Episcopal Church of Keene, N. H., and a petition of the congregation of the Federated Church, of New Market, N. H., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Cleveland Park, D. C., praying that an appropriation be made for the paving of a portion of Macomb Street in the District of Columbia, which was referred to the Committee on Appropriations.

He also presented the memorial of Philip T. Hall, of Washington, D. C., remonstrating against the enactment of legislation regulating the hours of employment for women in the District, which was referred to the Committee on the District of Columbia.

Mr. SHIVELY. I have here brief resolutions in the nature of a petition adopted by the Supreme Temple of the Order of Larks, of Portland, Ind., favoring the calling of an international congress for bird protection. I ask that the resolutions lie on the table and be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

Resolutions of the Supreme Temple of the Order of Larks, supreme offices, Portland, Ind.

Whereas one of the corporate objects of this order is the discouragement of the killing of harmless birds and the use of their plumage for commercial purposes and the advancement of legislation to carry out said object; and

Whereas efforts are now being made by the National Association of Audubon Societies to secure the passage of tariff legislation which will practically bar the importation of plumage of rare birds; and

Whereas a resolution has recently been introduced in the Senate of the United States by Senator ROOT which authorizes the calling of an international congress for bird protection: Now therefore be it

Resolved by the Supreme Temple of the Order of Larks (comprising all of the subordinate temples of the order in the United States), That the said tariff legislation so proposed by the National Association of Audubon Societies be, and the same is hereby, indorsed and recommended to the Congress as to be in the interests of bird conservation and protection; and be it further

Resolved, That the resolution of Senator ROOT calling for an international congress for bird protection be, and the same is hereby, indorsed and recommended to the Congress for the same reasons; be it further

Resolved, That a copy of these resolutions be forwarded to one of the Senators from Indiana, with the request that the same be presented to the Congress as a petition asking for such legislation.

THE SUPREME TEMPLE OF THE ORDER OF LARKS,
By S. A. D. WHIPPLE, *Supreme Majesty.*

Attest:

MORTON N. HAWKINS,
Supreme Commissioner.

JANUARY 28, 1913.

Mr. SHIVELY presented the petition of John W. Sidener and 25 other members of the Young Men's Bible Class of the First Baptist Church of Crawfordsville, Ind., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. SUTHERLAND presented a petition of the congregation of the Seventh-day Adventist Church of Salt Lake City, Utah, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. NELSON presented a memorial of the congregations of the Seventh-day Adventist Churches of Baker, St. Cloud, and Sauk Center, all in the State of Minnesota, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. GRONNA. I present a telegram from the president of the Grand Forks District Medical Society, in my State, favoring the passage of the so-called Owen health bill. The telegram is very brief, and I ask that it lie on the table and be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

GRAND FORKS, N. DAK., *February 4, 1913.*

Senator GRONNA, *Washington, D. C.:*

The Grand Forks District Medical Society, composed of the physicians practicing in Grand Forks, Walsh, Pembina, Cavalier, and Nelson Counties, favor the passage of the Owen bill. They hope you will give it your hearty support.

H. M. WHEELER, *President.*

Mr. GRONNA presented a petition of the congregation of the Rock Lake Church of North Dakota, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. BROWN presented telegrams in the nature of petitions from sundry members of the medical societies of North Platte, Broken Bow, Grand Island, Omaha, and Pawnee City, and of sundry physicians of Madison, Gothenburg, Alliance, Falls City, and David City, all in the State of Nebraska, praying for the establishment of a national department of public health, which were ordered to lie on the table.

Mr. BURTON presented petitions of sundry citizens of Mansfield, Wooster, Nova, Burgoon, Crawford County, Hillsboro, Newark, Lancaster, and Dayton, all in the State of Ohio, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. LA FOLLETTE presented petitions of sundry citizens of Grand Rapids, Waupaca, Milwaukee, Delavan, and Green Bay, all in the State of Wisconsin, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. HITCHCOCK presented memorials of the Farmers' Educational and Cooperative Unions of Scribner, Logan, Nickerson, and Hooper, in the State of Nebraska, remonstrating against the adoption of the so-called Aldrich currency system, which were referred to the Committee on Finance.

Mr. PERKINS presented a petition of the Labor Council of San Francisco, Cal., praying for the recognition of the Republic of China by the United States Government, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Federated Trades Council of Sacramento, Cal., and a petition of the Trades and Labor Council of Vallejo, Cal., praying for the enactment of legislation providing for the inspection of locomotive boilers and safety appliances for railway equipment, which were referred to the Committee on Interstate Commerce.

Mr. ROOT presented petitions of sundry citizens of Albany and Cortland and of the congregation of the Olivet Presbyterian Church, all in the State of New York, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. TOWNSEND presented a memorial of Nelson Arbor, No. 165, Ancient Order of Gleaners, of Fremont, Mich., remonstrating against any reduction of the postage on first-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the congregations of the Seventh-day Adventist Church of Reese, Mich., and a petition of the congregation of the Seventh-day Adventist Church of Fremont, Mich., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. JONES presented a telegram in the nature of a petition from Dr. S. T. Miller, of Wenatchee, Wash., and a telegram in the nature of a petition from Dr. J. H. Woodside, of Redmond, Wash., praying for the passage of the so-called Army veterinary bill, which were referred to the Committee on Military Affairs.

He also presented telegrams in the nature of petitions from the State commissioner of health, from E. L. Farnsworth, of Olympia, and from Dr. Henry D. Brown, secretary of the King County Medical Society, all in the State of Washington, praying for the passage of the so-called Owen health bill, which were ordered to lie on the table.

He also presented resolutions adopted by the Chamber of Commerce of Montesano, Wash., favoring the repeal of the parole law, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Chamber of Commerce of Montesano, Wash., favoring the repeal of the bankruptcy law, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Foreign Relations, to which was referred the amendment submitted by Mr. BURTON on the 4th instant, proposing to appropriate $5,000 for the participation of the United States by official delegates at the international conference for the purpose of drawing up international rules and regulations for the assignment of load lines to merchant ships, etc., intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. OLIVER, from the Committee on Claims, to which was referred the bill (S. 6691) to indemnify the State of Massachusetts for expenses incurred by it in defense of the United States, reported it with an amendment and submitted a report (No. 1188) thereon.

Mr. BROWN. From the Committee on Patents I report favorably, without amendment, the bill (H. R. 23568) to amend section 55 of "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, and I submit a report (No. 1187) thereon. I ask that the report of the House be made a part of the Senate report and that it be printed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MARTINE of New Jersey, from the Committee on Claims, to which was referred the bill (S. 7619) for the relief of Laetitia M. Robbins, reported adversely thereon, and the bill was postponed indefinitely.

Mr. NELSON, from the Committee on Public Lands, to which was referred the bill (S. 7845) relating to the adjudication of homestead entries in certain cases, reported it with an amendment and submitted a report (No. 1189) thereon.

Mr. MARTIN of Virginia, from the Committee on Commerce, to which was referred the bill (S. 8204) to authorize the Buckhannon & Northern Railroad Co. to construct and operate a bridge across the Monongahela River, in the State of West Virginia, reported it with an amendment and submitted a report (No. 1190) thereon.

Mr. POINDEXTER, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 5179) directing the Secretary of the Treasury to prepare designs and estimates for and report cost of a national archives building in the District of Columbia, reported it with amendments and submitted a report (No. 1191) thereon.

APPOINTMENTS IN THE DIPLOMATIC OR CONSULAR SERVICE.

Mr. BRYAN. From the Committee on Naval Affairs I report favorably the bill (S. 8082) to amend section 1440 of the Revised Statutes of the United States, and I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The Senator from Florida asks for the present consideration of the bill just reported by him. Is there objection?

There being no objection, the bill was considered as in Committee of the Whole. It proposes to amend section 1440 of the Revised Statutes of the United States so as to read:

SEC. 1440. If any officer of the Navy on the active list accepts or holds an appointment in the Diplomatic or Consular Service of the Government he shall be considered as having resigned his place in the Navy, and it shall be filled as a vacancy.

Mr. ROOT. May I ask if unanimous consent has been given for the consideration of the bill?

The PRESIDENT pro tempore. The Chair did not put it in the form of a request for unanimous consent, but submitted it as a request, and announced that no objection had been heard.

Mr. ROOT. I do not wish to object, but I should like to know the reasons for further legislation at this time on this subject.

Mr. BRYAN. Section 1440 of the Revised Statutes, as it exists to-day, allows neither officers on the active list of the Navy nor officers on the retired list of the Navy to be appointed to positions in the Diplomatic or Consular Service. This bill is designed to allow officers on the retired list to be eligible for appointment in the Consular Service.

Mr. ROOT. I do not yet understand the object of the bill.

Mr. LODGE. If the Senator will allow me, the law that is sought to be amended is an old law that has been on the statute books since 1868, and it has led to a good deal of trouble, because the courts have construed it as covering both the active and the retired lists. This bill simply confines it to the active list.

Mr. ROOT. What does it confine to the active list?

Mr. LODGE. Appointments to the Consular or Diplomatic Service.

Mr. ROOT. May the bill be again read?

The Secretary again read the bill.

Mr. ROOT. Mr. President, as I understand, the bill allows officers of the Navy upon the retired list to be appointed to diplomatic positions.

Mr. BRANDEGEE. It cuts off those on the active list.

Mr. ROOT. Leaving the prohibition against those on the active list. I move to amend the bill by inserting, after the word "Navy," the words "or Army."

The PRESIDENT pro tempore. The Senator from New York proposes an amendment, which will be stated.

The SECRETARY. After the word "Navy," in line 6, it is proposed to insert the words "or Army."

The amendment was agreed to.

The PRESIDENT pro tempore. The Chair would suggest to the Senator from New York that a further amendment would be needed in line 9 so as to include the Army. The words "or Army, as the case may be," should be inserted.

Mr. ROOT. I should be glad to have that done.

The PRESIDENT pro tempore. The Secretary will state the proposed amendment.

The SECRETARY. In line 9, after the word "Navy," it is proposed to insert "or Army, as the case may be."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STATUE OF JOHN MARSHALL.

Mr. SWANSON. From the Committee on the Library I report back favorably without amendment the bill (S. 7657) for the erection of a statue to John Marshall, and I submit a report (No. 1186) thereon. I ask for the immediate consideration of the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. CULBERSON. Let it be read.

Mr. SWANSON. Let the bill be read.

The PRESIDENT pro tempore. It will be read.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. BRISTOW. Is this a proposition for the Federal Government to erect a statue in a State building somewhere?

Mr. SWANSON. It is proposed to erect it in the Federal building at Richmond.

Mr. MARTIN of Virginia. I will say to the Senator from Kansas that the National Government has about completed a new building costing about $1,000,000 in the city of Richmond——

The PRESIDENT pro tempore. The question now is upon the consideration of the bill.

Mr. MARTIN of Virginia. It is proposed to place the statue in that building.

Mr. BRISTOW. I may want to offer some amendments to it. There are some statues which I should like to have erected out in Kansas. I ask that the bill may go over.

The PRESIDENT pro tempore. Under objection the bill will go over. It will be placed on the calendar.

LOREN W. GREENO.

Mr. THORNTON. From the Committee on Naval Affairs I report favorably, without amendment, the bill (S. 8230) for the relief of Loren W. Greeno, and I call the attention of the Senator from Ohio [Mr. POMERENE] to the bill.

Mr. POMERENE. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. The Senator from Ohio asks unanimous consent for the present consideration of the bill. Is there objection?

Mr. GALLINGER. Let the bill be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the President to appoint Loren W. Greeno an ensign in the United States Navy on the retired list.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS AGAINST MEXICO.

Mr. ROOT. From the Committee on Foreign Relations I report a concurrent resolution (S. Con. Res. 40), for which I ask present consideration. I call the attention of the Senator from Arizona [Mr. SMITH] to the resolution.

The PRESIDENT pro tempore. The concurrent resolution will be reported.

The Secretary read as follows:

Resolved by the Senate (the House of Representatives concurring), That the report of the Secretary of War, under the joint resolution directing the Secretary of War to investigate the claims of American citizens for damages suffered within American territory growing out of the late insurrection in Mexico, approved August 9, 1912, be transmitted to the President, who is hereby respectfully requested to cause a claim for the amount of the damages reported therein as suffered by American citizens within American territory to be presented to the Government of Mexico as a claim in behalf of the Government of the United States.

The PRESIDENT pro tempore. The Senator from New York asks for the present consideration of the resolution. Is there objection?

Mr. SMITH of Arizona. Mr. President——

The PRESIDENT pro tempore. The question is upon the request for present consideration. Is there objection?

Mr. SMITH of Arizona. Reserving simply the right to object, I wish to say——

The PRESIDENT pro tempore. The question first is on the present consideration of the concurrent resolution.

Mr. SMITH of Arizona. Have I the right to the floor, to say what I please?

The PRESIDENT pro tempore. By unanimous consent the Senator can proceed. No debate is in order, except by unanimous consent, until after the question of present consideration has been acted upon.

Mr. SMITH of Arizona. I do not want to object to the resolution. I want to understand it. Reserving the right to object, I thought I could then proceed, as was the custom in the other body where I have served.

Mr. GALLINGER. I ask unanimous consent, Mr. President.

The PRESIDENT pro tempore. The Senator is proceeding by unanimous consent.

Mr. SMITH of Arizona. Have I the floor by the unanimous consent of the Senate?

The PRESIDENT pro tempore. By unanimous consent, the Senator will proceed.

Mr. SMITH of Arizona. Mr. President, I thought I had it before proceeding to obtain the information I desire.

Being in order, then, at last, I wanted to say to the Senator from New York that I thought it had been understood that these claims for damages sustained by citizens of the United States on American soil occasioned by Mexican soldiery shooting across the international line were to be investigated by the commission under the resolution heretofore reported by the Senator from New York from the Committee on Foreign Relations; that those claims were to be presented to our own Congress for payment, and then that the United States would proceed in the order suggested in the resolution now before the Senate.

My interest in the whole matter is to make this claim first one against the Federal Government itself for damages to its own citizens, and then that the Government shall place before Mexico its claim for reimbursement for the money paid out in these cases.

The commission went to the city of El Paso, Tex., and to Douglas, Ariz. They made an investigation and a report fixing the amount that the commission thought should be paid to these people. I wish to suggest to the Senator from New York that if these people are to be relegated to trusting the department here to get that money from Mexico, they may as well quit right now. The conditions in Mexico are such that nobody can get payment of a claim from the Government of Mexico. Probably two billions of foreign capital are doing the business of Mexico. There is—from the best obtainable information—not less than $800,000,000 of American money invested there, and fully as much more by other nations. There is no earthly chance of these people getting their money during their lifetime if we are to proceed diplomatically with the collection of a claim against Mexico.

This has been such an outrage, such an insult to the Nation, that I never dreamed that any postponement would occur in the payment of these claims, further than that Congress would pass a law allowing these men the amounts found due in these cases and pay them out of our Treasury, and then that the United States Government would make its claim for reimbursement against the Republic of Mexico.

This reckless shooting of American citizens on our own soil by armed soldiers in Mexico was virtually an act of war on the part of Mexico, and our forbearance should have induced an immediate reparation by that Republic. Congress can do no less than pay the claims and look, as I have said, to Mexico for reimbursement.

Mr. ROOT. Mr. President——

The PRESIDENT pro tempore. The Senator from New York will also proceed by unanimous consent.

Mr. ROOT. I will say to the Senator from Arizona, in the first place, that I am in favor of paying these claims. I think the Government of the United States should pay them. We are, however, approaching the close of the short session. The bill providing for payment has not yet been reported. Whether they are paid or not the theory of obligation upon which the bill rests will necessarily lead to the making of a claim against Mexico in behalf of the United States.

Mr. SMITH of Arizona. I understand.

Mr. ROOT. The view upon which the resolution directing the Secretary of War to make an investigation and report was drafted and passed was that these Americans, never having gone into the territory of Mexico, but remaining upon the soil of their own country, could not be relegated to a claim against Mexico for redress for the injury they had suffered, and that the Government of the United States should make it a national matter and should itself take the burden of prosecuting their claim.

This was an alternative to a resolution which was offered in the Senate and which was voted down, conferring authority upon the President to use the military forces of the United States to secure redress and prevent further injuries. There was substituted an assumption by the Government of the United States of its responsibility, to be borne by the peaceful processes of diplomacy, impressing a claim of the Government for the warlike proposals upon the one side and the relegation of these weak individual citizens to their claims against Mexico on the other side.

Now, whether the claims be paid by the United States, as I think they ought to be, or not, the resolutions some time or other should be adopted, and it seemed to the Committee on Foreign Relations that there should be no delay about it.

I will call the attention of the Senator from Arizona further to the fact that the adoption of this resolution is the adoption of the principle of governmental responsibility.

Mr. SMITH of Arizona. Mr. President, I now understand more clearly than I did from hearing the resolution read the course which will be pursued ultimately, whether Congress passes the bill for relief or not. Its passage in no way will affect our action hereafter on a bill for the payment of these claims or tend to retard action when it shall come before the Senate. In this view of the matter, of course no objection should be made. I hope the resolution will pass.

The concurrent resolution was considered by unanimous consent and agreed to.

THE SENATE MANUAL.

Mr. WARREN, from the Committee on Rules, reported the following resolution (S. Res. 447), which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Rules be instructed to prepare a new edition of the Senate Manual, and that there be printed 4,500 copies of the same for the use of the committee, of which 250 copies shall be bound in full morocco and tagged as to contents.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PERKY:

A bill (S. 8376) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911 (with accompanying papers); to the Committee on the Judiciary.

By Mr. NELSON:

A bill (S. 8377) to authorize the Northern Pacific Railway Co., its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River in Minneapolis, Hennepin County, Minn.; to the Committee on Commerce.

By Mr. GALLINGER:

A bill (S. 8378) relating to private education in the District of Columbia; to the Committee on the District of Columbia.

By Mr. WORKS:

A bill (S. 8379) for the relief of Ellen B. Monahan; to the Committee on Claims.

By Mr. JONES:

A bill (S. 8380) directing the issuance of patent to John Russell; to the Committee on Public Lands.

By Mr. MARTINE of New Jersey:

A bill (S. 8381) to amend section 96, chapter 5, of the act of Congress of March 3, 1911, entitled "The Judicial Code"; to the Committee on the Judiciary.

By Mr. GRONNA:

A bill (S. 8382) to prohibit the interstate shipment of impure seeds; to the Committee on Agriculture and Forestry.

By Mr. BROWN (by request):

A bill (S. 8383) to authorize the Secretary of the Interior to cancel and set aside segregations of public lands under the Carey Act; to the Committee on Public Lands.

By Mr. OVERMAN:

A bill (S. 8384) to appoint Frederick H. Lemly a passed assistant paymaster on the active list of the United States Navy; to the Committee on Naval Affairs.

By Mr. DILLINGHAM:

A bill (S. 8385) granting an increase of pension to Asil N. Blanchard (with accompanying papers); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 8386) for the relief of Nelson D. Dillon (with accompanying paper); to the Committee on Claims.

By Mr. BACON:

A bill (S. 8387) granting a pension to Mary E. Spraberry; to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 8388) granting an increase of pension to Thomas L. Collins (with accompanying papers); to the Committee on Pensions.

By Mr. CRAWFORD:

A bill (S. 8389) to provide for an enlarged homestead; to the Committee on Public Lands.

REMOVAL OF CAUSES FROM FEDERAL TO STATE COURTS.

Mr. PERKY. I introduce a bill and I ask that it be read at length.

The bill (S. 8376) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That section 28 of an act approved March 3, 1911, and entitled "An act to codify, revise, and amend the laws relating to the judiciary," be, and the same is hereby, amended by adding thereto the following: *"And provided further*, That no suit shall be removable solely upon the ground of diversity of citizenship by any party thereto who shall at the time of the institution of said suit have an established place of business within the State where said suit was originally instituted," so that said section shall read, when so amended, as follows:

"SEC. 28. Any suit of a civil nature at law or in equity arising under the Constitution or laws of the United States, or treaties made, or which shall be made, under their authority of which the district courts of the United States are given original jurisdiction by this title, which may now be pending or which may hereafter be brought in any State court, may be removed by the defendant or defendants therein to the district court of the United States for the proper district. Any other suit of a civil nature at law or in equity of which the district courts of the United States are given jurisdiction by this title, and which are now pending or which may hereafter be brought in any State court, may be removed into the district court of the United States for the proper district by the defendant or defendants therein, being nonresidents of that State. And when in any suit mentioned in this section there shall be a controversy which is wholly between citizens of different States and which can be fully determined as between them, then either one or more of the defendants actually interested in such controversy may remove said suit into the district court of the United States for the proper district. And where a suit is now pending or may hereafter be brought in any State court in which there is a controversy between a citizen of the State in which the suit is brought and a citizen of another State any defendant, being such citizen of another State, may remove such suit into the district court of the United States for the proper district at any time before the trial thereof, when it shall be made to appear to said district court that from prejudice or local influence he will not be able to obtain justice in such State court, or in any other State court to which the said defendant may under the laws of the State have the right, on account of such prejudice or local influence, to remove said cause: *Provided*, That if it further appear that said suit can be fully and justly determined as to the other defendants in the State court without being affected by such prejudice or local influence, and that no party to the suit will be prejudiced by a separation of the parties, said district court may direct the suit to be remanded, so far as it relates to such other defendants, to the State court to be proceeded with therein. At any time before the trial of any suit which is now pending in any district court, or may hereafter be entered therein, and which has been removed to said court from a State court on the affidavit of any party plaintiff that he had reason to believe and did believe that from prejudice or local influence he was unable to obtain justice in said State court, the district court shall, on application of the other party, examine into the truth of said affidavit and the grounds thereof, and unless it shall appear to the satisfaction of said court that said party will not be able to obtain justice in said State court it shall cause the same to be remanded thereto. Whenever any cause shall be removed from any State court into any district court of the United States and the district court shall decide that the cause was improperly removed and order the same to be remanded to the State court from whence it came, such remand shall be immediately carried into execution, and no appeal or writ of error from the decision of the district court so remanding such cause shall be allowed: *Provided*, That no cause arising under an act entitled 'An act relating to the liability of common carriers by railroad to their employees in certain cases,' approved April 22, 1908, or any amendment thereto and brought in any State court of competent jurisdiction shall be removed to any court of the United States: *And provided further*, That no suit shall be removable solely upon the ground of diversity of citizenship by any party thereto who shall at the time of the institution of said suit have an established place of business within the State where said suit was originally instituted."

SEC. 2. All acts or parts of acts in conflict herewith are, in so far as they are in conflict, hereby repealed.

Mr. PERKY. Before the bill is referred I should like to make a brief statement as to the purpose of the bill.

The bill just introduced is designed to correct the practice of removing causes from State to Federal courts where the application to remove is based solely upon the ground of diversity of citizenship between the parties to the suit or action.

The reasoning which sustains this measure is that a person or corporation which voluntarily comes into a State and deliberately establishes a place of business therein should be required to submit his or its controversies with citizens of such State to the determination of its courts where there is no showing of local prejudice against the applicant for removal or hostile local influence working against him of such a nature as to prevent such applicant from securing justice.

The abuses against which this bill is directed were ably presented in a communication appearing in the seventy-second Central Law Journal, page 218, written by Henry S. Johnston, of Perry, Okla., which I will not take the time to read, but which I desire to adopt as a portion of my remarks, and I ask leave that it be so printed and inserted at this portion of my remarks.

The PRESIDENT pro tempore. It will be so ordered, without objection.

The matter referred to is as follows:

PERRY, OKLA.

EDITOR CENTRAL LAW JOURNAL: I opened your publication of the 17th of February and read the article appearing on page 113 entitled "Disbarment—Using a sham corporation to create diversity of citizenship."

I want to commend you for this article. One of the crying outrages perpetrated by Congress upon a long-suffering people has been the vesting of corporations with the power to remove their causes to the Federal courts, irrespective of the nature of the cause of action.

An examination of the trial calendar of any of the circuit courts will disclose that the bulk of business there transacted is the result of foreign corporations securing removal of causes commenced in the State courts.

Not long ago I examined a court calendar containing three pages about the size of your law journal and on which appeared something like 100 cases set for trial; about 85 of them were suits commenced by private citizens in State courts to recover damages from foreign corporations.

Any domestic corporation must answer for its torts, breaches of contracts, bad faith, infractions of law, and any derelictions to the courts of the State. Every natural person must do the same thing, but the legislation authorizing removal of causes on account of diversity of citizenship is a very highly esteemed special privilege acquired and enjoyed by corporations, and the great carrier corporations of the country use this Federal statute as an open doorway from which to escape responsibility for their acts.

To fairly illustrate the effect of the present system: Let us suppose that a farmer is authorized to take up trespassing animals found upon his land at the place and time of the trespass. Next, let us suppose that the law made a provision that if the trespassing animal was owned by an individual not living in his school district, that in such case he must first turn the animal loose in an uninclosed wilderness, permit it to roam 20 miles from home, and then the law would give him permission to catch it if he could. The world would immediately point to the folly of such a statute as being ridiculous, dishonest, and unfair, and a discrimination in favor of the nonresident of his school district.

In the case of a domestic corporation or a private citizen relief is afforded where the party can be found and service obtained upon him or where the accident or injury occurs, and right there they sit down together and arbitrate or lock horns and go to battle with the home

court as their referee and the confines of their territory limited to the scope of a county with the right to take depositions and bring witnesses from all parts of the globe. But forsooth, it chances to be a foreign corporation, no longer is the right to apprehend the trespasser within the confines of this corral of the farmer's own community or bailiwick, but the corporation can jump the bounds of the county fences and go to a court with State wide or district wide meanderings and attend court 60 miles from home at the capital. Then he can attend the next session of court at some other court town 150 miles from home and the next time at 200 miles from home at another court town, and follow the judge around the circuit of his district. Leg weary, tired, worn, sleepless, and purse lean at last he gets trial to find the marginal boundaries of the State do not limit the resources of this foreign corporation, but he must follow his appeal to St. Louis, St. Paul, Washington, D. C., New York, or what not, and that his representatives in the personality of cowboys, lawyers, or whatsoever they may be, must ride to unfamiliar fields and strange roads where they so seldom practice and with which they are so little familiar, known as Federal practice, procedure, legal equitable, civil, special and peculiar, blended in part with the recognition of State law and the capacity to ignore and set the same aside at will, without responsibility to the very authority which it pretends and purports to recognize. As a matter of quasi comity, there is a pretense at enforcing and recognizing State laws, but Federal judges are not responsible to the State or to the powers of the State, to the people of the State or to State institutions for their authority, and when therefore they see fit to ignore State laws there is no responsibility attached thereto, and the world simply smiles and attributes the act to the general superiority of the Federal Government over the State; the right of powers that be to recognize or ignore the inferior branches of our sovereignty at the sweet will and pleasure of the particular judge who is trying the cause.

To illustrate: Not long ago a United States judge tried a case where two workmen on a hand car going along a high trestle about 200 yards long, adjoining a bridge of somewhat greater length, were run down by a fast-running engine and tender. Proof was available that the brake on the engine was out or order and the engine should have been in the repair shop; that the same could not possibly be controlled by the engineer in charge thereof. The accident had so sickened the engineer with the conduct of corporations generally and the cold-blooded manner in which they put their men to work with defective devices and let them take their chances that he quit the road entirely.

The Oklahoma constitution provides: "The defenses of contributory negligence or of assumption of risks shall in all cases whatsoever be a question of fact, and shall at all times be left to the jury."

The Federal judge who tried this case snapped his finger at our constitution and promptly proceeded to say that "the two employees on the hand car assumed the risk of being upon the track on a hand car, and that their death resulted from a risk which they had assumed."

It is true, the engineer did all he could to stop the engine. Had he not done so or had he not been watching, the courts must have said that the last clear chance to avert the injury lay in the hands of the engineer, and it was his duty to act, and so have let the case go to the jury, had the constitution of Oklahoma never been written; but the engineer must grimly grit his teeth and ride on to certain destruction, conscious of the grinding, grasping indifference of his corporation to the defective appliances and devices in use. But the corporation was right; it had but little to fear. The widows of the two deceased men must bring their action for $2,000 or less or run the additional hazard of being removed to the United States court. They brought their suits for a large amount. The cases were removed and the judge who tried it, after listening to the evidence, took the case from the jury, with the announcement that the parties upon the track took the chances, assumed the risks, and that no recovery could be had in the case, and it would be useless to permit it to go to a jury.

The books abound with decisions of the State courts one way and with Federal decisions stating that the same identical elements of the State law enforced in that State by public policy of the State, by the legislation of the State, by the constitutional provisions of the State will be enforced by the courts of the United States, yet, upon the other hand, when it comes to practical recognition through the working out of those principles the book equally abounds with decisions where the Federal judiciary perpetually and forever ignores the very laws it purports in another breath to honor and respect.

One more suggestion and then I wish to propose a remedy. The suggestion is that it is infinitely better that within the limits of a State the law be uniform in its application; that no matter in what forum the law is applied or where people go for their remedies the law should be the same, and that it shall be plain, speedy, prompt, and adequate, and meted out as nearly as practicable at the doorway of the party invoking its sanctions. It is of no consequence or very little consequence that the Federal decisions of New York are harmonious with those of Oklahoma upon questions of local application, but it is infinitely important that the Federal decisions upon question of local application should coincide with those of our own State courts.

And now for the remedy. The remedy lies in placing the differences and controversies between litigants back within the jurisdiction of the State courts; lay the ax in the root of the tree; let Congress repeal or at least modify this Federal policy. Some provision similar to the following would do the work:

"Provided, however, That the right of removal on account of diversity of citizenship shall not apply to corporations domiciled within a foreign State or which transacts business within such foreign State or for the commission of any tort within the jurisdiction of such foreign State or for the breach of any contract made or to be carried out in whole or in part within such foreign State."

My suggestion now to you is that since your paper has perceived the wrong and given it publicity as you have the awakening of conscience and the conviction of judgment which you have experienced imposes upon you a duty, to wit, that of educating the bar and the judiciary, and thereby effectively reaching Congress with a universal, concentrated demand for remedial legislation touching this evil.

I regret to have taken so much of your time, as I necessarily do in writing this long letter, and yet I felt I could not escape the sense of duty my own knowledge carries with it.

Truly, yours, HENRY S. JOHNSTON.

NOTE.—The letter of our correspondent is much appreciated. Congress, we believe, intended by the conformity act to indicate that nothing should interfere with the constitutional purpose merely to furnish a court free from local prejudice. Ever since Judge Story started the "general-law" heresy Federal courts have been assuming more and more to be independent of State interpretation. What ought to be done is for Congress to declare they have no jurisdiction but to enforce as State law what the State declares such to be and to enforce it as State courts enforce it. It is strange that Congressmen elected only by citizens of States should permit anything else. (Editor.)

Mr. PERKY. I have also prepared a brief dealing with the historical facts and the law relating to the subject covered by this bill, which I should like to have appear as part of my presentation of the merits of this measure, and I ask leave to have it printed at this stage of my remarks.

The PRESIDENT pro tempore. It will be so ordered, without objection.

The matter referred to is as follows:

[Memorandum of law in re removal of causes upon the ground of diverse citizenship.]

CONTENTS.

The language of the proposed amendment.
Relevant constitutional and statutory provisions.
Constitutional purpose preserved by proposed amendment.
Corporations as citizens for purposes of Federal jurisdiction.
Abuse of present removal privilege.

The intent of the proposed law as embodied in this bill is to amend section 28 of the Judicial Code so as to limit the right of removal of causes from State to Federal courts only in causes where it is claimed solely on the ground of diverse citzenship. To accomplish this purpose it is proposed by the terms of this bill to add to section 28 of the existing Judicial Code this language:

"And provided further, That no suit shall be removable solely upon the ground of diversity of citizenship by any party thereto who shall at the time of the institution of said suit have an established place of business within the State where said suit was originally instituted."

The proposed amendment makes no change in the law as it now stands in regard to removal upon the ground of a Federal question or upon the ground of prejudice or local influence.

In the amendment proposed the phrase "an established place of business within the State" is employed. This is the language used by the act of March 3, 1897, in providing where suits for infringement of patent may be brought, in which connection it has been construed by the courts. Having an established place of business in a particular district is thus recognized as justifying departure from the usual rule that a defendant shall be sued only in the district of which he is an inhabitant. By analogy it justifies the principle of the amendment, which is that a person or corporation having an established place of business within a State should submit to suit in the courts of that State.

RELEVANT CONSTITUTIONAL AND STATUTORY PROVISIONS.

The jurisdiction of the Federal courts in cases between citizens of different States, whether original or by removal, has its origin in the Constitution itself.

Article III, section 2, of the Constitution provides as follows:

"The judicial power shall extend * * * to controversies * * * between citizens of different States."

Article III, section 1, of the Constitution provides:

"The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish."

Article I, section 8, clause 9, of the Constitution provides:

"The Congress shall have power * * * to constitute tribunals inferior to the Supreme Court."

Under these constitutional provisions Congress may limit the jurisdiction of the inferior Federal courts which it may establish to any extent it deems proper. While it has power to confer jurisdiction upon the Federal courts, by removal or otherwise, over controversies between citizens of different States, it is not compelled to do so. In the absence of any sufficient reason or valuable purpose to be subserved, Congress is under no obligation to deprive the State courts of jurisdiction of controversies between citizens of different States, or if there is a reason why some of such controversies should be taken into the Federal courts, which reason does not apply to all such controversies, then Congress may properly limit the jurisdiction of the Federal courts in this class of cases to those controversies in which there is some reason why they should be tried in the Federal courts rather than in the State courts.

In Gaines *v.* Fuentes (92 U. S., 18) the Supreme Court said:

"The Constitution declares that the judicial power of the United States shall extend 'to controversies between citizens of different States' as well as to cases arising under the Constitution, treaties, and laws of the United States; but the conditions upon which the power shall be exercised, except so far as the original or appellate character of the jurisdiction is designated in the Constitution, are matters of legislative direction. * * * In cases where the judicial power of the United States can be applied only because they involve controversies between citizens of different States, it rests entirely with Congress to determine at what time the power may be invoked and upon what conditions—whether originally in the Federal court or after suit brought in the State court; and, in the latter case, at what stage of the proceedings—whether before issue or trial by removal to a Federal court or after judgment upon appeal or writ of error."

It is, of course, perfectly well settled that no State can in any way abridge or impair the jurisdiction of the Federal courts or in any way limit the right of removal of causes into the Federal courts. Any such limitation must be made, if at all, by Congress. (Barrow Steamship Co. *v.* Kane, 170 U. S., 111; Barron *v.* Burnside, 121 U. S., 197.)

From the very beginning, however, Congress has vested the Federal courts with jurisdiction of causes between citizens of different States and authorized the removal into the Federal court of such controversies if originally begun in a State court.

The original judiciary act of 1789 (1 Stat. L., 73) provides that a suit brought in a State court between citizens of different States may be removed into the Federal court. This provision, substantially unchanged, was carried forward into the Revised Statutes and appeared in section 639. It also appears in the judiciary act of 1875, section 2, as amended by the act of 1887–88 (25 Stat. L., 433, in Supp. Rev. Stat., 611). The present Judicial Code, act March 3, 1911, section 24, gives the Federal district court original jurisdiction "where the matter in controversy exceeds, exclusive of interests and costs, the sum or value of $3,000, and * * * is between citizens of different States." Section 28, which is the subject of the proposed amendment, confers the right of removal in such cases.

It is thus seen that the proposed amendment imposes a limitation upon the removal of causes, which is wholly new in Federal legislation.

CONSTITUTIONAL PURPOSE PRESERVED BY PROPOSED AMENDMENT.

In Whelan *v.* N. Y., etc., R. Co. (35 Fed., 858) the court said:

"The clause in the Constitution extending the judicial power of controversies 'between citizens of different States' was intended to secure the citizen against local prejudice, which might injure him if compelled to litigate his controversy with another in the tribunals of a State not his own. This object was the avowed purpose of the constitutional provision at the time of its adoption; and the Supreme Court so declared in Gordon *v.* Longest (16 Pet., 104), where it is said that 'one great object in the establishment of the courts of the United States and regulating their jurisdiction was to have a tribunal in each State presumed to be free from local influence, and to which all who were nonresidents or aliens might resort for legal redress.'"

It will be noted that the present removal act (Judicial Code, sec. 28) expressly provides that a suit involving a controversy between citizens of different States may be removed into the Federal district court "when it shall be made to appear to said district court that from prejudice or local influence he will not be able to obtain justice in such State court," etc.

The original judiciary act of 1789 made no express reference to prejudice or local influence as a ground for removal. This was first brought into the law by the act of July 27, 1866, as amended by the act of March 2, 1867 (14 Stat. L., 306, 558), and was codified in the Revised Statutes in section 639. It was carried forward by the act of 1875 as amended by the act of 1887–88.

As the sole purpose of the Constitution in extending Federal jurisdiction to controversies between citizens of different States was to provide an impartial court, free from prejudice and local influence, and as that purpose is expressly provided for in the present law, and the proposed amendment does not in any way take away the right of removal in cases where such prejudice or local influence exists, there is no longer any reason why other causes should be withdrawn from the jurisdiction of the State courts and removed into the Federal court merely because the parties are citizens of different States. There is only the historical basis for such a provision. It was in the first judiciary act and is therefore in the last. It seems not to have been noted that the constitutional purpose was fully carried out when express provision was made for the removal of causes upon the ground of prejudice or local influence. There being no longer any reason for preserving this broad right of removal in all cases where diverse citizenship exists, every argument showing the abuse which has been made of the right and the hardships which are thus without reason inflicted upon litigants should be given full weight.

The Supreme Court has held that Congress intended by its recent legislation to limit and contract the jurisdiction of the Federal courts:

"The recent acts of Congress have tended more and more to contract the jurisdiction of the courts of the United States which had been enlarged by intermediate acts, and to restrict it more nearly within the limits of the earlier statutes." (Wabash Western Ry. *v.* Brow, 164 U. S., 127.)

"The act of March 3, 1887, chapter 373, corrected by the act of August 13, 1888, chapter 866, was intended, as this court has often recognized, to contract the jurisdiction of the circuit courts of the United States, whether original over suits brought therein or by removal from the State courts." (Hanrick *v.* Hanrick, 153 U. S., 192.)

The proposed amendment is therefore exactly in line with the present purpose of Congress. Certainly no interest can be harmed by taking away a jurisdiction for which no reason exists and which has been greatly abused in practice.

As a further illustration of the tendency and purpose of Congress to restrict the Federal jurisdiction, attention may be called to the fact of the increase in the amount in controversy required as a condition of Federal jurisdiction. Under the judiciary act of 1789 and also under the act of 1875 and down to the act of 1887–88, jurisdiction was conferred upon the Federal courts, either originally or by removal, only where the amount in controversy exceeded the sum or value of $500. By the act of 1887–88 the amount in controversy was required to be $2,000, exclusive of interests and costs, in order to confer jurisdiction on the Federal courts. Under the present judicial code (sec. 24) the amount in controversy was again raised and required to be the sum or value of $3,000 as a condition of Federal jurisdiction, even in cases presenting a Federal question as well as in cases dependent upon the citizenship of the parties.

CORPORATIONS AS CITIZENS FOR PURPOSES OF FEDERAL JURISDICTION.

The legal status of corporations as citizens for the purpose of Federal jurisdiction rests almost entirely upon judge-made law. It is, however, now perfectly well settled that corporations are citizens of the State under whose laws they are created. (Barrow Steamship Co. *v.* Kane, 170 U. S., 103.)

The Federal courts have jurisdiction, either originally or by removal, of suits between citizens of one State and a corporation created by the laws of another State. A foreign corporation sued by a citizen of a State in which it is doing business may, under the existing law and as a matter of right, remove the cause into a Federal court. The vast majority of removals in modern times are cases of this class.

The Federal jurisdiction over suits against a foreign corporation upon the ground of diverse citizenship rests entirely upon a legal fiction. It rests upon a conclusive presumption created by judicial decisions. Thus the Supreme Court said:

"The jurisdiction of the circuit courts over suits between a citizen of one State and a corporation of another State was at first maintained upon the theory that the persons composing the corporation were suing or being sued in its name, and upon the presumption of fact that all those persons were citizens of the State by which the corporation had been created, but that this presumption might be rebutted by plea and proof and the jurisdiction thereby defeated. (Bank *v.* Deveaux, 5 Cranch, 61, 87, 88; Insurance Co. *v.* Boardman, id., 57; Bank *v.* Slocomb, 14 Pet., 60.)

"But the earlier cases were afterwards overruled, and it has become the settled law of this court that, for the purposes of suing and being sued in the courts of the United States, a corporation created by and doing business in a State is, although an artificial person, to be considered as a citizen of the State as much as a natural person; and there is a conclusive presumption of law that the persons composing the corporation are citizens of same State with the corporation." (Barrow *v.* Kane, 170 U. S., 103.)

Thus it appears that a legal fiction and a judge-made conclusive presumption, which presumption in 9 cases out of 10 is not in accordance with the actual facts, is the sole basis upon which foreign corporations are permitted to remove their controversies with citizens of a State into which they have voluntarily come for the purpose of doing business from the courts of that State into a Federal court, with all the resulting expense, inconvenience, and hardship which frequently exists.

Further, as already shown under a previous head, this abuse is permitted without the excuse of any worthy purpose to be subserved. The purpose of the proposed amendment is to put an end to just this thing. It is open to very serious doubt whether the framers of the Constitution contemplated that corporations might sue and be sued in the Federal courts, or remove suits thereto from State courts merely by reason of the locality of their incorporations or the citizenship of their stockholders. In an early case this jurisdiction was expressly denied, the court saying:

"The Constitution takes no notice of corporate bodies in enumerating the cases in which this court shall exercise jurisdiction upon circumstances of the persons. A corporation can not with propriety be denominated a citizen of any State, so that the right to sue in this court, under the Constitution, can only be extended to corporate bodies by a liberality of construction which we do not feel ourselves at liberty to exercise. (Bank of United States *v.* Deveaux, 2 Fed. Cas., No. 916, p. 692.)

The foregoing decision was reversed by the Supreme Court in Fifth Cranch, page 61, and Chief Justice Marshall wrote the opinion. This reversal was upon the ground that the suit should be deemed the suit of the stockholders of the corporation litigating in the name of the corporation, and that there was a prima facie presumption that these stockholders were citizens of the State where the corporation was incorporated. This presumption could be overcome by proof that such was not the fact, thereby defeating the Federal jurisdiction. Chief Justice Marshall said:

"A corporation aggregate is certainly not a citizen, and consequently can not sue or be sued in the courts of the United States, unless the rights of the members in this respect can be exercised in their corporate name."

The doctrine sustained by Chief Justice Marshall was that Federal jurisdiction did not exist unless diversity of citizenship exists as between the defendant and all the members of the corporation, and in this sense it was for a time followed by the Federal courts. (Commercial Bank *v.* Slocomb, 14 Pet. (U. S.), 60.)

This doctrine was subsequently overruled, and the law now is that the members of a corporation suing in its corporate name are, for the purposes of jurisdiction, conclusively presumed to be citizens of the State which created it. (Louisville, etc., *v.* Letson, 2 How., 497; National Steamship Co. *v.* Tuckman, 106 U. S., 118; Barrow Steamship Co. *v.* Kano, 170 U. S., 100.)

There would seem to be no substantial ground for objection to the proposed amendment, which aims to put an end to a legal fiction which is seldom, if ever, in accord with the actual facts, and which has no vital, useful purpose, but, on the contrary, has been made the means of grave abuses, often amounting to a denial of justice.

It may be added that corporations are certainly not citizens within the meaning of the constitutional definition of citizens, which is as follows:

"All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside."

FOURTEENTH AMENDMENT, SECTION 1.

As an illustration of the abuse of the privilege of removal accorded to foreign corporations, I call attention to the recent decision of the Supreme Court in the case of Southern Realty Investment Co. *v.* Walker (211 U. S., 603). In this case a foreign corporation was created for the very purpose of conferring jurisdiction upon the Federal court in controversies between citizens of the same State. The Supreme Court looked through the corporate organization, held it to be a sham, and remanded the case to the State courts, although all corporate formalities had been observed.

ABUSE OF PRESENT REMOVAL PRIVILEGE.

Every lawyer knows that the removal of a cause results in more or less expense, delay, and inconvenience to the complainant. Oftentimes where the districts are large and the distances great the expense and inconvenience is practically prohibitive, especially to poor litigants. The abuses along this line are graphically set forth in an article in the Central Law Journal for March 24, 1911. (72 Central Law Journal, p. 218.)

So long as mere diversity of citizenship is an independent ground for removal and may be availed of as a matter of right, defendants will avail themselves of it for the purpose of securing delay and imposing burdens upon the complainant, thus discouraging and often preventing the prosecution of meritorious suits. Where the price of justice is too high it may be foregone.

Another great abuse of the privilege of removal lies in the fact that the law administered in the Federal courts is often different to the law administered in the State courts as applicable to the same state of facts. When a person or a corporation voluntarily comes into a State to do business there with its citizens, it should be subject to the laws of the State as declared by the courts of that State and be subject to the same laws as are the citizens of that State. The nonresident should not have an option, as he now has in many cases, to abide by the State law and litigate in the State courts if it is to his advantage to do so, or to remove his case and have a different rule applied by the Federal courts if that course is most advantageous to his position.

Of course, under the United States Revised Statutes, section 721, it is provided that—

"The laws of the several States * * * shall be regarded as rules of decision in trials at common law in the courts of the United States in cases where they apply."

In theory this is quite satisfactory as far as it goes, but in practice it does not mean nearly what it says. In applying State statutes and constitutional provisions the Federal courts will follow the latest decision of the highest State court. The decisions of inferior State courts are not binding upon the Federal courts. Until a State statute has been authoritatively construed by the highest State court the Federal court will exercise its own independent judgment as to its construction and constitutionality. Moreover, in many cases where the Federal courts have adopted a construction of State laws they will cling to their own interpretation, notwithstanding that a different interpretation may thereafter be adopted by the State courts.

In equity cases the principles of equity jurisprudence are administered by the Federal courts uniformly throughout all the States, wholly unaffected by State laws and decisions, and this equity jurisdiction can not be impaired by the laws of any State. Most important of all on questions of general jurisprudence as distinguished from matters of

local law the Federal courts in the absence of express statutes exercise their own judgment, uncontrolled by the decisions of the State courts. The vast mass of litigated transactions falls under this head. (See article "United States courts," 22 Ency. of Pl. and Pr., pp. 324–336.)

The proposition that all persons doing business within a State should be subject to the laws of that State as enacted by the legislature of that State and construed by the courts of that State, except so far as such laws may deprive them of privileges secured to them by the Federal Constitution, does not seem open to doubt. That proposition, however, does not prevail to-day, and mainly because of the present removal privilege upon the ground of mere diversity of citizenship.

Mr. PERKY. As a practical illustration of the abuses at which this bill strikes, the United States court in Idaho holds its sessions at four points in the State—at Moscow and Coeur d'Alene, in northern Idaho; Boise, in southwestern Idaho; and Pocatello, in southeastern Idaho. A citizen of the State who thinks he has a meritorious cause of action seeks redress against some corporation organized under the laws of some sister State, which may have one or many places of business in the State, and practically all of whose stockholders may be residents of the State of Idaho. He files his suit in the ordinary way against his adversary, and if the amount in controversy is $3,000 or more, the corporation sued may remove the suit to the Federal court, which may sit 250 or more miles from the point where the plaintiff lives and where the controversy arose.

Under the practice and law of Idaho, as is the case in the majority of jurisdictions in the Union, the parties to the suit are obliged, when required by the witnesses, to advance fees and mileage. It often happens that litigants with cases entitling them to relief either advance these fees with great hardship or are in such circumstances as not to be able to do so at all. This often results in forced, unfair settlements, or the abandonment of suits, and often in the bringing of suits for amounts inadequate to compensate the plaintiff or redress his injuries, in order that the amount in controversy may be kept below the sum fixed by law permitting the removal of causes from State to Federal courts.

The law as it now stands fosters in many cases a partial or complete denial of justice, and thus tends to undermine society, to the extent that this practice of removal hampers our courts in the administration of their functions to redress wrongs.

The removal in most cases amounts to this, "that the nonresident gains not equality with but an advantage over his adversary."

Justice should be speedy. The method of securing redress should be as free and direct as orderly procedure will admit. The forum where it is administered should be convenient and easily accessible to litigants. This bill, I believe, is a long step in the right direction.

The PRESIDENT pro tempore. The bill and accompanying papers will be referred to the Committee on the Judiciary.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GALLINGER submitted an amendment proposing to appropriate $66,000 to enable the Secretary of State to return to such contributors as may file their claims the money raised to pay the ransom for the release of Mrs. Ellen M. Stone, an American missionary to Turkey, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $66,000 to enable the Secretary of State to return to such contributors as may file their claims the money raised to pay the ransom for the relief of Miss Ellen M. Stone, and American missionary to Turkey, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. JONES submitted an amendment proposing to increase the appropriation for investigations of methods for wood distillation and for the preservative treatment of timber, etc., from $100,000 to $170,000, intended to be proposed by him to the Agriculture appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation to investigate and encourage the adoption of improved methods of farm management and farm practice, etc., from $375,000 to $600,000, intended to be proposed by him to the Agriculture appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also submitted an amendment authorizing the Secretary of Agriculture to sell at actual cost to homestead settlers and farmers for their domestic use mature dead and down timber in national forests, etc., intended to be proposed by him to the Agriculture appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. SMITH of Georgia. I offer an amendment intended to be proposed to the Post Office appropriation bill. The amendment is very brief, and I ask that it be read, printed, and referred to the Committee on Post Offices and Post Roads.

There being no objection, the amendment was read and referred to the Committee on Post Offices and Post Roads, as follows:

Amendment intended to be proposed by Mr. SMITH of Georgia to the bill (H. R. 27148) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1914, and for other purposes, viz: On page 27, after line 12, insert the following:

That hereafter fourth-class mail matter shall embrace seeds, cuttings, bulbs, roots, scions, and plants, and the provision contained in the act approved August 24, 1912, continuing said articles under the provisions fixed by section 482 of the Postal Laws and Regulations is hereby repealed.

That hereafter books shall be carried as fourth-class mail.

Mr. SMITH of Georgia submitted an amendment proposing to appropriate $8,000 for improving Fancy Bluff Creek, Ga., connecting Turtle River and Brunswick Harbor with Little Satilla River, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. SWANSON submitted an amendment providing for the removal of the shoal at the mouth of the Blackwater River, Va., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $82,000 for dredging and widening the approach to the western branch of the Elizabeth River, Va., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BANKHEAD submitted an amendment providing for a continuance of the personnel of the membership of committees and commissions created and provided for in sections 1 and 8 of the Post Office Appropriation act of June 30, 1913, etc., intended to be proposed by him to the Post Office appropriation bill, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. SHIVELY submitted an amendment proposing to appropriate $1,000 to pay O. M. Enyart for moneys paid and expended by him for the purchase of the copyright of Ben: Perley Poore's Political Register and Congressional Directory of the United States of America, 1776 to 1878, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

CONNECTICUT RIVER DAM.

Mr. JONES. I submit an amendment intended to be proposed by me to the bill (S. 8033) known as the Connecticut River Dam bill, which I ask may lie on the table and be printed.

Mr. BRANDEGEE. I ask that the amendment be printed in the RECORD.

There being no objection, the amendment was ordered to lie on the table and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. JONES to the bill (S. 8033) to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of Connecticut.

After the word "used," in line 23, on page 2, strike out down to and including the word "therewith," in line 25, and insert in lieu thereof the following:

"To reimburse the Government for the cost of surveys, inspection, and similar expenses, and for the purpose of protecting the navigation of the Connecticut River in the interests of the public."

PHYSICAL VALUATION OF RAILROADS.

Mr. CLAPP submitted the following resolution (S. Res. 449), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Whereas the Senate Committee on Interstate Commerce is considering H. R. 22593, an act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, by providing for physical valuation of the property of carriers subject thereto and securing information concerning their stocks and bonds and boards of directors: Therefore be it

Resolved, That said Interstate Commerce Committee of the Senate is hereby authorized and directed to inquire into the matters embraced in said H. R. 22593 at the earliest practicable date, and for that purpose they are authorized to send for papers and persons, administer oaths, to summon and compel the attendance of witnesses, to conduct hearings and have reports of same printed for use, and in addition to the usual fees allowed witnesses to pay a reasonable compensation to experts appearing before the said committee; and any expenses in connection with such hearings shall be paid out of the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

Mr. CLARKE of Arkansas subsequently, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the foregoing resolution, reported it without amendment, and it was considered by unanimous consent and agreed to.

TREATIES, CONVENTIONS, ETC. (S. DOC. NO. 1063).

Mr. LODGE (for Mr. CULLOM) submitted the following resolution (S. Res. 448), which was read, considered by unanimous consent, and agreed to.

Resolved, That 500 copies additional of the supplement to the compilation entitled "Treaties, conventions, international acts, and protocols between the United States and other powers, 1776 to 1909," including treaties, conventions, important protocols, and international acts to which the United States may have been a party from January 1, 1910, to March 4, 1913, inclusive, be printed as a Senate document.

COMPENSATION OF SENATORS.

Mr. O'GORMAN submitted the following resolution (S. Res. 452), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, from the contingent fund of the Senate, to the Hon. K. I. PERKY the sum of $267.12, being the compensation of a Senator of the United States for 13 days, January 25 to February 6, 1913, during which he served as Senator from the State of Idaho; to the Hon. NEWELL SANDERS the sum of $184.93, being the compensation of a Senator of the United States for 9 days, January 25 to February 2, 1913, during which he served as Senator from the State of Tennessee; and to Hon. R. M. JOHNSTON the sum of $82.19, being the compensation of a Senator of the United States for 4 days, January 30 to February 2, 1913, during which he served as Senator from the State of Texas.

MEMORIAL CEREMONIES FOR THE LATE VICE PRESIDENT.

Mr. ROOT submitted the following resolution (S. Res. 451), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Senate extend to the Speaker and the Members of the House of Representatives an invitation to attend the exercises in commemoration of the life, character, and public services of the late JAMES S. SHERMAN, Vice President of the United States and President of the Senate, to be held in the Senate Chamber on Saturday, the 15th day of February next at 12 o'clock noon.

MISSISSIPPI RIVER BRIDGES AT MINNEAPOLIS, MINN.

Mr. NELSON. I move to reconsider the votes by which the following bills were passed on the 3d instant:

A bill (S. 8248) to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.;

A bill (S. 8249) to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.;

A bill (S. 8250) to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.; and

A bill (S. 8251) to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.

The motion to reconsider was agreed to.

Mr. NELSON. I ask that the bills be placed on the calendar.

The PRESIDENT pro tempore. Without objection, the bills will be returned to the calendar.

INTERNATIONAL COMMISSION OF JURISTS (H. DOC. NO. 1343).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on the Judiciary and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State inclosing a report, with accompanying papers, of the delegates of the United States to the International Commission of Jurists, which met at Rio de Janeiro in June last.

WM. H. TAFT.

THE WHITE HOUSE, *February 5, 1913.*

(Report of delegates accompanies the message to the House of Representatives.)

IMPORTS AND EXPORTS (H. DOC. NO. 1340).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Finance and ordered to be printed:

To the Senate and House of Representatives:

By joint action of the Department of Commerce and Labor and the Treasury Department, committees of those two departments have recently made a careful investigation of the methods of preparing the statistics of the imports and exports of the United States.

These committees have unanimously recommended that the laws relating to the preparation of shippers' manifests be amended in such manner as to compel the preparation by exporters of accurate and complete lists in regard to merchandise sent out of the United States. Without such amended laws these committees deem that it is impossible for the customs officers to obtain with accuracy the figures of our export trade. The existing law regarding statistical returns of exports by sea was enacted in 1821, and, naturally, fails to meet conditions existing at the present time, when methods of communication and transportation, classes of articles entering international commerce, places of production of such articles, and the demands of business for information in reference thereto have greatly changed. A large proportion of the merchandise now being exported originates in the interior of the country and is of such character and variety that a proper description thereof can not be made at the port of exportation. It is recommended, therefore, that a measure be enacted which will remedy the unsatisfactory conditions in our export statistics.

This new measure should provide that persons forwarding merchandise from interior points for exportation shall supply to the transportation company receiving such merchandise a manifest similar in general form to that required at the port of exportation, which manifest shall be conveyed by the transportation company to the port of exportation and delivered to the collector of customs.

For any omission from or incorrect description of the merchandise in any manifest, whether originating in the interior or at the port of exportation, as to kind, quantity, or value, the owner, shipper, or consignor, or agent of either, should be made liable to a fine of $50, unless it be shown that such omission was due to a mere clerical error. If it be shown that the incorrect statement has been willfully or fraudulently made, the person responsible therefor should be deemed guilty of a misdemeanor and rendered liable to fine or imprisonment.

The bill should also provide a penalty for the failure of the transportation company to procure from the exporter, at the original place of shipment, the manifest noted above, and likewise a penalty for failure to transmit it to the collector of customs at the port of exportation, or for failure to deliver it to any other transportation company to which it may deliver the merchandise en route, and the company so receiving should be also required under penalty to forward to the collector of customs the said manifest.

The bill should prohibit, under penalty for violation, the disclosure by any officer, employee, or other representative of a common carrier of any information regarding the kind, quantity, value, destination, or consignee of any of the merchandise carried by it for exportation and described in the manifest above referred to.

It is believed that a measure embodying these suggestions into law would fully meet the objections now offered to the proposition that interior shippers shall supply manifests of the goods forwarded for exportation. The chief objection has been that information regarding their business might be disclosed by employees of the common carriers transporting the merchandise and receiving statements as to its character, valuation, destination, and the consignee. The plan, if carried into effect, would, it is believed, protect the original exporter against disclosure of his business, give to the customs officers at the port of exportation sufficient information to enable them to properly describe and value the merchandise, and also assure much greater accuracy as to the true value of the merchandise being exported.

I suggest, as equally important, an amendment to section 4197 of the Revised Statutes of the United States, making the law conform to the present practice by which vessels are permitted to file a supplementary manifest within four business days after the clearance of the vessel, a practice without authority of law but sanctioned by the Customs Regulations (art. 128).

The provisions of section 4197 of the Revised Statutes requiring the master of the vessel to file a complete manifest of the cargo before a clearance is granted, a measure enacted before the utilization of steam power in ocean traffic and prior to the transaction of business with the aid of telegrams, cablegrams, and telephonic communications, can not be carried out under present methods of commercial transactions. To demand a strict compliance with the requirements of the statute in this particular would congest traffic, delay travel and the transportation of the foreign mails, paralyze business, and jeopardize our international commerce. It is found that there has been no enforcement of this part of the statute at the larger ports of the United States for upward of 30 years. It is believed that the law for the clearance of vessels and filing the cargo manifests should be in harmony with the law requiring the presentation of shippers' manifests. The amendment proposed to the law would be justified by many years' experience and careful consideration of this important subject. It would add no burdens to the duties of steamship companies. Instead, it would simplify the preparation of the manifest and legalize the present custom of filing supplementary manifests. It should fix the same penalty ($500) for failure to file a manifest and obtain a clearance

for a vessel, and should provide a penalty of $50 for neglect of entering merchandise in the manifest. It should grant the same period for filing a supplementary manifest as the current practice under article 128 of the Customs Regulations.

The recommendations of this message have received the approval of the two departments whose work and functions will be most affected by them—the Treasury Department and the Department of Commerce and Labor.

If a bill or bills embodying the suggestions of this message would be useful to the Congress, or to any committees thereof considering the subject, they will be forwarded on request.

WM. H. TAFT.

THE WHITE HOUSE, *February 4, 1913.*

HURON PLACE CEMETERY, KANSAS CITY, KANS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3952) for the purpose of repealing so much of an act making appropriations for the current and contingent expenses of the Indian department for fulfilling treaty stipulations with various Indians located in Kansas City, Kans., providing for the sale of a tract of land located in Kansas City, Kans., reserved for a public burial ground under a treaty made and concluded with the Wyandotte Tribe of Indians on the 31st day of January, 1855, said section of said act relating to the sale of said land be, and the same is hereby, repealed, which were, on page 2, line 2, after "six," strike out all down to and including "land" in line 7, and insert:

As reads as follows:

"That the Secretary of the Interior is hereby authorized to sell and convey, under such rules and regulations as he may prescribe, the tract of land located in Kansas City, Kans., reserved for a public burial ground under a treaty made and concluded with the Wyandotte Tribe of Indians on the 31st day of January, 1855. And authority is hereby conferred upon the Secretary of the Interior to provide for the removal of the remains of persons interred in said burial ground and their reinterment in the Wyandotte Cemetery at Quindaro, Kans., and to purchase and put in place appropriate monuments over the remains reinterred in the Quindaro Cemetery. And after the payment of the costs of such removal, as above specified, and the costs incident to the sale of said land, and also after the payment to any of the Wyandotte people, or their legal heirs, of claims for losses sustained by reason of the purchase of the alleged rights of the Wyandotte Tribe in a certain ferry named in said treaty, if, in the opinion of the Secretary of the Interior, such claims or any of them are just and equitable, without regard to the statutes of limitation, the residue of the money derived from said sale shall be paid per capita to the members of the Wyandotte Tribe of Indians who were parties to said treaty, their heirs, or legal representatives."

And to amend the title so as to read: "An act repealing the provision of the Indian appropriation act for the fiscal year ending June 30, 1907, authorizing the sale of a tract of land reserved for a burial ground for the Wyandotte Tribe of Indians in Kansas City, Kans."

Mr. CURTIS. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

HOUSE BILLS REFERRED.

H. R. 11478. An act to quiet title and possession with respect to a certain unconfirmed and located private land claim in Baldwin County, Ala., in so far as the records of the General Land Office show said claim to be free from conflict, was read twice by its title and referred to the Committee on Private Land Claims.

H. R. 27323. An act to provide for refund or abatement under certain conditions of penalty taxes imposed by section 38 of the act of August 5, 1909, known as the special excise corporation-tax law, was read twice by its title and referred to the Committee on Finance.

H. R. 27875. An act authorizing the President to convey certain land to the State of Texas was read twice by its title and referred to the Committee on Public Lands.

H. R. 28093. An act to amend the general pension act of May 11, 1912, was read twice by its title and referred to the Committee on Pensions.

H. R 28094. An act to amend section 96, chapter 5, of the act of Congress of March 3, 1911, entitled "The Judicial Code," was read twice by its title and referred to the Committee on the Judiciary.

CONNECTICUT RIVER DAM.

Mr. BRANDEGEE. Mr. President, I ask unanimous consent for the entering of the order which I send to the desk. I will say, before it is read, that the Senator from Idaho [Mr. BORAH], who objected to the unanimous-consent agreement of a similar character yesterday, told me this morning that he would consent to the date which I have now substituted, and it is at his suggestion that I send the order to the desk.

The PRESIDENT pro tempore. The request will be read.

The Secretary read as follows:

It is agreed by unanimous consent that on Tuesday, February 11, 1913, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of Senate bill 8033, calendar No. 1001, authorizing the construction of a dam across the Connecticut River, and before adjournment on that legislative day will vote upon any amendment that may be pending, all amendments that may be offered, and upon the bill through regular parliamentary stages to its final disposition.

This agreement shall not interfere with appropriation bills or conference reports, nor with the memorial services on Saturday, February 15, nor the meeting of the two Houses of Congress on February 12.

Mr. GALLINGER. What about the present unanimous-consent agreement?

Mr. BRANDEGEE. The Senator from New Hampshire now asks about the existing unanimous-consent agreement that is already upon the calendar. That will have expired before the time this one arrives.

Mr. GALLINGER. That is all right.

Mr. LODGE. I desire to ask the Senator from Connecticut if he would not put in an hour for voting, as was done in other cases, instead of "the legislative day"?

Mr. BRANDEGEE. What did the Senator ask—that the vote be taken on the calendar day?

Mr. LODGE. Yes; the calendar day.

Mr. BRANDEGEE. Well, there is objection to that.

Mr. LODGE. I see.

Mr. BRANDEGEE. Senators want more opportunity to discuss the measure.

Mr. ROOT. With all these exceptions, I think it will be impossible to fix an hour.

Mr. BRANDEGEE. I think it would be impossible, Mr. President.

The PRESIDENT pro tempore. Is there objection to the request for unanimous consent which has just been read from the desk?

Mr. JONES. I desire to ask if it is understood that the Senator from Ohio [Mr. BURTON] is to proceed to a discussion of the bill to-day?

Mr. BRANDEGEE. It is so understood by me, because the Senator from Ohio stated that he was going to make some remarks.

Mr. SMITH of Arizona. A parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator from Arizona will state it.

Mr. SMITH of Arizona. I want to know if this is a proceeding by unanimous consent? I have not heard unanimous consent given yet, but I have observed quite a number of interruptions.

The PRESIDENT pro tempore. It has not been.

Mr. JONES. I should like to ask the Senator from Ohio whether he intends to proceed to discuss the bill?

The PRESIDENT pro tempore. The Chair will state for the information of the Senator from Arizona that it is the general practice of the Senate whenever unanimous consent is asked by general acquiescence for reasons pro and con to be given.

Mr. SMITH of Arizona. I understand that. I only want to learn the rules. I tried to make a parliamentary inquiry, and I am on the floor yet for that purpose.

The PRESIDENT pro tempore. The Senator has not the floor, unless he rises to a point of order, except by consent of the Senator from Connecticut.

Mr. SMITH of Arizona. Then I rise to a point of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. SMITH of Arizona. I am trying to learn these technical rules.

The PRESIDENT pro tempore. That is not a point of order.

Mr. SMITH of Arizona. I want to see universal application of the rules, and when I understand them I will conform to them as best I can.

The PRESIDENT pro tempore. The Senator is not now rising to a point of order.

Mr. SMITH of Arizona. I am rising to a point of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. SMITH of Arizona. My point of order is that there is a debate proceeding without the request for unanimous consent having been objected to.

The PRESIDENT pro tempore. There is an application for unanimous consent pending.

Mr. SMITH of Arizona. Yes, sir; but you have not ruled on that; no one has objected to unanimous consent; debate is proceeding, and it is necessary to have the unanimous consent that the debate should proceed.

The PRESIDENT pro tempore. Does the Senator object?

Mr. SMITH of Arizona. I think the Chair does not catch my point of order.

The PRESIDENT pro tempore. What is the Senator's point of order?

Mr. SMITH of Arizona. The point of order is that we are proceeding out of order.

The PRESIDENT pro tempore. Does the Senator from Arizona call the Senator from Washington to order?

Mr. SMITH of Arizona. I call Senators to order under the ruling of the Chair. Unanimous consent should be granted or not granted before anything can be said about it.

The PRESIDENT pro tempore. Very well. The Senator's point of order is sustained. The question is upon agreeing to the proposed unanimous-consent agreement, which has been read.

Mr. JONES. I want to ask the Senator from Ohio if he expects to proceed to a discussion of the bill?

The PRESIDENT pro tempore. The Senator from Arizona objects to the Senator from Washington being heard.

Mr. BRANDEGEE. I ask unanimous consent that the Senator from Washington may be allowed to make a brief statement.

The PRESIDENT pro tempore. Is there objection to the Senator from Washington proceeding?

Mr. CLARKE of Arkansas. Mr. President, I think that we are about to get into a situation here that will trouble us hereafter in a way which will embarrass us. It is part of the right to ask for unanimous consent that those who favor it and those who object to it may have a right to state the reasons for and against it. That is just as much a part of the request as any other feature of it, and I would not want to have it understood that every time anything of that kind occurred it had to be by unanimous consent and that the entire situation might be disturbed by a single objection.

I think the point of order raised by my friend from Arizona [Mr. SMITH] was not well taken. I think when the Senator from Connecticut [Mr. BRANDEGEE] asked for unanimous consent that the very request involved a unanimous consent that the reasons for and against it might be given. I trust the ruling of the Chair will be such as will not put us at the mercy of a single Senator whenever a request for unanimous consent is made.

Mr. SMITH of Arizona. I certainly concur in that.

The PRESIDENT pro tempore. The Senator from Arizona has entirely mistaken the situation. The difference between the case now under consideration by the Senate and the situation when he formerly addressed the Chair is that the Senator from Arizona then undertook to discuss the case on the merits when the question was whether a resolution should be taken up for consideration, which is a very different matter.

Mr. CLARKE of Arkansas. I desire to say to the Chair that I did not have reference to any particular transaction which had preceded this instance.

The PRESIDENT pro tempore. The Chair will state that the rule of the Senate is that upon a motion to proceed to the consideration of any matter it shall be decided without debate; but the Chair did state that it was the universal practice of the Senate, whenever a question was submitted as to whether or not unanimous consent should be granted, that there should be an interchange of opinion, not on the merits of the question, but upon the particular request for the unanimous consent.

Mr. SMITH of Arizona. If the Chair will pardon me, I was not attempting to address the Senate on the merits. I was asking for what I got and what you can always get from the Senator from New York. I was seeking information, so that I would know whether or not I would object. When I found that it was impossible for me even to ask a question, I wanted to know if that was to be the rule of the Senate.

I am aware of the difficulty in which, as the Senator from Arkansas suggests, we would be thrown if a request for unanimous consent had to be determined on the mere presentation of the matter without Senators having knowledge on the subject, and, therefore, not knowing whether to object or not. It was for that reason I asked for information. That was the attitude I was assuming before the Chair at that time. That is all I have to say about it.

The PRESIDENT pro tempore. The Chair does not deem it proper for the Presiding Officer to enter into an argument with a Senator on the floor.

Mr. CLARKE of Arkansas. Mr. President, I merely want to put the matter into such attitude that the Senate can settle it, for I deem it a very material point. The Chair has made a ruling that when a request is made for unanimous consent nothing can be said concerning it except by another unanimous consent. I want to take an appeal from that ruling.

The PRESIDENT pro tempore. The Chair did not so rule. The Chair simply ruled that the objection of the Senator from Arizona was sufficient to prevent a discussion of the question. The Chair did suggest the fact, and repeats it, that the universal practice of the Senate, never before challenged within the knowledge of the Chair, has been for an exchange of views whenever an application for unanimous consent has been made.

Mr. CLARKE of Arkansas. That universal practice has become part of the rule; it is an interpretation of it. It is acted upon, and it is of itself a part of the rule that allows a Senator to ask for unanimous consent; and I think that we ought to maintain it as a part of the rule. I do not think that the right to explain the situation incident to a request for unanimous consent should only proceed by another unanimous consent; otherwise, we would never know why a unanimous-consent agreement is desirable; we would be compelled to vote in the dark, and it would defeat the very object that we have in making such requests.

If the Chair will permit me now to appeal from the ruling that he made on the point of order of the Senator from Arizona, I will enter that appeal. I think that we ought now to record the judgment of the Senate, that when a request is made for unanimous consent to fix a date to vote upon a certain proposition, for instance, the reasons why that consent should be given or withheld are within the request without an additional consent.

The PRESIDENT pro tempore. The Chair has stated that that has been the universal practice of the Senate.

Mr. CLARKE of Arkansas. Then, the point of order raised by the Senator from Arizona was not well taken; and the Senator from Connecticut and the Senator from Washington had each the right to state why he thought that consent should be given or withheld without appealing to the Senate for unanimous consent to do so.

I only want one of our most valuable rules preserved, because if the ruling of the Chair, as I understand it—to be sure, I am not imputing to the Chair a meaning that he did not intend to convey—but if the ruling stands as made, when a request is hereafter made for unanimous consent, for instance, to fix a date to vote upon an important public measure, no Senator will be permitted to say a word if a single Senator objects to debate, and we will then be forced to vote in the dark or forced to dispose of a matter of very great concern without the benefit of the enlightening course of debate, as it takes place here. I want it understood—and I think it is the judgment of the Senate that it shall be understood—that when a request for unanimous consent is made, the right to make such explanatory remarks as relate to that particular question, but not to the merits of the main proposition, shall be allowed as a matter of course.

Mr. LODGE. Mr. President, on the point of order that has been raised I think there can be no possible question that the universal practice has been as stated by the Chair. It is also obvious that it can only be a universal practice, because at this moment I have it in my power under the rules to put an end to the matter by demanding the regular order.

Mr. BRANDEGEE. Or by objecting.

Mr. LODGE. Or by objecting. So that the Senate is entirely protected against requests for unanimous consent being used as a means for protracting or delaying business. The protection is absolute, but the practice, when a unanimous-consent agreement is asked for, is as the Senator from Arkansas [Mr. CLARKE] has stated. We can not possibly agree to a request for unanimous consent to fix a time in the future to take a vote, which affects all the business of the Senate, without understanding its purpose and effect. I do not mean by that that we should discuss the merits of the question, for that is a different thing; but we ought to know the surrounding circumstances, if the consent is to be granted; and if not to be granted, it can be cut off by one objection.

The PRESIDENT pro tempore. The Chair thinks the view presented by the Senator from Arkansas [Mr. CLARKE] is the correct one, and, with the permission of the Senate, will withdraw the ruling. The Chair will state that the ruling was really made in the interest of time and to end discussion.

Mr. CLARKE of Arkansas. Then, we understand that the point of order raised by the Senator from Arizona is not well taken.

The PRESIDENT pro tempore. The point of order is not well taken. The Chair repeats that the Chair so ruled in the interest of time.

Mr. SMITH of Arizona. If the Chair will bear with me in patience, I want to indicate to the Chair that I have no feeling in this matter whatever——

The PRESIDENT pro tempore. The Chair of course so understands.

Mr. SMITH of Arizona. My only desire was to ascertain whether this was to be the rule or not, for in another parliamentary body in which I have served the common statement is, "Reserving the right to object, I should like to inquire," and so forth, so that information may be had as to what is the request. I thought that practice prevailed here, and that was the reason I made the point of order. I had no object and no feeling other than that.

The PRESIDENT pro tempore. The application of the Senator to address the Senate, reserving the right to object, was not made upon the question of granting a unanimous consent, but was made upon the question of present consideration of a proposed measure, which is an entirely different matter.

Mr. JONES. Mr. President——

The PRESIDENT pro tempore. The Senator from Washington.

Mr. JONES. I simply want to inquire of the Senator from Ohio if he expects to proceed with the discussion of the bill to-day?

Mr. BURTON. In answer to the interrogatory of the Senator from Washington, I will state that it is my desire to proceed with some remarks on this bill immediately after the disposition of the request for unanimous consent—that is, if I have opportunity.

Mr. JONES. With that understanding, I shall make no objection to the request.

Mr. CLARKE of Arkansas. Do I understand that the morning business has been closed?

The PRESIDENT pro tempore. It has not.

Mr. CLARKE of Arkansas. Is there anything before the Senate?

The PRESIDENT pro tempore. The Senator from Connecticut [Mr. BRANDEGEE] has presented an application for unanimous consent. Is there objection to the unanimous-consent request, which has been read from the desk? The Chair hears none, and it is so ordered.

INTERSTATE SHIPMENT OF LIQUORS.

Mr. PAYNTER. Mr. President, I desire to give notice that to-morrow, February 6, 1913, after the conclusion of the routine morning business, I shall address the Senate on the so-called Kenyon bill relative to interstate commerce in intoxicating liquors.

CONNECTICUT RIVER DAM.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 8033) to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of Connecticut.

Mr. BURTON. Mr. President, in pursuance of the notice given yesterday, I desire to address the Senate in favor of Senate bill 8033, Order of Business No. 1001.

There is much anxiety for the passage of this bill in the States of Massachusetts and Connecticut. It contemplates a public improvement which assumes national importance, relating to the development of navigation, and incidentally of water power, in the Connecticut River.

Mr. BANKHEAD. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The Senator will state his point of order.

Mr. BANKHEAD. There is so much confusion in the Chamber that we are unable to hear the Senator from Ohio.

The PRESIDENT pro tempore. The point is well taken. The Senate will please be in order. The Senator from Ohio will proceed.

Mr. BURTON. I am satisfied that there would be no objection to the bill in the Senate except for the opinion of certain Senators that it creates a precedent which may be embarrassing to them. It contains two or three clauses which, as they allege, establish a rule which operates as an infringement on the rights of States and individuals and is a departure from the settled policy of the Government.

I shall endeavor to show, on the contrary, that the precedent established will not be embarrassing; that the bill does not infringe upon the rights of States or individuals; and that, so far from being a departure from the established policy of the Government, it is in line with it and confirms a salutary method of improving the rivers of the country. I shall also endeavor to show that, even conceding all this, exceptional circumstances exist in this case which differentiate it from other propositions here pending.

It is desirable at the very outset to explain the purpose and provisions of the bill. It gives authority to the Connecticut River Co. to construct a dam in the Connecticut River above Hartford. The river is now navigable for a distance of 52 miles, or, speaking exactly, 51.9 miles, from its mouth at Saybrook, on Long Island Sound, to the city of Hartford. On this stretch of the river there has existed for many years a very considerable traffic. It amounted in the last year to 683,000 tons. The freight carried had a value of $23,000,000. There is a regular passenger line from Hartford to New York, and the route is utilized to a very considerable extent by barges for the carriage of freight from New York and other localities to points on the Connecticut River.

Above Hartford there are obstructions. The first 10½ miles could be improved with comparative ease. At that point there are rapids extending for 5½ miles, which under the existing state of improvement interpose an effective barrier to its practical navigation for commercial purposes, though a canal with a lock of small dimensions permits the passage of boats of small draft. The traffic, however, is negligible.

Beyond these rapids there is a stretch of 18 miles, extending 11 miles to the city of Springfield and the near-by city of Chicopee, and then 7 miles farther to Holyoke. So the section below Hartford is 52 miles in length, and that above Hartford is 34 miles in length, in the midst of which, however, these rapids are found.

It is a familiar fact to the Senate that the cities mentioned are busy industrial centers. It is probable that the traffic would be doubled if navigation could be extended from Hartford to Holyoke past Springfield and Chicopee.

There has been agitation on behalf of this improvement for many years. It assumed active form in the year 1898. Since then several surveys have been made by the engineers of the Government. The improvement has been found to be practicable, but the expense has seemed to be prohibitive, and whenever any one of these surveys has been presented Congress has refused to make the necessary appropriation. This bill seeks to accomplish, by the utilization of water power in coordination with navigation, that which the Government has declined to do as an independent proposition.

The original grant by the State of Connecticut to the Connecticut River Co. was made in the year 1824. I will read briefly from the charter, from which it will appear that the object was the promotion of navigation.

The charter of the Connecticut River Co., passed in May, 1824, provided:

Resolved by this assembly, That John T. Peters, David Porter, Charles Sigourney, with all such persons as are or may be associated with them for the purpose of improving the boat navigation of Connecticut River, and their successors, be, and they are hereby, incorporated and made a body politic, by the name of the Connecticut River Co.

That corporation is still in existence, and under this authority constructed the lock and dam to which I have referred. The present proportions of both lock and dam and canal are so small, however, as to be utterly inadequate to satisfy modern demands for traffic. The use of water power by this company was altogether incidental, and not until the year 1909 was any authority given to develop hydroelectric power in connection with their works, though prior to that time they had sold the use of surplus water.

I may further say that during the life of this present Congress bills were introduced in the Senate both for the Connecticut River Co. and for another corporation known as the Northern Connecticut Power Co., seeking to accomplish practically the same object as the bill under consideration. Those bills were referred to the Committee on Commerce, and by its chairman referred to a subcommittee. The subcommittee held numerous hearings, giving careful consideration to them, and concluded that so long as these two corporations were at odds it was useless to grant any franchise. They have now come to an agreement, which agreement, however, lasts only until March 4, 1913. That fact impresses upon us the desirability, and in fact the necessity, of early action on this bill.

I will now review briefly the pending bill. It is entitled:

A bill to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of Connecticut.

I may state, before going into the bill in detail, that it follows, in its general provisions, the so-called dam act of 1906, as amended in 1910.

The first section grants to the licensee the right to construct, maintain, and operate a relocated dam of larger size than the present one. There are three provisions in the first section which are not contained in the general dam act.

In the first place, the time for completing the dam may be extended by the Secretary of War, for good cause shown, for two years beyond the time prescribed in the general act. This is thought proper in view of the magnitude of the work. The general dam act authorizes the licensee to enjoy the privilege

granted provided he shall begin work within one year and complete it within three years.

The second provision is found in lines 15 to 18 of page 2 of the bill, a provision that the rights and privileges granted—

May not be assigned except upon the written authorization of the Secretary of War, or in pursuance of the decree of a court of competent jurisdiction.

Mr. President and Senators, I maintain that a condition of that kind is absolutely necessary to prevent monopoly in this very valuable asset of the Nation. Already there has been a very considerable degree of consolidation. The head of the Bureau of Corporations made a report some time since, in which he showed this tendency to concentration in the hands of a limited number of corporations, and that under this tendency a very large share of the water power of the country was falling under the control of certain corporations which have been alert and active in seeking to gain for themselves this very valuable privilege.

The third clause in which there is matter not included in the general dam act is found in lines 13 to 25 of the second page of the bill, and in lines 1 to 8 of page 3.

Mr. THOMAS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. BURTON. Certainly.

Mr. THOMAS. I should like to ask the Senator from Ohio whether the proviso just read by him would in any manner affect or prevent the assignment of the shares of stock of this company, or a majority of the shares of its stock, to some competing or other concern or individual?

Mr. BURTON. I presume not, Mr. President. As the Senator from Colorado will realize, we can adopt only regulations which will have a certain protective influence. Thus far in our legislation we have been content to place restrictions upon assignment to another organization. In time there may be a necessity, and, in fact, that necessity may exist now, to prevent common ownership. That was recommended in the report of the National Monetary Commission, in which there were very careful restrictions on common ownership of the stock of banks which should hold stock in the National Reserve Association.

The second portion of this bill, which is outside of the general dam act, reads as follows:

And provided further, That the Secretary of War, as a part of the conditions and stipulations referred to in said act, may, in his discretion, impose a reasonable annual charge or return, to be paid by the said corporation or its assigns to the United States, the proceeds thereof to be used for the development of navigation on the Connecticut River and the waters connected therewith. In fixing such charge, if any, the Secretary of War shall take into consideration the existing rights and property of said corporation and the amounts spent and required to be spent by it in improving the navigation of said river, and no charge shall be imposed which shall be such as to deprive the said corporation of a reasonable return on the fair value of such dam and appurtenant works and property, allowing for the cost of construction, maintenance, and renewal, and for depreciation charges.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDENT pro tempore. Will the Senator from Ohio yield to the Senator from Wyoming?

Mr. BURTON. In just a moment.

It will be noted that this provision grants to the Secretary of War the right and the duty in certain cases to impose a charge to be deducted from the proceeds of the water power, the amount realized from that charge to be applied toward the improvement of the river and the waters connected therewith.

I now yield to the Senator from Wyoming.

Mr. CLARK of Wyoming. That is the exact point upon which I desired to interrogate the Senator. I understand from the public press that at least a tentative contract—an agreement upon which a contract shall be based—has been already entered into between the Secretary of War and this company. I will ask the Senator if he can furnish for the information of the Senate a copy of that contract which is proposed to be entered into under the terms of this section of the bill?

Mr. BURTON. Mr. President, I know of no such contract. I know of nothing outside the terms of this provision that is here before us. If it is in existence, I am entirely unaware of it.

Mr. BANKHEAD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Alabama?

Mr. BURTON. Certainly.

Mr. BANKHEAD. If it does not disturb the Senator from Ohio, I think there is one very important question involved here which should be understood now before he proceeds further with his discussion, and that is whether the Connecticut River Co. owns the site where this dam is proposed to be built or whether it is the property of the Government of the United States.

Mr. BURTON. I will come to that fully in a moment.

Section 2 of the bill contains a provision pertaining to location and provides for navigation. It will be seen that all through this bill the paramount object to be obtained is navigation. For instance, the officials of the Government have the right to control the flow of water. This section contains a provision to the effect that a certain quantity must at all times be allowed to pass by the dam. There is a provision for the height of the dam under which interference with rights acquired above this locality is prevented.

In answer to the question of the Senator from Alabama I will now take up section 4. It provides:

SEC. 4. That compensation shall be made by the said Connecticut River Co. to all persons or corporations whose lands or other property may be taken, overflowed, or otherwise damaged by the construction, maintenance, and operation of the said dam, lock, and appurtenant and accessory works, in accordance with the laws of the State where such lands or other property may be situated; but the United States shall not be held to have incurred any liability for such damages by the passage of this act.

Thus it will be seen, in answer to the question of the Senator from Alabama, that a most comprehensive provision is made that all private rights shall be acquired by this company, and that it shall be done without the United States incurring any obligation. It should be stated further in this connection that the licensee or grantee under this bill already owns a considerable share of the land abutting on the river at this point, though more land would have to be acquired.

Mr. CUMMINS. Will the Senator yield for a question?

Mr. BURTON. Certainly.

Mr. CUMMINS. The Senator has touched a question that is very interesting to me and which is somewhat agitated in my own State now. I suppose the Senator would not insist that the Government of the United States could give to the Connecticut River Dam Co. or Bridge Co., whatever it may be, the right of eminent domain in the State of Connecticut?

Mr. BURTON. The Government of the United States, by statute of Congress, has done something quite similar to that. Congress has passed an act providing that where land must be utilized for a Government work or is needed by the Government in connection with that work the district attorney in that locality, at the direction of the Secretary of War, may proceed to condemn it on proper indemnity being given to the Government against loss.

Mr. CUMMINS. I simply wanted to know whether the Senator from Ohio was of the opinion that Congress would give to a private company engaged in building a dam, even though it improved navigation, the right to take property in one of the States without the assent of the State.

Mr. BURTON. Such right could be by Congress if the property is to be used for a Federal purpose. Laws have been enacted with this object in view. In the case referred to the action would probably have to be by the Government on the initiative of the private company.

Mr. BORAH. And that for a specific and limited purpose, not by the general right of eminent domain to condemn.

Mr. BURTON. For Federal purposes.

Mr. CUMMINS. I wanted to get it clear as the Senator went along. Assuming the primary purpose of the grant is to create power which is to be sold for private profit, can the Government give such a company the right to go into the State and condemn private property as for public use?

Mr. BURTON. As I have already stated, the principal object of this bill, if any action is taken under it, is for the development of navigation. The water power is incidental to that object.

Mr. CUMMINS. May I ask the Senator from Ohio whether, assuming that is true, assuming that the motive, if you please, on the part of Senators who would vote for this bill, is to improve navigation, but assuming also that it is a private company, the chief purpose of which, so far as the company is concerned, is to create power for sale, could Congress in any way give to that company the right to condemn land in the State of Connecticut?

Mr. BURTON. Not for the creation of water power pure and simple, but that is not the case which is presented here. It is an improvement of navigation. The company takes the place of the Government in the improvement of navigation. The company already has the right to develop navigation, and such water power as it develops is incidental to it.

Mr. CUMMINS. Of course, my whole question leads up to this inquiry. Will the assent of the State be required before the proposition can be put into practical operation?

Mr. BURTON. I should question whether it would, under the statute passed, I believe, in 1906, although I have not recently examined it. I do not think, however, that question would be of much practical importance in this particular case,

because the corporation already has its charter and has its right to proceed under it.

Mr. CUMMINS. I do not know that it will be important in this case, but it will be important in a great many cases. It is very important in my own State at the present moment, where a private company is endeavoring to condemn the land of a private owner for the purpose of building a dam or for the purpose of being permitted to overflow lowlands. As I understand it, that company has never asked for any such power from the State of Iowa; it has never asked the consent of that State to exercise the privileges of eminent domain; and I was very anxious to get the exact view of the Senator from Ohio, who has been a deep student of the subject, because I think it is going to be a very important inquiry before very long.

Mr. BURTON. I will state to the Senator from Iowa that a case is reported in the Federal Reporter, volume 32, page 9, Stockton, Attorney General of New Jersey, against The Baltimore & New York Railroad Co. and others, in which that question is, I think, discussed very fully, as well as a number of other questions, particularly the ownership of the land under water, the right of the State to compensation, and the right of the State to prohibit the construction of the bridge. All those questions are there discussed. I do not think it best to go apart from the discussion I am now pursuing to enter at this time upon that phase of a subject somewhat related, but which I do not think is immediately involved.

Mr. NEWLANDS. Mr. President——

The PRESIDENT pro tempore. Will the Senator from Ohio yield to the Senator from Nevada?

Mr. BURTON. Certainly.

Mr. NEWLANDS. I would suggest to the Senator from Iowa that inasmuch as the National Government has sovereign power over interstate commerce and over navigation as a part of that commerce, and has the power to construct a dam in a river for the purpose of promoting that commerce, it has also the sovereign power to condemn without the consent of a State the land that is necessary for that structure; and that, if as an aid of such an enterprise, water power is developed, the sale of which would probably come within the control of the State, that fact would not in any way affect the right of the Nation as a sovereign to condemn such property to public use.

Mr. BURTON. I shall go into that subject quite fully, Mr. President.

Mr. CUMMINS. I did not express an opinion; I am simply a listener in this debate, and I was very anxious to know the view of the Senator from Ohio. I am glad now to know the view of the Senator from Nevada upon the subject. Of course, I have an opinion, which I will express later.

Mr. THOMAS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. BURTON. Certainly.

Mr. THOMAS. I understood the query of the Senator from Iowa to be whether this power could be transferred or delegated by the General Government to a private corporation having a contract to construct a public work, which is an entirely different proposition from that suggested by the Senator from Nevada.

Mr. CUMMINS. My inquiry was, When permission is granted to a private corporation that intended to build a dam, the chief purpose of which, so far as the corporation is concerned, was to furnish power to sell, whether the General Government could without the assent or action of the State give to such a corporation the right to enter the State and take lands under the principle of eminent domain?

Mr. THOMAS. That was my understanding of the Senator's question.

Mr. BURTON. Let me answer again in a word: The General Government can delegate to a private corporation the right to condemn land for the improvement of navigation, and neither Congress nor the courts would carefully scrutinize the dividing line between navigation and water power, though the fundamental reason must be the development of navigation.

Mr. BRANDEGEE. But is not the true reason because the Government constitutes the private corporation, its agent for that improvement, and it is not strictly a delegation of power?

Mr. BANKHEAD. I dislike very much to interrupt the Senator further, but there is one phase of this question to which I wish to call his attention, and I want him to elaborate it before he gets through. I should like to ask the Senator if he believes the Government of the United States can go into any State of the Union and condemn a site for any purpose except for navigation?

Mr. BURTON. That is a question which, if I were to answer yes or no, I would say no, in so far as the question relates to the development of navigable streams.

Mr. BANKHEAD. If they have no right to condemn it for any purpose except for navigation, then have they any right to dispose of an incident or a by-product that will result from that improvement?

Mr. BURTON. Most decidedly they have.

Mr. BANKHEAD. On that there is a difference of opinion. I think I will be able to show the Senate that they have not, according to all the decisions of all the courts which have passed upon that question.

Mr. BURTON. Indeed, I am rather surprised, Mr. President, that that question should be raised, for it is fundamental. I will come to it very soon.

Section 3 imposes the obligation on the company to—

> build coincidentally with the construction of the said dam and appurtenances, at a location to be provided by said corporation and approved by the Secretary of War, and in accordance with plans approved by the Secretary of War and the Chief of Engineers, a lock of such kind and size, and with such equipment and appurtenances as shall conveniently and safely accommodate the present and prospective commerce of the river, and when the said lock and appurtenances shall have been completed the said corporation shall convey the same to the United States, free of cost, together with title to such land as may be required for approaches to said lock and such land as may be necessary to the United States for the maintenance and operation thereof, and the United States shall maintain and operate the said lock and appurtenances for the benefit of navigation, and the said corporation shall furnish to the United States, free of charge, water power, or power generated from water power, for operating and lighting the said constructions; and no tolls or charges of any kind shall be imposed or collected for the passage of any boat through the said lock or through any of the locks or canal of said corporation.

Section 5 is also new. It provides that the franchise shall continue 50 years, and at the expiration of that time the Federal Government may either take over the property itself or authorize the transfer of the franchise and property to another than the original licensee. In this respect the bill differs materially from existing legislation on the subject. I think I can prove to the satisfaction of Senators that some clause providing for compensation at the end of 50 years is altogether necessary. Three or four forms of franchise have been suggested, one a perpetual franchise. That, of course, is what the licensee would prefer, but in view of the possible development of water power, such a franchise is out of the question. We should be failing in our duty if we granted anything of the kind.

Another form of franchise is the so-called indeterminate one, in which no period is fixed. That kind of a grant is sometimes expressed as one giving rights during good behavior. The corporations seem to prefer that form of grant rather than one fixing a specific period, but there is such a degree of uncertainty attaching to it that it does not seem to be desirable. There is one practical objection to that class of franchises which is particularly potent in our cities. It constantly keeps the holders of the franchise in politics. They are seeking to elect men to the city council and to public office who will be favorable to their corporation and the rights under it. On the other hand, an indeterminate franchise is not without substantial dangers to those who possess them. In some wave of feeling officials may be elected who will endeavor to confiscate the rights granted under it.

We now come to the question between the 50 years without any provision as to the disposition of the property at the end of the time and 50 years with a provision for compensation.

It is evident that if the right be given for but 50 years, at the end of that period the utmost right which the licensee would have would be for the removal of his structures, and even that right is very doubtful. In such a case as this those structures are essential for navigation; they form part of a general plan for the navigation of the river, and if they can be removed navigation must fail.

But from the standpoint of the public there is another and more vital objection to a franchise which expires in 50 years, with no provision for renewal. A very large expense must be incurred in the construction of the dam, the lock, and appurtenances. If at the end of 50 years the licensee has no right in the structures erected and maintained, he would be compelled to establish a sinking fund to pay off the cost of those structures. That expense is usually represented by bonds, and the cost of creating a sinking fund to pay off the principal and interest of such bonds during the life of the franchise will be imposed upon the consumers. No public service commission could deny that right in case it were required to fix the charges; it would not be just to ignore the situation, and a court in reviewing an order of the commission would take into account the necessity for providing such a fund in fixing the rates. On the other hand, if provision is made for compensation at the

end of 50 years, in a case of assignment of the franchise to another, or its assumption by the Government, the consumer is relieved from that very material expense.

It is also provided here that a bonus—I hardly like to call it a bonus—of 10 per cent may be paid. That will be within the authority of Congress. The language of the clause is:

Allowance being made for deterioration, if any, of the existing structures in estimating such efficiency, together with the fair value of other properties herein defined—

That is, the dam, the lock, the transmission lines, and the generating apparatus—

to which not more than 10 per cent may be added to compensate for the expenditure of initial cost and experimentation charges and other proper expenditures in the cost of the plant which may not be represented in the replacement valuation herein provided.

In the provision for compensation great care is taken so that the licensee may claim nothing for the franchise value. It is merely for the value of the property on the basis of what it would cost to reproduce it at the time. The licensee then could not claim that he had a right to bring forward a long list of expenditures for equipment that was obsolete. Oftentimes in a progressive establishment structures are built and machinery is installed which in a short time have to be thrown upon the scrap heap. No claim for any expenditures of that nature could be made under this provision; it must be for the cost of replacing structures and in accordance with their value at the end of the time.

Mr. President, I have now pointed out the differences between this bill and existing legislation. The following statement is made in the minority report, page 21 of the document which is before us:

A majority of the committee in their report say:
"It appears to be a settled question that the Federal Government may impose a charge for the use of the surplus water not needed for navigation."

Then the minority report says:

We, the minority, deny that this question has been settled, and we challenge the majority to point to a single law on the statute books, or to a report of a single committee in Congress, or to a single decision of the Supreme Court which tends to establish their contention.

Mr. President, it seems to me that that is rather an extraordinary statement. It is refuted by an exceptional array of reports of committees, acts of Congress, acts of various officials of the Government, and by decisions of the Supreme Court of the United States.

I wish, in the first place, to call attention to the so-called Nelson report, made from the Judiciary Committee of the Senate. It is found on page 96 of the very document that has been prepared in relation to this bill.

Mr. BRANDEGEE. Will the Senator kindly indicate the title of that document?

Mr. BURTON. That document is entitled "Federal Control of Water Power"; papers submitted to the Committee on Commerce of the United States Senate. It comes from the printer for the use of the Committee on Commerce. It comes with no number. On page 96 of this report the following statement is made:

If for the purpose of improving the navigability of a stream carrying interstate commerce the Federal Government constructs and maintains a dam, with locks and gates, the Government has the undoubted right to establish and maintain, in connection with such dam, an electric-power plant for the purpose of furnishing motive power to operate such locks and gates. And the Federal Government has the right to sell, lease, or rent, for compensation, any surplus power that may arise from and be an incident to such an improvement of navigation. (Kaukauna Water Power Co. v. Green Bay & Mississippi Canal Co., 142 U. S., 254.)

Mr. CLARK of Wyoming. Of course the Senator does not cite that as the report of a committee.

Mr. BURTON. I had understood that it was.

Mr. CLARK of Wyoming. No; the Judiciary Committee has never made a report on this question. On the contrary, this is the individual view of a single member of the subcommittee of the Committee on the Judiciary.

Mr. BURTON. I stand corrected in that particular, then; I had supposed that the Judiciary Committee having had it under consideration a very long time, and having been asked by Congress or by the Senate to report on the subject, the request of the Senate found its compliance in this very able report.

Mr. CLARK of Wyoming. Not at all. The Judiciary Committee was, in fact, engaged for a long while upon this question and never arrived at a committee determination.

Mr. BURTON. May I ask the Senator from Wyoming how long they were on that question?

Mr. CLARK of Wyoming. Oh, I can not say how long, but we consumed a good many meetings in the discussion of it in an endeavor to embrace the entire country, starting on the Atlantic coast and, I believe, getting as far as the Hudson River. This is the report or at least the individual view of a single member of the subcommittee, I think.

Mr. BRANDEGEE. Mr. President——

Mr. NELSON. I will state that this is the report——

The PRESIDING OFFICER (Mr. KENYON in the chair). Does the Senator from Ohio yield, and to whom?

Mr. BURTON. I yield to the Senator from Minnesota.

Mr. NELSON. I will state it is the report of the subcommittee, consisting of the Senator from New York [Mr. ROOT], the Senator from West Virginia [Mr. CHILTON], and myself, to the full committee.

Mr. BURTON. I can only say in deference to those gentlemen that while it may not be the report of the committee, it certainly will carry very great weight from three very eminent men.

Mr. CLARK of Wyoming. It would be a very valuable legal opinion.

Mr. BRANDEGEE. Mr. President——

Mr. BURTON. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. I was about to observe that it appears on page 85 of the document to which the Senator has just referred, and that it purports to be the "Views of Senator NELSON on Senate resolution 44, Sixty-second Congress, second session." That was the resolution introduced by the senior Senator from Washington [Mr. JONES], requesting the views of the Judiciary Committee on these questions.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Alabama?

Mr. BURTON. Certainly.

Mr. BANKHEAD. I want to remind the Senator from Ohio that the case he cited here is not parallel to this one at all. The question of the Senator from Minnesota was as to where the Government itself was the riparian owner, where it owned the site itself, built the dam, and expended all of its own money in constructing the dam and preparation for navigation.

Mr. BURTON. While the Senator from Alabama is on his feet, I will read another quotation, two pages later, from that report.

Mr. BANKHEAD. I want the Senator to answer my present inquiry before he reads the extract.

Mr. BURTON. I will read; and it is an answer to your interrogatory.

Mr. BANKHEAD. Very well.

Mr. BURTON. It reads:

Responding to the second interrogatory, we are of the opinion, divorcing the question from riparian rights, that the Federal Government, in authorizing the construction and maintenance of a dam on a navigable stream by States, municipalities, or private parties, for the chief and primary purpose of improving the navigation of the stream, has the same right to prescribe the terms and compensation for the use of the surplus power, created as an incident to the main improvement, as the Government would have in case it had itself built the dam or made the improvement, and that the Government, having delegated the power of building such dam to private parties, might well confer upon them as compensation for the work thus undertaken the right to do what the Government itself could do in case it had itself constructed the work.

Mr. BANKHEAD. I ask the Senator from Ohio from what he reads?

Mr. BURTON. This is the same report, and I read from page 98.

Mr. BANKHEAD. I know it is the same report, but from whom does the Senator quote?

Mr. BURTON. From Senator NELSON's views.

Mr. BANKHEAD. I thought the Senator was quoting from the Secretary of War.

Mr. BURTON. Oh, no.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Minnesota?

Mr. BURTON. I yield to the Senator from Minnesota.

Mr. NELSON. Mr. President, the Senator from Ohio is not able to draw the proper conclusion from those two statements. In the one case, where the Government for the purpose of improving navigation constructs a dam and water power, that being the main purpose, though incidentally there is power created in connection with it, the Government, according to my opinion, has the right to charge compensation; but where the Government says to a private corporation, "We will give you permission"—and the permission only amounts to this, that we will consider the structure is not an impediment to navigation—where the Government says, "We will give you permission; we will put you in our place; you may build a dam with your own money if you will build it as prescribed by the Board of Engineers," in that case compensation for the use of the power belongs to the company that has put its money into the work, whereas in the other case it belongs to the Federal

Government, which has invested its money. It is exactly the same principle; the Government or the company that invests the money and makes the structure is entitled to the compensation.

Of course, when you come to compensation that a private company may exact, you are confronted by the question as to the rights of the State in the premises and the rights of the other riparian owners, which is a question divorced from this general proposition.

Mr. BURTON. Mr. President, let us see the position that the Senator from Minnesota takes. He says that the Government can authorize a private corporation to build a dam, and that dam shall be the property of the Government, the lock in connection with it shall be the property of the Government.

Mr. NELSON. Oh, no; I did not say that. I did not say that either the dam or the lock should be the property of the Government.

Mr. BURTON. It does not make any difference whether the Government has the ownership or merely the use for navigation. The Senator from Minnesota and every Senator who signed the minority report here agreed to the provisions in this bill—provisions that have been carried on the general dam act for years and included in a number of bills which Congress has passed. What are those conditions? That the Government——

Mr. JONES. Mr. President——

Mr. BURTON. I would like to proceed with my answer on this proposition. The minority concede that the Government may insist that the private corporation build the dam; it may insist that the private corporation build a lock, which has nothing whatever to do with the development of power, but is only for navigation; it may insist that it shall equip that lock and dam for navigation; it may insist that for all time power shall be furnished for the operation of that lock so that boats shall go through—all these are compensations for the right. But when it is asked that the company shall also pay a compensation, the minority say that can not be done. After having compelled the expenditure of some millions for the dam, half a million for the lock, after imposing on them the obligation for the maintenance of power, after having swallowed a camel, in fact three or four camels, you then strain at a gnat, and say you can not impose upon them the obligation to pay anything by way of rental when they have already agreed to expend millions for the privilege. As regards the few dollars that the company must pay from proceeds when the works are finished you come in here and say, "There you have got to jump off; you can not go any farther."

Mr. NELSON and Mr. BRANDEGEE addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Ohio yield?

Mr. BURTON. I yield, first, to the Senator from Minnesota.

Mr. NELSON. There is no compulsion on the parties who desire to construct a dam and create a water power on a reach of a river that is not navigable. They could go to work under State law and construct that dam. In the olden times, when we had merely the country sawmill and the ordinary flour mill, hundreds of dams were constructed throughout the country in connection with them, and the Federal Government never thought of interfering.

Mr. BURTON. Yes; and in this particular instance——

Mr. NELSON. In these later days, when the construction of dams leads to the development of electrical power, it involves the employment of large capital. Bonds have to be issued to obtain money to build dams on a vast scale, and the men who furnish the capital say, "We want you to go to the Federal Government to get a license."

What is it the Federal Government grants in this case? It says to these owners, "If you construct this dam as we require, with locks and gates, and operate it for the ends of navigation, we will not consider it as an obstruction to commerce and navigation." That is all that license amounts to. The Federal Government does not create any other power, and the Federal Government does not compel these parties to build the dam. They come here and get that license, a license which, in effect, is that if they do so and so, if they build the dam in this manner, we will not consider it an impediment to navigation.

Mr. BURTON. It seems to me the Senator from Minnesota goes far astray from the nature of the transaction. The parties choose to come to the Federal Government for the permission. It is useless to say that they could go to the State of Connecticut and get this permission. This act, while the locus is in Connecticut, is of far more importance to Massachusetts than it is to Connecticut. What is it that is imposed upon the company? Certain conditions under which they enjoy that privilege. What is the theory of it? That the Government, as a requisite for the right to locate there at all, imposes certain obligations upon them—charge for the use of the water. If we tell them, "Instead of paying us the money for it you can build a dam if you will, and you may build the locks," those are all of them conditions under which they go in there and take possession. In principle there is no difference whatever between an annual license and the expenditure of a vastly larger amount of money, which is necessary for placing those structures there and making the stream navigable.

Mr. BRANDEGEE. Will the Senator from Ohio yield to me?

Mr. THOMAS. Mr. President——

Mr. BURTON. One at a time. I will first yield to the Senator from Connecticut.

Mr. BRANDEGEE. I wanted to emphasize, if I might, the point which I think the Senator from Ohio alluded to, that in this particular bill the payment by the company of money is simply in effect a payment to the Government as trustee, and must be used for the improvement of navigation in that very river, hence it is just as properly a part of the condition under which the license is granted as the construction of the lock itself.

Mr. BURTON. Certainly. I am coming to that later, to show the difference.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Sentor from Colorado?

Mr. BURTON. I yield to the Senator from Colorado.

Mr. THOMAS. Suppose that instead of providing that this fund to be raised was to be used for the improvement of the Connecticut River the proviso was that it should be used for the improvement of the Hudson River, would that be an exercise of a power that belongs to the Federal Government?

Mr. BRANDEGEE. Is the Senator from Colorado asking me that question?

Mr. THOMAS. Yes. If the purpose of this bill is within that power, why, then, can not the fund be also diverted to the Hudson River or to some other river in some other State?

Mr. BRANDEGEE. It could not, certainly, under the terms of this bill.

Mr. THOMAS. I am not speaking about that, but about the extent of the power if we admit it for any purpose.

Mr. BRANDEGEE. I understand the Senator's question; and I will say I do not believe anybody can certainly answer the question. It has occurred to me that it might be constitutional for the Government, in the issuing of these permits, to provide, for instance, for a national fund, into which these payments should go, to be used in the interest of navigation. If we have jurisdiction of navigation under the commerce clause of the Constitution, what the Supreme Court would say about the legality of such a law, such a policy, I am not prepared to state, but I think clearly in this case, where it is confined to a particular river and made a condition of a particular improvement, it would be valid.

Mr. THOMAS. Mr. President, my purpose in rising was to inquire of the Senator from Ohio whether the right which he claims the Government has in a matter of this kind and whether the report made by the Senator from Minnesota, from which he read an extract, does not necessarily involve as a condition of its existence the ownership by the Government either of the waters of the stream or of the force which is created by gravity in the improvement of the water?

Mr. BURTON. Not at all. I shall dwell on that subject somewhat later in the course of my argument.

Mr. THOMAS. I should like to hear the Senator discuss that question.

Mr. JONES. Mr. President, the Senator may have gotten away from the point to which I desired to call attention——

Mr. BURTON. If I have, we will try to get back to it.

Mr. JONES. The Senator read an extract from the views of the Senator from Minnesota to sustain his proposition that the Government would have the right to make a charge for the surplus water power when the dam was constructed by private parties. If he had read just a few sentences further, he would have seen the views of the Senator from Minnesota with reference to what that charge should be and for what it should be made. I desire to read that.

Mr. ROOT. What page?

Mr. JONES. Page 98.

Mr. BURTON. Before the Senator from Washington reads that, I want to call his attention to the fact that he is likely to fall into error there.

Mr. JONES. I want this in the RECORD in connection with what the Senator read from the report of the Senator from Minnesota, because I am afraid that his hearers may be led into an error from what he read——

Mr. BURTON. Not at all.

Mr. JONES. If they do not hear what he failed to read. Now I will read it:

And in such case the Government would be authorized to charge a nominal license fee for inspecting and passing upon the plans and for watching over the work to see that it conforms to the plans and is properly maintained; but the regulative power of the Government would not extend to the use of the water for other purposes than navigation and interstate commerce. In such a case it seems to us that the Federal Government has no water power to sell or charge compensation for, for it is only authorized by the Constitution to regulate interstate and foreign commerce, which in this case means navigation.

Mr. BURTON. The Senator from Washington left out a part of that paragraph that would change the sense as much as leaving out the word "not" in one of the Ten Commandments. He has left out this—the first portion of it pertains to navigable streams—then he goes on to say—and I will read what the Senator from Washington has omitted——

Mr. JONES. Well, Mr. President, I suggest to the Senator that he connect it with what he previously read.

Mr. BURTON. I will begin just where I left off.

Mr. NEWLANDS. On what page?

Mr. BURTON. Page 98. I have already read in the hearing of the Senate the portion which pertains to the improvement of navigable streams for the purpose of navigation with water power incidentally created.

Mr. JONES. Does the Senator contend that what I read does not relate to navigable streams?

Mr. BURTON. I will read it. That is the best way to answer that question.

Mr. JONES. Very well.

Mr. BURTON. It is as follows:

In this connection, and as a further response to the interrogatory, it must be noted that the mere grant by the Federal Government of authority to construct a dam in a navigable river, not for purposes of navigation, but really for the creation of a water power, is merely a license or permit, the effect of which is that if the dam is constructed and operated conformable to plans approved by the Government, it will not be deemed an obstruction or impediment to navigation.

I want to say to the Senator from Washington it is perfectly plain that the first portion of the paragraph pertains to an improvement for the purpose of navigation where water power is incidental, and the latter portion, in the distinctest language—and that is the sentence the Senator from Washington omitted—says:

Authority to construct a dam in a navigable river, not for purposes of navigation, but really for the creation of water power—

And so forth.

Mr. JONES. Well, Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield further to the Senator from Washington?

Mr. BURTON. Yes.

Mr. JONES. Of course I can see where there may be a difference of opinion with reference to the purposes of this bill, but the main purpose of this bill is not to aid navigation. The primary purpose is to develop water power. The grantee in this case is not getting this grant for the purpose of aiding navigation but is getting it for the purpose of building and constructing water power for private purposes. It has to get permission of the Government to operate in a navigable stream, and so it is proper that the Government should put in this bill the necessary restrictions and provisions for the protection of navigation. The purpose, however, of this company is not to promote navigation but to develop water power.

Mr. ROOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New York?

Mr. BURTON. Certainly.

Mr. ROOT. I want to suggest to the Senator from Washington that there may be two purposes in this bill.

Mr. JONES. Oh, there are more than two.

Mr. ROOT. There may be a purpose of the company and there may be a purpose of the Government of the United States. The purpose of the Government of the United States may be to utilize the willingness of this company to construct this dam in order that the navigation of the Connecticut River may be improved.

Mr. JONES. Certainly.

Mr. ROOT. And the provisions upon which the contest as to the propriety and validity of this measure depend are provisions which relate to carrying out the purposes of the Government in respect of navigation.

Mr. JONES. There is not any doubt in my mind that the language used by the Senator from Minnesota in the report just quoted applies to the case that we have before the Senate now. I do not think there is any question about that at all.

Mr. BURTON. I must most materially differ with the Senator from Washington in regard to that. The reading of the whole paragraph will not enable anyone to come to that conclusion.

Mr. JONES. I am satisfied that the Senator from Minnesota would claim that that was the thought he had in mind when he used that language; and the case was exactly on all fours with the one we have before the Senate now.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from California?

Mr. BURTON. Certainly.

Mr. WORKS. I should like to ask the Senator from Ohio whether he understands that the power that is to be developed by the construction of this dam is for private use or whether it will become a public use?

Mr. BURTON. Well, there is no specification in regard to that.

Mr. WORKS. That is a very important matter to be considered.

Mr. BURTON. Does the Senator from California mean whether it is to be used for lighting or some public utility in some of the cities around or whether it is for power used for factories?

Mr. WORKS. I mean whether it is developed for the purpose of sale to others.

Mr. BURTON. It is so developed.

Mr. WORKS. If that be so, Mr. President, every additional burden that is placed upon the development of the water power must be paid ultimately by the consumer. In determining what rate shall be paid—and those rates certainly must be fixed by the State, and not by the National Government—the amount necessarily paid out by the corporation must be taken into account in determining the rate to be paid. In other words, if $100,000 is exacted by the Government for the use of this privilege, that is a part of the amount necessarily invested by the corporation, and the consumers must pay, in the first instance, interest upon that charge. That is a direct interference with the right of the State to control the water rights, and that is just what the people out in the West desire to avoid. I do not know how it may be in other States; water may be cheaper elsewhere than it is in California; but in southern California the item of cost of water for irrigation is a very important one, and we are not willing to see a policy established that will compel our people to pay an additional amount for the use of the water.

Mr. BURTON. Mr. President, we can not afford to blind our eyes to the fact that there are two interests represented here. One is the Federal Government, which must at great cost improve, and has at great cost improved, this river. It must incur expense in the future. The consumer also has his rights; but those rights are subject to the paramount authority of the Federal Government to maintain navigation in that river. The Senator from California virtually says if there is a facility or natural resource to be utilized anywhere, the consumers or the persons in the locality must have the full benefit of it. I want to answer that a little further on. But is it true that this proposed charge falls on the consumer? Theoretically that may be so; but the charge would not materialize until the consumer had had every opportunity to secure his rights. Under what circumstances would this charge be made? This company would erect its works—its generating apparatus, its transmission lines, and so forth—and then would come the State of Connecticut and fix the price that the company shall charge to the consumers. After that is done and the plant is in operation, it would be the right of the Government to impose or not impose a charge, as conditions might warrant. In this connection the bill provides:

In fixing such charge, if any, the Secretary of War shall take into consideration the existing rights and property of said corporation and the amounts spent and required to be spent by it in improving the navigation of said river, and no charge shall be imposed which shall be such as to deprive the said corporation of a reasonable return on the fair value of such dam and appurtenant works and property, allowing for the cost of construction, maintenance and renewal, and for depreciation charges.

It would come into operation as a check on exorbitant profits, not to be imposed until the rights of the consumer, the rights of the company, and the rights of the general public are fully protected.

Mr. WORKS. Mr. President, I think the Senator from Ohio is confusing the matter of the protection of navigation with the right to the use of the water itself, and the right on the part of the State to control that use. It may be——

Mr. BURTON. In due time I will come to that. Let me ask the Senator from California what rights do the States have? What right has the State of Connecticut in this case?

Mr. WORKS. I do not know anything about what the law may be in the State of Connecticut; I am not dealing with Connecticut, but with the State of California.

Mr. BURTON. In the State of the Senator from California water belongs to the State in a very different sense from what it does here.

Mr. WORKS. I do not know why it should be in any different sense.

Mr. BURTON. You do not have the same in regard to water in California, do you?

Mr. ROOT. You have a different system of laws there.

Mr. WORKS. Certainly; the system of laws is different, but the principle is precisely the same. The right to use the water belongs to the State in the first instance. Of course the old doctrine of riparian rights may exist, and probably does exist, in Connecticut. The riparian right exists in California, but, Mr. President, it is subject to the right of the State to fix the rates and control the amount of water that shall be taken out of the river. The objectionable feature of this measure is that the Government is interfering in such a way as to increase the amount necessary to be paid for the water. There is no escaping that fact. The Senator from Ohio may regard it as a merely nominal additional rate to be paid, but the exactions may be such as to increase the rate materially. Whether it does or not, however, the principle is precisely the same. The National Government is interfering with the right of the State to fix the rate and the right of the consumer to have the water at a reasonable rate, to be fixed in that way; and there is no escaping from it.

Mr. BURTON. But, Mr. President, the Federal Government is not interfering with the right of the State to fix the rate. Personally I think the time will come when there will have to be national supervision over these charges, similar to that exercised over railroads through the Interstate Commerce Commission; but I can not accept the idea that the different States are the pampered children of an indulgent parent and that in the case of a very valuable asset, such as this, States may appropriate it all for themselves, and that the Government must overcome the rapids, build locks and dams at enormous expense, and improve the navigation of a river when that improvement inures to the benefit of a particular locality and is demanded by that locality, and that such expenditure shall be without countervailing obligations on the other side.

Now, Mr. President, to resume my argument in regard to the reports of committees on this subject, I want to call the attention of the Senate to Senate bill 943 as reported with an amendment from the Committee on Commerce. It is an act to improve navigation on the Black Warrior River, in the State of Alabama. I read again the statement in the views of the minority on the pending bill. In answer to the statement in the majority report that—

> It appears to be a settled question that the Federal Government may impose a charge for the use of the surplus water not needed for navigation.

The minority report says:

> We, the minority, deny that this question has been settled, and we challenge the majority to point to a single law on the statute books, or to a report of a single committee in Congress, or to a single decision of the Supreme Court which tends to establish their contention.

The Black Warrior River is in the State of Alabama. The bill was reported by the Committee on Commerce. Let us see what the provisions of this bill are with reference to imposing a charge:

> SEC. 4. That the Secretary of War is authorized and empowered to enter into a contract with the Birmingham Water, Light & Power Co., a corporation organized under the laws of the State of Alabama, its successors and assigns, for the purpose of carrying out the stipulations and performance herein mentioned. It shall be provided in said contract that the company, its successors and assigns, shall have the right to construct, maintain, own, and operate, at its own cost, in connection with Dams and Locks 16 and 17, for a period of 50 years from the time fixed in this act for completion of the works herein authorized, electrical power stations—

And so forth. It is not necessary to read all of the act.

Mr. BANKHEAD. Mr. President, if the Senator will permit me——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Alabama?

Mr. BURTON. Certainly.

Mr. BANKHEAD. The Senator can not fail to remember that when that bill went to conference it was distinctly stated on the floor of the Senate that, if the Senate would permit a report to be made, everything in the bill pertaining to power would be stricken out, and that the bill would come back to the Senate simply as a navigation proposition, and that that was done.

Mr. BURTON. It is a very singular thing for a committee of the Senate to go through the farce of bringing in a bill here with elaborate provisions, and approve it, with the idea that it is going to be meaningless and all stricken out. This is the form in which it was not only introduced in the Senate, but passed in the Senate, as I recall. Certainly it is a report of the Committee on Commerce.

Mr. BANKHEAD. I think if the Senator will examine the bill he will find those are House amendments. The RECORD so shows.

Mr. BURTON. Then it is a report of the Committee on Rivers and Harbors. It is possible I am in error in that regard, but I think not.

Mr. BANKHEAD. Yes; the Senator is in error.

Mr. BURTON. It is a report of the Committee on Rivers and Harbors?

Mr. BANKHEAD. One more moment, and then I will not interrupt the Senator any further, as the time will come, perhaps, when some of the rest of us will have an opportunity to discuss this question.

Mr. BURTON. I think some of you are discussing it now.

Mr. BANKHEAD. I do not want the Senate to be misled, because the Senate will remember, and the records will show, that every provision referred to by the Senator from Ohio was stricken out in conference.

Mr. BURTON. This bill passed, did it?

Mr. BANKHEAD. Yes, it passed, and it is in operation now simply as a navigation proposition, and the locks are almost complete.

Mr. BURTON. But this provision in regard to the leasing of power was not accepted.

Mr. BANKHEAD. That is not in the bill. We struck it out.

Mr. BURTON. Here is the report from the Committee on Rivers and Harbors of the House, or from the Committee on Commerce of the Senate:

> The said contract shall further provide for the payment by the company to the Government of an annual rental for its use of the water power developed at Dams 16 and 17. For a period of 20 years the rental shall be at the rate of $1 per annum per horsepower developed, which rate shall be subject to readjustment by the Secretary of War at the end of that period and thereafter at the end of every 10-year period.

Mr. BANKHEAD. That was all stricken out of the bill. There is nothing of that sort in it.

Mr. BURTON. However, it is at least an absolute contradiction of the statement in the minority report that no committee of Congress has recommended anything of this kind. I am coming to some cases that are altogether stronger than these, but I give these merely with reference to the reports of committees.

I want to call attention next to a number of statutes——

Mr. BANKHEAD. Wait a moment; I want to get the Senator right. That is not the report of a committee of the House. That amendment was offered on the floor of the House by Mr. HUMPHREYS of Mississippi, and after two or three days the bill passed and came over here with that provision in it, and it was stricken out.

Mr. BURTON. It does not look that way in the copy I have here.

Mr. BANKHEAD. I do not know how it looks; but if the Senator will take the RECORD he will find it.

Mr. BURTON. The whole bill was passed by the Senate in that form. The Senator is in error in regard to that.

Mr. BANKHEAD. No; I am not.

Mr. BURTON. It is marked here: "Passed the Senate July 24, 1911."

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Washington?

Mr. BURTON. Certainly.

Mr. JONES. I will ask the Senator to read from the report of the committee his views with reference to the matter, because the fact that the bill passed the House would not indicate whether any part of it was put on upon the floor of the House, or put on in committee and reported by the committee. The report of the committee of the Senate will show what the views of the committee were.

Mr. BURTON. I have somewhere a copy of that report. It is possible that I can turn to it before I am through with my remarks.

I want to call attention next to a great variety of statutes on the subject. They are of three classes. The first class comprises dams constructed by acts of Congress where surplus water, not needed for navigation, has been leased for water-power purposes. In a report of the Sixty-second Congress, first session, Document No. 57, there are a number of these. I wish to invite attention to the first class.

The earliest act, perhaps, was in the year 1888, which allowed power in the Muskingum River to be used for private purposes. By that act the Secretary of War is authorized and empowered

to grant leases or licenses for the use of the water powers at such rate and on such conditions and for such periods of time as may seem to him just, equitable, and expedient. Under that statute, passed now nearly 25 years ago, the authority to make charges for surplus water power has ever since been exercised. An advertisement was made just a few days ago for a lease of the power in connection with one of the dams for a period of 22 years.

The second instance is that of the Green and Barren Rivers of Kentucky. That act was passed September 19, 1890. Under it the Secretary of War is authorized and empowered to grant leases or licenses for the use of the water powers, at such rate and on such conditions and for such periods of time as may seem to him just, equitable, and expedient, with an added condition that the leases are not to extend beyond the period of 20 years.

Mr. President, I desire to have this document printed with my remarks, because it sets forth a large number of these instances.

The PRESIDING OFFICER. Without objection, it is so ordered.

The document referred to is as follows:

[Senate Document No. 57, Sixty-second Congress, first session.]

WATER-POWER PRIVILEGES.

Mr. BURTON presented the following memorandum from the Acting Chief of Engineers of the War Department relative to acts of Congress concerning power privileges at Government dams. June 29, 1911. Ordered to be printed.

Memorandum of acts of Congress concerning power privileges at Government dams.

Names of rivers.	Grantee.	Date of act.	Provisions of act.	By whom improvement made.
Muskingum, Ohio	General authorization	Aug. 11, 1888 (25 Stat., 417)	The Secretary of War authorized and empowered to grant leases or licenses for the use of the water powers, at such rate and on such conditions and for such periods of time as may seem to him just, equitable, and expedient.	United States.
Green and Barren, Ky	do	Sept. 19, 1890 (26 Stat., 447)	The Secretary of War authorized and empowered to grant leases or licenses for the use of the water powers, at such rate and on such conditions and for such periods of time as may seem to him just, equitable, and expedient, with added condition that leases are not to extend beyond the period of 20 years.	Do.
Cumberland, Tenn., at Lock No. 1.	do	June 13, 1902 (32 Stat., 408)	The Secretary of War authorized to grant leases or licenses for the use of the water power at such rate and on such conditions and for such periods of time as may seem to him expedient. (See also act of June 28, 1902.)	Do.
Tennessee River at Hales Bar.	City of Chattanooga or other private corporations.	Apr. 26, 1904 (33 Stat., 309)	Grantee to purchase necessary lands and deed same to United States, to construct lock and dam and give them to United States completed, free of all cost except expenses connected with preparation of plans, superintendence, cost of lock gates, etc., and to furnish United States free electric current for operating locks and for lighting. Grantee to have use of water power for 99 years.	Private.
Mississippi at Des Moines Rapids.	Keokuk & Hamilton Water Power Co.	Feb. 9, 1905 (33 Stat., 712)	Grantee to build a lock and dry dock and appurtenant works, and United States to have ownership of them. Grantee to provide suitable power plant for lighting and operating the lock, dry dock, and appurtenances, and to provide fishways.	Do.
Cumberland and tributaries.	Cumberland River Improvement Co.	Mar. 3, 1905 (33 Stat., 1132)	Right to collect tolls to cease at expiration of 40 years from date of completion of Lock and Dam No. 21, Cumberland River, and United States may then assume the possession, care, operation, maintenance, and management of the lock or locks constructed by the corporation but without in any way impairing the right or ownership of the water power and dams created by the corporation.	Do.
Coosa, Ala., at Lock No. 2	General authorization	May 9, 1906 (34 Stat., 183)	United States reserves right to control dams and pool level and to construct locks. Land for lock and approaches to be conveyed to United States free of charge, and United States to have free water power for building and operating locks. Fishways to be constructed.	Do.
White, Ark., at Lock No. 1	Batesville Power Co	June 28, 1906 (34 Stat., 536)	The Secretary of War authorized and directed to fix from time to time reasonable charges to be paid for use of power.	Do.
Coosa, Ala., at Lock No. 12	Alabama Power Co	Mar. 4, 1907 (34 Stat., 1288)	Dam to be built so that the United States may construct a lock in connection therewith. The grantee to have the right to use Government land necessary for the construction and maintenance of the dam and appurtenant works, to convey to the United States free of cost such suitable tract or tracts as may be selected by the Chief of Engineers and the Secretary of War for establishment of locks and approaches, and to furnish the necessary electric current to operate locks and for lighting grounds.	Do.
St. Marys, Mich	General authorization	Mar. 3, 1909 (35 Stat., 821)	Water power to be leased by the Secretary of War upon such terms and conditions as shall be best calculated, in his judgment, to insure the development thereof. A just and reasonable compensation to be paid for use.	United States.
Wabash, Ind., at Mount Carmel.	General authorization	Mar. 3, 1909 (35 Stat., 819)	Secretary of War authorized to grant leases or licenses for periods not exceeding 20 years at such rate and on such conditions as may seem to him just, equitable, and expedient.	Do.
Mississippi, from St. Paul to Minneapolis.	do	June 25, 1910 (36 Stat., 659)	A reasonable compensation for leases of water power shall be secured to the United States.	Do.
Coosa, Ala., at Lock No. 4	Ragland Water Power Co	Feb. 27, 1911 (36 Stat., 939)	The dam to be property of the United States free of charge. Grantee to have water-power rights for 50 years. United States to have right to construct a lock and to have free electric current for operating and lighting. Grantee to raise height of dam at Lock No. 4 and to stop leaks. Beginning in 1925, grantee shall pay to United States $1 per 10-hour horsepower, with an increase if natural flowage is increased by storage reservoirs.	Private.
Wabash, at Mount Carmel, Ill.	Mount Carmel Development Co.	Feb. 14, 1889 (25 Stat., 670) Feb. 12, 1901 (31 Stat., 785)	Withdrawal of water shall be under the direction and control of the Secretary of War.	United States.
Rock River near Sterling	Sterling Hydraulic Co.	Mar. 2, 1907 (34 Stat., 1103)	Secretary of War authorized to permit erection of a power station in connection with United States dam. Grantee to waive certain claims against United States.	Do.
White, Ark., above Lock No. 3.	J. A. Omberg, jr	June 29, 1906 (34 Stat., 628)	Grantee to purchase lands, construct lock and dam, and give them to the United States free of charge and furnish United States electric current to operate locks, light grounds, etc. Grantee to have use of water power for 99 years.	Private.

Mr. BURTON. Further on in this class are some very recent ones. The act of June 28, 1906, is one, in which a grant was made to the Batesville Power Co., at Lock No. 1, White River, Ark. In that act the Secretary of War is authorized and directed to fix from time to time reasonable charges to be paid for the use of power. Another is at Wabash, Ind., at Mount Carmel. That is a very old improvement. The first act in relation to that improvement was passed in 1889; another act was passed in 1901, and another in 1909. Under the last act the Secretary of War is authorized to grant leases or licenses for periods not exceeding 20 years, at such rate and on such conditions as may seem to him just, equitable, and expedient. So not only has this power been exercised in numerous cases, but the discretion to fix the charges has been left to the Secretary

of War. Still another case is that of the Rock River, near Sterling; also the White River, Ark., above Lock No. 3.

There is a second class in which it has been provided that where dams, or dams and locks, are to be constructed in the future by the Government, the water power created incidentally thereto shall be leased under the direction of the Secretary of War. There is a very considerable number of these cases. I call attention to the provision in the river and harbor act of 1909, providing for the improvement of the St. Marys River. I call attention also to a provision in the act of 1907, in regard to a survey of a 14-foot waterway by way of Chicago to the Mississippi River:

The Secretary of War may appoint a board of five members, to be composed of three members of the Mississippi River Commission.

It goes on to say what that board shall report upon:

First. What depth of channel is it practicable to produce between St. Louis and Cairo at low water by means of regulation works?
Second. What depth will obtain in such regulated channel at the average stage of water for the year?
Third. For what average number of days annually will 14 feet of water obtain in such regulated channel?

The fourth and fifth provisions are immaterial.

Sixth. And the said board shall also report upon any water power which may be created in the portion herein directed to be surveyed, as well as in the proposed waterway from St. Louis to Chicago heretofore surveyed, and the value thereof, and what means should be taken in order that the Government of the United States may conserve the same or receive adequate compensation therefor.

Here, in this survey of a proposed 14-foot waterway, one of the vital points upon which the board was to report was what means should be taken to conserve the water power and to secure adequate compensation therefor.

I wish to call attention to another provision of law under which this very project in the Connecticut River was surveyed. It is a general provision in the river and harbor act of 1909. It is found on page 9 of that act. I wish Senators to give especial attention to this provision, to show how useless it is to deny that this has been a substantial feature in the policy of the Federal Government.

In the portion relating to the general rule in regard to surveys, that act says:

Provided, That every report submitted to Congress in pursuance of this section, in addition to full information regarding the present and prospective commercial importance of the project covered by the report and the benefit to commerce likely to result from any proposed plan of improvement, shall contain also such data as it may be practicable to secure regarding (first) the establishment of terminal and transfer facilities—

That provision does not apply in this case, but I read it so as to give the whole paragraph—

(second) the development and utilization of water power for industrial and commercial purposes, and (third) such other subjects as may be properly connected with such project: *Provided further*, That in the investigation and study of these questions consideration shall be given only to their bearing upon the improvement of navigation and to the possibility and desirability of their being coordinated in a logical and proper manner with improvements for navigation to lessen the cost of such improvements and to compensate the Government for expenditures made in the interest of navigation.

Thus, Mr. President, the very survey under which this project was reported was authorized in a bill that demanded of the engineers that they should report upon possible compensation to the Government for its expenditure in the interest of navigation; and the engineers reported, stating that there should be compensation in this instance. They made that recommendation in view of the fact that for years this project had been pending, and it had not been thought best to expend the money unless the water power could be utilized and the compensation applied on the cost of the improvement. When at last the time came that the water power could be developed coordinately and contemporaneously with the improvement of navigation, then, and not until then, did the Government approve this proposed improvement.

A third class comprises acts of Congress granting permission to lessees to construct dams in navigable streams subject to various conditions. These conditions vary all the way from a requirement that the lessee shall build the dam at its own expense, but allow the Government at its expense to construct in connection therewith locks and other works in the interest of navigation—that is one extreme—to conditions requiring the lessee at its own expense to build the dam and all works necessary for the protection and promotion of navigation, and convey to the Federal Government all such works as may be necessary free of cost, together with a stipulation that power shall be furnished to the Federal Government for operating and lighting such works. In some of these grants the Federal Government has imposed an additional charge either stipulated in the act or to be imposed in the discretion of the Secretary of War.

There are a large number of these cases. They are also given in this document. I want to call attention, however, to a few of them. Perhaps the most important act—the one which blazed the way for this class of legislation—was that authorizing a corporation to build a dam and lock at Hales Bar, just below the city of Chattanooga. Under it the grantee was to purchase the necessary lands and deed the same to the United States; also to construct a lock and dam and give them to the United States when completed free of all cost, except expenses connected with the preparation of plans, superintendence, cost of lock gates, and so forth; and to furnish the United States free electric current for lighting and operating locks, the grantee to have the use of the water power for 99 years. That authority was granted something more than 8 years ago; and the condition, as I can recall myself, would have been extended to the construction of the lock gates and to the completed lock and dam, except for the fact that the then Chief of Engineers thought it best that the Government itself should make the plans for the lock gates, and purchase them. Under that provision the company has been going ahead; and while there have been unusual delays, due to high water and other causes, the construction, as I understand, is nearly completed.

Another case of the same kind is that of the Mississippi River at the Des Moines Rapids. There the grantee was required to build a lock and dry dock and appurtenant works, owership of them to be vested in the United States, the grantee to provide a suitable power plant for lighting and operating the lock, dry dock and appurtenances, and also to provide fishways.

The Cumberland River and tributaries is another case which I wish to cite. The Cumberland River Improvement Co., under an act of March 3, 1905, accepted a franchise under which the United States may assume the possession, care, operation, maintenance, and management of the lock or locks constructed by the corporation, but without in any way impairing the right or ownership of the water power and dams created by the corporation. There the conditions were a little less severe.

Then there is one in the Coosa River, Ala., at Lock 4, which certainly must have been consented to by the Senator from Alabama. In that case the dam was to be the property of the United States, free of charge; the grantee to have water-power rights for 50 years; the United States to have the right to construct a lock, and to have free electric current for operating and lighting; the grantee to raise the height of the dam and to stop leaks. Beginning in 1925, the grantee is required to pay to the United States $1 per 10-hour horsepower per year, with an increase if the natural flowage is increased by storage reservoirs.

Why, along through a stretch of years, through numerous river and harbor acts and other acts independent of river and harbor legislation, this principle of imposing conditions or imposing charges has been followed by the Federal Government, and there has been no question raised upon it in any court, so far as I know, to this day. The Muskingum River, the Green River, the Barren River, the Cumberland, the Coosa, the Tennessee, the great Mississippi itself, all have structures in which this rule has been followed.

Let me repeat again briefly, is there any difference between a condition which imposes upon the company the enormous expense of building the structures, building the cofferdams, and taking all the risks and uncertainties of the enterprise and one which provides in effect that when they are completed, after making due allowance for profits, for deterioration, and for the charges to consumers which are controlled by the State, the Government may, if there is a profit, impose certain charges for the improvement of the river in which that structure is located? The imposition of charges and the conditions requiring locks and dams to be constructed both rest on precisely the same principle, the fact that the Government, having the paramount right there, being responsible for providing navigation, may foster that navigation by any proper means of this nature.

Mr. THOMAS. May I ask the Senator a question?

Mr. BURTON. Certainly.

Mr. THOMAS. Suppose that instead of making a contract under the law now contemplated, the Government should assume to utilize the surplus power by constructing a power plant of its own and then selling power to consumers; could it do that?

Mr. BURTON. It might under some circumstances. Suppose it has provided an electrical plant at a lock and has a surplus of power to dispose of.

Mr. THOMAS. The Senator thinks the Government could do that?

Mr. BURTON. It would not naturally do it, because then it would be engaging in a line of business. But the surplus power belongs to the State or to the Government which creates the

main work. That is exactly what they are doing in these cases of the Muskingum and the Barren and other rivers. At Sault Ste. Marie it is provided that when that improvement is made——

Mr. THOMAS. The United States Government is constructing a plant of its own for the purpose of manufacturing or generating current and selling it.

Mr. BURTON. That is a question of policy, whether it will do it or not.

Mr. THOMAS. Simply a question of policy? Then let me ask whether the State would have any authority whatever to impose limitations upon the charges that the Government could make?

Mr. BURTON. That is a novel question. I am frank to say I had not thought of it before. I question whether it could. That is an ingenious question, I may say, and such a one as I anticipated the Senator was going to ask when he rose—whether the charges for power, which in the case of private corporations are fixed and uniform, could be imposed or compelled if the United States furnished the power. I am inclined to think they could not, but I do not feel quite ready to answer that question. At any rate, it does not arise in any case we have.

Mr. THOMAS. No; but we are considering the extent to which a given power may go if it exists at all. If the State has no power whatever, or only a limited power, if you please, to impose conditions upon the cost or charge of the General Government to the consumer and yet can impose those conditions upon all private concerns engaged in competition with it, may not the Government, by virtue of its freedom from all of those limitations, practically control the market first by underselling and afterwards by charging what the traffic will bear?

Mr. BURTON. In those things we have to rely ultimately on the wisdom of Congress. It is the thought of many that Congress does foolish things, but it is not probable that any situation would ever be created where any friction of that kind or any such troublesome question could exist. But the charge for transformed power created by the dam is the same in principle as the charge for the power that flows by the dam. We are now charging for the use of surplus water and fixing the rates. When that is transmuted into hydroelectrical power it would seem that the same principle would apply.

It is maintained—and a great deal of stress is laid upon this in the minority report—that something is confiscated by this act which belongs to the States. I think I can show the utter fallacy of that idea, Mr. President.

In the first place, I want to call attention to the difference between the laws of the older States and the laws of the newer or mountain States. We have certain rules and regulations, established by the courts and by statutes, in the Eastern States. The riparian owner has certain rights. The right of a riparian owner in the flow of the water is that he is entitled to have the stream remain in place and flow as nature directs, and to make such use of the flowing water as he can make without materially interfering with the equal rights of the owners above and below him on the stream. The boundaries of riparian lands are fixed according to three different rules. In some States, and Connecticut is one of them, the riparian owns to the high-water mark. In other States he owns to the low-water mark. In others, still, he owns to the center or thread of the stream. In the far Western States, however, the water belongs to the State or to the public, and is under its control.

In the State of Oregon, as I understand the law of prior appropriation which prevails in that State, the State may grant the privilege to a person who wishes to use water for a recognized beneficial purpose to go right in front of a man's farm and, upon payment of the proper compensation, put in his dam and equipment for the use or diversion of the water. When that is done the use of the water belongs to him under grant from the State. He is not compelled to recognize any riparian right—certainly none in the flow of the water.

It will appear from this that there is a very wide difference between these States and the State of Connecticut, in which no such rights are involved. I should be less than frank if I should not say to the Senate that I also believe in proper restrictions and conditions in case of Federal grants in the Western States; that is, where navigable streams or public lands are involved. But the two cases are very widely distinct.

What is the law in Connecticut? The State is said to own the bed of the stream. The riparian owner has certain rights. He can build out to the high-water mark, and he has the right of access to the stream, for his stock to drink, say. He can build out a wharf into the stream, so that he may utilize navigation facilities. Then, above all, is the paramount right of the Federal Government in the exercise of control over navigation.

What is confiscated here? First, the State of Connecticut by a grant to this company in 1824, confirmed in 1909, and by intermediate acts gave its rights to the grantee company, the Connecticut River Co. Those rights, in their most exaggerated form, are shadowy in their nature. What does the ownership of the bed of the stream mean to the State? It does not mean that you can authorize a person to go out there and build a blacksmith shop. It does not mean that you can authorize a construction out there as could a private owner on his own land. Indeed, in the very State of Connecticut the right of removing gravel from the bed of a stream by the State or under its authority without compensation to the riparian owner was denied.

In the bridge case to which I briefly referred in replying to a question of the Senator from Iowa, a railroad company desired to build a bridge from the mainland of New Jersey to Staten Island. The State of New Jersey came in and said: "We own the bed of that stream. We have passed a statute that no bridges shall be built across the Kill von Kull." The corporation, which was a private company, had been granted the right to build a bridge by the Federal Government. Justice Bradley—this is not a decision of the Supreme Court, but it is a decision by him on a circuit—decided that the right of the Federal Government was paramount; that the State of New Jersey could not stand in the way of the construction of that bridge. He decided, further, that the State of New Jersey owned the land under the river for the public; that it had no other ownership of it, and hence the railroad company could build its piers on the submerged land which nominally belonged to the State of New Jersey without asking leave. The builders of the bridge were not compelled to condemn the land in the bed of the stream. So, when we say the bed of the stream belongs to a State, what do we mean by it? We do not mean that it has a fee-simple title. We do not mean that it can be alienated or parceled out. We mean that the State owns it as a trust for the public use; not merely for the use of the State, but for all such uses as may be considered public in their nature.

This right, whatever it may be, of the State is not taken way from it by this bill. It did not amount to much, anyway; and what the State did have it has granted to this company under the charter authorizing it to improve the Connecticut River.

The riparian owner has cerain interests there. How about him? The bill provides with the most sedulous care that every right of the riparian owner—flowage, occupancy, everything—shall be acquired by this company before it can go ahead. It is made an absolute condition that they shall acquire all the abutting or riparian property, and this company is the riparian owner of a large share of it already. So there is not any confiscation there.

Now comes the Federal Government and says: "The Connecticut is a navigable stream. There are great communities above there awaiting to have access to the water that would become shippers of freight on a very large scale. We want that river improved. We do not think it is worth while to improve it independently as a problem of navigation; but if there can be proper compensation, not to the United States"—do not indulge in that delusion—"but to the public, it may be done." Everything that is done for navigation, whether it be the building of a dam or a lock or whatever it may be, or whether it be an amount paid annually in the way of a toll, is for the benefit of the public, for which the United States Government is a trustee. The Government says we will give this permission, provided certain things are done. For what? For the right to use the surplus water? Any right in the bed is gone; the right of the riparian owner is gone; the right of navigation remains. And that right of navigation is the paramount right. Flowing water is not tangible property; it is as free as the light of the sun or the air, you may say. Some talk about proprietary rights in the water power. What property is there in the form of water power until the dam is constructed and the appurtenant works are made? The water has been flowing down the Connecticut River ever since the days of Indian occupation, when the white settlers first went there, 280 years ago, practically unused. Are you going to stop progress? Are you going to stop the utilization of this water power? No; when that dam and that lock are constructed, then property is created. It is the utilization of that which has been running to waste from the very beginning of time.

Mr. NELSON. Who owns that property? Is it the United States or the company?

Mr. BURTON. Which property?

Mr. NELSON. Who creates that property when the dam on the Connecticut River is built? Whose property is that dam when it is built and ready for use?

Mr. BURTON. The bill states, in lines 22, 23, and 24, on page 4, after providing for the size of lock, and so forth:

And when the said lock and appurtenances shall have been completed the said corporation shall convey the same—

The lock belongs to the Government and the dam to the company—

And when the said lock and appurtenances shall have been completed the said corporation shall convey the same to the United States free of cost—

And so forth.

Mr. NELSON. Exactly. Those are the appurtenances of navigation. That is the property in the lock and gates, but the balance of the property, the dam and the dam power and the machinery and everything, belong to the company.

Now, I want to put one question to the Senator from Ohio, and I should like to hear him discuss it. Would not the effect of this legislation, if it was applied in every instance, be to put the control of every dam and water power under the War Department of the Government and absolutely divest the power of the States altogether?

Mr. BURTON. So far as any dams or locks have been built for the benefit of navigation, they are under the control of the War Department now.

Mr. NELSON. But I mean the water power created in the dam. I do not refer to the locks and gates; I mean the water power created by dams of this kind. Would not the effect of this principle be to put all the water power and the control of it and the compensation it shall pay all over the land under the Secretary of War, and give him the power to sell it and the power to regulate it and to say what should be paid for the use of that power by the company constructing the dam?

Mr. BURTON. Not necessarily so. There are many water powers, probably a majority that would not come under his control. I think much the greater portion of potential water power of the country would not come under the jurisdiction of the Secretary of War at all, because it will be developed in nonnavigable streams.

It is possible that there would be a qualified control over a portion of it by another Cabinet officer, the Secretary of the Interior, but I will come to that point later. We must have a degree of uniformity. The action of the Secretary of War, the action of the Secretary of the Interior, or any other Cabinet or executive officer is constantly under the control of Congress. If there is any danger of exaction or oppression or if his power is not properly applied, Congress at any session can absolutely change the law or take it away entirely.

Mr. NELSON. Will the Senator allow me a question right there?

Mr. BURTON. Certainly.

Mr. NELSON. Because of the fact that the Secretary of War is under the control of Congress, ought either Congress or the Secretary of War to destroy the rights of the States in this question?

Mr. BURTON. There is no right of the State to be destroyed in this case. The State organized this corporation and granted it such rights in the stream as it had power to grant. At considerable length I have shown what rights the States have in the beds of streams. This company must acquire the right of riparian proprietors. When you eliminate those rights there remains the right of navigation. I also tried to show that the property did not exist until you construct these works.

Mr. NELSON. Will the Senator allow me a question? In whom was this right to the water of the Connecticut River while Connecticut was a Colony, before it became one of the States of the Union? To whom did it belong?

Mr. BURTON. The right to its beneficial use belonged, I suppose, to King Charles the First, King Charles the Second, and later Kings of England.

Mr. NELSON. I mean before the Constitution of the United States was adopted or the independence of the Colonies?

Mr. BURTON. There were so many different situations that I do not like to express an opinion upon them, but I presume the Colony had rights similar to those now in the State.

Mr. NELSON. Now, will the Senator answer this question? Is it not true that that stream and the water in it was either the property of the State of Connecticut or of the riparian owner, or both combined, and that the Constitution of the United States gave the Federal Government only the right in that stream to the extent of navigation, and for no other purpose?

Mr. BURTON. It is a right, however, that was paramount and superior to all others, and to which the right to the bed of the stream and the riparian ownership, both of which have been acquired by the company which is the proposed licensee under this bill, are subordinate. A decision was rendered recently by the Supreme Court of Connecticut to the effect that where the course of a channel was modified, bringing it nearer to the shore and thereby interfering with an oyster bed, that, the change having been made under the authority of the Secretary of War and the Chief of Engineers, the party had no redress. That does not seem to show that the State of Connecticut has any right or desire to come in here with a complaint about the use of its waters by the Federal Government. On the contrary, probably every Senator here has received letters or telegrams from that locality most earnestly urging him to support this bill, even with such infirmities as it may have.

I shall now pass to another branch of the subject. The right to use the surplus water for power rests upon the fact that the development of power is an incident to the development of navigation. Every consideration of public policy demands that the two, power and navigation, should be developed together. An improvement which might not be profitable for navigation alone or for power alone can be made profitable if the two are combined. For the growth of the country it is essential that the two shall go together, and in the language of Judge Shiras, in his decision in One hundred and seventy-second United States, in such a situation "there can be no divided empire." Let us recognize the impossibility of having a divided ownership and control. Just as the Federal Government has the paramount jurisdiction over a river for purposes of navigation it has the paramount control over a lock and a dam in a navigable stream where it is erected for the sake of navigation.

Mr. O'GORMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from New York?

Mr. BURTON. Certainly.

Mr. O'GORMAN. The Senator from Ohio just referred to an opinion by Mr. Justice Shiras, reported in One hundred and seventy-second United States Reports. I ask the Senator whether he is referring to the case of the Green Bay Co. *v.* the Patten Paper Co.?

Mr. BURTON. Yes; that is the case.

Mr. O'GORMAN. The Senator, of course, is quite aware that in that case the commerce clause of the Constitution was not under consideration. The rights asserted by the Government were based upon a grant and did not grow out of the constitutional provision.

Mr. BURTON. The Senator is in error about that. At any rate the principle——

Mr. O'GORMAN. I state it as a fact which can be confirmed by the decision itself.

Mr. BURTON. Let me read from the beginning the fundamental facts at issue. This case was first before the Supreme Court in One hundred and forty-second United States and again in One hundred and seventy-second United States. The commerce clause was involved. To go back to the very beginning I must refer to an act of Congress of 1846. I am reading from volume 142, United States Reports. Perhaps I am anticipating my argument a little, but I think I can now answer the Senator from New York. This is found in volume 142, United States Reports, page 255:

By an act approved August 8, 1846 (9 Stat., 83, c. 170), Congress granted certain lands to the State of Wisconsin upon its admission into the Union—

What for?

for the purpose of improving the navigation of the Fox and Wisconsin Rivers, the former of which is one of the navigable rivers of the State, having an average flow of 150,000 cubic feet per minute.

At a later time, subsequent to the decision in volume 142, a decision was reported in volume 172, after this property had been acquired by the Federal Government from the State of Wisconsin under an act of Congress. Now, what is the basis for the action of the Federal Government in the premises? In the first place, under the Constitution Congress would have control over interstate and foreign commerce. It has control in that connection over the agencies which facilitate commerce, which make possible intercourse between the States by the movement of freight. In that development it may create agencies for traffic, for carrying freight from localities in one State to those in another.

The next point is that in furtherance of this policy it has engaged on a large scale in the improvement of rivers for navigation. In some cases the rivers flow through a level country, and in others through a broken or mountainous country. In the latter case slack-water navigation is necessary, which can be obtained only by the construction of locks and dams. In these cases water power is incidentally created. In one case there is a river that flows through a perfectly level country which can be improved with the utmost ease at a trivial expense; then in another section of the country there is a stream flowing through a mountainous area with a great descent between its

source and its mouth. The second class of rivers possess potential water power. Is it fair to the Federal Government and the people of the United States to put those two cases on just the same footing, to expend millions in one case against tens of thousands in the other, when connected with this expenditure of millions it is possible to create power which is of inestimable value?

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New York?

Mr. BURTON. Yes; but I prefer to proceed with my argument for a little time.

Mr. O'GORMAN. I have no desire to interrupt, except that it might be desirable to have the fact accurately stated as to whether the commerce clause of the Constitution was involved in the case in question or whether the controversy grew out of a grant, as I asserted. I repeat, by reference to the decision which I hold in my hand, there is no single allusion to the constitutional provision, but, on the contrary, the opinion distinctly states that the controversy grew out of the grant, as it appears on page 62 of the One hundred and seventy-second Supreme Court Reports, as follows:

By an act approved March 23, 1871, by the Legislature of Wisconsin the directors of the Green Bay & Mississippi Canal Co. were authorized to sell and dispose of the rights and property of said company to the United States, and to cause to be made and executed all papers and writings necessary thereto as contemplated in the act of Congress.

And the subsequent controversy grew out of the rights secured by that grant; and not in the remotest way was the commerce clause of the Constitution involved in that case.

Mr. BURTON. May I ask the Senator from New York a *question*?

Mr. O'GORMAN. With pleasure.

Mr. BURTON. How can you authorize a dam in a navigable stream or legislate concerning a dam in a navigable stream without involving the interstate-commerce power under the Constitution?

Mr. O'GORMAN. I am asserting with respect to this particular case that that question was not involved.

Mr. BURTON. But how can you get rid of it?

Mr. O'GORMAN. The Senator cited the case, and I am calling his attention to the fact that the Supreme Court at no time in the case alluded to the commerce clause of the Constitution.

Mr. BURTON. That makes no difference; they took that for granted. What right would the Government of the United States have to improve a stream except for the purposes of navigation?

Mr. O'GORMAN. By a right which is contended for by the minority, or, rather, what appears to be now the majority of the Senator's own committee, namely, the Legislature of the State of Wisconsin, acting in its sovereign right, authorized a sale by one of its corporations of this franchise to the Federal Government, and among the rights secured by the franchise given by the State was the right to erect dams in one of the rivers of the State.

Mr. BURTON. For what purpose—for navigation?

Mr. O'GORMAN. Undoubtedly.

Mr. BURTON. How can you avoid the jurisdiction which belongs to Congress? Does the Senator from New York maintain for a minute that the Government of the United States could purchase rights along a waterway merely for the sake of the water power? What did all this transaction mean? Was the Government doing a vain thing?

Mr. O'GORMAN. I am glad to have the Senator from Ohio make the concession now that the Government has no right to engage in the purchase and sale and traffic of water power.

Mr. BURTON. As an independent proposition it does not have the power.

Mr. O'GORMAN. I assume that in the pending bill which the Senator is advocating the contrary principle is attempted to be recognized.

Mr. BURTON. Oh, not by any means. If you read the bill you can come to no other conclusion than that the object is navigation. The other is coordinate with it and incidental to it. There is no doubt of that.

The position taken by the Senator from New York would lead to this, that in a case in which there was a grant of land, a contract, as it were, made with the newly admitted State of Wisconsin for the express purpose of facilitating navigation, when statutes were passed for the development of navigation, when permission was given to build dams to facilitate navigation, when after the State had failed in its control and it was turned over to the Federal Government and the Federal Government appropriated millions for its improvement for purposes of navigation, the interstate clause of the Constitution was not involved at all. Certainly whether the court mentioned the fact or not they took it as elementary. It is not necessary to state, when you are dealing with a navigation problem, "We base our powers on the interstate-commerce clause." It was too well understood by everyone who was connected with it for that to be done. Based upon the commerce clause are, first, the control over interstate commerce; second, the right to provide the agencies for interstate commerce; and, third, in providing those agencies, the improvement of navigable streams, which has been done on a large scale. The Federal Government has a right to utilize those waters which it controls for the purposes of navigation in such a way as to subserve the public interest. The right to dispose of the surplus water for power purposes has been repeatedly maintained by decisions of the Federal and State courts. (See Kaukauna Water Power Co. *v.* Green Bay & Mississippi Canal, 142 U. S., p. 254.)

I fear the Senate is possibly a little weary, and I will not read at great length from these cases, as I had intended to.

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. Will the Senator from Ohio yield to the Senator from New York?

Mr. BURTON. Certainly.

Mr. O'GORMAN. Just for a brief interruption by way of elucidating perhaps the principle involved in this controversy. In the Kaukauna Co. *v.* Green Bay (142 U. S.), just referred to by the Senator from Ohio, the commerce clause of the Constitution was not involved. That case involved a dispute between the State of Wisconsin and the riparian owner, and the rights which the court recognized in the State of Wisconsin have been regarded by some as indicating the rights that ought to be vested in the Federal Government, while the rights recognized in the State of Wisconsin were rights pertinent to the sovereignty of the State.

Mr. BURTON. It is expressly stated in this case that the State of Wisconsin could not authorize the appropriation of money for the creation of water power. They had no stronger rights than the United States in the improvement. A certain amount of fog sometimes arises in a study of this case because of its close association with the transactions of the State, but it is decided not on the particular circumstances but on the general facts. If the Senator from New York will allow me, and the Senate will bear with me, I want to read from the decision in this case somewhat at length.

It has been suggested, Mr. President, that the Senator from California [Mr. PERKINS] desires to call up the fortifications appropriation bill, and with the consent of the Senate I will suspend my argument. But I should like to ask if any notice has been given for to-morrow.

The PRESIDING OFFICER (Mr. KENYON in the chair). The Senator from Kentucky [Mr. PAYNTER] has given notice that he would address the Senate to-morrow on Senate bill 4043, to prohibit interstate commerce in intoxicating liquors in certain cases.

Mr. BURTON. Then, on the conclusion of the remarks of the Senator from Kentucky, I will again address the Senate.

Mr. CLARK of Wyoming. Will the Senator from California yield to me just a moment?

Mr. PERKINS. Certainly.

Mr. CLARK of Wyoming. I made an inquiry near the beginning of the remarks of the Senator from Ohio as to whether he knew of an agreement that had been arrived at between the Secretary of War and the Connecticut River Co. with reference to the subject matter of this bill. The reply was that he knew of none. I am definitely informed that such an agreement has been arrived at; that the terms of the agreement have been discussed and have been agreed to; and that the division of the profits arising from this water power as between the company and the Government of the United States has been settled upon.

I send to the Secretary's desk a resolution upon this subject seeking for information, for which resolution I ask immediate consideration in order that we may have the proposed contract, if such a contract exists, to consider in connection with the bill.

The PRESIDING OFFICER. The Secretary will read the resolution.

The resolution (S. Res. 450) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of War be directed to furnish to the Senate a copy of the contract or agreement proposed to be entered into by and with the Connecticut River Co. with reference to a dam across the Connecticut River, and the generation of power in connection therewith, as contemplated under the proposed terms of S. 8033, being a bill now pending in the Senate of the United States entitled "A bill to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of Connecticut."

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS. I move that the Senate proceed to the consideration of House bill 28186, known as the fortifications appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 28186) mak-

ing appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, which had been reported from the Committee on Appropriations with an amendment.

Mr. PERKINS. I ask that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the amendment of the committee be acted upon when it is reached.

The PRESIDENT pro tempore. The Senator from California asks that the formal reading of the bill be dispensed with and that the bill be read for action on the committee amendment. Is there objection? Without objection, it is so ordered.

The Secretary proceeded to read the bill.

The amendment of the committee was, on page 2, after line 12, to insert:

Hereafter estimates shall not be submitted to Congress for appropriations for construction of gun and mortar batteries, modernizing older emplacements, and other construction under the Engineer Department, in connection with fortifications, until after plans and estimates of cost shall have been prepared therefor.

The amendment was agreed to.

The reading of the bill was concluded.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MISSOURI RIVER BRIDGE IN NORTH DAKOTA.

The bill (H. R. 27879) providing authority for the Northern Pacific Railway Co. to construct a bridge across the Missouri River in section 36, township 134 north, range 79 west, in the State of North Dakota, was read twice by its title.

Mr. NELSON. I ask unanimous consent for the present consideration of that bill. It is identical with a Senate bill which has already been passed.

The PRESIDENT pro tempore. The Senator from Minnesota asks unanimous consent for the present consideration of the bill. Is there objection?

Mr. SMOOT. The Senator from Minnesota desires that it shall be passed in lieu of a similar Senate bill?

Mr. NELSON. I do. If the House bill shall pass, I shall move the indefinite postponement of the Senate bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. NELSON. I enter a motion to reconsider the vote by which the bill (S. 7855) to authorize the Northern Pacific Railway Co. to construct a bridge across the Missouri River in section 36, township 134 north, range 79 west, in the State of North Dakota, was passed, and I ask that the Secretary be directed to request the return of the bill from the House of Representatives.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 13 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 6, 1913, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 5, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, stir the divinity within us that it may dominate our lives and bring us into a closer relationship with Thee and our fellow men in the furtherance of every good work, that our names may be written in the Book of Life and our souls filled with the peace which passeth understanding. In Jesus Christ our Lord. Amen

The Journal of the proceedings of yesterday was read and approved.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday.

Mr. FITZGERALD. I move to dispense with the business in order under the rule to-day.

The SPEAKER. The gentleman from New York moves to dispense with the business of Calendar Wednesday to-day; and on that motion each side has five minutes under the rule.

Mr. MANN. I make the point of order that there is no quorum present.

Mr. FITZGERALD. I move a call of the House.

The SPEAKER. Evidently there is no quorum present. The gentleman from New York [Mr. FITZGERALD] moves a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Aiken, S. C.	Goldfogle	Lawrence	Riordan
Ainey	Goodwin, Ark.	Levy	Roberts, Nev.
Ames	Green, Iowa	Lindsay	Scully
Andrus	Greene, Mass.	Littleton	Simmons
Ansberry	Gudger	Longworth	Smith, N. Y.
Barchfeld	Guernsey	McCall	Stack
Boehne	Hamill	Madden	Stanley
Bradley	Hammond	Maher	Stedman
Broussard	Harris	Martin, Colo.	Stevens, Minn.
Burgess	Harrison, N. Y.	Matthews	Taylor, Ala.
Brynes, S. C.	Hart	Merritt	Taylor, Ohio.
Callaway	Hartman	Moon, Pa.	Tilson
Conry	Haugen	Moore, Tex.	Townsend
Cravens	Hay	Morgan, Okla.	Turnbull
Davidson	Helgesen	Olmsted	Tuttle
De Forest	Higgins	O'Shaunessy	Volstead
Dickson, Miss.	Hinds	Palmer	Vreeland
Doremus	James	Peters	Warburton
Driscoll, D. A.	Kennedy	Porter	Weeks
Finley	Kindred	Pujo	Whitacre
Fornes	Kitchin	Rainey	Wilder
Gardner, N. J.	Konig	Randell, Tex.	Wilson, Ill.
George	Korbly	Ransdell, La.	Wilson, N. Y.
Gill	Lafean	Reyburn	Wood, N. J.
Glass	Lafferty	Richardson	

The SPEAKER. On this call 286 Members have answered to their names.

Mr. FITZGERALD and Mr. MANN moved to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The gentleman from New York is entitled to five minutes on his motion to dispense with Calendar Wednesday.

Mr. FITZGERALD. Mr. Speaker, I made the motion to dispense with Calendar Wednesday because of the condition of the public business awaiting to be disposed of by the House. There are still to be considered seven appropriation bills—the agricultural, diplomatic and consular, Military Academy, naval, pension, sundry civil, and general deficiency.

In addition to that, the District of Columbia appropriation bill is now under consideration. From now until the 3d of March, inclusive, there are 27 days, and 4 of those days are Sundays. There are two Wednesdays—to-day and the next Wednesday. Next Wednesday is set aside by order of the two Houses for the count of the electoral votes. There are four Fridays. Thus far the House by its vote has refused to set aside special business in order on Friday and consider general public business. There are some bills of such a peculiar character that, in my opinion, the House when put in the position of choosing between appropriation bills and that business is likely to refuse to consider appropriation bills.

There are two Mondays upon which business is in order from the District Committee, and I assume that at least one day, or a part of a day, will be required by that committee. There are two Mondays set aside for business on the Unanimous Consent Calendar.

So that, even if the four Fridays set aside for business on the Private Calendar be devoted to appropriation bills, there remain but 16 days until the 3d of March which are available for public business.

It must be remembered that not only must the appropriation bills be passed within 16 days, but they must be sent to the Senate in time to enable the Senate to consider them. Moreover, conference reports will take up considerable time during the remaining days. Unless the House desires some of these appropriation bills to fail and to go over into the special session of Congress, it is necessary to set aside these days for particular classes of business in order that the public business may be transacted.

Mr. MANN. Did the gentleman from New York take into consideration the fact that Saturday, the 15th of this month, the House will be invited to participate in the memorial to the late Vice President, Mr. Sherman?

Mr. FITZGERALD. I had that on the list. Mr. Speaker, the 15th of February has been set aside by general order for memorial services on the life and character of the late Vice President of the United States, and the House is invited and I assume will attend the ceremony in the Senate.

Mr. Speaker, it is rarely that any of these appropriation bills can be passed in two days. Neither the agricultural bill, the naval, nor the sundry civil bill can be passed inside of four or five days, driving 12 and 14 hours a day. The responsibility for

the failure to transact this business must not be placed on any individual, or on any single committee, or any number of committees of the House. The appropriation bills are awaiting consideration on the calendar. Those not reported will be in shape when reached. I am asking the House to devote its time to the public business, and I shall ask the House to assume the responsibility either to proceed with the public business or to refuse to do so by taking up other business.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. HEFLIN. Mr. Speaker, I rise for the purpose of opposing the motion of the gentleman from New York, and I yield two minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, in the minority I am quite willing that the majority should control the business of the House, but I want to suggest that to sacrifice Calendar Wednesday, if the good intentions of the House become good intentions, will be in vain. We can get through in this House with the business providing the majority want to make the appropriations. If you want to make them in the next Congress, well and good; it is up to you. I am not in favor of sacrificing Calendar Wednesday to-day, and I want to say to you of the majority and to you of the minority that if we continue to waste the time of the House on unimportant matters—eating up time, burning time—the appropriations will not be made. [Applause.] It requires the presence of a quorum in the Committee of the Whole House and real attention to business instead of having a baker's dozen here to take up time in getting a quorum and in calling the rolls.

I do not charge you of the majority with anything like that, but I believe Calendar Wednesday, at least for this day, as it is probably the last one that we will have, should be devoted to business that is in order on Calendar Wednesday. [Applause.]

Mr. HEFLIN. Mr. Speaker, I realize that there is a great deal to be accomplished by this House between now and the 4th of March. We must soon have night sessions in order to get through with the business of the House. The committee of which I am chairman is next on the calendar. We have two very important measures to be considered by this House. They ought to be considered. A year ago Congress passed a resolution authorizing the President to invite the nations of the earth to join with us in the celebration of the completion of the Panama Canal. Twenty-five nations have accepted that invitation and have notified the State Department that they propose to participate in it. Many of them, I am informed, are ready now to begin the construction of buildings and the placing of exhibits there. They want a Government commission to deal with. The Government commission provided for in this bill is seven in number, the smallest ever provided for in any international exposition, and they are to be paid for by the Panama-*Pacific International* Exposition Co., just as New Orleans proposed to pay for them. That part of the bill is fashioned after the New Orleans bill. That involves no expense on the part of the Government. The Government of Japan, I am informed, has already appropriated $1,000,000 for her exhibit at this great celebration, and other nations will have exhibits, and the Government of the United States must participate in it. She has invited these people to come as nations to this great celebration. The question for the House to determine is whether we will have an exhibit at that place and have a commission to represent the dignity and honor of this, the greatest Government on the globe. [Applause.]

Mr. Speaker, I hope that the gentleman's motion will be voted down, and that this Calendar Wednesday, set apart for the business of the people of this Government, will be scrupulously observed. [Applause.]

The SPEAKER. The question is on dispensing with Calendar Wednesday for to-day.

The question was taken; and, on a division, at the suggestion of the Speaker, there were—ayes 85, noes 146.

Mr. FITZGERALD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 103, nays 182, answered "present" 6, not voting 91, as follows:

YEAS—103.

Adair	Callaway	Edwards	Garrett
Aiken, S. C.	Candler	Ellerbe	Gillett
Alexander	Cline	Faison	Godwin, N. C.
Ayres	Cox	Ferris	Gregg, Pa.
Bartlett	Curley	Fitzgerald	Gregg, Tex.
Bathrick	Daugherty	Flood, Va.	Hamlin
Booher	Dickinson	Floyd, Ark.	Hardwick
Borland	Dies	Foster	Hardy
Burleson	Dixon, Ind.	Gardner, Mass.	Harrison, Miss.
Byrns, Tenn.	Doughton	Garner	Helm
Henry, Conn.	Macon	Redfield	Smith, Tex.
Hensley	Maguire, Nebr.	Reilly	Stephens, Miss.
Houston	Mann	Roddenbery	Stephens, Nebr.
Howard	Mays	Rouse	Stephens, Tex.
Hull	Moon, Tenn.	Rucker, Mo.	Talbott, Md.
Humphreys, Miss.	Morrison	Russell	Taylor, Ark.
Jacoway	Morse, Wis.	Sabath	Taylor, Colo.
Johnson, S. C.	Moss, Ind.	Saunders	Thomas
Jones	Norris	Shackleford	Tribble
Kendall	Oldfield	Sharp	Webb
Kinkead, N. J.	Padgett	Sherley	Whitacre
Lamb	Page	Sherwood	White
Langham	Patten, N. Y.	Sims	Willis
Lever	Pepper	Sisson	Witherspoon.
Lewis	Pou	Slayden	Young, Tex.
Lloyd	Prouty	Small	

NAYS—182.

Akin, N. Y.	Denver	Hughes, W. Va.	Patton, Pa.
Allen	Difenderfer	Humphrey, Wash.	Payne
Anderson	Dodds	Jackson	Pickett
Anthony	Donohoe	James	Plumley
Ashbrook	Draper	Johnson, Ky.	Post
Austin	Driscoll, M. E.	Kahn	Powers
Barnhart	Dupré	Kennedy	Pray
Bartholdt	Dwight	Kent	Prince
Bates	Dyer	Kinkaid, Nebr.	Raker
Beall, Tex.	Esch	Knowland	Rees
Bell, Ga.	Estopinal	Konop	Roberts, Mass.
Berger	Fairchild	Kopp	Rodenberg
Blackmon	Farr	La Follette	Rothermel
Brown	Fergusson	Langley	Rubey
Buchanan	Fields	Lee, Ga.	Rucker, Colo.
Bulkley	Focht	Lee, Pa.	Scott
Burke, Pa.	Foss	Lenroot	Sells
Burke, S. Dak.	Fowler	Lindbergh	Simmons
Burke, Wis.	Francis	Linthicum	Slemp
Burnett	French	Littlepage	Sloan
Butler	Fuller	Lobeck	Smith, J. M. C.
Calder	Gallagher	Loud	Smith, Saml. W.
Campbell	Goeke	McCoy	Steenerson
Cannon	Good	McDermott	Stephens, Cal.
Cantrill	Goodwin, Ark.	McGillicuddy	Sterling
Carlin	Gould	McGuire, Okla.	Stone
Carter	Graham	McKellar	Sulloway
Cary	Gray	McKenzie	Sweet
Clark, Fla.	Greene, Mass.	McKinley	Switzer
Claypool	Greene, Vt.	McKinney	Taggart
Clayton	Griest	McLaughlin	Talcott, N. Y.
Collier	Hamilton, Mich.	McMorran	Thayer
Cooper	Hamilton, W. Va.	Martin, S. Dak.	Towner
Copley	Haugen	Miller	Townsend
Covington	Hawley	Mondell	Underhill
Crago	Hayden	Moon, Pa.	Underwood
Crumpacker	Hayes	Moore, Pa.	Vare
Cullop	Heald	Morgan, La.	Volstead
Currier	Heflin	Morgan, Okla.	Watkins
Curry	Helgesen	Mott	Weeks
Dalzell	Henry, Tex.	Murdock	Wilson, Pa.
Danforth	Hinds	Murray	Woods, Iowa
Davenport	Holland	Needham	Young, Kans.
Davis, Minn.	Howell	Nelson	Young, Mich.
Davis, W. Va.	Howland	Nye	
Dent	Hughes, Ga.	Parran	

ANSWERED "PRESENT"—6.

Adamson	Fordney	Sparkman	Thistlewood
Browning	Hill		

NOT VOTING—91.

Ainey	Gill	Lindsay	Richardson
Ames	Glass	Littleton	Riordan
Andrus	Goldfogle	Longworth	Roberts, Nev.
Ansberry	Green, Iowa	McCall	Scully
Barchfeld	Gudger	McCreary	Smith, N. Y.
Boehne	Guernsey	Madden	Speer
Bradley	Hamill	Maher	Stack
Brantley	Hammond	Martin, Colo.	Stanley
Broussard	Harris	Matthews	Stedman
Burgess	Harrison, N. Y.	Merritt	Stevens, Minn.
Byrnes, S. C.	Hart	Moore, Tex.	Taylor, Ala.
Conry	Hartman	Neeley	Taylor, Ohio
Cravens	Hay	Olmsted	Tilson
Davidson	Higgins	O'Shaunessy	Turnbull
De Forest	Hobson	Palmer	Tuttle
Dickson, Miss.	Kindred	Peters	Vreeland
Doremus	Kitchin	Porter	Warburton
Driscoll, D. A.	Konig	Pujo	Wilder
Evans	Korbly	Rainey	Wilson, Ill.
Finley	Lafean	Randell, Tex.	Wilson, N. Y.
Fornes	Lafferty	Ransdell, La.	Wood, N. J.
Gardner, N. J.	Lawrence	Rauch	
George	Levy	Reyburn	

So, two-thirds not having voted therefor, the motion to dispense with Calendar Wednesday was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. RAINEY with Mr. MCCALL.

Mr. DANIEL A. DRISCOLL with Mr. MERRITT.

Mr. KITCHIN with Mr. FORDNEY.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. RICHARDSON with Mr. THISTLEWOOD. (Either to be released when the other would vote the same way.)

Mr. KORBLY with Mr. PORTER.

Mr. PUJO with Mr. DE FOREST.

Mr. ANSBERRY with Mr. BARCHFELD.

Mr. BOEHNE with Mr. AINEY.

Mr. BURGESS with Mr. GARDNER of New Jersey.

Mr. BRANTLEY with Mr. AMES.

Mr. BYRNES of South Carolina with Mr. GUERNSEY.
Mr. CONRY with Mr. GREEN of Iowa.
Mr. FINLEY with Mr. HARRIS.
Mr. GLASS with Mr. HARTMAN.
Mr. GOLDFOGLE with Mr. HIGGINS.
Mr. GUDGER with Mr. LAFEAN.
Mr. HARRISON of New York with Mr. LONGWORTH.
Mr. HART with Mr. LAFFERTY.
Mr. HAY with Mr. LAWRENCE.
Mr. HOBSON with Mr. MCCREARY.
Mr. KONIG with Mr. MADDEN.
Mr. LEVY with Mr. MATTHEWS.
Mr. LITTLETON with Mr. OLMSTED.
Mr. O'SHAUNESSY with Mr. REYBURN.
Mr. RANDELL of Texas with Mr. ROBERTS of Nebraska.
Mr. PETERS with Mr. TILSON.
Mr. SMITH of New York with Mr. SPEER.
Mr. STANLEY with Mr. TAYLOR of Ohio.
Mr. STEDMAN with Mr. WILDER.
Mr. TAYLOR of Alabama with Mr. VREELAND.
Mr. TURNBULL with Mr. WARBURTON.
Mr. TUTTLE with Mr. WILSON of Illinois.
Mr. WILSON of New York with Mr. WOOD of New Jersey.
For the session:
Mr. SCULLY with Mr. BROWNING.
Mr. PALMER with Mr. HILL.
Mr. FORNES with Mr. BRADLEY.
Mr. RIORDAN with Mr. ANDRUS.
Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. NEELEY. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the room, listening?

Mr. NEELEY. I came in just as my name was called, but the Clerk called the next name too quickly.

The SPEAKER. The gentleman does not bring himself under the rule.

The result of the vote was announced as above recorded.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. HILL was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of George Rutherford (H. R. 20034, Fifty-ninth Congress), no adverse report having been made thereon.

Also, by unanimous consent, Mr. HILL was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Maude S. Sherry (H. R. 32197, Sixty-first Congress), no adverse report having been made thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 25002. An act to amend section 73 and section 76 of the act of August 27, 1894; and

H. R. 1332. An act regulating Indian allotments disposed of by will.

The message also announced that the President of the Senate pro tempore [Mr. BACON] had appointed Mr. CLARKE of Arkansas and Mr. BURNHAM members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of Commerce and Labor.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 25741. An act amending section 3392 of the Revised Statutes of the United States, as amended by section 32 of the act of August 5, 1909;

H. R. 15181. An act for the relief of Harry S. Wade;

H. R. 26549. An act to provide for the purchase or construction of a motor boat for customs service;

H. R. 27157. An act granting an extension of time to construct a bridge across Rock River at or near Colona Ferry, in the State of Illinois;

H. R. 20385. An act to reimburse Charles S. Jackson;

H. R. 2359. An act to refund certain tonnage and light dues;

H. R. 24365. An act providing for the taking over by the United States Government of the Confederate cemetery at Little Rock, Ark.;

H. R. 8151. An act providing for the adjustment of the grant of lands in aid of the construction of the Corvallis and Yaquina Bay military wagon road and of conflicting claims to lands within the limit of said grant; and

H. R. 23351. An act to amend an act entitled "An act to provide for an enlarged homestead."

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

PERSONAL PRIVILEGE.

Mr. SIMS. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. SIMS. Mr. Speaker, in order to save time I desire to make a preliminary statement——

Mr. CANNON. Mr. Speaker, I would like to have the question of personal privilege presented.

Mr. SIMS. That is what I am expecting to do.

The SPEAKER. The gentleman from Tennessee will state his question of personal privilege.

Mr. SIMS. Yes, Mr. Speaker; I will state it.

The SPEAKER. That is a matter for the Chair to pass on.

Mr. SIMS. I will say, Mr. Speaker, that on the 25th day of January there was published in every paper of Washington, some of them marked as advertisements, a very long statement by Mr. Glover, of this city, in which my name was used from beginning to end. As that paper was read in part by every Member of the House, I hope to save the time of having it read. The gentleman from Kansas [Mr. CAMPBELL] told me a few days ago he was requested by a friend of Mr. Glover to have the article put in the RECORD, and asked me if I had any objection. I told him I had absolutely none, and he could put it in himself. My idea at this point was that he might comply with the request, and now submit a request that the article go in the RECORD and my statement follow.

Mr. CAMPBELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting the article mentioned.

The SPEAKER. Is there objection?

Mr. HEFLIN. Mr. Speaker, reserving the right to object, I desire to say to the gentleman it has been so long since this article appeared—the 25th of January—that I desire to ask him if he can not let it go over until to-morrow or the next day?

Mr. SIMS. I want to say to the gentleman, I am not going to consume time under this right that I have to use the floor. I expect to submit a written statement.

Mr. HEFLIN. About how much time does the gentleman expect to use?

Mr. SIMS. Not over 5 or 10 minutes.

The SPEAKER. If a Member has a question of personal privilege he has the right to talk about it without asking anybody's consent, except the Chair has to pass on the question of whether he has a question of personal privilege or not.

Mr. SIMS. I am trying to avoid using too much time.

The SPEAKER. The gentleman from Kansas [Mr. CAMPBELL] asks unanimous consent to print this article of Mr. Glover in the CONGRESSIONAL RECORD. Is there objection?

Mr. SIMS. I hope there will be no objection.

Mr. MANN. Mr. Speaker, reserving the right to object, how can we tell——

Mr. SHERLEY. Mr. Speaker, I object.

The SPEAKER. The gentleman from Kentucky objects. Now the gentleman from Tennessee will state his question of privilege.

Mr. SIMS. Mr. Speaker, that would involve the reading of about a nine-column article in a newspaper, and I do not wish to use the time of the House. I will ask the gentleman from Kansas to send the article to the Clerk's desk and have it read.

Mr. CANNON. Mr. Speaker, I think the gentleman should be required to state, in his judgment, what constitutes the question of personal privilege.

The SPEAKER. That is exactly what the Chair is trying to get the gentleman to do. If the gentleman from Tennessee has a question of privilege, he will state it.

Mr. SIMS. Mr. Speaker, the article which I was trying to avoid reading, to save time, accuses me of having made several false statements in my representative capacity as a Member of this House.

The SPEAKER. Then you have a question of privilege.

Mr. SIMS. Certainly I have, but I am trying to prevent the use of time.

The SPEAKER. It is not necessary to read that nine-column article. The gentleman can read the parts of it which contain the charge.

Mr. CANNON. I will ask the gentleman if he is willing to wait until to-morrow.

Mr. FITZGERALD. I do not think the gentleman from Illinois should attempt to interfere with the day we have.

Mr. SIMS. I am in good faith in not wanting to use the time of the House, and if I can get unanimous consent to print the two statements I will not open my mouth.

Mr. SHERLEY. I have made the objection, and I made it for this reason: I have nothing to say as to the merits of the controversy. But here was an entire page of a metropolitan paper taken up by a gentleman to explain his position. It does not seem to me that the RECORD is the place in which to reprint that matter.

The SPEAKER. Does the gentleman object?

Mr. SHERLEY. I do.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. SIMS] may have 15 minutes.

Mr. CANNON. Is not five minutes sufficient?

Mr. CAMPBELL. I object unless this article goes in, too, in the discussion of this matter.

The SPEAKER. The gentleman from Kansas objects.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. CAMPBELL] have leave to have the article inserted in the RECORD and the gentleman from Tennessee [Mr. SIMS] have 15 minutes in which to address the House and leave to extend his remarks.

Mr. CANNON. He only asks leave to print and couple the two together.

Mr. FITZGERALD. He can not get that leave.

Mr. HEFLIN. I want to ask the gentleman from Tennessee [Mr. SIMS] if he will not let it go over until to-morrow?

Mr. SIMS. The appropriation bill comes on to-morrow, which is just as important as the bill the gentleman wants to have considered now. I am trying to avoid the use of time, and the gentleman sees I am not able to do so.

Mr. HEFLIN. We have already consumed 1 hour and 20 minutes here.

Mr. SIMS. If they will only give me leave to print, I will not consume a minute.

The SPEAKER. The regular order is that the gentleman from Illinois [Mr. MANN] asks unanimous consent to print the article of Mr. Glover in the RECORD and that the gentleman from Tennessee [Mr. SIMS] have 15 minutes.

Mr. SHERLEY. I have objected to the printing of the article. I do not think the RECORD should be encumbered with matters so extraneous as that. To rise to a question of personal privilege is the highest right a Member has. The gentleman from Tennessee can state his position in a few moments without encumbering the RECORD with columns and columns of Mr. Glover's statement. I object.

Mr. SIMS. I will make my statement and make it as brief as possible. I have never tried to filibuster.

Mr. CANNON. Mr. Speaker, I make the point of order that this Calendar Wednesday should be devoted to the business of Calendar Wednesday, and it has been solemnly determined by this House that it can not be interrupted.

The SPEAKER. It has been solemnly determined time and again that a question of personal privilege is a matter of the highest privilege, and the Chair so rules.

Mr. SIMS. Mr. Speaker, on the 30th of December, before the District Committee of the House of Representatives, investigating questions pertaining to some matter of insurance and valuation of buildings in this District, Mr. Charles C. Glover went before that committee as a witness.

Mr. CAMPBELL. I raise a point of order on the question of privilege.

The SPEAKER. It is too late to do that. There is no point of order to be made against a question of personal privilege.

Mr. CAMPBELL. I make the point of order that the gentleman from Tennessee [Mr. SIMS] has not stated a question of personal privilege.

The SPEAKER. The Chair has already ruled on that. That is the last authority, unless an appeal is taken.

Mr. CANNON. In addition to that, Mr. Speaker, the gentleman is proceeding to make a speech.

Mr. FITZGERALD. He has the right to do that.

Mr. CANNON. Can he talk six hours or the balance of the session?

The SPEAKER. The Chair would be inclined to believe that the general rule of one hour would apply, although the Chair does not rule that. But as long as the gentleman from Tennessee restricts himself to the question of having been charged with falsehood by Mr. Glover he is adhering to the question of personal privilege. The Chair does not believe that Members have to submit to being called liars.

Mr. FITZGERALD. Mr. Speaker, I suggest to the gentleman from Illinois [Mr. CANNON] that he permit the gentleman from Tennessee [Mr. SIMS] to proceed and finish his remarks. The gentleman from Illinois has interrupted and delayed more than all the other Members of the House put together.

Mr. CANNON. We are at the mercy of the gentleman from Tennessee.

The SPEAKER. You are at the mercy of the Chair on this occasion.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. SIMS. Yes.

Mr. MANN. Does not the gentleman think that on a question like this a quorum of the House ought to be present?

Mr. SIMS. Oh, there is a quorum present—all the quorum I want. [Laughter.] Let me finish. I shall not take much time.

Mr. MANN. I thought that might head off more interruptions.

The SPEAKER. The gentleman from Tennessee will proceed.

Mr. SIMS. Mr. Speaker, no one has a greater distaste for personal controversy than I. I have now about rounded out 16 years of continuous service in this great legislative body and have never had one unpleasant word with any Member of the House, whether in open sessions of the House or in committee service. In all these long years I have often become somewhat heated up and excited, but never intentionally said one unkind word of any Member or deliberately said anything to cast reflection upon any man in public or in private life. I realize, Mr. Speaker, that the man who often airs his supposed wrongs and personal injuries on this floor loses rather than gains the sympathy or respect of his colleagues. But, painful as it is to me, I must, in justice to myself as a Member of this body, again ask for patient attention to a matter that I have heretofore discussed, as a matter of personal privilege.

On the night of March 3, 1909, nearly four years ago, the gentleman from Michigan, Hon. SAMUEL W. SMITH, moved to suspend the rules and pass a bill, commonly called the Glover bill, to purchase about 100 acres of land as an addition to Rock Creek Park. I was not in the Chamber at the moment the motion was made, but came back into the Chamber just as the gentleman from New York, Mr. ANDRUS, was yielded five minutes' time in opposition to the motion. I listened attentively to what Mr. ANDRUS said, as he was a member of the Committee on Public Buildings and Grounds, which committee had considered this proposition. Naturally, I relied upon his statement of facts. He is known to all of us as one of the most conscientious and laborious Members of this body. Mr. Speaker, I do not hesitate to say that in the retirement of Mr. ANDRUS this House and the country sustains a most material loss.

In that debate Mr. ANDRUS said:

Mr. Speaker, the work of a session of Congress apparently is never completed until we have some little discussion in regard to an appropriation for the purchase of land in Rock Creek Park. My time is rather limited, but at the outset I want to state how I stand on parks. I am in favor of parks, as I am in favor of public schools, in favor of churches; churches to grow a better moral influence in the community, churches so that the children may acquire an education, and parks where the children can play and grow bone and muscle and nerve to help them bear the heavy burdens of life that will follow. I would like to give you just a hasty résumé of this matter for four years. On March 27, 1906, Senate bill 5289 called for $600,000. On the 27th of March a Senator wrote to the president of the District Commissioners asking certain information, and among the information asked for I find this.

I read from his report. It is Calendar No. 2811, near the bottom of the third page:

"The price named in the bill, $600,000, for about 437,000 square feet of land, or about $1.37 a square foot, is in excess of the estimated value of the land by the board of assessors, their value being $230,000."

Mr. Speaker, I have had some experience, having bought a few lots during my life, and I found the assessor's value, as a rule, a pretty good criterion on which to act. On March 30, 1906, evidently a conscience was pricked, and a bill, H. R. 5102, was introduced for $550,000—$50,000 less. On February 16, 1907, conferees of the House and the Senate came to an agreement of $475,000, but it was not satisfactory to the House Committee on Public Buildings and Grounds, and the matter was dropped with the expiration of the Fifty-ninth Congress.

The thing took on new life, and on January 27, 1908, the bill S. 4441—which I have here—was reported for $423,000, a gradual coming down. That bill went directly to one of the appropriation committees, and on May 26 last, under a suspension of the rules, it was defeated by a vote of 57 for and 164 against.

Mr. NORRIS. That was this same bill?

Mr. ANDRUS. This same bill that is brought up to-day. Now, what have the Government and the people lost in these three years? We are talking now about $423,000, as against $600,000 three years ago, a saving to some one of $177,000. The interest on $600,000 for three years at 2 per cent is $36,000. It makes a total of $213,000. It may be a small sum in this House, but, Mr. Chairman, there are 10,000 boys in my district who would be exceedingly happy if in a legitimate way they could make that money in three years. [Applause.]

The gentleman from Nebraska [Mr. NORRIS], who had control of the time in opposition, yielded me five minutes' time in which to oppose the bill. Having just heard Mr. ANDRUS make his statement above quoted, I said:

Mr. Speaker, when this identical bill, without the change of a letter, was voted on by yeas and nays in this House on the 26th day of May last, 164 noes were recorded as against 57 ayes. How many gentlemen

are going to change, and what reason are you going to give for your flop in so short a time? Now, there will be a yea-and-nay vote at this time on this bill, and you will have to explain some day why you changed in so short a time without any new evidence or any new reason given for the change. * * * They started in on this tract at $600,000 and now they have got it down to $435,000. * * *

It will thus be seen that neither I nor Mr. ANDRUS said that Mr. Glover had ever asked or tried to sell the 100 acres of land for a price higher than $420,000, for which he claimed he held an option from the owners of the several tracts constituting the 100 acres. As I said on the 15th of January last, that I had never been a member of any committee to which any bill had been referred embracing any proposition to acquire this land and knew nothing about the facts, except what had been stated on the floor in debate and what appeared from a statement of Mr. Glover in a hearing before a subcommittee of the Committee on Appropriations on the 15th day of May, 1908. I did not know but that the same land had been offered to the Government prior to the option of Mr. Glover. I never once intimated that he had ever asked for it more than appeared in the bill. By a misprint or mistake of the stenographer I was quoted as saying $435,000, instead of $423,000. But notwithstanding the evident purpose and intention of both Mr. ANDRUS and myself to be accurate in our statements as to all material facts, Mr. Glover, on the 30th day of December, 1912, in a hearing before the District Committee, which was investigating the office of commissioner of insurance in the District of Columbia, went out of his way and made a lengthy detailed statement as to his connection with the attempt to secure the passage of Senate bill No. 4441, of the Fifty-ninth Congress. This statement was made on oath as a witness and published as part of the hearings, appearing on pages 420 and 421 and other pages following in part 4 of said hearings. After quoting what I have just read as part of the remarks of Mr. ANDRUS and myself, on the 3d day of March, 1909, he proceeds:

Mr. Chairman, the statement that I offered that property to the Congress of the United States at $600,000; that I was pricked by conscience and reduced the sum to $550,000; that it was embodied in any bill by my authority at $475,000, or, as Mr. SIMS says, it is now before this House at $435,000 is an absolute and unqualified falsehood.

Mr. Speaker, no graver charge could be made against a Member of this House than to charge that he had been guilty of uttering an absolute, unqualified falsehood in debate on the floor of this House. This statement of Mr. Glover was made voluntarily nearly four years after the 3d of March, 1909. A falsehood is a false statement made by a person who knew that it was false at the time he was making it.

The most casual reading of what was said by Mr. ANDRUS, as well as by myself, shows that neither of us said or intended to convey the impression that Mr. Glover had tried to palm off on the Government the land at a higher price than that mentioned in the bill, $423,000. Mr. Glover went out of his way to assume that we had said the things which he charges to have been an unqualified falsehood.

Mr. Speaker, I can not imagine why he wanted to try to injure either Mr. ANDRUS or myself in our representative capacities by putting things in our mouths which we had not said and then to indignantly charge falsehood to us. He manifested a most malignant spirit in doing so.

On page 420 of the same hearing, at the bottom of same, including one line at top of page 421, Mr. Glover said:

I endeavored to have this option renewed for another year, having failed within the two years to cause the passage of this bill. After much difficulty I succeeded in having it continued for another year, in writing. A short time ago somebody told me that I had better get the CONGRESSIONAL RECORD of 1909, of March 3; that I would probably find therein the cause of what I have been told has frequently occurred—a defense of my character by my friends before members of the House committees. Mr. Judson has told me that frequently he has had to defend me.

I read this RECORD for the first time about a week ago.

Of course, Mr. Speaker, I have no means of knowing whether he actually read the CONGRESSIONAL RECORD at the time of its issuance, but he was well aware of what occurred. As I said in my statement heretofore made, that I was in the Riggs Bank in November, 1909, and that Mr. Glover spoke to me about the matter, to the effect that the Government had lost the opportunity to get that splendid piece of land as an addition to Rock Creek Park by not accepting his option; that it was then gone forever. He then spoke of the fact that both Mr. ANDRUS and I in debate had made the statement that the land had been offered at $600,000, then at $550,000, then put in by the Senate at $475,000. He then pointed out to me that the land offered at those figures was the Meridian Hill tract and not the tract on which he had an option at $420,000. I then told him that I had simply followed Mr. ANDRUS, and that if anything had been said by me that did him an injustice that I would be glad to put anything in the RECORD that would set him right. In the same conversation he told me that a magazine article had been published using these statements I have just repeated, and that the magazine article had in substance charged that he had tried to sell the land to the Government at a higher price than called for in his option and had done him a great injustice. I then examined the RECORD and saw that neither I nor Mr. ANDRUS had stated that he had tried to sell the land for more than the option called for. I saw that the statement was that it had been offered for $600,000, and then for $550,000, but nothing in our statements charged even by implication that he had tried to sell the land at those figures. Hon. SAMUEL W. SMITH was present at least part of the time during this conversation.

But, Mr. Speaker, he did not have to read the RECORD of March 3, 1909, to know that such charges had been made as to a higher price having been asked for this identical land. My whole argument was that the land was not worth what was asked for it and that it was not rapidly rising in price, and all that I said was to justify that position. I had no purpose to injure Mr. Glover or to hurt him in any way, as anyone will see by reading the debate on the date of March 3, 1909. Mr. Glover knew that no such purpose was in my mind. Then, how unjust and how unfair and how malicious it was on his part, nearly four years afterwards, to say what he did of me in the hearing I have recited. He could have explained to that insurance investigating committee, a fact which he well knew, that Mr. ANDRUS, by a mistake easily made, in reading the report of the District Commissioners, which contained both tracts—Rock Creek and Meridian Hill—had read the part of the report referring to Meridian Hill and applied it to Rock Creek land. He could have said all that was necessary to set himself right and could have shown how the mistake had been made and no one would have been hurt or had any right to complain. But instead of doing that which would have been the decent thing to do, he falsely assumes that we had charged him with things that we did not charge, and calls my name specifically in connection with the charge that the statement was an absolute, unqualified falsehood. But in his anxious desire to injure Mr. ANDRUS and myself, not only with the Members of this House, but with all who read the papers here, he had placed his full, detailed statement in one of the Washington newspapers, for which, no doubt, he must have paid a good round sum of money, for no other purpose, that I can see, than to injure Mr. ANDRUS and myself. If he had not shown so much malice, I perhaps would not have made any reply, further than to state the bare facts connected with that particular transaction. In my statement on January 15 last I tried to be perfectly fair to Mr. Glover. I restrained my feelings and said nothing I did not feel fully warranted in saying. If anyone will read only so much of Mr. ANDRUS's speech and mine as Mr. Glover placed in the hearings before the District subcommittee on December 30, he will see that Mr. ANDRUS referred to bills by numbers and dates, and gave the correct date and number of the Senate report from which he read, which showed the tract of land offered first at $600,000 and afterwards at $550,000, and carried in a Senate amendment at $475,000, contained only 437,000 feet, which could not be, at most, much over 10 acres, while the Rock Creek Park tract, containing about 100 acres, when reduced to square feet would be more than 4,000,000 feet, or ten times as much land as the Meridian Hill tract.

All this was well known to Mr. Glover. He knew that Mr. ANDRUS had unintentionally made a mistake, and that I had accepted Mr. ANDRUS's statement in the best of faith. Mr. Speaker, a simple mistaken statement is not a falsehood of any kind, much less an absolute unqualified falsehood. Mr. Glover knew when he made the charge of falsehood that his charge was false, and the fact that he published that statement in the newspapers in Washington was conclusive evidence of a malicious purpose on his part to injure Mr. ANDRUS and myself. In my speech January 15 I did nothing but state simple facts, and all material facts are correctly stated. I may have made errors as to immaterial details. But I purposely refrained from making charges of bad conduct or bad faith upon the part of Mr. Glover. But notwithstanding my mild statement following such mean and unjust treatment on the part of Mr. Glover, he has since seen fit to publish in three of the newspapers in Washington of January 25, 1913, a most scurrilous and defamatory attack on me, for the publication of which he, no doubt, must have paid a large sum of money, establishing beyond doubt his malicious purpose to injure me. That publication makes this statement necessary. So I shall treat his newspaper attack somewhat in order.

First. As a justification for bringing into the hearing on the insurance investigation a matter in no way related to it he

made the statement that he had never read the CONGRESSIONAL RECORD of March 3, 1909, and that only a week prior to his appearance before that committee he had been told by some one—whose name he withholds, like he did the fact that a Member of Congress owned some of the land he was trying to put off on the Government—that he had better read the CONGRESSIONAL RECORD of March 3, 1909.

Mr. Glover in his latest newspaper article says that I defeated his bill on March 3, 1909, by the so-called false statements about him. Mr. Speaker, I did not kill that bill by anything I said on March 3, 1909. It was already as dead as an Egyptian mummy. On May 26, 1908, that same Senate bill, S. 4441, was under consideration by the House under a motion to suspend the rules and pass it, at which time I had absolutely nothing to do with it. I did not open my mouth about it at that time. The gentleman from Kentucky [Mr. SHERLEY] on that occasion demanded a second to the motion to suspend the rules, and under the rules acquired control of the 20 minutes' debate in opposition to the bill, and I now read from the CONGRESSIONAL RECORD what was said in debate on the bill at that time.

Mr. Speaker, in the debate on the Senate bill No. 4441, on the 26th day of May, 1908, on page 7000 of the CONGRESSIONAL RECORD, first session of the Sixtieth Congress, I read the following, while the gentleman from Missouri [Mr. BARTHOLDT] had the floor in opposition to the bill:

Mr. GAINES of West Virginia. What was the price then?
Mr. BARTHOLDT. The price was just the same as it is now.
Mr. GAINES of West Virginia. I have been told that several years ago, at least, the price was $600,000 against $450,000.
Mr. BARTHOLDT. That was many years ago.
Mr. RODENBERG. And it is cheaper now.

Mr. Speaker, in the same debate at the same time on the same page of the RECORD Mr. NORRIS, the gentleman from Nebraska, in debate on that bill, said:

Now, this matter has been before several committees. I was talking to-day to a Member, who was several years ago on the Committee on the District of Columbia, and he said that when he was on that committee this tract was offered for $600,000, a price then said to be very cheap, and they were urged to accept it before the option ran out.

While the bill was under consideration at that time Mr. Glover was sitting in the Members' gallery and distinctly heard every word that was said. He heard Mr. Gaines of West Virginia ask Dr. BARTHOLDT as to the fact of this land having been offered for $600,000. He heard Dr. BARTHOLDT reply "that was many years ago," thus admitting the fact that such a price had been at an earlier date asked. He heard Mr. Gaines use the words "and now offered at $450,000." He distinctly heard the speech of the gentleman from Nebraska [Mr. NORRIS] which I have just read. Why did he not fly into a rage, go into the press of the city and denounce all those honorable gentlemen as liars? I have my opinion as to why he did not do it. Although on a yea-and-nay vote the bill was defeated by a vote of more than three to one he still hoped that at some unwatched moment he might put that steal off on the Government. Now, will he claim that he did not know what was said in that debate, which he in person heard; that he did not read the RECORD, and that some friend has lately suggested to him to read the RECORD of that date?

Mr. Glover charges that it was the statements made by Mr. ANDRUS and myself, as to the land having been offered at a higher price than $425,000, that defeated the bill and deprived the Government of that beautiful piece of ground at much less than its value.

Mr. Speaker, he gives us entirely too much credit in this matter. That bill did not even have to be killed on March 3, 1909. It was already dead as Hector. The gentleman from Kentucky [Mr. SHERLEY] and the other gentlemen to whom he yielded time on May 26, 1908, are the gentlemen who are entitled to the credit of killing that odious bill. As I have stated, I took no part in the killing of the bill at the time it was actually killed, but when the attempt was made in the darkness of night on March 3, 1909, to resurrect that putrid corpse I used only five minutes in debate in an humble effort to show the House that it should not be resurrected.

Mr. Speaker, the only purpose in showing that the land had been offered at former periods at higher values was to meet the argument that the land was increasing or had increased in value. There was not the slightest intimation that Mr. Glover had tried to sell the land for a greater amount than named in his option. But with all these facts staring him in the face since the memorable fight, led by Mr. SHERLEY on May 26, 1908, Mr. Glover is pleased to charge that what Mr. ANDRUS and I said in the debate on the same bill on March 3, 1909, was an attack on him personally, and as an excuse for his belated and malicious charges against us, is that he did not know what had been said by us until about a week before he gave his mass of false statements to the investigation subcommittee of the District Committee on December 30, 1912. The only thing new that was brought out in the discussion on March 3, 1909, that was not fully discussed at the time Mr. SHERLEY made his successful onslaught on the bill in May, 1908, was the fact that I brought out then that a Member of the House at that time owned part of the land sought to be unloaded on the Government, which fact was unknown to me until a few days before the last attempt was made to pass the bill on March 3, 1909. Even this disclosure did not greatly strengthen the opposition to the bill. While this fact was unknown to the membership of this body when the bill was defeated in May, 1908, there were only 28 more votes cast against the measure on March 3, 1909, than on May 26, 1908, and only 26 fewer votes given for the bill on March 3 than on May 26, 1908. The vote for the bill May 26, 1908, was 57, against it 164. The vote for the bill March 3, 1909, being 31, and the vote against the bill was 192.

Mr. Speaker, in my remarks on January 15, 1913, I referred to the fact that the report made by the Appropriations Committee to accompany that bill in 1908 consisted of only four lines, and gave what I supposed was the reason for it, that the subject matter of the proposed legislation had been before the House before and was well known to Members. I had reference to the facts as to the land, its location, and the alleged reasons why we should purchase it.

I certainly did not mean to convey the idea that we knew all about the specific terms of the option claimed in favor of Mr. Glover, except what he had stated in a printed hearing before the Appropriations Committee. I never intended to be understood as meaning that the membership of the House knew anything about who the several owners of the land were. All we knew or could know was what had been stated by Mr. Glover in the hearing referred to and the report made to the Senate by the Commissioners of the District of Columbia.

Mr. Speaker, the Government has the undisputed right to condemn every foot of land in the District of Columbia for public uses. The Government by this power has an option on every foot of land in this District, and the only benefit that is possible for the Government to receive by an option is in the price. It might be that one private individual by withholding the fact that the Government wanted a certain piece of land could get an option from another private individual at a less price than if the landowner knew that the Government wanted the land. Where is the man, if he knew an option was wanted on his land by another man for the purpose of letting the Government have it, that would be fool enough to give an option on it for less than he thought he could get for it under condemnation proceedings?

On page 420, part 4, of the hearings before the District Committee I read the following statement of Mr. Glover under oath as to his so-called option:

Mr. JOHNSON. Mr. Glover, do you desire to make any other statement?

Mr. GLOVER. I would like you to indulge me for a moment in connection with a matter that has had some inquiry made in connection with the value of the property known as Massachusetts Avenue Heights. I would like to state very briefly my connection with that property.

In 1906, desiring to bring the Potomac Park and the Rock Creek Park together—that is, assuming that the Zoological Park is a part of Rock Creek Park—I got an option on 100 acres of this property for the sum of $420,000. In 1907 I caused to be introduced into the Senate and House a bill looking to the purchase of this property at the option named, but with $3,000 added by the Commissioners of the District of Columbia for expenses that might be incurred in acquiring it.

Mr. JOHNSON. Who introduced those measures?
Mr. GLOVER. A Member of the House and a Member of the Senate.
Mr. JOHNSON. Do you recall whom?
Mr. GLOVER. I do not at the present moment. I am not sure that the commissioners did not ask for the introduction of this bill. I took the bill to the then Commissioners of the District of Columbia and they thoroughly approved of the scheme.

My option was for two years, and for two sessions of Congress this property was offered at the price named—$420,000.

Mr. JOHNSON. How was the property described? Was there any particular name for it?

Mr. GLOVER. Yes; it was the property lying between Connecticut Avenue and Massachusetts Avenue Bridges, and ran out to the Protestant Episcopal Cathedral Foundation. There were also 3½ acres south of the Massachusetts Avenue Bridge. It was my intention to continue down Rock Creek until these parks were finally joined. As the panic had created a very extremely critical and serious condition in the money market——

Mr. JOHNSON. Which panic?

Mr. GLOVER. The panic of 1907, which ran well into 1908 and 1909. I endeavored to have this option renewed for another year, having failed within the two years to cause the passage of this bill. After

much difficulty I succeeded in having it continued for another year, in writing. A short time ago somebody told me that I had better get the CONGRESSIONAL RECORD of 1909, of March 3; that I would probably find therein the cause of what I have been told has frequently occurred—a defense of my character by my friends before members of the House committees. Mr. Judson has told me that frequently he has had to defend me.

Mr. SISSON. Mr. Speaker, I think the gentleman from Tennessee is entitled to a quorum, and I make a point of no quorum.

Mr. SIMS. I do not want any quorum, and I hope the Democrats will not filibuster.

Mr. CANNON. Will the gentleman from Mississippi withhold his point for a moment to allow me to ask the gentleman from Tennessee one question?

Mr. SISSON. I will withhold it.

Mr. CANNON. Will the gentleman from Tennessee yield for a question?

Mr. SIMS. I will.

Mr. CANNON. Does not the gentleman, as a Representative of long service in this House, known throughout the country, think that he can afford to drop this matter by saying that he is not a liar and that the other fellow is? [Laughter.]

Mr. SIMS. All of which might be absolutely true; but inasmuch as Mr. Glover has published a long detailed statement occupying an entire page in the newspaper, I feel bound to go a little more into the details.

The SPEAKER. Does the gentleman from Mississippi insist upon his point of no quorum?

Mr. SISSON. I do.

The SPEAKER. The Chair will count. [After counting.] One hundred and fifteen Members present—not a quorum.

Mr. FITZGERALD. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The doorkeepers will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ainey	Fornes	Lafean	Roberts, Nev.
Andrus	Gardner, N. J.	Lafferty	Scully
Ansberry	George	Langley	Sharp
Ayres	Gill	Lawrence	Smith, N. Y.
Boehne	Goldfogle	Levy	Speer
Bradley	Gould	Lindsay	Stack
Broussard	Gregg, Pa.	Littlepage	Stanley
Burgess	Gregg, Tex.	Littleton	Stedman
Burleson	Griest	Longworth	Stevens, Minn.
Burnett	Gudger	McCall	Sulloway
Byrnes, S. C.	Guernsey	Maher	Talcott, N. Y.
Calder	Hamill	Martin, Colo.	Taylor, Ala.
Candler	Harris	Matthews	Taylor, Colo.
Claypool	Harrison, N. Y.	Merritt	Taylor, Ohio
Conry	Hart	Mott	Thistlewood
Copley	Hartman	Nelson	Tilson
Covington	Hay	Olmsted	Turnbull
Crago	Hayes	Palmer	Tuttle
Curry	Heald	Patton, Pa.	Vare
Davidson	Henry, Tex.	Payne	Vreeland
De Forest	Higgins	Peters	Warburton
Dixon, Ind.	Hill	Porter	Wilder
Doremus	Hobson	Pray	Wilson, N. Y.
Driscoll, D. A.	Jackson	Pujo	Wood, N. J.
Evans	Johnson, S. C.	Randell, Tex.	Young, Mich.
Fairchild	Kitchin	Reyburn	
Finley	Konig	Richardson	
Focht	Korbly	Riordan	

The SPEAKER. Two hundred and seventy-four Members have answered to their names—a quorum.

Mr. FITZGERALD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. SIMS. Mr. Speaker, it appears that Mr. Glover under oath, at his own request for permission to do so, made the above statement, a part of which was that he had an option for two years on the land referred to, and for two sessions of Congress the property was offered at the price of $420,000. He further says:

I endeavored to have this option renewed for another year, having failed within the two years to cause the passage of this bill. After much difficulty I succeeded in having it continued for another year in writing.

Mr. Speaker, both these statements as to the length of time that the original and renewed options had to run before they expired, by specific terms, although made under the sanction of an oath before a committee of this House, are deliberate false statements, and known to be false when made. This fact I did not know when I made my statement on January 15, 1913, and never knew until the statement of Mr. Glover which appeared in the minutest detail in the Washington Post and several other papers on the 25th day of January, 1913, in which Mr. Glover publishes what he claims is a copy of his original option, which is as follows:

TEXT OF OPTION.

Articles of agreement made and concluded this 9th day of March, A. D. 1906, between the persons whose signatures are hereunto attached as owners of interests in the pieces or parcels of ground hereinafter described, constituting a part of what is known as the Thompson Syndicate property, title to which said property was vested in Charles J. Bell, Amos H. Plumb, and John Cassels by decree entered on the 15th day of April, 1903, in the Supreme Court of the District of Columbia, in equity cause No. 23345, parties of the first part, and Charles C. Glover, of the city of Washington, D. C., party of the second part:

Whereas the parties of the first part are the owners of the pieces and parcels of ground hereinafter described; and

Whereas the parties of the first part are willing that the said pieces and parcels of ground shall be made and shall become a public park upon the terms and conditions hereinafter stated; and

Whereas the party of the second part desires, without compensation, and in consideration of the public interests to be thereby promoted and subserved, to aid so far as he can properly do so to in having said pieces and parcels of ground made a public park on the terms and conditions hereinafter stated:

This agreement witnesseth, That the parties of the first part, each for himself or herself, and in respect of their several and respective interests each for himself and not one for the other, in consideration of the sum of $1 lawful money of the Untied States to each of them in hand paid by Charles C. Glover, before the signing and sealing of this agreement, the receipt whereof is hereby acknowledged, and in consideration of the other payments, and the performance of the conditions hereinafter specified, do hereby covenant, promise, and agree to and with the said Charles C. Glover to sell to the United States or the District of Columbia, for the purpose of a public park, for and in consideration and at the rate of $4,000 per acre and fraction of an acre, all those pieces and parcels of ground in the District of Columbia described as follows:

Parcel No. 1.—All that part of the aforesaid property lying to the south of the south building line of Massachusetts Avenue and to the east of the center line of Rock Creek Drive, as said drive is shown on the plan of the permanent system of highways in the District of Columbia, and containing 3½ acres, more or less.

Also parcel No. 2: All that part of the aforesaid property described as follows: Beginning at the center of Rock Creek Drive as shown on the said plan of the permanent system of highways, where said center line crosses the property line between the said property of the Thompson Syndicate and Woodley Park; thence southerly along said property line to the boundary of the said property of the Thompson Syndicate at or near Rock Creek; thence along said propertly line down Rock Creek to the north building line of Massachusetts Avenue; thence northwesterly along said building line of Massachusetts Avenue to the point where the property line of the said property of the Thompson Syndicate leaves said avenue; thence following said property line in a northerly and northwesterly direction to its intersection with the north building line of Observatory Circle; thence along said building line of said circle in a westerly direction to its intersection with the center line of Thirty-fourth Street, as said Thirty-fourth Street is shown on said plan of the permanent system of highways; thence due north along the center line of said Thirty-fourth Street to the center line of Garfield Street, as said Garfield Street is shown on said plan of the permanent system of highways; thence due east along the center line of Garfield Street to a point 325 feet distant at right angles from the center line of Cleveland Avenue, as said avenue is shown on said plan of the permanent system of highways; thence southeasterly and parallel to said center line of Cleveland Avenue and 325 feet distant therefrom to the point where said line intersects the center line of Twenty-ninth Street, as said Twenty-ninth Street is shown on said plan of the permanent system of highways—said line running parallel to Cleveland Avenue to be the center of a 90-foot street; thence southeasterly by a reversed curved line to the intersection of the center line of Rock Creek Drive, as said Rock Creek Drive is shown on said plan of the permanent system of highways—said reversed curved line to be the center of a 90-foot street; thence about 350 feet along the center line of said Rock Creek Drive to the point of beginning; and containing 84½ acres more or less; the pieces or parcels of land aforesaid containing together 88 acres of land more or less.

A further condition and consideration for the conveyance by the aforesaid trustees to the United States of the pieces or parcels of land above described is that, that portion of Benton Street, as shown on said plan of the permanent system of highways shall be abandoned by the United States from where said Benton Street intersects the reversed curved line referred to in the aforesaid description of the land to be taken for a park eastwardly to the junction of said Benton Street with said Rock Creek Drive; the purpose of said abandonment being that the reversed curved street is to be the boundary of the park at this point and shall take the place of that portion of Benton Street proposed to be abandoned.

A further condition and consideration for the conveyance of the above-described pieces and parcels of land by the aforesaid trustees to the United States is, that wherever the park line follows the center of a street as now laid out on the said plan of the permanent system of highways, or a street to be laid out as provided herein, a strip of land 30 feet wide on each side of said center street line shall be dedicated for roadway and sidewalk purposes by the United States and the aforesaid trustees out of and from any piece or parcels of lands within said 30-foot strips owned or that may be owned by them severally.

The covenants hereby made and entered into are upon the express condition that they shall be executed in their entirety, and that all and not a portion of the pieces and parcels of land herein provided to be set apart and become a park shall be taken and paid for according to the terms herein set forth.

Upon the performance of the conditions herein prescribed and the full payment of the purchase money herein provided for to John Cassels, Charles J. Bell, and Amos H. Plumb, the trustees who hold the title to the above described property; the said trustees and the survivor or survivors of them shall and they are hereby directed to make, execute, and deliver proper conveyances, and to do and perform all acts necessary in their judgment to carry into effect the purposes of this agreement.

It is further agreed that this agreement shall continue in force until the end of the first session of the present Congress, the Fifty-ninth Congress, and shall then cease and determine and be of no effect, unless the legislation herein contemplated and specified be obtained and an appropriation made for the purchase money herein designated at said first session.

This agreement is to bind as well the heirs, executors, administrators, and assigns of the parties hereto as the parties themselves.
Executed in duplicate.
Witness the following signatures of owners.

[SEAL.] JOHN W. PILLING,
AMERICAN SECURITY & TRUST CO.,
Trustee Under the Will of John W. Thompson.
[SEAL.] C. J. BELL,
President and Trust Officer.
Witness:
WALTER J. PILLING.
Approved:
MARY IDA THOMPSON.
ROSS THOMPSON.
[SEAL.] HARVEY DURAND.
[SEAL.] JOHN T. GARVER.
[SEAL.] JOHN T. GARVER, *Assignee.*
[SEAL.] LAURA R. GREEN.
[SEAL.] CARRIE S. PLUMB.
Witness:
A. H. PLUMB.
Attest:
AMERICAN SECURITY & TRUST CO.,
C. J. BELL, *President.*
[SEAL.] ALDIS B. BROWNE,
Trustee of the Estate of A. T. Britton.
Witness:
JAMES F. HOOD, *Secretary.*
[SEAL.] WARNER MOORE.
[SEAL.] WARNER MOORE,
Executor and Trustee.
[SEAL.] WM. J. LOCKE,
Executor and Trustee Under Will of William A. Allison.
Witness:
MARY P. STEINLEIN.
[SEAL.] A. S. WORTHINGTON,
Per J. C. HEALD.
[SEAL.] J. C. HEALD.
[SEAL.] GEORGE W. WINGATE,
Per J. C. HEALD.
Witness:
C. J. BELL.

This option shows that it was given on the 9th day of March, 1906. Next to the last provision of this contract reads as follows:

It is further agreed that this agreement shall continue in force until the end of the first session of the present Congress, the Fifty-ninth Congress, and shall then cease and determine and be of no effect, unless the legislation herein contemplated and specified be obtained and an appropriation made for the purchase money herein designated at said first session.

Mr. Speaker, the first session of the Fifty-ninth Congress, mentioned in this bogus option, had been in existence at the date of this agreement since the first Monday in December, 1905, or more than three months, and under no conceivable circumstances could have continued for two years from that date, as sworn to by Mr. Glover. The first session of the Fifty-ninth Congress did in fact expire by adjournment June 30, 1906, and by the specific and definite provision of the option it expired on that date, as no legislation had been obtained and no appropriation made as provided during the first session of the Fifty-ninth Congress. So that this option became null and void within 3 months and 21 days from its date, instead of continuing for two years, as falsely stated by Mr. Glover.

The so-called renewal or extension of this defunct option, which Mr. Glover swore he had such hard work to secure, which he said was for one year and in writing, and made a part of Mr. Glover's statement in the Washington Post of January 25, 1913, is as follows:

OPTION WAS EXTENDED.

Articles of agreement made and concluded this 15th day of January, A. D. 1908, by and between Charles J. Bell, Amos H. Plumb, and John Cassels, trustees, under decree entered April 15, 1903, in the Supreme Court of the District of Columbia, in equity cause 23345, parties of the first part, and Charles C. Glover, of the city of Washington, party of the second part.

Whereas by an agreement bearing date the 9th day of March, 1906, an option was given to Charles C. Glover to purchase two certain parcels of land, a copy of which agreement is hereto attached and made a part hereof; and

Therefore it is hereby mutually agreed to and with each other that the said option shall be held and considered as continuing and being in full force, operation, and effect until the termination of the first session of the present Congress (the Sixtieth Congress) and for such time thereafter as may be necessary to obtain the payment of any sum or sums of money appropriated at said session of Congress, and shall then cease and determine and be of no effect.

Witness:
CHARLES J. BELL.
Witness:
A. H. PLUMB.
Witnesses:
J. DONALD CASSELS,
JOHN CASSELS, *Trustees.*
Approved.
AMERICAN SECURITY & TRUST CO.,
Trustee Estate of J. W. Thompson.
C. J. BELL, *President.*
CARRIE S. PLUMB,
By A. H. PLUMB.
MARY IDA THOMPSON.
ROSS THOMPSON.

So, Mr. Speaker, it appears from this extension or renewal option, entered into on the 15th day of January, 1908, that the option of March 9, 1906, was to be held and considered as continuing and being in full force, operation, and effect until the termination of the first session of the Sixtieth Congress and for such time thereafter as might be necessary to obtain the payment of any sums of money appropriated at said first session of the Sixtieth Congress, and should then cease and determine and be of no effect. At the date of this alleged renewal contract, or option, the first session of the Sixtieth Congress had been in existence since the first Monday in December, 1907, and actually terminated by final adjournment May 30, 1908. So at the expiration of 4 months and 15 days from the date of this bogus renewal contract the same had terminated and ceased to be of binding force and effect instead of being for one year from its date, as sworn to by Mr. Glover.

So, you see, Mr. Speaker, that the first or original option ceased to exist within 3 months and 21 days from its date instead of 2 years, and the renewal option became void 4 months and 15 days from its date instead of 1 year from its date. How is Mr. Glover going to excuse himself for swearing falsely in his statement of December 30, 1912, with both the original and renewal options in his possession?

Mr. Glover says in substance that I am somewhat reckless in my speeches. That may be true, but I have never been accused of being reckless when I am making statements under oath.

This copy of the original option contract and renewal of same, Mr. Speaker, bears all the earmarks of being bogus, as being mere framed-up counterfeit devices to be used by Mr. Glover in his efforts to get Congress to purchase the land covered by them. In the first place, both of them are dated after the regular sessions of the Fifty-ninth and Sixtieth Congresses were well advanced, and both provided that unless Congress acted and appropriated the money for the purchase of the lands during the then pending first sessions of the Fifty-ninth and Sixtieth Congresses that the options were to become void. All this was done, we are forced to believe, to enable Mr. Glover to urge hasty action by Congress under the spurious claim that the options could not be renewed and that the land was rapidly advancing in price. We all know that 1906 was the banner year of all the years since the War between the States for its record of prosperity and good times. This original option expired by the adjournment of Congress on June 30, 1906, so that the owners of the land had all of the eight months from June 30, 1906, to March 4, 1907, the most prosperous of any eight months in 40 years prior thereto, with no option on their lands in which to dispose of same to the best advantage. Then followed the remainder of the year 1907—the panic year—and until the 15th day of January, 1908, when this bogus option was continued, with no sale of this land. We see that this land had been free from any option from June 30, 1906, to January 15, 1908, a period of 1 year 6 months and 15 days.

On the 15th day of May, 1908, just four months after the bogus renewal contract had been made, a hearing was had before the subcommittee of the House Committee on Appropriations, presided over by Mr. Tawney, who was at that time chairman of the Committee on Appropriations of the House of Representatives, which hearings were printed. From a copy of the printed hearings I read the following:

The CHAIRMAN. At the same figure as was originally offered for any of them?

Mr. GLOVER. Mr. Tawney, it is needless for me to say that there are no commissions or charges or benefits to be had out of this transaction. It is purely for the benefit of the city.

The CHAIRMAN. The question may be asked if this bill is reported to the House, and in that event I wanted to be in a position to state the fact.

Mr. SMITH. The options run to you personally, and you would turn them over without profit?

Mr. GLOVER. Absolutely.

And now along that line I just want to say one word about the value of property in that location. I bought for the cathedral—I am one of the trustees, and I practically started the whole cathedral proposition—I bought the property to the westward of this tract several years ago, and we paid $8,000 an acre. The ground was exactly similar to this property that Senator Nixon has just purchased, and he bought it in the spring, and he bid $6,000 or $7,000 an acre for it—26 acres. The ground near these houses has been bought for $1 per square foot. We are getting some of the same kind of ground in this tract. There is not an acre of ground in this property that could be bought for less than $6,000 to $8,000 per acre.

Mr. Speaker, you will see from what I have read, as appears on the top of page 8 of the printed hearings, that Mr. Glover uses the words, referring to the lands embraced in his bogus option:

There is not an acre of ground in this property that could be bought for less than $6,000 to $8,000 per acre.

That statement covered each and every acre wherever situate, but it turns out to be a fact that about two years after the date of this reckless statement by Mr. Glover 17½ acres of this very land were given free to the District of Columbia for park purposes.

Mr. Speaker, in the same hearing, as appears on page 9 of the printed report of same, I read as follows:

The CHAIRMAN. How is it, Mr. Glover, with respect to the 88 or 98 acres; would it be possible for you to have the option renewed another year?

Mr. GLOVER. No, sir; that is out of the question, Mr. Tawney. They have assessed this ground at $7,500 an acre. The assessment has gone up tremendously.

Mr. FITZGERALD. The assessed valuation of it?

Mr. GLOVER. Yes; they have put it up enormously, and justly so. It is a pretty fine piece of ground. Bell told me the other day that they hardly knew what to do about this thing.

The CHAIRMAN. You think it would be impossible to renew the option?

Mr. GLOVER. Absolutely.

We see that Mr. Glover said at that time that the land had been assessed at $7,500; that the assessment had gone up tremendously, and, strange to state, for more than one year and a half, from June 30, 1906, to January 15, 1908, during all of which time this land was advancing in this skyrocket fashion, no sale of it had been made, and an old option, taken in 1906 at $4,000 an acre, was renewed at the same price, January 15, 1908. At the time Mr. Glover made this statement of the assessed value by adding one-half of assessed value to assessed value, we have the market value at that time of $11,250 per acre. If we can believe anything that Mr. Glover says about this matter, the very day he made this statement the 100 acres of land covered by his option at its market value was worth $1,125,000. The option by its terms expired May 30 of that year, 1908, being the day of adjournment of first session of Sixtieth Congress. From that day hence there was no option on that land or on any portion of it. But notwithstanding this fact, during the winter of 1908 and 1909, up to and including March 3, 1909, with no option of any kind on any of the land, Mr. Glover was wearing himself out and the Members of the House to a frazzle to induce the House to pass Senate bill 4441, providing for the purchase of this land for $400,000, when he had stated upon his honor before a committee of the House that there was not an acre that could be bought for less than six or eight thousand dollars; that it was assessed at $7,500 an acre, making the market value $11,250 an acre, or $1,125,000 for the 100 acres. How can anyone escape the conclusion that the option was all a bogus, fraudulent, trumped-up device to be used by Mr. Glover to cause Members of Congress to believe that if it was not taken advantage of during the two sessions mentioned that it would be too late?

There is other evidence of the fraudulent character of this make-believe option. The option on its face discloses the fact that the Government was to be the real purchaser and not Mr. Glover; that this fact was well known to the men who gave the option. I ask in all seriousness who was Charles J. Bell, that he had to have a go-between to aid him in persuading Congress to accept what we are asked to believe was in a large measure a donation to the Government of a large amount of money? Who was John Cassels that he needed anybody to enable him to get legislation through Congress? We all know that Mr. Bell is one of the best-known citizens in Washington; that he is president of the American Security & Trust Co.; that he is a man of large business affairs and wide experience and a good judge of real estate values in the District of Columbia. We all know that Mr. John Cassels was an attorney for the Pennsylvania Railroad Co., and often appeared before committees of Congress in favor of or in opposition to proposed legislation. Why did he need Mr. Glover's assistance in getting Congress to take land off his hands at a loss to him or those whom he represented?

Do we not all know that Mr. Bell, Mr. Cassels, Mr. Plumb, and the Member of Congress who gave this so-called option knew that they could have joined in a letter to the Speaker of the House, the Vice President, the chairmen of the proper committees of the two Houses of Congress offering to sell these lands for park purposes and that it would have been regarded with favor if the proposition had been a meritorious one? Why did these men want any lobbyist to press an honest proposition on Congress?

Mr. Speaker, is it possible to suppose that the owners of these lands and these trustees representing owners, after the option they had renewed January 15, 1908, had expired, and after the land had gone up, in the glowing language of Mr. Glover, "tremendously," with no obligation—legal, equitable, or moral—resting upon them, on March 3, 1909, would have conveyed these lands to the District or the Government at the alleged option price if the bill had passed March 3, 1909? Not on your life.

Will anybody believe that these honorable gentlemen would sit idly by knowing that Mr. Glover, with no sort of an agreement or option after May 30, 1908, was using all his wits, with a few extra smiles, to induce Congress to pass a bill to purchase a lot of land at a price named in a lapsed and void option, with no intention of accepting the price named in the bill? I have not the slightest doubt that if the bill under consideration March 3, 1909, had passed that the land would have been conveyed to the Government at the price named in the bill, not because of any valid, binding, then existing contract required them to do so, but because of the fact that the price was a good one and the sale to the Government a wise and profitable transaction.

Mr. Speaker, there are other reasons besides these I have enumerated appearing in the hearings, and in the face of the so-called option, that leads me to believe that it was a bogus device put into the hands of Mr. Glover to enable him to secure the passage of the bill, that the owners were anxious to sell the land at the price named, and if no option had ever been given they would have jumped at the opportunity to have disposed of the land at the price named. This conclusion is strengthened by the fact that after the owners found out by repeated failures of Mr. Glover to fool Congress, that Congress had gotten on to his lobbying curves, that they quit fooling with him and gave one-fifth of the 84½ acre tract, 17½ acres, to the District of Columbia without money and without price, after Mr. Glover had solemnly assured the Appropriations Committee that there was not an acre of the land embraced in the option that could be purchased for less than $6,000 or $8,000 per acre.

Mr. Speaker, I have confined this statement wholly to matters directly connected with the attempt to sell this 99.74 acres of land to the Government, covered by the so-called option of Mr. Glover. I pass over all other matters in both his statements before the District Committee in its insurance investigation and also in Mr. Glover's long statement published in the Washington papers of January 25, 1913, not that I admit or deny any of his statements as to other matters, but because I had no connection with the legislation concerning anything else except the 100 acres covered by the alleged option of Mr. Glover, dated March 9, 1906, and claimed to have been renewed January 15, 1908, and one of my reasons for not doing so is that I do not wish to add further to the mortification and humiliation of a dishonored, discredited, self-impeached man.

Mr. Speaker, I do not desire and will not longer take the time of the House when it has important and urgent business to transact.

In justice to Mr. Glover, I ask unanimous consent to print his entire article in connection with my remarks in the RECORD, and hope that nobody will object.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to print the Glover article in connection with his remarks in the CONGRESSIONAL RECORD. Is there objection?

Mr. SHERLEY. Mr. Speaker, I object.

The SPEAKER. The gentleman from Kentucky objects.

INTERNATIONAL COMMISSION OF JURISTS (H. DOC. NO. 1343).

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State inclosing a report, with accompanying papers, of the delegates of the United States to the International Commission of Jurists, which met at Rio de Janeiro in June last.

WM. H. TAFT.

THE WHITE HOUSE, *February 5, 1913.*

QUESTION OF A QUORUM.

Mr. HEFLIN. Mr. Speaker——

Mr. SISSON. Mr. Speaker——

The SPEAKER. The gentleman from Alabama.

Mr. SISSON. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The Chair overrules the point of order on the ground that it is dilatory.

Mr. SAUNDERS. Mr. Speaker, in that connection——

Mr. HEFLIN. Mr. Speaker, the Committee on Industrial Arts and Expositions——

Mr. SAUNDERS. Mr. Speaker, in that connection, may I submit an authority to the Speaker?

The SPEAKER. Authority on what?

Mr. SAUNDERS. On the ruling which the Speaker has just made. In strict conformity with the precedents if it is evident

to the Speaker that there is no quorum present then the point of no quorum, even if dilatory, must be sustained. Such is the ruling of Mr. Speaker Reed, and the situation is not affected by the fact that a roll call has developed a quorum. If a roll call has developed the presence of a quorum and the point of no quorum is made, the Speaker being satisfied that a quorum is present, is justified in holding the motion to be dilatory, and is not required to count.

The SPEAKER. It has been the rule ever since the present occupant of the Chair has been in this House, 18 years, that when a roll call has been had and a quorum is developed, if within two or three minutes or something like that, three or four minutes, some gentleman raises the point again, it has been ruled out of order.

Mr. SAUNDERS. Mr. Speaker, I do not desire to take up the time of the Speaker or the House with a matter that has been definitely settled contrary to my contention. It is perfectly true that a recent roll call has shown the presence of a quorum, and if the Speaker is now satisfied, upon an inspection of the House, that a quorum is present, he is justified in holding the point of no quorum to be dilatory. But if the Speaker, and this is Mr. Reed's ruling, even if a roll call shows a quorum, is satisfied that a quorum is not present, a different situation is presented, and the point of order is well taken.

The SPEAKER. The Chair is not satisfied——

Mr. MANN. Will the Speaker permit a word to refresh his recollection? In a former Congress, when Mr. JOHN SHARP WILLIAMS was the minority leader, there was an election case on before the House and a roll call was had. Immediately after the roll call the Members on the Democratic side disappeared, having gone out to break a quorum. During the roll call Mr. DALZELL, of Pennsylvania, was in the chair and held, the point of no quorum being made, that the House having disclosed by a roll call that a quorum was present the Chair declined to count to see whether a quorum was present, although, as a matter of fact, there was a quorum present at the time, and the Speaker will remember that as a result of that ruling the gentleman from Missouri, now the Speaker, then a Member of the minority, following the leadership of Mr. JOHN SHARP WILLIAMS, helped out a filibuster during the entire balance of the session as a protest against that ruling.

The SPEAKER. The gentleman who occupies the chair is right now and was wrong then.

Mr. SAUNDERS. Mr. Speaker, I am not without authority, and I would not have consumed the time of the Chair for a moment——

The SPEAKER. The Chair will hear the gentleman.

Mr. SAUNDERS. Except for the following ruling:

> The Chair does not feel quite certain that there is a quorum now. The fact that it is dilatory does not make any difference, if there is not a quorum present. (Hinds, sec. 5725.)

Now, the Chair has counted the House often, and looking over this House he can readily see that there is barely a quorum of the Committee of the Whole present, much less a quorum of the entire body of the House. If the Chair thinks there is a quorum present, of course the point of order should be overruled. But if it is apparent to him that a quorum is not present, then dilatory or not the point of order should be sustained.

The SPEAKER. No; the Chair holds the motion is dilatory.

Mr. CANNON. Regular order!

Mr. SISSON. Mr. Speaker, let me say a word, as I made the point of order. The Constitution requires, of course, for the transaction of all business that a quorum shall be present. Now, if it is doubtful in the mind of the Speaker whether a quorum is or is not present, under the Constitution it is the duty of the Speaker, I respectfully submit, to determine affirmatively that there is a quorum present. We are entitled under the Constitution to have a quorum present, and for that reason I demand that a quorum be present before we proceed to transact further business, and it is patent that there is no quorum present. The Chair can look over the House and count them, as I have done.

Mr. SAUNDERS. This proposition is like a call for the yeas and nays. It is a constitutional right. Even if it is made for a dilatory purpose, the call for the yeas and nays must be entertained. The Chair can rely upon a roll call recently made, and his own inspection of the House, to justify a belief that a quorum is present, and rule accordingly. But if his inspection satisfies him that a quorum is not present, the constitutional right to a quorum is presented, and the point of order is well taken.

Mr. HEFLIN. Mr. Speaker, it is clear to the Speaker, to others, and to myself that this is a filibuster. Three minutes have elapsed since it was disclosed by a roll call that a quorum was present, and I ask that the Speaker see to it that this filibuster stop now.

The SPEAKER. The Chair has not any power to squelch a filibuster.

Mr. CANNON. Regular order, Mr. Speaker.

The SPEAKER. And evidently there is not a quorum present. There are two constitutional rights that Members have—one is to have a quorum here, and the other is to have the yeas and nays if they can get sufficient Members to support the demand.

Mr. FITZGERALD. Does the Chair hold there is no quorum present?

The SPEAKER. The Speaker holds there is no quorum present.

Mr. FITZGERALD. Then I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Adair	Ellerbe	Jackson	Redfield
Ainey	Fairchild	Kitchin	Reyburn
Ames	Finley	Konig	Richardson
Andrus	Focht	Korbly	Riordan
Ansberry	Fornes	Lafean	Roberts, Nev.
Ashbrook	Fowler	Lafferty	Scully
Austin	Gardner, N. J.	Lawrence	Sharp
Ayres	George	Lever	Sherwood
Boehne	Gill	Levy	Sloan
Broussard	Gillett	Lindsay	Small
Burgess	Goldfogle	Littleton	Smith, N. Y.
Burleson	Gregg, Pa.	Lobeck	Smith, Tex.
Burnett	Griest	Longworth	Speer
Byrnes, S. C.	Gudger	McCall	Stack
Cantrill	Guernsey	McCreary	Stanley
Clark, Fla.	Hamill	McGuire, Okla.	Stedman
Claypool	Hammond	Maher	Stevens, Minn.
Cline	Hardwick	Martin, Colo.	Taylor, Ala.
Conry	Hardy	Matthews	Taylor, Ohio
Copley	Harris	Merritt	Tilson
Covington	Harrison, Miss.	Morse	Turnbull
Crago	Harrison, N. Y.	Mott	Tuttle
Cravens	Hart	Olmsted	Underwood
Curry	Hartman	Peters	Vare
Davidson	Hay	Porter	Vreeland
Davis, Minn.	Hayes	Pou	Weeks
De Forest	Heald	Pujo	Wilder
Dixon, Ind.	Higgins	Rainey	Wilson, Ill.
Doremus	Hughes, W. Va.	Randell, Tex.	Wilson, N. Y.
Driscoll, D. A.	Hull	Rauch	Wood, N. J.

The SPEAKER. On this roll call there are 261 Members who have answered to their names—a quorum.

Mr. FITZGERALD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors, and the Clerk will call the committees.

PANAMA-PACIFIC INTERNATIONAL EXPOSITION.

Mr. HEFLIN (when the Committee on Industrial Arts and Exhibitions was called). Mr. Speaker, I desire to call up the bill (H. R. 27876) to provide for the participation of the United States in the Panama-Pacific International Exposition, Union Calendar No. 416, and ask for its consideration.

The SPEAKER. The gentleman from Alabama [Mr. HEFLIN] calls up the bill H. R. 27876, on the Union Calendar, and the House automatically resolves itself into Committee——

Mr. SISSON rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. SISSON. I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is a quorum present, and the point of order is overruled.

Mr. HEFLIN. Mr. Speaker, pending that suggestion of going into the Committee of the Whole House on the state of the Union, I ask unanimous consent to limit debate to two hours, one hour to be controlled by me (the chairman of the committee) and one hour to be controlled by the gentleman from Mississippi [Mr. COLLIER].

Mr. MANN. Reserving the right to object, Mr. Speaker, does the gentleman mean general debate?

Mr. HEFLIN. I mean general debate.

Mr. MANN. If that should be agreed to, how much time will probably be allowed under the five-minute rule?

Mr. HEFLIN. It would be one hour to a side.

Mr. MANN. No; there are 10 sections to the bill. How much time will be allowed under the five-minute rule? There is quite a contest over certain sections of the bill.

Mr. HEFLIN. It is not a very long bill, I will say to the gentleman.

Mr. MANN. Well, it is quite a long bill, the gentleman's assertion to the contrary.

The SPEAKER. That matter would be in control of the Committee of the Whole.

Mr. MANN. Yes; but largely in the hands of the gentleman in charge of the bill.

The SPEAKER. The Chair understands that. Pending the going into the Committee of the Whole House on the state of the Union, the gentleman from Alabama [Mr. HEFLIN] asks unanimous consent that general debate shall be limited to two hours. Is there objection?

Mr. SISSON. I object, Mr. Speaker.

The SPEAKER. The gentleman from Mississippi objects. The House resolves itself automatically into the Committee of the Whole House on the state of the Union, with the gentleman from Kentucky [Mr. JAMES] in the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 27876) to provide for the participation of the United States in the Panama-Pacific International Exposition, with Mr. JAMES in the chair.

On assuming the chair Mr. JAMES was greeted with applause.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 27876) to provide for the participation of the United States in the Panama-Pacific International Exposition.

Mr. HEFLIN. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Alabama [Mr. HEFLIN] asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. HEFLIN. Now, Mr. Chairman, I desire to give notice, or rather suggest at the outset, that we consume 30 minutes' time to be controlled by myself in support of the bill and 30 minutes to be controlled by the gentleman from Mississippi [Mr. COLLIER] in opposition to the bill, and at the expiration of that hour I shall move that the committee rise and report the bill back to the House.

Mr. CANNON. The gentleman at any time, under the rules, can move, after general debate has been had, to rise and go back into the House, if he has a majority with him and moves to limit general debate. That is the only way it can be done, as I understand it. The gentleman could, after talking five minutes, if he chooses——

Mr. FITZGERALD. Do I understand the gentleman from Alabama now to say that he proposes to do that at the end of an hour?

Mr. CANNON. As I understood the gentleman, he proposes to do that at the end of the hour, perhaps a little before that time.

Mr. HEFLIN. Unless we can agree.

Mr. CANNON. There has got to be an amicable agreement.

Mr. MANN. Mr. Chairman, I ask for order. I do not know what the conversation is that is going on over there.

The CHAIRMAN. The committee will be in order.

Mr. CANNON. As I understand it, the gentleman proposes, after he talks, to move to rise and go back into the House.

Mr. FITZGERALD. Let me suggest to the gentleman from Illinois [Mr. CANNON] that if he believes he, as a member of the minority, can gag and rule and run this House in the same arbitrary manner as he did when he was Speaker of the House, he can not do it as he imagines.

Mr. CANNON. Oh, the raw head and bloody bones! [Laughter.]

Mr. FITZGERALD. The committee can rise when it so determines, so that the House shall have ample opportunity to consider this bill fully.

Mr. HEFLIN. After the 30 minutes' time has been controlled by this side and 30 minutes by the gentleman from Mississippi [Mr. COLLIER], I shall move that the committee rise and go back to the House.

Mr. MANN. Does the gentleman think that this side of the House is entirely eliminated from the House? [Laughter.]

Mr. HEFLIN. No. Is the gentleman opposed to the bill?

Mr. MANN. I am opposed to the bill.

Mr. HEFLIN. I shall not shut out any gentleman of the minority who wishes to have time in opposition to the bill or who is in favor of it. How much time does the gentleman from Mississippi [Mr. COLLIER] desire?

Mr. COLLIER. One hour will be enough.

Mr. FOSTER. Mr. Chairman, I should like to have some time.

Mr. HEFLIN. We can not agree on one hour, I will say to the gentleman from Mississippi.

Mr. BORLAND. Regular order, Mr. Chairman.

Mr. PAGE. Mr. Chairman, I make the point of order that there can be no limitation of time for general debate in the Committee of the Whole.

The CHAIRMAN. Except by unanimous consent.

Mr. PAGE. Except by unanimous consent.

The CHAIRMAN. The gentleman from Alabama [Mr. HEFLIN] is recognized for one hour.

Mr. HEFLIN. Mr. Chairman, gentlemen desiring to oppose the bill will have ample opportunity to do so. The Sixty-second Congress has gone upon record as favoring an exposition to be held at San Francisco. I espoused the cause of New Orleans when these two cities were asking for the privilege of holding that exposition. San Francisco was victorious on that occasion. She stated at that time, as I understand, that she would not ask for any aid from the Government. The position of New Orleans was the same, except that she stipulated in her bill an appropriation of a million or a million and a half dollars for a Government exhibit. San Francisco did not at that time ask for a Government exhibit. I never understood the friends of either place to say that they did not expect the Government to pay for its own exhibit. I favor a Government exhibit at an exposition like this, which will be in celebration of the greatest engineering feat in the history of the world. [Applause.]

Mr. BEALL of Texas. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Texas?

Mr. HEFLIN. I had rather not be interrupted at this time.

Mr. BEALL of Texas. I simply call attention to a statement made by the former chairman of the committee over which you now preside, dealing with the subject of the statement you have just made.

Mr. HEFLIN. I would like to yield to my friend from Texas, but I prefer that the gentleman do not interrupt me at this time. The gentleman who was then chairman will have a chance to speak for himself.

Mr. BURKE of Pennsylvania. Will the gentleman yield for a suggestion?

Mr. HEFLIN. Yes; for a suggestion.

Mr. BURKE of Pennsylvania. It is perfectly manifest that all parliamentary privileges are going to be exercised against this bill. Why would it not be wise for the gentleman from Alabama, in charge of the bill, to move that the committee do now rise and go into the House for the purpose of fixing a limit on this debate? It can be done now, and I think that is the only way in which the gentleman can get this bill through this House on this Calendar Wednesday.

Mr. HEFLIN. In reply to that I desire to say to the gentleman that I think some Members need to be enlightened before we go back into the House, and I want to give both sides a chance to discuss it. I will take advantage of the opportunity at the proper time to move to go into the House to limit debate. I see some gentlemen present who would like to have the opportunity to make the point of no quorum the moment that we get back into the House. Some gentlemen are good at making points of no quorum when they have no argument of merit to make against a proposition and some are remarkably gifted for the performance of that important function in the House. [Laughter.] I never object to gentlemen making these points when they really want to transact business, but I never like to see filibustering of this kind. If gentlemen want to oppose this measure, let them do so in the open in the committee or in the House.

At the celebration to be held in San Francisco, on the shores of the mighty Pacific, in honor of the completion of the Panama Canal, I favor a Government exhibit. I favored a Government exhibit at New Orleans, and I will not now deny to San Francisco what I favored for New Orleans then. San Francisco has made great preparations, and I bid her and that western section of the Republic godspeed in that great celebration. [Applause.] The section that I represent does not want to hamper San Francisco in the least, but it wants to help her in holding this great exposition. [Applause.] The Senator, John T. Morgan, who represented my State for 30 years with distinction and great honor, is the father of the Isthmian Canal. [Applause.] He did not get this canal cut exactly where he wanted it, but for 30 years he advocated in the Senate a great Isthmian Canal, and before he died he realized in a sense his fond dream, for the Government took steps to open up that great canal, uniting the two oceans. [Applause.] The

completion of that canal will be of great benefit to the South and the whole country. [Applause.]

Mr. Chairman, the great dignity of this Government is now at stake. This Congress has gone upon record on this proposition. We have requested the President of the United States to issue invitations to foreign Governments to come and participate in the celebration of the completion of the Panama Canal.

Mr. Chairman, do Representatives here wish to see England, the mother country, come with her exhibits, costing a million or two million dollars, celebrating a great American project, and find our Government unrepresented there? Would gentlemen like to see our Government there with no exhibit demonstrating to the world our great industrial growth and development and showing to the nations of this earth our progress along all lines in the arts of peace and in war? I can not believe that gentlemen would have us invite foreign nations to come to this exposition and then not be there officially ourselves. I would not vote to give to San Francisco money as you gave it to St. Louis. When St. Louis held her exposition the Government appropriated $1,579,000 for a Government exhibit. That was in 1904. Eight years and more have elapsed. We have developed marvelously since that time and to-day we are the greatest country on earth, standing on a hill with our light shining that the nations may look upon it and be lifted up in the love of the liberty that we enjoy. [Applause.]

Five million dollars, as I recall, were given to the St. Louis Exposition—$5,000,000 besides a loan which St. Louis paid back. If these figures are correct the Government was out on account of the St. Louis Exposition six and a half million dollars. Mr. Chairman, we are now about to celebrate at San Francisco the completion of the great Panama Canal with the world as our guest.

The committee has reported a bill appropriating $2,000,000 providing for a Government exhibit. What else? Out of that appropriation must come the construction of buildings under the supervision and direction of Government officials. These buildings on the military reservation at San Francisco are to be used by the Government, and saving to the Government $72,000 a year for rent now being paid for the use of buildings there.

Mr. MANN. Will the gentleman yield?

Mr. HEFLIN. Certainly.

Mr. MANN. When the proposition was before the House as to which place we should have the exposition, did not the proposition for New Orleans carry an appropriation of $1,000,000 for a Government exhibit and a Government building, and the San Francisco proposition carry nothing? Did not the gentleman himself and other Members, in favor of San Francisco, all say that the San Francisco proposition meant no appropriation of any amount whatever?

Mr. HEFLIN. I have already stated that situation.

Mr. MANN. And the distinction between the two propositions was that New Orleans carried $1,000,000 for a Government exhibit, and San Francisco carried nothing for a Government exhibit?

Mr. HEFLIN. Mr. Chairman, the gentleman is correct, in part. San Francisco did not at that time ask for a Government exhibit. That was nearly three years ago, in the Sixty-first Congress. This is the Sixty-second Congress. Now, we are approaching the time when if there is to be a Government exhibit it is time to go to work on the grounds and get ready, and name a commission to act for the United States. Twenty-five nations have said they were coming to this Panama Exposition.

Mr. MANN. Will the gentleman yield for one more question?

Mr. HEFLIN. Yes.

Mr. MANN. Did not gentlemen speaking for San Francisco on the floor of the House at the time and did not the minority of the gentleman's Committee on Arts and Expositions, presenting minority views in favor of San Francisco, all state that there would be no money asked for in the future on behalf of San Francisco?

Mr. HEFLIN. I think that is correct. No money is now asked for San Francisco, except in the shape of a Government exhibit and buildings to belong to the Government for all time after the exposition. [Applause.]

New Orleans, as we stated, asked for an appropriation. New Orleans provided that the company should pay the salary of these commissioners. This bill provides the same, and San Francisco stands ready to carry out that part of the original program, as I understand it. There is no expense on the part of the Government. The Government is giving no money to help conduct the exposition in San Francisco. The Government is not asked to do as it did at St. Louis—making a gift of three million or four million or five million dollars—but two millions only to have a Government exhibit and have public buildings erected for the use and benefit of the Government after the exhibition is over. [Applause.]

I did not know, Mr. Chairman, that we were going to have such a hurrah over an exposition that looked toward the display of the physical evidence of the material growth and development of our great country.

Mr. Chairman, I do not believe that the Louisiana delegation will oppose this bill. They made a gallant fight for this exposition, and I stood with them in that fight, and, as I understood it then and understand it now, I would not vote to appropriate money for the use and benefit of San Francisco in carrying on the exposition except in the sense that it is really meant, namely, for only a Government exhibit; and that is what this bill has confined itself to. San Francisco pays the salary of the commissioners, and seven have been provided for, the lowest number ever provided for service at a great international exposition.

Mr. Chairman, it is high time that something were being done to let this commission get in action to communicate with the nations of the earth. Japan, I am informed, has already announced that she will use $1,000,000 in her exhibit at this exposition in America in helping to celebrate the completion of a great American engineering feat. Japan, we are told, proposes to come into the United States and give that much money, and then what? Donate the buildings to the United States when the exposition is over, showing her deep appreciation of the relations existing between the United States and Japan. [Applause.] And yet some gentlemen oppose the appropriation of $2,000,000 for us to have our own exhibit at this great exposition and construct buildings for the use of the Government.

Some of these gentlemen who think that their constituents want them to economize in this manner mistake the temper of their people. The Democratic Party is not the party to defeat projects that look to expanding our commerce and establishing more peaceful relations with the world at large. [Applause.] The Democratic Party is a constructive party and not a destructive party. [Applause on the Democratic side.] We are keeping abreast with the times. The Democratic Party in this Nation wants a proper exhibit made at that great exposition. The Democratic platform at Baltimore pledges every kindly aid to that project. [Applause.]

Mr. Chairman, I yield 20 minutes to the gentleman from Illinois [Mr. RODENBERG].

Mr. RODENBERG. Mr. Chairman, two years ago Congress passed a joint resolution authorizing the President to invite foreign nations to participate in the Panama-Pacific International Exposition, which is to be held in San Francisco in 1915, to commemorate the completion of the Panama Canal. In accordance with the provisions of that resolution the President has extended an invitation to all foreign nations to make an exhibit of their products and resources at this exposition. Something like 25 of the nations have accepted the invitation and have signified their intention to participate. Some of the larger countries of Europe, however, among them Great Britain, Germany, Austria, Russia, and Italy, have not yet indicated their acceptance, and their failure to do so is due to the fact that the Government of the United States, up to this time, has not made any provision for its own exhibit at this exposition. They are naturally anxious to know what we intend to do ourselves before they take final action. By the very terms of the resolution we have deliberately assumed the attitude of host to the nations of the earth, and up to this time we have neglected to perform the duties that devolve upon us as a host, and if we should persist in this neglect, if we should refuse to do that which our invited guests had a right to assume that we would do, we would not be justified in complaining if those nations should ignore our invitation or if, having accepted it, they should withdraw their acceptance.

Mr. Chairman, I take it that every American citizen, regardless of his individual preference as to the location of the exposition in the first instance, now that San Francisco has been selected as the place in which this great international event is to be celebrated, is sincerely and deeply desirous of making this exposition a success in every particular.

I believe that the great majority of the people of this country believe that the honor and the prestige and the dignity of our Nation are involved in making this exposition a success, and I do not believe that the American Congress will be so unmindful of its plain duty in the premises as to humiliate our country before the Nations of the earth. Mr. Chairman, there has been some criticism of San Francisco in regard to this exposition bill. I want to say here and now that I introduced this bill not at the solicitation of the gentleman from California, but

on my own initiative, because I believed it was absolutely right. I have never believed that this exposition would or could be a success so far as foreign exhibits are concerned unless our own Nation has performed its duty and made suitable provision for its own exhibit as an evidence of good faith and its belief in the international importance of this event. I believe that the United States should have an exhibit at San Francisco; and inasmuch as this is our own exposition, commemorating a most important event in our own history, I beleive that that exhibit should be the largest and most comprehensive of any nation that participates in that exposition. We claim, and justly so, that we are the greatest and the most advanced nation on earth, and I believe in giving the people a practical illustration of the truth of that claim. The patriotic citizens of San Francisco have raised the enormous sum of approximately $20,000,000 to insure the success of this great undertaking so far as they are concerned. They have more than done their duty, and they are entitled to the thanks of the American people for this wonderful exhibition of public spirit and civic pride. [Applause.] They have not received a single dollar of financial aid from the Government of the United States in the shape of a loan or a donation, and that is something that has never occurred before in the history of international expositions in this country. Heretofore Congress has always been called upon to make a loan or a donation to assist the citizens of a municipality that has undertaken the task of conducting a successful exposition of this kind. At Chicago in 1894 Congress appropriated $5,800,000 in support of the Columbian Exposition. At St. Louis, a little over 10 years ago, Congress made a donation of $5,000,000 outright in support of the Louisiana Purchase Exposition, and later on contributed $1,600,000 for our Government exhibit there, making a total of $6,600,000. Later on they loaned the exposition company $4,600,000, which they subsequently returned to the Treasury.

Mr. BEALL of Texas. Will the gentleman yield? Is it not a fact that the city of San Francisco does not ask and does not desire this appropriation?

Mr. RODENBERG. They desire it, of course, because they want to make this exposition a success. They have not asked for it, however. I regard it as a matter of absolute right, as a matter of justice, taking into consideration the great work that they have done, that they should have this appropriation. [Applause.]

Mr. BEALL of Texas. Will the gentleman yield in order that I may read him what the gentleman himself said on this subject in the last two years?

Mr. RODENBERG. The gentleman will have plenty of time after a while to be recognized in opposition to the bill. I decline to yield further.

The CHAIRMAN. The gentleman declines to yield.

Mr. RODENBERG. Mr. Chairman, the bill under consideration carries an appropriation of $2,000,000 for a Government building and a Government exhibit at San Francisco. It will be noticed also that the Government building to be erected there is to be of a permanent nature for the future use of the War Department in San Francisco. The exposition is being held at the Presidio, which is a national military reservation, and these buildings are to be used later on by the War Department. Figures were given to me to-day showing that this Government is to-day paying $72,000 annually in the shape of rent for the use of the War Department in that city. I regard this as a very wise and sensible provision, because it is a guaranty that all of the moneys expended in the building will not be wasted, but that the buildings will be put to practical use in the future, and this enormous rental will be saved to the Government. I do not consider an appropriation of $2,000,000 as at all excessive; on the contrary, I regard it as a very modest appropriation. Why, in 1900 the French Nation had an exposition at Paris. Congress appropriated $1,472,000 for our participation in that exposition; and I remember distinctly about five years ago that I had the honor to report a bill to this House, which was considered under unanimous consent and which was passed without a dissenting vote, appropriating $1,500,000 for the international exposition which was to be held in Tokyo, Japan, but which was subsequently abandoned by the Japanese Government. If we felt justified in making appropriations of this size for expositions in foreign countries, surely we should feel justified in appropriating $2,000,000 for the greatest exposition that will ever be held upon American soil, commemorating a most important event in American history—an event which should cause the heart of every American citizen to swell with pride. [Applause.]

This bill further provides for the appointment of a commission of seven members, whose salaries are to be paid by the exposition company and whose duties are clearly set forth in the bill itself. I have always regarded it as absolutely essential for the success of this exposition that a national commission representing the authority of the Government should be created. Every exposition ever held in this country or any other country has always made provision for a commission representing the authority of the Government under whose auspices the exposition is held, and that is responsible for the fact that some of the nations that have been corresponding with the State Department, with a view of participating in this celebration, have plainly intimated that they would prefer to deal with a commission representing the dignity and the authority of the Government itself rather than with a commission representing the authority of the municipality in which the exposition is to be held.

I believe it is a very wise provision, because we know that at celebrations of this kind questions of great import, involving international comity, are apt to arise, and those questions can only be settled satisfactorily by a commission which represents the authority of the Government itself. I have heard some criticism of the size of this commission. In reply to that criticism, I want to direct the attention of the House to the fact that in the original bill introduced in behalf of San Francisco there was a provision for nine commissioners. In the bill introduced by the friends of New Orleans there was exactly the same provision that is contained in this bill, namely, a commission of seven members, whose salaries were to be paid by the exposition company. At St. Louis, in 1904, we had a commission of nine members. At Chicago, in the first instance, we had a commission composed of 114 members, and they subsequently gave way to a joint board of control consisting of 16 members. In Paris, in 1900, the commission representing our Government was composed of a commissioner general, an assistant commissioner general, and 18 commissioners.

The chairman of this committee has well said that never in the history of international expositions in this or any other country has there been provision made for a smaller commission than has been provided for in this bill. The people of San Francisco, who are interested in the success of this exposition—who are most vitally concerned—are more than willing that this commission should consist of seven members, and they are more than willing to pay the expenses of this commission because they see the benefit that will accrue to them if every section of our common country is given representation upon it. And if they, in their judgment, after expending the enormous sum of $20,000,000, are satisfied with this arrangement, I do not believe the American Congress should interpose any objection. This exposition will open its doors in February two years hence. Two years is a very short time in the life of an exposition. There is much work to be done to prepare for the reception of the nations that will participate. It is desirous to get action at the very earliest possible moment as an inducement to all foreign nations to exhibit at San Francisco, and I therefore say that, in my judgment, in justice to ourselves, in justice to our country, in justice to the people of San Francisco, who have given to the world an exhibition of liberality unparalleled in the history of municipalities, this bill ought to pass, and there ought not to be a single vote cast against it. [Applause.]

Mr. HEFLIN. Mr. Chairman, I reserve the balance of my time.

Mr. RODENBERG. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Mississippi [Mr. COLLIER] is recognized for one hour.

Mr. COLLIER. Mr. Chairman, it is with a great deal of diffidence, for several reasons, that I rise to oppose this resolution in its present form. It is not pleasant to differ with the other members of your own committee. I sincerely trust that my motives in opposing this measure will not be attacked by anyone on the ground that some two years ago I was in favor of another place for holding this exposition. There was, it is true, a fight made at that time, a fight which occupied the entire attention of the country for some time, but that fight was made in the open. I supported New Orleans, believing it was the logical point; yet the membership of this House decided that San Francisco was the proper place. And it was my pleasure—and it is one of the pleasing reminiscences of my life here in Washington—to recall that on that night I went down to the Willard Hotel and there heartily congratulated the gentlemen who had won that fight for San Francisco. Now, I feel—and I know that each and every Member of the House feels as I do—that they hope that this exposition will be the greatest one ever held on American soil. We all admire San Francisco. We can all recall what a thrill of horror, what an electric shock, went through the entire country when the news came of that dreadful earthquake and still more dreadful fire which laid that beautiful city in ashes. And it is with a feeling of American

pride with each and every one of us, whether we were for that exposition or not, that San Francisco has so asserted herself that she, phenix-like, has arisen from her ashes and is a greater and better city than ever before.

But, my friends, I am here to oppose this bill in its present form in the interests of economy and consistency. There was a great fight some two years ago over two different propositions in the bills; one of them, the New Orleans bill, contending that the Government should pay for its exhibit $1,000,000; the other contending that they would ask no money from the Federal Government. And by reason of those contending opinions, by reason of that conflict, at least principally for that reason, did San Francisco secure this exposition.

Now, my friends, for the benefit of those Members who have come in in this Congress who were not in the Sixty-first Congress, I am going to ask this House to indulge me for a moment or two while I read a few extracts from that debate. I am going first to read from that distinguished Member from Massachusetts [Mr. GARDNER], who——

Mr. MANN. Would the gentleman yield?

Mr. COLLIER. With pleasure.

Mr. MANN. The gentleman from Massachusetts [Mr. GARDNER] to whom the gentleman now refers was the man who had charge on the floor of the House of the San Francisco proposition, was he not? He took charge; he was chairman of the Committee on Industrial Arts and Expositions.

Mr. COLLIER. No; Mr. RODENBERG of Illinois was chairman of the committee.

Mr. MANN. No; he had been chairman.

Mr. COLLIER. I believe the gentleman from Illinois is correct.

Mr. MANN. And on the floor of the House the resolution coming from the Committee on Foreign Affairs was turned over, so far as the San Francisco proposition was concerned, to the control of the gentleman from Massachusetts [Mr. GARDNER].

Mr. COLLIER. I recollect now. The gentleman from Illinois has correctly stated it.

Now, the gentleman from Massachusetts [Mr. GARDNER]—and I know I voice the opinion of everyone in this House when I say that his opinions on this and on all subjects is always given weight by this House—said:

By the terms of the New Orleans bill, through a commission appointed by the President, the United States is charged with the duty of rendering the final decision—

And so on. But here is the point:

Some declaimers were made in the bills which inaugurated the Chicago, the St. Louis, and the Jamestown Expositions. Yet they entirely failed to eradicate from men's minds the solemn belief that mere formulas can not relieve the United States from the payment of obligations incurred in its own undertakings.

Now listen to this:

On the other hand, I shall be glad to cast my vote for the San Francisco resolution. It violates no fundamental principle; it calls for no expense on the part of the Government; its sole effect is to permit the President of the United States to act as a medium for the transmission of an invitation to foreign countries.

I am now going to read from the remarks of the then distinguished chairman of the Committee on Ways and Means, Mr. PAYNE, who said in part:

And I also favor it—

Meaning San Francisco—

because San Francisco comes here with this magnificent capital, every dollar of which seems to be available, comes here asking no aid of Congress, asking none of those insidious words of invitation going to foreign countries and coming back to us again for an appropriation because unable to pay the premiums on the goods that come here for exhibit; and I can not see the possibility of the Government of the United States ever becoming responsible for a dollar for this exposition which they propose to have there.

I am now going to read from a Democratic Member from New York who favored this appropriation, Mr. Goulden, who stated on the floor of the House, as shown by the RECORD:

The claims of New Orleans and San Francisco have been well stated in the majority and minority report (No. 1989). The former city has raised the sum of $8,000,000 and the latter $17,500,000. New Orleans feels that the Government should erect its own buildings, at a cost of about $1,000,000, while San Francisco asserts that nothing will be asked nor expected.

Mr. GARDNER of Massachusetts. Mr. Chairman, will the gentleman yield for a few moments?

Mr. COLLIER. Yes, sir.

Mr. GARDNER of Massachusetts. It is true, is it not, that at the hearings it was reiterated in our ears again and again that San Francisco on no account would either ask or take an appropriation? The word "take" was not used, but my impression is that it was distinctly implied that they would not take any appropriation. At all events I am correct in saying that we were distinctly assured that they would not ask for any, am I not?

Mr. COLLIER. Such is absolutely my impression of what occurred.

Mr. MANN. Will the gentleman yield in that connection to permit me to read a little extract from the views of that side of the House which prevailed at that time, submitted as the minority views by G. P. Gardner, JOHN M. NELSON, George N. Southwick, HALVOR STEENERSON, MILES POINDEXTER, and Harry M. Maynard, in which these statements are made:

The people of California have thus initiated or created an exposition and have demonstrated their ability to carry it through to a successful conclusion, and to make it the greatest exposition that the world has ever seen, and without asking Congress for an appropriation of any character, or directly or impliedly committing the United States Government to any liability or responsibility.

And again—

We have an exposition already inaugurated by the people of California, with ample funds to make it a great success, asking nothing at the hands of the United States Government except the courtesy of an invitation to the people of the world to participate in the exposition.

That was the official statement upon which the House acted.

Mr. COLLIER. I am much obliged to the gentleman from Illinois for supplementing my remarks with so valuable a piece of information. I am going back now to my distinguished friend from Massachusetts [Mr. GARDNER] to show something that has been handed me, which I overlooked in the first instance. I do this, gentlemen, to show the condition that was in the minds of the Representatives in this body when the bill came up for action. The distinguished gentleman from Massachusetts [Mr. GARDNER] said:

If Congress passes the New Orleans bill now pending, it will be passed without my vote, for it violates in large part the fundamental principles which I have just stated. Moreover, it appropriates $1,000,000 for a Government exhibit. This, to my mind, is inadvisable for many reasons, although unfortunately by no means unprecedented.

Now, I am going to read from a distinguished gentleman on the other side of this Chamber from the State of Illinois, Mr. Foss, who said in part:

San Francisco comes forward and asks not one cent, but only the designation of her name as the place for this celebration. We all know that New Orleans at another time might perchance hold the center of the stage. There are special reasons why at this particular time San Francisco commands the admiration of the whole country.

And then he goes on to show the wonderful progress and advancement of that splendid city which we all cheerfully indorse.

I am now going to read from the remarks of an ex-Member of this House who now holds the responsible position of governor of the great Empire State of New York, ex-Congressman Sulzer. He stated in part:

The Government has aided financially every exposition of a national character ever held in this country. No Government aid is asked by San Francisco for this Panama Exposition. Not a dollar is sought directly or indirectly, only suitable recognition and the extension of an official invitation to all the world to come and see and to participate.

I will now read from the remarks of the gentleman from Minnesota [Mr. STEENERSON]. Here is what actuated him in voting for this proposition:

San Francisco and California have offered to give this celebration and to entertain the people of the world without cost to the Federal Government. They have raised seventeen and one-half million dollars for the purpose of satisfying the most critical that the affair will be made a great success. Under the circumstances I believe it wise to give it to them.

And now I am going to read from the remarks of the gentleman from South Carolina [Mr. FINLEY], and I am going to ask your especial attention to this reading because it is a very clear statement of the matter. In a part of his remarks he stated:

New Orleans is the greatest of the southern cities, situated where naturally almost every man in the South would be inclined to support an exposition; but they ask an appropriation of $1,000,000 from the National Government.

Mr. ESTOPINAL. Just for an exhibit.

Mr. FINLEY. I understand it was for an exhibit; yet, nevertheless, it was an appropriation out of the National Treasury, and no matter what the purpose was, the money would go out of the Treasury and would be paid by the Government for the purposes of the exhibition.

So, Mr. Speaker, when San Francisco came up and asked not one dollar of appropriation, and when her Representatives here upon this floor consistently advocate a resolution that only asks Congress to request the President of the United States to issue an invitation to the nations of the world, I could have but one choice between the two propositions. Yes, I voted for San Francisco, and for that reason—one exposition asking for an appropriation of $1,000,000 and the other not one cent.

Now, Mr. Chairman and gentlemen, it is always a very good rule to save the best for the last, and I am going now to ask your attention to some remarks of that distinguished and brilliant Member of this House, a member of the exposition committee, who lives in the State of California and represents so ably the city of San Francisco:

Mr. KAHN. Mr. Speaker, the question at issue here is whether the bill introduced by the gentleman from Louisiana [Mr. ESTOPINAL] or the resolution introduced by myself shall be considered by this House. The bill of the gentleman from Louisiana inaugurates an exposition by the Government of the United States, and it is that kind of a bill that

heretofore has always enabled a community that made a failure of its exposition to come to the Congress of the United States and ask for financial assistance. We of California do not propose at any time to come to the Congress for a single dollar of appropriation for this exposition. [Applause.] The legislature of our State on the 23d of January last unanimously passed a joint resolution pledging the honor of the people of California never to ask for a single dollar in aid of this international exposition [applause], and the people of California keep their faith. [Applause.]

Mr. DIES. Will the gentleman yield?

Mr. COLLIER. I will yield to the gentleman from Texas.

Mr. DIES. I think the gentleman has abundantly shown that it is understood by the House that there was a pledge on behalf of the city of San Francisco that no aid would be received or asked for at the hands of the Government. But does not the gentleman from Mississippi perceive that there has been a change in the relations of the parties; and the question that I wish to ask the gentleman is, Has there been a change in relation to the parties to this agreement or understanding? Are they in the same relation they were in when they had this assurance from San Francisco?

Mr. COLLIER. The gentleman means on behalf of the Representatives from California? I will let them speak for themselves.

Mr. MANN. Will the gentleman from Mississippi yield for another suggestion?

Mr. COLLIER. I will.

Mr. MANN. I want to call the gentleman's attention to page 1751 of the RECORD, where the gentleman from California [Mr. KAHN] said:

> Therefore, in framing the resolution that is about to be passed upon by this House, we decided to leave out of this resolution any proposition that would enable anybody in California, at any time, to come to the Congress of the United States and ask for a single 5-cent piece in aid of this exposition.

Mr. COLLIER. The gentleman from Illinois continues to put me under obligations for his valuable addition to my remarks.

Now, Mr. Chairman, we hear so much that this appropriation of $2,000,000 ought to be made because $5,000,000 was appropriated to the St. Louis Exposition. I do not think that has anything to do with this question, and, as far as I am concerned, had I been here at that time, I would most heartily have opposed any $5,000,000 appropriation for St. Louis or anywhere else.

I want now to come to another feature of this bill, and that is the appointment of 7 commissioners for the 46 months at $7,500 a year and their expenses, with a secretary for 46 months at $4,000 per annum, and with a $5,000 stationery allowance per annum, the expenses of the commission to be paid by the city of San Francisco.

Mr. COOPER. Will the gentleman from Mississippi yield?

Mr. COLLIER. I will yield to the gentleman for a question.

Mr. COOPER. The gentleman has been reading excerpts from speeches made in the House two years ago when the bill to select a city in which to hold this exposition was before the House, in which gentlemen said that San Francisco would not ask for financial aid from the United States Government for the purposes of the exposition. But does not the gentleman see a clear distinction between asking financial aid for the exposition and appropriating money for a purely governmental exhibit at the exposition, particularly when every gentleman then on this floor knew that the United States Government in 1904 had donated $5,000,000 as an absolute gift to the St. Louis Exposition Co. and besides had appropriated $1,600,000 for a Government exhibit there? In that case $5,000,000 from the Government Treasury was donated to the company. Now, does not the gentleman see that these facts were what was really in the minds of gentlemen when they said that no money would be asked from the Government Treasury to help the San Francisco Co.?

As I am also informed, $2,000,000 was donated in 1893, in the form of Columbian silver half dollars, to aid the Columbian Exposition Co. at Chicago, and in addition to this gift the Government made a liberal appropriation for an exhibit of its own at that exposition.

In the bill before us San Francisco asks nothing to be donated from the Government Treasury to the exposition company nor to San Francisco.

Mr. FOSTER. Mr. Chairman, if the gentleman from Mississippi [Mr. COLLIER] will excuse me, may I say to the gentleman from Wisconsin [Mr. COOPER] that New Orleans did ask for $1,000,000 for a Government exhibit in the resolution that was presented for holding the exposition in that city, and the claim was made, I think, and generally understood upon the floor of the House at the time, that San Francisco did not ask anything, and as the gentleman from California said at that time they burned their bridges behind them and came here not asking for anything for San Francisco, not even a 5-cent piece.

Mr. MANN. And $1,000,000 was all that was provided for in the New Orleans resolution?

Mr. FOSTER. And that was all that was provided for, $1,000,000, for the Government exhibit in that city. That was one of the grounds upon which Members favored the location of this exposition in San Francisco—because they did not ask for any money.

Mr. MANN. That is absolutely right.

Mr. COOPER. But the gentleman surely sees a great distinction between contributing $5,000,000, which is to be disbursed——

Mr. FOSTER. Oh, I do; but I want to say to the gentleman that the difference is this: When they asked for the location of this exposition in San Francisco they said, we do not want a dollar directly or indirectly, and they were then answering the claim made by New Orleans that that city did want $1,000,000 for a Government exhibit—not for a loan, not for putting up their own buildings, not for a dollar to go into their own treasury, but merely for a Government exhibit.

Mr. COLLIER. Mr. Chairman, I would like to ask how much of my time has been consumed?

The CHAIRMAN. The gentleman has consumed 26 minutes.

Mr. GARDNER of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. Certainly.

Mr. GARDNER of Massachusetts. I just want to read from the speech of the chairman of the committee on this point, in which Mr. RODENBERG says:

> In fact, the gentlemen who represented San Francisco at the hearings stated distinctly, emphatically, and repeatedly that they did not ask or expect the participation of the United States in their exposition. They said that they did not even want a Government exhibit, and they announced with emphasis and as a finality that at no future time would they ask Congress to pass any legislation of this kind in their behalf.

Mr. COLLIER. Mr. Chairman, I also thank the gentleman from Massachusetts for his contribution.

Mr. RODENBERG. And the gentleman should also state that the chairman of the committee at that time said that the position of San Francisco was a mistake and that the future would demonstrate that they would have to have a Government exhibit in order to make the exhibition a success and in order to have foreign nations exhibit there, and that is the practical question.

Mr. COLLIER. Mr. Chairman, coming back to the proposition of the commissioners, if the city of San Francisco wants 7 commissioners or 70 commissioners, and is willing to pay for them, I do not see that that is really much of our concern, but my information is that San Francisco or, at least, a great portion of the inhabitants of California who have paid those taxes which have been assessed against them for the purpose of carrying on this exposition are opposed to having this expense saddled upon them. Let me give you briefly what I believe this expense will be. The salary of one commissioner, at $7,500 a year for 46 months, is $28,750. The salary of the entire seven will be $201,250. The secretary gets $4,000 per annum and a stationery allowance of $5,000, making $9,000 for four years less two months, which will be $34,500, making a total of $235,750. Unless this commission is very different from other commissions that we have had, I think I am making a very liberal estimate when I say that their traveling expenses, and so forth, will amount to not less than $150,000, and I understand it is their purpose to travel a great deal, and that will make the expenses of this commission approaching $400,000.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. Yes.

Mr. RAKER. If San Francisco and its citizens have contributed $10,000,000, which does not affect the $5,000,000 that have been contributed by the States, because they are conducted by separate boards, would the gentleman ask the House to defeat the bill if those who have paid their money are willing to carry out a proper exposition, so foreigners who come there may have fair treatment in exhibits, and to avoid all complications? Is that any reason to ask the Members of the House to vote down the rest of the appropriation, simply because these people are willing to pay for these commissioners?

Mr. COLLIER. I stated at the outset that——

Mr. MANN. Before the gentleman answers that question, may I ask him another, which he may answer at the same time? Has the California Exposition Co. expressed any willingness to pay these expenses out of the treasury of that company?

Mr. SHERLEY. And I would like to ask another question in this connection. Does the gentleman think they are in a position to express their true view of the matter, inasmuch as they are asking some other favors at the same time?

Mr. MANN. They ought to know whether they have expressed their view, because possibly they could not retract in 24 hours what they were trying to get in 24 months.

Mr COLLIER. California is a long ways from here, but my understanding of this matter, as far as I have been able to discover, is that there is a divided sentiment in that State upon this proposition; and my answer to the gentleman from California, if I wished to defeat the purpose of this exposition and this bill, is that I believe that seven commissioners are too many. I believe that for the purpose of examining, looking into, and superintending the Government exhibit that it does not take anything like seven commissioners. I believe three could do that work as well as seven could.

Mr. RAKER. Will the gentleman yield?

Mr. COLLIER. I do not feel justified myself in voting away other people's money when they were opposed to taxing themselves.

Mr. RAKER. Are they opposed, and is it not a fact that the House ought to know that after the legislation was passed the President did not issue the invitation because there might be a complication as to foreign exhibits, and therefore when the invitation was issued the exposition company filed a statement, and it is on record to-day in the office of the Secretary of State, that if Congress did not pay for the commission that the exposition company would pay all the money that Congress would ask to be paid for a commission to carry out these invitations.

Mr. COLLIER. I simply want to say, as I stated at the outset to this part of the question, that if San Francisco wants 7 commissioners or 17 commissioners or 700 commissioners and is willing to pay for them, why I suppose that would be their concern and they could do it; but I repeat to the gentleman that my understanding is that the people of San Francisco and California who have contributed toward this exposition do not want these commissioners.

Mr. RAKER. Is it not a fact that this written statement is on file, a national public document?

Mr. COLLIER. My attention has not been directed to it, but I assume it is, of course, as the gentleman says so.

Mr. MANN. Do they say they want to pay for it? They say they will pay for it if the Government does not pay for it.

Mr. COLLIER. If the Government does not pay for it; yes.

Mr. MANN. Will the gentleman from Mississippi refer to the fact that these commissioners under this law are to receive $7,500 a year, and the New Orleans exposition bill—how much were the commissioners under that bill to receive a year?

Mr. COLLIER. I ought to have it in my mind at the moment, but I have not.

Mr. RODENBERG. It was $7,500.

Mr. MANN. No; it was $5,000 at New Orleans. I happen to have the bill here; I do not trust my memory like my colleague does. That is the advantage I have of the gentleman.

Mr. RODENBERG. In the bill that was reported by the committee?

Mr. MANN. The bill reported by the committee, section 14 [laughter] provides:

That the commissioners appointed by the President under authority of this act shall receive as compensation for their services the sum of $5,000 each per annum and their actual and necessary expenses.

Look at it!

Mr. RODENBERG. This is the bill originally introduced by the gentleman from Louisiana [Mr. ESTOPINAL].

Mr. MANN. It is the committee amendment, reported in the House, that I refer to.

Mr. SHERLEY. I want to ask the gentleman from Mississippi [Mr. COLLIER] if he expects to discuss the proposition for the erection of permanent buildings?

Mr. COLLIER. In regard to that part of the bill which provides for a large appropriation for a permanent building, whether it was right or wrong, the wisdom of Congress for many years has been to place in the Committee on Public Buildings and Grounds the right and the power to look into and decide whether or not it is feasible and proper to erect public buildings at certain places, and I do not believe that a Committee on Industrial Arts and Expositions should usurp the functions of the Committee on Public Buildings and Grounds.

I do not see how a public building desired for the needs of an army, as I heard it was intended to be used, can be arranged suitably for that purpose and suitably for the purposes of an exposition without materially disarranging the purposes of either one or the other for which it is intended to be used. Now, my position is this: I accepted the ultimatum on that day when San Francisco carried the victory and won the exposition. I believe that a great majority of the Members of this House—a majority, anyway—agreed to give San Francisco the exposition on the terms that they asked for. I believe we should live strictly up to the proposition that was passed that day, and I am willing—and I believe that each and every Member who is opposed to the present bill in its arrangements is willing—that the proposition as extended by the people of San Francisco two years ago shall be carried out.

Now, Mr. Chairman, how much more time have I?

The CHAIRMAN. The gentleman has used 37 minutes.

Mr. SHERLEY. Mr. Chairman, I would like to ask the gentleman a few questions for information. Are there any hearings showing just the purposes that these buildings that are supposed to be permanent are to be used for subsequently?

Mr. COLLIER. We never had any hearings on that, save an informal meeting there.

Mr. SHERLEY. Does the gentleman know how much of the money is to be expended for the buildings?

Mr. COLLIER. We do not.

Mr. SHERLEY. Do you know what size they are to be or whether they are to be used exclusively for military purposes afterwards or not?

Mr. COLLIER. I will say to the gentleman that after attending the meeting of the committee and hearing the question discussed I do not know whether that building is intended to be used as a storeroom or a drill house or a mess hall.

Mr. SHERLEY. Is the gentleman aware that we have now several Government reservations in and around San Francisco? We have now before our committee estimates for large sums of money to be expended in providing certain warehouse and other facilities in connection with the military establishments at and near San Francisco. And I submit to the gentleman and the committee, with the gentleman's permission, that it may be really putting a burden and not a benefit upon the Government to provide for these buildings to be permanent in the absence of any knowledge of what we will have there.

Mr. COLLIER. I will say, in perfect fairness to the committee, that I think the bill provides that the Supervising Architect——

Mr. HEFLIN. I would like to say to my colleague on the committee that the bill provides in section 2:

SEC. 2. That the Secretary of the Treasury shall cause a suitable building or buildings to be erected within the Presidio Military Reservation on the site set apart for that purpose, and he is hereby authorized and directed to contract therefor in the same manner and under the same regulations as for other public buildings of the United States, the said building or buildings to be constructed from plans to be approved by the Secretary of War and said Government exhibit board.

And he might use the whole two millions if he chose under the power of this bill.

Mr. SHERLEY. If the gentleman will permit me right there, we have presented to us constantly plans by the Secretary of War for the construction of buildings for military purposes, and we do not agree always to them, because they are sometimes so extravagant that this Congress would not authorize them for an instant. Here you are giving power for buildings for military purposes—at least, that is the bait that is held out to us—when there is not a single line of testimony as to the character of the buildings or the purposes for which they are to be used.

Mr. HEFLIN. Mr. Chairman, when the bill was referred to a subcommittee this amendment was put into it:

Provided, That any one or all of the buildings hereby authorized to be erected shall be of a permanent and suitable character for the use of the Government on said military reservation.

Mr. KAHN. Will the gentleman yield?

Mr. COLLIER. I will say to the gentleman from California [Mr. KAHN] that I first promised to yield to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. I want to inquire of the gentleman if anywhere in this bill there is any provision for the confirmation of these appointments by the Senate of the United States or any other body?

Mr. COLLIER. I do not believe there is.

Mr. FERRIS. I will ask the gentleman as a matter of fact if the payment could not be made momentarily after this bill passes?

Mr. COLLIER. I think that it could. Now I will yield to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Chairman, I hope a little later on to get some time in my own right in which to discuss this matter. But in regard to the matter of buildings, let me call to the attention of the gentleman from Mississippi [Mr. COLLIER], and also to the attention of the gentleman from Kentucky [Mr. SHERLEY], that the War Department has frequently sent estimates to the Committee on Appropriations asking for an appropriation to house the executive officers of the War Department at San Francisco. Those officers are now in rented quarters. In fact, the Government pays $72,000 a year for

rent of quarters in San Francisco, approximately 4 per cent on an investment of $2,000,000.

Now, the Committee on Appropriations has never reported out a bill for the erection of a headquarters building, and I apprehend that the department proposes, if this bill passes, to put up such headquarters.

Mr. SHERLEY. If the gentleman will permit, do I understand that this is a scheme whereby the department will get what Congress has heretofore refused to give it?

Mr. KAHN. Oh, I do not think that Congress has refused to give it simply because they did not see the necessity for it. It was probably due to that fact that the money at that time was not available. I do not think it was ever submitted to the House; it was smothered in committee. But I apprehend that the gentleman from Kentucky does not feel that where the Government can put up its own building to house the officers of the Government the Government ought to pay $72,000 per annum for rental?

Mr. SHERLEY. That might depend on what it would cost to build the buildings.

Mr. COLLIER. Now, Mr. Chairman, I decline to yield further to the gentleman.

Mr HELGESEN rose.

Mr. COLLIER. I will yield to the gentleman from North Dakota.

Mr. HELGESEN. Mr. Chairman, assuming that the gentleman's contention is entirely correct, and assuming that the San Francisco exposition people ought not to ask any money from the Government, in what position would that leave us? I followed carefully the gentleman's argument, and I do not think that he has even suggested that San Francisco is going to pay for a Government exhibit over there. They simply say they are not going to ask for any financial assistance. Would the gentleman go on record as being in favor of having no Government exhibit at San Francisco when all the foreign countries are going to have exhibits there? My State has appropriated $50,000 for an exhibit.

If you eliminate one-half of this for a public building that is to be permanent, that is equivalent to an appropriation of $12,000,000 by the Federal Government, and, putting it solely upon a business basis, we believe that it is good policy and good business for our State to have representation there, and I do not believe for one moment that the gentleman would contend that, with all the nations of the world represented at that exposition, if it were possible to conduct it without our taking part, it would be wise for this Nation simply as a business proposition not to be properly represented there. [Applause.]

Mr. COLLIER. I will say to the gentleman that I shall offer an amendment along that line, and I wish to say this, that I trust and hope that that exposition will prove to be the greatest exposition ever held upon American soil. I believe that every Member of this House is willing to support a reasonable bill allowing the city of San Francisco and the State of California to carry out the purpose that they intended and that they asked for in the bill two years ago.

Now, Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. ALEXANDER. Before the gentleman does that, will he yield to me a moment?

Mr. COLLIER. In one moment. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman from Mississippi has 14 minutes remaining.

Mr. COLLIER. Now I will yield to the gentleman from Missouri.

Mr. ALEXANDER. Does the gentleman from Mississippi think it desirable for the Government to have an exhibit at San Francisco?

Mr. COLLIER. Yes; I think the Government ought to have one.

Mr. ALEXANDER. Would the gentleman, then, want the citizens of San Francisco or of the State of California to pay for that exhibit?

Mr. COLLIER. I have read you what the gentlemen said they would do.

Mr. ALEXANDER. Assuming that what they said——

Mr. COLLIER. I am opposed, as I stated a moment ago, to the $2,000,000 appropriation asked for in this bill.

Mr. ALEXANDER. Assuming that what they said was said in good faith, does the gentleman think it would comport with the honor of this country to have the citizens of California or of San Francisco pay for that exhibit?

Mr. COLLIER. I will yield to the gentleman from Wisconsin [Mr. LENROOT] 10 minutes.

Mr. LENROOT. Mr. Chairman, I am opposed to certain sections of this bill or to provisions in those sections relating to the commission, and I desire to speak on that subject. But first I want to say just a word with reference to the proposition of an exhibit by the Government. I think it must be conceded that the representatives of San Francisco two years ago did say that they would not ask one penny from this Government, either directly or indirectly, for this exposition. But, Mr. Chairman, it is immaterial to me whether they did or not. The situation that we have before us to-day is that our Government has invited every other nation in the world to make an exhibit there, and for us to refuse to do that which we have invited other Governments to do would be a humiliation to the United States. [Applause.] And so I am in favor of an exhibit.

But, Mr. Chairman, so far as these provisions relating to a commission are concerned, I must say that these provisions come nearer to a piece of graft than anything that I have seen since I have been a Member of Congress.

It is true that it is represented that the exposition people are willing to pay this $400,000 that it is provided shall be paid to these commissioners and for their expenses. That may be true, Mr. Chairman, but if it is, every Member of this House knows that when they did agree to it it was a holdup, and that they agreed to it upon the theory that it is necessary to submit to this holdup in order to get the Government to make an exhibit at all. Either that, or else it is with the understanding and expectation that before this bill finally becomes a law, when the conference report shall finally be adopted, this $400,000 will be provided to be paid out of the Federal Treasury.

Now, I want to say to the gentleman from California [Mr. KAHN], who is a member of the committee, and who represents his city in this matter, that while he and his people may have entertained the opinion that to make this provision for commissioners may grease the wheels for the passage of this bill, if it is finally defeated this afternoon it will be because of those provisions that you have put in the bill.

Now, reference has been made to the fact that other expositions have had their commissioners; and reference has been made to the fact that the Louisiana Purchase Exposition had nine commissioners. It had. But compare the duties imposed upon the Louisiana Purchase Exposition commissioners and the duties imposed upon these commissioners. What are the duties imposed upon this commission? Read the section and see. Nothing in the world except to act as arbitrators when a dispute shall arise between foreign Governments and the exposition company. That is all they have to do.

Mr. MANN. Will the gentleman yield?

Mr. LENROOT. Briefly.

Mr. MANN. Is not the gentleman slightly mistaken? Under this section they have to force the exposition company to wine and dine and provide for the entertainment, care, and comfort of the representatives of all foreign countries—quite a delightful duty to perform.

Mr. LENROOT. I was just going to make the same observation myself that the gentleman from Illinois has made for me. Compare that with the duties imposed upon the Louisiana Purchase Exposition commissioners, of whom there were nine. And, by the way, those commissioners received only $5,000 a year, while it is proposed to give these commissioners $7,500. The Louisiana Purchase Exposition commissioners, in the act which I have before me, were given many duties; among other things, to select a site, approve of the allotment of space, approve the awarding of every premium, approve the plans of every building constructed, and report upon the financial condition of that exposition from month to month. In other words, that commission had supervisory control over the St. Louis Exposition, while the duty of these commissioners will be to draw their salaries at the end of the month and their living and traveling expenses.

Mr. Chairman, no friend of San Francsico can possibly in good faith vote for this proposition. At the most, three commissioners are all that anyone could claim would be necessary; and at the proper time, if I have the opportunity, I shall offer as an amendment to this section that there shall be one commissioner, to be detailed from the State Department or War or Navy Department. I do realize, Mr. Chairman, that under some circumstances there ought to be a representative of our Government present at that exposition, whenever our Government may properly be called upon by a foreign country to intervene, and we should have a man upon the ground there, duly authorized to speak for the Government and to settle any dispute that may arise. But further than that, Mr. Chairman, we have no right to impose any expense upon the exposition or upon the Federal Treasury. So far as my vote is concerned, I

do not believe I have any more right to rob the people of California than I have to rob the Federal Treasury. I shall gladly vote for this bill if these provisions with reference to a commission are eliminated; but if they shall remain in the bill, I shall be compelled to vote against it.

The CHAIRMAN. The gentleman has used 7 minutes of the 10. The gentleman from Mississippi has 6 minutes remaining. The Chair will recognize the gentleman from Indiana [Mr. CULLOP], a member of the committee.

Mr. CULLOP. Mr. Chairman, two years ago Congress adopted a resolution for a great exposition to be held celebrating the completion of the Panama Canal. It was the universal sentiment then that that celebration should be made a great success. It was also decided that the President of the United States should invite the other nations of the earth to participate in that great celebration. I believe that it is the sentiment of the people of this country now to make that exposition a great success, the greatest success of any exposition that has been held in the history of the world. [Applause.] It is celebrating the greatest engineering feat that has ever been accomplished in the world.

Now, the position of gentlemen on the floor who are opposing this measure to-day is that they ask the other nations of the earth to participate in this celebration but are unwilling to appropriate money for this great Government to make an exhibition at that great exposition. What would be the position of such an attitude as they assume to-day? They are inviting the people of the world to come to our shores to participate in an exhibition which they are asking this country to decline to take part in at all. Is it possible that gentlemen who take that attitude upon this measure believe for a single moment that they are representing the will of the people of this country? Do they mean by their position that San Francisco is to pay for the exhibition of the National Government? Did they not believe when they passed the resolution in Congress two years ago that this exposition was to be of advantage to the people of this country? And yet, after they have started the machinery in motion, after they have invited the Governments of other countries of the world to participate in that exhibition, they say now because it would cost this, the greatest Government of them all, $2,000,000, that we ought to withhold our Nation from participating in that great exhibition. [Applause.]

I do not believe their constituents would uphold the position they now take. I believe, as I believed two years ago, that the people of this country want that exposition to be made a great success. They knew then as well as they know now that it could not be a success without the expenditure of money and without our Government participating in that exposition.

We are to be the greatest beneficiary of that exposition of all of the countries of the earth, and it is to our advantage, meeting the other nations in the arts of peace, mechanics, and industry, that we make a greater display of our genius, of our productions, than any other country that will exhibit there. [Applause.]

Already some of the greatest nations of the earth are withholding their application to make exhibition, for the purpose of seeing what this Government will do at that great exposition in the way of display of its products and its arts. Now, what is the situation? Two million dollars, a large part of which is to be expended in the erection of public buildings which this Government requires now for use in the city of San Francisco.

The objection is made here to-day that these buildings may not be of suitable purpose for the use that the Government will require. Admit that to be true. How easily and how cheaply can alterations be made so that they will meet the requirements of the Government after the exposition is over. The permanent buildings will be there and changes can be made in the interior so as to adapt them to the requirements of permanent use, and the money then expended will be conserved.

Now, Mr. Chairman, this Government ought to make a great display at San Francisco. It ought to make a greater exhibition than any other Government that participates in that exposition. We are capable of doing it; we are advertising our products to the world; we are educating not only our own people but the peoples of other Governments as to our capacity and what our people can do. We boast that we can produce better and cheaper and more diversive products than any other people on the earth. This will be an opportunity to demonstrate the truth of our declaration upon that subject. We can show to the world the progress we are making in manufactures and in arts, in education, in all employments known to the human race. [Applause.]

Now is the time when this step should be taken in order that preparation can be made in ample time for the exhibition to open and our Government to make a display of its resources. I hope this measure will be passed by a decided vote, showing that the National Congress is ready to go upon record, and willing to do so, to declare that we are a Nation of progress and a Nation making good our boast of being greater in productions than any other nation on the earth, and that we will give evidence of that fact to all the world.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. CULLOP. Yes.

Mr. RAKER. The distinguished gentleman from Indiana has made the report here upon this bill, and I see that he has a list of foreign nations that are going to exhibit. Is it not a fact that practically all of the States in the Union are going to have separate buildings in the exposition?

Mr. CULLOP. Mr. Chairman, I am very much obliged to the gentleman from California for calling my attention to that fact. Thirty-five out of the forty-eight States in the American Union have already officially decided to make exhibitions at this exposition and the others are now taking the matter under consideration, and it is safe to predict that each of the 48 States in this Union will make exhibitions there and lend their efforts to make it a great success.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. BYRNS of Tennessee. If that be true, will not everything that is American be shown at the exposition through these 35 States?

Mr. CULLOP. Mr. Chairman, I am very glad the gentleman called my attention to that fact. Here is the greatest Nation of all the nations of the earth having what is supposed to be the greatest exposition that has ever been held in the history of the world, and I ask the gentleman would he not hang his head in humiliation if this our Government did not make a great exhibit there, a national exhibit in keeping with its standing among the nations of the earth? If the States are willing to make appropriations for an exhibit of their products, why should any Member of this body be unwilling to have this Government make a national exhibit and do what it is inviting every other nation on earth to do?

Mr. BYRNS of Tennessee. The gentleman knows that the States constitute the Government, and that each State makes an exhibit of its own resources. It seems to me that everything American will be exhibited at San Francisco.

Mr. CULLOP. Why, certainly not. Let the National Government make an exhibit there of a national character, joining its sister nations of the world, and make a greater display, as it is capable of doing, and one that will fairly reflect our great industrial and governmental character.

Mr. BYRNS of Tennessee. Mr. Chairman, I will ask the gentleman to yield further. I do not want to break up the force of his argument along that line, but I desire to ask him with reference to another portion of the bill. This bill provides for seven commissioners.

Mr. CULLOP. Yes.

Mr. BYRNS of Tennessee. The gentleman from Mississippi [Mr. COLLIER] stated that the expense of this commission, including clerical services and expenses, would amount to probably $400,000. I want to know of the gentleman why it is necessary to have seven commissioners, at $7,500 a year each, to perform junketing trips over the country and really perform no duties, because I notice this bill does not specify anything in particular that they shall do, and they are to serve for four years?

Mr. CULLOP. Let me say the experience of every national exposition that we have ever had has clearly demonstrated the fact that a number as large as seven is absolutely required. We have never had an exhibition of any great importance with a number so small. Their duties will probably be such, judging from the experience of other expositions, they will have ample work to perform. Great responsibilities devolve upon them—great questions will arise to be settled; questions of a very important character—and therefore one man or two men would not care to assume the responsibility. Not only that, but it would be better that it have that number, as the responsibilities will require it. The work would be of such a character that no one man would want to take the responsibility of performing it, and, in addition to that, the exposition company is not objecting to that number nor to the payment of their salaries, and why should we be so much concerned about that part of the bill? This objection seems to be far-fetched.

Mr. BYRNS of Tennessee. If the gentleman will pardon me, the gentleman said something about the responsibility that will rest on these gentlemen. I have read the bill carefully, and I fail to see anything really that they will have to do. The

gentleman speaks of the fact the exposition proposes to pay for them. What guaranty has the gentleman or has Congress of the fact that the exposition company will pay for them or that it is willing to pay for them?

Mr. CULLOP. Well, the fact is Congress is not liable to pay them by the terms of this measure, but the gentleman has heard doubtless the statement made by the Member from California, Mr. RAKER, that they have already filed their statement in the office of the Secretary of State that they will pay them, and by the terms of this bill they must pay them or they will not have the services of the commissioners.

Mr. BYRNS of Tennessee. Is the gentleman absolutely certain that if the House passes this bill as it is written and it finally becomes a law it will not require the United States Government to pay the salaries and expenses of these commissioners?

Mr. CULLOP. I am, sir; I believe that the law means what it says, and this says what it means upon that point. No other construction can be placed on it.

Mr. BYRNS of Tennessee. But the gentleman knows that this bill will have to go through another body and possibly through a conference committee before it becomes a law.

Mr. CULLOP. I know that, but I do not understand that is any objection to this feature. Now, I can not understand what the gentleman from Tennessee means, with a great international exposition of this kind under consideration, if he wants to stand in the way of his Government showing to the nations of the earth the great progress it has made, its skill in the arts, in mechanics, in education, and in everything that builds up the character of a nation and a great government. Let it, I say, show to the world its great advantages.

Mr. BYRNS of Tennessee. Oh, the gentleman misunderstands me. I do not oppose for one moment this Government making an exposition of its resources and all that it has done and all that it hopes to do, but I do object to a proposition made to Congress which resulted in this exposition going to San Francisco upon the express assurance of the Members of Congress and those who voted for it that if it was passed they would not expect any financial aid or that the United States Government should expend a dollar on account of it.

Mr. CULLOP. I am very much obliged to the gentleman for mentioning that proposition. This bill is not giving to the State of California or the city of San Francisco any financial aid, none whatever; and when gentlemen are injecting that proposition into this controversy they are not warranted by the facts, but, on the contrary, this Government is making an exhibition there. It is making a display; and does any gentleman upon this floor contend for a single minute that this Government shall make that exhibition out of some other person's pockets? We are showing our own exhibit, just as other States and other countries, and we should pay the expenses thereof and reap the reward.

Mr. JOHNSON of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. JOHNSON of South Carolina. Have there been any Government officials before your committee estimating what the Government exhibit would cost and fixing it at $2,000,000?

Mr. CULLOP. The $2,000,000 was fixed in part by consultation with some members of, I think, the State Department and others, who have had much to do with Government exhibits and expositions. It was fixed upon the basis of what some of the other nations have already decided to make their exhibit cost—Japan, for instance, $1,000,000—and upon the basis of what the Government had done in other expositions in the way of expenditures for its exhibit, and it was arrived at through that means at a very conservative amount, as I contend. So the committee have fixed it at $2,000,000. Does not the gentleman want his Nation to make the best show of any nation with which it is brought in competition?

Mr. JOHNSON of South Carolina. Well, will the gentleman let me ask him another question? What is to be the nature of the Government exhibit?

Mr. CULLOP. If the gentleman will read the report he will find that it is stated there. It is to be the same nature of exhibits we have made at other expositions in which we have given a great deal more money to make the exhibit than we have proposed here.

Mr. JOHNSON of South Carolina. I will ask the gentleman this question: Does not the gentleman expect that the great corporations, firms, and individuals throughout the United States will have their exhibits at the exposition on their own account? The gentleman does not expect them to be exhibited in the Government buildings, does he?

Mr. CULLOP. I do expect this; and it was assumed that that would be the course of others, and if our Nation refuses to participate as a nation with such an exhibition in this exposition, then the citizens of this country engaged in manufacture and business would be very reluctant to go there and do what their Government was refusing to do. This would be the reasonable conclusion of such a course. We are celebrating the greatest engineering feat in the world, and we ought to make the greatest exhibition possible at the exposition. And now, what is $2,000,000 in the line of education such as this will be to us and to the nations of the earth? The benefits that will flow to our people will be an immense reward for the expenditure of such a sum as this on such an occasion as this is proposed to be. We all should rejoice that such an opportunity is afforded.

Mr. JOHNSON of South Carolina. I would like to ask the gentleman if he knows how much the Government has expended on its exhibits at other expositions?

Mr. CULLOP. That is set out in the report, and I hope the gentleman will not require me to do so. We have expended very large amounts. We put nearly $7,000,000 in the St. Louis Exposition.

Mr. JOHNSON of South Carolina. But that was a loan, was it not?

Mr. CULLOP. No, sir. Four million and six hundred thousand dollars we loaned it, and they paid it back; but nearly $6,000,000 was appropriated by Congress for the purpose of making the exposition a success. It was well expended.

Now, Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman has 37 minutes remaining.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. CULLOP. Certainly.

Mr. BARTLETT. Will he tell the committee how much this proposed building is to cost, and how much the cost of the administration, and of assembling and conveying exhibits to California will be? Or does the gentleman lump the sum of $2,000,000 without regard as to what the building is to cost, or has somebody submitted estimates to him?

Mr. CULLOP. We have no estimates, but we have lodged the matter in the discretion of the officers who are to have control of the matter, and in addition to that I desire to say to the gentleman that we have followed some illustrious examples of the Appropriations Committee on that subject.

Mr. BARTLETT. The gentleman is mistaken about that. The Committee on Appropriations makes no appropriations without an estimate, and the law requires every head of a department to submit an estimate. The gentleman is mistaken in making such a statement.

Mr. CULLOP. I have said in regard to the lump sum.

Mr. BARTLETT. We have not made any lump sum for buildings in carrying out a purpose of that sort.

Mr. PRINCE rose.

The CHAIRMAN. Does the gentleman from Indiana [Mr. CULLOP] yield to the gentleman from Illinois [Mr. PRINCE]?

Mr. CULLOP. After I yield to the gentleman from Georgia [Mr. BARTLETT] a little further.

Mr. BARTLETT. I understand the committee which reported this bill had no estimates either from the head of the department or in the hearings they had upon the bill.

Mr. CULLOP. They had not in the nature of hearings, but they had conferences with some of the departments, namely, the Departments of State and War, as to what would probably be the amount required.

Mr. BARTLETT. Then, can the gentleman give the committee an estimate of what this building is to cost?

Mr. CULLOP. No; I could not exactly give that estimate. It is built upon Government ground, upon a military reservation, where a building is required, and the erection of that building will save this Government $72,000 a year, which is now being paid for rent of offices in the city of San Francisco.

Mr. BARTLETT. But the gentleman can not tell whether it would be $400,000 or $500,000 or $600,000 or $1,000,000?

Mr. CULLOP. I suppose it would cost over $400,000 and less than a million. Such a building as that would meet the requirement of the Government. Now I yield to the gentleman from Illinois [Mr. PRINCE].

Mr. PRINCE. As I have understood from this debate, $2,000,000 is to be appropriated out of the Treasury for the purpose of inaugurating, installing, and maintaining said Government exhibition and for said Government building or buildings? This is a military reservation?

Mr. CULLOP. Yes, sir.

Mr. PRINCE. The Presidio is located on this military reservation? Have you any estimate or any statement from the War

Department, through the Quartermaster General, in regard to the buildings on this reservation and the probable cost of those buildings and the purposes for which they are to be used if they are to be made permanent?

Mr. CULLOP. I will leave that to be answered by the gentleman from California [Mr. KAHN], who is familiar with that situation.

Mr. KAHN. Does not the gentleman think the War Department, or rather the Treasury Department, in making plans would want to know how much money it has at its disposal before it undertakes to make its plans, and does not the gentleman from Indiana [Mr. CULLOP] think that to make the plans beforehand, before they know how much money they are going to have, would practically show that they did not know their business?

Mr. CULLOP. Now, Mr. Chairman, I desire to yield 15 minutes to the gentleman from California [Mr. KAHN].

The CHAIRMAN. The gentleman from California [Mr. KAHN] is recognized for 15 minutes.

Mr. KAHN. Mr. Chairman, I have been quoted upon this floor several times this afternoon, and I desire to state that I did say that the city of San Francisco would ask no financial aid at any time for this exposition.

Now, what is the situation here at this time? On the 10th of December, 1912, the President of the United States sent a message to Congress in which he used this language:

> In conformity with a joint resolution of Congress, an Executive proclamation was issued last February, inviting the nations of the world to participate in the Panama-Pacific International Exposition to be held at San Francisco to celebrate the construction of the Panama Canal. A sympathetic response was immediately forthcoming, and several nations have already selected the sites for their buildings. In furtherance of my invitation, a special commission visited European countries during the past summer and received assurances of hearty cooperation in the task of bringing together a universal industrial, military, and naval display on an unprecedented scale. It is evident that the exposition will be an accurate mirror of the world's activities as they appear 400 years after the date of the discovery of the Pacific Ocean.
>
> It is the duty of the United States to make the nations welcome at San Francisco and to facilitate such acquaintance between them and ourselves as will promote the expansion of commerce and familiarize the world with the new trade route through the Panama Canal. The action of the State governments and individuals assures a comprehensive exhibit of the resources of this country and of the progress of the people. This participation by States and individuals should be supplemented by an adequate showing of the varied and unique activities of the National Government. The United States can not with good grace invite foreign Governments to erect buildings and make expensive exhibits while itself refusing to participate. Nor would it be wise to forego the opportunity to join with other nations in the inspiring interchange of ideas tending to promote intercourse, friendship, and commerce. It is the duty of the Government to foster and build up commerce through the canal, just as it was the duty of the Government to construct it.
>
> I earnestly recommend the appropriation at this session of such a sum as will enable the United States to construct a suitable building, install a governmental exhibit, and otherwise participate in the Panama-Pacific International Exposition in a manner commensurate with the dignity of a nation whose guests are to be the peoples of the world. I recommend also such legislation as will facilitate the entry of material intended for exhibition and protect foreign exhibitors against infringement of patents and the unauthorized copying of patterns and designs. All aliens sent to San Francisco to construct and care for foreign buildings and exhibits should be admitted without restraint or embarrassment.

That was the message of the President of the United States to the Congress of the United States.

Mr. KNOWLAND. Mr. Chairman, will the gentleman yield right there?

Mr. KAHN. Yes.

Mr. KNOWLAND. I want to call the gentleman's attention, as a supplement to the message of the President, to the platform of the National Democratic Party in convention at Baltimore, which declared:

> We hereby express our deep interest in the great Panama Canal Exposition to be held in San Francisco in 1915 and favor such encouragement as can be properly given.

[Applause.]

Mr. KAHN. I thank my colleague for calling the matter to the attention of the House. Speaking for myself, Mr. Chairman, and I believe I am speaking for every Member of the California delegation on this floor when I say it, we had no knowledge of that provision in the President's message until it was delivered to this House and read from the Clerk's desk.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. KAHN. I have only 15 minutes, and I have a large ground to cover. If the gentleman will wait until I am through, and I have any time remaining, I shall be very glad to yield to him. I will try to yield time to the gentleman, but I want to make this statement first—I owe it to the House, I owe it to myself, and I owe it to my constituents: The recommendations contained in the President's message were referred to the various committees, I presume; but, at any rate, the gentleman from Illinois [Mr. RODENBERG], on his own initiative, introduced this bill. There was no demand from any Member of the California delegation for the introduction of a bill. It was introduced by the gentleman who led the fight against San Francisco as the location for the exposition.

I presume it was introduced by him, because he believed that this Government should be represented there. At any rate it was a most chivalrous act on his part. It has been said on this floor several times this afternoon that the people of California have raised $20,000,000 in that State for this exposition. The people of no other Commonwealth have ever done as much for themselves in such an undertaking. They feel they are called upon to represent the honor of the American people at that exposition, and they propose to make good in every particular. [Applause.] No Member of this House, no citizen of the United States will ever have occasion to blush for his country when the gates of the exposition swing open to the citizens of the world. The plan of the exposition has been completed and adopted. It is probably more comprehensive than any exposition that has ever been held, and it certainly has come to Congress with requests for legislation so trivial, so insignificant as compared with the legislation that has been asked for and given to other expositions that I am surprised that some of the gentlemen on this floor endeavor to make it appear as though San Francisco were demanding something that was outrageous and grossly exorbitant. And I assert again that this bill has not been introduced by any Member from the State of California. San Francisco proposes to entertain the world in a befitting manner. She hopes that the Government will be represented there. She hopes that the Government will make an exhibit. She hopes that all the resources of this Government will be shown at San Francisco. I believe the other nations of the world that have accepted our Government's invitation expect this Government to make an exhibit. But the Members of the California delegation on this floor have not been soliciting their colleagues and asking for assistance in this matter. They feel that whatever Congress will do in the matter will be satisfactory to them. If the Members of this House feel that San Francisco should play the host to the nations of the world, and that our own Government should not expend a dollar for a Government exhibit, the delegation from California will be content. We will have nothing to say; we will gracefully submit to the mandate of the majority of the membership of the House; but we believe, as a matter of fact, that there is enough of the spirit of fair play among the Members of this House to agree that there shall be a Government exhibit in view of the fact that the foreign Governments that are to be represented expect the United States Government to be represented. If, however, you decide that there shall be none, I assert that San Francisco will still endeavor to hold an exposition of which none of you will be ashamed.

When you think that the city of Chicago received $5,000,000 outright as a gift for her exposition, as well as additional sums for a Government exhibit; when you remember that the city of St. Louis received $5,000,000 outright as a gift, together with a loan of $4,600,000, and then on top of that had a Government exhibit at a cost of $1,579,000; when you consider that the Centennial Exposition had millions of dollars from the Government; and that the only thing that is asked of Congress in this bill is for a Government exhibit, I think the request of the gentleman from Alabama [Mr. HEFLIN], of the gentleman from Illinois [Mr. RODENBERG], and the gentleman from Indiana [Mr. CULLOP] is an exceedingly modest one. They are the sponsors for this bill, even though they were among the leading opponents of San Francisco as the exposition city.

In regard to the matter of a building in the Presidio, the latter is Government property. If this House will vote this sum I am confident that the building that will be constructed will be worthy of the Government. We are occupying rented quarters for the use of the Army all over San Francisco; there is one building that is badly needed out there, and that is a building to house the various departments of the Army.

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. KAHN. Yes.

Mr. SHERLEY. Is it not true that they want that building at Fort Mason, because it is more central and more convenient, and does not the report show that?

Mr. KAHN. I do not know. I have not looked up the report, but I do know that for years they have been wanting a building out there to house all of the officers of the Government connected with the administration of Army affairs under one roof, and the Government has no such building there now. The officers are scattered all over the city at the present time, occupying rented offices.

In regard to the matter of a Government commission, we are exactly in the same position that I spoke of regarding the appropriation. Whatever this House does and whatever the Congress does will be satisfactory to the California delegation. We ourselves have asked you for nothing. The gentlemen who have charge of the bill have brought it in here with a favorable report after it was acted upon by the committee of the House that had jurisdiction over the subject matter.

I want to say, however, that I sent copies of the bill to the exposition officials after it had been printed, and to this day I have not had a protest from them against the provisions of the bill; I think that answers the statement of the gentleman from Mississippi [Mr. COLLIER]. I believe they have felt as the California delegation has felt, that they were willing to accept whatever the Congress would do in the matter. They will undoubtedly abide by any decision Congress may make in the premises.

It has been said that the proposed commission is too large. Personally I believe there should be seven commissioners, because I believe that the work will require a great deal of attention. No one man, in my judgment, would be able to accomplish it efficiently and satisfactorily. The suggestion for a commission came originally from a distinguished Senator who had been Secretary of State of the United States in a previous administration.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. CULLOP. I yield to the gentleman three minutes more.

Mr. KAHN. That Senator, who had been Secretary of State in a former administration, insisted upon a commission for the reason that there had been complaint among the foreign exhibitors at two of the previous expositions—serious complaint—in each case upon the score that they had not been properly treated by the exposition company. He proposed that so far as he could shape the matter there would be no recurrence of such complaints. I do not know whether the scope of work of the commissioners in the other bills was defined or not; but San Francisco happens to be noted for her hospitality. No man who ever came to that city in an official capacity, representing any State or any Government, has ever gone away from there dissatisfied with his treatment.

The exposition directors have taken it upon themselves time and again to entertain at their own expense and in a befitting manner the representatives of foreign Governments and of our sister States. Such representatives as have visited San Francisco to select sites for their respective countries have been delighted with what they have seen and with what they have learned. I know that it is the disposition of the directors of this exposition company, it is the disposition of the people of San Francisco and of the State of California to make every representative of a foreign or a State government exceedingly welcome.

But past experiences have shown that even with the best intentions of all parties concerned differences have arisen between exhibitors and the company which controls the exposition. Therefore it is deemed best that the commissioners who are to deal with the representatives of foreign Governments should be appointed by the Government of the United States in order that there might be no mistake, no misunderstanding, and no complaint that can possibly be avoided. In other words, this board of commissioners acts largely in the capacity of umpires or referees. [Applause.]

In conclusion, Mr. Chairman, I assert that it is unfair to the California delegation on this floor to place us in the attitude of demanding or even asking for this legislation. Even though we have but recently learned that the failure of this Government to participate may jeopardize the participation of foreign Governments, we have refrained from canvassing among the Members of this House for votes for this bill. As I said at the outset, this measure was introduced by the former chairman of the Committee on Industrial Arts and Expositions on his own initiative, after the President of the United States had sent a message to Congress asking that provisions be made for the participation of our Government at the Panama-Pacific International Exposition. The matter rests entirely in your hands, and whatever may be the ultimate verdict of the House the California delegation will have the satisfaction of knowing that that verdict was reached without importunings or solicitations by the members of that delegation.

Mr. CULLOP. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 16 minutes.

Mr. CULLOP. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana, Gen. ESTOPINAL.

Mr. ESTOPINAL. Mr. Chairman, it is possible that if New Orleans had not asked for a million dollars appropriation for a national exhibit she would have been selected for the exposition site. It is possible that the California people did not go far enough at the time and come out squarely and ask for an appropriation for an exhibit. I do not believe, however, that this ought to be held out against them at this time.

It is not a question of San Francisco people that confronts us to-day; it is a question of a national exposition. We have agreed to hold a national exposition, we have invited foreign nations to participate, and we can not get out of it. [Applause.] It would be indeed belittling this great country to say that we are not going to exhibit at this exposition at San Francisco. [Applause.] It would be a disgrace to this country if we did not do so. I do not believe that the Congress of the United States is going to write itself down now against a proper exhibit of the great resources of this country. Therefore, I say that if there were any people to be resentful about the manner in which the exposition was secured by San Francisco, the Louisiana delegation would be the ones, but, I believe, I can speak for the whole delegation, we are perfectly willing that San Francisco should have a suitable exhibit by the National Government. What that exhibit is to cost is not a matter that we are concerned about. We believe that it should be sufficient to properly show the resources of this great country. Therefore, Mr. Chairman, I am in favor of this bill. [Applause.]

Mr. CULLOP. Mr. Chairman, I yield five minutes to the gentleman from Louisiana [Mr. BROUSSARD].

Mr. BROUSSARD. Mr. Chairman, it is well known to Members of this House that there was a serious, urgent, and ardent contest between San Francisco and New Orleans to secure the Panama Exposition in 1915. It is well known that every effort was made on the part of the contending cities to secure this exposition, and I need say nothing regarding that contest, because every Member in the House is aware of the seriousness and the earnestness of the contest that then went on. The gentleman who now presides over that committee was an ardent supporter of New Orleans. The gentleman who spoke awhile ago, the author of this bill, Mr. RODENBERG, of Illinois, was an ardent supporter of New Orleans. However the fight may have resulted, we in Louisiana feel that the question involved in this bill is not one in which either New Orleans or San Francisco are concerned, but one in which the American Republic has vital interest. I am not speaking now for myself in advocacy of this proposition, but I am speaking in behalf of the Louisiana delegation in the House and in the Senate as well, and I want to place on record the statement issued by myself a few days ago at the request and upon the vote of the Louisiana delegation in the House and in the Senate in behalf of that proposition. Here is the statement:

Unanimous consent was given by the Louisiana congressional delegation when it met to-day to the project to have the United States Government participate in the exposition at San Francisco in 1915.

The question of legislation along this line was taken up and discussed, and the Representatives and Senators from Louisiana, extending the good hand of fellowship to the California people, recorded themselves heartily in favor of the proposition.

Louisiana and California two years ago locked horns in a fierce struggle before Congress for governmental sanction for an exhibition to commemorate the opening of the Panama Canal. It was a masterful fight waged by both States. Victory, by a narrow margin, rested with the Californians.

The question of governmental participation has never been settled. President Taft has strongly recommended legislation along this line. It is fathered in the House of Representatives by W. A. RODENBERG, of Illinois, who led the fight for New Orleans. The proposition calls for a $2,000,000 Government exhibit, the building to house the Government's display to be of a permanent character for use by the Government when the exhibition closes. The measure has been unanimously reported by the House Committee on Industrial Arts and Expositions by Representative CULLOP, of Indiana, who was also a Louisiana sympathizer in the fight for the exposition site.

BROUSSARD, in discussing the action of the delegation, said: "We people of Louisiana know that it is absolutely necessary that the United States Government participate in this exposition. We waged a bully fight for the exposition location, but were worsted. California knew she had been in a scrap when we got through with her. We have no sore spots in the Louisiana character, and to-day we stand ready to aid California to the best of our ability to make her show the greatest the world has ever seen.

"The legislation asked for is necessary. The President, by congressional direction, has extended to all civilized nations an invitation to participate in the San Francisco show. Many of the nations have already signified their intention to participate by an exhibition illustrative of their resources.

"The people of Louisiana are in full sympathy with the patriotic desire to make this exposition the greatest and most successful ever held, and we, as its Representatives in the Senate and House of Representatives, to-day declared strongly for legislation at this session which will provide for a dignified and comprehensive Government exhibit."

Mr. CULLOP. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has seven minutes remaining.

Mr. CULLOP. Mr. Chairman, I yield the remainder of my time to the gentleman from Pennsylvania [Mr. BURKE].

Mr. BURKE of Pennsylvania. Mr. Chairman, I will reserve my time for the present.

Mr. MANN. Mr. Chairman, on December 14, 1910, the gentleman from Louisiana [Mr. ESTOPINAL] introduced into the Sixty-first Congress a bill providing for a Panama exposition at New Orleans. The gentleman from California [Mr. KAHN], I believe, introduced a bill for an exposition at San Francisco. The Committee on Industrial Arts and Expositions had quite full hearings upon these bills, or upon the New Orleans exposition bill, because the gentlemen from California declined to prosecute their bill before their committee.

Mr. KAHN. I withdrew the bill.

Mr. MANN. The gentleman could not withdraw the bill.

Mr. KAHN. I asked that the committee should not consider it.

Mr. MANN. I understand. I have stated it fairly. That bill was reported to the House from the Committee on Industrial Arts and Expositions on January 24, 1911. I have not the date when the other resolution was reported.

Mr. KAHN. My resolution?

Mr. MANN. Yes. There was also a resolution then before the Committee on Foreign Affairs, proposed, I think, by the gentleman from California [Mr. KAHN], that resolution providing only for an invitation to the San Francisco exposition. These two propositions were pending before the House, one reported from a committee that had authority over expositions in favor of the New Orleans exposition, and the other from a committee that had no jurisdiction whatever over expositions, but had jurisdiction over a proposition to invite foreign countries, the Committee on Foreign Affairs. The two propositions were before the House. The New Orleans exposition bill did not ask for any Government aid—not one cent. It did provide, however, that $1,000,000 should be authorized to be appropriated for a Government exhibit and a Government building. No further Government aid was provided in that bill.

Mr. KAHN. Mr. Chairman, I think the gentleman wants to state the facts.

Mr. MANN. I am stating the facts correctly. If the gentleman wishes to correct any facts I yield for that purpose.

Mr. KAHN. At the same time that San Francisco introduced a resolution which went to the Committee on Foreign Affairs, New Orleans introduced a resolution of similar import, which also went to that committee. Both cities had hearings before that committee, and the committee reported out both resolutions.

Mr. MANN. That has nothing to do with this proposition. I was telling what was before the House and how it got there. The New Orleans bill asked no Government aid, I say, except the $1,000,000 for a Government exhibit and Government building. It provided for commissioners at $5,000 a year, who were to be paid by the New Orleans exposition and not out of the Federal Treasury.

There was nothing provided in the way of an appropriation for the New Orleans Exposition except the $1,000,000 for an exhibit and Government buildings, and in that situation the matter came before the House for a vote under a special rule. My district is in the South Side of the city of Chicago, through which the Illinois Central Railroad runs, and is filled every summer with visitors from New Orleans, who come to spend the summer in Chicago; and every winter my constituents, many of them, spend a portion of their winter in New Orleans, because they are so closely connected. I felt disposed to vote for the New Orleans bill and had intended to do so until the question was fairly presented to this House, New Orleans asking for a million dollars for a Government exhibit and buildings and nothing else, and San Francisco swearing by all that is sacred and holy that it would never ask for a cent for any purpose from the Government, a portion of which remarks have been called attention to by the distinguished gentleman from Mississippi [Mr. COLLIER]. The report that was made to the House on the New Orleans Exposition proposition contained with it the minority views to which I have referred, and in that report the minority called particular attention to this proposition. On the one side you have frequent invitations for Government exhibitions to which the Government contributes something for its exhibition or in some other way; on the other side we give authority to somebody to invite foreign countries to the exposition, where they will bear all the expense. On the one side the Government only exercises the function of inviting. On the other side it carries also an appropriation. The question was clearly stated by the minority in their minority views on the New Orleans Exposition bill, and attention was called in opposing that New Orleans bill to the fact that the California people asked for no appropriation; that they stood on the side of what the gentleman from Massachusetts [Mr. GARDNER] called the fundamental principle; they stood on the side of no appropriation from the Government for exhibits or for any other purpose, and the New Orleans Exposition, on the other side, asking for an appropriation, not for the aid of the exposition, but for a Government exhibit. And when the matter was presented to the House in that way I changed my mind and voted for San Francisco, because I thought then and think now that where two cities almost evenly balanced, with the argument presented in favor of one proposing a large Government appropriation and the other proposing to finance the matter by their own citizens, that I did not feel justified in helping to reach my hand into the Treasury in behalf of a city that wished the Government's money. And I feel now outraged by the proposition pending before the House. [Applause.] I feel as though gentlemen had played a confidence game upon me. This is not the only proposition that comes up. Only a few days ago the President of the United States sent a message to us calling attention to the fact that a year ago we directed him, or the State Department, to issue an invitation to the nations of the world to attend a hygiene congress at Buffalo.

When that resolution was pending before the House the question was asked whether that meant an appropriation, and the gentleman from Buffalo stated that it did not. Objection was made to the consideration of the resolution on the Unanimous Consent Calendar until that matter might be fairly adjusted, and subsequently, on the same day, the gentleman from Buffalo asked to have his resolution considered, stating that he would offer an amendment providing that no appropriation should be made hereafter by the Government. In the face of that the President of the United States sent a message to us the other day, asking us to make an appropriation for Buffalo, stating that he was opposed to Congress extending invitations without making appropriations. It is to the credit of the gentleman from Buffalo that up to the present time no one here in the House has proposed that he break his faith with the House, entered into when the original resolution was passed.

Mr. BATES. Mr. Chairman, may I ask the gentleman a question?

The CHAIRMAN. Does the gentleman from Illinois yield?

Mr. MANN. Certainly.

Mr. BATES. Can the gentleman inform us whether at the time the San Francisco-New Orleans question was before the House the subject of an exhibit was discussed or taken into consideration at all?

Mr. MANN. I can answer the gentleman that it was discussed—was taken into consideration. The whole issue was whether the Government would provide an exhibit at New Orleans and pay for the Government exhibit or provide for an exposition at San Francisco and not pay anything. [Applause.] It was discussed.

Mr. BATES. Does the gentleman recollect any promise on the part of California or anyone in their behalf which assured us that the Government exhibit would be prepared and furnished at the expense of the California people?

Mr. MANN. I remember very distinctly, and if I have time I will produce the record.

Mr. BATES. I heard the debate, and I do not remember anything of that kind. I do not remember that the Government exhibit was under consideration.

Mr. MANN. The gentleman does not remember much about the debate unless he has refreshed his recollection.

Mr. GARDNER of Massachusetts. Will the gentleman yield?

Mr. MANN. Not now. The report from the committee having indicated that the issue was simply the question between the two places, as to whether we would pay for the Government exhibit or not, Congress having taken the side against the Government exhibit, this resolution went to the Senate of the United States and was reported upon by that body.

In the report upon this resolution in the Senate, similar language to that used by the gentleman from Massachusetts here was used in the report there. The report was made by the Senator from Washington [Mr. JONES], formerly an esteemed Member of this House. It stated:

> The people of California have thus initiated or created the exposition and have demonstrated their ability to carry it through to a successful conclusion and to make it the greatest exposition that the world has ever seen, without asking the Congress for an appropriation of any character or directly or impliedly committing the United States Government to any liability or responsibility.

And it was on that report that the resolution was agreed to in the Senate.

My distinguished friend from California [Mr. KAHN], who has just recently addressed the House, is put in a most embarrassing position. On the one side is the House of Representatives, to whom he made his statement before; on the other side are his constituents, to whom he is not only under obligation, but to whom he owes the duty of representing them. He desires to keep faith with the House, and at the same time to keep faith with his constituents, and he is decidedly "between the devil and the deep sea" on that proposition.

The gentleman from Mississippi [Mr. COLLIER] and myself called attention to some of the statements made by the distinguished gentleman from California [Mr. KAHN] on the consideration of the resolution in the House. He said:

The gentleman has made some reference to the possibility of our coming back to the Congress for an appropriation. I want to assure the gentleman that the people of California studied this question very carefully when they made the moves they have made. In talking over the matter of expositions with the Members of this House I soon found that there was a decided feeling against extending Government aid to any exposition. It was said that the people were practically "exposition sick," and I was assured by scores of the Members of this House that they would never vote for any exposition measure that carried with it a single dollar of Government appropriation. I reported the sentiment of the House to the directors of our exposition company, and they decided that we had the ability to finance this exposition without governmental aid.

Then he referred to the resolution that was passed concerning the Philadelphia exposition, originally contemplating no aid, and then coming back and getting Congress to grant them aid. And the gentleman from California intimated that he thought that that was a breach of good faith.

Mr. KAHN. Will the gentleman yield for a moment?

Mr. MANN. Certainly.

Mr. KAHN. That was aid to financing the exposition. This is entirely different.

Mr. MANN. Oh, the question pending before the House at the time was between San Francisco and New Orleans, and neither one was asking for any aid for the exposition. The only question was as between a Government exhibit in the way of an appropriation and not a Government exhibit.

New Orleans was not asking any Government aid to finance the exposition, and what the gentleman said and all that the other gentlemen said on the floor of the House about an appropriation referred to the distinction between California asking for nothing and New Orleans asking for a Government exhibit. And then the gentleman went further and said:

San Francisco, realizing the latent possibility hidden in those sentences in the bill, decided that it would burn its bridges behind it and that it would never ask for a single dollar, either as a loan or as an appropriation.

Now, the gentleman says that he is not asking for an appropriation, and I am willing to admit that.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. MANN. For a question.

Mr. MARTIN of South Dakota. As the result of the debate and the proceedings at that time, did the gentleman from Illinois understand that the United States Government would not be expected to make any exhibition at San Francisco, or that it would make one and the expense be defrayed by the San Francisco people?

Mr. MANN. I will make my own speech, by the way.

Mr. MARTIN of South Dakota. I take it for granted; but that is a fair question.

Mr. STEENERSON. I will say to the gentleman from Illinois that that matter was discussed in the hearings, and I have them here.

Mr. MANN. All through. That was the question.

Now, gentlemen, the RECORD of the time is full of statements, some of which have been quoted by the gentleman from Mississippi [Mr. COLLIER] and others—the RECORD is full of statements, some made by the distinguished gentleman from Alabama [Mr. HEFLIN] and some made by my distinguished colleague from Illinois [Mr. RODENBERG]—all showing that the question at issue at that time was whether we preferred an exposition where we would be called upon to make no appropriations or an exposition where we were called upon to appropriate—notice—$1,000,000 for a Government exhibit and Government buildings; and as soon as the resolution is passed gentlemen interested in it start out with a propaganda to secure, not $1,000,000, not commissioners at $5,000 a year, but $2,000,000 and commissioners at $7,500 a year for the Government exhibit.

Mr. BATES. Mr. Chairman, will the gentleman yield for a question?

Mr. MANN. Yes; I will yield for a question.

Mr. BATES. Was it known or contemplated then that this was to be an international exposition, with 25 other nations participating?

Mr. MANN. Why, I will say to my distinguished friend from Pennsylvania, in the resolution then pending, upon which we voted, was a resolution directing the President of the United States to invite the nations of the world to participate in the exposition. Does not the gentleman think that constitutes an international exposition?

Mr. BATES. None of them had accepted at that time, had they? [Laughter.]

Mr. MANN. That is really the strongest argument that I have heard to-day on that side of the House. [Applause and laughter.] I compliment the gentleman upon his acumen.

Now, I yield to the gentleman from Massachusetts [Mr. GARDNER] for a moment.

Mr. GARDNER of Massachusetts. I expect that the gentleman from Illinois has already read the passage in the debate which I had intended to read. Does the gentleman wish to yield me time?

Mr. MANN. No; not yet.

Mr. GARDNER of Massachusetts. If not, I will not proceed.

Mr. MANN. Not yet.

Mr. RAKER. Mr. Chairman, will the gentleman yield for a question right here?

Mr. MANN. In just a moment.

Now, gentlemen have intimated that the question comes anew before the House, and of course the House has the power to do what it pleases at any time. I want to press home to the Members of the House the faith that was pledged to the House at the time concerning the exposition. In the views presented in behalf of the San Francisco exposition, in the only official statement that was made to the House on this subject, is found this statement; after referring to the fact that the California exposition was to carry no appropriation and that the New Orleans exposition was to have $1,000,000 for exhibit and buildings, this statement occurs:

The Congress is therefore called upon to decide between two radically different plans or designs for holding an exposition for commemorating the opening of the canal.

What were these two radically different plans or designs? I will let any gentleman in favor of the California exposition take two minutes of my time to explain what the two radically different propositions were. Why, one was an exposition where we appropriated for a Government exhibit and buildings, and the other was an exposition where we invited foreign nations and the California people were to pay the expense. This is the official statement made to the House by the gentlemen on the committee favoring San Francisco. After referring to New Orleans the statement proceeds:

We feel that but one choice can be made, and that is to recognize the generosity, the energy, and indomitable will of the people of San Francisco and the entire State of California by wishing them well in their vast undertaking and to convey their greetings to the people of the world, with a cordial invitation to journey to San Francisco and to unite with the people of our country in a general rejoicing over the completion of a new ocean highway.

At their expense. The pledge made by the gentlemen officially reporting to the House in favor of California was that it was to be done at their expense.

Now, gentlemen say, "Oh, well, in the enthusiasm of a contest, in the excitement of a conflict, gentlemen make statements that are overexuberant." That is undoubtedly true, and it may be that the Government ought in some way to provide its share in the California exposition. But that does not require this bill to be passed at all. There is no way in which $2,000,000 can be used on a Government exhibit at this exposition. And it is not the intention to use that sum of money in that way. The California Exposition Co. will provide the ordinary buildings for exhibits. That is where exhibitors exhibit. That is where the interest is. We may make an exhibit and send over some matter from the National Museum. We usually send some old cannon or something of the sort, and a few uniforms, and so on, from the Navy and War Departments. We send some exhibits from other branches, mainly, I think, as far as size is concerned, samples of essays or writings gathered up by the Commissioner of Education from the primary grades of the schools of the country, which no one ever looks at, although this exhibit makes a very good trysting place sometimes, because there is nobody there to bother you.

Mr. BATES. Has the gentleman tried it?

Mr. MANN. There is no method of using this sum of money and there is no way of constructing an exposition building that is any good as a permanent building, and there is no way of constructing a permanent building for the Army that is worth a tinker's dam for exposition purposes. [Applause.] Everybody knows that.

But what is the nigger in the woodpile? In the New Orleans bill there were seven commissioners provided. Under certain conditions they could appoint two of their number to act with two others as a board of arbitration. In case of disputes they were allowed to select a fifth arbitrator. That board of arbitration, I assume, would settle disputes between exhibitors and the exposition company. There were a great many other duties enumerated for the seven commissioners at the New Orleans exposition. Now we come to a proposition in this bill which provides for the appointment of seven commissioners at $7,500 a year, when there is nothing for them to do now, to be appointed by the President immediately, so that the appointment will not get away from President Taft. [Laughter.] There is nothing for them to do now. They are to settle disputes between exhibitors and the exposition company, and as far as exhibits are concerned there is no exhibit within a thousand miles of the exposition company now.

In addition to that they are to see that the foreign visitors are entertained, and this bill provides that all this is to be done and the salaries and expenses of the commissioners are to be paid by the California exposition. You have noticed the complacency with which our California friends have witnessed this attempt upon their pocketbooks. And yet it is an open secret all over the Capitol and the city of Washington that the reason $2,000,000 is carried in this bill is not because they need that sum of money for exhibits or for buildings, but if this bill passes this House they rely upon an amendment being made in another distinguished room in Washington which will divert one-half possibly, certainly more than one-quarter, of this $2,000,000 out of the Federal Treasury to pay the salaries and the expenses and the wining and dining of our own commissioners and the visitors whom we invite, which expenses the California people intended to pay. [Applause.]

The gentleman from Indiana [Mr. CULLOP] was asked if an estimate had been submitted in reference to the cost of these buildings. Not at all. Has any estimate been obtained as to the cost of making a Government exhibit? Not at all. We have been engaged for many years in making Government exhibits. You can telephone down here to the Smithsonian Institution or most of the other departments of the Government and get a reply by telephone telling what it will cost to make a reasonable Government exhibit. Yet the committee has declined to obtain this information, because it knew there was no way of absorbing $2,000,000 for this Government exhibit.

Mr. GARDNER of Massachusetts. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. GARDNER of Massachusetts. Is it not true that down at the Smithsonian Institution they have a sort of traveling Government exhibit packed up which they can ship at small expense all over the United States?

Mr. MANN. I believe they are prepared to furnish an exhibit at any time, to any exposition, at very small expense. They have enough duplicate things to keep some laid away for that purpose. And there are certain other branches of the Government where certain things are practically kept on hand for exhibition. Of course, the Government exhibit requires one little expense, the chief one that I know of—for the life-saving crew—probably the most interesting and entertaining exhibit which is made by the Government.

Why, Mr. Chairman, people do not go to these expositions to see the Government exhibits. They go to see the live exhibits of the country, made by the exhibitors and manufacturers and enterprising people of the country. Some people may desire to look at some old prints, or something of that sort, of a hundred years ago, but the people who go to California or any other exposition now will want to see the electrical exhibit. We can not make one, and it is not true that the success of an exposition depends upon the success of the Government exhibit.

It is a very nice thing for the States to have State buildings. They are gathering places for the people from the States, but the exhibits in those State buildings are practically nil. The same is mainly true of the buildings constructed by foreign nations.

I do not believe, Mr. Chairman, that this House has the right in morals to put upon the California company an expense of $500,000, which it will amount to, if not more, for a commission and the entertainment provided by this bill. Nor do I believe that we have the right, remembering the pledges which were made to us and the votes which were obtained from us by the promises which were made, to appropriate such a sum of money out of the Federal Treasury for useless officers and more useless entertaining. [Applause.] I now yield 10 minutes to the gentleman from Minnesota [Mr. STEENERSON].

Mr. STEENERSON. Mr. Chairman, I was a member of the Committee on Industrial Arts and Expositions at the time that report was made that has been referred to on the question whether San Francisco or New Orleans should be the place for this exposition. I want to say that the gentleman from Illinois [Mr. MANN] has very fairly stated the situation and the arguments that were made before the House. I can fortify that somewhat by reference to the printed hearings before the committee. The question before the committee was not only whether there was a difference between the bills, that the New Orleans bill required an appropriation of $1,000,000 and the San Francisco bill did not, but the matter was urged upon the committee that the Government did not need to have any exhibit at all, nor would they ask for any exhibit.

Representative HAYES, of California, who had charge of the speeches before the committee, made this statement, which will be found on page 100 of the hearings:

> The city of San Francisco ought to have that right. And yet, with the pluck which is characteristic of our people, they are not asking the National Government for one dollar. Our people are putting it all up, and we do not propose to ask for one dollar, notwithstanding the sneers of our friends from New Orleans, who believe that by and by we are going to come back and ask for a big appropriation. I am authorized to say that we shall not ask for one dollar from the Government of the United States, now nor in the future, and I speak for our whole delegation. The simple boon that we ask only is that the Government of the United States will give an invitation to the nations of the world to come and participate with us in celebrating a great historical event, in the city of San Francisco, in 1915.

That was reenforced by every Representative who spoke for San Francisco, and the question of a Government exhibit was directly discussed.

Mr. Scott, who represented San Francisco, was introduced by the gentleman from California [Mr. HAYES], and this is what he said:

> And what do we ask? Absolutely nothing but the courtesy of the United States, the honor of being designated the national host on this occasion. Mr. HAYES, our Congressman, has just pledged you his word that we shall ask for not one dollar, now or hereafter, and when we say that, gentlemen, we are business men and we mean business. We mean just what we say. We are not talking generalities; we are not talking about——
>
> The CHAIRMAN. Mr. Scott, you expect to have a Government exhibit there, do you not?
>
> Mr. SCOTT. I will answer that in this way: As far as any Government exhibit made by the National Government by funds out of the National Treasury is concerned, San Francisco pledges herself now not to ask for one dollar from the National Government. If we have national exhibits, those exhibits will be made by the independent States of the United States, and many of them have signified their intention of coming there, but we say now and we will say at all times, as Congressman HAYES has said before me, that we shall not ask the United States for one dollar to install an exhibit or for any other purpose, and I wish to be absolutely clear and unmistaken on that subject.
>
> Mr. LANGLEY. The National Government will pay for its own exhibit; of course, you do not expect the State of California to do that?
>
> Mr. SCOTT. I do not know what the National Government may want to do. But I do not want, by any implication or innuendo or by any misunderstanding, to be put into the position of sliding over this thing. Somebody has said, "They will come back later and say we want the Government to do so and so." If it were not for a feeling that it would be a presumption on our part, we would come to you as Congressmen and would say we would be delighted to build a Government building and to pay for the expense of installing a Government exhibit, because, gentlemen, the United States Government is sick and tired of expositions. Congress is sick and tired of appropriations for them. They have made them every year, and they are disgusted with them, and we do not want one cent now or in the future.
>
> Mr. NELSON. What do you expect, Mr. Scott, the Government will do in this matter?
>
> Mr. SCOTT. As far as their representation—we have been to the State Department. We stated that we were even willing to pay for the expense of a Government representation, a Government commission, if necessary. We have offered to put aside enough for the entertainment purposes by which that commission shall come out there and officially entertain the representatives of the world, if the State Department considered it a diplomatic necessity.

Mr. CARTER. Will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. CARTER. Who was the gentleman that made this speech saying that they would not ask for money even for a Government exhibit?

Mr. STEENERSON. I have read from Representative HAYES, and then the last I read from was a Mr. Scott, representing San Francisco.

Mr. CARTER. Was the California delegation present?

Mr. STEENERSON. Certainly.

Mr. CARTER. Did Mr. Scott speak for the California delegation?

Mr. STEENERSON. Yes. I continue to read from the hearings.

Now, further on is a statement made by Representative KAHN, on page 132 of the hearings:

> Now, if New Orleans were absolutely sincere in not asking for national aid she would do just as San Francisco has done, stand by her resolution of invitation, pure and simple. That accomplishes all that she now claims she is trying to accomplish. It authorizes the President of the United States to issue an invitation to foreign nations and it

makes no provision whatever for Government supervision or Government control, nor does it inaugurate through the Government any exposition, and that is the crux of this entire proposition. You all know what the sentiment of the House is with respect to appropriations for expositions.

Mr. NELSON. I do not wish to interrupt your argument, but are you going to explain what San Francisco expects Congress to do with reference to buildings for the exposition?

Mr. KAHN. Her resolution speaks for itself; and the bill which is pending before this committee speaks for itself.

The CHAIRMAN. You mean San Francisco?

Mr. NELSON. I mean San Francisco.

Mr. KAHN. Yes, I will explain her position thoroughly; I will go into that very thoroughly in a few moments.

Mr. NELSON. All right.

Mr. KAHN. Now, as Mr. Bell so ably explained the other day to this committee, New Orleans, or her exposition company, can not collect a dollar of the money that would be raised under her bond issue unless the Congress of the United States inaugurates or creates her exposition. It is expressly nominated in the bond, and she can not get a dollar without congressional recognition. Now, this matter of Government aid for expositions is a pretty old one. When the first proposition came up in the Congress of the United States for the Centennial Exposition, if you will take the time to read the debates, you will discover that Members on the floor of both Houses were fearful that it was going to cost the Government a great deal of money.

Mr. WICKLIFFE. Then you stand by what you said on the 20th of December?

Mr. KAHN. I qualified it; I said that the directors of the exposition were giving the matter thorough investigation. And they did investigate it, and they came to the conclusion absolutely that they did not want a dollar, even for a Government exhibit. They submit it now. I said they would submit it later; I submit it to this committee here and now, and state emphatically that that is their position in the matter.

Mr. CULLOP. I would like to ask you a question. Do you propose, in view of your statement, for the Government to make an exhibit at the exposition if it is held at San Francisco?

Mr. KAHN. No, sir.

The CHAIRMAN. I wish you would elaborate that.

Mr. KAHN. We will ask the various States of the Union and the municipalities of this country to exhibit. There have been Government exhibits at practically every exposition held in this country; it is not a novelty. It is nothing new. It does not add much to the success or failure of an exposition. It is frequently asked for in order to get a big sum of money to help build up an exposition and make a showing. We have $17,500,000, as much as Chicago had to put up her exposition, and we do not need the Government exhibit to make ours a success.

I read further from the hearings:

Mr. KAHN. Yes; I will explain it exactly. I said a moment ago that we will ask the States, and that we will ask the municipalities to make exhibits; we will appoint our commissioners to go to the various State legislatures and appear before the various city councils, and present our claims. We can do that without fear of being turned down, because whenever there has been an exposition in any section of this country and an appeal for a California display was made to our people, the people of California, through their legislature, have invariably appropriated large sums of money for a California display; thus we expended $300,000 at Chicago, $130,000 at St. Louis, $40,000 at Buffalo, and so on all the way down the line, even to $10,000 at New Orleans in 1885. And we feel assured that when the California commissioners go to the various States and the various municipalities their appeals will not be in vain. But we are taking the chances on that and we are willing to take them.

I will say that the gentleman from California [Mr. KAHN] was asked about a Government exhibit and whether it was not necessary to have a Government exhibit. On page 137 of the hearings before the committee he claimed that it was not necessary to have a Government exhibit. I want to make this suggestion before I conclude, as my time is limited, that there is a difference between a Government exhibit and an ordinary exhibit. As has been stated by the gentleman from Illinois [Mr. MANN], it is not necessary for the Government to have an exhibit to constitute a complete exposition, and when it is said here in argument that because we have invited the nations of the world we are in honor bound to exhibit ourselves—that is, that the United States Government is bound to exhibit—the argument does not hold true.

The resolution that we sent to the world is to the effect that the President of the United States be, and is hereby, authorized and respectfully requested by proclamation or in such manner as he may deem proper to invite all foreign countries to such proposed exposition, with the request that they, the people of those countries, participate therein. The countries are the ones that are invited through their Governments. It is not expected that the Government of every country that is invited will have an exhibit. They may not have any exhibit, and the majority probably will not. The States invited will not all have a State exhibit, because this is an industrial exposition, and it was ably explained by the gentleman from California that it was expected that these exhibits would have to be made by the different industries—by individuals engaged in industries. Therefore I submit that it is no argument whatever to claim that we have invited the nations of the world. That invitation was to the people of those nations and not to the Governments to make exhibits. The Governments were the channels through which the invitation was conveyed. The Governments of the world are not engaged in carrying on industrial activities only to a very limited extent. Neither is the Government of the United States.

The proposed exposition might be a complete success without a single foreign Government, as such, taking part or having any exhibit. That was the argument of our San Francisco friends two years ago, and it is as sound now as it was then, and they are bound by it.

There will be no embarrassment from the nonparticipation of the Federal Government in the exposition, so far as foreign nations are concerned. None of them are waiting to accept our invitation on that account.

One of them, Great Britain, probably has failed to accept the invitation on another ground, for which San Francisco is largely responsible. When the Pacific Coast States selfishly forced Congress to grant free tolls to our coastwise vessels, thereby discriminating against foreign vessels, they raised an issue with Great Britain, which as long as it remains unsettled will induce that nation to not only refuse to accept the invitation, but to boycott it altogether. San Francisco evidently believes that the American people have built this canal wholly for her benefit. She not only wants her ships to pass free, thereby depriving the Government of a revenue of a million dollars a year, but that we shall give her $2,000,000 in this bill to celebrate the event. When the United States, by taxing all the people, gives to the Pacific coast a free canal she ought not to be asked to spend $2,000,000 to celebrate the event. The celebration ought to be at the expense of those especially benefited.

Be that as it may, I hold that good faith on the part of the representatives of San Francisco now precludes them from asking for this bill. They are bound by the arguments they advanced two years ago, by which they carried the day over New Orleans. They were sound then and they are sound now. I am opposed to the bill.

Mr. MANN. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Eight minutes.

Mr. MANN. Mr. Chairman, I yield three minutes of that to the gentleman from Pennsylvania [Mr. BURKE], who already has seven minutes to his credit, and after he is through I desire to be recognized for the remainder of my time.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 10 minutes.

Mr. BURKE of Pennsylvania. Mr. Chairman, the analysis made of this situation by the gentleman from Illinois [Mr. MANN] is one such as we would expect under the circumstances, clear and forceful as far as the facts justify; but, Mr. Chairman, we are delving down in the musty manuscripts of this House, I believe, without avail and without purpose. The issue is not what the gentleman from California [Mr. KAHN] did or what the gentleman from Massachusetts did or the gentleman from Mississippi said two years ago. The issue is, What are we going to do to-day? And I defy any man on this floor to bind me by any fugitive expression of two years ago as to what I shall do when it comes to performing my duty as a representative of the American people in this body to-day. [Applause.] Mr. Chairman, the situation is this: We have been treating this as a local and as a temporary matter. We have been trying gentlemen who happen to be members of certain committees because they made use of certain expressions instead of meeting the issue before this committee. I was one of those who originally favored New Orleans, but I came to look upon the matter in a broader way. I came to realize that this had something broader than a mere local character; that it was national in its scope and even international in its significance.

The whole original proposition was based upon the desire of the American people to celebrate the completion of the greatest engineering feat in the history of the civilized world. There was a question as to where that celebration should take place—in New Orleans or San Francisco—and there is no evidence before this committee to-day that if the million-dollar issue had not been injected into that discussion the bill would not have passed in its original form, and no one can convince me that the House of Representatives would not then have voted to hold this exposition in California in any event. Pursuant to that resolution what do we do? We invite the nations of the world to participate in an American celebration.

There are gentlemen on this floor at this hour who are probably invited out for dinner this evening in the city of Washington. What would be their notion of their host if, when they went there, they were met at the door by the butler, who notified them that they would dine alone; that the host, upon a reconsideration, had concluded that he did not have enough money to dine himself or had concluded not to lay a cover for himself for any other reason? We instructed and authorized the President of the United States to invite the nations of the world, and, pursuant to that instruction, he did his duty, with the result that 25 nations of the earth, from Cuba to Canada,

from China to Argentina, have accepted our invitation; and yet at this late and critical stage of the proceedings, when the Congress is asked whether or not we, who extended that invitation, shall be present ourselves, gentlemen say no; it is utterly preposterous that the United States should be present, because the gentleman from California at some time or the gentleman from Massachusetts at some time gave vent to some fugitive expression in the course of the former deliberations of this body.

Let me ask this question: If this exposition were to be held in the city of Toronto, just across the border, and $20,000,000 had been provided by the Canadian people for a world's exposition and 35 of the nations of the earth had agreed to participate, would the people of the United States feel justified in refraining from participating therein? But here is what took place: The people of California, in the shadow of one of the greatest disasters that ever overtook or afflicted a people, arose out of those ruins and pledged themselves to raise $20,000,000, and they made good that pledge, and they are here to-day asking nothing. The people of California are not suppliants or mendicants rapping at the doors of the United States Treasury. This proposition originated in the minds of men who do not live near the Golden Gate. The question is whether or not the people of the United States shall participate in this international exposition that is to illustrate the development of the skill and the genius of the civilized world and the progress we have made in the arts of peace and of war.

Now, would we be justified, Mr. Chairman, under any circumstances in ignoring that which is of our own creation?

Let us ask further if all of those nations, with one exception, Great Britain, which I see has made a qualified acceptance, if they all appeared and produced the things that proved the progress they have made in the arts and in the industries, in peace and in war, would it be fair and would not we become the laughing stock of the civilized world if we did not—instead of bickering over this invitation—knock at the door and demand admission to participate in that great exposition?

It is a great opportunity, and the American people, I believe, would demand, if they knew this discussion was in progress, that the American Congress should see to it that they should exercise their right to perform their duty by exhibiting the best we have produced and proving ourselves a worthy host to other nations. Otherwise, Mr. Chairman, the Congress is in the position of having humiliated the country before the nations of all the world, and when this exhibition of inventions that have marked the development of the nations of the world during the years since the last exposition was held, we will be in the position of having created it and then turning our back upon it because, perchance, there happens to be in this bill a provision that there shall be a commission appointed that might eat and drink and wear clothes. They might possibly take a glass of wine on their way to California; they might partake of the delicious products of the vineyards of the Golden Gate, and therefore because some man may eat a hearty meal, wear a decent coat upon his back we should kill this enterprise, and Uncle Sam should bow his head in humility and in shame before the people of the civilized world. I do not believe that any such history will ever be written by this Congress, but if it is, Mr. Chairman, I do not propose that my name shall be signed to any such pitiable chapter in the annals of this great Republic. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RUSSELL having taken the chair as Speaker pro tempore, a message was received from the Senate announcing that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 40.

Resolved by the Senate (the House of Representatives concurring), That the report of the Secretary of War, under the joint resolution directing the Secretary of War to investigate the claims of American citizens for damages suffered within American territory growing out of the late insurrection in Mexico, approved August 9, 1912, be transmitted to the President, who is hereby respectfully requested to cause a claim for the amount of the damages reported therein as suffered by American citizens within American territory to be presented to the Government of Mexico as a claim in behalf of the Government of the United States.

The message also announced that Mr. FOSTER, at his own request, had been excused from further service as a conferee upon the bill (H. R. 26680) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, and Mr. OVERMAN had been appointed in his place.

PANAMA-PACIFIC INTERNATIONAL EXPOSITION.

The committee resumed its session.

Mr. MANN. Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts [Mr. GARDNER].

The CHAIRMAN. The gentleman from Illinois used five minutes.

Mr. GARDNER of Massachusetts. Mr. Chairman, it was no fugitive expression from the gentleman from Massachusetts. For years I have opposed every proposition for an exposition. As chairman of the Committee on Industrial Arts and Expositions, I made a dissenting report on the Alaska-Yukon Exposition bill for no other reason than that it contained a provision for a Government exhibit. It did not ask for a single cent except for that. When this San Francisco project was under consideration we were told in private—we were told by Mr. Scott, representing the exposition company, and others at the public hearings—that they would not ask for a Government exhibit and that they did not need a Government exhibit. We were told that very thing on the floor of this House. Mr. FINLEY, of South Carolina, and I both stated on the floor of this House—and we both voted for San Francisco—that we would not vote for any place that asked for a single dollar of expenditure for a Government exhibit. So much for the fugitive expression of opinion.

Now, those facts do not meet the main question, as the gentleman from Pennsylvania has said. They only show the bad faith of some one. Let us get to the main question. The gentleman says that we are in a trap; that we have got the elephant in the tent, and now we must feed him. Not a bit of it, gentlemen. These Californians told us before our committee they did not need a Government exhibit. Why, they have got an exhibit from most of the States in the Union, some of them, I venture to say, costing twice as much as any amount that any exhibit from any foreign country will cost. Oh, we are told that we must entertain these foreigners when they come. Why, Mr. Chairman, during the time that the debate two years ago was in progress the gentleman from Pennsylvania [Mr. BURKE] introduced an amendment providing for a commission after the vote was taken authorizing the exposition at San Francisco; I raised the point of order that he could not have an amendment pending in somebody else's time.

I said then what is equally true to-day, Mr. Chairman. I said this:

If that amendment were to be incorporated in this bill I should vote against the San Francisco exposition. It does nothing more nor less than open the door for persons to come before Congress, as they have frequently done already, and say: "By the appointment of your commission to control our affairs you assumed the responsibility for the failure or success of our exposition. If you had given us our own way we might have made it a success. Now you are morally bound to liquidate any debt that may have been incurred."

It was exactly on such a plea that over and over again this Government has been called on to pay the expenses of unsuccessful expositions.

Mr. HEFLIN. I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Chairman, I have been compelled to be absent during the most of this debate. I heard the closing remarks of my honored colleague from Illinois [Mr. MANN]. Speaking respectfully of what I heard of his speech and what I heard of my honored colleague from Minnesota [Mr. STEENERSON] and of my friend from Massachusetts [Mr. GARDNER], it seems to me, however strong my colleague is and was, and however strong my friend from Minnesota is and was, and however strong the gentleman from Massachusetts is and was, that they are off the mark. The remarks of the gentleman from Illinois come with poor grace after that great exposition in Chicago and what she received in encouragement from the Federal Treasury. After all has been said, it is not a question of the gentleman from California [Mr. KAHN], nor is it a question of what any man said. It is not a question of what any man pledged in the heat of a great contest. By solemn enactment we have invited the nations of the world to celebrate—what? To celebrate in 1915 the completion of the canal; and, right or wrong, it is to be celebrated in San Francisco, and California has put her hand to the plow and done more than any other people have done. They pledged over $20,000,000, and the money is raised. And now, after foreign nations have accepted; now, after the people in the United States are looking toward the Golden Gate, getting ready for that great exposition after the completion of the great canal, gentlemen are haggling about the United States, after having invited everybody to go to San Francisco, and are saying that she will not participate.

There are 100,000,000 of people in the United States. Twenty-five cents apiece means $25,000,000. And yet, gentlemen protecting the Treasury haggle about giving the proper aid to make this exhibit. Great heavens! There is not a man, there is not a woman, there is not one of the 85,000,000 of the common people but would feel humiliated to see the United States refuse to make the exhibit and construct the building. [Applause.]

Now, that is the way I feel about it. I have stood for every exposition from Philadelphia on, and after we concluded to hold

them I have wanted to make them good exhibitions—Philadelphia, Chicago, New Orleans, Buffalo, St. Louis——

Mr. DYER. The best of all.

Mr. CANNON. The gentleman says the best of all. I trust, however much the watchdogs of the Treasury may seek to muddy the water, to seek to defeat this bill, as citizens of the United States and as Members of Congress representing the greatest and wealthiest people on the face of the earth, we will not now turn our backs. [Applause.]

Mr. HEFLIN. Is the gentleman from Washington [Mr. HUMPHREY] in the Hall?

The CHAIRMAN. The gentleman is not present.

Mr. HEFLIN. Mr. Chairman, the time has arrived when some action should be taken in this matter. Gentlemen of the opposition have had a long, long time in which to discuss this measure. I fear that some have taken advantage of the time that they have had in order to filibuster for one reason and another and to postpone action upon this measure. The gentleman from Massachusetts [Mr. GARDNER] opposed having an exposition at New Orleans. He opposed having an exposition at San Francisco. He is at least entirely consistent in this matter. I will say that for him. The gentleman from Illinois [Mr. MANN] felt very friendly, indeed, to New Orelans, but finally fell off the fence on the San Francisco side. He has voted as all gentlemen have, long since that contest was settled for San Francisco, to extend an invitation from this Government to the other nations of the earth to come and participate in the celebration of the completion of the Panama Canal.

At that time some gentleman from California spoke of asking for no financial aid. We have since that time extended an invitation for our Government to the Governments of the earth to come and expend their money to put up buildings on our soil and make exhibits to help us celebrate the completion of an American project; and yet some of you would see our Government with no exhibit there on that important occasion. Japan appropriating a million dollars for the purpose of aiding America in the celebration of the greatest engineering feat in the world, is it possible that these gentlemen will refuse to provide for a proper participation by our own Government? Public buildings for the use and benefit of our Government are to be erected there and paid for out of this appropriation. We are now paying rents for buildings out there, I am told, of $72,000 a year. So, Mr. Chairman, in 27 years we will have saved $2,000,000 in rents and we will still have the buildings. We shall have had a great Government exhibit, shall have entertained the great nations of the earth, and we shall have celebrated the completion of this great American project. [Applause.] Do gentlemen want to be placed in the position of opposing a proper Government exhibit at San Francisco when the Government, through Congress, has invited other nations to come and bring Government exhibits?

I want to say to my friends on this side of the House who hail, as I do, from the great South, you strove hard to get this exposition for New Orleans; you favored a proposition, every one of you, that carried a million dollars for a Government exhibit there, and I am glad that many of you believe now that if a Government exhibit was proper at New Orleans a Government exhibit is proper at San Francisco, and you have shown that you are willing to aid the great Northwest in making the celebration of the completion of the Panama Canal a great success. [Applause.] Some who voted for the New Orleans exposition voted for a bill carrying a million dollars for a Government exhibit there but, strange to say, oppose a Government exhibit at San Francisco.

Some do not want to give San Francisco a Government exhibit, because it is claimed that some gentleman from California said that he did not ask for financial aid. Other expositions have been held, and after they were over some of those interested have come back and asked for financial aid, and it was given to them. The representatives of the San Francisco exposition have said that San Francisco will not ask for financial aid, and I would oppose giving it if they did, and we have provided in this bill that she shall pay for seven commissioners, just as the New Orleans bill provided, and she stands ready to carry out that contract. This appropriation is only for a Government exhibit and for public buildings for the use and benefit of the Government of the United States. Mr. Chairman, since we have authorized the exposition and invited foreign nations to come and make exhibits there we ought to have an exhibit in keeping with the proprieties of the occasion and the honor and dignity of our country. I want to see every State in the Union represented there.

Let them bring an exhibit of the products of the soil, mines, and factories, and so forth. I want the South to have the greatest cotton exhibit there that the world has ever seen. [Applause.] I want the foreign countries to see what we produce from the soil of the South and I want them to know something of the multiplied uses to which cotton is put and the myriad blessings that come from the lavish use of it as wearing apparel and other purposes. I believe that that exposition will redound to our everlasting benefit by bringing about happier relations with foreign countries, help us commercially with the nations of the earth, and aid us to promote peace the world over. [Loud applause.]

Now, Mr. Chairman, I want to say that considerable time has been consumed in discussing this measure. Both sides have been heard, and in order that we may take the bill up for amendments under the five-minute rule it is necessary to close general debate. I therefore move that the committee do now rise.

The CHAIRMAN. The question is on the motion of the gentleman from Alabama [Mr. HEFLIN], that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. JAMES, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 27876) to provide for the participation of the United States in the Panama-Pacific International Exposition, and had come to no resolution thereon.

Mr. COLLIER and Mr. HEFLIN rose.

Mr. SISSON. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Mississippi [Mr. SISSON] moves that the House do now adjourn.

Mr. HEFLIN. Mr. Speaker, I hope the gentleman will withdraw that motion.

The SPEAKER. The question is on agreeing to the motion to adjourn.

Mr. KAHN. Pending that, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Pending that, there is a motion to adjourn.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. HEFLIN. A division, Mr. Speaker.

The House divided; and there were—ayes 74, noes 66.

Mr. HEFLIN. Mr. Speaker, I demand tellers.

Tellers were ordered, and the Speaker appointed Mr. HEFLIN and Mr. SISSON.

The House again divided; and the tellers reported—ayes 79, noes 67.

Mr. CULLOP. The yeas and nays, Mr. Speaker.

The question being taken on ordering the yeas and nays, the Speaker, after counting, announced 23 ayes.

Mr. CULLOP. The other side.

The SPEAKER. The gentleman from Indiana demands the other side. [After counting.] Ninety-seven in the negative. On the demand for the yeas and nays the ayes are 23, the noes are 97—not a sufficient number seconding the demand—and the yeas and nays are refused.

Mr. KAHN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. KAHN. I ask unanimous consent that I may revise and extend my remarks in the RECORD.

The SPEAKER. The gentleman from California asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 8151. An act providing for the adjustment of the grant of lands in aid of the construction of the Corvallis and Yaquina Bay military wagon road, and of conflicting claims to lands within the limits of said grant;

H. R. 12813. To refund duties collected on lace-making and other machines and parts or accessories thereof imported subsequently to August 5, 1909, and prior to January 1, 1911;

H. R. 25741. Amending section 3392 of the Revised Statutes of the United States, as amended by section 32 of the act of August 5, 1909;

H. R. 26549. To provide for the construction or purchase of motor boat for customs service;

H. R. 15181. For the relief of Harry S. Wade;

H. R. 24365. Providing for taking over by the United States Government of the Confederate cemetery at Little Rock, Ark.;

H. R. 20385. To reimburse Charles S. Jackson;

H. R. 2359. To refund certain tonnage taxes and light dues;

H. R. 27157. Granting an extension of time to construct a bridge across Rock River at or near Colona Ferry, in the State of Illinois; and

H. R. 23351. To amend an act entitled "An act to provide for an enlarged homestead."

ADJOURNMENT.

The SPEAKER. On the motion to adjourn, the ayes are 79, the noes are 66. The ayes have it.

Accordingly (at 6 o'clock and 35 minutes p. m.) the House adjourned until Thursday, February 6, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of a communication from Col. Spencer Cosby, executive and disbursing officer, Lincoln Memorial Commission, submitting estimate of appropriation for commencing work for the erection of the Lincoln memorial (H. Doc. No. 1344), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. PALMER, from the Committee on Ways and Means, to which was referred the bill (H. R. 25283) to permit the manufacture of denatured alcohol by mixing domestic and wood alcohol while in process of distillation, reported the same without amendment, accompanied by a report (No. 1445), which said bill and report were referred to the House Calendar.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill (H. R. 28191) authorizing the extension of payments on certain town lots in the Kiowa, Comanche, and Apache ceded lands in Oklahoma, reported the same with amendment, accompanied by a report (No. 1444), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DYER, from the Committee on Industrial Arts and Expositions, to which was referred the resolution (H. Res. 799) providing for the appointment of a committee of the House of Representatives to attend and represent the House at the dedication and unveiling of a memorial statue to Thomas Jefferson at St. Louis, Mo., April 30, 1913, in commemoration of the acquisition of the Louisiana Territory, reported the same without amendment, accompanied by a report (No. 1442), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KNOWLAND, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 3625) for the purchase or construction of a launch for the customs service at and in the vicinity of Los Angeles, Cal., reported the same with amendment, accompanied by a report (No. 1443), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WOODS of Iowa: A bill (H. R. 28635) to amend section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes; to the Committee on the Judiciary.

By Mr. SLAYDEN: A bill (H. R. 28641) to provide for a tax on high explosives, and for other purposes; to the Committee on Ways and Means.

By Mr. COVINGTON: A bill (H. R. 28642) to authorize aids to navigation and other works in the Lighthouse Service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Pennsylvania: A bill (H. R. 28643) to incorporate the Mothers' Day International Association; to the Committee on the Judiciary.

By Mr. HAYDEN: Resolution (H. Res. 811) referring the bill (H. R. 27001) authorizing the Shoshone Tribe of Indians residing on the Wind River Reservation in Wyoming to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. DENVER: Resolution (H. Res. 812) authorizing the Clerk of the House, during the remainder of the present session, to employ such additional clerical help as may be needed in the enrolling room, to be paid out of the contingent fund; to the Committee on Accounts.

By Mr. KINDRED: Resolution (H. Res. 813) requesting the Secretary of State to furnish information relative to alleged atrocities in the rubber fields of Peru; to the Committee on Foreign Affairs.

By Mr. CLAYTON: Resolution (H. Res. 814) relative to consideration of House bill providing for compensation of clerks of United States district courts; to the Committee on Rules.

By Mr. CALDER: Joint resolution (H. J. Res. 393) authorizing and directing the President of the United States to issue medals to the survivors of the Battle of Gettysburg; to the Committee on Military Affairs.

By Mr. HAWLEY: Memorial from the Legislature of the State of Oregon, favoring House bill 14053, increasing the pensions of Indian war veterans from $8 to $30 per month; to the Committee on Pensions.

Also, a memorial from the Legislature of the State of Oregon, favoring the enactment of Senate bill 6109 of the Sixty-second Congress; to the Committee on Agriculture.

Also, a memorial from the Legislature of the State of Oregon, favoring the enactment of a Federal law for the protection of migratory birds; to the Committee on Agriculture.

Also, a memorial from the Legislature of the State of Oregon, making application to Congress under provisions of Article V of the Constitution of the United States for the calling of a convention to propose an amendment prohibiting polygamy in the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARTHOLDT: A bill (H. R. 28636) granting a pension to Elizabeth Maurer; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 28637) for the relief of the estate of Ann S. Jackson; to the Committee on War Claims.

By Mr. RAINEY: A bill (H. R. 28638) granting a pension to Sarah M. Sullens; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 28639) granting an increase of pension to Mary T. Frank; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 28640) for the relief of Frank Hodges; to the Committee on Claims.

By Mr. ANDRUS: A bill (H. R. 28644) for the relief of the estate of William Wheeler Hubbell; to the Committee on Claims.

By Mr. McKELLAR: A bill (H. R. 28645) for the relief of the deacons of the Missionary Baptist Church, of Toone, Tenn.; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Petition of the faculty and students of the William Jewell College, Liberty, Mo., favoring the passage of legislation providing sufficient funds for the suppression of the white-slave traffic; to the Committee on Appropriations.

By Mr. ASHBROOK: Petition of Nashville Grange, No. 1851, Lakeville, Ohio, protesting against the passage of House bill 20196, for removal of the tax on colored oleomargarine; to the Committee on Agriculture.

By Mr. BARTHOLDT: Petitions of W. A. Ferrell, of Webster Grove; J. C. Strauss, E. W. La Beaume, A. Hilton, R. E. McLaughlin, the Central Gun Club, J. T. H. Gunner, Herbert L. Gardner, Claude Kilpatrick, the Cuiove Island Club, W. E. Walker, Theodore G. Roeham, and 8 other citizens of St. Louis, all in the State of Missouri, favoring the passage of the McLean bill granting Federal protection to all migratory birds; to the Committee on Agriculture.

Also, petition of the Campbell Glass & Paint Co., St. Louis, Mo., protesting against the passage of House bill 27492, relative to the branding of imitation articles or goods for sale; to the Committee on Interstate and Foreign Commerce.

Also, petition of Thineas Towne, St. Louis, Mo., favoring the passage of legislation granting pensions to the veterans of the various Indian wars; to the Committee on Pensions.

Also, petition of the Central Trades and Labor Union, St. Louis, Mo., praying for the passage of legislation for the investigation of the Philadelphia dynamite case; to the Committee on the Judiciary.

Also, petition of Henry A. Everett, Cleveland, Ohio, favoring the passage of House bill 26939, providing for the erection of a

pearl station at the Panama Canal; to the Committee on the Library.

Also, petition of Commander C. J. Jones, of St. Louis Camp of the National Indian War Veterans, of St. Louis, Mo., favoring the passage of legislation granting pensions to veterans of the various Indian wars; to the Committee on Pensions.

Also, petition of the Henry Heil Chemical Co., St. Louis, Mo., favoring the passage of legislation for removing the tariff on earthenware and clay crucibles; to the Committee on Ways and Means.

Also, petition of the Missouri Game and Fish League, St. Louis, Mo., favoring the passage of the Weeks bill (H. R. 36) for granting Federal protection to migratory birds; to the Committee on Agriculture.

Also, petition of J. F. Imbs, St. Louis, Mo., relative to the prejudiced effect of the present tariff on the milling industry; to the Committee on Ways and Means.

Also, petition of the Eddy & Eddy Manufacturing Co. and the Roth-Homeyer Coffee Co., St. Louis, Mo., protesting against the passage of legislation for a reduction of duty on spices; to the Committee on Ways and Means.

Also, petition of the Italian Chamber of Commerce, New York, protesting against the passage of Senate bill 3175, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Steamboat Managers' Association, St. Louis, Mo., favoring the passage of bills (H. R. 19405, 19406, 19407) providing for an increase of salary to the members of the Steamboat-Inspection Service; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Association of Master Plumbers, the Moore-Jones Metal & Brass Co., the Wesco Supply Co., the Reinhard Grocer Co., the Bascom Wire & Paper Co., and the Lungstras Dyeing & Cleaning Co., of St. Louis, Mo., and H. T. Abernathy, Kansas City, Mo., favoring the passage of House bill 27567, for a 1-cent letter postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of the Farley Harvey Dry Goods Co., Boston, Mass.; Rev. T. N. Pelonbet, A. L. Goodrich, Horace Dutton, and Rev. William C. Gordon, Auburndale, Mass.; Olin F. Herrick, Boston, Mass.; and Arthur W. Kelly, Auburndale, Mass., all favoring the passage of House joint resolution 100—the anti-conquest resolution; to the Committee on Foreign Affairs.

By Mr. BATES: Petition of the Board of Trade of Erie, Pa., and School No. 17 of the school district of Erie, Pa., both favoring the passage of the McLean bill granting Federal protection to migratory birds; to the Committee on Agriculture.

Also, petition of L. E. White, A. W. McClintock, and James L. Swickard, Meadville, Pa., favoring the passage of the amended Kenyon bill for preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. DWIGHT: Petition of 3 citizens of Cortland, N. Y., favoring the passage of the Kenyon-Sheppard bill preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. DYER: Petition of the American Federation of Labor, Washington, D. C., favoring the passage of the Federal workingmen's compensation bill; to the Committee on the Judiciary.

Also, petition of the Missouri House of Representatives, in favor of the passage of legislation for Federal aid in the building of roads; to the Committee on the Post Office and Post Roads.

Also, petition of the International Reform Bureau (Inc.), favoring the passage of an amended bill to close the Panama-Pacific International Exposition on Sunday; to the Committee on Appropriations.

By Mr. FULLER: Petition of 33 citizens of Rockford, Ill., favoring the passage of the Webb-Sheppard bill (H. R. 17593) preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. HAYES: Petition of M. S. Wildman, Stanford University, Cal., favoring the passage of the Crawford-Sulzer bill providing for the calling of an international conference on the high cost of living; to the Committee on Foreign Affairs.

Also, petition of J. P. Pryor, Pacific Grove, Cal., favoring the passage of House bill 1309, for the establishment of a council of national defense; to the Committee on Naval Affairs.

Also, petition of the General Federation of Women's Clubs, protesting against the passage of any legislation tending to destroy the present system of national forest preservation; to the Committee on Agriculture.

Also, petition of David A. Curry, John S. Washburn, William Sells, jr., Palo Alto, Cal., favoring the passage of legislation granting 10-year concessions for camp sites in the Yosemite Valley; to the Committee on the Public Lands.

Also, petition of the Associated Societies of California, Berkeley, Cal., favoring the passage of the McLean bill granting Federal protection to migratory birds; to the Committee on Agriculture.

By Mr. McKELLAR: Papers to accompany bill for the relief of the deacons of the Missionary Baptist Church, of Toone, Tenn.; to the Committee on War Claims.

By Mr. KINDRED: Petition of openers and packers of the United States appraiser's stores, port of New York, favoring the passage of legislation for the increase of salary for the openers and packers of the United States, port of New York; to the Committee on Appropriations.

Also, petition of the Allied Printing Trades Council of Greater New York, protesting against the adoption of the amendment of the Bourne parcel-post bill, making it optional whether user shall send by mail 2 cents per pound or by freight 1 cent; to the Committee on the Post Office and Post Roads.

By Mr. LINDSAY: Petition of James S. Monroe & Co., Boston, Mass., and the Pratt Institute, Brooklyn, N. Y., favoring the passage of Senate bill 3, for granting Federal aid for vocational education; to the Committee on Agriculture.

Also, petition of the California Club, San Francisco, Cal., favoring the passage of legislation making sufficient appropriation for the suppression of the white-slave traffic; to the Committee on Appropriations.

By Mr. MOORE of Pennsylvania: Petition of the West Branch of the Young Men's Christian Association of Pennsylvania, favoring the passage of the Kenyon red-light injunction bill, to clean up Washington for inauguration; to the Committee on the District of Columbia.

By Mr. O'SHAUNESSY: Petition of the Navy League of the United States, Washington, D. C., favoring the passage of House bill 1309, for the establishment of a council of national defense; to the Committee on Naval Affairs.

By Mr. PRINCE: Petition of Rev. W. H. Wetter and others, of Farmington, Ill., favoring the passage of the Kenyon-Sheppard bill, preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. RAKER: Petition of Ernest T. Seton, Greenwich, Conn., favoring the passage of the McLean bill, for granting Federal protection to migratory birds; to the Committee on Agriculture.

By Mr. ROBERTS of Massachusetts: Petition of J. W. Hutchins and others, of Malden, Mass., favoring the passage of the Kenyon-Sheppard liquor bill, preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

Also, petition of J. W. Hutchens and others, favoring the passage of the Kenyon red-light injunction bill, to clean up Washington for the inauguration; to the Committee on the District of Columbia.

SENATE.

THURSDAY, *February 6, 1913.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

INTERSTATE SHIPMENT OF LIQUORS.

Mr. PAYNTER. Mr. President, yesterday I made an announcement that I would address the Senate at the close of the routine morning business to-day on Senate bill 4043, to prohibit interstate commerce in intoxicating liquors in certain cases; but the Senator from Ohio [Mr. BURTON] did not complete his speech yesterday, so I give notice that I will address the Senate to-morrow at that time, and will give way to the Senator from Ohio to finish his remarks to-day.

SENATOR FROM IDAHO.

Mr. BORAH. Mr. President, I present the credentials of JAMES H. BRADY, chosen by the Legislature of the State of Idaho a Senator from that State, and ask that they be read.

The PRESIDENT pro tempore. The credentials will be read.

The credentials of JAMES H. BRADY, chosen by the Legislature of the State of Idaho a Senator from that State for the remaining portion of the term of Hon. WELDON B. HEYBURN, deceased, ending March 4, 1915, were read and ordered to be filed.

Mr. BORAH. The Senator elect is in the Chamber and ready to take the oath of office.

The PRESIDENT pro tempore. The Senator elect will present himself at the desk for that purpose.

Mr. BRADY was escorted to the Vice President's desk by Mr. BORAH, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

SENATOR FROM RHODE ISLAND.

Mr. WETMORE. Mr. President, I present the credentials of LE BARON B. COLT, chosen by the General Assembly of the State of Rhode Island and Providence Plantations a Senator from that State for the term beginning March 4, 1913, and ask that they be read and filed.

The PRESIDENT pro tempore. The credentials will be read.

The credentials of LE BARON BRADFORD COLT, chosen by the Legislature of the State of Rhode Island a Senator from that State for the term beginning March 4, 1913, were read and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. NELSON presented a memorial of sundry students of the Maplewood Academy, Maple Plain, Minn, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. BRISTOW presented a petition of sundry citizens of Windom, Kans., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. MYERS presented a memorial of the congregation of the Seventh-day Adventist Church of Hamilton, Mont., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. ASHURST presented a resolution adopted by the Chamber of Commerce of Prescott, Ariz., favoring a reduction of the rate of postage on first-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. ROOT presented a petition of the congregation of the Fifth Avenue Methodist Episcopal Church, of Troy, N. Y., and a petition of the Ministerial Circle of Classics of Rochester, N. Y., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. PERKINS presented resolutions adopted by the Chamber of Commerce of San Francisco, Cal., favoring the exemption from tolls of American coastwise ships passing through the Panama Canal, which were ordered to lie on the table.

He also presented a memorial of the congregation of the Seventh-day Adventist Church of California, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

REPORTS OF COMMITTEE ON PUBLIC LANDS.

Mr. JONES, from the Committee on Public Lands, to which was referred the bill (S. 2622) to authorize the city of Everett, Wash., to purchase certain lands for the securing, establishment, maintenance, and protection of a source of water supply for said city, reported it without amendment and submitted a report (No. 1192) thereon.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (S. 6402) to authorize the issuance of absolute and unqualified patents to public lands in certain cases, reported it without amendment and submitted a report (No. 1193) thereon.

He also, from the same committee, to which was referred the bill (S. 7754) for the relief of Joseph Hodges, reported it with an amendment and submitted a report (No. 1194) thereon.

EMPLOYMENT OF STENOGRAPHER.

Mr. BRISTOW, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred S. Res. 446, submitted by himself on the 3d instant, reported favorably thereon, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay for a stenographer to a Senator who is not chairman of a committee, at $1,200 per annum, from February 3, 1913, to be paid from the contingent fund of the Senate until expiration of the present Congress.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRANDEGEE:

A bill (S. 8390) to provide for the erection of a public building at Seymour, in the State of Connecticut; to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Michigan:

A bill (S. 8391) granting an honorable discharge to Henry S. Hunter; to the Committee on Military Affairs.

A bill (S. 8392) granting an increase of pension to Louisa M. Buchanan;

A bill (S. 8393) granting an increase of pension to Joseph Hadden;

A bill (S. 8394) granting a pension to Marcus W. Bates (with accompanying papers);

A bill (S. 8395) granting an increase of pension to Mineria Beeman (with accompanying papers); and

A bill (S. 8396) granting a pension to Isolina M. Forbes (with accompanying papers); to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 8397) granting an increase of pension to Otis Crawford (with accompanying papers); to the Committee on Pensions.

By Mr. NEWLANDS:

A bill (S. 8398) to amend an act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone," approved August 24, 1912; to the Committee on Interoceanic Canals.

A joint resolution (S. J. Res. 159) regarding the Panama Canal tolls; to the Committee on Interoceanic Canals.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. O'GORMAN submitted an amendment providing for the survey of the Upper Bay, with a view to improving the channel opposite anchorage grounds, New York Harbor, N. Y., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. FLETCHER submitted an amendment proposing to appropriate $10,000 to collect, collate, and publish statistics relating to the turpentine and rosin industry, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. MARTINE of New Jersey submitted an amendment proposing to appropriate $45,000 for the improvement of Absecon Inlet, N. J., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also (for Mr. BRIGGS) submitted an amendment providing for a survey of Raccoon Creek, N. J., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. LODGE submitted an amendment providing for a preliminary examination and survey of Salem Harbor, Mass., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BANKHEAD submitted an amendment providing that harbors within municipalities along the Mississippi River and on watercourses in connection therewith shall be improved by the Mississippi River Commission upon such municipality or municipalities paying one-half of the cost thereof to the commission, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. JONES submitted an amendment proposing to appropriate $30,000 for paving with sheet asphalt K Street north, between Washington Circle and the bridge at Twenty-eighth Street west, intended to be proposed by him to the District of Columbia appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. BACON submitted an amendment proposing to appropriate $8,000 for improving Fancy Bluff Creek, connecting Turtle River and Brunswick Harbor with Little Satilla River, Ga., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

DEPARTMENT OF LABOR.

Mr. BORAH. I desire to give notice that to-morrow after the close of the routine morning business I will ask the Senate to consider the bill (H. R. 22913) to create a department of labor.

COMMITTEE SERVICE.

Mr. GALLINGER submitted the following resolution, which was read, considered by unanimous consent, and agreed to:

Resolved, That Mr. BRADY be assigned to service on and to the chairmanship of the Committee on National Banks, and to service on the Committees on Agriculture and Forestry, Coast and Insular Survey, Expenditures in the Department of Commerce and Labor, and Military Affairs.

CHARLES H. ARBUCKLE AND BESSIE VON HARTEN.

Mr. BRISTOW submitted the following resolution (S. Res. 453), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, out of the contingent fund of the Senate, to Charles H. Arbuckle, who served as clerk to the Hon. Kirtland I. Perky, Senator from Idaho, from January 25 to February 6, 1913, the sum of $66.67, being at the rate of compensation now paid to clerks to Senators, and to Bessie Von Harten, who served as stenographer to Senator Perky for the same period, the sum of $40, being at the rate of compensation now paid to stenographers to Senators.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from North Carolina suggests the absence of a quorum. The Secretary will proceed to call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Crawford	Lippitt	Smith, Ariz.
Bacon	Cummins	Lodge	Smith, Ga.
Bankhead	Curtis	McCumber	Smith, Mich.
Borah	Dillingham	Martin, Va.	Smith, S. C.
Bourne	Fletcher	Martine, N. J.	Smoot
Brady	Gallinger	Myers	Stephenson
Brandegee	Gamble	Nelson	Sutherland
Bristow	Gardner	O'Gorman	Thomas
Brown	Gronna	Oliver	Thornton
Burnham	Guggenheim	Overman	Tillman
Burton	Hitchcock	Page	Townsend
Catron	Jackson	Paynter	Webb
Chilton	Johnston, Ala.	Perkins	Wetmore
Clapp	Jones	Pomerene	Williams
Clark, Wyo.	Kavanaugh	Root	Works
Clarke, Ark.	Kenyon	Sheppard	
Crane	Lea	Simmons	

Mr. THORNTON. I desire to announce the necessary absence of my colleague [Mr. FOSTER] on account of serious illness in his family, and also that he is paired with the junior Senator from Wyoming [Mr. WARREN]. I ask that this announcement may stand for the day.

The PRESIDENT pro tempore. Upon the call of the roll of the Senate 66 Senators have responded to their names, and a quorum of the Senate is present. The Senator from Massachusetts moves that the Senate proceed to the consideration of executive business. [Putting the question.] The noes appear to have it.

Mr. MCCUMBER and Mr. SMOOT called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. For the day I transfer that pair to the junior Senator from Nevada [Mr. MASSEY] and will vote. I vote "yea."

Mr. GALLINGER (when Mr. CULLOM's name was called). I beg to announce that the Senator from Illinois [Mr. CULLOM] is detained from the Chamber by illness.

Mr. SMITH of Michigan (when his name was called). I am paired with the junior Senator from Missouri [Mr. REED]. I transfer that pair to the Senator from New Mexico [Mr. FALL] and will vote. I vote "yea." I desire this announcement to stand for the day.

Mr. SMITH of South Carolina (when his name was called). I have a pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Nevada [Mr. NEWLANDS] and will vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my pair with the Senator from Pennsylvania [Mr. PENROSE] to the Senator from Oklahoma [Mr. GORE] and will vote. I vote "nay."

The roll call was concluded.

Mr. CHILTON. I desire to transfer my pair with the Senator from Illinois [Mr. CULLOM] to the Senator from Oklahoma [Mr. OWEN] and to vote. I vote "nay."

While I am on my feet I wish to announce the pair of my colleague [Mr. WATSON] with the Senator from New Jersey [Mr. BRIGGS]. I ask that this announcement may stand for the day.

Mr. CULBERSON. I inquire if the Senator from Delaware [Mr. DU PONT] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. CULBERSON. I transfer my general pair with that Senator to the Senator from Maryland [Mr. SMITH] and will vote. I vote "nay."

Mr. HITCHCOCK. I desire to announce that the junior Senator from Indiana [Mr. KERN] is absent from the Chamber on public business, and is paired with the Senator from Kentucky [Mr. BRADLEY].

Mr. SMOOT. I desire to announce that the Senator from New York [Mr. ROOT] is paired with the Senator from Indiana [Mr. SHIVELY]. The Senator from New York is unavoidably detained from the Senate.

Mr. OLIVER (after having voted in the affirmative). I inquire if the junior Senator from Oregon [Mr. CHAMBERLAIN] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. OLIVER. I have a general pair with that Senator, and I therefore withdraw my vote.

I wish to announce that my colleague [Mr. PENROSE] is detained from the Chamber on account of illness.

The result was announced—yeas 36, nays 34, as follows:

YEAS—36.

Borah	Clark, Wyo.	Guggenheim	Page
Bourne	Crane	Jackson	Perkins
Brady	Crawford	Jones	Smith, Mich.
Brandegee	Cummins	Kenyon	Smoot
Brown	Curtis	Lippitt	Stephenson
Burnham	Dillingham	Lodge	Sutherland
Burton	Gallinger	McCumber	Townsend
Catron	Gamble	McLean	Wetmore
Clapp	Gronna	Nelson	Works

NAYS—34.

Ashurst	Gardner	O'Gorman	Smith, S. C.
Bacon	Hitchcock	Overman	Swanson
Bankhead	Johnson, Me.	Paynter	Thomas
Bristow	Johnston, Ala.	Poindexter	Thornton
Bryan	Kavanaugh	Pomerene	Tillman
Chilton	Lea	Sheppard	Webb
Clarke, Ark.	Martin, Va.	Simmons	Williams
Culberson	Martine, N. J.	Smith, Ariz.	
Fletcher	Myers	Smith, Ga.	

NOT VOTING—25.

Bradley	Foster	Owen	Smith, Md.
Briggs	Gore	Penrose	Stone
Chamberlain	Kern	Percy	Warren
Cullom	La Follette	Reed	Watson
Dixon	Massey	Richardson	
du Pont	Newlands	Root	
Fall	Oliver	Shively	

So the motion was agreed to, and the Senate proceeded to the consideration of executive business. After four hours spent in executive session the doors were reopened, and (at 4 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 7, 1913, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 6, 1913.

PROMOTION IN THE ARMY.

INFANTRY ARM.

Second Lieut. Edwin C. McNeil, Fourteenth Infantry, to be first lieutenant from February 4, 1913, vice First Lieut. Calvert L. Davenport, Nineteenth Infantry, retired from active service February 3, 1913.

APPOINTMENTS IN THE NAVY.

TO BE ASSISTANT SURGEONS IN THE MEDICAL RESERVE CORPS FROM THE DATES SET OPPOSITE THEIR NAMES.

J. Forrest Burnham, citizen of Massachusetts, January 23, 1913.

Adolphus B. Bennett, citizen of District of Columbia, January 25, 1913.

Charles A. Simpson, citizen of District of Columbia, January 25, 1913.

William S. Bainbridge, citizen of New York, January 25, 1913.

Homer G. Fuller, citizen of District of Columbia, January 27, 1913.

Louis C. Lehr, citizen of Maryland, January 27, 1913.

James J. Richardson, citizen of District of Columbia, January 31, 1913.

William G. Morgan, citizen of District of Columbia, January 31, 1913.

PROMOTIONS IN THE NAVY.

Pharmacist Oscar G. Ruge to be a chief pharmacist in the Navy from the 15th day of January, 1913, upon the completion of six years' service, in accordance with a provision contained in an act of Congress approved August 22, 1912.

Arthur H. Turner, a citizen of Pennsylvania, to be a second lieutenant in the Marine Corps from the 30th day of January, 1913, to fill a vacancy.

POSTMASTERS.

ALABAMA.

William Wagner to be postmaster at Atmore, Ala., in place of William Wagner. Incumbent's commission expired December 16, 1912.

CALIFORNIA.

George B. Hannahs to be postmaster at San Jacinto, Cal., in place of George B. Hannahs. Incumbent's commission expires February 20, 1913.

Peter J. McFarlane to be postmaster at Tehachapi, Cal., in place of Peter J. McFarlane. Incumbent's commission expired January 22, 1913.

DELAWARE.

John R. Black to be postmaster at Milton, Del., in place of John R. Black. Incumbent's commission expired December 17, 1912.

Irwin M. Chipman to be postmaster at Seaford, Del., in place of Irwin M. Chipman. Incumbent's commission expired January 18, 1913.

Frank F. Davis to be postmaster at Laurel, Del., in place of Frank F. Davis. Incumbent's commission expired December 16, 1912.

Thomas Jefferson to be postmaster at Smyrna, Del., in place of Thomas Jefferson. Incumbent's commission expired January 9, 1912.

George W. Vantine to be postmaster at New Castle, Del., in place of George W. Vantine. Incumbent's commission expired May 27, 1912.

IDAHO.

Ferdinand Beckman to be postmaster at Troy, Idaho, in place of Ferdinand Beckman. Incumbent's commission expired January 22, 1913.

ILLINOIS.

F. E. Herold to be postmaster at Hamilton, Ill., in place of F. E. Herold. Incumbent's commission expires February 9, 1913.

IOWA.

Levi M. Black to be postmaster at Ireton, Iowa, in place of Levi M. Black. Incumbent's commission expired January 24, 1909.

MISSISSIPPI.

R. D. Porter to be postmaster at Tupelo, Miss., in place of Dozier Anderson. Incumbent's commission expired December 16, 1912.

OHIO.

Elmer L. Godwin to be postmaster at West Mansfield, Ohio, in place of Elmer L. Godwin. Incumbent's commission expired May 16, 1912.

TEXAS.

Richard L. Coleman to be postmaster at Rusk, Tex., in place of Richard L. Coleman. Incumbent's commission expired January 27, 1913.

Charles M. Diller to be postmaster at Alto, Tex., in place of Charles M. Diller. Incumbent's commission expired January 27, 1913.

VERMONT.

Henry S. Webster to be postmaster at Orleans, Vt., in place of Henry S. Webster. Incumbent's commission expired January 11, 1913.

WEST VIRGINIA.

Joseph Williams to be postmaster at St. Marys, W. Va., in place of Joseph Williams. Incumbent's commission expired January 6, 1913.

WISCONSIN.

Thomas Gander to be postmaster at Soldiers Grove, Wis., in place of Thomas Gander. Incumbent's commission expires March 1, 1913.

James E. Harris to be postmaster at Prairie du Chien, Wis., in place of James E. Harris. Incumbent's commission expires March 2, 1913.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 6, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God our heavenly Father, the same yesterday, to-day, and forever, help us with renewed confidence in Thee and in the gifts Thou hast bestowed upon us, to go forward to the tasks of the new day that we may work out our own salvation with fear and trembling, assured that it is God which worketh in us both to will and to do of His good pleasure. And Thine be the praise through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

COLORADO SPRINGS AND MANITOU WATER SUPPLY.

The SPEAKER laid before the House the bill H. R. 23293, an act for the protection of the water supply of the city of Colorado Springs and the town of Manitou, Colo., with Senate amendments.

The Senate amendments were read.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that the House disagree to the Senate amendments and ask for a conference.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. FERRIS, Mr. GRAHAM, and Mr. VOLSTEAD.

AGRICULTURAL EXTENSION DEPARTMENTS.

The SPEAKER laid before the House the bill H. R. 22871, an act to establish agricultural extension departments in connection with agricultural colleges in the several States receiving the benefit of an act of Congress approved July 2, 1862, and of acts supplementary thereto, with a Senate amendment.

Mr. LEVER. Mr. Speaker, I ask unanimous consent to disagree to the Senate amendment and ask for a conference.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to disagree to the Senate amendment and ask for a conference. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. LAMB, Mr. LEVER, and Mr. HAUGEN.

COMBINATIONS IN RESTRAINT OF TRADE, WITH REFERENCE TO IMPORTATIONS.

The SPEAKER laid before the House the bill (H. R. 25002, an act to amend section 73 and section 76 of the act of August 27, 1894, with Senate amendments.

The Senate amendments were read.

Mr. NORRIS. Mr. Speaker, I move to concur in the Senate amendments.

The motion was agreed to.

HEIRS OF SAMUEL SCHIFFER.

The SPEAKER laid before the House the bill H. R. 8861, an act for the relief of the legal representatives of Samuel Schiffer, with a Senate amendment.

The Senate amendment was read.

The SPEAKER. Is there objection to the present consideration of the amendment?

Mr. SHERLEY. Mr. Speaker, I would like to have some explanation by the gentleman.

The SPEAKER. The gentleman from Kentucky reserves the right to object, and asks for an explanation.

Mr. MORSE of Wisconsin. Mr. Speaker, this is a bill for the relief of the heirs of Samuel Schiffer, passed by the House unanimously a little while ago. It comes from the Committee on War Claims. The Senate amended the bill. As it passed the House it carried a direct appropriation of $62,158.34. The Senate amended the bill by referring it to the Court of Claims and giving the court authority to try the case and enter judgment. Now I desire to move to concur in the Senate amendment with an amendment, and the amendment I propose is simply to provide that in no event shall the judgment rendered exceed the sum of $62,158.34, the amount in the House bill.

The SPEAKER. Is there objection?

Mr. ANTHONY. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman what committee that came from in the Senate?

Mr. MORSE of Wisconsin. The Senate Committee on Claims.

Mr. ANTHONY. Is it a fact that the Committee on Claims in the Senate is holding up bills sent over from the House?

Mr. MORSE of Wisconsin. This is a House bill.

Mr. ANTHONY. Are there any Senate bills included in it?

Mr. MORSE of Wisconsin. No; it is purely a House bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MORSE of Wisconsin. Mr. Speaker, I move that the House concur in the Senate amendment with an amendment which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Add at the end of the Senate amendment the following: "*Provided, however*, That in no event shall the judgment rendered in said cause, if any, exceed the sum of $62,150.34, and the amount of such, if any, when paid to the claimants shall be received by them in full settlement and satisfaction of all claims."

The SPEAKER. The question is on the motion of the gentleman from Wisconsin to concur in the Senate amendment with the amendment which the Clerk has just reported.

The question was taken, and the motion was agreed to.

STANDING ROCK INDIAN RESERVATION, NORTH AND SOUTH DAKOTA.

Mr. STEPHENS of Texas. Mr. Speaker, I call up the conference report on the bill (S. 109) to authorize the sale and disposition of the surplus and unallotted lands in the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota, and making appropriations and provisions to carry the same into effect, and I move to agree to the same. I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Texas calls up a conference report and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT (NO. 1430).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 109) to authorize the sale and disposition of the surplus and unallotted lands in the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with the following amendments:

Page 3 of the amendment, line 21, after the word "said" strike out the word "reservations" and insert in lieu thereof the word "reservation."

Page 6 of the amendment, line 4, after the word "entry" strike out the word "six" and insert in lieu thereof the word "five."

Page 6 of the amendment, line 8, strike out the first two words of said line, to wit, "four dollars," and insert in lieu thereof the words "three dollars and fifty cents," and the House agree to the same.

JNO. H. STEPHENS,
SCOTT FERRIS,
CHAS. H. BURKE,
Managers on the part of the House.
MOSES E. CLAPP,
PORTER J. MCCUMBER,
HENRY F. ASHURST,
Managers on the part of the Senate.

The Clerk read the statement as follows:

STATEMENT.

The amendments agreed to in conference are: Changing the word "reservations," in section 2 of the amendment, page 3, line 21, to "reservation"; and in section 4, page 6, line 4, the price of the land is reduced from $6 to $5 per acre; and in line 8 of same page, reducing the price of the land from $4 to $3.50 per acre.

JNO. H. STEPHENS,
SCOTT FERRIS,
CHAS. H. BURKE,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

FREDERICK H. FERRIS.

The SPEAKER laid before the House the bill (H. R. 21524) for the relief of Frederick H. Ferris, with a Senate amendment thereto.

The Clerk read the Senate amendment.

Mr. MANN. Mr. Speaker, at the request of my colleague [Mr. PRINCE], who has charge of the bill, I move to concur in the Senate amendment.

The motion was agreed to.

REPRINT OF A SPEECH.

Mr. SAUNDERS. Mr. Speaker, I ask unanimous consent that the remarks I have printed this morning in relation to the District bill be reprinted to-morrow, as the printer seems to have gotten the copy confused.

The SPEAKER. The gentleman from Virginia asks unanimous consent to have his speech on the District of Columbia bill reprinted and corrected. Is there objection?

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. BURLESON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 28499, the District of Columbia appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 28499, the District of Columbia appropriation bill, with Mr. RODDENBERY in the chair.

Mr. JOHNSON of Kentucky. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The CHAIRMAN. Will the gentleman from Kentucky please state to what page and line this amendment is offered?

Mr. JOHNSON of Kentucky. Mr. Chairman, it is not important to what page or line it is offered. It is relative to the sinking fund and interest. It might be well that the amendment go at the foot of page 67, where that item was stricken from the original bill.

Mr. BURLESON. Mr. Chairman, the amendment can be offered just as well on page 98, before line 1.

Mr. JOHNSON of Kentucky. Very well.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 98, by inserting before line 1 the following:

"INTEREST AND SINKING FUND.

"And there is hereby appropriated out of the proportional sum which the United States may contribute toward the expenses of the District of Columbia, in pursuance of the act of Congress approved June 11, 1878, for the fiscal year ending June 30, 1879, and annually thereafter, such sums as will, with the interest thereon at the rate of 3.65 per cent per annum, be sufficient to pay the principal of the 3.65 bonds of the District of Columbia issued under the act of Congress approved June 20, 1874, at maturity, which said sums the Secretary of the Treasury shall annually invest in said bonds at not exceeding the par value thereof, and all bonds so redeemed shall cease to bear interest and shall be canceled and destroyed in the same manner that United States bonds are canceled and destroyed. (Vol. 20, p. 410, U. S. Stat.)

"Hereafter the Secretary of the Treasury shall pay the interest on the 3.65 bonds of the District of Columbia issued in pursuance of the act of Congress approved June 20, 1874, when the same shall become due and payable, and all moneys so paid shall be credited as a part of the appropriaton for the year by the United States toward the expenses of the District of Columbia as hereinbefore provided. (Vol. 20, p. 105, U. S. Stat.)

"For the purpose of meeting the payment of interest and for the purpose of providing for said sinking fund the sum of $975,408, or so much thereof as may be necessary, is hereby appropriated (from the respective funds described in the two acts of Congress above set out), to be charged against the revenues of the District of Columbia, derived from taxes levied and assessed upon the taxable property and privileges of the District of Columbia for the fiscal year ending June 30, 1914."

Mr. BURLESON. Mr. Chairman, upon the amendment I reserve the point of order.

The CHAIRMAN. The gentleman from Texas reserves a point of order upon the amendment offered by the gentleman from Kentucky.

Mr. JOHNSON of Kentucky. Mr. Chairman, I would like to discuss the amendment for just a moment.

The CHAIRMAN. The Chair will inquire of the gentleman from Kentucky if he has a copy of the amendment?

Mr. JOHNSON of Kentucky. No; I did not have one made; I wish I had. Mr. Chairman, the original bill——

The CHAIRMAN. The Chair may possibly exceed the customary exercise of authority that exists or does not exist, but he could not gather the full significance of the somewhat lengthy amendment as read by the gentleman. This is an important matter; a point of order is reserved against it, and if it could be temporarily passed until a copy can be made so members of the committee in charge of the bill and the Chair could have it before them at the time it is under discussion, it seems to the Chair that the Chair and the committee may possibly reach a more correct and speedy conclusion of the matter——

Mr. BURLESON. Mr. Chairman, I will ask unanimous consent that we may conclude the reading of the bill and take up the amendment offered by the gentleman from Kentucky later.

Mr. JOHNSON of Kentucky. Mr. Chairman, I can explain the matter in a very few minutes.

Mr. SAUNDERS. Mr. Chairman, I was going to suggest this in connection with the suggestion of the Chair, and that is instead of having one copy made several copies may be made, so that in connection with the argument on the amendment offered by the gentleman from Kentucky the Chair might have one copy, we might have one copy, and the gentleman from Kentucky one copy. It is only a matter of a few minutes.

Mr. JOHNSON of Kentucky. In a few minutes I can explain what the amendment is to the Chair and anybody else.

Mr. SAUNDERS. But the Chair can not have it, and we want it in connection with our argument.

The CHAIRMAN. The Chair desires to make no innovation, but the Chair is of the opinion that when an important, lengthy amendment is proposed and gentlemen are in doubt as to its wisdom, either as to being proper legislation or as to its being in order, if there is not some reason to the contrary, as a matter of expeditious practice Members of the House interested in it should have convenient access to the text of the matter. It prevents controversy which, we observe, continually arises on the floor of the House or the Committee of the Whole because gentlemen do not fully grasp what the propounders seek, nor can they at all times comprehend and grasp the argument. It tends to cause delay and may be calculated to produce an erroneous ruling thereon. The Chair not only takes the liberty of making this statement in reference to the pending amendment, but likewise to other amendments that are lengthy in their nature and important in their character. The Chair will entertain the request of the gentleman from Texas.

Mr. BURLESON. Mr. Chairman, I ask unanimous consent that we may conclude the reading of the bill and action on such other small amendments that we propose to offer to perfect the bill, and in the meantime the amendment offered by the gentleman from Kentucky may be considered as pending at the point at which it has been offered.

The CHAIRMAN. Is there objection?

Mr. JOHNSON of Kentucky. What is considered as offered?

Mr. MANN. The gentleman's amendment.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the amendment offered by the gentleman from Kentucky may be considered as pending.

Mr. MANN. And the point of order reserved.

The CHAIRMAN. The point of order being reserved thereon and that the same may be taken up for consideration when the reading of the bill shall have been completed. Is there objection?

Mr. BURLESON. And action on certain small amendments.

The CHAIRMAN. Is there objection? [After a pause.] It is so ordered, and the Clerk will read.

Mr. JOHNSON of Kentucky. Mr. Chairman, I believe the main object of the present unprecedented delay is to have some copies made of the amendment which I offered. I take it for granted that it is desired in order to facilitate matters that the clerical force of the House copy this and have it brought right up.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 7. That all laws and parts of laws to the extent that they are inconsistent with this act are repealed.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order upon section 7 of the bill because it is legislation.

Mr. BURLESON. Mr. Chairman, I will state to the gentleman from Kentucky that that section is placed there for the protection of the Government.

Mr. MANN. It ought to go out.

Mr. JOHNSON of Kentucky. Notwithstanding, Mr. Chairman, I make the point of order.

Mr. BURLESON. Well, it undoubtedly is legislation, although it has been carried in every appropriation act——

Mr. JOHNSON of Kentucky. It went out on the point of order last year.

Mr. BURLESON (continuing). With the exception of last year, for 30 years.

Mr. JOHNSON of Kentucky. Will the gentleman concede the point of order?

Mr. BURLESON. I concede it is subject to a point of order.

The CHAIRMAN. The gentleman from Kentucky [Mr. JOHNSON] makes a point of order on the paragraph, and the point of order is conceded by the gentleman from Texas [Mr. BURLESON], in charge of the bill, and therefore the point of order is sustained.

Mr. BURLESON. Mr. Chairman, I ask unanimous consent to return to page 19, for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to return to page 19 of the bill, for the purpose of offering an amendment. Is there objection?

Mr. MANN. Reserving the right to object, what is the amendment?

Mr. BURLESON. On page 19, line 6, after the second word, "materials," insert the words "other than fuel."

Mr. MANN. All right.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 19, line 6, by inserting after the word "material," where it occurs the second time, the words "other than fuel."

Mr. BURLESON. With a comma before the word "other."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BURLESON. Now, Mr. Chairman, I ask to return to page 31, for the purpose of offering an amendment to an item that was passed.

Mr. JOHNSON of Kentucky. Reserving the right to object, I wish to hear what it is.

The CHAIRMAN. The gentleman from Texas [Mr. BURLESON] asks unanimous consent to return to page 31 for the purpose of offering an amendment, and the gentleman from Kentucky [Mr. JOHNSON] reserves the right to object until the amendment is reported.

Mr. BURLESON. The amendment is to restore the lines at the top of page 31 that went out on a point of order, with this addition:

Provided, That there shall be paid to the United States from the revenues of the District of Columbia the value of said lands so transferred, and for that purpose the sum of $2,818.50 is appropriated, to be paid wholly out of the revenues of the District of Columbia.

Mr. JOHNSON of Kentucky. I do not object to that.

The CHAIRMAN. The Clerk will report the amendment.

Mr. MANN. The question is on getting permission to return.

Mr. BURLESON. I will state to the gentleman from Illinois that this is a plat of ground that was to be used as an abutment to the bridge that is provided for, and the gentleman from Kentucky [Mr. JOHNSON] said he would have no objection to it provided the District government paid for the plat of ground. I have in my hand a statement from the assessor showing the value of the ground.

Mr. MANN. Do pages 29 and 30 remain in the bill?

Mr. BURLESON. They remain in the bill.

Mr. MANN. I do not object.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Reinsert lines 1 to 6, inclusive, on page 31, as follows:

"And the Chief of Engineers, United States Army, is authorized and directed to transfer to the Commissioners of the District of Columbia the land under his jurisdiction in square 1194 which is necessary, in the judgment of said commissioners, for the construction of the aforesaid bridge and approaches."

With the following proviso:

Provided, That there shall be paid to the United States from the revenues of the District of Columbia the value of said lands so transferred, and for that purpose the sum of $2,818.50 is appropriated, to be paid wholly out of the revenues of the District of Columbia.

Mr. MANN. Mr. Chairman, I reserve a point of order on the amendment. As I understand now, the paragraph relating to the bridge, on pages 29 and 30, remains in the bill.

Mr. BURLESON. In the bill?

Mr. MANN. I understood a moment ago that they were stricken out.

Mr. BURLESON. No, sir; they remain in the bill.

Mr. JOHNSON of Kentucky. My understanding is that pages 29 and 30 went out on a point of order.

Mr. BURLESON. No; there was no point of order directed against those items.

Mr. JOHNSON of Kentucky. The gentleman is right about that. I intended to, and afterwards changed my mind in regard to it.

Mr. MANN. Now is it proposed to have the District to pay out of its own revenues the expense of acquiring the land for this abutment?

Mr. BURLESON. That is the proposition.

Mr. MANN. That is contrary to the half-and-half principle.

Mr. BURLESON. It is. But I want to say to the gentleman from Illinois [Mr. MANN] that we are dealing with this suggestion as we found it. This is the abutment for the bridge.

Mr. MANN. Yes.

Mr. BURLESON. It is a small matter. The entire cost of the two lots is $2,815.50.

Mr. MANN. But it goes along toward establishing a principle which is violative of what some of us believe ought to be

maintained as the practice of the House to follow the organic act.

Mr. BURLESON. Oh, there are a number of items in the bill that are not in accordance with the organic act.

Mr. MANN. Oh, there are a few items in the bill, including the playgrounds item, although I was not willing to have it that way when it was established. I am not willing to put on the District of Columbia the entire payment of the cost of any portion of the construction of a bridge in the District of Columbia.

Mr. BURLESON. This is no part of the construction of the bridge.

Mr. MANN. I understand. It is to acquire land on which to place an abutment. I think that is part of the cost of the construction of the bridge; but it is neither here nor there which it is. I shall make the point of order.

Mr. BURLESON. That it is new legislation?

Mr. MANN. That it is legislation. It is all legislation.

Mr. BURLESON. I would state to the gentleman from Illinois that this plat of ground is absolutely necessary if the bridge is to be constructed.

Mr. MANN. I think the bridge ought to be constructed; I will assume that it ought to be constructed. I do not have knowledge on that subject. And I assume that for the construction of a bridge an abutment is necessary, and that for the construction of an abutment the land is necessary, just as necessary as to have police and fire protection in the District of Columbia.

The CHAIRMAN. The Chair desires to ask the gentleman from Illinois if he understood him correctly in maintaining that for the construction of a bridge the abutment is necessary, and for the construction of an abutment an authorization is necessary?

Mr. MANN. Yes. This is pure legislation, authorizing the transfer of land owned by the Government to the District of Columbia. It is clearly legislation.

Mr. BURLESON. I admit that it is legislation, but I sincerely hope that the gentleman from Illinois will not make the point, because it is very important and necessary that this bridge should be constructed.

Mr. MANN. Admitting that that is all true, it is also important that the Government should preserve its proper relation to the District of Columbia, and any expense that is necessary and required in the District of Columbia ought to be paid on the same principle. We need a fire department; we need a police department; we need many things in the District of Columbia. The gentleman might argue with equal force that they should be paid for wholly out of the revenues of the District of Columbia. I think it is to the interest of the Government to maintain the relationship under which we control, through Congress, the government of the District of Columbia, and pay one-half of the public expense of the maintenance of this city. Without that provision the city would not be respectable to live in nor would we have the same pride in it that we have now. I am not willing to assist toward the reversal of that policy by unanimous consent.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] makes the point of order against the amendment because it contains legislation not authorized by law. The Chair sustains the point of order.

Mr. BURLESON. I concede that the point of order is well taken.

Mr. Chairman, I ask unanimous consent to return to page 5 for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Texas [Mr. BURLESON] asks unanimous consent to return to page 5 for the purpose of offering an amendment. Is there objection?

Mr. JOHNSON of Kentucky. Reserving the right to object, Mr. Chairman, I wish to ascertain the purpose.

Mr. BURLESON. It was a matter that was passed by agreement, with a point of order pending against it, on account of the words "and $500 additional as chairman of the excise and personal-tax boards," beginning in line 1 of page 5. The point of order was reserved against that by the gentleman from Kentucky [Mr. JOHNSON], and we agreed to pass it over until we could make an investigation of the matter.

I concede that it is subject to a point of order, but I will say to the gentleman from Kentucky that after the duties of the assessor had been defined by certain acts of Congress additional burdens were imposed upon him when these two boards—the excise board and the personal-tax board—were created by law; and inasmuch as these duties were imposed upon the assessor the District commissioners recommended $500 additional compensation to cover his services in connection with his duties as chairman of these two boards. It has been carried in the bill for a number of years. It is true that there is no specific authorization of law for this compensation, yet the acts creating the excise board and the personal-tax board did not say that this service should be rendered without additional compensation. And inasmuch as the duties imposed upon him were onerous in their character we thought it was only just and proper that this additional compensation should be allowed him. For that reason, I ask the gentleman not to insist on the point of order.

Mr. JOHNSON of Kentucky. Mr. Chairman, when the assessor was made chairman of the excise board his duties were not increased. Instead, his duties were decreased, because the number of assessors was increased, and so was the number of clerks increased, to do the additional work. Heretofore, up to this time, I have reserved the point of order. I now make the point of order.

Mr. BURLESON. I will state that the gentleman is wholly mistaken about his facts.

Mr. CANNON. If this transaction was between him and myself and I was the party who opposed what is claimed to be the additional duties, does not the gentleman think he could recover under the common counts on a quantum meruit against me?

Mr. JOHNSON of Kentucky. I do not think it amounts to that, Mr. Chairman. The fact still remains that when additional duties were imposed upon the board of assessors abundant help was given to them because of that additional imposition of duty. Therefore I now make the point of order.

Mr. BURLESON. But the gentleman overlooks the fact that there were certain duties imposed upon the assessor by reason of his connection with these boards. I concede that this is subject to the point of order.

Mr. DYER. Regular order!

The CHAIRMAN. The gentleman from Kentucky makes a point of order against the following words, on page 5, beginning in line 1:

And $500 additional as chairman of the excise and personal-tax board.

The point of order is conceded, and it is therefore sustained.

Mr. BURLESON. Mr. Chairman, I ask unanimous consent that the Clerk may be permitted to correct the totals where they are changed by the operation of points of order and any amendments that have been adopted to the bill.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the Clerk be allowed to correct the totals as they appear in the original bill, which totals have been altered by reason of divers and sundry rulings sustaining points of order and the adoption of amendments. Is there objection?

There was no objection.

Mr. BURLESON. On page 16, line 20, I move to strike out the word "of" and insert the word "or." It is a typographical error.

The CHAIRMAN. Which word "of"?

Mr. BURLESON. The first one, before the word "livery."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 16, line 20, by striking out the word "of," after the word "hire," and inserting the word "or."

Mr. MANN. It will then read "hire or livery"?

Mr. BURLESON. That is exactly what it is intended to be.

Mr. MANN. I think it means what is says—"hire of livery."

Mr. BURLESON. No; it is "hire or livery." It has been carried in the bill in that way for many years. You may hire a horse, or you may pay for the livery of a horse, and the latter is the purpose of it.

Mr. MANN. When you hire a horse you pay for the livery of it. I do not care how it is printed. It is correct as it is.

Mr. BURLESON. If the officer owns a horse and puts him in a stable, the Government intends to pay the livery charge. That is what is meant by the livery of a horse.

The amendment was agreed to.

Mr. BURLESON. That finishes the bill.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to return to page 24, in order to ask that the gentleman from Kentucky [Mr. JOHNSON] withdraw his point of order against a paragraph changing the designation of a block on Twentieth Street.

The CHAIRMAN. The gentleman asks unanimous consent to recur to page 24 for the purpose stated. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, while the bill was under consideration a few days ago the gentleman from Kentucky made a point of order against lines 11 to 18, inclusive, on page 24. The language referred to changes the designation of two blocks on Twentieth Street. One of the blocks—3300, Twentieth

Street—is to be called Park Road. Block 2200 is to be called Walbridge Place. The last-named block is entirely unimproved. The first-named block is, in fact, the first block of Park Road. Its being called Twentieth Street probably resulted from the fact that for a considerable length of time the part of Park Road entering the park was not improved. When it came to be improved and slightly changed in locality for some reason or other, difficult to understand, it was not called Park Road but Twentieth Street. It is, in fact, the only part of this old road, nearly a mile long, that is not called Park Road. It is the first block of the street as it leaves the park from which it derives its name. I think the gentleman from Kentucky did not understand the situation when he made the point of order, and my understanding is that he desires to withdraw it.

Mr. JOHNSON of Kentucky. Mr. Chairman, I ask unanimous consent to return to page 24, lines 11 to 18, inclusive.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to recur to page 24, lines 11 to 18, inclusive. Is there objection?

There was no objection.

Mr. JOHNSON of Kentucky. Mr. Chairman, I ask unanimous consent to withdraw the point of order lodged against the provision in lines 11 to 18 in the bill.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. DYER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DYER. During the reading of the bill there was an amendment, which I offered, that was passed over by unanimous consent. It was an amendment to the paragraph on page 64, pertaining to the Tuberculosis Hospital. The gentleman from Texas reserved a point of order on the amendment, and I take it that we should return to it for the purpose of disposing of it.

Mr. BURLESON. I made the point of order.

Mr. DYER. I think the gentleman reserved it because the matter was passed over by unanimous consent.

Mr. BURLESON. The statement of the gentleman from Missouri does not accord with my recollection. As I recollect it, the gentleman from Missouri offered an amendment to which I made a point of order, and it was sustained by the Chair.

Mr. DYER. I think the gentleman is mistaken. It is an amendment to insert a provision with reference to the Tuberculosis Hospital at the end of the section on page 64, putting the hospital under the direction of the board of health, because of its being a contagious hospital.

The CHAIRMAN. What is the request of the gentleman from Missouri?

Mr. DYER. I make the motion that the amendment I presented be adopted.

Mr. BURLESON. According to my recollection, the point of order was made against the amendment and the point of order was sustained.

The CHAIRMAN. The Chair will state that before the motion can be entertained it is his impression that unanimous consent should be had to recur to the page to which the gentleman refers.

Mr. DYER. Then I ask unanimous consent.

Mr. MANN: But, Mr. Chairman, if the amendment was offered and the point of order was reserved and passed over by unanimous consent it would not require unanimous consent to return to it. But the gentlemen do not agree as to what the fact is.

The CHAIRMAN. The Chair will state that the following amendment was offered by the gentleman from Missouri when the bill was being read in its order:

Add, at the end of line 23, page 64, the following:
"*Provided*, That hereafter the Tuberculosis Hospital shall be under the direction and control of the health department."

I am advised by the reading clerk that a point of order was made against the amendment and the Chair sustained the point of order.

Mr. DYER. My recollection is that the point of order was not sustained.

The CHAIRMAN. The Chair will correct the statement he has just made. He is advised by the reading clerk that the point of order was made against the paragraph to which the amendment was offered, and that the point of order to the paragraph was sustained.

Mr. BURKE of Pennsylvania. Mr. Chairman, if the Chair will indulge me, the RECORD shows, on page 2551, the following:

Mr. DYER. Mr. Chairman, I desire to offer an amendment which I send to the Clerk's desk. First, I desire to submit a parliamentary inquiry.
The CHAIRMAN. The gentleman will state it.
Mr. DYER. While the point of order is pending here to this paragraph is it in order to offer this amendment?
The CHAIRMAN. It is in order to offer amendments and have them read and remain pending, subject to such disposition as may be made of the point of order.
Mr. DYER. Very well. I offer the amendment.
The Clerk read as follows:
"Add, at the end of line 23, page 64, the following: '*Provided*, That hereafter the Tuberculosis Hospital shall be under the direction and control of the health department.'"
Mr. BURLESON. Mr. Chairman, to that I reserve the point of order.
The CHAIRMAN. The gentleman from Texas reserves the point of order to the amendment, which will be pending, and the Clerk will read.

Then they proceeded to dispose of the other parts of the bill.

Mr. DYER. I think that is correct, Mr. Chairman. I do not think the point of order has ever been disposed of. I ask the gentleman from Texas to withdraw the point of order, because it is desired by the health department and Board of Charities, or at least one of them, that this hospital should be put under the health department because it is a contagious hospital, and the principal work of the board of health is in looking after contagious diseases.

Mr. Chairman, to support the amendment which I have offered, providing that the Tuberculosis Hospital of the city of Washington should be put under the management and control of the health commissioner instead of as at present under the Board of Charities, I cite the testimony of Dr. George M. Kober, himself a member at present of the Board of Charities. He was a witness before a subcommittee of the District of Columbia Committee during a recent investigation of the Tuberculosis Hospital. At this hearing Dr. Kober testified in part as follows:

Dr. KOBER. My opinion is that the Tuberculosis Hospital, for example, might well be under the supervision of the health officer, because tuberculosis is a contagious disease, and the health officer might be intrusted with the immediate supervisory powers of such an institution.

Mr. Chairman, this hospital—the tuberculosis of the District of Columbia—was established and opened to the public four years ago. Congress appropriated $100,000 for its erection and equipment. The building was designed for 130 persons, but the average number of patients that have been in the hospital since it was opened four years ago has been only 85.

Dr. John E. Lind testified before our committee on the 31st day of last May. Dr. Lind is in special charge of tuberculosis cases at the Washington Asylum Hospital and Jail. He stated that at that time there were five positive tuberculosis cases at the Washington Asylum Hospital and Jail, and that some of them had been reported as such to the Board of Charities for a month or more previous thereto, and yet were permitted to remain at the Washington Asylum Hospital to the great danger of other patients and attendants. He further testified that there were no facilities for the special treatment of such a disease at the Washington Asylum Hospital.

This all occurred while the Tuberculosis Hospital was not filled to its capacity. It is convincing, therefore, that the Washington Tuberculosis Hospital was not at that time, at least, meeting the requirements needed for such an institution in this city. Therefore there must be something radically wrong with the arrangements of the Tuberculosis Hospital or with its management, otherwise numerous cases of tuberculosis would not be at the Washington Asylum Hospital, but would be at the Tuberculosis Hospital, one especially equipped and built for the treatment of that dreadful disease. Other testimony elicited at this hearing, including that of the visiting physician at the Washington Asylum Hospital, Dr. D. Percy Hickling, showed that there were, on an average, from 75 to 100 tubercular cases treated at the Washington Asylum Hospital during the last several years, during all of which time the Tuberculosis Hospital has been in operation. For these reasons, and because I believe that this hospital should be under the care and management of the health commissioner, I submitted this amendment.

Prof. Irving Fisher, of Yale University, says that the cost of tuberculosis to the United States, aside from the losses to the victims themselves, amount annually to $570,000,000. This includes the depletion in earnings of those affected by the disease, and the loss of such earnings entirely through untimely deaths. Therefore, not only from a humane standpoint, but from a monetary one, should the Government of the United States use every means within its power to fight this dreadful plague. Whatever is needed in the way of money to make this hospital efficient and a credit to the Capital of the Nation should be readily voted by Congress.

Mr. Chairman, the sick poor should receive proper care and treatment from those in authority. Hospitals should be so conducted and managed that the best possible results can be obtained. Hospitals for contagious diseases should be scrupulously clean, and so conducted as to give the best scientific treatment to such diseases, as well as with due regard to preventing the spread thereof. The hospitals for the sick poor of

the District of Columbia should receive the careful consideration of Congress, and legislation should be enacted to the end that money that is appropriated for such purposes should bring the best results possible. At the present time the management, control, and supervision of these institutions are too much divided. The authority should be centered and responsibility fixed in one principal head, be it a health commissioner, a hospital commissioner, or a supervisor. I hope to see legislation enacted in the next Congress looking to this end.

Mr. BURLESON. Mr. Chairman, I make the point of order against it.

The CHAIRMAN. The gentleman from Missouri offers an amendment which the Clerk will report. Will the gentleman from Missouri state at what point and on what page of the bill he desires his amendment to be considered.

Mr. DYER. At the end of line 23, on page 64. That is where the amendment probably belongs, I think.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

At the end of line 23, page 64, add the following:
"*Provided*, That hereafter the Tuberculosis Hospital shall be under the direction and control of the health department."

Mr. BURLESON. Mr. Chairman, I make the point of order against it.

The CHAIRMAN. The Chair will state to the gentleman from Missouri that the entire paragraph between lines 3 and 23, inclusive, has gone out on a point of order. Does the gentleman still desire to offer his amendment in that form as a proviso?

Mr. DYER. No. I ask, then, that it be offered to the end of line 2, at the end of the paragraph having to do with the health department, on the same page—

For the installation of additional furnace at public crematory, $3,000.

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

Amend, page 64, by adding at the end of line 2, the following:
"*Provided*, That hereafter the Tuberculosis Hospital shall be under the direction and control of the health department."

Mr. BURLESON. Mr. Chairman, to that I make the point of order.

The CHAIRMAN. Does the gentleman from Missouri desire to be heard on the point of order?

Mr. DYER. Mr. Chairman, I think the point of order is well taken.

The CHAIRMAN. The point of order is sustained.

Mr. BURLESON. Mr. Chairman, if the gentleman desires to discuss this, I am perfectly willing to reserve the point of order.

Mr. DYER. Mr. Chairman, I do not desire to discuss it, but I ask unanimous consent to extend my remarks in the RECORD upon the Tuberculosis Hospital and the necessity for having it under the direction and control of the board of health.

Mr. BURLESON. The gentleman understands that I have no disposition to shut him off.

Mr. DYER. I understand that perfectly well.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD upon the subject indicated. Is there objection?

There was no objection.

Mr. BURLESON. Mr. Chairman, I believe that disposes of all matters in connection with the bill, save the point of order.

Mr. JOHNSON of Kentucky. Mr. Chairman, there is one other matter I wish to bring up. On page 33 of the bill that portion of it as brought in by the committee relative to the bathing beach went out on a point of order. I desire to offer an amendment to the bill in the exact language of the original bill, with the additional words, however:

All of which shall be paid from the revenues of the District of Columbia, derived from taxes and privileges.

The CHAIRMAN. The Chair will state that unanimous consent is required to return to that page.

Mr. JOHNSON of Kentucky. No; no unanimous consent is required to be obtained. There is no provision in the bill for a bathing beach. The law authorizes the establishment and maintenance of a bathing beach, provided the expenses of it are paid from the revenues of the District of Columbia, and that is what I propose to do.

The CHAIRMAN. But the Chair is inclined to the opinion that the gentleman from Kentucky can not offer an amendment on page 33, that page and section having been passed, unless a right to recur thereto is first obtained.

Mr. JOHNSON of Kentucky. But I do not wish to return to page 33 except for the purpose of getting the language therein contained. I do not care whether the amendment be offered at the last portion of the bill or not.

The CHAIRMAN. But the burden is upon the gentleman from Kentucky to designate the place in the bill so that the Clerk may know to what portion of the bill it is offered.

Mr. JOHNSON of Kentucky. Mr. Chairman, I offer the following amendment to the bill:

Bathing beach: For superintendent, $600; watchman, $400; temporary services, supplies, and maintenance, $2,250; for repairs to buildings, pools, and the upkeep of the grounds, $1,500, to be immediately available; in all, $4,830; of all which shall be paid out of the revenues of the District of Columbia derived from taxes and privileges.

Mr. BURLESON. Mr. Chairman, I make the point of order on that.

Mr. MANN. Mr. Chairman, I make the point of order on that if the amendment is considered to be before the House.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] makes the point of order against the amendment.

Mr. JOHNSON of Kentucky. Mr. Chairman, I made a point of order against the original provision in the bill because it provided that the bathing beach should be maintained, one half out of the revenues of the District of Columbia and the other half out of the money in the Federal Treasury. The Chair sustained the point of order, because there was no law authorizing the payment of one-half of it out of the Federal Treasury. An amendment, therefore, is in order, complying with the original bathing-beach act, and my amendment is in full compliance with that.

Mr. MANN. May I ask the gentleman from Kentucky——

The CHAIRMAN. If the gentleman from Illinois will pardon the Chair for just one moment, the Chair will state again that he is inclined to the opinion that this amendment can not be entertained unless some particular place in the bill is designated to which the amendment is offered.

Mr. JOHNSON of Kentucky. Mr. Chairman, if it comes as an addition to the bill, it comes immediately following that which has gone before; in other words, after the last word in the bill.

The CHAIRMAN. Does the gentleman offer it to be so considered?

Mr. JOHNSON of Kentucky. I offer the amendment to the bill, Mr. Chairman.

Mr. BURLESON. Where?

Mr. JOHNSON of Kentucky. It does not matter where. I do not care where it comes in. I am not very particular whether it comes in at all or not.

The CHAIRMAN. The amendment offered by the gentleman from Kentucky will be considered as having been offered at the end of the bill. The gentleman from Illinois.

Mr. MANN. Mr. Chairman, I make the point of order against the amendment. May I ask the gentleman from Kentucky—I was not in the Hall when the matter was disposed of on page 33—was there any law cited to the Chair at that time providing that the maintenance of the bathing beach should be paid wholly out of the revenues of the District of Columbia?

Mr. JOHNSON of Kentucky. Yes; the bathing-beach act was produced and discussed, and the Chair held that it was payable out of the revenues of the District.

Mr. BURLESON. Mr. Chairman, I reserve a point of order that the amendment was not offered at the proper place in the bill.

Mr. MANN. I reserved all points of order.

Mr. JOHNSON of Kentucky. Mr. Chairman, I think the gentleman from Texas has a very peculiar notion relative to this bill. Will the Chair please indulge me for just a moment? The gentleman from Texas has intimated that nobody but the committee can offer anything which may go into this bill, although it is authorized by law. Any Member upon the floor has a right to have incorporated in this bill any provision which is authorized by law and which has been left out of the bill. It is a fundamental principle which, carried to its last analysis, nobody can dispute that anything that is authorized by law to be put into this bill can be put into it by anybody, a majority of the House agreeing and voting with him.

Mr. MANN. Mr. Chairman, will the gentleman from Kentucky pardon me? I do not understand that there is any law authorizing the maintenance of the bathing beach wholly out of the revenues of the District of Columbia. I recall now reading in the RECORD, having my recollection refreshed by the statement made to me privately by the gentleman from Texas, the reasons on which the Chair based his reasons the other day, that the original provision in the bill providing for the creation of the bathing beach and expenses should be paid wholly out of the District of Columbia revenues. I can not see how that requires or authorizes the maintenance of the bathing beach payable wholly out of the revenues of the District of Columbia. Whether it authorizes it at all or not I do not undertake to say. I make the point of order.

The CHAIRMAN. The Chair is ready to rule. On a former day when the item of bathing beach was reached in the consideration of the bill a point of order was made against the paragraph by the gentleman from Kentucky [Mr. JOHNSON] on the ground that the provision charging the expense of upkeep, operation, and conduct of the beach on a half-and-half basis was not authorized by law. The original paragraph provided that the items covered by the paragraph should be paid half from the revenues of the District and half from the Federal Treasury. The Chair then ruled that the point of order should be sustained, because under the law no part of the expense was chargeable to the Government revenues. The gentleman from Kentucky now moves an amendment providing for the bathing-beach item, with a modification and proviso that all the expense of maintenance shall be paid out of the revenues of the District of Columbia derived from taxes and privileges. The gentleman from Illinois [Mr. MANN] makes the point of order against the paragraph upon the grounds as stated. The Chair finds in the CONGRESSIONAL RECORD, Fifty-first Congress, first session, the following:

FREE BATHING BEACH, WASHINGTON, D. C.

Mr. ATKINS of Pennsylvania. Mr. Speaker, I call up for consideration the bill (H. R. 7056) establishing a free bathing beach on the Potomac River near the Washington Monument.

The bill was read, as follows:

"Be it enacted, etc."—

This is section 1, and is the same as already has been fully set out in the RECORD and upon which there is no controversy here—

"SEC. 2. That the sum of $3,000 is hereby appropriated from any unexpended moneys in the Treasury of the United States to be immediately available for the purposes of this bill."

It will be noted that the bill as reported from the appropriate committee provided that all the expenses should be paid from the Federal Treasury.

Immediately upon a completion of the reading of the bill and report by the Clerk, and before any debate was had, Mr. CANNON, of Illinois, was recognized.

The gentleman from Illinois [Mr. CANNON] moved to amend section 2 of the bill by striking out the clause making the appropriation payable wholly from the United States Treasury and providing that one-half of the expense should be charged against the revenues of the District of Columbia and one-half against the Federal Treasury. Thereafter Mr. Bliss, of Michigan, was recognized, and the following appears in the RECORD:

Mr. BLISS. Mr. Chairman, I have no objection to the District of Columbia having a public bathing house, but I have objections to the United States Government paying for it. I wish to offer an amendment as a substitute for that of the gentleman from Illinois. It is to strike out, in line 2 of section 2, the words "any unexpended moneys in the United States Treasury" and insert the words "the revenues of the District of Columbia," so that the section will read:

"That the sum of $3,000 is hereby appropriated from the revenues of the District of Columbia, to be immediately available, for the purposes of this bill."

It will be observed, then, that the amendment by way of substitute offered by the gentleman from Michigan, Mr. Bliss, was to provide that all the expense should be borne by and chargeable to the revenues of the District of Columbia. A vote, after debate, was had, as shown by the following language in the RECORD:

The CHAIRMAN. The question now is on agreeing to the substitute proposed by the gentleman from Michigan for the amendment of the gentleman from Illinois, which substitute will be read.

The Clerk read as follows:

"Strike out, in line 2 of section 2, the words 'any unexpended moneys in United States Treasury' and insert the following: 'That the sum of $3,000 is hereby appropriated from the revenues of the District of Columbia, to be immediately available for the purpose of this bill.'"

The substitute was adopted.

The amendment as amended was adopted.

That is the history, therefore, as it appears in the RECORD on the subject. Now, the question further arises on the point of order, as made by the gentleman from Illinois, that while that might be true, yet the act of continued maintenance of the bathing beach would not be necessarily covered by the language of the act as passed.

Therefore, for the purpose of ascertainment by the Chair as to what the intent of the law was and what the proper construction of the law is, the Chair made inquiry, and from the discussion had when the amendments were pending he finds the following:

Mr. ROGERS. Mr. Chairman, I have only a word to say. I suppose this will furnish a very pleasant sport for the youth of the District of Columbia, and perhaps some of the grown folks; and I commend it to the farmers' organizations of the country whose mortgages are being foreclosed as the relief tendered to them by the Fifty-first Congress, notwithstanding what was promised during the campaign, namely, the appropriation of public money for the purpose of furnishing a bathing place for the people of the District of Columbia.

* * * * * * *

Mr. KERR. * * * It does not seem to me that the people of the United States ought to be charged with the expense of keeping the people of Washington clean. I think they ought to furnish their own soap and everything necessary for that purpose, and the people living in other parts of the country ought not to be required to pay any portion of that expense.

In the early days of the Roman Empire the people of Rome took care of themselves. As the city declined and became more opulent and less patriotic, it was said by a Roman historian that they had declined so much in public virtue that their only aspiration was to be furnished with theaters and bread. I hope that is not the condition of the people of Washington City. I hope they have a little of the spirit which was spoken of by a dstinguished gentleman, who afterwards became the candidate of the Democratic Party, Mr. Greeley, who said that "the most unfortunate day in a man's life was the day in which he made up his mind to get a dollar without earning it." I think the most unfortunate day for the city of Washington is the day in which its people ask for money without earning it, as other people in the country around them have to do.

* * * * * * *

Mr. ROGERS. Mr. Chairman, I rose for the purpose of making the very statement just made by the gentleman from Indiana [Mr. Holman]. I apprehend that they have built bathing places at Philadelphia, but I apprehend also that the Federal Government did not pay for them, but that they were paid by the city government; and I think if we are going to appropriate public money or enter into this business at all it ought to be in the shape of a bill authorizing the Commissioners of the District of Columbia to locate and pay for this establishment from the District funds.

I concede, sir, that we have the power to do it, for we can do what we please within the limits of the District of Columbia. We have exclusive authority here. But I do not believe it would be right for Congress to appropriate the money paid by my constituents to make bathing places for the people of this District. We had just as well appropriate money to build tennis grounds for the people of the District or baseball grounds or to erect ten-pin alleys, or anything else in the shape of amusement, as to appropriate the public funds for the purpose specified by this bill. All of these are sources of amusement and pleasure.

And the discussion went on, participated in by other gentlemen, and after the debate the amendment of the gentleman from Michigan, Mr. Bliss, was adopted as just above recorded, charging the entire expense against the District of Columbia. That being the law as it reads, and this being the discussion had at that time, the Chair is of the opinion that the amendment of the gentleman from Kentucky [Mr. JOHNSON] follows the only statute which authorizes an appropriation for the bathing beach to be made and is therefore in order. Accordingly the point of order is overruled.

Mr. BURLESON. But the decision of the Chair overlooked the point that that is disturbing the orderly arrangement of the bill, and that the amendment was offered after the reading of the bill had been completed and after we had asked unanimous consent to return to other items simply for the purpose of correcting clerical errors and omissions. The point of order is made now that the appropriate place in the bill for this amendment has been passed, and that the gentleman can not tack an amendment onto the end of the bill, even if it is authorized by law, because in that event there would never be any conclusion to the consideration or reading of the appropriation measures.

Mr. JOHNSON of Kentucky. Mr. Chairman, if the gentleman will pardon me, I am going on the assumption that this House can attach to an appropriation bill anything that is authorized by law.

The CHAIRMAN. The gentleman from Texas [Mr. BURLESON] does not dispute that proposition, as the Chair understands, but the Chair will add that the point that the gentleman from Texas makes is that it must be done orderly and in accordance with the rules governing the right to offer amendments.

Mr. BORLAND. I want to speak on that point of order, Mr. Chairman, and say that that question came up at this session in the consideration of the river and harbor bill. The gentleman from Illinois [Mr. FOWLER] had offered an amendment to improve the rivers of Illinois at a place in the bill where the rivers of Illinois were not mentioned. I raised the point of order that it would disturb the orderly procedure of that bill and that it should be offered at the place in the bill where the rivers of Illinois were classified. The chair then being occupied by the gentleman from Tennessee [Mr. MOON], he overruled that objection, and held that if the amendment were in order at any place in the bill the question of its place would not be important.

Mr. SAUNDERS. Mr. Chairman, that is not the question before the committee at the present time at all. When the end of the bill was reached it was not gainsaid that it would be in order to offer that particular amendment at that time, but that is not at all the situation presented by the gentleman from Missouri. If the amendment had been offered then it would have been in order.

The CHAIRMAN. The question, then, after all, resolves itself for the Chair to determine when the end of the bill was reached.

Mr. SAUNDERS. That is all.

The CHAIRMAN. After the reading of the bill was completed Members began to rise, and, not as a matter of right, but as a matter of unanimous consent, asked to recur to certain

pages of the bill, it being then a matter for the House to determine as to whether or not unanimous consent would be granted to recur to certain other pages in the bill. Nothing else save these requests for unanimous consent having been preferred and nothing else having occurred subsequent to the reaching of the end of the bill, the Chair is of the opinion that the amendment offered now by the gentleman from Kentucky [Mr. JOHNSON], at the end of the bill, would be in order. Therefore the point of order is overruled. The question is on agreeing to the amendment offered by the gentleman from Kentucky [Mr. JOHNSON].

Mr. BURKE of Pennsylvania. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. Is it an amendment to the amendment?

Mr. BURKE of Pennsylvania. Yes; to the amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BURKE] offers an amendment to the amendment offered by the gentleman from Kentucky [Mr. JOHNSON], and the Clerk will report it.

Mr. LLOYD rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. LLOYD. I ask unanimous consent that the amendment may be again read. Quite a number of us did not hear it.

The CHAIRMAN. The gentleman from Missouri [Mr. LLOYD] asks unanimous consent that the amendment of the gentleman from Kentucky [Mr. JOHNSON] be again reported. Without objection it is so ordered, and then the amendment of the gentleman from Pennsylvania [Mr. BURKE] will be read without further order.

There was no objection.

The Clerk again read the amendment offered by Mr. JOHNSON of Kentucky.

Mr. JOHNSON of Kentucky. Mr. Chairman, the correct amount is "$4,750." By changing "$480" in the original bill to "$400" the amount is changed to "$4,750."

The CHAIRMAN. Without objection, the figures will be changed accordingly.

There was no objection.

The CHAIRMAN. The Clerk will now report the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Amend the amendment by striking out all after the figures "$4,750."

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BURKE] offers an amendment. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania to the amendment offered by the gentleman from Kentucky [Mr. JOHNSON].

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order.

Mr. BURKE of Pennsylvania. Oh, no; the gentleman is too late. The original amendment has been declared in order, and, of course, my amendment is quite in order under the ruling of the Chair.

The CHAIRMAN. Does the gentleman from Pennsylvania insist that the point of order comes too late?

Mr. BURKE of Pennsylvania. I insist that the point of order comes too late.

The CHAIRMAN. The Chair so rules. The question is on agreeing to the amendment of the gentleman from Pennsylvania.

Mr. BURKE of Pennsylvania. Mr. Chairman, it seems to me that to make the departure that the original amendment seeks to enforce would be unfair, or at least very inconsistent.

The situation is this: The Congress of the United States has absolute control over this District and over this city. The people of this city are at the mercy of the American Congress. They are at our mercy, because in the creation and enforcement of the laws under the Constitution they can not escape it.

We have charge of the health and sanitation of the District of Columbia. It is our business, as the legislative body controlling this District, to see to it that the health of this community is preserved and promoted; and we have just as much right to invite and encourage the people of this, the capital city of the Nation, the one national city in the Union, to participate in the pastime and natural custom of bathing and keeping their bodies clean for the promotion of their health as we have to dig sewers to keep the streets clean and to erect hospitals for the care of the afflicted.

It has been suggested that somebody at some time in connection with this legislation said that Rome fell at a time when her people were indulging in the luxury of baths. That statement is a revelation to me, that Rome fell because she kept herself clean. My impression has always been that Rome fell because she became unclean, unclean morally, because she decayed mentally and decayed physically. There never has been in the history of the world a case pointed out where any nation fell because of the inclination of her people to keep their bodies clean. In the Office Buildings of the Senate and House of Representatives of the United States the Government provides and we use soap and water freely—at least I hope we all use them freely. One gentleman shakes his head [laughter], as if there were some doubt about that, but I hope that the rule is universal.

Mr. TAYLOR of Ohio. The opportunity is universal.

Mr. BURKE of Pennsylvania. The opportunity is universal at least, whether the practice is or not. But the bathing beach that we speak of is within the reach of the 500 Members of the Congress of the United States, and I know that many Members of this House have taken advantage of it in times past. It is within reach of the thousands of Government employees and their children, whether taxpayers or not, who reside in this District. Now, would it not be absurd to say that in a great appropriation bill of this kind the Congress of the United States made one exception, departed from the organic law of the District and general custom of the Government in only one case, and that in the case where they sought to discourage the men, women, and children of the Capital City of the greatest Nation in the world from keeping clean. I hope this committee will not indulge in any such absurd action, and I hope that the gentleman from Kentucky [Mr. JOHNSON], who now takes the floor, will agree with me and make the passage of this amendment as amended by me unanimous.

Let us encourage it in remaining what it is to-day, not only one of the cleanest in the world morally and physically, but the most attractive and beautiful on earth.

Mr. JOHNSON of Kentucky. Mr. Chairman, I thoroughly agree with the remarks of the distinguished gentleman just read by the Chairman of this Committee of the Whole when the original bill was under consideration. That is, that the people of the city of Washington ought to furnish their own soap and water to keep themselves clean, and not impose upon the taxpayers as far away as California to help them buy their own soap and water.

I do not believe, Mr. Chairman, that a body coming directly from the people as this has come desires to impose a tax upon the Nation throughout its length and breadth to keep the citizens of Washington clean. This has been referred to as coming under the "organic act." The gentleman from Pennsylvania [Mr. BURKE] has just made that reference. It does not come under the "organic act." It never has been under the "organic act," and if the gentleman had listened closely to the proceedings which took place at the time of the authorization of the bathing beach he would have been informed that it was at the expense of the people of the District of Columbia, the Congress then being unwilling to impose its maintenance upon the people at large.

Mr. BURKE of Pennsylvania. This bill itself in the first paragraph of it refers to the fact that all the amounts shall be equally divided under the organic act.

Mr. KAHN. Mr. Chairman, I hope the amendment offered by the gentleman from Pennsylvania to the amendment will be adopted. The city of Washington is made up of a population that comes from every section of the Nation. The rich people who reside here close up their homes in the summer. They go to the seashore or to Europe for their creature comfort. There are thousands of Government clerks living here who are accredited to the various States of the Union. They are not residents of Washington. Few of them are taxpayers here. They live in rented quarters. They represent, as I say, every State in the Union, including the State of California, and I want to say to the gentleman from Kentucky that the taxpayers of my State do not object to paying their small pro rata share included in this item for keeping the people who live here, and who have to remain in this humid climate all summer, absolutely clean. I sincerely hope the amendment of the gentleman from Pennsylvania will be adopted.

Mr. BURLESON. Mr. Chairman, the original appropriation used for the construction of the bathing beach was made from the treasury of the District of Columbia. Subsequently an appropriation of $5,000 was made jointly from the Treasury of the United States and the treasury of the District of Columbia for an addition. Then an appropriation of $7,000 was made for still further additions, one-half from the Treasury of the United States and one-half from the treasury of the District of Columbia. For many years the force necessary for supervision and control of the bathing beach has been paid for on the half-and-half plan. It is one of the useful services taken advantage of by the children of the District of Columbia, and your committee, acting in accordance with the spirit of the law as we understand it to be, embodied this provision

in the bill just as it will be if the amendment offered by the gentleman from Pennsylvania is agreed to. I sincerely hope the committee will adopt the amendment of the gentleman from Pennsylvania and not now, on an appropriation bill and in this way, overturn the plan which was adopted in 1878 for the support of the government of the District of Columbia. I ask that the amendment offered by the gentleman from Pennsylvania to the amendment be agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BELL of Georgia having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills and resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 8082. An act to amend section 1440 of the Revised Statutes of the United States;

S. 8230. An act for the relief of Loren W. Greene; and

Senate concurrent resolution 40.

Resolved by the Senate (the House of Representatives concurring), That the report of the Secretary of War, under the joint resolution directing the Secretary of War to investigate the claims of American citizens for damages suffered within American territory growing out of the late insurrection in Mexico, approved August 9, 1912, be transmitted to the President, who is hereby respectfully requested to cause a claim for the amount of the damages reported therein as suffered by American citizens within American territory to be presented to the Government of Mexico as a claim in behalf of the Government of the United States.

The message also announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 28186. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 3952) for the purpose of repealing so much of an act making appropriations for the current and contingent expenses of the Indian department for fulfilling treaty stipulations with various Indians located in Kansas City, Kans., providing for the sale of a tract of land located in Kansas City, Kans., reserved for a public burial ground under a treaty made and concluded with the Wyandotte Tribe of Indians on the 31st day of January, 1855.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 7855) to authorize the Northern Pacific Railway Co. to construct a bridge across the Missouri River in section 36, township 134 north, range 79 west, in the State of North Dakota.

Also:

Senate resolution 451.

Resolved, That the Senate extend to the Speaker and the Members of the House of Representatives an invitation to attend the exercises in commemoration of the life, character, and public services of the late James S. Sherman, Vice President of the United States and President of the Senate, to be held in the Senate Chamber on Saturday, the 15th day of February next, at 12 o'clock noon.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 27879. An act providing authority for the Northern Pacific Railway Co. to construct a bridge across the Missouri River in section 36, township 134, range 79 west, in the State of North Dakota.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. JOHNSON of Kentucky) there were 33 ayes and 19 noes.

So the amendment to the amendment was agreed to.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order against the amendment.

Mr. BURLESON. And I make the point of order that that comes too late.

Mr. JOHNSON of Kentucky. And on that, Mr. Chairman, I want to be heard.

The CHAIRMAN. The gentleman from Kentucky makes the point of order against the amendment, and the gentleman from Texas makes the point of order that the point of order of the gentleman from Kentucky comes too late.

Mr. JOHNSON of Kentucky. Mr. Chairman, I introduced this provision on page 33 relative to the bathing beach. It went out on a point of order. The Chairman of the committee has just read at some length his reasons for sustaining that point of order. I offered an amendment which was in order; that amendment was in order for no other reason upon earth than because it had attached to it the imposition of its maintenance on the District of Columbia. Now, when that is stricken out then we recur to the original matter which was subject to the point of order. If it was subject to a point of order then, it is subject to a point of order now. Consequently we are now where we were before I introduced the amendment.

The CHAIRMAN. However harmoniously the Chair might agree with the statement of the gentleman from Kentucky relative to the bathing-beach proposition, that can have no bearing here as to whether or not the amendment as it now stands is in order. The gentleman from Kentucky is an able lawyer, and recognizes that there is such a term in the law as "res judicata" and a "day in court." The amendment is now in the control of the committee for adoption or rejection. The gentleman from Kentucky and all Members have had their day in court, and the matter of being in order is res judicata; the point of order of the gentleman from Texas is sustained, and therefore the point of order of the gentleman from Kentucky is overruled. The question is on agreeing to the amendment as amended.

The question was taken; and on a division (demanded by Mr. JOHNSON of Kentucky) the ayes were 41 and the noes were 15.

Mr. JOHNSON of Kentucky. Tellers, Mr. Chairman.

Tellers were ordered, and the Chair appointed as tellers Mr. JOHNSON of Kentucky and Mr. BURLESON.

The committee again divided; and the tellers reported that there were 69 ayes and 21 noes.

Mr. JOHNSON of Kentucky. I make the point of order, Mr. Chairman, that no quorum is present.

The CHAIRMAN. The gentleman from Kentucky makes the point of order that no quorum is present. The Chair will count. [After counting.] One hundred and three Members present—a quorum. The ayes have it, and the amendment as amended is agreed to.

Mr. JOHNSON of Kentucky. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert at the end of the bill the following:

"INTEREST AND SINKING FUND.

"And there is hereby appropriated out of the proportional sum which the United States may contribute toward the expenses of the District of Columbia, in pursuance of the act of Congress approved June 11, 1878, for the fiscal year ending June 30, 1879, and annually thereafter, such sums as will, with the interest thereon at the rate of 3.65 per cent per annum, be sufficient to pay the principal of the 3.65 bonds of the District of Columbia issued under the act of Congress approved June 20, 1874, at maturity, which said sums the Secretary of the Treasury shall annually invest in said bonds at not exceeding the par value thereof, and all bonds so redeemed shall cease to bear interest and shall be canceled and destroyed in the same manner that United States bonds are canceled and destroyed. (Vol. 20, p. 410, U. S. Stats.)

"Hereafter the Secretary of the Treasury shall pay the interest on the 3.65 bonds of the District of Columbia issued in pursuance of the act of Congress approved June 20, 1874, when the same shall become due and payable; and all amounts so paid shall be credited as a part of the appropriation for the year by United States toward the expenses of the District of Columbia, as hereinbefore provided. (Vol. 20, p. 105, U. S. Stats.)

"For the purpose of meeting the payment of interest and for the purpose of providing for said sinking fund the sum of $975,408, or as much thereof as may be necessary, is hereby appropriated (from the respective funds described in the two acts of Congress above set out), to be charged against the revenues of the District of Columbia, derived from taxes levied and assessed upon the taxable property and privileges of the District of Columbia for the fiscal year ending June 30, 1914."

Mr. MANN. Mr. Chairman, the Chair understands that the point of order is reserved upon the amendment?

The CHAIRMAN. The gentleman from Kentucky is recognized, the point of order being reserved. The language is, "All points of order are reserved against the paragraph."

Mr. MANN. The reason I asked that is because the amendment when originally offered was to go in ahead of line 1 on page 98, but as now reported by the Clerk it is offered to come in at the end of the bill.

Mr. JOHNSON of Kentucky. Mr. Chairman, I offer it to come in at the end of the bill.

The CHAIRMAN. The gentleman from Illinois and the gentleman from Texas reserve all points of order on the amendment.

Mr. JOHNSON of Kentucky. Mr. Chairman, in the bill as originally brought in by the committee there were just a few words under the heading "Sinking fund and interest." These were "to pay interest and sinking fund on funded debt, $975,408." To that provision I made a point of order upon the ground that as the item was then in the bill it required half of the sinking fund and interest to be paid out of the Federal Treasury. My contention was and is that the law requires all

of this sinking fund and interest to be paid by the District. The Chair in sustaining the point of order decided that the point of order was well taken, and in rendering that ruling stated that the law did require this amount to be paid out of the revenues of the District of Columbia. From that ruling an appeal was taken to the Committee of the Whole. The Committee of the Whole sustained the Chair and made his ruling its judgment that the whole of this amount was payable out of the revenues of the District of Columbia, and not half out of the revenues of the District of Columbia and the remainder out of the Treasury of the United States.

The act under which these bonds were issued pledged the faith of the United States to their payment. I have heretofore argued at some length—and I shall not do so again on this occasion—but shall simply state my position as briefly as it is possible for me to do so, and that is that the United States has pledged its faith that these bonds shall be paid. That plighted faith is obligatory on the part of the United States only as between the United States and the bondholder, that obligation between the United States and the bondholder in no sense relieving the District of Columbia from its original obligation. As I said, the Chair has thus ruled, sustaining my contention, and the Committee of the Whole House in sustaining the somewhat lengthy opinion of the Chair has passed judgment and has said that the Chair's ruling is the judgment of the committee.

Mr. Chairman, I have never been and am not now in favor of the repudiation of any sort of a debt. The United States has bound itself, has pledged her faith, rather, to see that this interest and debt are paid, and, as has been determined by the Chair and by the Committee of the Whole, this is a debt owing by the District of Columbia. I offer this amendment for the purpose of putting into execution that plighted faith of the United States to compel the District of Columbia not to repudiate but to pay this debt. Parliamentary rules permit the act itself to be reenacted, and in order that the whole matter may be before the House and before the executive officers when they finally come to determine the matter, I have incorporated the act relative to interest in my amendment, and I have also incorporated the act relative to the sinking fund in my amendment, those two acts making it clear to every man who wishes to read impartially that this is a debt of the District of Columbia. Then, carrying out the ruling made by the Chair, carrying out the judgment rendered by this House by a vote of nearly 3 to 1, I provide that that debt shall be paid by the District of Columbia. That, Mr. Chairman, I deem to be sufficient explanation of the matter.

Mr. SAUNDERS. Mr. Chairman, the point of order really brings up the same question that was presented to the Chair a few days ago, and having reference to the importance of the ruling, asked a little further argument, and some additional authorities in support of the position of the committee may not be amiss. A few moments ago the Chair in sustaining a point of order to the bathing-beach item, read copious extracts from contemporaneous debate to show the meaning that was attached at the time to the original act authorizing this beach, and appropriating therefor. This was entirely proper as a legitimate aid to the interpretation of an ambiguous section. But the same aid to interpretation is furnished in a more abundant and emphatic form in the debate upon the act in 1879. This act in part is reproduced in section 1 of the amendment of the gentleman from Kentucky, now pending. We insist again, that if this section is ambiguous, a flood of light is afforded as to its real meaning by the arguments of Mr. Blackburn, and others. The gentleman from Kentucky insists that this act is a contract of reimbusement. But in the contemporaneous debate it was admitted on all hands that it was a contract of assumption, and on that ground was vehemently opposed. If the Chair will look to section 1 of this amendment, which is the part of the act of 1879 with which we are concerned, he will find the following language:

> There is authorized to be appropriated out of the proportional sum which the United States may contribute toward the expense of the District of Columbia * * *.

The real meaning of this sentence must be sought not in this language standing apart and alone, but in its relation to other acts, and in the general attitude of the Government at that time toward the District of Columbia.

Looking to this entire body of legislation without reference even to the illuminating debate on the section under consideration it is palpable that Congress meant to say in substance that the appropriation for the sinking fund thereby authorized should be a part of the proportional sum contributed by the United States to the payment of the expenses of the District. That is to say the amount required for the sinking fund would be included in the first instance in the estimates for the expenses of the District, and the same amount, when paid by the Government, would be credited on the one-half of the total expenses for which it was liable. This was entirely proper. In other words, the United States having assumed to pay one-half of the expenses of the District by their antecedent legislation, did not propose to pay in addition one-half of the sinking fund, but intended to include the same as a portion of their proportional part of one-half. This intent might have been expressed differently. Any statute on the books might be expressed in other, and often in happier terms. It does not argue that a statute is incapable of satisfactory and coherent interpretation, because it is inaptly phrased. To say the least of it, the language used, if it imports an assumption of the whole debt, with a provision for reimbursement is not a clear and positive assumption. At best, whether the one view, or the other is taken of its meaning, the language used is somewhat ambiguous. What then? Shall we look to this section alone, and abandon the usual principles of interpretation? For the time being, I pass by the precedents in the form of parliamentary rulings on the meaning of this section, though these precedents are admittedly in our favor, and taking up the contemporaneous discussion of the act of 1879, I challenge any Member of this House to take issue with me, when I assert that from first to last, this section was discussed with an agreement on all hands, that if it was adopted, a new liability would be fastened upon the Government.

Concede that the act of 1879 was an assumption of the whole debt by the United States, with an accompanying contract of reimbursement, and the whole ground of Mr. Blackburn's vigorous antagonism is at once cut away. Upon this view of the section, he was making a foolish, as well as futile fight. Instead of opposing, he ought to have welcomed the amendment. So far from imposing a burden, it really afforded a protection, since it provided for the repayment in full of any money advanced by the United States for the discharge of the indebtedness of the District. Mr. Blackburn, as a rule, was not a debater to overlook any crevice in the armor of an adversary, but for the time being, he was more than purblind. Setting up a man of straw by virtue of his contention that this section would impose a liability upon the Government for one-half of an unjust debt, he proceeded to belabor this straw man in most terrific fashion. In his benighted condition he did not recognize a friend in disguise, and so far from applauding Mr. Atkins for the very handsome fashion in which his report protected the interests of the Government, he criticized this item in merciless fashion, again and again warning the Members of the House that if they adopted the amendment, they would saddle the Government with an outrageous and indefensible liability for one-half of a fraudulent debt.

At no time did it dawn upon Mr. Blackburn that should the House of Representatives adopt the section which he was urging it to reject, they would admit a friend within their gates, and so far from assuming a liability, would protect the Government against imposition. These foolish predecessors of ours consumed two or three days in the discussion of an amendment, under an entire misapprehension of its terms and effect. After all they builded better than they knew. Who were the real friends of the Government in this controversy? It is a curious inquiry. Blackburn in his desire to protect the Government, insisted that the House reject the amendment. The friends of the amendment agreeing that it would charge the Government with a new liability, urged its passage. Mr. Blackburn in the result is a winner, in spite of himself. After all of these years it is now ascertained that the friends of the amendment erred in supporting it, and the opponents of the same were sadly at fault in their rancorous antagonism to a proposition of real merit. Who is entitled to criticism for his part in that debate? Mr. Blackburn for approving a measure which he ought to have supported, or Mr. Haydee and others in advocating a measure which they ought to have opposed, since in the result, relief and protection has been afforded, when an obligation was intended? In the view now pressed upon the Chair, the Government, as a result of this act of 1879, has a valid claim for many millions upon the District. This is what Mr. Blackburn said in 1879, speaking to section 1 of the amendment of the gentleman from Kentucky:

> This report of the committee on conference binds this Government in its own capacity to the payment of one-half of the debt.

Further, he said:

> This proposition of this section of the bill is to fasten upon the Government of the United States for the first time an obligation to pay one-half of the funded debt.

To the same effect Mr. Atkins, and Mr. Hendee, and many others.

Mr. HAYES, Mr. SIMS, and Mr. MADDEN rose.

Mr. SAUNDERS. I have not concluded, Mr. Chairman. I thought the Chair was going to ask a question, and, therefore, I paused.

Mr. LLOYD. Mr. Chairman, as I understand the law, the Secretary of the Treasury of the United States is required to pay the interest and the sinking fund that is provided by law?

Mr. SAUNDERS. Yes.

Mr. LLOYD. And he is required to pay it, of course, out of the Treasury of the United States?

Mr. SAUNDERS. Yes.

Mr. LLOYD. Then the Secretary of the Treasury is required under the law to give the United States credit by the amount which has been paid?

Mr. SAUNDERS. Yes.

Mr. LLOYD. Would not that divide the amount that is paid equally between the District of Columbia and the United States?

Mr. SAUNDERS. I think it would, and I think that is where difficulty has arisen in minds of many who have construed this section as it was never intended to be construed. Because the law says the amount paid, shall be credited on the proportional liability of the United States, they have construed this to mean a reimbursement, when as a matter of fact if the amount needed for the sinking fund and interest, is included in the total estimate for expenses, the amount thereafter paid by the Government in this respect, that is for sinking fund and interest should be credited on the half for which the Government is liable. If this is done, the Government in the result will pay merely that one-half which it has assumed to pay. I append a statement to make this clear.

Whole expenses of the District including sinking fund and interest, payable half and half, say $4,000,000, proportional part to be paid by the United States $2,000,000, interest and sinking fund charge paid by United States and by law to be credited on the proportional part of one-half of whole expenses, $1,000,000. Balance to be paid by the United States $1,000,000. Total actually paid by the Government $2,000,000.

Mr. Chairman, the importance of this matter justifies a repetition of some of the points presented a few days ago. If the Chairman is still of the same mind, and if he is not aided by the clarifying debate of Mr. Blackburn and others to arrive at the true meaning of section 1, of the Johnson amendment, if he is able to differentiate this case, from the bathing-beach case, if he is mindful of, but not constrained by the precedents afforded in the rulings of Chairman GARRETT and others, why then as a matter of course, he will abide by his former ruling. But I hope that a different conclusion will be reached upon the merits. Is it possible that for so many years so many people have been in error in this matter?

Is it possible that all of the participants in the debate were at fault? Is it possible that in this gathering of distinguished men, Blackburn, and Hewitt, and Grout, and many others, there was no one acute enough to see the manifest meaning of this beneficent amendment now ascertained to be a shield and protection for the Government? So far from binding, this amendment unloosed, so far from entangling the Government in the meshes of a fraudulent debt, it is now insisted that by its very terms the cords of entanglement are cut away. The Committee on Appropriations has not been concerned to inquire into the righteousness of the half-and-half principle. It may be wholly wrong. We have been concerned merely to inquire whether this section authorized an appropriation for the sinking fund on the half-and-half basis. If so, we were required to make it, but it was competent for the committee to strike out the appropriation. The committee can refuse to appropriate for the discharge of this obligation, if it is so disposed, even if it agrees that the half-and-half obligation was explicitly assumed. But no such discretion was lodged in the Committee on Appropriations. Whether the assumption was righteous or unrighteous, conceding that it was actually undertaken, the committee must appropriate accordingly, and its action is not subject to a point of order.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. SAUNDERS. Certainly. I yield with pleasure, because I wish nothing better than to bring before this body not a controversy over the half-and-half principle, which is sought to be injected into the determination, of this controversy, but the merits of the point of order.

Mr. MARTIN of South Dakota. Would not that involve the question as to what the half-and-half division was to apply to?

Mr. SAUNDERS. Certainly.

Mr. MARTIN of South Dakota. I am referring to the act of 1878.

Mr. SAUNDERS. 1879. That is the one relating to the sinking fund.

Mr. MARTIN of South Dakota. Does the gentleman contend in either of those acts, where the items are enumerated, that the District is to pay half and the Government is to pay half, that the item of interest or sinking fund of the debt was enumerated?

Mr. SAUNDERS. The provision for the sinking fund does not come into existence until the act of 1879.

Mr. MARTIN of South Dakota. Is it not true that the particular items to which the half-and-half rule is to apply are enumerated in that act of 1878?

Mr. SAUNDERS. No.

Mr. MARTIN of South Dakota. Perhaps I am not able to read it right, then.

Mr. SAUNDERS. Let me answer this in my own way. I know what the gentleman is going to read. The provision for one-half payments was established, in 1874, and 1878. Before that time Congress had aided the District by varying appropriations. The acts of 1874, and 1878 were intended to establish, and did establish fully the half-and-half principle. The act provided that this principle should apply to the expenses of the District. Clearly the interest on the funded indebtedness for which the District was liable, was one of the expenses of the District. Interest is fairly included within the meaning of the word "expenses."

This is my answer to the gentleman from South Dakota. I will say further to my friend from South Dakota that in the debate in 1879 it was admitted on all hands that the antecedent acts committed the Government of the United States to the payment of one-half the interest, and that if they adopted the first section included in the pending amendment, such action would commit the United States Government to the payment of one-half of the principal.

Mr. MARTIN of South Dakota. The first one in the proposed amendment seems to be the substance of the item in the act of 1879.

Mr. SAUNDERS. It is the act of 1879.

Mr. MARTIN of South Dakota. And something of the same language is in the act of 1878, which reads as follows, if the gentleman will permit——

Mr. SAUNDERS. Certainly.

Mr. MARTIN of South Dakota. It reads this way:

> Hereafter the Secretary of the Treasury shall pay the interest on the 3.65 bonds of the District of Columbia issued in pursuance of the act of Congress approved June 28, 1874, when the same shall become due and payable, and all amounts so paid shall be credited as a part of the appropriation for the year by the United States toward the expenses of the District of Columbia as hereinbefore provided.

The provision thereinbefore enumerates the different items.

Mr. SAUNDERS. Yes.

Mr. MARTIN of South Dakota. How does the gentleman reconcile his present contention with the provision here, that if the Government pays the interest on these bonds it shall get credit for the amount as part of its proportion for general expenses, not for one-half, but credit for the whole amount paid?

Mr. SAUNDERS. That refers to the system of bookkeeping in vogue.

Mr. MARTIN of South Dakota. Oh, well, that——

Mr. SAUNDERS. Permit me to answer the gentleman's question. It may be that I will submit a very imperfect answer, but I desire to answer the gentleman's question as best I can. I have already argued that the language of that section, and the language of the other section, are not very apt, and require reference to other sections of the statute for their proper understanding. When this is done there is no real difficulty. I assert that when these sections were interpreted by the men who enacted the act of 1879, those gentlemen were not troubled by the suggestions that now trouble the gentleman from South Dakota. They interpreted these sections, just as the Committee on Appropriations has interpreted them. That interpretation was of great aid to us, and to every man who seeks to arrive at the real meaning of the language used.

If you segregate this section from the cognate body of legislation, segregate it from the general attitude at the time of the Federal Government toward the District of Columbia, you may find yourself in difficulty. But you must look to all of these aids. In the interpretation of a will, if you take one section by itself, apart from the balance of the will, and look to that section alone, you may find difficulties not easy of solution. Yet on the whole the will may be readily interpreted.

Mr. MARTIN of South Dakota. Well, I will say to the gentleman that perhaps the action of an administrative officer had not been questioned promptly enough to bring out what occurred at the time.

Mr. SAUNDERS. The meaning of the section was discussed by the very men who enacted it into law.

Mr. MARTIN of South Dakota. The gentleman is not allowing me to make a statement of what I had in mind.

Mr. SAUNDERS. I thought the gentleman asked a question.

Mr. MARTIN of South Dakota. I am seeking light on the question, and I am seeking it from the gentleman who is the source of light, but I can take a little time of my own later.

The gentleman from Virginia says that while the language of the bill under an ordinary construction of language would indicate a certain thing, the administrative officers of the Government have determined otherwise, and that probably they are better qualified to make the interpretation than we.

Mr. SAUNDERS. I made no such statement as that. I did not refer to the interpretation by the administrative officers. I did not refer to their interpretation.

Mr. MARTIN of South Dakota. I want to ask the gentleman a question as to the meaning of the language. Are we not obliged to interpret those provisions by the antecedent acts?

Mr. SAUNDERS. That is what I said.

Mr. MARTIN of South Dakota. If the Government is to get credit for the payment of the interest, is it not also safe to assume that it is to get credit for the payment of the whole amount?

Mr. SAUNDERS. No. I do not say that. On the contrary I have undertaken to show that the Government agreed to include the sinking fund and interest, in the expenses of the District, and to pay one half of the total. This is what it means by acts, crediting the amount paid on the proportional part.

I have said nothing about any interpretation of this act by ministerial officers. What I said was this, that it has been interpreted three times by chairmen of this committee. I said that it was interpreted by the body which passed the act of 1879, and in that body there was no contrariety of attitude as to what this section meant. I said further that the action of this body from 1879 forward, was a further interpretation of this act.

I said further that the very body which passed the act of 1879, when it came to appropriate for the sinking fund, appropriated precisely as we have continued to appropriate from that day to the present time. I have referred to all of these things as an aid to our interpretation. If the gentleman, or any Member of this body fastens his attention on one section of these acts without looking to the whole body of legislation, and to the rulings of antecedent Chairmen, one of whom was the gentleman from New York [Mr. PAYNE], why of course they may create difficulties, that a recourse to aids ready to hand, would easily resolve.

The CHAIRMAN. A moment ago the gentleman made reference to the act of 1879. To what act of 1879?

Mr. SAUNDERS. That section which the gentleman from Kentucky [Mr. JOHNSON] embodied in his amendment. I think that act is really not difficult of construction. I think that act could be construed without the aid of the contemporaneous debate, which I so fully cited a few days ago.

The CHAIRMAN. Will the gentleman direct the attention of the Chair to the particular act of 1879 which the amendment refers to?

Mr. SAUNDERS. Why, the amendment is the act itself. The amendment simply reproduces the section of the act of 1879, which affords the foundation for the appropriation originally contained in the bill.

The CHAIRMAN. Does the gentleman mean to say that the first paragraph and the second paragraph of the amendment are taken from the act of 1879?

Mr. SAUNDERS. No, not at all. The amendment before the Chair, reproduces in one case the act of 1879, and in the other the act of 1878.

The CHAIRMAN. Will the gentleman read to the Chair that part of the amendment where the act of 1879 appears?

Mr. SAUNDERS. It is all there:

> And there is hereby appropriated out of the proportional sum which the United States may contribute toward the expenses of the District of Columbia in pursuance of the act of Congress approved—

And so on, down to the reference to the act, volume 20.

That was the language contained in the conference report of Mr. Atkins, the chairman of the Committee on Appropriations——

The CHAIRMAN. On what bill?

Mr. SAUNDERS. On the bill of 1879.

The CHAIRMAN. On the sundry civil appropriation bill?

Mr. SAUNDERS. Why certainly. It has been understood all the time, that the appropriation for the District of Columbia for the year 1879 was made in the sundry civil bill. Section 1 of the amendment of the gentleman from Kentucky was brought before the House by a conference report. It was immediately attacked by Mr. Blackburn, then a Member of this body, afterwards United States Senator, upon the ground that it proposed to saddle the Government of the United States to the extent of one-half of the funded debt of the District. This was conceded to be its meaning and intent.

Mr. BURKE of Pennsylvania. Will the gentleman yield?

Mr. SAUNDERS. Certainly.

Mr. BURKE of Pennsylvania. Has there at any time from 1879 been either a bill or a report from any appropriation committee or any conference report or any interpretation placed by any administrative officer with reference to the application of this fund in line with the amendment now suggested by the gentleman from Kentucky?

Mr. SAUNDERS. No. On the contrary, whenever the attention of a presiding officer has heretofore been called to this contention, it has been overruled.

That is all, Mr. Chairman. This has been in a measure a repetition of some portions of the discussion of last Tuesday, but this is so important a subject that it deserves the fullest consideration. The point of order to this amendment raises anew, the question embraced and considered in the former ruling of the Chair. It is hoped that on further consideration the Chair may modify that ruling.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. BORLAND having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also announced that the President had, on February 5, 1913, approved and signed bill of the following title:

H. R. 24194. An act to create a new division of the western judicial district of Texas and to provide for terms of court at Pecos, Tex., and for other purposes.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

Mr. BORLAND and Mr. MARTIN of South Dakota rose.

Mr. MARTIN of South Dakota. Will the Chair hear me upon the point of order?

The CHAIRMAN. The Chair will state that he has recognized the gentleman from Missouri [Mr. BORLAND]; but the Chair will be glad later to recognize the gentleman from South Dakota.

Mr. BORLAND. Mr. Chairman, the amendment to which this point of order is raised is offered for the purpose, and has the effect, of making the law as decided by the Chair the other day apply to the appropriations in this appropriation bill. It has no other effect, and it is a proper item to go in. The interest and the sinking fund are amounts that should be appropriated for in this bill, but should be appropriated for in accordance with the law as it was determined under the discussion the other day. The argument of the gentleman from Virginia [Mr. SAUNDERS] is largely a repetition of the argument he used at that time. That matter is, as the Chair said a few moments ago, stare decisis—it has been adjudicated. The particular item in the bill was taken out and the point of order was sustained.

Under that ruling, under that stare decisis, this amendment becomes in order, because it complies with that ruling and with the law upon which the ruling was founded.

In order to refresh the recollection of the gentleman from Virginia and the Chair and the House as to the exact operation of this half-and-half principle, I want to refer to the language of the law of 1878. It is always stated in debate, was so stated a few minutes ago in reference to the bathing beach, and is stated in reference to all of these items, that some kind of a general contract or organic law exists between the Government of the United States and the District of Columbia by which the Government of the United States is obligated to pay one-half of all the expenditures, general and special, of the District of Columbia. That is not the law and never was the law; but that general assumption has enabled items from time to time to creep into appropriation bills to the disadvantage of the Treasury of the United States and to the advantage of the treasury of the District of Columbia. That general impression is cultivated and made universal through the constant appeal to the half-and-half principle as the organic law of the District of Columbia.

As a matter of fact, there can be no organic law of the District of Columbia. I will not stop to argue that question. The statute providing for the form of government for the District of Columbia and amended from time to time is an ordinary act, no different from any other act of Congress. As times and conditions change, as the District gets out of difficulties in which it then was involved, other situations present themselves,

and that law is subject to amendment from time to time as the wisdom of Congress may determine.

Mr. SAUNDERS. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. SAUNDERS. We are fully agreed as to that. We never contended that what was called the organic act, and which is a misnomer, is not capable of repeal or amendment at the pleasure of Congress at any time.

Mr. BORLAND. That being true, and no difference existing between us, that impression being removed, I hope, as far as it may have taken lodgment in the mind of any Member here, I want to refer Members and the Chair to what the half-and-half division originally was.

In the act of 1878, United States Statutes at Large, volume 20, page 104, it is said:

The said commissioners shall submit to the Secretary of the Treasury for the fiscal year ending June 30, 1879, and annually thereafter for his examination and approval, a statement showing in detail the work proposed to be undertaken by them during the fiscal year next ensuing and the estimated cost thereof.

There is one item, the work proposed to be undertaken and the estimated cost thereof.

The cost of constructing, repairing, and maintaining all bridges authorized by law across the Potomac River within the District of Columbia, and also all other streams in said District.

That is another item.

The cost of maintaining all public institutions of charity, reformatories, and prisons belonging to or controlled wholly or in part by the District of Columbia and which are now by law supported wholly or in part by the United States or District of Columbia.

That is another item.

The expenses of the Washington Aqueduct and its appurtenances.

That is another item.

An itemized statement and estimate of the amount necessary to defray the expenses of the government of the District of Columbia for the next fiscal year.

Mr. MADDEN. Will the gentleman yield?

Mr. BORLAND. I think I anticipate the gentleman's question, and if he will be patient I will answer it. I will yield later. Those are the items referred to in that law of 1878 which must be estimated for by the commissioners and submitted to the Secretary of the Treasury. Then the Secretary of the Treasury sends them to Congress, and the language of that same section continues in these words:

To the extent to which Congress shall approve of said estimates Congress shall appropriate the amount of 50 per cent thereof, and the remaining 50 per cent of such approved estimates shall be levied and assessed upon the taxable property and privilege in said District other than the property of the United States and of the District of Columbia; and all proceedings in the assessing, equalizing, and levying of said taxes, the collection thereof, the listing, return, and penalty for taxes in arrears, the advertising for sale and the sale of property for delinquent taxes, the redemption thereof, the proceedings to enforce the lien upon unredeemed property, and every other act and thing now required to be done in the premises shall be done and performed at the times and in the manner now provided by law, except in so far as is otherwise provided by this act.

So that those are the items and the only items to which the 50 per cent ever did apply by virtue of any so-called organic act. It is not contended that that includes the interest or the sinking fund.

Mr. SAUNDERS. It does. It was specifically contended in reply to the gentleman from South Dakota that it covered the interest and not the sinking fund.

Mr. MADDEN. Does the gentleman contend that the payment of interest and the payment of the annual proportion of the bonded debt is not a part of the Government expense?

Mr. BORLAND. Yes; and I will explain exactly why, because that is the question I anticipated the gentleman was going to ask. It is not contended that that language specifically designates the interest or the sinking fund. It certainly does not designate the sinking fund, and does not specify the interest. It is contended by the gentleman from Virginia [Mr. SAUNDERS] and by the gentleman from Illinois [Mr. MADDEN], possibly, that the interest is included under the term "expenses of the District of Columbia." That construction must be drawn, as the gentleman from Virginia has himself pointed out, from the entire act, if it is drawn at all. If that implication is drawn at all, it could only be drawn in the absence of some specific language in the act which made provision for the interest. Let us see if the language of the act itself does not make a specific provision for the interest. If the language of that act makes specific provision for the interest, then it is apparent that it dispels any implication that the interest was included in the general language in this estimate.

Mr. DALZELL. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. DALZELL. I am asking for information. As a matter of fact, have the estimates that have been submitted to Congress since 1879 included interest and payment of the sinking fund as part of the expenses of the District?

Mr. BORLAND. I believe so. To return to the proposition I made, this enumeration, not having included the interest in terms, if we want to extend that enumeration by implication to the interest, it must be in the absence of some language in the law which would otherwise take care of the interest. I do not think that would be a necessary implication if the language were entirely absent, because the interest is not a general expense of the District. It might be an expense and it might not be an expense, but it is not necessarily included in the general word "expense."

But this bill makes specific provision for the interest in these words:

Hereafter the Secretary of the Treasury shall pay the interest on the 3.65 bonds of the District of Columbia issued in pursuance of the act of Congress of June 20, 1874, when the same becomes due and payable—

The Secretary of the Treasury shall pay them, so that there is no question between the bondholder and the United States—

and all amounts so paid shall be credited as part of the appropriation for the year by the United States toward the expenses of the District of Columbia as hereinbefore provided.

The United States, as between the bondholder and the United States, pays the interest. Then, as a matter of bookkeeping, it charges that amount against the amount that it would have contributed in cash under the general appropriation bill for the District of Columbia. There is no other construction that can be placed upon that language. It is not necessary for the Secretary of the Treasury to estimate for the interest. He is given specific authority to pay it, and when he pays it, if Congress has contributed an amount equal to one-half of the general estimated expenses under that preceding section, the amount that Congress has appropriated out of the Treasury shall be credited with the amount it has already paid toward the interest coupons.

Mr. LLOYD. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Certainly.

Mr. LLOYD. Would not that make the United States pay the full amount of the interest?

Mr. BORLAND. No; I think not.

Mr. LLOYD. If it is paid by the Secretary of the Treasury out of the Treasury of the United States, and then credited to that part of the fund which is contributed under the District of Columbia appropriation bill, that would make the United States pay all of it.

Mr. BORLAND. No; the word "credited" means a subtraction and not an addition. It does not say in addition to the amount contributed. It says that it shall be credited on the amount contributed.

Mr. LLOYD. But would it not have the effect of requiring the United States Government to pay out of that part it is expected to pay of the District expenses the whole amount of interest?

Mr. BORLAND. I think not. I think it has exactly the reverse effect.

Mr. SHERLEY. Is not the gentleman's whole position predicated necessarily on the proposition that "expenses" do not include the interest?

Mr. BORLAND. Yes.

Mr. SHERLEY. Is not that begging the real question at issue? The matter at issue is whether it does or does not include it.

Mr. BORLAND. No; the argument was made by the gentleman from Virginia [Mr. SAUNDERS] that the general word "expenses" might be stretched to cover interest. The gentleman said there are cases where that might be true. I do not think it is necessarily true, but even the implication would not exist if specific appropriations were made in the same act for the interest and——

Mr. SHERLEY. If the gentleman will permit me, I am not now passing upon the question of whether the term "expenses" does include interest, but it seems to me the gentleman has not quite established the argument that it should not include interest, because provision was made in the same act for the taking care of interest. That very argument seems to fall to the ground because it is predicated on the idea that the interest so paid shall be charged—that is, credited—against the United States part of the "expenses," and there you are brought back to the original question whether "expenses" do or do not include interest. The language quoted was this:

And all amounts so paid shall be credited as a part of the appropriations for the year by the United States toward the expenses of the District of Columbia as hereinbefore provided.

What are those expenses, and do they include interest?

Mr. BORLAND. My view of that is this, I would say to the gentleman from Kentucky: If these estimates come in, as the

law of 1878 requires the carrying of these estimates, then the United States Congress, so far as it approves the estimates, appropriates 50 per cent. Of course it is not bound to appropriate for any particular item only so far as it approves the item. Now the Secretary of the Treasury under authority of the same act is bound to credit the United States share whether they have included some items or no particular items in that estimate; he is bound to credit all he has paid for interest against what they have chosen to appropriate.

Mr. SHERLEY. If the gentleman will permit me there, that does not answer the contention because of the fact you have not determined the primary question whether expenses do or do not include interest.

Mr. BORLAND. Let me answer the question further in this way: If the estimates submitted by the Secretary of the Treasury do not include any interest and Congress appropriates under those estimates, as I believe is the intention of the law, and then the Secretary of the Treasury by virtue of the same act of 1878 had paid the interest in the meantime, the law would compel him to credit against the share the United States contributed toward these expenses what he has paid in the way of interest whether the United States had included the interest in the estimates or not. Now, if the United States has included the interest in its estimates, he goes through the same formula except that the result is that the interest that he credits is the same interest that has been estimated for and allowed, and therefore it nullifies the express wording of that statute because the wording would not be quoted there at all if that were the only result of it; that it should be estimated for by one officer and credited for by another officer would not require that express language in it.

Mr. LLOYD. Is not this true? If the money is paid by the Secretary of the Treasury out of the Treasury of the United States, as is now required by law, and the expense in the District of Columbia is divided equally between the District of Columbia and the United States, and then the amount of this interest account credited to the United States on that account, would not the effect be for the United States to pay one half and the District of Columbia the other half? It has paid the one half which it ought to pay under the equal distribution, and the other half it would get a credit for in its relation with the District account.

Mr. JOHNSON of Kentucky. Will the gentleman yield for just one moment in that connection? I think I can clear the mind of the gentleman——

Mr. BORLAND. I think I can clear it up.

Mr. JOHNSON of Kentucky (continuing). I think I can clear up the mind of the gentleman from Missouri a little bit. If he will take my amendment and read the first two lines of it, he will find it reads this way, and it is a copy of the law:

And there is hereby appropriated out of the proportional sum the United States may contribute toward the expenses of the District of Columbia.

Under that there is no provision for an appropriation out of the Treasury, but there is a provision for appropriating out of the proportional sum that is contributed by the District of Columbia.

Mr. LLOYD. And the proportional sum is half and half—50 per cent?

Mr. JOHNSON of Kentucky. That depends upon whether they contribute half or not.

But if they do contribute half, for the sake of argument, then the sinking fund must be created out of the amount that is appropriated by the Federal Government toward the District of Columbia.

Mr. LLOYD. But the proportional part that is referred to is the proportional part that is provided in the statute, and the proportional part that is provided in the statute is the 50 per cent base—50 per cent by the District of Columbia and 50 per cent by the United States. There is no other proportion, so far as I know, that is mentioned in any of these statutes. If there is, I would like to know what it is.

Mr. JOHNSON of Kentucky. And the gentleman can search all the statute books of the United States from the foundation of the Government until now, and he will find that the appropriation bills read:

That there is hereby appropriated out of any money in the Treasury not otherwise appropriated.

This is the only exception, and it says:

There is hereby appropriated out of the proportional sum which the United States may contribute to the District of Columbia for the purpose of sinking fund for the payment of its funded debt.

Mr. BURKE of Pennsylvania. I understand the gentleman from Missouri to answer the gentleman from Kentucky [Mr. JOHNSON] to the effect that the payment of interest on the funded debt of the District could not be properly considered expense of the District.

Mr. BORLAND. I said it was not necessarily included in the word "expenses."

Mr. BURKE of Pennsylvania. Will the gentleman answer this question: If the Secretary of the Treasury in the enforcement of the corporation-tax law should refuse to allow a corporation, as a matter of bookkeeping, for $100,000 interest on its bonded indebtedness, would the gentleman regard that as a fair proposition or as a legal one?

Mr. BORLAND. The gentleman must recollect that the corporation tax law specifically points out how interest shall be credited and how much interest. It says that the debt must not be larger than the total capital stock. It is specific on that subject. There is no analogy at all.

Mr. BURKE of Pennsylvania. Applying to any general business having a bonded indebtedness, are not the first items that are included in the list of fixed charges the interest on the funded debt?

Mr. BORLAND. Now, the gentleman and I may have come to a purely political question.

Mr. BURKE of Pennsylvania. No.

Mr. BORLAND. I have always contended that the amount of interest on capital that is in a business, public utility, or otherwise, borrowed on its bonds, is not generally a legitimate expense of the business. And to charge the consumer with a rate covering the interest on the bonded indebtedness is a proposition that is rapidly going out of the legislative mind of this country. It is even being dispelled from the judiciary mind that interest on the bonded indebtedness, fixed charges as they are called, are necessary elements of the expenses of the business. We all know now it is not true; that some businesses may have borrowed money in some amount; but, after all, it is capital, whether borrowed or unborrowed.

Mr. BURKE of Pennsylvania. Does not the gentleman think a corporation has a right to borrow?

Mr. BORLAND. Yes.

Mr. BURKE of Pennsylvania. And would it not be its duty to pay the interest on that debt?

Mr. BORLAND. Of course, on its contract.

Mr. BURKE of Pennsylvania. Would not that be a legitimate expense of its business?

Mr. BORLAND. Not at all. They might have borrowed $15,000 when they needed only $10,000. It is not a general expense of the business.

Mr. BURKE of Pennsylvania. There is no question that this particular loan we are discussing now is a legitimate one.

Mr. BORLAND. Oh, yes; there is a great deal of question.

Mr. BURKE of Pennsylvania. The gentleman is not discussing it from that standpoint.

Mr. BORLAND. I am not discussing that, because I did not want to go too far afield in this discussion.

Mr. BURKE of Pennsylvania. But you admit it was a properly acquired loan?

Mr. BORLAND. I do not admit anything, and that is not necessary to this argument.

Mr. BURKE of Pennsylvania. If it was not, the gentleman would repudiate the whole debt?

Mr. BORLAND. My point is that the existence of a loan is merely an incident and not a usual or necessary expense of the business. It is always specific in its obligation.

Mr. SAUNDERS. Let me ask one question. The language there is "expenses." Can you conceive of any situation in which a municipality, bound for municipal indebtedness and therefore under obligation to pay the interest on the same as it accrues, would not properly treat of interest incurred in that way as expense? Give me a case in which a city would be required to pay interest and at the same time say that the interest was not an expense.

Mr. BORLAND. In this case provision has been made specifically for interest and sinking fund of an indebtedness. I have known of very, very few cases, except when they are trying to fix the rates charged by a railroad, where the interest is figured in as a part of the general expense of the business. I never knew of a business man to do it in his own counting room, or in consultation with his attorney, or in a board of directors. I have never known it to be otherwise than a simple, clear-cut proposition of capital for the business itself, but not a necessary expense. I do not think the word "expense" includes interest as a general proposition.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. BORLAND. Yes.

Mr. MADDEN. Does the gentleman contend, although he claims that the borrowing of money and the payment of interest

on a loan is simply an incidental proposition to the conduct of the business, that after that proposition has been entered into it is not a legitimate part in the conduct of the business?

Mr. BORLAND. I do not think there is any misunderstanding about my position, and that is that the obligation to repay money is a mater of specific contract. It is not included in any general words at all.

Mr. MADDEN. Very true; but while the obligation exists, does the gentleman contend that whatever interest must be paid on the obligation is not a specific part of the legitimate annual expenses of conducting the business on which the loan is made?

Mr. BORLAND. Well, I do not know that it is necessary to repeat what I said a while ago. I did not know whether the gentleman was in here or not at that time.

Mr. MADDEN. Yes; I was here and listening to every word the gentleman said; and, as I understand now, the gentleman has worked his mind out to such an extent that he can say to the House that the payment of interest is not a legitimate part of the functions of the government of the District of Columbia.

Mr. BORLAND. I repeat that the payment of interest is not, in my view, either as a legal or a business proposition, included in the word "expense," but is a specific and separate matter in almost every case. There is no particular reason why interest should be an item of expense. Interest may exist or it may not exist. The loans may be too large or they may be too small or they may not exist at all. Now, the gentleman says that if a party is in debt, if the interest on that debt is not a part of the expenses of his business, what is it?

The only implication that interest could arise incident to this expense must be founded, as I presume, upon the absence of any other provision in the same law for the payment of such indebtedness, and if the same law makes other provision for the payment of the interest on the same indebtedness it would be presumed and argued in every court that that special item for interest would take it out of any implication in a general item.

Mr. MADDEN. The gentleman does not contend that the item of interest can be taken out of the category of expense, does he?

Mr. BORLAND. Yes. It does not make any difference to the gentleman from Illinois whether I owe $100 or $1,000, or pay interest on $100 or on $1,000. Neither one of those circumstances is an incident to my living in the District of Columbit, nor has it anything to do with my expenses.

Mr. BURKE of Pennsylvania. Suppose a man offered the gentleman from Missouri $1,000 worth of stock in a corporation, and the gentleman from Missouri purchases it on the strength of this statement, that "last year we made $15,000," and after he had acquired that stock and investigated the business, he found that in fact they had not made a cent, or had lost that much. Suppose the gentleman from Missouri accused the man of false pretense, and he said, "Oh, there is no false pretense about it. That $15,000 went to pay interest on the mortgage indebtedness." Would the gentleman from Missouri say he was deceived? Would the gentleman say the vendor had been guilty of false pretenses in that case?

Mr. BORLAND. Oh, no; but I do not see any application in that to this proposition. If the money was really made, the purpose for which it was used cuts no figure.

Mr. BURKE of Pennsylvania. If it was not used as a part of the expense of the concern it could not be so considered.

Mr. BORLAND. Let me ask the gentleman a question. He is a good lawyer. Suppose the gentleman wanted to go into a business that required $50,000 worth of capital, and he had the $50,000 worth of capital and put it into the business, and thereafter his earnings were $5,000 a year on that capital. He did not have any interest to pay at all. Now, suppose I was located adjoining him or across the street, and I had the same business, and the capital of my business was $50,000, but I had borrowed $25,000 from the gentleman from Kentucky [Mr. SHERLEY] and was paying interest on it. Now, when we come to figure out what were the relative expenses of the business, in the gentleman's case it would not include interest and in my case it would. Is it not evident that the interest is really a dividend or the return on the capital borrowed, just as much as on what the gentleman pays himself? The difference between interest and the running expenses of a business is always clear. That, however, is running far afield from this argument.

Mr. SAUNDERS. Mr. Chairman, may I suggest this to the gentleman in that connection, that in the one instance that the gentleman cites payment is made on a fund that is not related to the business at all. Of course it has no relation to the expense of the business; but suppose it was money paid and interest on a debt that was specifically chargeable on the business. Would not that be part of the expense of the business?

Mr. SHERLEY. I would like to ask the gentleman this question: What does he consider the capital of a city or municipality?

Mr. BORLAND. That is getting to be a pretty deep political question.

Mr. SHERLEY. Very well. Then where does it get its income for the payment of its expenses? It gets it through its taxing power, does it not?

Mr. BORLAND. The capital of a city is its aggregate taxable wealth.

Mr. SHERLEY. Its taxing power?

Mr. BORLAND. Yes.

Mr. SHERLEY. Now, if it is a solvent, going city, does it not have to levy sufficient taxes to pay the expenses of its government, and would it not have to consider a debt as a part of those expenses, or else repudiate it? Is that true or not?

Mr. BORLAND. It would either have to pay the debt or repudiate it.

Mr. SHERLEY. Yes. Then if it has to pay the debt, is it not an expense of the municipality?

Mr. BORLAND. No; it does not follow from that statement that it is an expense. It follows from that statement that it must comply with its contract, whatever it is.

Mr. SHERLEY. There is no contract, other than that the city owes certain money. Now, it has got to pay that.

Mr. BORLAND. It has got to pay that.

Mr. SHERLEY. The paying of that becomes an expense of the city, does it not?

Mr. BORLAND. The general word "expense" is broad enough to cover anything that anybody has to pay.

Mr. SHERLEY. Is there anything here that qualifies the "expense" to make it current?

Mr. BORLAND. I think so, and if we can get back to the law, I want to point out to the gentleman from Kentucky why I think so.

Mr. SHERLEY. That is just the point I want to hear you on.

Mr. JOHNSON of Kentucky. Will the gentleman from Missouri permit an interruption?

Mr. BORLAND. Yes.

Mr. JOHNSON of Kentucky. I will read just one little extract from a speech that I made upon this subject on the floor of this House a year ago, in which I said:

While section 7—

Of the act of 1878—

said that all classes of indebtedness set out in section 6 evidenced by board of audit certificates might be exchanged for the 3.65 bonds, the creditors saw all the "taxes, moneys, credits, securities, assets, and accounts" set aside by section 2 for the payment of "current expenses, schools, fire department, police, and debts secured by a pledge of the (District) securities."

In addition to that I called attention to another feature of this proposition when I said:

If the United States was to pay any part of the interest upon these bonds, why should such often-repeated expressions in the various acts of Congress relative to "reimbursing," "refunding," "credited as a part," and paid "out of the proportional appropriation," and other such expressions be used, when not one of these expressions of limitation is used in connection with any other appropriation?

This is the only expense, if you choose to call it such, of the District of Columbia that Congress at that time saw fit to attach any limitation or qualification. That limitation or qualification was that it should be paid out of the Federal Treasury and then returned to the Federal Treasury by the District of Columbia.

Mr. BORLAND. Now, while it is true, as I have no doubt, that the word "expense," being a word of very broad signification, may be broad enough in a great many cases to cover the payment of interest or the payment of any other charges, yet inasmuch as interest is usually specifically provided for in public acts, and even in the acts of private corporations it is usually classified by itself separately and specific provision made for it, I deny that there is any necessary implication from the word "expense" that would include interest; and if we find in the very same law a specific provision for the payment of interest, then we are entitled to assume, in fact we must assume, that it was not included in the general words which precede it. If it was included in the general words preceding it, the specific provision for its payment would not be necessary; and that is the fact concerning this law of 1878.

Mr. SAUNDERS. May I interrupt my friend a moment?

Mr. BORLAND. Yes.

Mr. SAUNDERS. John Sherman in his day was regarded as the foremost financier of that time. He was Secretary of the Treasury when the first estimates in this matter were submitted to him. He revised those estimates and returned them. Under the head of "General expenses of the District of Columbia" was included provision for the sinking fund and interest. Does

not my friend think that is pretty good authority for the proposition that even under that act these items were properly related to the heading "District expenses"?

Mr. BORLAND. That is a repetition of the same position which the gentleman from Virginia has assumed, that this having been acted upon contrary to the wording of the law, if it be contrary to the wording of the law, that that construction of the law is binding upon subsequent Congresses. Of course, that is not necessarily true. The half-and-half principle that has been so often spoken of here does not, according to the wording of the law and the four corners of the law of 1878, apply to interest or sinking fund. That was the ruling of the Chair the other day, and is still the contention of the gentleman who offers the amendment.

In 1874 and 1878 every municipality in the country was on the verge of bankruptcy. A very general period of depression, and we might say of corruption, had swept over the country, and every city was confronted with a large city indebtedness, and some of them had to go out of existence as municipal corporations because they could not meet their obligations.

What occurred in the District of Columbia, where a debt of $22,000,000 was confronting them? The United States stepped in and took the debt, some of which was in dispute, and reduced the interest to 3.65 per cent, or less than 4 per cent. At that time there was no municipality or private individual in the United States that could get money at such a price. If the District of Columbia got money for less than 4 per cent, it was getting at almost half the current rate paid by the public and municipalities. The District of Columbia, by reason of the guaranty the United States made that it would see that the bondholders were paid out of the appropriate revenues, was enabled to cut its interest bill in half, and the District for 30 years has enjoyed the fruits of that guaranty. Instead of its being in a worse condition, it is in a better situation than any county or municipal corporation or quasi municipal corporation in the United States that went through that familiar wholesale bond issue following the Civil War.

There is not a community in the United States that has been so favorably treated as the District of Columbia from that guaranty of the United States behind it. I do not know of a municipality in the country that would not be glad to have the United States step in and guarantee the interest on the bonded indebtedness and cut the interest down to less than 4 per cent.

Now, the District comes in after that favored treatment of nurturing and nursing that has gone on and after its taxable wealth has largely increased, when it has more taxable property per capita than any other city in the United States, when its taxing power is only used to one-third of its limit—more than two-thirds of the District of Columbia's wealth escapes taxation, where only the little fellows are taxed—I say it now comes in and says that some great hardship is being done and that the Federal Government should continue to pay half of its sinking fund and interest.

We say under these circumstances that unless the strict letter of the law, unless the very letter of the bond, calls for the pound of flesh, the pound of flesh ought not to be rendered. If the District of Columbia can show that either it or the bondholders has a legal enforceable right, a naked, bare, harsh right to demand payment from the Federal Treasury, let it insist on that legal obligation and stand upon its legal rights. But as to its having any moral right, it has no moral right at this time, and never did have a moral right. It was taken out of the slough of bankruptcy and has been started on a prosperous career. It has secured the refunding of its debt at a lower rate of interest than has ever prevailed in any municipal indebtedness of the United States. It has enjoyed the fruits of that statute which has increased its taxable wealth beyond all other cities of its size. It has no moral right at this time. If it has the bare legal right, that is bad enough. It has been decided here that it did not have a legal right to insist upon the continuation of the payment of one-half of the interest of the sinking fund. That being true and the point of order having been ruled upon and it being ruled that the payment of one-half by the United States was not authorized by law and therefore subject to a point of order, it necessarily follows that the amendment offered by the gentleman from Kentucky that the amount be put in and charged against the funds of the District is in order and must prevail.

The CHAIRMAN. The Chair is ready to rule, but recognizing the importance of the question, he will not decline to hear gentlemen further if they wish. But he will ask them to address their remarks to the point of order.

Mr. MADDEN. Mr. Chairman, I understand that no argument has been made as yet on the point of order.

Mr. SAUNDERS rose.

The CHAIRMAN. For what purpose does the gentleman from Virginia [Mr. SAUNDERS] rise?

Mr. SAUNDERS. Mr. Chairman, I ask for 5 minutes to submit a statement.

The CHAIRMAN. The gentleman from Virginia, a member of the committee, is recognized.

Mr. SAUNDERS. Mr. Chairman, as showing how widely gentlemen may differ and fairly so, with respect to the interpretation of the original acts, I will simply say that every citation which my friend from Missouri [Mr. BORLAND] has adduced this morning in support of his position, was adduced by me a year ago in an argument on this proposition to support an entirely different conclusion. This being so, it emphasizes the importance of the contention that the Chair should look to the contemporaneous discussion of these ambiguous statutes for their proper interpretation.

I desire to call the attention of the Chair to a portion of the language cited by the gentleman from Missouri, and to submit a brief argument showing that the use of this language was necessary, and strictly in harmony with the present contention that the Government assumed one-half of the interest on the funded debt as a portion of the debt of the District. The language cited is as follows:

> Hereafter the Secretary of the Treasury shall pay the interest on the 3.65 bonds of the District of Columbia issued in pursuance of the act of Congress approved June 20, 1874, when the same shall become due and payable.

If the act had stopped at that point, it might have been argued that this payment was something additional to the one-half which it had already assumed. Therefore, it was necessary to add the language:

> And all amounts so paid shall be credited as a part of the appropriation toward the expenses of the District, as hereinbefore provided.

The concluding words "as hereinbefore provided," relate back to the half-and-half principle which had been established. Permit me to illustrate by the statement of a hypothetical account between the Government and the District the inevitable effect of this requirement, and demonstrate that in the result the words merely serve to make the Government pay one-half of the interest and no more. Suppose that the expenses of the District of Columbia for the first year after the act of 1879 amounted to $4,000,000, those expenses including of course the sinking fund and interest. How much would the Government of the United States be liable for, under the act 1878. The answer is simple, $2,000,000. Now suppose that the Government proceeded to pay $1,000,000 on the sinking fund and interest. This amount would thereupon be credited on the amount of two million for which it was liable. This would leave the Government liable for one million more.

The aggregate amount therefore paid by the Government would be $2,000,000, the exact amount for which it would be liable, according to the statute, upon the assumption that in any one year, the amount of the aggregate expenses of the District was $4,000,000. So that the direct application of the requirements of this statute, to a settlement of accounts between the District, and the United States, compels the Government to pay one-half of the expenses, in a word the proportional part for which it is liable.

I submit a statement of an account illustrative of my contention:

Whole expenses, including sinking fund and interest, payable half and half	$4,000,000
Proportional part to be paid by the United States	2,000,000
Interest and sinking fund charge paid by United States, and by law to be credited on its proportional part or one-half of whole expenses	1,000,000
Balance to be paid by United States	1,000,000
Total actually paid by the Government	2,000,000

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. MADDEN. Mr. Chairman, the gentleman from Virginia [Mr. SAUNDERS] has said what I was going to say, but he has said it so much better than I could have said it that I will not detain the committee longer.

Mr. HAYES. Mr. Chairman, I understand the point of order is simply reserved and that all the gentlemen have been discussing the merits of the amendment. I do not understand that a point of order is pending.

The CHAIRMAN. The point of order has been made.

Mr. HAYES. Mr. Chairman, this discussion has taken a very wide range, not only to-day but previously, and I desire to submit some considerations, not upon the point of order but as to the merits of this amendment. I was present last Saturday when the gentleman from Kentucky [Mr. JOHNSON] made his point of order against the provision in the bill and discussed the proposition substantially now before the House. I was astonished when he made the point of order. I was still more

astonished at various statements which he made in the course of his remarks which he submitted in speaking to the point of order. I wish to call attention to one or two things that were stated in that discussion, and I ought to say in this connection that I am not desirous of criticizing the gentleman from Kentucky, and I am not implying in what I shall say that he has willfully made any misstatement, but I wish to call attention, among others, to the part of his statement which I read from the RECORD of last Saturday, February 1:

Tracts of land in the District of Columbia in the midst of primeval forests are opened up and laid out into town lots. Under that plan the District of Columbia calls upon the Federal Government to pay one-half of the expense of the streets that are opened and macadamized and paved through that, and the Federal Government does it.

Mr. Chairman, I was very much astonished at that statement, and it caused me to make a little investigation upon my own account. I want to say to the House that that statement is erroneous.

The law of 1893 provides that when new land is to be subdivided or platted in the District of Columbia the owner must dedicate the streets included in the plat in accordance with the District highway plan; and without a single exception since 1893, according to my investigation of subdivisions of land in the District of Columbia, the owners of all subdivisions of land have not only dedicated the streets without expense to the District, but they have, as a general rule, improved those streets at their own expense.

Other public improvements that are made in the undeveloped parts of the District of Columbia are generally paid for at private expense or are charged to the abutting or adjacent lands. This is not true of the improvement of the streets in the older part of the District where the District government pays for the expense of the improvement. It is also true that in the older parts of the city of Washington, when streets are opened, the universal practice of Congress has been to provide in every case that the total expenses shall be assessed to the neighborhood as benefits so as to cover the total cost of opening, and paying for the lands for those streets, and no part of the cost comes out of the Public Treasury. There are certain exceptions to this rule, notably Massachusetts Avenue extended and Sixteenth Street, where Congress has made appropriations on the usual basis for the opening, improvement, and macadamizing of these streets.

For example, in Massachusetts Avenue Heights subdivision, where improvements are now going on; on Connecticut Avenue, in Sauls's Addition; in Cleveland Park; in all of those subdivisions the District of Columbia has never paid for the improvement of the streets nor for any other public improvement. I think I am stating the fact, and I have been quite carefully investigating the matter——

Mr. CAMPBELL. If the gentleman will permit, I want to corroborate what the gentleman has stated. I know he has stated the fact, because the legislation providing for the opening of those streets provided that the property abutting should pay for the improvements.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAYES. I ask unanimous consent that I may proceed for five minutes. I have not taken up much of the time of this House.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. HAYES. Now, Mr. Chairman, one more thing I think in justice to the District of Columbia should be stated, and that is this: That in every case the improvement of extending water or sewer connection to any part of the District is paid for by the abutting property. That is rather unusual, I think. I know that in most of the cities where I have lived the waterworks being owned by the cities which charge rental to the various property owners for the use of the water, thus having a revenue from its investment, the city puts in the mains, but in this city that is not the rule, although the city does charge the property owner for the use of the water.

Mr. LOBECK. It gets no rental from the sewers.

Mr. HAYES. Not from the sewers, but from the water. It gets a rental or charges the consumer for the use of the water, and yet the consumer is obliged also, under the laws of the District of Columbia and the practice here, to pay for putting in the mains along the streets upon which his property abuts.

Mr. CARY. I would like to say that in the city of Milwaukee, where it owns the waterworks, the laying of the mains is charged to the abutting property owners; they pay all of it.

Mr. HAYES. In the city of Madison, where I once chanced to be a part of the government, and in other cities where I have lived, that is not the rule. It seems to me an unjust rule——

Mr. LOBECK. In a majority of the cities it is the rule, except where storm sewers are constructed; the sanitary sewers that belong to the residents are paid for by the people.

Mr. HAYES. Of course, that is the rule in the city of Washington——

Mr. LOBECK. That is the rule in a majority of cases.

Mr. HAYES. I think the gentleman is mistaken. Now, Mr. Chairman, I criticize no Member of this House who regards it as his duty to attack the District of Columbia or its people, but I do think when a gentleman attacks the people of the District of Columbia, the Capital of the Nation, he ought at least to base his attack upon the facts. Statements were also made in the course of this discussion on Saturday, not only by the gentleman from Kentucky [Mr. JOHNSON], but by the gentleman from Iowa [Mr. PROUTY] and by the gentleman from New York [Mr. REDFIELD], that the city of Washington pays the lightest taxes of any city in the United States. Now, Mr. Chairman, I investigated that matter somewhat, and I have here a statement showing the taxes paid by some cities in the United States approaching the size of the city of Washington. That statement will bear me out in saying that the city of Washington is assessed, or at least it pays as high taxes as the average of the cities in the United States near its size.

That statement is as follows:

City.	Population.	Total assessment of real estate.	Tax on real estate.	Revenue from other sources.	Tax on real estate per capita.	Total tax per capita.
Philadelphia	1,549,000	$1,553,791,867	$14,528,028	$14,324,777	$9.38	$18.62
St. Louis	687,000	441,854,410	9,809,168	7,240,904	14.36	24.76
Boston, Mass	670,600	1,146,663,400	18,805,280	4,046,100	28.04	34.07
Buffalo, N. Y	423,700	325,489,250	8,060,318	2,412,815	19.04	24.72
Milwaukee, Wis	373,900	345,052,170	5,620,899	1,706,960	15.03	19.60
Cincinnati, Ohio	364,500	368,088,390	3,077,218	1,900,695	8.44	13.65
New Orleans, La	339,000	166,677,805	3,668,912	[1] 1,505,915 1,386,530	10.81	19.35
Washington, D. C	331,000	293,389,839	4,400,850	2,000,000	13.30	19.34
Indianapolis, Ind	233,650	153,336,255	3,240,728	902,925	13.87	17.73
Providence, R. I	224,300	194,910,720	3,216,027	2,528,500	14.33½	26.05
Rochester, N. Y	218,100	180,687,350	3,520,754	537,006	16.14	18.60
Portland, Oreg	207,200	224,050,420	5,466,830	143,245	26.38	27.07
Atlanta, Ga	154,800	135,101,491	1,688,768	3,428,782	10.80	36.93
Richmond, Va	127,600	83,034,275				
Trenton, N. J	96,800	62,208,200	1,318,813		13.62	

[1] Personal.

Mr. HAYES. An examination of the table will show that Buffalo and Providence pay higher taxes per capita than the city of Washington, while the taxes of the cities of Cincinnati and Indianapolis are much lower.

Now, the gentlemen I have referred to have gone upon the theory that because the city of Washington paid only 1½ per cent on a two-thirds valuation they could compare that with other cities which pay a higher rate per cent on their valuation, and because they found in other cities a lower rate have jumped to the conclusion that, therefore, Washington does not pay the taxes it should pay. Now, of course, the tax rate has nothing to do with the taxes a city pays. I have in mind a city where the total rate is 2¼ per cent on the valuation, but the valuation is only 40 per cent of the market value of the property, because that city is part of a county, and it not only has its city tax to pay, but State and county tax, and in order to put it on the same basis as the county and State the attempt is made by the assessor to put it on the same basis as to valuation, whereas in the city of Washington the valuation of the assessor is supposed to represent the value of the property.

I went over a list of the property reaching from the Mall to H Street and from the Capitol to the White House, and I find the valuation of the assessor is within 5 per cent of the market value of the property as indicated by the sales for the last five years of that property. I mean that the valuation of this property by the assessor is within 5 per cent of its market value.

As a further refutation it can be shown that during the years 1908 to 1912 there were some 200 sales between Ninth and Fifteenth Streets and B and H Streets NW. These sales aggregated over $13,000,000, and the basis of assessment for this property, which was examined and valued in 1910, is within 5 per cent of these sales. More than 90 of these sales were below the basis of the assessment, showing that the assessors had taken an average figure in making their appraisement, and it is generally conceded that a fair assessment should agree with the average sales of any section.

As an example of how property was valued I will state that the northwest corner of Fourteenth and H Streets was valued at $132,810 in 1910 and sold for $135,000 in 1912; 1409 H Street was valued at $70,335 in 1910 and was sold just before the valuation for $70,000; 1405 G Street was valued at $136,000 in 1910 and sold for $130,000 in 1911; 1407 and 1409 F Street were valued at $121,000 in 1910 and sold for $110,000 during that year; 1406 G Street was valued at exactly the amount of the sale. The southwest corner of Fourteenth and G Streets was valued at $553,000 in 1910 and sold in 1909 for $499,490. The Hall of the Ancients was valued at over $200,000 in 1910, and two years after that sold at auction at nearly 25 per cent less; No. 722 Thirteenth Street, $25,000 in 1910, sold at that figure in 1912; No. 609 Fourteenth Street, valued at about $76,000 in 1910, sold for a little over $72,000 in 1911; 1227 New York Avenue, valued at $16,762 in 1910, was sold at $17,500 in 1912; 719–21 Thirteenth Street, valued at $151,000 in 1910, sold at $150,000 during the same year.

The northwest corner of Twelfth and F, valued at $211,320 in 1910, has been offered for three years at $215,000, and was finally disposed of by a trade; 1229–1231 E Street, valued at $29,000 in 1910, had been sold the previous year for $28,000; 519 Thirteenth Street, valued at $28,000 in 1910, sold during that year for less than $22,000; 1216 F Street, valued at $124,000 in 1910, sold two years after for $120,000; 1215 to 1219 Pennsylvania Avenue, valued at $151,000, sold the year previous for $114,000; 1227 Pennsylvania Avenue, valued at $57,000 in 1910, sold the year previous for $52,000; 732 Eleventh Street, valued at $12,429 in 1910, sold for $11,000 in 1912; 726 Eleventh Street, valued in 1910 at $21,000, sold during that year at $18,000; 611 Twelfth Street, valued in 1910 at $46,845, sold two years after for $41,200; No. 708 Tenth Street, valued in 1910 at $13,450, sold for $13,300 in 1912; 1004 E Street, valued at over $17,000 in 1910, sold for less than $14,000 in 1912; 934 New York Avenue, valued at $13,000 in 1910, sold for a less amount in 1912; 922–924 F Street, valued at over $64,000 in 1910, sold the year after for about $10,000 less than the valuation. Many other sales can be shown through this section, illustrating the closeness of the assessment, one of the most recent sales on F Street between Ninth and Tenth being almost exactly on the basis of assessment. The same thing can be shown in the high-class residential portions of the northwest, for although sales have been cited to show an underassessment of high-class property, yet hundreds of sales can be given where the values are below the basis of assessment. For instance, just north of the Pinchot property on Massachusetts Avenue is a residence situated in the same way as the Pinchot property in reference to Scott Circle. This residence sold at about $10,000 less than the basis of the assessment and a majority of the sales for five years within a radius of a thousand feet of the Pinchot property have been less than the basis of assessment. Property values have been increasing along Sixteenth Street, Massachusetts Avenue, and Connecticut Avenue during the last three years, and I am informed that the new assessment will show a decided increase on this account.

It seems likely that the erroneous statements that the gentlemen have made, although really without much if any foundation in fact, have largely influenced the votes of many Members on this floor in this matter. Hence I have thought it best to correct them.

We have in this House a committee charged with the duty of representing and taking care of the interests of the District of Columbia. I am credibly informed that this Committee on the District of Columbia has had but one legal meeting since last April or May, and therefore the interests of the District have received no consideration at the hands of this committee, and no legislation, except a few bills that were reported by unanimous consent, has been reported by this committee to this House. I believe I am stating the fact. Yet the chairman of that committee seems to feel that it is his duty to get up here and object by raising a point of order to every provision in the interest of the District that another committee of this House felt called upon to place in the bill which is now under consideration.

If there was ever an emphatic argument for representation on this floor of every part of the United States, the way District business is handled in this House certainly affords it. The exhibition we have had here while this bill has been under consideration is a most pronounced illustration of the outrageous evils of taxation without representation. The people of the District of Columbia have no one on this floor whose duty it is to represent their interests and to speak for them. And so gentlemen who are full of spleen, from whatever cause, seem to feel called upon to vent it upon the people of the District, and upon the District of Columbia generally. I do not deny their right to do this, but I do say that when they do it they should be very sure that the facts on which they base their statements are real facts and not error generalities.

The CHAIRMAN. The time of the gentleman from California [Mr. HAYES] has expired.

The Chair is ready to rule. Substantially the same questions for ruling that are presented now were presented on Tuesday when the point of order was made against the interest and sinking fund paragraph in the bill. The Chair has indulged gentlemen at length in the argument to-day because the question determined on Tuesday, and to be again ruled on now, involves not only the exercise by Congress of the taxing power as it affects the District of Columbia, but it involves the exercise of the taxing power as it affects the people of the United States. And further, that if, may be, the Chair had not given sufficient attention and entertained full comprehension of the question on the first ruling, he is now given again an opportunity to correct any error he may have made or to correct any error the committee may have made when it voted the decision of the Chair to be the decision of the committee. Therefore, the Chair now rules somewhat further on the question, although it may be said that if the Chair and the committee were right on the former ruling, of course the point of order must now be overruled. Yet the question is of sufficient importance in view of the arguments presented, and particularly the able and researchful argument of the gentleman from Virginia [Mr. SAUNDERS], that a further and more extended ruling touching the interpretation and meaning of the act of 1878 and the act of 1879 perhaps should be made now.

The amendment as offered by the gentleman from Kentucky [Mr. JOHNSON], against which the point of order is made, consists of three paragraphs in its form, but not of three paragraphs by number. Therefore, for the purpose of orderly treatment and clearness of decision, the Chair will consider the first grammatical paragraph as "paragraph 1," the second grammatical paragraph as "paragraph 2," and the third grammatical paragraph as "paragraph 3." As between the contending opinions there is no doubt or difference on some points involved. A proposition that we all agree upon is that the Government of the United States, by the act of 1878, in some cases contributes a proportional sum to the support of the District of Columbia.

There is no disputing the fact that that proportional sum is 50 per cent, because the language of the statute itself says "50 per cent." In the light of this common ground let us examine the words of paragraph 1:

> And there is hereby appropriated out of the proportional sum which the United States may contribute toward the expenses of the District of Columbia, in pursuance of the act of Congress approved June 11, 1878—

And so forth.

As stated, the proportional sum is 50 per cent, and there is no dispute on that. Then the act of 1879, if read to conform, would be:

> And there is hereby appropriated out of the 50 per cent which the United States may contribute toward the expenses of the District of Columbia—

And so forth. If that be true, there can be neither duplicity, obscurity, nor ambiguity in the act of 1879 unless there is ambiguity in the plainest terms of the English language.

Consequently the Chair now rules that the act of 1879, by the plain terms of the act, provided and directed that that proportional sum, to wit, 50 per cent, should be ultimately chargeable to and borne by the District of Columbia. If so, is it not a palpable violation of law to otherwise appropriate for it?

So much for the act of 1879. The act of 1878, paragraph 2, reads:

> All amounts so paid shall be credited as part of the appropriation for the year by the United States toward the expenses of the District of Columbia.

And so forth. By the literal language of law, if the Government appropriates anything from the Federal Treasury, it appropriates 50 per cent, and the express language of the act says it shall, when paid, be—

Credited as a part of the appropriation for the year by the United States—

And so forth. Then if, in fact, the money is paid or advanced from the Treasury it would, under the letter of the act, be credited to the proportional half that the Government may appropriate toward the support of the District of Columbia. If that be true, then the language—

Hereafter the Secretary of the Treasury shall pay the interest—

And so forth—

and all amounts so paid shall be credited as a part of the appropriation for the year by the United States toward the expenses of the District of Columbia—

Is clear.

Then there is no duplicity, there is no obscurity, and there is no ambiguity in the language of the act of 1878.

It is not contended that any authorization of appropriation, in any form provided for in this or any past bill, has stood for its foundation on any other law. Members of the committee will observe that the first and the second paragraphs of the amendment follow the exact language of the statute. The Chair now comes to rule on the question as to whether paragraph 3 of this amendment is in order. Paragraph 3 reads:

For the purpose of meeting the payment of interest and for the purpose of providing for said sinking fund the sum of $975,408, or so much thereof as may be necessary, is hereby appropriated—

From the respective funds described in the two acts of Congress above set out—

to be charged against the revenues of the District of Columbia derived from taxes—

And so forth, following the statute.

If the legal construction by the Chair of the first paragraph, being the act of 1879, is correct, and if the legal construction by the Chair of the second paragraph, being the act of 1878, is correct, then the third paragraph, in explicit language, provides that Congress by its annual appropriation shall give force and effect to existing law. The Chair is of the opinion that the ruling made on a former occasion and sustained by a vote of the committee was correct, for the reasons then stated, and for the further reasons, somewhat analytically, we hope, presented at this time to the committee.

This point of order raises, as already observed, a question of law, which the Chair is compelled, in the very nature of things, to reach and announce an opinion upon. After an earnest and careful consideration of the several acts it is the opinion of the Chair that the first two paragraphs of the proposed amendment correctly set out the appropriate law and that the interpretation given is the correct construction of that law. The last paragraph of the amendment, in fulfillment of this law, appropriates the money and directs its payment according to the construction announced. So the point of order lodged against the amendment is overruled.

Mr. BURLESON. Mr. Chairman, I offer a substitute for the amendment.

The CHAIRMAN. The gentleman from Texas offers a substitute, which the Clerk will report.

Mr. JOHNSON of Kentucky. Mr. Chairman, I reserve all points of order against the substitute.

The CHAIRMAN. The gentleman from Kentucky reserves all points of order against the substitute, which the Clerk will report.

The Clerk read as follows:

Substitute for the amendment:

"Interest and sinking fund: For interest and sinking fund on the funded debt, $975,408, which sum shall be paid out of funds and accounted for in accordance with the acts of Congress in relation thereto."

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. Does the gentleman from Texas desire to be heard on the point of order?

Mr. BURLESON. I should like to know what the point of order is.

Mr. JOHNSON of Kentucky. That it is legislation, Mr. Chairman.

Mr. BURLESON. It says:

In accordance with the acts of Congress in relation thereto.

I will state to the Chair the purpose I have in mind. If this amendment is adopted, the question of the payment of this interest and sinking fund will be passed upon, under the Dockery Act, by the Comptroller of the Treasury. Under the terms of that act he is directed to settle the question. He can take the advice of the Attorney General of the United States, and if any citizen of the District of Columbia or any other interested person sees fit to test his ruling, the question can be decided in the courts.

I feel quite sure that there is no one in this committee who desires to repudiate any part of the debt of the District of Columbia, or relieve the General Government if the General Government is bound, or to impose this debt exclusively upon the District of Columbia if it should not be imposed exclusively upon the District of Columbia. The purpose of this substitute is to relieve us from passing on the legal questions involved; to impose the duty upon the Comptroller of the Treasury, who has the advice of the law officers of the Government, and to give an opportunity to test this question in the courts.

The CHAIRMAN. The Chair is ready to rule.

Mr. JOHNSON of Kentucky. Mr. Chairman, if the Chair will indulge me just a moment——

The CHAIRMAN. Yes.

Mr. JOHNSON of Kentucky. As far back as five years ago I sought diligently to get into this appropriation bill, under the item of sinking fund and interest, something more than the unqualified charge against the United States. In other words, I have endeavored to get out of that very item the direct mandatory language that it should be paid for upon the half-and-half principle. In all of my efforts I have been unsuccessful. A year ago I stood here for more than two weeks, and upon the presentation of every opportunity I sought to get into this bill either the law itself, or a construction of it by somebody else other than the committee.

On Tuesday, under a ruling of the Chair, and by a vote put to this House, my views were sustained. To-day, insisting that there shall be no repudiation of this debt, I offered the language of the statute itself as an amendment.

The language of the statute, incorporated into this bill, quoted verbatim, may be of no more value than the amendment which has just been offered by the gentleman from Texas. If the language of the statute, quoted word for word as I have offered it, were incorporated in the bill, then it would be subject to construction by the legal authorities of the United States. Now the gentleman from Texas himself has come to offer an amendment, without quoting the statute, which in substance and effect is just what I contended for in previous years.

If it is the law that the Federal Government is to pay half of this item, I have said repeatedly, and I repeat it now, that I wish it done. I have never believed it to be the law. When it has been passed upon by the highest legal officers of the Government, then I shall accept it. But I have believed all along, and I believe now, that nothing more horrible could happen to the Nation than to come in here and repudiate the faith of the United States, so solemnly pledged to see both principal and interest of this debt paid. It is unfortunately better that the States should pay their part wrongfully than that the people who have bought these bonds with that plighted faith of the United States behind them should have that plighted faith repudiated. I believe that the amendment offered by the gentleman from Texas [Mr. BURLESON] accomplishes what I have been contending for through these long years, and if my remarks of last year are taken, it will be found that hour after hour I stood here and contended for that much at least. It was denied then, but granted now, and I am glad that the bill with that amendment will contain no mandatory clause directing the payment of one-half by the United States.

Mr. MURDOCK. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. MURDOCK. The upshot of this whole matter is, if the gentleman accepts the amendment of the gentleman from Texas and it is adopted and this becomes the law, that we shall have an opinion from the Attorney General to the administrative officer as to what this law means. Is that true?

Mr. JOHNSON of Kentucky. That may be true, or we may go into the courts. But if Congress does not wish to stand by the Attorney General's opinion in the matter, then another Congress almost immediately follows, and we can offer a bill and change the law.

Mr. MURDOCK. I will ask the gentleman if in past years an administrative officer of the Government has not interpreted the law, and if his interpretation did not have the support of an opinion by the Attorney General?

Mr. JOHNSON of Kentucky. The Comptroller of the Treasury has not interpreted all of the law. I believe now the law will be put before him just as it has been in this discussion, and I hope that he will see the law as this House has seen it and as this House adjudged it. If he does not, we can at least change the law. Now, I have never sought, and I challenge anybody to point out an instance where I have sought, to change existing law. My contention has been that the half-and-half act should

not be violated to the detriment of the Federal Government. Other people have been insisting that it should not be violated to the detriment of the District of Columbia.

Mr. MURDOCK. Has not the gentleman contended that the act has not been properly administered?

Mr. JOHNSON of Kentucky. No; it has not.

Mr. MURDOCK. And now the gentleman appeals to the executive branch of the Government for a new interpretation. Is not that exactly the gentleman's position?

Mr. JOHNSON of Kentucky. No. I will say that I would rather have my amendment setting out before the executive officers a copy of the law just as it is, but if it be couched in other language that the executive officers are to construe these two acts, I see but little difference. In the one instance the law would be in the present bill, while in the latter it will be in the statute books.

Mr. BURLESON. Mr. Chairman, I do not desire for this time to be consumed by a conversation between the gentleman from Kentucky and the gentleman from from Kansas.

Mr. JOHNSON of Kentucky. I think we ought to have a few minutes to discuss it.

Mr. BURLESON. Very well; I withdraw it.

Mr. JOHNSON of Kentucky. As I was about to say, the third paragraph of my amendment is mandatory that the District of Columbia pay it, and therefore I very greatly prefer it to the amendment offered by the gentleman from Texas [Mr. BURLESON]. I stood here last year and I not only argued but begged and pleaded for what is now conceded. If they had conceded it then, or if the House had adopted the amendment then, I would have been pleased.

Now those opposing my views have come to do that for which I begged and pleaded and argued as strenuously as I could a year ago and two years ago and three years ago. I must say, however, that I prefer my own amendment, because it is mandatory that it should be paid by the District of Columbia, but I have never been unwilling to leave the question to the courts as to whether I was correct or not.

I am not unwilling to do so now, although I prefer that my own version of it be taken and Congress declare, as it practically did on Tuesday, that it is the duty of the District of Columbia to pay this item out of the taxes and privileges levied by the District of Columbia.

Mr. DIES. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. DIES. If the gentleman's amendment were adopted instead of the amendment of the gentleman from Texas, could not the officers of the law still rule as to whether or not the people of the United States were bound to pay half?

Mr. JOHNSON of Kentucky. No; in the third paragraph, if the amendment which I offered should be adopted, it is mandatory that the District pay it out of the revenues derived from taxation and privileges.

Mr. BURLESON. That is a statement that I desire to make, that under the gentleman's amendment there is a construction of the question to be determined. Under the substitute I offer it is left for the accounting officers of the law department to construe the law.

Mr. JOHNSON of Kentucky. Mr. Chairman, in conclusion I wish to modify what I first said, that I would accept the amendment. I can not do that because that is beyond my privilege. The amendment is the property of the House, but in so far as I am concerned, my modification is that I will not accept it, but I will be pleased to get either one of the amendments.

Mr. DIES. If the amendment which the gentleman [Mr. BURLESON] is contending for is adopted in good faith, does not that leave the situation just where we found it?

Mr. JOHNSON of Kentucky. Oh, no; where we found it was mandatory that it should be paid for on the half-and-half plan. My amendment is just as positive that it should be paid for out of the revenues of the District of Columbia. The amendment now offered by the gentleman from Texas [Mr. BURLESON] does not say it shall be paid upon the half-and-half plan, neither does it say that the District of Columbia shall pay it, but it leaves the plain law heretofore enacted to be followed.

Mr. DIES. Mr. Chairman, in order to have a ruling from the Chair upon the peculiar language of the amendment, I am going to make the point of order against it.

The CHAIRMAN. The point of order being reserved, the gentleman from Texas makes the point of order.

Mr. BORLAND. Mr. Chairman, I will ask the gentleman from Texas to reserve his point of order.

Mr. DIES. No; I make the point of order against the amendment of the gentleman from Texas.

Mr. JOHNSON of Kentucky. Mr. Chairman, I desire to put in just one single sentence in my remarks before concluding.

Mr. MARTIN of South Dakota. Mr. Chairman, I desire to ask the gentleman a question.

Mr. DIES. Mr. Chairman, I have no disposition to take the gentleman off his feet on a point of order. I reserve the point of order, to be made as soon as the statement is concluded.

The CHAIRMAN. If the point should be overruled it would leave both amendments open to debate.

Mr. MARTIN of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. MARTIN of South Dakota. Mr. Chairman, I would like to ask the gentleman from Kentucky if it is not true that the officers of the law, under the act of 1878 and under the act of 1879, have uniformly charged one half of this interest, when paid by the Government, to the District and the other half to the United States Treasury?

Mr. JOHNSON of Kentucky. They have; and I will tell the gentleman why: Because all of the appropriation bills have embodied a direction that it shall be paid half-and-half, whereas I have been contending and fighting for five years to get that direction out of the bill.

Mr. MARTIN of South Dakota. Mr. Chairman, I call the gentleman's attention to the fact that the very first appropriation act of 1879, following this act of 1878, did not make such direction to charge it half-and-half.

Mr. JOHNSON of Kentucky. The gentleman is correct in that.

Mr. MARTIN of South Dakota. And, notwithstanding that fact, have not the law officers of the Treasury charged one-half to the District and one-half to the General Government?

Mr. JOHNSON of Kentucky. They have, because all the bills carried the item as a half and half since about 1879. But I wish to make this statement: The accountant who has been going through these items down there has found that the accounting officers did not give the credit under the act of 1879 they should have given, and I believe that if it were put up to this Congress, and I believe still more strongly when put up to the succeeding Congress, they will compel the District of Columbia to refund to the United States, just as the District of Columbia under the lunatic-asylum matter has been compelled to refund $769,000. I do not wish to be understood as advocating the amendment offered by the gentleman from Texas. I still advocate my own amendment, but if the amendment offered by the gentleman from Texas should prevail, then I shall have accomplished that for which I have been contending through these long five years, that the positive direction that this item should be paid on the half-and-half plan will not be in this bill.

Mr. DIES. Mr. Chairman, if the Chair overrules the point of order——

The CHAIRMAN. The Chair has not ruled, but the Chair is ready to rule.

Mr. MANN. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The Chair is ready to rule. When the "interest and sinking fund" paragraph was reached in its order on the bill on Tuesday the gentleman from Kentucky [Mr. JOHNSON] lodged against it a point of order upon the ground that by the terms of the bill half of the sum would be paid from the revenues of the District of Columbia and half from the Treasury of the United States. In order for the Chair to rule on the point of order as made it was necessary to announce his judgment of what was a proper construction of the effect of the interest and sinking fund paragraph in connection with the first paragraph of the bill, which contained the half-and-half clause. The Chair did so, and sustained the point of order. To-day the gentleman from Kentucky offers an amendment which directs that the entire sum be paid from the revenues of the District of Columbia. Thereupon the gentleman from Texas [Mr. BURLESON] made a point of order, upon the ground that the entire sum is not chargeable to the District of Columbia. Accordingly there was presented a question that again required that the Chair in his ruling must of necessity interpret what in his judgment, the several relevant statutes meant. Accordingly the Chair did announce his construction of the law and overruled the point of order.

The gentleman from Texas now offers an amendment by way of substitute in this language:

> For interest and sinking fund on the bonded debt, $975,408, which sum shall be paid out of the funds and accounted for in accordance with the acts of Congress in relation thereto.

To that amendment the gentleman from Texas [Mr. DIES] makes the point of order. Now, the amendment of the gentleman from Texas [Mr. BURLESON] provides that the interest and sinking fund on the funded debt shall be paid out of funds, and accounted for, in accordance with the acts of Congress in relation thereto, which presents no question for the Chair to

determine or rule upon save whether or not the Congress is authorized to appropriate for the interest and sinking fund when such appropriation is unequivocally directed to be paid out and accounted for in accordance with the law authorizing such appropriations to be made. The amendment of the gentleman from Texas being framed and presented in such language, the Chair accordingly overrules the point of order.

Mr. MARTIN of South Dakota. Mr. Chairman, I desire to offer an amendment. I move to strike out the last word of the substitute. Mr. Chairman, for two full legislative days some of us in good faith have been following the leadership of the gentleman from Kentucky [Mr. JOHNSON] in his effort to demonstrate and have declared by a congressional interpretation of this House that the ruling of the Treasury Department as to what the existing law is upon the subject of the application of the half-and-half rule to interest payments was wrong. Now here is simply a horseplay by which we are throwing it back upon the Treasury, making it possible for them to continue to interpret it in their own way. If that is the effect of the amendment offered by the gentleman from Texas, we have certainly wasted a lot of very valuable time. What reason has the gentleman from Kentucky, or any other Member of this House, to suppose the Treasury Department will interpret the act of 1878 any differently from what they have——

Mr. SHERLEY. Will the gentleman yield?

Mr. MARTIN of South Dakota. I have only a short time.

Mr. SHERLEY. The gentleman has five minutes.

Mr. MARTIN of South Dakota. I can give the gentleman one minute of that time.

Mr. SHERLEY. Does the gentleman realize that under the Dockery Act it is in the power of a citizen to have the matter tested in the courts?

Mr. MARTIN of South Dakota. It is no more in the power of the citizen to have the matter tested in the courts than it has been in the last 30 years. The interpretation has been uniformly different from what some think it ought to have been——

Mr. SHERLEY. The gentleman is mistaken there, because in the first clause is the provision requiring it to be paid on the half-and-half basis, and therefore there was nothing to interpret.

Mr. MARTIN of South Dakota. The act of 1879 had no such provision, and yet the Treasury Department interpreted that half should be paid by the Government, and the present Treasury officials will take that interpretation of the act of 1879. The gentleman assumes that 30 years afterwards they will make a different interpretation from the one passed upon it in 1879. Gentlemen can vote upon this subject as they please, but they had better understand that we have thrown away this whole debate and our time has been wasted if this sort of an amendment offered by the gentleman from Texas prevails.

Mr. CAMPBELL. Has not Congress for 35 years, or such a matter, been giving an interpretation that it should be paid for on the half-and-half basis?

Mr. MARTIN of South Dakota. That goes to the merits of the question. I think it has, and I think it has wrongfully done so, and I shall keep my stand upon that question at least until the end of this closing short session of Congress. I think we are throwing away the whole fight made under the leadership of the gallant knight from Kentucky, who has now practically surrendered to the opposition all he has gained under the present legislative situation.

Mr. BURLESON. Mr. Chairman, I move that all debate on this amendment——

Mr. JOHNSON of Kentucky. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The Chair will recognize the gentleman from Texas [Mr. DIES] who rose simultaneously with the gentleman from South Dakota.

Mr. DIES. Mr. Chairman, I was laboring under the apprehension that this question of law—for it was and is a question of law, as stated by the Chairman—was passed upon by the Chairman on yesterday, and an appeal having been had from the decision was passed upon by the House of Representatives. Now, Mr. Chairman, if the Chair was wrong in his interpretation of the law, if the House was wrong in sustaining the Chair upon that interpretation, then you are justified in marching back down the hill so suddenly as this proposes to do. If the Chair was right in his interpretation, the taxpayers of the United States are not bound to pay any part of this interest. If that is true, then the amendment of the gentleman from Texas ought not to be adopted because Congress, having said that no obligation lies against the Federal Government, we ought not to leave it in such a shape that any officer of the Government may impose an obligation where Congress says there is none.

Mr. Chairman, that seems so clear to me that to argue it almost insults the intelligence of the House. You say in one breath that no legal obligation rests, and in the next one we submit it to the officers of the law if a legal obligation does exist. For myself, Mr. Chairman——

Mr. CANNON. Will the gentleman allow me a question?

Mr. DIES. Indeed.

Mr. CANNON. What are the courts for except to construe the law?

Mr. DIES. Mr. Chairman, Congress made this law, if it is a law, and if it is a law, Congress can unmake it; and for myself I plant my feet on the ground here now that, if it is the law, the Government of the United States should pay half of all of these expenses, I want, as one Member of this body, to repeal that law. [Applause.]

Mr. BORLAND. Will the gentleman yield?

Mr. DIES. Certainly.

Mr. BORLAND. I agree with the gentleman thoroughly in his desire to repeal that if it be the law, but we have been contending that it is not the law, and have been seeking some way to determine it.

Mr. DIES. The House of Representatives passed on the question, as I understood, yesterday.

Mr. CANNON. Will the gentleman allow me another question?

Mr. DIES. With pleasure.

Mr. CANNON. If it is the law, and rights have accrued to creditors, citizens of the District, is it in the power of Congress to pass a provision that would forfeit those rights? Of course, we can legislate for the future.

Mr. DIES. I do not understand that any such proposition is before the House or was before the House. But I want to address myself just a moment to the equities of this whole question. I conceive that a patriotic man might want to make this Capital of the Nation the city beautiful. I conceive some justification for appropriations extraordinary, to be paid for by other people of the country to help make it a city beautiful, but a proposition which taxes the people of the United States six or seven million dollars a year toward the extension of streets far away from the center of the Capital, making improvements of all description, building up additions, laying out pavements far in advance of the foot of man, is no longer in line with building up a great and beautiful Capital in the District of Columbia. If those who believe that Congress should share the expense of improving the National Capital beautiful would confine their endeavors and their aspirations and ambitions to the Capital proper, there would be some little justification for this tremendous expenditure. But to tell the District of Columbia that you will give them a dollar every time they spend a dollar of their money, that you will make them a present of a dollar of the people every time they spend a dollar of their own money, is to invite them to do that which they have done. It is to invite them to enter upon a career of extravagance and of unnatural expansion. So it follows, Mr. Chairman, that you will see in this city that which you will not see in any other American city.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BURLESON. Mr. Chairman, I move that all debate on the pending amendments and amendments thereto be closed in six minutes, five minutes to be controlled by the gentleman from Kentucky [Mr. JOHNSON] and one minute by either the gentleman from Virginia [Mr. SAUNDERS] or myself.

The CHAIRMAN. The gentleman from Texas [Mr. BURLESON] asks unanimous consent that all debate on these amendments and amendments pending thereto be closed in six minutes, five minutes of the time to be controlled by the gentleman from Kentucky [Mr. JOHNSON] and one minute of the time to be controlled by himself. Is there objection? [After a pause.] The Chair hears none. The gentleman from Kentucky [Mr. JOHNSON] is recognized for five minutes.

Mr. JOHNSON of Kentucky. Mr. Chairman, just as I have been saying, year after year the District appropriation bill was brought into the House with a provision in it affirmatively compelling the Federal Government to pay one-half of this interest and sinking fund. After a long fight, which started almost without hope of success, the subcommittee upon the appropriation bill has been driven at last from its untenable position that the Federal Government should by this bill be charged with the payment of one-half of the interest and sinking fund item of about a million dollars. It is a victory to which I have looked forward with gratification and hope during all these years. I am like the gentleman from Texas [Mr. DIES] and like the gentleman from Missouri [Mr. BORLAND], in that I believe the Federal Government should pay no part of it.

I am confident that the two sections of the law which I have incorporated in my amendment permit the Federal Government to pay no part of it. I further have sufficient confidence in the

courts to believe that when this matter is put to them they will say that these two provisions of the law forbid the imposition of any part of this debt upon the Federal Government.

Now, in reference to what the gentleman from South Dakota [Mr. MARTIN] has just said, I will say the department officials have placed no construction thus far upon this law.

Mr. MARTIN of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. In a minute.

In the year 1879 they paid this interest and sinking fund, but thus far the succeeding officers have failed to reimburse the Federal Government upon that account; and since then those executive officers have had no right to speak, for the reason that the language in the bill has since then been mandatory that it should be paid on the half-and-half plan. At last I would be glad to see the amendment offered by the gentleman from Texas [Mr. BURLESON] defeated and that offered by myself adopted. But either amendment brings relief to the Federal Government, because either gets away from the positive direction that the Federal Government must pay half of this large sum.

Mr. MARTIN of South Dakota. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. MARTIN of South Dakota. Did not the accounting officers of the Government, in paying the appropriation of this interest under the act of 1879, charge one-half of it to the Federal Government and one-half to the District?

Mr. JOHNSON of Kentucky. They did not. They simply advanced the money and paid it; and have not reimbursed the United States, as they should have done.

Mr. MARTIN of South Dakota. The expert of the Appropriations Committee, then, is not as well informed as the gentleman upon that subject?

Mr. JOHNSON of Kentucky. I do not think he is upon this subject.

Mr. MARTIN of South Dakota. It seems the gentleman has no hope of improving the condition in the Treasury Department.

Mr. JOHNSON of Kentucky. By either amendment, I say, we get rid of the positive direction that the District of Columbia must pay half. That is the thing I have been fighting. My amendment is far better than that of the gentleman from Texas [Mr. BURLESON]; but the gentleman from Texas, the head of the subcommittee on the appropriation bill, has at last conceded that for which I have been fighting.

Mr. BEALL of Texas. Mr. Chairman, will the gentleman allow me to ask him a question?

The CHAIRMAN. Does the gentleman yield?

Mr. JOHNSON of Kentucky. I yield.

Mr. BEALL of Texas. Is not the situation about this: If the amendment of my colleague is adopted, before any part of this appropriation shall come out of the Federal Treasury there will have to be some construction to that effect by some executive officer?

Mr. JOHNSON of Kentucky. It must be found that the United States is liable under the law as it exists, else the United States escapes.

Mr. BEALL of Texas. Now, under the amendment of the gentleman from Kentucky [Mr. JOHNSON], before anything can be done, before any money can be taken out of the Treasury of the United States, there will have to be a judgment of the court.

Mr. JOHNSON of Kentucky. No. Under my amendment the matter will never go to the court, for the reason that the third paragraph of my amendment is so certain and mandatory that it shall be paid out of the revenues of the District of Columbia that the executive officer will have to obey it and the court will have nothing to do in connection with it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURLESON. Mr. Chairman, under the terms of the substitute offered by me there will undoubtedly be a ruling on this much controverted question by the Comptroller of the Treasury, who will have the advice of the law officers of the Government.

I want to direct the attention of the committee to the further fact that we ought to be practical in our efforts to legislate. All of you gentlemen know that there is absolutely no hope of securing the passage of a District appropriation bill containing the amendment offered by the gentleman from Kentucky [Mr. JOHNSON]. There is a chance—and I am as anxious as anybody else to have this legal question determined—there is a chance, if this substitute offered by me is adopted, that it will be continued in the bill and that we will have an actual test of this question, just as was said by my colleague from Texas, Mr. BEALL. If the substitute I have offered goes through, there will be an opinion by the Comptroller of the Treasury and some of the law officers of the Government, whereas if the amendment that has been offered by the gentleman from Kentucky [Mr. JOHNSON] is adopted, even if that could get through the Senate, the money would never be paid until after a bitter lawsuit.

The CHAIRMAN. The question is on the amendment of the gentleman from Texas [Mr. BURLESON], in the nature of a substitute.

The question was taken, and the Chair being in doubt, a division was ordered; and there were—ayes 45, noes 50.

Mr. BURLESON. Tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. JOHNSON of Kentucky and Mr. BURLESON.

The committee again divided; and the tellers reported—ayes 61, noes 58.

Accordingly the amendment in the nature of the substitute was agreed to.

The CHAIRMAN. The question is on the adoption of the substitute.

The substitute was agreed to.

Mr. BURLESON. Mr. Chairman, I move that the committee do now rise and report the bill with the amendments to the House, with the recommendation that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. RODDENBERY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 28499) making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. BURLESON. Mr. Speaker, I move the previous question on the bill and the amendments thereto to the final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. MANN. I ask for a separate vote on what is known as the Borland amendment.

The SPEAKER. Is there any other demand for a separate vote?

Mr. MARTIN of South Dakota. I demand a separate vote on the amendment in relation to the payment of interest on the funded debt.

The SPEAKER. The question is on agreeing to the other amendments.

The other amendments were agreed to.

The SPEAKER. The Clerk will report the Borland amendment.

The Clerk read as follows:

Page 31, after line 6, insert the following:

"That hereafter whenever, under appropriations made by Congress, the roadway of any street, avenue, or road in the District of Columbia is improved by laying a new pavement thereon or by resurfacing an existing pavement from curb to curb or from gutter to gutter, where the material used is sheet asphalt, asphalt block, asphaltic or bituminous macadam, concrete, or other fixed roadway pavement, such proportion of the total cost of the work, including the expenses of the assessment, to be made as hereinafter prescribed, shall be charged against and become a lien upon the abutting property, and assessments therefor shall be levied pro rata according to the linear frontage of said property on the street, avenue, or road or portion thereof upon the roadway of which said new pavement is laid or the existing roadway of which is resurfaced: *Provided, however,* That there shall be excepted from such assessment the cost of paving or resurfacing the roadway space included within the intersections of streets, avenues, and roads, as said intersections are included within building lines projected, and also the cost of paving the space within such roadways for which street railway companies are responsible under their charters or under law on streets, avenues, or roads where such railways have been or shall be constructed.

"The assessments hereinbefore provided for shall be levied in the following manner, viz: Where the average width of roadway is 32 feet or less between curbs, or between gutters where no curb exists, one-half the total cost of the work, including the expenses of the assessment, shall be assessed as hereinbefore provided; where the average width of roadway is greater than 32 feet between curbs, or between gutters where no curb exists, one-half of the proportion of the total cost of the work which the width of 32 feet bears to the total width of the roadway between curbs, or between gutters where no curbs exist, together with one-fourth of the proportion of the total cost of the work which the balance of the roadway width in excess of 32 feet bears to the total width of the roadway, including the expenses of the total assessment, shall be assessed as hereinbefore provided.

"Assessments levied under the provisions hereof shall be payable and collectible in the same manner and under the same penalty for nonpayment as is provided for assessments for improving sidewalks and alleys in the District of Columbia, as set forth on page 248 of volume 28, United States Statutes at Large: *Provided,* That the cost of publication of the notice of such assessment upon the failure to obtain per-

sonal service upon the owner of the property to be assessed therein provided for, and of the services of such notices, shall be paid out of the appropriation for the work, and such assessments when collected shall be deposited in the Treasury of the United States to the credit of the United States and the District of Columbia in equal parts."

The question being taken on agreeing to the amendment, on a division (demanded by Mr. MANN) there were—ayes 94, noes 35.

Accordingly the amendment was agreed to.

The SPEAKER. The Clerk will report the Burleson amendment.

The Clerk read as follows:

Insert at the end of the bill the following:
"Interest and sinking fund: For interest and sinking fund on the funded debt $975,408, which sum shall be paid out of funds and accounted for in accordance with the acts of Congress in relation thereto."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time.

Mr. MARTIN of South Dakota. Mr. Speaker, I desire to be recognized for the purpose of making a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. MARTIN of South Dakota. I am.

The SPEAKER. The gentleman will send up his motion.

Mr. MARTIN of South Dakota. I move to recommit the bill to the Committee on Appropriations, with instructions to strike out what is known as the Burleson amendment appropriating $975,408 for interest on the sinking fund, and to substitute the amendment which I now send to the Clerk's desk.

Mr. FITZGERALD. I make the point of order that the House just having adopted the matter described by the gentleman, the motion to strike it out and insert something in its place is not in order.

The SPEAKER. The point of order is sustained. The question is, Shall the bill pass?

The bill was passed.

On motion of Mr FITZGERALD, a motion to reconsider the last vote was laid on the table.

TERRITORY OF ALASKA (H. DOC. NO. 1346).

The SPEAKER laid before the House the following message from the President of the United States, which was read:

To the Senate and House of Representatives:

In accordance with the provisions of section 18 of an act of Congress (Public, 334) approved August 24, 1912, I appointed a commission—

to conduct an examination into the transportation question in the Territory of Alaska; to examine railroad routes from the seaboard to the coal fields and to the interior and navigable waterways; to secure surveys and other information with respect to railroads, including cost of construction and operation; to obtain information in respect to the coal fields and their proximity to railroad routes; and to make report of the facts to Congress on or before the 1st day of December, 1912, or as soon thereafter as may be practicable, together with their conclusions and recommendations in respect to the best and most available routes for railroads in Alaska which will develop the country and the resources thereof for the use of the people of the United States.

Under the requirements of the act, this commission consisted of—

an officer of the Engineer Corps of the United States Army, a geologist in charge of Alaska surveys, an officer in the Engineer Corps of the United States Navy, and a civil engineer who has had practical experience in railroad construction and has not been connected with any railroad enterprise in said Territory.

The date when the act was passed was late in the summer season, thus allowing a very limited time for the preparation of a report for presentation at the present session of Congress. Nevertheless, within a week after the act was approved, the commission had been appointed as follows:

Maj. Jay J. Morrow, Corps of Engineers, United States Army, chairman.

Alfred H. Brooks, geologist in charge of Division of Alaskan Mineral Resources, Geological Survey, vice chairman.

Civil Engineer Leonard M. Cox, United States Navy.

Colin M. Ingersoll, consulting railroad engineer, New York City.

This commission has transmitted to me a report, which is herewith submitted to Congress in accordance with the provisions of the act. An examination of this report discloses that the following are among the more important of the findings of the commission:

The Territory of Alaska contains large undeveloped mineral resources, extensive tracts of agricultural and grazing lands, and the climate of a large part of the Territory is favorable to permanent settlement and industrial development. The report contains much specific information and many interesting details with regard to these resources. It finds that they can be developed and utilized only by the construction of railways which shall connect tidewater on the Pacific Ocean with the two great inland waterways, the Yukon and the Kuskokwim Rivers. The resources of the inland region, and especially of these great river basins, are almost undeveloped because of lack of transportation facilities. The Yukon and Kuskokwim River systems include some 5,000 miles of navigable water, but these are open to commerce only about three months in the year. Moreover, the mouths of these two rivers on Bering Sea lie some 2,500 miles from Puget Sound, thus involving a long and circuitous route from the Pacific Coast States. The transportation of freight to the mouths of these rivers and thence upstream will always be so expensive and confined to so limited a season as to forbid any large industrial advancement for the great inland region now entirely dependent on these circuitous avenues of approach.

From these considerations the commission finds that railway connections with open ports on the Pacific are not only justified but imperative if the fertile regions of inland Alaska and its mineral resources are to be utilized, but that with such railway connections a large region will be opened up to the homesteader, the prospector, and the miner. So far as the limited time available has permitted, the commission has investigated and in its report describes all of the railway routes which have been suggested for reaching the interior, including the ocean terminals of these routes. The relative advantages and disadvantages of these routes are compared. The principal result of this comparison may be stated to be that railroad development in Alaska should proceed first by means of two independent railroad systems, hereafter to be connected and supplemented as may be justified by future development. One of these lines should connect the valley of the Yukon and its tributary, the Tanana, with tidewater, and the other should be devoted to the development and needs of the Kuskokwim and the Susitna.

The best available route for the first railway system is that which leads from Cordova by way of Chitina to Fairbanks; and the best available route for the second is that which leads from Seward around Cook Inlet to the Iditarod. The first should be connected with the Bering coal field and the second with the Matanuska coal field. Other routes and terminals are discussed, but are found not to have the importance or availability for the development of the Territory possessed by the two mentioned. Thus the route extending inland from Haines in southeastern Alaska has value for local development, though chiefly on the Canadian side of the boundary, but the distance to Fairbanks is found to be too great to permit of its being used as a trunk line to the Yukon waters. The route from Iliamna Bay also has value for local use, but is too far to the southwest to permit of its use as a trunk line into the interior. The proposed terminals at Katalla and Controller Bay are found to be very expensive, both as to construction and maintenance, besides furnishing very inferior harbors. The route inland from Valdez is at a disadvantage because it would not serve any of the coal fields, although, as hereafter noted, Valdez is regarded by the commission as an important alternative terminal in the possible future development of the Chitina-Fairbanks route.

The investigations of the commission indicate that the route from Cordova by way of Chitina to Fairbanks would furnish the best trunk line to the Yukon and Tanana waters: (1) Because Cordova has distinct advantages as a harbor; (2) because this route requires the shortest actual amount of construction, but chiefly (3) because the better grades possible on this route should give the lowest freight rates into the Tanana Valley. The Copper River & Northwestern Railroad is now constructed from Cordova to Chitina and thence up the Chitina River. The commission recommends the building of a railway from Chitina to Fairbanks—313 miles—estimated to cost $13,971,000, with the provision that if this railway is built by other interests than those controlling the Copper River & Northwestern Railroad, and if an equitable traffic arrangement can not be made with it, connection should be made with Valdez by the Thompson Pass route—101 miles—estimated to cost $6,101,479.

The commission finds that Cordova offers the best present ocean terminal for the Bering River coal. The commission also points out that it would not be economical to haul the Matanuska coal to either Valdez or Cordova, and that therefore the logical outlet for that field is Seward. If commercial development of these two fields should disclose that the quality of the coal is the same in both, the Bering River field would have the advantage of greater proximity to open tidewater. A branch line from the Copper River Railway to the Bering River field—a distance of 38 miles—at an estimated cost of $2,054,000, is recommended to afford an outlet for the coal on Prince William Sound and into the Copper River Valley and the region where there is at present the largest market for Alaska coal.

The commission finds that a railway from Chitina to Fairbanks will not solve the transportation problem of Alaska, because it will not give access to the Matanuska coal field, the fertile lands and mineral wealth of the lower Susitna, or the great Kuskokwim Basin. This province properly belongs to an independent railway system based on the harbor at Seward. The commission recommends a railway from Kern Creek, the present inland terminal of the Alaska Northern Railway, to the Susitna River—distance 115 miles; estimated cost $5,209,000—with a branch line to the Matanuska coal field—distance 38 miles; estimated cost $1,618,000—and an extension of the main line through the Alaska Range to the Kuskokwim River—distance 229 miles; estimated cost $12,760,000.

The entire railways thus recommended will constitute two independent systems involving 733 miles of new construction at a cost of $35,000,000. Eventually these systems will be tied together and there will be earlier demands for branch and local lines as the country develops. One of these systems will find an outlet to the coast over the Copper River & Northwestern Railroad, the other over the Alaska Northern. If these new lines are constructed by others than those financially interested in these two railroads, respectively, satisfactory traffic arrangements would have to be made with them. If the new railways recommended should be constructed by the Government, the question is necessarily presented as to whether the Government should acquire the whole or any part of the existing lines or either of them or should endeavor to make appropriate traffic agreements. Much would depend upon whether the Government would operate its own railroads or would make operating agreements with those operating existing lines. The commission has not discussed these questions for the reason pointed out in its report that the act of Congress omits questions of this sort from those upon which the commission was instructed to report.

The report of the commission contains the following statement:

Its instructions from Congress do not contemplate that any recommendation should be made as to how railroads in Alaska should be constructed—i. e., by private corporate ownership or by one of the many forms in use whereby Government assistance is rendered. The commission disavows any intention of making such recommendations, believing that Congress in its wisdom desired to reserve to itself the solution of that problem; but it has been impossible to form any estimates of costs of operation without some assumption as to the interest rate on the capital required for construction. This interest rate would obviously differ in two cases—construction by Government or bond guarantee and construction by private capital. Moreover, were construction carried on by private capital unassisted, the necessity of earning sufficient income to pay operating expenses and interest on bonded indebtedness might make it the duty of the directors of the corporation to impose rates on traffic that would seriously retard the development which the Territory so greatly needs.

The commission has therefore been forced to base its studies upon two hypotheses, viz, that the capital necessary for construction is obtained at 6 per cent interest, assumed as possible if construction is carried out by private corporate ownership unassisted, and that capital is obtained at 3 per cent interest, assumed as possible if the construction is done either by the Government itself or by private capital, with bonded indebtedness guaranteed both as to principal and interest.

On similar grounds the commission did not feel justified in discussing the use of the Panama Canal machinery and equipment or in including in its estimates the effect of such use, but a list of the machinery and equipment available at Panama is given in an appendix.

Upon the assumption that the railroad from Chitina to Fairbanks is built by private capital, eliminating promotion profit, but assuming the necessity of earning 6 per cent on the capital invested, it is the judgment of the commission that on estimated available traffic the road could be operated from Cordova to Fairbanks without loss at a passenger rate of 7 cents per mile and an average freight rate of 8 cents per ton-mile. This would mean a through freight rate of $36.94 per ton from Cordova to Fairbanks and a through passenger rate of $31.15. It is the opinion of the commission that—

an average freight rate exceeding 5 cents per ton-mile and passenger rate in excess of 6 cents per mile would defeat the immediate object of the railroad, namely, the expeditious development of the interior of Alaska, and, furthermore, would introduce the question as to whether or not the Seattle-Cordova-Fairbanks freight route would be able to compete with the present all-water route via the Yukon River system, except on shipments in which the time element is of such importance as to warrant the payment of a higher freight rate.

To meet the requirements of expeditious development and water competition, the estimate of the commission involves a through freight rate from Cordova to Fairbanks at $22.25 per ton and a through passenger rate of $26.70. The report further says:

Were the road to be constructed by the Government, or by private corporate ownership with a Government guaranty of principal and interest on bonded indebtedness, the capital required should be obtained at a much lower rate of interest, thus materially reducing the annual expenditures.

Using 3 per cent on the investment as fixed charges, and omitting mileage tax of $100, on the assumption that this tax would not be levied in the case of a Government owned or aided road, the commission estimates that the road would pay on the basis of a passenger rate of 6 cents per mile, and a freight rate of 5.49 cents per ton-mile, making the average through freight rate from Cordova to Fairbanks $24.43 per ton and the through passenger rate $26.70. I give these figures as illustrations. The report contains similar estimates of freight and passenger rates and traffic for the road recommended from Seward to the Kuskokwim.

After recommending the construction of the two principal systems and their extensions already mentioned, the commission states, in conclusion, that it—

is unanimously of the opinion that this development should be undertaken at once, and prosecuted with vigor; that it can not be accomplished without providing the railroads herein recommended under some system which will insure low transportation charges and the consequent rapid settlement of this new land and the utilization of its great resources.

The necessary inference from the entire report is that in the judgment of the commission its recommendations can certainly be carried out only if the Government builds or guarantees the construction cost of the railroads recommended. If the Government is to guarantee the principal and interest of the construction bonds, it seems clear that it should own the roads, the cost of which it really pays. This is true whether the Government itself should operate the roads or should provide for their operation by lease or operating agreement. I am very much opposed to Government operation, but I believe that Government ownership with private operation under lease is the proper solution of the difficulties here presented.

I urge the prompt and earnest consideration of this report and its recommendations.

WM. H. TAFT.

THE WHITE HOUSE, *February 6, 1913.*

The SPEAKER. Evidently this message ought to be referred to the Committee on Territories. It is accompanied by many charts and a large number of documents. Unless there is some suggestion the Chair will order not only the message printed, but the other charts and documents.

Mr. MANN. I think, Mr. Speaker, that before the maps are printed some one should investigate as to how far they ought to be printed.

The SPEAKER. The Chair thinks so too.

Mr. FINLEY. Mr. Speaker, I suggest that the message be referred to the Committee on Territories and let the Committee on Printing examine the charts and maps before printing.

The SPEAKER. The message is ordered to be printed and referred to the Committee on Territories, together with the maps and documents, with the understanding that the Committee on Printing will examine into the maps and documents before they are printed.

BRIDGE ACROSS THE MISSOURI RIVER, N. DAK.

The SPEAKER laid before the House the following resolution of the Senate.

The Clerk read as follows:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 7855) to authorize the Northern Pacific Railway Co. to construct a bridge across the Missouri River, in section 36, township 134 north, range 79 west, in the State of North Dakota.

The resolution was agreed to.

MEMORIAL EXERCISES TO THE LATE VICE PRESIDENT.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that the Speaker lay before the House the invitation of the Senate to attend the memorial exercises of the late Vice President.

The SPEAKER laid before the House the following resolution, which the Clerk read:

Senate resolution 451.

Resolved, That the Senate extend to the Speaker and the Members of the House of Representatives an invitation to attend the exercises in commemoration of the life, character, and public services of the late JAMES S. SHERMAN, Vice President of the United States and President of the Senate, to be held in the Senate Chamber on Saturday, the 15th day of February next, at 12 o'clock noon.

Mr. FITZGERALD. Mr. Speaker, I move that the invitation be accepted, and that the Clerk be directed to notify the Senate to that effect.

The SPEAKER. The gentleman from New York moves that the invitation of the Senate be accepted, and that the Clerk be directed to notify the Senate to that effect.

The question was taken, and the motion was agreed to.

The following resolution, submitted by Mr. FITZGERALD, was agreed to:

House resolution 817.

Resolved, That the House accept the invitation of the Senate extended to the Speaker and Members of the House of Representatives to

attend the exercises in commemoration of the life, character, and public services of the late JAMES S. SHERMAN, Vice President of the United States and President of the Senate, to be held in the Senate Chamber on Saturday, the 15th day of February next, at 12 o'clock noon.

WITHDRAWAL OF PAPERS.

Mr. RUCKER of Colorado, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of Robert S. Risley (H. R. 20025, Sixty-second Congress, second session), no adverse report having been made thereon.

HOUR OF MEETING ON SATURDAY, FEBRUARY 15, 1913.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that when the House adjourns on February 14, 1913, it adjourn to meet at 11.30 a. m. on Saturday, February 15, 1913.

The SPEAKER. The gentleman from New York asks unanimous consent that when the House adjourns on the 14th of February, 1913, it adjourn to meet at 11.30 a. m. on Saturday, February 15, 1913. Is there objection?

There was no objection.

GUSSIE A. SWORDS.

Mr. LLOYD. Mr. Speaker, I call up privileged House resolution 787.

The Clerk read as follows:

House resolution 787 (H. Rept. 1457).

Resolved, That the Clerk of the House is hereby authorized to pay, out of the contingent fund, to Gussie A. Swords, widow of Charles L. Swords, late an employee in the folding room of the House, a sum equal to six months of his salary as such employee, and an additional amount, not exceeding $250, for the funeral expenses of said Charles L. Swords.

Mr. LLOYD. Mr. Speaker, this is the usual allowance made on the death of an employee of the House.

The resolution was agreed to.

ADDITIONAL CLERKS FOR COMMITTEE ON ENROLLED BILLS.

Mr. LLOYD. Mr. Speaker, I also call up privileged House resolution 805.

The Clerk read as follows:

House resolution 805 (H. Rept. 1458).

Resolved, That the chairman of the Committee on Enrolled Bills be, and he is hereby, authorized to appoint two additional clerks of said committee, who shall be paid out of the contingent fund of the House at the rate of $6 per day from and after the time they enter upon their duties, which shall be evidenced by the certification of said chairman.

Mr. LLOYD. Mr. Chairman, I offer the following amendments:

In line 3, strike out the word "two" and insert the word "one," and strike out the letter "s" in the word "clerks"; and in line 5 strike out the words "they entered upon their" and insert "shall have entered upon his."

The amendments were agreed to.

The resolution as amended was agreed to.

INDIAN ALLOTMENTS DISPOSED OF BY WILL.

The SPEAKER laid before the House the bill (H. R. 1332) regulating Indian allotments disposed of by will, with a Senate amendment thereto.

The Senate amendment was read.

Mr. STEPHENS of Texas. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

AGRICULTURAL APPROPRIATION BILL.

Mr. LAMB. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 28283) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1914. Pending that motion, I will ask the gentleman from Iowa if we can agree upon a time for general debate. I suggest that we have an hour on a side, if that is agreeable to him.

Mr. HAUGEN. Mr. Speaker, there have been several requests for time, and I would very much like to have two hours on a side, though I appreciate the very great pressure for time.

Mr. LAMB. I will ask the gentleman if he will be satisfied with an hour and a half on a side?

Mr. HAUGEN. Very well.

Mr. LAMB. Mr. Speaker, I ask unanimous consent that three hours be devoted to general debate, one hour and a half on a side, one-half of the time to be in the control of the gentleman from Iowa [Mr. HAUGEN] and one-half in the control of myself.

The SPEAKER. Pending the motion to go into the Committee of the Whole House on the state of the Union, the gentleman from Virginia asks unanimous consent that general debate shall be limited to three hours, one hour and a half on each side, one half to be controlled by himself and the other half to be controlled by the gentleman from Iowa [Mr. HAUGEN]. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, can not we have some understanding now, while the Chamber is fairly well filled, whether or not the gentleman expects the House to meet earlier to-morrow than 12 o'clock?

Mr. LAMB. Yes; at 11 o'clock.

Mr. MANN. Why not make that request now?

Mr. LAMB. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. Is there objection to the request of the gentleman from Virginia that there be three hours of general debate, one-half to be controlled by himself and one-half by the gentleman from Iowa [Mr. HAUGEN]?

There was no objection.

The SPEAKER. The question now is on the motion of the gentleman from Virginia that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the agricultural appropriation bill, with Mr. BEALL of Texas in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk reported the title of the bill.

Mr. LAMB. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LAMB. Mr. Chairman, I yield 15 minutes to the gentleman from Georgia [Mr. HUGHES].

Mr. HUGHES of Georgia. Mr. Chairman, I beg to return thanks to the gentleman from Virginia who has so kindly granted me time. Owing to the fact that I shall be absent for several days I was anxious to present my views on a bill which I reported on behalf of the Committee on Military Affairs on April 4, 1912. That bill is known as H. R. 11397, and is known generally as the Armes bill.

Mr. Chairman, it has been intimated that those who oppose that bill were determined that it should not appear before this House during this session. I do not know whether that be true or not; but if it be true, it clearly indicates the fact that they are not willing to trust to the wisdom of this House the passage of this bill.

Mr. Chairman, the Committee on Military Affairs, to whom was referred the bill (H. R. 11397) authorizing the appointment of Maj. George A. Armes, United States Army, retired, to the rank and grade of major general on the retired list of the Army, having considered the same, report thereon with a recommendation that it be amended as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, appoint George A. Armes, now a major on the retired list, a brigadier general in the United States Army and place him upon the retired list with the rank of brigadier general, and with the same pay he is now receiving, viz, that of a major on the retired list, to take rank from the date of the approval of this act, the retired list being increased for that purpose only.

Also amend the title so as to read: "A bill providing for the appointment of George A. Armes as a brigadier general in the United States Army and placing him upon the retired list."

As thus amended, the committee recommends the passage of this bill.

Mr. Chairman, the records of the War Department show that Maj. Armes was retired from active service on September 15, 1883; that he was on sick leave from September 12 to 15—three days.

The same officers and element which court-martialed him still remained in the service, and your committee, after a full investigation of the records presented to them, are of the opinion that Maj. Armes should not have been retired from the service on September 15, 1883, but allowed to continue in the service, as his character and ability to command and do his duty as an officer of the Army was beyond question.

Mr. Chairman, I wish I had time to discuss this bill at length; but it is impossible for me to do so owing to the limited time granted, but I do wish to call the attention of the House to the following facts:

On October 10, 1882, Maj. Armes asked to appear before a retiring board, his health having been impaired by prosecutions and persecutions by maligners pregnant with revenge.

But whereas this is true, remember the record shows that within four days he withdrew this request, and asked that the

application be held for further notice from him. This application was never renewed or acted upon.

On April 14, 1883, he was ordered to move with his troop to meet and combat a desperate band of Indians who were committing murder and depredations upon the settlers.

This he did with such effect that he received high commendation and special mention from his superior officers.

On the 28th of June, 1883, Maj. Armes was ordered before a retiring board with the view to retire him from active service.

Now, on this board were two members who had been on previous courts-martial who had sentenced him to dismissals.

I wish to impress these facts, viz:

October 10, 1882, Maj. Armes asked to be retired. On October 14, 1882—within four days—he withdrew his request for retirement; on same day, request returned indorsed "No action taken."

I ask you to note that on April 14, 1883, six months after Maj. Armes had withdrawn his request for retirement and two and a half months after Maj. Armes had been ordered with his troop to fight the Indians, he was retired by a partisan board. He was at that time on the frontier, on active duty, scouting the country for Indians at the time he was ordered before a retiring board.

Maj. Armes protested at once by wire against his retirement, without avail. This gallant, brave officer, who had regained his health, was retired by this board without hearing or representation.

Under these facts I ask, Was Maj. Armes justly retired?

Mr. Chairman, Maj. Armes may have been at times indiscreet, and doubtless every Member of this Congress would have to plead to the same charge of guilt, but I wish to say this—that Maj. Armes possessed a characteristic which all true men admire. He never received an insult unchallenged whether tendered by an inferior or a superior. Mr. Chairman, Maj. Armes even as a boy was a boy of decision. In the war between the States he felt that it was his duty to follow the flag of the Union. Feeling that was his duty he dared to perform it under the protest of every member of his family and all of his neighbors. Mr. Chairman, he had a brother who was also a man of decision who followed the flag of the Confederacy; one wore the blue and the other wore the gray; one was on the staff of Gen. Hancock and the other upon the staff of Gen. Jeb Stuart. These two gallant brothers won honors worthy of two brave soldiers in their respective commands. Maj. Armes joined the Army when he was a mere lad, and was a member of the Union Army throughout that bloody struggle between the North and the South. He went in as a private and he retired at the end of the war as a captain, perhaps the youngest captain in the Army of the United States.

After the war Maj. Armes joined the Regular Army. He was sent to the frontier to combat and fight the Indians who were committing murder and robbing the citizens of the country. By his valiant deeds of daring and bravery he rose rapidly to the front over his superiors, and, Mr. Chairman and gentlemen of this House, here is where his troubles began. He was persecuted, he was prosecuted by robbers, thieves, assassins, and in one comprehensive term, cowards. They were led in their damnable purpose by rage from jealousy intensified by the blue vapors of vitriolic hate. They were determined to remove that gallant soldier from the Army, and they pursued him relentlessly until finally they accomplished their diabolical act. Mr. Chairman, some of his persecutors who had chained him to the vulture's rock fell from their high estate and some were sent to the penitentiary and others shot as highway robbers. Mr. Chairman and gentlemen of this House, should this bill come before this body I do not believe that this House will agree to condone such perfidy, but I do believe that they will give justice to this brave and gallant soldier who, as did that patriotic statesman and gallant warrior, John B. Gordon, of Georgia, wears all of his wounds in front. I sincerely hope that if this bill comes before this body it will give to this distinguished soldier justice and deserved honor by passing this bill. [Applause.]

Mr. LAMB. Mr. Chairman, I ask the gentleman from Iowa [Mr. HAUGEN] to use part of his time.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from New York [Mr. AKIN].

Mr. AKIN of New York. Mr. Chairman, since I have been a Member of Congress I have never hired a man in my office to compose any letters for me. I have been the author of all my own correspondence. I have never hired a press agent to write my speeches or to write voluminous articles for the newspapers booming myself as well as trying to convince the reading public that I have been here in Washington attending to business while at the very time such letters went out I was a thousand miles away from Washington. With the exception of a few days, I have always been in attendance at roll calls and answered to my name. No press agent of mine having the privilege of the floor has ever instructed me when to vote and when not to vote, nor have they ever told me how to vote, and no man has ever been able to ride on my coattails while I was making an aeroplane flight from the floor of this House, for I never duck a vote. I did not come down here for that purpose. I have no excuses to offer nor any apologies to make for my conduct since I have been in Washington as the Representative of the people of my district. As far as I know and can recollect, I have kept every promise and every pledge I have made to the people of my district.

Mr. Chairman, the time has arrived—and I notice that those who do not intend to return to Congress are making their farewell speeches, sometimes known as swan songs. This will not be my swan song, Mr. Chairman.

There is a bird known as the laughing jackass. It is a cross between the swan and the gilli-gilli-galoo bird. The swan-song singers have misnamed their bird.

I intend to introduce a resolution in the House of Representatives touching on expert interbreeding of turkey buzzards and humming birds, which I incorporate as a part of my remarks. The resolution provides that—

The Secretary of Agriculture be, and he is hereby, authorized to expend not exceeding $1,000 in the purchase of 6 high-grade, thoroughbred male turkey buzzards and 99 thoroughbred humming birds, each to be passed upon by Dr. A. D. Melvin, Chief of the Bureau of Animal Industry, as to the soundness of limb and heart strength, in order that a test may be made as to the value of the offspring, be they gnats or fleas, for agricultural purposes, and to report to Congress whether the experiment is more valuable to the American farmer than the one now going on in this bureau, where thousands of dollars have been expended in buying zebras in Africa and transporting the same to the District of Columbia, where they are joined in wedlock to Missouri mules, the offspring of which seems to be a cross between a North Dakota jackrabbit and an Australian kangaroo; and the sum of $1,000, or so much thereof as may be necessary, is hereby appropriated out of the contingent fund of the House to carry out the purpose of this resolution.

I do not think that resolution goes far enough, Mr. Chairman. I think that the Government experts should investigate the feasibility of making crosses between the common sperm whale and the spitchcock. Would it not be well also for the Agricultural Department experts to investigate the feasibility of interbreeding the orang-utan and the goat with a view to producing a species of human being that could be used as experts in the Bureau of Animal Industry who would have no selfish ambitions, would be devoid of all grafting propensities, and whose highest ambitions would be to serve the people honestly and economically during their official tenure in the Agricultural Department?

The Washington Times of February 1—I include an editorial taken therefrom, which I desire to incorporate in my remarks—speaks beautifully of Elder McCabe:

VALE, M'CABE.

The Hon. George P. McCabe, too long—altogether too long—Solicitor of the Department of Agriculture, has resigned, to take effect March 4. In view of very excellent reasons for belief that the copper toe on the Wilson right boot was placed there with special reference to detailed plans for separating the Hon. McCabe from his solicitorship, we can but regard his resignation as a formality.

It is good to know that Mr. McCabe is going. It will be the most notable act of public service he has rendered since he became an ornament to the salary list and an obstacle to enforcement of the pure-food laws.

Further, it is pleasing to know that he will live hereafter in Portland, Oreg. That is about as far away from Washington as he could get.

With Ballinger in Seattle and McCabe in Portland, the division of honors between the two great rival cities of the Pacific Northwest will continue balanced to a nicety.

We have no doubt that Portland will be glad to have him, and at the same time his absence here will create a most joyful feeling in the hearts of every man who has a personal acquaintance with his official performances since he has been Solicitor—at one time for the Department of Agriculture and at another time solicitor to the Secretary of Agriculture. But I do not intend to make any further remarks in regard to the old father Neptune of the Agricultural Department; he is politically dead, and the least said about a dead man the better.

Mr. Chairman, in this bill Congress is appropriating almost $20,000,000, to which must be added $3,000,000 for meat inspection and other millions for various purposes, and all chargeable to the Agricultural Department. And we who are the guardians of the Public Treasury should have a care that in the expenditure of these vast sums of money the public is receiving its just deserts, and that extravagance and waste are not permitted to run riot through the various bureaus, either on account of ignorant and incompetent officials or because of favoritism to employees, officials, or sections of the country. Affairs may run smoothly for a while in all branches of the service, but if out of joint at any one place a slip of a cog may

expose the weak spot, and then complacency and standpatism give place to revolution and reform. New York City for years has boasted of her police force, but a cog slipped, and the population of Sing Sing is on the increase.

In many respects I am proud of the grand work performed by many employees in the Agricultural Department, and to all such I say, "Well done, thou good and faithful servant." But for the misdeeds and blunders, to speak mildly, of a few—a very few—officials in the Agricultural Department, who have been unworthy of the responsibility and salary given them, I hang my head in shame, for they have disgraced the service and brought ridicule and condemnation upon the Government which they agreed to faithfully serve. However, their days are numbered, for Woodrow Wilson will give them the toe of his boot, and their connection with the public service will end forever, and with them will go inefficiency, incompetency, and waste.

One of the extravagant items in this bill is $200,000 increase for the Bureau of Animal Industry, ostensibly for meat inspection, but as confessed in the report—for increase in salaries. The Government is already expending $3,000,000 for meat inspection, and all of this vast sum, save a trifle over $100,000, goes to salaries—the best paid labor for the services performed in the whole Government service. This appropriation is a lump sum, and the tyrannical methods of its disbursement, as is the case in the expenditure of all lump-sum appropriations, condemns this method of appropriating money.

Suppose John Doe is chief of a bureau and distributes a lump sum of $3,000,000 in salaries to those under him, what is to prevent him from having a cringing, sycophantic roll of employees doing his bidding, whether right or wrong, in order that increase in salary will always go to him who sticks closest to the heels of his master? I am opposed to lump-sum appropriations in the Government service. Let the laborer be worthy of his hire, place him upon the statutory roll at a wage commensurate with his work, and save a scandal that is already imminent. In lump-sum appropriations the temptation to annually increase it is always present, and the excuse given for such an increase is not always creditable to those who make the request. Only last year President Taft was imposed upon by the Department of Agriculture in this manner, but, thanks to Congress, no harm was done. Several years ago a good deal of money was expended by the Bureau of Animal Industry in examining, microscopically, pork to detect trichina. After a thorough test the bureau decided to discontinue the examination, both on account of the expense and its inefficiency. "Experience has shown that under practical conditions a reliable inspection for trichina is not possible," page 13 in Twenty-fourth Annual Report, Bureau of Animal Industry. Yet last year, when the minister from Switzerland compalined to our Government that inhabitant of Switzerland had died from the effects of eating American pork, the Department of Agriculture, in the face of its statement to the world that microscopic examination of pork failed to produce the result desired, prevailed upon President Taft to send a special message to Congress asking for a lump sum of $1,000,000 for this very purpose. The trick was discovered and the appropriation failed to materialize. Of course, that $1,000,000 was evidently intended to swell the salary list in the Bureau of Animal Industry. In this bill the mask is off and only $200,000 increase is requested, yet those who know claim that meat inspection could be handled by one-half the large force now employed and with better results. We respectfully refer this bureau to President Wilson for reformation and purification.

Another item in this bill attracts my attention. Almost one-third of a million dollars is appropriated for free seeds. We move to strike out the word "seeds" and insert in lieu thereof the word "bunk," for if there ever was a case of highway robbery this free-seed proposition belongs to that category. It is a species of cheap graft and generally used for campaign purposes. We are passing laws limiting the size of campaign contributions, yet Congress goes on year by year increasing the appropriation for free seeds in order that the statesman from Bunkville may grab a few more votes at public expense. If free seeds, why not free coal, free lumber, or free chickens? Why be parsimonious with Government money, when it can be so easily had in the name of agriculture? We have expended thousands of dollars through the Bureau of Animal Industry for zebras from Africa. Upon their arrival they are joined in wedlock to Missouri mules, and thus far we have not produced either a North Dakota jack rabbit or an Australian kangaroo. Then why waste the money? Possibly, if the money holds out, the department hopes to produce a new kind of automobile. Uncle Sam is rich; let the game go on.

I also note that a solicitor and a score and a half of law clerks are performing labor that properly belongs to the Department of Justice. Two full-grown lawyers and a stenographer could perform all the legal work that develops in the Agricultural Department, but we must have jobs, and Uncle Sam has the money, so why complain?

In time every bureau will have a solicitor; an editor, who is really a publicity agent bent on earning his salary by "booming" his bureau and its chief; a chief clerk; an architect; a carpenter; a dentist; and a cook. This situation is not peculiar to the Agricultural Department. We find it everywhere. This extravagance is only equaled by the money wasted in printing trash, which finds it way to cellars or bonfires. Annually the Government is wasting millions of dollars in printing, and the Agricultural Department is one of the chief offenders along this line. Reform in the civil service is badly needed, but not half so badly as in the printing business at Government expense. Some fool is liable to devise a method of printing thoughts as well as words if a halt is not soon called.

This bill is not all bad. In fact there is more good than evil in it, but when it is bad it is awful bad. As I said in the beginning, the Agricultural Department is full of intelligent, conscientious employees who are reflecting credit upon themselves and their country by the service they are giving the American farmer, and as a farmer I love to sing their praises. My only regret is that the few exceptions make the department malodorous.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. LINDBERGH].

Mr. LINDBERGH. Mr. Chairman, the subject I have to consider will take a good deal more time than five minutes in order to treat it in the way I wish. I desire to extend some remarks in the RECORD concerning what I believe should be the policy of this Government in regard to authorizing the construction of dams across navigable rivers, and particularly the policy in regard to water powers, and I also wish to ask leave to extend some remarks in regard to the direct election by the people of Presidents of the United States; and also on the proposition of whether or not the President should be eligible to more than one term. On those two propositions—water powers and election of President—I ask leave to extend my remarks in the RECORD, each separately.

The CHAIRMAN. The gentleman from Minnesota [Mr. LINDBERGH] asks unanimous consent to extend his remarks in the RECORD on the subjects indicated by him. Is there objection?

There was no objection.

Mr. LINDBERGH. Mr. Chairman, the Connecticut River Power Co. seeks authority from Congress to dam the Connecticut River, and at an expense of $5,500,000 to develop one of the greatest powers in the country. It is proposed to give to the company the first 8 per cent profits and to divide the excess up to 9 per cent equally with the Government, and above 9 per cent give the Government an increasing ratio.

If this Congress permits the execution of such a contract, the people in the future would wonder what sort of statesmanship prevailed here. It would commit this Government to a policy that by its very laws would encumber the people with an unbearable burden. Consider this monstrosity for a moment.

The geometrical progression of accumulated dividends at the minimum, 8 per cent on $5,500,000 the first 100 years would be over $12,000,000,000. It is proposed to grant to the individuals the legal privilege to proceed to extort from the people on that basis. To be sure, it would have only a 50-year charter, but the policy is the same. But the proposition here is not to stop with the 8 per cent, for an inducement is held out to the corporation to extort more, so that it may divide the excess with the Government, while the latter supports the legalized robbery.

What do we understand by the government of the people? It is presumably a government by themselves for themselves. Why should they first permit a company to rob them of 8 per cent and then offer the company an inducement to rob them some more, if they will be permitted to divide in the robbery? Suppose the company and the Government should succeed in extorting from the people 12 per cent; the geometrical progression of accumulated dividends on that compounded annually, and that is the rule, would in 100 years consume the total present real and personal valuation of all the people more than three times over. That is the policy to which it is proposed to commit the Government.

I shall not assume that this is a temporary government. I assume that our fathers, who fought the Revolutionary and the Civil Wars, the test struggles of our national existence, did so with the purpose of making it as lasting as mankind. I would not knowingly commit the Government to any economic or social policy that can not be fairly carried from one generation to another as a principle.

I realize that some people will say that there will be no complete centralized accumulation of the dividends so as to have the rule of geometrical progression apply to the extent I have stated. They will claim, of course, that the profits will be scattered by those who get them. That would be true to a greater or lesser extent. There would be extravagance of one kind and another to prevent the complete accumulation; but the extravagance itself would be a tax upon us. The real point, however, that I make is that we would by passing Senate bill 8033 commit the Government to a policy which, if applied literally, according to the proposals of the Secretary of War, would become a burden that would in the end break down by its own weight.

I do not oppose granting the company the right to construct the improvements. The water power is there, going to waste, while it should be a service to humanity. Therefore, whenever any of the water powers may be utilized to the public advantage I am in favor of giving the right to make the improvements, and I am opposed to levying an extortion on the people for the service. Let us give the right with the power reserved to the Government to regulate from time to time the charges to be made for the service, but in doing so let it be reasonable and subject to revision by the reasonable construction of things measured by the common necessities. I am not in favor of making any charge against the company above that which is incidentally required to maintain proper regulation, and I will not consent to establishing a vested interest in any person or corporation to levy a toll on future generations. I would simply give assurance of protection to the parties who make the improvements that so long as they are reasonable they shall be entitled to operate them with such return as the general patronage entitles them. When men come to Congress to ask for privileges they must be content to trust the people, whose Congress this is, to treat them consistently, and they must expect that Congress will not pledge future generations to policies that can not be literally or practically carried out in the common interests of humanity. We of this time are operating under disadvantages that are the results of some of our predecessors' failures to look beyond the immediate necessities of the day of their service. Let us not commit such errors ourselves.

Mr. HUGHES of Georgia. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HAUGEN. Mr. Chairman, I now yield to the gentleman from California [Mr. KNOWLAND].

Mr. KNOWLAND. Mr. Chairman, I ask unanimous consent to insert in the RECORD some resolutions and comments relative to the exemption of coastwise vessels from the payment of tolls through the Panama Canal.

The CHAIRMAN. Is there objection?

There was no objection.

The matter referred to above is as follows:

NEWSPAPER COMMENT AND RESOLUTIONS UPHOLDING THE POSITION OF THE UNITED STATES IN GRANTING FREE TOLLS THROUGH THE PANAMA CANAL TO AMERICAN SHIPS IN THE COASTWISE TRADE.

DECLARATION IN PLATFORM OF NATIONAL DEMOCRATIC PARTY UNANIMOUSLY APPROVED AT BALTIMORE ON JULY 2, 1912.

We favor the exemption from tolls of American ships engaged in coastwise trade passing through the Panama Canal. We also favor legislation forbidding the use of the Panama Canal by ships owned or controlled by railroad carriers engaged in transportation competitive with the canal.

—

DECLARATION IN PLATFORM OF NATIONAL PROGRESSIVE PARTY UNANIMOUSLY APPROVED IN CHICAGO ON AUGUST 7, 1912.

The Panama Canal, built and paid for by the American people, must be used primarily for their benefit. We demand that the canal shall be so operated as to break transportation monopoly now held and misused by the transcontinental railroads, by maintaining sea competition with them; that ships directly or indirectly owned or controlled by American railroad corporations shall not be permitted to use the canal, and that American ships engaged in coastwise trade shall pay no tolls.

—

[Extract from letter of Theodore Roosevelt in Outlook, January 18, 1913.]

I believe that the position of the United States is proper as regards this coastwise traffic. I think that we have the right to free bona fide coastwise traffic from tolls. I think that this does not interfere with the rights of any other nation, because no ships but our own can engage in coastwise traffic, so that there is no discrimination against other ships when we relieve the coastwise traffic from tolls. I believe that the only damage that would be done is the damage to the Canadian Pacific Railway. Moreover, I do not think that it sits well on the representatives of any foreign nation, even upon those of a power with which we are, and I hope and believe will always remain, on such good terms as Great Britain, to make any plea in reference to what we do with our own coastwise traffic, because we are benefiting the whole world by our action at Panama, and are doing this where every dollar of expense is paid by ourselves. In all history I do not believe you can find another instance where as great and expensive a work as the Panama Canal, undertaken not by a private corporation but by a nation, has ever been as generously put at the service of all the nations of mankind.

—

[From the Pittsburgh (Pa.) Press.]

KNOX'S REPLY TO ENGLISH GOVERNMENT.

American public opinion is so fully convinced that this country is in the right in the canal-tolls dispute with England, and has such well-grounded suspicions that the whole English contention is in the interest of the English stock and bond holders in the Canadian Pacific and other Pacific railroads, that popular interest in the notes exchanged between the foreign offices of the two countries is not keen.

* * * * * * *

That will has been expressed by the act of Congress freeing American ships from tolls, and if "diplomacy" tries to veto that decision diplomacy will get a bad upset.

—

[From the Seattle (Wash.) Times.]

Secretary Knox, in presenting the American argument relative to Panama Canal tolls, has demolished some of the British contentions. It is a complete answer to the objections raised by those who think American coastwise vessels should be compelled to pay for using a waterway which Uncle Sam has built for their own convenience.

—

[From the Baltimore American.]

KNOX RIGHT; GREY WRONG.

Diplomacy should suffice to adjust the points of difference between this country and Great Britain in respect to the abrogation of tolls for American coastwise shipping. This is the underlying note of the Knox response to the objections entered by Sir Edward Grey in his note to this Government. The proclamation of President Taft so altered the situation as to have vitiated the British contention.

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There is no disposition to credit England with plotting to drive an entering wedge into the canal through its note of objection so as to force the way for interference in American domestic affairs. The precedent sought to be established would give recognition to further interference of Great Britain in other ways in case this country should supinely permit it to dictate modification of the laws and usages bearing upon the domestic coastwise traffic. Yet, while this view is not entertained, the fact exists that such would be the effect. A hundred years ago the United States and England definitely settled the matter for all time of British interference with American commerce, and that settlement can not be revamped at the present day, so that any course of arbitration would have to assume at the outset the full right of Americans to make any laws they see fit for their own shipping.

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Mr. Knox has made the American position irrefutable, and the Taft proclamation made this possible.

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[From the Marine Journal, New York, N. Y.]

THE REAL OPPOSITION—INFLUENCES THAT ARE HOSTILE TO FREE CANAL TOLLS FOR AMERICAN SHIPPING.

The real opposition to this proposal is not likely to show its head in public at Washington. This opposition is made up in part of short-sighted officials of some of the transcontinental railroads—though to their credit be it said, many of the railroad managers are manfully accepting free tolls as a policy destined to benefit the entire country, and thereby the railroads themselves in the long run. Another element of opposition, powerful and sinister, is doubtless the influence of the European steamship corporations in the United States. Foreign ships are entirely barred from coastwise carrying through the canal, and the granting of free tolls to American ships in foreign trade would no more than put them on an equality with their foreign competitors.

But these European steamship corporations and their agents and attorneys hate and dread any form of national encouragement to American shipping.

These European companies, which control nine-tenths of our ocean carrying, are a fighting power all over the United States. There are many quiet ways in which they can make their influence felt. Some of their representatives are American citizens, and these men will usually be found lined up aggressively against every proposal to strengthen the national merchant marine.

They see in the Panama Canal a possibility of future growth of the coastwise shipping of the United States which might menace the ocean-going shipping of other countries. A great American coastwise fleet developed by the canal might gradually encroach upon the European monopoly of our over-seas carrying. This great coastwise fleet would constitute a valuable naval reserve for the United States.

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[From the Statesman, Yonkers, N. Y.]

OUR SHIPS IN THE CANAL.

The foreign trade from American seaports will be greatly stimulated by the completion of the canal, but a provision exempting American vessels from toll is necessary if they are to engage in it, paying, as they must, the higher wages which sailors on American vessels demand and receive.

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[From the Baltimore Sun.]

CONCERNING PANAMA CANAL TOLLS.

From an article by an Englishman in an English magazine we learn that under the treaty of 1815 between Great Britain and the United States no higher duties or charges may be imposed on United States vessels in British ports than are paid by British vessels in the same ports, notwithstanding which Great Britain has always discriminated in favor of her coastwise vessels.

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[From the Detroit (Mich.) Free Press.]

PROPER ENOUGH BUT BADLY TIMED.

Senator ROOT'S attempt to repeal the exemption clauses in the Panama Canal tolls act is badly timed and is practically certain of defeat by Congress. It comes into conflict with diplomatic argument of the Government. It can hardly fail to prejudice the position of the State Department in British relations and prove a difficult handicap to

Secretary Knox in his exchange of notes with the English foreign office over the protest against the American position.

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No other nation has any right to interfere in our treatment of our domestic shipping, and every true American must resent the effort by Great Britain to intrude in such a purely national matter. While the proper authority is rejecting the claims to such interference there should be no weakening of our attitude, and the legislative branch ought to be backing up the executive branch of the Government instead of interposing obstacles to patriotic effort. The Root bill should not have been presented at this time. Having been presented, it should be withdrawn by its author or overwhelmingly rejected by Congress.

[From the Lincoln (Nebr.) Star.]

It is not difficult to imagine that it is not so much the thought of Uncle Sam's bad faith as it is the thought that free tolls for American ships through the canal might provide competition for the big transcontinental railway combinations.

It is the men and the combinations who own the stock in these railroads who are appalled at the enormity of offense in this free-tolls proposition. They are not all in this country. Many of them are in England. Their presence there accounts for the protest entered by the English Government against this proposal of Uncle Sam to put life into his shipping industry by putting his ships into actual competition with the railroads between his east and west coasts.

It is the first time in history that anyone has discovered dishonor in a proposition of any government to provide encouragement to its own shipping, and the peculiar thing about it all is that those who profess to consider it a monstrously dishonorable proposition are the same ones who have for many years been clamoring for ship subsidies in the form of cash out of the people's Treasury.

Perhaps they do not like this plan because the ship-subsidy plan would be so much more profitable to them. But to the man who pays the freight—the historic "Jones, of Texas"—the free-tolls plan looks mighty good.

[From the Denver (Colo.) News.]

Whatever its faults, the Taft Congress must be given credit for courage. It means to die as it lived, disdaining any weak thing like a deathbed repentance. As if in very defiance of the public opinion that has crushed them, the Tories have decided to devote their remaining minutes to the service of the Railroad Trust in connection with the Panama Canal regulations.

The money of the American people bought the Canal Zone, that every cent of expense came out of the American Treasury, and that our investment in the great ditch approximates a half billion dollars.

England's "feelings" are hurt by the action of the United States in trying to encourage our shipping and our commerce by remitting the tolls on American ships engaged in coastwise trade. It is a discrimination against British ships that is in no manner justified by the fact that we bought the land and built the canal and own the whole business in fee simple.

There was a time, not so many years ago either, when the people might have been deceived by balderdash. But we have come to an appreciation of the intricacies of monopoly.

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They know that free tolls for American ships and the barring of railroad-owned vessels from the canal are at the bottom of sudden passion for arbitration. As long as these regulations obtain, the canal stands as an obstacle in the way of monopoly and insures competition in transportation rates.

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There is, of course, small chance of the bill's amendment or of its submission to any sort of arbitration. Even in the Senate there are not enough men sufficiently bold to defy the wrath of a Nation and to court infamy and disgrace.

[From the Nashville (Tenn.) Tennesseean.]

PANAMA CANAL CONTROVERSY.

Reply to the protest of Great Britain regarding the proposition to exempt our coastwise shipping from Panama Canal tolls has been made by Secretary Knox.

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English expert opinion of the merits of the controversy is divided, as it is in this country, which will be a shock to those who roll up their trousers because it is raining in London, or who sneeze because the British King takes snuff. Two articles appeared in a recent number of the Law Magazine and Review, a London periodical, both bearing on the Panama Canal status. In summing up, one writer says:

"(a) That the United States can support its action on the precise words of the material articles of the Hay-Pauncefote treaty; that its case is strengthened by reference to the preamble and context; and that its case is difficult to challenge on grounds of general justice.

"(b) That there is no international obligation to submit the construction of its legislative act to any process of arbitration; and

"(c) That the aggrieved party has an appropriate, an impartial, and a competent tribunal in the Supreme Court of the United States."

The second writer expresses this view:

"The treaty could never have been intended to prevent the Federal Government from arranging and regulating its domestic or coastwise commerce and in the use and enjoyment of its own property as it saw fit."

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As the granting of free tolls to coastwise vessels is a part of the last Democratic platform the chances for the incoming Senate to recede from its present position do not appear to be flattering.

[From the Springfield (Mass.) Union.]

CANAL TOLLS AND OUR NATIONAL HONOR.

It strikes us that the hue and cry about our national honor being sullied by the tolls-exemption clause of the Panama Canal act is being a little overdone in some quarters. One is moved to wonder if the agitation proceeds in every case from motives as lofty and patriotic as appears. We would cast no general aspersion on those who insist that this clause should be repealed on that ground. But it is well to remember that there is an important interest in this country that has good reason, purely on private grounds, to foster this agitation. That interest consists of the great corporations engaged in transcontinental business. The tolls-exemption feature is expected to afford a new element of competition by which rates from one coast to the other may be substantially reduced. The same act which proposes to remit the tolls in the case of our coastwise shipping also prohibits railroad companies from owning steamships. Thus it is sought to deprive concerns engaged in the two fields of transportation between which competition is sought from combining in a manner to keep rates up and rob the public of the anticipated benefits of cheap water transportation.

[From the Washington (D. C.) Post.]

SETTING WILSON RIGHT.

The more conservative Democrats of the Senate and House are none too soon in making a concerted effort to offset the wrong impression which their ultraprogressive brethren have created as regards the Wilson program.

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The stereotyped method of misstating the President elect's attitude is for a speaker or an editor to assert that there are "excellent reasons for believing" that this or that diatribe represents Woodrow Wilson's views on the subject. Thus the spokesman for the Interstate Commerce Committee is emboldened to declare that the first thing Mr. Wilson will do upon coming to Washington will be to secure the repeal of the Panama Canal tolls law, as if the President would at once set out to repudiate his party's platform and his party in Congress.

[From the Denver (Colo.) News.]

MR. KNOX'S CRUSHING REPLY.

Secretary Knox's note in reply to the British request for arbitration of the Panama controversy throws a flood of light upon the matter. It shows that a state of facts exists quite different from the hypothetical situation imagined by Sir Edward Grey, and that upon this state of facts the United States is not discriminating against British shipping; that the Hay-Pauncefote treaty is not violated in letter or spirit, and, therefore, there is nothing to arbitrate. Mr. Knox makes the somewhat humorous suggestion that if there should be a dispute over the facts it might be well to refer the question to a commission of inquiry, in the manner provided for in the arbitration treaty of August 31, 1911.

[From the Oshkosh (Wis.) Northwestern.]

BASED ON SUSPICION.

The reply of Secretary of State Knox to the British protest against the exemption of American coastwise shipping from Panama Canal tolls furnishes a clear and comprehensive exposition of the American side of this dispute.

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As to the right of this Government to favor its coastwise shipping by a remission of canal tolls, this is a point the Secretary insists is beyond question. Nor should the British complain on this score, so long as American ships engaged in the foreign trade are placed on exactly the same basis as British ships, which is exactly what is proposed by the canal regulations already approved.

[From the Elmira (N. Y.) Advertiser.]

The British Government does not make as strong claims that the treaty is violated by the Panama act as do the American champions of this view on this side of the water. Most of the British objections are already answered by the schedule of tolls prescribed by President Taft and which the British foreign secretary had not seen when he wrote his note of protest. As for the rest, it is not the exemption of the coastwise vessels that he complains of so much as the possibility that this exemption may somehow be used surreptitiously to the disadvantage of British ships. When this occurs Great Britain will have a real cause of complaint, but until it does occur, it does not appear, according to the secretary's own showing, that his Government has any grievance whatever.

[From the Philadelphia Inquirer.]

AN AMERICAN ENTERPRISE.

The Panama Canal is an American canal—an American enterprise pure and simple.

And it is American in spite of the fact that there are some persons who appear to think that it is English.

There are the transcontinental railroads, for instance. They are a unit in arguing that the United States has no right to control its own property.

And there are the representatives of the railroad corporations in Congress. They quite agree with the railroads.

[From the Philadelphia (Pa.) Star.]

THE CANAL AND TOLLS.

While the fight continues in the Senate regarding the question of free passage for coastwise ships bearing our flag or of submission to the English idea that she has just as much right in the canal as we have Secretary Knox has made an important communication to the British foreign office.

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Mr. Knox points out to England that the United States regards as coastwise vessels those which ply from port to port of this country only and that it is only such as would be free from tolls in using the canal. That is to say, vessels flying our own flag and sailing from one part of the United States to another would not be obliged to pay toll in going through the canal.

Surely there can be no right on the part of any to object to such an arrangement as this. It is purely domestic, a matter relating to our own housekeeping, and it would seem to be utterly absurd that any outside party or country could be permitted to say what we shall or shall not do in such a relation.

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In addition to communicating these facts Secretary Knox has informed England that the exemption of such coastwise vessels as described will not make it necessary to increase the tolls charged to others. And this eliminates the last possible excuse for any sort of foreign intervention. It takes away the last possibility that this matter is the business of any country but our own. It is to be hoped that the matter will end there and that we shall soon hear no more about it.

[From the Mobile (Ala.) Register.]

COUNTING UNHATCHED CHICKENS.

The efforts of Great Britain to have the matter of free toll for American coastwise vessels through the Panama Canal submitted to arbitration have been neatly met by the reply of Secretary Knox. In effect he says that this is not a matter now germane to the issue. The admission of these vessels to free tolls is not yet a fact. There has been no law passed to that effect. It is yet in the making. What the United States may do in the future is not a subject for present arbitration.

Possibly it may be handled in diplomatic correspondence as to the merits or demerits of the idea as affecting existent treaty regulations. Possibly it may be proper to discuss it now with a view of getting a better understanding of the situation, but to submit it to arbitration now is not to be thought of, for there is nothing as yet to arbitrate.

When this law is a fact instead of a possibility, or probability as it is at present, there will be sufficient time in which to consider whether arbitration is the remedy for an apparent irreconcilability of viewpoint. Until that time has arrived it would be most foolish for the United States to submit a largely abstract question to a court composed of representatives of nations at one with the position of Great Britain, and from which court an adverse verdict to the United States is largely a foregone conclusion. Mr. Knox has neatly avoided a pitfall set for him by the wily Britishers.

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[From the Navy, Washington, D. C.]

RECRUDESCENCE OF CANAL-TOLL DISCUSSION.

The formal British protest against the remission of Panama Canal tolls has aroused renewed discussion of that much thrashed-over subject.

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To restate the present American contention:

The Hay-Pauncefote treaty was adopted when it was supposed that the canal was to be built in foreign territory. The acquisition of the Canal Zone from Panama rendered the treaty voidable, due to a radical change in the conditions existing at the time it was made. The contention that the treaty was thus rendered voidable is well supported by both English and American authorities on international law.

Mr. Hannis Taylor in a recent magazine article quotes from his work on International Law, as follows:

"A treaty may become voidable through subsequent events. After the validity of an international agreement has been firmly established by the concurrence of such antecedents it may become voidable through the operation of subsequent events which might not have such an effect in the case of private contract. So unstable are the conditions of international existence and so difficult is it to enforce a contract between States after the state of facts upon which it was formed has substantially changed that all such agreements are necessarily made subject to the general understanding that they shall cease to be obligatory so soon as the conditions upon which they were executed are essentially altered."

Mr. Hall, an English authority, thus states the case:

"Neither party to a contract can make its binding effect dependent at his will upon conditions other than those contemplated at the moment when the contract was entered into, and, on the other hand, a contract ceases to be binding so soon as anything which formed an implied condition of its obligatory force at the time of its conclusion is essentially altered. If this be true, and it will scarcely be contradicted, it is only necessary to determine under what implied conditions an international agreement is made. When these are found, the reasons for which a treaty may be disregarded will also be found."

When the authorities on international law of both Nations admit that the Hay-Pauncefote treaty is voidable, any protests by either party having for their object the enforcement of the terms of that treaty seem unnecessary. * * *

* * The United States has built the canal at an expense of nearly $400,000,000, thereby opening new routes of commerce to the world. The canal tolls have been fixed by the President of the United States, in accordance with the Panama Canal act. These tolls will not pay interest on the cost of the canal for an indefinite period, if ever, which fact eliminates the claim made by owners of foreign shipping that their ships are called upon to pay an unjust proportion of the charges for the maintenance of the canal.

The root of these protests is the fear of English and other foreign shipowners that there will be an increase in American merchant marine, which will interfere more or less with foreign carrying business. Furthermore, it is questionable if it is thoroughly understood that tolls are remitted only to vessels engaged in a trade from which foreign vessels are barred. To summarize from an American standpoint:

The Hay-Pauncefote treaty has become voidable, owing to a radical change in the conditions existing at the time of its enactment.

The canal is built in American territory.

Its construction has cost the people of the United States $400,000,000.

The maintenance, neutrality, and defense of the canal is guaranteed by the United States.

Tolls will not for an indefinite period (if ever) pay for the maintenance of the canal and interest on the cost of construction.

As a slight encouragement to strictly domestic trade, tolls on ships engaged in coastwise trade are remitted.

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[From the Bangor (Me.) Commercial.]

REPLY OF SECRETARY KNOX.

It is a strong reply that has been made by Secretary Knox in answer to the request of Great Britain for arbitration in regard to the controversy over the Panama Canal matter and will go far to correct a faulty idea of the situation that has existed in some quarters and which has led to assertions that the United States, by exempting our coastwise shipping from the payment of tolls, is violating a treaty.

The Commercial has taken the position that Congress has acted wisely in providing that the free-tolls provision should be extended to our ships in carrying out the principle of favoring coastwise trade carried in our own bottoms, and that any other position would be unfair to certain sections of our country—as, for example, a toll charge for coastwise shipping would discriminate against the great Pacific coast in its carrying trade with the Atlantic ports. As the Commercial has stated, the Pacific Coast States are taxed to pay for the canal, and it is not fair to say that American vessels from Pacific ports shall pay special charges to take a cargo to New Orleans or Galveston, for instance, when shipping from Boston or New York to those ports are not required to do so. Secretary Knox in his reply bears out the statement of the Commercial that a treaty with Great Britain does not repeal an act of Congress relating to coastwise shipping which has been long in force.

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There would be but scant opposition to the giving of free tolls to American coastwise shipping if it were not for the attitude of people in New York and elsewhere who are interested in the great transcontinental railroads. As has been remarked, if the coastwise shipping from the Pacific should be obliged to pay tolls, it would place a tax of $1.10 a ton on natural coarse products for the benefit of the transcontinental railroads, which would be enabled to add just that much more to their freight charges.

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[From the Wichita (Kans.) Eagle.]

ENGLISH VIEWS OF THE CANAL TOLLS.

Certain English newspapers profess to be greatly disturbed over the plan to make American shipping free of tolls for use of the Panama Canal, and they complain that this would be a distinct violation of the Hay-Pauncefote treaty, which, as concluded between Great Britain and the United States, provides that the use of the canal shall be enjoyed on equal terms by all shipping.

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Incidentally, it might be asked what right Great Britain had to exact such terms. That country had no rights on the Isthmus and took no part in the construction of the canal. The waterway is a purely American enterprise, financed and owned by the United States, and subject to no other jurisdiction.

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[From the Philadelphia Evening Bulletin.]

THE CANAL TOLL QUESTION.

The Panama route has been the basis for regulating the transcontinental traffic schedule and the Panama Railroad has been the determining factor in that rate. An all-water route from one coast to the other might afford a chance for real and disturbing competition. It will be hard to convince the country that this is not a pertinent reason for making the canal free to American ships. Certainly the public will not agree that the question of toll or of the rate per ton shall be determined on the basis of the transcontinental railroad interests.

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[From the Toledo (Ohio) Blade.]

PANAMA TOLLS.

There is power in bluff, particularly when nations bluff. The stir raised in European courts over the proposal in the United States that American vessels be charged a lower toll than other vessels is based almost wholly upon the hope that a little snarling, a few protests, an imposing document or two, and the speech of a cabinet officer may cause this country to exact as large a sum from those who have helped to pay for the canal as from others.

The administration contends that the canal, having been built by the United States, ought to be used for our benefit. One benefit we should reap, if we possibly can, is the restoration of the American merchant marine. To open the canal to every nation upon the same plane would be to sacrifice an opportunity. It would amount to a gift over and above the great gift of a shortened waterway for the commerce of the world. It would also be a gift that Europe can not and surely does not expect, though taking a long chance at frightening us into granting it.

The Panama Canal is ours. Why should we not do what we wish with our own?

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[From the Baltimore (Md.) Evening Star.]

AN UNFAIR REQUEST.

England's diplomats have known for months that the prevailing sentiment in this country, both in and out of Congress, is in favor of free passage through the canal for American ships, but reasonable tolls for foreign vessels using the new route.

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[From the Knoxville (Tenn.) Sentinel.]

A TOLL-FREE CANAL.

During the last generation the United States Government has expended about half a billion dollars in the improvement of our rivers and harbors. By law we have adopted as a national policy that all our waterways shall be toll free. We are expending somewhat less than this on the Isthmian Canal. It will be a national waterway, a prolongation of our coast line. Why not free it of all tolls just as we have done all public canals, harbors, and other waterways? New York is now investing $120,000,000 in the Erie Canal. * * * It will be satisfied, it will feel itself more than repaid if the Erie Canal carries an abundance of traffic diverts freights from the St. Lawrence route, and keeps down railway freight rates. The commercial rôle of the Panama Canal should be the same as that of the Erie Canal. It will join two great bodies of water on which our coastwise traffic is carried. And in addition it will open to our Atlantic and Gulf ports all the harbors of the vast Pacific.

The Panama Canal was not undertaken as a money-making enterprise.

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The South is interested in a toll-free canal because it is interested in the widest possible use of the canal.

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[From the Baltimore American.]

ENGLAND AND THE CANAL.

England is not more interested than any other country in the question of the abrogation of tolls for American ships. Under the treaty of 1903 it was, indeed, specifically agreed between the two countries that the canal should be free and open to the vessels of commerce and of war of all nations without discrimination with respect to charges of traffic or otherwise. The fact remains that in certain respects this agreement is found inapplicable. It does not apply to coastwise traffic, as this would be in the case of American shipping. Other considerations have left no doubt in the minds of American international lawyers as to the sound position of this country should it abrogate tolls for its vessels. This action would simply be a counter to the subsidies that are granted foreign vessels by their governments. The abrogation

of tolls is the only method by which the United States can equalize traffic advantages of its own ships. Great Britain seems bent upon assuming a captious stand.

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[From the Salt Lake City (Utah) Herald-Republican.]

YANKEE VESSELS SHOULD GO FREE.

If the provision in the canal treaty with the Republic of Panama guaranteeing the use of the waterway on equal terms by all nations means that American vessels shall pay whatever tolls are fixed for general observance, then Uncle Sam should arrange himself to pay those charges on American ships. It is a ridiculous absurdity that this Nation, after having gone to prodigious expense to construct this great artery of commerce and to maintain it, should assess tolls against ships of American register owned and operated by citizens of this country.

It is understood that the Spanish Government will assume the tolls for canal use by all vessels that fly the Spanish flag, and that Great Britain will undoubtedly perform the same office for English vessels. The Nation which built the canal can scarcely afford to be less alive to its own commercial interests. Such policy will not only encourage the use of American vessels by shippers, but it will stimulate American shipbuilding.

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[From the Brooklyn (N. Y.) Citizen.]

PANAMA CANAL TOLLS.

Despite what has been said on both sides regarding the British protest against the exemption of American coastwise vessels from tolls in the Panama Canal, there is no occasion for any hostile expression, still less for any hostile feeling on either side. Of the right of the United States to do as it will with its own there should not be dispute in any quarter. It owns the territory and the waterway through it.

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[From the Boston (Mass.) Post.]

TOLLS AT PANAMA.

Objections have been heard from the other side of the Atlantic to discrimination in tolls to be charged vessels passing through the Panama Canal—giving free passage to those sailing under the United States flag and requiring payment from all others. It is not likely that such a claim of equal privilege will be strenously urged.

The basis of the representation, as alleged, is that such discrimination would do violence to the provisions of the Hay-Pauncefote treaty. This, however, does not seem to hold. By the terms of that convention the United States is bound to maintain uniformity and impartiality of treatment toward the shipping of all foreign nations. It by no means follows that we must not admit our own shipping to the enjoyment of larger and special privileges in the use of our own property, erected, paid for, and maintained at the expense of our people.

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[From the Pittsburgh Bulletin.]

THE PANAMA PROBLEM.

Basing her protest upon the provisions of the Hay-Pauncefote treaty, which guarantee that no discriminations shall be practiced against the ships of any nation in the administration of the canal, England has protested against the exemption planned. America's contention is that the terms of the treaty forbid discrimination only between foreign nations, while England insists that even America, the owner of the canal, may not be favored.

To the casual observer it would seem that America is right. Surely the owner of an international utility should be able to enforce whatever regulations, not incompatible with the just law of right and wrong between nations, it desires. The contentions of the two great Nations may result in some bitterness and some controversy, but there is little probability of anything more serious. England and America can be trusted to work their differences out amicably if heatedly. It is safe to predict that America will retain full control of the canal and at the same time satisfy the contentions of the empire across the seas.

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[From the Lowell (Mass.) Courier-Citizen.]

CANAL TOLLS.

The President is of opinion that the United States has ample power to remit the tolls that will be charged for use of the Panama Canal in the case of our own shipping. He points out that the canal is ours, was built by us at our own cost, and can certainly be made the subject of charges for use. He also points out that just as other nations subsidize shipping the United States may do the same, proportioning its subsidiary in this case to the amount due from the shipping for canal tolls. It has the look of a lawyer's device, but it is difficult to see any flaw in the reasoning. In essence, of course, no matter how we manage to do it, it amounts to giving our ships a freer use of the canal, whereas foreign vessels must pay the tolls without rebate. We can see no objection to the idea, in any case.

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[From the Philadelphia Inquirer.]

NO TOLLS FOR AMERICAN SHIPS.

Both of the great parties have expressed a desire to aid American shipping. We are about to put the Republicans and Democrats of the Senate to the test.

If we permit American ships to go through the Panama Canal free of tolls, we shall be giving the best of inducements for the building up of the merchant marine.

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We are expending something like $400,000,000 in the canal enterprise. Are we to get nothing out of it? Are we to hand it over to foreign nations? England takes the view that we must. But what do the American citizens connected with the United States Senate say?

We are obligated by treaty to treat all foreign ships alike. But with our own shall we not do as we like?

There will be Senators to say that we can not. But such Senators will be found to be among those who are opposed to the development of an American merchant marine.

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[From the Pittsburgh (Pa.) Chronicle-Telegraph.]

THE CANAL DISPUTE.

The protest of Great Britain is based on the contention that the proposed free transit of American vessels through the canal will be a violation of the Hay-Pauncefote treaty, under which the canal was built. On its face this objection is untenable, since the guarantee of no discrimination in tolls which the treaty embodies can not in reason be interpreted as requiring that our Government, which owns the canal, shall be placed on the same footing in regard to tolls as foreign Governments using our property.

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[From the Houston (Tex.) Post.]

PANAMA CANAL TOLLS.

In view of the fact that the canal is being constructed wholly with American money and on soil belonging exclusively to the United States, public sentiment in this country seems to be practically a unit in favor of fixing a system of tolls that will give the advantage to American shipping making use of the canal.

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Lagging, as the United States does, behind other countries in the extent of its shipping interests, Congress should leave nothing undone within the scope of its legitimate powers to insure that Americans derive the largest possible benefit from this great waterway constructed with their money.

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[From the Bridgeport (Conn.) Standard.]

The remonstrance of England in the matter of the Panama Canal tolls hinges on the clause in the canal treaty which provides that all rules shall apply equally to all users of the canal. That American coastwise shipping ought to be exempted from such a ruling will be the general feeling, we think, in this country.

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[From the Brooklyn (N. Y.) Citizen.]

PANAMA CANAL TOLLS.

It suits some people to speak of this exemption from tolls as a subsidy, but it is not worth while to define the difference between it and the appropriation called for to build ships. It is enough to know that the revenue to be derived from the canal is to be provided by the tolls to be charged on vessels belonging to nations which have borne none of the expense of constructing the waterway, and without the toll charge would bear none of the expense of its operation.

In that view of the matter it has seemed from the first utterly ridiculous for anybody to question the right of the owners of the canal to exempt their own vessels from tolls while charging them to others, provided the revenue derived from the same is what it should be. That, more than the competition of the Suez Canal or other routes, is the question for us to settle.

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[From the Brooklyn (N. Y.) Citizen.]

CANAL TOLLS.

As to the power and right of the Government to exempt American ships from payment of the canal tolls, in spite of treaties with other nations, that is a point that admits of no dispute. The canal and the territory it traverses belong absolutely to the United States, and the Nation has a perfect right to do as it will with its own.

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[From the Portland (Oreg.) Journal.]

Every State along the Great Lakes, every State along the Atlantic, every State along the Gulf, every State on the Pacific slope, has a direct and vital interest in free tolls. Every State within reach by a waterway or by easy rail haul of the Great Lakes, the Atlantic, the Gulf, or the Pacific has a direct and vital interest in free tolls for domestic commerce.

Every State in the Union has, if not a direct, a strong indirect interest in free tolls because of the beneficial effect free tolls will have in promoting American shipping and because of the powerful influence free tolls will have in the promotion of the commercial interests of a common country.

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[From the Lockport (N. Y.) Union Sun.]

NOTHING TO ARBITRATE.

Secretary of State Knox politely tells England there is nothing to arbitrate in the Panama Canal matter. In this respect he is right.

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The elementary proposition to the American people is the fact that they built the canal with their hundreds of millions and should have some say in its management, technical constructions on treaties notwithstanding.

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[From the Brooklyn (N. Y.) Times.]

PANAMA TOLLS.

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How about the livest question now on the international carpet? Have we a right to decide for ourselves whether or not our own ships shall be handicapped so badly that they have no chance of winning in a field that we had set forth originally for our own advantage, and for which we willingly paid more than $300,000,000? Was the Panama Canal solely a piece of Quixotic altruism, and are we compelled to be restrained by the dead hands of John Hay and Sir Julian Pauncefote from gaining any advantage to ourselves thereby? That is the nub of the contention between Great Britain and ourselves. The British, who speak for nine-tenths of The Hague tribunal, say it must be so; that we are bound hand and foot by the terms of the Hay-Pauncefote treaty and the folly of our own legislators, who would not permit us to encourage our ocean shipping, as other nations do, by paying them a bounty. Since that is so, says Great Britain, we dare not even relieve them of the canal tolls, and they and their agents here say we must submit the question to The Hague tribunal.

Perish the thought! We can stand a good deal in the interests of peace, but we can not permit a packed tribunal to dictate to us how we shall or shall not utilize a public convenience that we ourselves created.

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[From the Cumberland (Md.) Times.]

CANAL MONOPOLY AND TOLLS.

As to coastwise commerce, which is carried on solely in American ships, it should be free from canal tolls. Foreign ships can not engage in such commerce, and there is no good reason why American ships should be taxed while going from one American port to another. No tax is laid by the United States upon any shipping using the internal

waterways of the country, although more money has been spent upon improving these waterways than in the building of the Panama Canal. It is no discrimination against any other nation to exempt American shipping in the coastwise business, for no other nation can engage in it. No other nation has ever suggested that the United States has not a perfect right to pass its own coastwise shipping through the canal free of tolls.

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[From the Charleston (S. C.) News and Courier.]

MR. KNOX ANSWERS ENGLAND.

We scarcely expect that the reply of the Department of State to the British protest in the canal matter will influence public sentiment in this country materially, for very few of those who have been crying out about our "betrayal" of our treaty obligations know enough of the question to be able to follow Mr. Knox's argument intelligently. It is difficult, however, to see how the English Government will be able to sustain its position longer in the face of the clear exposition made by the Secretary of State of the groundlessness of the objections which England has raised. The showing made by Mr. Knox that the canal rates were really computed upon the basis of the inclusion of all American ships engaged in the coastwise trade as well as of all other vessels would seem to dispose effectively of the only argument upon which England could base even the semblance of a claim that she was being discriminated against. * * *

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[From the Newark (N. J.) Star.]

CANAL TOLLS AND SUBSIDY.

If an American coastwise vessel trading between New York City and San Francisco, and sailing the whole distance in American waters, is subsidized because it passes free through an American canal across American territory, then an American coastwise vessel trading between New York City and Galveston is subsidized. In both cases British and other foreign ships are discriminated against in favor of American ships, for they are forbidden to engage in the coastwise trade. Whether the American vessels pay tolls or not does not in the least affect the foreign vessel. If the Panama Canal was on foreign soil and not a part of our coast line, the same as the New Jersey coast is, and we had the administration of it for all the world, the claim of Great Britain under the Hay-Pauncefote treaty would be valid, and it might justly be said that free tolls was a subsidy. But nations do not subsidize their domestic commerce, and our coastwise trade is wholly domestic.

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The question should not be permitted to be befogged with the subsidy issue. The twaddle about the "national horror" has been made ridiculous. Let Congress see in the question simply the naked right of this country to regulate its domestic commerce without foreign dictation.

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[From the Birmingham (Ala.) Herald.]

TOLLS IN THE PANAMA CANAL.

The reply of Secretary Knox to the British protest against the exemption of American coastwise shipping from Panama Canal tolls, presented by Sir Edward Grey, foreign secretary of Great Britain, was given to the public just in time to answer at every point the effort of Senator ELIHU ROOT in behalf of the combined shipping companies and transcontinental railroad companies who desire to throttle the canal. These companies do not desire to pay tolls out of love for their country, but they do want a toll sheet that will keep tramp and occasional steamers and independent lines from interfering with rates from one ocean to another.

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[From the Wheeling (W. Va.) Intelligencer.]

PANAMA CANAL TREATY.

In his reply to the British protest against the exemption of American coastwise shipping from Panama Canal tolls, Secretary Knox says that domestic coastwise trade will not be permitted to extend into competitive fields and that increased tolls will not be laid on foreign shipping to balance the remission to American ships. Surely this is fair. It would seem that it is going too far. If the canal tolls as originally fixed do not pay expenses with the exemption of coastwise trade, then the tolls laid on foreign shipping should be increased to cover the deficit. By Secretary Knox's proposition a deficit could, and naturally would, be charged to the fact that American coastwise trade pays no tolls, but no increased tolls could be laid on foreign shipping to make up the deficit.

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[From the Detroit (Mich.) Free Press.]

PROGRESS OF THE CANAL DISPUTE.

The diplomatic contest over the Panama Canal tolls proceeds with reasonable speed. Secretary Knox has delivered his reply to the British protest and Senator ROOT has rid himself of the speech that has been accumulating in his system for some weeks, as the dispatches have been informing the public.

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Congressman DOREMUS, who was prominently active in the adoption of the disputed exemptions, has very clearly pointed out in the Free Press certain vital and fatal flaws in Mr. ROOT'S position, and it will be unnecessary here to elaborate on what he has said. Most Americans, we think, will agree with him and differ with the Senator as to the international part of the argument and will, from natural instincts of patriotism, refuse to consider the possibility that a foreign nation can by any construction of a treaty secure the right to intrude upon such a matter as the treatment of American shipping by the American people in a canal constructed with American money by American skill and enterprise.

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[From the American Banker, New York.]

Is there any good reason why the United States should build a canal for the benefit of other countries? The cost of the isthmian waterway is so great that a substantial interest charge, together with sinking-fund payments, must be made each year, and it is simple justice that the burden of these payments should be placed upon the commerce of other countries which have contributed nothing toward the construction of the canal. This is a question wholly outside of the field of partisan discussion, and the proposal to make the canal free to American ships should have the hearty support of every Member of the Senate and the House of Representatives.

[From the San Francisco Call.]

NO CANAL TOLLS REPEAL WITHOUT A BATTLE ROYAL.

Say this for the transcontinental interests: They never quit trying. For years they fought against the building of the Panama Canal. Next they exhausted every resource of corporation power and ingenuity to nullify or minimize its effect upon their monopoly of domestic transportation and by adjustment of canal terms and tolls to preserve their control of the coastwise traffic borne by sea. Again they lost. Now they are busier than ever in Congress and throughout the country seeking to repeal the exemption of our coastwise shipping from canal tolls.

It is a shrewd fight, waged in masterly fashion. There is absolute silence about the provision of the canal bill excluding ships owned or controlled by the railroads. The issue is cunningly made one of national honor and international morals. Nothing is said about the plain commercial questions involved. The appeal is entirely to sentiment.

Thus it has been easy to enlist on the side of repeal the sentimentalists, but your sentimentalist is an uncertain ally. He can be depended upon to talk too much and go too far. That is happening now to the embarrassment of the interests laboring for the undoing of justice. The sentimentalists are trying to persuade the country that its future as a world power depends upon more and more intimate relation with Great Britain. They point to the menace of Germany on one ocean and of Japan on the other, and hint broadly at a defensive alliance—all this coupled with near-treasonous talk to the effect that we have not the right, under the Hay-Pauncefote treaty, to subsidize our own coastwise shipping by remission of its canal tolls.

But the battle does not seem to be going exactly as the British shipping interests, the Canadians, and the American railroads desire. It is suggested that to repeal the exemption clause is not really a backdown, but would put us in a position to negotiate with England. Thus, the Cleveland Plain Dealer:

"That there is at least basis for British dissatisfaction would probably be denied by very few Americans. Under the circumstances it would be no 'backdown' and no betrayal of national honor for Congress to pass the Root bill and postpone final action on the disputed issue till the international lawsuit has been decided."

But there is a sturdy opposition to any such construction of "national honor" as would permit Great Britain or any other nation to dictate the terms on which, if we choose, we shall subsidize our domestic commerce by sea and prescribe the manner in which we shall administer our canal, constructed with our money.

Senators O'GORMAN and NEWLANDS have answered Senator ROOT'S pro-British harangue in language that must appeal to the patriotism as well as the common sense of thoughtful Americans. In the House Mr. KNOWLAND, of California, whose efforts to protect our domestic shipping in canal legislation have been heroic and effective, is keeping up his good work.

There will be no repeal without a battle royal. And in that struggle we shall see the same railroad lobby at work that fought so bitterly last year against exemption; we shall hear some of the same Members of Congress that opposed preferential treatment for our own domestic shipping shouting for the preservation of the national honor by surrender of the Nation's greatest enterprise.

It is the same old fight waged from another angle.

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[From the Philadelphia Inquirer.]

NO BUSINESS OF ENGLAND'S.

England has no interest whatever in our coastwise trade. She, like all other foreign nations, is barred by law from participating in the coastwise steamship traffic of the United States.

This being the case, what possible interest can she have in the question of canal tolls which affect coastwise vessels only? To put it another way, what possible right has she to dictate to the United States regarding the control of the United States over American coastwise ships?

Secretary of State Knox, in his reply to England's argument, informs England in the polite language of diplomacy that it is none of her business what this Government does with its own ships.

And Secretary Knox is entirely right.

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[From the Manchester (England) Guardian.]

THE PANAMA CANAL BILL.

The amendment limiting the exemption from tolls to coastwise traffic is important for this reason: By the American navigation laws (as by all navigation laws) coastwise traffic is reserved to American registered ships. As none but American ships can make a voyage, say, between San Francisco and New York there can be no question of discrimination against other ships. This coastwise traffic was an American monopoly before the Hay-Pauncefote treaty, and a monopoly it remains, for no one has alleged that the treaty suspends the navigation laws. As America retains the monopoly, we fail to see how any question of discrimination can arise against a second party who does not exist, so far as coastwise traffic is concerned. The real grievance against the bill in its amended form is not against its morality, but something much narrower. It may with fairness be said that the American definition of coastwise traffic is so wide that it includes practically all American shipping. An American vessel may leave San Francisco, touch at Hawaii in the Pacific, double Cape Horn, call at Porto Rico, and finally discharge its cargo at New York without ever losing its coasting character. Our foreign office, when it concluded the Hay-Pauncefote treaty, should have foreseen this practical difficulty, and it could then with reason have pressed for the restriction of the American definitions of coastwise traffic to those limits which hold on European courts. There may still be a chance of so restricting the definition of coastwise traffic, and every effort should be made to use it. But if we are to hope for success we must at any rate give the United States Congress the credit for wanting to do the right thing. We must not begin to call names or stir up passion.

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[From the Washington Post.]

MR. KNOX'S CRUSHING REPLY.

Secretary Knox's note in reply to the British request for arbitration of the Panama Canal controversy throws a flood of light upon the matter. It shows that a state of facts exists quite different from the hypothetical situation imagined by Sir Edward Grey, and that upon this state of facts the United States is not discriminating against British shipping, that the Hay-Pauncefote treaty is not violated in lettter or spirit, and therefore that there is nothing to arbitrate. Mr. Knox makes the somewhat humorous suggestion that if there should

be a dispute over the facts it might be well to refer the question to a commission of inquiry in the manner provided for in the unratified arbitration treaty of August 3, 1911.

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Mr. Knox's note is a crushing answer to those Americans who have jumped to the conclusion that this Government has deliberately violated a treaty, to the injury of a friendly nation, for the sake of favoring coastwise shipping, and has then refused to arbitrate the dispute. Sir Edward Grey, whose protest unquestionably was inspired by the Canadian railroads, is clearly shown to have protested against an injury that has not been committed and which he has no right to assume will ever be committed.

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[From the New York American.]

THE EIGHT REASONS AGAINST FREE CANAL PASSAGE FOR OUR COASTWISE TRADE.

The eight transcontinental railway lines—the Great Northern, the Northern Pacific, the Union Pacific, the Southern Pacific, the Missouri Pacific, the Santa Fe, the Canadian Pacific, and the Milwaukee & St. Paul.

They fought the canal during the period of its inception and growth. Now that it is built they are fighting its service to the people who built it.

Our coastwise vessels mean the carriage of our American products from one coast of our country to another—from one side to another side—from San Francisco and the West to New York and Boston and Philadelphia and the East. We can carry those products by water cheaply and economically, and the East and the West can sell cheaply to each other if each can transport cheaply what it raises and what the other wants. This is the great compelling reason why at an enormous cost we built the canal.

The transcontinental lines never carry cheaply unless competition compels them to do so. They do not dread competition with other continental lines, because they can combine to charge the rates they prescribe. What the transcontinental lines dread is water competition. Water competition, unless they own it, compels cheap rates. When the Government owns the vital link in water competition they can not combine with it to oppress the people. Therefore the transcontinental lines dread Government-owned water competition, and they fight it in each of the many ways they know how to fight.

They are fighting now with all their might the Government's proposition to allow its coastwise vessels to pass free through the Government's great canal.

As long as they can prevent the Government from giving the freight of our coastwise vessels this exemption of $1.25 a ton through the canal, just so long can the transcontinental lines impose this $1.25 a ton upon their freight across the continent. Is it plain?

The transcontinental lines under water competition carry freight cheaply from San Francisco and Portland and Seattle to New York. But these lines charge or have charged as much to carry freight to Denver, which is halfway across the continent and has no water competition, as they charge to carry it 1,500 miles farther on to New York.

Under water competition through the Lakes and the St. Lawrence the vertical continental lines carry freight from Chicago through Atlanta and 300 miles on to Jacksonville, Fla., cheaper than they carry it to Atlanta.

When the Government put a duty on lemons to protect the fruits of California, the transcontinental lines immediately added a freight charge exactly equal to this duty on lemons and thereby destroyed the Government's consideration for a struggling industry on the Pacific coast.

And to-day the transcontinental lines are fighting to make sure that through the canal the Government has built our coastwise vessels can not bring a cargo of California fruit any cheaper than England can bring a cargo of her Asiatic goods.

These are the eight reasons against passing our coastwise vessels free through the canal. These are the eight great obstacles that have laid themselves sheer across the canal to bar free passage to our ships. These are the eight opponents that are joining with England to thwart the purpose of the Government in this vast enterprise.

The transcontinental lines—their owners, their stockholders, their agents, their officials, and their gigantic lobbies—are making the greater part of the clamor that is opposing the people in the canal and the coastwise trade.

Every reason is a selfish reason. Every argument is a selfish argument. Every plea is tainted with self-interest and insincerity.

Corporations have more selfishness than soul. They think less of patriotism than of profit. They put profits above all things, and patriotism can come in if it can find a place.

Don't misunderstand the sentiment against the canal and our coastwise vessels. Don't fail to remember the source from which it comes. Don't fail to trace the eight reasons against the canal to the eight reasoners and their railway rates.

And don't fail to refute and rebuke them all at the ballot with the simple answer of patriotism and common sense.

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[From the Providence (R. I.) Tribune.]

GREAT BRITAIN AND THE CANAL.

The protest of Great Britain regarding Panama Canal legislation * * * is entitled, of course, to most respectful consideration. It is but natural that that great maritime country should desire to have a voice in the final arrangements for the administration of this important waterway.

The vital fact should be kept in mind that the canal is an exclusively American undertaking. It is being dug by our money under the direction of our citizens, and it is only reasonable that we should provide legislation safeguarding whatever advantage accruing from the piercing of the Isthmus can properly be secured to United States citizens.

The proposed exemption from tolls is not in favor of American shipping as such, but only in favor of shipping plying between American ports. If British vessels were engaged in traffic between American ports they would, by the proposed legislation, be just as much entitled to the exemption as American vessels were engaged in traffic between such traffic, and hence can not hope for the exemption, is because of a shipping law of ours a century old which embodies a national policy. Can we reasonably be asked to abandon that policy and repeal that law on account of the Panama Canal? What Great Britain is really asking is not protection against discrimination at Panama alone but admission into our coastwise traffic on terms of equality.

We may listen to the British appeal, of course, with due courtesy, but it does seem that what is really asked is rather extravagant. Indeed, it will very likely be found that Great Britain is more interested in the bills concerning railroad-owned ships.

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[From the Portland (Oreg.) Journal.]

FREE TOLLS.

It is possible that Congress may commit an unpardonable blunder with reference to canal tolls.

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The canal is one national opportunity to benefit almost every State. The East wants Pacific coast lumber, fruit, and other products. It can not get them now at living prices, because the railroads can not afford to haul them at rates to justify their shipment.

The Pacific coast wants eastern manufactured products at prices that do not make them prohibitive. There is scarcely a section of the Union that will not profit in lowered freight rates if the canal tolls are made free to American coastwise shipping. There is scarcely a community in the Union that will not suffer if the tolls are placed so high as to make the canal noncompetitive.

The East, the North, the South, the Middle West, and the Pacific coast are all vitally interested in free tolls. Free tolls will be stimulus for a country-wide development of waterway commerce. They will favorably affect the Lake States, the Mississippi States, the Gulf States, the Atlantic States, and the Pacific States.

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Public sentiment, voiced by public bodies and otherwise, should thunder at the doors of Congress. That body should not be permitted to make the paramount blunder of imposing tolls at Panama that will drive the remnant of our coastwise shipping from the ocean.

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[From the Salt Lake City (Utah) Tribune.]

PANAMA CANAL TOLLS.

The only workable point in the claim that the United States must make no discrimination as to tolls through the Panama Canal is in this, that it must make no discrimination as between the vessels of other nations, whatever it may do with regard to vessels of our own. That is all that the world is entitled to claim of us on any fair or businesslike basis. The notion that we can be barred from doing what we will with our own after an expenditure of $400,000,000 to construct that canal is both unreasonable and fantastic. It would, indeed, be a serious assault upon common sense for any nation to come forward with the plea that it had just as much right in the Panama Canal for its vessels as we have there ourselves for our own. It would seem as though the mere statement of the case ought to be enough to refute the claim of common use on equal terms by all the nations of the earth.

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[From the New Orleans (La.) Times-Democrat.]

CANAL TOLLS AND PLATFORMS.

Within the past few days, we are glad to note, the supporters of the Panama Canal act have been coming to its defense. For a month or more its opponents have been exceedingly busy. The clause exempting coastwise commerce from payment of canal tolls has been vigorously attacked in public addresses, in tracts, and by personal letters. Its enemies are well organized and their campaign seems to be well financed. Its defenders paid little attention to the attack until Senator ROOT delivered his philippic in the Senate and Representative ADAMSON journeyed to Trenton with the hope of winning over the President elect to the Root view.

Since then the discussion has not been so one-sided. Senators O'GORMAN and MARTINE made vigorous reply in the Senate to Mr. ROOT. Secretary KNOX, in his note to the British Government, corrected the misstatements upon which the antiexemption propagandists have builded much of their argument. President Taft reiterated his belief that the exemption should be retained and is not a violation of the treaty.

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It was Senator O'GORMAN, we believe, who called attention to the fact that the easement to coastwise commerce was a part of the Democratic Party's contract with the voters. The Baltimore platform specifically declared for "the exemption from tolls of American ships engaged in coastwise trade passing through the Panama Canal." So did the platform of the Progressives. The Republican platform was silent upon the issue. So far as the question has been submitted to the people, then, the popular expression has been overwhelmingly in favor of the exemption. There have been no new developments since that expression. The allegation that the exemption would be violative of the treaty was exhaustively discussed in both Houses. There is room for an honest difference of opinion on that point, but it is one to be dealt with for the present through diplomatic channels. Meanwhile it is pleasant to note that the effort of the antiexemption propagandists to stampede public opinion by extravagant speech and by parading mere expressions of opinion as facts is being met by careful and well-considered arguments from the champions of exemption.

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[From the Los Angeles (Cal.) Times.]

SENATOR ROOT ON THE TREATY.

The distinguished statesman-Senator from New York has deserved so well of his country and performed so many valuable services to it that much may be tolerated from him. But the Times regrets that he has taken very advanced ground and used very strong language in support of his demand that Congress shall either repeal the Panama Canal law or submit it for arbitration to The Hague tribunal.

The Senator is evidently carried away with his subject when he intimates that the United States is "false to its agreements and false to its pledged word," and is "astute, cunning, and slippery."

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"On the representations made in the Hay-Pauncefote treaty," continued the Senator, "Great Britain relinquished her right to all control over the future of the Panama Canal."

"Her right." Where did she get any right to control over the future of the Panama Canal? What member of her foreign office ever negotiated with the United States of Colombia or the Republic of Panama with respect to the construction of a canal? What surveyor employed by her ever planted a theodolite in the swamps of Colon? Did she ever expend a shilling in a preliminary examination of a Panama route?

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Congress, it is to be hoped, will not repeal the Panama Canal law. President Taft, the Times trusts, will not undo what he has done, and

it is not believable that President Wilson will smite all the traditions of Democracy in the face and crouch at the feet of Sir Edward Grey. At all events the Times insists that it would be a piece of folly to submit the question to the arbitrament of The Hague—a jury packed against us. That would be self-stultification on our part, and self-reversal would be infinitely preferable. We can not arbitrate whatever we may do in this case.

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[From the Wichita (Kans.) Eagle.]

The real competitors to American coastwise shippers are not British ships but American transcontinental railroads.

The whole United States has sanctioned and rejoiced in the enormous expense of building the Panama Canal on an idea that the west coast and the east coast would be united by a cheaper interchange of traffic than is being afforded by the transcontinental railroads.

Great Britain's mighty marine, built up by a subsidy, traverses the high seas of the world. But this coastwise traffic is of infinitely less concern to international traffic than it is to the movement of freight from one domestic border to another.

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[From the Buffalo (N. Y.) Enquirer.]

MISDIRECTED FIRE.

If Sir Edward Grey can not think up all the points to offer in reply to Secretary Knox he can discover the remainder by studying the columns of sundry American newspapers. These journals supply all that Sir Edward's ingenuity and acumen may lack.

Instead of massing their argument behind the British foreign secretary, the American opponents of the exemption of American coastwise shipping from the payment of Panama Canal tolls would do better to concentrate on points more likely to have effect on Congress. Prating that the national honor will be sullied by running our own shipping in our own trade through our own canal in our own way will not have overwhelming effect on national policy.

The strong points are that the exemption is a subsidy, and that a new monopoly should not be created when the country is trying to extinguish monopoly. Congress is afraid of the subsidy and monopoly cries. It has little fear of clamor backing the proposition that any other nation can tell us what not to do in our own affairs. Sentiment for the repeal of the exemption for our own purposes is easier to arouse than sentiment for yielding to British pressure to suit British purposes.

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[From the Pittsburgh (Pa.) Press.]

KNOX'S REPLY TO ENGLISH GOVERNMENT.

American public opinion is so fully convinced that this country is in the right in the canal-tolls dispute with England, and has such well-grounded suspicions that the whole English contention is in the interest of the English stock and bondholders in the Canadian Pacific and other Pacific railroads, that popular interest in the notes exchanged between the foreign offices of the two countries is not keen.

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[From the Pittsburgh (Pa.) Chronicle-Telegraph.]

CANAL LEGISLATION.

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In suggesting the repeal of the exemption clause in the canal bill Mr. ROOT asks something more than Congress can do without, in a measure, stultifying itself. The way out of the difficulty that has arisen is clearly through arbitration, and considering that our Government stands practically pledged to the arbitration principle, it will be strange if Congress should demur to this mode of settlement. The first consideration is to maintain the national prestige by making good a treaty obligation deliberately contracted. The time for discussing the advisability of undoing that obligation will come later on.

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[From the Scranton (Pa.) Times.]

NOTHING TO ARBITRATE.

Good for Philander Knox. Good Americans will agree with him he is right, in his reply to Sir Edward Grey in the matter of the Panama Canal tolls, in bluntly declaring our Government does not agree with the Grey interpretation of the Hay-Pauncefote or Clayton-Bulwer treaty.

* * * * * * *

We have had too much Tory toadyism and maudlin peace in the Panama Canal business. The canal is an American enterprise, built with American money and on American soil, and the American Republic proposes to rule and govern the canal without foreign advice or interference, as long as we stand within our rights and international law.

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[From the Washington Herald.]

SHOULD DISCUSS THE TREATY.

Of Secretary Knox's note replying to the British complaint that the Panama Canal act violates the Hay-Pauncefote treaty, the Pall Mall Gazette says:

"Coming from any other country than the United States Mr. Knox's reply would be deeply resented. We know, however, that American statesmen never have caught the trick of diplomatic courtesy as it is understood in Europe, so therefore we are indisposed to lay stress upon mere crudeness of language."

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Another London newspaper, the Westminster Gazette, says, "Mr. Knox's reply does not bolt the door, but it scarcely can be said to be satisfactory."

Well, what would have been satisfactory? An admission by the American Secretary of State that the Panama Canal act does contravene the treaty and a promise forthwith to repeal it? Or immediate acceptance of the British proposal of arbitration without any effort to attain a diplomatic settlement? Apparently from the British standpoint only that is satisfactory which is favorable to Great Britain.

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[From the Portland (Oreg.) Oregonian.]

WHY ALL THIS HULLABALOO?

Secretary Knox's reply to the British protest against the Panama Canal law whittles the points in dispute down so small that one is inclined to exclaim, "Why all this hullabaloo?"

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Had not the interests of Canadian railroads in poaching on American commerce been adversely affected there would have been no British protest. Had not American financiers seen that toll exemption would intensify water competition with transcontinental railroads they would not have backed the protest. The controversy is not really between the American and British Governments; it is between the American people on the one side and the railroads, Canadian and American, on the other, which are using the British Government to fight their battles.

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[From the Newark (N. J.) Evening Star.]

KNOX SETTLES THE PANAMA TOLLS.

Those newspapers that have been upholding the British and the American railroad idea of our national obligations at Panama have been laughably put out of countenance by the reply of Secretary Knox to the clumsy note of protest from the British foreign minister. The Secretary completely riddles the British pretensions, knocks the Root logic into smithereens, and takes all the starch out of the Tory newspapers. It is diverting to read their editorial comments on the Secretary's reply, which really leaves them nothing to say, for it exposes all their sham sentiment and convicts them either of imbecility or unpatriotic motive to sacrifice the national interests in the Panama Canal to foreign dictation and corporate greed at home. Secretary Knox's exposition of the case virtually settles it.

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Resolutions passed at meeting of the Savannah (Ga.) Cotton Exchange.

Whereas the building of the Panama Canal was undertaken by the people of the United States in pursuance of the great national policy, amongst other things, of providing for the national defense, of opening up the shortest possible water route between the respective coasts of the United States and foreign countries, to provide, through natural methods and to prevent monopoly of transportation, means for transportation between the various sections of the foreign nations, and, incidentally, to encourage the upbuilding of a now decadent merchant marine: Be it

Resolved, That it is the sense of this meeting that there should be no tolls charged through the canal to coastwise vessels flying the United States flag.

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Be it finally resolved, That the Congress should make careful and thorough investigation for the purpose of extending, if possible, free tolls through the canal to all vessels flying the flag of the United States, whether engaged in coastwise or foreign commerce.

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J. J. GAUDEY,
Secretary and Superintendent.

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Resolution of Superior Commercial Club, of the city of Superior, Wis.

Resolved, That it is the sense of this club that American waterways and harbors continue to be free, and that American vessels engaged in coastwise traffic shall be entitled to passage through the Panama Canal free of tolls and charges.

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ROY B. LEWIS, *Secretary.*

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Resolution unanimously adopted by the board of directors of the San Francisco Chamber of Commerce.

Whereas on October 11, 1911, a conference of the Pacific Coast Chambers of Commerce and the Pacific Coast congressional delegation adopted a resolution indorsing the proposition that no tolls be charged through the Panama Canal to vessels coastwise flying the American flag; and

Whereas the board of directors of the San Francisco Chamber of Commerce, on December 8, 1911, approved the position taken by the conference and adopted the following resolution: "*Resolved*, That no tolls should be charged by the United States Government on vessels using the Panama Canal on voyages between the Atlantic and Pacific ports of the United States": Therefore be it

Resolved, That the San Francisco Chamber of Commerce hereby expresses itself as in full accord with the position taken by the Hon. Philander C. Knox, Secretary of State, in his reply to the protest of Great Britain against the exemption of American coastwise shipping from Panama Canal tolls.

I hereby certify that the above is a true and correct copy of resolution unanimously adopted by the board of directors of the San Francisco Chamber of Commerce on January 31, 1913.

D. M. KING,
Executive Secretary San Francisco Chamber of Commerce.

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Preamble and resolutions adopted by the Cincinnati Chamber of Commerce and Merchants Exchange.

Whereas the Cincinnati Chamber of Commerce, through its authorized representatives, has heretofore expressed the view that American ships engaged in coastwise commerce through the Panama Canal should be passed free of tolls; and

Whereas we believe that all of the waterways of the United States, including the canal, should be so managed as to provide and to assure the greatest possible advantage to the people of this Nation; and

Whereas the modern developments of transportation demand a complete coordination between the movements of freight by water and by land: Therefore be it

Resolved by the Cincinnati Chamber of Commerce and Merchants Exchange, That we hereby reaffirm our position in favor of permitting American vessels engaged in coastwise commerce to use the Panama Canal free of tolls.

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W. C. CULKINS,
Superintendent and Executive Secretary.

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Los Angeles Chamber of Commerce indorses Secretary Knox's position.

The Los Angeles Chamber of Commerce, after careful consideration by board of directors and subsequently almost unanimous post-card vote membership, is in favor of free tolls through Panama Canal for American shipping engaged in the coastwise trade, reiterates its position upon question, and approves position taken by Secretary of State

Knox in his reply to protest of Great Britain against exemption of American coastwise shipping from Panama Canal tolls.

LOS ANGELES CHAMBER OF COMMERCE.
H. Z. OSBORNE, *President.*

Resolutions adopted by New Orleans Progressive Union, February 9, 1912.

(1) The New Orleans Progressive Union indorses the proposition that American vessels engaged in coastwise trade shall pay no tolls in passing through the Panama Canal.

(2) Should it be found necessary that American ships engaged in foreign trade shall pay tollage, the United States Government, by drawback, rebate, or otherwise, shall refund amount to such American vessels.

Resolutions adopted by Central Labor Council of Portland, Oreg., October 10, 1911.

Resolved, That it is the sense of this meeting that there should be no tolls charged through the canal to vessels coastwise flying the American flag.

Resolutions adopted by the Merchants' Association of New York.

Whereas the United States, by act of Congress, passed in 1884, made the following declaration of policy regarding tolls or charges relative to waterways acquired or constructed by the Federal Government: "No tolls or operating charges shall be levied upon or collected from any vessel, dredge, or other water craft for passing through any lock, canal, canalized river, or other work for the use of and benefit of navigation now belonging to the United States, or that may be hereafter acquired or constructed"; and

Whereas, under that policy, which is still in operation, the United States has expended on local waterway developments nearly $700,000,000 at the general expense of the whole country; and

Whereas the Federal Government, in addition to its vast expenditures of public funds upon internal and seacoast waterways, for the use and benefit of all sections and of all the people, free from imposition of tolls or charges for the use thereof, has also made vast grants of public lands of incalculable present value to the transcontinental railways to promote their construction and the interests of the whole country, especially of the sections which they directly serve; and

Whereas the Panama Canal is constructed primarily because of the military and economic necessities of the entire United States, and when completed will be of direct commercial benefit to a larger area of the country than any other waterway ever constructed or improved by the Federal Government; and

Whereas the extension of the general policy of freedom from tolls to the domestic coastwise commerce of the United States passing through the Panama Canal can not create a discrimination against any other nation or its citizens or subjects in respect to the conditions or charges of traffic or otherwise because of the fact that no such nation has been or now is permitted by law to engage in such coastwise commerce, which law was in operation and contemplation at the time of the negotiation and ratification of the Hay-Pauncefote treaty; and

Whereas the provision of the Hay-Pauncefote treaty appears to relate to the avoidance of discriminations between the nations and therefore does not pertain to our domestic coastwise trade, in the treatment of which there can be no such discrimination as prohibited in said treaty: Now therefore be it

Resolved, That the report of the special committee on tolls on coastwise commerce passing through the Panama Canal, dated February 26, 1912, be, and hereby is, approved; and be it further

Resolved, That the Merchants' Association of New York opposes the proposition of imposing any tolls whatsoever upon the domestic coastwise commerce of the United States passing through the Panama Canal, unless it be determined by competent authority that the imposing of such tolls is required in fulfillment of our treaty obligations.

Resolutions adopted by the Maritime Association of the Port of New York, July 12, 1912.

Whereas from present indications the Panama Canal will be ready for use by merchant shipping in about two years' time; and

Whereas it is necessary that those contemplating the operation of vessels through the canal should be informed at the earliest possible moment regarding the regulations that will govern said operation, so that sufficient time will be given to conform with every requirement: Therefore be it

Resolved, That Congress be strongly urged to enact at this session such legislation as will enable the President to fix the tolls to be charged for the use of the canal, it being the consensus of opinion of this committee that in the fixing of said tolls American vessels should be exempted from all charges.

Resolutions adopted at the forty-second annual meeting of the National Board of Trade, Washington, D. C.

Whereas the Government of the United States is constructing, entirely at its own cost, the Panama Canal, for the benefit of its own people, as a military measure for the naval protection of either coast in time of war and for facilitating its domestic and foreign commerce, as well as for the furtherance of the commerce of the world;

Whereas the coastwise commerce between ports of the United States is confined by law to vessels registered under the American flag, so that regulations established by the Government of the United States for the use of the canal by such vessels will not conflict in any way with the treaty obligations of the United States with other nations;

Whereas there is a great and growing demand for cheaper and freer interchange of commodities between the States of the Pacific slope on the one hand and those bordering on and tributary to the Atlantic and Gulf coasts, including all the States along the Mississippi and its navigable branches, on the other;

Whereas the opening of the canal, through the continuous and direct water transportation it will afford, will give the people of this country opportunities to interchange commodities of the different districts to an extent heretofore found impossible, and thus will reduce the cost of a large number of articles of daily use and necessity;

Resolved, That the National Board of Trade urgently recommends that vessels engaged in domestic commerce between ports of the United States shall be granted preferential tolls in passing through the Panama Canal.

Resolution adopted by Philadelphia Chamber of Commerce.

Whereas the Government of the United States is constructing, entirely at its own cost, the Panama Canal for the benefit of its own people as a military measure for the naval protection of either coast in the time of war and for the facilitation of its domestic commerce as well as for the furtherance of the commerce of the world;

Whereas the coastwise commerce between the ports of the United States is confined by law to vessels registered under the American flag, so that regulations established by the Government of the United States for the use of the canal by such vessels will not conflict in any way with the treaty obligations of the United States with other nations;

Whereas there is a great and growing demand for cheaper and freer interchange of commodities between the States of the Pacific slope on the one hand and those bordering on and tributary to the Atlantic and Gulf coasts, including all the States along the Mississippi and its navigable branches, on the other;

Whereas the opening of the canal, through the continuous and direct water transportation it will afford, will give the people of this country opportunities to interchange commodities of the different districts to an extent never contemplated before, and thus will reduce the cost of a large number of articles of daily use and necessity;

Whereas ample precedents exist for exempting the domestic commerce of the United States from the payment of tolls for passage through the canal; and

Whereas the operation of the canal under this condition will greatly stimulate and increase American shipping:

Resolved, That the Philadelphia Chamber of Commerce urgently recommends that vessels engaged in domestic commerce between ports of the United States shall be granted free passage through the Panama Canal.

Resolutions adopted by commercial bodies of the State of Washington, November 3, 1911.

Whereas the building of the Panama Canal was undertaken by the people of the United States in pursuance of a great national policy, amongst other things to provide for the national defense; to open up the shortest possible water route between the ports of the United States and between the United States and foreign countries; to prevent monopoly of means of transportation between the various sections of the Union; and to provide such transportation to the people of the United States at the lowest possible cost; to build up and expand commerce with foreign nations; and, incidentally, to encourage the upbuilding of a now decadent merchant marine; and

Whereas it is of the utmost importance to the State of Washington, and to all the States bordering on the Pacific Ocean, that their products—lumber, shingles, salmon, fruits, hops, wool, and other products—be most widely distributed at the least possible expense throughout the United States: Now therefore be it

Resolved by the following civic bodies of the State of Washington, viz: The New Seattle Chamber of Commerce, the Tacoma Commercial Club and Chamber of Commerce, the Olympia Chamber of Commerce, the Bellingham Chamber of Commerce, the Everett Chamber of Commerce, the Port Townsend Commercial Club, the Aberdeen Chamber of Commerce, the Hoquiam Chamber of Commerce, the Bremerton Commercial Club, the Raymond Commercial Club, through their representatives in conference assembled, That there should be no tolls charged through the Panama Canal to vessels flying the American flag engaged in coastwise traffic of the United States.

Resolution adopted by directors of Industrial Association of Keokuk, Iowa.

Whereas the American people are building the Panama Canal for the good of the Nation; therefore any toll levied on American domestic commerce passing through the canal would be a direct and unjust tax to be paid by the people on every pound of freight moving, whether by water or by rail, between the east and west portions of our country.

Resolutions of Junior Order United American Mechanics.

Hon. JOSEPH R. KNOWLAND,
House of Representatives, Washington, D. C.

DEAR SIR:

Whereas England, through her foreign minister, Sir Edward Grey, has presented a second formal note of protest against the Panama Canal act exempting coastwise ships from tolls, contending that the said exemptions would not comply with the stipulations of the Hay-Pauncefote treaty, that the canal should be open on terms of entire equality, and that the charges should be just and equitable; and

Whereas the foreign minister's note asks that the question be taken to The Hague for arbitration, and also suggests that the repeal of said American law would probably be even more expeditious; and

Whereas the said protest has created in certain quarters fresh opposition to the Panama Canal tolls law; and

Whereas the Panama Canal has been built by the United States, which owns and controls both the canal and adjacent territory; and

Whereas one of the cardinal principles of the Junor Order United American Mechanics is to bear true allegiance to the institutions, Constitution, and laws of the United States: Therefore be it

Resolved, That while we deplore the British point of view as to the interpretation of the Hay-Pauncefote treaty, we fervently believe and regard, far and above any treaty, the Constitution of the United States, which provides that Congress has exclusive and plenary power to regulate the interstate and foreign commerce of the United States, and that as American native-born citizens we would deem it incongruous and disastrous for the United States to agree to submit to arbitration a purely American problem to be passed upon by European judges; and be it further

Resolved, That we, members of General George A. Custer Council, No. 22, Junior Order United American Mechanics, of Oakland, Cal., urge our representatives in Congress to stand faithful and fast to the ground heretofore taken in the Panama Canal act; and that copies of these resolutions be forwarded to Senators GEORGE C. PERKINS and JOHN D. WORKS, and to our Congressman JOSEPH R. KNOWLAND.

The foregoing was unanimously adopted by Custer Council, No. 22, Junior Order United American Mechanics, in regular session January 7, 1913.

H. J. HAESLOOP, *Councilor.*
JAS. A. DE POY, *Secretary,*
2019 Filbert Street.

Resolutions of Seattle (Wash.) Chamber of Commerce.

The trustees of the Seattle Chamber of Commerce, in special session, resolved that the chamber express itself as in full accord with position taken by Hon. Philander C. Knox, Secretary of State, in his reply

to protest of Great Britain against exemption of American coastwise shipping from Panama Canal tolls.

J. E. CHILBERG, *President.*

Resolutions adopted by the New York Board of Trade and Transportation, December 13, 1911.

Whereas the Panama Canal is being constructed by the United States Government and the people of the United States are paying the whole cost theerof, and will be obliged to pay the cost of maintenance and repairs, whether the revenues are adequate or not; and

Whereas the people of the United States have entered upon this great work chiefly for the benefit that it will be to our own commerce; and

Whereas the construction of the Panama Canal by the United States will not give to the American people the full measure of benefits they are entitled to if our commerce is compelled to pay the same tolls that other peoples are required to pay: Therefore

Resolved, That, having expended so large a sum in constructing the Panama Canal, the people of the United States are entitled to receive the fullest possible advantages therefrom; that other nations should be permitted to use the canal upon reasonable terms alike to all; that American vessels in the foreign trade should pay the same tolls as vessels of other nations, unless existing treaties would permit such American vessels to pass free; that the commerce of the United States passing between United States ports should be allowed free passage through the Panama Canal in all ships of American registry and should be regarded and regulated as coastwise commerce of the United States.

Resolved, That we petition the Government and Congress of the United States to give the most serious consideration to the enactment of laws declaring commerce between American ports passing through the Panama Canal as coastwise commerce of the United States and free of tolls, and if treaty provisions or commercial conventions which have provisions for termination by notice from either party will permit, to also consider the making of the Panama Canal free to all vessels of American registry.

Resolutions adopted by the resolutions committee of the Waterway Conference of the Southern Commercial Congress, and unanimously approved and adopted by the Southern Commercial Congress at its convention at Nashville, Tenn.

We favor the adoption of a law by Congress granting the use of the Panama Canal to American ships engaged in coastwise commerce free of toll and the prevention of the use of the canal by any steamship line owned or controlled by a railway or any monopolistic interest.

We favor such legislation as is necessary to induce the construction of a merchant marine for the United States and the carrying of American commerce in American ships under the American flag.

Resolutions passed at meeting of the Mobile (Ala.) Chamber of Commerce and Business League, held Monday, March 18, 1912.

Whereas the building of the Panama Canal was undertaken by the people of the United States in pursuance of the great national policy, amongst other things, of providing for the national defense; of opening up the shortest possible water route between the respective coasts of the United States and foreign countries; to provide, through natural methods and to prevent monopoly of transportation, means for transportation between the various sections of the foreign nations and incidentally to encourage the upbuilding of a now decadent merchant marine: Be it

Resolved, That it is the sense of this meeting that there should be no tolls charged through this canal to vessels coastwise flying the American flag.

Resolution adopted by Board of Trade of Tampa, Fla.

Whereas the Government of the United States has expended nearly $700,000,000 for the improvement of rivers and harbors and the construction of canals, and by act of Congress, passed 1884, declared as follows: "No tolls or operating charges shall be levied upon or collected from any vessel, dredge, or other water craft for passing through any lock, canal, canalized river, or other work for the use and benefit of navigation now belonging to the United States, or that may be hereafter acquired or constructed"; and

Whereas the Panama Canal was built by American money, American genius, and American enterprise, and with the understanding by the American people that the canal would be operated for their benefit, primarily because of the military and economic necessities of the entire United States and for commercial benefit of the whole country; and

Whereas the imposition of tolls or charges for the use thereof of American boats engaged in American commerce would in many instances prohibit the shipping of American products from coast to coast, the interchange of products of the Pacific and the Atlantic and the Gulf, therefore defeating the very ends for which the American people indorsed the tremendous project and the expenditure of nearly a half billion of American dollars in the building of the Panama Canal: Therefore be it

Resolved, That * * * preferential treatment may be accorded American vessels of commerce, or at least those engaged in the coastwise trade.

* * * * * * *

[SEAL.] F. C. BOWYER, *President.*
Attest:

W. B. RIVELL, *Secretary.*

Recommendations of Railroad Commission of California in re Panama Canal bill.

After a public hearing and a careful investigation into the law and the facts, the Railroad Commission of the State of California makes the following recommendations in the matter of the Panama Canal: * * *

We recommend that American shipping engaged in coastwise trade through the canal be exempt from the payment of tolls.

We recommend that American shipping engaged in foreign trade and using the Panama Canal be likewise exempted from the payment of tolls or that subsidies equivalent in amount, at least, to those paid by other Governments to their ships using the canal be provided by the United States.

Otherwise, the United States, which built the canal at a tremendous outlay, will be the only nation whose vessels are sailing through the canal without Government assistance. We do not believe that there is anything in the Hay-Pauncefote treaty to prevent such action on the part of the United States. The treaty provides that the rules of neutralization to govern the canal are to be substantially the same as those which govern the use of the Suez Canal. The vessels of Great Britain and other nations using the Suez Canal receive subsidies from their Governments, and no one has ever contended that the principle of equality in the use of the canal is thereby violated. In the same way the United States can clearly pay subsidies to her vessels using the Panama Canal, and what she can do directly by the payment of subsidies she certainly can do indirectly by the remission of tolls in the same amount.

We respectfully direct the attention of California's Representatives in Congress. * * *

JOHN M. ESHLEMAN,
H. D. LOVELAND,
ALEX GORDON,
MAX THELEN,
E. O. EDGERTON,
Railroad Commission of California.

Resolution of the Oakland (Cal.) Chamber of Commerce.

Resolved, That Oakland Chamber of Commerce urges upon Congress such laws as will exempt from canal tolls all ships sailing under American flag engaged in coastwise traffic.

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OAKLAND CHAMBER OF COMMERCE,
A. A. DENNISON, *Secretary.*

Resolution of the San Jose (Cal.) Chamber of Commerce.

The board of directors of the San Jose (Cal.) Chamber of Commerce unanimously passed the following resolution:

"*Resolved*, That this chamber of commerce * * * strongly urge upon the Senators and House of Representatives the enactment of laws that will exempt from canal tolls all ships sailing under the American flag engaged in coastwise traffic."

Yours, very respectfully,

JOS. T. BROOKS,
Secretary-Manager.

Resolutions unanimously adopted by the Lakes-to-the-Gulf Deep Waterways Association.

The policy of free waterways is fundamental with the American people, and hence this association declares that this principle should be extended to our coastwise trade through the Panama Canal.

Resolutions unanimously adopted by the National Rivers and Harbors Congress, consisting of over 1,200 delegates, representing every State in the Union.

We submit that waterways improved or created by the Federal Government by the use of money contributed by the whole people of the United States should be free for the use of American ships in fair and open competition and on equal terms, without the payment of tolls, but we contend that a water carrier owned, controlled, or operated by a competing land carrier is unfair competition, and in order to preserve to the whole people the benefits of continued fair competition so that the beneficent influence of open waterways shall not be nullified by hostile interests, we recommend the enlargement of the powers of the Interstate Commerce Commission, to the end that the commission may more effectually regulate competing land and water carriers and competing water carriers and provide for the interchange of traffic.

Resolutions adopted by Boston Chamber of Commerce.

Whereas the Government of the United States is constructing, entirely at its own cost, the Panama Canal for the benefit of its own people as a military measure for the naval protection of either coast in time of war, and for the facilitation of its domestic commerce as well as for the furtherance of the commerce of the world;

Whereas the coastwise commerce between ports of the United States is confined by law to vessels registered under the American flag, so that regulations established by the Government of the United States for the use of the canal by such vessels will not conflict in any way with the treaty obligations of the United States with other nations, and particularly with Great Britain;

Whereas there is a great and growing demand for cheaper and freer interchange of commodities between the States of the Pacific slope, on the one hand, and those bordering on and tributary to the Atlantic and Gulf coasts, including all the States along the Mississippi and its navigable branches, on the other;

Whereas the opening of the canal, through the continuous and direct water transportation it will afford, will give the people of this country opportunities to interchange commodities of the different districts to an extent never dreamed of before, and thus will reduce the cost of a large number of articles of daily use and necessity to the consumer;

Whereas ample precedents exist for exempting the domestic commerce of the United States from the payment of tolls for passage through the canal; and

Whereas the operation of the canal under this condition will greatly stimulate and increase American shipping:

Resolved, That we urgently recommend that vessels engaged in domestic commerce between ports of the United States shall be granted free passage through the Panama Canal.

Resolutions passed by delegates representing the various chambers of commerce of the Pacific coast held in San Francisco, Cal.

Whereas the building of the Panama Canal was undertaken by the people of the United States in pursuance of a great national policy, amongst other things of providing for the national defense, of opening up the shortest possible water route between the respective coasts of the United States and foreign countries, to provide through natural methods and to prevent monopoly of transportation means for transportation between the various sections of the Union at the lowest possible cost, to build up and expand our commerce with foreign nations, and, incidentally, to encourage the upbuilding of a now decadent merchant marine: Be it

Resolved, That it is the sense of this meeting that there should be no tolls charged through the canal to vessels coastwise flying the American flag.

Mr. HAUGEN. Will the gentleman from Virginia [Mr. LAMB] yield some of his time?

Mr. LAMB. I yield 15 minutes to the gentleman from Texas [Mr. YOUNG].

Mr. YOUNG of Texas. Mr. Chairman, during the year 1912 the farm lands in every section of our glorious country have truly "blossomed as the rose." To use the language of Mr. Secretary Wilson, in his report for the year's activities, it has been the most productive of all years. Earth's greatest dividends have been yielded to us. The reward is a high general level of production. The man behind the plow has filled the Nation's larder, crammed the storehouses, and will send liberal supplies to foreign countries.

During the consideration of the supply bill for the Department of Agriculture, it seems to me right and proper that this Congress, acting for 96,000,000 of people, about one-third of whom reside on the farm, should at least devote a few hours of time in considering the farmer as our Nation's chief asset. In this connection, I call to the attention of this House some impressive figures taken from Mr. Secretary Wilson's report for the past year.

Based on the census item of wealth production on farms, the grand total for 1912 is estimated to be $9,532,000,000. Being an increase of more than twice the value of the wealth produced on farms in 1899, and about one-eighth more than the wealth produced in 1909. This is the record for some of the leading products of the farm for the year 1912:

Corn, 3,169,000,000 bushels, value $1,759,000,000; hay, 72,425,000 tons, value $861,000,000; cotton, including both lint and seed, estimated value $860,000,000; wheat, 720,333,000 bushels, estimated value $596,000,000.

Oats, 1,417,172,000 bushels, of the estimated value of $478,000,000.

Potatoes, 414,289,000 bushels, of the estimated value of $190,000,000.

Barley, 224,619,000 bushels, of the estimated value of $125,000,000.

Tobacco, 959,437,000 pounds, estimated value $97,000,000.

Flax seed, 29,755,000 bushels, estimated value $39,000,000.

Rye, 35,422,000 bushels, estimated value $24,000,000.

Rice of the estimated value of $20,000,000.

Buckwheat, 19,124,000 bushels, of the estimated value of over $12,000,000.

Hops, 44,500,000 bushels, of the estimated value of $11,000,000.

Beet sugar, cane sugar, molasses, maple sugar, etc., of the value of $117,000,000.

Dairy products, $830,000,000.

Poultry and eggs, $570,000,000.

Wool, 318,548,000 pounds, valued at $55,500,000.

Animals sold from the farm and slaughtered on the farm, 111,000,000 head, estimated farm value $1,930,000,000.

Mr. Chairman, these figures, as taken from the annual report of Mr. Secretary Wilson, are of such large proportions that the average mind can not grasp the full significance of the stupendous wealth that flows from the farm and that comes to bless our millions of people.

Truly, it would seem that we should congratulate ourselves that we are in a land of plenty—that verily flows with milk and honey.

Mr. Chairman, the farmer, being the Nation's chief asset, from whom comes the very basis of all our prosperity, has not fared so well at the hands of Congress as have those in other sections of our country and following other pursuits.

I want to say here, speaking as a man who comes from an agricultural district, and knowing how receptive the farmer is as to all matters of information that are sent to him from the Federal Government through bulletins and otherwise, I think there is no more appreciative citizen in this country of ours than the one on whom we must depend for our livelihood.

Do you know, Mr. Chairman, that as a new Member of Congress, I came here imbued with an idea gathered directly from the controlling sentiment of an agricultural community, that there ought to be economy in the administration of the affairs of the National Government; and I still adhere to that idea. In the short time that I have had the honor to serve on the Committee on Agriculture, being the only appropriation committee about which I know anything as to its practical workings, when an item has been increased here and there in the bill, I began at once to draw on the information which I had directly from the people, that we must cut down the expenses of the Government. I was slow in casting any vote that would increase an estimate or a former appropriation.

But what was my horror when I came to think of the thirty-odd millions of people constituting our agricultural class, who are the very base of the wealth and prosperity of this Nation, and to learn that the total appropriation given the Agricultural Department of this Government is less than the cost of one battleship. I say, Mr. Chairman, that in my judgment, while the expenses of the Government should be held in check, and we should not dissipate the funds that are placed in our hands as a trust fund, we should go to another truth, and that truth is to spend money wisely and where the best results can be obtained. Take the great agricultural section and see the magnificent crops that we had last year. It would be well to consider some of the means at command that brought about such wonderful results. The work in organizing the boys' and girls' corn clubs, whose memberships are receiving advanced ideas as to intensive farming and modern methods as to crop culture, and the practical application of these methods is an important movement well worthy of note. It a recent hearing before our committee, when a number of boys and girls from agricultural States were there, and in their own way made reports as to the acres they had cultivated and the methods used, it developed that on farm land that had heretofore yielded 25 to 30 bushels of corn to the acre, that by modern methods, land tilled by the average boy and girl was yielding from 100 to 212 bushels of corn to the acre. This was brought about, Mr. Chairman, by the information that goes out from the Agricultural Department, supplemented by the agricultural departments of the States of this Nation, and by local organizations where the spirit of pride has been stirred up in the breast of the young people by splendid prizes being offered for which they compete.

In the State of Texas—one of the greatest agricultural States in this Union, and I might say a State that can support the entire Nation with its agricultural wealth, if its acreage were developed—this last year $10,000 in prizes was put up by organizations of business men and others who were interested in farm development, and the yields made by the great number of people who took advantage of the opportunity presented by the contest were remarkable indeed. I believe that the United States Government, as well as the States of the Union, should promote agriculture and make every acre of land produce as much as it can produce. And whether my stay in Congress shall be long or short, my support shall always be cheerfully given to any legislation looking to a still greater development of our agricultural interests.

Mr. Chairman, one trouble with farm life is that people on the farm have not the conveniences that the city man has. The farmer has not the mail facilities that the city man has, yet he has been aided by the rural free delivery in the last few years. Many of the comforts that are enjoyed in the village and in the city are not vouchsafed to the farmer, and the farmer's boy, ambitious to do something in this world, gets discontented with his surroundings. His school opportunities frequently are limited, and yet we are building up along that line. And by reason of his surroundings the farmer's boy yearns to get into a more active sphere of life.

We can not blame him for that. But this Congress, if it acts wisely, will look to the condition of the farmer boy and make his conveniences and his surroundings such as that he will have a love for the old farm that gave him birth, and such as that he will have a desire to see that the acreage that has now dwindled down, where the briers have come in here and there, so that the farm is not as large as it once was, shall be redeemed and enlarged so that it will be made to yield what it can yield under modern improvements and modern methods. [Applause.]

Mr. Chairman, while this report that I make of last year's great earning power and the great wealth that has been turned loose from the soil would indicate that the farmers in every section of our country are indeed prosperous, I want to say to you that, while this great wealth has been yielded up, the farmers, as a matter of fact, are not as prosperous as the figures would indicate.

What is the trouble? One of the great difficulties that confront us as an agricultural people is the fact that the farmer does not get the price for his products that he ought to have in the markets of the world. He goes forth in the springtime; he bets his time and his energy and his ability against the seasons and the insects. He plants in faith, he cultivates in hope, and he reaps in grace. If he wins out with a great crop, it frequently happens that that crop brings in the markets of the world a less price than a crop half of that amount would bring. There is no reason for that except our modern system of marketing. I want to say that in a country as big as this, with 96,000,000 people to be fed, it is only fair to the man on the farm that he should receive 100 cents on the dollar for everything that he produces on that farm. [Applause.]

Does he get it? The figures will show, Mr. Chairman, that of the products of the farm, taking the markets for these products as a whole, where the products have gone out to the ulti-

mate consumer, and when you trace them back to the farmer you find he gets only 46 per cent of what the consumer has had to pay for those products. I declare to this Congress that that kind of system is wrong. It is enough to discourage the farmer. It is enough to drive the boys from the farm into other walks of life, and it is so driving them as the days go by.

Mr. Chairman, in July, 1910, I noticed in an article published by Mr. B. F. Yoakum, known this country over, some figures on this subject that, were it not for the conservative source whence they came, might seem to be highly exaggerated. Among other things, Mr. Yoakum states in the article referred to: "After a careful investigation it is estimated that during the year (1909) the farmers received and the consumers of the city of New York paid for the following articles of food approximately the amounts respectively shown:

Article.	Paid to farmer.	Paid by consumer.
Eggs	$17,238,000	$28,730,000
Cabbage	1,825,000	9,125,000
Onions	821,000	8,212,000
Milk	22,912,000	48,880,000
Potatoes	8,437,000	60,000,000

Where is that exorbitant waste? Any system of marketing that would deny to the farmer a participation in the profits from the products he grows in this tremendous amount that is paid by the consumer, that system is wrong.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAMB. I yield to the gentleman from Texas 5 minutes more.

Mr. YOUNG of Texas. Mr. Chairman, I beg to call attention to certain figures and statements recently made by Mr. Yoakum, and editorial comment thereon by the Washington Post, and commend same to the best thought of the membership of this House. I read:

A NATIONAL MARKET BUREAU.

In a letter to Senator HOKE SMITH, of Georgia, B. F. Yoakum, of the Frisco Railway system, has presented some facts and statistics that point the way to the solution of the problem of reducing the high cost of living, at least in part. Mr. Yoakum's plan vitalizes the parcel post and supplies the one thing necessary to make it an effective medium.

On the basis of a $9,000,000,000 crop, of which it is estimated that one-third remains on the farm, Mr. Yoakum gives figures which fairly represent the distribution of the profits. He points out that if the crop is worth $9,000,000,000 and one-third remains on the farm, $6,000,000,000 worth of products are actually sold by the farmer, the consumers paying $13,000,000,000, or more than twice as much as the farmer receives.

Using the estimate of the Department of Agriculture that farmers receive only 46 per cent of what the consumers pay, Mr. Yoakum asserts that the distribution of profits and expenses is about as follows:

"Received by the producers, $6,000,000,000, or 46.1 per cent.

"Allowing for a reasonable expense of selling and dealers' and retailers' profits, $4,945,000,000, or 38.1 per cent.

"Waste under existing methods, $1,560,000,000, or 12 per cent.

"Received by the railroads, $495,000,000, or 3.8 per cent.

"Total, $13,000,000,000."

It is true, as Mr. Yoakum says, that up to the present time the Government has done nothing in a practical way to aid in reducing the cost of distribution, although, conservatively estimated, there is an annual loss of about $1,500,000,000, which could be divided between the consumers and the producers.

The remedy suggested by the railroad man is a national market bureau under the Department of Agriculture, with an annual appropriation of $500,000 for the establishment of a system of market reports, cutting out unnecessary expenses between the producer and the consumer and cooperating with agricultural organizations. The bureau of markets should have offices in different agricultural States, where, through associations of agricultural bodies, market prices could be furnished to the farmers of the different localities daily during their respective shipping seasons.

The best part of Mr. Yoakum's plan is that it would enable farmers and consumers to take full advantage of the parcel post, each class being aware of the prices that should prevail. The ultimate outcome would be the elimination of the middlemen. The reason why the consumer pays so much now is because farm products pass through so many hands, each grasping for profit, before the stuff reaches the consumer.

That is a part of the record that he submits, and other men of equal authority with Mr. Yoakum give like figures.

This leads me to this thought, Mr. Chairman. In this system that prevails there is a rotten waste somewhere, and it is the duty of this Government to help our farmers who are scattered through every State in the Union to find where this waste lies, and by educational methods help to avoid that waste.

There are in many cases too great freight charges; in many cases there are 5 middlemen between the farmer and the ultimate consumer. In the case of fruit, berries, and truck that are perishable, too frequently the case, the charges of railroad, icing, and express in transporting shipments from the farm to the markets are greater than proceeds of sale, and the farmer is drawn on to pay for the loss of the shipments, instead of getting a profit. How can you expect the farmer to have the courage to plant the same crop the succeeding year?

How long can we ask the boy to farm in conditions like these?

This bill, Mr. Chairman, reaches out in a limited way and provides $50,000 for a division of markets in the Department of Agriculture that information be obtained and disseminated that will lead to remedying the present market conditions. The farmer will be benefited in that he will get a better price for his product, and the consumer will be benefited in that he is put in closer touch with the producer.

In this connection, Mr. Chairman, I want to say this Congress has not hesitated to vote $40,000,000 for river and harbor improvements to carry the commerce of the world, that commerce being, in the main, the crops that come from the farms; we had better begin at the other end of the line and create that commerce by making the boys love the farm. [Applause.]

We can take it, Mr. Chairman, in all walks of life, the farmer is the backbone of our country. While you may have isms and schisms in politics in the congested centers, wild theories which if adopted would destroy our institutions, the great conservative force on the farm, the farmer living close to nature, and nature's God, has saved the Government in the past and will continue to save it in the future. He bears the burdens of tax in time of peace and answers to the call of Old Glory in time of war, and I ask in his name that this measure, carrying $50,000 for the initial expense for a division of markets, may be enacted into law. [Applause.]

Mr. LAMB. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee determined to rise; and the Speaker having resumed the chair, Mr. BEALL of Texas, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 28283, the agricultural appropriation bill, and had come to no resolution thereon.

SENATE CONCURRENT RESOLUTION AND BILLS REFERRED.

Under clause 2 of Rule XXIV, the following concurrent resolution and bills were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

Senate concurrent resolution 40.

Resolved by the Senate (the House of Representatives concurring), That the report of the Secretary of War, under the joint resolution directing the Secretary of War to investigate the claims of American citizens for damages suffered within American territory growing out of the late insurrection in Mexico, approved August 9, 1912, be transmitted to the President, who is hereby respectfully requested to cause a claim for the amount of the damages reported therein as suffered by American citizens within American territory to be presented to the Government of Mexico as a claim in behalf of the Government of the United States—

to the Committee on Foreign Affairs.

S. 8230. An act for the relief of Loren W. Greeno; to the Committee on Naval Affairs.

S. 8082. An act to amend section 1440 of the Revised Statutes of the United States; to the Committee on Military Affairs.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills and a joint resolution of the following titles:

S. 3225. An act providing when patents shall issue to the purchaser or heirs of certain lands in the State of Oregon;

S. 3952. An act repealing the provision of the Indian appropriation act for the fiscal year ending June 30, 1907, authorizing the sale of a tract of land reserved for a burial ground for the Wyandotte Tribe of Indians in Kansas City, Kans.; and

S. J. Res. 156. Joint resolution to appoint George Gray a member of the Board of Regents of the Smithsonian Institution.

ADJOURNMENT.

Mr. LAMB. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 50 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Friday, February 7, 1913, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Gloucester Harbor, Mass., with a view to removal of certain ledges in Harbor Cove and securing a depth of 15 feet (H. Doc. No. 1357); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Darien Harbor, Ga., with a view to securing best

channel to the sea (H. Doc. No. 1354); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Hughes River, W. Va. (H. Doc. No. 1355); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Northeast Cape Fear River, N. C., from its mouth to Hallsville (H. Doc. No. 1356); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

5. A letter from the Secretary of the Treasury, transmitting copy of communication from the Acting Secretary of the Navy reporting certain claims for damages for which the vessels of the Navy were found to be responsible (H. Doc. No. 1348); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Commissioners of the District of Columbia, reporting expenses incurred in connection with the travel and attendance of Lieut. Col. Luther H. Reichelderfer, Medical Corps, National Guard District of Columbia, as delegate to the annual meeting of Association of Military Surgeons held in Baltimore, Md., October 1 to 4, 1912 (H. Doc. No. 1347); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Yaquina Bay and bar entrance, Oreg. (H. Doc. No. 1358); to the Committee on Rivers and Harbors and ordered to be printed.

8. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Chula Lake, Miss. (H. Doc. No. 1353); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

9. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Port Orford Harbor at Grave Yard Point, Oreg. (H. Doc. No. 1351); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

10. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Tonawanda Creek at North Tonawanda, N. Y. (H. Doc. No. 1359); to the Committee on Rivers and Harbors and ordered to be printed.

11. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Port Orford Harbor, Oreg. (H. Doc. No. 1352); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

12. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of State calling attention to estimate of appropriation contained in House Document No. 1262 for the Permanent International Council for the Exploration of the Sea (H. Doc. No. 1349); to the Committee on Appropriations and ordered to be printed.

13. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Commerce and Labor submitting estimate of appropriation for the purchase of a large testing machine for the Bureau of Standards (H. Doc. No. 1350); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. REDFIELD, from the Committee on the District of Columbia, to which was referred the bill (H. R. 28530) to provide for a warehouse for the receipt, care, and distribution of supplies for the use of the government of the District of Columbia, and for other purposes, reported the same with amendment, accompanied by a report (No. 1446), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (S. 8279) to amend an act approved October 1, 1890, entitled "An act to set apart certain tracts of land in the State of California as forest reservations," reported the same without amendment, accompanied by a report (No. 1447), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BEALL of Texas, from the Committee on the Judiciary, to which was referred the resolution (H. Res. 808) requesting the Attorney General to transmit to the House of Representatives certain information, reported the same with amendment, accompanied by a report (No. 1451), which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 28021) authorizing the Minneapolis, St. Paul & Sault Ste. Marie Railway Co. to build a bridge across the Yellowstone River in sections 15 and 16, township 151 north, range 104 west of the fifth principal meridian, in the State of North Dakota, reported the same with amendment, accompanied by a report (No. 1452), which said bill and report were referred to the House Calendar.

Mr. GOEKE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 28187) to authorize the construction, maintenance, and operation of a bridge across and over the Great Kanawha River, and for other purposes, reported the same with amendment, accompanied by a report (No. 1454), which said bill and report were referred to the House Calendar.

Mr. CALDER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 7461) construing the provisions of section 8 of the act entitled "An act to improve the efficiency of the personnel of the Revenue-Cutter Service," approved April 16, 1908, reported the same without amendment, accompanied by a report (No. 1453), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PRAY, from the Committee on the Public Lands, to which was refered the bill (S. 7318) to accept the cession by the State of Montana of exclusive jurisdiction over the lands embraced within the Glacier National Park, and for other purposes, reported the same without amendment, accompanied by a report (No. 1456), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (S. 5138) authorizing the Secretary of the Interior to survey the lands of the abandoned Fort Assinniboine Military Reservation and open the same to settlement, reported the same with amendment, accompanied by a report (No. 1455), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BRADLEY, from the Committee on Military Affairs, to which was referred the bill (S. 186) for the relief of Francis Grinstead, alias Francis M. Grinstead, reported the same without amendment, accompanied by a report (No. 1450), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FULLER: A bill (H. R. 28646) to increase the limit of cost of public building at La Salle, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. FORNES: A bill (H. R. 28647) providing for the grading and improving of Otis Street NE. from Twelfth Street to Fourteenth Street NE.; to the Committee on the District of Columbia.

By Mr. RAKER: A bill (H. R. 28648) to amend the act of June 23, 1910, entitled "An act providing that entrymen for homesteads within the reclamation projects may assign their entries upon satisfactory proof of residence, improvement, and cultivation for five years, the same as though said entry had been made under the original homestead act"; to the Committee on Irrigation of Arid Lands.

By Mr. RUCKER of Colorado: A bill (H. R. 28649) to establish the Rocky Mountain National Park, in the State of Colorado, and for other purposes; to the Committee on the Public Lands.

By Mr. STEPHENS of Texas: A bill (H. R. 28650) to provide for the disposition of land in the Cherokee, Choctaw, and Chickasaw Nations reserved for cemetery purposes; to the Committee on Indian Affairs.

By Mr. LOBECK: A bill (H. R. 28651) to regulate the pay of internal-revenue storekeepers, storekeeper-gaugers, and gaugers; to the Committee on Ways and Means.

By Mr. UNDERHILL: A bill (H. R. 28652) authorizing the Secretary of War to donate to the Grand Army of the Republic Association of Painted Post, in the State of New York, two bronze or brass fieldpieces or cannon, with their carriages and

outfit of cannon balls, etc.; to the Committee on Military Affairs.

By Mr. STANLEY: A bill (H. R. 28653) to amend an act entitled "An act to regulate commerce, approved February 4, 1887, as amended June 18, 1910"; to the Committee on Interstate and Foreign Commerce.

By Mr. LENROOT: A bill (H. R. 28654) authorizing the Secretary of the Interior to dispose of the merchantable timber on the unallotted lands within the Bad River Indian Reservation, in the State of Wisconsin; to the Committee on Indian Affairs.

By Mr. SMITH of Texas: A bill (H. R. 28655) authorizing the payment of damages to persons for injuries inflicted by Mexican Federal or insurgent troops within the United States during the insurrection in Mexico in 1911, and making appropriation therefor; to the Committee on Interstate and Foreign Commerce.

By Mr. COVINGTON: A bill (H. R. 28656) to authorize aids to navigation and other works in the Lighthouse Service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HEFLIN: Resolution (H. Res. 815) for consideration by the House of S. 6497; to the Committee on Rules.

By Mr. SLEMP: Resolution (H. Res. 816) creating a standing committee on post roads and amending Rules X and XI; to the Committee on Rules.

By Mr. LAFFERTY: Memorial from the Legislative Assembly of the State of Oregon, favoring the enactment of Senate bill 6109, providing for the setting aside of game refuges only where such action should be requested by the action of the several States affected thereby; to the Committee on the Public Lands.

Also, memorial from the Legislative Assembly of the State of Oregon, requesting that the pensions of Oregon Indian War veterans of 1847, 1848, 1855, and 1856 be increased to $30 per month; to the Committee on Pensions.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURLESON: A bill (H. R. 28657) granting an increase of pension to John N. Sessom; to the Committee on Pensions.

By Mr. CARLIN: A bill (H. R. 28658) for the relief of the estate of Murray Mason, deceased; to the Committee on War Claims.

By Mr. CLARK of Missouri: A bill (H. R. 28659) granting a pension to Sallie Clark; to the Committee on Invalid Pensions.

By Mr. FERGUSSON: A bill (H. R. 28660) for the relief of John F. Wilkinson; to the Committee on Military Affairs.

By Mr. FOWLER: A bill (H. R. 28661) granting a pension to Hannah Dukes; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 28662) granting an increase of pension to John A. Bounds; to the Committee on Pensions.

By Mr. LAMB: A bill (H. R. 28663) granting an increase of pension to Henrietta Lee Coulling; to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 28664) granting an increase of pension to James A. Fitzgerald; to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 28665) granting a pension to Hattie E. Wallace; to the Committee on Invalid Pensions.

By Mr. PLUMLEY: A bill (H. R. 28666) granting a pension to Aaron P. Cutler; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 28667) granting an increase of pension to Jonathan N. Baker; to the Committee on Invalid Pensions.

By Mr. SMITH of Texas: A bill (H. R. 28668) granting an increase of pension to Benjamin N. Shropshire; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARCHFELD: Petition of the Grain and Hay Exchange, Pittsburgh, Pa., favoring the passage of House bill 3010, for the regulation of the transmission, delivery, etc., of messages by telegraph and telephone; to the Committee on Interstate and Foreign Commerce.

By Mr. CALDER: Petition of the California Club, of San Francisco, Cal., favoring the passage of legislation making sufficient appropriation for the suppression of the white-slave traffic; to the Committee on Appropriations.

By Mr. CARY: Petition of A. E. Rowland, West Allis, Wis., favoring the passage of House bill 25685, providing for the labeling and tagging of all fabrics and articles for sale under interstate and foreign commerce; to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Forestry Association, Washington, D. C., protesting against the passage of House bill 23293, for the protection of the water supply of the city of Colorado Springs and the town of Manitou, Colo., as amended and passed by the Senate; to the Committee on the Public Lands.

Also, petition of the Wisconsin Bankers' Association, New Richmond, Wis.; citizens of Milwaukee, Wis.; the Wisconsin Natural History Society, Milwaukee, Wis.; Ernest M. Seton, Mary I. Kirkland, and Josephine L. Kirkland, Milwaukee, Wis., favoring the passage of the McLean bill granting Federal protection to all migratory bills; to the Committee on Agriculture.

By Mr. DANFORTH: Petition of the Bastian Bros. Co., Rochester, N. Y., favoring the passage of legislation for a reduction of duty on compounds of pyroxyline; to the Committee on Ways and Means.

By Mr. DYER: Petitions of A. F. McMurry and wife, J. A. McMurry and wife, and W. M. McMurry and wife, residents of Washington, D. C., favoring the passage of the Kenyon "red-light" injunction bill, for the cleaning up of Washington for the inauguration; to the Committee on the District of Columbia.

Also, petition of the Association of Master Plumbers, St. Louis, Mo., and the Commercial Club, of Kansas City, Mo., favoring the passage of House bill 27567, for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

By Mr. FERGUSSON: Petition of T. Edward Bradley and 36 other citizens of Hudson, N. Mex., praying for an amendment of the homestead law so that former entries may be completed under the provisions of the three-year term; to the Committee on the Public Lands.

By Mr. FORNES: Petition of the Remington Typewriter Co., New York, protesting against the passage of the Oldfield patent law substitute bill (H. R. 23417) relative to certain changes in the present patent laws; to the Committee on Patents.

Also, petition of M. S. Decker, commissioner of Public Service Commission, second district, Albany, N. Y., favoring the passage of Senate bill 6099, authorizing the Interstate Commerce Commission to prescribe a uniform classification of freight; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Thread Agency, New York, favoring the passage of House bill 16663, permitting corporations, joint-stock companies, etc., to file the annual returns at the close of their fiscal year; to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce of the United States of America, Washington, D. C., favoring the passage of Senate bill 3, for Federal aid for vocational education; to the Committee on Agriculture.

By Mr. FOSS: Petition of the St. Paul Evangelical Lutheran Church, Evanston, Ill., favoring the passage of the Webb-Kenyon bill preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. FULLER: Petition of the Chicago Hardware Co., of Chicago, Ill., favoring the passage of the bill (H. R. 27567) for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the Chicago Hardware Foundry Co., Chicago, Ill., favoring the passage of House bill 27567, for a 1-cent letter postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of W. E. Edens, of Illinois Bankers' Association, favoring the passage of Senate bill 3, for Federal aid for vocational education; to the Committee on Agriculture.

Also, petition of Syracuse (Ill.) Chapter, Daughters of the American Revolution, favoring the passage of legislation to prevent the desecration of the American flag; to the Committee on the Library.

Also, petition of Ernest Thompson Seton, Greenwich, Conn., favoring the passage of the McLean bill, granting Federal protection to all migratory birds; to the Committee on Agriculture.

By Mr. GOULD: Petition of the Chamber of Commerce of Houlton, Me., protesting against the passage of legislation reducing the present tariff on potato starch; to the Committee on Ways and Means.

Also, petition of the men's bible class of the First Baptist Church, Waterville, Me., favoring the passage of the Kenyon "red light" injunction bill, to clean up Washington for the inauguration; to the Committee on the District of Columbia.

By Mr. HAMILTON of Michigan: Petition of citizens of Constantine, Mich., favoring the passage of the Kenyon-Sheppard

bill, for preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

Also, petition of citizens of Barry and Eaton Counties, Mich., favoring the passage of the McLean bill, granting Federal protection to all migratory birds; to the Committee on Agriculture.

By Mr. KINDRED: Petition of the Ford Motor Co., Detroit, Mich., and John Burroughs, New York, favoring the passage of the McLean bill, granting Federal protection to all migratory birds; to the Committee on Agriculture.

Also, petition of the Public Service Commission, second district, Albany, N. Y., favoring the passage of Senate bill 6099, authorizing the Interstate Commerce Commission to prescribe a uniform classification of freight; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Waterbury Felt Co., of Skaneateles, N. Y., and Rice & Adams, of Buffalo, N. Y., favoring the passage of the Weeks bill (H. R. 27567) for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the Brainerd Manufacturing Co., East Rochester, N. Y., favoring the passage of House bill 27567, for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

By Mr. KINKEAD of New Jersey: Petition of the common council of the city of Hoboken, favoring the passage of legislation granting pension to letter carriers who have grown old in the service; to the Committee on Pensions.

By Mr. LINDSAY: Petition of Ernest Thompson Seton, Greenwich, Conn., favoring the passage of the McLean bill granting Federal protection to all migratory birds; to the Committee on Agriculture.

Also, petition of the American Forestry Association, Washington, D. C., protesting against the passage of the Senate amendment to House bill 23293, relative to the protection of the water supply of the city of Colorado Springs and the town of Manitou, Colo.; to the Committee on the Public Lands.

Also, petition of Ernest T. Seton, of Greenwich, Conn., favoring the passage of the McLean bill for protection of migratory birds; to the Committee on Agriculture.

By Mr. MOTT: Petition of the Dentist Supply Co., New York, favoring the passage of the amendment to the pharmacy law of the District of Columbia to regulate the sale of poisons and the practice of pharmacy; to the Committee on the District of Columbia.

Also, petition of the California Club of San Francisco, Cal., favoring the passage of legislation making sufficient appropriations for the suppression of the white-slave traffic; to the Committee on Appropriations.

By Mr. PAYNE: Petition of 75 citizens of Palmyra, N. Y., favoring the passage of the Kenyon-McCumber bill, for the preventing of the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. PORTER: Petition of sundry citizens of Ensworth, Avalon, Ben Avon, and Pittsburgh, Pa., and sundry citizens of the twenty-ninth congressional district, Pittsburgh, Pa., favoring the passage of the McLean bill granting Federal protection to all migratory birds; to the Committee on Agriculture.

By Mr. RAKER: Petition of 500 citizens of Humboldt County, Cal., circulated by the club women of Humboldt County, favoring the passage of legislation for the establishment of a redwood national park; to the Committee on Agriculture.

Also, petition of the California Club of California Women, favoring the passage of legislation making an increase of appropriation for the suppression of the white-slave traffic; to the Committee on Appropriations.

Also, petition of the Western Forestry and Conservation Association, favoring an additional appropriation enabling Federal cooperation with the States in the protection of forested watersheds from fire; to the Committee on Agriculture.

Also, petition of Coffin Redington Co., San Francisco, Cal., protesting against the passage of any legislation for the reduction of tariff on chemicals; to the Committee on Ways and Means.

By Mr. ROTHERMEL: Petition of John Butlin Rothermel and other members of the Conrad Weiser Society, Children of the American Revolution, of Reading, Pa., favoring the passage of the McLean bill granting Federal protection to all migratory birds; to the Committee on Agriculture.

By Mr. SCULLY: Petition of the California Club of San Francisco, Cal., favoring the passage of legislation making sufficient appropriations for the suppression of the white-slave traffic; to the Committee on Appropriations.

By Mr. SMITH of Michigan: Memorial of the First Methodist Episcopal Church, Albion, Mich., favoring the passage of the Kenyon-Sheppard bill preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. SPARKMAN: Petition of Mrs. H. B. Morse and others, favoring the passage of the Jones-Works bill for limiting the number of saloons in the District of Columbia; to the Committee on the District of Columbia.

By Mr. WEEKS: Petition of the Men's Class, First Baptist Church, Watertown, Mass., favoring the passage of the Kenyon-Sheppard bill preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. WILSON of New York: Petition of the American Flint Glass Workers' Union, Brooklyn, N. Y., and Local Union No. 69, of the American Flint and Glass Workers' Union, Woodhaven, N. Y., protesting against the passage of legislation for the reduction of tariff on imported glass wares; to the Committee on Ways and Means.

SENATE.

FRIDAY, *February 7, 1913.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

The Journal of yesterday's proceedings was read and approved.

RAILROADS IN ALASKA (H. DOC. NO. 1346).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Territories and ordered to be printed:

To the Senate and House of Representatives:

In accordance with the provisions of section 18 of an act of Congress (Public, No. 334) approved August 24, 1912, I appointed a commission—

to conduct an examination into the transportation question in the Territory of Alaska; to examine railroad routes from the seaboard to the coal fields and to the interior and navigable waterways; to secure surveys and other information with respect to railroads, including cost of construction and operation; to obtain information in respect to the coal fields and their proximity to railroad routes; and to make report of the facts to Congress on or before the 1st day of December, 1912, or as soon thereafter as may be practicable, together with their conclusions and recommendations in respect to the best and most available routes for railroads in Alaska which will develop the country and the resources thereof for the use of the people of the United States.

Under the requirements of the act, this commission consisted of—

an officer of the Engineer Corps of the United States Army, a geologist in charge of Alaska surveys, an officer in the Engineer Corps of the United States Navy, and a civil engineer who has had practical experience in railroad construction and has not been connected with any railroad enterprise in said Territory.

The date when the act was passed was late in the summer season, thus allowing a very limited time for the preparation of a report for presentation at the present session of Congress. Nevertheless, within a week after the act was approved the commission had been appointed, as follows:

Maj. Jay J. Morrow, Corps of Engineers, United States Army, chairman.

Alfred H. Brooks, geologist in charge of Division of Alaskan Mineral Resources, Geological Survey, vice chairman.

Civil Engineer Leonard M. Cox, United States Navy.

Colin M. Ingersoll, consulting railroad engineer, New York City.

This commission has transmitted to me a report, which is herewith submitted to Congress in accordance with the provisions of the act. An examination of this report discloses that the following are among the more important of the findings of the commission:

The Territory of Alaska contains large undeveloped mineral resources, extensive tracts of agricultural and grazing lands, and the climate of a large part of the Territory is favorable to permanent settlement and industrial development. The report contains much specific information and many interesting details with regard to these resources. It finds that they can be developed and utilized only by the construction of railways which shall connect tidewater on the Pacific Ocean with the two great inland waterways, the Yukon and the Kuskokwim Rivers. The resources of the inland region and especially of these great river basins are almost undeveloped because of lack of transportation facilities. The Yukon and Kuskokwim Rivers system include some 5,000 miles of navigable water, but these are open to commerce only about three months in the year. Moreover, the mouths of these two rivers on Bering Sea lie some 2,500 miles from Puget Sound, thus involving a long and circuitous route from the Pacific Coast States. The transportation of freight to the mouths of these rivers and thence upstream will always be so expensive and confined to

so limited a season as to forbid any large industrial advancement for the great inland region now entirely dependent on these circuitous avenues of approach.

From these considerations the commission finds that railway connections with open ports on the Pacific are not only justified, but imperative if the fertile regions of inland Alaska and its mineral resources are to be utilized; but that with such railway connections a large region will be opened up to the homesteader, the prospector, and the miner. So far as the limited time available has permitted the commission has investigated, and in its report describes all of the railway routes which have been suggested for reaching the interior, including the ocean terminals of these routes. The relative advantages and disadvantages of these routes are compared. The principal result of this comparison may be stated to be that railroad development in Alaska should proceed first by means of two independent railroad systems, hereafter to be connected and supplemented as may be justified by future development. One of these lines should connect the valley of the Yukon and its tributary, the Tanana, with tidewater; and the other should be devoted to the development and needs of the Kuskokwim and the Susitna.

The best available route for the first railway system is that which leads from Cordova by way of Chitina to Fairbanks; and the best available route for the second is that which leads from Seward around Cook Inlet to the Iditarod. The first should be connected with the Bering coal field and the second with the Matanuska coal field. Other routes and terminals are discussed, but are found not to have the importance or availability for the development of the Territory possessed by the two mentioned. Thus, the route extending inland from Haines, in southeastern Alaska, has value for local development, though chiefly on the Canadian side of the boundary, but the distance to Fairbanks is found to be too great to permit of its being used as a trunk line to the Yukon waters. The route from Iliamna Bay also has value for local use, but is too far to the southwest to permit of its use as a trunk line into the interior. The proposed terminals at Katalla and Controller Bay are found to be very expensive both as to construction and maintenance, besides furnishing very inferior harbors. The route inland from Valdez is at a disadvantage because it would not serve any of the coal fields, although as hereafter noted Valdez is regarded by the commission as an important alternative terminal in the possible future development of the Chitina-Fairbanks route.

The investigations of the commission indicate that the route from Cordova by way of Chitina to Fairbanks would furnish the best trunk line to the Yukon and Tanana waters: (1) Because Cordova has distinct advantages as a harbor; (2) because this route requires the shortest actual amount of construction, but chiefly (3) because the better grades possible on this route should give the lowest freight rates into the Tanana Valley. The Copper River & Northwestern Railroad is now constructed from Cordova to Chitina and thence up the Chitina River. The commission recommends the building of a railway from Chitina to Fairbanks, 313 miles, estimated to cost $13,971,000, with the provision that if this railway is built by other interests than those controlling the Copper River & Northwestern Railroad, and if an equitable traffic arrangement can not be made with it, connection should be made with Valdez by the Thompson Pass route, 101 miles, estimated to cost $6,101,479.

The commission finds that Cordova offers the best present ocean terminal for the Bering River coal. The commission also points out that it would not be economical to haul the Matanuska coal to either Valdez or Cordova, and that therefore the logical outlet for that field is Seward. If commercial development of these two fields should disclose that the quality of the coal is the same in both, the Bering River field would have the advantage of greater proximity to open tidewater. A branch line from the Copper River Railway to the Bering River field, a distance of 38 miles, at an estimated cost of $2,054,000, is recommended to afford an outlet for the coal on Prince William Sound and into the Copper River Valley and the region where there is at present the largest market for Alaska coal.

The commission finds that a railway from Chitina to Fairbanks will not solve the transportation problem of Alaska, because it will not give access to the Matanuska coal field, the fertile lands and mineral wealth of the lower Susitna, or the great Kuskokwim basin. This province properly belongs to an independent railway system based on the harbor at Seward. The commission recommends a railway from Kern Creek, the present inland terminal of the Alaska Northern Railway, to the Susitna River (distance, 115 miles; estimated cost, $5,209,000), with a branch line to the Matanuska coal field (distance, 38 miles; estimated cost, $1,618,000), and an extension of the main line through the Alaska Range to the Kuskokwim River (distance, 229 miles; estimated cost, $12,760,000).

The entire railways thus recommended will constitute two independent systems involving 733 miles of new construction at a cost of $35,000,000. Eventually these systems will be tied together and there will be earlier demands for branch and local lines as the country develops. One of these systems will find an outlet to the coast over the Copper River & Northwestern Railroad; the other over the Alaska Northern. If these new lines are constructed by others than those financially interested in these two railroads respectively, satisfactory traffic arrangements would have to be made with them. If the new railways recommended should be constructed by the Government, the question is necessarily presented as to whether the Government should acquire the whole or any part of the existing lines, or either of them, or should endeavor to make appropriate traffic agreements. Much would depend upon whether the Government would operate its own railroads or would make operating agreements with those operating existing lines. The commission has not discussed these questions for the reason pointed out in its report that the act of Congress omits questions of this sort from those upon which the commission was instructed to report.

The report of the commission contains the following statement:

> Its instructions from Congress do not contemplate that any recommendation should be made as to how railroads in Alaska should be constructed, i. e., by private corporate ownership or by one of the many forms in use whereby Government assistance is rendered. The commission disavows any intention of making such recommendations, believing that Congress, in its wisdom, desired to reserve to itself the solution of that problem; but it has been impossible to form any estimates of costs of operation without some assumption as to the interest rate on the capital required for construction. This interest rate would obviously differ in two cases—construction by Government or bond guaranty, and construction by private capital. Moreover, were construction carried on by private capital unassisted, the necessity of earning sufficient income to pay operating expenses and interest on bonded indebtedness might make it the duty of the directors of the corporation to impose rates on traffic that would seriously retard the development which the Territory so greatly needs.
>
> The commission has therefore been forced to base its studies upon two hypotheses, viz: That the capital necessary for construction is obtained at 6 per cent interest, assumed as possible if construction is carried out by private corporate ownership unassisted; and that capital is obtained at 3 per cent interest, assumed as possible if the construction is done either by the Government itself or by private capital with bonded indebtedness guaranteed both as to principal and interest.

On similar grounds the commission did not feel justified in discussing the use of the Panama Canal machinery and equipment or in including in its estimates the effect of such use; but a list of the machinery and equipment available at Panama is given in an appendix.

Upon the assumption that the railroad from Chitina to Fairbanks is built by private capital, eliminating promotion profit, but assuming the necessity of earning 6 per cent on the capital invested, it is the judgment of the commission that on estimated available traffic the road could be operated from Cordova to Fairbanks without loss at a passenger rate of 7 cents per mile and an average freight rate of 8 cents per ton-mile. This would mean a through freight rate of $36.94 per ton from Cordova to Fairbanks and a through passenger rate of $31.15. It is the opinion of the commission that—

> an average freight rate exceeding 5 cents per ton-mile and passenger rate in excess of 6 cents per mile would defeat the immediate object of the railroad, namely, the expeditious development of the interior of Alaska, and, furthermore, would introduce the question as to whether or not the Seattle-Cordova-Fairbanks freight route would be able to compete with the present all-water route via the Yukon River system, except on shipments in which the time element is of such importance as to warrant the payment of a higher freight rate.

To meet the requirements of expeditious development and water competition the estimate of the commission involves a through freight rate from Cordova to Fairbanks at $22.25 per ton, and a through passenger rate of $26.70. The report further says:

> Were the road to be constructed by the Government, or by private corporate ownership with a Government guaranty of principal and interest on bonded indebtedness, the capital required should be obtained at a much lower rate of interest, thus materially reducing the annual expenditures.

Using 3 per cent on the investment as fixed charges, and omitting mileage tax of $100, on the assumption that this tax would not be levied in the case of a Government owned or aided road, the commission estimates that the road would pay on the basis of a passenger rate of 6 cents per mile and a freight rate of 5.49 cents per ton-mile, making the average through freight rate from Cordova to Fairbanks $24.43 per ton and the through passenger rate $26.70. I give these figures as illustrations. The report contains similar estimates of freight and passenger

rates and traffic for the road recommended from Seward to the Kuskokwim.

After recommending the construction of the two principal systems and their extensions already mentioned, the commission states in conclusion that it—

is unanimously of the opinion that this development should be undertaken at once, and prosecuted with vigor; that it can not be accomplished without providing the railroads herein recommended under some system which will insure low transportation charges and the consequent rapid settlement of this new land and the utilization of its great resources.

The necessary inference from the entire report is that in the judgment of the commission its recommendations can certainly be carried out only if the Government builds or guarantees the construction cost of the railroads recommended. If the Government is to guarantee the principal and interest of the construction bonds, it seems clear that it should own the roads, the cost of which it really pays. This is true whether the Government itself should operate the roads or should provide for their operation by lease or operating agreement. I am very much opposed to Government operation, but I believe that Government ownership with private operation under lease is the proper solution of the difficulties here presented.

I urge the prompt and earnest consideration of this report and its recommendations.

WM. H. TAFT.

THE WHITE HOUSE, *February 6, 1913.*

MISSISSIPPI RIVER BRIDGES AT MINNEAPOLIS, MINN.

The PRESIDENT pro tempore. The Chair lays before the Senate sundry bills from the House of Representatives.

The bill (H. R. 27986) to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn., was read the first time by its title.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill. There is a similar Senate bill on the calendar.

There being no objection, the bill was read the second time at length and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. NELSON. I move that a bill on the same subject upon the calendar, the bill (S. 8249) to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn., be indefinitely postponed.

The motion was agreed to.

The bill (H. R. 27987) to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn., was read the first time by its title.

Mr. NELSON. I ask for the present consideration of the bill.

There being no objection, the bill was read the second time at length and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. NELSON. I move that the bill (S. 8248) to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn., now on the calendar, be indefinitely postponed.

The motion was agreed to.

The bill (H. R. 27988) to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn., was read the first time by its title.

Mr. NELSON. I ask for the present consideration of the bill.

There being no objection, the bill was read the second time at length and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. NELSON. I move that a bill on the calendar upon the same subject, the bill (S. 8251) to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn., be indefinitely postponed.

The motion was agreed to.

The bill (H. R. 27944) to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn., was read the first time by its title.

Mr. NELSON. I ask for the present consideration of the bill.

There being no objection, the bill was read the second time at length and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. NELSON. I move that the bill (S. 8250) to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn., which is a bill on the same subject, be indefinitely postponed.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 21524) for the relief of Frederick H. Ferris.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 25002) to amend section 73 and section 76 of the act of August 27, 1894.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 8861) for the relief of the legal representatives of Samuel Schiffer, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 109) authorizing the sale and disposition of the surplus and unallotted lands in the Standing Rock Indian Reservation in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 7160) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 8034) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 23293) for the protection of the water supply of the city of Colorado Springs and the town of Manitou, Colo.; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FERRIS, Mr. GRAHAM, and Mr. VOLSTEAD managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 22871) to establish agricultural extension departments in connection with agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LAMB, Mr. LEVER, and Mr. HAUGEN managers at the conference on the part of the House.

The message further announced the return to the Senate, in compliance with its request, of the bill (S. 7855) to authorize the Northern Pacific Railway Co. to construct a bridge across the Missouri River in section 36, township 134 north, range 79 west, in the State of North Dakota.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

S. 3225. An act providing when patents shall issue to the purchaser or heirs of certain lands in the State of Oregon;

S. 3952. An act repealing the provision of the Indian appropriation act for the fiscal year ending June 30, 1907, authorizing the sale of a tract of land reserved for a burial ground for the Wyandotte Tribe of Indians in Kansas City, Kans.; and

S. J. Res. 156. Joint resolution to appoint George Gray a member of the Board of Regents of the Smithsonian Institution.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a petition of Local Lodge No. 118, Independent Order of Grand Templars, of Center Conway, N. H., and a petition of the Minnesota Avenue Improvement Association of the District of Columbia, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

He also presented the petition of Rev. W. J. Tucker, D. D., of Hanover, N. H., praying for the enactment of legislation regulating the hours of employment of women in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Minnesota Avenue Improvement Association of Washington, D. C., remonstrating against an appropriation for the construction of a draw in the bridge across the Eastern Branch of the Potomac River, which was referred to the Committee on Appropriations.

He also presented a petition of the Minnesota Avenue Improvement Association, of the District of Columbia, praying for

the passage of the so-called Kenyon "red-light" injunction bill, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Washington, D. C., praying that an appropriation be made for the grading of Otis Street NE., in the District of Columbia, which was referred to the Committee on Appropriations.

He also presented the petition of H. W. Coffin, of Washington, D. C., praying for the continuance of the so-called half-and-half principle in regard to appropriations for the District of Columbia, which was referred to the Committee on Appropriations.

Mr. WEBB presented resolutions adopted by the Farmers' Educational and Cooperative Union of Clay County, Tenn., favoring the adoption of certain amendments to the parcel-post law, which were referred to the Committee on Post Offices and Post Roads.

He also presented resolutions adopted by John C. Daley Council, No. 3, Independent Order Sons of Jonadab, of Washington, D. C., favoring the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. GRONNA. I present a telegram signed by a number of citizens of my State. It is very brief, and I ask that it lie on the table and be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

FARGO, N. DAK., *February 6, 1913.*

Senator A. J. GRONNA,
Washington, D. C.:

We urge your support for the Kenyon-Webb interstate commerce bill. One of the things that has given our State its enviable position among the States of the Union has been its constitutional prohibition and our laws enforcing it. We believe our Representatives feel as we do and want you to know we are back of you in the support of this bill.

W. J. LANE.
H. A. MERLAND.
W. J. CLAPP.
H. H. WHEELOCK.
A. W. MONAIR.
C. P. STINE.
TAYLOR CRUM.
GEORGE W. CROWE.
A. H. BAKER.

Mr. GRONNA presented a petition of the congregation of the McCabe Methodist Episcopal Church, of Bismarck, N. Dak., and a petition of sundry citizens of Hansboro, N. Dak., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. BRYAN presented resolutions adopted by the Tampa Bay Pilots' Association, of Florida, and a memorial of sundry citizens of Pensacola, Fla., remonstrating against the enactment of legislation to further regulate pilotage and pilots, which were referred to the Committee on Commerce.

Mr. BRADY presented the petition of Charles B. Allen and sundry other citizens of Parma, Idaho, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. MYERS presented petitions of sundry citizens of Roundup, Huntley, Huntley Project, and Manhattan, and of members of the Union Sunday School of Hingham, all in the State of Montana, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. NELSON. I present a resolution adopted by the Legislature of Minnesota, which I ask may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the resolution was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Whereas there is now pending before the Federal Congress an amendment to present banking laws authorizing national banks to loan money upon farm-land mortgages; and
Whereas this would open up a new, substantial, and safe field for the investor, and would tend to make easier money for the development of farm lands in the Northwest, and make for stability rather than weakness in the financial institutions: Therefore be it

Resolved, That we earnestly request our Representatives in Congress to do all in their power to secure the adoption of this amendment.

Mr. KENYON presented a petition of sundry citizens of Adams, Ohio, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. BRISTOW presented a petition of sundry citizens of Auburn, Kans., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. BURTON. I present a joint resolution passed by the legislature of my State setting forth the necessity for construction and appropriation to build levees. I ask that the joint resolution be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the joint resolution was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Senate joint resolution 11.

Memorial to Congress for construction and appropriation to build levees.

Whereas the Ohio River is a waterway under the control of the Federal Government; and
Whereas the Congress of the United States makes large appropriations for the improvement of said waterway; and
Whereas the cities, towns, and villages along said waterway are yearly ravaged by the floods; and
Whereas there is a very large loss of property and life by reason of the annual floods; and
Whereas much sickness and disease follow in the wake of these overflows; and
Whereas it is feasible and practicable in nearly every case to protect by means of levees, embankments, or flood walls the cities, towns, and villages from the annual overflows and from the destruction of property; and
Whereas the prevailing conditions along the Ohio River necessitates a system of flood defenses: Therefore be it

Resolved by the Senate and the House of the Eightieth General Assembly of the State of Ohio, That we urge upon Congress of the United States the necessity of the early examination into the feasibility and practicability of the construction of the proper levees, embankments, or flood walls for the protection of the cities, towns, and villages, and that we also urge Congress to make the appropriations for such surveys and examinations. Be it further

Resolved, That the secretary of the state of Ohio is hereby instructed to forthwith transmit certified copies of this resolution to all Ohio Members of the Senate and House of Representatives of Congress of the United States and the Clerks of these respective bodies at Washington, D. C.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted, January 30, 1913.

UNITED STATES OF AMERICA, STATE OF OHIO.
Office of the Secretary of State.

I, Charles H. Graves, secretary of state of the State of Ohio, do hereby certify that the foregoing is an exemplified copy, carefully compared by me with the original rolls now on file in this office and in my official custody as secretary of state, and found to be true and correct, of a joint resolution adopted by the General Assembly of the State of Ohio on the 30th day of January, A. D. 1913, entitled "Joint-resolution memorial to Congress for construction and appropriation to build levees."

In testimony whereof I have hereunto subscribed my name and caused the great seal of the State of Ohio to be affixed at Columbus, Ohio, this 4th day of February, A. D. 1913.

[SEAL.]

CHAS. H. GRAVES,
Secretary of State.

Mr. BURTON presented a petition of the Ohio Association of Ginseng and Golden Seal Growers, praying that an appropriation be made for the investigation of the so-called ginseng disease, which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. CURTIS, from the Committee on Pensions, submitted a report, accompanied by a bill (S. 8399) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, the bill being a substitute for the following Senate bills heretofore referred to that committee (S. Rept. 1195):

S. 1810. Leonard C. Wiswell.
S. 1555. Charles M. Gregory.
S. 3397. Frank Lytle.
S. 4704. Margaret R. Birchfield.
S. 5911. Amanda Woodcock.
S. 7321. Luther Thompson.
S. 7614. Fred F. Harris.
S. 7660. August T. Lillich.
S. 7663. Charles F. Miller.
S. 7783. George W. Hale.
S. 7907. Frank A. Hill.
S. 8036. George S. Pauer.
S. 8055. Gilbert J. Jackson.

Mr. CURTIS, from the Committee on Pensions, submitted a report, accompanied by a bill (S. 8400) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, the bill being a substitute for the following Senate bills heretofore referred to that committee (S. Rept. 1196):

S. 130. Charles J. Esty.
S. 713. Mary A. Price.
S. 806. Margaret Staton.
S. 915. Mary M. Hoxie.
S. 1007. Mary J. Bates.
S. 1031. Andrew Jackson.
S. 2273. Cordelia R. Bragg.
S. 2444. Catherine F. Edsall.
S. 2590. Manuel Jay.
S. 2803. Mary E. Harris.
S. 2989. Martha Summerhayes.

S. 3302. Hannah M. Dukes.
S. 3692. Francis E. Stevens.
S. 3739. William Lawson.
S. 3741. Israel Dunlap.
S. 3805. Hattie A. Vaughan.
S. 3999. Loomis Near.
S. 4000. Patie A. Downing.
S. 4083. Matilda Kidney.
S. 4196. Thomas Burk.
S. 4293. James M. P. Brookins.
S. 4703. Henry Thomas.
S. 4968. Samuel Oliver.
S. 5006. John Chambers.
S. 5158. Phebe E. Brittell.
S. 5296. John A. Barnhouse.
S. 5300. Emalina Chapin.
S. 5314. Sarah C. Burdick.
S. 5449. William Spotts.
S. 5498. Elvira J. Morton.
S. 5595. Elizabeth M. Lowe.
S. 5796. William D. Martin.
S. 6378. Albert Schroeder.
S. 6826. Maria C. Faulkner.
S. 6845. William M. Whittaker.
S. 6881. Hiram F. Stover.
S. 6884. Horace A. Hitchcock.
S. 6885. Mary C. Brown.
S. 6890. Enoch Medsker.
S. 6908. Hardy H. Hickman.
S. 7146. Abraham Miller.
S. 7148. Martha J. Curry.
S. 7225. Adam Ross.
S. 7271. William White.
S. 7397. Louisa J. Jackson.
S. 7443. Mary A. Fisher.
S. 7489. Solomon Riddell.
S. 7554. John Bailey.
S. 7584. Philander B. Sargent.
S. 7585. William L. McCormick.
S. 7586. Ivory Phillips.
S. 7654. Ann E. Newport.
S. 7684. Catharine T. Williams.
S. 7766. Martha E. S. Blodgett.
S. 7793. Benjamin F. Jay.
S. 7882. Mary J. Thomas.
S. 7916. Michael Kearns.
S. 7958. Benjamin Wentworth.
S. 8014. George W. Doan.
S. 8019. Nathaniel J. Smith.
S. 8067. George W. Vincent.
S. 8085. Martha Benner.
S. 8102. Edward Hearin.
S. 8107. Minnie A. Piety.
S. 8109. Anna M. Thomas.
S. 8123. Ellen Maher.
S. 8174. James W. New.
S. 8215. William H. Sumption.
S. 8224. Ida E. Carter.
S. 8243. Lavina G. Clark.
S. 8253. Ellen Beam.
S. 8257. Judson P. Adams.
S. 8276. Emily C. Thompson.
S. 8277. Emelia Branner.
S. 8295. Charles Shattuck.
S. 8387. Mary E. Spraberry.

Mr. MARTIN of Virginia, from the Committee on Commerce, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 8089. A bill permitting the building of a railroad bridge across the Yellowstone River from a point on the east bank in section 15 to a point on the west bank in section 16, township 151 north, of range 104 west, of the fifth principal meridian, in McKenzie County, N. Dak. (S. Rept. 1197); and

S. 8090. A bill permitting the building of a railroad bridge across the Missouri River from a point on the east bank in section 14, Mountrail County, N. Dak., to a point on the west bank of said river, in section 15, in McKenzie County, N. Dak., in township 152 north, range 93 west, of the fifth principal meridian (S. Rept. 1198).

OLD EXCHANGE BUILDING, CHARLESTON, S. C.

Mr. SWANSON. From the Committee on Public Buildings and Grounds I report back favorably without amendment the bill (S. 8369) authorizing the Secretary of the Treasury to give to the Order of Daughters of American Revolution the "Old Exchange" building in the city of Charleston, S. C. I call the attention of the senior Senator from South Carolina [Mr. TILLMAN] to the report (S. Rept. 1199).

Mr. TILLMAN. This is a local matter in which our people are deeply concerned, and I ask for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury to convey, by quitclaim deed, the building formerly used for post-office purposes and now known as the "Old Exchange," in the city of Charleston, S. C., to the Order of Daughters of the American Revolution in and of the State of South Carolina, to be held by it as a historical memorial in trust for such use, care, and occupation thereof by the Rebecca Motte Chapter of that order, resident in the city of Charleston, State aforesaid, as the chapter shall in its judgment deem to best subserve the preservation of the colonial building and promote the honorable and patriotic purpose for which the grant is requested.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STONE (for Mr. REED):

A bill (S. 8401) granting an increase of pension to Sarah Ann Kelly; to the Committee on Pensions.

By Mr. STONE:

A bill (S. 8402) to establish a national aeronautical laboratory; to the Committee on the Library.

By Mr. THOMAS:

A bill (S. 8403) to establish the Rocky Mountain National Park in the State of Colorado, and for other purposes; to the Committee on Public Lands.

A bill (S. 8404) for the relief of Jeanie G. Lyles; to the Committee on Claims.

By Mr. WEBB:

A bill (S. 8405) granting a pension to Susan E. Rinks (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 8406) granting an increase of pension to Mary E. Dow; to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 8407) granting an increase of pension to Cornelia F. Lintleman; and

A bill (S. 8408) granting an increase of pension to Thomas M. McKenry; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 8409) to authorize the Secretary of Commerce and Labor to sell certain department publications and to provide for crediting the department's printing allotment with the proceeds; to the Committee on Printing.

By Mr. McCUMBER:

A bill (S. 8410) to authorize the sale of lands contained in the abandoned military reservation of Fort Hancock, near Bismarck, N. Dak. (with accompanying papers); to the Committee on Military Affairs.

By Mr. McLEAN:

A bill (S. 8411) granting an increase of pension to William Morrison (with accompanying papers);

A bill (S. 8412) granting an increase of pension to Emma F. Dimock (with accompanying papers); and

A bill (S. 8413) granting an increase of pension to Harriet A. C. Griggs (with accompanying papers); to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 8414) to authorize aids to navigation and other works in the Lighthouse Service, and for other purposes; to the Committee on Appropriations.

By Mr. BRADLEY:

A bill (S. 8415) granting an increase of pension to Jacob H. Gabbard (with accompanying papers); and

A bill (S. 8416) granting an increase of pension to Ward Houchin (with accompanying papers); to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 8417) to establish a fish-cultural station in the State of Florida; to the Committee on Fisheries.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MARTINE of New Jersey submitted an amendment proposing to appropriate $45,000 for improving Absecon Inlet, N. J., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. NELSON submitted an amendment authorizing the Secretary of War to enter into an agreement with the Municipal Electric Co., of Minnesota, for the purpose of utilizing the hydroelectric power developed by the surplus waters not needed for navigation by the dam described and provided for in House Document No. 741, Sixty-first Congress, second session, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BURTON submitted an amendment providing for the construction of levees upon any part of the Ohio River between its mouth at Cairo, Ill., and Pittsburgh, Pa., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. SMITH of Michigan submitted an amendment proposing to appropriate $20,000 for improving the harbor at Arcadia, Mich., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. JOHNSON of Maine submitted an amendment providing for the improvement of Thomaston Harbor, Me., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. MARTIN of Virginia submitted an amendment proposing to appropriate $5,000,000 for the construction of a memorial bridge across the Potomac River, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. OVERMAN submitted an amendment providing that from March 4, 1913, the salary of the Secretary to the President of the United States shall be $7,500 per annum, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. JONES submitted an amendment proposing to increase the appropriation for improving the Columbia River between Bridgeport and Kettle Falls, Wash., from $25,000 to $40,000, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BRADLEY submitted an amendment providing for the survey of Licking River, Ky., etc., intended to be proposed by him to the river and harbor appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Commerce.

Mr. FLETCHER submitted an amendment proposing to appropriate $25,000 for the establishment of a fish-cultural station in the State of Florida, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PERCY submitted an amendment relative to the improvement of the Mississippi River from Head of Passes to the mouth of the Ohio River, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment relative to the improvement of the mouth of the Yazoo River and harbor at Vicksburg, Miss., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

INTERSTATE SHIPMENT OF INTOXICATING LIQUORS.

Mr. HITCHCOCK. I submit an amendment intended to be proposed by me to the bill (S. 4043) to prohibit interstate commerce in intoxicating liquors in certain cases. I ask that the amendment be read and that it lie on the table and be printed.

There being no objection, the amendment was read and ordered to lie on the table, as follows:

Amendment intended to be proposed by Mr. HITCHCOCK to a bill (S. 4043) to prohibit interstate commerce in intoxicating liquors in certain cases.

At the end of section 2 add: "*Provided, however,* That nothing in this act shall be held or construed to render illegal or subject to State control the interstate shipment of liquors or liquids above described into any State or Territory to an individual for his personal or family use."

REVOLUTION IN NICARAGUA.

Mr. SMITH of Michigan submitted the following resolution (S. Res. 454), which was read and referred to the Committee on Foreign Relations:

Whereas during the revolutionary uprising headed by Gen. Louis Mena, which occurred on July 30, 1912, in the Republic of Nicaragua, the armed forces of the United States were landed in Nicaraguan territory; and

Whereas said armed forces of the United States did actually occupy Nicaraguan territory and participate in an armed conflict with the revolutionary forces therein, in which several of the American marines lost their lives; and

Whereas said armed forces of the United States have continued to occupy Nicaraguan territory, exercising military authority thereover, and without the authority of Congress: Therefore

Resolved, That the President of the United States be requested, if not incompatible with the public interest, to send to the Senate such statement of facts and details regarding said occupation and military activity, specifically setting forth the causes which brought about such forcible occupation of the territory of a friendly nation and armed combat with its citizens; and further

Resolved, That the President be requested to inform the Senate whether American marines were placed in possession of the Government buildings or residence of the President of Nicaragua and have continued to occupy such buildings since said revolutionary uprising.

COMMITTEE SERVICE.

Mr. MARTIN of Virginia submitted the following resolution, which was read, considered by unanimous consent, and agreed to:

Resolved, That the following assignments of Senators to service on committees be made, namely:

Mr. MORRIS SHEPPARD, of Texas, to Immigration, Census, Fisheries, and Expenditures in the Department of Commerce and Labor.

Mr. C. S. THOMAS, of Colorado, to Public Lands, Private Land Claims, Indian Depredations, and Expenditures in the Department of the Interior.

Mr. WILLIAMS M. KAVANAUGH, of Arkansas, to Indian Affairs, Industrial Expositions, and National Banks.

Mr. W. R. WEBB, of Tennessee, to Education and Labor and Civil Service and Retrenchment.

COUNTING OF ELECTORAL VOTE.

Mr. DILLINGHAM submitted the following resolution (S. Res. 455), which was read, considered by unanimous consent, and agreed to:

Resolved, That at 10 minutes before 1 o'clock on Wednesday, February 12, 1913, the Senate proceed to the Hall of the House of Representatives to take part in the count of the electoral vote for President and Vice President of the United States.

PROHIBITION OF SMOKING IN THE SENATE CHAMBER.

Mr. TILLMAN. I send to the desk a resolution which I ask be referred to the Committee on Rules.

The resolution (S. Res. 456) was read and referred to the Committee on Rules, as follows:

As required by the standing rules of the Senate (Rule XL), notice is hereby given that I will introduce, Monday, February 10, an amendment to Rule XXXIV, as follows:

"*Resolved*, That Rule XXXIV be amended as follows: Strike out the period at the end of the first clause and insert a semicolon, and then add the following: 'no smoking shall be permitted at any time on the floor of the Senate, or lighted cigars be brought into the Chamber.'"

PANAMA CANAL TOLLS.

Mr. NEWLANDS. On yesterday I introduced a bill (S. 8398) to amend an act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone," approved August 24, 1912, which was read twice by its title and referred to the Committee on Interoceanic Canals. I ask that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

A bill (S. 8398) to amend an act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone," approved August 24, 1912.

Be it enacted, etc., That section 5 of the Panama Canal act approved August 24, 1912, be, and it is hereby, amended by inserting, after the words "no tolls shall be levied upon vessels engaged in the coastwise trade of the United States," the words "or upon vessels belonging to the United States. The tolls shall not exceed in the aggregate an amount sufficient to pay the United States the cost of operation, maintenance, protection, and a fair interest upon its expenditure in the construction of the canal, after deducting therefrom an amount equal to the tolls which, but for the foregoing provision, would be levied upon vessels engaged in the coastwise trade of the United States and vessels belonging to the United States. For the purpose of making such deduction an account shall be kept of the tonnage of such vessels passing through the canal."

Mr. NEWLANDS. On yesterday I introduced a joint resolution (S. J. Res. 159) regarding the Panama Canal tolls, which was read twice by its title and referred to the Committee on Interoceanic Canals. I ask that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

Joint resolution (S. J. Res. 159) regarding the Panama Canal tolls.

Resolved, etc., That in providing in the recent act for the opening of the Panama Canal, approved August 24, 1912, that "no tolls shall be levied upon vessels engaged in the coastwise trade of the United States," it was the purpose of Congress to subject the Panama Canal in its purely domestic relations, like all our domestic rivers, canals, and waterways, to the traditional policy of freedom from the imposition of tolls upon vessels engaged in domestic and coastwise transportation for expenditures made by the Government of the United States in their operation, maintenance, improvement, or construction, and that it was not the purpose of the Government of the United States to impose upon foreign and international tonnage any portion of the cost of operation, maintenance, and interest upon the expenditures of the United States

which would be properly assignable to the tonnage of vessels engaged in the coastwise trade.

SEC. 2. That in the opinion of Congress the tolls fixed by the President for the passage of vessels engaged in foreign and international trade through the Panama Canal will not for many years yield such proportion of such cost of operation, maintenance, and interest as would be properly chargeable upon vessels passing through the canal engaged in foreign or international trade were such tolls levied upon all vessels passing through the canal, including those engaged in the coastwise trade of the United States, and therefore such tolls are reasonable and proportionate, and furnish no just ground of complaint to foreign countries.

SEC. 3. That in order to clear up any misapprehension upon this subject and to give assurance of the future, Congress hereby declares the intention of the Government of the United States to fix such tolls for the use of the Panama Canal as will pay to the United States only the cost of operation, maintenance, protection, and a fair interest upon its investment, and that the tolls to be charged against vessels passing through the canal engaged in foreign or international trade shall not exceed in the aggregate such proportion of such cost of operation, maintenance, protection, and interest as the tonnage of such vessels bears to the *total tonnage* of all vessels passing through the Panama Canal.

AGRICULTURAL EXTENSION DEPARTMENTS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 22871) to establish agricultural extension departments in connection with agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and acts supplementary thereto, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BURNHAM. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. PAGE, Mr. CRAWFORD, and Mr. SMITH of Georgia conferees on the part of the Senate.

Mr. BURNHAM. Mr. President, I desire to say, in reference to the appointment of the conferees on the part of the Senate on the disagreeing votes of the two Houses on the bill, that my own strong preference was not to serve upon the conference; other Senators who might have been named by reason of priority of rank on the Committee on Agriculture and Forestry were of the same mind, and all are agreed upon the conferees named.

The PRESIDENT pro tempore. The conferees named were suggested by the Senator from New Hampshire [Mr. BURNHAM], and his explanation accounts for their appointment by the Chair.

WATER SUPPLY IN COLORADO.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (H. R. 23293) for the protection of the water supply of the city of Colorado Springs and the town of Manitou, Colo., and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SMOOT. I move that the Senate insist upon its amendments and grant the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. SMOOT, Mr. GUGGENHEIM, and Mr. NEWLANDS conferees on the part of the Senate.

COAL MINING IN OKLAHOMA.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3843) granting to the coal-mining companies in the State of Oklahoma the right to acquire additional acreage adjoining their mine leases, and for other purposes.

Mr. OWEN. I move that the Senate disagree to the amendments of the House and request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. GAMBLE, Mr. CLAPP, and Mr. OWEN conferees on the part of the Senate.

SAMUEL SCHIFFER.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives agreeing to the amendment of the Senate to the bill (H. R. 8861) for the relief of the legal representatives of Samuel Schiffer, with an amendment, on page 2, line 8, of the Senate amendment, after "notwithstanding," to insert:

Provided, however, That in no event shall the judgment rendered in said cause, if any, exceed the sum of $62,150.34, and the amount of such judgment, if any, when paid to the claimants, shall be received by them in full settlement and satisfaction of all claims.

Mr. OLIVER. I move that the Senate concur in the amendment of the House to the amendment of the Senate.

The motion was agreed to.

MEMORIAL ADDRESSES ON THE LATE SENATOR HEYBURN.

Mr. BORAH. Mr. President, I desire to give notice that on Saturday, March 1, 1913, after the conclusion of the routine morning business, I shall ask the Senate to consider resolutions commemorative of the character and services of my late colleague, WELDON B. HEYBURN.

MEMORIAL ADDRESSES ON LATE REPRESENTATIVES FROM PENNSYLVANIA.

Mr. OLIVER. Mr. President, I desire to give notice that on Saturday, March 1, I will ask the Senate to consider resolutions commemorative of the lives and public services of HENRY H. BINGHAM, GEORGE W. KIPP, and JOHN G. MCHENRY, late Members of the House of Representatives from the State of Pennsylvania.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 7160, an act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 2, 5, and 8.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 3, 4, 6, 7, and 9, and agree to the same.

P. J. MCCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.
JOE J. RUSSELL,
J. A. M. ADAIR,
CHAS. E. FULLER,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 8034, an act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 2, 5, 6, 7, 9, and 10.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 3, 4, and 8, and agree to the same.

P. J. MCCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.
JOE J. RUSSELL,
J. A. M. ADAIR,
CHAS. E. FULLER,
Managers on the part of the House.

The report was agreed to.

RIGHT OF WAY IN YELLOWSTONE NATIONAL PARK.

Mr. MYERS. I ask unanimous consent for the immediate consideration of the bill (S. 3130) to authorize the Secretary of the Interior to permit the Conrad-Stanford Co. to use certain lands.

The PRESIDENT pro tempore. The Senator from Montana asks unanimous consent for the present consideration of the bill named by him.

Mr. SMOOT. Mr. President, I observe that the Senator from Kentucky [Mr. PAYNTER] has given notice that he desires to address the Senate immediately after the conclusion of the routine business this morning. I am quite sure that this bill will lead to a lengthy debate, and I therefore object to its present consideration.

Mr. MYERS. Mr. President, I will say that I have no desire whatever to interfere with the Senator from Kentucky. I had, of course, supposed that probably this bill would be considered and voted on in half or three-quarters of an hour——

Mr. SMOOT. It will take a longer time than that, I am quite sure.

Mr. MYERS. But if there is any danger of interfering with the right of the Senator from Kentucky, I shall not now press the bill.

ANTIINJUNCTION LEGISLATION.

Mr. MARTIN of Virginia. Mr. President, on or about the 15th of May, 1912, the House of Representatives passed House bill No. 23635, ordinarily spoken of as the Clayton anti-injunction bill. That bill was referred to the Committee on the Judiciary of the Senate at that time. The committee have proceeded to have some hearings on the bill. On the 1st day of June last I inquired of the chairman of the committee when a report might be expected. While the assurances of the chairman were not very tangible, I did not at that time offer a motion to discharge the committee from the further consideration of the bill, but I did give notice that unless the committee reported that bill to the Senate for its consideration, I would, after a reasonable delay to enable the committee to give full consideration to the bill and to report it, ask that the committee be discharged from its further consideration.

The Senator from New Jersey [Mr. MARTINE] a little later—I think it was on the 12th day of June—made a similar inquiry and received similar latitudinarian suggestions as to the purpose of the committee to not unduly delay a report on the bill; and the matter has continued from that time until this time.

I think, Mr. President, the time has come when it is due to the Senate that the committee should report that bill, so that the Senate may consider it and vote on it; and, unless the chairman of the committee can give me to-day some tangible assurances that we are to have a report and an opportunity to vote on the bill I shall submit a motion to discharge the committee from its further consideration. I ask the chairman of the committee what the Senate may expect in this respect?

Mr. CLARK of Wyoming. Mr. President, I am unable to state what the Senate may expect or does expect, because I am not in the confidence of the expectations of individual Members of the Senate. I will say to the Senator from Virginia, however, that in this particular matter, at least, the Committee on the Judiciary has not been dilatory in the performance of its duty. Whatever delay has occurred in this matter has been delay caused by the friends of the bill, who have sought hearings and have not then appeared. Less than two weeks ago those who were most interested in the bill appeared before the subcommittee and had a considerable hearing. To-morrow is set for a hearing by the subcommittee on the bill.

I have no desire, as chairman of the committee or otherwise, to prevent the Senate from taking any action it pleases. If the Senate chooses to discharge the committee from the further consideration of the bill, I am sure neither the chairman nor any member of the committee will feel in the slightest degree irritated. But I want to assure the Senator that this bill and its companion bill have been receiving due, full, and prompt consideration, and whatever delay has occurred has been largely caused by the failure of the friends of the bill to appear at the times set for hearings at their request. Of course I can give the Senate no assurance as to when the action of the committee may be expected or what it may be.

Mr. MARTIN of Virginia. Mr. President, the Senator starts out by manifesting a little irritability because a very pertinent inquiry is made of him about a bill submitted to a committee of which he is chairman, and disclaiming any knowledge as to what the Senate expects in the matter. I can tell him that I, as one Senator, expect the committee to report that bill.

Mr. CLARK of Wyoming. If the Senator desires the committee to report this bill before it has had the consideration which the friends of the bill themselves insist upon, the Senator knows very well, under the rules, the course which he is at liberty to pursue. I assure the Senator again, as I assured him before, that the chairman of the committee and the subcommittee that has this matter in charge have been working with diligence upon the bill, and have not delayed it with the desire in any respect to prevent the Senate from taking action upon the bill but in order that it might be thoroughly considered, and in view of the repeated requests made for hearings and consideration by those who are friendly to the bill.

I make that statement to the Senator in all good faith, and I hope the Senator will so accept it. At the same time, as chairman of the committee, I do not want to hinder the Senator. I do not want to plead delay. I am perfectly willing, so far as I am individually concerned, that the Senate shall take up this matter at once, through the discharge of the committee, if the Senate believes such action is the best for the expedition of the bill.

Mr. MARTIN of Virginia. Mr. President, I do not think there is anything involved in this bill that requires such protracted hearings. The matters involved in the bill may be considered and acted upon by the Senate without any great array of testimony one way or the other in respect to them. We all know that the committee has the power to bring these hearings to a conclusion. We all know that the committee can require the appearance of those who desire to be heard, and if they do not appear they ought to be cut off from a hearing. We all know that this matter of hearings is a much-resorted-to method of indefinitely postponing measures that ought to be considered in Congress.

I should like to know from the chairman of the committee who it is that desires this hearing which he says will come up in a few days.

Mr. NELSON. Mr. President, the bill was referred to a subcommittee of which the senior Senator from New York [Mr. ROOT] is chairman. I am a member of that subcommittee. The bill came over to the Senate at the close of last session. We had not time to investigate it then. It effects a complete revolution in the law of preliminary injunctions and temporary restraining orders, and also in respect to final injunctions.

The bill went over until this session. We have had several hearings on it. Most of the hearings, I think, have been at the instance of the friends of the bill. I recall very well that Mr. Gompers occupied nearly all the time at two of our hearings.

The Senator from New York is not here. We are to have another hearing to-morrow, when we expect to dispose of the bill, as far as the subcommittee is concerned, and we expect to make some report to the full committee at the next session. This is all I can tell the Senator about it.

The measure is a very important one. As I said, it involves a complete change and an entire revolution in our law relating to what we call temporary restraining orders, preliminary injunctions, and final injunctions. It is a very important matter, because it is so far-reaching in its consequences, and the subcommittee, for which I am speaking, have felt that they ought to give the matter full consideration.

I want further to call the attention of the Senator to the fact that recently the Supreme Court of the United States has issued a new set of equity rules, covering, among other things, this matter of temporary restraining orders, preliminary injunctions, and final injunctions. Those rules, as I say, are new, and we are considering them in connection with this bill, to see whether or not any legislation is required in addition to what is proposed by the new equity rules of the Supreme Court of the United States.

I believe the Senator from Utah [Mr. SUTHERLAND] is a member of the subcommittee with me, and he can speak for himself. I am in the attitude of the Senator from Wyoming; I am speaking only for myself, personally.

I want to add just one word. There is no disposition to delay the matter; but, owing to the great importance of the subject and the character of it, we have felt that we ought not to handle it in a sort of "whangdoodle" manner and throw it before the Senate in a reckless manner and go into it roughshod, as though we were passing an ordinary bill to pension John Jones.

Mr. MARTIN of Virginia. Mr. President, it seems to me time enough has elapsed since the 15th day of last May to enable the committee to handle this matter without handling it—I do not know that I got the word exactly right—in a "whangdoodle" manner. I do not know exactly what the Senator means by a "whangdoodle" manner, but I think the committee ought to handle it in some way. I do not dispute the importance of the bill. The rules adopted by the Supreme Court are simply rules of procedure, and very helpful rules on the general line of the purposes of this bill, but they do not go to the root of the evil aimed at in the bill. I think the bill has had very large consideration already.

Mr. SUTHERLAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from Utah?

Mr. MARTIN of Virginia. I yield.

Mr. SUTHERLAND. The Senator from Virginia says the rules of the Supreme Court do not go to the root of the evil. In what respect does the Senator think the pending bill improves the situation over that provided for by the rules of the Supreme Court?

Mr. MARTIN of Virginia. I have not the slightest idea of going into a discussion of the merits of this bill with the Senator from Utah on a preliminary motion like this. It seems to me the disposition to filibuster on that side of the Chamber has gotten out of reasonable limits. The Senator, I am afraid, wants to filibuster against the consideration of this bill. He can not draw me into any such attitude as that.

Mr. SUTHERLAND. The Senator seems to think the rules of the Supreme Court are not sufficient to cover the evil. I have been giving somewhat diligent attention to this whole

question, and I should be glad to hear from the Senator from Virginia in what particular he thinks the rules of the Supreme Court do not cover the evil.

Mr. MARTIN of Virginia. At the proper time, Mr. President, I expect to say something in respect to that matter. But we all know that the Senator from Utah, an able lawyer and a very conservative, if not an ultraconservative Senator in respect to matters of this sort, does not look with very much favor upon this anti-injunction bill.

Mr. SUTHERLAND. The Senator has said that he intended to move to discharge the committee in order that the Senate itself might consider this question. Certainly before he proposes a radical motion of that kind he ought to be able to tell the Senate why he does it.

Mr. MARTIN of Virginia. I do it because the committee has delayed unreasonably its report on a very important bill. I gave that reason once; but I certainly am not called upon to go into a discussion of the merits of a bill when I move to discharge a committee from its consideration.

Mr. SUTHERLAND. The Senator from Minnesota has suggested that in all probability the rules recently adopted by the Supreme Court of the United States cover the situation. As I understand, the Senator from Virginia denies that, and I should be glad to have the Senator from Virginia tell us why he denies it.

Mr. MARTIN of Virginia. I say, I will not delay these proceedings and engage in a filibustering process to prevent a hearing of the matter which I am trying to get before the Senate by responding to any such invitation as that.

Mr. NELSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from Minnesota?

Mr. MARTIN of Virginia. I do.

Mr. NELSON. There is one thing, Mr. President, that would tempt me to make rapid progress on this injunction bill, if it would have the effect of checking the other side of the Chamber from preventing the confirmation of nominations.

Mr. MARTIN of Virginia. I am very sorry the Senator from Minnesota wants to cooperate with this side of the Chamber to prevent the confirmation of nominations. This side of the Chamber expects to give due consideration to nominations at the proper time and at the proper place, and to dispose of them as it thinks will best promote the welfare of the country. But that is no part or parcel of a discussion of this motion—this suggestion of a discharge of the committee because of its exceeding great delay in reporting a matter of very great public concern.

Mr. OWEN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from Oklahoma?

Mr. MARTIN of Virginia. I thought the Senator from Wyoming wished to say something; but I yield to the Senator.

Mr. OWEN. I merely wish to inquire how long the committee has had this bill under consideration.

Mr. MARTIN of Virginia. Since the 15th day of last May.

Mr. OWEN. And the extreme haste of the committee is now described as "whangdoodle" haste?

Mr. MARTIN of Virginia. I understood the Senator from Minnesota to say he objected to proceeding with any "whangdoodle" haste in the matter. The Senator from Mississippi [Mr. WILLIAMS], who is an authority on phrases, is not here; and I do not know what the meaning of this phrase "whangdoodle haste" is. But it looks to me as if there has been "whangdoodle" delay, and no haste of any sort whatever, when the bill has been held since the 15th day of last May, and we appear to be as far from a report now as we were then.

This bill has had careful consideration in the House of Representatives, Mr. President. It has had the consideration of one of the great political parties of this country. I think the time has come when the Members of the Senate ought to go on record with respect to it. If they are opposed to the bill, let them give their reasons for it, and record their votes. But I am not going to rest content to see the bill smothered in committee.

This matter of hearings may go on forever. I do not care whether the hearings are being given to so-called friends of the bill or to the opponents of the bill; but what I do insist upon is that the committee shall bring their hearings to an end and that they shall report the bill to the Senate. As I understand, the Senator from Minnesota says that the subcommittee will complete their investigations and reach their conclusions to-morrow.

Mr. NELSON. I meant to say that I hope so. The chairman of the subcommittee is absent, but a meeting is called for to-morrow, and I suppose we will be able to close it then.

There is one thing I want to say to the Senator from Virginia in all Christian spirit, and that is that I think this is a question that we never ought to consider from a party standpoint. It is not a question whether the Democratic Party favors it or whether the Republican Party favors it. It is too big and too broad a question to be a mere naked party question. We ought to consider it divorced from all party considerations, if any question at all is to be considered in that form in this Chamber.

Mr. MARTIN of Virginia. Mr. President, I will say to the Senator from Minnesota that I had not the slightest purpose of making it a political question. But I did say, and I repeat, that the great public importance of this bill and the demand for its prompt consideration are made manifest by the fact that it has been considered in the House of Representatives and has passed that body, and that it has been considered in the national convention of one of the great political parties of this country and has been approved in that convention. I refer to those things not for the purpose of making it a political question, but for the purpose of emphasizing the importance to the country at large, to people of all political parties, that this bill should be reported and should be passed upon by the Senate. If the Members of the Senate do not think the bill ought to be passed, let them say so by a vote recorded in their Journal. If they think the bill ought to be passed, let it be passed.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from Idaho?

Mr. MARTIN of Virginia. I yield.

Mr. BORAH. Let us have the Senate say so. Suppose the Senator from Virginia make his motion to have a vote upon this matter.

Mr. MARTIN of Virginia. The Senator from Idaho is showing a very commendable zeal in facilitating this matter. I desired to secure some information about it and to proceed fairly and justly and considerately. As the Senator from Minnesota indicated that perhaps after to-morrow we would have a report, I felt indisposed to insist upon a vote. But I do enter the motion, Mr. President, to discharge the committee from the further consideration of this bill. Such a motion can be carried over for a day by any Senator, and I therefore do not expect to ask a vote on it to-day. But I desire to enter the motion and to say that I shall call it up within the next few days, giving an opportunity for this report to come in which the Senator from Minnesota says may possibly come after to-morrow. If it does not come in two or three days, I shall ask for a vote on my motion.

I enter the motion, and ask that it may lie on the table; and I give notice to the Senate that in a very few days, unless a report is forthcoming, I shall ask a vote of the Senate on that motion.

Mr. BORAH. Do I understand that the Senator has entered that motion?

Mr. MARTIN of Virginia. I have.

Mr. BORAH. I ask for its present consideration.

Mr. LODGE. Mr. President, under the rule it goes over, of course.

Mr. MARTIN of Virginia. I knew there would be objection. I am perfectly willing to have a vote on it now, but I knew it would be carried over.

Mr. CULBERSON. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CULBERSON. The Senator from Massachusetts said the motion went over under the rule. It does not go over unless it is objected to. Who objects?

Mr. LODGE. I asked that it go over, in the absence of the chairman of the subcommittee.

Mr. CULBERSON. Very well.

The PRESIDENT pro tempore. The Chair is informed that there is now a motion pending to that effect.

Mr. LODGE. When I said it went over under the rule, I meant it to go over under the rule, of course.

Mr. CULBERSON. I did not understand the Senator, and I wanted to know who objected.

Mr. LODGE. I objected to its being considered to-day, in the absence of the chairman of the subcommittee.

Mr. CULBERSON. Very well; that is satisfactory.

Mr. MARTIN of Virginia. I ask that my motion may be entered and lie on the table.

The PRESIDENT pro tempore. It will be so ordered.

DEPARTMENT OF LABOR.

Mr. BORAH. I gave notice yesterday that I would ask the Senate to-day to consider the bill (H. R. 22913) to create a department of labor, but in view of the fact that the Senator from Kentucky [Mr. PAYNTER] desires to address the Senate,

and also the Senator from Ohio [Mr. BURTON], I will say that I will attempt to have this bill considered as soon as those Senators shall have concluded their remarks.

SUSPENSION OF STATE STATUTES BY INJUNCTION.

Mr. CRAWFORD. Mr. President, because it is apropos to the discussion which has just occurred, but not with any desire whatever to create any impression that the Committee on the Judiciary has not been doing its full duty in the matter, I desire to call attention to the situation with reference to another pending bill, not so sweeping in its character but nevertheless a bill of very great importance, relating to temporary injunctions issued by Federal courts against the enforcement of statutes enacted by a State, and against the enforcement of orders promulgated by administrative boards of a State.

Last summer, when the bill was pending which made the annual appropriations for legislative, executive, and judicial expenses of the Government, an amendment was offered to that bill by the Senator from Iowa [Mr. CUMMINS] relating to injunctions issued against the Interstate Commerce Commission, and an amendment was offered by me relating to these injunctions against State administrative boards. There was some discussion here, and the amendments were incorporated into that bill and it passed the Senate.

The bill, it will be remembered, was vetoed because of the proposal to repeal the provision for the Court of Commerce. It came back into Congress as a new bill, containing exactly the same amendments, and a second time the bill was passed by both branches of Congress and met with the veto of the President. In the closing days of the session the necessity for passing a supply bill and keeping it strictly within the limits of that purpose made it necessary to drop the suggested amendments.

I introduced a bill some time ago in the present session providing for the same purpose, and I hope that the Senate Committee on the Judiciary will give it early consideration.

I wish to say in this connection, Mr. President, that in my State the use of the power of issuing preliminary injunctions without notice has been scandalously abused by the Federal court. It was one of the subjects dealt with in the annual message of our governor this year and covered several pages. Laws passed the legislature giving the commission the power to fix maximum rates on intrastate business, and they promulgated orders under it, and before papers could be presented to the State courts in the matter, within 15 minutes after the act passed the legislature and met the approval of the governor, by wire a temporary restraining order was made on certain officers of the State to prevent their entering into the execution of these solemn statutes of the State.

I say to Senators, if the present Congress refuses to consider a situation of that kind, you will simply leave it to the Congress that follows to consider it, because whether it is a political question or not I do not believe an American Congress is going to permit a situation of that kind to exist very long, where these inferior Federal courts by telegraph, within 15 minutes after a solemn State statute is enacted, tie up the officers of a State. That was done over two years ago with reference to passenger rates in my State. That proceeding is dragging its slow length along before a referee, and it will be years before the people of the State can have a final judgment on it.

The proceeding has been one of abuse, and you are surprised at this irritation which exists in these States. We have some timber in the Black Hills in the western part of my State. If we had a freight rate that was within the limits of reason the people out on those prairies could get lumber, produced within the limits of our own State, but from the Black Hills to the Missouri River the freight rate on lumber is almost as high as is the rate from the State of Washington to South Dakota, or from Georgia to South Dakota, and it is made practically prohibitory to the people on the prairies east of the Missouri River to use lumber that grows in the western borders of our State because of the extortion of the railways in that State, and because when the legislature has provided relief for the people there, a temporary injunction comes from an inferior Federal court, by telegraph, without any notice to the people of our State.

Now, we can delay and put these matters off and allow the irritation to grow, as it will grow, but I insist that this bill should receive serious consideration and it should not be the victim of undue delay.

INTERSTATE SHIPMENT OF LIQUORS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4043) to prohibit interstate commerce in intoxicating liquors in certain cases.

Mr. PAYNTER. Mr. President, I am not unmindful of the fact, if I desired to act in a manner that would invite and receive popular approval, that I should pursue exactly the opposite course from that which I have marked out for myself with reference to the proposed legislation.

Thousands of good people, God-fearing men and women in Kentucky, are pleading for the enactment of this bill into law; they seek the legislation solely for what they conceive to be for their country's good. No ulterior or selfish motive influences their action. Every right-thinking man would like to have their respect and approval of his official acts. But if one must violate the Constitution which he has sworn to support and maintain, and thus suffer the prostitution and self-abasement consequent upon a violation of that oath, the price which he pays to obtain their approval is too great. When a Member of this body is charged with the duty of construing the Constitution, the question as to the effect his decision may have on his personal fortunes should not for one moment be considered. When such a thought enters his mind he should, with due haste, exclaim, "Get thee behind me, Satan!"

Occasionally I receive a letter from one who knows that I am a strict constructionist, believing that all rights not granted to the Federal Government were reserved by the States and to the people, in which he says that the proposed legislation is good State rights doctrine. What I have always supposed was meant by State rights were such rights as were not granted to the Federal Government. I have never supposed these words meant the usurpation of any of the rights granted to the Federal Government or the right to have redelegated to the States the rights which had been granted to the Federal Government. From another person I received a letter in which the writer says the bill is constitutional because it is right. I received another letter from a gentleman who seems to be one of intelligence, and among other things he said:

> It is probably your opinion that it is unconstitutional, and probably, too, it may be so declared.

Notwithstanding this, he insisted that I should vote for the bill. Of course I could not hope to make an argument against the bill which would in the slightest degree affect the opinions of those who thus reason.

If our dual system of government is to be perpetuated, we must preserve the constitutional authority of the Federal as well as that of the State governments. The Members of both branches of the Congress promise to support the Constitution; they are certainly not supporting that instrument when they attempt to surrender to the States the authority to regulate interstate commerce, when the States without qualification or reservation expressly granted that authority to the Federal Government.

The bill as reported from the committee reads as follows:

> SECTION 1. That the shipment or transportation in any manner or by any means whatsoever of any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind, including beer, ale or wine, from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof into any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, which said spirituous, vinous, malted, fermented, or other intoxicating liquor is intended, by any person interested therein, directly or indirectly, or in any manner connected with the transaction, to be received, possessed, or kept, or in any manner used, either in the original package or otherwise, in violation of any law of such State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, enacted in the exercise of the police powers of such State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, is hereby prohibited.
>
> SEC. 2. That all fermented, distilled, or other intoxicating liquors or liquids transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall, upon arrival within the boundaries of such State or Territory and before delivery to the consignee, be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its reserved police powers, to the same extent and in the same manner as though such liquids or liquors had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

Section 1 is immature, impracticable, and, if permissible, I would say impossible. The bill is an incoherent and inconsistent piece of patchwork. The prohibition is made to depend upon the intent of some one with an undefined interest in the intoxicating liquor, whether it be a property interest or a lively interest arising from a desire to consume some of it is not stated, and the further fact that the liquor is received or held for sale in dry territory.

The section is not a prohibition against shipping intoxicating liquors. No penalty is prescribed for its violation, and perhaps the reason for this failure is because of what has been reported to have been said by Chief Justice Brian:

> It is trite law that the thought of man is not triable, for even the devil does not know what the thought of man is.

I have not tried to verify the quotation. Whether the Chief Justice made the statement or not, the rule as stated is correct.

Section 2 is inconsistent with section 1, as this section allows intoxicating liquor to be seized upon arrival in a State, regard-

less of the question of intent of those who had a direct or indirect interest in it.

A question which I will simply state, not discuss, might arise in Kentucky growing out of a situation there. Local option, not prohibition, is provided for in the constitution of the State. As a result of a vote in most of the counties local option is in force, and it is unlawful to sell liquor as a beverage. There is a statute in Kentucky by the terms of which it is made unlawful to ship intoxicating liquors, either from within or without the State, into dry territory, although the State and Federal courts have since held the act invalid so far as it was intended to affect an interstate shipment. It is lawful to sell intoxicating liquors in Lexington, Frankfort, Newport, Covington, Louisville, Owensboro, Paducah, and other places. So Kentucky, under her code of laws, makes it lawful to manufacture intoxicating liquors and leave the sale of it optional with certain political subdivisions. Suppose a shipment of intoxicating liquors was made in Pennsylvania to Lexington, Ky., it would have to pass through Kentucky over some routes more than 100 miles, and over the shortest route nearly 100 miles. Under the terms of the bill the liquor could be seized on its arrival in the State and before a delivery to the consignee. I will not stop to speculate as to the question which this statement of facts presents.

In the commercial world and by the Congress intoxicating liquors have been recognized as legitimate articles of commerce; if anything can be clearly determined by adjudication, it is that such liquors are a legitimate subject of commerce. In support of that I cited the case of Leisy *v.* Hardin (135 U. S., 100) and the case of the Louisville & Nashville Railroad Co. *v.* Cook Brewing Co. (223 U. S., 90).

In Leisy against Hardin it was said:

> Ardent spirits, distilled liquors, ale, and beer are subjects of exchange, barter, and traffic, like any other commodity in which a right of traffic exists, and are so recognized by the usages of the commercial world, the laws of Congress, and the decisions of courts.

This question is so well settled I deem it unnecessary to further discuss it.

At this point it may be stated that by section 8, Article I, Constitution of the United States, the power "to regulate commerce with foreign nations and among the several States and with the Indian tribes" is given to Congress.

The purpose of the proposed legislation is to invest the States with authority to prevent the shipment of intoxicating liquors from one State into another by seizing them, by virtue of existing laws or such as may hereafter be enacted, before they reach the consignee, whether such liquors are imported for sale in violation of State laws or for the personal use of the consignee.

If this bill should become a law and is held valid, then no person could have shipped into a dry State or a dry territory in a State liquor for his personal use. Yet no State, so far as I am aware, has declared the use of intoxicating liquors unlawful. In this connection it may be stated that the proposed legislation does not attempt to regulate commerce. On the contrary, it proposes to give to every State the right to prevent an interstate shipment of liquor by giving it the right, under whatever conditions it sees proper to impose, to seize it before delivery, thus giving each State the right to regulate interstate shipments of liquor in whatever way it may choose.

Mr. KENYON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from Iowa?

Mr. PAYNTER. I do.

Mr. KENYON. I do not want to interfere with the orderly course of the Senator's argument, but the statement which the Senator makes that this bill will stop the purchase for personal use of liquor is one that has been made a great deal, and is one that I absolutely deny. I wish the Senator would point out anything in the bill which warrants that assertion. I am willing to be convinced.

Mr. PAYNTER. If the Senator will bear with me in patience, I think I will show that the language of the bill does warrant the statement I have made.

Mr. KENYON. Does the Senator intend to discuss that question?

Mr. PAYNTER. I should like to say in that connection that if the Senator will simply read section 2 of the bill he will find that in express terms it does attempt to authorize a State to interrupt an interstate shipment of liquor when it arrives within its borders for use, consumption, sale, or storage.

Mr. KENYON. I have read section 2 a good many times, and, in my judgment, it does not.

Mr. PAYNTER. If that is true, and the Senator still entertains the opinion he has just stated, it is useless for the Senator and myself to discuss the question. So I would very much prefer, Mr. President, to go along in an orderly way and discuss the subject without going off on some question that I have considered perhaps in some other part of my speech.

Some general propositions may be stated which seem to me do not need the citation of authorities to support them. Some facts may be stated about which there is no controversy. I shall state some of them.

The police power exists in the States as it existed at the time the National Government was created, and it still remains in the States. The National Government can not add to or diminish the police power of the States. There is a limitation between the sovereign power of a State and the Federal power, and it may be stated as follows:

That which does not belong to commerce is within the jurisdiction of the police power of the State, and that which belongs to commerce is within the jurisdiction of the Federal Government.

Liquor can not be manufactured, sold, or used under the protection of the Federal Government in any State that has prohibited it. When the State authorizes the manufacture, sale, or use of liquors, the Congress is without power to destroy such authority.

If the State can determine the subjects which shall be regulated, then its power is greater than that of the Federal Government in the matter of the regulation of commerce between the States.

If such power is conceded to exist in the States, then they must triumph over the Federal Government in the struggle for supremacy.

If the Congress can surrender to the States a power which the Constitution provides it alone shall exercise, then it is competent for the Congress to utterly overthrow the Constitution and subvert all the rights which the framers of it sought to preserve by it.

If a State can enact a law which will enable it to intercept an interstate shipment of goods as it arrives within its borders, then the State, and not the Congress, can regulate interstate commerce.

If a State can intercept and prevent the consignee from receiving goods, then it can regulate interstate commerce and control the commerce which arises in another State, and thus nullify the clause of the Constitution providing that the Congress should regulate interstate commerce, thus destroying that clause of the Constitution which was regarded by those who framed it as essential to the proper conduct of the business of the country—in fact, this was the clause upon which the entire fabric was constructed. This is true because it was well known by those who brought into existence the Constitution that interstate commerce could only be regulated by the Congress, and that chaos would reign in business without it. Without that clause of the Constitution the growth and development of the country would be paralyzed, stagnation would exist, and the energies of the people be destroyed.

One of the great questions that brought the States together for the purpose of making a "more perfect Union" was to free commerce from State discrimination, not to transfer the power of restriction. As the States recognized that such regulation could only be had by national authority, they unreservedly surrendered that question to national sovereignty.

Notwithstanding that sovereignty should alone be exercised in the regulation of commerce, still it is proposed that the Congress shall redelegate such authority to the States. The essence of the proposition is to allow the States to do that which is at least doubtful that the Congress can do, to wit, prohibit the interstate shipment of a legitimate article of commerce.

When the Congress undertakes to authorize a State to seize a legitimate article of commerce before it reaches the consignee the Congress is attempting to redelegate to the State its power to regulate interstate commerce, and to allow the State, in effect, to prohibit the interstate shipment of a legitimate article of commerce. To restate the proposition, the Congress of the United States is in substance attempting to confer an authority upon the States which is not constitutionally vested in itself.

If a carrier can not deliver to a consignee goods which are the subject of an interstate shipment, then we have the equivalent of a denial to one desiring to ship goods of the right to deliver to the carrier goods for shipment.

If the Congress can authorize or permit a State to prevent the delivery of goods to the consignee, then the same right exists in the Congress to authorize or permit a State to prohibit the shipment of goods, although such goods are regarded by the State where situated, by the commercial world, by the Congress, and by the decisions of the courts as legitimate articles of commerce. As already stated, the denial of the right to deliver goods is the exact equivalent to denying the right of shipment, for if the article of commerce can not be delivered to

the consignee, then interstate commerce to that extent is destroyed.

The proposed legislation would have the effect of giving to the laws of the several States extraterritorial operation. That is the necessary consequence of allowing a State law to prohibit interstate shipment of merchandise and would destroy the right to contract beyond the limits of the State for shipment.

The effect of the proposed legislation would be to allow every State to stop every train crossing its borders and discharge its freight, lest it carry within the State prohibited merchandise.

In Rhodes *v.* Iowa (170 U. S., 422) the court said:

Undoubtedly the purpose of the act was to enable the laws of the several States to control the character of merchandise therein enumerated at an earlier date than would have been otherwise the case, but it is equally unquestionable that the act of Congress manifests no purpose to confer upon the States the power to give their statutes an extraterritorial operation, so as to subject persons and property beyond their borders to the restraints of their laws. If the act of Congress be construed as reaching the contract for interstate shipment made in another State, the necessary effect must be to give to the laws of the several States extraterritorial operation; for, as held in the Bowman case, the inevitable consequence of allowing a State law to forbid interstate shipments of merchandise would be to destroy the right to contract beyond the limits of the State for such shipments. If the construction claimed be upheld, it would be in the power of each State to compel every interstate-commerce train to stop before crossing its borders and discharge its freight, lest by crossing the line it might carry within the State merchandise of the character named, covered by the inhibitions of a State statute.

In Rhodes against Iowa, supra, at page 415, the court, in discussing the Bowman case, said:

After great consideration it was held that the law of the State of Iowa, in so far as it affected interstate commerce, was repugnant to the interstate-commerce clause of the Constitution and was void. It was decided that the transportation of merchandise from one State into and across another was interstate commerce, and was protected from the operation of State laws from the moment of shipment whilst in transit and up to the ending of the journey by the delivery of the goods to the consignee at the place to which they were consigned.

In Bowman *v.* Railway Co. (125 U. S., 498, 490), the court said:

It may be said, however, that the right of the State to restrict or prohibit sales of intoxicating liquor within its limits, conceded to exist as a part of its police power, implies the right to prohibit its importation, because the latter is necessary to the effectual exercise of the former. The argument is that a prohibition of the sale can not be made effective, except by preventing the introduction of the subject of the sale; that if its entrance into the State is permitted, the traffic in it can not be suppressed. But the right to prohibit sales, so far as conceded to the States, arises only after the act of transportation has terminated, because the sales which the State may forbid are of things within its jurisdiction. Its power over them does not begin to operate until they are brought within the territorial limits which circumscribe it. It might be very convenient and useful in the execution of the policy of prohibition within the State to extend the powers of the State beyond its territorial limits, but such extraterritorial powers can not be assumed upon such an implication. On the contrary the nature of the case contradicts their existence, for if they belong to one State they belong to all and can not be exercised severally and independently. The attempt would necessarily produce that conflict and confusion which it was the very purpose of the Constitution by its delegations of national power to prevent.

The Supreme Court also said, in Rhodes *v.* Iowa (170 U. S., 424):

Whilst it is true that the right to sell free from State interference interstate-commerce merchandise was held in Leisy *v.* Hardin to be an essential incident to interstate commerce, it was yet but an incident, as the contract of sale within a State in its nature was usually subject to the control of the legislative authority of the State.

On the other hand, the right to contract for the transportation of merchandise from one State into or across another involved interstate commerce in its fundamental aspect and imported in its very essence a relation which necessarily must be governed by laws apart from the laws of the several States, since it embraced a contract which must come under the laws of more than one State.

The question involved here was ably discussed by Mr. Justice Catron in the License cases (5 How., 559-561), in which it is said:

The law and the decision apply equally to foreign and to domestic spirits, as they must do on the principles assumed in support of the law. The assumption is that the police power was not touched by the Constitution, but left to the States as the Constitution found it. This is admitted; and wherever a thing from character or condition is of a description to be regulated by that power in the State then the regulation may be made by the State, and Congress can not interfere. But this must always depend on facts, subject to legal ascertainment, so that the injured may have redress. And the fact must find its support in this, whether the prohibited article belongs to and is subject to be regulated as part of foreign commerce or of commerce among the States. If from its nature it does not belong to commerce, or if its condition, from putrescence or other cause, is such when it is about to enter the State that it no longer belongs to commerce, or, in other words, is not a commercial article, then the State power may exclude its introduction. And as an incident to this power a State may use means to ascertain the fact. And here is the limit between the sovereign power of the State and the Federal power; that is to say, that which does not belong to commerce is within the jurisdiction of the police power of the State and that which does belong to commerce is within the jurisdiction of the United States. And to this limit must all the general views come, as I suppose, that were suggested in the reasoning of this court in the cases of Gibbons *v.* Ogden, Brown *v.* The State of Maryland, and New York *v.* Miln.

What, then, is the assumption of the State court? Undoubtedly in effect that the State had the power to declare what should be an article of lawful commerce in the particular State; and having declared that ardent spirits and wines were deleterious to morals and health, they ceased to be commercial commodities there, and that then the police power attached, and consequently the powers of Congress could not interfere. The exclusive State power is made to rest not on the fact of the state or condition of the article, nor that it is property usually passing by sale from hand to hand, but on the declaration found in the State laws and asserted as the State policy that it shall be excluded from commerce. And by this means the sovereign jurisdiction in the State is attempted to be created in a case where it did not previously exist.

If this be the true construction of the constitutional provision, then the paramount power of Congress to regulate commerce is subject to a very material limitation, for it takes from Congress and leaves with the States the power to determine the commodities or articles of property which are the subjects of lawful commerce. Commerce may regulate, but the States determine what shall or shall not be regulated.

Upon this theory the power to regulate commerce instead of being paramount over the subject would become subordinate to the State police power, for it is obvious that the power to determine the articles which may be the subjects of commerce, and thus to circumscribe its scope and operation, is in effect the controlling one. The police power would not only be a formidable rival but in a struggle must necessarily triumph over the commercial power, as the power to regulate is dependent upon the power to fix and determine upon the subjects to be regulated.

The same process of legislation and reasoning adopted by the State and its courts could bring within the police power any article of consumption that a State might wish to exclude, whether it belonged to that which was drank or to food and clothing, and the nearly equal claims to propriety, as malt liquors and the produce of fruits other than grapes stand on no higher grounds than the light wines of this and other countries excluded in effect by the law as it now stands. And it would be only another step to regulate real or supposed extravagance in food and clothing. And in this connection it may be proper to say that the three States whose laws are now before us had in view an entire prohibition from use of spirits and wines of every description, and that their main scope and object is to enforce exclusive temperance as a policy of State, under the belief that such a policy will best subserve the interests of society; and that to this end more than to any other has the sovereign power of these States been exerted, for it was admitted on the argument that no licenses are issued and that exclusion exists, so far as the laws can produce the result—at least in some of the States—and that this was the policy of the law. For these reasons, I think, the case can not depend on the reserved power in the State to regulate its own police.

In re Rahrer (140 U. S., 557) the Supreme Court spoke of the reasoning of Mr. Justice Catron as "sagacious observations," and quoted them with approval, and then said (p. 559):

And the learned judge reached the conclusion that the law of New Hampshire, which particularly raised the question, might be sustained as a regulation of commerce, lawful because not repugnant to any actual exercise of the commercial power by Congress. In respect of this the opposite view has since prevailed, but the argument retains its force in its bearing upon the purview of the police power as not concurrent with and necessarily not superior to the commercial power.

The Committee on the Judiciary of the United States Senate, of which Hon. Philander C. Knox was a member, had under consideration bills somewhat like the one here presented for our consideration, and in discussing them the committee, through Mr. Knox, said:

These bills propose a plan to prevent the use of liquor through a regulation of interstate commerce by States that have no power over such commerce, permitted to do so by a Nation that has no jurisdiction over such use.

The Nation is not asked to supplement any action of the States prohibiting the use of liquors, but to allow the States to prevent the use, not by legislating against it, but by seizing importations before they reach the consignee. A more complete perversion and reversing of national and State powers I can not imagine.

Mr. SUTHERLAND. Mr. President, I will remind the Senator from Kentucky that the bill which Senator Knox was discussing was almost identical with the second section of the bill now under consideration.

Mr. PAYNTER. I think perhaps there was more than one bill before the committee, but there was a bill which, I think, was substantially the same as section 2 of the bill under consideration.

I think that Mr. Knox's statement of the question is an admirable one. No better one can be made. It shows a keen comprehension of the respective powers of the Federal and State Governments and a great capacity for lucid and concise statement of constitutional principles.

As I have said, this bill does not purport to regulate commerce between the States. It might more properly be denominated a bill to aid the States in the enforcement of their police power, or, rather, extending the police power of the States. Thus it is an attempt to exercise a jurisdiction alone possessed by the States. In order to do this the Congress is asked to subvert the most valuable clause of the Federal Constitution.

The Supreme Court, in the case of In re Rahrer (140 U. S., 562), said:

It does not admit of argument that Congress can neither delegate its own powers nor enlarge those of a State.

Therefore, Mr. President, when it is stated in the bill under consideration (or the Wilson bill) that an article at a certain time shall be subject to the police power of a State the Congress can not thereby add to the police power of the State.

Such a statement, if viewed from a Constitutional aspect, can not extend the police power of the State. It would be more accurate, I think, if Congress should say that the interstate shipment was terminated upon delivery of the article. Then there would be no reference made to the police power of the State and would not appear by words that Congress was endeavoring to add to the police power of the State. This would be better, as Congress can neither confer upon or diminish the police power of the State. In my opinion it is very inaccurate to make a declaration that at a certain period it shall be within the police power of the State, because when the shipment is terminated the police power of the State takes hold and control of the article that is shipped. So, as I say, it is very misleading to make a statement of that kind in the bill. It is not constitutionally accurate. It is not the province of Congress to define the police power of the States. It is the province of Congress to make uniform rules to regulate commerce; not, however, to confer such power upon the States.

Under the second section of the bill it is attempted to permit the State to seize liquors imported for personal use. Without discussing the question, I desire to quote from Vance *v.* Vandercook (170 U. S., 455), wherein the court said:

> The right of the citizen of another State to avail himself of interstate commerce can not be held to be subject to the issuing of a certificate by an officer of the State of South Carolina without admitting the power of that officer to control the exercise of the right. But the right arises from the Constitution of the United States; it exists wholly independent of the will of either the lawmaking or the executive power of the State; it takes its origin outside of the State of South Carolina, and finds its support in the Constitution of the United States. Whether or not it may be exercised depends solely upon the will of the person making the shipment, and can not be in advance controlled or limited by the action of the State in any department of its government.

It was said in Heyman *v.* Southern Railway (203 U. S., 274–275):

> The interstate-commerce clause of the Constitution guarantees the right to ship merchandise from one State into another, and protects it until the termination of the shipment by delivery at the place of consignment, and this right is wholly unaffected by the act of Congress, which allows State authority to attach to the original package before sale, but only after delivery. (Scott *v.* Donald and Rhodes *v.* The State of Iowa, supra.) It follows that under the Constitution of the United States every resident of South Carolina is free to receive for his own use liquor from other States, and that the inhibitions of a State statute do not operate to prevent liquors from other States from being shipped into such State on the order of a resident for his use.

In the case of Bowman *v.* Chicago & North Western Railway Co. (125 U. S., 493), discussing legislation similar to that which is here proposed, the court characterized the result that would flow therefrom as "commercial anarchy," and there said:

> Can it be supposed that by omitting any express declarations on the subject Congress has intended to submit to the several States the decision of the question in each locality of what shall and what shall not be articles of traffic in the interstate commerce of the country? If so, it has left to each State, according to its own caprice and arbitrary will, to discriminate for or against every article grown, produced, manufactured, or sold in any State and sought to be introduced as an article of commerce into any other. If the State of Iowa may prohibit the importation of intoxicating liquors from all other States, it may also include tobacco, or any other article, the use or abuse of which it may deem deleterious. It may not choose even to be governed by considerations growing out of the health, comfort, or peace of the community. Its policy may be directed to other ends. It may choose to establish a system directed to the promotion and benefit of its own agriculture, manufactures, or arts of any description, and prevent the introduction and sale within its limits of any or of all articles that it may select as coming into competition with those which it seeks to protect. The police power of the State would extend to such cases as well as to those in which it was sought to legislate in behalf of the health, peace, and morals of the people. In view of the commercial anarchy and confusion that would result from the diverse exertions of power by the several States of the Union, it can not be supposed that the Constitution or Congress have intended to limit the freedom of commercial intercourse among the people of the several States. "It can not be too strongly insisted upon," said this court in Wabash, etc., Railroad Co. *v.* Illinois (118 U. S., 557, 572), "that the right of continuous transportation from one end of the country to the other is essential in modern times to that freedom of commerce from the restraints which the States might choose to impose upon it, that the commerce clause was intended to secure. This clause giving to Congress the power to regulate commerce among the States and with foreign nations, as this court has said before, was among the most important of the subjects which prompted the formation of the Constitution." (Cook *v.* Pennsylvania, 97 U. S., 566, 574; Brown *v.* Maryland, 12 Wheat., 419, 446.) And it would be a very feeble and almost useless provision, but poorly adapted to secure the entire freedom of commerce among the States, which was deemed essential to a more perfect union by the framers of the Constitution, if at every stage of the transportation of goods and chattels through the country the State within whose limits a part of the transportation must be done could impose regulations concerning the price, compensation, or taxation, or any other restrictive regulation interfering with and seriously embarrassing this commerce.

UNIFORM SYSTEM.

To this point I have considered the effect of the commerce clause of the Constitution upon the proposed legislation. My opinion is, as appears from my discussion, that the proposed legislation is violative of that clause.

While it is not necessary for the purpose of my argument that I should do so, still it is my desire to call the attention of the Senate to another provision of the Constitution which I think has a bearing upon the question. However, I want it distinctly understood that I am of the opinion that it is not necessary for any Senator to agree with me in the suggestions I am about to make in order to reach the conclusion that he should vote against the bill. As the question under consideration is important, involving a constitutional question, I think it proper to make the suggestion which I purpose.

While the primary purpose of section 2, Article IV, was to be a restrictive power on the States, yet the language does not confine its restrictive effort to the States alone, for if there are no other provisions of the Constitution which would prevent Congress from doing the thing therein prohibited, that article would do so. It is a constitutional guaranty which the legislatures of States, Congress, and the courts should respect. If I am in error as to this, then most of the argument which I shall make with reference thereto is applicable to the question of the necessity for a uniform rule for the regulation of interstate commerce.

Federal laws affecting the citizens of the United States must be uniform in their application, for it is provided by section 2, Article IV, of the Constitution, that:

> The citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States.

This provision forbids Congress to enact a general law which gives citizens of one State privileges not given to those of another State. The Congress can not constitutionally impose restrictions upon the commerce of the citizens of one State that are not imposed on the citizens of another State.

If the Congress by legislation prevents citizens of one State from importing recognized articles of commerce, while by legislation such right is granted to the citizens of another State, the Constitution is violated. If the right to ship intoxicating liquors from Kentucky to Iowa is denied, then the right to ship the same kind of liquors from New York to Iowa must be denied. The Congress can not declare that intoxicating liquors are proper articles of commerce for the use of citizens of the United States residing in one State, and declare that the same kind of liquors are improper articles of commerce for the use of citizens of the United States residing in another State.

It is proposed by this bill, in effect, to do that very thing by attempting to give permission to some States to enact laws which recognize intoxicating liquors as proper articles of commerce for the consumption of their citizens, while other States may enact laws denying that intoxicating liquors are proper articles of commerce for the consumption of their citizens. This illustration shows that the Congress is asked to grant the States authority to enact laws which deny to the citizens of one State privileges which the laws of another State grant to citizens thereof. In other words, the Congress is asked to authorize the States to do that which is forbidden by the Constitution.

If it were conceded that the Congress has the power to prohibit the interstate shipment of liquors, I feel sure that no one would contend that an act would be valid which allowed Kentucky to ship liquors to the Eastern States while denying to the citizens of any other State the right to ship liquors to the Eastern or any other States of the Union.

To enact a law which allows a citizen and consignee in one State to receive an article of commerce by an interstate shipment and deny a citizen and consignee in another State the right to receive a like article of commerce is certainly a denial of privileges to the citizens of one State the privileges enjoyed by those of another State. This is entirely apart from the right of the State to legislate as to the disposition of the article after it has been delivered to the citizen and consignee.

If a rule or regulation of commerce can be said to be established by the bill, then it is only such as may be established by the States. If the States do not pass laws establishing a rule with relation to the interstate shipment of liquors, then no rule exists.

Therefore it is apparent that Congress has surrendered the power to make the rule to regulate commerce to the States. So it is reduced to this: No State legislation, no rule.

I am not unmindful of the fact that the Court in Bartemeyer *v.* Iowa (18 Wall., 136) has held that the right to sell a prohibited article can never be deemed one of the privileges and immunities of the citizen which are sought to be preserved by the fourteenth amendment.

That is certainly true, because the police power of the State is recognized under the Constitution, and it is not sought by the fourteenth amendment to diminish or affect the police power of the State; and, therefore, the State having the power to regulate or prohibit the sale of liquors, no one could successfully claim that the fourteenth amendment secures to him protection against the police power of the State.

An attempt is being made by the bill under consideration to surrender the power to regulate commerce, which is vested in the Congress. It is an attempt not only to surrender the power of Congress to regulate commerce but at the same time, by that act of Congress and an act of the legislature, to commit an additional violation on the Constitution by allowing some of the States to deprive the citizens of such States of the privileges which are enjoyed by the citizens of other States. It is an attempt to have both sovereignties combine to violate both provisions of the Constitution, to which I have called attention.

If a citizen of one State is deprived of the right as consignee to have delivered to him an interstate shipment of an article of commerce, and such right is recognized in a citizen of another State, certainly it is depriving the citizens of one State of a right that is enjoyed by the citizens of other States, and in doing this the commerce clause of the Constitution is disregarded as well as the provisions of section 2, Article IV.

So long as intoxicating liquors are legitimate articles of commerce their owners should enjoy the same right to have them transported as the owners of other articles of commerce, and therefore Congress must furnish the same protection to them until they reach the consignee as to other articles of commerce, and certainly they are entitled to the same protection under the Constitution as other articles of commerce.

I do not now recall any case in the Supreme Court involving the effect of legislation somewhat similar to that here proposed where the court expressly decided what relation section 2, Article IV, of the Constitution had to such question. In the dissenting opinion in the Lottery case delivered by Chief Justice Fuller, in which Justices Brewer, Shiras, and Peckham agreed, there is a general discussion of this clause of the Constitution. It is there said:

> Congress is forbidden to lay any tax or duty on articles exported from any State, and while that has been applied to exports to a foreign country, it seems to me that it was plainly intended to apply to interstate exportation as well. Congress is forbidden to give preference by any regulation of commerce or revenue to the ports of one State over those of another; and duties, imposts, and excises must be uniform throughout the United States.
>
> "The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States." This clause of the second section of Article IV was taken from the fourth article of confederation, which provided that "the free inhabitants of each of these States * * * shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and egress to and from any other State and shall enjoy therein all the privileges of trade and commerce"; while other parts of the same article were also brought forward in Article IV of the Constitution.
>
> Mr. Justice Miller, in the Slaughterhouse cases (16 Wall., 36, 75), says that there can be but little question that the purpose of the fourth article of the Confederation and of this particular clause of the Constitution "is the same and that the privileges and immunities intended are the same in each."
>
> Thus it is seen that the right of passage of persons and property from one State to another can not be prohibited by Congress. But that does not challenge the legislative power of a sovereign nation to exclude foreign persons or commodities or place an embargo, perhaps not permanent, upon foreign ships or manufactures.

I have not discussed the question as to the power of Congress to prohibit the interstate shipment of liquors, because the proposed legislation does not go to that extent. If the power exists, the time for its exercise has not arrived, for it is said by the Supreme Court in Scott *v.* McDowell (165 U. S., 91) that—

> So long as the State legislation continues to recognize wines, beer, and spirituous liquors as articles of lawful consumption and commerce so long must continue the duty of the Federal courts to afford such use and commerce the same measure of protection under the Constitution and laws of the United States as is given to other articles.

I have not discussed the Lottery case, because the proposed legislation is entirely different from statute there under consideration.

To relieve ourselves of responsibility and criticism we should not improperly dump constitutional questions upon our Supreme Court, to have it assume unnecessary responsibility and receive, perchance, criticism. To do this is not fair or honorable and can not be justified, although the members of that court are not elected biennially or sexennially.

If we should have a doubt as to the constitutionality of a bill, whether such doubt arises from a careful study of the question or whether it be superinduced by a consideration of the consequences to us for our act, it is our duty to vote against the bill. The rule of action for government of the Congress is unlike the rule observed by the courts in determining the constitutionality of an act, for the court resolves all doubts in favor of its validity, while the lawmaking body must resolve all doubts as to its constitutionality against the passage of the bill. This doctrine is well stated by Mr. Cooley in his work on Constitutional Law, second edition, page 160, as follows:

> This course is the opposite to that which is required of the legislature in considering the question of passing a proposed law. Legislators have their authority measured by the Constitution; they are chosen to do what it permits and nothing more, and they take solemn oath to obey and support it. When they disregard its provisions, they usurp authority, abuse their trust, and violate the promise they have confirmed by an oath. To pass an act when they are in doubt whether it does not violate the Constitution is to treat as of no force the most imperative obligations any person can assume. A business agent who would deal in that manner with his principal's business would be treated as untrustworthy; a witness in court who would treat his oath thus lightly and affirm things concerning which he was in doubt would be held a criminal. Indeed, it is because the legislature has applied the judgment of its members to the question of its authority to pass the proposed law, and has only passed it after being satisfied of the authority, that the judiciary waive their own doubts and give it their support.

The Congress should be governed by this rule. If we are not, then we disregard a sane and safe rule. Courts resolve the doubts in favor of the validity of an act, because they credit members of the lawmaking branch of the Government with having passed the act believing it to be valid. When the Congress has solemnly proclaimed its belief in the validity of an act the courts when in doubt will not allow their doubts to cause them to adjudge invalid an act when the Congress has declared it a valid act.

If it becomes the rule of the Congress to resolve doubts in favor of the constitutionality of an act and the courts resolve all doubts in favor of its validity, then we have the spectacle of an act being adjudged valid when both the Congress and the courts doubt its validity. If such a rule is to prevail, what a humiliating and lamentable spectacle would be presented to the country and the world.

If the Congress should pass an act and add to it a clause expressing a doubt as to its constitutionality, would the courts in passing upon the question of its constitutionality resolve doubts in favor of the validity of the act? Certainly they would not do so, but on the contrary would announce the rule that all doubts under the circumstances of the case should be resolved against the validity of the act. If they did not do that we would have an enforceable act when both the Congress and the courts doubt its validity.

It is important that we should preserve the fundamental law of the land. It was made to secure our lives, liberty, and property, and as a guaranty of the same rights to those who are to follow us. We should preserve it, not violate it, because perchance in some particular case we would have it otherwise than it is. If those who have been honored with high public position, because of their supposed knowledge, patriotism, and integrity disregard the Constitution, then how can those who have trusted and honored them be expected to maintain their confidence in their public servants or reverence for our institutions? Why not preserve and uphold our Constitution, which was said by an illustrious man to be the greatest instrument ever stricken at one time from the brain of man? If it should be changed, let it be done in the manner prescribed by its terms; it is corrupt and hazardous to do it otherwise. In the farewell address, publicly read once each year in this Chamber, of him who was "First in war, first in peace, and first in the hearts of his countrymen," it is said:

> If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in a way which the Constitution designates. But let there be no change by usurpation; for, though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

If there are those here who believe that this bill is unconstitutional or who doubt its constitutionality, let them by their votes say they are willing to maintain the obligation which they took upon assuming official position. Let them present to the present and future generations a shining example of courage and devotion to duty. What greater achievement could a public servant desire than to merit and have placed upon the tablet erected to his memory these words:

> He discharged every public duty conscientiously and fearlessly, and in so doing enjoyed his own self-respect and merited that of his countrymen.

Did I take a selfish view of this matter, I would want to see this bill pass, for an early vindication of my position would surely come in the form of the judgment of the Supreme Court of the United States. If the bill fails to pass, my vindication will be postponed until a subsequent Congress passes a bill similar to the one under consideration.

Mr. POMERENE. I desire to give notice that at the close of the morning business on Monday I will, with the permission of the Senate, discuss briefly Senate bill 4043.

Mr. SUTHERLAND. I wish to give notice that at the conclusion of the remarks of the Senator from Ohio, of which he has just given notice, I shall desire to address the Senate upon the same measure.

Mr. KENYON. I call the attention of the Senator from Utah to the fact that there are a number of Senators, I think, who desire to speak on this bill, and as the vote is to be taken between 3 and 6 o'clock, it might be advisable if we could take up the bill at the close of the morning business on Monday.

Mr. SUTHERLAND. I understand that that is the effect of the notice given by the Senator from Ohio and by myself.

Mr. KENYON. The Senator from Ohio gave notice that he would speak at the close of the routine morning business?

Mr. POMERENE. I have just given that notice.

CONNECTICUT RIVER DAM.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8033) to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River, above the village of Windsor Locks, in the State of Connecticut.

Mr. BURTON. Mr. President——

Mr. KENYON. I know there are a number of Senators who are desirous of being here when the Senator from Ohio speaks. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DILLINGHAM in the chair). The Senator from Iowa suggests the lack of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Clarke, Ark.	Kenyon	Sheppard
Bacon	Curtis	La Follette	Simmons
Bankhead	Dillingham	Lea	Smith, Ariz.
Bourne	Dixon	Lippitt	Smith, Ga.
Bradley	Fletcher	Lodge	Smith, Mich.
Brady	Gallinger	McCumber	Smith, S. C.
Brandegee	Gardner	McLean	Smoot
Bristow	Gore	Martine, N. J.	Stephenson
Brown	Gronna	Myers	Sutherland
Bryan	Hitchcock	Nelson	Swanson
Burnham	Jackson	O'Gorman	Thomas
Burton	Johnson, Me.	Page	Thornton
Catron	Johnston, Ala.	Percy	Tillman
Clapp	Jones	Perkins	Townsend
Clark, Wyo.	Kavanaugh	Pomerene	Webb

Mr. THORNTON. I should like to announce the necessary absence of my colleague [Mr. FOSTER] from the Chamber on account of illness in his family and that he is paired with the junior Senator from Wyoming [Mr. WARREN]. I ask that this announcement may stand for the day.

Mr. SMOOT. I wish to announce the unavoidable absence of the Senator from New York [Mr. ROOT]. He has a general pair with the Senator from Indiana [Mr. SHIVELY].

I was also requested to announce the necessary absence of the Senator from Wyoming [Mr. WARREN] and the Senator from Rhode Island [Mr. WETMORE], as they are on Appropriations Committee work.

Mr. HITCHCOCK. I desire to announce the absence on public business of the junior Senator from Indiana [Mr. KERN].

The PRESIDING OFFICER. On the call of the roll 60 Senators have answered to their names and a quorum is present. The Senator from Ohio will proceed.

Mr. BURTON. Mr. President, at the close of my remarks on Wednesday I was about to quote from two decisions of the United States Supreme Court relating to the use of surplus water. Those decisions sustain the contention that the right exists to appropriate and dispose of surplus water power in case an improvement has been made for the promotion of navigation. These two leading cases arose from circumstances relating to an improvement in the Fox River in the State of Wisconsin. The first is reported in One hundred and forty-second United States, page 254. The other, arising under somewhat different circumstances but relating to the same improvement, is reported in One hundred and seventy-second United States, page 68.

I especially desire while reading from these cases that there may be no interruption. The cases speak for themselves, and the material included in them covers almost every phase of this subject, and will make it, I think, much clearer to the Senate than could be derived from any interlocutory discussion.

In the year 1846, in which the State of Wisconsin was admitted to the Union, Congress granted certain lands to the State for the purpose of improving the navigation of the Fox and Wisconsin Rivers. The legislature, by an act approved in 1848, accepted the grant, and by a subsequent act (p. 256), entitled "An act to provide for the improvement of the Fox and Wisconsin Rivers, and connect the same by a canal," created a board of public works to superintend the construction of the improvement. It was provided by this act that the water power created by the erection of a dam should belong to the State, subject to the future action of the legislature. The board was limited in their expenditures to the proceeds of the sale of the land granted by Congress. A contract was made soon after with private parties for the improvement.

In the year 1853 the State, finding it embarrassing to proceed with the improvement, created a corporation, known as the Fox & Wisconsin Improvement Co., the object of which was to relieve the State from indebtedness and at the same time to secure the prosecution of the work. A contract was made with this company, under which all the dams, locks, water power, and so forth, were vested in it.

The company built a dam and provided for the utilization of the water power, and, in the belief that it owned the hydraulic power, bought lands adjacent to the canal for the purpose of rendering the power available. This company met with embarrassment, and under the foreclosure of a mortgage its property was sold. In the meantime, the Federal Government was requested to take over the improvement. Action was taken looking to that end about the year 1870. A few years later the Federal Government again assumed control and built another dam distinct from the first, which was completed in the year 1876. In the meantime the Green Bay & Mississippi Canal Co. had been incorporated and became vested under the foreclosure with all rights in the water power. A conveyance was made by this company to the Government of the United States in which it reserved the water power.

I am thoroughly aware, Mr. President, that the argument will be made that this creates an exceptional situation; that the State could grant rights to this Green Bay & Mississippi Canal Co. under which it could utilize water power; and that those rights are the basis of its contention in the litigation which occurred. A careful examination of the decision utterly disproves that contention, however. In the first instance, it was conceded in the argument of counsel, who denied the right to use this surplus power, that the State could not make expenditures or appropriations for the development of water power.

Throughout the whole opinion the reasoning of the court is based upon general principles relating to the right of the agency or State which controls the navigation to utilize the surplus water power. Again, the decision in One hundred and seventy-second United States is based upon circumstances under which the Government had taken control of the improvement, had changed the locality of the dam, and was prosecuting the work itself.

In the meantime a rival company, known as the Kaukauna Power Co., gained possession of the three lots abutting upon this improvement alongside the pond which had been created by the dam and extending below the dam. It sought to construct a diversion canal through its lands. The Green Bay Co. applied to the court in Wisconsin for an injunction preventing the power company from interfering with its right to enjoy the surplus water.

The circuit court, the lower court in the State of Wisconsin, dismissed the petition, but the plaintiffs appealed to the Supreme Court of Wisconsin, in which forum the judgment below was reversed. An injunction was granted against the Kaukauna Co., the one owning the abutting lots, and it was held that the right to utilize the power belonged to the Green Bay Co. From that decision an appeal was taken to the Supreme Court of the United States.

I wish to read, Mr. President, briefly from the argument of the counsel for the plaintiffs in error, those who opposed the claim that the surplus power belonged to the one who had the navigation. Their contention was overruled by the Supreme Court of the United States.

> The plaintiffs in error admit that it was of vital interest to the State and to those intrusted with the preservation and maintenance of the improvement that they should have the entire control of the dam, embankments, canals, and all appliances necessary for the purposes of navigation, as well as of the waters necessary for navigation in the pond created by the dam. But they deny that the absolute control of such water involves the ownership or the right to the use of the surplus over and above what is necessary for the purposes of navigation. They deny that the surplus water power is either necessary or convenient for the purposes of navigation.

I am quoting from page 265, and I quote from this to show what the contention was which was overruled. The Supreme Court by Mr. Justice Brown says on page 271—I read this to give the facts relied upon:

> After the building of said new dam by the United States, as aforesaid, it, the said United States, constructed and extended the said embankment along the southerly shore of said Fox River, on said lot 5, from the said old dam downstream to, and joined and terminated the same upon, its said new dam, as the same is now in use; and these defendants state, upon information and belief, that neither the United States or any other party ever by purchase, condemnation, dedication, or in any other way acquired of or from the owner of said lot 5 the right to so construct or abut said new dam upon said lot 5, or to so lengthen or construct said new part of said embankment thereupon, etc.

I read, however, especially from pages 272 and 274. This goes into the subject so thoroughly that I will read these pages at length:

The case of the plaintiff canal company depends primarily, as stated above, upon the legality of the legislative act of 1848, whereby the State assumed to reserve to itself any water power which should be created by the erection of the dam across the river at this point. No question is made of the power of the State to construct or authorize the construction of this improvement and to devote to it the proceeds of the land grant of the United States. The improvement of the navigation of a river is a public purpose, and the sequestration or appropriation of land or other property, therefore, for such purpose is doubtless a proper exercise of the authority of the State under its power of eminent domain. Upon the other hand, it is probably true that it is beyond the competency of the State to appropriate to itself the property of individuals for the sole purpose of creating a water power to be leased for manufacturing purposes. This would be a case of taking the property of one man for the benefit of another, which is not a constitutional exercise of the right of eminent domain. But if, in the erection of a public dam for a recognized public purpose, there is necessarily produced a surplus of water which may properly be used for manufacturing purposes there is no sound reason why the State may not retain to itself the power of controlling or disposing of such water as an incident of its right to make such improvement. Indeed, it might become very necessary to retain the disposition of it in its own hands in order to preserve at all times a sufficient supply for the purposes of navigation. If the riparian owners were allowed to tap the pond at different places and draw off the water for their own use, serious consequences might arise not only in connection with the public demand for the purposes of navigation, but between the riparian owners themselves as to the proper proportion each was entitled to draw—controversies which could only be avoided by the State reserving to itself the immediate supervision of the entire supply. As there is no need of the surplus running to waste, there was nothing objectionable in permitting the State to let out the use of it to private parties and thus reimburse itself for the expenses of the improvement.

The value of this water power created by the dam was much greater than that of the river in its unimproved state, in the hands of the riparian proprietors who had not the means to make it available. These proprietors lost nothing that was useful to them, except the technical right to have the water flow as it had been accustomed and the possibility of their being able sometime to improve it. If the State could condemn this use of the water with the other property of the riparian owner it might raise a revenue from it sufficient to complete the work which might otherwise fail. There was every reason why a water power thus created should belong to the public rather than to the riparian owners. Indeed, it seems to have been the practice, not only in New York, but in Ohio, in Wisconsin, and perhaps in other States in authorizing the erection of dams for the purpose of navigation or other public improvement, to reserve the surplus of water thereby created to be leased to private parties under the authority of the State; and where the surplus thus created was a mere incident to securing an adequate amount of water for the public improvement, such legislation, it is believed, has been uniformly sustained. Thus, in Cooper *v.* Williams (4 Ohio, 253), the law authorizing the construction of the Miami Canal, from Dayton to Cincinnati, empowered the canal commissioners to dispose of the surplus water power of the feeder for the benefit of the State, and their action in so disposing of the water was justified. The ruling was repeated in the same case, Fifth Ohio, 391.

I think it is unnecessary for me to read these other cases, but I may remark incidentally that this is similar to a power that is exercised by numerous counties in the various States. They build courthouses. In their construction there is an amount of extra space. That extra space is leased to lawyers for a compensation, just as a private owner would lease his property. It has been held by the courts, and very properly no doubt, that when the general public use fails, the incidental use fails with it.i For instance, in the State of Massachusetts there is a decision by Chief Justice Shaw to the effect that, although in the building of a market house it is perfectly proper to construct an auditorium in the upper portion, which may be leased and a revenue derived from it, yet if the use for a market house fails or is abandoned the right to lease the incidental portion also fails with it.

Again, on page 275, the court says:

The true distinction seems to be between cases where the dam is erected for the express or apparent purpose of obtaining a water power to lease to private individuals, or where in building a dam for a public improvement a wholly unnecessary excess of water is created, and cases where the surplus is a mere incident to the public improvement and a reasonable provision for securing an adequate supply of water at all times for such improvement.

Then, further, on page 276, it is said:

So long as the dam was erected for the bona fide purpose of furnishing an adequate supply of water for the canal, and was not a colorable device for creating a water power, the agents of the State are entitled to great latitude of discretion in regard to the height of the dam and the head of water to be created, and while the surplus in this case may be unnecessarily large there does not seem to have been any bad faith or abuse of discretion on the part of these charged with the construction of the improvement. Courts should not scan too jealously their conduct in this connection if there be no reason to doubt that they were animated solely by a desire to promote the public interests, nor can they undertake to measure with nicety the exact amount of water required for the purposes of the public improvement. Under the circumstances of this case we think it within the power of the State to retain within its immediate control such surplus as might incidentally be created by the erection of the dam.

Again, on page 281, I find the following:

The dam was built for a public purpose, and the act provided that if, in its construction, any water power was incidentally created it should belong to the State, and might be sold or leased in order that the proceeds of such sale or lease might assist in defraying the expenses of the improvement. A ruling which would allow a single riparian owner upon the pond created by this dam to take to himself one-half of the surplus water without having contributed anything toward the creation of such surplus or to the public improvement, would savor strongly of an appropriation of public property for private use. If any such water power were incidentally created by the erection of a dam it was obviously intended that it should belong to the public and be used for their benefit, and not for the emolument of a private riparian proprietor.

I read also from volume 172. The case begins on page 58. It will be noticed that in the earlier decision the word "State" is very generally used, while in the later the term "United States" is very generally employed. The first seems to relate more to State ownership and control during the continuance of that control, and the other decision to the changed conditions created when the United States took over the improvements. I read from the bottom of page 68:

Whether the water power, incidentally created by the erection and maintenance of the dam and canal for the purpose of navigation in Fox River, is subject to control and appropriation by the United States, owning and operating those public works, or by the State of Wisconsin, within whose limits Fox River lies, is the decisive question in this case.

Upon the undisputed facts contained in the record, we think it clear that the canal company—

That was a case where the lessee leased from the Government of the United States—

We think it is clear that the canal company is possessed of whatever rights to the use of this incidental water power that could be validly granted by the United States.

It goes on to say that the Fox River is a navigable stream, and quotes a familiar decision in the case of *The Montello*, Twentieth Wallace, and states that the Supreme Court reversed the decision of the lower court, finding this was not a navigable stream, and held that the Fox River is a stream of a national character, and that steamboats navigating its waters are subject to governmental regulation.

I also wish to read from this decision, on pages 80, 81, and 82, beginning on page 80:

The substantial meaning of the transaction was—

And I wish to call especial attention to this part of it, because of its bearing upon the question of whether this was a privilege derived from the United States.

The substantial meaning of the transaction was that the United States granted to the canal company the right to continue in the possession and enjoyment of the water powers and the lots appurtenant thereto, subject to the rights and control of the United States as owning and operating the public works.

A little later it is stated:

The method by which this arrangement was effected, namely, by a reservation in the deed, was an apt one and quite as efficacious as if the entire property had been conveyed to the United States by one deed and the reserved properties had been reconveyed to the canal company by another.

That is, it is the same as if the United States had possessed it all and then conveyed the water power to the Green Bay & Mississippi Canal Co. To continue:

So far therefore as the water powers and appurtenant lots are regarded as property, it is plain that the title of the canal company thereto can not be controverted, and we think it is equally plain that the mode and extent of the use and enjoyment of such property by the canal company fall within the sole control of the United States. At what points in the dam and canal the water for power may be withdrawn and the quantity which can be treated as surplus with due regard to navigation must be determined by the authority which owns and controls that navigation.

Not the State of Wisconsin, but "the authority which owns and controls that navigation," which was in this case the Government of the United States.

Mr. O'GORMAN. Mr. President——

Mr. BURTON. I should prefer to proceed. This is all connected. I will be glad to yield to the Senator from New York later.

Mr. O'GORMAN. If the Senator will pardon a question at that point, do I understand the Senator from Ohio to claim that the United States owns the navigation under the commerce clause of the Constitution?

Mr. BURTON. Of course whether it owns or does not own it has little bearing on this subject. It has that control which is the incident of trusteeship, and you may almost say of ownership.

Which owns and controls that navigation—

Is the language of the decision.

What use is there here of talking about ownership? Who is in control of the navigation? Who owns the navigation if it has any owner? The United States of America under its paramount power.

In such matters there can be no divided empire.

That is, you can not put the control of the navigation in one hand and put the control of the water power there generated

in another. You must keep them together. That is the sound expression not only of law but of fundamental policy and, I might add, of good business as well. From page 81 I quote this:

Several cases are cited in the briefs for the defendants in error, wherein it has been decided by State supreme courts of high authority that whatever remains of the stream, beyond what is wanted for the public improvement, and which continues to flow over the dam and down the original channel of the river, belongs to riparian owners upon the stream in the same manner as if the State dam had not been erected.

The court goes on to say:

Our examination of the cases so cited has not enabled us to perceive that they are applicable to the present subject. In none of them have we found that, by the State legislation, was there a fund created out of the use of the surplus water to be expended in the completion and maintenance of the public improvement.

That brushes aside all these cases as not analogous either to the one under consideration or to the proposed project which we now have before us.

As we have seen, the entire legislation, State and Federal, in the present instance has had in view the dedication of the water powers incidentally created by the dams and canal to raising a fund to aid in the erection, completion, and maintenance of the public works—

Just exactly this case—

and, as we have further seen, provision was made in the Federal act of 1875 for the ascertainment and payment of damages, in respect to which this court said—

Arrangement is made here for the ascertainment and payment of damages. That responsibility is imposed upon the Connecticut River Co. They are compelled to secure the riparian rights. In the last paragraph the court says:

Our conclusion, then, is that, as by the judgment of the Supreme Court of Wisconsin there was drawn into question the validity of an authority exercised under the United States—

Let those who say this was an authority exercised by the State of Wisconsin bear in mind that the court in the very last paragraph gives us the reason for taking jurisdiction of the case, namely, that—

Our conclusion, then, is that, as by the judgment of the Supreme Court of Wisconsin there was drawn into question the validity of an authority exercised under the United States, to wit, the granting of the said water powers and easement, and the decision was against the validity of such authority, thereby depriving the plaintiff in error of property without due process of law, the judgment of that court must be, and is hereby, reversed.

This case was again before the court on an application for a rehearing, and the Supreme Court again said, in volume 173, page 190:

While the courts of the State may legitimately take cognizance of controversies between the riparian owners concerning the use and apportionment of the waters flowing in the nonnavigable parts of the stream, they can not interfere by mandatory injunction or otherwise with the control of the surplus water power incidentally created by the dam and canal now owned and operated by the United States.

At any rate, the works are owned by the United States; whether the water was owned or not is utterly immaterial, because the absolute control belongs to the United States.

Next, Mr. President, I want to lay down the proposition that that which the Government may do directly it may do indirectly in such a case as this. I do not think I need go beyond a single quotation from the United States Supreme Court Reports found in volume 127, at page 1. This was in reference to the building, I believe, of the Pacific Railroad:

Congress has authority in the exercise of its power to regulate commerce among the several States to construct, or authorize individuals or corporations to construct, railroads across the States and Territories of the United States.

That is, the Government of the United States may go into the Connecticut River and make this improvement directly, or it may authorize a corporation or individual to carry out the same great purpose, namely, the promotion of navigation.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Florida?

Mr. FLETCHER. Just at that point, before proceeding with a different phase of his argument——

Mr. BURTON. I yield to the Senator.

Mr. FLETCHER. Do I understand that this river is navigable throughout its length?

Mr. BURTON. The Senators from Vermont can tell better than I. I fancy it is not navigable up in Vermont; but, in answer to the question of the Senator from Florida, it is sufficient to say that it is navigable both above and below the location of the proposed dam. I gave the figures in my remarks on Wednesday.

Mr. FLETCHER. Now, if the Senator will allow me, I should like to call his attention to a decision of the Supreme Court of Florida with which he might want to deal in this discussion. Our supreme court, in the case of State *v.* Gebring (56 Fla., 603)—I will not take the time to read any extensive portions of the opinion——

Mr. BURTON. What is the point in it?

Mr. FLETCHER. I will only read one or two of the headnotes. The court says:

6. For the purpose of aiding navigation or commerce, or of encouraging new industries and the development of natural or artificial resources in the interest of all the people, the State may grant reasonable and limited rights and privileges to individuals in the use of lands under navigable waters in the State, but such privileges should not unreasonably impair the rights of the whole people of the State in the use of the waters or the lands thereunder for the purposes implied by law, nor relieve the State of the control and regulation of the uses afforded by the lands and the waters thereon.

Another headnote says:

4. The State can not abdicate general control over the lands under navigable waters within the State, since such abdication would be inconsistent with the implied legal duty of the State to preserve and control such lands and the waters thereon and the use of them for the public good.

Another headnote is to the same effect.

Mr. BURTON. I take it that is good law, but it seems to refer, however, to a nonnavigable stream.

Mr. FLETCHER. No; it refers to lands under navigable waters, the lands——

Mr. BURTON. I have already discussed that at considerable length. Does the Senator contend that the State of Florida has any such rights in the bed of a stream that it could authorize the construction of a building or a factory by a private individual there?

Mr. FLETCHER. So long as it did not interfere with the general use of the water for navigation purposes and for such purposes as the public itself had an interest in.

Mr. BURTON. Does the Senator from Florida maintain that, as against the United States Government, the State could withhold a portion of the bed of a stream from occupancy, say, for building a pier or a bridge or anything of that kind?

Mr. FLETCHER. I claim that the State itself owns the land under the navigable waters and the lands up to and including low and high water, and that the State not only owns the land but that it also owns the right to the use of the waters so long as it does not interfere with the general use for navigation purposes.

Mr. BURTON. What is meant by "the general use"?

Mr. FLETCHER. The public have a right, of course, to the navigable waters; that they shall remain navigable, and that they shall be unobstructed for navigation purposes; but, beyond that, it seems to me that the General Government has no power or control. I will read on that point the fifth headnote of this decision. It is as follows:

5. The rights of the people of the State in the navigable waters and the lands thereunder, including the shores or spaces between ordinary high and low water marks, are designed for the public welfare, and the State may regulate such rights and the uses of the waters and the lands thereunder for the benefit of the whole people of the State as circumstances may demand subject, of course, to the powers of Congress in the premises.

Mr. BURTON. Subject to the power of Congress, of course. I have discussed at considerable length the question of what was the right of the State in the bed of a stream. It is not really of any importance in this particular case because, as long ago as 1824, the State of Connecticut granted to this Connecticut River Co. the right to improve that stream for the purpose of navigation. I also called attention to the fact that a court in the State of Connecticut itself had held that where, under the authority of the Secretary of War and the Chief of Engineers, a new channel was dug along the shore which interfered with the enjoyment of oyster beds—which, of course, are substantive property—the owners of the oyster beds were not entitled to compensation.

I think I can clear this situation as to the right of a State as opposed to that of the United States by reading a sentence or two from the syllabus of an opinion in Stockton, Attorney General of New Jersey, against The Baltimore & New York Railroad Co. and others. It was decided as a circuit-court case in New Jersey in 1887. The decision was rendered by Justice Bradley, of the Supreme Court. It is true the case was never taken to the Supreme Court, but in the case of Luxton against North River Bridge Co., in One hundred and fifty-third United States, the Supreme Court refers to Judge Bradley's opinion with approval. This is the case to which I have already referred briefly. The State of New Jersey had passed a law forbidding the building of any bridge between New Jersey and Staten Island. The State of New Jersey had all the rights of the old English sovereigns in the bed of the stream—the ground under the water—the same as in the Florida case. Congress granted the right to build a bridge across the water between New Jersey and Staten Island, and an attempt was made to enjoin the

bridge company on the ground that the State of New Jersey had passed a statute forbidding the building of any bridge there, and also because in the location of the bridge piers the foundations would be placed under water upon this land which belonged to the State of New Jersey. Justice Bradley decided against both contentions; and this is the syllabus as regards the right to build the bridge:

The power of Congress in this respect—

That is, to authorize the building of bridges in such cases—

being supreme, and the act in plain terms granting authority to build the bridge, the privilege is not promissory in its character, and may be exercised without the consent or concurrence of the State in which the structure is authorized by the act to be placed.

Again, as regards the land under water:

The shore and lands under water in the navigable streams and waters of New Jersey, which, prior to the Revolution, belonged to the King of Great Britain, as part of the jura regalia of the crown, passed to the State at the close of that war—

Now, here is the principle—

but the State succeeded to them as trustee of the people at large, and, the right of the State therein not being such property as is susceptible of pecuniary compensation, it is not "private property," within the meaning of the Constitution of the United States, amendment 5, providing that private property shall not be taken for public use without just compensation.

I should hesitate a long while to agree to the contention that the State has a fee-simple title in those States in which the bed of stream is said to belong to the State. There may be some such a rule as that under the Spanish law, but certainly not under the common law. This is perhaps something of a digression, Mr. President, but it is of interest in the discussion of this subject. Clearly no such rule would afford any objection here, because the bed of the stream has been acquired by the company which seeks the franchise.

Another general basis for these provisions is the right of the Government, or the power that grants any privilege, to impose reasonable conditions. In arguing in support of that doctrine some have sought to justify provisions which are harsh and so repugnant to the established rules of right between man and man as to make them offensive. But there can be no question but that, in the granting of such privileges as this, reasonable conditions may be imposed. For instance, when the United States authorizes a company to build a bridge across a stream it has reserved the right to control the charges for its use. The strongest case on that subject is one in the Federal Reporter, where the privilege was granted both by the Dominion of Canada or the Province of Ontario—it is immaterial which—and by the State of New York to build the International Bridge across the Niagara River.

Under the privilege granted by the Governments involved the bridge company seemed to have the broadest rights to regulate charges. The Government of the United States, through its courts, asserted the right to control those prices, though the company had the full privilege from both the Province of Ontario and the State of New York, the court stating that the bridge could not have been built there without the consent of the United States, even though it only controlled the water in common with Canada, and hence it was authorized to impose conditions. In the building of bridges the condition has often been imposed that troops and munitions of war of the United States may cross free. It is frequently conditioned that other railway companies may cross the bridge on terms to be equitably adjusted.

Of course, I should say that where the condition is imposed that other railroads may cross the proposed bridge, a further object is to prevent a multiplicity of bridges. But this all arises from the power of the Government when granting a privilege to impose reasonable conditions for the public welfare.

Two cases are quoted in support of this doctrine, which, while they apply, I would not altogether rely upon in support of the right to impose conditions. In the State of Wisconsin a certain insurance company was doing business. It had numerous agencies and had expended a considerable amount of money for establishing its business there. The State passed a law to the effect that no foreign insurance company doing business within its borders should remove a case to the United States court.

The company was sued in the State court, and sought to remove the case to the United States court. Although it is not a substantial or essential part of the case, as I recall it, the suit was prosecuted to judgment in the State court, and then was appealed to the United States Supreme Court. In any event, the Supreme Court of the United States sustained the right of the insurance company, notwithstanding it had accepted the condition that it would not remove its case to the United States court, to resort to the Federal tribunal, and based its decision on the ground that no man can barter away his constitutional rights; that in case there is a difference of residence every man has the right to resort to the United States court, and that even if he signs an agreement to the effect that he will not avail himself of the privilege, he does not disable himself from doing so.

Mr. BRANDEGEE. That is on the ground of public policy.

Mr. BURTON. Yes. There was another development in the controversy, however. The State thereupon peremptorily revoked the right of the company to do business in the State of Wisconsin. The Supreme Court of the United States, upon consideration of the case, sustained the right of the State of Wisconsin to revoke the license of the company to do business, notwithstanding the company had simply availed itself of a privilege of which the court asserted it could not divest itself. That case is reported in Ninety-fourth United States. On reconsideration of the same question in Two hundred and second United States, in a similar case, the case of Insurance Company against Prewitt, the Supreme Court recently held, two judges dissenting, that where a rule was laid down that if a nonresident insurance company removed its case to the United States courts its license should be revoked, it could resort to the United States court, but the State could, however, revoke its license.

There are numerous cases on this subject, and I think it will be admitted as a principle of elementary law that when a corporation or an individual takes advantage of a privilege granted in a franchise and obtains a benefit therefrom it is estopped from refusing to comply with the conditions imposed. Another case on this subject is one in which a large claim of the State of Maryland against the United States was in question. An attorney or attorneys were employed to prosecute that claim. Congress passed an act appropriating $375,000, I believe, for the payment of the claim, but imposed as a condition of its payment that no part of it should be paid to any attorney. What the object was it is unnecessary to state. Very likely it was intended to discourage the prosecution of claims against the Government, but that condition was contained in the appropriation. It went to the Supreme Court of the United States eventually, and was decided in the case of Wailes *v.* Smith (156 U. S., p. 271), in an opinion rendered by Mr. Justice White before he was appointed Chief Justice, in which it was held that the money having been accepted under an act that imposed that condition no one could collect any attorney's fees from the amount that was to be paid.

In this connection, Senators, I want to call attention a little further to what I have already said in regard to reports of committees in this body. I made the statement that a bill relating to the Black Warrior River contained a provision that compensation was to be paid to the United States. That was in contradiction of the statement in the minority report. The minority report very boldly contradicted the statement of the majority report. This is the quotation:

A majority of the committee in their report say:

"It appears to be a settled question that the Federal Government may impose a charge for the use of the surplus water not needed for navigation."

We, the minority, deny that this question has been settled, and we challenge the majority to point to a single law on the statute books, or to a report of a single committee in Congress, or to a single decision of the Supreme Court which tends to establish their contention.

I think I cited a sufficient number of instances the other day, but I want to refer to this special case, because it is in the State of Alabama, and the statement which I made on Wednesday was denied by the Senator from Alabama. I could have made the statement even stronger than I did. The very bill, as introduced by Mr. JOHNSTON of Alabama, Senate bill 943, April 13, 1911, contained, on page 4, these conditions:

Provided, That the company—

The company was the Birmingham Water, Light & Power Co. They sought the privilege of using the surplus power—

Provided, That the company shall furnish, free of charge to the Government, at Locks 16 and 17, all power necessary for the operation of said locks, gates, and valves, and for the lighting of the Government stations and houses situated at said locks. And the said contract shall further provide for the payment by the company to the Government of an annual rental for its use of the water power at Dams and Locks 16 and 17 at the rate of $1 per annum per horsepower realized and developed from the water wheels delivering a minimum of not less than 80 per cent of the theoretical horsepower from the natural flowage of the river.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Alabama?

Mr. BURTON. Yes.

Mr. BANKHEAD. I should like to ask the Senator from Ohio if he thinks the Connecticut River dam bill, which we are

now considering, is at all parallel to the case of the Black Warrior River dam bill?

Mr. BURTON. It is in the matter of imposing a charge.

Mr. BANKHEAD. No.

Mr. BURTON. Quite decidedly.

Mr. BANKHEAD. Mr. President, the Government of the United States is building the lock and dam at Lock 17, on the Black Warrior River. It is the riparian owner. It owns all the property in connection with it. In this case there are private owners.

Mr. BURTON. In which case—the case of the Connecticut River?

Mr. BANKHEAD. The case of the Connecticut River. Private owners own the property. Private owners are building the dam. What the minority of the committee intended in this assertion was that no report, no bill, no law, no decision of the Supreme Court had ever recognized the right or the policy of imposing this tax—because it is a tax, and nothing more than a tax—upon a corporation situated as this corporation is in Connecticut, where they are the owners of the property, where they undertake to construct all the works in connection therewith. That is what the minority of the committee intended when it said that no report, no law, no decision of the Supreme Court had authorized any such contention; and we maintain that proposition to this moment. There is no comparison or parallel between the cases the Senator from Ohio has cited and this case of the Connecticut River dam. They are not in the same class at all.

Mr. BURTON. In the first place, Mr. President, I have quoted, and there will be inserted in my remarks——

Mr. BANKHEAD. Excuse me one minute further. I happened to be away from the Senate when this bill introduced by my colleague was passed, and I had overlooked it. It had entirely escaped my notice. The Senator from Ohio was correct in stating the provisions of that bill. I overlooked it, and to that extent we were in error in the statement in the minority report. But, Mr. President, all that provision of the bill authorizing the toll or levying a tax was stricken out of the bill here in the Senate.

Mr. BURTON. Oh, the Senator from Alabama is again in error in regard to that.

Mr. BANKHEAD. I mean when the conference report came in; that is when it was stricken out.

Mr. BURTON. When the conference report came in these provisions for compensation and, in fact, all of them had been so modified in the House; they had so piled Ossa on Pelion that the parties felt they could not accept it, and the whole idea of leasing it to a private party at all was abandoned. They were not satisfied in the House with the mere reservation of compensation. They wanted a number of other things.

Mr. BANKHEAD. I want to say to the Senator from Ohio that if I had been in the Senate when this bill was reported and passed, I should have made the same objection to it that I am making now to the Connecticut River bill.

Mr. BURTON. May I ask the Senator from Alabama, now that he is on his feet, if he had anything to do with the franchise to the Ragland Power Co., included in the river and harbor act of 1911?

Mr. BANKHEAD. Mr. President, that is another exactly parallel case. The Government owned the site, and the Government built the lock and dam.

Mr. BURTON. Oh, did it?

Mr. BANKHEAD. Why, of course it did. All the Ragland Power Co. does is to receive authority to put on a flashboard and make, perhaps, some addition to the height of the dam, so as to create a conduit.

Mr. BURTON. I will ask the Senator from Alabama again, while he is on his feet, if it is not a fact that in his report he agrees to this bill in its entirety except two provisions, and recommends that with the striking out of those two provisions the bills do pass?

Mr. BANKHEAD. Yes.

Mr. BURTON. That is to say, the Senator is in favor of it, except the provision against assignment, and the provision providing for the levying of a charge.

Mr. BANKHEAD. I have no objection to it if it satisfies the people of Connecticut.

Mr. BURTON. With those two provisions out, the Senator agrees to the bill? He is in favor of it?

Mr. BANKHEAD. I should not vote against the bill if they were out. I do not pretend to say that I approve all the provisions of the bill; but with those provisions stricken out I should not resist its passage.

Mr. BURTON. Mr. President, I went over this subject very fully a few days ago——

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Utah?

Mr. BURTON. Kindly allow me to treat of this matter first. Then where does the argument of the Senator from Alabama lead him? It leads him to the conclusion that if the Government builds a dam it may charge for the surplus water.

Mr. BANKHEAD. No, Mr. President; I never have admitted that and I do not admit it now. What I do say is that if the Government builds the dam and the lock and creates power and surplus water, and the corporation wants to use it, the Government might say: "We have built this lock at large expense, and if you will pay us a certain percentage on our investment for the use of the structure you may use it." But I never have agreed that you could charge directly for the use of the water, because the Government does not own the water. It has no control over the water; it has no interest in it except for navigation. I doubt whether the Government could go into the courts and collect the charge that it might levy even where it had built the structure.

Mr. BURTON. What is it that the company developing the power is utilizing? It is not bricks and mortar in the dam. It is the use of the water, flowing water. What is it that the company is paying for? It is the use of the water. It seems to me a decided departure from the actual facts of the case to say that the person who has the privilege is not paying for the use of the water. What else is he paying for?

Mr. BANKHEAD. I will answer the Senator. He is paying for the structure, the cost of the structure; and without the structure, of course, there would be no power.

Mr. BURTON. Why do you not appraise the structure, then, and pay for it in that form?

Mr. BANKHEAD. I have no objection in the world to the Government charging a fair percentage for the use of this structure, if they want to do it. It is a matter of contract, and if the power company does not want to accept it, it need not do it.

Mr. BURTON. Then why is it that in every bill on this subject the basis for compensation is an appraisement not of the value of the structure, not of any work which stands out tangibly there, but of the water power that is created?

Mr. BANKHEAD. That is exactly what I am objecting to in this bill—the appraisement of the water power.

Mr. BURTON. Further than that, the Senator from Alabama says he does not object to this bill when these provisions are taken out.

Mr. BANKHEAD. No; I did not say that either. I said I would not carry my objection to the extent of voting against the bill if the gentlemen up there who are directly interested in it want to accept it.

Mr. BURTON. This is what was said in the minority report, on page 4:

> We recommend the passage of the bill with the amendments suggested.

Mr. BANKHEAD. Yes.

Mr. BURTON. That is about as strong a statement as you can have. Those two amendments are, first, the provision against assignment without the consent of the Secretary of War or a court of competent jurisdiction; second, the provision for imposing a certain charge.

Let us see just what this bill is. I shall have to repeat what I said day before yesterday. The bill demands of the parties that they shall build the dam at their own expense. It demands that they shall build a lock and transfer that lock to the Government free of cost. It demands that they shall acquire all the flowage rights and save the Government harmless from any damage. It requires that they shall furnish to the Government permanently electrical power for the operation of the locks and for facilitating the passage of boats.

How can you draw any line between those requirements for construction, which is exceedingly expensive, and a provision that they shall pay a certain amount for the developed water power? Here all these conditions are imposed. Some of them may be said to be in the past, such as the building; others in the future, such as the furnishing of power for the operation of the locks and this annual rental which is to be paid.

Mr. President, there is not a particle of difference in principle between the two. It all rests upon the right to impose conditions and charges, to compel the grantee or licensee to bear certain burdens as the condition of his obtaining the right. Indeed, the last charge is the fairest of them all, and I will tell you why, Mr. President:

When you build the dam, it is in some degree an experiment as to what power you can develop. When you build the lock, it is not for the use of the water-power company at all. It is for the use of navigation, pure and simple. But when you know how much water power you are going to develop and whether the enterprise is profitable or not, that is the proper

time for the Government to impose a charge—where actual results are achieved by the completion of the works and placing them in operation.

Mr. SUTHERLAND. Mr. President, I shall not ask the Senator to yield to me unless he feels quite willing, but I should like to ask him a question for my own information.

Mr. BURTON. Certainly.

Mr. SUTHERLAND. A moment ago the Senator was speaking about the so-called Black Warrior bill. As I recall the terms of that bill the Government of the United States in reality was building the works in aid of navigation. Am I correct about that?

Mr. BURTON. Yes.

Mr. SUTHERLAND. In the case of the Connecticut River bill, on the other hand, the Government is not building the works in aid of navigation.

Mr. BURTON. Oh, yes; those are the only terms on which it has anything to do with it.

Mr. SUTHERLAND. No; the Government of the United States in that case is overseeing the building of a dam for private purposes in order that navigation may not be interfered with, and as it seems to me there is a very clear distinction between the two classes of cases.

Mr. BURTON. Not at all.

Mr. SUTHERLAND. If the Senator will bear with me, in the Black Warrior case the Government of the United States, in pursuance of an undoubted power under the Constitution—namely, the power to regulate commerce—is constructing works to improve the navigability of a stream. Having in pursuance of its undoubted power constructed a dam or other works, it has incidentally created property. True, it is property that was potentially in the stream to begin with, but it had no practical existence until the dam was constructed which raised the level of the water. By raising the level of the water it created a property which belonged to somebody. As it seems to me, the Government which created it, the Government of the United States, would have the same right to sell that property or to dispose of it that it would have to sell supplies that it had acquired for the use of the Army and the Navy and that were no longer required for those particular purposes.

In the case of the Connecticut River bill, that condition of things does not exist. The Government permits the construction of this dam, but the dam belongs to the private owner; and when, by raising the level of the water, power is created and thus property is created, the property belongs to the owner of the dam. How can the Government in that case insist that the owner of this property shall pay it something?

Mr. BURTON. On the general rule that whenever anyone enjoys a privilege which he obtains from the United States compensation may be required for it.

I think the Senator from Utah does not exactly understand the situation. He speaks of the Connecticut River case as one where the Government is overseeing the construction of works for the purpose of preventing obstacles to navigation. That is not the case at all. The lock and dam are just as much required in the Connecticut River as they are in the Black Warrior River, and probably would minister to a very considerably greater traffic. It is a situation where there are rapids 5½ miles long, cutting in two the navigable portions of the river.

Mr. SUTHERLAND. May I ask the Senator why the Connecticut River Co. is constructing this dam? Is it for commercial purposes, for their own uses, in order to make profit from it, or is it to improve the navigability of the river?

Mr. BURTON. So far as their own immediate purposes are concerned, it is no doubt for commercial purposes, although the company was organized in 1824 and has enjoyed a charter since then for navigation. That was the original object of the company—the promotion of navigation in the Connecticut River. Now, what is the difference? Here is a navigable stream. Would the Senator from Utah say that as a condition of allowing the construction of a dam in a navigable stream Congress may not impose the restriction that they must build with that dam a lock as well, so that boats can pass through it?

Mr. SUTHERLAND. Certainly Congress may do that. That is to prevent the obstruction of the navigability of the river.

Mr. BURTON. What good does that lock do to the licensee? What is that except the exercise of the authority of the Government in imposing a restriction or condition?

Mr. SUTHERLAND. It does the licensee no good whatever.

Mr. BURTON. In this case it costs him $470,000.

Mr. SUTHERLAND. But the power of the Government, as I understand, is to preserve the navigability of the stream.

Mr. BURTON. Yes.

Mr. SUTHERLAND. When any citizen undertakes to interfere with the stream, the power of the Government is to see that the conditions are such that he does not interfere with the navigability of that stream. When the Government has imposed that condition and has required the construction of the dam or other structure in such a way that navigability is preserved, its power has ended. As I understand, it has not any power to do anything except either affirmatively to improve the navigability of the stream or negatively to prevent the destruction of its navigability.

Mr. THOMAS. Or injury to it.

Mr. SUTHERLAND. Yes. Having done that, its constitutional power has ended; and it has no business to say, in addition to the condition that the navigability shall not be interfered with or injured or destroyed, that as a consideration for its permission to construct the dam in a certain way it shall pay the Government a certain amount.

Mr. BURTON. Suppose the Government, instead of asking these parties to do this, had said, "We will build the lock, and we will charge you $470,000 for it." Would that have been a proper exercise of Federal power?

Mr. SUTHERLAND. I will ask the Senator to repeat that question. I did not quite catch it.

Mr. BURTON. Suppose the Government, instead of imposing upon this licensee the obligation of building the lock, had concluded to build the lock itself and had said to the licensee, "We will let you put in the dam there, but we will charge you $470,000 for the privilege." Would that have been an illegal exercise of power?

Mr. SUTHERLAND. Does the Senator mean the Government should say, "Instead of permitting you to build it, we will build it for you and we will charge you what it costs"?

Mr. BURTON. It is not building it for them at all. It is of no interest to them. It is of interest only to the Government.

Mr. SUTHERLAND. It is building it for them, because the Government has imposed the condition upon them that it shall be built in order to preserve the rights of the Government.

Mr. BURTON. Suppose $470,000 is estimated as the cost of the lock. The Government says we are going to build it and charge you $470,000 for it. Would that be an illegal requirement?

Mr. SUTHERLAND. That is the cost of what the Government has done.

Mr. BURTON. The cost of what the Government is going to do—could that be charged as a condition for the privilege of building the dam?

Mr. SUTHERLAND. And what the Government has done inures to the benefit of the private company, because, if the Government were not to do it, the private individual would be compelled to do it.

Mr. BURTON. The private individual would not be compelled to do it at all except to promote navigation there and furnish a way of getting through.

Mr. SUTHERLAND. The Government of the United States imposes this condition in order to preserve the navigability of the stream.

Mr. BURTON. Let me ask the Senator from Utah another question. Suppose the stream has to be improved above and below this dam and can not be made navigable except by dredging. This licensee comes and seeks a very valuable privilege there. Does the Senator from Utah maintain that the Government would be debarred from imposing upon that licensee the duty of improving the river both above and below the dam to make it navigable?

Mr. SUTHERLAND. The Senator from Utah simply says that the only power of the Government in connection with a matter of that kind is to insist that the structures in navigable streams shall be constructed in such a way as not to interfere with or destroy or injure navigability. If what the Senator from Ohio now suggests to be done is necessary for that purpose it may be required.

Mr. BURTON. Suppose it has no connection whatever with the construction of the dam, but there is a place both above and below, and we want to make it navigable, could the Government impose no condition so that the licensees must make a contribution to improve the approaches to that dam?

Mr. SUTHERLAND. Would the Senator add to that that the erection of the dam has imposed an obstruction and in part destroyed the navigability?

Mr. BURTON. This is not that case. There, I think, is the fundamental error of the Senator from Utah. It is not an error, but we do not exactly understand each other. This is not preventing obstruction to navigation. It is creating navigation. Here are considerable rapids over which you can not go unless there is a means of passing from a higher to a lower level and from a lower and higher level as well. Some one observes a very valuable water power there. The Government says to him: "We will impose on you as a condition of enjoying it that you help out in the improvement of the navigation of that river."

Mr. SUTHERLAND. Does the Senator mean to impose a tax to help the navigability of the river in a way that has not been affected by the structure which the company puts up for its own purposes?

Mr. BURTON. You can not separate that structure from the rest of the stream, because it creates an integral part of the navigation of the whole river.

Mr. SUTHERLAND. If the Senator will permit me, that, to my mind, is the whole question. If the construction of the dam interferes in any way with the navigability of the river, the Government of the United States may require the private company as a condition to putting up a dam to construct other works, if they are necessary, to restore the navigable condition. But if the improvement of the navigation of the river had no connection with the building of the dam, then it seems to me that the Government would have no right to do it. In other words, if the Senator will bear with me——

Mr. BURTON. Certainly.

Mr. SUTHERLAND. The Government of the United States would have no right to say to this company, "Because we grant you the privilege to build a dam at this point as a condition for that you shall go up the stream and remove obstructions to navigation which are in no manner affected by the dam which we give you permission to construct." The two must bear relation to each other.

Mr. BURTON. In other words, this is the contention. A corporation comes along with a proposal for improvement in that locality, and we say to them we shall not impose any obligation on you whatever except the mere creation of structures, although the privilege is of great value. That would lead to a system of favoritism and the loss to the public of valuable rights. What does the Senator from Utah say to this, which I mentioned a little while ago? When a bridge is built across a navigable stream and troops and munitions of war of the United States must be carried over that bridge. What does that have to do with constructing it?

Mr. SUTHERLAND. It has nothing to do with the stream.

Mr. BURTON. Does the Senator maintain that such a restriction is not valid?

Mr. SUTHERLAND. I will say frankly that I have never given any thought to the precise case to which the Senator refers.

Mr. BURTON. If that is not a valid restriction, then Congress has sinned very many times; but I think it has sinned in the line of doing something for the promotion of the public good.

Mr. SUTHERLAND. I will say to the Senator, without concluding myself upon the question, I would doubt very much whether the Government of the United States in authorizing the building of a bridge, simply that it may be built in such a way as not to interfere with navigation, could impose a condition such as the Senator suggests. I am not familiar with the legislation to which the Senator calls attention.

Mr. BURTON. The important point on which the Senator from Utah and myself differ is on the right to impose conditions in such a case as that, and what may be the nature of those conditions. I maintain the absolute right exists in such a case to impose conditions in the interest of the general welfare. That is the very price of all franchises, and we are imposing it every day.

When a privilege is exercised we may regulate the charges as we have done in regard to bridges across navigable streams, and we can compel them to share with other corporations the right to go across. Such a valuable privilege should not be given away, nor should these water powers of such enormous value to the country be granted without any quid pro quo.

Now, I want to dwell somewhat further on what was said by the Senator from Alabama [Mr. BANKHEAD].

Mr. SUTHERLAND. Will the Senator indulge me in one remark?

Mr. BURTON. Certainly.

Mr. SUTHERLAND. The powers to which the Senator calls attention are not powers controlled by or owned by the Government of the United States. That is a species of property wholly controlled by the State. The Government of the United States, therefore, in granting a right to build the dam does not grant the right to create a power; it simply permits the construction of a dam and keeps the control of that subject wholly with reference to its power over navigation and not at all with reference to the creation of a property right by the erection of the dam.

Mr. BURTON. Of course, the two go inseparably together. The Government of the United States has taken a large responsibility in the way of improving that river. I have forgotten the exact amount which it has expended; I think, perhaps, some $600,000. Here is this privilege. Those who are seeking it are willing, and indeed anxious, to accept on the terms proposed.

Mr. THOMAS. May I ask the Senator a question there?

Mr. BURTON. I yield to the Senator from Colorado.

Mr. THOMAS. Is it not a fact that the Connecticut River Co. in making application to Congress for the right which is embodied in the bill is practically using or expecting to use the Government's power to control navigation merely as an incident to an enterprise the principal object of which is to generate power for commercial purposes?

Mr. BURTON. The action of Congress is based on navigability. The aim of the company is to develop water power. The two are coordinate. One may have one object and another may have another object. Our object is to extend the navigation of the Connecticut River past those rapids at Springfield and Holyoke, a thing we have been asked to do for, lo, these 20 years, and we have not felt that we could afford the expenditure. The object here is to bring about that result, and, in bringing it about, to utilize the water.

Mr. THOMAS. But the Senator has said that this company is not only anxious but eager to submit to the conditions of the bill. It must be true, therefore, that the company is seeking to utilize the power of the Government over navigation merely as an agency to enable it to obtain a very valuable property right.

Mr. BURTON. I would not say that. I would say that this company has already certain riparian lands and it has been seeking to develop navigation and power. They wish still further to develop that power, but as a condition they must obtain the consent of the Federal Government. I do not see how they are seeking to utilize Federal power in the matter. They are coming here and ask permission to be given that without which they can do nothing. I think that differs quite materially from the statement as made by the Senator from Colorado.

A moment ago I was talking, Mr. President, about the Black Warrior bill. The first one was introduced in the Senate April 13, 1911, and it had the provision that the company shall pay to the Government a rental of $1 per annum, and beginning with the year 1920 shall pay to the Government an additional rental or royalty of 50 cents per horsepower. They are also compelled to obtain flowage rights. This case here is distinguished from the other in principle, because they are compelled not only to pay the money but they are compelled to acquire a part of that which the Government would acquire, namely, the flowage rights.

This bill was reported on the 19th of June, 1911, by the Senator from Minnesota [Mr. NELSON] with all these provisions in it for compensation. Later the Senator from Alabama [Mr. JOHNSTON] introduced an amendment in which he included provision for flowage rights. This bill passed the Senate the 24th of July, 1911, containing all these provisions for compensation. It went to the House and was very materially changed by the Committee on Rivers and Harbors, but the provision for compensation was still retained. Then on the passage of the bill still further conditions were inserted.

Mr. President, there is another bill, one pertaining to the Ragland Water Power Co.—or, to be exact, a part of a river and harbor bill—which, it seems to me, comes very near to the principle enunciated in this bill. The Senator from Alabama, if I recollect aright, introduced the amendment providing for this item. It relates to Dam No. 4 in the Coosa River. The company contracts to complete the dam. Bear in mind what this is. At Lock No. 4 in the Coosa River there was an uncompleted dam, and this company came here and desired the privilege of improving that locality and developing water power. What difference is there in principle between constructing half a dam and constructing the whole of it?

In the very bill which the Senator from Alabama introduced the company contracts to complete the dam, furnish all materials and labor, and convey the same to the Federal Government free of cost, claims, or any charges whatsoever—that is, an incomplete dam was to be finished.

They agreed to complete the work within three years.

To fully safeguard the interests of navigation, under such provisions for the operation of the dam and lock as the Secretary of War may prescribe.

To furnish to the United States free of cost electric current for operating and lighting the property.

To execute a bond for the faithful fulfillment of the contract.

To pay the cost of Government inspection.

To submit to any change in the specifications that the Secretary of War may make.

Here is another agreement that is a part of the construction:

To raise the height of the dam 3 feet and stop all leaks in the Government work already constructed.

To pay all damages to riparian owners for flowage rights.

To pay $1 per 10-hour horsepower year for the power due to natural flowage.

To pay from $1 to $3 for each 10-hour horsepower year produced by storage.

The Secretary of War may in his discretion readjust rates of compensation at periods of 10 years.

Having submitted to all these conditions, the company get the 50-year franchise, expressly subject to amendment or revocation, with no provision for compensation for the property.

Mr. President, the conditions here altogether surpass those in this Connecticut River bill. They are on the same plane, because in this very measure which the Senator from Alabama presented the obligation is imposed upon the licensee to finish the dam, stop all leaks in it, erect flashboards, and raise the height 3 feet. What is the difference between that and the original privilege? It is very much more severe in comparison with the franchise in this pending measure. The licensee in the Alabama bill like one who having been knocked down and kicked and cuffed around, is compelled to pay and then fight for the privilege of being thrown out of the window.

I will not repeat in full what I said day before yesterday, but I will again refer to the document to be printed herewith giving the three classes of permits under which private parties have used water. First, where the Government has already built a dam and afterwards leases it. Second, where the Government contemplates itself building a dam and makes provision for charge or compensation. Our recent river and harbor bills, beginning with 1909, including the provisions for a survey of a 14-foot waterway, provide that a report shall be made as to what will be fair in the way of compensation. In this very Connecticut case the report was made that there should be certain compensation to the Government in case structures producing water power should be built.

The third class is the one under which this bill is introduced, where the privilege to construct the lock and dam or the dam is given with conditions attached. We have passed a number of those statutes imposing all sorts of conditions. There is hardly a Senator here who has not been on the floor when bills like this one have been passed, in which the most stringent conditions are imposed in granting the right to develop water power in navigable streams.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER (Mr. O'GORMAN in the chair). Does the Senator from Ohio yield to the Senator from Alabama?

Mr. BURTON. Yes; I yield.

Mr. BANKHEAD. Can the Senator from Ohio cite us to a single bill on all fours with this where the riparian owner constructs the dam and pays all the expenses necessary to provide for navigation? Can the Senator point to a single bill where anything is imposed except merely to operate the lock?

Mr. BURTON. There has been no case in which there has been so specific a statement as this of the amount paid.

Mr. BANKHEAD. I am not talking about specific amounts. I am asking the Senator if he can point to a single act upon the statute book on all fours with this, where the corporation built the lock and dam at its own expense, and where they own the site, and any charge has been imposed except such as is necessary to operate the lock. That is my question.

Mr. BURTON. The Coosa Dam act provided that the licensee should finish the dam and pay a fee besides.

Mr. BANKHEAD. The Government there is the owner, and it built and nearly completed it. It lacked only a little of completing it.

Mr. BURTON. I argued that at great length earlier in the discussion. There is no difference in principle in any of those impositions—the building of a dam, the building of a lock, the furnishing of power—from that involved in this case. They all rest on one principle, the right of the Government, when it is improving navigation and finds valuable water power, to impose conditions upon the one who is granted the privilege.

Mr. BANKHEAD. That is where we part company. There is where we differ.

Mr. BURTON. Mr. President, I am conscious that I have detained the Senate longer than I had intended and necessarily have repeated the same material, but I wish to make some general remarks on the subject of conservation. We have vast potential water power that has been withheld from utilization for years past which would have been utilized if the policy embodied in this bill were adopted.

It has already been adopted in the case of Hale's bar below Chattanooga and in a half dozen other cases. It is not fair to the people of this country to ask them to improve a river where the improvement would be as expensive as that of the Connecticut and allow a water-power right there which is inseparably connected with the obstacle to navigation to go to a private individual corporation without contributing to that expense. It is especially not the right course for us to pursue when the parties appear and are willing to submit to all these conditions and the whole neighborhood is anxious to have the work done in the manner proposed.

Conservation does not mean reservation. It never did mean permanent reservation, at least in the minds of its more judicious advocates. It does mean, however, that the resources of the country, its great natural wealth, shall neither be wasted nor shall they fall into the hands of a favored few. It means that such policies should be adopted that the public domain and all its varied treasures shall be so utilized as to secure the maximum of benefit and at the same time afford the maximum equality of opportunity. It recognizes that in the past we have made serious errors in granting lands and in allowing concentrated ownership in the hands of agressive exploiters.

All this is but a part of the haste in development which is characteristic of American life and which has resulted from a lack of foresight. Neither Congress nor the executive department has fully realized the rapidity with which the possessions which are necessary for the very life of the people have been exhausted. Conservation does not mean that we of the present should be debarred from the enjoyment of the wealth which belongs to us, nor does it seek, as was stated by the deceased Senator from Colorado, Mr. Hughes, to make "mollycoddles" of those who come after us.

The experience of past ages has shown that as one class of materials is exhausted invention and new discoveries will supply substitutes. This has been true of the partial substitution of iron and steel for wood in construction, of coal for wood for domestic purposes, and may be true in the future in the substitution of concrete for iron and other material. The future generations, in the realization of objects which minister to the necessities and conveniences of life, must solve its problems as well as the present, and must face its difficulties in appropriating the forces of nature and the treasures of the earth. The policy both of President Roosevelt and President Taft, and in a less degree of their predecessors, was to reserve certain portions of the public domain. This was not with a view to their indefinite withdrawal, but was prompted by the desire to prevent land grabbers and the so-called "timber thieves" from gaining an undue share of the public lands or public property. This policy was especially prompted by a desire to keep in abeyance the distribution of the remaining portions of the public domain until Congress shall have adopted a comprehensive, rational, and just policy for the utilization of natural resources. Such a policy should place no obstacle in the way of continued development of the country, but should secure with the utmost pains the prevention of monopoly and the repression of all efforts of the strong or unscrupulous to obtain an advantage over others.

Water power, a resource of enormous value, is running to waste. I gave some figures on this subject——

Mr. CLARK of Wyoming. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Wyoming?

Mr. BURTON. With pleasure.

Mr. CLARK of Wyoming. I should like to ask the Senator from Ohio what is the significance of the remark that water power is running to waste?

Mr. BURTON. Because so large a share of it is not utilized.

Mr. CLARK of Wyoming. But does the Senator mean that water power is wasted because it is not used to-day?

Mr. BURTON. I am referring, Mr. President, to the present use. That will appear as I go on.

Over 30,000,000 primary horsepower, it is estimated, can be developed in the streams of this country. The amount already utilized is about five million and a half. The total aggregate of horsepower, generated by all kinds of prime movers, now utilized in the country is about 26,000,000, of which five and a half million is water power, and the balance chiefly steam power. There are mined 500,000,000 tons of coal annually, and a very large share of this amount might either be saved or utilized for other purposes if the water power of the country could be utilized in a proper manner.

Unlike timber or material, it is not exhaustible, but will last for all time. With more perfect means for development and utilization it will show increased efficiency and become of far greater value. If the aim of conservation, in so far as it seeks to prevent waste, does not fully apply here, the prevention of monopoly and the prevention or adequate regulation of con-

centrated ownership does apply with unusual force. It is of the utmost importance that the benefits of its utilization should not be regarded as the prerogative of an individual or of a corporation, not of a community or even of a sovereign State, but of a nation of nearly 100,000,000 people, whose reliance upon it in the future must be greatly increased. The problem is thus a national one. Modern progress has already made it possible to distribute electrical power from one source over an area of 125,000 square miles, an area greater than that of any of the States of the Union except three—Texas, California, and Montana. In saying all this it is not meant to convey the impression that the States are not to have very large powers in disposing of and regulating the use of water power, but by reason of the wide area over which this power may be transmitted and used the national scope of the problem becomes apparent. Like all enterprises which become interstate in character, the powers of the States may prove insufficient and control may eventually be left to the Federal Government. This is especially true when, as in the present case, the use of the power is inseparably bound up with the development of navigation. In the building of locks and dams for navigation there can be no separate control of water power without confusion and the insuperable difficulties which result from a divided control of that which should be inseparable.

Mr. President, I have sought to establish the following propositions, though, in view of the questions asked, there have been many digressions:

First, that whenever an improvement is made which promotes navigation and in such improvement, whether by locks or dams or otherwise, a water power is created, that water power is an incident to the principal fact, and it belongs to the State or Government which seeks to promote navigation. Second, that as a matter of public policy there should, in the language of the Supreme Court, be no divided empire between the two; they are inseparably bound together. The coordination of the two makes possible the development both of navigation and of water power, which otherwise would be unprofitable and in fact wasteful. Third, that contrary to the statement in the minority report, the settled policy of Congress as well as of the executive department for now nearly a quarter of a century has been to dispose of such water power, whether created by works already constructed or to be created by works owned by the Government thereafter to be constructed, or, in the third place, when created by works constructed by private companies which undertake an improvement in a navigable stream under a grant of Congress.

The right of the Government to collect compensation depends upon the fact that it has the responsibility for the improvement of navigable streams, and in carrying out plans of such improvements it may employ all means which are plainly adapted to that end and are consistent with the spirit of the Constitution.

Right in that connection I want to say that I think the proposition ought to be accepted that if the Government can go into the Connecticut River, build a dam, create water power, and sell the surplus, you can not deny that it may say, in the exercise of the right to regulate commerce and delegate that power to others, "we will give that right to construct those dams to another, and the profit which we might have derived from the building of that dam shall still remain with us, although another constructs the work."

Conditions requiring construction of dams, or of dams and locks, the acquisition of flowage rights, the furnishing of electrical power, the payment of an annual charge for the value of water power, either established by congressional enactment or left to the discretion of the Secretary of War, have been the invariable rule, without a single objection being raised in the courts.

The circumstances of this particular case are exceptional in that the proposed improvement not only extends navigation in a river where already there is a large and growing traffic, but in that the improvement is located in a busy industrial section where power can be immediately utilized to great commercial advantage. If there is any case which has come before us in which the imposition of conditions would be reasonable, it is here. It should again be noted that in this case the Federal Government is not confronted by any opposition or unwillingness either on the part of those who propose to make the improvement or those who will pay for the service.

Mr. President, I want to make a suggestion right here. Suppose you are to make it a rule that under no circumstances shall any amount be paid by one of these companies after it has developed water—that all conditions must be finished when you merely require the building of the dams and locks. Now, let us see how great the injustice would be. There might be water power in a part of the country where there was no market for its product whatever, where the mere imposition of the obligation to build a dam would be a very severe requirement. On the other hand, there might be a case, as this is, right in the midst of a busy industrial section, where the person who utilized the power could well afford to build a dam and lock, buy flowage rights, and pay a large amount besides. If you want to enforce any hard and fast rule here, just see where you would land. You would have to treat all such cases virtually alike, at least up to the finishing of the structure; you could make no distinction between a very profitable franchise and one which has little or no value. The result would be that not only the general public would suffer, but there would be very serious obstacles in the way of development.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Utah?

Mr. BURTON. I do.

Mr. SUTHERLAND. Is not the Senator from Ohio overlooking the power of the State in the matter? The State would have the authority to step in and exact, through taxation or otherwise, proper charges. Such a company would be a public-utility corporation, and the State would have the right to regulate its charges.

Mr. BURTON. In that case, however, you would have as great a variety of regulations as there are States—forty-eight. Then, again, as I have already stated, the sufficient answer to that is that this is a privilege which is granted by the National Government. The National Government, which represents the whole people and which is improving the channels of rivers for the purpose of promoting navigation, in improving those rivers ought to be fair toward all localities, not paying from general taxation for an improvement that is unduly expensive in one region and giving away a right that goes with it for nothing. That is what it would lead to.

I want to say in this connection, Mr. President, that while I was connected with the Rivers and Harbors Committee of the other House I knew of cases where the building of locks and dams was advocated under the guise of improving navigation, when the real object, after the dam had been constructed, was to obtain water power. It was not merely conjecture; but it is a fact that persons made use of agitation among commercial bodies and others, who came here and advocated improvements of the most expensive nature in rivers, saying, "We want water communication," when what they really desired was water power.

On the other hand, there is the greatest earnestness on the part of all those in the locality to have this improvement made on the terms proposed in this bill, and no theoretical objection, no possible fear of establishing a precedent should be allowed to defeat the plainly expressed desire of the people of Connecticut and Massachusetts, who so manifestly wish that this bill should pass. It is necessary, Senators, that we should look at this matter from a broad national standpoint. The doctrine of State rights should be a shield, not a sword; we should not stand in the way of the development of the country. We must recognize that States and communities can not control this problem as well as the National Government.

I do not say that of every case. I do say this, however, if I may digress just a moment, that there is no line of industrial activity in which there are so many reasons for consolidation as in the case of the production of water power; and in the future I think this is inevitable. In the first place, a single water power may supply a very large area. In the next place, in one part of the country, in one watershed, the supply may be abundant at one time but slack at another time, and it is very desirable that they should tie up plants located on different watersheds so that one may aid and, as it were, piece out the other. Again, there is no business in which the advantages of economies can be better secured than in the case of the development and utilization of water power. So probably more and more these different water-power sites will be utilized together. I should look with the utmost apprehension upon their control by any one great corporation or organization or, indeed, upon consolidation in any form, unless the most careful regulation went with it. By reason, first, of the fact that in some instances a single water power will supply more than one State, and, second, that the advantages and economies of combination are so great—for these two reasons the national control is likely to be more and more asserted. The problem is assuming greater proportions than ever before, and in the future water power must be one of the chief assets not of any particular locality but of the Nation. I appeal to the Senators to pass this bill in the form in which it has been introduced by the Senator from Connecticut [Mr. BRANDEGEE].

Mr. THORNTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Louisiana?

Mr. BURTON. I do.

Mr. THORNTON. Before the Senator from Ohio takes his seat I wish to ask a question that I would not ask before, because I did not wish to interrupot his argument, in spite of his well-known willingness to submit to interruptions. Twice during his argument he said that the grantee in this case was perfectly willing to accept the conditions imposed by the grantor, which is the Government of the United States. The inference that I drew from that was that that being the case, the Senate should not object. Does the Senator from Ohio take the position that because the grantee—the corporation—is perfectly willing and anxious, even, to accept a condition imposed by the Government, a Senator who should believe that the Government in imposing such condition is transcending its powers or possibly usurping the powers that belong to the State should not object to the passage of the bill?

Mr. BURTON. Oh, no; by no means. I presume I did not make myself altogether clear to the Senator from Louisiana. Of course, the franchise they would have liked would not have contained the conditions this contains; but after long consultation they have consented to this, and they are now anxious to have it carried through.

Mr. THORNTON. Yes; Mr. President, I thoroughly understand that the corporation is anxious; but the question I asked was, Does the Senator say that because of that reason a Senator should not object?

Mr. BURTON. Oh, no; not at all. It is because the people who are in the locality desire it most earnestly; and this corporation has been found, which is willing to carry on the work.

Mr. BANKHEAD. I should like to ask the Senator a question along that line.

Mr. BURTON. Very well.

Mr. BANKHEAD. I should like to ask the Senator if it is not a fact that when that corporation came here to seek this franchise they were told, "Unless you accept this provision your bill will be vetoed"?

Mr. BURTON. I do not know what was stated to them, but I presume that is a fact.

Mr. BANKHEAD. There is no doubt about that being the fact.

Mr. BURTON. Perhaps there was something in the form of a prior veto of a bill relative to the Coosa River.

Mr. BANKHEAD. Now, Mr. President, I desire to ask the Secretary to read a short paragraph from the report——

Mr. BURTON. From what page does the Senator ask the Secretary to read?

Mr. BANKHEAD. From page 86 of the final report of the National Waterways Commission, signed by the Senator from Ohio as chairman. It is interesting reading in connection with this discussion. I ask the Secretary to read the portion I have marked.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

> The commission is of the opinion that the Federal Government has no proprietary right or interest in navigable waters which would authorize the collection of tolls. The right, if it exists at all, rests upon either the second or third theory stated. As regards the second theory, it should be said that the imposition of tolls, unless based upon a more substantial foundation than the mere authority to grant or withhold consent—an authority arising solely from the control of the Federal Government for the purposes of navigation—does not commend itself to the commission, and it is to be doubted whether, even in case a bill should be passed or other action taken by Congress for granting this permission, with a provision for charging tolls, such tolls could be collected. Regarding the third theory stated, it should be noted that under the exercise of the taxing power Congress can levy taxes for general revenue purposes upon all classes of water power, whether in navigable or nonnavigable streams, and if charges are to be imposed it would seem that this is the normal method. It should further be borne in mind that a requirement for the imposition of tolls where the right to construct dams is hereafter granted would cause a discrimination between water power to be utilized under future permits and those already enjoyed, which are subject to no such charge. It must, of course, be remembered that whenever the privilege of constructing dams is granted in a navigable stream there is an undoubted right to impose charges sufficient to pay the expenses of examination and supervision and to secure the Government against cost by reason of obstacles to navigation created by the erection of dams; but this rests upon an entirely different principle from the proposal to charge tolls.

Mr. BURTON. I do not deny, Mr. President, that I have in some degree changed my mind during the last three years about this matter. I was chairman of that commission, and the magnitude of this problem in connection with the proper method of utilization has very much grown upon me since that report was signed. It should be borne in mind that the whole report should be taken together.

Mr. CLARK of Wyoming. Mr. President, before the Senator from Ohio finally concludes, he has given such a clear statement of his views upon the matter that I hesitate to ask him any of the questions I have in mind, but I think they go to the foundation of this whole question.

Mr. BURTON. I will be very glad to answer the Senator, if I can.

Mr. CLARK of Wyoming. Of course, the Senator understands that the Senate is not now really considering the question of the Connecticut River Co., but the Senate is considering a proposition as to the relative rights of individuals, the States, and the General Government in this basic proposition. I want to ask the Senator, in his opinion, who, if anyone, owns the water in the Connecticut River?

Mr. BURTON. Is that the question?

Mr. CLARK of Wyoming. I have three questions which I desire to ask, that being the first. The second is, Who, if anyone, owns the land under the water in the Connecticut River? The third one is, Whether or not, if the Government can dispose of the power generated at this dam, it can use it for any purpose which it chooses? I will make a little further explanation of that. If the Government can dispose of this water for a fixed charge for the purpose of running a manufacturing plant, can the Government itself run a manufacturing plant; or, if the Government can dispose of this power to a company for the purpose of running a trolley line, can the Government itself also use that power for running a trolley line? Those are the questions upon which I want to get the views of the Senator.

Mr. BURTON. Mr. President, I have already dealt at considerable length upon the first two of those questions. Who owns the water? It is not the property of anyone. We say in a vague way it is the property of the public; but, save for three rights, it is as free as light or air.

Mr. BORAH. Mr. President——

Mr. BURTON. The first right is the right of the owner of the bed of the stream——

Mr. CLARK of Wyoming. If the Senator will pardon me just a moment, I want to say to him that my purpose in asking these questions and getting his views is that they might perhaps form the basis of future discussion upon this or other bills.

Mr. BORAH. Mr. President——

Mr. BURTON. If the Senator from Idaho will kindly let me answer these questions I will yield to him later. The right of the owner to the bed of the stream is not an unqualified right. In some States it belongs to the State; in others the abutting proprietor owns to the center of the stream; sometimes his property is bounded by the low-water mark and sometimes by the high-water mark.

Now, if the bed of the stream belongs to the State, it must be utilized for a public purpose. I think there is a considerable difference in the States as to just what right inheres in the ownership of the bed of the stream. I should question whether in any State it went as far as a fee-simple right, so that the Commonwealth could sell it out to a private individual for such purposes as that individual desired to use it—to part with the title, and thereby deprive the public of the use of it.

The second right in that water, which is a qualification of its free use, is the riparian right in its flow, which involves its reasonable beneficial use, provided it does not interfere with the rights of riparians above or below. The third right is that of navigation, the control of which belongs to the Government of the United States, and is a right paramount to all. In the Western States there is a very different rule in regard to water. I am only speaking of the Eastern States. The Senator from Wyoming is no doubt very much better informed with respect to the conditions in the Western States than I am. There different conditions arising from the business of mining and the demands of agriculture necessarily make water a much more valuable asset than it is here in the East, and, in fact, generally speaking, the supply in the West is much scarcer than it is in the East.

As to surplus water available for power, can the Government use it for its own purposes? Why, yes; if it is for the carrying on of any public purpose and is connected with navigation. For instance, if there should be an armory or an arsenal where power was required, and there should be a Government work constructed there for the sake of navigation, and surplus power was created, I have no doubt that that water could be used for turning the lathes in that armory or arsenal; but, as a general proposition, I should say "no." If the Government is operating a trolley to carry its men from one portion of a navy yard or one portion of a camp to another, surplus water power above

that required for navigation could be applied as a propelling power for that purpose.

Mr. CLARK of Wyoming. I think probably there is no question about that in either the Senator's mind or in my own.

Mr. BURTON. I was going to say one thing further a little in the line of the question asked by the Senator from Colorado [Mr. THOMAS] a few days ago. If there is surplus water in a navigable stream and a plant is erected to utilize that surplus water for running locks, and there is more than is required for running the locks, I am inclined to think the Government could dispose of the surplus.

Mr. CLARK of Wyoming. Of course, my question was—and it seems to me as though the greater would involve the less—if the Government has authority for hire to dispose of, as under the terms of this bill, the power that is generated, could it itself use it along the same lines in which it is used by the lessee or the grantee?

Mr. BURTON. Maybe it could. It could sell the surplus water. The Senator's question is, Could it build a hydroelectric plant and sell the power?

Mr. CLARK of Wyoming. Exactly so. That is my question.

Mr. SMITH of Arizona. Or hitch it to machinery and sell the product of a factory?

Mr. BURTON. That is a different thing; that goes further. I never like to express an opinion on a question of this kind.

Mr. CLARK of Wyoming. I was seeking to find out just where the Senator's most clear and logical argument might lead us.

Mr. BURTON. I would be inclined not to favor any proposition that went that far; but the question of whether in their ownership of surplus power, the Government can not devise means to dispose of that surplus power in a profitable manner is a different matter.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Nevada?

Mr. BURTON. I believe the Senator from Idaho [Mr. BORAH] first rose.

Mr. BORAH. I was not desirous of interrupting the Senator; I thought the Senator had concluded; and I had some matters of legislation I wanted to bring up.

Mr. NEWLANDS. I wish to ask the Senator from Ohio whether he regards the dam which the grantee in this case proposes to erect as a structure belonging to navigation?

Mr. BURTON. I should say it was a structure erected in aid of navigation; yes.

Mr. NEWLANDS. It is a structure that the Nation itself could build in aid of interstate commerce?

Mr. BURTON. Yes.

Mr. NEWLANDS. And it is a structure the use of which for other purposes the Nation, if it constructed it, could turn over to others for a consideration, is it not?

Mr. BURTON. Well, that would depend somewhat on the purpose to which it was to be applied.

Mr. NEWLANDS. Very well, take this case: If this structure, created in aid of navigation, is capable of a use which will result in the development of water power, can the United States Government, as a means of lessening the cost of that navigation, get profit from that use?

Mr. BURTON. I would say it could get an income from the surplus power. I do not know that I understood the question of the Senator from Nevada. I understood him to ask if it could sell the structure of the dam.

Mr. NEWLANDS. I will state very briefly, then, my contention, which is entirely in harmony, I believe, with that of the Senator from Ohio; but I have not been here this afternoon and have not had the advantage of the Senator's argument. As I understand, the Senator's contention is that this dam is constructed in aid of navigation?

Mr. BURTON. Yes.

Mr. NEWLANDS. That is, the Nation itself, under the interstate commerce power, could construct it?

Mr. BURTON. Yes.

Mr. NEWLANDS. And that, having constructed it, it could allow that structure to be put to some other profitable use which would diminish, of course, to the Nation, the cost of the enterprise in aid of navigation?

Mr. BURTON. Not unless that other use was in conjunction with its use for navigation. For instance, if a dam and lock were constructed in a stream which it was intended to abandon for navigation, the Government would have the right to sell the structure, but it could not sell the right to utilize the water power with it. When the Federal purpose for which it was constructed ceases, then the incidental purpose of the development of water power would cease with it. The best illustration is the one I gave about the building of a market house, having an auditorium above it. When its use as a market house is abandoned the municipality was held not to have the right to maintain an auditorium.

Mr. NEWLANDS. Well, Mr. President, if the Senator has concluded his remarks, I should like to say a few words upon that subject.

Mr. BURTON. I am through.

Mr. NEWLANDS. Mr. President, my view of this matter, based simply upon a casual study of it, is that the structure in question may be regarded as a structure in aid of navigation, and therefore it can be erected by the National Government under the power to regulate commerce between the States. It is a dam which is intended to raise the height of the stream above the dam in such a way as to prevent the rapids from impeding navigation. The purpose is to create a pool behind this dam, through which ships and vessels can proceed to the upper reaches of the river, and for that purpose locks are put at the side of the dam, with a view to enabling vessels to be raised or lowered, as occasion may require, in order to go up or down the river.

The National Government has the right to make that structure for that purpose, and in making it it necessarily creates a head of water which can be put to a profitable use in the development of power.

Doubtless the National Government itself, having constructed this structure, can make use of that structure in such a way as to develop this power. It does not claim, necessarily, any property right in the water. That is an elusive thing, as elusive as air itself, slipping from the upper reaches of the river down into the lower reaches and thence into the sound. It therefore may possibly have no property right in the water, but it has a property right in the structure, and the passage of that water over or through the structure creates a power of which the National Government is necessarily the owner.

Being the owner of that power, the National Government can part with it; and it would be a wise thing for it to part with it in a profitable way, for by so doing it would diminish the cost of the structure for purposes of navigation, and thus make feasible a navigation enterprise which otherwise would be entirely unfeasible because of the cost.

Having that power, the National Government can select an agent for the execution of that power. It can select an agent and authorize that agent to do what it can do—obstruct the stream by a dam for the purposes of navigation and construct the locks essential to navigation. The agent will then be in the same position as the principal, in the possession of a dam useful for two purposes—the promotion of navigation and the development of water power.

If, then, the principal has the power to select an agent to create a structure which the principal can construct, and if the principal has the right to every profitable use of that structure if it constructs it itself, it can make terms with the agent with reference to the compensation which the principal shall receive for the exercise by the agent of a privilege which it could not exercise at all without the license of the principal, particularly when that compensation is to be expended in the regulation of the river itself, a regulation essential to navigation and power development.

So, Mr. President, this legislation does not involve in any degree the ownership of water. Water flowing in a stream is no more the subject of ownership than a bird flying in the air. Reduce the bird to possession and it is your property, but so long as it flies in the air it is not. So it is with the water; reduce it to absolute possession, put it in a pail, and it is yours; but so long as it flows from its source to the Sound, subject only to temporary artificial obstructions, it is not the property of anyone.

In this case the Government deals simply with the structure and the use of the structure; not with the water or the use of the water. Having the right to rear the structure, and having the right also to select an agent to rear that structure, it can in law attach any condition it chooses to the use by that agent of the structure which it creates.

Mr. President, this illustrates the kind of legislation with which the Congress of the United States has been amusing itself for a hundred years or more regarding our navigable rivers. I say "amusing itself," for our legislation has lacked effectiveness, lacked efficiency. We have been trifling with this great question of the development of our rivers, and we have been trifling while we have been engaging in the Senate and in the House in endless discussion over the respective powers, rights, and jurisdictions of the Nation and of the States.

The Connecticut River furnishes an illustration of the futility of our efforts to reach any comprehensive results. That river affects the interests of four or five States. Taking its source

in Vermont and New Hampshire, it proceeds through Massachusetts and Connecticut into Long Island Sound. It is useful for two purposes there only. It is probably not useful for irrigation, as our western streams are, because of the humidity of the climate.

It is not, perhaps, to be regulated as many of our southern rivers are, in the interest of the reclamation of our swamp lands. The uses which are to be regulated on that river are the uses of its waters for navigation and the development of water power. That river is subject to the jurisdiction of four State sovereignties and one national sovereignty, the jurisdiction of each being clear and distinct, but each of these sovereignties having an interest in the river. It never has occurred to Congress, apparently, so far as action is concerned, although many of us have been debating it for years, that it would be a wise thing for these sovereigns, each having an interest in this river, to get together, confer through representatives with each other, and agree upon comprehensive plans under which each sovereign can itself or through agents do the part that belongs to its jurisdiction, so that the works will dovetail into each other and thus bring about the highest efficiency of the river itself for every purpose of civilization.

Mr. CLARK of Wyoming. Mr. President, will the Senator permit a question?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Wyoming?

Mr. NEWLANDS. I only want to speak for a few moments.

Mr. CLARK of Wyoming. Just at that point I wanted to ask a question of the Senator, but I will not do it if he prefers that I should not. It is right on that particular line.

Mr. NEWLANDS. I will answer the question, then.

Mr. CLARK of Wyoming. The Senator was speaking of an agreement between the States themselves and the General Government. I should like to ask the Senator if any agreement could be made that would add to or take from the rights which the States and the General Government would have before that agreement was entered into?

Mr. NEWLANDS. None whatever; and I was careful to say that these plans would involve simply the exercise of the jurisdiction that belongs to each sovereign, and that each would accomplish its work within its jurisdiction, but under plans that would enable their works to dovetail with each other in such a way as to create the highest efficiency of the river for the uses of civilization.

We have no ambassadors, no ministers plenipotentiary, which the Nation can send to the States in order to confer with them regarding matters of joint interest. But will it be contended for a moment that no machinery can be created by which the Nation can talk to the States and the States can talk to the Nation, and that no machinery can be created by which each will exercise its admitted jurisdiction in such a way as to benefit instead of injuring the other? That is what we require—that simple machinery, through a national board meeting with boards appointed by the respective States, and, with the aid of engineers and experts, formulating plans which will permit of the harmonious and complete and comprehensive development of the waterways of the country without impairing in any degree the jurisdiction or the powers of each sovereign.

The Senator from Ohio—and I am sorry he is not here—served with me some years ago on an inland waterway commission created by President Roosevelt in the exercise of his power of recommendation to Congress, without statutory authority. On that commission we served with men distinguished in engineering and otherwise, with a view to presenting a plan under which the Nation and the States could coordinate in this great work. We made a report covering every contention which I have made, and Congress turned aside from the report. A bill which I had reported from the Committee on Commerce embracing the essentials was sandbagged on the floor of the Senate by the representatives of both parties, two of those representatives being from the Southern States, the section which will be more developed by this method of treatment than any other section of the country. Ever since then some of us have been making strenuous efforts, in committee and upon the floor of the Senate, to have this simple process of accommodation between the sovereigns accomplished through legislation. Thus far our efforts have been unavailing.

It is often said that some of us are 10 years ahead of our time. The trouble is that Congress is 10 years behind the times. This is demonstrated by the action of every waterway convention that has met in the country of late years, by the declarations of commercial bodies throughout the country, all of which have declared for cooperation between the Nation and the States in this important work, and by the declarations of the political parties of the country, all of which in the last campaign and, I think, all of them in the preceding campaign have demanded most emphatically the cooperation and the coordination of the Nation and the States in these important works.

Mr. President, I referred to the action of the Inland Waterways Commission. I was impatient to end the work of that commission, because it was a commission of legislative deliberation, and I wished to substitute a commission of action. When that report was presented to Congress, what did it do? It organized another commission—not of action, but of deliberation—the National Waterways Commission, of which my friend the Senator from Ohio was the chairman. It sat for two or three years upon these questions, and finally presented findings almost identical with those established by the Inland Waterways Commission organized by President Roosevelt, and of which my friend the honored Senator from Alabama [Mr. BANKHEAD] was one of the members.

So we have been wasting years in deliberation, meanwhile permitting this old spoils system, this patronage system of developing our waterways, to continue, under which individual Senators and individual Congressmen have been accustomed to present to Congress projects for individual constructions and individual dredgings here and there, and then bear back to their constituencies the evidence of their triumphant efforts—triumphant only in inefficiency; triumphant only in the careless expenditure of public money without adequate plans.

Mr. President, this is another of these cases of sporadic legislation regarding our waterways. Fortunately, it can be commended much more highly than the individual and scattered projects that usually present themselves, for it is an intelligent conception regarding a river of rather limited length, and whose uses have been well ascertained. The problem has been well thought out. I am disposed to support this bill, not because I like these individual cases of legislation when we ought to engage in general legislation involving all the waterways of the country, but because I think it has a merit; because I do not think it means simply the prestige of the individual Congressman or the individual Senator; because I do not believe it is a part of the spoils system which has prevailed in this country in projects both on our rivers and in our public buildings, just as it has existed in office.

I should much prefer if in this bill we would organize a commission of engineers, and authorize that commission to meet with similar commissions from the States of Vermont, New Hampshire, Massachusetts, and Connecticut, and have them work out broad, comprehensive plans relating to the full development of this river for every useful purpose.

I would much prefer to have them come with such broad and comprehensive plans and indicate that this is the part which the National Government is called upon to do, and this is the part that corporations or individuals are called upon to do under the laws of Vermont or New Hampshire or Massachusetts or Connecticut, thus involving a great work of utilization of the entire river for every useful purpose.

Coming as it does, having merit as it has, I am disposed to sustain this bill. I make these few remarks only with a view to calling the attention of the Senate of the United States to the fact that all the political parties have demanded that we should take up the question of waterway development in a comprehensive way; that that involves the regulation of the flow of the rivers, reducing the crest of the flood, and raising the height of the ebb flow; it involves bank protection, levee building, storage for irrigation above, intermediate storage for the development of water power, the control of the waters so as to promote the reclamation of swamp lands, every process of arresting the flood waters of the rivers as they fall from the heavens, in such a way as that they shall not within a few days or a few weeks be precipitated upon the weakest portion and perhaps the richest portion of our country and devastate its cultivable area; it involves treating the river as a highway of commerce, with terminals, transfer sites, and facilities, and facilities for coordinating with railways. In this great work we should unite under comprehensive plans the functions and powers of every sovereignty affected, and thus establish team work in the place of this eternal contention over questions of jurisdiction and sovereignty. We can thus turn every river from an instrumentality of destruction into an instrumentality of benefaction and create in every section of the country the largest prosperity and wealth.

Mr. BRANDEGEE. Mr. President, I do not care to enter into any argument on the merits of this question at this late hour of the afternoon. As Senators know, the bill will be taken up under the unanimous-consent agreement next Tuesday, and then I may address the Senate briefly upon it. But some remarks have been made here this afternoon which lead me to put into the RECORD a short statement of what I claim is the constitutional authority of the Government to impose a con-

dition of a money nature upon the granting of a license to construct a dam.

Most of the questions that are being discussed, it seems to me, apply to other bills and other propositions. There are many questions of a speculative and a somewhat obscure nature concerning the physical ownership of water, the ownership of the tide lands in the different States, the uses that the water can be put to for the development of electrical power, what sort of property the power generated is, and whether the Government or the State has the right to sell it, which are interesting and must be solved at some time, either, as the Senator from Nevada [Mr. NEWLANDS] says, in a national policy of broad scope or by particular legislation.

I apprehend that the only part of this bill that will cause any serious discussion is the provision beginning at line 19 of page 2 of Senate bill 8033, as follows:

And provided further, That the Secretary of War, as a part of the conditions and stipulations referred to in said act, may, in his discretion, impose a reasonable annual charge or return, to be paid by the said corporation or its assigns to the United States, the proceeds thereof to be used for the development of navigation on the Connecticut River and the waters connected therewith.

Under the power to regulate commerce among the States, the Congress may, in my opinion, in consenting to the construction of a dam across a navigable stream, impose a condition that the licensee shall pay a reasonable sum of money to be used for the improvement of navigation, and it is not necessary that the money so paid should be expended at the immediate site of the dam. If the only power of Congress in the case of the Connecticut River dam is to require the licensee not to obstruct navigation, but to leave it in as good condition as formerly, Congress never could have required the licensee to construct a lock at Windsor Locks, because the river was not navigable at that point before the dam was built.

I do not care to discuss the question further. I have said that simply because, if I remember correctly, the Senator from Utah [Mr. SUTHERLAND], for whose legal judgment I have the highest respect, took the ground in answering the Senator from Ohio [Mr. BURTON] that possibly Congress could exact the money if it was to be spent in the improvement of navigation immediately at the site of the dam for which it was granting the license. I take the view that if it can provide, as a condition of issuing a license for a dam across a navigable river, that a lock must be built in aid of navigation and paid for by the licensee, it can equally consistently exact a money payment for the promotion of navigation under the clause of the Constitution which authorizes us to regulate commerce among the States; and I am quite certain that if it is expended anywhere on the river for the improvement of commerce among the States, as represented by river navigation, it would be sustained by the Supreme Court.

I will say further, Mr. President, if that question should ever be presented to the Supreme Court and my view of it should be declared to be not the correct one, very little damage would be done to anybody. I do not see how we are ever going to arrive at a solution of a question like this, which affects simply one part of the country and is of no interest to other parts of the country, unless it is to be made a precedent or a pattern for legislation of a similar character in particular States, to which they may object, or unless we pass something and let somebody, some stockholder, perhaps, refuse to pay the compensation provided for and take it to the Supreme Court and find out what we can do and what we can not do in these cases. Perhaps half the lawyers in the Senate think one way and the other half the other on this question; perhaps the court itself may divide; but we certainly can never arrive anywhere in the development of our water power, which is now running to waste all over the country, by having the Chief Executive veto all the bills that we pass which do not contain a provision for some sort of compensation and by having one House or the other block their passage if they do contain it.

After this bill has been properly discussed for as many days as Senators want to discuss it, I see no better way than to pass the bill and test that question. But when we get to the bill I am going to talk on the provisions of the bill as much as I can. While I have views on these interesting subjects that are discussed here—the general questions of water power throughout the country, which, as I said, are sometimes obscure and intricate—I hope after Senators have obtained all the information from each other on those very interesting subjects they will not allow the information so acquired to prejudice them against this particular bill unless it conflicts with some serious constitutional view which they may entertain.

SUPPLEMENTAL PATENTS TO ENTRYMEN.

Mr. GRONNA. I wish to call up Senate bill 6402, a measure that will take only a minute or two to pass and to which there can be no possible objection. I believe it will lead to no discussion. I ask the Senate to proceed to the consideration of the bill (S. 6402) to authorize the issuance of absolute and unqualified patents to public lands in certain cases.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Dakota?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Interior, in cases where patents for public lands have been issued to entrymen under the provisions of the acts of Congress approved March 3, 1909, and June 22, 1910, reserving to the United States all coal deposits therein, and lands so patented are subsequently classified as noncoal in character, to issue new or supplemental patents to such entrymen, conveying to them the absolute and unqualified title to the lands so previously entered, patented, and thereafter classified as noncoal.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INDIGENT PERSONS IN ALASKA.

Mr. SMITH of Michigan. From the Committee on Territories I report back the amendments of the House to the bill (S. 267) providing for assisting indigent persons, other than natives, in the District of Alaska, which were referred to that committee on May 9, 1912. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. NELSON, Mr. BURNHAM, and Mr. CHAMBERLAIN conferees on the part of the Senate.

DEPARTMENT OF LABOR.

Mr. BORAH. I ask unanimous consent to call up the bill (H. R. 22913) to create a department of labor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Idaho?

Mr. PAGE. I should like to know what the bill is before I give my consent.

Mr. GALLINGER. I assume the Senator is not going to press the bill for consideration to-day.

Mr. BORAH. Not for final consideration. I wish, if I can, to dispose of the committee amendments to-day. I do not think there are any amendments which any Senator would care to discuss; they are mostly formal. I will not ask for a final vote to-day.

Mr. SMOOT. If there is any objection to an amendment, the Senator will ask to have it go over?

Mr. BORAH. I will.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole, and it was read.

The bill was reported from the Committee on Education and Labor with amendments in section 3, page 3, line 11, after the word "Immigration," where it occurs the second time, to insert "and Naturalization"; in line 12, after the word "Information," to insert "the Division of Naturalization"; and in line 24, after the words "Labor Statistics," to insert "and the administration of the act of May 30, 1908, granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," so as to make the section read:

SEC. 3. That the following-named officers, bureaus, divisions, and branches of the public service now and heretofore under the jurisdiction of the Department of Commerce and Labor, and all that pertains to the same, known as the Commissioner General of Immigration, the commissioners of immigration, the Bureau of Immigration and Naturalization, the Division of Information, the Division of Naturalization, and the Immigration Service at large, the Bureau of Labor, and the Commissioner of Labor, be, and the same hereby are, transferred from the Department of Commerce and Labor to the Department of Labor, and the same shall hereafter remain under the jurisdiction and supervision of the last-named department. The Bureau of Labor shall hereafter be known as the Bureau of Labor Statistics, and the Commissioner of the Bureau of Labor shall hereafter be known as the Commissioner of Labor Statistics; and all the powers and duties heretofore possessed by the Commissioner of Labor shall be retained and exercised by the Commissioner of Labor Statistics; and the administration of the act of May 30, 1908, granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment.

The amendments were agreed to.

Mr. BORAH. As that disposes of the committee amendments and it is late, and several Senators who are not here——

The PRESIDING OFFICER. The Senator from Idaho possibly overlooked that the bill specifies it shall go into effect October 1, 1912.

Mr. BORAH. At the proper time I will offer an amendment on that line.

Mr. SMOOT. I should like to ask the Senator if all the committee amendments have been disposed of?

Mr. BORAH. Those are all the amendments that I desire to have considered at this time.

Mr. SMOOT. I wish to have a little bill passed.

Mr. BORAH. In just a moment I will yield. I ask to have the bill reprinted with the committee amendments included.

The PRESIDING OFFICER. If there is no objection, it will be so ordered.

Mr. BORAH. I now ask that the bill be temporarily laid aside.

The PRESIDING OFFICER. It will be so ordered.

JOSEPH HODGES.

Mr. SMOOT. I ask unanimous consent for the present consideration of the bill (S. 7754) for the relief of Joseph Hodges.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, to add to the end of the bill the following proviso: "*Provided*, That upon the reconveyance of the surrendered lands they will become a part of the Cache National Forest," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to issue a patent to Joseph Hodges for the following-described lands: The southwest quarter of the northeast quarter and the south half of the northwest quarter of section 29; the south half of the northeast quarter and the southeast quarter of the northwest quarter of section 30; the west half of the southeast quarter and the west half of the northeast quarter of section 15; the southwest quarter of the southeast quarter of section 10, all in township 13 north, range 5 east, of Salt Lake meridian, upon the transfer by the said Joseph Hodges to the United States of the northeast quarter of the southeast quarter of section 3; the southwest quarter of the southwest quarter of section 26; the southwest quarter of the southwest quarter of section 27; the south half of section 16, all in township 14 north, range 4 east, of Salt Lake meridian, situate in the Cache National Forest: *Provided*, That upon the reconveyance of the surrendered lands they will become a part of the Cache National Forest.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 28499) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House accepts the invitation of the Senate extended to the Speaker and Members of the House of Representatives to attend the exercises in commemoration of the life, character, and public services of the late JAMES S. SHERMAN, Vice President of the United States and President of the Senate, to be held in the Senate Chamber on Saturday, the 15th day of February next, at 12 o'clock noon.

HOUSE BILL REFERRED.

H. R. 28499. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

Mr. SMOOT. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 8, 1913, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 7, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, our Father in heaven, for this new day with all its hopes and promises. Thou hast created us for action and inspired us with high ideals. Illumine our minds and quicken within us the highest and best impulses, that we may add as individuals to our parts and strive to better the conditions of our fellow men; to the honor and glory of Thy holy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

INDICTMENTS, NORTHERN DISTRICT OF TEXAS.

Mr. GARNER. Mr. Speaker, I call up a privileged resolution (H. Res. 808) which is on the House Calendar.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 808.

Resolved, That the Attorney General of the United States be, and he is hereby, requested to transmit to the House of Representatives at the earliest practical date all letters, briefs of evidence, documents, and written opinions on file in the Department of Justice relating to or having any connection with the indictment returned in the United States District Court for the Northern District of Texas against C. N. Payne, John D. Archbold, Henry C. Folger, W. C. Teagle, A. C. Eble, E. R. Brown, John Sealy, Standard Oil Co. of New York, Standard Oil Co. of New Jersey, and Magnolia Petroleum Co. of Texas, charging them with conspiring to restrain interstate trade and commerce of the Pierce-Fordyce Oil Association in violation of the criminal provisions of the Sherman Act, or relating in any way to the order of the Attorney General of the United States directing the United States marshal for the southern district of New York not to execute bench warrants for the arrest of John D. Archbold, W. C. Teagle, and H. C. Folger, jr., issued on said indictment.

Mr. GARNER. Mr. Speaker, there are some committee amendments.

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 1, line 2, strike out "requested" and insert "directed, if not incompatible with the public interest."

The amendment was agreed to.

Mr. GARNER. There are one or two other amendments.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Page 1, line 9, after the word "Folger," insert the word "junior."

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 7, strike out the capital letter "H" and insert the word "Henry."

The amendment was agreed to.

Mr. MURDOCK. Mr. Speaker, I should like to ask the gentleman about the substitution of the word "request" for the word "direct." Is this the case where a Federal judge in Texas issued subpœnas for certain Standard Oil people in New York City and the Department of Justice refused to serve the warrants?

Mr. GARNER. It is. It was not a subpœna. It was a capias.

Mr. MURDOCK. Issued by the judge?

Mr. GARNER. Issued by the court on a grand jury indictment.

Mr. MURDOCK. Has any explanation ever been made by the Department of Justice why they did not serve these papers?

Mr. GARNER. The Department of Justice——

Mr. MURDOCK. I would like to ask the gentleman——

Mr. GARNER. I would like an opportunity to answer the gentleman's question.

Mr. MURDOCK. I will get at it in this way: The resolution as introduced into this House directed the Attorney General to explain to the House why these warrants were not served.

Mr. GARNER. When was that?

Mr. MURDOCK. As I understand it, that was it.

Mr. GARNER. No; this resolution——

Mr. MURDOCK. It must have been introduced, because the committee now brings in a resolution with an amendment changing the word "directed" to the word "requested."

Mr. GARNER. No; it is just the reverse of that, changing the word "requested" to "directed."

Mr. MURDOCK. So the resolution as it now stands is more mandatory than the original resolution?

Mr. GARNER. It certainly is.

Mr. MURDOCK. I am glad of that.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I desire to call up the conference report on Senate bill 7160, an act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

CONFERENCE REPORT (NO. 1448).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 7160, an act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to rec-

ommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 2, 5, and 8.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 3, 4, 6, 7, and 9, and agree to the same.

JOE J. RUSSELL,
J. A. M. ADAIR,
CHAS. E. FULLER,
Managers on the part of the House.
P. J. MCCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendment No. 1, the case of Susannah Roberts (S. 449): In this case the widow is not badly disabled and hence the item was stricken from the bill, and the Senate recedes from its disagreement.

Amendment No. 2, the case of Lamond Partridge (S. 2978): This case was stricken from the bill on the ground that soldier's condition did not warrant further relief. Further investigation shows him to be helpless, and the House recedes.

Amendment No. 3, Gustav A. Kindblade (S. 3786): In this case the House reduced the rate from $50 to $40 on the ground that soldier was not totally helpless, and the Senate recedes.

Amendment No. 4, the case of Martin Parker (S. 4063): In this case the item was stricken from the bill on the ground that the evidence did not warrant further increase, and the Senate recedes from its disagreement.

Amendment No. 5, the case of Benjamin F. Adams (S. 4072): This item was stricken from the bill by the House, but on further investigation it is believed the increase is warranted, and the House recedes.

Amendment No. 6, the case of Mary Byrne (S. 4187): In this case the amount allowed was reduced by the House from $30 to $20, and the Senate recedes from its disagreement.

Amendment No. 7, the case of Alice O. Lord (S. 5509): In this case the widow did not marry until 1895, and hence the House struck the item from the bill. The Senate recedes.

Amendment No. 8, the case of Julius T. Morse (S. 5590): In this case the House reduced the amount from $40 to $36, but on further investigation it is found that $40 has been allowed in similar cases, and the House recedes.

Amendment No. 9, the case of James V. D. Ten Eyck (S. 6660): In this case the House reduced the rate from $40 to $36 to accord to amounts allowed in similar cases, and the Senate recedes from its disagreement.

JOE J. RUSSELL,
J. A. M. ADAIR,
CHAS. E. FULLER,
Managers on the part of the House.

The conference report was agreed to.

Mr. RUSSELL. Mr. Speaker, I call up the conference report on Senate bill 8034, an act granting pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The Clerk will read the conference report.

The Clerk read as follows:

CONFERENCE REPORT (NO. 1449).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 8034, an act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 2, 5, 6, 7, 9, and 10.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 3, 4, and 8, and agree to the same.

JOE J. RUSSELL,
J. A. M. ADAIR,
CHAS. E. FULLER,
Managers on the part of the House.
P. J. MCCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendment No. 1 is the case of Thomas W. Dickey (S. 300): The man was never regularly mustered into the service of the Government, and hence the item was stricken from the bill; and the Senate recedes from its disagreement.

Amendment No. 2, the case of Addie Roof (S. 2379): In this case the widow married the soldier in 1892, a short time after the passage of the 1890 law, and was stricken from the bill on those grounds. The House recedes from this amendment, as a number of similar cases have since been passed.

Amendment No. 3, the case of Andrew King (S. 5657): In this case the Senate allowed a rate of $30; the House reduced the amount to $24; and the Senate recedes from its disagreement.

Amendment No. 4, the case of James Luther Justice (S. 6968): In this case the Senate allowed $30, and the House $24. The Senate recedes from its disagreement.

Amendment No. 5, the case of Martha J. Stephenson (S. 7025): The Senate allowed this at $30, and the House reduced it to $20. On reviewing, it is believed that the $30 is just; and the House recedes.

Amendment No. 6, the case of Mate Fulkerson (S. 7084): The House struck this item from the bill on the grounds that widow did not marry until after 1890, but recedes from the amendment for the reason that since other bills of like character have been passed.

Amendment No. 7, Lydia M. Jacobs (S. 7173): This was stricken from the bill on account of date of marriage, but the House recedes for the same reasons as the preceding case.

Amendment No. 8: Strikes out the case of John Cook (S. 7214), who has died since the bill passed the Senate; and the Senate recedes.

Amendment No. 9, Sarah McLaury (S. 7363): This is another case where the widow married shortly after 1890; and the House recedes.

Amendment No. 10, Delphine R. Burritt (S. 7805): In this case the House reduced the amount from $40 to $30, but further evidence shows total helplessness physically and mentally; and the House recedes.

JOE J. RUSSELL,
J. A. M. ADAIR,
CHAS. E. FULLER,
Managers on the part of the House.

The conference report was agreed to.

BILLS ON THE PRIVATE CALENDAR.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent for the present consideration of the following order, which I send to the desk and ask to have read.

The Clerk read as follows:

House order 76.

Ordered, That on next Monday, February 10, the House shall stand in recess from the hour of 5 o'clock p. m., until the hour of 8 o'clock p. m., at which time it shall be in order to consider, only in the House as in Committee of the Whole, bills on the Private Calendar which are not objected to.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the order.

The question was taken, and the order was agreed to.

AGRICULTURE APPROPRIATION BILL.

Mr. LAMB. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 28283) making appropriation for the Department of Agriculture for the fiscal year ending June 30, 1914.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Agriculture appropriation bill, with Mr. BEALL of Texas in the chair.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, upon confirmation of reports that the hull of the frigate *Philadelphia* has been located under water in the harbor of Tripoli, I introduced a bill, which has the approval of the Department of the Navy,

for a small appropriation for a survey to recover the hull or such portions thereof, including guns and other equipment, as may seem to the Secretary of the Navy desirable. The Government has recently spent large sums in recovering and disposing of the wreck of the *Maine* in Havana Harbor and has just completed the appropriate service of transporting the remains of the illustrious John Paul Jones to their last resting place at Annapolis, so that if authority is given in this instance to recover such relics of the *Philadelphia* as may be worthy of preservation, it will be in line with precedent and will tend to rekindle in the United States a spirit of patrotism of most wholesome import.

The age in which we live is one of commercialism, when it is difficult for the Department of the Navy to secure recruits for that service upon the high seas, which in times of war is so essential. With a declining merchant marine on the one hand and the rearing of great battleships on the other, it is refreshing to recall the incidents leading up to the American invasion of the Mediterranean Sea and the suppression of piracy along the Barbary coast.

So intimately connected with this earlier history was the frigate *Philadelphia* that a discussion of the bill making an appropriation for her recovery not only invites comparison of our maritime prowess and enterprise of more than a century ago, but readily reveals one of the most interesting chapters in our naval annals. It is both helpful and inspiring.

DONATED BY THE MERCHANTS.

Built 114 years ago, the vessel was commonly regarded as one of the hugest warships afloat. A description of her, taken from memoranda in the Navy Department, shows her to have been a frigate of 1,240 tons, with 36 guns—elsewhere reported as 44—and 307 men. She appears to have been not more than 200 feet long—about one-third the length of a modern battleship—and of 40 feet beam. She was built at Philadelphia in 1799 by subscriptions of the merchants of that city, and cost $179,349. All the details of design and construction are not available, but one of those who superintended her building in the summer of 1799 was Capt. Thomas Robinson, appointed captain in the Navy September 24, 1799, and who served until discharged by the Peace-Establishment act, September 26, 1801. The frigate was launched Thursday, November 28, 1799, as shown by the following announcement taken from the Philadelphia Gazette and Universal Daily Advertiser of Friday, November 29, 1799:

"THE LAUNCH.

"Frigate 'City of Philadelphia.'

"At half past 2 o'clock yesterday afternoon this elegant ship was safely launched into the Delaware, accompanied by the acclamations of thousands of spectators who lined the shore. As soon as she was afloat salutes were fired from the *Augusta* and *Richmond*, armed brigs laying at anchor in the cove.

"The tide serving at an earlier hour than was expected, owing to a strong wind from the southeast, the launch took place sooner than was intended, by which a great number of people who promised themselves the pleasure of viewing this beautiful operation were disappointed, but who were, however, much gratified by afterwards seeing one of the finest ships ever built in this country safely moored.

"The *City of Philadelphia* is an evidence of the patriotism of the merchants of the city after which she is named, being built by their subscriptions; will carry 44 heavy guns and be commanded by Capt. Decatur, formerly of the *Delaware*, sloop of war."

FRIGATE MADE MANY CAPTURES.

In the Navy lists the ship was entered as *Philadelphia*. She sailed from her home city on a cruise to the West Indies in 1800 as flagship of a squadron of 13 vessels under command of Capt. Stephen Decatur, senior. During this cruise she captured 5 vessels from the French.

Her second cruise, 1801–2, was in the Mediterranean under command of Capt. Samuel Barron.

July 28, 1803, she sailed from Philadelphia on her third and last cruise, commanded by Capt. William Bainbridge.

August 26, 1803, shortly after she had reached the Mediterranean, she captured, near Cape de Gatt, the Tripolitan ship *Meshboha*, or *Murboka*, and recaptured from her the American brig *Cecelia*, of Boston.

TEMPORIZING WITH THE PIRATES.

Up to this time the record of the *Philadelphia* had been one of unvarying successes, and she had come to be regarded as a terror of the seas. It was her business, along with others of the fleet, to protect American merchantmen against privateers and pirates, and the Mediterranean expedition was in the nature of a notice to the Emperor of Morocco and the Arabian beys, who were demanding tribute of the United States, that the American Navy was a power to be reckoned with.

The official reports of the time indicate that the United States under President Jefferson had a great deal of trouble satisfying these mercenary cormorants, who insisted upon the payment of fixed stipends for allowing merchantmen to do business in the Mediterranean. The diplomatic negotiations were of such a nature as to be almost amusing, as we would now view them, because of the strangely worded memorials addressed to the various barbarian rulers with the hope of appeasing their dignity as well as their appetite for tribute. So unbearable had their exactions become, however, that Commodore Preble was finally sent to meet the situation squarely, and the *Philadelphia* being of his squadron, had tremendous influence in alleviating it.

LURED UPON THE ROCKS.

The consternation following the capture of the *Philadelphia* by the Tripolitans may, therefore, well be imagined. And the incident was all the more distressing because it gave no opportunity to Capt. Bainbridge and his men to fight their way out of captivity. While chasing a Tripolitan ship, on October 31, 1803, the *Philadelphia* ran on an uncharted rock in the harbor of Tripoli. It was commonly asserted, and the Tripolitans sometimes boasted of it, that the *Philadelphia* had been lured to her fate. Be that as it may, every effort was at once made to get her off. In the endeavor to lighten her three anchors were thrown from the bows, the water in the hold started, and guns were hove overboard, except some abaft retained to defend the ship against the gunboats which surrounded her. For four hours Capt. Bainbridge withstood the fire of the Tripolitan ships, gunboats, and the fire from the shore batteries, but seeing that reenforcements were coming out, he decided to strike his flag rather than further endanger the lives of his brave men.

THE NATIVES IN POSSESSION.

The Tripolitans took possession of the frigate shortly after sunset. The officers and a few of the men were taken to the house of the American consul, Mr. Cathcart, ashore, and were quartered there for the night. Next morning, the consul becoming their guaranty to the bashaw for the officers, they were paroled. Forty-three officers and men were placed in the consulate for the time, and 264 men and boys were quartered in the bashaw's palace.

The aggravation resulting from the capture of the *Philadelphia* and the imprisonment of Capt. Bainbridge and his men, was heightened by the refitting of the *Philadelphia* after she was taken from the rocks for the cruising purposes of the Tripolitans. Thus this most formidable champion of the American Navy was made to do service as an enemy of her country, and her hostile flag was flaunted in the very faces of the American captives behind the walls of the bashaw's castle.

The depressing effects of the capture of the Philadelphia were felt throughout the United States and by all the foreign countries that had been paying liberal tribute to the Tripolitans; but it was left for Lieut. Stephen Decatur, son of the first commander of the *Philadelphia*, who brother's life was given to the service in one of these Mediterranean Sea fights, to propose and to organize the expedition which was not only to be eminently successful, but destined to make the name Decatur a synonym for physical courage and bravery the world over.

DECATUR RECAPTURES THE FRIGATE.

Securing the approval of Commodore Preble, Lieut. Decatur, detached from the frigate *Siren*, started out on the night of February 16, 1804, in the captured ketch, renamed the *Intrepid*. Accompanied by 11 officers and 62 men, with an Italian pilot, he sailed into the harbor of Tripoli, boarded the *Philadelphia*, took possession of her after a desperate encounter, set fire to her, and returned to the ketch without the loss of a single man. Twenty of the Tripolitans on the *Philadelphia* were killed, a large boatload escaped, many jumped overboard and were drowned, and one was taken prisoner. Throughout the encounter on the *Philadelphia*, and particularly after the alarm had been sounded and the flames were eating into the rigging, Decatur and his comrades were subjected to the fire of Tripolitan cruisers, gunboats, and batteries on the shore. In an extract from the report of this brilliant and daring exploit it is stated that the guns on the frigate at the time Decatur boarded her were mounted and charged. Whether any of those guns went down with the *Philadelphia* and are still in a state capable of preservation remains to be seen. It is said, however, that the burning of the *Philadelphia* had the most salutary effect upon the pirates and stimulated the officers and men of the American Navy as nothing had done before.

REASON FOR BURNING THE VESSEL.

That Decatur did not save the *Philadelphia*, after driving the pirates off, was due to his literal observance of the orders given

by Commodore Preble. The enterprise was regarded as of so hazardous a nature as to be dubious of execution, and the commodore, fearing that any attempt at capture would result in failure, directed the destruction of the ship. He wanted to make sure, at least, of the effectiveness of American arms.

It would be entertaining in a high degree to recall the testimony of those who accompanied Decatur on his perilous expedition; to describe the sensations of the American captives behind the walls of Tripoli as the fire of the *Philadelphia* illuminated the skies, or to recount the manifestations of delight and approval upon the return of the *Intrepid* to the American squadron; but all that may be passed for the present. The roll of those who acclaimed the heroic deed of Decatur and his men included the Prebles, the Stewarts, the Dales, the Bainbridges, the Porters, the Lawrences, the Perrys, the Smiths, the McDonoughs, and many other glorious names of this most thrilling period of America's naval history.

JEFFERSON'S MESSAGE TO CONGRESS.

In a message to Congress, March 20, 1804, President Jefferson transmitted the letter of Capt. Bainbridge, announcing the loss of the frigate *Philadelphia*. It was dated Tripoli, November 1, 1803, and was addressed to the Hon. R. Smith, Secretary of the Navy. "Misfortune necessitates me to make a communication the most distressing of my life," Capt. Bainbridge began, and then he proceeded to tell in detail the chase after the Tripolitan cruiser and the rounding up upon the rocks. "We have lost everything but what was on our backs," he concluded, "and even part of that was taken off." In a postscript he added: "Notwithstanding our parole, we are not permitted to leave the house, or go on the top of it, and they have closed our view of the sea." The lament of Capt. Bainbridge was shared by David Porter, then a lieutenant, and others of the captives, who afterwards achieved distinction in naval affairs. In the court-martial proceedings, presided over by Capt. James Barron, it was shown among other things that Capt. Bainbridge had destroyed the signal books of the *Philadelphia* and had, with "great coolness and deliberation," taken other steps to minimize the effect of the loss of the ship to the Tripolitans. The court found that Capt. Bainbridge "acted with fortitude," and "that no degree of censure should attach itself to him."

DECATUR'S ORDERS FROM PREBLE.

Such was the plight of the Navy when the project of the younger Decatur was laid before Commodore Preble. What Decatur was expected to do is shown in the following orders from his commodore:

UNITED STATES FRIGATE "CONSTITUTION,"
Syracuse Harbor, January 31, 1804.

SIR: You are hereby ordered to take command of the prize ketch, which I have named the *Intrepid*, and prepare her with all possible despatch for a cruise of thirty days, with full allowance of water, provisions, &c., for seventy-five men. I shall send you five midshipmen from the *Constitution*, and you will take seventy men, including officers, from the *Enterprise*, if that number can be found ready to volunteer their services for *boarding and burning the Philadelphia* in the harbor of Tripoli; if not, report to me, and I will furnish you with men to complete your complement. It is expected you will be ready to sail tomorrow evening, or some hours sooner, if the signal is made for that purpose.

It is my orders that you proceed to Tripoli, in company with the *Syren*, Lieutenant Stewart, enter the harbor in the night, *board the Philadelphia, burn her*, and make good your retreat, with the *Intrepid*, if possible, unless you can make her the means of destroying the enemy's vessels in the harbor, by converting her into a fireship, for that purpose, and retreating in your boats and those of the *Syren*. You must take fixed ammunition and apparatus for the frigate's 18-pounders, and if you can, without risking too much, you may endeavor to make them the instruments of destruction to the shipping and Bashaw's castle. You will provide all the necessary combustibles for burning and destroying ships. *The destruction of the Philadelphia is an object of great importance*, and I rely with confidence on your intrepidity and enterprise to effect it. Lieutenant Stewart will support you with the boats of the *Syren*, and cover your retreat with that vessel. Be sure and set fire in the gun-room births, cock-pit, store-rooms forward, and births on the birth-deck.

After the ship is well on fire, point two of the 18-pounders, shotted, down the main hatch, and blow her bottom out. I enclose you a memorandum of the articles, arms, ammunition, fireworks, &c., necessary, and which you are to take with you. Return to this place as soon as possible, and report to me your proceedings. On boarding the frigate, it is probable you may meet with resistance—it will be well, in order *to prevent alarm, to carry all by the sword.* May God prosper and succeed you in this enterprise.

I have the honor to be, sir, your obedient serv't,

EDWARD PREBLE.

Lieut. Commandant DECATUR,

THE WORK DONE AS ORDERED.

How well the work of destroying the *Philadelphia* was executed is shown by Lieut. Commandant S. Decatur's report to Commodore Preble. It was as follows:

ON BOARD THE KETCH "INTREPID," AT SEA,
February 17, 1804.

SIR: I have the honor to inform you, that in pursuance to your orders of the 31st ultimo, to proceed with this ketch off the harbor of Tripoli, there to endeavor to effect the destruction of the late United States' frigate *Philadelphia*, I arrived there in company with the United States' brig *Syren*, lieutenant-commandant Stewart, on the 7th, but owing to the badness of the weather, was unable to effect any thing until last evening, when we had a light breeze from the N. E. At 7 o'clock I entered the harbor with the *Intrepid*, the *Syren* having gained her station without the harbor, in a situation to support us in our retreat. At half past 9 o'clock, laid her alongside of the *Philadelphia*, boarded, *and after a short contest, carried her.* I immediately fired her in the store-rooms, gun-room, cock-pit, and birth-deck, and remained on board until the flames had issued from the spar-deck, hatchways, and ports, and before I had got from alongside, the fire had communicated to the rigging and tops. Previous to our boarding, they had got their tompions out, and hailed several times, but not a gun fired.

The noise occasioned by boarding and contending for possession, although no fire-arms were used, gave a general alarm on shore, and on board their cruisers, which lay about a cable and a half's length from us, and many boats filled with men lay around, but from whom we received no annoyance. They commenced a fire on us from all their batteries on shore, but with no other effect than one shot passing through our top-gallant sail.

The frigate was moored within *half-gunshot* of the Bashaw's castle, and of their principal battery—two of their cruisers lay within two cables' length on the starboard quarter, and their gun-boats within half gunshot on the starboard bow. She had all her guns mounted and loaded, which, as they became hot went off. As she lay with her broadside to the town, I have no doubt but some damage has been done by them. Before I had got out of the harbor, her cables had burnt off, and she had drifted in under the castle, where she was consumed. *I can form no judgment as to the number of men on board, but there were twenty killed. A large boat full got off, and many leapt into the sea.* We have made one prisoner, and I fear from the number of bad wounds he has received he will not recover, although every assistance and comfort has been given him.

I boarded *with sixty men and officers*, leaving a guard on board the ketch for her defence, and it is with the greatest pleasure I inform you, *I had not a man killed in this affair, and but one slightly wounded.* Every support that could be given I received from my officers, and as the conduct of each was highly meritorious, I beg leave to enclose you a list of their names. Permit me also, sir, to speak of the brave fellows I have the honor to command, whose coolness and intrepidity was such as I trust will ever characterise the American tars.

It would be injustice in me, were I to pass over the important services rendered by Mr. Salvadore [Catalano], the pilot, on whose good conduct the success of the enterprise in the greatest degree depended. He gave me entire satisfaction.

I have the honor to be, sir, &c.,

STEPHEN DECATUR.

Com. EDWARD PREBLE,
Com. U. S. Squadron in the Mediterranean.

EXTRACTS FROM PREBLE'S OFFICIAL DESPATCHES.

Reporting the work of Decatur to the department at Washington, Commodore Preble said:

UNITED STATES' SHIP "CONSTITUTION,"
Syracuse Harbor, 19th of February, 1804.

SIR: I have the honor to inform you that the United States' brig *Syren*, lieutenant-commander Stewart, and ketch *Intrepid*, of four guns, lieutenant commandant Decatur, arrived here last evening from a cruise. They left this port the 3d instant, with my orders to proceed to Tripoli, and *burn the frigate*, late the United States' frigate *Philadelphia*, at anchor in that harbor. I was well informed that her situation was such as to render it impossible to bring her out, and her destruction being absolutely necessary to favor my intended operations against

that city, I determined the attempt should be made. I enclose you copies of my orders on this occasion, which have been executed in the most gallant and officer-like manner by lieutenant commandant Decatur, assisted by the brave officers and crew of the little ketch *Intrepid*, under his command. Their conduct in the performance of the dangerous service assigned them, cannot be sufficiently estimated. It is beyond all praise. Had lieutenant Decatur delayed one-half hour for the boats of the *Syren* to have joined him, he would have failed in the main object, as a gale commenced immediately after the frigate was on fire, and it was with difficulty the ketch was got out of the harbor. The *Syren*, owing to the lightness of the breeze in the evening, was obliged to anchor at a considerable distance from the city, which prevented her boats from rendering such assistance as they might have done, had they entered the harbor earlier.

Lieutenant Stewart took the best position without the harbor to cover the retreat of the *Intrepid*, that the lightness of the breeze would admit of; his conduct through the expedition has been judicious and highly meritorious. But few of the officers of the squadron could be gratified by sharing in the danger and honor of the enterprise.

In justice to them, I beg leave to observe, that they all offered to volunteer their services on the occasion, and I am confident, whenever an opportunity offers to distinguish themselves, that they will do honor to the service. I enclose you lieutenant commandants Stewart and Decatur's official communications, with names of the officers on board the ketch.

With the highest respect, I have the honor to be, sir, your most obedient humble servant.

EDWARD PREBLE.

A STATEMENT OF THE ENEMY'S STRENGTH.

The *Philadelphia* at the time she was destroyed was lying in the harbor of Tripoli, protected not only by her own guns and a considerable number of Turks on board, but by a number of batteries on shore, gunboats, galleys, etc., viz:

	Guns.
Fort English, mounting	7
American	7
Palace	10
Between Palace and Molehead	14
Molehead Crown battery	19
Fort Way	11
Two small batteries	9
Malta battery	9
Half-moon battery	10
West Diamond battery	9
Battery with arched embrasures	3
Western battery	7
Of heavy caliber	115

19 gunboats.
2 galleys.
2 schooners of 8 guns each and one brig of 10 guns.

All the batteries and vessels were fully manned; the whole number of troops estimated at 25,000 Arabs, etc. The whole naval force of the United States in the Mediterranean at that period was 1 frigate, 3 brigs, 3 schooners, 2 bombs, and 6 gunboats, manned by 1,060 men. Before the *Philadelphia* was taken by the Tripolitans the demand of the bashaw of Tripoli for peace was $200,000 and the repayment of all his expenses during the war. After her destruction he agreed to make peace on our terms, viz, exchange of prisoners, man for man, and $60,000 for the surplus in his possession. The bey of Tunis had frequently threatened war, but was deterred, no doubt, by the impression produced by the energy of our squadron.

Commodore Preble, to the Secretary of the Navy, February 3, 1804, estimates the American captives in Tripoli at 300; the Tripolitan captives, 60; balance of prisoners in favor of Tripoli, 240.

So much for a better understanding of the importance and effectiveness of Decatur's work. It terrified the pirates and brought them to terms.

THE LOG OF THE SLOOP "SIREN."

Amongst the tomes of the Navy Department is still preserved the original log of the U. S. sloop of war *Siren* (spelled Siren in the log, spelled Syren elsewhere—J. H. M.) of 18 guns, then under the command of Lieut. Charles Stewart, afterwards a famous commodore, and from it I have been permitted to make the following extract, which tells in the language of the sailor the story of Decatur's wonderful adventure:

"THURSDAY, 16TH FEBRUARY, 1804.

"Commences with fresh breeze, clear X pleas^{t} weather, the *Intrepid* in co: At ½ past 2 made the land on our lee bow, haul'd up the main sail took 1 reef in the topsails & bent the stream cable. At ½ past 3 backed the main topsail for the *Intrepid* to come up. At 4 lower'd down the cutter & sent 9 men on board the *Intrepid* with cutlasses, pistoles, musquets, &c., &c. At ½ past 4 the boat return'd hoisted her up & made sail for the land. At ½ past 5 mountain Togura 6 or 8 miles to the Ed. of Tripoli bore S.S.W. town of Tripoli S.W. At 6 tack'd to the N.W. At ½ past 7 boarded main tack. At ½ p^{t} 9 tk'd to the S.W. set stay sails & jib. At 10 call'd all hands to quarters & run out the guns, haul'd down stay sails & jib & haul'd up square main sail, brail'd up after main sail. At ½ past 10 spoke the *Intrepid*. At 11 back'd the main topsail sounded and got no bottom. Midnight moderate and clear, lost sight of the *Intrepid*, haul'd up the fore sail & back'd main top sail sounded in 35 fathoms & fill'd away. At 1 sounded in 14, 12 & 9 fathoms /from 1 to 4 standing off & on the shore, showing lights for the *Intrepid*/ which were answered/ At 1 call'd all hands to quarters, run in the guns & secur'd them. Shipp'd the ports, wore and stood off shore, made sail, the *Intrepid* on our lee bow. At 8 the high land near Tripoli bore S.W. by W. 7 leagues. At 11 the *Intrepid* tk^{d} to the S^{d} and E^{d} Meridian wore to the S^{d} and W^{d} Handed square main sail, reef'd the fore sail & set after main sail moderate breezes & pleas^{t} the *Intrepid* bearing S. ½ E 8 miles dis^{t} Latt: Obs. 33° 21′."

THE "INTREPID" RETURNS TO THE "SIREN."

"REMARKS ON BOARD,
"*Friday 17th Feb: 1804.*

"Commences with fine breezes & pleas^{t} weather the *Intrepid* in co: At ½ past 1 set jib & main top mast stay sail. ½ past 2 haul'd them down. At 4 made the town of Tripoli at ½ past 5 it bore S.W. by S. ½ S. English castle S.S.W. 12 miles dis^{t} At ½ past 6 back'd main top sail & hoisted out barge & launch. At 7 turn'd the reef out of the topsails & sounded in 38 fathoms. small irregular stones. small shells & red & white coral, the town of Tripoli bearing S.S.W. 9 miles. At ½ past 7 sounded in 33 fathoms, set jib & after main sail. 8 sounded in 26 fathoms, fine yellowish coral, small shells & gravel. Tripoli bore S.S.W. 5 miles dis^{t} At ½ past 8 sounded in 20 fathoms, haul'd up the fore sail, down jib, brail'd after main sail. At 9 came too with the stream anchor in 22 fathoms, small yellow coral & fine sand. Tripoli bearing S.W. by S. 1 mile distant inclin'g to calm, sent off to Lieu^{t} Decatur reinforcements in the boats. Lieu^{t} Caldwell & Jno. Dorsey mids^{n} with 20 men /in the launch/ Mr. Brooke & Mr. Budd with 8 men /in the Barge/ At ½ past 10 Lieu^{t} Decatur made the signal for a reinforcement of officers & men in boats, answer'd it, about ten minutes after which the Frigate *Philadelphia* in the harbour of Tripoli burst into a flame fore & aft, the castle & Batteries then commenc'd the fire on the *Intrepid*, all around the frigate & in every direction. Midnight, gentle breezes & pleas^{t} weather. Weigh'd and stood to the N^{d} & E^{d} under easy sail. At ½ past midnight the launch and barge return'd and were welcomed with repeated cheers /hoisted in boats/ At 1 a. m. spoke the *Intrepid* & took her in tow, when Lieu^{t} Decatur came on board got top gall^{t} masts on end & made sail. Town of Tripoli bearing S.S.W. dis^{t} 2 leagues. At 4 hous'd the guns and shipp'd the ports. At 9 haul'd down main top mast stay sail & brail'd up after main sail, stiff gales from the S.S.E. At ½ past 9 set main top mast stay sail. At 10 run out the jib boom bent the standing jib & set it, at ½ past 11 double reef'd after main sail & set it.

"N. B. About midnight the frigate burnt her cables & drifted ashore she was then burnt down to the water's edge. Latt: Obs. 34 25."

A BORN SAILOR AND FIGHTER.

At the time of his great achievement Stephen Decatur was 25 years of age. He was a born sailor and fighter, having been recognized throughout the Navy as one of the most gallant and intrepid of leaders. He had been in active service long before the Tripoli affair, and continued in the service after his promotion two grades, and about 10 years in recognition of it, until 1820, when on March 22, in a duel with Commodore Barron at Bladensburg he lost his life. The duel was one of those deplorable tragedies, due largely to the false chivalry characteristic of the times. The death of Decatur was universally deplored. He was buried at Kalorama, in the District of Columbia; but having, in connection with his proposed participation in the management of the congressional burial ground at Washington, expressed a desire to be buried near the tomb of his parents, at St. Peter's Church, in Philadelphia, his body was subsequently removed to that place. It was received at Philadelphia with military and civic honors, and a popular movement was at once instituted to erect a monument befitting his life and character. On each return of his birthday, January 5, the ladies of the Stephen Decatur Chapter of the Daughters of 1812 are accustomed to visit and decorate the grave. The monument consists of an ionic column, surmounded by an American eagle.

THE MONUMENT AT OLD ST. PETERS.

The inscriptions upon the sides of the column are as follows:

STEPHEN DECATUR
Born January 5th, 1779
Entered the Navy of the United States
as Midshipman
April 3rd, 1798
Became Lieutenant
June 3rd, 1799
Made Captain
For Distinguished Merit
Passing over the Rank of Commander
February 16th, 1804
Died
March 22nd, 1820

—

Devoted to His Country
By a
Patriotic Father
He Cherished in His Heart
and Sustained by His
Intrepid Action
The Inspiring Sentiment
"Our Country! Right or Wrong"
A Nation
Gave Him in Return
Its Applause and Gratitude

—

The Gallant Officer
Whose Prompt and Active Valor
Always on the Watch
Was Guided By a Wisdom
And Supported by a Firmness
Which Never Tired
Whose Efforts in Arms
Reflected
The Daring Fictions of
Romance and Chivalry

—

A Name
Brilliant from a series of
Heroic Deeds
On the Coast of Barbary
and Illustrious
By Achievements Against
More Disciplined Enemies
The Pride of the Navy
The Glory of the
Republic.

EFFORTS TO LOCATE THE WRECK.

Mr. Chairman, several efforts have been made since the death of Decatur to locate the wreck of the *Philadelphia*. In June, 1905, Charles Wellington Furlong made an examination of the Barbary coast at Tripoli through the courtesy of Muchia Redjed Pasha, commander in chief of the Turkish forces in Tripoli. In that inspection, in which he was aided by marine divers, Mr. Furlong discovered the location of the wreck and managed to recover a cannon ball from her timbers in addition to some copper nails. His investigation, however, did not result in any steps being taken to recover the hull. After the Turks were driven out of Tripoli in the recent war with Italy, Mr. Harold Sherwood Spencer, who was attached to one of the New York newspapers, interested himself in the matter, consulting the American consul at Tripoli, in Barbary, and the American ambassador to Italy, as appears from the following correspondence:

TRIPOLI, BARBARY, *October 10, 1912.*

MY DEAR MR. O'BRIEN: Within a very few weeks the Italians, in their work of improving the harbor, will reach the site of the wreck of our famous frigate *Philadelphia*.

Although the wreck is at present in a good state of preservation, and only in 10 feet of water, the proposed harbor improvements will tear up the old ship piecemeal, burying part of it under a breakwater.

To me, and I hope you feel likewise, a ship of such a glorious past as our *Philadelphia* should be raised and buried at sea. At least the keel and some of her old cannon might be taken to Annapolis or Washington as relics.

* * * * * * *

It seems fit that our ambassador to Italy should recover our ship from what are now Italian waters. If you are interested will you please wire me, care of the consul here.

Respectfully,

HAROLD SHERWOOD SPENCER.

STATE AND NAVY DEPARTMENTS INTERESTED.

NOVEMBER 23, 1912.

The honorable the SECRETARY OF THE NAVY.

SIR: I have the honor to acknowledge the receipt of the letter of November 19 (3809/315:1) in which, referring to this department's letter of the 13th instant, you advise me that the naval attaché at Rome has been instructed by telegraph to proceed to Tripoli and investigate the possibility of raising the wreck of the *Philadelphia* from the harbor at that port.

As of possible interest in this connection, I take occasion to inclose herewith a copy of a dispatch on this subject which has now been received from the American consul at Tripoli.

I have the honor to be, sir, your obedient servant,

HUNTINGTON WILSON,
Acting Secretary of State.

AMERICAN CONSULATE,
Tripoli-in-Barbary, October 16, 1912.

The honorable the SECRETARY OF STATE,
Washington.

SIR: I have the honor to report to the department that Mr. Harold Sherwood Spencer is desirous of making an effort to rescue the remains of the old U. S. S. frigate *Philadelphia*, which was wrecked off the harbor of Tripoli October 31, 1803, captured by the Tripoli pirates with whom we were at war and brought into port, and in February, 1804, destroyed by burning through the daring and famous exploit of Lieut. Decatur.

Mr. Spencer was a student at Annapolis for several years, but resigned in the latter part of 1910 for the purpose of preparing to enter the diplomatic service. He has, however, since then been engaged in newspaper and literary work, and was sent here last November by Mr. Bennett as special war correspondent of the New York Herald. He left Tripoli in December and returned to New York in June of this year, where he has a temporary residence at the Vanderbilt Hotel.

Mr. Spencer desires to present the remains of the *Philadelphia* to the Naval Institute, of which he is a member, or to the museum of the Naval Academy at Annapolis.

Believing this project to be a most worthy enterprise, I presented Mr. Spencer to Governor General Ragni and requested permission for him to raise the *Philadelphia*. The request was most graciously accorded by His Excellency, who displayed much interest in the enterprise. Later he asked us to go on the terrace of the castle for the purpose of having pointed out the precise location of the wreck, which lies in about 10 feet of water very near the Spanish fort. The governor general also stated that he would be pleased to assist Mr. Spencer in his efforts.

Preliminary surveys are being made to determine what part of the wreck can be rescued and the approximate cost of the work.

I have the honor to be, sir, your obedient servant,

JOHN Q. WOOD,
American Consul.

DECEMBER —, 1912.

The honorable the SECRETARY OF THE NAVY.

SIR: Referring to previous correspondence concerning project for raising the wreck of the U. S. frigate *Philadelphia* from the harbor of Tripoli, I have the honor to inclose herewith for your information a copy of a report on this subject from the American consul at Tripoli, under date of the 30th ultimo.

I have the honor to be, sir, your obedient servant,

P. C. KNOX.

NAVAL ATTACHÉ MAKES ESTIMATE.

AMERICAN CONSULATE,
Tripoli in Barbary, November 30, 1912.

The honorable the SECRETARY OF STATE,
Washington.

SIR: I have the honor to report the arrival of our naval attaché at Rome, Lieut. Richard Drace White, in pursuance of orders from the Navy Department, to examine and report on the project of raising the U. S. frigate *Philadelphia*. Commander White was received most cordially by Gov. Gen. Ragni and has been given every possible assistance. The command of the port has been placed at his disposition, and during the examination of the wreck, on the 29th instant, the day after arrival, the gasoline launch of the governor general was sent to Commander White, with instructions to the officer in charge to report to him for orders.

It has been possible to locate the wreck, and the firm of Almagia, now engaged on the port works, has given an estimate

of the cost of raising the remains of the old frigate. It has appeared to me to be very excessive, although I confess to a lack of experience in such matters, and therefore would not care to advance an opinion as to a reasonable cost of successfully carrying out such a project.

I would state that the arrival of Commander White has created a great local interest in the history of our naval and military operations in this country, and especially in the outcome of the inspection and report that will be sent to the Navy Department by our naval attaché. A copy of La Nuova Italia is herewith inclosed, containing an article on the *Philadelphia*, which may be of some interest, although several of the facts are not accurate. On account of lack of time it has been impossible to make a translation.

I have the honor to be, sir, your obedient servant,

JOHN Q. WOOD,
American Consul.

ITALIAN OFFICIALS AND NEWSPAPERS FRIENDLY.

Along with the correspondence just quoted is a translation of the article from La Nuova Italia, of Tripoli, Africa, dated November 29, 1912, which, under the heading "A glorious page of American history rises from the bottom of the Libian Sea," reviews in eloquent terms the gallantry of Decatur and his crew and bespeaks the utmost courtesy on the part of Gen. Ragni, the Italian commander, should the American Government desire to take steps in the matter. In addition I have a letter from the Assistant Secretary of the Navy, who has expressed his approval of an appropriation for the raising of the *Philadelphia*, in which he transmits, at my request, a copy of the report of the naval attaché who recently undertook an inspection of the hull of the *Philadelphia* and who was instructed to report as to the conditions surrounding it. This report, which is appended in full, indicates clearly that the hull and such relics as may remain in it can be recovered for twelve or fifteen thousand dollars, provided the recovery is attempted before the Italian Government proceeds with the construction work which may obliterate the wreck forever.

EXISTING CONDITIONS SURROUNDING THE HULL.

ROME, *December 9, 1912.*

From: Naval attaché, Rome and Vienna.
To: Director of Naval Intelligence.
Subject: Proposed salving of the wreck of the U. S. S. *Philadelphia* in the harbor of Tripoli, in Barbary.
Reference: O. N. I. telegram of November 16, 1912.

1. I have proceeded according to the instructions contained in the reference.

2. In the work of investigating the wreck, the commander in chief of the naval force in Tripoli, the governor, and the commanding general of the military force have been extremely courteous and have facilitated the work. I have been greatly aided by the American consul, Mr. John Q. Wood, and by Mr. Harold S. Spencer, who had very thoroughly investigated the wreck previous to my arrival. These two gentlemen devoted all their time to helping and advising me while I was engaged in this work. I was also greatly aided by Mr. William S. Riley, an Englishman resident in Tripoli for 25 years, who has become interested in the work.

BURIED IN TWO AND A HALF FATHOMS.

3. I find that the wreck lies in about 2½ fathoms of water on the bearings indicated in the inclosure marked "B." This part of the bay is soon to be filled in and warehouses, railways, etc., built thereon. No excavations are to be made here, however, as was at first reported.

4. It appears that she lies on her side (thought to be starboard, though this is uncertain), her keel in a line approximately northeast and southwest. She is entirely covered by sand, except for a portion approximately 35 feet in length on the above-mentioned bearing and 15 feet in width, in which space portions are visible in places projecting above the sand bottom in some cases as much as 1½ feet.

WHAT THE DIVERS DISCOVERED.

5. There are three or four projections visible, which appear to be ribs or frames of the hull. These appear to curve upward, which leads me to believe that they are situated near the bow or the stern. This is, however, only a surmise, as the curvature may only be apparent. There are several planks which extend in a northeasterly direction and end abruptly. Beyond their end is a rectangular piece lying at right angles to the lengthwise direction of the planks.

6. The divers who investigated the wreck report that the whole wreck is imbedded in sand in the form of a mound, which slopes off in all directions from the wreck. They sawed off portions and found the planking covered with copper in a state of partial decomposition, and also found the remains of nails now corroded so that they are nothing but hardened rust.

7. The divers who made the examination; the engineer in charge of the divers, Mr. Spencer; Mr. Riley; the American consul, Mr. John Q. Wood; and I are agreed in the opinion that the part visible is the remains of the ribs and skin of the ship. The planking which ends so abruptly we believe to have sprung loose, or been pried loose, from the frames and to have straightened out more or less. We conclude that the ship sunk on the original bottom of the harbor, which slopes away abruptly to the northeast, with one end much lower than the other, and that the sand which now covers her has sifted in, making the harbor at this point much shallower than it was at the time she sank.

8. Granting that the ship was 40 feet in beam and 200 feet long, she must extend in the sand to a depth of approximately 40 feet, and for a length of approximately 200 feet.

9. When Mr. Spencer, in his letter to the American ambassador to Rome, dated October 10, suggested raising her, he was of the opinion that the ship rested on an approximately even keel and did not extend deep into the sand, and his idea was that she could be scooped out and lifted with shears and got on shore intact. The belief that she lies on her side, however, and must extend deep into the sand bottom makes that project appear impracticable, and it is now believed that the best way to attempt to raise her is to dredge around her and inside her as much as practicable and then raise her with floats and chains, if practicable, intact; otherwise, in sections cut adrift before being lifted.

LOCAL COMPANY COULD DO THE WORK.

10. In this connection the lack of facilities available at Tripoli for work of this character has been considered. There is a floating crane of 75 (I am told) tons capacity. There are some small lighters; there are some small cranes on shore. That is practically all. There is also to be considered the weather, which is very bad at this season, and the fact that a company is under contract to fill in the space where the wreck lies within a certain period and with perfect right to interfere with any operations which would delay them in their work.

11. This company, viz, Ditta Almagia, have, at my request, made an estimate as to what they would charge to raise her. Their estimate is $12,000 to raise her entirely and put her on the beach. The project is to raise her intact, but this may become impracticable, in which case it would be necessary to raise her piece by piece. Their estimate is based on the assumption that there would be 4,000 cubic meters to excavate, at a cost of $2.50 per cubic meter, and that the cost of raising her and putting her ashore would be $2,000. They also estimate that they could raise a section 45 feet in length along the part now projecting above the water for $5,000. And I am of the opinion that for $2,000 that part projecting above the bottom and a considerable portion adjacent thereto could be raised.

12. In addition to the cost above enumerated there would be the cost of conveying the material recovered to the United States. The local agencies could give me no data on this problem, but I am in communication with agents in Malta and Naples and will make this question subject of future report.

ITALIAN GOVERNMENT WOULD APPROVE.

13. I am of the opinion that, if it is the department's wish to raise her, or any part of her, it can best be done by contract with the above-mentioned firm. They are, so far as I can learn, the only company there with facilities necessary to undertake it. They can take care of such parts as are recovered until such time as they can be shipped to the United States, and above all they can interfere and forbid the work being carried on by any other company on the strength of the fact that they are under contract to fill in that part of the harbor where the wreck lies, and may commence at that spot whenever they choose.

14. As a matter of fact, they will not, in the ordinary course of events, reach the spot where the *Philadelphia* lies for a long time, and if they take the contract to raise her, they would not undertake it until next February, because in this season of storms the work would surely be interfered with and most likely would prove to be impracticable. Once started on the work, they estimate that it would require two weeks to raise the whole wreck, and a less time for a less part.

15. In case it is wished to attempt to raise the wreck, there will be, I believe, practically no difficulty in obtaining the necessary permission from the Italian Government. In fact, the idea of our raising her has produced a very favorable impression not only at Tripoli, but throughout Italy.

16. I await instructions before proceeding further in the matter.

R. DRACE WHITE.

HEROISM AND GALLANTRY VERSUS MATERIALISM.

The remains of Stephen Decatur repose in the old third district of Pennsylvania, which I have the honor to represent in Congress. I have often stood by the monument reared in his honor by the citizens of Philadelphia, and upon which the garlands of admiration and esteem are annually laid by the patriotic women of the Stephen Decatur Chapter, Daughters of 1812, and have wondered if succeeding generations have fully appreciated the value of the life and services of this brave man. He was one of those heroes around whose memory cluster the hallowed traditions which lift us above the field of materialism. Indeed, the story of his life and that of the frigate *Philadelphia* tend to renew our faith in the American Navy and in the patriotism and fighting qualities of our officers and enlisted men. It does us good to preach the heroism of Stephen Decatur. It aids us to a better understanding of the purposes of those who engage their services in the dangerous work of the Army or the Navy. And when we consider it in relation to more recent heroes of the Navy of the United States it helps us to forget that the world of peace is selfish and overdone in money getting.

CUSHING AND HOBSON IN DECATUR CLASS.

The century just closed gave us three heroes of the Decatur type—Decatur himself, Cushing, and HOBSON. There have been many others, participants in the various wars in which our country engaged from 1800 to 1900, but in no three particulars are the exploits of heroism so easily comparable as in the instances of Decatur, Cushing, and HOBSON. With respect to personal daring and bravery, in the execution of well-conceived but hazardous plans, there is very little difference between Decatur's burning of the *Philadelphia* in 1804, Cushing's blowing up of the *Albemarle* in 1864, and HOBSON's sinking of the *Merrimac* in 1898. Each invaded hostile territory and shared personally the perils of the brave handful of men who accompanied the expedition. Each succeeded in his undertaking, and thus added to the honor and glory of American arms.

It would seem, Mr. Chairman, that if we can freshen the American mind and fire the American heart by the recovery of relics of the historic frigate *Philadelphia* it would amply repay the small expenditure that is contemplated. The bringing back to America of whatever may be found of this famous old fighting craft would add to our respect for the flag of our common country and intensify our appreciation of and regard for its fighting men. If the recovery of no more than one of the 44 original cannon is effected, it will be worth all the money that is asked for the purpose.

Mr. HAUGEN. Mr. Chairman, I yield 45 minutes to the gentleman from Oklahoma [Mr. MORGAN].

Mr. MORGAN of Oklahoma. Mr. Chairman, Oklahoma bears burden of the Nation in the loss of school lands, in the insignificant amount received from the percentage on sale of public lands and in enormous loss of revenue by reason of vast area of nontaxable Indian lands. To remove this burden from the people of Oklahoma I have introduced three bills, to which I wish to call the attention of the House at this time.

Each one of these bills provides for a large appropriation to the State of Oklahoma. These appropriations are to pay to the State of Oklahoma certain amounts which I maintain are justly due the State on account of matters growing out of the terms and conditions under which Oklahoma was admitted as a State into the Union. At the outset, I will state that I do not charge that Congress intentionally did an injustice to Oklahoma. Nothing I shall say will be intended as a criticism upon the Committee on Territories in 1906, that had the Oklahoma Enabling Act in charge, and especially nothing I say must be regarded as, in any way, a criticism upon the gentleman from Michigan, the Hon. EDWARD L. HAMILTON, the chairman of the Committee on Territories at the time. The people of Oklahoma are greatly indebted to him for services rendered, and our people hold him in the highest esteem. And finally nothing I say is intended as a reflection upon the work of my colleague, Mr. MCGUIRE, who was the delegate from Oklahoma Territory, at the time the Oklahoma Statehood bill was passed. Rather would I praise him for his splendid work in connection with Oklahoma's statehood act.

THIRTY-ONE MILLION ASKED FOR.

The three bills which I have introduced carry a total appropriation to the State of Oklahoma of over $31,000,000. This is a large sum of money. I have not introduced these bills hastily. I have given the matter the most careful consideration. I have acted only after I concluded that each of the claims have real merit, and that as a Representative from the State of Oklahoma my duty to the people and the taxpayers of that State demanded that I should introduce these bills, and with whatever ability I may have press them for favorable consideration before the Congress of the United States, the only tribunal that has jurisdiction to pass upon these claims.

GENERAL STATEMENT.

In the act approved June 16, 1906, which provided for the admission of Oklahoma as a State into the Union, Congress appropriated $5,000,000 to the State of Oklahoma for public-school purposes, in lieu of sections 16 and 36 in each township in the Indian Territory, which had been conveyed to certain Indian Tribes and were not therefore available as a grant to the State for public-school purposes. In round numbers, sections 16 and 36 in the Indian Territory comprised about 1,100,000 acres of land. Congress allowed the State about $4.60 per acre for these lands. This, I contend, was only about one-third their value. The amount of the appropriation should have been equal to the value of these lands. I maintain, therefore, that the people of Oklahoma have a just claim against the United States for the difference between the $5,000,000 and the real value of these lands, which I estimate was about $16,000,000, or $15 per acre. This, in brief, is the basis for my bill (H. R. 27950), which directs the Secretary of the Treasury to pay Oklahoma $11,000,000, and makes appropriation therefor.

PER CENT OF PROCEEDS OF SALES OF PUBLIC LANDS.

Beginning with the act of Congress passed in 1802, which provided for the admission of the State of Ohio into the Union, Congress has granted to all the public-land States an amount equal to 5 per cent on the net proceeds of the sales of public lands lying within the State. With the exception of Oklahoma, all these public-land States were admitted, early in their history, when the population was small and when only a small part of the public lands lying within the States had been entered. While the percentage, except as to Nebraska and Arizona, was granted on sales subsequent to statehood, in effect the States received a percentage on practically all the lands within the States, as prior to statehood comparatively few of the lands had been entered.

Not so with Oklahoma. In the first place, Congress had conveyed all the public lands in the Indian Territory to the Indians, constituting about half the area of the State. This reduced by half the amount which Oklahoma would have otherwise received. In the second place, at the time of statehood, in what was formerly Oklahoma Territory, nearly all the public lands had been entered and final proof made thereon. As a result, this grant to Oklahoma of an amount equal to 5 per cent on the sales of public lands is insignificant compared with the amount received by the 28 other public-land States. To correct this injustice, I have introduced H. R. 28669, which provides in substance that Oklahoma shall have 5 per cent on sales of public lands lying within the State, sold either prior or subsequent to date of statehood.

NONTAXABLE INDIAN LANDS.

The most important of all these three bills is H. R. 28670, which provides for an appropriation of $20,000,000 to the State of Oklahoma, payable in 16 annual payments of $1,250,000 each.

This claim is based upon the proposition that the Indian lands in Oklahoma are nontaxable by virtue of stipulations in treaties made by the United States with the Indians; that the Federal Government has no power or authority to exempt from taxation land within a State, after the United States had sold or disposed of the lands, except by consent of the State, and except on terms and conditions prescribed by the State and upon payment of such consideration as shall be satisfactory to the Sate; and, finally, that to provide the Indians with nontaxable lands is a duty belonging to the Federal and not the State government, and that whatever it costs to provide nontaxable lands for the Indians should be paid by the National Government and not by the people of the State governments. The object of this $20,000,000 appropriation is, in a measure at least, to pay to the State of Oklahoma and the various county, township, and school district governments for loss in revenue from nontaxable Indian lands.

SCHOOL LANDS APPROPRIATED FOR NATIONAL USE.

It is important that we first clearly comprehend the fact that the Federal Government used the public lands in the Indian Territory for a national purpose. To all intents and purposes these lands were used by the Government to pay a national debt. The United States in effect sold these lands to the Indians, and received a valuable consideration therefor. The Indians secured these lands through contract, agreement, and treaty. The Indians paid a consideration therefor, they relinquished homes elsewhere, or otherwise made concessions which were valuable to the Nation.

But, leaving out the question of consideration, in dealing with the Indian the United States had a duty to perform, an obligation to discharge, a responsibility to meet. In discharging what was clearly a national duty, a national obligation, a national responsibility, the public lands in the Indian Territory were conveyed to the Indians.

The public school lands in the Indian Territory, solemnly dedicated to the sacred purpose of promoting education among the people of the State, were diverted from this great purpose and converted by the United States to another and entirely different purpose. These lands belonged to the State; they were used by the Nation. Dedicated solely to the use of the people of the State, they were appropriated for the use and benefit of all the people of the United States. Deprived of these lands, the people of the State have the right to expect full compensation therefor. If full compensation is not made to the people of the State for the loss of these lands then the Federal Government will be compelling the people of Oklahoma to pay, as a price for statehood, a debt that clearly belonged to the Nation and should have been paid by all the 93,000,000 people of the United States.

THREE GENERAL PROPOSITIONS.

The arguments in support of the bill (H. R. 27950) to appropriate $11,000,000 to compensate the State of Oklahoma for difference between the value of school lands in the Indian Territory and the $5,000,000 appropriated, I will present under three general propositions.

First. By virtue of what might be called the common law of the country—a law established by more than a century of precedent, custom, and usage, reenforced by a well-defined national policy—the people of Oklahoma were entitled to sections 16 and 36 in each township in the Indian Territory for public school purposes, or in lieu thereof an amount of money equal to their reasonable value at date of statehood.

Second. Other public-land States, in the number of acres granted to them for public school purposes, and in the per capita grant to such States, based upon population in 1910, and also in the per capita grant based upon school population, received vastly larger grants of land for public school purposes than did Oklahoma.

Third. The 1,100,000 acres of public school lands in the Indian Territory were reasonably worth about $15 per acre—or in the aggregate about $16,000,000—or about $11,000,000 more than the $5,000,000 granted in the enabling act.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. MORGAN of Oklahoma. Certainly.

Mr. MURDOCK. Now, does the gentleman, in referring to lost school lands, mean by that sections 16 and 36 in the Indian Territory part of Oklahoma.

Mr. MORGAN of Oklahoma. I do.

Mr. MURDOCK. Of course, to Oklahoma, as distinct from the Indian Territory, sections 16 and 36 were given, were they not?

Mr. MORGAN of Oklahoma. They were.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. MORGAN of Oklahoma. Certainly.

Mr. BURKE of South Dakota. Did not Oklahoma Territory get a greater quantity of land than two sections in a township?

Mr. MORGAN of Oklahoma. Not for public-school purposes.

Mr. BURKE of South Dakota. What was it for?

Mr. MORGAN of Oklahoma. Oklahoma received certain grants for the higher educational institutions, certain grants for the public-building fund.

Mr. BURKE of South Dakota. Were not some of those grants made upon the express condition or because of the fact that Oklahoma would not receive sections 16 and 36 in what was the Indian Territory?

Mr. MORGAN of Oklahoma. I think not.

Mr. CARTER. Will the gentleman yield?

Mr. MORGAN of Oklahoma. For a question, certainly.

Mr. CARTER. For a short statement. These land grants, as I remember, were made prior to the time when the enabling act was passed.

Mr. MORGAN of Oklahoma. Do you mean the grants to the Indians?

Mr. CARTER. The land grants to the State for all kinds of school purposes were made prior to the time the enabling act was passed.

Mr. MORGAN of Oklahoma. When the lands were opened to settlement the school lands were reserved. The actual grant—the legal conveyance—was by grant in the statehood act.

Mr. CARTER. The point I want to make is this: The grant of each of these sections was made for school purposes to the Territory of Oklahoma prior to the time of statehood. The grants were made, in other words, when the opening of the reservations came about. Now—just a moment, if the gentleman will permit me—at the time these openings were had no one could say that Indian Territory was to be any part of the new State of Oklahoma; in fact, a very strong effort was being made to make separate States of Indian Territory and Oklahoma, so any land grants which might have been made at that time to Oklahoma Territory could not have been given in lieu of any conditions that existed in the Indian Territory prior to statehood.

Mr. MURDOCK. That is correct.

Mr. CARTER. Is not that correct, I will ask my friend from Oklahoma?

Mr. MORGAN of Oklahoma. That is correct; yes.

Mr. CARTER rose.

Mr. MORGAN of Oklahoma. I would like to yield to my colleague, but it will take all my time to go over the ground I wish to cover.

Mr. CARTER. Just a question. I desire to ask the gentleman if he arrived at the acreage and figures given by calculating sections 16 and 36?

Mr. MORGAN of Oklahoma. Yes; I estimate the number of acres comprised in sections 16 and 36 in the Indian Territory.

Mr. MILLER. Will the gentleman yield?

Mr. MORGAN of Oklahoma. For just a moment.

Mr. MILLER. Will the gentleman state what disposition the State of Oklahoma made of this $5,000,000? Did it go to the public-school fund?

Mr. MORGAN of Oklahoma. It went to the public-school fund.

Mr. MILLER. Will the gentleman state whether or not he has made any inquiry to ascertain the average price the other States received for their public-school lands?

Mr. MORGAN of Oklahoma. I will come to that after a while.

Mr. MURDOCK. How about Kansas?

Mr. MORGAN of Oklahoma. Kansas received 2,876,124 acres.

Mr. MURDOCK. However, we did not get the $5,000,000.

Mr. MORGAN of Oklahoma. Kansas received 500,000 acres of public lands for internal improvements, which I think went to your school fund. Your State also received other large grants, which I shall later refer to.

Mr. MURDOCK. Can the gentleman make a comparison between the school funds resulting from the Government gratuity?

Mr. MORGAN of Oklahoma. Oh, Mr. Chairman, I expected that question to arise. Some of the States have lost much of their school funds. There are instances of mismanagement. But should the grant to Oklahoma for public-school purposes be measured by mistakes made by the people or public officers of the older States? Certainly not. Oklahoma is entitled to the grant of the regular school lands given to other States, or their equivalent in cash. The mistakes of others should be a warning to the people of Oklahoma, but should not be used as an excuse for limiting the grant, either in lands or in money.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. MORGAN of Oklahoma. Yes; I will yield to the gentleman.

Mr. CARTER. The State of Kansas was not brought into the Union with one-half of its lands nontaxable?

Mr. MORGAN of Oklahoma. No. I will come to that directly.

USAGE AND PRECEDENT SUPPORT CLAIM.

Oklahoma's claim to school lands in the Indian Territory is sustained by a full century of precedent, practice, usage, and custom.

The precedent for granting certain lands in each township for public-school purposes antedates the adoption of the Constitution and the organization of the Federal Government thereunder. In 1785 the Congress adopted an ordinance providing for the survey of the territory northwest of the Ohio River. This ordinance declared that lot 16 should be reserved for public-school purposes. In 1787, two years later, Congress passed another ordinance providing for the government of the Northwest Territory. This ordinance designated certain articles therein which should be regarded as articles of compact between the Original States and the State and the people of the Northwest Territory, which articles should remain unalterable except by common consent. One of these articles declared that—

Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

Thus our forefathers, 128 years ago—before the adoption of the Constitution—before the organization of the Government thereunder—established a precedent and inaugurated a national

policy which have been followed ever since, and which have been potent factors in the spread of knowledge, in the promotion of education, in the enlightenment of our citizenship, and in adding strength, greatness, and glory to our country.

In 1802 Congress passed an act for the admission of Ohio as a State into the Union. This act granted section 16 in each township for public-school purposes.

From 1802 to 1848—a period of 46 years—in admitting public-land State Congress uniformly granted to the States section 16 in each township for public-school purposes.

In 1848 a new precedent was established—a new policy was adopted. The grant for public schools was enlarged. In that year the State of Oregon was admitted to the Union under an enabling act which granted both sections 16 and 36 in each township for the use of public schools.

The Oregon enabling act became a model for subsequent statehood acts. For from 1848 down to 1913—two-thirds of a century—in admitting public-land States into the Union Congress has followed the Oregon act and granted to the new States sections 16 and 36 in each township for public-school purposes, except that Utah, Arizona, and New Mexico were granted four sections in each township for public schools.

OKLAHOMA RECEIVES LESS THAN OTHER STATES.

The number of acres of land granted to Oklahoma for public-school purposes is not one-third the average number of acres granted to the various States admitted to the Union since 1848.

I have prepared a table showing the number of acres of land granted to the public-land States admitted since 1848 for public-school purposes. This table shows the population of these States in 1910, with the per capita grant to these States. The table is as follows:

Table showing number of acres the several States received from sections 16 and 36, and Utah, Arizona, and New Mexico with sections 2, 16, 32, and 36, with population of States in 1910, and number of acres per capita.

State.	Acres.	Population.	Per capita.
Utah	6,007,182	373,351	16
Montana	5,102,107	376,053	13.5
New Mexico	4,309,369	327,301	13.4
Arizona	4,050,346	204,354	28.8
Nevada	3,985,422	81,875	48.6
Colorado	3,715,555	799,024	4.6
Oregon	3,387,520	672,765	5.03
Wyoming	3,368,924	145,965	23.6
Idaho	3,063,271	325,594	9.4
Kansas	2,876,124	1,690,949	1.7
South Dakota	2,813,511	583,888	4.8
Nebraska	2,637,155	1,192,214	2.2
North Dakota	2,531,200	577,056	4.3
Washington	2,448,675	1,141,990	2.1
Oklahoma	1,276,204	1,657,155	.77
Total number of acres	51,572,565		

Average acres for each State, 3,438,171.
Acres granted to Oklahoma, 1,276,204.

Utah received 6,007,128 acres; Montana received 5,102,107 acres. Arizona and New Mexico each received over 4,000,000 acres. Colorado, Idaho, Nevada, Oregon, and Wyoming each received over 3,000,000 acres; Kansas received 2,876,124 acres; South Dakota, 2,813,511 acres; Nebraska, 2,637,155; North Dakota, 2,531,100; and Washington, 2,488,675 acres. Oklahoma received 1,276,520 acres.

Utah received the largest acreage for public-school purposes, Oklahoma the smallest. In acreage Utah's grant was more than four times that of Oklahoma. The average acreage granted to these States was 3,438,171 acres, three times the acreage received by Oklahoma.

PER CAPITA GRANT.

The number of acres per capita granted to the people of Oklahoma for common-school purposes is only one-sixteenth the per capita grant to the people of the other States for the same purpose.

The per capita grant for common-school purposes to the various States is as follows:

Nevada, 48.6 acres; Arizona, 28.8 acres; Wyoming, 23.6 acres; Utah, 16 acres; Montana, 13.5 acres; New Mexico, 13.4 acres; Idaho, 9.4 acres; Oregon, 5.03 acres; South Dakota, 4.8 acres; Colorado, 4.6 acres; North Dakota, 4.3 acres; Nebraska, 2.2 acres; Washington, 2.1 acres; Kansas, 1.7 acres; and Oklahoma, only 0.7 of an acre.

Nevada received the largest per capita grant, 48.6 acres. Oklahoma received the smallest per capita grant, seven-tenths of an acre. The per capita grant to Nevada was 70 times the per capita grant to Oklahoma. The average per capita grant to the various States was 11.2 acres. The average per capita grant to these States was 16 times the per capita acreage granted to Oklahoma.

If this is fair and equitable, then you must say that 1 acre of land in Oklahoma is worth 16 acres of average land in 14 of the best States west of the Mississippi River.

PER CAPITA GRANT BASED ON SCHOOL POPULATION.

The number of acres per capita granted to Oklahoma, based upon the number of persons of school age in 1910, is only one twenty-fourth the per capita grant to the other 14 States based upon school population.

I have prepared a table showing the number of acres of land granted for public-school purposes, the school population based upon the census of 1910, and the per capita grant to each State based upon the number of persons of school age in said States in 1910.

The table is as follows:

Table showing grant per capita according to the number of persons of school age in certain States in 1910.

States.	Acres.	School population.	Per capita.
Utah	6,007,182	121,016	49.6
Montana	5,102,107	93,771	54.4
New Mexico	4,309,369	105,403	40.8
Arizona	4,050,346	56,897	71
Nevada	3,985,422	16,132	247
Colorado	3,715,555	215,940	17.2
Oregon	3,387,520	175,386	19.3
Wyoming	3,368,924	35,776	94.1
Idaho	3,063,271	96,819	31.6
Kansas	2,876,124	515,156	5.5
South Dakota	2,813,511	183,979	15.2
Nebraska	2,637,155	373,868	7
North Dakota	2,531,200	183,336	13.8
Washington	2,448,675	293,478	8.3
Oklahoma	1,276,204	566,323	2.2

Average grant per capita on school population, excluding Oklahoma, 48.2.
Per capita grant to school children in Oklahoma, 2.2.

Nevada leads the list of States with 247 acres for each person of school age in the State in 1910. Oklahoma is at the bottom of the list with only 2.2 acres to each person of school age in the State in 1910. Wyoming follows Nevada with 94.1 acres for every child of school age. Arizona has 71 acres per capita for her children of school age. Montana has 54.4 acres for every one of her school children. Utah comes next with 49.6 acres to each school child. New Mexico has a per capita acreage for every one of her school children of 40.8 acres. Idaho has for each school child in the State 31.6 acres. For every school child Oregon has 19.3 acres; Colorado, 17.2 acres; South Dakota, 15.2 acres; North Dakota, 13.8 acres; Washington, 8.3 acres; Nebraska, 7 acres; and Kansas, 5.5 acres.

The average grant per capita to the 15 States in this list, excluding Oklahoma, based upon the school population, is 48.2. The average per capita grant to these 15 States, based upon the school population in 1910, was 24 times the per capita grant to Oklahoma.

$5,000,000 LESS THAN ONE-THIRD VALUE OF LANDS.

The $5,000,000 in cash granted the State of Oklahoma in lieu of sections 16 and 36 in the Indian Territory was not more than one-third the value of these lands.

What were these lands worth? What gives value to land? Soil, climate, season, transportation facilities, markets, society, schools, and churches.

These lands were located in an excellent climate. The soil was rich, fertile, and productive. The seasons were favorable, the normal rainfall was ample.

These lands were not in an unpopulated country remote from society, civilization, commerce, trade, and business. Six hundred and eighteen thousand one hundred and fifteen people were already in the Territory. Twelve of the States in 1910 had a less number of inhabitants. The two Territories in 1907 had a population of nearly 1,500,000 people.

Railroads were already built, markets were accessible, the cost of transportation reasonable. Flourishing towns and villages dotted the land. There were many thriving cities with populations ranging from one to fifteen thousand.

School privileges were very inadequate in the country, but the towns and cities had established creditable public schools; other institutions of learning had been founded; churches had been built; charitable and fraternal orders had been organized; and already the people had laid well the foundation for the highest type of society and civilization.

Great material progress had been made. Agriculture, mining, manufacturing, trade, transportation, and commerce were flourishing.

The Territory was surrounded by great, populous, wealthy States that had attained a high degree of development. On the south was Texas, on the east Arkansas, on the north Kansas, and on the west the best developed part of Oklahoma Territory, when lands were selling on the market at from $20 to $50 per acre.

The Territory was rich in minerals. Nowhere was there a better prospect for industrial development, for growth in its towns and cities, for increase in population, and wealth, and for rapid rise in the value of lands.

Who will say that these fertile lands thus situated and surrounded—located in the very heart of civilization, with markets, transportation, industry, population, schools, and churches—were worth only $4.62 per acre?

The assessor of Oklahoma in 1909 placed a value on these lands. They assessed Oklahoma lands for taxation in 1909 at $12.38 per acre. This meant that in their judgment these lands were worth from $18 to $25 per acre.

The United States through its Census Bureau valued the lands in Oklahoma at $22.49 per acre.

In 1889 and 1890 Congress placed an estimate upon the school lands in a number of the Western States. The enabling acts admitting North Dakota, South Dakota, Montana, and Washington, in 1889, and Idaho and Wyoming, in 1890, granted these States sections 16 and 36. In this act Congress placed a limitation on the grant, prohibiting these States from selling any of these lands, even the poorest section, at less than $10 per acre. This was equivalent to saying to the people of these States, "The poorest of these lands are worth to you $10 per acre, and Congress, for the protection of the taxpayers and school children of the State, prohibits you from selling any of your lands at less than their value, and $10 per acre shall be the minimum price at which any of these lands shall be sold."

But, lo, and behold! When Congress a few years later came to compensate Oklahoma for school lands which the Nation had appropriated for another purpose—a national purpose—Congress said to the people of Oklahoma, "Your lands are worth only $4.62 per acre."

If it were unwise for the people of North Dakota, South Dakota, Montana, Washington, Idaho, and Wyoming to sell their school lands for less than $10 per acre as the minimum price, certainly the people of Oklahoma ought not to accept $4.62 per acre for her school lands without a protest and without an appeal to the National Congress for justice in a matter that vitally affects her people.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. MORGAN of Oklahoma. I will yield to the gentleman for a question.

Mr. MONDELL. The gentleman does not think, as a matter of fact, that the school lands in the States he refers to are actually worth anything like $10 an acre, does he?

Mr. MORGAN of Oklahoma. Well, I am only stating what the judgment of Congress was as to the value of those lands.

Mr. HELGESEN. Let me tell the gentleman that in North Dakota they are worth vastly more than $10 an acre, and they have sold for more.

Mr. MORGAN of Oklahoma. I am glad to have the testimony of the gentleman from North Dakota as to the value of school lands in that State.

Mr. BURKE of South Dakota. But the gentleman from Oklahoma [Mr. MORGAN] is talking about the value at the time of the grant. Will the gentleman yield?

Mr. MORGAN of Oklahoma. Yes; I will yield.

Mr. BURKE of South Dakota. The gentleman says that the United States Census Bureau estimated the value of lands in Oklahoma at the time Oklahoma came into the Union at something over $22 an acre.

Mr. MORGAN of Oklahoma. No; I said in 1910.

Mr. BURKE of South Dakota. Well, in 1910. Can the gentleman state what was the value of the land in some of the other States that he has mentioned at the time they were admitted; for instance, Nevada, Wyoming, and Montana?

Mr. MORGAN of Oklahoma. I did not look this up. I do not suppose the land in those States on the average is worth as much as land in some other States.

Mr. BURKE of South Dakota. Do you not think that at the time they were admitted $4.60 an acre would have been a pretty good price?

Mr. MORGAN of Oklahoma. I am candid in answering this question in the negative. These Oklahoma lands at that time could have been sold wholesale to a syndicate or corporation for $15 an acre. Why, Mr. Chairman, not only was the surface of these lands worth that, but it was known that these lands were rich in mineral. It was known that the new State would develop rapidly.

PER CENT ON PROCEEDS OF SALE OF PUBLIC LANDS.

The second bill which I have introduced and to which I desire to call the attention of the House is H. R. 28669. This bill carries an appropriation of $500,000, or so much as may be necessary. This bill authorizes the payment to the State of Oklahoma of an amount of money equal to 5 per cent of the proceeds of the sale of public lands lying within what was formerly Oklahoma Territory on sales made between April 22, 1889, the date the first lands were opened to entry, and November 16, 1907, the date Oklahoma became a State in the Union.

The object of this bill is to equalize the amount received by the State of Oklahoma from a percentage on the proceeds of the sale of public lands with an amount received by 28 of the States of the Union under a similar provision.

OKLAHOMA'S GRANT INSIGNIFICANT.

The amount received by Oklahoma from the grant of 5 per cent on the net proceeds of the sales of public lands lying within the State is only one-eighth the average amount received by 28 other States under a similar grant.

I have prepared a table showing the States which have received this grant, the amount received by each State for the fiscal year 1912, and the total amount received by each State up to that time.

The table is as follows:

Amounts accrued and paid to States for purposes of education, or of making public roads and improvements, on account of grants of 2, 3, and 5 per cent of net proceeds of sales of public lands lying within said States.

State.	Total to June 30, 1911.	Fiscal year 1912.	Aggregate to June 30, 1912, inclusive.
Alabama	$1,077,305.32	$599.40	$1,077,904.72
Arizona		1,652.99	1,652.99
Arkansas	323,897.84	1,013.16	324,911.00
California	1,062,698.44	17,354.82	1,080,053.26
Colorado	445,393.06	15,355.24	460,748.30
Florida	133,159.79	4,176.27	137,336.06
Idaho	231,342.01	10,541.35	241,883.36
Illinois	1,187,908.89		1,187,908.89
Indiana	1,040,255.26		1,040,255.26
Iowa	633,638.10		633,638.10
Kansas	1,122,353.55	3,116.86	1,125,469.41
Louisiana	467,862.06	325.83	468,187.89
Michigan	586,783.64	284.88	587,068.52
Minnesota	586,036.69	2,246.39	588,283.08
Mississippi	1,069,843.91	82.71	1,069,926.62
Missouri	1,059,760.74	669.87	1,060,430.61
Montana	366,647.00	37,598.88	404,245.88
Nebraska	551,388.13	8,006.32	559,394.45
Nevada	29,518.81	2,605.77	32,124.56
New Mexico	110,453.47	10,587.31	121,040.78
North Dakota	505,262.75	23,764.36	529,027.11
Ohio	999,353.01		999,353.01
Oklahoma	55,986.06	3,161.83	59,117.89
Oregon	701,687.81	15,328.30	717,016.11
South Dakota	263,485.30	44,582.90	308,068.20
Utah	75,860.78	5,834.00	81,694.78
Washington	390,903.57	6,026.78	396,930.35
Wisconsin	586,304.10	104.48	586,408.58
Wyoming	189,517.57	23,870.07	213,387.64
Total	15,854,577.66	238,889.77	16,093,467.43

Seven of these States, viz, Alabama, California, Illinois, Indiana, Kansas, Mississippi, and Missouri, have each received from this fund in excess of $1,000,000. Ohio has received $999,351.01. Oregon has received $715,016.11. Wisconsin, North Dakota, Nebraska, Minnesota, and Iowa have received in excess of $500,000. Montana and Louisiana have each received $400,000. Washington, South Dakota, and Arkansas have each received over $300,000.

In comparison with these large amounts received by the various States, ranging from $300,000 to over $1,000,000, Oklahoma has received the insignificant sum of $59,117.89. This sum can never be materially increased, because the public lands in Oklahoma have been exhausted, final proofs have been made, and patents issued on practically all of our public lands. On the lands not yet patented there will be very few sales; the most of our settlers will acquire title under the three and five year law. Under this grant, as construed by the department, Oklahoma will never receive to exceed $75,000.

Each of the 28 States have received under this grant an average of $572,655. In round numbers, each of the States have received 10 times the amount received by Oklahoma. Many of the States in the list will receive under this grant large sums in the future, because large tracts of public lands in the State are still unentered.

The per capita grant received by the 14 public-land States that have been admitted since 1848, excluding Arizona, which

has just been admitted, based upon the population of 1910, is as follows: Wyoming, $1.44; Oregon, $1.06; Montana, $1.06; North Dakota, 91 cents; Idaho, 74 cents; Kansas, 66 cents; South Dakota, 58 cents; Colorado, 57 cents; Nebraska, 47 cents; Nevada, 39 cents; New Mexico, 36 cents; Washington, 33 cents; Utah, 22 cents; and Oklahoma, 3 cents.

The largest amount per capita is $1.44, received by the people of Wyoming. The smallest amount per capita was 3 cents, received by the people of Oklahoma.

The average amount received per capita by these 14 States, excluding Oklahoma, is 62 cents. In other words, the average amount per capita received by the people of these 13 States is 20 times the amount per capita received by the people of Oklahoma.

Taking these same 13 public-land States, which have been admitted since 1848, excluding Arizona, the amount received per capita, based upon the number of persons of school age according to the census of 1910, is as follows: Wyoming, $5.96; Montana, $4.31; Oregon, $4.08; North Dakota, $2.87; Idaho, $2.49; Kansas, $2.18; Colorado, $2.16; Nevada, $1.99; Nebraska, $1.41; Washington, $1.35; New Mexico, $1.14; South Dakota, $1.13; Utah, 67 cents; and Oklahoma, 10 cents.

The largest amount received by any State from the percentage on the proceeds of the sale of public lands was Wyoming, $5.96. The smallest amount was received by Oklahoma, 10 cents per capita. The average per capita received by these 13 States was $2.44.

In other words the average amount received by these States per capita is 24 times the amount received per capita by the people of Oklahoma from this grant.

The discrimination against Oklahoma in this grant is also seen in the amount received from each State for the fiscal year ending June 30, 1912. For that year South Dakota received $44,582.90, Montana received $37,598.88, Wyoming received $23,870.07, North Dakota recevied $23,564.36, California received $17,354.82, Colorado received $15,355.24, and Oregon received $15,328.30, but Oklahoma received from this fund during that year only $3,161.83.

The amount received by the State of Oklahoma compared with the total amount received, or the per capita amount, according to the population of 1910, or based upon the school population of the various States, is so insignificantly small as to make the grant to Oklahoma practically no grant at all.

What is the explanation of this? In the first place, Congress conveyed practically one-half of all the public lands in Oklahoma to the various Indian tribes of the Indian Territory. In theory the National Government received a consideration for these lands, but under the grant Oklahoma, of course, receives no percentage thereon. Secondly, before statehood the public lands lying within the State had been largely already patented. Thirdly, as a rule the settlers of Oklahoma did not purchase their land under the commutation act, but acquired title after a five years' residence.

The department has construed the provision in the Oklahoma enabling act providing for this grant to apply only to lands sold subsequent to statehood. The bill which I have introduced (H. R. 28669) grants to the State a sum equal to 5 per cent of the net proceeds on all sales from public lands from April 22, 1889, to November 16, 1907, the day Oklahoma became a State. In effect my bill grants to the State a sum equal to 5 per cent on the sale of public lands lying within the State sold either before or subsequent to statehood.

In all the 29 States receiving this grant the provision in the enabling act states specifically either that the per cent shall apply only to lands sold subsequent to statehood or a definite date is fixed on or about statehood from which the State should receive a percentage on the proceeds of all sales. The Nebraska enabling act is an exception, in this, that it grants the per cent of sales of public land both "prior and subsequent" to statehood. New Mexico was also granted this percentage on sales made while a Territory.

The Oklahoma enabling act is an exception to all the others. The language is indefinite and uncertain. It provides that there shall be paid to the State "an amount equal to 5 per cent of the proceeds of the sale of public lands lying within the State." The department has construed this language to limit the grant to sales of public lands made subsequent to statehood. The department, I think, is wrong in this construction. The grant was philanthropic in its nature, and should be construed liberally in favor of Oklahoma.

It may be suggested that Oklahoma is too late; that the people have slept on their rights. Not so. Congress itself has made a precedent for correcting a mistake or injustice relating to such a grant.

California was admitted into the Union by an act approved September 9, 1850. The act made no grant to the State of any percentage on the proceeds of the sale of its public lands. Fifty-six years passed away. Finally, by an act approved June 27, 1906 (34 Stat. L., 518), Congress granted to California 5 per cent of the net proceeds of the sales of public lands from date of statehood. Under this act California has received already $1,080,053.26, and from the sales of land in 1912 received $17,354.82.

Congress has been just and generous to California. I have faith that Congress will treat Oklahoma with the same degree of justice and generosity, and make an appropriation which will, in a measure at least, equalize the amount received by Oklahoma under this grant with the money that has been received by 28 States of this Union under a similar grant.

Mr. HELGESEN. How far back did it go in California?

Mr. MORGAN of Oklahoma. It went back to the time that it was admitted into the Union as a State.

Mr. HELGESEN. Five per cent on the lands from the beginning?

Mr. MORGAN of Oklahoma. Went back to the sale of lands from the beginning—from the admission of the State in 1850.

Mr. MURDOCK. Mr. Chairman, the California proposition is very interesting. Will the gentleman explain to the House whether the California payment went through Congress as a separate measure, or was it on some appropriation bill?

Mr. MORGAN of Oklahoma. That California bill went through as a separate measure, considered by itself, which showed it had the due consideration of the House.

Mr. MILLER. Can the gentleman state to the House what Oklahoma has done with its school lands in what was old Oklahoma Territory? I understand there is something about a million——

Mr. MORGAN of Oklahoma. Most of those lands have not been sold, but they are under lease.

Mr. MILLER. And still remain intact?

Mr. MORGAN of Oklahoma. They still remain intact. The common-school lands have not been sold.

Mr. McGUIRE of Oklahoma. A portion of them have been sold and a portion have not been sold.

Mr. MILLER. Have arrangements been made to put them into a permanent fund?

Mr. McGUIRE of Oklahoma. Yes, sir.

COMPENSATION FOR NONTAXABLE LANDS.

Mr. MORGAN of Oklahoma. The third bill which I have introduced, to which I wish to call the attention of the House at this time, is H. R. 28670.

The bill is entitled "A bill to pay the State of Oklahoma $20,000,000 in lieu of taxes on lands and other property within the State, sold and disposed of by the United States under terms and conditions prohibiting the State from taxing the same."

The National Government, through treaty stipulations, has placed a large portion of the lands in Oklahoma in a position of being exempt from taxation. I have reached the conclusion that the State is entitled to compensation for loss of revenue occasioned thereby, and that no adequate compensation has been made. The object of this bill is to require the National Government to make such appropriation as will at least in a fair measure compensate the State and its various civil subdivisions for loss of taxes upon nontaxable Indian lands. The bill appropriates $20,000,000, payable in 16 annual installments, to be distributed to the State, counties, and school districts, as their interests may appear, based upon loss of revenue.

OKLAHOMA BEARS NATIONAL BURDEN.

The United States in asking Oklahoma to provide nontaxable homes for more than one-third of the Indians of the United States is placing upon the 1,700,000 people of the State of Oklahoma a duty, an obligation, a responsibility, a burden, that belongs to all the 93,000,000 people of the United States.

Under the Constitution of the United States the Federal Government has no right, power, or authority, without the consent of the State and except upon such terms and conditions as shall be prescribed by the State, and except upon the payment to the State of such consideration as may be agreed to by the State, to exempt from taxation, for any period of time, any lands which have been sold or disposed of by the National Government.

Cooley, in his work on "Taxation" (third edition, p. 136), discussing the exemption of public lands from State taxation, says:

> The disability remains effective until the United States shall have made sale or other disposition of the lands, but it then terminates, notwithstanding the title may not have passed by the actual execution and delivery of a patent.

In the Ohio enabling act Congress made three grants to the State—section 16 for schools, certain salt springs with contiguous land, and a per cent on net sales of public lands. Following these grants was this proviso:

Provided always, That three foregoing propositions herein offered are on the conditions that the convention of the said State shall provide, by an ordinance irrevocable without the consent of the United States, that every and each tract of land sold by Congress from and after the 30th day of June next shall be, and remain, exempt from any tax laid by order or under authority of the State, whether for State, county, township, or any other purpose whatever, for the term of five years from and after the day of sale.

The Indiana enabling act, passed in 1816, made certain grants to the State on the express condition that the State would not tax lands which the United States had sold for a period of five years after date of sale. Four grants were made to Illinois on the express condition that the State would exempt from taxation lands sold by the United States for a period of five years, and exempt certain bounty lands granted to soldiers while the same should be held by the patentees or their heirs.

The enabling acts admitting Iowa, Alabama, Arkansas, and other States contain similar provisions.

Indeed, this proviso requiring the States to exempt from taxation, for a definite period of time, certain lands which the United States had sold or disposed of was inserted in all the enabling acts of those States in which there were lands which the United States desired should be exempt from taxation after statehood.

The grant to the States of 5 per cent on the sales of public lands apparently was intended as a special consideration to the States and the civil subdivisions thereof for loss of revenue on lands which had been disposed of by the United States and which the National Government desired should be exempt from taxation. In admitting Oklahoma Congress apparently gave no consideration to the question of compensating the State for exempting from taxation lands which the Government had conveyed to the Indians. Certainly there is nothing in the enabling act specifically referring thereto. There is nothing in the enabling act—no grant, gratuity, gift, or donation to the State—that may fairly be construed as a consideration to the people of the State for loss of revenue from lands no longer the property of the United States, but which had been made exempt from taxation by stipulations in treaties made by the Federal Government with the Indians.

In other words, the Federal Government has never claimed the right to exempt from State taxation property which it had disposed of.

The Federal Government has always conceded the right of the State to demand a consideration for exempting from taxation any lands or other property sold or disposed of by the United States.

The State therefore has the right to demand a full consideration for exempting from taxation property which has been made nontaxable by law, treaty, or other act of the United States.

I frankly admit the the people of Oklahoma in their constitution have by express terms exempted from taxation "such property as may be exempt by reasons of treaty stipulations existing between the Indians and the United States Government or by Federal laws during the force and effect of such treaties or Federal laws."

This provision is mere surplusage. Without such a provision in the State constitution the State of Oklahoma could not have taxed the lands which were exempt from taxation by reason of treaties made between the Indians and the United States. The people of Oklahoma might any day repeal this provision in their constitution. Still the State could not tax these Indian lands. The Supreme Court of the United States has decided that these lands were exempt from taxation and alienation by virtue of treaty stipulations, and that Congress itself was powerless by any statute to subject the property to taxation.

There is no specific provision in the enabling act requiring the people of Oklahoma to waive the right to tax lands belonging to the Indians. There is not a word in the enabling act expressing any special consideration to the people of Oklahoma for waiver of power to tax Indian property. The enabling act contains nothing which may be regarded as a consideration or compensation to the State for loss of revenue from nontaxable Indian property.

The State of Oklahoma received only such grants and gratuities as had been given to all the public-land States. Indeed, I have shown that, on the whole, the grants to Oklahoma, all things considered, have not been commensurate with grants to other States.

Yet Oklahoma is the only State where Indian property exempt from taxation is a matter which to any great degree seriously embarrasses the State and local governments.

It is clear, therefore, that the people of Oklahoma have received no consideration for exempting Indian property from taxation, and that the United States has not compensated the people of Oklahoma for loss in revenue by reason of such exempt property.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. MORGAN of Oklahoma. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 14 minutes.

Mr. MORGAN of Oklahoma. I yield to the gentleman from Oklahoma.

Mr. CARTER. Mr. Chairman, I want to make the suggestion that at the time Oklahoma was admitted into the Union the Curtis Act of April 26, 1906, which provided that all lands from which restrictions were removed should become taxable, had been passed 18 months. Since that time we have had the decision in the case of Choate versus Trapp and others, which takes us back to the old agreement of 1902 and provides that some of the lands shall not be taxable until they are transferred and others nontaxable in perpetuity. So at the time we voted on our constitution the validity of the Curtis Act had not been questioned, and we very naturally expected we would have sufficient taxable values for the necessary governmental expenses.

Mr. MORGAN of Oklahoma. Yes.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. MORGAN of Oklahoma. Yes.

Mr. BURKE of South Dakota. Will the gentleman state how much the taxes are that are levied now in the State of Oklahoma—what they aggregate?

Mr. MORGAN of Oklahoma. The total amount?

Mr. BURKE of South Dakota. Yes.

Mr. MORGAN of Oklahoma. Well, it is sufficient.

Mr. BURKE of South Dakota. Are they as much as fifteen or sixteen millions of dollars?

Mr. MORGAN of Oklahoma. I could not say exactly now; but I am not referring simply to State taxes—to expense of running the State—I am referring to State, county, township, and school districts; to losses sustained by all these governments.

Mr. BURKE of South Dakota. This is one fourth of the land, and if that would produce $4,000,000 in taxation they must have a large tax down there and a large amount of revenue.

Mr. MORGAN of Oklahoma. I am simply giving you a fair estimate of the value of property that is exempt from taxation. Certainly one-third of all our lands are exempt from taxation. One-fourth of all our property is exempt from taxation. I have not the information as to the total amount expended annually by all our governments—State, county, township, and school district—but the State tax is not large compared with the total amount of taxes.

Mr. CAMPBELL. Will the gentleman yield?

Mr. MORGAN of Oklahoma. For a question.

Mr. CAMPBELL. Does the gentleman from Oklahoma believe that in good conscience the Government of the United States or the State of Oklahoma should tax Indian lands in the State of Oklahoma?

Mr. MORGAN of Oklahoma. Mr. Chairman, I do not. I believe it is the duty of the National Government, it is the duty of the people of this great Nation, to provide that the uneducated, the incompetent, the uncivilized Indian shall have his land and his home free from taxation as long as that condition exists; but, Mr. Chairman, whose duty is it to provide these untaxable homes for the wards of the Nation? Where does the obligation lie; who is responsible for the care and protection, the education and enlightenment of these wards of the Nation? Not Kansas, not New York, not Oklahoma, not any other State. That is a duty, a responsibility, an obligation, a burden which rests upon the United States of America—upon the 93,000,000 people of the United States and not upon the 1,600,000 people of Oklahoma, or upon the people of any other State.

Mr. CAMPBELL. May I ask, Did not these 1,600,000 people go into the State of Oklahoma knowing that they were encroaching upon the last home of the American Indian?

Mr. MORGAN of Oklahoma. Ah, Mr. Chairman, the people of Oklahoma went into that State just like we come to Congress, just like men go to other States. They went there at the invitation of the United States, and the United States had the power and authority to have kept every white man out of that country. We are there to-day as citizens of the United States and as citizens of the State of Oklahoma. We have our own problems to solve, our own burdens to bear. We cheerfully bear our full share of national responsibilities. But we shall not without protest and without appeal for relief bear alone a

burden that belongs to the Nation. Mr. Chairman, just yesterday we passed a bill through this House appropriating $7,000,000 for the support of the District of Columbia. Why do we appropriate that large sum—why do we bear half the expense of running the government here for 350,000 people of the city of Washington? One great reason is because here in the National Capital the United States Government has a large amount of property that is exempt from taxation. If we may pay $7,000,000 a year in compensation to these 350,000 people in Washington, D. C., for the exemption of the United States property from taxation, why should not the people of Oklahoma be compensated for loss of revenue occasioned by the exemption from taxation of $300,000,000 worth of property that belong to the Indians, who are the children of the Nation?

Mr. McGUIRE of Oklahoma. Will the gentleman yield?

Mr. MORGAN of Oklahoma. Certainly.

Mr. McGUIRE of Oklahoma. I do not know whether I fully understood the gentleman, but as I understand him, his statement is that one-fourth of the taxable land in Oklahoma is nontaxable. I am anxious to get this before the House with its full force, and the gentleman, as usual, states things conservatively. Is it not a fact that in the east end of the State, in what is known as the Five Civilized Tribes country, at the time of statehood a section of country as large as the State of Indiana had not one foot of taxable land outside of the cities?

Mr. MORGAN of Oklahoma. That is true.

Mr. HELGESEN. Is it not also true the Government has removed the restrictions from a great many of these Indians, made them citizens, and made it possible for them to impose burdens upon the white people that they themselves do not share?

Mr. MORGAN of Oklahoma. The Indians are citizens—may vote and exercise all the privileges of citizenship in our State, and nobody in Oklahoma objects to that.

Mr. BURKE of South Dakota. Mr. Chairman, the gentleman is discussing a very interesting subject, and I want to say that I am in full accord with his proposition as to the obligation of the Government toward some of the States where very large Indian tracts are not taxable; and I would like for the gentleman, if he can, to suggest any remedy that is practicable at this time. In other words, we have a condition confronting us; but is it not too late in those States that are in the position of Oklahoma to receive what perhaps they ought to have had originally?

Mr. MORGAN of Oklahoma. Mr. Chairman, it is never too late to do right; it is never too late to do justice. Why should South Dakota and Montana and Arizona and New Mexico and the other Northwestern States which have large amounts of Indian property exempt from taxation bear an undue share of the burden which comes from providing incompetent Indians with homes free from taxation?

AMOUNT OF PROPERTY EXEMPT FROM TAXATION.

Few people realize the enormous value of Indian property in Oklahoma which is exempt from taxation, and it is almost impossible to comprehend the immense loss in revenue thereby occasioned to the State, county, township, and school district governments.

I present a table showing Indian population. The table is as follows:

Table showing Indian population of the United States, exclusive of Alaska, June 30, 1911.

Grand total		322,715
Five Civilized Tribes, including freemen and intermarried whites		101,287
By blood	75,360	
By intermarriage	2,582	
Freedmen	23,345	
Exclusive of Five Civilized Tribes		221,428

BY STATES AND TERRITORIES.

Alabama	909
Arizona	39,216
Arkansas	460
California	16,371
Colorado	841
Connecticut	152
Delaware	5
District of Columbia	68
Florida	446
Georgia	95
Idaho	3,791
Illinois	188
Indiana	279
Iowa	369
Kansas	1,309
Kentucky	234
Louisiana	780
Maine	892
Maryland	55
Massachusetts	688
Michigan	7,519
Minnesota	10,711
Mississippi	1,253
Missouri	313
Montana	10,814
Nebraska	3,809
Nevada	5,240
New Hampshire	34
New Jersey	168
New Mexico	21,121
New York	6,046
North Carolina	7,851
North Dakota	8,253
Ohio	127
Oklahoma (includes 23,345 freedmen and 2,582 intermarried whites)	117,247
Oregon	6,403
Rhode Island	284
South Carolina	331
South Dakota	20,352
Tennessee	216
Texas	702
Utah	3,123
Vermont	26
Virginia	530
Washington	10,997
West Virginia	36
Wisconsin	10,360
Wyoming	1,691

FIVE CIVILIZED TRIBES.

Full bloods	26,686
Mixed blood, over one-half Indian blood	10,298
Mixed blood, but less than one-half Indian blood	64,255

There are in the United States 322,715 Indians; 117,247 of this number are in Oklahoma. We have within our State over one-third of the entire Indian population of the United States; 101,287 of this number belong to the Five Civilized Tribes; 15,960 belong to other tribes. The latter are Indians located in the western half of the State in what was formerly Oklahoma Territory.

Twenty-seven of the States have less than 1,000 Indians; 21 have less than 500 Indians; 7 of the States have less than 100 Indians. The total Indian population of 41 States of the Union is less than the Indian population of Oklahoma. In the amount of its Indian population Oklahoma stands absolutely in a class by itself.

I present table showing distribution of Indian property in the various States. The table is as follows:

Table showing value of Indian property, both private and individual, June 30, 1911.

Oklahoma, Five Civilized Tribes, $191,946,070.34; other tribes, $75,657,040.73	$267,603,111.07
Arizona	36,915,162.10
California	41,921,654.53
Colorado	1,963,800.28
Florida	13,788.00
Idaho	14,573,608.60
Iowa	686,607.95
Kansas	4,252,008.55
Michigan	211,709.66
Minnesota	32,167,618.42
Montana	64,193,008.59
Nebraska	10,245,043.92
Nevada	1,264,426.58
New Mexico	16,916,560.69
New York	185,271.20
North Carolina	629,161.42
North Dakota	22,746,539.49
Oregon	36,645,098.06
Pennsylvania	30,172.22
South Dakota	41,015,702.05
Utah	3,055,275.84
Washington	52,086,258.37
Wisconsin	26,930,516.31
Wyoming	2,212,148.68
Grand total	678,564,253.08

In what was formerly the Indian Territory the allotted and unallotted Indian lands comprise 19,134,214 acres. About three-fourths of this vast area is untaxable for a long period of years. In what was formerly Oklahoma Territory there are 3,602,259 acres of untaxable Indian lands. In the entire State about 18,000,000 acres of Indian lands are not taxable. At $15 per acre these lands are worth $270,000,000. This vast estate, made untaxable by laws and treaties of the United States, is equal to about one-fourth of all the taxable property of the State of Oklahoma.

The Bureau of Indian Affairs has made an estimate of the value of all the Indian property in the United States. According to this estimate the Indian property in the United States amounts to $678,564,253. The Indian Bureau values the Indian property in the State of Oklahoma at $267,603,111. Two-fifths of all the Indian property of the United States is in Oklahoma. All the Indian property in 41 States of the Union does not equal the amount of Indian property in the one State of Oklahoma.

If this property were taxed for State, county, township, and school-district purposes at 1½ per cent, it would bring to the State and its various civil subdivisions annually over $4,000,000. At this rate, in the five years which have elapsed since statehood the people have lost in revenue from nontaxable Indian property more than $20,000,000. Congress granted to the peo-

ple of the State $5,000,000 cash in lieu of public-school lands in the Indian Territory. At 5 per cent annual interest this would bring the State an annual revenue of $250,000. In the meantime the State and its various civil municipalities loses annually $4,000,000 in revenue. They are losing $16 in revenue from nontaxable Indian lands for every dollar in interest they receive from the $5,000,000 cash appropriation. This must go on until the lands may be taxed. The loss which the people of Oklahoma will sustain by reason of nontaxable Indian lands can not, of course, be accurately measured, but the loss will be enormous. In my judgment, when a final accounting is had in the matter of nontaxable Indian lands the people of the State will have lost in revenue above $50,000,000.

We all agree that the lands of the incompetent, uneducated, and uncivilized Indians should be exempted from taxation, but some one must pay for this exemption. To relieve one piece of property from taxation is equivalent to increasing the tax upon all other property. To exempt Indian lands from taxation adds additional taxes to all other lands. Revenue lost from exempted Indian property must be made up by revenue from other property. There is no escape from these conclusions, unless the people submit to an inefficient government and inadequate educational facilities.

This 276,000,000 acres of property in Oklahoma that is exempt from taxation belongs to the Indians. The Indians are wards of the Federal Government—they are the children of the Nation. The care of Indians is a national duty. To provide them with nontaxable property is an obligation that rests upon the National Government. It is the business of the Nation to provide the Indians with nontaxable property. The cost of providing this nontaxable property is a debt the Nation owes and a debt the Nation should pay. The cost of exempting the Indian from any of the ordinary duties, obligations, and responsibilities of citizenship in the State in which he lives should be paid by all the 93,000,000 people of the United States. It is unjust, it is unfair, it is inequitable, it is indefensible for the people of this great Nation to ask the people of one State to bear an undue and an extraordinary proportion of a burden that in justice belongs to all the people of the Union.

Mr. LAMB. Mr. Chairman, I yield five minutes to the gentleman from Arizona [Mr. HAYDEN].

[Mr. HAYDEN addressed the committee. See Appendix.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. CLARK of Florida having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

AGRICULTURE APPROPRIATION BILL.

The committee resumed its session.

Mr. LAMB. Mr. Chairman, I yield two minutes to the gentleman from Ohio [Mr. ALLEN].

[Mr. ALLEN addressed the committee. See Appendix.]

Mr. LAMB. Mr. Chairman, I yield five minutes to another gentleman from Ohio [Mr. BATHRICK].

Mr. BATHRICK. Mr. Chairman, in connection with the consideration of this bill, I think it appropriate to discuss the question of farm credits and the important relation which that topic bears not alone to the interests of the farmers of this country, but to the food supply of the whole people.

Before the next Congress shall have expired there will be brought before it not only the matter of education for our agriculturists, but a consideration of the means of doing things which they know how to do.

The project of bettering the farmer's facilities for borrowing money in Europe has almost wholly been carried on by educating the farmer to help himself. The farmers have been taught to help themselves there by combinations of scattered, small units of the citizens, who organize small banks. A sort of investigation at the present time has been started in several different directions—a partial review of which was contained in the President's message upon that subject—for the purpose of ascertaining how they borrow money and what rate they pay in Europe. I anticipate that the next move may be an attempt to adapt European conditions to American conditions. I warn gentlemen of this House that it will be wholly impracticable. The plan must take other forms.

Attempting to work out this problem, I have introduced a bill which proposes to utilize the credit of the United States Government, without cost to it, and thereby materially lessen the interest burden now carried by the American farmer, and make it possible for him to borrow for legitimate needs at lower rates.

Mr. NORRIS. Will the gentleman yield?

Mr. BATHRICK. I will.

Mr. NORRIS. I wish the gentleman would give the House the number of his bill. I should like to examine it.

Mr. BATHRICK. The number of my bill is H. R. 27661.

In most foreign countries farm-credit systems did not become an established factor in agriculture until the governments had assisted by advancing funds for the purpose of establishing farm-credit organizations. Various associations had been organized for many years, but nearly all of them had gone by the way and were lost sight of and had done very little good to the agriculture of France.

The profit from farm products received by the farmer can not stand 6 or 8 per cent interest on his debts. That is the reason why so large a proportion of the farms are mortgaged to-day and will remain mortgaged in the future unless something is done to change this condition.

Mr. Herbert Williams, in a statement before the Senate Finance Committee in 1910, made it plain that our farm population sold each year less than $300 per capita of farm products. A business of this character will not attract, but rather will repel investors, if money cost is too high. No business man will borrow money at a rate in excess of the net profit that he is getting in his business. If he does, he will stay in debt.

Mr. RUCKER of Colorado. Will the gentleman yield?

Mr. BATHRICK. Certainly.

Mr. RUCKER of Colorado. Does the gentleman remember that about 20 years ago this same matter was before the American people?

Mr. BATHRICK. Yes; it has been before the American people periodically a good many times, but nothing has been done.

Mr. RUCKER of Colorado. I want to say to the gentleman that I am in entire sympathy, and hope to furnish him with a resolution which I introduced in the farmers' congress on the same line about 20 years ago, and I am going to vote for his bill when it comes up.

Mr. BATHRICK. I thank the gentleman; and many others will do the same, I think.

Mr. MADDEN. Will the gentleman from Ohio yield?

Mr. BATHRICK. I will yield to the gentleman from Illinois.

Mr. MADDEN. I understood the gentleman to say that a man in business would not borrow money at a rate in excess of the average net profit of his business.

Mr. BATHRICK. Not in excess of the profit on goods he expected to move by borrowing.

Mr. MADDEN. Does the gentleman mean to say that a man that does not make any money never borrows money?

Mr. BATHRICK. Oh, yes; a man sometimes borrows money to get himself out of a hole that he got into by borrowing.

Mr. MADDEN. Does the gentleman know of any way to force loans to the farmer?

Mr. BATHRICK. No. I know none of the loan sharks of the West will loan the farmer at a less rate of interest than 8 per cent, and you can not make them do it except by offering a lower rate elsewhere.

Mr. MADDEN. I am not speaking of the loan sharks of the West, but anybody.

Mr. BATHRICK. This is not a question of forcing anyone to lend; it is a question of relieving the farmers of this excessive burden which in the last analysis must be borne by the people who consume the food.

Mr. CAMPBELL. Will the gentleman allow me?

Mr. BATHRICK. Yes.

Mr. CAMPBELL. I want to say to the gentleman that I know farmers who are loaning money to business men at a rate of interest of 6 per cent.

Mr. BATHRICK. I am glad to hear this, but I am not talking about the farmers who have got out from under and are lending money. I am referring to the farmer who is obliged to borrow money, and prosperous farmers who know the road through debt on a farm will have sympathy for this movement. Besides, even the farmer who is now out of debt may desire to borrow money. No doubt many of them would do so and increase their acreage or otherwise better their facilities for producing crops if the interest rate were lower.

Mr. BURKE of South Dakota. Will the gentleman from Ohio yield?

Mr. BATHRICK. I will.

Mr. BURKE of South Dakota. I would like the gentleman to tell us the rate of interest paid by the farmers of Ohio on money that they borrow secured by mortgage.

Mr. BATHRICK. About 6 per cent; but there are schemers who seek to get more than the usual or fair rate everywhere. Even in this House some of we poorer Members are obliged to borrow money on the security of our salaries, and we pay nearly 8 per cent for it. I will say, however, that this seems to be no fault of the Sergeant at Arms.

Mr. KINDRED. Mr. Chairman, will the gentleman yield?

Mr. BATHRICK. Certainly.

Mr. KINDRED. Mr. Chairman, the question that I desire to ask would perhaps be more apropo had it been put at the time the gentleman was reciting the details. I would like to add to the gentleman's suggestion that the farmer sometimes is asked to pay graft to certain directors of the bank, is he not, in order to pay a bonus on the loan?

Mr. BATHRICK. I suppose there are such cases. I do not think that is the rule, however. I believe the bankers of this country are on the average very honest and public-spirited people, and they are doing their banking business in a legitimate way. But that is not the subject. The subject is to do something to give the farmer better financial connection and lower his interest rate.

Mr. LAMB. The Farmers' Cooperative Bank is the principle of the thing, is it not?

Mr. BATHRICK. Oh, I beg to partially differ with the gentleman. I do not in any sense oppose any cooperative system among the farmers for the purpose of securing credit for themselves. My bill refers particularly to the question of lending money upon mortgages and the farm-land mortgage interest burden of the country. It does not refer specifically to the small loans, although I can see in the future relief in that direction by such a measure. If the farmers of this country should choose to organize somewhat in the manner of those in Europe, I believe it will be a good thing for them, but the system of lending money by cooperative banking societies in Europe does not particularly include the question of taking care of the farm-mortgage indebtedness in the United States. The trouble with the European cooperative system—it is too slow. We will all be dead before we get any relief. I do not want to wait until people die before doing anything to relieve them.

Mr. KINDRED. Mr. Chairman, will the gentleman yield?

Mr. BATHRICK. Yes.

Mr. KINDRED. Mr. Chairman, does the gentleman from Ohio believe that the loans that are so much needed by the farmer, as well as by other classes of people in business, would be facilitated if the national banking and currency law was so amended as to allow the national banks to make loans on real estate?

Mr. BATHRICK. I think they would, but I do not know how a national bank could safely lend money on real estate. The national bank takes deposits that are subject to demand at any time, and I do not see how such a bank can safely take over any great amount of land mortgages, because they are not sufficiently liquid to provide for withdrawals. Besides, this plan would not reduce the rate.

Mr. KINDRED. Mr. Chairman, could not the difficulty to which the gentleman refers be overcome by having the mortgage which is to secure the loan to the national bank issued in another form and underwritten by the bank, as a coupon bond, thereby constituting liquid security, which would be a liquid asset of the national bank?

Mr. BATHRICK. That is about the way it is done by the Crédit Foncier, of France. The Crédit Foncier issues a bond, or, more properly, a debenture. Those debentures have received a large sale, but I think mainly because they have a lottery feature connected with them that gives a premium to people who happen to draw the lucky debenture. You can not ingraft on the American system any lottery plan, and unless you do that I fear these debentures would be so far below par that people would not buy them.

Mr. Chairman, I ask to continue my statement without interruption.

I am pleased to note that the Agricultural bill carries so liberal an amount of the people's money for the purpose mainly of investigation and education looking to improvement in farm production. The farms of this country are really the storehouses of the people's food supply, and food is the last-ditch necessity. It has been the history of all nations that in times of peace and in the struggles of war the strongest support for prosperity and success is the prosperity of agriculture. I sometimes think that the people in the city are not fully alive to these facts. The population in this country has gone on increasing year after year until consumption is rapidly outrunning production of food. Statistics indicate the falling off of the exportation of these products, and, while it may be as far distant as two generations before production falls below consumption and we are obliged to import part of our food, I deem it good statesmanship that we take up this question pertaining to the improvement of agriculture and its relation to the necessities of the whole people and forestall any possibility of the direful results of a short food supply. We have been annually expending large sums to teach the farmer how to produce more and produce better, but we must now show him how to get the money to do it with.

Germany took up the question of helping the farmer to procure money with which to produce his crops at a time when famine stared that country in the face. We will not wait for any such exigency, but will confer upon our posterity, at least, and possibly upon ourselves living in this generation, the great good of supplying the last link to the chain of assistance to agriculture which we have so long been welding. In other words, knowing that farming is a business proposition and that business propositions can not be conducted without money, we will attempt to bring the farmer, now removed from financial facilities, into contact with means of a more ready procurement of loans. Minus these facilities the farmers of this country have been burdened with an enormous interest rate which has been a clog upon their efforts and an obstacle to the development of our agricultural resources.

The average rate of cost for farm loans in this country, as near as it can be ascertained, has been placed by careful investigators at about 8½ per cent. I use the word "cost" as distinguished from interest inasmuch as fees, bonuses, and other expenses have in the newer States to a great degree and in the older States to a smaller degree, but nevertheless surely, contributed to the cost of hiring money. It is estimated that the total interest burden upon farm debts is annually about $510,000,000. At the December price in 1911 the entire wheat crop of this country was valued at a little over $543,000,000, showing that it requires nearly the entire value of the wheat crop to pay our annual farm interest. The addition of this cost to the food consumed by all of us, whether we live in the city or country, is inevitable. Something can not be taken from nothing, and some one must pay. It can not therefore be considered class legislation if the Federal Government should do something to relieve this situation. We have expended large sums and taken long chances for the purpose of development in various directions. We have guaranteed railroad bonds, given away vast areas of land to encourage the building of transportation facilities, and done many other things which at first appearance seem for the benefit of private enterprise, but in effect reach out to enliven commerce, encourage competition, employ labor, and by this means benefit all the people.

It is a startling fact that farm interest, in the last generation, has consumed the total increase of all farm-land values. Every 12 years interest absorbs the value of all our farm buildings. Every 9 years it absorbs the value of all our live stock. Every 2½ years it absorbs the value of all our farm implements and machinery. Of all business enterprises the average profit upon agriculture is least compatible with a high rate of interest, and yet agriculture has been obliged to bear the heaviest rate of all.

The population of this country is but a few generations removed from foreign ancestry and many European customs and systems have therefore been naturally applied to our needs, and it is not surprising that in consideration of this subject we are liable to inquire into the method employed by European countries in coping with this question. Nonofficial and semi-official investigations have been made by societies, ambassadors, and individuals into the foreign plan. The information on this subject though quite extensive, is in many respects incomplete, but sufficient to suggest to us methods by which we may partly direct our efforts. We can not, however, expect to take European plans, formulated and operated upon the groundwork of a national and individual character very different from our own, and adapt them without change to our needs. How nearly we may go astray if we attempt this for this particular purpose is illustrated in our parcel-post law. There was no particular reason or warrant why we should limit the weight of our parcels to 11 pounds. The present Postmaster General has stated that he could as well operate it on a 60-pound basis. We simply took up the 11 pounds because Europe stipulated that weight.

This is the United States, and the Government belongs to all the people, and all the people certainly can do those things they want done for themselves. That, at least, is the theoretical assumption, and if we evolve some better plan than that employed by European countries there is no reason why we can not put it into force. There is no reason if the people know in which direction to start. In every movement of this kind there is always a confusion of ways and means, and the motive

of those who lead is often concealed, but I will trust the farmers of this country to quickly detect any intention of special interests to profit by any farm credit plan that may be offered.

Without entering into a concise history of the European cooperative agricultural banks or their land-mortgage banks it is worth noting that France first instituted cooperative credit in 1857. Austria and Hungary adopted it in 1851; Italy and Belgium in 1864; Russia in 1861; and these were founded, to a great degree, upon the original movement in 1848, and known, respectively, as the Schulz-Delitzch and Raiffeisen systems of Germany. Thus it is quite apparent that the long tedious wait that elapsed before these systems reached their present, only partial, adoption, would scarcely be satisfactory to the more progressive spirit of the American people. Another illustration worth noting is that after an investigation of a committee which traveled throughout Europe, giving the matter their careful attention, Ireland adopted a cooperative plan in 1894. After about 15 years of operation the total amount loaned was only about $275,000, which is about equivalent to a tear dropped in the ocean of our necessities.

Although Great Britain has been flooded with a propaganda of education, and she has been contiguous to the countries where this credit scheme had been developed, the result is still a charge of 6 per cent interest, and there are less than 100 of the societies in operation with a total outstanding loan of less than $50,000.

In consideration of the new banking system which this House will take up shortly, it is worth while noting that one prominent writer states that nearly all the private banking companies of Europe use these cooperative credit societies as auxiliaries and handle a large portion of their funds. It should also be noted that the success so far attained in Europe seems to rest almost exclusively upon the willingness of all members of these credit societies to pledge their united liability for the loans to its members. In other words, if a man is a member of the credit society he must become surety for those who do borrow, even though he borrows nothing himself. It is evidently considered by all writers a fundamental necessity that the members of these cooperative credit societies pledge their combined resources for the debts of those who borrow.

I think it is palpable that the average American farmer has developed too much initiative and good business sense to make himself liable for other than his own debts. The European cooperative credit societies limit their membership to a small number, and these being each a surety for the other's obligation, institute a character of neighborhood espionage which would be entirely distasteful, and, I believe, impossible, to the average American farmer. Naturally, the farmer who was surety for his neighbor's debt watched his conduct.

It is not possible in my limited time to enter into all the details and reasons why the European method will not apply to America, but having pointed out a few facts why we need some kind of farm credit reform, I propose to briefly outline my own views as to a plan to bring it about.

As heretofore referred to, I have introduced a bill which, while not letter perfect and open to minor objections, perhaps, enunciates a principle which I believe to be entirely sound. This bill more nearly conforms, if the comparison is desired, with what is known in some other countries as the Landschaften or the Crédit Foncier. It is designed primarily to take care of a large portion of our $6,040,000,000 farm debt, and would reduce the interest rate to not more than 4½ per cent. It contemplates the establishment of a bureau which I am pleased to call the farm-loan bureau, to be under the control and direction of the Secretary of the Treasury. The purpose of the bureau is to inquire into the value of farm land offered as security for the loans and the validity of title of the same. After the bureau shall have been satisfied upon these two items the Treasurer of the United States shall issue the amount of the loan to the applicant upon a receipt of the mortgage properly executed to him on behalf of the United States Government, but loans are not to be in excess of 60 per cent of the value of the property. The Secretary of the Treasury is directed to issue bonds of the United States bearing not in excess of 4½ per cent interest. The sum due upon the farm loans and payable upon the bonds shall bear as close a relation to each other as possible, that there may not be at any time a considerable balance upon one side or the other. Applicants and appraisers will be made subject to severe fine and imprisonment for fraud. Control of other detail of operation is to be left largely to the discretion of the Secretary of the Treasury. This discretion is quite necessary, as it would be impossible to draw a bill that would anticipate all of the details.

Given the final day when the Government of the United States under this proposed measure had taken over all the farm-land mortgages of the United States, and what would be the result? It is noted that the interest received from the farmers is not to exceed 4½ per cent and that the bonds sold are not to bear interest in excess of 4 per cent. I am quite confident that both of these maximum rates can be materially reduced and be entirely workable, but in any event there should be a margin of one-half of 1 per cent to the Government on these loans. The result would be a surplus, accumulated from the difference in the rate of interest which we pay on bonds and receive on mortgages, approximately of $10,000,000 to $25,000,000 per year in the hands of the farm-loan department. This would be utilized to cover possible losses, to pay operating expenses, or to reduce the taxes of the whole people. I can see no reason why an amortization plan could not be adopted and put in workable form as one of the details in the operation of this bill. The Government can borrow money on long time at a low rate of interest, and amortization tables could be worked out wherein the mortgagor, paying a small percentage of the debt above the interest rate, would be constantly reducing the principal, until at the end of his term he would be out of debt.

Regulations could be instituted covering cases whereby farm boys and farm tenants could be assisted in purchasing farms of their own. Farmers who now hesitate to borrow at the present rate of interest would see profit in enlarging their acreage and increasing their facilities for producing larger crops. A $5,000 mortgage on a $10,000 or $12,000 farm, at the present average rate of interest, will in many cases consume nearly the entire profit. There is consequently little reason for the farmer boy to remain at home for the discouraging purpose of merely keeping even with the debt. Many commercial businesses are sufficiently profitable to carry the present rate of interest, but the average farm business can not carry it, with the result that the cry of "back to the farm" chokes in our throats at sight of this heart-eating interest rate.

Debt on the farm is a cloud blacker than night hovering over the farmer's rounded shoulders, and the "merry farmer's boy" stops whistling at sight of it and dreams of the city. Profit will keep the boy on the farm competing there instead of with overcrowded labor in town. A 1½ to 4 per cent difference on the annual farm interest debt will often make the difference between a satisfied farm boy and one going out the front gate with a valise, bound for town to stay.

A very large proportion of all our commerce in this country is conducted upon credit, but the cost of credit is normally regulated by the profit of commerce. Those few avocations of commerce which are not sufficiently profitable to use credit at a cost set by those which lead can only struggle on without this advantage. Agriculture has long been in this class, and, minus the greater margins of profit, it has thereby been oftener put to the necessity of borrowing, and the necessity of borrowing has made it a prey to all kinds of pound-of-flesh lenders. It may be possible that we can dispense with the weaker brethren of these lines of commerce which provide us with some necessities of life, but we can not dispense with the farm. The preservation of our food supply, looking ahead with only reasonable precaution, is all-sufficient excuse for legislation that can not help but be beneficial to the man in the city as well as the man on the farm.

This bill does not contemplate the entrance of the Government in the field of banking. It only contemplates on the part of the Government the guaranty of a farm mortgage. We have guaranteed railroad bonds and we are now lending money to the banks at 2½ per cent. Who can contend that guaranteeing a farm mortgage is less safe than guaranteeing a railroad bond? Who can contend that it is class legislation to lend money to the farmer upon security of the earth itself at 4½ per cent when we are now lending money at 2½ per cent on security of municipal or county bonds?

The bonds issued by the Government under this proposition would have behind them not only the taxing power of the people but they would have behind them also the individual property and value of the land upon which the bonds are, in effect, predicated. It would not be inflation, because it would be merely a transfer of a debt due one class of lenders to a debt due another class. France is the most prosperous nation on the earth to-day, and yet she has four times the national debt, in outstanding bonds, of the United States, notwithstanding that our resources are much greater than hers.

The function of lending money to farmers on land mortgages might be given under Government control to a private company, but why do that if the Government must control the private company? The control would be as surely the exercise of Government function in the matter as it would be for the Government to do the work itself, with the disadvantage of turning whatever profit there was in the business over to the individuals

of the private company instead of back into the pockets of the people through the National Treasury. No bureau could be established for the purpose of handling money that could be less open to possibilities of the malfeasance of public officials than this. Its operation could not be attended by any of the acts of official dishonesty which are brought out as arguments against Government ownership of public utilities and little technical knowledge would be required by the commissioners.

There are those who fear every move that appears in any way or sense an innovation. They cling tenaciously to ancient history and shudder at the making of new history. We are not bound to do all things as Europe does. We are a progressive Nation, and it is our purpose to do things better than Europe does. We have grown to a mighty Nation because of innovation and because of the development of new institutions, and if we can by Federal legislation cure the ills with which this subject deals in six months or a year, why wait for the dilatory results of the half century that has been required to partly cure them in the European way? [Applause.]

Mr. LAMB. Mr. Chairman, I will ask the gentleman from Iowa to use the balance of his time.

Mr. HAUGEN. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. WILLIS].

Mr. WILLIS. Mr. Chairman, I desire to indorse what my colleague [Mr. BATHRICK] has said in reference to the importance of legislation looking to the establishment of farm credit cooperative concerns, however much difference of opinion there may be as to the form of the legislation. There are few subjects that can engage the attention of the House that are of more importance to the country at large than that one, and he is to be commended for his zeal in going into that subject. However, Mr. Chairman, I wish to address myself more especially to the bill under consideration. This bill carries some $17,000,000, and I will say that there is no appropriation made by the House of Representatives which brings larger returns to the American people [applause] than the returns made by the appropriation passed for the Department of Agriculture. In that bill there is no item that will bring larger return than the item that relates to the farm-management work, of which I wish especially to speak. In the report of the committee on the last year's bill an appropriation of $186,000 was provided for that bureau. It will be remembered that there was something of a contest in the House, and as a result of that contest the appropriation was increased to $250,000. When that bill went to the Senate that appropriation was increased still more to the sum of $300,000, and in that form the bill of last year finally passed. In the committee report of this year $375,000 are allowed. That, however, is not the amount that is asked for by the department. As I understand, the head of the bureau, with the approval of the Secretary of Agriculture, has asked for $435,000; and to me it is a matter of regret that the committee did not feel justified in allowing even this enlarged appropriation, because I am sure that it is an appropriation that means much, not simply to the farmers of the country but to all the people of the country. As we come to ask an enlarged appropriation for the farm-management work, it is but proper that there be a sort of invoice to see what has been done and see what has been accomplished with the money we appropriated last year.

I invite attention to the fact, in the first place, that as a result of the increased appropriation made last year the work of the Farm Management Bureau has already been organized in 60 counties of the United States. That is to say, an expert from the Agricultural Department has been assigned to those counties, and the work is already organized and going on successfully. I have before me here a statement which I shall insert in the RECORD, showing the present status of the work.

The statement is as follows:

COUNTIES IN WHICH COUNTY AGENTS ARE EMPLOYED.

Colorado: Conejos, Costilla, Rio Grande, Saguache (one man); El Paso, Logan.
Idaho: Bonner.
Illinois: Kankakee.
Indiana: Laporte, Montgomery.
Iowa: Blackhawk, Clinton, Montgomery, Scott.
Kansas: Leavenworth.
Kentucky: Henderson.
Michigan: Alpena, Montmorency, Presque Isle (one man); Iron, Kalamazoo, Kent.
Minnesota: Bigstone, Grant, Otter Tail, Pope, Stevens, Swift, Traverse.
Missouri: Cape Girardeau, Pettis.
Nebraska: Gage, Merrick.
New Jersey: Mercer, Sussex.
New York: Broome, Chemung, Clinton, Herkimer, Jefferson, Oneida.
Ohio: Portage.
Oregon: Marion, Wallowa.
Pennsylvania: Bedford, Blair, Butler, Mercer, Montgomery, Washington.
South Dakota: Brown.
Vermont: Bennington, Windsor.
Washington: Wahkiakum.
West Virginia: Kanawha, Wood.
Wisconsin: Barron, Eau Claire, Oneida, Price.
Total number of counties in above list, 60.

COUNTIES WHERE THE BUREAU OF FARM MANAGEMENT HAS ALLOTTED FUNDS AND THAT ARE ABOUT READY TO EMPLOY A COUNTY AGENT.

Illinois: Champaign, Livingston, McHenry.
Indiana: Parke, St. Joseph.
Iowa: Clay, Muscatine, Polk.
Kentucky: Warren.
Maryland: Baltimore.
Michigan: Allegan, Branch, Macomb, Saginaw.
Missouri: Audrain, Buchanan, Marion.
New York: Cortland, Franklin, Lawrence, Niagara.
Vermont: Caledonia, Orange.
Total number where the bureau has allotted funds, 23.

COUNTIES WHICH WILL PROBABLY HAVE LOCAL FUNDS RAISED SOON.

Illinois: Fulton, Knox, Peoria, Tazewell, Will.
Indiana: Steuben.
Iowa: Audubon, Cass, Cerro Gordo, Marion, Monona, Page, Pottawattamie, Wapello, Woodbury, Van Buren.
Kansas: Harvey.
Kentucky: Christian.
Michigan: Berrien, Calhoun, Charlevoix, Genesee, Hillsdale, Jackson, Lapeer, Newaygo, St. Joseph, Shiawassee, Oakland.
Missouri: St. Louis.
New Hampshire: Coos, Merrimack.
New York: Cayuga, Chautauqua, Chenango, Erie, Lewis, Monroe, Onondaga, Orange, Rensselaer, Tompkins, Washington, Wyoming.
Ohio: Columbiana, Greene, Knox, Highland, Washington.
Pennsylvania: Bradford, Chester, Clearfield, Cumberland, Dauphin, Fayette, Lackawanna, Lancaster, Lawrence, Lycoming, Tioga, Warren.
South Dakota: Edmunds, Spink.
Vermont: Windham.
Washington: Benton.
Total number of counties in the foregoing list, 65.
Up to date there have been 186 inquiries from counties all over the country relative to this cooperative work, in addition to the lists shown above.

Mr. WILLIS. For example, in the State of Minnesota an expert, an "agricultural soil doctor," if I may so characterize him, has been assigned to seven counties in that State. In New York six men have been assigned to six counties and are at work in those counties. In Iowa they have been assigned to four counties, in Michigan to six, in Pennsylvania to six, Wisconsin four, Ohio one, and so on in the different States of the Union, making a total of 60 counties in which the work is now organized and being carried on successfully.

Mr. SAMUEL W. SMITH. I will ask the gentleman if he is not mistaken in that it is 78 instead of 60 counties?

Mr. WILLIS. I got the figures from the Department of Agriculture a few days ago.

Mr. SAMUEL W. SMITH. I got my information from the Secretary of Agriculture, and he gave me 78.

Mr. WILLIS. I said the Department of Agriculture gave me the figures only a few days ago, but very likely the gentleman is correct, and he suggests now that the organization has been perfected in 78 counties; if so, it simply enforces the point I am seeking to make, that under this appropriation the work is going on and is going on rapidly and successfully. At the time I had this statement prepared there were 23 counties in the United States in which the funds had already been allotted, and they were ready to commence, simply awaiting the assignment of men from the Agricultural Department. In the State of Illinois there were 3, Michigan there were 4, Iowa there were 3, New York 4, and so on through the various States, making a total of 23. Now, in addition to that, when this report was made out there were 65 additional counties, besides those I have already named, in which the people were organizing and raising their funds and in which they expected to be able to apply at a very early date for the assignment of men.

In the State of New York there were 12 counties; in Iowa, 10; in Ohio, 5; Pennsylvania, 12; Michigan, 11; and so on in the various States, making 65 in all. So that, counting those in which the work is already organized and those in which the funds have been allotted and those in which the funds are now in process of collection, there are 148 counties in the United States in which this work is well under way, and in addition to that there were some 186 others that were making their plans, making the total at the time this table was prepared of 334 counties in which the work had been organized or was in process of organization since the appropriation bill of last year passed.

I notice in the hearings, pages 28 and 30, that a very detailed account of the work is given by the head of the bureau, and at this time I ask leave to insert in the RECORD a certain part from the hearings and from the bulletin of the Ohio Experiment Station.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. WILLIS. At page 30 of the hearings, where the committee is making inquiry concerning the duties of county agents, the following statements occur:

Mr. LEVER. Just what does this man do?

Mr. SPILLMAN. Well, his work is so large and so diverse that I can not answer that in just a sentence. There are four general types of work for him to do. The first thing we instruct him to do is this: We realize that there are already farmers in that county who know more about farming on their farms than anybody else knows. We instruct him to hunt up all of those highly successful farmers and learn all they know. After a man has made a study of hundreds of farms in one county, if he is the right kind of man, he will know more about farming in that county than any one man, because he has gotten to know so many of them. We say, "We know there are lots of men in this county who know a great deal more than we know about certain phases of farming here, and we want to get that and make it public property—give it to the other farmer who does not know—and we are going about now to learn." Well, the farmers take that as a compliment to them, as it is intended and as it is deserved. Then, after a man has made a study of hundreds of the best farms in the county, he becomes a welcome visitor on any farm in that county, and we find the more advanced and progressive a farmer is the more eager he is to have these men visit his farm.

Mr. LEVER. Now, then, does he establish a series of farms in the shape of a circuit, which he visits from time to time?

Mr. SPILLMAN. In some cases he does that. We have, for instance, one man in Bedford County, Pa., who has been there for some time; you see, we have only started most of these men in this year, but that man we have had at work three years, and he has this year 1,700 farms growing some crop under his direction.

Mr. LEVER. How does he manage to visit those crops and see that they are growing according to his directions?

Mr. SPILLMAN. He has what the farmers of the county call a manure spreader, a little automobile; he gets over that county and he can visit about 20 men a day with that automobile, and sometimes, if they are close together, he can visit more than that, and frequently he will get 40 or 50 of them together at a schoolhouse and talk with all of them, and in one hour he will get the situation before these farmers.

Mr. CANDLER. You say he has 1,700 demonstrations in one county?

Mr. SPILLMAN. Yes. The farmers call his automobile the manure spreader, and when we asked them why they called it that they said, because it had increased the yield of crops all over that county. Now, to show you the effect of this work, I will take that county where we have been at work the longest time. It is a county up in the mountains, where apple trees do very well. The farmers have had apple orchards there ever since they have been there, but they had never taken any special care of those orchards. They had never done any spraying; they knew nothing about pruning; and they knew nothing about packing, sorting, or marketing the apples; they would simply take everything off the trees they could get—good, bad, and indifferent—and put the apples in barrels and sell to the local buyers. Three years ago he interested a few men in pruning and spraying their orchards; that fall he got them to form a little organization, and built a packing shed alongside the railroad; he helped them grade their apples; and that fall those men shipped out three carloads of especially fine apples. They got a net price of 85 cents a bushel for them, while those who sold locally got from 25 cents to 50 cents. Now, the next year more farmers came into this organization, and they shipped 42 carloads of apples last year from that one county. The year before was the first time a carload had ever been shipped by the farmers, but for this year I have not had a report. I do not know how many carloads were shipped this year, but I am sure more than last year.

The farm-management work proper was first provided for in the appropriation bill of 1904. At the same time the Knapp work in the South was commenced. As a matter of fact, but little was done in the Northern States for many years outside of investigation. Dr. Spillman, of the Department of Agriculture, now at the head of the Farm Management Bureau, had charge of all the investigation. Dr. Knapp had charge of the cooperative demonstration work in the South. Large appropriations were made to exterminate the boll weevil, but it was found out that there was no way to head off the ravages of this insect, and, as a matter of fact, the appropriations which were made presumably to exterminate the boll weevil have been used very largely in teaching the poorer class of farmers in the South the elements of agriculture. They have been taught the benefits of diversification of industry, crop rotation, soil fertility, and so forth. I commend to the Members of the House the statement made by Dr. Knapp on page 41 of the hearings. The statement of Dr. Knapp is as follows:

Now, what we do with this money is to put county demonstration agents at work, who take up with the farmers the problem of how to produce cotton under boll-weevil conditions, and at the same time show them how they can grow their own meat, grow their own forage, and grow their own corn, and, as they say in the South, live at home. Where we strike a territory in the South, as you gentlemen from the South know, in which cotton has been raised for years and years under old conditions, it has been the custom of every renter, every tenant, and practically every farmer, even where he owned his own farm, to go to his merchant or to his banker and get his advance for the next year. The entire cotton crop was raised on credit. When the boll weevil came along the bankers lost faith in the ability of the people to produce cotton; they got frightened and withdrew credit from the farmers; the merchants withdrew credit, and they could not get credit from their bankers, or from the commission men in New Orleans, Atlanta, or other central places. And when credit goes down, as happened in Mississippi, labor, when it can not get an advance, simply gives up and leaves the country, and it comes back very slowly; in fact, a good deal of that labor will never come back to the territory it left, the result being abandoned houses, abandoned farms, fields lying idle, distress, and everything of that sort. Now, under those circumstances we must teach those people to grow their own stuff so they will not have to have that amount of credit, and that we can do if we have men teaching them how to raise corn, forage, peanuts, and other things. By doing that work we save farms from being abandoned, because we put them on their feet and teach them how to farm successfully. And those who follow the directions of the Government in raising cotton continue to raise cotton year in and year out successfully, even with the boll weevil there.

For example, it is quite clear that as a result of the work of this single bureau, the corn crop of the sunny South has been increased almost 200,000,000 bushels in a single year. So it has come about that the Southland has come to be one of the great corn-producing sections of the country, in regions where, before this work was commenced, practically no corn was raised.

When this work commenced the farmers of the South were dependent almost entirely upon their single crop of cotton. They bought their meat, and their flour, and substantially everything they used. When the cotton crop failed they were completely broken financially. The object of the Knapp work has been to teach them the great advantage of the diversification of industry, and, as is well known, the work has been marvelously successful. All this time but comparatively little has been done in the North, as I undertook to show in my remarks when the agricultural appropriation bill of 1912 and the Lever extension bill were pending in the House. But in recent years a great impetus has been given to the farm-management work. The object of this work is to study the farm as a whole. It is not merely a scientific investigation of this crop or that crop, but the idea of the work is that a man shall go from the department directly to the farmer, study the farm as a unit, find out whether the farm is paying, and, if not, why not. The experts sent out by the department help the farmer in solving his practical problems. There is no bureau in the Government that is doing more for the betterment of the people than the Farm Management Bureau.

They are helping in the solution of the problem of the high cost of living. In my judgment the solution they are proposing, viz, greater and more economical production, is the only one possible. Their appropriation two years ago was $150,000. As the result of the contest in the House and the liberality of the Senate the appropriation last year was increased to $300,000. The work that is being accomplished with this money is wonderful. Sixty counties in the United States already have county men—that is to say, a man is assigned to the county. He is given $1,200 by the department. The rest of his expenses, office rent, and so forth, are provided for by the county. In most cases the county furnishes this officer with a little runabout, so that he can reach all parts of the county readily. The idea is eventually to have a "soil doctor," or agricultural doctor, so called, in every county. This officer is sort of a councilor, who may be consulted by any farmer at will. Sixty counties already have the work fully organized and the men at their posts; 23 more counties have their arrangements all made and are awaiting the detail of the men; 250 more counties have made application for detail of men; so that it can be seen that the idea is spreading over the country like wildfire.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. WILLIS] has expired.

Mr. HAUGEN. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. WILLIS. Thank you.

Now, Mr. Chairman, I wish to call attention to an analysis of the work that is being undertaken in my own State of Ohio, and for this analysis I am very largely indebted to Experiment Station Bulletin No. 127, prepared by Mr. L. H. Goddard, of the Ohio Experiment Station. In a word, the plan of the work, as we are undertaking to carry it on in our State, is this: At the head of the organization is a State leader, who is responsible not only to the department, but also to the State. The State is cooperating in this work and is paying liberally for carrying it on. A statement appears in the hearings showing the amount contributed by each State, and I believe that the State of Ohio is contributing more, perhaps, than any State in the Union to this particular branch of the work. As is shown by the hearings (p. 35), the State of Ohio is contributing $11,760 per annum to this important work. According to the table given in the hearings no other State in the Union is contributing so liberally.

Under the State law there are seven district supervisors, and then beneath those it is required that there shall be a county agent, a "soil doctor" or "agricultural doctor," for each county, assigned to that county and within the reach of the farmer. We have been collecting a vast amount of scientific information in the Agricultural Department, but the trouble has been to get that information to the actual farmer, so that he may solve his actual practical problems.

Now, I think, Mr. Chairman, that the work of the Farm Management Bureau comes nearer to bringing this scientific

information right to the doors of the farmer, so that he can apply it practically to his own problems, than does any other agency of the Government. The prime purpose of the farm management, field studies, and demonstration work in Ohio is to bring to each farmer on his own farm, and interpret for his farm, the results of the years of experimental investigation that have been made by the experiment stations of the Department of Agriculture of this and other countries, and to combine these results of scientific investigations with the successful farm practices worked out by the best farmers of the country. In short, it is a plan to help combine the science of the farmer with practice on his own farm.

But it may be said, Why this concern and solicitude for the farmer? It may be said that because of the high cost of living, about which we hear so much, the farmer is already making immense profits.

But I want to invite attention to this fact, that although prices are good for the farmer's products—and they are a whole lot better than they will be when, under threatened tariff reduction, substantially everything that the farmer produces is put on the free list—yet even now, with the high rate of prices, the farmer is not making the profit that many people suppose he is making. A great portion of the high consumer's cost goes to pay the high cost of transportation and the high cost of distribution, so that in many instances the farmer gets only 20 or 30 or 40 per cent of the price actually paid for the article by the consumer.

I have before me a very interesting table that was prepared by the agricultural experiment station of the State of Ohio. An investigation was made to find out what the farmer was actually making as compared with the wages of hired men. It was found in the area investigated that the average wage of the hired man on the farm was $360 a year. The experts said, "We wonder whether the men who are hiring these people are actually making more than the hired men are making. Is it more profitable to be a farmer or his hired man?"

Here is the result of the investigation: There were 5.4 per cent of the farmers that were making more than $500 more than the hired man was making per year. There were 3.8 per cent who were making between $400 and $500 more than the hired man was making. There were also 3.8 per cent that were making between $300 and $400 more than the hired man was making. There were 4 per cent receiving from $200 to $300 more than the hired man was receiving. There were 8 per cent receiving from $100 to $200 in excess of what the hired man was making. There were 9 per cent who were receiving from $1 to $100 more than the hired man was making; and, note this, Mr. Chairman, there were 66 per cent of the farmers in that great section of my native State of Ohio that actually were making less than the hired man was making. So that the farmer is not making these immense profits which he is supposed to be making. Let us give him this increased appropriation. He deserves it and the welfare of the country demands it. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIS. I desire to add certain statements from Bulletin 127 of the Ohio Experiment Station, by L. H. Goddard. The statements are as follows:

The following is the outline of a plan which has been adopted by the Ohio Experiment Station, department of cooperation, and the United States Department of Agriculture, Office of Farm Management of the Bureau of Plant Industry, for reorganizing the extension work which has previously been conducted by the former institution. In the execution of this plan there will be required:

1. A State leader to be employed jointly by the two institutions who, as the representative of both, will have charge of all their work of this character in the State.

2. Seven district supervisors to be employed in the same manner as the State leader, to be responsible directly to the State leader, each to have charge of the farm management field studies and demonstration work which may be conducted in an assigned district of from 10 to 15 counties.

3. County agents to be installed by the State leader at the request of the counties interested, to be under the direction of the supervisor of the district in which that county is situated, and to be supported jointly by the Ohio Experiment Station, the United States Department of Agriculture, and the people of that county, and possibly by other organizations interested in the work. These county agents are to have charge of the field studies and demonstration work which may be conducted in the county to which they have been assigned.

Township assistance will be afforded temporarily by each district supervisor in a single township of his district in which special interest is shown in demonstration work.

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District supervisors and county agents should be men who have had training in our best agricultural colleges, who are therefore familiar with the advanced theories of agricultural production and who have also had practical experience on the farm as boys and for several years after leaving college.

When these county agents are placed in a community, it will be their duty first of all to study the local farming conditions. They must get acquainted with the farmers and learn what is being done in the way of crops grown, cultural practices, means taken to keep up the production of the farm, the usual enterprises of the farm, how these are organized into a farm system; in short, what the actual farm problems of the community are, and then to cooperate with each farmer in helping him to place his cultural operations and farming system on a better paying basis. Such a man will not be able to reach conclusions nor revolutionize agriculture in a day, but if he is aggressive and farmers will make use of him in the same way they do a doctor or a lawyer he will prove of great helpfulness in any agricultural community.

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But having this information, just how shall we take it to the farmer on his own farm? It would be highly desirable if a district supervisor could do this himself, but he can not investigate and demonstrate at the same time. We must keep a staff of investigators constantly at work if we wish our demonstrations to be of value. To be entirely frank, our experience in Ohio teaches us that the greatest danger which to-day confronts agricultural extension work in a progressive section is the inability of the extension workers to state to the individual farmer much of anything with definite assurance. While the scientist has developed a vast amount of valuable information, this must be adapted to individual farm conditions if it is to be of value to the farmer. If it is not so adapted, the demonstrator is just as apt to be discredited as is the doctor who prescribes medicine without having first diagnosed the condition of his patient.

While we believe firmly in the value of cooperative experiments, we also believe that these experiments will be very much more effective if their use is directed by a county agent who can give his attention constantly to a single county. Each experiment ought to be planned specially for the conditions existing on the farm on which it is to be made, and, if possible, its execution should be carefully supervised. Many farmers will doubtless be able to determine from the published reports of the district supervisors what is best for their farms, especially if the conditions are not too intricate, just as many of us go with freedom and assurance to our medicine shelf for relief from the minor ailments. But just as most of us reach the time, sooner or later, when we are willing to call in the doctor, most farmers will at times be glad to call in the county agent, who, in the light of his previous training, instruction by his district supervisor, and experience with similar cases, can speak with some assurance as to what should be done under existing conditions.

On the other hand, too much must not be expected of the county agent. It is necessary that we crawl before we walk and walk before we run. If we are to secure permanent results, it will be necessary to build slowly and securely and to avoid spectacular work. At first thought it might be supposed that a trained man could determine off hand just what it would be wise for the farmers of any section to do. On the contrary, however, we have observed that almost every farm has some conditions which are peculiar unto itself, and not the least of these peculiarities are the likes and dislikes of the manager, which manifestly are of paramount importance. Therefore the first step of the county agent is to make a study of the local conditions, just as a doctor should diagnose carefully his patient's trouble before prescribing medicine.

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Thus far the only kind of extension work to which special reference has been made is that associated with farm practice, which considers only the selection and arrangement of the operations in connection with individual farm crops or farm enterprises to enable the production of maximum yields. While large yields are certainly very important, maximum yields and the most successful farming do not necessarily go hand in hand. The only basis on which the success of a farm can really be judged is that of net income from the whole farm, providing the productive capacity of the farm has not been impaired.

Farm management considers, among other things, what enterprises—crops, kind of livestock, etc.—shall be undertaken on any given farm, how they shall be arranged, and how in detail they shall be conducted in order to fit into this arrangement. The selection of each enterprise depends upon many things, such as adaptability of soil, climate, available labor, and possible market. It is useless to undertake to introduce enterprises on a farm which will not produce well under the conditions existing thereon, or for which there will not be sufficient available labor, or from which the products can not readily be marketed at satisfactory prices.

In the absence of a local condition which makes available transient labor of satisfactory quality at reasonable prices, it is necessary to try to select enterprises that will use the same amount of labor all the year round. In doing this it may be necessary to select two crops which conflict to a certain extent in their labor requirements, thus forcing the yield of one or both to be lowered materially for want of attention at the proper time. It may even be wise to grow a crop which produces little if any profit, merely to keep the labor employed continuously. * * *

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While these supervisors and agents can not be everywhere and do everything—indeed, if their work is to be fruitful they must give most of their attention to a few things at a time—yet with the proper spirit, which we shall hope to develop in each and every one of them, they can wield a wonderful influence toward making rural Ohio one of the best places in the world in which to live, and toward maintaining, or even improving, our present high standard of citizenship. Unless the signs of the times are misleading there are stranger things possible than that the rural teachers and the rural preachers, together with the leaders of many other rural organizations, will become very able lieutenants in connection with this great extension movement. Let us hope that the signs indicate truly, for 1 man to 3,000 farms, which would be the best that could be hoped for when an agent has been installed in every county of the State, would be but a drop in the bucket. He would have to visit 10 farms every day in order to get around once a year.

In conclusion, then, farm management field studies and demonstration work, as they are now being launched in Ohio, contemplate not only the improvement of the crop yields of the State but also the production of a greater net income for each farm of the State and the establishment on these farms of better homes, situated in better rural communities.

Mr. HAUGEN. Mr. Chairman, I yield one minute to the gentleman from Oklahoma [Mr. MORGAN].

Mr. MORGAN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD—the remarks that I made this morning.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

[Mr. HAWLEY addressed the committee. See Appendix.]

Mr. HAUGEN. Mr. Chairman, the gentleman from Virginia [Mr. LAMB] has kindly yielded three minutes of his time to me, and I now yield the balance of my time to the gentleman from Wyoming [Mr. MONDELL].

The CHAIRMAN. The gentleman from Wyoming is recognized for 25 minutes.

Mr. MONDELL. Mr. Chairman, we live in the midst of revolution—revolution proposed and revolution threatened. It is true there are few open avowals of revolutionary intent; no armed forces hostile to our form of government and to our institutions thunder at our gates or threaten our liberties. On the contrary, the forces of revolution, though they have among their leaders many supremely selfish and inordinately ambitious and some thoroughly irresponsible and consciousless men, are in the main composed of entirely well-meaning people, who, carried away by their enthusiasm or by the claims and sophistries of others, fail utterly to realize that they are the advocates and supporters of a revolutionary cause.

Our forefathers came to these shores to escape persecution—social, religious, political. They came to get away from too much government. They fled from pestiferous interference with their local and personal affairs, by authorities with whom they had little influence and over whom they had no control, quite as much as from flagrant acts of tyranny and persecution. In fact, all history teaches us that the petty annoyances, indignities, and injustices inflicted by the irresponsible agents of a centralized government have in all times been more intolerable than the atrocious but generally infrequent persecution and tyranny of despots. Beaurocracy, the agent of centralization, has made more anarchists than all the overt acts of tyranny.

Our forefathers sought to establish a government under which the affairs and conditions of daily life, of men's association with each other, should be directly controlled locally by the people themselves. No doubt they realized that such a government must, in the nature of things, be at times less forceful and effective in certain respects than a government directed and exercised from a distance, and thus free from the faults which purely local interests sometimes develop in a locally governed community. No doubt they realized that there would be times when, under the stress of local excitement, the pressure of local interest, the temporary lapse of local virtue, the machinery of government, and of law enforcement would be temporarily enfeebled, palsied, or paralyzed; and yet realizing all these things, profiting by their own experience, by their intimate knowledge of the history of mankind, they deliberately chose a form of government in which most of the authority of the people was exercised locally.

Critically analyzed, some of the complaints of our forefathers of over-sea interference with local rights seem trivial, and in a sense they were, but they were of tremendous importance in the principles they involved. So important were they held to be that they led to a declaration of independent sovereignty and to a separation through revolution. On the foundation of the Colonies and the Colonial Governments was established our Government, in which the people reserved unto themselves, to be exercised within the States and their subdivisions, the major elements of their sovereignty.

This is the Government we are sworn to uphold. The portion of the sovereignty of the people which they have surrendered, or, rather, agreed to exercise jointly under a National Government, is set out in the Constitution in language reasonably clear and explicit; and that is the instrument we are sworn to uphold and defend against all enemies, foreign and domestic, which includes well-meaning enemies as well as willfully wicked ones.

We realize that such a government has its faults, its weaknesses, along certain lines and in certain directions. It is scarcely to be hoped that such a government will be as constantly forcefully effective and as uniform in the enforcement of all the laws as it is conceivable a centralized power might be. We must admit that at infrequent times and in various localities the local arm of the law under our system is weak and ineffective and temporarily fails to adequately protect life or property, and we realize that one can imagine a centralized government comparatively free from such temporary local inefficiency. But, nevertheless and notwithstanding, we still adhere to the view that as eternal vigilance is the price of liberty, so local responsibility and local exercise of authority is the price of that interest in and aptitude for government, among the masses of the people, which arms and supports them in the exercise of that vigilance which perpetuates liberty.

What I have just said is not intended as the opening of a Fourth of July oration or of a dissertation on American Government. It is preliminary to some observations which I shall make with respect to what, I regret to say, seems to be a very live issue. On May 9 last Mr. LEE of Georgia reported from the Committee on Agriculture a bill entitled "A bill for the protection of migratory and insectivorous game birds of the United States." A short time before that, namely, on April 26, 1912, Senator MCLEAN reported from the Senate Committee on Forest Reservations and the Protection of Game a bill entitled "A bill to protect migratory game and insectivorous birds in the United States." On January 22, 1913, the said bill passed the Senate without any real debate and practically by unanimous consent. This bill was referred to the Committee on Agriculture, was ordered reported, and is, I believe, now on the calendar.

If to-morrow morning all the people of the United States were to realize that their sovereignty and control over a very important matter had been wiped out or attempted to be abrogated, that all of the statutes on all of the statute books of all the States on an important subject had been repealed or attempted to be made nugatory by an act of Congress; if they knew that Congress was proposing an army of Federal officials, armed with power to make arrests anywhere within the States for trifling offenses the nature and character of which neither they nor their immediate or their more distant representatives had any hand in defining or had any control in modifying; if they could realize, for instance, that under this proposed legislation a barefoot boy in any State in the Union might be arrested, taken before a Federal judge hundreds of miles from his home, sentenced to pay a heavy fine and to imprisonment for shooting a blackbird he found digging up his garden patch; if they were aware that a farmer, who in attempting to protect his field of young corn from the invasion of a colony of crows had shot one of them, might be put to all the expense and subjected to all the annoyance and disgrace incident to a trial in a Federal court, fined, and imprisoned for an act which was not in violation of any local statute or contrary to any local or State-wide opinion as to the thing done being in any wise improper; if people could fully understand these things, and could further realize what such an extension or attempted extension of Federal police power means and what it inevitably leads to, instead of there being a general acquiescence in this legislation and few protests against it, there would be such a cloud of protest as we have not heard in a generation.

It is 18 years since the beginning of my service here. In all that time there has been no legislation reported that has approached this in its revolutionary character.

It is urged on the ground of necessity. It is claimed that some clerk in the Department of Agriculture a number of years ago, without responsibility, probably with little information, but with much imagination, said that insects were destroying $800,000,000 worth of agricultural products per annum. How much of pure imagination there was in that no one knows; certainly not the man who wrote it. How much of such destruction is avoidable if the country were covered with insect-destroying birds nobody knows. The probability is that the guess was a tremendously exaggerated one, born of that desire which burns in the heart of every bureau chief to increase his appropriations and enhance his power and authority. [Applause.]

The question as to whether this damage, large or small, could be to any extent minimized if all the wild feathered creatures in the world were protected from destruction by human agencies forevermore nobody knows. The probability is that such protection would have comparatively little effect.

But admitting for the sake of argument that there is little exaggeration in the eight hundred millions, that it is largely avoidable, shall we change the character of the Government that our fathers gave us because of the hope in the breasts of some gentlemen that we may be able to partly stop this destruction? Oh, but gentlemen say "there is no considerable extension of Federal authority." On the contrary, it is the first irrevocable step toward the ultimate, complete extension of Federal police authority and the extinction of local authority. Enact this legislation and there is no justification for a stand against the most extreme assertion of Federal police power in the States of the Union.

As a people, it is said to our discredit that of all civilized peoples we least effectively protect human life, the most sacred of all things. I presume that is exaggerated, but it is a generally accepted statement. At any rate homicides are, God knows, too common. Lynchings, burnings, assaults are common, and no one section can point the finger of scorn at another and charge it as being more guilty than all others in these things.

The newspapers recently gave us, in all their horrid and gruesome details, the story of the burning of a human being charged

with the crime of murder. We were informed that the mob of men and boys who chained this poor unfortunate to an iron pump in the front yard of a building dedicated to the administration of law and the dispensation of justice, covered him with tar and applied the torch, was the same mob which a few hours before had similarly tortured and murdered an innocent man for the same crime. So frequently as to bring down upon us the merited reproach of civilized men everywhere are these outbreaks of organized violence, holdups, assaults, murders, and lynchings, and yet do we hear any suggestion of invoking the strong and effective arm of the National Government to protect human life and punish those who wantonly, vengefully, and cruelly take it?

And why not? Because under our form of government the duty and the power to protect and punish rests with the people locally. If it were proposed that the Central Government be called upon to protect human life and punish its taking, what a chorus of protests there would be against it on the ground of its unconstitutionality. But because the people in some of the States have failed somewhat in properly protecting bird life, because some gentlemen want the hunting improved for their benefit, because in some States gentlemen desire to place on the Federal Government the burden and expense of protecting game birds they propose, and many good people approve, an extension of Federal authority which would not be sanctioned for the protection of human life.

A year or two ago local conditions in a great State of the Union noted for its general enforcement of the law, so broke down local government as to lead to the unchecked and unpunished destruction of millions of dollars' worth of property, the burning of barns and tobacco warehouses. Has anyone proposed in this admitted temporary failure of local government, in its protection of property, the strong arm of the Federal Government should be invoked? No; and why? Because we realize that while the arm of the centralized power might furnish better protection in such cases than the temporarily weak and inefficient local arm——

Mr. SLAYDEN. Why should it?

Mr. MONDELL. It would possibly be free from local influences; that is the verdict of history; but—and there is the rub—in the long run tyranny would be established and the liberties of the people taken from them in the hope of establishing more stable and effective enforcement of law.

But I suppose we are expected to adopt the view that the birds, to those who love them—and no one loves them more than I—are more valuable than human life, and that we may change our Government and its institutions fundamentally for their protection when no one would suggest it for the protection of property or human life.

Much is said in official reports as to the destruction of insect-destroying birds and the consequent increase of insect life, but when we come to the hearings and the arguments made before the committee we find that certain gentlemen are disturbed because the ducks and geese are not as plentiful as they used to be and shooting is not quite so good on private preserves as they would like to have. No one is so foolish as to imagine that the multiplication of water fowl would in any appreciable degree lead to the destruction of insects, for these creatures do not to any considerable extent live upon crop-destroying insects.

As a boy I lived in northern Iowa. The air in the spring and fall was filled with the flying millions of geese and brant and swan and ducks of every hue and name and kind. The uplands and lowlands were vibrant and vocal with bird life, and for five years all of our crops were destroyed by grasshoppers. [Laughter.] One report has it that the grasshopper invasion was due to the destruction of birds. Why, bless your soul, in that great dry Northwest, where those creatures under favorable conditions breed mightily, there was practically no population save a few arrow-bearing savages, and in the territory which they devastated bird life was gloriously plentiful.

In the native habitat of the grasshopper the seasons were for several years dry and free from frost in the period of hatching. They were favorable for years to the increasing hordes of locusts; but, under other conditions in the regions they migrated to and devastated, nature finally weakened them and parasites attacked them. The same nature which in its favorable mood and aspect favored their increase, through rain and frost and parasites wiped them from the face of the earth and they were seen no more; they were destroyed save in diminished numbers in their native habitat, where they now sometimes so increase as to be locally destructive.

I shall not at length discuss the constitutionality of this legislation. I will leave that for the lawyers. I could not do it without expressing an opinion of the views of gentlemen who favor it from a constitutional standpoint, which I think no Member should express in regard to a colleague. [Laughter.] Some of them claim that a bird is interstate commerce. I have never heard of the consignee or the consignor of the blackbird or the crow or the brant that wings its flight across the blue vault of heaven.

Mr. BARTLETT. Mr. Chairman, the gentleman is speaking about live birds.

Mr. MONDELL. Dead birds are property, and if they get into interstate trade they are interstate commerce and under control of the Federal Government.

Some say that as migratory birds are sometimes in one State and sometimes in another they are the property of the United States, and therefore subject to its protection. I confess I am utterly unable to grasp this refinement of alleged logic; but if we admit that game, by crossing a State line, can become property and the property of the United States, we are then no nearer a constitutional excuse for the legislation than before, for the Federal Government has no police power in the States in the protection of its property not on Federal ground. It must depend upon the States for such protection.

The fact is that the most ingenious torturing of the Federal Constitution can not develop the shadow of an excuse for such legislation as is proposed. The birds referred to are game. The Supreme Court has declared the sovereign power of the State over them, and no flight can change their character.

But I should not support the legislation, even though devilish ingenuity might devise so devious an argument as to seem to bring it within the powers of the Federal Government, for it proposes a plan and scheme in direct conflict with the plan of self-government under which we live.

Under this legislation, if it could become effective, practically every flying thing in the State I represent here, save, perhaps, the grouse and a few owls and bats and butterflies, would be under the control of the Federal Government. What is worse, the nature and character of the offenses for which the people I represent could be indicted by a Federal grand jury, summoned before a Federal court, and fined and imprisoned, would be determined by a bureau chief in the Department of Agriculture. It is true that the Secretary of Agriculture is supposed to have something to say about it; that the President, in the midst of his multitudinous duties, is supposed to sign the edict prepared in the Bureau of Biology; but our experience of the workings of bureau government teaches us that the real lawmaker would be a civil-service bureau official in no wise responsible to the people affected by his edicts.

Under the proposed legislation a bureau of the Agricultural Department would constitute crimes, punishable by fine and imprisonment in a Federal prison, a multitude of acts involving no moral turpitude and of a relatively trifling and harmless character. Not only might the killing, capturing, or taking of a wild bird or fowl at any season of the year be prohibited, but the destruction of the nest of the most insignificant member of the bird family by a mischievous boy might subject him to all the penalties I have referred to. The possession of a blackbird's wing, the wearing of a bit of bird plumage, would no doubt be held prima facie evidence of heinous crimes. Even our duck hunters in the North and quail hunters in the South, so anxious to have Uncle Sam insure them good hunting, might not be so happy if the lawmaker in the bureau concluded it would be a good idea to take advantage of this law to prohibit all killing of such birds.

Of course, gentlemen who support such a measure could, if it became a law, meet the angry protests of their outraged constituents by insisting that they were not responsible for the abuse of Federal power under it, because they do not define, except in the most general terms, the acts to be prohibited and punished. They can tell their constituents that all they did was to turn them over to the tender mercies of a Federal bureau to admonish and punish as it saw fit.

The opportunities for Federal expenditure under the bill are limitless. It places all feathered things, with few exceptions, under the protection of the Federal Government; that means, of course, that the States are prohibited from doing anything for bird protection unless they see fit to trail along after the bureau and enforce its sovereign decrees. The Federal Government would therefore be under obligation to have enough sleuths, spies, agents, and marshals in every nook and corner of the land to see that no hungry citizen shot a snipe, no small boy trapped a crow, and that no country maiden wore a bobolink's wing in her hat.

Of course, such sleuths could also be employed for the highly uplifting purpose of guarding private preserves until such time as, under the rules of an obliging bureau, a favored few were given an opportunity to kill to their heart's content. In our boyhood days we read with throbbing pulses of the mighty hunts

and drives on the great game preserves of hereditary princes; all such performances pale into insignificance in the light of the glorious possibilities of gaming privileges which might be enjoyed under the regulations authorized by this act. Regulations they call them; regulations that rob every State of its sovereignty and place every citizen in jeopardy of trial, far from home, and fine and imprisonment for trifling offenses.

And what is it all about? The protection of insect-destroying birds is put forward as the foremost excuse, but read the appeals made on behalf of the law and you will find that the hunter of feathered game is the one most anxious for the legislation. The voice is the voice of Jacob, but the hand is the hand of Esau. In some parts of the South the negroes are killing the game birds and rendering them scarce, so they tell us, and they want Uncle Sam to restrain them. The declaration by Uncle Sam of a closed season for colored men might be objected to as unconstitutional, but a Federally declared and enforced closed season for the feathered game the black man seeks is desired.

Too many ducks are killed in Louisiana and Mississippi and Florida, we are told, and in Texas it is claimed they allow the wholesale killing of robins; that appeals to me, for I love robins, but I have not so despaired of Texas and her sense of decency and obligation as a member of the sisterhood of States that I feel it is necessary to jeopardize our liberties and change our form of government in order to attempt to protect the robins there. We are gravely assured that our bird life will become extinct if we do not do this particular thing, and the extinction of the passenger pigeon is repeatedly held up as a fearful example of what will happen.

The extinction of the passenger pigeon is to be regretted, but no one has given us any evidence that this peculiar bird ever performed any very useful service to mankind. Its habits rendered it valueless as an insect destroyer of any particular efficiency. In large numbers it was a nuisance and it suddenly disappeared, just how or why no one knows. That the last remnant of the tribe perished at the hand of man is not at all likely. It could not adapt itself to even slightly modified environment and passed away a considerable sentimental but no great practical loss.

The passing of the great auk is another one of the awful examples of the passing of bird life which it is sought to prevent. As the great auk never came south of the Arctic Circle and never ate the bugs and insects which annoy us, our people are hardly chargeable with its destruction, or our insect pests increased thereby. We should, of course, protect bird life, but the duck and geese hunters who imagine that the Federal Government can or will restore the condition which existed before our swamps were drained and our country settled will be disappointed. Our insect-destroying birds merit and demand our protection for the useful service they render.

The value of that service has unquestionably been exaggerated; but, making due allowance for these exaggerations, they are of great value though coupled with their protection of our crops is their destruction of our grain and fruit. Our song birds should above all be protected, for they are not only insect destroyers but they add greatly to our enjoyment; they cheer and stimulate us with their songs. A considerable reduction of their numbers would be a serious loss both from a practical and sentimental standpoint.

But all these can be protected without overthrowing or defacing the Constitution, without any dangerous and unnecessary extension of Federal authority, without invasion of the domain of local government, without the creation of an army of Federal spies and agents, without delegating to a bureau of the Government the power to harrass, annoy, fine, and imprison our people for trifling offenses.

In most of the States of the Union there is a healthy and growing public sentiment favorable to the protection of bird life. In fact, the testimony is that most of the States are reasonably protecting bird life. I have faith that if the attention of the legislatures of the few States claimed to be derelict in their duty, such as the Gulf States, are appealed to they can be depended upon to pass laws which will adequately protect not only the birds temporarily sojourning there but all other birds. I refuse to believe that the people of any State in the Union are so inordinately selfish as to take advantage of their peculiar situation and condition as to slaughter birds, to the great harm and injury of other sections of the Union.

Many of the illustrations of diminishing bird life used to excuse the passage of this legislation relate to birds of the grouse family, to sage hens, prairie chickens, and quail. If there is any considerable class of birds whose protection is not made the duty of the Federal Government under the legislation in question, it is these birds. They are not in the generally accepted sense of the term migratory. Their care and protection is necessarily a local matter. They could not be legally cared for by the Federal Government under the proposed legislation, though unquestionably an effort would be made to so construe the legislation as to justify placing upon the Federal Government the cost of protecting these localized birds.

In conclusion, I have only to say that I have great faith in the capacity of the American people for self-government. I have great faith in the disposition and ability of the people in our Commonwealths to do their duty not only to their own citizens but to the entire citizenship of the Nation. There is a way to protect bird life without invoking bureaucratic Federal rule. The various States are now proceeding along these lines; and enlightened public sentiment, properly directed, can be depended upon to extend and enlarge the scope of local protection until it meets every reasonable demand and requirement of the situation.

The bill referred to is as follows:

S. 6497. An act to protect migratory game and insectivorous birds in the United States.

Be it enacted, etc., That all wild geese, wild swans, brant, wild ducks, snipe, plover, woodcock, rail, wild pigeons, and all other migratory game and insectivorous birds which in their northern and southern migrations pass through or do not remain permanently the entire year within the borders of any State or Territory, shall hereafter be deemed to be within the custody and protection of the Government of the United States, and shall not be destroyed or taken contrary to regulations hereinafter provided therefor.

SEC. 2. That the Department of Agriculture is hereby authorized to adopt suitable regulations to give effect to the previous section by prescribing and fixing closed seasons, having due regard to the zones of temperature, breeding habits, and times and line of migratory flight, thereby enabling the department to select and designate suitable districts for different portions of the country within which said closed seasons it shall not be lawful to shoot or by any device kill or seize and capture migratory birds within the protection of this law, and by declaring penalties by fine of not more than $100 or imprisonment for 90 days, or both, for violations of such regulations.

SEC. 3. That the Department of Agriculture, after the preparation of said regulations, shall cause the same to be made public, and shall allow a period of three months in which said regulations may be examined and considered before final adoption, permitting, when deemed proper, public hearings thereon, and after final adoption to cause same to be engrossed and submitted to the President of the United States for approval: *Provided, however*, That nothing herein contained shall be deemed to affect or interfere with the local laws of the States and Territories for the protection of nonmigratory game or other birds resident and breeding within their borders, nor to prevent the States and Territories from enacting laws and regulations to promote and render efficient the regulations of the Department of Agriculture provided under this statute.

SEC. 4. That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of carrying out the provisions of this act, the sum of $10,000.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FOSTER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 27944. An act to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.;

H. R. 27986. An act to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.;

H. R. 27987. An act to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.; and

H. R. 27988. An act to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 3843) granting to the coal-mining companies in the State of Oklahoma the right to acquire additional acreage adjoining their mine leases, and for other purposes, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GAMBLE, Mr. CLAPP, and Mr. OWEN as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 22871) to establish agricultural extension departments in connection with agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PAGE, Mr. CRAWFORD, and Mr. SMITH of Georgia as the said conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 23293) for the protection of the water supply of the city of Colorado Springs and the town of Manitou, Colo., disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMOOT, Mr. GUGGENHEIM, and Mr. NEWLANDS as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the amend-

ment of the Senate to the bill (H. R. 8861) for the relief of the legal representatives of Samuel Schiffer.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 109) to authorize the sale and disposition of the surplus and unallotted lands in the Standing Rock Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 8034) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 7160) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had passed the following resolution:

Resolved, That at 10 minutes before 1 o'clock on Wednesday, February 12, 1913, the Senate proceed to the Hall of the House of Representatives to take part in the count of the electoral votes for President and Vice President of the United States.

AGRICULTURE APPROPRIATION BILL.

The committee resumed its session.

Mr. LAMB. Mr. Chairman, I yield to the gentleman from New York [Mr. KINDRED].

[Mr. KINDRED addressed the committee. See Appendix.]

Mr. LAMB. Mr. Chairman, I yield 25 minutes to the gentleman from Alabama [Mr. HEFLIN].

The CHAIRMAN. The gentleman from Virginia has only 24 minutes remaining.

Mr. LAMB. Then I yield 24 minutes to the gentleman from Alabama.

Mr. HEFLIN. Mr. Chairman and gentlemen of the committee, no bill comes before the American Congress that is of more general interest and far-reaching importance than the Agricultural appropriation bill. Never before in the history of the country have the farmers taken the interest in their own affairs that they are taking now. They are becoming genuinely aroused to the importance of their work in the fields of agriculture. [Applause.]

In the brief time that I shall address the House to-day I will not undertake to discuss the various subjects enumerated in this Agricultural appropriation bill. I want to discuss this morning one of the most important, if not the most important, agricultural products of our country, and that is the subject of cotton. R. G. Dun & Co. in their annual report say truly that cotton has proven itself to be one of the country's most valuable assets. We export millions of dollars' worth of agricultural products every year, but it remains for cotton to give to America the balance of trade. Besides being useful in various ways amongst our own people, it occupies first place in our trade with foreign countries. I insist, Mr. Chairman, in the light of these facts, that the section of country that produces nearly two-thirds of the world's cotton supply, whose product brings to America the balance of trade, is entitled to be represented in the Diplomatic and Consular Service in the cotton-using countries of the earth by men who know something about cotton, its uses and benefits, and who could in their representative capacity exploit cotton and cotton goods to the advantage of the producer, the manufacturer, and the country at large. [Applause.]

Mr. BARTLETT. I would like to say to my friend that the day is coming pretty soon when a Democratic President will appoint men from the South in that service.

Mr. HEFLIN. Yes; and it is my purpose to call his attention to the situation and to urge upon him the importance of appointing competent men from the cotton-producing section, and I believe that he will do so. I want to say in this connection that the consular reports on trade conditions abroad and the information regarding the desire of various sections of procuring American products have been of great value and have increased our trade with foreign countries along many lines. I am sorry to say, however, that the cotton industry of the United States has not been and is not now represented in the Diplomatic and Consular Service.

Mr. RUCKER of Colorado. Mr. Chairman, will the gentleman yield?

Mr. HEFLIN. Certainly.

Mr. RUCKER of Colorado. Do they raise cotton in Cuba?

Mr. HEFLIN. I am not quite sure; but I do not think they do. I want Cuba to buy her cotton and cotton goods from us, and I want some good man under the Wilson administration to represent us at Cuba, and the gentleman from Colorado, who is himself a southerner, would fill that position well. [Applause.]

Judge HULL, of Tennessee, in a magnificent speech delivered in this House February 11, 1910, called attention to a bulletin issued by the Census Bureau regarding the importance of cotton. I wish to read briefly from that bulletin:

As two-thirds of our raw material is utilized by European manufacturers in the production of goods, which are generally of a finer quality than that of the goods made here, the value of the manufactures made from the average American cotton crop is estimated at not less than $2,000,000,000.

Mr. Chairman, I want to say just here that, in view of the facts stated in the bulletin read by Judge HULL on that occasion, the people that produce such an important product as cotton is ought never to receive less than 15 cents per pound for cotton. Judge HULL, commenting upon the Consular Service as conducted to-day, said:

We have about 57 consuls general, and none are selected from cotton States to positions in countries that buy American cotton. Only three—one from Virginia and two from Missouri—are from the cotton section, and they are appointed in the lower classes of the service and to minor and unimportant stations outside of the cotton-purchasing countries.

Continuing, he said:

This Government has 241 consuls stationed in the various foreign countries. They are divided into nine classes, according to salary and importance of station to which appointed. From this entire number of consuls only five stations in European countries are filled by appointments from cotton States, and with one or two exceptions these stations are of trifling commercial importance.

I want to read here, Mr. Chairman, an article that Judge HULL read on the occasion referred to. The article was written by Mr. R. H. Watkins, a representative of the press in Washington.

There are 12 Southern States—Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia—whose cotton exports alone enable the United States to maintain a comfortable balance of trade with the world.

In all the great cotton-buying countries of Europe there is not in any diplomatic or consular position of importance and respectability a single man from a cotton-growing State representing the United States Government.

Great Britain—

He says—

buys 40 per cent of the cotton we export, yet nowhere in all the vast domain of the British Empire, weaving our cotton into fabrics for the hundreds of millions of the inhabitants of her possessions, there is not one consul from a Southern State representing the United States.

In China, where we have great hopes for development of our cotton trade, the eight consuls are from New York, Massachusetts, California, Minnesota, Indiana, and Ohio.

There are 333 Americans in the Consular Service, and of these 31 are from Southern States.

In the Diplomatic Service in positions of responsibility the number employed is 108, of which there are 13 from the Southern States.

Mr. Chairman, these facts disclose a deplorable situation. Just think of it. If a considerable per cent of these men were selected from the cotton-growing section of the country, how much value they would be not only to those who produce this great article of commerce, but to the United States in extending and expanding its trade in cotton. Let me in this connection read from Judge HULL'S speech:

Mr. Chairman, it may be remarked that the great Empire of Japan, as much as it consumes, never purchased any material quantity of cotton from the United States until 1898, when a traveling representative of American agriculture visited the buyers there and familiarized them with our cotton-trade conditions. Yet Japan used a great deal of American cotton, but it was purchased from the English dealers in London. The United Kingdom, France, and Germany purchase three-fourths of our cotton exports. Still our people who raise and sell it are, and for years have been, denied the great advantage of intelligent and efficient representation in those countries through our Consular Service.

Mr. Chairman, it is in the interest of fair play and good business sense that I demand that the South be represented in the Diplomatic and Consular Service of the United States, and I believe that the great Democrat who is soon to become President of the United States will give the South fair and due representation in the great Diplomatic and Consular Service of our country. [Applause.]

Mr. Chairman, the man who produces cotton in the United States renders a great service to his country and to the world, and yet he is greatly imposed upon by conditions that could be but have not yet been prevented by law. For instance, the gambling exchange, without regard to the size of the crop, uses the word "cotton" in selling two or three hundred million bales in a season. As I have said before in this House, they do not

own cotton and they do not have to deliver cotton on contracts. There is an endless chain of buying and selling and settling the differences between the party buying and the party selling with money, and hence no demand is made on the cotton producer for cotton with which to fill the contract. This kind of dealing hinders the full and free operation of the law of supply and demand, and injures the price of real cotton. [Applause.] I have always contended that these gamblers on the exchange have no right to sell in unlimited quantities a fictitious stuff whose name represents the farmers' produce and never call on him for the real produce while they are fixing the market price without his aid or consent. Not only is this fictitious stuff called cotton handled in unlimited amounts, but the bear speculators send out broadcast false reports regarding the productive prospects of the crop and conditions surrounding the sale of the manufactured product. If it rains too much and the crop is damaged, the bears circulate the report that crop prospects were never better; if the farmer reduces his cotton acreage, they declare that he has planted more ground in cotton than ever before; if the drought comes and the blooms and squares parch and fall upon the ground, the bear predicts a bumper crop. These are some of the evils, Mr. Chairman, that lurk in the dark places of the exchange. If all men who are interested in cotton were compelled to deal in real cotton and to call on the cotton producer for cotton, the law of supply and demand would regulate the price, and the producer would then exercise a right that belongs to him—that of doing something toward fixing the price of his own product.

Mr. Chairman, a cotton exchange ought to be a place where real cotton is bought and sold or cotton in the process of production, where the delivery of real cotton is expected to be had; but a cotton exchange that substitutes the word "cotton" for real cotton serves no legitimate purpose. It does not help distribute the crop. It works injury to the producer and is inexcusable and indefensible. For a long time I have advocated laws looking to the regulation of the cotton exchanges of the United States, and I have contributed toward the passage of two bills through this House looking to the regulation of these exchanges; but I am sorry to say, Mr. Chairman, that the Senate permitted both of these bills to die. In the Agricultural appropriation bill we have provided for the institution of a bureau of markets in the Department of Agriculture. This bureau will gather information regarding the price and demand for farm products, and this information will be printed and distributed throughout the country. Our newspapers will have access to this information, and by publishing it day after day and week after week the farmers of the South, the North, the East, and the West will be informed as to the demand for their products in the various sections of the country and the price that their produce would bring in those markets. In my judgment the work that will be done by this bureau of markets will encourage the building and operating of spot-cotton exchanges in the cotton belt. The information will be reliable information so different from the kind we get now from the bear speculators, who write their reports for the purpose of beating down the price and not for the purpose of acquainting the public with the truth of the market situation.

Mr. Chairman, there is another evil connected with the cotton exchange that I desire briefly to discuss, and that is the injury done the cotton producer by what is called the revision committee of the New York Cotton Exchange. On February 6 the Washington Star published this special from New York:

The fact that the revision committee had made no change in spot-cotton differences at the meeting last night had added somewhat to the confidence of early buyers.

Mr. Chairman, just think of it, a committee of perhaps a half dozen men on the New York exchange have it in their power to fix the difference in the price of different grades of cotton, having the bears waiting on the one hand and the bulls anxious on the other for them to announce their decision as to how many points of difference there are in the price between one grade of cotton and another.

No cotton producer is on that committee. What does this committee on fixed differences do? Why, it fixes of its own motion without regard to commercial value or fitness for spinning purposes the difference between 22 different imaginary grades of cotton. For instance, it has the power to say that a certain grade shall sell for 40 points lower than a certain other grade, and so on down, and by the action of that committee the cotton farmer is robbed of $2.20 on a bale of cotton, and on a crop of 14,000,000 bales he is robbed of more than $28,000,000. It is horrible to think of. The power to take that much money from the producer on the fixed difference between two grades of cotton is lodged in the hands of the committee on fixed differences on the New York Cotton Exchange. Just think of the robbery and plunder that is going on through this farcical process of fixed differences between 22 different grades of cotton. [Applause.] If a man buys a popular grade and wants to hold it for a better price, and thus by his holding makes it hard for the bear gambler to beat down the price, the committee on fixed differences can meet and outlaw the grade that he has bought and is holding by declaring it to be of less value than it formerly was.

Then, Mr. Chairman, they impose on the producer in another way. They have set up for their peculiar speculating purposes 22 different grades of cotton, when the fact is there are only 4 grades of cotton commonly used in buying and selling cotton in the spot markets of the country. These grades are: Good ordinary, strict good ordinary, middling, and strict middling. These 4 grades cover the grades of cotton produced on the farm, but it takes 22 imaginary grades to cover the fictitious stuff handled on the New York Cotton Exchange.

Mr. Chairman, I submit that if there is to be a committee on fixed differences of cotton grades anywhere it should be composed of expert graders and classifiers from the ranks of the cotton producers and cotton spinners of the United States, and that committee could represent the Government in the bureau of markets. I do not mean that that committee should have the power to say that this grade is worth 20 points more or less than that grade, but simply to say that this sample of cotton does or does not belong to a certain grade and not change that decision every few days. This committee on fixed differences on the New York Cotton Exchange works untold injury to the cotton producer every year.

There is another evil in connection with the cotton industry of the United States, and that is in connection with the Government report of cotton ginned. The reports now published by the Census Bureau read:

Number of bales of cotton ginned from the growth of 1912.

Mr. Chairman, that report includes linters. This ought not to be. The cotton used by the spinner in the manufacture of cloth is the fiber cut from the seed at the first ginning and is properly called cotton. It can be used and is used for any and all kinds of spinning purposes, but linters is not cotton. It is the fuzzy covering of the seed and will not come off with the cotton fiber when the cotton is ginned. It occupies the same relation to cotton that seconds and shorts occupy to flour. It requires a different kind of gin to shave this close, clinging, fuzzy stuff from the seed. It is not used as real cotton is used, and it ought not to be counted in the ginner's report of cotton to be used for spinning purposes. It is used to make cheap mattresses, and is used as wood pulp is used, a great deal of it, in making paper, and is the finest paper material in the world. It ought to be reported as a separate and distinct item and not counted in with cotton ginned. It is misleading and confusing.

Now, the ginner's report simply says so many bales, including linters, have been ginned up to a certain time. Mr. Chairman, thousands of people, yes, millions of people do not know what linters mean, and the impression is made that it is all cotton. This impression works injury to the farmer, for linters sell for 2 or 3 cents per pound when cotton is bringing 12 cents and more per pound, and yet bear speculators use linters in their efforts to make the public believe that the ginner's report means all cotton when such is not the case. Let me illustrate: The ginner's report up to January 16, 1913, says that 13,000,000 bales have been ginned. This report is misleading and injures the cotton producer, because it leads the cotton-using world to believe that the report means 13,000,000 bales of spinnable cotton, when the fact is that nearly 400,000 of these counted as cotton bales are linters.

Take the bales of linters from the bales of real cotton and we have, up to January 16, ginned only 12,600,000 bales of spinnable cotton instead of 13,000,000 bales, as the report leads the cotton-using world to believe. Mr. Chairman, I mention this matter now for the purpose of calling the attention of the House and the country to the injustice done the cotton producer by permitting these two reports to come under the report of cotton ginned. During the next Congress I am going to try to separate these reports and let the report of spinnable cotton ginned stand in a column to itself. I want the report of cotton ginned up to a given time to mean cotton, so that the world may know that it means spinnable cotton and not linters. Now, Mr. Chairman, if we can separate cotton from linters and do away with the committee on fixed differences and regulate the cotton exchanges so that real cotton will figure in the transactions of the exchange and compel real delivery on contracts, the exchange will be a help and not a hindrance, a blessing and not a curse to the cotton producer. [Applause.]

Mr. RUCKER of Colorado. What has become of the gentleman's bill on that subject? What is the status of that bill now?

Mr. HEFLIN. I introduced a bill on the subject, so did other gentlemen from the cotton-growing States, and we made up a bill representing our views and that is the bill I referred to a moment ago. We passed that bill through the House, but it died in the Senate. We also passed a bill during the Sixty-first Congress that met the same fate in the Senate. I wish to express the belief that during the next Congress we will enact into law provisions that will strike down the evils of the gambling exchange and make all the cotton exchanges of the country legitimate, helpful agencies in the cotton world. I want to say in this connection that I do not want to put out of business any cotton exchange that is conducted on honest business principles.

Mr. HARRISON of Mississippi. Will the gentleman yield?

Mr. HEFLIN. I will.

Mr. HARRISON of Mississippi. The gentleman said some time ago that the bills regulating cotton exchanges which were passed by the House died in the Senate. Were they ever reported out of the Committee on Agriculture in the Senate?

Mr. HEFLIN. I do not think that they were.

Mr. HARRISON of Mississippi. They are still in the Committee on Agriculture in the Senate?

Mr. HEFLIN. That is my understanding, and when I say that they died in the Senate I mean that no action was taken upon them by that body.

Now, Mr. Chairman, a word about the crop of 1911. That was really a record-breaking crop. The South produced more cotton that year than ever was produced in the cotton belt before. The crop of 1912 is a short crop compared to the crop of 1911. The farmers all through the cotton belt reduced their cotton acreage, and the crop grown last year, when the tale is finally told, will be about 3,000,000 bales short of the crop of 1911. The season for gathering the crop was never better than the fall of 1912. Cotton opened rapidly throughout the cotton belt and the crop was gathered before Christmas, and the ginner's report for the 16th of January, subtracting the linters therefrom leaving 12,600,000 bales, has come within about 400,000 bales of spinable cotton of telling the tale of cotton production for the year 1912. In this connection, Mr. Chairman, I want to read a letter that I sent out to different men in the cotton belt November 27, 1912:

LAFAYETTE, ALA., *November 27, 1912.*

MY DEAR SIR: The estimate of the cotton crop of 1912 will be announced by the Department of Agriculture December 12, and I want to have all the information possible on the subject. Please give me your estimate of the reduction in cotton acreage in your State, your opinion as to the amount of cotton that will be produced in your State, and how much cotton remains to be picked and ginned. And counting the cost of production, etc., I want your opinion as to what price you think the farmer should receive for this crop.

Please write me at Washington, D. C., House of Representatives.

With best wishes, I am,

Yours, very truly, J. THOMAS HEFLIN.

I desire now to read a letter from Hon. E. J. Watson, commissioner of agriculture of the State of South Carolina, as characteristic of the other letters that I received from Mississippi, Oklahoma, Georgia, Texas, Alabama, and North Carolina:

COLUMBIA, S. C., *December 4, 1912.*

Hon. THOMAS HEFLIN,
United States Representative, Washington, D. C.

DEAR SIR: Your letter of November 27 has been received.

I note carefully the several requests made and beg to reply, after most careful consideration, as follows:

The cotton acreage in this State in the year 1911 was 2,705,000. This year there was a reduction of at least 10 per cent in this acreage.

The production of South Carolina this year will not, in my opinion, exceed 1,300,000 running bales, and I doubt very much if it will reach that figure.

Up to December 1 more than 90 per cent of the crop had been picked and practically all of that picked had been ginned. Indeed, practically the entire crop had been harvested and sent to the gin.

Taking carefully into consideration everything relating to the cost of production and marketing, in my opinion the producer of cotton is entitled to and ought to receive at least 15 cents per pound for this year's crop.

Trusting that the above is the information desired, believe me,

Very truly, yours,

E. J. WATSON, *Commissioner.*

There was 10 per cent reduction in cotton acreage in Mississippi, 25 per cent in Oklahoma, 10 per cent in South Carolina, 15 per cent in Georgia, 2 per cent in Texas, 20 per cent in Alabama, and 15 per cent in North Carolina. In spite of these facts the bear speculators all during the year circulated reports to the effect that cotton acreage had been increased and that we would make another big crop like that of 1911. Mr. Chairman, but for the false reports circulated by bear gamblers on the exchanges and the fictitious stuff they are allowed to handle and call cotton, the law of supply and demand would have operated through this selling season and the cotton producers would have gotten a cent and a half or two cents a pound more than they received for this crop. The spindles of this and other countries have been operating full time and the cotton-goods trade has been good everywhere, and the price that has obtained for cotton goods justify these gentlemen who have written to me from all over the cotton belt and justify me in the demand for 15 cents per pound for cotton. [Applause.] I want to educate the country to the fact that the cost of production is so great that the cotton producer can not realize a fair and reasonable profit unless he does receive 15 cents per pound. The men who produce this product that brings to America the balance of trade are entitled to fair treatment at the hands of the American Congress, and the House has manifested its desire to see justice done to the cotton producer. It has gone on record voting for a law that would protect him from the evils of the gambling exchange, and I thank you gentleman for that great body of men who produce cotton, men who simply want a fair deal, reasonable prices, and living profits. [Loud applause.]

The CHAIRMAN. All time for general debate has expired, and the Clerk will read.

Mr. LAMB. Now, Mr. Chairman, that we are through with eloquence, poetry, and State rights, I ask that the bill be read for amendment. [Laughter.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Salaries, office of the Secretary of Agriculture: Secretary of Agriculture, $12,000; Assistant Secretary of Agriculture, $5,000; solicitor, $5,000; chief clerk, $3,000, and $500 additional as custodian of buildings; private secretary to the Secretary of Agriculture, $2,500; stenographer and executive clerk to the Secretary of Agriculture, $2,250; private secretary to the Assistant Secretary of Agriculture, $1,600; stenographer to the Assistant Secretary of Agriculture, $1,400; 1 appointment clerk, $2,000; 1 Chief of Supply Division, $2,000; 1 inspector, $2,750; 1 law clerk, $3,000; 2 law clerks, at $2,500 each; 1 law clerk, $2,200; 10 law clerks, at $2,000 each; 8 law clerks, at $1,800 each; 3 law clerks, at $1,600 each; 1 special agent on exhibits, $3,000; 1 telegraph and telephone operator, $1,600; 2 clerks, class 4; 6 clerks, class 3; 10 clerks, class 2; 18 clerks, class 1; 8 clerks, at $1,000 each; 6 clerks, at $900 each; 1 clerk, $840; 14 messengers or laborers, at $840 each; 10 assistant messengers or laborers, at $720 each; 1 chief engineer, who shall be captain of the watch, $2,000; 1 assistant chief engineer, $1,400; 1 assistant engineer, $1,200; 2 assistant engineers, at $1,000 each; 7 firemen, at $720 each; 8 elevator conductors, at $720 each; 1 construction inspector, $1,400; 5 cabinetmakers or carpenters, at $1,200 each; 2 cabinetmakers or carpenters, at $1,100 each; 8 cabinetmakers or carpenters, at $1,020 each; 2 cabinetmakers or carpenters, at $900 each; 1 electrician, $1,100; 1 electrical wireman, $1,000; 1 electrical wireman, $900; 2 electrician's helpers, at $720 each; 2 painters, at $1,000 each; 2 painters, at $900 each; 5 plumbers or steam fitters, at $1,020 each; 1 plumber's helper, $840; 2 plumber's helpers, at $720 each; 1 blacksmith, $900; 1 lieutenant of the watch, $1,000; 34 watchmen, at $720 each; 5 mechanics, at $1,200 each; 2 skilled laborers, at $960 each; 1 janitor, $900; 18 assistant messengers, messenger boys, or laborers, at $600 each; 21 laborers, messenger boys, or charwomen, at $480 each; 1 charwoman, $540; 8 charwomen, at $240 each; for extra labor and emergency employments, $14,000.

Mr. FOWLER. Mr. Chairman, I reserve a point of order against this paragraph.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] reserves a point of order against the paragraph.

Mr. FOWLER. I desire to ask the chairman of the Committee on Agriculture why it is that a solicitor at $5,000 is carried in the paragraph, and also a chief clerk carried at $3,000, with an additional salary of $500, making $3,500 as a total salary for the chief clerk?

Mr. LAMB. That has been the custom for the last four or five Congresses and has been enacted into law.

Mr. FOWLER. I will ask the gentleman if it is not a fact that his bill last year, when he brought it in, carried a salary of $4,500 for the solicitor?

Mr. LAMB. I think $500 was put on in the Senate last year and agreed to in conference.

Mr. FOWLER. Mr. Chairman, I make a point of order against the solicitor and the salary carried therefor. Does the gentleman from Virginia desire——

Mr. LAMB. I will ask the gentleman to reserve the point of order. I do not think this salary is subject to a point of order at all. It is the current law.

Mr. FOWLER. My point of order in brief is——

Mr. LAMB. There is no change from last year at all in this, and I do not think the point of order will lie.

Mr. FOWLER. Mr. Chairman, the solicitor in this bill had been carried in rather a loose way without any authority of law. By the act of 1910, which was a general appropriation bill, it was provided that hereafter certain duties should be discharged by the solicitor. In the last appropriation bill as it was reported to the House his salary was carried at $4,500. A point of order was made against this solicitor, not as to the salary, but as to the authority to carry a solicitor therein, the point being made by the gentleman from Florida [Mr. CLARK]. It was ably argued here upon the floor of the House, and Mr. BORLAND, at that time being in the chair, ruled that

the law of 1910, which was a general appropriation bill containing the word "hereafter" and providing that certain duties should "hereafter" be performed by a solicitor, authorized the office of solicitor, but the question as to the salary was not raised at all.

I make the point of order against that part of the paragraph because it carries more than the law carried in 1910 for this place when it had some kind of authority in permanent law for its existence as a portion of the paragraph.

Mr. LAMB. If my colleague will allow me to interrupt right there, I think I can save time by stating that this whole matter of the solicitorship was discussed here last year, and the authority to appoint him at all was challenged. The discussion to which he has referred, on the point of order made by the gentleman from Florida [Mr. CLARK], was thrashed out here, and it was plainly shown that not only did the law authorize the creating of this office, but that the very act creating a Department of Agriculture authorized the appointment of this solicitor. Section 523 of the statutes places it absolutely beyond question. So there is nothing in the point of order, and I hope the gentleman will withdraw it.

Mr. FOWLER. Mr. Chairman, I am not making a point of order here for the purpose of consuming time, but I am making it because there is a foundation for it. I repeat that the bill as reported from the committee to the House last year carried only $4,500. I assert that the bill in 1910, which carried with it some authority for creating a solicitor, carried with it only a salary of $4,500. I have a quotation from the law as passed then. The salary of the solicitor at that time carried in the act of 1910, volume 36, page 416, was $4,500.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. FOWLER. I yield to the gentleman from Georgia.

Mr. BARTLETT. Does the gentleman state that there is any statute fixing in so many words the salary of the solicitor of the Agricultural Department, or is his appointment left to the Secretary of Agriculture at such salary as Congress may appropriate for?

Mr. FOWLER. Mr. Chairman, there is no law creating the office of solicitor and fixing the salary.

Mr. BARTLETT. That is what I thought.

Mr. FOWLER. If it were left to the Secretary of Agriculture to make the appointment, there is a limitation upon his power which is fixed by permanent law, prohibiting him from fixing a salary, for any office that he may create, above $3,000.

So, Mr. Chairman, I repeat that in the act of 1910, reported in the Statutes at Large, volume 36, page 416, there was a clause saying that certain duties hereafter shall be performed by a solicitor. Chairman BORLAND considered that to mean that the office of solicitor was created. At that time the bill carried a salary of $4,500. In harmony with that law the honorable Committee on Agriculture reported its bill during the last session of Congress for a solicitor at $4,500.

Mr. Chairman, it has been the universal ruling of the Chair, so far as I have been able to understand, that when an office has been created, or where it has been carried in an appropriation bill and the salary fixed therein, there can be no change thereafter, however many times it may have been in the current law, because of the fact that if it were permitted to increase these salaries indiscriminately there would be no end to the increase of salaries at the caprice of any who might see fit to favor his friend or to favor an individual.

Mr. Chairman, I have the ruling and the debate on this question before me, and if there is any question as to the correctness of my statement, I desire to read the report of the proceedings of the last session of this Congress upon this identical question, wherein the burden of contention was upon the right of the committee to provide for a solicitor and not upon the question of the salary. The Senate, after the bill passed the House, increased the salary from $4,500 to $5,000.

Mr. LAMB. That increase was made in the Senate last year. It was inserted by the conferees. Now, if I understand the gentleman right, it was not challenging the position of solicitor, but the question of our right to give him $5,000, and makes a point of order on that.

Mr. FOWLER. My position is not against the provision for the solicitor, but against the authority to increase salaries.

Mr. LAMB. The same authority applies to the solicitor as to any other officer. We were asked to increase the salaries of all of them, but we refused to do it.

Mr. FOWLER. When the office was created the salary was $4,500. Now you seek to increase it by making it $5,000

Mr. LAMB. It was $5,000 last year.

Mr. FOWLER. You are trying to change existing law.

Mr. LAMB. Not at all.

Mr. FOWLER. I do not know whether I have made myself clear, Mr. Chairman. The Chair was investigating the subject while I was discussing it. I desire to say that there was, in 1910, according to the ruling of the Chair, a permanent law passed creating the officer of Solicitor at a salary of $4,500. This is an increase of a salary; it is changing permanent law, which I say this committee can not do.

Mr. LAMB. Mr. Chairman, this same question was discussed here last year. We relied partially, but not wholly, upon section 523, which says:

SEC. 523. The Commissioner of Agriculture shall appoint a chief clerk, and he shall appoint such other employees as Congress may from time to time provide, with salaries corresponding to the salaries of similar officers in other departments of the Government; and he shall, as Congress may from time to time provide, employ other persons for such time as their services may be needed, including chemists, botanists, and other persons skilled in the natural sciences pertaining to agriculture.

We lodged our contention last year not entirely on this section, but in conjunction with the word "hereafter." There is nothing in the argument of the gentleman from Illinois as to the increase of salary to $5,000, for we find that last year, and we continued the salary, as we had a right to do. I ask for a ruling.

Mr. FOWLER. But the Commissioner of Agriculture has not fixed this salary nor created the office. This Congress created the office in 1910 and fixed the salary at $4,500, and the committee is trying to increase it now in defiance of existing law.

Mr. LAMB. Congress changed the amount of salary last year.

Mr. FOWLER. That is current law and not permanent law.

Mr. COX. Will the gentleman yield?

Mr. FOWLER. Certainly.

Mr. COX. If I understand correctly, the office never was created until 1910?

Mr. FOWLER. That is according to the ruling of the Chair.

Mr. COX. And it fixed the salary at $4,500?

Mr. FOWLER. Yes.

Mr. COX. The gentleman's point of order is against the increase of the salary from $4,500 to $5,000?

Mr. FOWLER. Yes.

Mr. COX. I think the gentleman from Illinois is right.

The CHAIRMAN. The Chair remembers the controversy which took place in the House on the consideration of the agricultural bill last year. The gentleman from Florida [Mr. CLARK] directed a point of order against this item in the bill. Those supporting the item predicated that support upon the original act creating the Department of Agriculture, which authorized the head of that department to do certain things, and upon a statute that gave certain authority to various heads of departments; also upon the language contained in the agricultural appropriation act of 1910. That language is this:

Solicitor, $4,500; hereafter the legal work of the Department of Agriculture shall be performed under the supervision and direction of the solicitor.

The recollection of the Chair is that the gentleman from Missouri [Mr. BORLAND] presided over the committee at that time and held that the point of order was not well taken, and suggested that even if the original act, or the provision of the statute to which I have referred, was not sufficient to authorize the provision, that the appropriation act of 1910 was in itself sufficient, because while it was an appropriation act still there was legislation on it, and the provision with respect to the solicitor was not limited to that particular year, but contained the word "hereafter."

The Chair reads from section 3687 of Hinds' Precedents, volume 4:

In the absence of a general law fixing a salary the amount appropriated in the last appropriation bill has been held to be the legal salary, although in violation of the general rule that the appropriation bill makes law only for the year.

If this position had been created by a separate and distinct statute establishing the position and fixing a definite salary for it, that salary would govern, and if a committee in the preparation of an appropriation bill should increase the salary or the allowance for that salary at any subsequent time and a point of order should be made against it, the point of order would be good. But as the Chair understands the language of the appropriation act of 1910, it did not attempt to fix a definite salary for the position of solicitor, and under the precedent that the Chair has cited, inasmuch as Congress in its last appropriation bill fixed the salary at $5,000, it is the opinion of the Chair that that would be the law with respect to the salary, and, therefore, the point of order is overruled.

Mr. FOWLER. Mr. Chairman, I desire to say to the Chair that it has been repeatedly held that where a salary has been carried in an appropriation bill without specific law therefor, it

does not fix the salary at all, and that the one objecting to the salary may go back to the time when the office was first created and date from the salary fixed at that time.

The CHAIRMAN. The Chair will state to the gentleman from Illinois that would be true if there existed some specific, separate statute that created that position and fixed a certain definite salary for it, but as the Chair understands the situation that condition does not prevail. The Chair overrules the point of order.

Mr. FOWLER. Mr. Chairman, as to the chief clerk, there is an effort to change his salary from a fixed law of $2,000 to $3,500. I make the point of order against the salary of the chief clerk. In the creation of the Department of Agriculture there was a provision for one chief clerk at a salary of $2,000. The revision of the statute has gone on from time to time up to 1874, and has on each occasion in the revision carried a salary of $2,000.

Mr. MADDEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MADDEN. A point of order was pending against the salary of the solicitor, which the Chair overruled. After the Chair had rendered his decision upon that question the gentleman from Illinois began to argue upon the same question, and after he had argued for a moment or two he made another point of order against the salary of the chief clerk of the department. I make the point of order that he can not raise a point of order after a discussion has been had upon the question.

Mr. FOWLER. Mr. Chairman, I reserved a point of order in the first instance against the entire paragraph, as the record will show.

Mr. MADDEN. Very well.

The CHAIRMAN. In the opinion of the Chair, the point of order of the gentleman is in order.

Mr. LAMB. Mr. Chairman, the gentleman is correct in that, and I would like to answer his point of order on the salary of the clerk. That has been carried for the last 10 years in the appropriation bill.

The CHAIRMAN. The Chair will ask the gentleman from Virginia a question. Was provision made for a chief clerk in the general law?

Mr. FOWLER. Yes, Mr. Chairman; and I have that law before me. I read now from the Revised Statutes of the United States, section 521:

> The Department of Agriculture shall be under the charge of a Commissioner of Agriculture, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled, etc. There shall be one chief clerk at a salary of $2,000 a year.

The CHAIRMAN. The Chair will ask the gentleman from Virginia if there has been any change by law in the amount of that salary?

Mr. LAMB. It has been carried in the appropriation bill for the last 10 years.

The CHAIRMAN. But the gentleman understands that where there is a law fixing a definite amount for a salary, the mere fact that it has been carried at a different sum in an appropriation bill will not sustain it if a point of order is made against it.

Mr. LEVER. Mr. Chairman, I insist that the $500 additional as the custodian of the building is subject to a point of order, but the $3,000, of course, is not.

The CHAIRMAN. Can the gentleman from South Carolina refer the Chair to any statute changing the salary of this chief clerk?

Mr. LEVER. No; I can not.

The CHAIRMAN. Does the gentleman from South Carolina know that there has been such a change?

Mr. LEVER. No; the gentleman does not know that.

The CHAIRMAN. Unless the attention of the Chair is directed to a change in the law increasing the salary [a pause] the point of order is sustained.

Mr. FOWLER. Mr. Chairman, I desire to make the point of order now against "one special agent on exhibits, $3,000."

Mr. LAMB. Mr. Chairman, will the gentleman reserve his point of order and let me give an explanation which will satisfy the gentleman?

Mr. FOWLER. Yes; I will reserve the point of order.

Mr. LAMB. This is a new place, I admit. There is need of an employee to care for and prepare the department's exhibit for national and international expositions and for State fairs. A man not only possessing executive ability but also trained professionally as an agrostologist is required in this instance. It was necessary to offer the salary indicated to retain the services of such an employee. The salary of the official now performing these duties is met by several bureaus. They have had this agent all the while and it has been divided between the Bureaus of Animal Industry, Forestry, Chemistry, and the Secretary's office, and they together have paid this man's salary. Now that is consolidated in the office of the Secretary, and the salary of this new official now performing these duties is paid by the Secretary's office under this appropriation instead of by these other three.

Mr. HAUGEN. Mr. Chairman, in other words it is not a new place; it is simply a change of title. It changes the title from that of agrostologist.

Mr. LEVER. Mr. Chairman, I would like to be heard upon the point of order. This is a new place, and yet a new place authorized by law. I desire to call the attention of the Chair to section 523, which has already been read to the Chair, in which the Commissioner of Agriculture is authorized, as Congress may from time to time provide, to employ employees with salaries of similar offices in other departments of the Government; and he shall, as Congress may from time to time provide, employ other persons for such time as their services may be needed, and in addition to that I would like to call the attention of the Chair to section 169 of the Revised Statutes:

> Each head of a department is authorized to employ in his department such number of clerks of the several classes recognized by law, or such messengers, assistant messengers, copyists, watchmen, laborers, and other employees, and at such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

The Chair has uniformly held on that proposition that Congress had the right under section 169 of the Revised Statutes to employ men to do the work in the various executive departments of the Government. I might cite the Chair to a ruling on December 6, 1912, third session Sixty-second Congress, where Chairman GARNER ruled as follows:

> It seems to the Chair that the first question for the Chair to ascertain is whether or not section 169 of the Revised Statutes authorizes these clerks or whether or not the head of a department has the right to employ those five clerks. In 1906 Mr. Hull of Iowa was in the chair, and this identical question came up and was decided by him on a point of order made by Mr. Tawney upon clerks of a similar nature in the War Department. Mr. Hull held at that time, quoting section 169, that where the statute had authorized the heads of departments to employ clerks and other laborers, that it was in order, and he overruled the point of order. He used this language:
>
> "The first question is, What law authorizes this appropriation? The only law referred to is that contained in section 169 of the Revised Statutes, which is as follows:"
>
> Here he quotes the statute. This is a similar case, where the gentleman from New York [Mr. FITZGERALD] cites the statute, 169, as authority for this legislation.

It has been held time and time again, Mr. Chairman, that under the broad language of section 169 the heads of the various executive departments of the Government have the right to employ such number of clerks and other employees as Congress may from time to time provide. I therefore contend that this provision is not subject to the point of order.

The CHAIRMAN. In the opinion of the Chair the precedents are almost uniform to the effect that, under the authority of the act creating the Department of Agriculture, as well as under the authority of the article of the statute which has been read here, it is within the province of this committee to consider any item on an appropriation bill to create and care for such an employee as this, and therefore the Chair overrules the point of order.

Mr. LAMB. Mr. Chairman, I move that the secretary be authorized to correct the totals.

The CHAIRMAN. The Chair will call the attention of the gentleman from Virginia to the fact that in this first paragraph there is no appropriation made for a chief clerk at all.

Mr. FOWLER. Mr. Chairman, that is what I want recognition for now.

I desire to amend this paragraph, page 2, lines 1 and 2, by inserting in place of that which is stricken out:

> Chief clerk, $2,000.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Amend, page 2, line 2, by inserting "$2,000."

Mr. FOWLER. So that it will read:

> Chief clerk, $2,000; private secretary of the Secretary of Agriculture—

And so forth.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. LEVER. I ask that the amendment be reported again, and I ask also for order. It is absolutely impossible to hear.

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

> Page 2, line 2, insert "$2,000."

Mr. LEVER. Mr. Chairman, I move to amend that by making it $3,000.

Mr. FOWLER. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The point of order is sustained. The question is on the amendment offered by the gentleman from Illinois [Mr. FOWLER] fixing the salary of the chief clerk at $2,000.

The amendment was agreed to.

The Clerk read as follows:

Salaries, Weather Bureau: One chief of bureau, $6,000; 1 assistant chief of bureau, $3,250; 1 chief clerk and executive assistant, $3,000; 1 chief of printing division, $2,500; 2 chiefs of division, at $2,000 each; 8 clerks, class 4; 9 clerks, class 3; 21 clerks, class 2; 30 clerks, class 1; 22 clerks, at $1,000 each; 9 clerks, at $900 each; 5 copyists or typewriters, at $900 each; 1 telegraph operator, $1,200; 2 assistant foremen of division, at $1,600 each; 1 lithographer, $1,500; 3 lithographers, at $1,200 each; 6 compositors, at $1,250 each; 14 printers, at $1,200 each; 11 printers, at $1,000 each; 4 folders and feeders, at $720 each; 1 chief mechanic, $1,400; 5 skilled mechanics, at $1,200 each; 7 skilled mechanics, at $1,000 each; 1 skilled mechanic, $840; 1 skilled mechanic, $720; 6 skilled artisans, at $840 each; 1 engineer, $1,300; 1 fireman and steam fitter, $840; 6 firemen, at $720 each; 1 captain of the watch, $1,000; 1 electrician, $1,200; 1 gardener, $840; 2 repairmen, at $840 each; 8 repairmen, at $720 each; 4 watchmen, at $720 each; 17 messengers, messenger boys, or laborers, at $720 each; 6 messengers, messenger boys, or laborers, at $660 each; 27 messengers, messenger boys, or laborers, at $600 each; 87 messengers, messenger boys, or laborers, at $480 each; 5 messengers, messenger boys, or laborers, at $450 each; 27 messenger boys, at $360 each; 1 charwoman, $360; 3 charwomen, at $240 each; in all, $323,260.

Mr. FOWLER. Mr. Chairman, I reserve a point of order against the paragraph. I make the point of order against the salary of the chief of bureau, $6,000, and also one assistant chief of bureau at $3,250, and one chief clerk at $3,000, and also one chief of printing division, $2,500.

Mr. Chairman, in 1891 there was a permanent act passed, on March 3 of that year, creating the Chief of the Weather Bureau at a salary of $4,500. I desire to make a point of order against the Chief of the Weather Bureau at the salary of $6,000.

The CHAIRMAN. Has the gentleman from Illinois the statute at hand?

Mr. FOWLER. I have reference to the act of March 3, 1891, $4,500.

The CHAIRMAN. The Chair will ask the gentleman from Virginia [Mr. LAMB] if he knows there has been any change in that salary as fixed in the act of 1891?

Mr. LAMB. Not a thing that I know of. I do not think so.

Mr. LEVER. I would like to have the gentleman from Illinois read the act.

Mr. LAMB. Section 4 uses this language:

That the Weather Bureau shall hereafter consist of one Chief of Weather Bureau and such civilian employees as Congress may annually provide for and as may be necessary to properly perform the duties devolving upon said bureau by law, and the chief of said bureau shall receive an annual compensation and be appointed by the President by and with the advice and consent of the Senate.

The CHAIRMAN. What is the date of that act?

Mr. LAMB. It does not give the date. It is Twenty-sixth Statutes at Large, section 653.

Mr. FOWLER. Mr. Chairman, I will state that I made a thorough investigation of the statute last night and this morning, in connection with the librarian, and we were unable to find any section which changed the salary from $4,500.

Mr. LAMB. It does not fix any salary.

The CHAIRMAN. Can the gentleman from Illinois refer the Chairman to the law that fixes the salary of this officer to $4,500?

Mr. FOWLER. It creates a salary of the Chief of the Weather Bureau, and fixes the salary of four captains and four lieutenants. I am reading my notes as taken from the statute.

Mr. LEVER. Will the gentleman read from the statute?

Mr. FOWLER. It is the act of March 3, 1891, creating a Chief of the Weather Bureau and his assistants.

Mr. Chairman, if there is any doubt in the minds of the gentlemen of the committee or the Chair, I am perfectly willing that this point should be passed with the point of order pending.

Mr. LAMB. What is the request of the gentleman?

The CHAIRMAN. Let the Chair understand the request of the gentleman from Illinois [Mr. FOWLER].

Mr. FOWLER. I say, Mr. Chairman, that if there is any doubt about the permanent law, as I have indicated, I am perfectly willing to let the point of order be passed and be considered as pending until gentlemen of the committee can satisfy themselves.

Mr. MANN. May I ask the gentleman to what his point of order is directed? How far does it go?

Mr. FOWLER. I think I shall confine it only to the salary of the Chief of the Weather Bureau, although there are many other changes.

Mr. MANN. Is that the request of the gentleman—that the point of order as to the salary of the Chief of the Weather Bureau be passed over temporarily, the other points of order not being pressed?

Mr. FOWLER. Yes.

Mr. MANN. I accept that, Mr. Chairman.

The CHAIRMAN. The Chair understands the request of the gentleman from Illinois [Mr. FOWLER] with respect to the particular item of the Chief of the Weather Bureau is that it be passed over temporarily, and that the other points of order reserved by him are withdrawn.

Mr. FOWLER. Yes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Contingent expenses, Weather Bureau: For fuel, lights, repairs, and other expenses for the care and preservation of the public buildings and grounds and the improvement of the existing public buildings of the Weather Bureau in the city of Washington; for stationery and blank books, furniture and repairs to same, and freight and express charges; for subsistence, care, and purchase of horses and vehicles, and repairs of harness, for official purposes only; for advertising, dry goods, twine, mats, oils, paints, glass, lumber, hardware, ice, washing towels, and other miscellaneous supplies and expenses not otherwise provided for in the city of Washington, $25,000.

Mr. SAMUEL W. SMITH. Mr. Chairman, I want to ask the gentleman a question. I see the total carried by the bill this year is $17,593,275. How does this compare with the last year's bill of a similar nature?

Mr. MANN. This is an increase of about $900,000 over the bill of last year.

Mr. SAMUEL W. SMITH. I thank the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

General expenses, Weather Bureau: For carrying into effect in the District of Columbia and elsewhere in the United States, in the West Indies or on adjacent coasts, in the Hawaiian Islands, and in Burmuda, the provisions of an act approved October 1, 1890, so far as they relate to the weather service transferred thereby to the Department of Agriculture, and for every expenditure requisite for and incident to the establishment, equipment, and maintenance of meteorological observation stations, including cooperation with other bureaus of the Government and societies and institutions of learning for the dissemination of meteorological information, as follows:

For the employment of professors of meteorology, inspectors, district forecasters, local forecasters, section directors, research observers, observers, assistant observers, operators, skilled mechanics, repairmen, station agents, messengers, messenger boys, laborers, and other necessary employees, $585,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] moves to strike out the last word.

Mr. MANN. Gentlemen will notice that in the paragraph just read provision is made for the weather service, based partly upon observations in the United States, in the West Indies or adjacent coasts, in the Hawaiian Islands, and in Bermuda.

We have had our attention called in recent days to Bermuda, and for the first time in the history of the country we, probably, most of us, have learned some notion with reference to where Bermuda is. This side of the House, the Republican side of the House, has come to have great respect for Bermuda [applause], and I dare say we have learned enough about it to have learned how to spell it. But it seems the Democratic side of the House has so little interest in Bermuda and in the gentleman who has been sojourning there that they have not even learned how the word is spelled. [Laughter.]

Mr. LAMB. Mr. Chairman, it was a Republican printer who did that. [Laughter and applause.]

Mr. MANN. It was a Republican printer who knew how to follow copy, and it was a Democratic committee that did not know how to spell the word in preparing the copy. [Laughter.]

I waited until after the item had been passed in the House, with no suggestion coming from the Democratic side of the House to change the spelling, because they had not yet learned how Bermuda is spelled. When Bermuda attracted their attention in the prints, they did not notice the word; they were so engaged in hoping that the gentleman then sojourning in Bermuda would provide jobs for them hereafter that they forgot how it was spelled. [Laughter.]

Mr. LAMB. It is to be hoped, Mr. Chairman, that when the Democrats have had the experience that the Republicans have had they will not only be better spellers, but they will be able to do other things better, too. [Laughter.]

Mr. MANN. Well, it is to be hoped that they will be better spellers, at least.

Mr. HILL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. MANN. In a moment. I can not yield now. I hope that some one will learn that they have spelled Bermuda "B-u-r-

m-u-d-a," and it has passed the House that way, although now——

Mr. HAWLEY. Let the Senate amend it——

Mr. MANN. Having learned that this is spelled wrong in the bill, the gentlemen can send out and get a gazetteer and learn how it is spelled, or the Republican Senate can do what they have often had to do before—correct it. [Laughter.]

Mr. HILL. If the gentlemen of the House desire to know how "Bermuda" is spelled, they can undoubtedly find out by referring to the tariff hearings, because I believe that for the second time in the history of the United States Government representatives both of Bermuda and of the Bahamas—foreign countries—instead of coming before the State Department, have come now directly, as they came at the time of the hearings on the Wilson bill, from their own parliaments to a committee of the House of Representatives to advocate their interests in the tariff revision, and in the tariff hearings gentlemen will find the spelling both as to Bermuda and the Bahamas. [Laughter and applause on the Republican side.]

Mr. FOSTER. Mr. Chairman, I move to strike out the last two words.

Mr. HILL. Mr. Chairman, I object to having my last two words stricken out. [Laughter.]

Mr. FOSTER. Then I will make it three. I wanted to suggest, Mr. Chairman, to the gentleman from Connecticut [Mr. HILL] that if these gentlemen that he has referred to have been before the Committee on Ways and Means their evidence is in print, and the whole world can know what they have said to the committee. In former times, however, when the gentleman's party was revising the tariff, secret meetings were held and these men were able to fix up a tariff bill to suit themselves.

And so if the Democrats have done what the gentleman from Connecticut [Mr. HILL] now sees fit to find fault with, it has been done in the open and in public. [Applause on the Democratic side.] And I want to say that I refer my friend from Connecticut to the transaction that took place in another body as recorded and stated by the late Senator from Iowa, Mr. Dolliver, when he made some remarks upon the bill in the Senate.

Mr. HILL. I want to refer the gentleman, in answer to his own statement, to the remarks of the gentleman from Pennsylvania [Mr. PALMER] in the last session, in which he stated, in regard to the manner of making up the bills which were then pending, that nearly a thousand private interviews had been given. [Applause on the Republican side.] At the same time public hearings with reference to these pending bills were absolutely refused.

Mr. FOSTER. Yes; but the difference between the two is this: That the private hearings before the Democratic committee were not written into the bill, but it is shown that the private hearings before the Republican committee resulted in the writing of a part of the Republican bill by men who were doing it in the interest of their own pockets. [Applause on the Democratic side.]

Mr. FITZGERALD. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. FITZGERALD. Did anybody ever charge the gentleman from Connecticut [Mr. HILL] with having taken a very active part in any of those matters?

Mr. FOSTER. I do not know whether they have or not.

Mr. LAMB. Mr. Chairman, I must insist that this discussion is out of order, as the time of the gentleman has expired, and I demand the regular order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the acquisition of sites outside of the District of Columbia and the erection thereon of two buildings for use as Weather Bureau observatories, to be constructed under the supervision of the Chief of the Weather Bureau, plans and specifications to be approved by the Secretary of Agriculture, and for all necessary labor, materials, and expenses connected with this work, $40,000.

Mr. COOPER. Mr. Chairman, I should like to ask the chairman of the committee about the meaning of the language on the top of page 7:

For the acquisition of sites outside of the District of Columbia.

Does that mean anywhere in the world outside of the District of Columbia?

Mr. LAMB. It is for the erection of additional Weather Bureau observatories outside of the District of Columbia.

Mr. COOPER. But where outside of the District of Columbia? Those words might mean anywhere in the world.

Mr. LAMB. Wherever the Secretary of Agriculture or the Weather Bureau shall conclude to erect the buildings, at the most advantageous places. There are 8 or 10 places in competition. From the evidence before our committee it seems as if five or six were needed, but we did not think that at this session of Congress we could create more than two.

Mr. COOPER. Where are those to be?

Mr. LAMB. It is not decided positively, but we think, perhaps, the most important are Sandy Hook, N. Y., and Cincinnati, Ohio.

Mr. Chairman, I ask to return to line 9, page 5, to correct the spelling of the word "Bermuda." It is spelled in the bill with a "u" in the first syllable and it should be an "e."

The CHAIRMAN. If there be no objection, the Clerk will make the correction.

The Clerk read as follows:

And hereafter officials and employees of the Weather Bureau may be transferred from the field service to service in the same bureau in the District of Columbia without regard to the civil-service rule of apportionment; and officials and employees of the Weather Bureau, when transferred from one station to another for official duty, shall be allowed all traveling expenses authorized by existing laws applicable to said bureau, notwithstanding any changes in appointments that may be required by such transfers.

Mr. COX. I reserve a point of order on that. I think it is rather peculiar.

Mr. LAMB. Mr. Chairman, let me explain. This paragraph has been inserted to cover the exchange of employees between the city of Washington and the field, and the payment of traveling expenses of employees transferred from one station to another. The work carried on by the Weather Bureau is of such a character as to render it desirable that its officials and employees at the central office be fully familiar with the work performed at the field stations, and vice versa. Under the application of existing civil-service rules there is no difficulty about transferring employees from the city of Washington to the field, but under existing laws and regulations the transfer from the field force to the city of Washington is rendered difficult and is often impossible. Under the present ruling of the Comptroller of the Treasury an employee transferred from one State to another with either promotion or reduction in salary, or whose status or designation is changed without any change in salary, can not be paid his traveling expenses after the new appointment is issued to him, as such appointment is held to create a new position, and the employee is required to report for duty at his new station without expense to the Government. Changes in salary or status are often necessary incidents to the transfer of employees from one State to another, and the application of this ruling is highly embarrassing to the official administration of the bureau. The proposed paragraph will be a great gain toward efficiency in the operation of the Weather Bureau. I think that explanation, which is the one furnished by the department, ought to be satisfactory to my friend.

Mr. COX. The sum and substance of the whole matter is that you propose to change and completely break down the law governing the civil service without regard to the rules of apportionment. That will be the effect of it; it simply destroys the whole apportionment now existing under the civil-service law. Mr. Chairman, I make the point of order.

Mr. LAMB. I concede the point of order.

The CHAIRMAN. The point of order is sustained. The Chair will call attention to section 4 of chapter 1266 of the laws of 1890, which reads as follows:

SEC. 4. That the Weather Bureau shall hereafter consist of one chief of the Weather Bureau and such civilian employees as Congress may annually provide for and as may be necessary to properly perform the duties devolving on said bureau by law, and the chief of said bureau shall receive an annual compensation of $4,500, and be appointed by the President, by and with the advice and consent of the Senate.

Unless the gentleman from Virginia or some other gentleman can show that there has been some amendment of this statute, the Chair is ready to rule.

Mr. LEVER. As far as I have been able to examine, Mr. Chairman, I have no law except the current appropriation bill.

The CHAIRMAN. The point of order is sustained.

Mr. LEVER. Now, Mr. Chairman, I offer an amendment making the salary $4,500.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 3, by inserting after the word "bureau," in line 16, the figures "$4,500."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

BUREAU OF ANIMAL INDUSTRY.

Salaries, Bureau of Animal Industry: One chief of bureau, $5,000; 1 chief clerk, $2,500; 1 editor and compiler, $2,250; 6 clerks, class 4; 1 clerk, $1,680; 12 clerks, class 3; 2 clerks, at $1,500 each; 22 clerks, class 2; 2 clerks, at $1,380 each; 3 clerks, at $1,320 each; 1 clerk, $1,300; 1 clerk, $1,260; 39 clerks, class 1; 1 clerk, $1,100; 1 clerk, $1,080; 50 clerks, at $1,000 each; 2 clerks, at $960 each; 64 clerks, at

$900 each; 1 architect, $2,000; 1 architect, $900; 1 illustrator, $1,400; 4 inspector's assistants, at $1,000 each; 12 inspector's assistants, at $840 each; 1 laboratory assistant, $1,200; 2 laboratory assistants, at $900 each; 1 laboratory helper, $1,020; 2 laboratory helpers, at $840 each; 1 laboratory helper, $720; 1 laboratory helper, $600; 1 laboratory helper, $480; 1 instrument maker, $1,200; 1 carpenter, $1,100; 2 carpenters, at $1,000 each; 1 messenger and custodian, $1,200; 1 messenger and custodian, $1,000; 9 messengers, skilled laborers, or laborers, at $840 each; 10 messengers, skilled laborers, or laborers, at $720 each; 23 messengers, messenger boys, or laborers, at $480 each; 6 messengers or messenger boys, at $360 each; 1 skilled laborer, $1,000; 33 skilled laborers, at $900 each; 2 skilled laborers, at $840 each; 7 skilled laborers, at $720 each; 1 skilled laborer or laborer, $780; 2 laborers or messengers, at $660 each; 9 laborers, messengers, or messenger boys, at $600 each; 3 laborers, messengers, or messenger boys, at $540 each; 1 watchman, $720; 1 charwoman, $600; 1 charwoman, $540; 11 charwomen, at $480 each; 4 charwomen, at $360 each; 1 charwoman, $300; 2 charwomen, at $240 each; in all, $359,250.

Mr. FOWLER. Mr. Chairman, I reserve a point of order against the paragraph. The salary of the chief of bureau is fixed at $5,000, which is an attempt to change existing law. Also the salary of one chief clerk at $2,500, which is another effort to change existing law. The act of May 29, 1884, created a chief of this bureau at a salary of $3,000 and a chief clerk at a salary of $1,500. The act of 1889, after the Agriculture Department was put under the head of a Secretary, carried these salaries, to wit: One chief, at a salary of $3,000, and one chief clerk, at a salary of $1,500. I submit the statute, Mr. Chairman, as to the correctness of my statement.

Mr. LAMB. The same law applies as to all the others.

Mr. FOWLER. The act of February 2, 1889, carries the same provision.

Mr. LAMB. I concede the point of order, Mr. Chairman.

The CHAIRMAN. The point of order is sustained.

Mr. LAMB. I will offer amendments restoring the old salaries.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amend, page 7, line 21, by inserting, after the word "bureau," the figures "$3,000."

The amendment was agreed to.

The Clerk read as follows:

Amend, page 7, line 21, by inserting, after the word "clerk," the figures "$1,500."

The amendment was agreed to.

The Clerk read as follows:

For inspection and quarantine work, including all necessary expenses for the eradication of scabies in sheep and cattle, the inspection of southern cattle, the supervision of the transportation of live stock and the inspection of vessels, the execution of the 28-hour law, the inspection and quarantine of imported animals, including the establishment and maintenance of quarantine stations and the alteration of buildings thereon, the inspection work relative to the existence of contagious diseases and the tuberculin and mallein testing of animals, $620,000.

Mr. GOOD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Strike out, in line 12, page 11, the figures "$620,000" and insert in lieu thereof the figures "$820,000."

Mr. GOOD. Mr. Chairman, the item that follows this one reads:

For all necessary expenses for the eradication of southern cattle ticks, $325,000.

According to the testimony of Dr. Melvin the total loss last year by cattle in the United States from this disease, by depreciation through sickness and loss, was in the neighborhood of $25,000 or $40,000; and this committee proposes to appropriate $325,000 to eradicate this disease.

Mr. LAMB. If the gentleman will allow me, I think he has dropped a figure. I think he means two hundred and fifty or three hundred and fifty thousand dollars.

Mr. GOOD. I call attention to the testimony before the Committee on Expenditures in the Department of Agriculture. Last year the total loss in the United States, according to the testimony of Dr. Melvin, of hogs by cholera was to the value of $42,042,000; yet there is not a single penny appropriated in this bill for the prevention and eradication of hog cholera. I have read with deepest interest the hearings before the Committee on Expenditures in the Department of Agriculture with regard to the efforts of the department to prevent and eradicate hog cholera and to stamp out that disease. I was amazed to find that while, according to the testimony of Dr. Melvin, there is a perfect serum which will absolutely prevent hog cholera, not a single penny is here appropriated to prevent or to stamp out this disease. Dr. Melvin testified before that committee as follows:

Mr. SLOAN. What, if any, appropriation is there that could be used in extending and increasing these demonstrations? Is there any such fund as that?

Dr. MELVIN. There is a fund, but the estimates as submitted to the committee were only sufficient to provide for work which we now have on hand and not for increasing this demonstration work. We would not be able to conduct or increase this demonstration work without a considerable increase in those funds.

Mr. SLOAN. If an increase in appropriations should be made, is your bureau so organized that it has or could have available competent men who could be sent to different points in the several States to make these demonstrations?

Dr. MELVIN. Yes, sir.

Mr. SLOAN. If such funds were provided and such competent persons sent, in your opinion would it be wisely spent money looking toward the reduction of this very large annual loss which you have recited to the committee?

Dr. MELVIN. I think undoubtedly it would. I think that if we were provided with funds, so we go into several States and take up a considerable section, involving three or four counties in a block, and there demonstrate that losses from cholera need not necessarily exist, that it would be of immense value to the country. I think we could demonstrate to the States that by careful organization and the use of an efficient serum that the cholera could be reduced to a minimum and probably eventually eradicated.

Mr. KINDRED. Mr. Chairman, will the gentleman yield there?

Mr. GOOD. Yes.

Mr. KINDRED. Mr. Chairman, I am interested to know if there is other testimony corroborative of that of Dr. Melvin which goes to show that this serum really cures or prevents hog cholera. I am interested to know.

Mr. GOOD. I think Dr. Dorsett's testimony corroborates that of Dr. Melvin. I understand that there are men outside of this chamber who do not want a single penny expended by the Government to prevent hog cholera. While there were $42,000,000 worth of hogs lost last year by cholera, that does not measure the loss to the farmers. I suppose the farmers who raise hogs expended $10,000,000 more in buying patent medicines that were useless, and the patent-medicine manufacturers do not want a single penny appropriated that this disease may be effectually stamped out. If we are going to do something for the farmers of States like Illinois, where they lost last year $8,000,000 because of hog cholera; of States like Iowa, where they lost $7,000,000 through cholera, we ought to begin now. I can appreciate that some of the gentlemen on that side are not interested in these matters, and why? Let us take the State of Virginia, for instance. If my recollection serves me right, only 3.6 per cent of the hogs of Virginia were lost by cholera, while in Illinois 20 per cent were lost by cholera.

Mr. LAMB. Oh, the State of Virginia takes better care of its hogs.

Mr. MANN. Oh, no; hog cholera could never overtake one of those razorbacks. [Laughter.]

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GOOD. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

Mr. LAMB. Mr. Chairman, it looks as though a personal explanation would be good at this point. I will state that I lost 200 hogs on one farm—Berkshires, and not razorbacks.

Mr. MANN. That is because the gentleman raises good hogs.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. KINDRED. Mr. Chairman, in no spirit of controversy, I would like to know if the gentleman does not concede that the serum for the hog-cholera cure is still in a very experimental stage.

Mr. GOOD. Mr. Chairman, I will concede that it is no more in experimental stage than is the cure for southern cattle ticks in an experimental stage, and I will refer the gentleman from New York [Mr. KINDRED] to the page of the hearings with regard to the loss by cattle ticks. On page 8, Dr. Melvin says that the loss through cattle-tick fever has been variously estimated at from twenty-five to forty million dollars, while the loss from hog cholera last year was $42,000,000. I hope the gentleman who is chairman of this great committee will be as generous to the raisers of hogs as he is to the raisers of southern cattle in this regard. If he wants to do something to reduce the high cost of living, let him appropriate a small sum—a mere drop in the bucket as compared with the great loss in the country—in order that we may prevent this great loss of live stock by hog cholera.

Mr. Chairman, I ask unanimous consent to insert as a part of my remarks the statement of Dr. Melvin with regard to the loss of hogs by cholera and the results of the experiments in treating hogs with this anticholera serum.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD by including a part of the hearings referred to. Is there objection?

There was no objection.

The statement referred to is as follows:

Estimate of losses from hog cholera for the year ending Mar. 31, 1912.

[Based on data compiled by Bureau of Statistics, Department of Agriculture.]

State.	Number hogs estimated in State Jan. 1, 1912.	Number of hogs lost by hog cholera.	Per-centage lost due to hog cholera.	Total value hogs in State Jan. 1, 1912.	Value of hogs lost by hog cholera.
Maine	101,000	1,363	1.35	$1,162,000	$15,700
New Hampshire	53,000	954	1.80	556,000	10,000
Vermont	111,000	3,996	3.60	1,110,000	40,000
Massachusetts	117,000	3,685	3.15	1,322,000	45,000
Rhode Island	16,000	259	1.61	192,000	3,100
Connecticut	60,000	2,592	4.32	696,000	30,700
New York	777,000	20,279	2.61	7,925,000	206,900
New Jersey	165,000	5,940	3.60	1,864,000	67,100
Pennsylvania	1,141,000	37,995	3.33	11,410,000	380,000
Delaware	59,000	4,048	6.74	425,000	29,200
Maryland	345,000	23,284	6.74	2,760,000	186,300
Virginia	880,000	31,680	3.60	5,444,000	199,600
West Virginia	363,000	13,394	3.69	2,432,000	89,600
North Carolina	1,465,000	55,638	3.96	10,397,000	401,700
South Carolina	797,000	43,038	5.40	6,376,000	344,300
Georgia	2,098,000	169,938	8.06	14,057,000	1,138,000
Florida	954,000	85,860	9.00	4,961,000	446,500
Ohio	3,578,000	225,414	6.30	29,340,000	1,848,400
Indiana	4,031,000	453,487	11.25	31,039,000	3,491,900
Illinois	4,640,000	897,840	20.35	40,832,000	7,901,000
Michigan	1,382,000	49,752	3.60	11,747,000	422,800
Wisconsin	2,051,000	51,686	2.52	19,690,000	496,200
Minnesota	1,702,000	47,440	2.70	17,701,000	493,400
Iowa	9,689,000	697,708	7.20	94,952,000	6,837,600
Missouri	4,491,000	646,704	14.40	31,437,000	4,527,000
North Dakota	359,000	4,846	1.35	3,770,000	50,900
South Dakota	1,104,000	37,756	3.42	9,826,000	336,000
Nebraska	4,267,000	230,418	5.40	37,550,000	2,027,700
Kansas	2,808,000	333,590	11.88	22,183,000	2,635,300
Kentucky	1,724,000	108,612	6.30	9,310,000	586,500
Tennessee	1,574,000	99,162	6.30	9,601,000	604,900
Alabama	1,533,000	89,680	5.85	9,964,000	583,000
Mississippi	1,577,000	106,447	6.75	10,250,000	692,000
Louisiana	1,642,000	147,780	9.00	9,524,000	857,100
Texas	2,544,000	77,846	3.06	16,027,000	485,500
Oklahoma	1,410,000	184,005	13.05	7,755,000	1,012,000
Arkansas	1,738,000	218,988	12.60	9,385,000	1,182,500
Montana	143,000	2,445	1.70	1,416,000	24,200
Wyoming	43,000	464	1.08	370,000	3,900
Colorado	211,000	3,798	1.80	1,688,000	30,400
New Mexico	50,000	720	1.44	410,000	5,900
Arizona	22,000	237	1.08	231,000	2,500
Utah	79,000	1,137	1.44	711,000	10,200
Nevada	30,000	648	2.16	315,000	6,800
Idaho	212,000	2,671	1.25	1,696,000	21,300
Washington	246,000	4,870	1.98	2,337,000	46,200
Oregon	258,000	3,715	1.40	2,193,000	31,500
California	830,000	18,675	2.25	6,889,000	155,000
United States	65,410,000	5,251,010	8.02	523,328,000	42,042,900

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Washington, D. C., January 24, 1913.

PARTIAL SUMMARY OF RESULTS OBTAINED FROM APPLICATION OF BUREAU OF ANIMAL INDUSTRY'S ANTICHOLERA SERUM.

[All animals were kept under ordinary farm conditions.]

October 19, 1908 (Michigan): Infected herd. When visited 1 hog had died, 7 were sick, and 21 apparently well. Treated, 23 (3 of which were sick). Untreated, 5.

Results: Treated, survived, 22 or approximately 96 per cent; untreated, survived, none.

October 20, 1908 (Michigan): Herd slightly infected. Treated, 11; untreated, 4.

Results: Treated, all remained well; untreated, all died.

July 15, 1909 (Maryland): Experiment. Owner had lost nearly all of his herd. He bought 11 pigs and agreed to have some of these treated by the serum simultaneous method and others inoculated with virus alone to serve as checks. Treated, 7; virus alone, 3.

Results: All treated animals remained well; all virus-alone animals died.

August 25, 1909 (Virginia): Data incomplete on account of remoteness of the herd, but reported that all treated animals remained well, while all untreated ones died.

September 15, 1909 (Virginia): Data incomplete. All treated animals remained well; all untreated animals died.

December 6, 1909 (Virginia Agricultural Experiment Station): Herd infected. Treated 43, many of which were sick; untreated, none.

Results: Survived, 29, or approximately 68 per cent; died, 14, or approximately 32 per cent.

December 21–22, 1909 (Virginia): Herd very badly infected. About 35 animals had died, and practically all of the survivors were showing symptoms of hog cholera to a greater or less degree. Treated, 113, many of which were sick; untreated, 179.

Results: Treated, survived, 79, or approximately 69.91 per cent; treated, died, 34, or approximately 30 per cent; untreated, survived, 111, or approximately 62 per cent; untreated, died, 68, or approximately 38 per cent.

This data is incomplete, as at last report some of the untreated animals were said to have been "looking badly."

February 18, 1910 (West Virginia Hospital for Insane): Herd infected. Treated, 47 (many of which showed early symptoms of disease); untreated, 52.

Results: Treated, survived, 36, or approximately 76 per cent; treated, died, 11, or approximately 24 per cent; untreated, died, 52, or 100 per cent.

April 16, 1910 (Maryland): Disease just beginning. Treated, 34; untreated, 16.

Results: Final report stated that all treated animals remained well. No mention was made as to the untreated ones.

April 16, 1910 (second herd, Maryland): Data incomplete; no detailed final report. Only the general statement received that all treated animals remained well.

July 9, 1910 (Iowa): Owner had lost the greater portion of his herd and had procured 14 pigs from one of his neighbors for this experiment. The simultaneous method was employed. Treated by, 11; virus alone, 3.

Results: Treated, survived, 8 or approximately 73 per cent; treated, died, 3, or approximately 27 per cent. All virus-alone animals died.

July 21, 1910 (Nebraska): Infected herd. Data incomplete. The final report was to the effect that nearly all treated animals survived. No statement as to the untreated ones.

November 12, 1910 (Washington, D. C., jail): Herd badly infected. Treated, 18; untreated, exact number not known.

Results: Treated, survived, 14, or approximately 78 per cent; treated, died, 4 or approximately 22 per cent; untreated, no exact data. Received only the statement that all untreated animals died.

December 2, 1910 (Maryland): Disease just beginning; 4 animals had died. Treated, 82; untreated, 34.

Results: Treated, survived, 73, or approximately 90 per cent; treated, died, 9, or approximately 10 per cent.

(The report on the untreated hogs is incomplete, but as near as could be determined 73 per cent died and 27 per cent survived.)

March 3, 1911 (Maryland Agricultural Experiment Station): Herd slightly infected. Treated, 42 (3 of which showed the early symptoms of hog cholera); untreated, none.

Results: Treated, survived, 41, or approximately 98 per cent; treated, died, 1, or approximately 2 per cent. (This animal was one of those which were sick when treated.)

March 16, 1911 (Virginia): Herd badly infected. Treated, 24; untreated, 9.

Results: Treated, survived, 18, or 75 per cent; treated, died, 6, or 25 per cent; untreated, died, 9, or 100 per cent.

December 20, 1911 (North Carolina): Herd not infected. Treated, 4; untreated, none.

Results: All animals remained well.

December 8, 1911 (Virginia): Herd infected. Treated, 8; untreated, 4.

Results: Treated, survived, 6, or 75 per cent; treated, died, 2, or 25 per cent; untreated, survived, 1, or 25 per cent; untreated, died, 3, or 75 per cent.

December —, 1911 (Maryland): Herd badly infected. Approximately 200 hogs had died. This herd is a very valuable one, being composed of pure-bred Duroc-Jerseys. Treated, 6; untreated, approximately 40.

Results: All treated animals survived. No accurate figures given as to the untreated animals, only the general statement was received that "a large number had died."

January 2, 1913 (Bureau of Animal Industry, Division of Animal Husbandry): Healthy herd, and was treated by the serum simultaneous method. Treated, 60; untreated, none.

Results: All animals remained well.

January 22, 1912 (Maryland): Herd infected. One animal had died and 3 were sick. Treated, 5 (3 of which were sick when treated). Untreated, none.

Results: Three, or 60 per cent, of these animals died (sick when treated); 2, or 40 per cent, of these animals survived (well when treated).

January 25, 1912 (Columbia Hospital for Deaf): Herd badly infected. Treated, 4. Number of untreated animals could not be ascertained.

Results: All treated animals survived. Reliable data concerning the untreated ones could not be obtained.

January 26, 1912 (Fort Hunt, Va.): Herd infected. Treated, 14; untreated, 18.

Results: Treated, survived, 13, or approximately 93 per cent; died, 1, or approximately 7 per cent. Untreated, survived, 8, or approximately 45 per cent; died, 10, or approximately 55 per cent.

February 27 and April 20, 1912 (Government Hospital for Insane, District of Columbia): This herd was infected and kept under poor hygienic conditions. Treated, 120; untreated, 44.

Results: Treated, survived, 118, or approximately 98 per cent; died, 2, or approximately 2 per cent. Untreated—no exact figures could be ascertained concerning these hogs, but the asylum veterinarian placed it at approximately 90 per cent.

November —, 1912 (Iowa Agricultural College): Disease just beginning. One or two hogs not eating well. Treated, 24; untreated, 3.

Results: Treated, survived, 24; untreated, died, 3.

December 14, 1912 (Virginia): Herd infected. Treated, 4; untreated, 4.

Results: Treated, survived, 4, or 100 per cent; untreated, survived, 1, or 25 per cent; untreated, died, 3, or 75 per cent.

July, 1908, Kansas City, Kans. Experiment. Thirty-five young shoats were purchased from a farm where hog cholera had not existed. These pigs, having been carried to the Kansas City stockyards, and being in charge of a committee appointed by the exchange, were treated as follows: Twenty-two were injected with anti-hog-cholera serum prepared by the bureau. Four were injected with virulent hog-cholera blood. Nine were not treated in any manner. All were placed in a pen together. As was expected, the 4 pigs inoculated with the virulent blood contracted hog cholera within a short time and all died. The 9 "checks" contracted hog cholera from those which were inoculated with hog-cholera blood, and they also died. The 22 pigs treated with the serum remained well, with the exception of one or two, which were slightly affected on one or two days. It is not certain, however, that the trouble with the treated hogs was hog cholera, as none died. All of the autopsies on the check animals showed typical lesions of hog cholera.

August, 1910 (South Omaha, Nebr.): Experiment. This experiment was undertaken at the request of State officials and the Nebraska Swine Breeders' Association. The Union Stock Yards Co., of South Omaha, also offered to cooperate and to bear the expense incident to the purchase and care of hogs used in the experiment. Thirty pigs, weighing from 40 to 60 pounds, were purchased from a farm which had been free from hog cholera for several years. These hogs were carried to the stockyards and, on July 23, 1910, four of them were injected with blood from hogs sick of hog cholera. These injected pigs, which were placed in a pen by themselves, became sick on the 28th of July, at which time 18 of the remaining pigs were given one dose of the serum, while the other 8 pigs were not treated in any way. The 18 serum-treated pigs and the 8 untreated pigs were then placed in the same pen with the 4

pigs which had been made sick of hog cholera. The four pigs which were inoculated with hog cholera all died. The eight untreated check pigs all contracted hog cholera from the four inoculated ones. The 18 pigs which were given serum and which were confined in the same pen with the 4 original sick pigs and with the 8 untreated pigs, which became sick, remained perfectly well and were finally turned over to the officials of the stockyards company upon the completion of the experiment on September 17, 1910.

In conclusion, the total number of hogs treated by both the serum-alone and the serum-simultaneous methods in the above demonstrations was 744, of which 613, or approximately 82 per cent, survived, while of the untreated hogs, which numbered 362, 228, or approximately 65 per cent, died. The figures given showing the percentage of the untreated animals which died are not absolutely correct in that in the case of two herds the report was to the effect that a large number of untreated hogs died, while in four herds it was reported that all untreated animals died. As we had no definite data as to the number of untreated animals in these herds, they were not considered in figuring the percentage.

NOTE.—In addition to the above-described demonstration experiments, a number of similar experiments have been carried out; but the records of these tests are not immediately available. If the committee desires, they will be secured and furnished later.

Mr. MOSS of Indiana. Mr. Chairman, I move to strike out the last word. Before I commence to speak upon this amendment I wish to call the attention of the gentleman from Iowa [Mr. GOOD] to the fact that his own State has only spent $2,500, according to the official statement upon page 29 of the hearings, in attempting to control hog cholera. While the States of the Union are spending $200,000 annually in combating hog cholera the great State of Iowa has spent only the amount of $2,500 during the past year. Now that is a fact, gentlemen——

Mr. GOOD. Will the gentleman yield?

Mr. MOSS of Indiana. Yes; with pleasure.

Mr. GOOD. In making these appropriations is it the theory that the States are to expend the money for eradicating and preventing this disease?

Mr. MOSS of Indiana. I will come to that in a moment. I want to emphasize the fact that while other States of the Union are spending $200,000 that Iowa is only spending $2,500. Now, hog cholera comes under the class of diseases for which the United States Government has worked out a formula. This formula has been patented by Dr. Dorsett and given for the free use of our people. Serum is not claimed to be a cure of hog cholera but a preventive, and having worked out this formula, they have turned it over to the States of the Union and they have asked State authorities to apply it in each individual case. This is precisely what the National Government ought to do. The National Government having perfected what it claims to be an absolute preventive of hog cholera, the National Government called in all the experiment stations of the different States of the Union and gave public demonstration of how to produce the serum and how to apply it properly. They then gave this important work over to the different States of the Union. In taking this action the National Government has in a very proper way proceeded to the carrying of applied science to the agricultural sections of the United States. I am glad to see the new interest in this project, and I claim some credit for my committee that we have given through our hearings the information which has stimulated this activity on this floor to-day. The real ground for complaint is that the Department of Agriculture has never yet given sufficient public demonstrations to prove conclusively the fact that serum is a hog cholera preventive. That is the only question to be demonstrated. They have made only two public demonstrations, one involving the use of only 30 hogs and the other the use of only 35 hogs during these years since 1906. It is not sufficient proof to rest the reputation of this remedy on two public demonstrations using only 65 hogs. We have had this remedy since 1906, and the fact is that the loss by hog cholera has not diminished but has actually increased. Now this creates a legitimate field for valuable demonstration work; it is a call to the Agricultural Department to go out among the farmers and to the different States and demonstrate the efficacy of this remedy; to prove whether the States are or are not carrying out the work in the proper manner and whether the serum is or is not a reliable preventive. But that work can not possibly take $200,000. There is no question about that. To appropriate $200,000 for such a purpose would be a gross extravagance. I come from the fourth hog-growing State in the Union, and I am proud of it.

Indiana is the fourth greatest hog-growing State in the Union, but our farmers will condemn as gross extravagance the use of $200,000 to demonstrate the efficiency of hog serum. The amount of money we are spending to eradicate the cattle tick has nothing to do with this question. I hope to have something to say upon that later on. I understand that the Committee on Agriculture at the proper time is prepared to present an amendment appropriating $45,000 for demonstration work in cholera. According to the testimony in the hearings this will carry the work to four centers, or organize this work in four different States of the Union through the Department of Animay Industry to demonstrate the fact whether the hog cholera serum is a preventive or not, and when that amendment comes on the floor of the House I propose to support it. The States of the Union themselves are spending $200,000 per year at least to demonstrate the serum remedy. In Indiana our State experiment station manufactures hog-cholera serum and supplies it at cost to our farmers. I am proud of the fact that my State is one of the pioneers in this work, and while our experiment station is furnishing serum to the farmers of my State, in the great State of Iowa, according to the official statement, they are only expending $2,500 in this work, so I do not think it is fair for a representative of that State to insist that $200,000 be given to this work by the National Government. The great losses from hog cholera justify every effort to prove that these losses may be prevented and the very best methods of securing these results. The appropriation of $45,000 will secure these ends as surely as will the larger one of $200,000, and I trust that the committee will act in a conservative manner.

Mr. LAMB. Mr. Chairman, I thank the gentleman for his statement, and it will cause me to make my remarks shorter than they otherwise would be. I want to say to the committee that this matter particularly was not presented to the committee until the bill was made up, and then some gentleman came in and presented this subject. I sent for Dr. Melvin and had a conversation with him touching the matter, and after consultation with him the committee agreed to offer the amendment referred to here, giving $45,000 for investigation along this line, furnishing the States with the information so that the States could do this work. And my colleague here was authorized to draw the amendment, and I ask him now to present the substitute——

Mr. HAMILTON of Michigan. May I ask the gentleman a question? Where does the gentleman propose to have this amendment introduced?

Mr. LAMB. Right here at the end of this paragraph.

Mr. HAMILTON of Michigan. How much does he propose?

Mr. LAMB. Forty-five thousand dollars.

Mr. HAMILTON of Michigan. To be devoted to what?

Mr. LAMB. To this serum work.

Mr. HAMILTON of Michigan. Does he think that will be enough?

Mr. LAMB. That is what Dr. Melvin thinks, and Mr. Moss also agrees with me.

Mr. HAMILTON of Michigan. How many States would this demonstration reach?

Mr. MOSS of Indiana. Three centers, with four counties to a center.

Mr. HAMILTON of Michigan. Does the gentleman think that is enough?

Mr. MOSS of Indiana. Enough to determine whether it is safe, or whether we have agricultural experiments in every State in the Union, and the moment we can demonstrate the methods employed are sufficient, the States may take up the work.

Mr. HAMILTON of Michigan. Let me make a suggestion to the gentleman. I have just been reading the testimony before the gentleman's committee, and I judge from Dr. Melvin's statement that as a preventive this serum which is being developed is absolutely reliable. I think the gentleman will agree with me that that is his testimony.

Mr. MOSS of Indiana. That is his testimony, but I will not agree that the testimony is correct. I do not believe it is reliable.

Mr. HAMILTON of Michigan. Dr. Melvin testified that it is absolutely reliable. There is one thing in that connection——

The CHAIRMAN. The time of the gentleman from Indiana [Mr. Moss] has expired.

Mr. HAMILTON of Michigan. I move to strike out the last two words.

Mr. MADDEN. Mr. Chairman, I have the floor.

I think the amendment offered by the gentleman from Iowa [Mr. GOOD] is a very reasonable one. It deals with a very important subject. If it is worth while to appropriate $325,000 to eradicate cattle tick in the Southern States, it ought to be worth while to appropriate $200,000 to eradicate hog cholera. The hog values of the Nation are almost equal to the cattle values.

I think the annual value of beef cattle raised in this country is about $790,000,000, while the average annual value of the hogs raised in the country is about $528,000,000. No dollar of public money has been expended in an attempt to eradicate hog cholera, and the time has come when the States of the Union ought to

demand of the Federal Government some recognition of this great industry.

It has been said that no serum has yet been discovered which is efficacious in the eradication of hog cholera, but the testimony of men who are qualified to speak is to the effect that a serum has been discovered which is effective. Two hundred thousand dollars is not a large sum for so important an object.

Mr. LAMB. If the gentleman will permit me, I will say that Dr. Melvin has stated that $45,000 will do.

Mr. MADDEN. If Dr. Melvin said that $45,000 is sufficient, why does Dr. Melvin and those connected with the Department of Agriculture think it is necessary to expend $325,000 for an object not more important than hog raising?

Mr. MOSS of Indiana. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. MADDEN. Certainly.

Mr. MOSS of Indiana. Does the gentleman mean $200,000 to eradicate hog cholera by a cure, or $200,000 to demonstrate the proper method of applying the serum? What does the gentleman mean by the expenditure of $200,000?

Mr. MADDEN. What I mean by the expenditure of $200,000 from the Federal Treasury is to use that money for every legitimate purpose, with the end in view of eradicating the hog cholera, and thereby enabling the men who are engaged in the industry of raising hogs to get the best possible percentage of hogs which can be grown and sold to the people of the United States.

Mr. MOSS of Indiana. Mr. Chairman, will the gentleman again yield for a question?

Mr. MADDEN. Yes.

Mr. MOSS of Indiana. Does the gentleman believe that with $200,000 the Department of Agriculture can go into all parts of the United States and make such a demonstration as the gentleman is talking about?

Mr. MADDEN. I believe the Agricultural Department of the United States should go into every part of the United States where it is necessary to go in order to demonstrate to the people who are engaged in the business of raising hogs how they can successfully raise them, and how hog cholera can be successfully eradicated.

Mr. MOSS of Indiana. That is not the question that I asked of the gentleman. What I asked the gentleman was if he believed he could take $200,000 and do that work?

Mr. MADDEN. I think so; and after they have made the experiment and it is discovered that more than $200,000 is needed, then I think it will become the duty of the United States to make any further appropriation that may be needed to accomplish the object in view.

Mr. MOSS of Indiana. I believe with the gentleman there, but I want to ask the gentleman another question.

Mr. MADDEN. Very well.

Mr. MOSS of Indiana. Is it not a fact that with $45,000 it will be demonstrated whether or not the serum is an effective preventive against hog cholera, just as certainly as it would be with an appropriation of $200,000?

Mr. MADDEN. I can not say that that will be so, because with an expenditure of $45,000 the department will be limited in its experiments to one or two or three experimental stations, and I believe that experiment stations should be established in every section of the country.

Mr. MOSS of Indiana. I know that the gentleman is thoroughly familiar with the testimony, because he was present at the hearings when the testimony was taken by the committee. Now, Dr. Melvin claimed that the appropriation should be made in multiples of $15,000, and therefore if $45,000 were appropriated they would have experiments going on at three different points. If $200,000 were appropriated, experiments could be conducted at 13 different points. The only difference between the $45,000 proposed and the $200,000 suggested by the gentleman would be the difference between conducting experiments at 3 stations and conducting them at 13 stations.

Mr. MADDEN. Yes; and experiments should be conducted within the territory embraced between the 13 stations.

Mr. MOSS of Indiana. It will be the difference between 3 points and 13 points?

Mr. MADDEN. Yes; but there is no more reason why the experiments should be conducted at 3 points than there is that they should be conducted at 13 points. The fact is that every section of the Union is entitled to exactly the same treatment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAMILTON of Michigan. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Michigan [Mr. HAMILTON] moves to strike out the last two words.

Mr. HAMILTON of Michigan. I think there is some misunderstanding as to the amount recommended by Dr. Melvin, and I therefore call attention to the testimony of Dr. Melvin before the committee of which the gentleman from Indiana [Mr. Moss] is chairman. Mr. SLOAN asked him this question:

> For the ensuing year, what reasonable amount of funds might prudently and effectively be used along the lines you suggest?
>
> Dr. MELVIN. Of course, in demonstration work of this character the committee would consider that estimates that we made might materially be decreased later, as when the methods were put into practical operation by States, and we would have to, in making any estimates, figure on the maximum expenses rather than on the minimum expenses, because we would not care to undertake an experiment of this sort without being able to put it through successfully. I think that in taking a block of counties of, say, four in a State, considering the maximum number of men that we would require and the maximum amount of serum that we would require, and all that, it would be an item of probably $15,000 for that block of counties.

Now the question is, How many blocks of counties would be needed in the experiment? The gentleman's suggestion of an amendment is based upon the idea that there should be only three experimental stations. Now, I have doubt about three being enough. This is a question involving the meat supply of the United States. In the last 10 years, according to information furnished by the last census and according to figures of the Agricultural Department, our population increased 21 per cent. Milch cows increased 20 per cent; beef and other cattle, if I have the figures correctly in mind, decreased 18 per cent; sheep decreased 14 per cent; and hogs decreased 7 per cent. There is nothing more devastating among farm animals than hog cholera. Therefore there is nothing of more material interest as involving the food supply of the country than this very question of hog cholera. So it seems to me we ought to consider very carefully the amount of the appropriation. I would not advocate an excessive appropriation, but I would advocate an appropriation that would be sufficient to put this serum into as many hands as possible for effective use.

Mr. MOSS of Indiana. In the first place, take Dr. Melvin's testimony that the appropriation ought to be in multiples of $15,000.

Mr. HAMILTON of Michigan. Yes.

Mr. MOSS of Indiana. The gentleman is also aware that the different States are also experimenting with the serum cure.

Mr. HAMILTON of Michigan. I understand they are; but I understand that some of the serums put forth by the various States are not efficient. I get that from Dr. Melvin's testimony. Is not that the gentleman's understanding also?

Mr. MOSS of Indiana. I think the gentleman is mistaken. It is not the serum from the States, but some of this serum is also being manufactured by private parties and being sold, and it is that serum which is being manufactured from private sources that he says is inefficient. I do not understand that Dr. Melvin challenges any serum that is being put out from State sources.

Mr. HAMILTON of Michigan. It may be that the gentleman is right, but I understood that it was from State sources, and I understood that it was because of inefficient manufacture or production of the serum.

Mr. MOSS of Indiana. I think the gentleman is aware of the fact that in Indiana we have a station supported by the State, where they manufacture the serum under the formula of the National Government, and it is supplied to any farmer in the State at cost through a veterinarian. The experiment is going on in all parts of Indiana. The same thing is done in practically every hog State. The question is: Why are not the ravages of hog cholera being checked? And on the part of those people who originally brought this question to the attention of Congress the contention is that the National Government ought to go out on a campaign of education, taking this serum and making public demonstrations sufficient to prove to the people of the United States the proper method of its use.

Mr. HOBSON rose.

Mr. LAMB. Mr. Chairman, I hope the committee may be heard on this proposition.

Mr. MANN. Can you not fix a time to close debate?

Mr. LAMB. If the Members of the House will turn to page 10, they will find that this $620,000 in a lump sum provides for the purchase in open market of samples of all tubercular serums and analogous products of foreign and domestic manufacture which are sold in the United States for the prevention, protection, treatment, and cure of diseases of domestic animals. In addition to that I have from Dr. Melvin in private conversation information as to the amount of money that will be necessary. I know nothing about the hearings before the Committee on Expenditures in the Agricultural Department, but I am surprised to find that the views of the gentleman from Indiana [Mr. Moss] coincide so much with mine. I want to say to gentlemen that an amendment will be offered covering the

whole thing and give you sufficient money to test these matters. You are not going into the States to tell the people what to do, as you do in the cattle-tick business. The States have to buy the serum after the Department of Agriculture ascertains what will destroy the cholera and do the work. I am informed by the gentleman from Illinois [Mr. FOSTER] that the State of Illinois is now doing that.

Mr. HAMILTON of Michigan. What is the State doing?

Mr. FOSTER. The State of Illinois is furnishing a serum; they have established a laboratory.

Mr. HAMILTON of Michigan. So has Michigan, but not efficiently nor effectively.

Mr. FOSTER. I do not know how much they furnish. Originally the National Government helped the State to establish a laboratory. For instance, they would have to have an old immune hog. I am informed by the gentleman from Indiana [Mr. MOSS] that the State of Illinois spends $22,500 in this work.

Mr. MANN. The State of Illinois raises more fat hogs and loses more by cholera than any other State in the Nation.

Mr. FOSTER. Yes; the great trouble with Illinois has been in shipping hogs from some other State into our State.

Mr. HAMILTON of Michigan. The stockyards at Chicago make that record?

Mr. FOSTER. Oh, no.

Mr. HAMILTON of Michigan. You lose a great many hogs in the stockyards.

Mr. HOBSON rose.

Mr. LAMB. I will yield to the gentleman from Alabama for a question.

The CHAIRMAN. The gentleman from Alabama.

Mr. HOBSON. Mr. Chairman, am I recognized simply to ask the gentleman from Virginia a question, or am I recognized for five minutes?

Mr. LAMB. I will yield the floor to the gentleman from Alabama.

Mr. HOBSON. Mr. Chairman, I move to strike out the last word. It is a question whether this work that is proposed to be done with the money carried by this amendment is available or not, or whether it should be available for more than simply demonstration purposes as to its present efficiency so as to cover further experimentation and develop greater efficiency, both for curative as well as for demonstration purposes.

Mr. LAMB. We propose to divert $45,000 especially for that work.

Mr. HOBSON. I do not believe we ought to be limited. If they need more money that money ought to be provided, so that the field covered should not simply be an ocular demonstration to the people of localities of the effectiveness of existing serum, but to the manufacture of serum, now in an experimental stage, and the Government can very properly encourage investigations as to that manufacture.

Mr. MOSS of Indiana. It is in the experimental stage.

Mr. GOOD. Mr. Chairman, I would like to call the attention of the gentleman from Alabama to the fact that since 1908 an almost perfect serum for the prevention of hog cholera has been in use by the Government. The testimony of Dr. Melvin is that he can not push out this serum so it will be of benefit to thousands of farmers who are losing hogs by cholera because of the insufficiency of the fund—that it would take a great deal of money. If the gentleman from Alabama would yield long enough I would like to read to gentlemen from Dr. Melvin's statement on how perfect that serum is.

Mr. HOBSON. I think I agree with the gentleman from Iowa, and that the great need of the whole Government is that its available information should be taken down to the people for actual practical use. But the fact remains that the question of serum has not passed beyond the experimental stage. If I did not go further I could quote many statements by gentlemen that in many cases the manufacture of this serum is not as perfect as could be wished. Take my own district. We have been calling on the Government to make a demonstration. Yesterday we had an appeal that cholera had sprung up in a peculiar way, and they wanted the Government to send down and test 300 hogs, and actually the United States Government did not have enough serum to inoculate 100 hogs, and they would have to go to Ames, Iowa, and see if perhaps they could not get them to work some kind of a manufacturing process to supply serum for 200 hogs for a special purpose.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. GREEN of Iowa. Mr. Chairman, I do not believe the committee understand the importance of this question. It is not alone in the interest of the farmers, but it is in the interest of the public at large, and especially the laboring man. I represent a district which is one of the largest producers of swine in this country. I have had some practical experience in raising these animals myself. Hogs are now quoted in the Chicago market at 8 to 9 cents a pound, live weight. I have no hesitation in saying, from actual experience, that if hog cholera could be stamped out hogs could be produced in Iowa so that they could and would be sold in the Chicago market for 4 to 5 cents a pound.

They could be produced there at a profit at the latter price if there was no cholera. We can not do anything more in this House to reduce the cost of living to the poor man than to give him what was formerly his cheap meat, and to do that we will have to make some substantial provision for stamping out all hog cholera. That is what we need here more than anything else to reduce the cost of living. I know, from experiments in my own district, that the Government serum has been fairly successful, but the only trouble has been, as the gentleman from Alabama [Mr. HOBSON] has stated, that the Government did not have enough of it to use in any substantial quantity.

Mr. HOBSON. And until you can get a sufficient quantity you can not standardize the manufacture. It is now made in such an infinitesimal scale that it can not be made efficient and effective.

Mr. GREEN of Iowa. The gentleman is absolutely correct. We have found also that the serum furnished by the State is not effective and has not been of advantage to the users.

Mr. MOSS of Indiana. On what does the gentleman base his statement that the serum produced by the State is not effective?

Mr. GREEN of Iowa. Because people who are reliable have written me to that effect, and I believe their statements.

Mr. MOSS of Indiana. Then the gentleman is basing it on the statement of some one whose hogs were vaccinated with it and failed to escape from the ravages of cholera?

Mr. GREEN of Iowa. What better authority could I have?

Mr. MOSS of Indiana. I just wanted to know.

Mr. GREEN of Iowa. I have taken it from actual experiments and workings of the use of the serum, and I have taken the effect of the Government serum from the same source. If this House wants to reduce the cost of living, it can do it in no more effective way than to give a liberal appropriation for the purpose of stamping out hog cholera.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Certainly.

Mr. GOOD. Mr. Chairman, to show that the serum that has been manufactured by the Government is a little beyond the stages of experiment, I want to read from the testimony of Dr. Melvin, who says of one experiment:

> July, 1908, Kansas City experiment. Thirty-five young shoats were purchased from a farm where hog cholera had not existed. These pigs, having been carried to Kansas City stockyards and being in charge of a committee appointed by the exchange, were treated as follows: Twenty-two were injected with antihog-cholera serum prepared by the bureau; 4 were injected with virulent hog-cholera blood; 9 were not treated in any manner. All were placed in the pen together. As was expected, the 4 pigs inoculated by virulent blood contracted hog cholera within a short time and died. The 9 checks contracted hog cholera from those which were inoculated with hog-cholera blood, and they also died. The 22 pigs treated with the serum remained well, with the exception of 1 or 2 which were slightly affected on one or two days. It is not certain, however, that the trouble with the treated hogs was hog cholera, as none died.

Mr. Chairman, if that does not show that the serum manufactured by the Government is away beyond the stage of experiment, then I do not understand the English language.

Mr. HOBSON. The trouble is with the manufacture of it.

Mr. GOOD. The trouble has been with the manufacturers of patent medicines. They have never wanted the Government to manufacture serum that was worth anything. The manufacturers of worthless patent medicines have stood as a bar to giving to the people of this country an effective hog-cholera remedy.

Mr. MANN. Mr. Chairman, can not we have some agreement by unanimous consent with reference to the time that this debate shall run?

Mr. LAMB. Mr. Chairman, I will try to do that presently.

Mr. HAUGEN. Mr. Chairman, the question which concerns the House the most at this time is not as to the number of hogs that die from cholera but what will we do with the serum, what is its merit? Will the serum when properly applied protect hogs from hog cholera? Will it cure, will it prevent hog cholera? Is it of practical value? And as to that I think it is safe and well for us to accept the statement of Dr. Melvin, who claims the credit of having discovered this serum. I will read from his letter of September 25, 1907, to the Secretary. He says:

> The result obtained shows quite clearly that a comparatively certain method of protecting hogs from hog cholera has been discovered.

In Bulletins Nos. 72 and 102 we find that extensive experiments have been made, with splendid results; in fact, all the bulletins and Government reports printed on the subject corroborated Dr. Melvin's statement that the serum is a comparatively

certain method, not as a cure nor a certain preventative, but a comparatively certain method of preventing hogs from hog cholera. On the other hand, we find a number of people skeptical as to its practical value. I hold in my hand a clipping from an Iowa daily. The editorial therein comments on the Iowa State Legislature's dealing with the problem. It states that the State legislature is stumped and afraid to tackle the proposition. Its special Des Moines correspondent calls attention to a letter written by Park, Davis & Co., a company which I believe is, if not the largest, one of the largest manufacturers of drugs and medicines, reliable and, I believe, in high standing. The letter, purported to be written by the firm, states that the firm has for 20 years been experimenting on the subject of hog cholera and proper methods of treatment, and has investigated a great many proposed remedies for the control of this disease, but thus far it has not been sufficiently impressed with any product that it has investigated to warrant the firm's recommending it or putting it on the market. They add that they have spent considerable money in investigating this particular hog-cholera serum, and after so doing they come to the conclusion not to embark in the manufacture of this product, because it was altogether too uncertain in its action to warrant their doing so. They call attention to the National Live Stock Sanitary Association, which met in Chicago in December, including our own State veterinary, taking strong exception to the product; also to the fact that Canadian newspaper clippings, of recent date, go to show that the Canadian Government at Ottawa has become so skeptical regarding this serum that they have prohibited its being imported into Canadian territory.

Mr. BOOHER. Mr. Chairman, will the gentleman yield there for a question?

Mr. HAUGEN. Certainly.

Mr. BOOHER. If the Government has discovered a formula for the prevention of hog cholera, what is there to prevent the Government authorities from making that known to the State and county authorities?

Mr. HAUGEN. That is exactly what the department did. The department claims that it has made a discovery which has merit, and others claim that it has no merit and that it is of no practical value. We have been trying to force this onto the States. The department maintains a station in our State within a mile of the gentleman's district, a few miles from his home. This station has been maintained at Government expense with a scientist in charge to demonstrate to the people of Iowa and the country that this discovery, the serum, is of value, not as a cure, but a preventative of hog cholera.

Mr. McKENZIE. How much money was expended last year for the purpose of eradicating hog cholera?

Mr. HAUGEN. In the State of Iowa?

Mr. McKENZIE. No; by the United States Agriculture Department.

Mr. HAUGEN. My understanding is that the department expended about $10,000 last year, besides the States appropriated large sums of money for the purpose of advancing the serum treatment, as, for instance—

Ohio appropriated	$40,000
Pennsylvania appropriated	25,000
Missouri appropriated	25,000
Illinois appropriated	22,500
Nebraska appropriated	15,000
Minnesota appropriated	6,000
Iowa appropriated	2,500

In all, more than 25 States have appropriated money for the purpose.

The department and the committee have been criticized for not expending more money. One gentleman says that the department does not keep enough serum on hand to supply the demand. Well, let us see about that. Congress appropriated $600,000 for the current year and the committee has recommended $620,000 for the coming year for the lump sum under consideration. If only $10,000 of that amount was used for providing the people with the serum and demonstrating the best method of preventing cholera, it is not the fault of Congress, as every dollar of the $600,000 was available for that one purpose, and I further submit that if the department used only $10,000 out of the $600,000 appropriation for this purpose, and if the department got all the money it asked for, then that is evidence that the $10,000 was all that it deemed necessary to expend, and that the department adhered to the plan suggested in its report and bulletin; that is, that after the department had made the discovery of the serum and had demonstrated its value the States should carry out the work.

Now, a word about lump-sum appropriation. In this bill, as in many other bills, we necessarily make lump-sum appropriation for a number of projects and leave it to the discretion and judgment of the department as to how and for what project or projects it is to be expended, as it is impossible for Congress to determine in advance the amount necessary for each project, for it can not foresee the emergencies that may arise. Furthermore, if appropriations are made for specific projects, the work of an employee whose salary is paid out of this one specific fund must be confined to that one project, and it is often necessary to send a number of men to the same place to carry on different and other lines of work, whereas one employee, if paid from the lump-sum appropriation, may work on a number of projects and thereby save expense to the Government. Hence it seems wise in many instances to appropriate lump sum for several items and leave it to the department to determine how and for what project or projects the money shall be expended. That is what we have in this case; and, Mr. Chairman, with a man at the head of the department who has alwys taken deep interest in matters of this kind, it seemed safe at the time the appropriation was made for Congress to trust to the judgment of the department to apportion the lump-sum appropriation between the projects; and considering it all, if Congress could not trust the department with apportioning that lump sum, what department could be trusted with apportioning lump sums appropriated? Now, this is quite different. A question has been raised as to the practical value of the serum, and the committee, after consideration, decided to recommend that the appropriation for the current year of $600,000 be increased to $620,000, with a proviso that not less than $45,000 should be set aside for demonstrating the best methods of preventing hog cholera.

If the amendment agreed to by the committee is adopted, then the department must set aside $45,000 for that purpose, and the $45,000 can not be used for any other purpose. If other amendments proposed to simply increase the lump-sum appropriations are adopted, the department is left to do as it pleases, whether it will use a dollar for the purpose or not, and in all probability it will use the same amount used heretofore. The purpose sought by the committee is to compel the department to demonstrate and settle the question whether the serum has any practical value or not. The committee thought that inasmuch as its merit had been questioned it is due that the department should demonstrate as to its practical value; and if, after it has been given a thorough trial and its value is determined, and if found of value Congress can then appropriate or turn it over to the State as suggested and as was done by the department. In short, first ascertain its value, then appropriate and apply the remedy. That is what an ordinary business man would do, and it seems to me that that would be the proper thing for Congress to do, and I trust that the proposed amendments to simply increase the lump-sum appropriation, without a proviso instructing the department in the matter, which may defeat the purpose sought by the committee, will not be agreed to.

Mr. Chairman, inasmuch as there is difference of opinion as to the practical value of the serum, for the benefit of those who may care to have the information given in the reports, bulletins, and clippings which I have referred to, and without expressing any opinion as to its merit, I send to the Clerk's desk bulletins, reports, and clippings referred to and ask that extracts of same be read and printed in the RECORD.

The CHAIRMAN. It will be read in the gentleman's time.

Mr. GOOD. Will the gentleman yield?

Mr. HAUGEN. I yield, but I would prefer to have this article read first.

Mr. GOOD. Who is the author of this article about to be read?

Mr. HAUGEN. It will explain itself.

Mr. GOOD. I would like to know——

Mr. HAUGEN. I say it is an editorial from a daily paper and from a special correspondent of this paper, and it will explain itself.

The Clerk read as follows:

HOG-CHOLERA CURE.

The Iowa Legislature, with the facilities within her borders for fighting hog cholera, seems to be stumped and afraid to tackle the proposition. * * *

Dr. W. B. Niles, of Ames, an animal-husbandry man working for the United States Government, is the scientist who has perfected the cure. Dr. Niles is not connected in any way with the State agricultural college. His work is entirely independent of the work of the State institution. His laboratory was established there because Ames was his home. The Ames College has made no effort toward working out a cure except to follow the directions of Dr. Niles.

The following from the Times special Des Moines correspondent says:

"A note of discord in the movement to have the State of Iowa go somewhat deeper into the manufacture of serum for the treatment of hog cholera appeared when Representative Grout, of Blackhawk, showed members a letter he has received on the subject that will be of very great interest to all stockmen. He had written the firm of Parke, Davis & Co., Detroit, to see if it would be possible to secure from a reputable firm of manufacturing pharmacists a supply of serum for use in Iowa in case it is not possible to get the right legislation for a State laboratory. In the reply this well-established firm said:

"'From your letter we judge that you have in mind the serum or sera recommended by the Bureau of Animal Industry of the Department

of Agriculture, Washington. We may state that we have for something over 20 years been experimenting on the subject of hog cholera and the proper method of treatment. We have investigated a great many proposed remedies for the control of this disease. Thus far we have not been sufficiently impressed with any product that we have investigated to warrant us in the belief that we could place it on the market with the assurance that it would be affording a sufficient measure of success, either as a prophylactic or curative agent, to warrant our doing so.

"'Referring specifically to the so-called "hog-cholera serum," after spending considerable money in investigating the question, we came to the conclusion about a year ago that we did not wish to embark in the manufacture of these products, chiefly because we felt they were altogether too uncertain in their action to warrant our doing so. We see no reason for changing our attitude at the present time. Particularly does this conclusion seem wise in view of the recent criticisms that have been offered against these products at the last meeting of the National Live Stock Sanitary Association, which met in Chicago in December. Your own State veterinarian, if we are not mistaken, took very strong exception to the products. We learn from a Canadian newspaper clipping of recent date that the Canadian Government at Ottawa has become so skeptical regarding the value of these serums that they have prohibited their being imported into Canadian territory.

"'To sum the matter up, we do not feel warranted in making any provision at this time for the manufacture of the so-called "hog-cholera serums," and do not anticipate placing them on the market. We regret very much that it is necessary for us to come to this conclusion, especially as we realize the great commercial possibilities of a successful agent for controlling hog cholera, but in view of our knowledge up to the present time and our own experience we are forced to the conclusion that we can not render sufficiently valuable service to the farming community to warrant our placing the products on the market.'

"This is taken by members not to mean that no good can come from the manufacture of the serums, but that great care should be taken in the matter, and, in fact, that there should be no administering of a serum except under the direction of a veterinarian. About all the success in heading off hog cholera in Iowa has come from the homemade medicine, while it is asserted that importation of stuff has been only to make matters worse."

THE CONTROL OF HOG CHOLERA BY SERUM IMMUNIZATION.

[By A. D. Melvin, D. V. S., Chief of the Bureau of Animal Industry.—Annual Report of the Bureau of Animal Industry, 1908.]

FACTS ON WHICH TREATMENT IS BASED.

As a result of experimental work conducted by the Biochemic Division of the Bureau of Animal Industry and recorded in Circular 43 and in Bulletin 72 of this bureau the conclusion was reached that the so-called hog-cholera bacillus is not the true cause of hog cholera, but that this organism plays the part of a secondary invader, the true cause of the disease being a virus which is present in the blood of hogs affected with hog cholera, and which, under certain conditions of filtration, is capable of passing through the finest porcelain filters. Up to the present time this filterable virus has resisted all attempts at artificial cultivation, and we know of its presence only through the effect upon hogs when fluids from sick animals, free from all known bacteria, are injected into susceptible animals. It is a well-known fact that hogs which have recovered from an attack of hog cholera are completely immune when subsequently exposed to the same disease.

These two facts—the presence of the filterable virus in the blood of hogs sick of hog cholera and the immunity in hogs which have recovered from an attack of that disease—form the basis for the preparation of the serum which we have used successfully in immunizing hogs against cholera.

METHOD OF SECURING IMMUNE SERUM.

Without attempting to go into the method of producing this serum in detail, it will be sufficient to say that the protective serum is produced by a process of hyperimmunization carried out as follows:

An immune hog is injected with large amounts of blood from hogs sick of hog cholera. These injections will not produce more than a transitory effect upon the health of the immune, although they would prove certainly fatal to a susceptible hog. This treatment of immune hogs with large amounts of virulent blood is known as hyperimmunization, and gives to the blood of the immune the power to protect susceptible hogs from hog cholera. After a week or so, when the immune has recovered from the effects of this treatment, blood is drawn from that animal by cutting off the end of the tail. The blood drawing is repeated three or four times at intervals of a week, after which the immune is usually bled to death from the carotid artery. After each drawing from the immune the blood obtained is defibrinated and mixed with a suitable antiseptic. If preserved in sterile bottles, this defibrinated blood, or serum, as it is called, will retain its potency for years.

The protective serum having been obtained from an immune hog in the manner indicated, the potency of this serum is determined by injecting susceptible pigs with varying amounts, and at the same time exposing them to hog cholera along with untreated control animals. In practice it will, of course, be found best first to collect large quantities of serum and to mix this before testing. A standard serum will thus be secured at a minimum cost.

METHOD OF PROTECTING SUSCEPTIBLE HOGS.

A standard serum of known potency having been secured, either of two methods may be used for protecting susceptible pigs. These are known as (1) the "simultaneous" method and (2) the "serum-alone" method, or simply the serum method.

The first of these, which is to be recommended for use especially in herds which have not been exposed to hog cholera, consists in injecting subcutaneously on one side of the body of the pig to be vaccinated a suitable quantity of serum, and simultaneously on the other side of the body a small quantity of virulent blood taken from a hog sick of hog cholera. Experiments have shown that by this method pigs are given a firm immunity, lasting at least six months and probably longer.

The serum-alone method, which consists simply in the injection of the protective serum without the simultaneous use of virulent blood, appears to confer only a temporary immunity upon the treated pigs, unless they are exposed to hog cholera a short time after receiving the serum, in which case they also acquire a lasting immunity. For these reasons this method is admirably adapted to the treatment of hogs in a herd where hog cholera has already broken out but which have not themselves shown visible symptoms of disease.

The experiments which are being carried out to determine the curative properties of the serum are not yet complete, but from the results thus far obtained we know that serum in the doses used for immunization can not be depended upon to cure hogs which already show visible symptoms of hog cholera. Further work along this line is needed. Neither the simultaneous nor the serum-alone method, when properly applied, appears to injure the hog in any way.

COST OF THE SERUM.

In order to determine the cost of producing serum for practical use every item of cost would, of course, have to be taken into account and alowance made for all sources of revenue. Owing to the conditions under which the work of the bureau has been carried on—that is, manufacturing serum for experimental use only and utilizing the same force for the production of the serum and for carrying on varied experiments—it is impossible to determine the exact cost of the serum thus far produced. Sufficient work has been done, however, for an estimate to be made. With the dose of serum at 20 cubic centimeters and with the production carried out with strict economy, it seems likely that the cost per dose can be brought within 25 cents. This estimate is based upon the supposition that each hyperimmunized immune will furnish 150 to 200 doses of serum, and that the carcass of the immune after final bleeding will be utilized for food. There seems to be no objection to the use of such a carcass for food purposes, provided the post-mortem examination discloses no reason for rejecting it.

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RESULTS OF PRACTICAL TESTS OF THE SERUM.

The statements made above concerning the protective power of serum from hyperimmunized immunes are based upon tests on several thousand hogs. These tests were carried out not only in small experiment pens, but in great part upon farms under practical conditions. During the fall of 1907 approximately 2,000 hogs were treated on 50 different farms, a considerable proportion of untreated hogs being left in all cases as a control on the action of the serum. Both methods of treatment were used, and the herd conditions varied widely. * * *

* * * In the herds where hog cholera appeared subsequent to treatment practically all of the treated hogs remained well, while more than 65 per cent of the checks died. In the herds which had been exposed but were apparently well at the time of treatment 4 per cent of the treated animals died, while approximately 90 per cent of the checks succumbed. In the herds where disease existed at the time of treatment, and where very great success was not expected, 13 per cent of the treated animals were lost, whereas 75 per cent of the checks died.

These successful field trials, confirming as they do numerous tests carried out under experimental conditions, have convinced us of the efficiency of this method of dealing with hog cholera, and although improvements will undoubtedly be made in many of the details of producing the serum, the method is believed to be now in such condition as to make the practical use of it entirely feasible.

CONFERENCES OF FEDERAL AND STATE REPRESENTATIVES.

In order that the States most concerned in this subject might be brought into closer relation with the work, and also for the purpose of discussing plans for effective coordination of State and Federal work in dealing with hog cholera, 25 of the chief hog-raising States were requested to send representatives to Ames, Iowa, where the Bureau of Animal Industry maintains a farm devoted to experiments with hog cholera. In response to this invitation representatives from 20 different States visited Ames and were shown the details of the serum production.

A general discussion at these conferences developed the practically unanimous opinion on the part of State and Federal representatives that the serum should be prepared by each of the States for distribution to the hog raisers, and all State representatives expressed their intention to undertake the work as soon as funds could be secured. At the present time a number of States have actually begun work. If the serum is prepared in sufficient quantities there seems to be no doubt that a great saving can be effected simply by treating animals in exposed herds or in herds in which the disease has just appeared.

A PLAN FOR CONTROLLING AND ERADICATING HOG CHOLERA BY SERUM IMMUNIZATION.

* * * * * * *

It has already been stated that the serum from hyperimmunized hogs can be used to protect hogs from hog cholera and that a large saving can be effected if the serum is applied promptly after the disease appears in a herd. Why, then, should not this serum be used as an agent for the eradication of hog cholera? It seems reasonable to believe that it can be used successfully for this purpose, but complete success can not be expected without proper organization and the direction of the work by health authorites.

In order that the possibilities of well-directed work along these lines may be brought to the attention of those who may in the future have this work to perform, the following plan for combating hog cholera through serum immunization is submitted:

1. The serum should be prepared by the State experiment stations or by State live-stock sanitary boards which are properly equipped with laboratory facilities, the efficacy of all serum to be determined by such laboratories before distribution.

2. The field application of the serum should be in the hands of the State live-stock sanitary board or State veterinarian.

3. The State should be organized into districts, each in charge of a deputy State veterinarian or a deputy appointed by the live-stock sanitary board. These districts should be small enough to permit the deputy to exercise close watch over them.

4. The deputy State veterinarian should keep a supply of serum on hand, so that prompt action may be taken when infection appears.

5. Hog raisers generally throughout the State should be informed when the serum is available for distribution, and if necessary compulsory notification of the presence of disease in a herd should be imposed.

6. Upon notification to the State live-stock sanitary board or State veterinarian that hog cholera has appeared in a certain neighborhood, the diseased herd or herds should be immediately quarantined, the premises disinfected as thoroughly as possible, and all hogs on the farm which have been exposed or which are not visibly ill should be treated with serum alone. All hogs on the farm which have not been exposed should be treated by the simultaneous method, and of course the prompt removal of dead animals should be enforced. At the same time all hogs on surrounding farms should be treated by the simultaneous method.

Prompt action of this kind should result in confining the disease to the first herd where disease appeared, though we must admit the possibility of infection being carried beyond the vaccinated belt by birds. If this should occur, the procedure should be the same as in the first

case of disease, though the probability of dissemination by birds will not be great, owing to the comparatively small size of the infected area.

With a well-organized live-stock sanitary board and an efficient corps of deputies throughout the State, there seems to be no reason why hog cholera should not be kept well under control and perhaps in time eradicated by proceeding in the way indicated. By starting the work in early spring or summer the task would probably be much simplified and the cost reduced to a minimum.

Aside from the eradication of hog cholera, it seems that an important saving to swine breeders and to the hog industry in general can be accomplished through the protective inoculation of pure-bred hogs. Some of these hogs represent years of patient effort on the part of breeders, and their loss is a loss to the swine industry in general, which depends for its success in great measure upon the development and preservation of the superior characters possessed by these pure-bred animals.

There is no doubt that the hog raisers would gladly cooperate with the State authorities and that as a rule any outbreak of disease would be promptly reported, as the farmer would have everything to gain and nothing to lose by so doing.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. May I have another minute?

Mr. LAMB. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto close in 20 minutes.

The CHAIRMAN. The gentleman from Virginia moves that all debate on this paragraph and all amendments relating thereto be closed in 20 minutes.

Mr. SLOAN. Mr. Chairman, I ask for some little time on this. I would like that it be made 30 minutes so that I can have some time. I have made a careful study of this matter, and the bill was introduced by myself over a year ago after careful study of what the Government had been doing and what the governments of the different States had been doing.

The CHAIRMAN. The Chair will state that the gentleman is out of order——

Mr. LAMB. Mr. Chairman, I would like to change my motion to 30 minutes. That will give full time for the gentleman to discuss this question.

The CHAIRMAN. The gentleman from Virginia now moves that all debate on the paragraph and all amendments thereto be closed in 30 minutes.

Mr. BOOHER. Mr. Chairman, I do not want to be in the attitude of objecting to closing this debate, but I think——

Mr. LAMB. We desire to put this bill through here and we rarely give on any one paragraph as much time as this. [Cries of "Regular order!"]

Mr. BOOHER. Mr. Chairman, I was discussing the motion.

The CHAIRMAN. But the motion is not debatable. The gentleman from Virginia moves that all debate on the pending paragraph and all amendments thereto be closed in 30 minutes.

The question was taken, and the motion was agreed to.

Mr. MAGUIRE of Nebraska. Mr. Chairman, I offer the following amendment as an amendment to the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment offered by the gentleman from Iowa, as follows: "At the end of line 12 strike out the semicolon and insert a colon, and add the following: '*Provided*, That of this sum not less than $45,000 shall be set aside for demonstrating the best method of preventing hog cholera.'"

Mr. MAGUIRE of Nebraska. Mr. Chairman, this is a committee amendment. When the committee acted upon this bill we did not have available information that we now have upon this subject. After making some investigation we find that there is considerable loss due to hog cholera. About 90 per cent of the loss of hogs is due to this disease. It creates the greatest ravage among farm animals of any disease known to farm animals except the cattle tick. At this time there seems to be something like, according to the report of the Bureau of Statistics, $18,000,000 a year loss due to hog cholera. Now, this is a direct loss to the producer and to the farmer and it is also an indirect loss to the consumer and to the whole country. The officials of the department were brought before some of the committees of the House to find out what investigation they had made.

For some years back the department made some investigations for a curative remedy, but after some progress the experts dropped that and looked for some preventive. In 1906 they secured what they thought was a preventive in the nature of a serum that would, when applied, prevent more than 90 per cent of all cases. That is the evidence of the department itself, furnished to the committee.

Mr. BOOHER. Will the gentleman permit a question right there?

Mr. MAGUIRE of Nebraska. Yes.

Mr. BOOHER. If the department has discovered this remedy and knows it will prevent from 90 to 95 per cent of the loss, why does not the department make it known in the form of a bulletin so that it can be used? That is a thing I do not understand in this connection.

Mr. MAGUIRE of Nebraska. The department has attempted from time to time to bring this information to the public and to the several States, and information has been brought to the several States, but there seems to be some lack of confidence of the public in the belief that this serum will act as a preventive.

Mr. BOOHER. If the public has no confidence in it, why appropriate a large sum of money to get them to have confidence in it? How are you going to do it that way?

Mr. MAGUIRE of Nebraska. The effort here is to bring this information to the public by way of demonstration. Now, this information has been sent out to organizations, and to some extent through the men of the department, but there has been very little demonstration concerning it.

Mr. BOOHER. Does the gentleman think we ought to pursue this as we have the cattle tick, and appropriate more and more every year for it? After you find the remedy, why not let the people use it?

Mr. MAGUIRE of Nebraska. That is the intention, but we want this remedy brought to the public by way of effective demonstration by the department.

Mr. MANN. What could you take this $45,000 away from in the bill? You brought in $620,000 for things that are already enumerated. Now you propose to take $45,000 away from that. What can you take it away from?

Mr. LAMB. Read the tenth page——

Mr. MANN. I have read the bill. Which do you do, admit that your bill was $45,000 too much or that you are going to take away $45,000 from something that needs it?

Mr. LAMB. We do not admit it is too much; but we made estimates according to the Secretary's suggestion. And when we asked Dr. Melvin if he could use some of this money in the serum matter and in the investigations, he said he could. That is all I knew about it.

Mr. MANN. But our friend from Nebraska [Mr. MAGUIRE] said the amount in the bill was not intended to cover this when you made that report—$620,000. If you diverted $45,000 from that, was the $620,000 too much when you brought it in, or are you going to take it from something else; and if so, what?

Mr. MAGUIRE of Nebraska. There is some $9,000 carried on last year's bill for hog cholera.

Mr. MANN. That leaves $36,000.

Mr. MAGUIRE of Nebraska. All that we are attempting to do here is, that the department has used its judgment in distributing this lump sum——

Mr. MANN. The gentleman understands I am not criticizing the committee about it.

Mr. MAGUIRE of Nebraska. All that we insist on now is that the Bureau of Animal Industry set aside not less than a certain specific amount for this work. He realizes that the testimony shows that it is necessary. He goes even further in his testimony here, and I will read a part of it——

Mr. MANN. What else can lose it? That is what I am trying to get at. What will you take it from? The gentleman does not desire to cripple some other service?

Mr. MAGUIRE of Nebraska. Perhaps some of this other work may be finished.

Mr. MANN. You propose an appropriation of $620,000, which was an increase of $20,000 without including this $40,000 item, and I assumed you knew what you were doing. What will you take that from without crippling the service?

Mr. LAMB. I asked Dr. Melvin if he could take care of this serum for hog cholera, provided we authorized him to do so in the bill, and he replied that he could.

Mr. MANN. That is an admission that you do not know what you can take it from without crippling the service.

Mr. SLOAN. Mr. Chairman, last August I introduced a bill to appropriate a hundred thousand dollars for this purpose. I did not do that until I had learned what the different States had done. I find there is error in the statement to-day made of what the different States have done in this way. The sums appropriated by the States amount to over $200,000. A list of the appropriations I shall submit for the RECORD. I did not ask it until I consulted with Dr. Melvin, the head of the Bureau of Animal Industry, and Dr. Dorset, the man who discovered this serum, and they stated and put the reputation of their bureau and division behind the proposition, that they had found not a cure, but had found a preventive remedy. And the illustration they used was that it was as efficacious as was the treatment they were giving in cooperation with the various States and individuals in exterminating the southern cattle tick.

Now, I do not refer to the southern cattle tick by way of invidious comparison. I only want to state that the department has said, including Secretary Wilson, Dr. Melvin, and Dr. Dorset, that they have an efficacious and effective remedy

in the form of a preventive. I want to state this fact, too, that it is not a sectional request, because in the 10 States of this Union where the cattle tick is prevalent and where this $325,000 is to be expended, 20 per cent of the value of the hogs of this country now exists. Over $98,000,000 worth of hogs is in the 10 States, so that it is not sectional in any respect.

I asked for $100,000 at that time, because the States had already appropriated $200,000. The committee graciously granted $45,000. I am not discussing the matter of values. But we have this serum, and we know this is true, that although it has been known since 1906—inasmuch as in that year it was patented, and patented in the interest of the American people—it has not been brought home to those who need it.

Now, I shall submit as a part of my remarks a record showing in part what the department has done by way of testing this remedy. There are numerous tests that have been made. Most of them have been conducted on farms, much as the cattle-tick tests have been made, and in every case, or nearly every case, the evidence seems clear that a beneficent effect followed the application of the serum. Especially was it true in the two large tests, one made at Omaha and the other made at Kansas City.

I shall not undertake, as I have not the time, to state fully in regard to it, but I shall invite attention to a reading of the results of this test. Here seems to be the large trouble about this remedy: It is being manufactured by various concerns. It is a vital remedy, a remedy that involves the use not only of hogs that have become immune through having had the disease and recovered, but it involves also the purchase of other hogs that must be rendered immune before the serum can be produced to any large extent.

Now, this remedy can be carried by the department to the various sections of this country, and the public has a great deal more confidence in that which the Government stands behind than in that which any individual manufacturer or any State will produce.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. LAMB. Mr. Chairman, I would like just one minute in which to answer more directly the question of the gentleman from Illinois. In apportioning this sum I notice that for the control and eradication of animal diseases they propose $620,000. Now, we propose in this amendment to devote 7½ per cent of that to this purpose.

Mr. SLOAN. I did not understand, Mr. Chairman, that my time had expired. I want to make a statement about the loss by the cattle tick.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SLOAN. Mr. Chairman, I ask two minutes in which to make my statement.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. SLOAN. In these "piping times of peace," when the economies of the Nation relate most largely to raiment and food for the present and reasonable assurance for the future, the Department of Agriculture easily commands and is entitled to a larger share of the public's interest than does any other department.

Of the two great bureaus relating to production in this department that of Animal Industry perhaps is more interesting than that of Plant Industry. One large reason for this is that the development of animal industry along proper lines is the strong guaranty that our soils may not be exhausted and the production of profitable plant life thereby become reduced and difficult.

The Department of Agriculture in 1910 issued a number of maps graphically locating in the various States classes of domestic animals used for food—cattle (other than milch cows), sheep, swine.

It will be noted that of that portion of the United States, North and South, thickly populated, and where game has ceased to be a large food factor, swine is the most uniformly distributed of the various food-producing animals.

The estimated values of these three classes for 1912 was—

Cattle, other than milch cows	$790,064,000
Swine	528,328,000
Sheep	181,170,000

When we recall the fact that this capital in hogs is turned about twice, while turned but once in cattle, and, further, when we remember that most landholders, large and limited, produce swine for home consumption and the market, and since swine products are served on more tables and on an average greater number of meals at each table than any other meat, not only in America, but in the world, the relative importance of our swine will become apparent.

Further, the readiness and steadiness of market for swine products, stretching back through a number of decades, with increasing readiness and steadiness at present, further emphasizes the importance of this branch of our animal industry.

While tick, mange, scabies, fever, black leg, and foot and mouth diseases have attacked and afflicted the cud-chewing domestic animals for the last 50 years, and thus worried the consumer and veterinary alike, there has been practically but one serious disease attacking our swine, and that is the so-called hog cholera.

It is estimated that through a long stretch of years, 5 per cent of our swine die of natural causes. Of that 5 per cent, 90 per cent die of cholera. This estimate is too low. A record of all the States for the last 27 years show the average loss from diseases of hogs in the United States has been 7.4 per cent, 90 per cent of which would be about 6.6 per cent, which would represent the deaths caused by cholera. The following, Table A, submitted by the Bureau of Animal Industry, shows the result of hog cholera for a 10-year period, beginning with 1903 and ending with 1912:

A.—*Hogs and hog cholera, 10-year period, 1903–1912.*

Average annual number of hogs in United States	53,700,000
Average total losses by disease—per cent	5.1
Estimated average losses by hog cholera—do	4.5
Average annual loss by hog cholera—number	2,417,000
Average annual farm value per hog	$7.36
Average total loss from hog cholera	$17,789,120

The following, Table B, shows an estimate for the various States of numerical and financial loss from hog cholera in the several States for the year ending March 31, 1912.

B.—*Estimate of losses from hog cholera for the year ending Mar. 31, 1912.*

[Based on data compiled by Bureau of Statistics, Department of Agriculture.]

State.	Number hogs estimated in State Jan. 1, 1912.	Number of hogs lost by hog cholera.	Percentage lost due to hog cholera.	Total value hogs in State Jan. 1, 1912.	Value of hogs lost by hog cholera.
Maine	101,000	1,363	1.35	$1,162,000	$15,700
New Hampshire	53,000	954	1.80	556,000	10,000
Vermont	111,000	3,996	3.60	1,110,000	40,000
Massachusetts	117,000	3,685	3.15	1,322,000	45,000
Rhode Island	16,000	259	1.61	192,000	3,100
Connecticut	60,000	2,592	4.32	696,000	30,700
New York	777,000	20,279	2.61	7,925,000	206,900
New Jersey	165,000	5,940	3.60	1,864,000	67,100
Pennsylvania	1,141,000	37,995	3.33	11,410,000	380,000
Delaware	59,000	4,048	6.74	425,000	29,200
Maryland	345,000	23,284	6.74	2,760,000	186,300
Virginia	880,000	31,680	3.60	5,544,000	199,600
West Virginia	363,000	13,394	3.69	2,432,000	89,600
North Carolina	1,405,000	55,638	3.96	10,397,000	401,700
South Carolina	797,000	43,038	5.40	6,376,000	344,300
Georgia	2,098,000	169,938	8.06	14,057,000	1,138,600
Florida	954,000	85,860	9.00	4,961,000	446,500
Ohio	3,578,000	225,414	6.30	29,340,000	1,848,400
Indiana	4,031,000	453,487	11.25	31,039,000	3,491,900
Illinois	4,640,000	897,840	20.35	40,832,000	7,901,000
Michigan	1,382,000	49,752	3.60	11,747,000	422,800
Wisconsin	2,051,000	51,686	2.52	19,690,000	496,200
Minnesota	1,702,000	47,440	2.70	17,701,000	493,400
Iowa	9,689,000	697,708	7.20	94,952,000	6,837,600
Missouri	4,491,000	646,704	14.40	31,437,000	4,527,000
North Dakota	359,000	4,846	1.35	3,770,000	50,900
South Dakota	1,104,000	37,756	3.42	9,826,000	336,000
Nebraska	4,267,000	230,418	5.40	37,550,000	2,027,700
Kansas	2,808,000	333,590	11.88	22,183,000	2,635,300
Kentucky	1,724,000	108,612	6.30	9,310,000	586,500
Tennessee	1,574,000	99,162	6.30	9,601,000	604,900
Alabama	1,533,000	89,680	5.85	9,964,000	583,000
Mississippi	1,577,000	106,447	6.75	10,250,000	692,000
Louisiana	1,642,000	147,780	9.00	9,524,000	857,100
Texas	2,544,000	77,846	3.06	16,027,000	485,500
Oklahoma	1,410,000	184,005	13.05	7,755,000	1,012,000
Arkansas	1,738,000	218,988	12.60	9,385,000	1,182,500
Montana	143,000	2,445	1.70	1,416,000	24,200
Wyoming	43,000	464	1.08	370,000	3,900
Colorado	211,000	3,798	1.80	1,688,000	30,400
New Mexico	50,000	720	1.44	410,000	5,900
Arizona	22,000	237	1.08	231,000	2,500
Utah	79,000	1,137	1.44	711,000	10,200
Nevada	30,000	648	2.16	315,000	6,800
Idaho	212,000	2,671	1.25	1,696,000	21,300
Washington	246,000	4,870	1.98	2,337,000	46,200
Oregon	258,000	3,715	1.40	2,193,000	31,500
California	830,000	18,675	2.25	6,889,000	155,000
United States	65,410,000	5,251,010	8.02	523,328,000	42,042,900

The following, Table C, represents the record of loss for the last 27 years; it will be noted that the loss above includes all diseases of swine, 90 per cent contributed by hog cholera.

C.—*Swine, number per 1,000, died from disease, years ending Mar. 31, 1884 to 1912.*

State or Territory.	1884	1885	1886	1887	1888	1889	1890	1891	1892	1893	1894	1895	1896	1897	1898	1899	1900	1901	1902	1903	1904	1905	1906	1907	1908	1909	1910	1911	1912
Maine	30	40	50	40	14	13	22	17	14	16	8	34	20	23	13	18	13	15	9	14	10	12	12	10	11	15	21	20	15
N. Hampshire	40	40	30	40	20	18	20	20	16	16	34	24	22	23	24	20	20	14	19	12	15	22	20	14	15	14	17	20	20
Vermont	40	30	30	30	18	15	22	17	18	33	15	51	18	24	17	25	18	24	20	24	15	18	17	14	15	14	24	19	39
Massachusetts	30	40	40	40	23	13	20	20	14	23	20	22	16	18	16	19	22	16	21	23	23	20	18	25	22	21	15	21	35
Rhode Island	30	30	30	30	13	15	18	16	17	16	27	18	21	23	27	31	18	24	19	24	25	22	19	12	23	23	22	22	18
Connecticut	40	30	30	50	20	14	18	25	23	37	47	43	10	25	16	19	17	19	24	30	28	23	20	18	23	21	22	28	48
New York	30	40	40	45	22	25	25	20	19	31	28	26	32	32	25	24	20	19	19	18	33	17	19	21	18	19	23	25	29
New Jersey	30	70	30	50	16	20	20	24	18	14	14	92	65	32	40	43	27	25	23	33	32	22	22	28	24	28	26	30	40
Pennsylvania	40	60	40	90	30	23	30	27	20	28	21	30	36	31	30	32	25	24	32	36	27	23	23	28	27	27	30	36	37
Delaware	40	60	80	65	37	100	70	50	40	31	.....	.....	40	53	59	47	57	27	37	58	101	43	30	30	28	33	36	33	80
Maryland	60	100	120	200	73	41	64	45	35	23	23	45	35	58	71	42	37	47	33	32	31	43	35	30	29	33	30	32	75
Virginia	100	160	120	270	74	50	75	55	53	65	30	44	65	75	78	37	45	43	46	61	55	43	40	45	46	42	39	35	40
West Virginia	100	90	60	100	67	48	86	45	50	28	22	23	50	70	79	49	49	31	26	36	35	36	31	33	25	30	28	25	41
North Carolina	100	100	130	200	80	63	100	72	70	95	61	81	110	98	91	61	65	49	80	64	96	97	55	65	60	40	40	40	44
South Carolina	90	130	140	130	74	75	85	50	62	72	85	100	110	91	75	82	73	61	82	66	75	85	50	55	57	54	50	47	60
Georgia	130	110	130	150	75	130	90	85	97	105	76	102	115	126	103	90	94	103	89	118	89	51	55	50	44	55	52	57	90
Florida	90	120	250	130	90	125	107	110	75	200	81	136	130	108	149	85	118	91	104	113	72	82	75	68	73	72	60	75	100
Ohio	70	50	50	80	57	38	54	60	40	34	33	50	82	108	72	65	46	55	41	50	50	38	50	40	35	35	37	51	70
Indiana	80	60	70	110	90	65	93	94	60	50	30	75	148	238	74	115	69	56	41	73	78	54	60	58	52	52	63	62	125
Illinois	90	70	150	180	86	60	70	85	75	53	39	145	242	145	104	104	68	77	47	74	58	46	60	48	60	45	41	60	215
Michigan	40	30	50	50	61	23	40	35	52	20	17	23	38	35	33	39	29	36	29	30	37	25	22	31	30	29	27	35	49
Wisconsin	50	40	40	50	57	46	32	42	41	40	32	49	41	33	50	49	31	103	31	25	27	22	20	24	23	23	25	23	28
Minnesota	50	50	30	40	26	34	30	24	40	26	20	36	53	92	180	79	84	94	35	39	30	21	30	33	30	33	30	29	33
Iowa	60	80	130	100	82	50	75	82	53	84	42	106	207	329	175	174	77	89	48	53	55	42	45	50	69	54	50	43	80
Missouri	90	90	160	180	95	67	80	120	50	54	58	116	200	167	110	90	70	48	44	67	77	74	65	54	70	70	50	48	160
North Dakota	50	80	80	60	47	34	75	45	32	38	12	22	20	48	20	18	22	24	14	20	24	13	11	16	11	25	15	17	15
South Dakota	.....	.....	80	60	47	34	75	45	29	35	40	71	90	144	220	62	39	100	82	68	54	23	95	61	45	60	50	42	38
Nebraska	40	150	170	100	85	55	85	145	40	46	56	126	136	159	128	98	74	140	65	77	57	46	88	75	70	75	47	35	60
Kansas	30	70	180	130	77	58	58	100	37	40	45	78	130	108	70	65	60	50	32	35	39	34	34	37	40	66	40	40	132
Kentucky	100	80	90	120	80	63	95	98	42	55	69	142	105	156	100	85	81	67	59	59	71	63	55	52	62	58	57	50	70
Tennessee	110	100	130	190	117	97	93	100	72	50	71	162	120	138	93	96	92	90	61	64	79	73	47	53	55	52	47	47	70
Alabama	150	140	200	170	80	110	103	82	80	120	69	116	130	140	79	73	78	94	69	71	82	57	60	55	56	70	48	41	65
Mississippi	120	150	180	200	90	80	115	82	86	90	58	88	120	152	88	79	54	85	57	41	81	69	60	57	75	65	50	52	75
Louisiana	180	160	160	180	95	90	93	94	53	106	62	94	115	275	135	114	101	75	99	116	85	113	120	80	85	75	65	68	100
Texas	140	150	200	130	73	55	75	78	37	59	47	60	80	116	56	39	39	59	61	40	37	55	42	40	30	35	30	30	34
Oklahoma	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	25	54	48	47	5	{105 / 46	81 / 27	103 / 25	78 / 24	160 / 23	55 / 22	43 / 50	40	60	50	32	145
Arkansas	120	150	220	200	125	105	106	110	86	123	83	112	180	210	128	108	122	123	87	70	108	122	80	75	91	85	80	68	140
Montana	60	80	50	80	30	25	60	30	20	15	14	35	8	43	8	24	8	9	9	17	9	11	44	20	19	20	25	15	19
Wyoming	.....	50	30	50	35	25	50	40	15	10	10	30	17	8	4	5	3	5	11	7	34	19	4	25	20	15	30	10	12
Colorado	40	50	30	50	40	20	50	22	16	12	15	30	60	27	18	9	17	16	30	23	15	24	25	20	31	18	20	15	20
New Mexico	70	70	60	60	80	67	50	43	37	12	10	17	26	58	5	2	9	30	10	20	8	18	15	17	15	17	38	25	16
Arizona	50	70	30	50	40	25	60	20	30	15	.....	32	13	90	1	2	8	21	22	22	53	94	20	15	10	23	13	19	12
Utah	30	60	40	40	51	50	54	40	15	23	11	32	20	30	13	12	9	11	5	20	10	14	40	6	42	19	20	17	16
Nevada	50	60	50	80	30	20	35	25	32	35	80	0	23	15	2	6	47	19	10	16	18	21	20	40	30	20	8	22	24
Idaho	50	70	50	50	37	30	60	32	30	30	.....	7	20	41	3	38	15	23	24	25	28	11	15	13	11	12	18	19	14
Washington	50	50	50	40	27	26	58	25	25	10	24	21	30	36	11	11	33	23	24	18	20	16	13	18	15	20	22	17	22
Oregon	60	60	30	50	30	23	67	23	24	37	10	12	22	35	18	15	22	30	27	27	13	15	12	10	16	20	20	18	16
California	50	70	50	100	40	25	59	48	31	29	18	49	80	52	33	56	28	53	61	57	45	33	32	50	25	31	38	32	25
United States	86	91	130	134	78	62	76	84	54	63	49	92	127	144	93	82	64	75	52	58	58	51	51	49	52	51	45.1	44.8	80.2

Estimated 90 per cent of loss due to hog cholera.

This loss would equal a very liberal income on the capital invested.

It was but to be expected that our great Secretary of Agriculture, who is now rounding his career of 16 years' continuous service in the presidential Cabinets of three Presidents, thus surpassing the record of all the Americans, should early and persistently direct the scientific experts of his department toward discovery of a cure for this disease, or a preventive remedy, which, if it would not cure, would check its spread.

The investigation of the scientists in the Department of Agriculture extended for a number of years toward finding a cure. In this the department was not and does not claim to have been successful. The testimony of Dr. Melvin, Chief of the Bureau of Animal Industry, and of Dr. Dorset, head of the Biochemic Division of that bureau, before the Committee on Expenditures in the Department of Agriculture developed the following facts: Along the line of investigation and experiment, beginning 1903, a serum was sought which would serve as a preventive of hog cholera, and under the direction of Dr. Dorset, in 1905, was produced and administered by the department as an effective preventive. It is the theory of the scientists—

That the disease is caused by an invisible organism that is so small that it passes through the finest porcelain filters and is not discernible with microscopes of the highest power. The method, generally speaking, of production is to take the hog which has recovered from the cholera, or is for any other cause immune, and inoculate it with a sufficient amount of blood taken from a sick hog. The effect of that injection is to heighten the immunity of the immune so that its blood will contain protective substances in such amount that comparatively small portions of this treated immune serum will protect the treated hogs from cholera.

It is confidently asserted by not only the discoverer of this preventive remedy, but by the head of the bureau and the Secretary himself, that as a preventive the serum is absolutely effective.

It was resonably considered that this preventive remedy being discovered, the process made known free to the American people, would prompt its early general production and application, but individuals, content with no attack being made upon their herds, looked to the States and the States looked to the General Government to advance its use until the ravages of the cholera, which moves in cycles and sections, comes home to the herd owner, and then it is too late to go through the process of production and application, each of which requires knowledge, skill, and care. The result, therefore, has been that although this discovery was complete in 1905, the campaign against hog cholera has not become general and effective enough even to stay the general high rate of mortality among hogs, but the losses have actually increased, so that the estimated loss for 1912 was $42,000,000.

The magnitude of this loss appears in the figures, but it must be understood that it does not fall entirely upon the swine owner. The loss ultimately falls not only upon the producer, but upon the consumer; and then, of course, the larger question of health to the consumer, while sometimes appearing only in the background, should challenge consideration.

Of the three great diseases attacking our meat-producing animals, hog cholera, southern cattle tick, and tuberculosis, probably rank in the order named.

The actual annual loss through death from cholera is estimated from eighteen to forty million dollars. The estimated loss for the cattle tick from four to eight million. I can not state definite satisfactory figures of the loss by tuberculosis. Of course the loss or damage arising out of lack of growth, deterioration of meats, hides, and so forth, would increase these figures in each class, more particularly perhaps in the second.

The work of aiding the meat producers of the country is well under way in those States where the southern cattle tick is prevalent. The department has cleared a large territory, which if grouped, would equal the States of Georgia, Alabama, and Mississippi. This is done by the Government's first discovery of a remedy; and, second, through cooperating with the States, and individuals, bringing home the demonstrations of the process to the small producer as well as large producer, so that it once being demonstrated in a community, its efficacy shown, the individuals are encouraged to use the process to their own advantage and to the ultimate advantage of the general consumers. The committee has, in a limited way, recommended this general method toward eradication of the hog cholera. The different States have collectively appropriated something over $200,000 for the production of serum and a demonstration of its manner of application.

A great deal of good can be accomplished by the Government making demonstrations throughout the different sections of the country of the efficacy of its process. If its preventive remedy is what the department claims for it, it would be money well spent to encourage and stimulate its use through every State in the Union. If it is not effective, then it should be known and the department should continue its efforts toward discovering other methods of treatment.

The department has made a number of semiprivate demonstrations and two notable public demonstrations of the manner of application with the serum treatment. I submit a part of the evidence given by Dr. Melvin, found on pages 16, 17, and 18 of his testimony before the Committee on Expenditures. The Kansas City and Omaha experiments, of course, were the most representative and hence most conclusive.

The statement is as follows:

The CHAIRMAN. Please furnish specific incidents of those six years where you have sent the agents of your department to centers of hog-cholera infection and demonstrated your work.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Washington, D. C., January 24, 1913.

PARTIAL SUMMARY OF RESULTS OBTAINED FROM APPLICATION OF BUREAU OF ANIMAL INDUSTRY'S ANTICHOLERA SERUM.

[All animals were kept under ordinary farm conditions.]

October 19, 1908 (Michigan): Infected herd. When visited 1 hog had died, 7 were sick, and 21 apparently well. Treated, 23 (3 of which were sick). Untreated, 5.

Results: Treated, survived, 22, or approximately 96 per cent; untreated, survived, none.

October 20, 1908 (Michigan): Herd slightly infected. Treated, 11; untreated, 4.

Results: Treated, all remained well; untreated, all died.

July 15, 1909 (Maryland): Experiment. Owner had lost nearly all of his herd. He bought 11 pigs and agreed to have some of these treated by the serum simultaneous method and others inoculated with virus alone to serve as checks. Treated, 7; virus alone, 3.

Results: All treated animals remained well; all virus-alone animals died.

August 25, 1909 (Virginia): Data incomplete on account of remoteness of the herd, but reported that all treated animals remained well, while all untreated ones died.

September 15, 1909 (Virginia): Data incomplete. All treated animals remained well; all untreated animals died.

December 6, 1909 (Virginia Agricultural Experiment Station): Herd infected. Treated, 43, many of which were sick; untreated, none.

Results: Survived, 29, or approximately 68 per cent; died, 14, or approximately 32 per cent.

December 21–22, 1909 (Virginia): Herd very badly infected. About 35 animals had died, and practically all of the survivors were showing symtoms of hog cholera to a greater or less degree. Treated, 113, many of which were sick; untreated, 179.

Results: Treated, survived, 79, or approximately 69.91 per cent; treated, died, 34, or approximately 30 per cent; untreated, survived, 111, or approximately 62 per cent; untreated, died, 68, or approximately 38 per cent.

These data are incomplete, as at last report some of the untreated animals were said to have been "looking badly."

February 18, 1910 (West Virginia Hospital for Insane): Herd infected. Treated, 47, many of which showed early symptoms of disease; untreated, 52.

Results: Treated, survived, 36, or approximately 76 per cent; treated, died, 11, or approximately 24 per cent; untreated, died, 52, or 100 per cent.

April 16, 1910 (Maryland): Disease just beginning. Treated, 34; untreated, 16.

Results: Final report stated that all treated animals remained well. No mention was made as to the untreated ones.

April 16, 1910 (second herd, Maryland): Data incomplete; no detailed final report. Only the general statement received that all treated animals remained well.

July 9, 1910 (Iowa): Owner had lost the greater portion of his herd and had procured 14 pigs from one of his neighbors for this experiment. The simultaneous method was employed. Treated by, 11; virus alone, 3.

Results: Treated, survived, 8, or approximately 73 per cent; treated, died, 3, or approximately 27 per cent. All virus-alone animals died.

July 21, 1910 (Nebraska): Infected herd. Data incomplete. The final report was to the effect that nearly all treated animals survived. No statement as to the untreated ones.

November 12, 1910 (Washington, D. C., Jail): Herd badly infected. Treated, 18; untreated, exact number not known.

Results: Treated, survived, 14, or approximately 78 per cent; treated, died, 4, or approximately 22 per cent; untreated, no exact data. Received only the statement that all untreated animals died.

December 2, 1910 (Maryland): Disease just beginning; 4 animals had died. Treated, 82; untreated, 34.

Results: Treated, survived, 73, or approximately 90 per cent; treated, died, 9, or approximately 10 per cent.

(The report on the untreated hogs is incomplete, but as near as could be determined 73 per cent died and 27 per cent survived.)

March 3, 1911 (Maryland Agricultural Experiment Station): Herd slightly infected. Treated, 42, 3 of which showed the early symptoms of hog cholera; untreated, 0.

Results: Treated, survived, 41, or approximately 98 per cent; treated, died, 1, or approximately 2 per cent. (This animal was one of those which were sick when treated.)

March 16, 1911 (Virginia): Herd badly infected. Treated, 24; untreated, 9.

Results: Treated, survived, 18, or 75 per cent; treated, died, 6, or 25 per cent; untreated, died, 9, or 100 per cent.

December 20, 1911 (North Carolina): Herd not infected. Treated, 4; untreated, 0.

Results: All animals remained well.

December 8, 1911 (Virginia): Herd infected. Treated, 8; untreated, 4.

Results: Treated, survived, 6, or 75 per cent; treated, died, 2, or 25 per cent; untreated, survived, 1, or 25 per cent; untreated, died, 3, or 75 per cent.

December —, 1911 (Maryland): Herd badly infected. Approximately 200 hogs had died. This herd is a very valuable one, being composed or pure-bred Duroc-Jerseys. Treated, 6; untreated, approximately, 40.

Results: All treated animals survived. No accurate figures given as to the untreated animals; only the general statement was received that "a large number had died."

January 2, 1913 (Bureau of Animal Industry, Division of Animal Husbandry): Healthy herd, and was treated by the serum simultaneous method. Treated, 60; untreated, none.

Results: All animals remained well.

January 22, 1912 (Maryland): Herd infected. One animal had died and 3 were sick. Treated, 5, 3 of which were sick when treated. Untreated, none

Results: Three, or 60 per cent, of these animals died (sick when treated); 2, or 40 per cent, of these animals survived (well when treated).

January 25, 1912 (Columbia Hospital for Deaf): Herd badly infected. Treated, 4. Number of untreated animals could not be ascertained.

Results: All treated animals survived. Reliable data concerning the untreated ones could not be obtained.

January 26, 1912 (Fort Hunt, Va.): Herd infected. Treated, 14; untreated, 18.

Results: Treated, survived, 13, or approximately 93 per cent; died, 1, or approximately 7 per cent. Untreated, survived, 8, or approximately 45 per cent; died, 10, or approximately 55 per cent.

February 27 and April 20, 1912 (Government Hospital for Insane, D. C.): This herd was infected and kept under poor hygienic conditions. Treated, 120; untreated, 44.

Results: Treated, survived, 118, or approximately 98 per cent; died, 2, or approximately 2 per cent. Untreated, no exact figures could be ascertained concerning these hogs, but the asylum veterinarian placed it at approximately 90 per cent.

November —, 1912 (Iowa Agricultural College): Disease just beginning. One or two hogs not eating well. Treated, 24; untreated, 3.

Results: Treated, survived, 24; untreated, died, 3.

December 14, 1912 (Virginia): Herd infected. Treated, 4; untreated, 4.

Results: Treated, survived, 4, or 100 per cent; untreated, survived, 1, or 25 per cent; untreated, died, 3, or 75 per cent.

July, 1908 (Kansas City, Kans.): Experiment. Thirty-five young shoats were purchased from a farm where hog cholera had not existed. These pigs, having been carried to the Kansas City stockyards and being in charge of a committee appointed by the exchange, were treated as follows: Twenty-two were injected with antihog-cholera serum prepared by the bureau. Four were injected with virulent hog-cholera blood. Nine were not treated in any manner. All were placed in a pen together. As was expected, the 4 pigs inoculated with the virulent blood contracted hog cholera within a short time and all died. The 9 "checks" contracted hog cholera from those which were inoculated with hog-cholera blood, and they also died. The 22 pigs treated with the serum remained well with the exception of one or two, which were slightly affected on one or two days. It is not certain, however, that the trouble with the treated hogs was hog cholera, as none died. All of the autopsies on the check animals showed typical lesions of hog cholera.

August, 1910 (South Omaha, Nebr.): Experiment. This experiment was undertaken at the request of State officials and the Nebraska Swine Breeders' Association. The Union Stock Yards Co., of South Omaha, also offered to cooperate and to bear the expense incident to the purchase and care of hogs used in the experiment. Thirty pigs, weighing from 40 to 60 pounds, were purchased from a farm which had been free from hog cholera for several years. These hogs were carried to the stockyards and, on July 23, 1910, 4 of them were injected with blood from hogs sick of hog cholera. These injected pigs, which were placed in a pen by themselves, became sick on the 28th of July, at which time 18 of the remaining pigs were given one dose of the serum, while the other 8 pigs were not treated in any way. The 18 serum-treated pigs and the 8 untreated pigs were then placed in the same pen with the 4 pigs which had been made sick of hog cholera. The 4 pigs which were inoculated with hog cholera all died. The 8 untreated check pigs all contracted hog cholera from the 4 inoculated ones. The 18 pigs which were given serum and which were confined in the same pen with the 4 original sick pigs and with the 8 untreated pigs, which became sick, remained perfectly well and were finally turned over to the officials of the stockyards company upon the completion of the experiment on September 17, 1910.

In conclusion, the total number of hogs treated by both the serum-alone and the serum-simultaneous methods in the above demonstrations was 744, of which 613, or approximately 82 per cent, survived, while of the untreated hogs, which numbered 362, 228, or approximately 65 per cent, died. The figures given showing the percentage of the untreated animals which died are not absolutely correct in that in the case of two herds the report was to the effect that a large number of untreated hogs died, while in four herds it was reported that all untreated animals died. As we had no definite data as to the number of untreated animals in these herds, they were not considered in figuring the percentage.

Mr. SLOAN. The various States have appropriated for the purpose of advancing the serum treatment as follows:

Ohio	$40,000
Pennsylvania	25,000
Missouri	25,000
Illinois	22,500
Nebraska	15,000
Kentucky	$10,000 to 15,000
California	8,000
Minnesota	6,000
Georgia	5,000
Maryland	5,000
Mississippi	5,000
Oklahoma	3,750
North Dakota	3,000
Kansas	3,000
Virginia	3,000
Iowa	2,500
Arkansas	2,000
Michigan	1,500
North Carolina	1,500
South Carolina	1,500
Wisconsin	600

The following States have either very small or indefinite funds provided: Delaware, Indiana, New York, South Dakota, and Louisiana.

I believe that any reasonable sum appropriated and prudently spent by the Government in forwarding this work will be returned to the people of the country, who are paying very high prices for their meats many hundredfold.

If even a fair measure of success should follow the extended use of this serum or other treatment that the department may find efficacious, there would be practical encouragement given to the States and individuals for the passage and enforcement of reasonable quarantine measures looking toward the more effective check of this disease between localities where the hog raiser is careful and enterprising and those communities where the owners are indifferent and shortsighted. It is known that the cholera is easily spread from one animal to another and readily carried from one community to another. The lack of known remedy or preventive, and the disastrous results following the infection of a herd, have heretofore prompted the swine owner at the first outbreak of the disease to hasten to market those apparently not infected or least infected. In that way, in the passing from farm to shipping point and being shipped in the various stock cars through the State and into other States, establishes highways for the carriage of this disease to every slaughtering point or yards where stock hogs may be purchased and distributed.

Dr. Melvin says:

In many outbreaks of cholera the disease is subacute, and in this form an owner could ship his apparently well hogs from some Western State to a live-stock center, such as Chicago, and without the disease having been developed sufficiently at the time of their arrival at Chicago to cause suspicion. These hogs might then be bought, and frequently are bought, for shipment to eastern markets, such as Buffalo, New York, or points in Massachusetts. Under the provisions of the 28-hour law these hogs would either have to be fed, watered, and rested in the cars or unloaded in stockyards en route for feed, water, and rest. In the latter case, we would be very apt to have several centers of infection established at these unloading yards between Chicago and this eastern point. Following this, it would be quite a common matter for some farmer or stock raiser in one of these intermediate States to bring in some stock hogs, unload them in these infected pens, and distribute them among his neighbors, and thus have a number of centers of infection established. This same thing would apply to hogs which might be shipped out of a State through one of these infected railroad yards. On account of the prevalence of cholera the department does not now permit the shipping out from any of the large stockyard centers of hogs for breeding or feeding purposes, because these yards are considered as being constantly infected with cholera.

Perhaps half of our swine for slaughter are carried into interstate commerce. Cooperation in quarantining with the best results should be between the States and the Government. With the large losses confronting the producers in every State, quarantine regulations for swine shipped for slaughter have been absolutely nil or, at least, not strict. There is a decided lack of uniformity. To show this lack of uniformity, speaking roundly, the States may be placed in the following classification:

First. Those that have some general quarantining provisions.

Second. Those whose quarantine provisions of law apply only to shipments of hogs for exhibition or breeding purposes, or both.

Third. States having no quarantine regulations for hogs.

There are in the first class: Alabama, Arizona, Arkansas, California, Iowa, Louisiana, Maryland, Minnesota, Mississippi, North Dakota, Pennsylvania, South Dakota, Utah, Wyoming.

In the second class: Indiana, Montana, Nebraska, North Carolina, Oklahoma, Oregon, South Carolina, Tennessee, Texas, and Washington.

In the third class: Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Kansas, Kentucky, Maine, Michigan, Massachusetts, Missouri, Nevada, New Hampshire, New Jersey, New Mexico, New York, Ohio, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin.

The production of meat for America and the world has been an important problem. To produce it at a reasonable price for the United States alone seems the future problem. The Department of Agriculture, disposing of this problem which we have discussed, has one of the most important problems of meat-food supply. Fortunately this does not relate to any particular locality or section of the United States. While some States are materially in advance of the others, yet there is no assurance that they will remain so long. A recent visit to the South, and an attendance at the National Corn Show at Columbia, S. C., where hundreds of boys were who had been raising from 100 to 200 or more bushels of corn per acre in the various States—Jerry Moore, South Carolina, 228¾ bushels, at cost of 16½ cents per bushel; James A. Leach, 196¼ bushels, at cost of 10 cents per bushel. This brought home the reflection that, with the increased yield of corn and other cereals in that great and fertile section, the enterprising citizens would be meeting the next important problem after production; that is, transportation. Wise and bold is the legislator who will seek to compel the great common carriers to adjust to an equitable basis transportation charges, but wiser still and more valuable to his community is he who will attempt to solve that transportation question by concentration of that product, so that the transportation company, instead of having the opportunity of hauling corn worth a cent a pound, he must ship swine worth from 5 to 10 cents a pound, reducing in that way the relative percentage of expense to value for transportation charges.

Some years ago a man whom I regard as one of the best financiers of my own State, discussing freight-rate problems, said:

Railway commissions and legislative maximum freight rates are all right, but that is not the way to beat the transportation company.

Our people are simply raising corn; it takes nearly 2 bushels of corn at this time to get the third bushel of corn to market. Feed it to your hogs, concentrate your product, your transportation burden will be relatively decreased; or feed your corn to your cattle and bring about a similar result; or, instead of shipping the beef, you may concentrate your product further, so that instead of shipping corn that will not pay its own way, ship butter, 1 pound of which will ship 15 of its kind.

This was many years ago; the large concentration of products in saving transportation costs has been doubled and in many cases trebled under the present rates and prices.

I see in the increased impetus of corn raising an increased impetus in swine producing and swine care. I believe that the Government will be doing no more than its economic duty if from time to time it shall, through liberal appropriations and zealous propaganda, teach the swine producers the use of the remedy in which the department has such faith, to the end that the loss to the producer of this property so generally owned may be reduced to a minimum, the high price of this important food be measurably reduced to the consumer, and the health of the public less seriously menaced.

The United States has more than one-third of the hogs of the world. It has less than one-sixth of the cattle and less than one-tenth of the sheep, so that the relative importance of the swine industry may be readily seen. The total value of cattle, including milch cows and beef-producing animals, in the 10 States—10 leading tick States, named in the order of their cattle interests: Texas, Oklahoma, Georgia, Mississippi, Arkansas, Alabama, Louisiana, North Carolina, Florida, and South Carolina—where the southern cattle tick operates is $287,914,000. The value of the hogs in those States amounts to $98,696,000, which is more than one-third of the cattle value. The value of the beef animals in those States is $162,361,000, so that as meat producers the hogs of those 10 States equal 60 per cent of their beef production. The value of the swine in the 10 leading swine-producing States—Iowa, Illinois, Nebraska, Missouri, Indiana, Ohio, Kansas, Wisconsin, Minnesota, and Michigan—not including any of the southern tick States, is $336,471,000.

As an economic factor the hog is entitled to the best of treatment. While not at any time appealing to the aesthetic or ever having been canonized, as a type of dignity he has usually "delivered the goods." He has that which many desire, and even Congressmen, having or desiring rivers and harbors, hover round his repository, "the barrel." This measure is calculated to fill the pork barrel instead of emptying it. He knows no State lines, and has not that regard to altitude, latitude, and longitude for which other meat animals are sticklers. Like a wealthy relative, he becomes most valuable when he dies a sudden and unnatural death. He has aided the pioneer to develop every State, has paid more store debts, bought more land, built more homes, lifted more mortgages, paid more freight, swelled more bank accounts, aided in the erection of more schools and churches, sent more young people to college, has been carried to more markets of the world, satisfied the hunger of more poor, tickled the palates of more rich, and regaled the tastes of more princes than any other meat-producing animal.

It can not be said of him that "he wants but little here below." He wants much; but he wants that not for long.

Remove the menace of cholera and he will become a mint for the free coinage of gold. He is more valuable than all the precious minerals of the mountains, because his veins are reliable and his stock being sold is no imposition upon the buyer.

Demonstrations by the Bureau of Animal Industry in cooperation with States and individuals to test thoroughly the Government's preventive remedy will be money and energy well spent, because if the Government has not an effective remedy, then one should be discovered and used.

The two most damaging diseases to meat animals in this country are hog cholera and the cattle tick. The loss from hog cholera is estimated at from fifteen million to forty-two million

dollars annually for a period of years. I shall submit the figures for a long period of time. Then the loss from the cattle tick by death is estimated at from four to eight millions. That statement of $25,000,000 was inclusive of speculative losses. The estimates of Dr. Melvin for death losses are from four to eight millions. The other estimate, I repeat, is based on speculative losses, which reduce it to the basis of from four to eight millions. That is the rank of the two great diseases which reduce our general meat supply.

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. SLOAN. Yes.

Mr. HOBSON. How does the gentleman differentiate between speculative and actual losses?

Mr. SLOAN. When the animal dies the loss is complete; but there is an additional loss through the lack of growth and deterioration. That is speculative.

Mr. HOBSON. I can tell the gentleman that it is more than speculative. In one county where we eradicated the cattle tick we more than doubled the average value of all the cattle in that county.

Mr. SLOAN. It is still speculative, but the speculation approximates a certainty.

Mr. HOBSON. You ought to give an estimate, and I do not think the gentleman ought to count only the death loss, because the death loss is the smallest part of it. All the cattle in my district except that one county are infected with the cattle tick, and all the cattle in that county were infected until they eradicated it.

Mr. SLOAN. I want to say that on that same basis the Government, cooperating in these 10 States, has cleared a territory as great as the States of Georgia, Alabama, and Mississippi, and what was done in that work can be done throughout the United States with the hog cholera.

Mr. HOBSON. I do not question that.

Mr. SLOAN. I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

Mr. LEVER. Mr. Chairman, it seems to me the committee ought to understand this situation thoroughly before it agrees to increase this appropriation by $200,000. The situation is this: The item in the bill carries an appropriation now of $620,000. The current law carries an appropriation of $600,000. The committee increased that amount $20,000, and I want the committee to know that every dollar of the $620,000 carried in this bill is available for the use of demonstrating the best methods of preventing hog cholera. There can not be any doubt about that proposition, and the fact that this money has not been used in that direction heretofore is not a criticism of the Committee on Agriculture. It is not an evidence of the fact that we have overlooked the great hog industry of the country. It is hardly a criticism of the officials of the Agricultural Department. The fact is that the department, since 1903, has been sending out its bulletins on the prevention of hog cholera, and sending the serums out so that now 30 of the States are working on this very problem, through the serum idea.

Mr. GOOD. It is equally true that all of this $620,000 could be expended for one of a dozen different things, and not a penny of it spent for the eradication of hog cholera.

Mr. LEVER. That is very true, and that is exactly the point I was trying to bring out. It is a question that we must leave to the good judgment of the officials who execute the laws.

Now, some suggestion has been made in reference to the cattle-tick appropriation of $325,000. I want to call the attention of gentlemen to the fact that this work has been in operation in the South for about eight years, but the first appropriation for the purpose of demonstrating the method of eradicating the cattle tick was only $50,000, and not $325,000. We are not certain that the $45,000 that the committee are willing to give will bring the result that we hope to have it bring, but we are willing to spend $45,000 in trying out the method, in trying to ascertain if the serums are, in fact, preventives. But I do not think this Congress ought to be asked to spend $200,000 to try out a proposition which may or may not be good. It seems to me the committee has acted wisely in the fact that it desired to start this work on a conservative basis. If it proves efficacious, if next year we have found a way of demonstrating that serum is a preventive of hog cholera, then I am sure this committee will give you every penny that the Department of Agriculture estimates for this great work. That is the sensible view for us to take. Try out the method; if it is efficient, give sufficient means to carry it to the people.

Mr. HELM. Will the gentleman yield for a question?

Mr. LEVER. Yes.

Mr. HELM. How large a force has the department available to put into the field to guarantee the execution of this work?

Mr. LEVER. In answer to the suggestion of the gentleman, I will say that I do not know how many men they have. I do not know that the department knows. Hence the committee took the sensible course and appropriated a small sum, in order that we might go at this work in a conservative rather than an extravagant manner. We are giving them nearly four times the amount that they have heretofore been using for this purpose.

Mr. HELM. So that if the committee were to vote the $200,000, you do not know whether the department could utilize that sum or not?

Mr. LEVER. Absolutely not; and the gentleman from Iowa [Mr. TOWNER] does not know it. Nobody knows how they would use it, or if they used it whether it would be beneficial to the country in doing what is sought to be done by this amendment. Let us be wise and start at this in a small way, and if it proves good this Congress will do the wise thing and make all appropriations necessary to give the Department of Agriculture sufficient means to carry on the work sought to be done.

Mr. TOWNER. I hope it will not be understood—it certainly is not so intended—that those who favor this additional appropriation intend thereby to cast any reflection or criticism upon the committee. On the contrary, I think the committee is remarkably responsive to the reasonable demands that are made. I am quite sure if this proposition had been originally urged before the committee an adequate appropriation would have been reported. When all the circumstances are known, this proposition ought to appeal to everyone. In the first place, it must not be understood that this serum is a cure for hog cholera. That is a mistake that not only Members of this House make, but many of the farmers of the United States have been making. It is not a cure, but it is an efficacious preventive of hog cholera. We can easily understand how much more difficult it is to get a man who has a herd of hogs that is not affected to use a preventive than it would be to get him to use a cure if his herd was affected. The work, therefore, must largely and must necessarily be a method of demonstration, a method of education, a method of taking into these communities where they raise hogs not only the serum itself, but the method of using it, and the necessity for using it, and a demonstration that its use is efficacious.

When it is understood that every State in the Union is a hog-raising State, when it is understood that interest in the prevention of this deadly plague must be universal throughout the United States, when it is understood that this work must be nation wide if it shall be carried on efficaciously, it seems to me that it must be apparent that this demonstration of the effective prevention of hog cholera must take an amount of work that will not be covered by an appropriation of $45,000. In my judgment $200,000 is a very small amount, and I venture to say that the next bill that will be brought in will contain an appropriation for this purpose very much larger than $200,000.

Mr. NYE. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. NYE. Does the gentleman say that this is exclusively a preventive?

Mr. TOWNER. Yes.

Mr. NYE. And should every man that raises hogs get this serum to prevent hog cholera?

Mr. TOWNER. I do not know exactly what is in the gentleman's mind.

Mr. NYE. I mean, if it is a preventive, must all farmers use it as a preventive?

Mr. TOWNER. That is not it. The idea is that when cholera breaks out those in the vicinity whose hogs are not affected ought to know how they can prevent their herds from being affected. The Government ought to be ready to send a man whenever there is an epidemic, so that they can take the serum there and demonstrate its use and educate these farmers who have herds in the immediate neighborhood how they can prevent loss from the epidemic.

Mr. HELM. Will the gentleman yield?

Mr. TOWNER. I will.

Mr. HELM. I am anxious to know how many hog doctors the Agricultural Department has available to use this $200,000?

Mr. TOWNER. It is not that. The Government of the United States can secure, if they have the funds, men in every State from the agricultural colleges who will do this without sending out men directly from the department. But the United States can not do it unless they have the money to pay for it, and unless they have the serum manufactured and made available.

Mr. COX. Will the gentleman yield?

Mr. TOWNER. I will.

Mr. COX. Does the gentleman believe that the Government should go any further than to simply demonstrate work in this particular?

Mr. TOWNER. I do; because the Government ought especially to furnish the serum, for the reason that patent medicine men—the frauds all over the country, who are seeking to prey on the credulous farmer—finding that the use of a serum is considered effective, will assert that their private serum is better than any other, and thus sell the farmers worthless nostrums. They ought not to be put in a position where they can deceive the farmer.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX. I ask unanimous consent that he have two minutes more.

Mr. LAMB. I call for the regular order.

The CHAIRMAN. The demand for the regular order is equivalent to an objection.

Mr. EDWARDS. Mr. Chairman, in discussing this matter it is not my purpose to in any way reflect on the committee. On the contrary, I have only the greatest praise for the committee because I think they are doing a noble work, a work that means much to the country. This is an important matter. I heartily favor the $200,000 appropriation, and I hope the amendment will prevail. I hope, too, in the passage of the amendment, language will be employed that will restrict the expenditure of this money for this very important purpose.

In 1912 hog cholera cost the farmers of the Government $42,042,900. That presents a serious situation. It is not only a loss to the farmers but it is a loss to the whole country, and if we can secure a remedy against it it will save to the people of the country this enormous sum of money, which is quite worth while.

Mr. HOBSON. Will the gentleman allow me to ask him a sympathetic question?

Mr. EDWARDS. I will, with pleasure.

Mr. HOBSON. Under the present condition of manufacture it costs 90 cents to get serum enough to inoculate a hundred-pound hog. That is ridiculously high, but if you standardize and systematize it it ought not to be half that amount.

Mr. EDWARDS. Mr. Chairman, I quite agree with the gentleman from Alabama [Mr. HOBSON]. I think the work of standardizing and systematizing it should be undertaken.

Mr. MOSS of Indiana. Mr. Chairman, will the gentleman yield for a question?

Mr. EDWARDS. Not just now. I have only five minutes. I believe this important work can best be done through the Department of Agriculture here. In Georgia, the State is undertaking to manufacture and furnish cholera serum to the farmers. I do not know just what the amount is that is being expended there, but it is not a very large amount. I am in favor of getting results, and I believe those results can best be gotten through the National Department of Agriculture, which can work in conjunction and cooperate with the various departments of agriculture in the several States.

As I was about to remark when the gentleman from Alabama [Mr. HOBSON] interrupted me, in 1912 Georgia raised 2,098,000 hogs. Of that number 169,938 died from cholera. That amounted to a little more than 8 per cent of the total number of hogs raised in that State for 1912. The total value of the hogs raised in Georgia in 1912 amounted to $14,057,000. The total amount of loss through cholera in the State of Georgia in 1912 was $1,138,600. I appreciate what the State of Georgia has undertaken to do for the farmers in protecting the hogs against cholera, but I do not think it has gone far enough, and I do not think any of the States of the Union have gone far enough in this matter; and, with all due respect to this important committee, I do not believe this bill goes far enough in the matter. I hope the amendment making the appropriation will prevail.

As has been remarked by the gentleman from Iowa, the serum is not a cure. No more is it a cure for cholera than is vaccination a cure for smallpox, but it is a preventive. If it is used in time, it will prevent the cholera getting among the hogs, just as vaccination will prevent smallpox among people. It is my impression that the cost is about 90 cents for inoculating a hog.

Mr. HOBSON. That is a 100-pound hog?

Mr. EDWARDS. I do not understand that it makes any difference as to the weight.

Mr. HOBSON. Yes; it does vary with the weight.

Mr. EDWARDS. Then, it costs many times what it ought to cost, and I would welcome legislation and action that would not only make certain this remedy but give it to the people at a greatly reduced cost.

The CHAIRMAN. The time of the gentleman from Georgia has expired. All time for debate has expired. The Clerk will report the amendment offered by the gentleman from Nebraska and the amendment to the amendment offered by the gentleman from Iowa.

The Clerk read as follows:

Amendment to the amendment offered by the gentleman from Iowa: Amend, at the end of line 12. Strike out the semicolon and insert a colon, and add the following:

"Provided, That of this sum not less than $45,000 shall be set aside for demonstrating the best method of preventing hog cholera."

Mr. HOBSON. Mr. Chairman, I make the point of order against the amendment at this juncture.

Mr. MANN. Why, it has been discussed here for half an hour.

Mr. MAGUIRE of Nebraska. It comes too late.

Mr. HOBSON. Mr. Chairman, I wish to offer an amendment to the amendment, or a substitute for the amendment as amended.

The CHAIRMAN. Does the gentleman offer a substitute for the entire amendment?

Mr. HOBSON. Yes.

Mr. MANN. Mr. Chairman, I demand the regular order.

Mr. LAMB. I demand the regular order.

The CHAIRMAN. The regular order is to vote on the amendment.

Mr. HOBSON. Mr. Chairman, I wish to offer a substitute.

The CHAIRMAN. The gentleman from Alabama will send it up.

Mr. HOBSON. The substitute is to strike out of the amendment the words "eight hundred and twenty thousand" and insert "seven hundred and ten thousand," thus cutting down the increase from $200,000 to $90,000.

Mr. MANN. Mr. Chairman, I submit that if the gentleman will offer an amendment to the amendment of the gentleman from Iowa it would be in order, because the amendment offered by the gentleman from Nebraska is not an amendment except by way of a substitute.

Mr. HOBSON. Then I will make it an amendment to the amendment. I have no objection to that.

The CHAIRMAN. There is already an amendment pending.

Mr. HOBSON. Then, Mr. Chairman, I offer it as a substitute to the entire amendment as amended.

The CHAIRMAN. The question is on the substitute.

Mr. MAGUIRE of Nebraska. Mr. Chairman, I have some doubt whether my amendment is in order properly to the amendment and I ask unanimous consent to withdraw the amendment in the hope that the other amendment will be voted down and then I will offer this amendment following that.

Mr. HOBSON. Then, Mr. Chairman, I offer also an amendment to the amendment of the gentleman from Iowa.

The CHAIRMAN. The gentleman from Nebraska can not withdraw his amendment except by unanimous consent. Does the Chair understand the gentleman asks unanimous consent?

Mr. MAGUIRE of Nebraska. I ask unanimous consent.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HOBSON. Mr. Chairman, I offer an amendment to strike out the figures "$820,000" and substitute therefor the figures "$710,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment by striking out "$820,000" and insert in lieu thereof "$710,000."

Mr. LEVER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LEVER. I would like to ask the Chair whether this amendment carries any direction to the Secretary of Agriculture as to how this money shall be used?

The CHAIRMAN. The Chair can not state——

Mr. HOBSON. I make the point of order it does not matter how it is used. The gentleman has not reserved any point of order against the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken, and the Chairman announced the noes appeared to have it.

On a division (demanded by Mr. MANN), there were—ayes 19, noes 43.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Iowa.

The question was taken, and the Chairman announced that the noes seemed to have it.

On a division (demanded by Mr. GOOD), there were—ayes 31, noes 35.

Mr. GOOD. Tellers, Mr. Chairman.

Tellers were ordered.

The committee again divided; and the tellers (Mr. GOOD and Mr. LAMB) reported that there were—ayes 45, noes 52.

So the amendment was rejected.

Mr. MAGUIRE of Nebraska. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 11, at the end of line 12, by striking out the semicolon and inserting a colon and add the following: "*Provided*, That of this sum not less than $45,000 shall be set aside for demonstrating the best method of preventing hog cholera."

Mr. GOOD. I move to amend the amendment by striking out the figures "$45,000" and inserting "$100,000" in lieu thereof.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment by striking out the figures "$45,000" and inserting in lieu thereof "$100,000."

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. GOOD), there were—ayes 35, noes 47.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Nebraska.

The question was taken, and the amendment was agreed to.

Mr. LEWIS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On line 12, page 11, after the figures "$720,000," amend by adding: "Not more than $30,000 of which sum may be applied to indemnifying the owners of milch cows condemned under section 2 of the act of Congress approved March 2, 1895, and the regulations of the District of Columbia in relation thereto."

Mr. LEVER. Mr. Chairman, I reserve a point of order on the amendment.

Mr. MANN. I make the point of order.

Mr. LAMB. I ask unanimous consent that this may go over without prejudice until to-morrow.

Mr. MANN. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. What is the point of order of the gentleman from Illinois?

Mr. MANN. That there is no authority of law for paying for these cattle that are condemned. It has been ruled here year after year.

The CHAIRMAN. The Chair remembers last year the exact point was up, and the Chair sustains the point of order.

Mr. LEWIS. Mr. Chairman, I have not been heard, I submit, on the point of order.

Mr. LAMB. I ask unanimous consent that it go over until to-morrow, without prejudice.

Mr. McLAUGHLIN. Mr. Chairman, I object.

Mr. LEWIS. I understand the matter goes over until to-morrow——

Mr. MADDEN. I object.

Mr. McLAUGHLIN. I object.

The CHAIRMAN. Objection is made.

Mr. LEWIS. I can not hear the Chair.

The CHAIRMAN. It was the understanding of the Chair when the gentleman from Maryland [Mr. LEWIS] made that request that objections were heard.

Mr. LEWIS. I wanted to discuss it. Now, I think I have a point that the Chair might wish to consider in that connection.

The CHAIRMAN. The Chair will hear the gentleman from Maryland.

Mr. LEWIS. I thank the Chairman for his courtesy.

I call the attention of the committee to the fact that this amendment makes no new appropriation. The section of the bill as already framed, as it has already passed through many Congresses, makes an appropriation for specific purposes, because it clothes the Secretary of Agriculture with the power to make applications of this appropriation in the line of the amendment, and he has made applications of the appropriation in that way.

The amendment does not, therefore, consist of an appropriation or new legislation, but consists of a limitation upon an appropriation, for under the statute as it is now, under the paragraph as at present framed, the whole $620,000 might be applied to this object, and the amendment restricts the appropriation to not more than $30,000, and I submit is therefore not subject to the point of order which has been made. The case is so wholly peculiar that the Chair ought to thoroughly understand these facts before making a renewed ruling.

Mr. MADDEN. Will the gentleman yield?

Mr. LEWIS. In regard to the point of order?

Mr. MADDEN. I was going to ask if it was not the custom of States to pay for cattle so afflicted?

Mr. LEWIS. The whole sum is appropriated for that purpose now, if the Secretary of Agriculture chose to so regard it, and the amendment amounts to a limitation upon an appropriation and not to an appropriation itself.

Mr. HOBSON. Will the gentleman yield for a question bearing on that point? In what line of the paragraph does he find authority to use that appropriation for indemnifying owners of condemned tubercular cattle?

Mr. LEWIS. I will ask the chairman of the committee to reply to that question. There is no question of the power of the Secretary of Agriculture to apply the money in that way, and it is now applied in that way in the city of Washington.

Mr. LAMB. In view of this, as well as other matters relating to it, I ask unanimous consent that this paragraph go over until to-morrow without prejudice, when one of my colleagues from Virginia will be here who can not be here to-day.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that this paragraph go over without prejudice.

Mr. MADDEN. Mr. Chairman, I object.

Mr. MANN. I ask for the regular order. Does the Chair desire to hear anything further on the point of order?

The CHAIRMAN. The Chair will be glad to hear from the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, the amendment offered by the gentleman directs the Secretary of Agriculture to use the amount named in the amendment, $620,000, for a certain purpose, and even if it be true that the Secretary of Agriculture might in his discretion use the entire sum carried in the bill for the same purpose, it would still be a change of law to require him to use a specified portion of that sum for that purpose.

Mr. LEWIS. The amendment does not do so. He is expending now money for that purpose. This amendment restricts the amount to which he might otherwise be unrestricted, and which he might expend, to $30,000.

Mr. MANN. That is not how I heard the amendment read.

Mr. LEWIS. That is the purpose.

Mr. MANN. I ask to have the amendment reported again.

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

On line 12, page 11, after the words "six hundred and twenty thousand dollars," amend by adding:

"Not more than $30,000 of which sum may be applied to indemnifying the owners of milch cows condemned under section 2 of the act of Congress approved March 2, 1895, and the regulations of the District of Columbia in relation thereto."

Mr. MANN. That, of course, does not come in the proper place, but that is a matter easily corrected. The same question was up a year ago. While this, as the gentleman stated, does not authorize the Secretary to use it, it authorizes the Secretary to use it for a certain purpose affecting any discretion he has now, although I do not think the Secretary has any authority under the provisions of this act to pay for these milch cows.

Mr. LEWIS. It is conceded by the committee that he has, and he has acted upon it in the past.

Mr. LEVER. Mr. Chairman, I do not think it is quite fair to say that it is conceded by the committee. It may be conceded by some. For one I take the position of the gentleman from Illinois [Mr. MANN] that there is no authority of law by which condemned cattle may be paid for except as they might be entering into interstate commerce. I will read, if the gentleman will permit:

The Secretary of Agriculture has the power to expend any part of this sum in the purchase and destruction of diseased or exposed animals and the quarantine of the same whenever in his judgment it is essential to prevent the spread of pleuropneumonia—

And so forth.

Now, the proposition of the gentleman from Maryland is to condemn these dairy cattle in the State of Virginia and in the State of Maryland and pay for them there regardless of the fact that they are about to enter into interstate commerce and thereby spread this disease from one State to another.

Mr. LEWIS. May I ask the gentleman from Illinois whether it is not a fact that part of this appropriation has been expended in the District of Columbia in payment for condemned animals?

Mr. MANN. Yes; but that is only in consequence of the department's construction.

Mr. LEVER. I believe that is simply a matter of construction.

Mr. MANN. If the Chair thinks there is no authority in the law, the Chair does not bother with the question as to whether somebody has expended the money improperly in one of the departments. The matter has been up on several occasions and has been thrashed out thoroughly both before and since the

gentleman from Maryland [Mr. LEWIS] came into the House, and the ruling always has been that there was no authority in the law for the Secretary of Agriculture to pay for cattle condemned in Virginia or Maryland or other States having no relation to interstate commerce.

But the amendment of the gentleman from Maryland [Mr. LEWIS] would authorize it, and it is for that purpose that it is intended. It would authorize the Secretary of Agriculture, when one of the inspectors goes into an adjoining State and finds something the matter with the cattle, to pay for those cattle, and if that is to be the policy of the Government, the same rule should be applied to payment for hogs that have been condemned on account of hog cholera under the provisions of this act. It has already been stated that that amounts to many, many millions of dollars a year.

Mr. LEWIS. Does the gentleman from Illinois think it quite fair to argue the supposed merits of this matter when the point of order is up and the argument should be confined to the point of order and not be upon the merits?

Mr. MANN. I am not arguing the supposed merits. I am arguing the point of order, pure and simple, as to what the effect of the ruling would be holding a provision of this sort in order.

Mr. LEVER. Mr. Chairman, is the Chair ready to rule?

The CHAIRMAN. The Chair is ready to rule, but the Chair will hear the gentleman from South Carolina if he desires to be heard.

Mr. LEVER. I was about to suggest, Mr. Chairman, that the statement of fact made by the gentleman from Maryland [Mr. LEWIS] as to the Department of Agriculture having paid for cattle condemned in the District of Columbia is no doubt correct. There is no question about that. But I doubt the authority of the Secretary of Agriculture to do that, although I have some recollection that he got his authority from an act relating to the District of Columbia, but there certainly can be found nowhere in any of the acts touching the establishment of the Bureau of Animal Industry or in legislation since its establishment which gives the Secretary of Agriculture the right to indemnify the owners of cattle that are killed, unless to prevent them from spreading from one State to another through the channels of interstate commerce, and the authority for that I read to the Chair a moment ago.

The CHAIRMAN. The Chair will ask the gentleman from Maryland [Mr. LEWIS] if he knows any authority of law for the payment of that except that portion of the statute which the gentleman from South Carolina has read?

Mr. LEWIS. And the departmental construction that has been given to it.

The CHAIRMAN. The recollection of the Chair is that this exact matter has been before the committee some two or three times, and——

Mr. LEWIS. Does the Chair notice the expression here "to purchase diseased and exposed animals," and so on, in this last paragraph?

The CHAIRMAN. No point of order is made against that, although it might be subject to it, but a point of order is made against this.

Mr. MANN. I know that the gentleman from Maryland does not intend to mislead the Chair, but that expressly provides in relation to animals going from one State to another.

The CHAIRMAN. The recollection of the Chair is that the other item referred to is substantially in the language of the law quoted by the gentleman from South Carolina. It is the opinion of the Chair that the amendment is not in order, and therefore the Chair sustains the point of order to it. The Clerk will read.

The Clerk read as follows:

For all necessary expenses for the eradication of southern cattle ticks, $325,000.

Mr. BOOHER. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Missouri [Mr. BOOHER].

The Clerk read as follows:

Page 11, strike out the paragraph included in lines 13 and 14.

Mr. BOOHER. Mr. Chairman, I am opposed to certain provisions in this bill because I am opposed to paternalism of any kind, and there is more paternalism in this bill than in any other that can possibly come before Congress. It is hardly possible to so frame the Agriculture appropriation bill that all paternalism can be avoided. The best we can do is to reduce it to a minimum.

The paragraph we are now considering appropriates $325,000 for the purpose of eradicating cattle ticks. This matter refers to one section of the country, but is of national importance, and is defensible only on this account. In 1907 Congress began appropriating for the eradication of the cattle tick. They appropriated first $82,500. Next year they appropriated $150,000. For each year since then they have appropriated $250,000, and this year $325,000 is carried in this bill. Already there has been appropriated the sum of $1,232,500.

Mr. HOBSON. I want to ask the gentleman whether he makes a distinction between tick eradication, which, by the way, I want to tell him, is going on very successfully in my district—whether he makes any distinction between that and the various other processes that are usually termed "quarantine," as, for instance, the extinction of yellow fever or the checking of cholera or any other scourge that is brought from abroad or from State to State; not in any locality, but as an interstate matter? I wish to know whether he regards this particular work as distinguished from the other work of saving the public at large from a scourge?

Mr. BOOHER. The gentleman's question is a very elaborate one, and I really have not the time in my five minutes to answer it; but I do not discover any similarity between a quarantine law preventing the spread of cholera from one State to another, or the smallpox from one country to another, and the eradication of the cattle tick. When they have smallpox in my community, and people are quarantined, the man who has smallpox pays the doctor if he is able, and if not the county pays the bill.

Mr. HOBSON. The gentleman realizes that all of this is based on quarantine?

Mr. BOOHER. I know. The eradication of the cattle tick has come down to be so simple that the man who has no brains at all can get rid of the ticks on his cattle. I can prove that from the hearings before the Committee on Agriculture. I am going to read from these hearings just what each State veterinarian who was before that committee said about it.

I want the committee to remember that it is the simplest thing in the world to eradicate the cattle tick. All a man has to do is to drive his cattle through a vat that contains the dip, and the ticks are gone. Yet by this bill you are appropriating $325,000 to help people help themselves. I have no objection to the Government spending money to find remedies for these things. I believe the Government ought to find the remedy, and after it finds the remedy I believe it ought to furnish it to the people, but I do not believe the Government ought to go over this country telling men how they must do everything, as this bill provides. Why not let the people depend somewhat upon their own intelligence?

Let us see about this. Let us take first the testimony of Dr. Dalrymple, State veterinarian of Louisiana. This is what Dr. Dalrymple said before the committee:

This tick eradication work is the simplest thing possible.

That is what the State veterinarian of Louisiana says. Then he goes on to say:

This dipping-vat process, with the standard arsenical solution, is absolutely the thing to do it with.

Now, you have a formula provided by the Government. It costs on an average $35 to build a vat and put your liquid in. You can fill it full and dip two or three hundred cattle. Yet you want $325,000 to enable you to do it.

How much has Louisiana appropriated to carry on this work? Five thousand dollars a year. Yet they say their loss in Louisiana is from $3,000,000 to $5,000,000 a year. That State, in the face of that fact, appropriates only $5,000 each year to carry on that work.

Dr. Dalrymple goes on to say:

Our loss is from $3,000,000 to $5,000,000 on acount of this cattle-tick business.

If it is true that you have so simple a remedy as Dr. Dalrymple says it is, I want to know why the people can not use it instead of asking Congress to do it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOOHER. I ask unanimous consent to proceed for 10 minutes.

Mr. LAMB. I hate to object, but we must get on with this bill.

Mr. SIMS. Oh, we have not heard such a speech as this in a long time.

Mr. MANN. Can not the gentleman secure an agreement to close debate on this paragraph and amendments?

Mr. LAMB. I am willing to yield to the gentleman from Missouri [Mr. BOOHER] five minutes.

Mr. BOOHER. No. I want to say to the committee that I tried to get time before the general debate closed to discuss this proposition, and I could not get it.

Mr. LAMB. Mr. Chairman, I move that all debate on this paragraph and amendments thereto close in 15 minutes.

Mr. MANN. I suggest to the gentleman that he allow 10 minutes on a side.

Mr. LAMB. Then, I will make it 20 minutes, 10 minutes on a side.

The CHAIRMAN. The gentleman from Virginia moves that all debate on this paragraph and amendments thereto close in 20 minutes.

Mr. MANN. I ask unanimous consent that debate on the pending paragraph be closed in 20 minutes, of which the gentleman from Missouri [Mr. BOOHER] shall have 10 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that all debate on the paragraph and amendments thereto be closed in 20 minutes, of which the gentleman from Missouri [Mr. BOOHER] shall have 10 minutes.

Mr. McLAUGHLIN. I will not object if I can have two minutes, for I want to offer an amendment and wish to say a word or two upon it.

Mr. MANN. The gentleman can have five minutes if he gets recognition from the Chair, as I do not want any time.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BOOHER. Now, I want to read further:

The CHAIRMAN. May I inquire what amount of money your State appropriated?

Dr. DALYRYMPLE. We have been appropriating $5,000 a year for the last seven years, but then our counties or our parishes, as we call them, have been giving money, and they are providing means in the way of building the dipping vats to be used in this work. I can not give the exact figures—I have not got them—but that is the amount of State money.

Mr. HAWLEY. Is the dipping compulsory?

Dr. DALYRYMPLE. It is; yes.

Mr. HAWLEY. Over what portion of the State?

Dr. DALYRYMPLE. In our State it is compulsory in three of the northern parishes; it started on the northern tier of parishes, but we have carried the work forward in some of the interior parishes, and the local people are expending the money for vats in order to educate the people in the value of the work.

Mr. HAWLEY. How soon do you expect this whole State to be covered by this compulsory dipping law?

Dr. DALYRYMPLE. We want more Federal men, we want five more, I believe, now. The estimates for the Department of Agriculture were made up in September before the real facts in this case were known, I believe. Some of these gentlemen, I think, will be able to show you that a great many more men will be required than were thought necessary at that time. It is not a question of any department of the Government wanting this. We want it, the people of the South want it.

There you have got the State law in Louisiana, a compulsory law, compelling the people to dip their cattle. Why does the Government want to appropriate money when the State law has taken charge of them and compelled them to do their dipping? Now, I will turn to Dr. White, State veterinarian of Tennessee:

Mr. McLAUGHLIN. Just one other question. You say you found the method of eradicating the ticks successful, and that it now is just a question of men and money?

Mr. WHITE. That is all there is to it.

Mr. McLAUGHLIN. There is quite a strong feeling prevailing that when the Government has demonstrated the method of eradicating the ticks and has shown the people just how it can be done, and that it is reducible to a question of time and money, that it is then up to the local people to do the work themselves.

Mr. WHITE. That is for you people to say.

Mr. McLAUGHLIN. What do you think of it?

Mr. WHITE. I do not think anything of it at all. I believe you folks ought to stay behind us and help us until we get out of it.

Mr. LEVER. Is it not a fact that the Government put you into it?

Mr. WHITE. They put us into it, and we want them to help us out.

Mr. McLAUGHLIN. Who put you in?

Mr. WHITE. The Federal Government put us in quarantine.

And now they want what? After dipping their cattle to destroy the ticks, and the Government has spent $1,230,000, they want $325,000 again, an increase of $75,000 this year. The thing goes on, and every witness testifies along the same line, that it is a simple matter and that it can be done by the people.

In the State of Georgia they have a law, as stated in this hearing, fining every man who refuses to dip his cattle, and the evidence before the committee was that the law was enforced compelling the people to dip their cattle. If it is a good law in Georgia, it ought to be a good law in every State. It seems to me that if the people are furnished with the remedy for the disease, they ought to use it themselves.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. BOOHER. Certainly.

Mr. BYRNS of Tennessee. The gentleman speaks of the matter as if the appropriation was intended for one or two States in particular.

Mr. BOOHER. Oh, no; I did not mean to be so understood.

Mr. BYRNS of Tennessee. I understood the gentleman so in his reference to Tennessee and Louisiana. I want to ask if the Government experimented in other States?

Mr. BOOHER. I referred to the State of Georgia especially, where they have a law that compels them to dip their cattle, and other States might well follow the example of Georgia.

Mr. RODDENBERY. Will the gentleman yield?

Mr. BOOHER. I will.

Mr. RODDENBERY. I do not want to intrude on the gentleman, but perhaps his authority is incorrect, or the gentleman has by some lapsus designated Georgia instead of some other State. Whatever the witness may have said, there is no such law in Georgia. I do not mean to say that I do not think it would be a good law, but there is no such law there. The penal law applies only to the counties in Georgia now under quarantine, 14 in number, I believe. The other one hundred and thirty-odd counties are open to the ravages of the tick, and nothing done except on the volition of the cattle owners and no compulsory dipping law.

Mr. BOOHER. I will read what Dr. Bahnsen says:

Mr. LEVER. With this appropriation you are asking for, if the committee should allow it and Congress should allow it, how long would it take you to clean up this infested territory?

Mr. BAHNSEN. That was well stated by Dr. Dalyrymple. If we get sufficient cooperation so we can extend this work, then there would be no need of prolonging the work of tick eradication. Under such cooperation the fever ticks ought to be eradicated from the entire country in less than five years, if we get after it as we should. It is merely a question of men and money.

Mr. HAWLEY. Have you the power, under the laws of the State of Georgia, to compel people to dip their cattle?

Mr. BAHNSEN. Yes, sir.

Mr. HAWLEY. Suppose they do not dip, do you dip at their expense and charge it to them or do you destroy the cattle?

Mr. BAHNSEN. Our law gives us authority to quarantine their cattle and for compulsory dipping. If they fail to dip, we prosecute them for a misdemeanor, and I want to say that the courts have backed us up in each of the instances. Whenever we get a man before the courts for a violation of the quarantine law they never fail to fine him. Of course, the fines are merely nominal—$10, $15, or $25, and costs—but we find in every instance it is sufficient to make them come right up.

Mr. HAWLEY. The people fined, then, have their cattle dipped?

Mr. BAHNSEN. Either that or they remove them without receiving a permit.

Mr. HAWLEY. I mean after you have prosecuted a man for not dipping his cattle and then he is fined, does he then dip his cattle?

Mr. BAHNSEN. Yes, sir; they do not fail to do it after they have been through court once.

Mr. RODDENBERY. That is just what I want to bring out. We are under Federal statute and regulation; we are not under any State law. The Government authorities are authorized to fix the cattle-tick zone. Now, the extreme northeastern part of the State is in the cattle-tick zone. I apprehend that Dr. Bahnsen, in his testimony, had reference only to the counties in Georgia now under Government surveillance. The prosecution results from the Federal legislation or regulation that authorizes them to fix the tick quarantine zone. Seven-eighths, at least, of the State of Georgia is not within the tick-treatment zone, and very little dipping and no prosecutions in other parts of the State, presumably because it is not yet under Federal jurisdiction. I hope to see this appropriation made and the work extended.

Mr. BOOHER. I am reading from the testimony before the committee. Dr. Bahnsen says that they have a law in Georgia, and that it is enforced. If they have not got it, the witness made a mistake.

Mr. RODDENBERY. He is correct, but his statement, without explanation, is susceptible of a misconstruction.

Mr. BOOHER. Mr. Chairman, I want to show the difference between what the people down there do and what the people do in other localities for the same thing. In Kansas the people are threatened with a destruction of their wheat crops from chinch bugs. They did not come to Washington to get an appropriation from Congress to sprinkle something on the wheat. What did they do? Let me read. I took this from a newspaper. This is dated at Wichita, January 4:

A committee of grain men and millers was appointed here to-day to organize the farmers of the Southwest to prevent the destruction of the 1913 crop by chinch bugs. Fields are to be burned over to kill the bugs. The weather has been so warm that the bugs are alive in the grassland and stubble fields.

The people of Kansas ought to have come to Congress and gotten an appropriation; they should have secured some expert from the department to go down there and teach them how to burn over their stubble fields. Mr. Chairman, the people ought to protect themselves. The Government has expended $1,232,000 finding a means for destroying the ticks. They have furnished it to the people where these infected districts are. Two of the States have compulsory laws to compel dipping. Why do not the others have those laws. Take the sheep quarantine as an example. There is a quarantine against the western sheep. When they come into the stockyards of the country and you go there to buy your sheep, to take them out and feed them, you can not get them out of the stockyards without dipping, and what do you have to do? The man who buys the sheep is compelled to have them dipped in the presence of an expert, either from the State or from the Federal Government, and he has to pay for the dipping himself, at the rate of 3 cents a head.

Mr. TAGGART. Mr. Chairman, will the gentleman yield?

Mr. BOOHER. Yes.

Mr. TAGGART. I want to ask if the gentleman does not misunderstand the theory of this appropriation. It is rather for the protection of those regions where the tick is unknown than for the extirpation of the tick directly——

Mr. BOOHER. Oh, no.

Mr. TAGGART. Inasmuch as cattle infested with that tick will cause certain death to other cattle just as soon as the tick leaves them and goes onto the sound cattle.

Mr. BOOHER. My friend from Kansas knows that they have a quarantine against these cattle and they can not get them to market in certain seasons without complying with the quarantine laws.

Mr. TAGGART. Rather than run the risk of that, we are willing to pay our share of this, if we can extirpate the tick.

Mr. BOOHER. Then we ought to pay our share for eradicating every disease that is known to man and animals alike, and then we ought to make an appropriation for everything that somebody imagines is the matter with him, and we ought to make an appropriation of a million dollars for hog cholera. That is just as important as this matter, and more so. The loss from that, largely, is more than from the cattle tick. Yet when they discover means to prevent hog cholera or a cure for it, if I were in Congress I would vote against an appropriation of a single dollar to send men out to do the work the farmer should do for himself. When the remedy is furnished by the Government let the farmer follow directions and do it himself. A few years ago in my country they had an epidemic of blackleg among young cattle. They did not appeal to the Government for experts to go there and doctor their cattle. The Government found a serum that would cure it and furnished it to the States, and the cattle raisers bought it and used it themselves, without the benefit or advice of any expert. I hope this appropriation will be stricken from the bill.

Mr. YOUNG of Texas. Mr. Chairman, I have listened with some interest to the remarks of the gentleman from Missouri, but the fact remains that the Government has at its expense found a remedy that will destroy the cattle ticks that not only infest the Southern States but that threaten to infest other States if these cattle are shipped to them. The Government knows this and it has quarantined the tick-infected section of the country against the shipment of their cattle. Now, to say that the Government shall stop its aid in cooperation with the States toward the destruction of the cattle tick in that section of the country will simply be saying to us keep your cattle on that side of the line, you can not ship them into other sections of this great country. I want to say that the Government will not take that backward step. This section will keep up this operation until the cattle tick is wiped off the face of the map. One hundred and sixty-five thousand square miles have already been relieved of the cattle tick by means of the dipping process brought to us by the Federal Government. Understand, it is not the Southern States alone who are interested in this great proposition, but you can take every State in this Union where the people are now denied meat for their table because of the exorbitant price that must be paid for it, and it is in the interest of the great mass of American people that we plead for this appropriation that the great breeding grounds of the South may be used to graze cattle that may go into every market in the world.

Mr. GOOD. Will the gentleman yield?

Mr. YOUNG of Texas. I have not the time—only five minutes.

Mr. GOOD. Just for a question.

Mr. YOUNG of Texas. Go ahead.

Mr. GOOD. The gentleman just voted against the proposition to appropriate $200,000 additional for the prevention of hog cholera.

Mr. YOUNG of Texas. I want to say to the gentleman that when the Government gets beyond the experimental stage in the matter of the hog-cholera proposition and has reached the successful remedy, as in the cattle-tick proposition, I will vote $200,000 and even $325,000. [Applause.] I am for something that has already been proven. I voted for the $45,000 that we may advance the work on hog cholera, as the cattle-tick work has passed beyond experiment to a demonstrated fact. I want to say, Mr. Chairman, that in my State a part of it is above the quarantine line and a part of it below the quarantine line, and the people of my own State are spending of their own funds hundreds of dollars making these dipping vats, and I have seen thousands of head of cattle in my own county driven through them that the tick might be eradicated, as it is eradicated. When we come with the proposition that the Government has entered on this work so successfully now, shall we take a backward step? As is shown by the hearings read here, the western country, from where the cattle used to come in great herds, are going into agricultural interests. In my own State it is going into agricultural interests, and we must have breeding grounds for our cattle. What better breeding grounds can we find, so far as the soil, the climate, than in that section of the country where the boll weevil has increased? And what greater work can be done in those Southern States than to continue this successful work till the cattle tick shall be a thing of ancient history? We must wipe it out, and why not wipe it out at one fell swoop, as our committee thought we could do by this appropriation? [Applause.] Think of it, Mr. Chairman! Within the past six years there has been a decrease of 10,000,000 head in our cattle supply. No wonder the high price of our meat products. It is suicidal not to conserve this great industry, and Congress ought not to be guilty of the folly of striking the one fatal blow that of necessity further adds to the shortage of this great source of wealth. This appropriation should remain intact.

Mr. McLAUGHLIN. Mr. Chairman, the motion made by the gentleman from Missouri [Mr. BOOHER] to strike out the paragraph ought not to prevail. I agree with him heartily in part in what he has said to the effect that after the Government has experimented and learned the means and methods by which the disease may be prevented or cured, and it comes merely to the question of men and money, the local people ought to bear all or a large part of the expense. I have offered an amendment—it is in the hands of the reading clerk to be read—which I think will perfect this section and make it unobjectionable. This paragraph calls for $325,000. My amendment would forbid the use of any portion of that money in the purchase of materials for or in the construction of dipping vats upon land the title of which is not in the United States, except at fairs or expositions where the Department of Agriculture makes an exhibit or a demonstration; and that no part of this money shall be used in the purchase of material for the mixture used in the vats, except when used for the purpose of experimenting or demonstration under the charge or direction of the Bureau of Animal Industry. Now, it seems to me that with the adoption of that amendment, with the qualification and limitation of the department in the use of this money, the objection made by the gentleman from Missouri [Mr. BOOHER] would be overcome. A portion of this money has been used in an objectionable way in the building of vats upon private property, a work that ought to be done by the private individual, an expense that ought to be borne entirely by him.

Mr. BOOHER. Does not the gentleman think if his amendment prevails that the amount carried by the bill ought to be reduced?

Mr. McLAUGHLIN. I do not know; I am not well enough informed about that; but gentlemen in charge of the bill can tell of the work to be done by the bureau under this appropriation. As has been said by the gentleman from Texas [Mr. YOUNG], large sections of the country have been quarantined and no shipment of cattle from them to other sections is permitted. There must be inspection; agents of the bureau are required for that. When these sections are released certificates have to be issued. There is considerable work and a considerable expense in that line, but, in my judgment, money should be spent only for that purpose and for giving instruction where it has not already been given.

Mr. BOOHER. Will the gentleman yield?

Mr. McLAUGHLIN. I think the limitation my amendment would place on the use of this money would make the paragraph proper; we can fix the amount later.

Mr. BOOHER. The gentleman does not think, does he, that you can use it for anything else than eradicating the southern cattle tick? You can not use it for quarantine purposes?

Mr. McLAUGHLIN. I think it can be so used. I think a part of the money heretofore appropriated is used for inspection and quarantining and the issuing of certificates for releasing territory that has been freed from the pest.

Mr. BOOHER. Is there not a provision for cattle inspectors for the express purpose of inspecting the cattle?

Mr. McLAUGHLIN. Yes. But part of this money is used for that purpose too.

Mr. BOOHER. I do not think you can divert that money from the purposes mentioned in the bill.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. McLAUGHLIN] has expired. All time has expired.

Mr. McLAUGHLIN. Mr. Chairman, I ask unanimous consent that my amendment be read and be pending before the committee while the other amendment is under consideration.

The CHAIRMAN. Is there objection?

There was no objection.

The amendment was again read.

The CHAIRMAN. The Chair will state that the only amendment before the committee is the amendment of the gentleman

from Missouri [Mr. BOOHER] to strike out the paragraph. The vote is on that amendment.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. BOOHER. Division, Mr. Chairman.

The committee divided; and there were—ayes 4, noes 38.

So the amendment was rejected.

Mr. McLAUGHLIN. I now offer my amendment.

The CHAIRMAN. The gentleman from Michigan [Mr. McLAUGHLIN] offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, page 11, at the end of line 14, by inserting the following:

"*Provided, however*, That no part of this appropriation shall be used in the purchase of materials for or in the construction of dipping vats upon land not owned solely by the United States, except at fairs or expositions where the Department of Agriculture makes exhibits or demonstrations; nor shall any part of this appropriation be used in the purchase of materials or mixtures for use in dipping vats except in experimental or demonstration work carried on by the officials or agents of the Bureau of Animal Industry.

Mr. LAMB. That is already a part of the law, I think. I will not object to it.

The CHAIRMAN. The Chair understands that all debate on the paragraph and the amendment thereto has been closed.

The question is on the amendment offered by the gentleman from Michigan [Mr. McLAUGHLIN].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For all necessary expenses for scientific investigations in diseases of animals, including the maintenance and improvement of the bureau experiment station at Bethesda, Md., and the necessary alterations of buildings thereon, and the necessary expenses for investigations of tuberculin, serums, antitoxins, and analogous products, $78,680.

Mr. COX. Mr. Chairman, I move to strike out the last word.

I do not find anything in the hearings relating to this paragraph or I did not succeed in getting the hearings relating to it. How many acres in this farm at Bethesda, Md.?

Mr. LAMB. This is an experimental farm out here of about 60 or 70 acres, possibly more——

Mr. COX. It seems that $78,680 is a tremendous amount of money to be expended on a farm of that size.

Mr. LAMB. There is where they develop the serum; there is where they experiment with it, and a good deal of this appropriation is for burning up buildings that have been infected or diseased by cattle. This experimental work in diseases of hogs and cattle is carried on at this farm.

Mr. COX. You say that there are 60 or 70 acres in that farm?

Mr. LAMB. Yes.

Mr. COX. What becomes of this tremendous sum of money—$78,680? How is that expended? In the way of salaries?

Mr. LAMB. Salaries constitute a good deal of it—indeed, the largest part of the appropriation.

Mr. COX. In that connection I would like to ask the gentleman if a large amount of this $78,000 in this item does not go for increases of salary?

Mr. LAMB. I will look up the salary account, but I would like to say to my friend in the meantime, by way of parenthesis, that if he will take a car and go there and look at it he will see exactly what it is.

Mr. COX. I have not got the time to go out there at this time to see about it. I want to know the general character of the work. I find on the next page an item for $16,500 for the construction of a building down there, making a total of over $95,000 to be expended in the coming year on that farm.

Mr. LAMB. I will give the gentleman an itemized account of it. I have it here among my papers.

Mr. LEVER. Mr. Chairman, while the gentleman from Virginia [Mr. LAMB] is looking up the exact appropriations for the different lines of work at that experiment station I desire to say to the gentleman from Indiana [Mr. Cox] that under this item the work at Bethesda, Md., is carried on. They own something like 60 acres of land out there, and they are carrying on the work of studying the various diseases that afflict the various species of farm animals of the country. They are engaged in preparing serums, toxins, tuberculin and other remedies that are designed to prevent the spread of contagious diseases among farm animals.

Most of this money, I will say to the gentleman, is being expended in the way of salaries and in the way of alteration of buildings, the fumigation of buildings, and sometimes the tearing down of buildings that have become infected and the construction of other buildings in which to take care of the animals upon which they are experimenting. It is one of the most interesting places near the city of Washington, and I would be glad if sometime my friend would go out there and see the enormous amount of scientific and investigational work that they are doing.

They are studying the problem of tuberculosis in cattle, with a view of developing whether milk or butter or cream will convey the tuberculosis germ from the cow to the human family. They are studying hog cholera and chicken cholera. They are studying the problem of inbreeding and a number of other problems connected with animal husbandry in the country.

Mr. COX. Do I understand the gentleman to say that they go out and buy animals for this purpose and experiment with them?

Mr. LEVER. Undoubtedly. They must have animals to experiment with; for instance, they take a hog and inject into it cholera virus, and give the hog a good case of cholera; or they will take a cow and infect it with cattle tick and see if they can obtain a remedy for that disease. It is all work done for the benefit of human kind. It is one of the most important branches of the work done by the Department of Agriculture.

Mr. COX. What is the connection between Bethesda farm, in Maryland, and that at Beltsville?

Mr. LEVER. The Beltsville farm is a piece of land of about 400 acres, about 14 miles from the Capitol, out in Maryland.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX. Mr. Chairman, I ask for two minutes more for the purpose of getting information about this 100-acre farm.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. COX. What do they do at the Beltsville farm?

Mr. LAMB. Let us take up one farm at a time.

Mr. LEVER. If my friend from Virginia will permit me, I will say to the gentleman that I took a trip up to Beltsville not long since. They are studying at Beltsville the problems of dairying, largely. They are making an effort to find a model farm for the average dairyman in the United States. They are studying the problem of milk. They are studying the problem of silos, whether they should be built out of wood or built out of cement. They are studying the proper kind of food for their cattle and their calves. They are studying the entire problem of dairying with a view at some time in the future of issuing a bulletin to the dairy farmers in the United States which will give them information as to the best and most practical and profitable kind of dairy that they can run.

Mr. COX. Do they produce any revenue to the Government from this work?

Mr. LEVER. Yes.

Mr. COX. Can the gentleman give us any idea of how much this farm produced last year?

Mr. LEVER. I can not give the exact amount that is produced there, but I know that the health department here is receiving milk from the Beltsville dairy. In addition to that, they are studying the problem of poultry breeding, and hog breeding, and all the various problems connected with the farm, including problems relating to cattle. Everything that is killed or can be sold there is sold, and the revenues therefrom are turned into the Federal Treasury.

Mr. COX. It is nothing like self-sustaining, is it?

Mr. LEVER. Oh, of course not. You can not expect any scientific investigation to be self-sustaining. It is not intended to be such.

Mr. COX. Is any part of this appropriation here used for the purpose of increasing salaries?

Mr. LEVER. I think not.

Mr. LAMB. There is a statement of salaries, and I will say to the gentleman that on pages 24 and 25 you will find an itemized account of everything that is expended there.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LEVER. Mr. Chairman, I ask for three minutes more. This is an important subject.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. LEVER. I read from the hearings before the Committee on Expenditures in the Department of Agriculture. I want to say that committee is doing fine work. This is a statement, made before that committee, of the maner in which this appropriation is expended:

Expended from the lump-fund appropriation "General expenses, Bureau of Animal Industry, 1912 (diseases of animals)," during the period between July 1, 1911, and June 30, 1912.

For investigations and experiments in the study of animal diseases, with a view of developing methods for the eradication and control thereof	$12,858.20
For experiments and investigations in the study of hog cholera, and for conducting experiments concerning the practical application of antihog-cholera serum for combating hog cholera	9,172.73

For experiments and investigations in cooperation with the Pennsylvania Live Stock Sanitary Board in the study of milk hygiene	$1,387.40
For miscellaneous investigations and experiments in studying infectious animal diseases	3,742.55
For investigations of the frozen and desiccated egg industries, with special reference to the bacterial content of the finished products and the sources of contamination	1,939.52
For miscellaneous experiments and investigations in the study of roundworms, gid, and tapeworms in sheep, parasites of hogs, and measles of sheep and cattle, and the treatment of cattle mange	10,245.77
For repairs, improvements, and general maintenance of the Experiment Station, Bethesda, Md., and for conducting experiments and investigations there concerning the study of tuberculosis, Texas fever, and other diseases of animals	30,691.57
Total expenditures under the appropriation for diseases of animals	70,037.74

Mr. COX. That was last year's appropriation.

Mr. LEVER. That was last year's appropriation; and this appropriation is like last year's appropriation.

Mr. LAMB. Now, let me say in reply to the question that was asked a while ago, the whole increase of salaries in this bureau amounts to $280—that is, outside of the inspection of cattle and hogs.

The Clerk read as follows:

For general administrative work, including traveling expenses and salaries of employees engaged in such work, rent outside of the District of Columbia, office fixtures and supplies, express, freight, telegraph, telephone, and other necessary expenses, $40,186.

Mr. HAYDEN. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amend, after line 8, page 12, by inserting a new paragraph, as follows:

"For all necessary expenses for experiment in the feeding and breeding of ostriches and for investigations and experiments in the study of the ostrich industry, $2,500."

Mr. LAMB. I reserve the point of order on that.

[Mr. HAYDEN addressed the committee. See Appendix.]

The CHAIRMAN. The Chair would like to know what the point of order of the gentleman from Virginia is.

Mr. LAMB. I make the point of order that it is new legislation.

The CHAIRMAN. The point of order is overruled. The question is on the amendment offered by the gentleman from Arizona.

The question was taken; and on a division (demanded by Mr. LAMB) there were—ayes 25, noes 17.

So the amendment was agreed to.

The Clerk read as follows:

Meat inspection, Bureau of Animal Industry: For additional expenses in carrying out the provisions of the meat-inspection act of June 30, 1906 (34 Stat. L., p. 674), there is hereby appropriated for the fiscal year ending June 30, 1914, the sum of $200,000.

Mr. COX. Mr. Chairman, I reserve the point of order on the paragraph and would like to know the necessity for it.

Mr. LAMB. Mr. Chairman, this is a new item—an increase of $200,000. The increase is needed to efficiently carry on meat inspection, not only because the work is expanding, but also because with the sum now provided, $3,000,000, proper increases in salaries can not be made to experienced employees. The total number of employees is about 2,400. The average salary is low. It is impossible to properly conduct the inspection without retaining in the service these experienced and, therefore, most valuable employees. Unless promotions are made many of these employees will leave the service, and their places will necessarily be filled by others, inexperienced and more or less inefficient. If the gentleman will examine the hearings on this matter, he will find that we interrogated Dr. Melvin and his assistant about it. They stated the number of men that were employed, and that it was necessary in order to carry on this work that this increase should be made. I want to say that we cut the sum down from the amount estimated.

Mr. COX. Mr. Chairman, I read the hearings, and I do not know whether the position taken by Dr. Melvin is correct. That is to say, that this money is needed in order to hold these employees.

Mr. LAMB. That is a part of it.

Mr. COX. How much of this $200,000 will go to increase the salary of employees? As a matter of fact, does not practically all of it go there?

Mr. LAMB. The bulk of it, I think, will, because that is what it is for. They have 2,400 employees. They have a brigade of men employed in this important work that touches the homes of so many people.

Mr. COX. Does not 90 per cent of it go to increase the salaries of the employees?

Mr. LAMB. I think so.

Mr. COX. Does the gentleman contend that there is any law on which to base this appropriation?

Mr. LAMB. There is law for the $3,000,000 to carry on the work, and the same authority that made the $3,000,000 to do this work can add $200,000 to it.

Mr. COX. But I ask the gentleman if there is any law for this increase?

Mr. LAMB. No particular law for the increase; no.

Mr. MANN. There is the law providing for the inspection.

Mr. LAMB. That is the law creating the department, and we are the lawmaking body, and we can make the law.

Mr. COX. How many new places are to be made with this $200,000 appropriation?

Mr. LAMB. I can not tell the gentleman.

Mr. McDERMOTT. Very few.

Mr. COX. Can the gentleman give us any idea how many new places will be created?

Mr. LAMB. I did not ask Dr. Melvin. I trust him, and I think this House can trust him.

Mr. COX. I do not remember Dr. Melvin being asked that question.

Mr. LAMB. We did not ask him.

Mr. LEVER. Mr. Chairman, if the gentleman from Virginia [Mr. LAMB] will permit, Dr. Melvin's testimony does not appear in the printed hearings. When the committee reached his bureau in its order in taking up the estimates, Dr. Melvin was in the West, and Dr. Farrington, the next in rank, appeared before the committee. Later on, however, the subcommittee took up the whole proposition with Dr. Melvin. That testimony was not taken stenographically. My recollection of his testimony is that there were some eight or ten or perhaps a dozen packing houses to which he desired to extend the meat-inspection service, and that would take probably 25 per cent of the appropriation asked for.

Mr. COX. That is the extension work.

Mr. LEVER. And the appropriation asked for was $300,000. The committee allowed only $200,000. I take it that something like $150,000 of the $200,000 appropriated here will be used in the promotion of employees in the inspection service.

Mr. COX. And in the increase of salaries?

Mr. LEVER. In the promotion and increase of the salaries at the top of the line in order that men at the bottom of the line may be moved up and given a reasonable salary.

Mr. COX. And the other $50,000 for the extension of the work?

Mr. LEVER. I give that as an estimate, from my recollection of the testimony.

Mr. HAUGEN. If the gentleman will permit, I will state that Dr. Melvin stated there were now 940 packing houses and 8 or 10 new packing houses asking for this service, and he said it required about $100,000 to meet the requirements of this extension work, and $200,000 was intended for the increase, which makes $100,000 available for increase of salaries and $100,000 for taking care of this work.

Mr. LAMB. And probably Dr. Melvin was expending the money upon that basis.

Mr. LEVER. I regard this as a very meritorious proposition. The gentleman from Indiana knows, of course, that the meat-inspection law carries a total appropriation of $3,000,000. That is a permanent law. They have run that appropriation the past fiscal year within $20,000. That is skating on thin ice to keep men out of the penitentiary. No promotions have been made in the last six years, I believe. No examinations have been held for any inspectors in the last six years. These men work down there standing in blood half knee deep, and go through the horrid process of examining these animals from day to day and hour to hour, working 10 and 14 hours a day, and I believe they are entitled to some promotion and some consideration from this House.

Mr. COX. Let me ask this question there. Is not there some way of incorporating in this bill some time in the future this compensation and salaries so that Members of the House could get at it? Now, here is a lump-sum appropriation of practically $3,000,000 from which these employeees are paid. I would like to see it in the bill itself. It would not make the bill very cumbersome.

Mr. LAMB. Get the Book of Estimates and look and see for yourself, and I will say to the gentleman that all of this money is used for the salaries and traveling expenses, and that is the sum total of this whole thing.

Mr. COX. I quite agree with the gentleman in that, so far as traveling expenses are concerned, because the travel is $358,000 for the Bureau of Animal Industry alone.

Mr. MANN. It is not necessary to get the Book of Estimates, because under the law the Secretary of Agriculture is required to make a report annually, which he does——

Mr. COX. I quite agree with the gentleman.

Mr. MANN. Giving in detail the expenditures and salaries.

Mr. LEVER. And that is in the report of the committee——

Mr. BOOHER. May I ask the gentleman a question? Now, as I understand, the intention is that this amount is to be applied wholly to promotions?

Mr. LEVER. No; the intention is that it is to be applied, part to the additional service and part to the increase in the salaries of employees.

Mr. BOOHER. What proportion do you estimate will be applied to promotions and paying better salaries?

Mr. LAMB. I do not understand that over $50,000 or $75,000, but my friend from Iowa disagrees and thinks about $100,000 will be used for the purpose of extending the service and $100,000 for the promotion of employees.

Mr. HAUGEN. That is the statement made by Dr. Melvin before the committee.

Mr. LAMB. I think the gentleman is correct about that.

Mr. BOOHER. Will these promotions be made from the lower grades?

Mr. LEVER. These promotions are to be made from the lower grades. It is a meritorious proposition, and I hope nobody will make the point of order.

Mr. MANN. If the gentleman will permit me just a second. A large number of these employees entered the service some years ago under a schedule which was announced by the Secretary of the Department of Agriculture stating that certain increases of salary would be made after a certain length of service.

Men went into the service with the statement from the Department of Agriculture that under the $3,000,000 appropriation, after a year or two years or different years, that promotions would be made and increases of salaries would be made. And that could be done under the $3,000,000 appropriation if there had not been such an extension of the service made necessary by the new packing houses throughout the country. In order to give the service to the packing houses, the Secretary was unable to carry out the pledge that was made to these employees for any increase. They are now threatened with a wholesale resignation of employees, and probably it would be an impossibility at present to obtain men with sufficient knowledge to do this work.

Mr. LAMB. They lost 200 last year, I will say.

Mr. MANN. Many of these men are required to be expert veterinarians, having passed an examination as veterinary surgeons after going through veterinary colleges; and the salaries are very small, in any event.

Mr. LEVER. If the gentleman will permit, the only way we can extend this service on the one hand and give these men who have been working at a low salary for six years any increase at all is to allow the appropriation in this bill to stand.

Mr. COX. In this extension work they only propose to extend it, do they not, in factories where commodities enter into interstate commerce?

Mr. LEVER. Undoubtedly. There are some 8 or 10 of those where they desire to extend the service.

Mr. TAGGART. Mr. Chairman, I want to ask most earnestly that the point of order be withdrawn and the objection waived. There is an impression that these men are all employed in one or two places. Let me call your attention to the fact that there are now in the employ of the Government 2,374 of these employees. They are performing their duties in 940 different establishments, that are located in 259 different towns and cities, and that the highest wages paid to an ordinary meat inspector is $100 a month; that an assistant meat inspector is paid $1,000 a year, as the highest wages, but the great bulk of them are working at $840 a year. The figures show that but 282 of these inspectors are getting $1,200, 31 are getting $1,100, and some 644 are receiving $1,000 a year. Three hundred and thirteen of them are working for $840 per annum. They are really in charge of one of the most important duties that is performed by this Government. It is their duty to see to it that unwholesome meats that might communicate diseases to one-half of the people of the United States that now use and consume the meats which are inspected by these men do not enter into interstate commerce. Of course, no institution that does not do interstate commerce can be inspected by the Government. There is a demand by the people for this inspection, and it is difficult to get men of intelligence and character who will stay there in the blood and in the horrible surroundings of a meat inspector from day to day for less wages than are ordinarily paid for scientific work. The majority of men could not stand it. It is a great injustice to require men to work for $840 a year at such work as that. All of this appropriation will not be used——

Mr. COX. How many hours a day do they work?

Mr. TAGGART. They work indefinitely. It depends on the work in hand.

Mr. COX. How many days leave of absence do they have in a year?

Mr. TAGGART. Fifteen, I think; perhaps 30.

Mr. COX. Do they have any sick leave?

Mr. TAGGART. Yes; if a man is too sick to work.

Mr. COX. Do they have any sick leave for which they are paid?

Mr. TAGGART. No; I do not think so.

Mr. COX. How many days do they put in?

Mr. TAGGART. They put in as many days as the establishment works.

Mr. COX. They are not required to work on Sunday?

Mr. TAGGART. Not ordinarily. I do not think they do any work on Sunday.

Mr. COX. They put in 313 days less their leave of absence, whatever that might amount to?

Mr. LEVER. Fifteen days as against 30 days here in Washington.

Mr. TAGGART. One of those inspectors working in one of those great packing houses going at its full capacity will inspect a beef in 48 seconds. That is one of the reasons the service ought to be extended. A beef is slaughtered every 48 seconds in one of those great packing houses.

Mr. MURDOCK. Mr. Chairman, as a matter of fact, I have watched these men in the packing houses and, as I recollect, they stand right at the point of slaughter, do they not?

Mr. TAGGART. Yes; they do.

Mr. MURDOCK. It is a very disagreeable job, and as I watched them it struck me that they not only had to be very agile, but also very expert, as the carcass goes along, to detect tuberculosis.

Mr. TAGGART. Mr. Chairman, let no man understand that they are a rough class of men who have that work to perform. They pass a civil-service examination, and a large number of them are very intelligent young men.

Mr. COX. Are there any eligibles on the waiting list for those jobs at the present time?

Mr. TAGGART. There is no examination except the civil-service examination which they have to undergo.

Mr. COX. Somebody said that some of these men have quit. I want to know if the Government has had any trouble in filling the vacancies.

Mr. TAGGART. They fill the vacancies that occur with such men as they can get.

Mr. LEVER. There is no more trouble in filling vacancies there than there would be in filling vacancies in Congress, I will say to the gentleman.

Mr. MOSS of Indiana. Is it not true that these men not only have to pass an examination but they have to be graduates of certain colleges before they can take the examination?

Mr. LAMB. That is the case with the veterinarians. They have to do that.

Mr. MADDEN. Mr. Chairman, I think that unless this $200,000 appropriation is allowed, long-delayed justice will be withheld from a class of men who have been giving the Government a service that is far in excess of the compensation they have received. There is no work in the Government service more arduous or where more painstaking care must be had than in this service.

In the great packing houses of Chicago the men employed as Government meat inspectors work from 12 to 16 hours a day. There is no regulation as to what number of hours they shall be employed. Before they go into the service in many cases they must have been graduated as veterinary surgeons, and those who are now in the lower grades in this great service have been in the service at the same rate of pay for more than six years.

For $840 per annum the men in this service are doing a work that is paid almost double that amount by private enterprise. There is no reason why the Government of the United States should not be as good an employer as a private employer is.

These men are high-class men. They are educated for the particular work that they are called upon to do. They devote a number of years of their lives to learning the business in which they are about to engage, and what they learn is of no use whatever to them if they leave the Government service, whereas a man who learns a trade and engages in private employment can find a number of places where he can get a job if he is turned out of work by any one concern. So that it seems

to me there is more reason than ever before for giving due consideration to these men.

If you make a point of order against this provision in the bill, it would not only do a great injustice to a worthy class of men, but it would retard in a large sense the extension of the inspection service to the new houses that have been constructed since the last appropriation bill was passed.

The CHAIRMAN. Will the gentleman from Illinois permit me to ask him a question there?

Mr. MADDEN. Certainly.

The CHAIRMAN. Does the gentleman from Illinois concede that there is no authority of law for this?

Mr. MADDEN. No; on the contrary, I believe there is authority of law for it. In the first place, the Congress of the United States, when the inspection law was enacted, made a permanent appropriation of $3,000,000.

The CHAIRMAN. Is there anything in that law that will prohibit Congress from making an additional appropriation?

Mr. MADDEN. No. On the contrary, I believe that the law then gave ample power to Congress to increase the appropriation from time to time to meet the growing needs of the service.

The CHAIRMAN. There is nothing pending before the committee; simply a point of order has been reserved.

Mr. COX. Mr. Chairman, I entertain no doubt that the item is subject to a point of order, under the facts elicited by the answers of the members of the committee reporting the bill, to the questions which have been propounded to them.

I do not want to do these employees or any other employees any injustice. While it has been disclosed that a large number of them, 200 or 230 of them, have quit within the last year, that fact does not appeal to me, because I have always clung to the idea throughout my life, and I think I will to the end, that a man is to a large extent the architect of his own fortune and can choose his own profession and calling in life. I do not know why these men quit this employment, but the chances are that they sought out better and more remunerative employment, and quit for that reason. We have no assurance whatever that if this appropriation is permitted to stand and these employees go ahead and become more and more efficient and useful to the Government as inspectors, that private employment in the course of another year will not take them from the Government of the United States. I know of no rule and no law that Congress could pass that could ever prohibit that. We have that to contend with practically in every department of this Government, and always will have it to contend with, that the wage earner will seek the place where he can get the most for his labor. So, as I say, that argument does not appeal to me.

Neither do some other arguments appeal to me, because I take it that the Government is easily able to fill these places. I have nothing to base this statement upon, other than facts which have come to my notice heretofore, but I undertake to say that now there are a large number of men waiting upon the eligible list to take these places.

But for fear that I might do an injustice to some deserving employees, and for the further reason that it might cripple the Government in this extension work, I will withdraw my point of order at this time. [Applause.]

Mr. FOWLER. Mr. Chairman, I desire further to reserve the point of order.

The CHAIRMAN. The Chair is ready to rule.

Mr. FOWLER. I desire to be heard for a moment.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. FOWLER. If there is any subject that is of interest to mankind, which needs a thorough, scientific investigation, I think it is the meat that is offered for sale in the American market. I do not know what is the cause, neither have I been able to learn why the inspection has not revealed the reason the meats on our markets to-day are in such a deplorable and, I say, unwholesome condition. You can scarcely go to the market and buy a cured ham but what it looks you in the face and tells you that it is your deadly enemy as soon as you place it on the table. If these men who have been inspecting the meats of this country are not scientific men, then I say the Government ought to replace them with a good corps of experts. If their salaries are inadequate to enable them to discharge that high and most necessary duty of inspecting the meats of this country, their salaries ought to be increased so that they may devote their time solely to this most important subject.

While I am on the floor I desire to ask my friend who has just made a speech upon this question, my colleague, the gentleman from Chicago, Mr. MADDEN, if these inspectors inspect any other kind of meat than the live animal, to see whether it is diseased just before slaughter.

Mr. MADDEN. They inspect both before and after killing.

Mr. FOWLER. Do they inspect the methods of curing and packing?

Mr. MADDEN. They inspect the whole thing from start to finish.

Mr. FOWLER. Do they inspect the storage of meat in cold-storage houses in the great centers?

Mr. MADDEN. I am not sure about that.

Mr. FOWLER. I would like to see the greatest experts in this or any other country put on the heels of these cold-storage people.

Mr. JACKSON. The gentleman from Illinois [Mr. FOWLER] is usually correct in his statements of fact which he makes here upon this floor, but I would like to have some authority for the statement he makes that the meats which are sent out by this country are diseased. I do not believe the statement is correct.

Mr. FOWLER. I state what I do know from personal experience. I do not believe that there is a cured ham in the city of Washington or on the American market but what is injured by chemicals which have been injected into it, unless it has been cured on the farm by the old common-sense method of smoking it with sassafras and hickory.

Mr. HAMILTON of West Virginia. Or with corncobs.

Mr. FOWLER. Yes; and with corncobs.

Mr. JACKSON. I assume that the gentleman is an eater of ham, and yet he looks healthy.

Mr. FOWLER. I have taken a small portion within the last day, and it is from this experience that I am talking on the ham question now.

Mr. JACKSON. The gentleman does not mean to have us infer that his statement comes from indigestion?

Mr. FOWLER. Not at all; but I repeat that if there is a subject that I would go further in making appropriations of money it is on the subject of the inspection of meats in this country. For this reason, Mr. Chairman, I withdraw the point of order.

Mr. SLOAN. Mr. Chairman, I desire to say that the statement of the gentleman from Illinois ought not to go unchallenged.

The CHAIRMAN. The gentleman from Nebraska is proceeding by unanimous consent.

Mr. SLOAN. I reserve the point of order.

Mr. LEVER. I make a point of order that that comes too late.

Mr. SLOAN. Then, I ask unanimous consent to make a statement of two or three minutes.

Mr. LEVER. I ask unanimous consent that the gentleman may proceed for three minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the gentleman from Nebraska may proceed for three minutes. Is there objection?

There was no objection.

Mr. SLOAN. Mr. Chairman, I rise to ask the privilege of making a statement, so that the statement of the gentleman from Illinois [Mr. FOWLER] shall not go unchallenged. He practically charged that the meat products of our farms throughout the United States are unhealthful and unmarketable. I challenge the correctness of that statement, and the gentleman ought not to have made it.

Mr. FOWLER. Will the gentleman yield?

Mr. SLOAN. I do not yield.

Mr. FOWLER. I desire to say to the gentleman he ought to be fair.

Mr. SLOAN. I do not desire a lecture from the gentleman from Illinois. I am talking of a subject here that is important to the American people, because the products of our farms are largely reduced to meats, and we depend on the markets of America and the world to effect good sales. I think before the gentleman from Illinois says that our hams or meats, or anything else, are diseased, unclean, or anything of that kind, he should have made use of the information which was within his reach, and is within the reach of every Member of the House. The Committee on Expenditures in the Agricultural Department of this House during the last session took evidence day in and day out on the subject, and the evidence is there, clear and unmistakable, so that he who runs may read, that the meat inspection in this country is practically efficient, and that the large bulk of our beef and pork products, going to every part of the United States and the world, is pure, healthful, and fit to be put upon any market in any city or country in the world. [Applause.] It ill becomes a Member of this House to slander the products of America's greatest industry in the way that the gentleman has done. [Applause.]

Mr. FOWLER. Mr. Chairman, I ask for two and a half minutes.

The CHAIRMAN. The gentleman from Illinois asks to proceed for two and a half minutes. Is there objection?

There was no objection.

Mr. FOWLER. Mr. Chairman, the gentleman from Nebraska [Mr. SLOAN] certainly was asleep while I made my statement. All of the meats that come from the farm were alluded to by the "gentleman from Illinois" as being wholesome, because they had smelt the smoke of the corncobs, the sassafras, and the hickory wood. [Applause.] It is the method which is known as "the quick method" of curing meats in this country and the long ages meats are kept in cold storage that I allude to as being unwholesome. I charge now that such methods are unwholesome and stand in need of the severest and most scrutinizing inspection.

I dare say if the gentleman has smelled the odor from the beef, the birds, and other meats coming from cold storage and has not been in the attitude of leaving the table to keep from holding his nose, he is the only man I know of who has not had such experience.

The gentleman talks about the meats of this country being wholesome in the packing house, and yet he stands here and asks for an appropriation of $200,000 to get a more efficient inspection of our meats. Ah, "consistency, thou art a jewel." [Laughter and applause.]

Mr. SLOAN. Mr. Chairman, I desire to say that the gentleman from Nebraska never asked for $200,000 appropriation, and the gentleman from Illinois knows it. I have not been asleep. I admit that the gentleman's speeches are the greatest anesthetic known, surpassing ether and chloroform, but he did not put me to sleep this afternoon. [Laughter.]

The Clerk read as follows:

Total for Bureau of Animal Industry, $1,969,696.

Mr. MANN. Mr. Chairman, I move to strike out the last word. My distinguished friend from Illinois [Mr. FOWLER] just stated that when beefsteak was put on the table in his experience he had to hold his nose.

Mr. FOWLER. I do not eat any of it—no.

Mr. MANN. I am very glad to say that I do not find that experience at my boarding house. I think that the gentleman, instead of casting aspersion upon the meat of the country, to be sent out broadcast over the world, better change his boarding house. [Laughter.]

Mr. FOWLER. Mr. Chairman, I desire to ask the gentleman a question before he concludes.

The CHAIRMAN. Does the gentleman from Illinois yield?

Mr. MANN. Certainly.

Mr. FOWLER. I desire to ask the gentleman if he knows that I am living at home in Washington [laughter], and that it might be unprofitable for me to leave my home?

Mr. MANN. Mr. Chairman, I am very glad that the gentleman is living at home, for his statement that he is living at home is a refutation of his former statement that he had to hold his nose at the table.

Mr. FOWLER. Mr. Chairman, I desire to ask the gentleman if it is not a fact that birds and meats are put on the table which are so nauseating that a man is loath to eat them and more anxious to hold his nose than to eat?

Mr. MANN. Mr. Chairman, I will put myself up as an object lesson, being fairly fat and eating well, dining out and in, at the boarding house and everywhere, as against my colleague from Illinois. I never found that experience. I regret that my friend from Illinois constantly goes to places where they give him something to eat which is not fit to eat. I do not have that experience.

Mr. FOWLER. Mr. Chairman, I desire to say to my colleague that on the train only a few months ago——

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. LAMB. Mr. Chairman, I demand the regular order.

Mr. FOWLER. That there was served——

The CHAIRMAN. The time of the gentleman has expired, and the Clerk will read.

The Clerk read as follows:

BUREAU OF PLANT INDUSTRY.

Salaries, Bureau of Plant Industry: One plant physiologist and pathologist, who shall be chief of bureau, $5,000; 1 chief clerk, $2,500; 1 executive assistant in seed distribution, $2,250; 1 officer in charge of publications, $2,200; 1 landscape gardener, $1,800; 1 officer in charge of records, $2,100; 1 superintendent of seed weighing and mailing, $2,000; 1 executive clerk, $2,250; 3 executive clerks, at $1,980 each; 1 assistant superintendent of seed warehouse, $1,400; 1 seed inspector, $1,000; 9 clerks, class 4; 11 clerks, class 3; 2 clerks, at $1,500 each; 17 clerks, class 2; 49 clerks, class 1; 1 clerk, $1,080; 9 clerks, at $1,020 each; 31 clerks, at $1,000 each; 51 clerks, at $900 each; 24 clerks, at $840 each; 15 clerks, at $720 each; 36 messengers, gardeners, or laborers, at $720 each; 11 messengers, messenger boys, or laborers, at $660 each; 20 messengers, messenger boys, or laborers, at $600 each; 1 artist, $1,620; 1 clerk or artist, $1,200; 1 assistant in illustrations, $840; 1 photographer, $1,400; 1 photographer, $1,200; 1 photographer, $900; 1 laboratory aid, $1,440; 1 laboratory aid, $1,380; 3 laboratory aids, at $1,200 each; 1 laboratory aid, $1,080; 2 laboratory aids, at $1,020 each; 5 laboratory aids, at $840 each; 8 laboratory aids, at $720 each; 6 laboratory aids, at $600 each; 1 laboratory apprentice, $720; 2 map tracers, at $720 each; 1 map tracer, $600; 1 gardener, $1,440; 2 gardeners, at $1,200 each; 1 gardener, $1,100; 2 gardeners or assistants, at $1,000 each; 7 gardeners, at $900 each; 4 gardeners, at $840 each; 4 gardeners, at $780 each; 8 gardeners, at $720 each; 5 gardeners, at $660 each; 2 gardeners, at $600 each; 1 skilled laborer, $960; 1 skilled laborer, $900; 4 skilled laborers or gardeners, at $840 each; 1 assistant in technology, $1,400; 1 assistant in technology, $1,380; 1 mechanical assistant, $1,200; 1 blacksmith, $900; 1 carpenter, $900; 1 painter, $900; 1 teamster, $840; 1 teamster, $600; 19 laborers, at $540 each; 24 laborers, messengers, or messenger boys, at $480 each; 5 laborers or charwomen, at $480 each; 2 laborers or charwomen, at $360 each; 2 laborers, at $420 each; 8 charwomen, at $240 each; 8 messenger boys, at $360 each; 3 messenger bays, at $300 each; in all, $418,920.

Mr. FOWLER. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois reserves all points of order.

Mr. FOWLER. Mr. Chairman, I desire to ask the chairman of the committee why it is that the salary of the chief of the bureau has been increased?

Mr. LAMB. Since when, does the gentleman mean? We did not increase any salaries.

Mr. FOWLER. Is the gentleman aware of the fact that the salary of the chief of that bureau was originally fixed at $3,000?

Mr. LAMB. I do not know. That is further back than I have gone.

Mr. FOWLER. And that the chief clerk's salary was fixed at $2,000?

Mr. LAMB. I do not know. The gentleman seems to have been looking into ancient history. Let us know.

Mr. FOWLER. I am asking for the reason for the increase.

Mr. LAMB. It is because we think the laborer is worthy of his hire.

Mr. FOWLER. Then why did you not increase the salaries of some of these laboring people who are getting as low as $360 a year?

Mr. LAMB. Last year we increased 158 of them.

Mr. FOWLER. And I see in the bill—in the paragraph—provision is made for laborers at $240 a year—charwomen.

Mr. LAMB. Well, they are charwomen who go there part of the day, just like charwomen in the office buildings. I presume the gentleman heard the discussion on the floor the other day with reference to that.

Mr. FOWLER. They told me they worked four or five hours a day. These women waited on me recently and told me they worked four or five hours a day.

Mr. EDWARDS. Which women are those?

Mr. FOWLER. The charwomen. Why did you increase the salaries of these big offices and fail to increase the little ones?

Mr. LAMB. Because of the difference in the work of a charwoman and the work of the chief of a division of the Department of Agriculture; for the same reason that the gentleman does not increase his employees at home in proportion to his salary here; because the gentleman is worth so much more than they are.

Mr. FOWLER. The gentleman is speaking from imagination, I assume.

Mr. LAMB. No; the fact is you are here and you are getting a $7,500 salary, whereas your man at home probably gets $25 a month.

Mr. FOWLER. I desire to ask the gentleman why he has increased the salary of the officer in charge of publications from $2,000 to $2,200?

Mr. LAMB. This is a promotion of $200 for an officer who handles all the publications of the bureau, prepares all manuscript for transmission to the Division of Publications, where they are officially revised before being sent to the Government Printer, and so forth. We could give a whole lot of reasons. He has not had a promotion in seven years.

Mr. FOWLER. I see the officer in charge of records has been increased from $2,000 to $2,100.

Mr. LAMB. This is an increase of $100 in the salary of this officer, who handles all financial matters of the bureau and who directs the handling of a sum aggregating over two and a quarter million dollars, and sees that 35 or 36 officers are regularly informed as to the status of their funds.

Mr. FOWLER. How many hours a day do these people put in?

Mr. LAMB. I suppose about eight or nine.

Mr. FOWLER. Do they not put in seven?

Mr. LAMB. Men like these, charged with the responsibility of this sort, work like Congressmen, until 7 or 8 o'clock at night.

Mr. FOWLER. I will ask if it is not a fact they only put in about seven hours a day?

Mr. LAMB. It is not, I think.

Mr. FOWLER. Has the gentleman information upon this question?

Mr. LAMB. Yes; I have been there and seen them at all hours of the day. I spent a month down there once from early in the morning until dewy eve.

Mr. RODDENBERY. Will not my colleague from Illinois take into consideration the fact that the volume of work turned out by this office has increased very largely on account of the increased demands of agriculture——

Mr. FOWLER. That is true.

Mr. RODDENBERY. Which annually puts more work under them? Now, the individual employee does not have to do any more work, but the manager or superintendent of this division, who must measure the energies and activities to meet the growth of it——

Mr. FOWLER. If the gentleman has read this paragraph, he must have seen the wonderful increase in the number of people who have been added to this great force for the purpose of meeting the increased demands on this department.

Mr. RODDENBERY. That is the very point I wanted to make to my colleague, that the superintendent of the division in charge of it has increased not only his responsibility and the details of the work which are a charge against——

Mr. FOWLER. He has subordinates to look after those.

Mr. RODDENBERY. That is quite true. I know my colleague knows that the superintendent here gives his personal supervision, and the more it increases the more he has to supervise both the subordinates and the employees. I merely wanted to impress upon my colleague that fact, because I know he is in earnest.

Mr. LAMB. Mr. Chairman, in this Bureau of Plant Industry there are 500 projects, and the work of this department increases every year just to the proportion of the increase of population. They asked for an increase of $400,000 in this very bureau, and we carefully went over it and cut this item down to $200,000, and that is about the increase to this bureau. I think that the gentleman, who knows so much about ancient history and the cure of hams—and, by the way, if he comes down in Virginia we will show him exactly how to cure a Smithfield ham—might trust Dr. Galloway and the people in this bureau to a greater extent than he seems to do. I hope he will not make these captious objections. In any point of order upon any large matter here we will consider it patiently and hear him patiently; but if he will excuse me, it looks to me like this is frivolous to make these captious objections, as he has been making them. I hope he will excuse me for being earnest in this matter.

I do not waste time here. We want to get this bill through in the proper time.

Mr. RODDENBERY. Will the gentleman from Illinois yield to me just a moment?

Mr. FOWLER. I am willing to allow the following salaries to pass with the points of order I have mentioned pending, namely, the salary of the chief of bureau, the chief clerk, the officer in charge of publications, and the officer in charge of records. If any of these gentlemen are not satisfied that there are increases in these salaries——

Mr. LAMB. You make a point of order?

Mr. FOWLER. I say I desire to pass it and let the point of order be pending until to-morrow morning, in order to give you an opportunity to make the examination.

Mr. LEVER. Mr. Chairman, I would like to suggest that I have not been able, so far as I have examined into the statutes, to find that there is any law anywhere fixing the salary of the Chief of the Bureau of Plant Industry, and if the gentleman from Illinois [Mr. FOWLER] has that, and the salary has been fixed by law, then of course it is necessarily subject to a point of order, and the gentleman might as well make it. We will concede it, and will go on attending to business here.

Mr. RODDENBERY. Will my colleague yield, inasmuch as he has reserved a point of order in this connection?

Mr. FOWLER. Yes.

Mr. RODDENBERY. I do not quite agree with the distinguished chairman of the committee that even this objection would be a captious objection if my colleague would make it, nor do I think he is given to making trivial and captious objections. I think it is a question that should be discussed and resolved on its merits. What I want to address to the attention of my colleague is a statement made a few moments ago that the heads of the subordinates here are increased; that the actual clerical force is increased; and he knows that the demands of our correspondence from our constituents, which goes into this department, is increased on all lines. Our country is growing. When we send these requests down we want them attended to accurately and properly, and with immediate dispatch. It is very important to have at the head of a department of this character men of capacity and qualifications for that purpose, and if we do have them, I want to suggest to my colleague that this increase, if an increase it is, is a very moderate one, and if you take the aggregate of the compensation, it is entirely reasonable for men of that capacity and ability.

Mr. LAMB. Let me answer right there, in reply to the suggestion made, that the increase in this Bureau of Plant Industry is only $1,600.

Mr. LEVER. Mr. Chairman, I believe I have the floor. I hope the gentleman from Georgia [Mr. RODDENBERY] did not understand me to raise a criticism that my friend from Illinois [Mr. FOWLER] was making captious suggestions. I made no such statement, nor have I intended to do it. The gentleman, of course, has a perfect right to make these objections. But I want to say that this Bureau of Plant Industry is the only bureau that devotes its entire attention to the agriculture of the country. It is conducting scientific research work relative to crop growing; it is conducting farm demonstration work in the South and farm demonstration work in the North. It is doing the greatest work, in my judgment, of any bureau in the Department of Agriculture or of any bureau in the Government service. There is not a more competent man anywhere, there is not a man who gives closer attention to the service, there is not a man who is more efficient in the service, than Dr. Galloway, the man at the head of this bureau. And I do hope my friend from Illinois [Mr. FOWLER] will not make a point of order against these men. Dr. Galloway has been drawing this salary of $5,000 for a number of years. Of these few men whose salaries we have increased one or two hundred dollars a year one has not had an increase of salary for seven years and one has not had an increase for four or five years, and we can not keep our best men in these lines of technical and scientific work unless we are willing to give them a reasonable salary. The fact is, Mr. Chairman, that the man who acted as temporary Chief of the Bureau of Plant Industry, Dr. Powell, a few years ago left the department and went to California and entered another work at a salary of $12,000 a year. A lot of these men at the head of these bureaus are really working at a sacrifice to themselves and their families. I hope my friend will not press this point.

Mr. MANN. Mr. Chairman, I ask for the regular order.

Mr. CANDLER. Mr. Chairman, just a moment, please.

Mr. MANN. I ask for the regular order.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] asks unanimous consent——

Mr. MANN. I ask for the regular order, Mr. Chairman.

Mr. LEVER. The regular order is a decision on the point of order.

The CHAIRMAN. The Chair did not know that the unanimous-consent request had been made at all. Does the gentleman from Illinois [Mr. FOWLER] make his point of order?

Mr. FOWLER. Mr. Chairman, I ask unanimous consent that the paragraph may be passed with the points of order pending against the three salaries.

The CHAIRMAN. The gentleman's colleague [Mr. MANN] has just asked for the regular order, which is equivalent to an objection.

Mr. LEVER. Mr. Chairman, the regular order is the deciding of the point of order. Is that right?

The CHAIRMAN. The regular order is for the gentleman from Illinois [Mr. FOWLER] either to make the point of order or withdraw it.

Mr. FOWLER. Mr. Chairman, I submit once more for unanimous consent that the paragraph may be passed with the points of order pending against the four salaries mentioned.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] asks that his request for unanimous consent be again presented.

Mr. MANN. Mr. Chairman, reserving the right to object, I want to say that we have been all day upon this bill and are now upon page 13. There are 64 pages to this bill, and unless we settle something as we go on there is no possibility of passing the appropriation bills at this session except under suspension of the rules, if it can be done in that way. Therefore I ask for the regular order.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] objects. Does the gentleman from Illinois [Mr. FOWLER] make the point of order?

Mr. FOWLER. I make the point of order.

The CHAIRMAN. Has the gentleman before him the statute limiting the salary to $3,500?

Mr. FOWLER. I have not the statute before me.

The CHAIRMAN. Is the gentleman certain that that is the statute at the present time?

Mr. FOWLER. I have made a thorough examination of the statutes and I am of the opinion, from the information I can get, that the salary was originally fixed at $2,000, and then carried by increases in appropriation bills. That was the reason, Mr. Chairman, why I was willing to let it pass, so that there might be a certainty. I do not desire to press the point of order unless the statute justifies it.

Mr. LEVER. Mr. Chairman, if the gentleman is through, I desire to submit to the Chair that I have read a digest of the laws applicable to the Department of Agriculture, prepared by the solicitor of the department some years ago, and I have failed to find where the salary of the Chief of the Bureau of Plant Industry is fixed by any statute whatever. The Bureau of Plant Industry differs from the Weather Bureau or from the Bureau of Animal Industry, in that the Bureau of Plant Industry has been created upon an appropriation bill and not by any statute setting out its limitations or fixing the salary.

Mr. FOWLER. I have indicated to the Chair my best information concerning the matter, that the statute first enacted upon this subject, fixing the salary, was in 1862, as I recollect, and that subsequently there have been some amendments made thereto; but the salary as to this first office was fixed at $2,000. That is my best information.

The CHAIRMAN. If the gentleman from Illinois [Mr. FOWLER] will state that he knows as a matter of fact that the salary of this chief of bureau is fixed by law at a sum different from that which is carried in this bill, the Chair will sustain the point of order.

Mr. FOWLER. I can not do that, Mr. Chairman, because I desire to be fair.

The CHAIRMAN. Then the Chair overrules the point of order, on the assumption that the amount carried in the appropriation bill is authorized by law.

Mr. FOWLER. That is, for the chief of the bureau?

The CHAIRMAN. For the chief of the bureau.

Mr. FOWLER. Now, the chief clerk will be in the same condition, Mr. Chairman, as the chief of the bureau.

The CHAIRMAN. Has the gentleman any definite information on that?

Mr. FOWLER. Only, as I say, I have read the statute upon this question fixing the salary, and my recollection is that when it first came in it was fixed at $2,000, although I do not desire at all to say to the Chair that I am positive about the matter.

The CHAIRMAN. In the absence of a positive statement from some Member that the salary provided in this bill is different from the salary provided by law, the Chair will overrule the point of order.

Mr. MANN. Mr. Chairman, nearly all of these divisions in the Agricultural Department were provided, as they now are, in the agricultural appropriation bill a few years ago, since I have been a Member of the House. The only fixing of salaries, as I recall it, was by making the appropriation. I do not think there is any law outside of the appropriation bill except the organic law of the department.

The CHAIRMAN. The Chair overrules the point of order.

Mr. FOWLER. There is an organic law of 1862, fixing the salaries of a number of officers and public places in this department.

The other item to which I make the point of order is the salary of the officer in charge of publications, $2,200, an increase of $200.

The CHAIRMAN. The Chair sustains that point of order.

Mr. FOWLER. One officer in charge of records, in line 7, page 13, increased from $2,000 to $2,100.

The CHAIRMAN. An increase of $100 above the last appropriation bill?

Mr. FOWLER. The Chair sustains the point of order?

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. As the bill now stands, do the words in lines 5 and 6, "one officer in charge of publications," remain in the bill?

The CHAIRMAN. Yes. The salary is stricken out.

Mr. MANN. There is a blank there now?

The CHAIRMAN. Yes.

Mr. MANN. Well, I would leave it blank.

Mr. LAMB. I will ask the Clerk to insert the old amount, $2,000, in line 6, page 13.

The CHAIRMAN. The Chair will call the attention of the gentleman from Virginia to the fact that the Clerk can not do that. It requires an amendment by the committee to make that change.

Mr. LAMB. Then I offer the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 13, line 6, at the beginning of the line, insert "$2,000."

The amendment was agreed to.

Mr. LAMB. And in line 7, page 13, I move to insert "$2,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 13, line 7, insert "$2,000."

The amendment was agreed to.

The Clerk read as follows:

For investigations of plant diseases and pathological collections, $25,000.

Mr. McLAUGHLIN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 15, line 12, after the word "diseases," by inserting "including diseases of ginseng," and in line 13, strike out "$25,000" and insert "$30,000," so that the paragraph will read:

"For investigations of plant diseases, including ginseng, and pathological collections, $30,000."

Mr. LEVER. I reserve a point of order on that amendment.

Mr. McLAUGHLIN. Mr. Chairman, I offer this amendment at the request of the gentleman from Wisconsin [Mr. MORSE], who was not able to remain here. The gentleman from Wisconsin [Mr. MORSE] is very much interested in this subject. He has investigated it carefully and is of the opinion that the money is necessary. Diseases of the ginseng have developed, and the growers of it have not been able to deal with them. They feel that they need help, and they ask for this modest, moderate appropriation of $5,000.

Mr. CANNON. Will the gentleman allow me to ask him a question?

Mr. McLAUGHLIN. Certainly.

Mr. CANNON. This paragraph is for investigations of plant diseases?

Mr. McLAUGHLIN. Yes.

Mr. CANNON. Is ginseng a plant?

Mr. McLAUGHLIN. No doubt it is.

Mr. CANNON. Then what is the use of the amendment?

Mr. MANN. It carries an appropriation of an additional $5,000.

Mr. McLAUGHLIN. There is an additional appropriation.

Mr. CANNON. I did not hear that part of it.

Mr. LEVER. Will my colleague permit a question?

Mr. McLAUGHLIN. Yes.

Mr. LEVER. I wonder if my colleague knows that the Department of Agriculture on April 30, 1912, issued a bulletin of 44 pages on the Diseases of the Ginseng and Their Control, which pamphlet I hold in my hand?

Mr. McLAUGHLIN. I did not know about that.

Mr. LAMB. I have a letter from the Secretary touching that very matter, saying substantially that they are doing this work now.

Mr. MANN. I have read the bulletin issued by the Agricultural Department on ginseng and another one formerly issued by the department. The gentleman from Wisconsin, on whose behalf the amendment is offered, raises ginseng and is very familiar with the trade in this country. Ginseng is a plant that grows here and is exported to China as a sort of medicine. The plant is subject to diseases. The gentleman from Wisconsin knows the subject thoroughly and has given a great deal of attention to it. This plant is attacked by diseases which ought to be investigated by the department. The gentleman from Wisconsin has been a Member of this House for a long time. During the last session of Congress he worked day and night for months in connection with the gentleman from Tennessee [Mr. SIMS], going over the reports and the findings of the Court of Claims on these war-claims propositions, and on his statement and the statement of the gentleman from Tennessee the House passed the war-claims bill. The gentleman from Wisconsin after doing all this work is now about to retire from Congress. He knows the subject of ginseng, and I think we can afford to take his judgment for $5,000 on this proposition when this side of the House has taken it on a million dollars of war claims.

Mr. SIMS. Over a million and a half dollars. And while I am on my feet I want to ask if there is any more profitable thing grown in this country, if it can be protected against disease, than ginseng? It is worth $6 a pound, and when I used to dig it as a boy I sold it for 30 and 40 cents a pound.

Mr. CANNON. If the gentleman will pardon me, there is now available for the study of plants $25,000, and it is moved to increase the amount by $5,000.

Mr. MANN. The purpose of the amendment is to give the department an opportunity, if it will, to use all or a part of the $5,000 by increasing the amount for the investigation of ginseng. The department is not now engaged in the study of the subject of ginseng by actual experiment.

Mr. CANNON. I will ask my colleague could any or all of this $5,000, under the law, be used for the employment of any person?

Mr. MANN. I suppose that is what it will be used for; that is the way they will study it; they will have somebody go out where they are raising it and study these diseases.

Mr. CANNON. And this $5,000, neither in whole nor in part, is contemplated for the employment of our colleague?

Mr. MANN. Oh, not at all. I am glad my colleague asked that question; but there will be no large salaries paid out of it. The gentleman from Wisconsin is not looking for and is not to have the job.

Mr. CANNON. I am very glad the gentleman said that, because of the very valuable services rendered by the gentleman in connection with the gentleman from Tennessee an evil-minded person might gather that this was to be given to him.

Mr. MANN. I suppose some one might have inferred it from my remarks, but that is not the case.

Mr. LAMB. I think the Government has given some attention to this, but with the great reverence I have for the minority I am willing to yield to the request.

Mr. SIMS. I want to say that there was an experiment made in raising ginseng right close to my own home. The gentleman cleared the land, put in the ginseng, and it did well for two or three years, and then through some insect or some disease it was entirely destroyed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For investigating the physiology of crop plants and for testing and breeding varieties thereof, $30,380.

Mr. HAYDEN. Mr. Chairman, I move to strike out the last word. I notice that this appropriation is the same as it was last year, and yet the department in its estimate asked for $6,200 additional, and gave as a reason that they wanted to enlarge the scope of investigations of dates and figs and work on cotton with the Indians. I made some remarks this morning in regard to the Egyptian cotton industry and that language caught my eye. If anything can be done to assist the Indians in the cultivation of a high grade of long-staple cotton, I think the additional money would be well expended. Figs and dates can be grown in Arizona and California, and I am of the opinion that the cultivation of such fruits ought to be encouraged.

Mr. LAMB. The gentleman seems to know what the chief of the bureau said and that is all I know about it.

Mr. HAYDEN. But the committee declined to give the increase. It seems to me that this work has great merit.

Mr. LAMB. We had to trim down some of these estimates; we could not give everything they asked.

Mr. HAYDEN. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

For acclimatization and adaptation investigations of cotton, corn, and other crops introduced from tropical regions, and for the improvement of cotton by cultural methods, breeding, and selection, $33,300.

Mr. HAYDEN. Mr. Chairman, I move to strike out the last word for the same reason that I did before. In the estimates the department has asked for $10,000 additional, giving as a reason that they desire to properly carry out important work which has been inaugurated in the improvement of cotton and the development of community work in cotton growing, and that this is of vital importance to the cotton interests of the South.

Mr. LAMB. We think that we have given them enough.

Mr. HAYDEN. The committee allowed the same amount as last year.

Mr. LAMB. Yes.

The Clerk read as follows:

For studying and testing commercial seeds, including the testing of samples of seeds of grasses, clover, or alfalfa secured in the open market, and where such samples are found to be adulterated or misbranded the results of the tests shall be published, together with the names of the persons by whom the seeds were offered for sale, $26,000.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 16, line 18, at the beginning of the line, insert the words "and lawn-grass seed."

Mr. RODDENBERY. Mr. Chairman, will the gentleman object to adding to his amendment "and Bermuda"?

Mr. MANN. Bermuda is already covered by the bill.

Mr. RODDENBERY. Does not "seeds of grasses" cover lawn seed also?

Mr. MANN. Lawn seed is the proper term, although I have made it lawn-grass seed. It is usually a mixture of seed. A lot of seed houses have gotten into the habit of mixing seed containing mainly the seed of weeds. I want them to feel that if they continue that they are in danger of having their names published. I want the practice stopped.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For the investigation and improvement of cereals and methods of cereal production, and the study of cereal diseases, and for the investigation of the cultivation and breeding of flax for seed purposes, including a study of flax diseases, $104,925.

Mr. MOSS of Indiana. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 16, after line 26, add the following:
"*Provided*, That not less than $30,000 shall be set aside for the study of corn improvement and methods of corn production."

Mr. MOSS of Indiana. Mr. Chairman, I understand that this amendment is agreeable to the committee. If so, I will not take up the time of the House in discussing it.

Mr. LEVER. Mr. Chairman, speaking for the committee, I will say that the amendment is agreeable to the committee.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana.

The amendment was agreed to.

The Clerk read as follows:

To investigate and encourage the adoption of improved methods of farm management and farm practice, and for farm demonstration work, $375,000: *Provided*, That of the amount hereby appropriated the sum of $8,800 may be used in the investigation and utilization of cacti and other dry-land plants as food for stock.

[Mr. LEVER addressed the committee. See Appendix.]

The Clerk read as follows:

For investigations in connection with western irrigation agriculture, the utilization of lands reclaimed under the reclamation act, and other areas in the arid and semiarid regions, $73,000.

Mr. HAYDEN. Mr. Chairman, I move to strike out the last word. I notice in this case that the committee did not allow the amount asked for by the department, and in reading the justification in the Book of Estimates it says that they need this extra money, some $3,000, on account of the extension of important work on cotton production in the Southwest, especially Egyptian cotton. The committee did not feel they could possibly allow what the department wanted for this particular work?

Mr. LAMB. We thought they could get on with what they had.

Mr. HAYDEN. And allowed the amount they had last year?

Mr. LAMB. Yes.

Mr. HAYDEN. I withdraw the pro forma amendment.

The Clerk read as follows:

For the investigation and improvement of fruits, and the methods of fruit growing, harvesting, packing, storing, handling, and shipping, and for experimental shipments of fruits within the United States and to foreign countries, $92,000.

Mr. HARRISON of Mississippi. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, at the end of line 17, on page 18, after "$92,000," by adding the following: "*Provided*, That $5,000 of the amount hereby appropriated may be set aside and used in the investigation and improvement of the pecan industry."

Mr. HARRISON of Mississippi. Mr. Chairman, I am in hopes that the committee will agree to this amendment. The Government has done very little toward the encouragement of the pecan industry in this country. In my section it is an industry that is growing very rapidly. It was not until recently, if at all, that the Government issued a bulletin with respect to the pecan industry.

Mr. MANN. Oh, yes; many years ago.

Mr. HARRISON of Mississippi. I have been unable to find it on the list. I have had several calls for it, and you can not get it. I know that recently there was in the course of

preparation a bulletin on the pecan industry, but I do not think it has as yet been issued.

Mr. MANN. They issued a very handsome book on the pecan industry.

Mr. HARRISON of Mississippi. It has not been my good fortune to see that.

Mr. MANN. I expect it is out of print.

Mr. LAMB. Why did not the gentleman ask the department about this?

Mr. HARRISON of Mississippi. I called up the department; Mr. Galloway was not there, and I talked with Mr. Jones, his assistant. He said some work had been done along this line, but he did not think very much. I am not asking by this amendment any additional amount of money. I am asking that only a small part of this total appropriation be used for this purpose—$5,000. I have had several letters with reference to this, and the people in our section are very much interested in it.

Mr. RODDENBERY. If the Chairman will permit—I do not know but what it might throw light on the subject—the Government is engaged, and has been, I know personally, for over three years, in sending out agents for the investigation of the diseases of the pecan; I do not know what appropriation it comes under, but looking to the proper treatment of the disease of blight and worm in the pecan, and so forth.

For more than three years they have been doing that, and have been inspecting orchards all through the pecan belt to ascertain what fruit turned out the best, which was bearing the best, and so forth. This has come under my personal observation, and the bulletin the gentleman [Mr. HARRISON] refers to, when it is published, I know from personal observation, with the information they are acquiring it will not be conjecture, but it will be a statement of actual facts.

Mr. HARRISON of Mississippi. Has that bulletin been published yet?

Mr. RODDENBERY. It has not, but I think it is in press, or in course of preparation.

Mr. HARRISON of Mississippi. Mr. Chairman, the Government, in my opinion, has not gone into this subject as much as the growth of the industry demands, and I think they should be allowed to go into it more fully. Now, as to whether there is sufficient appropriation or whether it comes out of this item I can not say.

Mr. MANN. Will the gentleman yield? Is the gentleman aware this item is expended in the matter of shipping fruit?

Mr. HARRISON of Mississippi. I called up the department and asked under which of these paragraphs would this item come, and they told me this would be the paragraph under which the pecan industry would come.

Mr. MANN. I think it has in the past mainly been used in connection with the packing and shipping of citrus fruits and apples not only in this country but abroad. I do not think it would have anything to do, in the main, with growing pecans.

Mr. HARRISON of Mississippi. Under this amendment there would be no question about it, because it says that $5,000 of the amount may be used for the purpose of investigating and improving the pecan industry.

Mr. CANDLER. This amendment only provides that the department may have discretion in this matter, and this industry is growing in importance. I have recently had inquiries in reference to it from our section of the country myself, and other sections of the United States. This is a matter the department can well investigate, and they can use this amount if they see fit to do so, and I hope it will be agreed to.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Purchase and distribution of valuable seeds: For purchase, propagation, testing, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; all necessary office fixtures and supplies, fuel, transportation, paper, twine, gum, postal cards, gas, electric current, rent outside of the District of Columbia, official traveling expenses, and all necessary material and repairs for putting up and distributing the same; for repairs and the employment of local and special agents, clerks, assistants, and other labor required in the city of Washington and elsewhere, $296,000, of which amount not less than $257,000 shall be allotted for congressional distribution. And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase, testing, and distribution of such valuable seeds, bulbs, shrubs, vines, cuttings, and plants, the best he can obtain at public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated, and such seeds so purchased shall include a variety of vegetable and flower seeds suitable for planting and culture in the various sections of the United States: *Provided*, That the Secretary of Agriculture, after due advertisement and on competitive bids, is authorized to award the contract for the supplying of printed packets and envelopes and the packeting, assembling, and mailing of the seeds, bulbs, shrubs, vines, cuttings, and plants, or any part thereof, for a period of not more than five years nor less than one year, if by such action he can best protect the interests of the United States. An equal proportion of five-sixths of all seeds, bulbs, shrubs, vines, cuttings, and plants shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, or mailed by the department upon the receipt of their addressed franks, in packages of such weight as the Secretary of Agriculture and the Postmaster General may jointly determine: *Provided, however*, That upon such envelope or wrapper containing packages of seeds the contents thereof shall be plainly indicated and the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each Member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents: *Provided, also*, That the seeds allotted to Senators and Representatives for distribution in the districts embraced within the twenty-fifth and thirty-fourth parallels of latitude shall be ready for delivery not later than the 10th day of January: *Provided, also*, That any portion of the allotments to Senators, Representatives, and Delegates in Congress remaining uncalled for on the 1st day of April shall be distributed by the Secretary of Agriculture, giving preference to those persons whose names and addresses have been furnished by Senators and Representatives in Congress and who have not before during the same season been supplied by the department: *And provided also*, That the Secretary shall report, as provided in this act, the place, quantity, and price of seeds purchased, and the date of purchase; but nothing in this paragraph shall be construed to prevent the Secretary of Agriculture from sending seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, testing, propagation, and distribution of valuable seeds, bulbs, mulberry and other rare and valuable trees, shrubs, vines, cuttings, and plants: *Provided further*, That $30,000 of which sum, or so much thereof as the Secretary of Agriculture shall direct, may be used for the purchase and distribution of drought-resistant field seeds through the Great Plains area and other dry-land sections of the United States.

Mr. COX. Mr. Chairman, I move to strike out the paragraph beginning on line 22, page 19, down to and including line 17, on page 22.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the paragraph beginning on line 22, page 19, down to and including line 17, on page 22.

Mr. LAMB. Mr. Chairman, on that I ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. COX. Wait a minute, Mr. Chairman. I will say to the chairman now that we will not conclude this paragraph this evening, because I am not going to let a vote go on this unless a quorum is present.

Mr. LAMB. Before the gentleman does that, I ask permission to turn to page 21, line 10, and strike out the word "such" and insert the word "each."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 21, line 10, strike out the word "such" and insert in lieu thereof the word "each."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LAMB. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to; and the Speaker having resumed the chair, Mr. BEALL of Texas, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 28283, the Agricultural appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 27987. An act to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.;

H. R. 27944. An act to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.;

H. R. 27988. An act to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.;

H. R. 27986. An act to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.;

H. R. 27879. An act providing authority for the Northern Pacific Railway Co. to construct a bridge across the Missouri River in section 36, township 134 north, range 79 west, in the State of North Dakota.;

H. R. 25002. An act to amend section 73 and section 76 of the act of August 27, 1894, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes";

H. R. 21524. An act for the relief of Frederick H. Ferris; and

H. R. 1332. An act regulating Indian allotments disposed of by will.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 109. An act to authorize the sale and disposition of the surplus and unallotted lands in the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect.

CLAIMS.

Mr. SIMS. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill H. R. 19115, an act making appropriations for payment of certain claims in accordance with the findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, disagree to the Senate amendments, and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Tennessee [Mr. SIMS] asks unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill H. R. 19115, disagree to the Senate amendments, and agree to the conference asked for by the Senate. Is there objection?

There was no objection.

The SPEAKER announced the following conferees: Mr. SIMS, Mr. LEE of Georgia, and Mr. MORSE of Wisconsin.

SLAVERY IN PERU (H. DOC. 1366).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying documents, referred to the Committee on Foreign Affairs and ordered to be printed:

To the House of Representatives:

I transmit a report of the Secretary of State, with accompanying papers, in response to the resolution adopted by the House of Representatives on August 1, 1912, calling upon the Secretary of State, "if not incompatible with the public interest," for "all information in the possession of his department concerning the alleged existence of slavery in Peru, and especially all information tending to show the truth or falsity of the following statement made in an editorial in the London Times of July 15, 1912: 'The bluebook shows that in an immense territory which Peru professes to govern the worst evils of the plantation slavery which our forefathers labored to suppress are at this moment equaled or surpassed. They are so horrible that they might seem incredible were their existence supported by less trustworthy evidence.'"

WM. H. TAFT.

THE WHITE HOUSE, *February 7, 1913.*

HOUR OF MEETING TO-MORROW.

Mr. LAMB. Mr. Chairman, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 10.30 a. m. to-morrow.

The SPEAKER. The gentleman from Virginia [Mr. LAMB] asks unanimous consent that when the House adjourns to-day it adjourn to meet at 10.30 a. m. to-morrow. Is there objection?

Mr. MANN. Reserving the right to object, does the gentleman expect to go ahead at 10.30 a. m., or does the Committee on Rules intend to report a rule at 10.30 a. m., if the House meets at that time?

Mr. LAMB. We were planning to go on. I did not know anything about the Committee on Rules.

Mr. MANN. I think everyone in the House understands that the House is going to do other business. I do not care how they work it, if they work it at all. The gentleman from Tennessee [Mr. GARRETT] might know, I thought.

Mr. GARRETT. Mr. Speaker, there is no objection to the House meeting at 10.30 a. m.

Mr. MANN. There is no objection on the gentleman's part. But does the gentleman know, if the House meets at 10.30 a. m., that we will go ahead with the Agriculture appropriation bill or that the Committee on Rules will report at that time?

Mr. GARRETT. The Committee on Rules has adopted a rule which it proposes to ask consideration for to-morrow.

Mr. MANN. Are they likely to come in at 10.30 a. m.?

Mr. GARRETT. They are likely to come in at the first opportunity they have to present a privileged resolution.

Mr. MANN. I have no objection.

The SPEAKER. Is there objection?

There was no objection.

TRANSPORTATION IN ALASKA (H. DOC. NO. 1346).

Mr. BOOHER. Mr. Speaker, I am directed by the Committee on the Territories to ask unanimous consent to offer the following resolution and ask its adoption.

The SPEAKER. The gentleman from Missouri [Mr. BOOHER] asks unanimous consent to offer a resolution and have it immediately considered. The Clerk will report it.

The Clerk read as follows:

House resolution 820.

Resolved, That the message of the President, transmitting the report of the commission appointed to conduct an examination into the transportation question in the Territory of Alaska, together with the report of the commission, and accompanying papers and illustrations, be printed as a document.

The SPEAKER. Is there objection to the request for unanimous consent?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

Mr. MANN. Mr. Speaker, I would suggest to the gentleman from Missouri that it should be printed as a House document.

Mr. BOOHER. Yes. I move that that amendment be made.

The SPEAKER. Without objection, the amendment will be made.

There was no objection.

The SPEAKER. The question is on agreeing to the amended resolution.

The resolution as amended was agreed to.

ADJOURNMENT.

Mr. LAMB. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 22 minutes p. m.) the House, in accordance with the order previously adopted, adjourned until to-morrow, Saturday, February 8, 1913, at 10.30 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Mille Lacs Lake and Onamia Lake, Minn. (H. Doc. No. 1364); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Red River near Fulton, Ark. (H. Doc. No. 1363); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Bennett River, N. C. (H. Doc. No. 1362); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

4. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Postmaster General submitting a deficiency estimate of appropriation for the Post Office Department on account of the parcel post act, etc. (H. Doc. No. 1360); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting estimate of appropriation for improvement, extension, and survey of certain roads in Mount Rainier National Park, Wash. (H. Doc. No. 1361); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Secretary of the Treasury, submitting estimates of appropriations required by the several departments of the Government to complete the service for the current fiscal year and for prior years (H. Doc. No. 1365); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WEBB, from the Committee on the Judiciary, to which was referred the bill (H. R. 17593) to divest intoxicating liquors of their interstate-commerce character in certain cases, reported the same with amendment, accompanied by a report (No. 1461), which said bill and report were referred to the House Calendar.

Mr. STEPHENS of Nebraska, from the Committee on Indian Affairs, to which was referred the bill (H. R. 28409) to empower the United States District Court for the District of Minnesota to establish the status of the allottees on the White Earth Indian Reservation in said State, reported the same with amendment, accompanied by a report (No. 1459), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FERGUSSON, from the Committee on the Public Lands, to which was referred the bill (S. 6781) in reference to the issuance of patents and copies of surveys of private land claims, reported the same with amendment, accompanied by a report (No. 1473), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (S. 7875) to exempt from cancellation certain desert-land entries in the Chuckawalla Valley and Palo Verde Mesa, Riverside County, Cal., reported the same with amendment, accompanied by a report (No. 1474), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HIGGINS, from the Committee on the Judiciary, to which was referred the bill (S. 8058) providing for an increase of salary of the United States attorney for the district of Connecticut, reported the same without amendment, accompanied by a report (No. 1462), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SWEET, from the Committee on Military Affairs, to which was referred the bill (H. R. 24296) for the relief of Alonzo D. Cadwallader, reported the same without amendment, accompanied by a report (No. 1476), which said bill and report were referred to the Private Calendar.

Mr. HUGHES of Georgia, from the Committee on Military Affairs, to which was referred the bill (H. R. 18217) for the relief of Sylvester W. Barnes, reported the same without amendment, accompanied by a report (No. 1477), which said bill and report were referred to the Private Calendar.

Mr. ANTHONY, from the Committee on Military Affairs, to which was referred the bill (H. R. 6793) for the relief of Charles A. Bess, reported the same without amendment, accompanied by a report (No. 1466), which said bill and report were referred to the Private Calendar.

Mr. McKELLAR, from the Committee on Military Affairs, to which was referred the bill (H. R. 18727) for the relief of Lewis Wood, reported the same without amendment, accompanied by a report (No. 1464), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 8921) to correct the military record of William H. Seward, reported the same with amendment, accompanied by a report (No. 1465), which said bill and report were referred to the Private Calendar.

Mr. FARR, from the Committee on Claims, to which was referred the bill (S. 4309) for the relief of Dommick Taheny and John W. Mortimer, reported the same without amendment, accompanied by a report (No. 1467), which said bill and report were referred to the Private Calendar.

Mr. McKELLAR, from the Committee on Military Affairs, to which was referred the bill (H. R. 12173) to donate to the city of St. Augustine, Fla., for park purposes the tract of land known as the "powder-house lot," reported the same without amendment, accompanied by a report (No. 1463), which said bill and report were referred to the Private Calendar.

Mr. POU, from the Committee on Claims, to which was referred the bill (H. R. 28261) for the relief of G. O. Nolan, reported the same without amendment, accompanied by a report (No. 1470), which said bill and report were referred to the Private Calendar.

Mr. DICKINSON, from the Committee on Claims, to which was referred the bill (H. R. 19906) for the relief of Cornell Riveland, reported the same with amendment, accompanied by a report (No. 1469), which said bill and report were referred to the Private Calendar.

Mr. DENT, from the Committee on Military Affairs, to which was referred the bill (S. 8139) for the relief of William W. Prude, reported the same without amendment, accompanied by a report (No. 1475), which said bill and report were referred to the Private Calendar.

Mr. POU, from the Committee on Claims, to which was referred the bill (H. R. 26915) to reimburse the postmaster at Seaside, Oreg., for the loss by fire of postal savings cards and stamps, reported the same with amendment, accompanied by a report (No. 1471), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 27979) for the relief of Ed. P. Ambrose, reported the same without amendment, accompanied by a report (No. 1472), which said bill and report were referred to the Private Calendar.

Mr. FARR, from the Committee on Claims, to which was referred the bill (S. 1911) for the relief of James R. Brown, reported the same without amendment, accompanied by a report (No. 1468), which said bill and report were referred to the Private Calendar.

Mr. GRAY, from the Committee on Pensions, to which was referred sundry bills, reported in lieu thereof the bill (H. R. 28672) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, accompanied by a report (No. 1460), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MORGAN of Oklahoma: A bill (H. R. 28669) to authorize the payment to the State of Oklahoma of an amount of money equal to 5 per cent of the proceeds of the sales of public lands lying within what was formerly Oklahoma Territory, on sales made between April 22, 1889, and November 16, 1907, inclusive, and for other purposes; to the Committee on Appropriations.

Also, a bill (H. R. 28670) to pay the State of Oklahoma $20,000,000 in lieu of taxes on lands and other property within the State sold and disposed of by the United States under terms and conditions prohibiting the State from taxing the same, and for other purposes; to the Committee on Appropriations.

By Mr. GRIEST: A bill (H. R. 28671) for a specially designed postage stamp in commemoration of the one hundredth anniversary of the signing of the treaty of Ghent; to the Committee on the Post Office and Post Roads.

By Mr. GRAY: A bill (H. R. 28672) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors; to the Committee of the Whole House.

By Mr. STEENERSON: A bill (H. R. 28673) to authorize the construction of a bridge across the Mississippi River in Beltrami County, in the State of Minnesota; to the Committee on Interstate and Foreign Commerce.

By Mr. CLINE: A bill (H. R. 28674) for the control and regulation of the waters of the Niagara River above the Falls of Niagara, and for other purposes; to the Committee on Foreign Affairs.

By Mr. STEPHENS of Texas: A bill (H. R. 28675) to enable the chairmen of the House and Senate Committees on Indian Affairs to investigate and secure information directly from the Indians of any tribe or band as to the status of their affairs; to the Committee on Indian Affairs.

By Mr. BRANTLEY: A bill (H. R. 28676) to amend section 914 of the Revised Statutes; to the Committee on the Judiciary.

Also, a bill (H. R. 28677) to amend section 4197 of the Revised Statutes; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 28678) to amend the laws relating to shippers' manifests of merchandise for exportation; to the Committee on Interstate and Foreign Commerce.

By Mr. PETERS: A bill (H. R. 28679) to establish a national aeronautical laboratory; to the Committee on the Library.

By Mr. BRADLEY: A bill (H. R. 28680) granting two condemned cannon to the municipality of Goshen, N. Y.; to the Committee on Military Affairs.

By Mr. EDWARDS: A bill (H. R. 28681) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Pembroke, Bryan County, Ga.; to the Committee on Military Affairs.

By Mr. DODDS: A bill (H. R. 28696) to authorize use of additional sum in the erection of a public building on the site now owned by the Government in Big Rapids, in the State of Michigan; to the Committee on Public Buildings and Grounds.

By Mr. WEBB: Resolution (H. Res. 818) providing for the consideration of H. R. 17593; to the Committee on Rules.

By Mr. LOBECK: Resolution (H. Res. 819) authorizing the Committee on the District of Columbia of the House of Representatives to make an investigation into the affairs of the Washington Gas Light Co.; to the Committee on the District of Columbia.

By Mr. STEPHENS of Texas (by request): Joint resolution (H. J. Res. 394) requesting the President to communicate with Great Britain with a view to the appointment of a commission

to investigate the feasibility of a plan to rectify the boundary of southeastern Alaska; to the Committee on Foreign Affairs.

By Mr. ANSBERRY: Memorial from the General Assembly of the State of Ohio, urging the necessity of a system of levees or flood walls along the Ohio River; to the Committee on Rivers and Harbors.

By Mr. MOTT: Memorial from the Legislature of New Mexico, protesting against settling the Fort Sill Indians on the Mescalero-Apache Reservation; to the Committee on Indian Affairs.

By Mr. WILLIS: Memorial from the General Assembly of the State of Ohio, urging appropriations to provide for the construction of a system of levees along the Ohio River; to the Committee on Rivers and Harbors.

By Mr. POST: Memorial from the General Assembly of the State of Ohio, urging appropriations to provide for the construction of a system of levees along the Ohio River; to the Committee on Rivers and Harbors.

By Mr. HAMMOND: Memorial from the Legislature of the State of Minnesota, favoring amendment of the national banking laws, authorizing national banks to loan money upon farmland mortgages; to the Committee on Banking and Currency.

By Mr. ALLEN: Memorial adopted by the Ohio Legislature, urging Congress to make an appropriation for survey and examination into the feasibility of constructing levees or flood walls for the protection of cities and villages along the Ohio River; to the Committee on Rivers and Harbors.

By Mr. BURKE of South Dakota: Memorial from the Legislature of South Dakota, requesting Congress to make Fort Meade, S. Dak., a brigade post, with permanent brick or stone barracks, officers' quarters, and other buildings; to the Committee on Military Affairs.

Also, memorial adopted by the Legislature of South Dakota, asking Congress to limit the jurisdiction of the district court of the United States; to the Committee on the Judiciary.

Also, memorial adopted by the Legislature of South Dakota, praying Congress to enact a presidential preferential primary act; to the Committee on Election of President, Vice President, and Representatives in Congress.

Also, memorial adopted by the Legislature of South Dakota requesting the Congress of the United States to pass the Newlands bill relating to river regulation; to the Committee on Rivers and Harbors.

By Mr. FRANCIS: Memorial adopted by the General Assembly of Ohio, urging upon Congress to make an appropriation for survey and examination into the feasibility of constructing levees or flood walls for the protection of cities and villages along the Ohio River; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DRAPER: A bill (H. R. 28682) granting an increase of pension to Walter L. Messer; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 28683) for the relief of the heirs of Simeon Burke, deceased; to the Committee on War Claims.

By Mr. FITZGERALD: A bill (H. R. 28684) for the relief of Maurice Edgar Rose; to the Committee on Naval Affairs.

Also, a bill (H. R. 28685) granting an increase of pension to Anne Darcy; to the Committee on Invalid Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 28686) granting a pension to Charlotte A. Stone; to the Committee on Invalid Pensions.

By Mr. LEE of Georgia: A bill (H. R. 28687) for the relief of the trustees of Pea Vine Academy, Walker County, Ga.; to the Committee on War Claims.

Also, a bill (H. R. 28688) for the relief of the trustees of Pea Vine Church, Walker County, Ga.; to the Committee on War Claims.

By Mr. LOBECK: A bill (H. R. 28689) granting an increase of pension to Charles Britton; to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 28690) granting a pension to Delila Peterman; to the Committee on Invalid Pensions.

By Mr. MURRAY: A bill (H. R. 28691) for the relief of Martha Cutts Almy and others; to the Committee on Claims.

By Mr. REILLY: A bill (H. R. 28692) granting an increase of pension to George H. Thomas; to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 28693) for the relief of the estate of George D. Pool, sr.; to the Committee on War Claims.

By Mr. SWEET: A bill (H. R. 28694) for the relief of Gerhard Heyboer; to the Committee on Military Affairs.

By Mr. VREELAND: A bill (H. R. 28695) granting an increase of pension to Sylvanus Balcom; to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 28697) granting an increase of pension to Jennie Domingos; to the Committee on Invalid Pensions.

By Mr. NEELEY: A bill (H. R. 28698) granting a pension to Thomas Keeler; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Petition of the Ohio State Board of Agriculture, favoring the passage of legislation to appropriate funds for the relief of hog cholera; to the Committee on Agriculture.

By Mr. ASHBROOK: Petition of Leona Griffith, teacher, and 23 pupils, Granville, Ohio, favoring the passage of the McLean bill granting Federal protection to all migratory birds; to the Committee on Agriculture.

Also, petition of C. E. Jacob and 23 citizens of Pataskala, Licking County, Ohio, favoring the passage of Kenyon-McCumber bill to withdraw from interstate-commerce protection liquors imported into dry territory for illegal use; to the Committee on the Judiciary.

By Mr. BATHRICK: Petition of growers of ginseng of the State of Ohio, favoring the passage of legislation making appropriations for further investigations of the diseases peculiar to ginseng; to the Committee on Agriculture.

By Mr. CALDER: Petition of Williams & Stevenson, New York, N. Y., and Ernest Thompson Seton, Greenwich, Conn., favoring the passage of the McLean bill granting Federal protection to all migratory birds; to the Committee on Agriculture.

Also, petition of W. H. Limbie, Brooklyn, N. Y., favoring the passage of the Page bill for granting Federal aid for vocational education; to the Committee on Agriculture.

Also, petition of J. C. Williams, deputy collector of the United States customs service, port of New York, favoring the passage of House bill 25635, providing for the labeling and tagging of all fabrics and articles of clothing intended for sale under interstate and foreign commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. CARTER: Petition of the Osage National Council, Pawhuska, Okla., favoring the passage of Senate bill 5675, relative to revising, amending, etc., the penal laws of the United States referring to all cases of bribery of representatives of Indians; to the Committee on Indian Affairs.

By Mr. CURRIER: Petition of Members of Montcalm Grange and pupils of the schools of Enfield Center, N. H., favoring the passage of the McLean bill for Federal protection of migratory birds; to the Committee on Agriculture.

By Mr. DODDS: Petition of citizens of Big Rapids, Mich., favoring the passage of the Kenyon "red light" injunction bill for the cleaning up of Washington for the inauguration; to the Committee on the District of Columbia.

By Mr. DRAPER: Petition of the American Wood Preservers' Association, Baltimore, Md., protesting against the passage of legislation for the removal of creosote oils from the free list; to the Committee on Ways and Means.

By Mr. ESCH: Petition of the American Wood Preservers' Association, Baltimore, Md., protesting against the passage of legislation for the removal of creosote oil from the free list; to the Committee on Ways and Means.

By Mr. FULLER: Petition of the American Wood Preservers' Association, Baltimore, Md., protesting against the passage of legislation for placing a duty on creosote oil; to the Committee on Ways and Means.

Also, petition of the American Forestry Association, Washington, D. C., protesting against the passage of House bill 23293, for the protection of the water supply of the city of Colorado Springs and the town of Manitou, Colo., as amended and passed in the Senate; to the Committee on the Public Lands.

Also, petition of the Farmers' National Congress, Chicago, Ill., favoring the passage of Senate bill 3, for Federal aid for vocational education; to the Committee on Agriculture.

By Mr. GOLDFOGLE: Petition of the Chamber of Commerce of the State of New York, protesting against the passage of Senate bill 7208, proposing radical changes in law relating to the carriage of cargo by sea; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of the United States of America, Washington, D. C.; James B. Munroe, Boston, Mass.; F. L. Kennedy, Cambridge, Mass.; and W. H. Gimbie, Brooklyn, N. Y., favoring the passage of Senate bill 3, for Federal aid for vocational education; to the Committee on Agriculture.

By Mr. HAMMOND: Petition of the Scandinavian Temperance Union, of Fergus Falls, Minn., favoring the passage of the Kenyon-Sheppard bill for preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. HAYES: Petition of Mary E. Anderson and Maude P. Boynton, San Jose, Cal., favoring the passage of the Kenyon "red-light" injunction bill for the cleaning up of Washington during the inauguration; to the Committee on the District of Columbia.

Also, petition of Palo Alto Chapter, Daughters of the American Revolution, favoring the passage of House bill 26167; to the Committee on the Judiciary.

Also, petition of the National League of Government Employees, Washington, D. C., and the American Federation of Labor, Washington, D. C., both favoring the passage of the workmen's compensation act; to the Committee on the Judiciary.

Also, petition of the Western Forestry and Conservation Association, Portland, Oreg., and Frederick J. Koster, San Francisco, Cal., favoring the passage of legislation making further appropriation for the control of forest fires at the heads of navigable streams; to the Committee on Agriculture.

Also, petition of the Thomas Mercantile Co., Gilroy, Cal.; the L. M. Davenport Co., Los Angeles, Cal.; and the Rudgear-Merle Co., San Francisco, Cal., favoring the passage of House bill 27567, for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of the San Francisco Labor Council, San Francisco, Cal., favoring the passage of legislation for the recognition of the Chinese Republic by the United States; to the Committee on Foreign Affairs.

Also, petition of T. B. Anderson, San Francisco, Cal., favoring the passage of House bill 1309, for the establishment of a council of national defense; to the Committee on Naval Affairs.

Also, petition of the California Club, of San Francisco, Cal., favoring the passage of legislation making appropriation for the suppression of the white-slave traffic; to the Committee on Appropriations.

Also, petition of the Cooper Ornithological Club, Hollywood, Cal.; Ernest Thompson Seton, Greenwich, Conn.; and the California State Audubon Society, Los Angeles, Cal., favoring the passage of the McLean bill, granting Federal protection to all migratory birds; to the Committee on Agriculture.

By Mr. HOWELL of Utah: Petition of the Ogden Trades and Labor Assembly, Ogden, Utah, asking the repeal of the Dick military law, which requires that the militia shall consist of all able-bodied male citizens of the respective States, etc.; to the Committee on Military Affairs.

By Mr. KINKEAD of New Jersey: Petition of the Forest Park Reservation Commission of New Jersey, Trenton, N. J., favoring the passage of legislation making further appropriations for protecting the forests at the head of navigable streams from fire; to the Committee on Agriculture.

By Mr. KONOP: Petition of sundry citizens of Appleton, Wis., favoring the passage of the Kenyon-McCumber bill, to withdraw from interstate-commerce protection liquors imported into dry territory for illegal use; to the Committee on the Judiciary.

By Mr. LAFFERTY: Petition of District Council No. 24, Brotherhood of Painters, Decorators, and Paper Hangers of America, Portland, Oreg., protesting against the Dick military law, requiring all able-bodied male citizens to belong to the militia, and asking the repeal of same; to the Committee on Military Affairs.

Also, petition of the Astoria Chamber of Commerce, Astoria, Oreg., favoring the passage of legislation ceding title to Sand Island to the State of Oregon; to the Committee on the Public Lands.

By Mr. LINDSAY: Petition of the American Wood Preservers' Association, Baltimore, Md., protesting against the passage of legislation removing creosote oil from the free list; to the Committee on Ways and Means.

Also, petition of Brooklyn Branch, Navy Young Men's Christian Association, New York, N. Y., favoring the passage of the Webb bill, preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. McCOY: Petition of citizens of East Orange and Newark; the Woman's Christian Temperance Union of Irvington; Union Street Church and the Newark Social Union, Newark; citizens and members of the Methodist Church, Irvington, N. J., favoring the passage of the Kenyon-McCumber bill, preventing the shipment of liquor into dry territory; to the Committee on the Territories.

By Mr. MOTT: Petition of the American Wood Preservers' Association, protesting against the passage of legislation for removing creosote oil from the free list; to the Committee on Ways and Means.

By Mr. MURRAY: Petition for the relief of Martha Cutts Almez and to pay for overtime work in the navy yards at Portsmouth, N. H., Boston, Mass., and Mare Island, Cal.; to the Committee on Claims.

By Mr. RAKER: Petition of the Brotherhood of Locomotive Firemen and Enginemen, Los Angeles, Cal., favoring the passage of House bill 27016, equipping all locomotives with electric headlights; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of Oakland, Cal., favoring passage of legislation, making Oakland, Cal., the terminal for the proposed national highway; to the Committee on Agriculture.

Also, petition of the American Wood Preservers' Association, Baltimore, Md., protesting against the passage of legislation removing creosote oil from the free list; to the Committee on Ways and Means.

Also, petition of Kirk, Geary & Co., Sacramento, Cal., protesting against the passage of legislation reducing the tariff on chemicals; to the Committee on Ways and Means.

Also, petition of Prof. Charles A. Kafoid, University of California, Berkeley, Cal., favoring the passage of legislation repealing the law prohibiting the killing of male fur seals; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the California Associated Societies for the Conservation of Wild Life, favoring the passage of the Weeks-McLean bill for the Federal protection of migratory birds; to the Committee on Agriculture.

By Mr. REILLY: Petition of the Connecticut Public Library Committee, Hartford, Conn., favoring an amendment to the present parcel-post system giving books sent to or from a public library parcel-post rates; to the Committee on the Post Office and Post Roads.

By Mr. SABATH: Petition of the Richmond Chamber of Commerce, Richmond, Va., favoring the passage of legislation for a reform in the present banking system of the United States; to the Committee on Banking and Currency.

Also, petition of the California Club, San Francisco, Cal., favoring the passage of legislation making appropriations for the suppression of the white-slave traffic; to the Committee on Appropriations.

Also, petition of the Italian Chamber of Commerce, New York, protesting against the passage of Senate bill 3175, for the restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the American Wood Preservers' Association, Baltimore, Md., protesting against the passage of legislation for the removal of creosote oil from the free list; to the Committee on Ways and Means.

By Mr. SCULLY: Petition of the American Wood Preservers' Association, Baltimore, Md., protesting against the passage of legislation for the removal of creosote oil from the free list; to the Committee on Ways and Means.

Also, petition of the Forest Park Reservation Commission of New Jersey, Trenton, N. J., favoring the passage of legislation making further appropriations for the protection of the forests at the head of navigable streams from fires; to the Committee on Agriculture.

Also, petition of the American Forestry Association, Washington, D. C., protesting against the passage of House bill 23293, for the protection of the water supply of the city of Colorado Springs and the town of Manitou, Colo., as amended by the Senate; to the Committee on the Public Lands.

By Mr. TUTTLE: Petition of sundry citizens of Summit, Ridgewood, Plainfield, Boonton, Mendham, Morristown, Morris County, N. J.; the Morristown Prohibition Alliance, Morristown, N. J.; the St. James Methodist Episcopal Church, Elizabeth, N. J.; Irvington Methodist Episcopal Church, Irvington, N. J.; and the Methodist Episcopal Church of Mendham, N. J., favoring the passage of the Kenyon-McCumber bill to withdraw from interstate-commerce protection liquors imported into dry territory for illegal use; to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Succasunna and Ledgewood, N. J., favoring the passage of the Kenyon "red-light" injunction bill, for the cleaning up of

Washington, D. C., for the inauguration; to the Committee on the District of Columbia.

Also, petition of the Woman's Christian Temperance Union and sundry citizens of Washington, N. J., favoring the passage of the Kenyon-Sheppard bill for preventing the shipment of liquor into dry territory and the Prouty red-light bill; to the Committee on the Judiciary.

By Mr. WILLIS: Petition of the Ohio State Board of Agriculture, favoring the passage of legislation making an appropriation for the extermination of hog cholera; to the Committee on Appropriations.

By Mr. WOODS of Iowa: Petition of citizens of Bode, Iowa, protesting against the passage of any legislation changing the present tariff on sugar so that it will injuriously affect the sugar-beet industry; to the Committee on Ways and Means.

SENATE.

SATURDAY, *February 8, 1913.*

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Eternal God, our heavenly Father, as we stand before Thee on this day of precious memory we thank Thee that life is not so short that we can not for a time lay aside our customary labors and yield ourselves to the tender and holy influences of this hour. As here we stand in Thy presence, we would take the shoes from off our feet, knowing that where Thy servants have faithfully and truly sought to do Thy will there indeed is holy ground Here manifest Thyself unto our waiting spirits, we pray Thee, and fulfill unto us Thy promise that where Thy children are gathered together in Thy name there Thou wilt be in their midst.

O Thou who art God, not of the dead but of the living, seeing that all souls live unto Thee, we thank Thee, not as we would but as we are able, for the blessed privilege of having known and labored with him whom we this day commemorate. Inspire our hearts, quicken our memories, and direct our thoughts, that the life which we would now honor may stand before us with all its power and in all its beauty. That life was Thine, our Father, and Thine it is. We yield Thee all praise, O Holy One, for the priceless heritage of the memory of him whose life is now hid with Christ in Thee.

We pray Thee to be near to those to whom this life was most dear and to comfort those whose tender sorrow is too great for words and too deep for tears. Uphold them with Thy heavenly power and let Thy grace be sufficient for them until we, too, stand in Thy nearer presence, where we shall know even as we have been known.

And unto Thee, our God, who hast loved us with an everlasting love and hast called us into Thine eternal kingdom in Christ, unto Thee who hast given us eternal comfort and good hope through the Gospel, be all glory and praise on earth and in heaven, now and forevermore. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

CANCELLATION OF HOMESTEAD ENTRIES (S. DOC. NO. 1064).

The PRESIDENT pro tempore (Mr. BACON) laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 27th ultimo, certain information relative to whether or not the department contemplates the cancellation of certain homestead entries upon any of the United States reclamation projects in the State of Idaho because of the failure of entrymen to make payment covering the operation and maintenance charges, etc., which was referred to the Committee on Public Lands and ordered to be printed.

DISPOSITION OF USELESS PAPERS.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, schedules of useless papers, books, etc., on the files of the department no longer needed in the transaction of the public business and having no permanent or historical value. The communication and accompanying papers will be referred to Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints, as the committee on the part of the Senate, the Senator from Arkansas [Mr. CLARKE] and the Senator from New Hampshire [Mr. BURNHAM]. The Secretary will notify the House of Representatives of the appointment of the committee on the part of the Senate.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a concurrent resolution passed by the Legislature of Iowa, which was ordered to lie on the table and to be printed in the RECORD, as follows:

Concurrent resolution memorializing Congress to pass the Kenyon-Sheppard bill relating to the interstate transportation of intoxicating liquors.

Whereas for a number of years last past the sale of intoxicating liquors as a beverage has been prohibited by law in a large number of the cities and counties of the State of Iowa; and

Whereas under the protection of the commerce clause of the Federal Constitution a large quantity of liquor is shipped from without the State to points within the State and disposed of in violation of law; and

Whereas these interstate shipments of liquor and the illegal disposition of the same result in drunkenness, prosecutions, expensive litigation, the commission of crime, and the pauperizing of individuals and families: Now therefore be it

Resolved by the House of Representatives of the State of Iowa (the Senate concurring), That the Congress of the United States be, and it is hereby, memorialized to pass the Kenyon-Sheppard bill now pending before Congress, looking to the correction of these evils, and that the Representatives in Congress and the United States Senators from Iowa be, and they are hereby, requested to use all honorable means to secure the passage of said act; and

Resolved further, That a copy of this resolution be forwarded by the secretary of the senate and the clerk of the house to the Speaker of the House and the President of the Senate of the United States and to the Representatives in Congress from Iowa, and to the President of the United States.

January 25, 1913, introduced in the house by Bliss, of Ringgold.
January 27, 1913, adopted by the house.
January 28, 1913, received by the senate.
January 30, 1913, adopted by the senate.

A. C. GUSTAFSON,
Chief Clerk of the House.
JOS. E. MEYER,
Secretary of the Senate.
EDWARD H. CUNNINGHAM,
Speaker of the House.
W. T. HARDING,
President of the Senate.

I hereby certify that this concurrent resolution originated in the house of the representatives of the thirty-fifth general assembly.

A. C. GUSTAFSON,
Chief Clerk of the House.

The PRESIDENT pro tempore presented a concurrent resolution adopted by the Legislature of North Dakota, which was ordered to lie on the table and to be printed in the RECORD, as follows:

Concurrent resolution.

House concurrent resolution memorializing the Congress of the United States to pass the measure now pending in the Senate known as the Kenyon-Sheppard bill.

Whereas there is now on the statutes of the State a law forbidding the sale or transportation of intoxicating liquors in the State of North Dakota; and

Whereas the interstate common carriers are bringing into our State large quantities of intoxicating liquors to be sold in open violation of our State laws and to the great injury of the people of the State; and

Whereas there is now pending in the Congress of the United States a measure known as the Kenyon-Sheppard bill, which has for its purpose the prevention of interstate shipments of liquors into States where the laws of the State forbid the sale of same: Therefore be it

Resolved by the House of Representatives of the State of North Dakota (the Senate concurring), That the Congress of the United States be, and the same is hereby, earnestly memorialized and requested to pass the Kenyon-Sheppard bill at the earliest date possible and without amendment; be it further

Resolved, That a copy of these resolutions, properly certified, be forwarded at once to our Senators and Representatives in Congress and to the Speaker of the House of Representatives and to the President of the Senate.

Mr. GALLINGER presented petitions of sundry ministers of Keene, N. H., and of the congregation of the St. Paul's Methodist Episcopal Church, of Manchester, N. H., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. HITCHCOCK presented a memorial of the congregation of the Seventh-day Adventist Church of Broken Bow, Nebr., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of the Farmers' Educational and Cooperative Union, of Fremont, Nebr., remonstrating against the adoption of the so-called Aldrich currency plan, which was referred to the Committee on Finance.

He also presented petitions of 400 citizens of Laurel, Nebr., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. STONE presented petitions of the Citizens Protective League, of Niangua; of sundry citizens of Chesapeake; of the faculty of the Central Wesleyan College, of Warrenton; of the members of the Methodist Episcopal Church of Jasper; of the Minnie Steele Woman's Christian Temperance Union, of Perry County; of the Woman's Christian Temperance Union of Kahoka; of citizens and voters of Laclede County; of the Southern Metho-

dist Church Epworth League, of Piedmont; of sundry citizens and voters of Liberty; of sundry citizens of Medford; and of the congregation of the Francis Street Methodist Church South Epworth League, of St. Joseph, all in the State of Missouri, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. McCUMBER. I present a concurrent resolution adopted by the Legislature of North Dakota, which I ask may lie on the table and be printed in the RECORD.

The PRESIDENT pro tempore. The resolution will lie on the table. A duplicate of the resolution was presented by the Chair and ordered to be printed in the RECORD.

Mr. McCUMBER presented a memorial of the congregation of the Seventh-day Adventist Church of Gackle, N. Dak., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Milnor, N. Dak., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. CRAWFORD. I present a joint resolution passed by the Legislature of the State of South Dakota relating to the subject to which I called the attention of the Senate yesterday—the issuing of interlocutory injunctions out of the Federal courts against State officers in the enforcement of orders by State administrative boards. As the matter is one of great importance and the resolution comes under the seal of the secretary of state of South Dakota, I ask that it be read and printed in the RECORD.

The PRESIDENT pro tempore. The joint resolution will be read.

The resolution was read, and referred to the Committee on the Judiciary, as follows:

STATE OF SOUTH DAKOTA,
Department of State.

UNITED STATES OF AMERICA,
State of South Dakota, ss:

I, Frank Glasner, secretary of state of the State of South Dakota, do hereby certify that the annexed bill, to wit, senate joint resolution No. 7 was duly passed by the 1913 session of the Legislature of the State of South Dakota and is now in full force and effect.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota this 4th day of February, A. D. 1913.

[SEAL.]

FRANK GLASNER,
Secretary of State.
By J. T. NELSON,
Assistant Secretary of State.

Joint resolution memoralizing Congress to limit the jurisdiction of the district courts of the United States.

Be it resolved by the Senate of the State of South Dakota (the House of Representatives concurring):

SECTION 1. That the Congress of the United States be, and it is hereby, memoralized to immediately enact legislation restricting the jurisdiction of the district courts of the United States and withdrawing from such courts jurisdiction of action or proceedings for the purpose of enjoining or restraining any State officer or State board from enforcing any State statute or administrative order made by any administrative board, and particularly affecting the constitutionality of State statutes and of orders made by administrative boards in the regulation of public-service corporations and of rates of fare for the transportation of persons and property to the end that all litigation involving the validity of such statutes and orders and the reasonableness of such rates of fare for the transportation of passengers and property may be tried out in the State courts, saving only to the parties feeling aggrieved thereby the right to review the record by a writ of error or appeal sued out to the Supreme Court of the United States from the final determination or judgment of the highest appellate court of the State.

Mr. CRAWFORD. I present a joint resolution passed by the Legislature of South Dakota, which I ask may be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the resolution was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

STATE OF SOUTH DAKOTA,
Department of State.

UNITED STATES OF AMERICA,
State of South Dakota, ss:

I, Frank Glasner, secretary of state of the State of South Dakota, do hereby certify that the annexed bill, to wit, senate joint resolution No. 14, was duly passed by the 1913 session of the Legislature of the State of South Dakota and is now in full force and effect.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota this 4th day of February, A. D. 1913.

[SEAL.]

FRANK GLASNER,
Secretary of State.
By J. T. NELSON,
Assistant Secretary of State.

Joint resolution and memorial requesting the Congress of the United States to pass the Newlands bill, relating to river regulation.

Be it enacted by the Senate of the State of South Dakota (the House of Representatives concurring):

SECTION 1. That the Congress of the United States is hereby memoralized to enact during the present session the Newlands bill, providing for the creation of a board of river regulation and for the control and beneficial use of flood waters, and we urge our Senators and Representatives in Congress to employ their best efforts to accomplish this end.

Mr. CRAWFORD. I present a joint resolution passed by the Legislature of South Dakota, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the resolution was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

STATE OF SOUTH DAKOTA,
Department of State.

UNITED STATES OF AMERICA,
State of South Dakota, ss:

I, Frank Glasner, secretary of state of the State of South Dakota, do hereby certify that the annexed bill, to wit, senate joint resolution No. 4, was duly passed by the 1913 session of the Legislature of the State of South Dakota and is now in full force and effect.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota this 4th day of February, A. D. 1913.

[SEAL.]

FRANK GLASNER,
Secretary of State.
By J. T. NELSON,
Assistant Secretary of State.

Joint resolution and memorial requesting the Congress of the United States to make Fort Meade, S. Dak., a brigade post, with permanent brick or stone barracks, officers' quarters, and other buildings.

Be it resolved by the Senate of South Dakota (the House concurring):

SECTION 1—

Whereas Fort Meade is centrally located with reference to all Indian reservations in North and South Dakota, Montana, and Wyoming upon which there are quartered about 40,000 Indians; and

Whereas Fort Meade is the only military post in South Dakota, and the only post in the whole Northwest possessing the required strategic advantages to exercise surveillance over the Indians and afford proper protection to the property and people of this rich and rapidly developing country; and

Whereas the lines of railroad now in operation offer transportation facilities over four lines in four different directions, forming a basis for military movements, enabling troops to quickly reach any point of trouble; and

Whereas Fort Meade has a larger timber reservation, with the Black Hills Forest Reserve, where there is pine timber and an abundant supply of mountain spring water and also a military reservation, 2 miles by 6 miles in area, containing 21,000 acres, with all available adjoining land needed for the requirements of a brigade post, which collectively would include the rolling prairie, open and wooded streams of water, bluffs and brakes, bare hills and timbered mountains, offering all practicable varieties of country for maneuvers; and

Whereas the hospital records show that the pure, malaria-free, bracing climate renders Fort Meade the healthiest post garrisoned in America; and

Whereas Fort Meade has been built as a two-squadron Cavalry post, there having been built in the past six years brick and stone barracks for eight troops, hospital, post exchange, line and field officers' quarters, noncommissioned officers' quarters, bakery, powder magazine, stables, fire station, water system and concrete reservoir, sewer drain and stable drain, macadamized roads and cement walks, electric-light wiring, and other permanent improvements modern and up to date, costing over $600,000: Therefore be it

Resolved, That we favor and earnestly urge the Congress of the United States by proper enactment to designate Fore Meade as a brigade post and provide for the erection of additional barracks, quarters, and other structures ample and suitable for the proper garrison thereof; and be it further

Resolved, That we request our Senators and Representatives in Congress to employ their best efforts to compass this end.

Mr. CRAWFORD. I present a joint resolution passed by the Legislature of South Dakota, which I ask may be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the resolution was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

Joint resolution praying Congress to enact a presidential preferential primary act.

Be it resolved by the Senate of South Dakota (the House of Representatives concurring), That the Congress of the United States is hereby memorialized to enact a general statute for the nomination of presidential candidates by direct vote of the party electors, that said election be held in the several States on the same day.

That a copy hereof be transmitted to the Secretary of the Interior, and to each of the Senators and Representatives in Congress from the State of South Dakota.

STATE OF SOUTH DAKOTA,
Department of State.

UNITED STATES OF AMERICA,
State of South Dakota, ss:

I, Frank Glasner, secretary of state of the State of South Dakota, do hereby certify that the annexed bill, to wit, senate joint resolution No. 12, was duly passed by the 1913 session of the Legislature of the State of South Dakota and is now in full force and effect.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota, this 4th day of February, A. D. 1913.

[SEAL.]

FRANK GLASNER,
Secretary of State.
By J. T. NELSON,
Assistant Secretary of State.

Mr. GAMBLE presented petitions of D. L. Anderson, Centerville; of S. M. Brann, secretary of the Springfield Business Men's Association; of Orlan P. Cook, of Clear Lake; of Rev. Glen H. Shaw, of Kadoka; of D. O. Anderson, of Big Springs; of O. S. Jones, of Clear Lake; of Thomas Simpson, of Clark;

of W. B. Pinkerton, of Rosebud; and of the secretary of the Woman's Club of Fort Pierre, all in the State or South Dakota, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

He also presented a petition of the Business Men's Association of Springfield, S. Dak., praying for a reduction to 1 cent of the postage on first-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a joint resolution passed by the Legislature of South Dakota, memorializing Congress to limit the jurisdiction of the district courts of the United States, which was referred to the Committee on the Judiciary.

He also presented a joint resolution passed by the Legislature of South Dakota, favoring the enactment of a presidential preferential primary law, which was referred to the Committee on the Judiciary.

He also presented a joint resolution passed by the Legislature of South Dakota, favoring the enactment of the so-called Newlands bill relating to river regulations, which was referred to the Committee on Commerce.

He also presented a joint resolution passed by the Legislature of South Dakota, favoring the enactment of legislation making Fort Meade, S. Dak., a brigade post, which was referred to the Committee on Military Affairs.

Mr. OWEN (for Mr. CHAMBERLAIN) presented petitions of sundry citizens of Newberg, Oreg., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. SMITH of Georgia. I present one of many petitions that I have received from citizens of Georgia favoring the passage of the Kenyon-McCumber bill to withdraw from interstate-commerce protection liquors imported into "dry" territory for illegal use. I ask that the petition lie on the table and be printed in the RECORD.

There being no objection, the petition was ordered to lie on the table and to be printed in the RECORD, as follows:

To the UNITED STATES SENATE,
Care of Hon. Hoke Smith, Washington, D. C.

Undersigned earnestly petition for the speedy passage of the Kenyon-McCumber interstate liquor bill (S. 4043 or S. 2310) to withdraw from interstate commerce protection liquors imported into "dry" territory for illegal purposes.

The above petition was adopted by Pike County Teachers' Association, of Zebulon, Ga., February 1, 1913, and undersigned was authorized to so attest.

BUENA VISTA BROOK, *Presiding.*

To the UNITED STATES SENATE,
Care of Hon. Hoke Smith, Washington, D. C.:

We, the undersigned citizens of Pike County, State of Georgia, earnestly petition for the speedy passage of the Kenyon-McCumber interstate liquor bill (S. 4043 or S. 2310), to withdraw from interstate-commerce protection liquors imported into "dry" territory for illegal purposes.

G. Ben Ridley, county superintendent of schools, Zebulon, Ga.; R. Y. Beckham, justice of the peace, Zebulon, Ga.; C. J. Dickson, Zebulon, Ga.; W. J. Franklin, merchant, Zebulon, Ga.; J. W. Means, ordinary, Zebulon, Ga.; D. G. Dunn, assistant cashier Bank of Zebulon, Zebulon, Ga.; J. M. Means, merchant, Zebulon, Ga.; E. F. Dupree, judge city court of Zebulon; C. R. George, cashier Bank of Zebulon, Ga.; J. R. Wood, Zebulon, Ga.; J. E. Thornton, D. D. S., Zebulon, Ga.; W. J. Reeves, merchant, Zebulon, Ga.; E. H. Baker, farmer, Zebulon, Ga.; H. Hammond, druggist, Zebulon, Ga.; A. A. Howell, merchant, Zebulon, Ga.; J. J. Slade, Zebulon, Ga.; J. L. Milner, Zebulon, Ga.; J. R. Chapman, Zebulon, Ga.; W. J. Slade, Zebulon, Ga.; P. M. Sullivan, merchant, Zebulon, Ga.; W. W. Bush, farmer, Zebulon, Ga.; L. H. Rawls, salesman, Zebulon, Ga.; R. W. Devine, farmer, Zebulon, Ga.; J. S. Ruker, Zebulon, Ga.; M. G. Harrison, farmer, Zebulon, Ga.; Wm. S. Branham, minister of gospel, Zebulon, Ga.; W. W. Edwards, teacher, Williamson, Ga.; J. E. Eppinger, merchant, Zebulon, Ga.; Frank L. Adams, lawyer, Zebulon, Ga.; G. D. Dominick, Attorney, Zebulon, Ga.; R. C. Mathews, clerk superior court; W. S. Slade, sheriff Pike County, Zebulon, Ga.; J. W. R. Jenkins, minister of the gospel, Zebulon, Ga.

Mr. LODGE presented resolutions adopted by the Democratic town committee of Attleboro, Mass., expressing its disapproval of any reduction of duty upon jewelry, silverware, and kindred articles, and urging upon Congress the necessity of maintaining the present rates of duty, which were referred to the Committee on Finance.

He also presented resolutions adopted by the Democratic town committee of North Attleboro, Mass., expressing its disapproval of any reduction of duty upon jewelry, silverware, and kindred articles, which were referred to the Committee on Finance.

He also presented resolutions adopted by the Democratic voters of North Attleboro, Mass., remonstrating against any reduction of the duty upon jewelry, silverware, and kindred productions, which were referred to the Committee on Finance.

He also presented resolutions adopted by the Board of Trade of North Attleboro, Mass., expressing its disapproval of any reduction in the rates of duty upon jewelry, silverware, and kindred articles, and of the inclusion of the words "gold," "silver," and "platinum" in the same paragraph with iron, steel, tin, lead, etc., which were referred to the Committee on Finance.

He also presented resolutions adopted by members of the Massachusetts Medical Society, favoring the passage of the bill to create a department of public health, which were ordered to lie on the table.

Mr. SMITH of Michigan presented a petition of sundry voters of the fourth congressional district of Michigan, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. WARREN presented resolutions adopted at a meeting of the settlers and water users on the Umatilla Government irrigation project, held at Hermiston, Oreg., January 4, 1913, relative to the extension of time for payment of assessments, etc., which were referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a petition of sundry citizens of Lusk and Buffalo, in the State of Wyoming, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

He also presented a memorial of the congregation of the Seventh-day Adventist Church of Sheridan, Wyo., and a memorial of the congregation of the Seventh-day Adventist Church of Buffalo, Wyo., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. ROOT presented memorials of the congregations of the Seventh-day Adventist Churches of Hornell, West Valley, Mount Vernon, Poughkeepsie, and Darien Center, all in the State of New York, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented memorials of sundry citizens of New York City and Newburgh, in the State of New York, remonstrating against the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Rochester, Phoenix, Syracuse, Port Jefferson, Weedsport, Gloversville, Brooklyn, and Geneva; of the Men's Bible Class of the First Methodist Episcopal Church of Gloversville; and of the congregation of the Ash Groove Church of Albany, all in the State of New York, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. STEPHENSON presented memorials of the congregations of the Seventh-day Adventist Churches of Moon, Grand Rapids, Chippewa Falls, Milton Junction, Marshfield, Mill Creek, Royalton, and Stevens Point, all in the State of Wisconsin, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented petitions of the united congregations of the First Congregational Churches of Baraboo, of the congregation of the First Presbyterian Church of Green Bay, and of sundry citizens of Milwaukee, Wauwatosa, Madison, Mineral Point, Kenosha, and Deleran, all in the State of Wisconsin, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Milwaukee, Wis., remonstrating against the enactment of legislation providing for the employment of a greater number of seamen in the navigation of vessels, particularly on the Great Lakes, which was referred to the Committee on Commerce.

He also presented a petition of members of the Commercial Club of Antigo, Wis., praying for the passage of the so-called agricultural extension bill, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Antigo, Wis., remonstrating against the parole of Federal life prisoners, which was ordered to lie on the table.

He also presented resolutions adopted by the State Board of Forestry of Wisconsin, favoring the enactment of legislation providing for Federal and State cooperation in protecting the forests from fire, which were referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted by the Chamber of Commerce of Milwaukee, Wis., favoring the granting of a Federal charter to the National Chamber of Commerce, which were referred to the Committee on the Judiciary.

MINOR MERIWETHER, JR.

Mr. PERKINS. From the Committee on Naval Affairs I report back favorably without amendment the bill (S. 8348) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Minor Meriwether, jr., and I sub-

mit a report (No. 1200) thereon. I call the attention of the junior Senator from Louisiana [Mr. THORNTON] to the bill.

Mr. THORNTON. I ask unanimous consent for the present consideration of the bill. It has the cordial approval of the department. A report accompanies it.

The PRESIDENT pro tempore. The Senator from Louisiana asks for the present consideration of the bill just reported by the Senator from California.

Mr. GALLINGER. Let it be read for information.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the age limit for admission to the Pay Corps of the United States Navy be, and it is hereby, waived in the case of Minor Meriwether, jr., in consideration of his previous naval service.

Mr. GALLINGER. I will ask the Senator from Louisiana how many years are waived in this particular case?

Mr. THORNTON. I would answer the Senator by saying that there is a full report from the department in connection with the matter. I will ask the Secretary to read the report of the committee.

Mr. GALLINGER. Could the Senator state even approximately how many years? I do not care to take the time to have the report read.

Mr. THORNTON. I think about six years, perhaps.

Mr. GALLINGER. And the department recommends it?

Mr. THORNTON. Yes, sir; urgently.

Mr. GALLINGER. I have had a little experience in trying to get a waiver in cases somewhat similar, but I have not had very good success. However, I do not object.

Mr. THORNTON. I would not have asked for the passage of the bill unless the department had recommended it.

Mr. GALLINGER. I do not object.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PERKINS. I ask that the report be printed in the RECORD.

There being no objection, the report submitted by Mr. PERKINS was ordered to be printed in the RECORD, as follows:

Mr. PERKINS, from the Committee on Naval Affairs, submitted the following report to accompany bill S. 8348:

The Committee on Naval Affairs, to whom was referred the bill (S. 8348) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Minor Meriwether, jr., having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Navy Department, as will appear by the following communication:

DEPARTMENT OF THE NAVY,
Washington, February 7, 1913.

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
United States Senate.

MY DEAR MR. CHAIRMAN: Replying to the letter from your committee transmitting a bill (S. 8348) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Minor Meriwether, jr., I have the honor to inform you that the department recommends favorable action upon this measure.

This bill (S. 8348) is identical with a House bill (H. R. 28535) in its provisions. In regard to the latter bill, the Bureau of Navigation of this department, which has general supervision of the personnel of the Navy, reported as follows:

"Minor Meriwether, jr., was born January 6, 1886, and is at present one year and two months over the maximum age limit for appointees to the Pay Corps of the Navy. He was appointed a midshipman in the Navy May 10, 1904, but did not complete the course, offering his resignation after two years, which was accepted March 29, 1906. His record there would warrant his being accepted for further service as an officer in the Navy."

In view of his having had two years' naval training, and not being long over age, the bureau recommends the department's approval of the bill (H. R. 28535).

Faithfully, yours, GEO. VON L. MEYER.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LEA:

A bill (S. 8418) for the relief of the heirs of Cynthia Milligan, deceased;

A bill (S. 8419) for the relief of the estates of Yandell Wood and J. L. Wood, deceased;

A bill (S. 8420) for the relief of the heirs or estate of John A. Dunaway, deceased;

A bill (S. 8421) for the relief of the heirs of Harvey Clark;

A bill (S. 8422) for the relief of the heirs of Joseph A. Mabry;

A bill (S. 8423) for the relief of Alvis A. Perry (with accompanying paper); and

A bill (S. 8424) for the relief of S. A. Wilson (with accompanying paper); to the Committee on Claims.

A bill (S. 8425) granting a pension to George McPherson; to the Committee on Pensions.

By Mr. JACKSON:

A bill (S. 8426) for the erection of an addition to and the improvement of the Federal building at Hagerstown, Md.; to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Michigan:

A bill (S. 8427) for the relief of William H. Southwell; to the Committee on Military Affairs.

By Mr. GAMBLE:

A bill (S. 8428) granting a pension to Robert L. Finley (with accompanying papers); to the Committee on Pensions.

By Mr. WORKS:

A bill (S. 8429) to create a board of local inspectors, Steamboat-Inspection Service, for the port of Los Angeles, Cal. (with accompanying paper); to the Committee on Commerce.

Mr. SMITH of Georgia. I introduce a bill which I ask may be read at length.

The bill (S. 8430) to amend section 5137 of the Compiled Statutes of the United States, 1901, so as to authorize and empower national banks to take and hold mortgages, deeds of trust, and other conveyances of real estate as security for loans made by said banks, was read the first time by its title and the second time at length, as follows:

A bill (S. 8430) to amend section 5137 of the Compiled Statutes of the United States, 1901, so as to authorize and empower national banks to take and hold mortgages, deeds of trust, and other conveyances of real estate as security for loans made by said banks.

Be it enacted, etc., That section 5137 of the Compiled Statutes of the United States, 1901, with reference to the power of national banks to hold real property be, and the same is hereby, amended by adding and inserting, immediately following the paragraph designated as "Fourth," the following, to wit:

"Fifth. Such as shall be conveyed to it by mortgage, deed of trust, or other conveyance as security for loans made by it at the time of making said loans."

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed.

The PRESIDENT pro tempore. To what committee does the Senator wish to have the bill referred?

Mr. SMITH of Georgia. I suppose to the Finance Committee.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Finance.

By Mr. KAVANAUGH:

A bill (S. 8431) to provide for the purchase of a site and the erection of a public building at Little Rock, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. WARREN:

A bill (S. 8432) granting an increase of pension to Frances P. O'Reilly (with accompanying papers); to the Committee on Pensions.

By Mr. STONE:

A bill (S. 8433) granting an increase of pension to T. C. Lyon; to the Committee on Pensions.

By Mr. WILLIAMS:

A bill (S. 8434) granting an increase of pension to John F. Davis; and

A bill (S. 8435) granting an increase of pension to Agnes E. Brown; to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 8436) granting a pension to Mary A. Limback (with accompanying papers); and

A bill (S. 8437) granting an increase of pension to Lewis L. Daniel (with accompanying papers); to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 8438) granting an increase of pension to Annie G. Hawkins; to the Committee on Pensions.

By Mr. GAMBLE:

A joint resolution (S. J. Res. 160) to enable the Secretary of the Interior to legally fix and determine the ownership of and title to the firm-alarm system and appliances, apparatus, and connections heretofore placed and installed in the Government buildings of the Government Hospital for the Insane, and to determine such other questions; to the Committee on Public Buildings and Grounds.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CUMMINS submitted an amendment proposing to appropriate $100,000 to enable the Department of Agriculture to undertake the suppression and eradication of the swine disease commonly called hog cholera, etc., intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. SMITH of Michigan submitted an amendment proposing to appropriate $100,000 for improving the Saginaw River, Mich., up to the mouth of the Tittabawassee River, etc., intended to be proposed by him to the river and harbor appropriation bill,

which was referred to the Committee on Commerce and ordered to be printed.

Mr. MARTIN of Virginia submitted an amendment proposing to appropriate $400,000 for the construction of a national highway beginning at some point on the south bank of the Potomac River at or near Arlington Cemetery and extending to or near Mount Vernon, Fairfax County, Va., etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. GALLINGER submitted an amendment authorizing the widening and extension of Spring Road NW., in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMOOT submitted an amendment proposing to appropriate $25,000 for the establishment of a fish-cultural station in the State of Utah, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PERKINS submitted an amendment providing for a survey of San Leandro Bay, Cal., with a view to establishing at West San Leandro a deep-water channel to San Francisco Bay, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. WETMORE submitted an amendment proposing to appropriate $25,000 for the establishment of a fish-cultural station at some suitable point in the State of Rhode Island, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

CONNECTICUT RIVER DAM.

Mr. BORAH. I submit an amendment intended to be proposed by me to the bill (S. 8033) to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of Connecticut. The amendment is short, and I ask that it be read and lie on the table.

There being no objection, the amendment was read and ordered to lie on the table, as follows:

Amendment intended to be proposed by Mr. BORAH to the bill (S. 8033) to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks in the State of Connecticut, to wit:

Strike out all after the word "further," in line 19, upon page 2, including the word "charges," in line 8, upon page 3, and insert in lieu thereof the following:

"That the provisions of the act entitled 'An act to regulate commerce,' passed and approved on the 4th day of February, 1887, together with the amendments thereto, shall apply to any corporation or any person or persons engaged in transmitting hydroelectric power or electricity from one State, Territory, or District of the United States to any State, Territory, or District of the United States, or from one place in a Territory to another place in the same Territory, or to any foreign country, and that the term 'common carrier' as used in said act and the amendments thereto shall include companies engaged in transmitting hydroelectric power or electricity as aforesaid: *Provided*, That said act shall not apply to the transmission of hydroelectric power or electricity wholly within one State and not transmitted to or from a foreign country, from or to any State or Territory as aforesaid; that the rules prescribed in said act as to just and reasonable charges or rates and the procedure relative to other common carriers in so far as applicable shall apply to such company, person, or persons transmitting hydroelectric power or electricity as aforesaid, and to the fixing and establishing of just and reasonable charges or rates fully and completely."

SOLDIERS' HOME AT SANTA MONICA, CAL.

Mr. JONES. I ask unanimous consent for the present consideration of the bill (S. 8297) to transfer the Pacific Branch of the National Home for Disabled Volunteer Soldiers to the War Department.

The PRESIDENT pro tempore. The Senator from Washington asks unanimous consent for the present consideration of the bill named by him. Is there objection?

Mr. SMOOT. Let the bill be read.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to transfer the Pacific Branch of the National Home for Disabled Volunteer Soldiers, located at Santa Monica, Cal., together with all property, including furniture and the records pertaining exclusively to that branch home, to the War Department, the transfer to be effective July 1, 1913; and provides that on and after that date the branch home shall be under the jurisdiction and control of the Secretary of War, and that all appropriations therefor shall be expended under his direction and accounted for as other appropriations for the War Department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MEMORIAL ADDRESSES ON THE LATE SENATOR ROBERT LOVE TAYLOR.

Mr. LEA. Mr. President, out of respect to the memory of my late colleague, Hon. ROBERT LOVE TAYLOR, I offer the resolutions which I send to the desk, and ask unanimous consent for their immediate consideration.

The PRESIDENT pro tempore (Mr. BACON). The resolutions submitted by the Senator from Tennessee will be read.

The resolutions (S. Res. 457) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. ROBERT LOVE TAYLOR, late a Senator from the State of Tennessee.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished services.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. LEA. Mr. President, ROBERT LOVE TAYLOR was born on July 31, 1850, at Happy Valley, in Carter County, Tenn. He was a son of Nathaniel G. Taylor, a Member of Congress from Tennessee and Commissioner of Indian Affairs. His mother, Emily Haynes, was a sister of Landon C. Haynes, a Senator in the Confederate Congress. He claimed public life and statecraft as a common inheritance, and in the enjoyment of this legacy represented the people of Tennessee in the House of Representatives, three times as governor of the State, and for nearly one term as Senator of the United States.

Tennessee has had many representatives and executives who have served her people as faithfully and as intelligently as did BOB TAYLOR, but none who were more free even from a suspicion of wrongdoing or the breath of scandal, or whose heart beat in keener sympathy with the humble and lowly of humanity.

It is not the purpose of these remarks to comment upon Senator TAYLOR'S life and career as a public official. His splendid record as three times governor of Tennessee is already a part of the history of that proud Commonwealth. His distinguished services in the House of Representatives and in this body are embodied in the permanent record of achievement of our country.

In passing, let it be remembered that no critic, however harsh or unfriendly, can point to any act of BOB TAYLOR'S, as a Member of either House of Congress or as governor, that was ever dictated save by what he believed to be the best interests of the people he represented and loved.

His life was well worth the living; his death a loss. His mission on earth was to inspire smiles that would dry the tears on the faces of the disappointed, to quicken laughter that would stifle the sobs of the distressed, to brighten the way of those who were groping in darkness, to light the beacons of hope to those despairing.

Office and public service were but the vehicles in which he traveled along life's highways, spreading sunshine and dispelling gloom as he performed deeds that were unequaled in bestowing happiness upon all who were fortunate enough to come in contact with his great, loving, and much-beloved heart.

He was coming into possession of this rare and wondrous power at a time when the South, his native land, was harrowed by sorrow, when mourning marked her homes, when scars served as medals for her heroes, when hunger and want taught her children the lesson of self-denial, when patience and suffering were the only jewels that adorned her womanhood. In his blood mingled the humanitarianism of the triumphant Unionists and the loyalty of the proud but defeated Secessionists, blending in him a perfect sympathy and understanding of mankind, and forming a character whose ambition was to heal where others wounded, to soothe where others pained, to substitute love for hatred, to place happiness upon the brow of despair, and to give a greater measure of contentment to all.

The general wins eternal fame by defending his own country or invading an enemy's, but the price of his renown is bloodshed and death, suffering and pain, ruin and want to as many thousands as, benefited by his success, applaud his achievements.

The conquest of the statesman in the public forum is marred by the disappointed ambition of the antagonist, the extent of whose discomfiture measures the greatness of his successful rival's triumph.

These victories are but meager and fleeting, often the result of accident and chance; while the triumphs of ameliorating the woes of humanity and of adding to the sum total of happiness is immortal and vouchsafed to only a few as it was given to BOB TAYLOR.

ROBERT LOVE TAYLOR, publicist, lecturer, and statesman was born, lived, and died in Happy Valley, for he ever lived in valleys whose harvests were happiness for all who, passing out of the shadows of selfishness into the warm rays of his great, generous heart, reaped where he had sown.

He was a soldier whose musket was loaded only with raillery, the keenness of whose sword was only laughter, whose bayonet stabbed naught but gloom; a soldier whose only charges were against despair, who slew only unhappiness, and whose greatest victory was the siege and capture of the heart of humanity.

When he shall die,
Take him and cut him out in little stars,
And he will make the face of heaven so fine
That all the world will be in love with night
And pay no worship to the garish sun.

Mr. President, I ask unanimous consent to be allowed to conclude my remarks with a tribute which was paid to the late Senator TAYLOR by his lifelong friend, Mr. De Long Rice.

The PRESIDENT pro tempore. In the absence of objection, permission to do so will be granted.

The tribute referred to is as follows:

A TRIBUTE BY HON. DE LONG RICE, OF NASHVILLE, TENN., A LIFELONG FRIEND, ASSOCIATE, AND ADMIRER OF THE LATE SENATOR ROBERT LOVE TAYLOR.

"Sweet as honey flowed his stream of speech.

"For 20 years ROBERT LOVE TAYLOR was the most successful lecturer on the American platform. If all of his audiences could be gathered together they would make a multitude of millions of people.

"This estimate includes the tour in 1895–96 with his brother, Hon. Alfred A. Taylor, in their joint lecture, 'Yankee Doodle and Dixie,' which, in its splendid balance and reciprocal beauty, was one of the most unique and sensationally successful attractions ever presented in America. Differing widely in manner and style, each served as a foil to develop the brilliancy of the other.

"A careful estimate shows the gross earnings of Senator TAYLOR's lectures to have run far into the hundreds of thousands of dollars—a sum which, had he hoarded and invested it, might have easily made him a millionaire. But BOB TAYLOR's riches were of the soul.

"You ask: What became of his money? It went through the sieve of his great generous heart for the happiness of those he loved, for the betterment of mankind, and the advancement of civilization. Some of it has crossed the oceans to spread the light of religion; some of it is crooning above the cradles of orphan asylums; some of it is ministering to the sick in hospitals; some of it is built into the walls of libraries; much of it is standing in bronze and marble grace throughout the South to perpetuate the glory of the Confederate soldier, and still more of it is pointing toward heaven in the gleaming spires of churches; not one dollar of it was spent to serve a sordid purpose.

"No more appropriate epitaph could be carved upon the tomb of ROBERT L. TAYLOR than this: 'He loved everybody and everything except money.'

"That he was an extraordinary man is a fact which will pass into history. As the viewpoints of those who knew him differ, so will their opinions differ as to the extent of his greatness and the fineness of his genius. In the effort to correctly focus the eyes of the future upon him, truth must inevitably wrangle with error, and though truth shall prevail, the written page can never do him justice; no analysis can clearly define him. Not even a Shakespeare or a Milton can paint the flavor of a peach or picture the odor of a rose. Poets may sing forever of moonlit rivers, but unless you have looked upon their shimmering silver flowing through hours that belong to dreams you are a stranger to their beauty.

"Only those who have seen and heard BOB TAYLOR can enjoy anything approaching a true conception of the man. Like all remarkable men, he followed no guide and walked no beaten road. His success mocked all precedents and defied all rules. Though he occupied for 30 years the throne of fame, his severest dignity was the simplicity of his nature, and love was the sword of his strength. His perennial humor was only the tinsel draping of his power like the sun-embroidered shawl of mist that wraps Niagara's mighty shoulders.

"This man of marvelous personality was a veritable human magnet. Wherever he chose to cast the zone of his influence the multitudes were drawn to him by the unseen chords of his fascination. An incomparable stump speaker, a brilliant young Congressman, a splendid governor, he nevertheless soared above these accomplishments and left them far below, for it was on the lecture platform that he found the true destiny of his talents and reached the noon of his glory.

"It was in October of 1891 that he determined to leave the harbor of political achievement and set forth on a strange sea. Contemplating its inhospitable waters, he gathered no assurance of certain success, for he remembered that beneath its treacherous tides were the sunken hopes of many a statesman. But with the buoyant heart of an adventurous mariner he prepared for the first voyage. He built a ship of wondrous beauty and christened her 'The Fiddle and the Bow.' His foreman was inspiration and the muses were his carpenters. Softly moved their invisible planes and saws and silently fell their hammers of fancy. The master whose mind conceived this phantom craft wrought with dubious care, for he knew that she must travel the dead waters of indifference, breast the green waves of envy, and meet the fierce tempests of criticism. Her timbers were as light as the foam of a fairy ocean, and her frame was shaped to the grace of a swan. Her rigging was roped with moonbeams and her sails were set to catch the winds from a thousand islands of laughter and song. She flew the flag of universal love. Her gunners were cupids, and her guns were cupid's bows. On her deck of sentiment skipped and strolled the spirit of mirth and the soul of pathos, while o'er her keel was spilled the mellow wine of long ago.

"'The Fiddle and the Bow' was launched in the cold gloom of a December evening in 1891, and when she sailed back home amid the melting ice of March she was blazoned with victory and freighted with gold.

"BOB TAYLOR's other ships that were launched in the years that followed were masterpieces. All were the bearers of visions as voluptuous and fair as e'er floated in the festivals of Cleopatra above the dozy currents of the Nile; all returned with cargoes of wealth to their builder, and all are monuments to his memory; but no vessel ever sailed from the port of his dreams which so completely explored and conquered the vast deep of human emotions as did the first-born of his genius.

"Having glanced at BOB TAYLOR's successful advent into the lyceum world, and having briefly studied, by suggestion and allegory, the mold and fiber of his first lecture, let us consider for a moment the temper of the public toward lecturers and the difficulties which confront them.

"The purely educational lecture is the one which was originally intended for the platform, but at the time the lyceum idea began to assert itself in the United States that class of lecture was far more of a necessity than it is to-day. This is the age of printed literature. Because a man can pursue the classics at his own fireside and learn from the periodicals of the day the most advanced theories on all current questions he finds it less necessary and less desirable to spend his money for instructions from the platform.

"But still less attractive is the lecture which lives only from lips to ear and dies within the hour of its delivery, which leaves no lesson, imparts no knowledge, and gives no stimulus to the nobility of our natures. It is the strong drink of the platform which buoys us into the garden of false fancy for an instant and then leaves us in dullness and remorse when its temporary effect has flown.

"Behold the two dangers of the platformist! Unsweetened facts and unilluminated figures on the one hand and superficial nonsense on the other. Happy is the man, and rare indeed, who can steer his course clear and true between the deadly Scylla of statistical dry dust and the fatal Charybdis of verbal froth. 'Tis in this narrow, though bright and sunny, strait that the jewel of success is found.

"He who would win must be able to interest and fascinate while giving delightful and substantial nourishment to the intellect. He must know how to gem the dullest fact with pleasing luster and point the most frivolous joke with lofty purpose. To be a savant is not sufficient. Scholarly attainments are only his raw materials. Though there be folded within his brain the countless pages of a Carnegie library, the voice of his knowledge may rasp the air with discord and the words of his learning may fall from a tuneless tongue. And even with scholarship and the music of speech he may fail without that other and greatest essential—that quality which in our ignorance we sometimes call individuality, sometimes magnetism, sometimes personality, always genius. Wherever we meet it we bow before its scepter, but when we seek to comprehend it it flees from us like the wraith of a myth. It is as evasive, as intangible, and indescribable as the power of electricity which holds the universe in its unseen clutch. It sometimes shows itself in a glance of the eye or flits before us on the wings of a smile. Unapproachable as a spirit, it is the divine bower of an immortal; it is the copyright of a soul.

"It is this bewitching force that weaves the laurels and molds the crowns of history. It was this mysterious power, softened with love and seasoned with humor, which made BOB TAYLOR king of the American platform for 20 years.

"It seems but an hour since the sun of his life went down. While yet we linger in the twilight of recollection, before the night of forgetfulness blurs the picture of memory, let us, in imagination, look at him again. We will erect a great audi-

torium in the realm of the mind, people it with the phantom forms of those who loved him, and encore him from the silence of death to speak to us once more.

"There he is in the dressing room impatiently waiting to begin, absent-minded, and uncommunicative to those who have the bad judgment to persist in talking to him while he is massing his faculties for his effort. The glow of intense interest is in his face. He is a general preparing to send his troops to victory. Observing him, a man near by asks if his lecture is to be extemporaneous. Oh, foolish question! It would be as sensible to ask if Napoelon manufactured powder on the thundering field of Marengo or molded cannon balls amid the roaring guns of Austerlitz.

"Now the curtain rises on fluttering fans and radiant faces, the eager expectants of a joyous hour. The droning murmur of the multitude is hushed and many a conversation dies on the lips of whispering lovers. This is the most dangerous moment that comes to the speaker, and the keen sense of our orator feels it. He learns, with a look of satisfaction, that the useless introductory speech is to be omitted and that he is to appear unannounced. He does not slouch to the front with that unembarrassed awkwardness and insolent brass so common among successful speakers. Straightening himself to his full height with a quick and springing grace, he advances to the footlights with military precision of step. A gentle wave of applause rolls through the audience, but he gives it no acknowledgment. He does not smile; he does not bow; only stands still and waits for quiet. In the extreme straightness of his posture he appears to lean back a little above the waistline. His face is slightly uplifted and his left hand is raised to rest lightly over his heart. Though perfectly calm, he is not careless. Every nerve of concentration is on duty. He does not persecute us with a prelude or bore us with a preamble. The music of his discourse starts with his first word, and his opening sentence thrills us as when a master sweeps the strings of his harp in the full flow of its melody. He is no solemn-browed teacher, vexing us with major premise and minor premise and assailing us with logical conclusions. Such matters are left to Socrates and Plato and Aristotle, the crystal fountains of philosophy. He is telling us of things we already know, though we have never known them as we see them now. He opens the doors of an endless picture gallery, and when we step into its enchanted halls, lo, it is only the old familiar earth through which we have walked with unseeing eyes. Yonder, where we have looked upon ragged cliffs and crags, he shows us the towering mountains subdued and toned in their gigantic grandeur by the poetic haze of Indian summer. The hills up which we have toiled and the valleys where we have labored are all adorned with new-found charms. We learn that the gold of harvest fields is more than a promise of biscuits and pies, and that the foaming beauty of cascade and cataract will quench the thirst of our souls.

"Lashing us to the pinions of his mind, he leaves the picture gallery of earth and soars aloft to where worlds are born, reveals our weakness, and unveils the power of God in the light of wheeling suns.

"Now, on the easy wings of his daring art, he descends from boundless tracts of stars to a thicket of jabbering apes, and sings a simian love song under a coconut tree.

"Fresh from zones of comets and astral climes, we are convulsed with laughter. He smiles at us while waiting for the storm of mirth to pass, and then leads us back to the happy land of childhood, becomes a boy himself, reacts the reckless deeds of barefoot days, and convicts us of forgotten crimes, besieges forbidden orchards, and throws headlong courage against the red-hot bayonets of charging hornets. He plunders pantries and loots cupboards, and while we laugh and laugh again he wipes his cherry-stained lips upon his ragged sleeve.

"Deftly he closes the gates of the realm of yesterday and the eyes of merriment are dimmed with tears.

"Ere we are aware of it he wafts us into a new kingdom, where every melodious sound is the fragment of an anthem. In the deep forest, cool with shadows and morning dew, he coaxes from the golden throats of wild birds the sweet concord of bands and chords; and where the dusk of evening falls on meadow and grove and stream he marshals the voices of the night in grand rehearsal. With master baton he conducts a chorus of crickets and katydids, of beetles and bullfrogs, and all the countless creatures of chirping throats and whirring wings.

"The end of the lecture is near; he leaves the scenes of grandeur and of levity, takes us into the purple chamber of his heart, and talks to us of the intimate things of life; divines with eyes of love the dimpling dreams of little babes, and counts the striped marbles of our children, hallows the faces of father and mother, and consecrates the home. Eighty minutes have swiftly flown while he has swept the keys and chords of human sentiment. Applause is clamoring for more, but his finishing note has been struck. He bows and walks rapidly off the stage and the curtain falls, while laughter sighs and pathos smiles.

"Oh, unique character among men. We salute thee ere we say farewell. No mind could soar in beauty's skies with freer flight. Who but thee could drop with grace from flying planets to grimacing monkeys? Who but thee could hold us spellbound with discourse on such little things as beetles and frogs and butterflies? Only Shakespeare in all the pages of literature; and in this particular art thou didst outdo him, for in the endless scale of thy matchless voice were all the mimic sounds of forest and field and flowing waters, and thou couldst glorify or distort thy noble face to impersonate whatsoever thou wouldst. In thee speechless nature found a voice and thou didst become the tongue of dumb beauty. Thy like shall not appear; the centuries shall sigh in vain for thy duplicate. Would that we could hold and fix thee here in the fullness of thy wonted power as a lasting legacy to millions yet to be; but barren is our wish, for while broken-hearted music sobbed in sacred song above thy open grave, we saw all that earth can claim of thee sink to everlasting rest beneath sheaves and shocks of roses."

Mr. FLETCHER. Mr. President, it was fitting that there should come out of Happy Valley, in the Volunteer State, one whose life would furnish an example of sincere worship of God, service to his fellow man, and to his country.

It was fitting, too, that this life should be so spent that he who lived it should deserve the title of "the apostle of sunshine."

Near Happy Valley, the home of his childhood, and near Robin Roost, the home of his later years, when that life was ended on earth, his remains were laid to rest in Old Gray Cemetery, at Knoxville, April 5, 1912, amidst a field of floral tributes and in the presence of thousands of sorrowing friends.

Without exception, old and young, male and female, white and black, all who knew him—and they were legions—felt and manifested a grief they could not express and a loss they could not compensate.

That he was loved and honored in his home city and throughout his State with rare fidelity and unanimity was made plain to all who witnessed the outpouring of the people at every station through which the funeral train passed. On the faces of those people could be read the genuine affection they felt for him and the evidence of personal bereavement they suffered.

At Nashville and Knoxville particularly, where the remains lay in state, this sentiment and feeling were impressively shown.

In the sacred soil of his native State, which holds all mortal of such illustrious men as Andrew Jackson, James K. Polk, Andrew Johnson, Isham G. Harris, and William B. Bate, there sleeps none more loved, none closer to the hearts of his people, none more honored, none whose memory will be sweeter and more cherished and more enduring than Senator ROBERT LOVE TAYLOR.

That he possessed the true religious spirit and nature is beautifully shown in the eloquent funeral sermon delivered by his pastor, Dr. Neighbors.

That this spirit caused him to feel and disseminate the joy which the righteous experience here and now was illustrated in his daily life. He inwardly protested, I am sure, against the wording of that good old song "There is a happy land far, far away," and he would have it read, "There is a happy land wherever we may be." To be joyous here, to be happy now, does not militate against but rather presages joy and happiness beyond the grave. If there is any better way to honor the Creator, any saner manner of showing reverence to the Author of our being, any higher evidence of earnest and sincere worship, "in spirit and in truth," than to prize life, value its blessings, spread the gospel of good will and cheerfuiness, see the beauties in all nature, laugh with the rippling waters and romping children, sing with the birds, smile with the stars, glow with the sunlight, join in the music of the spheres, it is difficult to perceive or understand.

In all the relations of life he carried with him this disposition. He did not keep it to himself, but, like the whirling dynamo, he generated it constantly and threw it out so that it affected all within his reach.

Dr. Neighbors well said:

> If I had to state any one thing as the great secret of his great power, I would say it was his great heart—a heart that overflowed all bounds and actuated every movement of his life and made him absolutely invincible before humanity.

In private life, on the lecture platform, in official station, his deep concern was for the happiness and the welfare of his fellow man.

In the splendid tribute referred to, Dr. Neighbors, who knew him intimately and his promptings and nature, well said that it "was never any part of his program to wrong any human being, or harm anything God has ever made"; that his "great nature was too large to be little and too good to be mean."

Just a month before he died he had gone to Tennessee as an ambassador of peace. Men whom he had known for years were at variance with each other, having differences which were driving them further apart, animosities were being engendered, and in the hope that he might bring them together in amity and united purpose, he left Washington, with the olive branch in his hand and love in his bosom, in an effort to compose those differences, heal up any wounds, and promote harmony and good will among his people. He wished for their happiness and contentment, and he desired to see them prosper and direct their energies toward the common good.

So he felt toward his countrymen everywhere.

As governor of his State, as Senator of the United States, he stood for equality before the law, justice, and the ideals that make for progress and greatness.

He had seen his own Southland in ashes and in the throes of despair, and this touched him. At the same time he bore no bitterness. In the last speech he delivered in the Senate he made this characteristic utterance:

Mr. President, I despise sectional jealousy, I abhor sectional animosity, but I do believe in sectional pride and sectional patriotism. I do not fall out with the East for believing that the aurora borealis is the reflection of the fires of eastern furnaces and factories, nor with the West for believing the sunset glow is the reflection of western fields of grain; and why should they fall out with me for entertaining the opinion that the Milky Way is only the picture on the sky of the rice and cotton fields of Dixie?

In more serious vein he displayed the broad vision, the sound reasoning, and the wisdom of the statesman.

Merely remarking, without elaboration, the gentle manners, and pervading good humor of the man, the grace and eloquence of the orator, the inimitable powers of the raconteur, the sweetness of his home life, the tenderness and breadth of his affections, which drew to him a wealth of friendship, I may illustrate his statesmanlike grasp of national questions by quoting the concluding sentences of the speech last mentioned, to wit:

I do not believe that the United States will ever reach the high tide of its glory until we apply the golden rule and deal justly not only with our own people at home, but with the people of other nations. We can not hope to defend the principles of free government and to exemplify the blessings which they bring until we apply them impartially under our own flag. We can not hope to lead all the nations of the earth in commerce and trade until we are willing to buy as well as to sell. We can not hope to perpetuate our free institutions and to hand them down to posterity as a priceless heritage until we wipe from our statute books the last vestige of unequal and unjust taxation, the great destroyer of nations.

As governor he gave his State three honest, efficient, and tranquil administrations. As Senator he illustrated the highest and best qualities of her people in a manner most creditable and in consonance with her glorious history. He lived up to that command pronounced by the Master in reply to the lawyer's inquiry, which furnished the supreme direction for the guidance of human society. Saying this much is equivalent to expressing the conviction that the spirit of our friend, whom we all loved, is to-day in the enjoyment of those blessings guaranteed to "the pure in heart."

Mr. OWEN. Mr. President, on behalf of Oklahoma and the great West, where he has tens of thousands of friends and lovers, on behalf of the special and very affectionate personal regard which I so long have entertained for him, I come to present a tribute of love to the memory of my dear friend, ROBERT LOVE TAYLOR.

His friends loved to call him "BOB TAYLOR," because of the sympathetic good fellowship that radiated from him as light flows from the noonday sun; and he loved to be called by that familiar name, because he much preferred the title given by human sympathy and human affection to any of the public titles and dignities with which his fellow countrymen had delighted to honor him.

No man has been more greatly missed from the United States Senate by his colleagues than this genial, delightful southern friend, this brother-like man, who hailed from Happy Valley on the beautiful Watauga of eastern Tennessee.

He was a most valuable statesman and useful public servant; a wonderful orator, he moved his fellow men to laughter and to tears.

He was an everlasting fountain of wit, of good humor, and of innocent fun, as well as full of wise counsel and of sound judgment. He was a lover of music. He loved to play the violin and to sing, and charmed thousands with "the fiddle and the bow" and with the sweet old songs of long ago. He was a poet in sentiment, in the dreaming of exquisite and beautiful dreams, in building "castles in the air." He was an apostle of happiness. Listen to his beautiful appreciation of music:

The spirit of music, like an archangel, presides over mankind and all visible creation. Her afflatus, divinely sweet, divinely powerful, is breathed on every human heart and inspires every soul to some nobler sentiment, some higher thought, some greater action.

O music, sweetest, sublimest ideal of Omniscience, first born of God, fairest and loftiest seraph of the celestial hierarchy, muse of the beautiful, daughter of the universe!

In the morning of eternity when the stars were young, her first grand oratorio burst upon raptured Diety and thrilled the wondering angels; all heaven shouted; ten thousand times ten thousand jeweled harps, ten thousand times ten thousand angel tongues caught up the song; and ever since, through all the golden cycles its breathing melodies, old as eternity, yet ever new as the flitting hours, have floated on the air of heaven.

He was a lover of children and sympathized with the thoughts of children and his own heart sang in sympathy with the heart of a child. Listen to him describe a child—and the old black mammy:

I saw a cottage among the elms and oaks, and a little curly head toddled at the door. He toddled under the trees, prattling to the birds and playing with the ripening apples that fell on the ground. He toddled among the roses and plucked their leaves as he would have plucked an angel's wings, strewing their glory upon the green grass at his feet. He chased the butterflies from flower to flower and shouted with glee as they eluded his grasp and sailed away on the summer air. Here I thought his childish fancy had built a paradise and peopled it with dainty seraphim and made himself its Adam. He saw the sunlight of Eden glint on every leaf and beam in every petal. The flitting honeybee, the whirling June bug, the fluttering breeze, the silvery pulse beat of the dashing brook, sounded in his ears notes of its swelling music. The iris-winged humming bird, darting like a sunbeam to kiss the pouting lips of the upturned flowers, was to him the impersonation of its beauty. And I said: "Truly, childhood is the nearest approach in this world to the paradise of long ago."

Then I saw him skulking like a culprit in the shrubbery, his face downcast with guilt, his skirts bedraggled and soiled. He had waded the Atlantic Ocean in the mud puddle and stirred up the Mediterranean Sea in the water bucket. He had shipwrecked the young ducks, capsized the goslings, and drowned the kitten, which he imagined a whale. And I said, "There is the old original Adam coming to the surface."

"Lawd bless my soul, jis' look at dat chile. Look at dat face an' dem han's, all kivered wid mud an' mulberry juice. You'se a'gwine to ketch it. Jis' 'zackly like yo' pa—always gittin' into some scrape or nudder, always breakin' into some kind uv debilment. Gwine ter break into Congress some uv dese days sho'. Dey can't keep you out'n it. Come along wid me dis instinct to de baff tub. I'se a'gwine ter wash dat face uv yo'n an' lucidate some uv dat dirt off'n dem han's an' dem clo'es, you triflin' rascal, you." And, so saying, she carried him away, kicking and screaming like a young savage in open rebellion.

And I said, "There is some more of the original Adam." Then I saw him come forth again, washed and dressed in spotless white, like a young butterfly fresh from its chrysalis, and when he got a chance, I saw him slip on his tiptoes into the pantry, and there was the clink of glassware as though a mouse were playing there among the jam pots and preserves. There two little dimpled hands made trip after trip to a rose-colored mouth, bearing burdens of mingling sweets that dripped from cheek and chin and skirt and shoes, subduing the snowy white with the amber of the peach and the purple of the raspberry as he ate of the forbidden fruit.

BOB TAYLOR moved the hearts of men to respond to the tender sentiment of love for the child, the home, and to laugh aloud with honest fun and good humor.

BOB TAYLOR not only had in his heart the love of childhood and of women and of men, but he showed it in his official life. BOB TAYLOR, the lovable, loved men; he knew their weaknesses and their frailties; he knew their innate goodness as well, and did not forget it when men, through some misfortune, came to grief and fell under the iron hand of the law. And he used the pardoning power freely. He "felt the stings of criticism for the liberal use of the pardoning power." Who that realizes human suffering and sorrow and the divine spark of goodness that always remains in the culprit would blame the gentle-hearted BOB TAYLOR? Listen to his defense:

But I saw old mothers with their white locks and wrinkled brows swoon at the governor's feet every day. I saw old fathers with broken hearts and tear-stained faces, and heard them plead by the hour for their wayward boys. I saw a wife and seven children, clad in tatters and rags and barefooted in winter, fall down upon their knees around him who held the pardoning power. I saw a little girl climb upon the governor's knee and put her little arms around his neck, and I heard her ask him if he had little girls; and then I saw her sob upon his bosom as though her little heart would break, and heard her plead for mercy for her poor, miserable, wretched, convict father. I saw want and woe and anguish unutterable pass before the gubernatorial door, and I said, "Let this heartless world condemn, let the critics frown and rail, but he who hath power and doth not temper justice with mercy will cry in vain himself for mercy on that great day when God shall judge the merciful and the unmerciful."

Mr. President, the beloved BOB TAYLOR was born in Happy Valley, east Tennessee, and has made thousands weep with delight describing Happy Valley. He has made Happy Valley, on the beautiful Watauga, immortal.

For 33 years—as Congressman, as three-times governor, as Senator, or in other positions of distinction—he faithfully served his country.

I knew him intimately and always was delighted to be in his genial and charming company. He was so broad minded, so generous in his sympathies, putting his arms around men and teaching them the better things of life. He was so kind and

gentle and lovable. I never heard him speak an unkind word of any human being. He has been a blessing to Tennessee. He has been a shining light in every place in life. He probably had the personal affection of more people than any other man in the United States. He has done great honor to Tennessee, to the South, and to human nature. I rejoice in the opportunity of paying my tribute of love to him.

If every soul to whose happiness he has directly contributed should bring a flower and lay it in loving memory upon his grave, his monument would be a wilderness of blooms and a pyramid of flowers filling the earth with perfume.

He was an apostle of love, of laughter, good humor, and song. He was a lover of the beautiful, of sentiment, and of story. He was indeed a son of the Most High, a son of the King of kings. Let him speak the last word in this tribute of memory:

I am a king. I dwell in the palace of love, by the brawling brook of laughter, on the brink of the river of song. And so are all the sons and daughters of Adam equal kings and queens with me whose hearts beat time to nature's music and whose souls are in love with the beautiful. There is a crown of sunshine for every brow by day, a coronet of stars by night. The angels of light hover above us all, and arch the heavens with the rainbow of hope for all, and bring from the vapory vineyards of the clouds the sparkling champagne of pure crystal water to bless the lips of all. All the delightful dreams that spread their wings above the horizon of the heart, all the glorious thoughts that fly out from the heaven of the brain, all the jubilees of joy that crowd the circling hours of mortal life, are the regal gifts of God to mankind—the royal heritage of all. There are songs sweeter than were ever sung; there is beauty which defies even the brush of the Raphael for you and for me and for us all.

Let men not grieve for BOB TAYLOR. He is with the King of kings, dwelling "in the palace of love," listening to and singing "songs sweeter than were ever sung," delighting in the "beauty which defies even the brush of the Raphael" in the ineffable glory of God, which he foresaw and often exquisitely portrayed.

Mr. O'GORMAN. Mr. President, to-day we honor the memory of a beloved colleague who died in the service of the Nation. In paying tribute to the memory of ROBERT LOVE TAYLOR we find abundant thought for memorial eulogy.

Senators have dwelt upon his rare eloquence, his scholarly attainments, his devotion to every worthy cause, and his distinguished service to his State and to the Nation. We have been reminded of notable instances in his illustrious public career. The life of the late Senator from Tennessee was rich in achievement. He occupied high station with honor to himself and usefulness to his country. He never faltered in a public or a private duty, and to-day his loss is mourned and his fame treasured by a grateful people, not alone in the Commonwealth whose citizenship he adorned, but throughout the length and breadth of the Republic, whose interests he served in the Senate of the United States with conspicuous ability and fidelity.

Mr. President, I shall touch upon a single phase of his extraordinary personality. Notwithstanding his record of accomplishment, the impression which his life's work made and the memory of his deeds that linger is that of the poet, the orator, the genius of good humor, the dreamer, the idealist. Brave and courageous though he was, his courage and bravery were chastened and glorified by a kindness and gentleness of spirit that banished hatred and malice and created about him an atmosphere of genial warmth, in which blossomed and thrived the beautiful flowers of friendship, love, and affection.

My acquaintance with ROBERT LOVE TAYLOR in this Chamber was all too brief—aye, measured by the span of life, but a moment—and yet a moment of life, whose rejuvenating radiance is undimmed and the cheering influence of which I shall cherish through all the passing years.

Throughout his varied and interesting career he bore upon his shield a message of good will and encouragement to his fellow men. His most effective weapon was laughter, his invincible armor the pure gold of a generous and loyal fraternity.

'Tis well in our all too serious workaday world to pause to pay homage to one whose life was a rebuke to selfishness and an appeal to the better angels of our nature.

Who shall say that the austere statesman or the unyielding warrior does more for the betterment and uplift of mankind than one who leads the children of men into the paths of poesy and laughter, and, turning away from the frown of a Napoleon, seeks inspiration in the sunshine of Tom Moore and Bobby Burns?

It would seem to have been more than a coincidence that the birthplace of Senator TAYLOR was the town of Happy Valley, for to him and to those blest with his companionship the world was a valley of happiness, and if earnest prayers are answered, if fond hopes are realized, he passed through the shadow of death into the Happy Valley of eternal peace.

I deem it a privilege to have this opportunity to add my humble tribute of affectionate esteem and admiration to those of the thousands of men and women whose lives were brightened and whose days were gladdened by the brilliant mind and honest heart and faithful service of this smiling child of nature from Sunny Tennessee.

Mr. CHILTON. Mr. President, many years before ROBERT LOVE TAYLOR became a Member of this body I met him in the State of West Virginia, a strong, active man, and he then told me that if he could ever get a primary to settle, who should be the nominee of his party for United States Senator he would come to the Senate. Afterwards, either by action of the committee of his party or the laws of his State, a primary for this office was held in the State of Tennessee and he was nominated and elected to the Senate.

This incident illustrates the character of the man. No one ever had a firmer faith in the people of his State, and no one ever had better reason for that faith. During the many years of his active life in politics one had only to cross the line into Tennessee and to talk with the people in any of the walks of life to comprehend that Mr. TAYLOR had the confidence of the great body of the people of the State, and, conditions being normal, could command their votes. In any discussion with him of politics in his State it could be easily observed that he never doubted that his only source of power lay in his ability to reach the heart and the intelligence of the constituency of his State.

The acquaintance which I formed on the occasion mentioned lasted until his death. When I came to the Senate I found him here, loved and respected by every Member of the body. I renewed the acquaintance that I had formed in West Virginia, and I found him here in public life as I had found him in West Virginia in private life, a frank, open-hearted, kindly, lovable man, always ready to do something for others.

My years of acquaintance justify me in saying that, if his wishes could be observed, this occasion should be given up to absolute frankness in everything that is to be said of his life and services. Undeserved praise he did not want; indeed he shrank at commendation justly earned and honestly bestowed; and I think that he would have his friends now speak from the heart, so that the people of the State which he served, honored, and loved would see in the pictures here the same man, the same governor, the same Senator who made an enviable reputation on the public platform from one end of the country to the other. His name may not be connected with any of the great acts of constructive legislation because of the shortness of his service in this body and the condition of his health during the latter part of his service; and yet everyone associated with him on committees and in the work of the Senate will testify that he was always prompt and ever useful in the work assigned to him. He had the faculty to listen patiently, to do justice to all sides of a question, and then to come to a reasonable and just conclusion that he would express in a few homely words. He had courage to do a thing solely because it was right and because it appealed to his judgment, and while he did not always take the time to disclose the processes through which his mind had passed in coming to a conclusion, yet that conclusion, when expressed, showed that he had mastered the subject and that he had weighed every argument which had been adduced on the question. He was a useful, honest, capable Member of this body, and never failed to rise to any occasion which demanded the best of his thought or the best of his well-recognized oratorical ability. As an orator he was unique. It has been said of him that if every voter in Tennessee could hear him speak in a campaign he would be invincible in that State. When on his feet on the stump or on the lecture platform he swayed the audience from laughter to tears without apparent effort.

I have seen an audience convulsed with laughter and moved to tears by his eloquence within a quarter of an hour, and I have seen him rise to flights of oratory unsurpassed by anyone whom I have ever had the pleasure of hearing. The secret of this power over an audience lay in the depths of his sentiment, of his power to picture any incident or any sentiment in pure Anglo-Saxon and in his unaffected simplicity. He knew and comprehended, as few public men have, the life of the farmer, the wage earner, and the business man of this country. His great heart took in the struggles of labor and the hardships of the farmer. He could see life as they saw it, and then he had the power to make a picture of that life and in words could fairly spread it upon a canvas before his audience. He could show the solemn side of laughter and at the same time could smile upon the most poignant sorrow of life. His heart was in sympathy with the life of the people, and he seemed to grasp intuitively the strength and the weakness of the audience which he was addressing. If by an orator is meant a man who can present his own thoughts to an audience and make the audience feel and think as he feels, then Mr. TAYLOR was a

prince among orators. He not only loved the State of Tennessee, but he loved the people of Tennessee. In his public discourse and in his private conversation he dwelt upon his boyhood life in that State and the early struggles of those pioneers who went over the mountains and formed that great Commonwealth. Truly, his loyalty to his State and his devotion to his people caused him to see the world through the eyes of Tennessee. He cared nothing for money or for wealth. Business did not interest him. He loved the mountains, the rivers, flowers, music, poetry, and the people. Although he had decided musical talent, he never attempted to cultivate it beyond the songs and tunes of his native mountains. He played the fiddle, not the violin, and his touch upon the strings of that instrument was as sweet as his voice when it went out to a native audience upon a pleasant subject. But he played only the tunes of Tennessee, and his fiddling and his oratory were both pitched for his beloved Tennesseeans.

Truly, he died too soon. He was just entering upon a field of usefulness to his State in this body. The great battles of constructive legislation which must concern his party in the near future would have found in him a man with sound judgment, and these important questions would have found in him a champion whose life had been devoted to their solution. He was loved as a friend by every Member of this body, and there is probably not a man in public life here who does not sincerely regret his loss.

The thousands of West Virginians who knew him and loved him truly mourn with Tennessee and his family the death of this great and good man.

Mr. BRADLEY. Mr. President, Death did a cruel thing when he took him from our midst. BOB TAYLOR was a rare combination of humor, pathos, and sunshine. His hand was ever open and his heart ever in sympathy with the poor. When he entered the humblest habitation of sorrow, darkness was dispelled by the light of his winsome smile and cheering voice. He was naturally a poet and musician, and had he centered his attention on either would have become famous. But he preferred the political theater, and in that he was an eminent success. His very name seemed to carry with it an irresistible force in Tennessee. Time and again he was elevated to place and power, but through all he was the same plain, unassuming gentleman. I am proud to say that he was my friend and that we loved each other with all the strong affection which it is possible for man to entertain for man. To me his death was a source not only of profound but personal grief. However, it is painful to dwell on these personal relations, for they only cause the waves of sorrow which have receded to return with overpowering force.

I shall not deal at length with his public services, for these are a part of the country's history and known to all. Suffice it to say, he was faithful, efficient, and honorable.

No man ever loved his State and people with more idolatrous devotion. To them he was always loyal and true. To him the Tennessee mountains had a fascination, and from them he drew the inspiration of his wonderful success.

In this body he was loved and respected by all, and his death was to us the source of the greatest sorrow.

What we say here counts for little. We can not remove the pangs of distress that afflict his loved ones. We may be able to brush away a tear, but we can not supplant it with a smile. All we can do is to record our love and appreciation for the man and from our heart of hearts express a word of sympathy to those who stagger beneath the fearful blow that has fallen upon him. But we can and do express the hope and belief that he has been gathered as a rich sheaf to the harvest home, where in company with the angels he joins in heavenly music, and that he shall partake of all the joys of immortality.

To him we alter our salutation from "Good morning" to "Farewell," but we shall cherish his memory and feel and know that each of us is better for having known him.

Mr. WEBB. Mr. President, Senator ROBERT L. TAYLOR, though poor in early life in things of financial value, was rich, indeed, in the truest sense in the great multitude of his friends. His friends stood the test. They never deserted him. He gripped them with a power that was stronger than steel. No man ever had friends in greater multitude. Senator TAYLOR did not seek friendship for the hope of reward, but for the enjoyment, as Cicero said, "which is found in love itself." Senator TAYLOR'S platform for life was "All men are neighbors."

Cicero says:

> There is no true life which does not find the restful pleasure that proceeds from the mutual affection of friends. What can be sweeter than to have a friend to whom one may venture to confide all things as to one's self? What enjoyment would there be in success unless one had a friend to rejoice in that success even as himself? And finally all other subjects of human endeavor are suited only to particular ends; wealth for use, power to acquire prestige, pleasures to enjoy, good health that one may be free from pain and perform the functions of the body. But friendship, on the other hand, combines many advantages. Whichever way you turn, it is an ever-present aid; from no place is it barred; never is it unseasonable; never a cause of annoyance. And so to compare it with what are commonly termed the necessities of life, we find friendship of more general advantage than water and fire.

To be denied water and fire was to be banished from home. Home is where friends are—

> For friendship renders prosperity more delightful and lightens adversity by dividing and sharing our sorrows.

ROBERT L. TAYLOR, when a young man, was elected governor of Tennessee. He naturally desired a second term. His nomination was bitterly contested. I was a delegate to the convention which was authorized to nominate his successor. It was perhaps the longest political convention on record. I with his other friends voted every time for ROBERT L. TAYLOR. His opponents pitted many candidates older and longer in the service and of greater reputation against him. Gov. TAYLOR held his delegates intact to the close of the sixth day. All this time he had a majority of the delegates, but not the two-thirds that the party rules required. I have never seen such fidelity. He loved the people and they loved him. His delegates, most of them from the rural districts, remained in the city of Nashville at a heavy expense to themselves and had no second choice. His nomination and triumphant election created immense enthusiasm in the State and greatly increased his popularity.

ROBERT L. TAYLOR will go down in history as "the apostle of sunshine." He lived for the happiness of others. He made everybody about him have a good time. His perpetual good humor was contagious. There was joy and gladness wherever he was. During his first term as governor the young man was very much criticized for going against his party platform in advocating Federal aid to education. My county was against him. I invited him to lecture to my school and said to him:

> When the roll of counties is called at the approaching convention, Bedford County will stand alphabetically almost at the top of the roll.

He delivered a great speech on that occasion on "The cabins of Tennessee," and with great eloquence showed what education could do for the poor boy. He never afterwards lost a Bedford County delegation. It was marvelous how he could move the people with his good-humored eloquence. His love for the people was sincere.

The children never forgot his visits to a home, and always lined up with him when old enough to vote. His visits to my home were green spots in the children's memory. At night after his inimitable lectures he would assemble the schoolboys around him, and they would enjoy his splendid social entertainment till the wee small hours, greeting his fine wit and unique anecdotes with shouts of merry laughter. He brought—

> Jest and youthful jollity,
> Quips and cranks * * *
> Nods and becks and wreathed smiles,
> Sport that wrinkled care derides
> And laughter holding both his sides.

GOV. TAYLOR was criticized for his number of pardons. He said to me, when the papers were full of censure: "WEBB, I asked the Tennessee Legislature to make proper provision for youthful convicts; not to send them to the penitentiary, to that school of crime with hardened villains. They would not grant my request. They shall not send the boys to that school of crime as long as I am governor of Tennessee."

It was that splendid stand of Gov. TAYLOR that called the attention of the people to this great need in favor of proper provision for those guilty of the indiscretions of youth, and needing reformatories for education and training into good citizenship and not a penitentiary at hard labor in the company of those older and more vicious incorrigibles that could not be reformed and made good citizens. This was right and required great force of character and strong conviction to stem the tide of adverse criticism. The papers never gave him credit for the list of young people pardoned—just the number. It looked large. Gov. TAYLOR in that same interview said to me: "WEBB, what would you do if a lovely little country girl were to nestle down in your lap, put her arms around your neck, and ask you to give her her father for a Christmas gift, and tell you that she did not even know her father—that he did kill the man, but was drunk and did not know what he was doing? WEBB, she took him home. I could not help it."

At this recital on the train Gov. TAYLOR'S eyes were wet with tears. Oh, that splendid sympathy—that great big heart was Tennessee's greatest pride. We were obliged to love him. What nobler act of man than to show tenderness, and love, and sympathy, and mercy? What is finer in man than to comfort the brokenhearted? Where did Gov. TAYLOR learn those

splendid traits except from Him who gave us the greatest parable, the Good Samaritan, and from Him who said:

Come unto Me all ye who are weary and heavy laden.

I came to Washington unexpectedly to fill the unexpired term of Senator TAYLOR. Every minute has been in demand. I had no time to investigate with sufficient care his political record that covered a whole generation. My tribute to him is confined to my own personal experience. His political record is history and is read by all men. I desire to put the man, the neighbor, the friend, with his great charm, into the record.

When my former pupil, Senator Edward Ward Carmack, the gifted genius and brilliant statesman, and Senator ROBERT L. TAYLOR, the great "apostle of sunshine," as he loved to be called, both my friends and both standing for progressive measures in the interest of the rising generation as they saw them, competed for the honor of a seat in this Chamber, and I had supported Senator Carmack, I could never detect that the greeting thereafter of my greatly esteemed friend, Senator TAYLOR, was less cordial or his handshake less hearty. Little men can not understand this. Big-hearted and big-brained and well-rounded men like ROBERT L. TAYLOR can differ with his friends and still esteem and love them. He never impugned the motives of those who differed with him.

Senator ROBERT L. TAYLOR'S contributions to churches and charitable institutions all over the State were on a most magnificent scale. His wonderful drawing power as a lecturer would have given him a princely income if he had utilized it for selfish ends. I have seen him again and again in rural districts with vast multitudes of delighted people at a pay lecture given for the benefit of a church or some worthy charity. He not only invested his money, but, what was much better, he invested himself with all his varied and charming accomplishments in all enterprises that had for their ends the betterment of his fellow man.

Tennesseans all loved Senator ROBERT L. TAYLOR as they never loved another. He was an optimist after my own heart:

One who never turned his back, but marched breast forward,
Never doubted clouds would break,
Never dreamed tho' right were worsted, wrong would triumph;
Held we fall to rise, are baffled to fight better, sleep to wake.

Mr. President, I ask leave to incorporate as a part of my address the great sermon preached by Rev. W. S. Neighbors, D. D., of Bristol, Tenn., at Senator TAYLOR'S funeral in Knoxville April 5, 1912.

The PRESIDENT pro tempore. Without objection, permission to do so will be granted.

The sermon referred to is as follows:

THE FUNERAL ORATION AT THE BIER OF SENATOR ROBERT L. TAYLOR.

(By Rev. W. S. Neighbors.)

"Of the public life of Senator TAYLOR I shall not try to speak, except incidentally. I am in nowise furnished for such a duty, and, besides, the Nation has spoken. Almost every State in the Union has spoken. Every railroad station from Washington to Nashville and back to Knoxville has spoken. Every great daily newspaper has spoken, and most wisely, of Senator TAYLOR'S public career.

"I wish I were fully able to unfold to you the secrets of Senator TAYLOR'S marvelous power over men. When, years ago, I knew him less intimately than when he died, if I had been asked for these wonderful secrets I would have given them without hesitation and perhaps quite dogmatically.

"First of all, I would have said that the secret of his power over men was his unbounded friendship for all sorts and conditions of humanity, reaching its climax in that proverb, 'He who would have friends must show himself friendly.' I still hold to this as a general proposition, but what is friendship? It is not a baseless fabric. It must be founded on something that makes it secure.

"In the second place, I would have years ago told you that the secret of this man's power was in the beautiful songs and stories that he sang and told all over his native State—songs and stories that touched every chord in every human heart. But then songs and stories are not in themselves complete. There must be something back of them to give them point and pathos and pungency and power. I might have sung all of his songs and told all of his stories to all of his audiences and yet have won no heart.

"In the third place, I would have said that the secret of his power over men was due to the simple way in which he uttered his thoughts. I still hold to that as a reasonable trite proposition, but what is simplicity? It is not shallowness—the mere play upon the surface of things. It is not a natural or a common product belonging to men in general. Only the greatest men can be simple; only the great men are capable of going to the very heart of things, bringing up the hidden depths and making them transparent.

"Fourth. I made the statement years ago that his power with an audience was due to the fact that his soul was full of music; that in every other human being there are musical chords slumbering in the hidden recesses of their nature, waiting only for the touch of a master hand to respond. But what made it a master hand? I used to have little enough musical sense to believe that if a score of persons were playing upon the same kind of instruments, all tuned alike and playing the same piece, that there would be the same results, but I very recently learned that that is not true. A number were playing upon pianos. They were all tuned alike. The players were playing the same piece, and yet as I walked through the campus I could easily pick out some players from others. Somehow or other there was something within their very souls going into their instruments and bringing forth strains of music that were mellow, full of pathos and sentiment, winning all hearts who heard them that day.

"Senator TAYLOR had that indescribable combination of rare gifts and graces that made him a master before all sorts and conditions of humanity. If I had to state any one thing as the secret of his great power, I would say it was his great heart—a heart that overflowed all bounds and actuated every movement of his life and made him absolutely invincible before humanity. I have said it before, and I say it again, if Senator TAYLOR had moved to any other State in this Union and they had given him his citizenship in 15 minutes after he arrived, he could have run for the highest honor in the gift of that State and under all reasonable conditions would have won out over any man pitted against him.

"Some have been so ungrateful or unthoughtful as to hint that Senator TAYLOR was not a deep nor a strong man in the affairs of state. I am sure that those who knew him best never made such a statement. He was always deep enough to get to the bottom of things, and that is deep enough. He was always strong enough to tear down the fortifications of all of his opponents and carry the day, and that was strong enough.

"I have seen him when whole multitudes came floating into port upon the tears that flowed down his manly cheeks; I have seen him with a mere wave of his hand silence or stir the crowds just as he willed. I have seen the mere twinkle of his eye change the whole atmosphere of the listening crowds. I have seen the pucker of his lips make his hearers laugh or cry.

"But it is of the humbler things in his life that I wish to speak to-day. He was a complete exception to the old rule. 'A prophet is not without honor save in his own country.' He was most highly honored at home. The people believed in him and followed him. Again and again I have seen him step off of the train at his home town after weeks of absence, and his way was literally blocked by people of all grades and distinctions; even the negro and the little children followed him. Anxious though he was to get home, the crowds about him often exacted a speech before they would let him go. I have seen his family play a trick on the town people by sending a closed carriage to some secret place and notify him to get off on the opposite side, slip to his carriage, and steal away to his home.

"His relation to the negroes was remarkable. In his dealings with them there was that same open and frank and tender interest. With him there was no ax to grind. He simply cared for them, and they responded graciously to his great spirit. In some of his great lectures, where he mentions the name of 'Rastus' and 'Ephraham,' you may have thought those were fancy names, but they were the real names of the real negroes that belonged to the Senator's father before the war. In one of his lectures he tells at length the story of 'Uncle Rufus,' and how he had come to his home from time to time, and how that one afternoon he stayed with him in his yard and talked of the days 'before the war' till in memory the boy was again upon the old negro's back, riding along the banks of the beautiful Watauga. But, as he tells it, when the evening shadows were lengthening Uncle Rufus grew serious and said:

"'BOB, my boy, I'se not gwine to be heah much longer. I'se already had two visions of the chariot of de Lord, and when it comes de third time I'se agwine to step in and go hom'.' And sure enough in just a few days after that afternoon the chariot of the Lord descended for the third time, and Uncle Rufus went home. He tells you this in one of his lectures, but there is another part of that story his personal modesty would not allow him to tell. I tell it to you to-day. When the old darkey died, 'BOB' TAYLOR bought his shroud and casket, and chartered a whole train to take the darkeys and all of the white people who wished to go back to Happy Valley, the burying ground of the Taylor family. As they put the remains of the old darkey away

close beside his master, TAYLOR stood at his grave and wept, as on another day he stood at his father's grave and wept.

"Here is another story setting forth his tender relationship to his father's old darkeys. Returning from one of his lecture tours, he said to me: 'I have had the greatest trip of my life this time. Over in Arkansas I found that I had a few days to spare between my lecture engagements, and I found that I was within a few miles of some of my father's old darkeys, who moved away to that State after the war, whom I had not seen for 30 years. I gave Rice, my manager, the dodge and went to spend the time with these old negroes. When I got to the community and told them that I was BOB TAYLOR, they gathered around me in a circle and looked me in the face and cried out in unison, "Is dat you, BOB?" and I said, "This is BOB." They fell back and laughed. They gathered around me again and more excitedly said, "Is dat you, BOB?" and I said, "This is BOB TAYLOR." Then they cried and said, "BOB, we are mighty glad to see you. We haven't seed you since you's a boy back at the old hom'." One of them said, "BOB, my son Jim's been gone for three years, but if anybody was to ask me which I'd rudder see, BOB TAYLOR or my son Jim, I swear 'fore the Lord I could not tell."'

"If you never knew Senator TAYLOR in his home, much of the best and most remarkable in him you never knew. No one set of words can adequately describe him here. He was the liveliest of the lively, the greatest of the great, the saddest of the sad, and the sickest of the sick, according to the conditions that obtained at home. If every member of his family was happy and strong, he was the jolliest boy there—into every kind of mischief and playing every kind of prank, a perfect child among the children—but if any member of his familly was sick the whole scene was changed. He was the sickest of the sick. I have seen the dear, sensitive soul walk the floor in agony, face all pinched and drawn, over the sufferings of any member of his household. I have seen him again, when the doctor said that the patient was out of danger, stir the whole household with laughter almost before the tears of grief were gone from his face.

"Happy Valley, the home of his childhood, and Robin's Roost, the home of his later years, were not poetic fancies with him. They were to him the best of all he held sacred and dear. As a statesman he held lofty aspirations, but these were mere vision dreams that attracted only the paradise of fools as compared with his home. Only a few weeks ago it was my pleasure to spend a day with him in Sullivan County. I was sent for to dedicate a schoolhouse. Senator TAYLOR was sent for to make the occasion a great day for those honest sons of toil. He made it. There were no Republicans there that day. Whatever they were elsewhere and on other days they were all blended into a great brotherhood that day. The Senator reached his climax when he urged the boys to stay on the farm, build up good homes, and be true to 'Sallie and the babies.'

"To him the church was a very sacred place. It was verily the house of God and never a place for merriment or even the lightest things with him. He was never quite willing to give any of his lectures in the church, though they were as pure as the snow. 'No, no,' he would say. 'Let me speak in a warehouse or a barn, or out under the spreading oaks, but not there. That is the house of God.'

"When home from his public duties you could count on his being at church every Sunday, and he was always reverend and responsive. The hardest work I ever had with him as his pastor was to control him in his gifts to charity. I have held for years that this thing of charity is often a very doubtful proposition; that the only charity worth the name is to help people help themselves; but Senator TAYLOR'S heart frequently got the upper hand of his head and the upper hand of me. His great, tender soul made him so acute to the sufferings of others that it seemed he could hear a little child's cry of want clear across the city, and the murmur of hunger stirred him so completely that he would give all he had and ask no questions. I used to almost wish I could send him away at Christmas time. I found that designing people, the professional tramp, and beggars had found out his nature and were preying upon him. He would not stop at buying apples by the barrel for the poor and to make them happy, but would buy whole wagonloads and give them out to all grades and distinctions of human beings, white or black, it made no difference to him.

"Senator TAYLOR had a large religious nature, and the last time I ever talked with him on the subject of religion was out there in front of the church. He and I had driven over to hear Bishop Hendrix preach. When we got here a love feast was going on. The doors were closed and locked. A large crowd on the outside was trying to get in. He turned to me, and with a pathetic expression on his face, said: 'Neighbors, that reminds me of the final judgment, with many getting there too late and finding the door locked. I hope that when my little day is done I will not get there too late, and somehow, through God's infinite mercy, He will let me in.'

"A friend of his and mine said to me just a few days ago, 'Senator TAYLOR was in my home recently; my children gathered around him and asked him to sing for them. He sang several little songs that amused them very much, but finally he said, "Children, I want to sing you one more song." He then beautifully and tenderly sang, "Jesus, lover of my soul, let me to Thy bosom fly."'

"Friends, I hasten to a close. Senator TAYLOR would not allow me to pronounce him faultless if he could speak. He would say in his own inimitable way, 'Neighbors, you know me. You know I am just like a human being, with limitations like other men, full of mistakes and blunders'; but I would be compelled to say, 'Yes, Senator TAYLOR, I know that, and I will be true to your wishes, but you must allow me to say another thing upon my own responsibility; this: It was never any part of your program to wrong any human being or harm anything that God has ever made. Senator, as I have seen you and known you, allow me to say most gently, your great nature was too large to be little and too good to be mean.'

"When Dickens was bringing out his Old Curiosity Shop by chapters the readers appealed to him, 'Do not let Little Nell die; it's a life so beautiful'; but Dickens replied: 'I have to let her die; I can't help it. She must die to complete the story and her life work.'

"When Senator TAYLOR was reported seriously ill, hearts from all over Tennessee and this Nation went up, 'O God, do not let him die'; but God had to let him die; die to complete his life story, die to bury out of sight all little human defects and blemishes, and lift him into that sublimer light and life where men are blended into such a brotherhood as to remember what is only good and true.

"And this his epitaph shall be
When ended are his days:
None knew him but to love him,
None named him but to praise.

"Like a dream floating from out the far way there comes to me a story: A long and doubtful conflict had been raging between contending armies. A regiment of one of the armies determined one day to dislodge the enemy fortified on yonder summit; said that was the key of victory. Early in the day they made a desperate charge, and were repulsed. They rallied and charged again. The standard bearer fell, pierced by a cruel shot. They were about to retreat, when an Irish lad seized the flag, bravely rallied and led the regiment in the final charge, and won the day, but just as the day was won the Irish lad fell mortally wounded. Some days afterwards the regiment was marching through a stretch of country, and coming near a village, Bridget, as by intuition knowing whose regiment it was, seized her broom and went forth to meet it. When she got there she straightened herself, shouldered her broom, and fell into line. A jeer swept down the line. The colonel said sternly: 'By what right dare you march in this regiment?' Looking up through her tears, she jabbered: 'Me Jaimie's regiment; me Jaimie's regiment.' A hush close akin to the sacred and holy swept down the line; every man stood at attention. The colonel said in subdued tones: 'Madam, do you mean to say that you are the mother of the Irish lad that fell at yonder summit the other day?' She jabbered back: 'Me boy; me boy.' Then said the colonel: 'A mother who can present to the world such a son as that has a right to march in this regiment. Fall in! Forward march!'

"Senator TAYLOR, this State's standard bearer, fell in the thick of the fight the other day with his face to the foe. O Tennessee! thou who didst give to the Nation such a gifted son hast the right to march in the front rank of States; and surely the life of such a noble brother will inspire 10,000 younger brothers to fall in line and march to the Nation's strength and glory."

MEMORIAL ADDRESSES ON THE LATE SENATOR GEORGE S. NIXON.

Mr. NEWLANDS. Mr. President, I ask unanimous consent for the present consideration of the resolutions which I send to the desk.

The PRESIDENT pro tempore (Mr. BACON). The resolutions submitted by the Senator from Nevada will be read.

The resolutions (S. Res. 458) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep sorrow of the death of the Hon. GEORGE S. NIXON, late a Senator from the State of Nevada.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to

pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and transmit a copy therof to the family of the deceased.

Mr. NEWLANDS. Mr. President, Senator GEORGE S. NIXON was born in Placer County, Cal., April 2, 1860, of pioneer parents from Tennessee who were part of the great migratory movement to the West in the early fifties. They were probably caught, like hundreds of others, by the glamor of tales that opened to their young fancy vast possibilities for the venturesome. The irridescent hopes that lured them so far must have lacked realization or, like many others, they may have won and lost. Be that as it may, Senator NIXON's parents were unable to give their boy the advantages of education usually enjoyed by most of our American boys as a heaven-born right, and his training in the public schools ended at an early age.

In youth he lived the life of the usual farmer lad. To gain a little money he availed himself of his great skill in shooting, and wandered over the California hills seeking game. It was a hard life, but he was strong, young, and happy. He loved nature and had a passion for flowers and all growing things—tastes that were stimulated by this roving life.

I never heard him complain or seek sympathy for any hard luck, and he had his disappointments like other men. It is not unlikely that his youth was colored with much talk of his parents' wanderings, descriptions of all they had endured in their search after fortune, their journey over the Plains, sacrifices made, and possibly good claims lost. In mining one often reaps what another sows, and it is hard to find any western life in the early fifties free from the wreckage of human hopes. He was proud of his pioneer parents. In an address he made in his last campaign I was impressed by the vibrant quality he put into the simple phrase of "I was nursed at the breast of a pioneer woman." It was like a shout of triumph.

He made his way through forty-odd years of effort, with the moderate rewards achieved by the average man; but in middle life, at the first whispering of a possible treasure in the desert at Tonopah, the pioneer blood asserted itself, and NIXON was among the first in the camp.

He had in his earlier years a varied experience as telegraph operator, station and express agent in remote stations in Nevada; he entered a bank at Reno and soon made himself indispensable to his employers. Later on he organized a bank at Winnemucca, Nev., and became its cashier, and during this time he was elected to the State legislature as a candidate of the Republican Party. In 1892, like many others, he drifted from the political moorings of a lifetime and identified himself with those who, under various political names, were struggling to relieve the energies of the country from the evil effects of the contracting gold volume. Though I belonged to a different party, we drifted politically together during this period, and regardless of party we identified ourselves with the bimetallic movement through which, by the full restoration of silver as a money metal, it was hoped to end the era of diminishing values and contracting energies. At that time barely sufficient gold was produced to satisfy the demands of the world's dentistry and the arts, and none understood better than Senator NIXON the quantitative theory of money and the effect of the quantity of the circulating medium upon values.

The extraordinary and unanticipated increase in the production of gold put an end to this movement, and we both drifted back to our original parties; but the close intimacy of this association gave me a clear insight into the quickness of his perception and the clearness and vigor of his intellect. I formed a friendship for him which strengthened, notwithstanding our political opposition. I could not feel that we were in antagonism, and felt assured that we would some time drift again together by a mutual process into political accord.

For many years after this he pursued the active life of a banker, identifying himself with most of the activities of Nevada, until finally, as a result of his helpfulness to others, he became the associate of George Wingfield in a mining enterprise in the desert region of Tonopah. Considerable fortune was realized in this, and later on their energies expanded in every form of mining enterprise and embraced the famous Goldfield mine, which was conducted by them with extraordinary judgment, skill, and integrity, and from which both realized large fortunes.

During this period, although the State seemed overwhelmingly Democratic, with characteristic quickness of perception and judgment, he threw himself upon the crest of the wave of Roosevelt's popularity and in a campaign against apparently hopeless odds, supported by an acquaintance and popularity that were widespread, he was swept into the United States Senate. There with rare wisdom he concluded to abandon the active pursuit of money-making and to devote himself to his public work and at the same time to secure to himself the pleasures of friendship and of social life which ease of circumstances presented to him.

He was able to invest his holdings in some of the State's requirements, and the community in which he lived received a direct benefit from his prosperity. He established a chain of banks, and in the panic of 1907 maintained their prestige by his courage and promptitude. He built an opera house in Reno and gave a theater to Winnemucca, controlled more by the desire to put pleasure into the lives of Nevada people than to obtain personal gain. He was one of the few men whose success was shared by many. There was a general satisfaction when he won. His sympathetic kindliness and courage were recognized by all.

In such radical changes of fortune a man is apt to make enemies; the contrast is too great; old companions are sometimes hurt and slip away, and there are the disappointed, envious of one who wins where others fail, but with NIXON it was different. He had a cheerful, sympathetic way about him that put all at ease. Though he always spoke to me as "NEWLANDS," I found myself calling him again and again "George," for he was George—our GEORGE NIXON to all the State of Nevada. He had the rare wisdom of realizing when he had enough and was not willing to allow his faculties to be absorbed in the mere greed of getting.

He became the devoted supporter of every measure that would benefit the State and the section which he loved, and at the same time took a broad and catholic view of all matters tending to the advancement of the entire country. He became chairman of the Committee on Irrigation and a member of the important Committee on Appropriations. His social qualities endeared him to his colleagues, and his acute and accurate judgment, rarely displayed in public speech, was always at the service of the committees to which he belonged and of his friends, whom he delighted to assist.

Disdaining the crowded life of the city, he purchased an extensive suburban place on one of the most commanding hills near Washington, from which there stretched an expanding view of the Potomac and of Washington, and there built a home of rare beauty and taste. He built a similar home on the bank of the Truckee River, near Reno, a sparkling stream, making its way from the incomparable Lake Tahoe and stretching through a valley surrounded by noble and effort-defying mountains—a scene embracing a view of rare grandeur; and upon the banks of Lake Tahoe he built a modest cottage, in which some of the most satisfactory hours were spent. In these several places, which demonstrated the nicety of his taste and the delicacy of his nature, he was glad to share with his friends the delights of his possessions. Only a year or so before his death he was reelected, showing his confidence in the strength of his popular support by voluntarily submitting his election to a direct primary.

Gratified by his reelection, confident of the affectionate regard of his constituency, he was looking forward to a further realization of satisfaction in a sane, kindly, and philosophic life, unvexed either by ambition or avarice, when a neglected complaint necessitated a surgical operation which prematurely ended his life at the age of 52.

Having reached the decision that an operation was necessary, he quickly met the issue, at a time when his devoted wife and son were away, and his friends had hardly heard of the crisis when his death was announced.

I recall the sadness with which I made my way to the hospital where his spirit had taken flight, and the sympathetic consideration with which I found Vice President SHERMAN attending to every detail of the last sad ministrations. Mr. SHERMAN, though then in every appearance of health, well knew that his own days were numbered, and yet there was nothing to indicate the exigencies of his own condition in the calmness and considerateness of his demeanor. Attending with a sorrowing Senate the final ceremonies, his was the last face that I saw at the railway station as we departed with the remains of our dear friend on the sorrowful journey westward. Bearing to the afflicted wife a tender letter of sympathy from the Chief Magistrate of the Nation, who knew and valued Senator NIXON, the funeral cortege made its way to the mountains of Nevada, and there was met by a remarkable gathering from all parts of the State of men in every class and condition of life, who sought to mark their respect and regard for their Senator; and there the body of our dead friend, seized untimely from a life of serenity and affection, was consigned to its last resting place.

Mr. DIXON. Mr. President—

Whether at Naishapur or Babylon,
Whether the cup with sweet or bitter run,
The wine of life keeps oozing drop by drop,
The flowers of life keep falling one by one.

The mutations of time work a mighty havoc in the affairs of men.

Of the 90 men who constituted the Senate of the United States when I entered this body six years ago, 23 have since died, not including the Vice President—more than one-fourth of the entire membership.

Of the 90 men then constituting its membership but 40 now remain, and after the 4th day of March there will be left but 26 of the men who made up its membership on March 4, 1907.

One year ago, looking around this Chamber, the ordinary man would have said that GEORGE NIXON'S hold on life was probably as good as any Member of this body, and in all human probability better than the overwhelming majority of us. I thought so. Then in the very prime of his physical manhood, the picture of robust health, congenial, vivacious, of a most happy disposition, who would have prophesied that he of all of us would not have lived out and beyond the allotted three score years and ten?

I was not in Washington at the time of his death, and when I read the news of his sudden demise I could scarcely credit its truthfulness. That GEORGE NIXON was dead did not seem possible.

We who knew him in the intimate daily association that comes with service in this body, in the open Senate, in the committee, and in the more intimate association of the cloakroom, the office, and the home, will each bear sincere testimony of his good-fellowship, integrity, level headedness, and kindliness of purpose in all his relations with his fellow men.

GEORGE NIXON'S life had been a broad life in the best meaning of the term. He had seen and faced life from almost every angle.

He knew men and he knew the conditions under which his fellow men and women live. He himself had felt the depression of poverty and he had known the joy that comes from successful contest with men and affairs of moment. His own success had not estranged him from his less fortunate fellows.

He had after long years of struggle reached the top round of what the world calls success. In his own State, in banking, farming, mining, stock raising, and other forms of business activity he had taken first place and had twice received from the people of Nevada the highest testimonial of their trust and confidence by two successive elections to the Senate of the United States.

I am glad to have known GEORGE NIXON in a somewhat intimate personal relation.

His overflowing good nature, his cheery laugh, and friendly greeting betokened the kindliness of heart and sincere good-fellowship that permeated his whole life.

Not with formal words and phrases, but from a genuine appreciation of him and of his friendship, I pause to lay a wreath of real affection upon his bier.

Mr. WARREN. Mr. President, it is upon occasions such as this, when we are called upon to pause in our feverish rush and hurry in the active affairs of life and to take note of those things which have passed by forever, that there comes to us a realization of the uncertainty of life and the certainty of death.

To those of us who have been Members of this body for any extended period the backward-turning thoughts upon these memorial days bring sad visions of many great statesmen—genial companions, firm friends—once here, who passed into the mysteries of another existence. As their forms and faces, their efforts and achievements, their failures and successes, their pleasures and sorrows are recalled to us in these quiet, memorial hours we realize, with the tent-maker poet—

Whether the cup with sweet or bitter run,
The wine of life keeps oozing drop by drop,
The leaves of life keep falling one by one.

Others have ably placed before the Senate the incidents of the useful and successful, but all too short career of our friend and colleague, the late junior Senator from Nevada, GEORGE STUART NIXON; and in joining in these memorial services I wish simply to testify to his sterling worth as a man, his loyalty as a friend, and his success as a useful representative of his State in the Congress of the United States.

The career of Senator NIXON reads like a page from the Arabian Nights, so rapidly did he rise from the position of a poorly paid telegraph operator at a remote railway station to a successful business man, mine owner, and banker, and to a place in this body—all of this being accomplished in a little more than 20 years. He rubbed the lamp of industry and—presto! Success opened her doors to him. His successful career not only is an evidence of his own industry and ability, but typifies the opportunities which our country offers to those who are prepared to grasp them. The same chances which enabled Senator NIXON to achieve success 10 to 15 years ago exist to-day in this country, and particularly in the Western States, where industry, honesty, and ability are as certain to bring rewards now as then. Hidden away in the vast mountain ranges of the West there are more Comstocks, more Leadvilles, more Cripple Creeks, more Goldfields to be discovered, and in plainer sight there are rich returns awaiting those who have the industry and the patience to seek them.

GEORGE S. NIXON was preeminently the business man in politics in the best sense of the term. Those who served with him in committees and were closely associated with him in his senatorial duties could well understand why he was a successful man. His word was as good as his bond. He came of that type of western man who would make bargains running into hundreds of thousands of dollars without the scratch of a pen and would then live up to them as religiously as if they were signed, sealed, and delivered .

He was genial and affable in his dealings with all who came in contact with him, whether below or above him in political rank. He was known to all his friends as the embodiment of good cheer, sunshine, and optimism. His jovial, bright smile has put out of the mind of many a man some trivial and vexatious thing, such as comes so often in our busy lives to harry or, possibly, to discipline us.

The fact that Mr. NIXON was a successful man in the financial affairs of the day made him none the less democratic in his dealings with his fellow men. He was extremely popular in his own State; and those interested in the political affairs of Nevada, of his own and of other political parties, have freely predicted that, had he lived, he would have been again returned to his seat in the Senate—Nevada following her custom of many years of retaining in office for long periods those who serve her.

Senator NIXON in a way was a representative of Wyoming, because for some years he held financial interests in that State. He was active in the support of every measure tending toward the welfare of Wyoming, as well as that of other far-western States.

He has gone from us and we have left only the sweet memory of a loyal, powerful, and big-hearted friend; a gracious and beloved comrade.

Mr. JONES. Mr. President, the popular impression of the work of a Member of the Senate does an injustice to many a valuable Senator. To be able to speak eloquently is a splendid qualification, but it is not a fundamental or essential qualification of a good and valuable legislator. The eloquent man may attract attention, he may gain the popular applause, he may get the credit for efficient work on behalf of the people, and yet the real legislative work is done in the seclusion of the committee room, where the quiet abilities are brought into play in the construction of legislation for the people's benefit. Hours of work and study in the office are spent in preparation for the consideration of measures in the committee and many of our most industrious, able, and faithful Senators seldom speak on this floor. The people may never really know their worth or their work, but their colleagues do.

Such a Senator was GEORGE NIXON. Seldom heard on this floor, his influence was potent in committee work. He was regular and prompt in attendance and his knowledge of the subjects under consideration showed the painstaking care he had given them. His judgment was excellent, his experience varied, and his honesty of thought and purpose evident to all. His counsel was wise and conservative. He was a modest man and courageous. His biography in the Congressional Directory was characteristic of his modesty and his action upon all public questions in committee and on the floor of the Senate showed his courage. He was a safe, honest, wise, careful, industrious legislator and guarded with scrupulous fidelity the interests of his State and Nation.

His life and success are another inspiration to our youth to aspire to great things. No greater opportunities came to him than come to the boys of to-day. He had no asset when he began life's battle that any young man may not have now. Industry, energy, frugality, honesty, and faithfulness brought him success as they will to the young men of to-day.

I had the good fortune a short time ago to talk with one who knew him years ago, when he was a telegraph operator, and

it was good to hear him tell of his early struggles and triumphs. The same qualities that made him a good, wise, and faithful legislator made him a valued employee. He did his work as a telegraph operator well and faithfully. His employer's interest was his interest and as a result he passed from one position of trust to another, and by the judicious investment of his savings he soon became a most successful business man. With all his successes he was the same true, loyal friend as of old. Neither wealth nor position caused him to shun or forget the friends of his early struggles, and many of them bless him for his kindly aid to them or theirs when prosperity blessed him with its abundance. We admire his success in business, are proud of his achievements as a legislator, but our sweetest memory comes from our personal association and contact with those personal qualities which endeared him to all who knew him. He was kind, sympathetic, and considerate. He had a bright and cheery smile for everyone. His daily greetings reminded me of a few lines like these:

He always said, "Good morning,"
And emphasized the "good,"
As if he'd make it happy
For each one, if he could.
I often think and say,
That one of his "Good mornings"
Clung to you all the day,
And made you always cheerful
Just thinking of the sound;
It was always "Good morning"
'Long as he was around.

This little poem—not a classic but the simple expression of a feeling that comes to us from a kindly greeting—illustrates something of his beautiful inner nature which he expressed in action toward all those who came in contact with him. He saw and emphasized the good in all things; he tried to fill life with sweetness; he spoke approving, cheering words to the humblest as well as to the greatest. Nature gave him much of strength and those fair qualities of heart and mind which make a man beloved by his fellow men.

His life's work is ended. It was well done. Whether at humble tasks or lofty endeavor he was faithful and put forth his utmost ability. We treasure his memory as a precious heritage and his successes stimulate us to higher and loftier aims.

Mr. THOMAS. Mr. President, by the irony of fate, at once strange and inscrutable, it seems to have been ordained that my first words upon the floor of this Chamber shall be uttered in eulogy of GEORGE S. NIXON. This is perhaps the more remarkable in that the last words he said to me on the occasion of our last meeting breathed the hope that at some time I might occupy a seat in this exalted body.

I do not shirk the task. On the contrary, I regard it as a duty that I owe to the memory of my departed friend, for I am conscious of the fact that he would gladly, if there can be joy in such a task, have spoken in my behalf had our conditions been reversed.

I can speak of Senator NIXON only as I knew him. My acquaintance with him was occasional, and yet very close. He was my friend. The currents of our lives flowed in the same channel once or twice, and again became widely divergent.

The Senator from Nevada [Mr. NEWLANDS] has given a brief account of Senator NIXON'S identification with what was generally known as the free-silver movement—the cause of bimetallism, as it was called by its friends. It was the activity of that great movement which first brought us in conjunction during the earlier period of the nineties, at which time the entire West, as one man, and regardless of party lines, entertained the abiding conviction that the cause was the embodiment of much that was absolutely essential to the welfare and permanent prosperity of this great Nation. I was one of the apostles of that movement, in the integrity of which I have believed as firmly in the days of its defeat as when it was a militant question in American politics. I speak of this because his convictions were the same, and they were always expressed with that earnestness and vigor which always characterizes sincerity and candor.

I met Senator NIXON in conventions and in conference rooms during what I may call the crisis of this great movement, and during all the stages of it which led up to that crisis. He was always at the front, a crusader in the cause, contributing to it of his time and of his means as freely as though it concerned him merely as an individual. But with the defeat of that movement, and its acceptance as an accomplished condition by those who advocated it, our lines of life were no longer identical.

Then arose the great mining excitement in southern Nevada, beginning with Tonopah, and still continuing its activities in several portions of the State. In 1896 I was summoned, in the capacity of counsel by Senator NIXON and by his associate, to look after some of their legal affairs in the great camp of Goldfield. This employment again brought me into close and intimate contact with Senator NIXON, a relation which continued until the close of the year 1908. It was during these years that I learned to know him well and to respect and love him more as a friend than a client.

Mr. President, there is no more severe test of a man's capacities or the lack of them than that which is applied by the rough-and-tumble civilization of a frontier mining camp. What a man is, whence he comes, whether he can boast a long line of ancestors, or is a mere waif upon the tides of humanity, all these count for nothing. Every man, indeed every human being, in these suddenly summoned aggregations of people is inspired by the desire to take advantage of the immediate occasion to secure as much as possible of that hidden wealth which has called them together. In that mad struggle every man stands for himself. Wealth counts only as it may give to its possessor an advantage over those who have it not; and the man who emerges successfully from these turbulent, exciting, exacting but just conditions must be a man indeed.

Senator NIXON has stood that test, has been tried by the crucible fires of that experience, not once but many, many times, and has risen triumphant upon the crest of each successive occasion. He was fortunate in that he was allied with a man—Mr. George Wingfield—destitute of the ordinary advantages which come to the American boy, but possessed of a native genius and talent that easily made him a master of men, a man of action as well as a man of affairs; a man of resolute determination and indomitable courage, whose characteristics so dovetailed into those of Senator NIXON as to make them an invincible team in the development of the mining affairs of the great State of Nevada. Such a copartnership should be sundered only by the hand of death.

I need mention only one incident in the career of Mr. Wingfield to indicate how truly he was entitled to the confidence and affection of Senator NIXON, whose long-time partner and associate he was. He was tendered the position of United States Senator as the successor of Senator NIXON by the governor of Nevada, but declined it because of his allegiance to those interests and business which had been confided to his keeping by friends and associates, and which might have been neglected had he accepted an appointment to that exalted position. He therefore declined it. Together they accumulated a great fortune, but they used it as great fortunes should be used, largely in the development of their native State, largely in assisting their local communities, and privately in extending aid to those needing and deserving it.

If it be true, Mr. President, that he who makes two blades of grass grow where but one grew before is a benefactor of humanity, then it must indeed be true that Senator NIXON was such a benefactor, for he performed this task manyfold, and the multiplied blades of grass that have sprung behind his pathway from obscurity to prominence and material success are many times multiplied beyond the accepted standards of man's experience.

His directness in matters of business always appealed to me. On one occasion he requested an opinion upon a matter involving hundreds of thousands of dollars. I spent much time and labor in preparing the opinion which he desired, but when presented he merely glanced at its conclusion. "That alone is what I am interested in," he said; "you are concerned with the reasons leading up to it; I accept the responsibility because you tell me that I am safe in doing so. If it should transpire that this is not true or that its truth should be challenged, yours then becomes the responsibility. I am too busy a man to concern myself with your reasons." That was a type of GEORGE S. NIXON.

In very truth a self-made man, born among the humbler ranks of the people, and rising through his own unaided efforts, step by step, to a seat in the Senate of the United States, he presents a most inspiring example, Mr. President, to the youth of this country.

I know nothing of the deceased Senator's domestic affairs except that his life in all things was clean and above reproach. On earth he was enlisted in the army of the industrial militants. To-day he is enrolled with the hosts triumphant.

Mr. TOWNSEND. Mr. President, it is a pleasure for me to add a brief but sincere tribute of respect and esteem to the memory of our late colleague, the Hon. GEORGE S. NIXON.

I was not acquainted with him prior to my entering the Senate in March, 1911, but upon coming here I was assigned to the Committee on Interstate Commerce, of which he was a member. In the work of that committee I came into quite close and inti-

mate relations with him. I also saw much of him in this Capitol on the floor and in the lobbies.

Association with a member in committee gives a fairly just and correct idea of his ability and character as a legislator. It is there that his business qualities are demonstrated. His point of view, his insight into the nature and effect of proposed measures are discovered. There he is unembarrassed by the public gaze and uninfluenced by the thought of reporters or of criticizing colleagues. He is himself, and in the semiprivacy of the committee room he speaks and acts with freedom.

In the lobby we see the social and human side of Senators. There the student of human nature can discover the secret springs which move to action. Generosity, kindness, magnanimity, littleness, selfishness, envy, and the other characteristics of humans show forth in all their beauty or ugliness, and a lounging room is necessary to a right understanding of public men.

In the committee room I found Senator NIXON a clear-headed, far-sighted man. His varied and phenomenal business career gave him an experience which enabled him to comprehend broadly and quickly some of the great questions which were presented for consideration, and though diffident on the floor of the Senate, he did not hesitate in expressing his views before the committee, and his colleagues gave him careful attention.

In the lobby he radiated friendliness and good cheer. He despised hypocrisy and could vigorously express his disapproval. Modest himself, he could not endure the Pharisee, but he was always willing to award just credit where it was due. He was not envious.

I do not recall that I was ever formally introduced to him, but it seems to me that I knew him and felt his friendship from the very beginning of my service in the Senate.

The life of Senator NIXON shows the possibilities of the American boy. His short and modest biography in the Congressional Directory indicates that he lived and worked upon a farm in California until he was 19 years of age. His schooling was confined to the public schools near his home. At the age of 19 he entered the employ of a railroad company, where he learned telegraphy. In 1881 his company transferred him to Nevada, where he served as agent and telegraph operator for three years, at the end of which time he accepted a position as clerk in a Reno bank. In 1891 he was chosen a member of the Nevada Legislature, and in 1905 he was elected to the United States Senate from that State, and in 1911 he was reelected under the Oregon plan for another term of six years.

I know but little of his early life, but I assume that he was a poor boy and that his school education was limited, but I know his knowledge of men and affairs was great and that his varied experience fitted him to win the success, financial and political, which he achieved.

If I were called upon to give in detail a definition of a superior Senator I would be troubled to frame it. I could not say that it was the most eloquent one, neither would it be he who makes the most copy for the RECORD, nor would it always or generally be the man whose picture appears oftenest in the columns of the public press. On the other hand, silence and reticence are not unmistakable evidence either of wisdom or goodness, but it seems to me that the best legislator is the honest, practically intelligent man who is deeply impressed with the great responsibilities of service resting upon him and who fearlessly and conscientiously goes about his work having in mind his country's good and careless of his own.

I do not claim for Senator NIXON what he would not claim for himself, viz, that he was a great Senator. There are very few of such, many fewer than some Senators will admit. But he was a useful legislator, a true friend, and an honest man. His environment shut out some of the modern notions of political reforms, but according to his lights he performed his duty well, and his death took from this body a good Senator and from its Members a loyal friend.

Mr. MYERS. Mr. President, we meet to honor the memory of a departed associate, and in so doing we honor ourselves. Death is the most momentous of all earthly affairs. Birth, marriage, riches, fame, eminence, domestic affairs, business success, worldly honors, all the splendor, pomp, and glory of the world pale into utter insignificance beside the one short second when death lays hold on the mortal frame.

Alexander the Great conquered the world. Napoleon Bonaparte devastated nations. Julius Cæsar crossed the Rubicon. Christopher Columbus discovered a continent. The greatest of these achievements was as naught to the moment when the achiever's life fled. Xerxes at Thermopylæ, seated upon an eminence, viewing his glittering legions of infantry and chariots, forming in array of battle on the plain below, wept at the thought that all the glory and power there represented must so soon pass away and he and his ambition for conquest sink forever into oblivion.

Therefore great as was our departed associate, the late Senator NIXON, in generosity of heart, nobility of impulse, integrity of purpose, strength of character, devotion to principle; great as were his achievements in the commercial world and political circles; splendid as are the heights he attained; lovely as he was in all that goes to make a manly man; we are assembled here to-day on account of the most momentous phase of his physical existence—its termination. Death is always a grave matter, but the gravity thereof is brought to bear upon us with more impending weight and sterner reality than ever when we lose one whom we love and honor as friend and associate. I believe we do not fully realize the worth of those with whom we associate until they are gone.

In the short time that I was favored with the personal acquaintance of Senator NIXON, I did not have the honor of becoming an intimate friend and associate of his, but I learned greatly to admire and respect him. He was a most kindly disposed man. The generosity of his heart was striking. The kindliness of his disposition was unusual. The benevolence of his character was extraordinary. He was full of sympathy for his fellow beings. Ever ready to assist another, he always lent a kindly ear to those who appealed to him. Accommodating and affable, his store of help for human kind was inexhaustible. My association with him was most pleasant to me, and I feel that I am a better man for having known him. His temperament was typical of the broad and boundless West, of which he was an honored resident. Early in life identified with the West, he was imbued with lavish endowments of the heart analogous to the lavish endowments that favored section enjoys at the hands of nature. His rugged character was typified by the solid mountains based on the everlasting rocks. His loftiness of purpose was analogous to the towering peaks that pierce the clouds. His generosity of heart was as free as the dashing waterfall that courses down the mountain side. His greeting was as cordial as the kiss with which the morning sunbeam greets the smiling vale. His breadth of mind was like unto the broad and sweeping plains of his beloved West. We miss him here, but this body is better for his service in it. I enjoyed courtesies at his hands, and, while I probably did not, during his lifetime, as fully acknowledge them as they deserved, I take this occasion to pay a tribute, to the extent of my humble ability, to him and his worth.

The great French soldier, La Tour D'Auvergne, was the hero of many battles, but of his own choice he remained in the ranks. Napoleon Bonaparte gave him a sword and the official title of "First among the grenadiers of France." When he was killed the Emperor of France ordered that his heart be intrusted to the keeping of his regiment; that his name be called at every roll call, and that his next comrade each time answer: "Dead upon the field of honor." Thus we may regard our departed associate. His name will no more be called on the roll call of this body, but whenever it is called in our hearts we can answer:

Dead upon the field of honor.

Mr. WORKS. Mr. President, I have not prepared any formal eulogy upon the life and character of Senator NIXON, but I feel moved to express in unstudied words my appreciation of him as a man and a public servant, and in simple terms to pay the tribute to his memory that he deserves.

My personal acquaintance with Senator NIXON was comparatively brief; but I had known him for a long time, not only as a man in the public eye, but through mutual friends. When I came into the Senate I had the good fortune to be given a seat next to him in this Chamber. We had many things in common. He was a native of my adopted State. He loved California. He was interested in everything that was done in the interest of his native State. He was ready always to assist me as a new Senator in my efforts to represent the interests of the State that we both loved so much.

Shortly before his death I had the pleasure of visiting his home, and in that splendid home of his, furnished with all the luxuries that money could afford, and surrounded by the transcendent beauties of nature, he told us on that day the simple story of his early life. It was a life of privation and toil. It was an experience that taught him the valuable lessons of frugality, energy, and perseverance, which later on brought him fortune and fame.

One morning, very soon after that occurrence, he came into the Senate and said to me, "I am going to the hospital to-morrow." I expressed my surprise, for I regarded him as a

man in perfect health, and I inquired what was the trouble. "Oh," he said, laughingly, "it is only a slight operation that I have to undergo." A very few days after that time I stood at his bedside in a little room in one of the hospitals of this city. He was unconscious and dying. His beloved wife was speeding to his bedside from their far western home; but she was too late. She met the remains of her husband at Chicago, and returned with them to deposit his body in his adopted State and among his friends.

His was a useful life. It was a life that might furnish a worthy example to every young man in this country. He was successful as a business man. He came into the Senate of the United States with a trained business mind. He was a capable, earnest, and sincere public servant. He was possessed of a genial, sunny, happy disposition that carried good cheer wherever he went.

Mr. President, a life like that is worth more to humanity than the ability to make and accumulate money. I believe that no one realized that fact more fully than Senator NIXON himself. With all his wealth he was a simple, kindly, loving man. I think he cared much less for the money that he had been able to accumulate through his energy, perseverance, and wisdom than he did for the good will and love of his fellow men.

He was a man who had accomplished much in a material way. His services here in the Senate were intelligent, wise, and honest. We may very well say in memory of him that he was a good citizen, a kind and loving husband and father, and an honest and capable public servant.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE EDMOND H. MADISON.

Mr. CURTIS. Mr. President, I ask the Chair to lay before the Senate resolutions from the House of Representatives on the death of the late Representative MADISON.

The PRESIDING OFFICER (Mr. MCLEAN in the chair). The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES,
April 14, 1912.

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. EDMOND H. MADISON, late a Member of this House from the State of Kansas.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

Mr. CURTIS. Mr. President, I offer the resolutions which I send to the desk and ask for their adoption.

The PRESIDING OFFICER. The Senator from Kansas offers resolutions which will be read.

The resolutions (S. Res. 459) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep sorrow of the death of Hon. EDMOND H. MADISON, late a Member of the House of Representatives from the State of Kansas.

Resolved, That as a mark of respect to the memory of the deceased, the business of the Senate be suspended in order that proper tribute may be paid his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Mr. CURTIS. Mr. President, one year ago it was my sad duty to make formal announcement here of the death of Hon. E. H. MADISON. He was elected to Congress from the seventh Kansas district in November, 1906. In his service he won the hearts of his colleagues and was rapidly gaining high place among the leaders of the greatest legislative body in the world, the House of Representatives. He did not gauge legislation from the standpoint of a lawyer, but settled questions more as a judge, trying always to harmonize any differences which might exist. This fact arose from his experience upon the bench. He was recognized as one of the most fair and just judges who ever graced the bench in the district courts of Kansas.

He was born at Plymouth, Ill., December 18, 1865; was educated in the common schools of Illinois, and at the age of 18 years began teaching school; in 1885 moved to Wichita, Kans., and began the study of law in the office of G. W. C. Jones, and was admitted to practice in 1888; in the same year was elected county attorney of Ford County, Kans., and served two terms; was appointed judge of the thirty-first judicial district of Kansas January 1, 1900, which position he held until September 17, 1906, when he resigned to become a candidate for Congress; was married December 12, 1900, to Miss Lou Vance.

Mr. MADISON was a profound student of all questions before the people and, while he was a Republican, he could not be considered as radical. He was independent in his convictions and believed differences could be harmonized without resort to extremes. He was loved by those who knew him and there were thousands who mourned his death. Among his friends—and he had many—he was affectionately known as and called "Ed.," and he seemed to enjoy such informal recognition from those who were close to him. In his home life he was at his best and most tender and considerate in his family relations.

It was with the deepest satisfaction that Mr. MADISON entered upon the duties of his congressional office. I need not tell you of his able service in the House. His work speaks for itself. His death was unexpected and a shock to his family, friends, and neighbors. He had just returned to his home at Dodge City, Kans., and had spent but a day or two among his acquaintances, when he was suddenly stricken. His life went out, but he left us an example of how well we should live, for his character was too strong to yield to the allurements and weaknesses or overindulgences of luxury or wealth.

In the light of the life and example of Mr. MADISON, we refute any assertion to the effect that the days of honesty, of honor, of high ideals are over, and we may further assert that he has given us proof that the underlying moral firmness of character among our people assures the future welfare of the Republic.

Mr. JONES. Mr. President, we stand on the bank of life's river and watch the mystic bark take from our shore its passengers on a voyage from which there is no return, and we are lost in speculation. The wisdom that takes the strong and leaves the weak, that takes the wise and leaves the foolish, that takes the pure and leaves the vile, that takes the good and leaves the bad, that takes the young and leaves the old is beyond our ken. The passengers have no choice. The why, the wherefore they are taken comes only at the end of the voyage. Those behind gaze upon a solemn mystery which each must solve alone with the dreaded boatman.

Judge MADISON was one of earth's choicest spirits. He was strong in body, brilliant in intellect, noble in character, great in high aims and lofty purposes. He was logical in thought, clear in expression, and courageous in following his convictions. Responsive to the popular will, he was nevertheless honest with himself and true to his settled convictions of duty. He loved his country with an intense love, and the welfare of its people was his highest aim. He was an ideal Representative, loyal to his people, faithful to his trust, able and fearless in expressing and advocating his views, and devoted to those policies which he believed to be for the good of all.

Taken in his prime at the very threshold of his usefulness by an all-wise Providence, perchance to a grander, nobler life, more suited to his great abilities and lofty ambitions, he has left to those who knew him an inspiration to greater and better things, and his life and achievements should stimulate the youth of the land to lofty endeavor and noble purpose. To have known him is a precious memory, to emulate him a nobler ambition.

"He belongs to the ages," thus wisely one said,
As they wept by his form when the spirit had fled.
Then the ages grew richer with treasure untold,
As the scroll of their pages before him unrolled,
And he lives in their life, an immortal sublime,
While the tides of eternity roll upon time.

Mr. BRISTOW. Mr. President, EDMOND H. MADISON was born on December 18, 1865, at Plymouth, Ill., and moved to Kansas in 1885. In his early life he was a school-teacher. While teaching school he studied law, and in 1888 was admitted to the bar at Wichita, Kans., and moved to Dodge City later in that year. Because of his unusual ability and admirable personal qualities he was elected the same year to the office of county attorney of Ford County, which was an unusual thing to occur in local politics. At that time he was only 23 years of age; it was the first year of his residence within the county and the first year of the practice of his profession. He filled the office with entire satisfaction, and two years thereafter was nominated and elected for a second term.

In the early days of his career he was known throughout the southwestern part of Kansas as the "boy orator." He had great personal popularity as well as fine oratorical talent, and was in great demand as a public speaker at all kinds of gatherings and especially in political campaigns. On January 1, 1900, he was appointed by Gov. Stanley to a vacancy on the district bench, which position he held until September 17, 1906. That year a redistricting of the State had resulted in the division of the seventh congressional district, and Congressman MURDOCK

was taken out of the seventh district, which he then represented, and placed in the new eighth district, leaving a vacancy in the seventh. MADISON was easily the choice of the Republicans of this district for Congress, and was nominated and triumphantly elected. He was reelected in 1908 and 1910, and would still be representing that district in Congress if it had not been for his untimely death.

He was not only an able lawyer, but a wise legislator. He believed in the people and had a deep interest in their welfare. With a strong and brilliant mind he also possessed a warm heart. Nothing touched him more deeply than the struggles which the western Kansas farmer had gone through to reclaim the desert and transform its parched plains into fruitful fields. He could entertain his friends for hours telling stories of the struggles of different men whom he had known in the days of the early settlement in the southwestern part of our State. It was the highest ambition of his life to do something that would help these men and make life for them more successful and less burdensome.

In legislation he always sought to do that which he felt was right, and was also exceedingly eager to please his constituents. He felt keenly their criticism, and while the fear of it would not swerve him from what he believed to be his line of duty, yet it pained him very much to have any of them think that he had done the wrong thing. He was sensitive to the good opinions of his fellow men, but he would not sacrifice his conscience to obtain them. It seems to me that such qualities are of the highest order, and go to make up the ideal representative of a district of freemen in a legislative assembly.

He had brilliant intellectual qualities, clear and cool judgment, fine discriminating ability, and a sensitive conscience, and was possessed with a general affection for mankind. These very admirable traits of character made his duties at times burdensome and painful, yet they resulted in giving a direction to his official life that was wise and patriotic.

"ED." MADISON, as he was familiarly known, was a favorite in every community in his district. The people were always delighted to see him, and would assemble in large numbers at any place and upon any occasion where he was to speak.

The most conspicuous service that he rendered his country was in the Ballinger investigation. In that trying experience of his official life he discharged his duty with independence and without bias. He would not permit fear of political punishment or hope of reward to change his attitude on a matter of public concern, and during the months of heated factional strife which that investigation produced he held an even and steady course, and after the controversy was over his report was accepted by the country as an accurate portrayal of the facts and conditions in the case. It in truth determined the ultimate results of the controversy, and in this investigation he rendered a service of great value to his country.

He was one of my warmest political friends, and I feel very deeply his loss. His father was a Methodist minister and so was mine. Our boyhood days were cast in a similar environment and such experiences knit men closely together. I shall never forget the day of his funeral. The winds that swept the prairies seemed to mourn his loss. Cut off without warning in the prime of a brilliant and useful life, he left a sorrowing district, and the thousands that gathered to pay their last respect to their departed friend was the most effective evidence of the high esteem in which he was held.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE ALEXANDER C. MITCHELL.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES,
April 21, 1912.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. ALEXANDER C. MITCHELL, late a Member of the House from the State of Kansas.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

Mr. CURTIS. Mr. President, I offer the resolutions which I send to the desk.

The PRESIDING OFFICER. The resolutions will be read.

The resolutions (S. Res. 460) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate expresses its profound sorrow on account of the death of Hon. ALEXANDER C. MITCHELL, late a Member of the House of Representatives from the State of Kansas.

Resolved, That the business of the Senate be now suspended in order that fitting tribute may be paid his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Mr. CURTIS. Mr. President, we are met here at this hour in respect to the memory of the late Hon. ALEXANDER C. MITCHELL, of the second district of Kansas, whose death occurred soon after he entered upon his duties as a Member of the Sixty-second Congress. In fact, his health was such that many of his friends thought it unwise for him to come to Washington to assume his office, but he had been elected and felt that his place was here, and came to do his part, and he did it faithfully to the end.

He was born at Cincinnati, Ohio, October 11, 1860; was educated in the common schools and the University of Kansas, graduating in June, 1889, with the degree of LL. B.; engaged in the practice of law at Lawrence, Kans.; was county attorney of Douglas County, Kans., for four years; member of the Kansas Legislature for four years and of the State board of law examiners three years; married Miss Helen M. Baldwin July, 1890.

His service in the House was too brief to give those who did not know him a view of his talents and his abilities. The earnest study which he gave to the great subjects of national legislation, the independence of view with which he surveyed the entire field, and the wisdom of his conclusions evidenced that with experience he would have been a valuable servant for the people who had so recently honored him at the polls. He was an able lawyer and had won an enviable position at the bar of Kansas. He had been a member of the legislature and had forged to the front as a leader, and it can be justly said that his public service previous to his entrance into the sphere of national legislation had been most useful and distinguished.

He of whom I speak was ever ready to battle strenuously for the things he thought to be right, yet always ready and willing to meet more than halfway those who disagreed with him and to settle questions for the best interest of all concerned. Mr. MITCHELL'S private life was clean, wholesome, honorable. His home life was ideal, happy, and pleasant, and with his death there has passed from his family, his friends, and the public a man of unblemished and noble character, a man of varied and marked abilities. He accomplished a great work in less than the full span of human life. In the State of Kansas, where his honors were won, his demise is universally regretted and deplored.

Mr. BRISTOW. Mr. President, an able lawyer, an experienced and useful legislator, successful in the administration of important and varied public duties, frugal and generous in business affairs, spotless in private character, a citizen of high standing and commanding influence in his community; at the age of 50 chosen to represent his congressional district in the National House of Representatives, and at the very threshold of a promising congressional career stricken with a fatal disease he passed away.

This briefly tells the story of the attainments of ALEXANDER CLARK MITCHELL. Why one so well equipped to serve, possessing character, industry, intelligence of a high order, and superb moral worth should be taken, while millions who do not possess such a combination of noble attributes are left, is one of the inexplicable mysteries of human existence.

Mr. MITCHELL was elected to represent the second Kansas district in Congress in November, 1910. He received a large majority for that district, much larger than was usually given to the Republican candidate. He enjoyed in a high degree the confidence of the people. They believed in his integrity and had faith in his ability. They loved him and trusted him. He was permitted to serve them but a short time, yet those of us who knew him well can fully realize the great loss they sustained in his death.

He was born in Cincinnati, Ohio, in October, 1860, came to Kansas when a young man, and began life in his adopted State as a farm hand. By his own efforts he acquired a good education, graduating from our State university in June, 1889. He began the practice of law in Lawrence the same year and soon became one of the leaders at the bar and continued to hold a high position in his profession until his death. He was honored by the people of his county by being elected as their county attorney for two terms, was chosen twice to represent his district in the State legislature, served as regent of the State university for six years, and was a member of the State board of law examiners for three years. In 1890 he was married to Miss Helen M. Baldwin, and she and three children mourn the loss of a devoted husband and a kind father. While no plummet line of sympathy can fathom the depths of

their grief, yet thousands of friends yearn to help them bear their burden. With a deep and abiding sorrow I bow with them in their great affliction, for the death of "ALEC" MITCHELL was to me a personal bereavement. He was my intimate friend. We were about the same age and started our political life together in the same community. When I was elected to a seat in this body he presented my name to the Kansas Legislature. The mutual joy which that day brought us both no fitting phrase can properly express. I knew him well for 25 years. For a quarter of a century we worked side by side in the fierce political conflict that was waged in Kansas for better government. In that struggle he was always on the firing line. Able in counsel, cool in judgment, and vigorous in action, he bore well his part in every battle.

I feel his death more deeply than words can express. When he passed away I lost a beloved friend and a wise counselor whose place can not be filled. But not only was his death a great loss to his intimate personal friends, but a disaster to his district, from which it will not recover for years to come. We loved him, we mourn his loss, and with fortitude submit to the inexorable decree of an all-wise Providence whose judgments are good, and though we can not now understand them we know that they are wise, and we patiently wait for the unfolding of the years to reveal His purpose in visiting upon us this great affliction.

Mr. CURTIS. Mr. President, I offer the resolution which I send to the desk.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read the resolution (S. Res. 461), as follows:

Resolved, That as a further mark of respect to the memory of the deceased Senators ROBERT LOVE TAYLOR and GEORGE S. NIXON and deceased Representatives EDMOND H. MADISON and ALEXANDER C. MITCHELL the Senate do now adjourn.

The resolution was unanimously agreed to; and (at 2 o'clock and 47 minutes p. m.) the Senate adjourned until Monday, February 10, 1913, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 8, 1913.*

The House met at 10.30 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou, who holdest the stars to their courses and fillest the earth with glory and maketh it yield abundantly to the labor of Thy children, guide us, we beseech Thee, as a people, by the light of Thy wisdom, the strength of Thy might, the justice of Thy judgment, the purity of Thy holiness, the benevolence and kindness of Thy love, that peace, prosperity, and good will may reign supreme; to the honor and glory of Thy holy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. POU. Mr. Speaker, I offer a privileged resolution from the Committee on Rules.

The SPEAKER. The gentleman from North Carolina offers a privileged resolution from the Committee on Rules, which will be reported by the Clerk.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The point of order is well taken.

Mr. FITZGERALD. Mr. Speaker, I move a call of the House.

Mr. HARDWICK. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] moves a call of the House.

The question being taken, a call of the House was ordered.

The SPEAKER. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Adair	Broussard	De Forest	Fordney
Aiken, S. C.	Brown	Dickinson, Mo.	Fornes
Ainey	Burke, Pa.	Dickson, Miss.	Foss
Ames	Burleson	Difenderfer	Francis
Andrus	Byrnes, S. C.	Dixon, Ind.	French
Ansberry	Calder	Donohoe	George
Anthony	Conry	Draper	Gill
Barchfeld	Copley	Driscoll, D. A.	Gillett
Bartholdt	Cravens	Dwight	Glass
Bates	Crumpacker	Fairchild	Goldfogle
Boehne	Curley	Farr	Greene, Mass.
Booher	Danforth	Finley	Gregg, Tex.
Bradley	Davidson	Flood, Va.	Griest
Brantley	Davis, Minn.	Focht	Gudger
Hammond	Lawrence	Olmsted	Simmons
Harris	Lenroot	O'Shaunessy	Smith, S. W.
Harrison, Miss.	Levy	Palmer	Smith, N. Y.
Harrison, N. Y.	Lindsay	Parran	Stack
Hart	Linthicum	Patten, N. Y.	Stanley
Hartman	Littleton	Patton, Pa.	Stevens, Minn.
Hayes	Longworth	Payne	Talbott, Md.
Heaid	Loud	Peters	Taylor, Colo.
Henry, Conn.	McCreary	Pray	Taylor, Ohio
Higgins	McGuire, Okla.	Prince	Thistlewood
Hill	McKinley	Prouty	Thomas
Howell	McMorran	Pujo	Tilson
Howland	Madden	Rainey	Townsend
Hughes, W. Va.	Maher	Randell, Tex.	Turnbull
Hull	Martin, Colo.	Ransdell, La.	Underhill
Johnson, S. C.	Matthews	Redfield	Underwood
Kent	Merritt	Reyburn	Vare
Kitchin	Mondell	Richardson	Volstead
Knowland	Moon, Pa.	Roberts, Mass.	Vreeland
Konig	Moore, Pa.	Roberts, Nev.	Watkins
Korbly	Moore, Tex.	Rodenberg	Weeks
Lafean	Morrison	Rubey	Whitacre
Lafferty	Mott	Rucker, Colo.	Wilder
La Follette	Murdock	Rucker, Mo.	Wilson, Ill.
Langham	Needham	Scully	Wilson, N. Y.
Langley	Nye	Shackleford	Wood, N. J.

The SPEAKER. Two hundred and twenty Members have answered to their names. A quorum is present.

Mr. HENRY of Texas. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Texas moves to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

DIRECT ELECTION OF UNITED STATES SENATORS.

The SPEAKER laid before the House the following communication from the secretary of state of the State of Michigan:

FEBRUARY 6, 1913.

To the SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Washington, D. C.

DEAR SIR: I am inclosing herewith a certified copy of senate concurrent resolution No. 2, approving the concurrent resolution of Congress of the United States relative to an amendment to the Constitution providing for the direct election of United States Senators.

Very respectfully,

FREDK. C. MARTINDALE,
Secretary of State.

MILITARY ACADEMY BILL.

Mr. HAY, chairman of the Committee on Military Affairs, by direction of that committee, reported the bill (H. R. 28699) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1914, and for other purposes, which was read the first and second times and, with the accompanying papers, was ordered printed and referred to the Committee of the Whole House on the state of the Union. (H. Rept. 1478.)

Mr. MANN reserved all points of order on the bill.

H.R. 17593

ORDER OF BUSINESS.

The SPEAKER. The Clerk will report the resolution offered by the gentleman from North Carolina [Mr. POU].

The Clerk read as follows:

House resolution 818.

Resolved, That immediately upon the adoption of this resolution the House shall proceed to consider H. R. 17593 with committee amendments reported from the Judiciary Committee. That the bill shall be read and the Speaker recognize Members to offer amendments to the bill allowable under the rules of the House, and amendments so offered shall be considered pending. That there shall be three hours general debate on said bill, one-half of the time to be used by those favoring the bill and the remainder by those opposed to the bill; that at the expiration of this time the previous question shall be considered as ordered on the bill and all amendments to final passage, and the House shall proceed to vote without intervening motion on the amendments, if any, and the bill to final passage, except one motion to recommit, as provided by Rule XVI, paragraph 4.

Mr. POU. Mr. Speaker, I demand the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question now is on agreeing to the resolution.

Mr. DALZELL. Mr. Speaker, are we not entitled to 40 minutes' debate?

The SPEAKER. If anybody wishes to debate it; but the Chair did not see any gentleman rise. There will be 40 minutes' debate, 20 minutes to be under the control of the gentleman from North Carolina [Mr. POU] and 20 minutes under the control of the gentleman from Pennsylvania [Mr. DALZELL].

Mr. POU. Mr. Speaker, the subject matter of the bill H. R. 17593 is well known to every Member of this House. This session is drawing to a close, and the Committee on Rules felt that the time had come when it should act and that the House should be given an opportunity to vote on this important measure. For that reason House resolution 818 was reported from the Committee on Rules. The committee has sought to be fair with re-

spect to this resolution; it has given reasonable time to debate and has not sought to cut off amendment.

The Committee on Rules felt that unless some resolution of this kind was reported there would be no opportunity for consideration of this important measure during the session of Congress. That is the reason the committee offers for bringing in the rule—a reason which the committee thinks entirely sufficient.

Mr. SHERLEY. Before the gentleman takes his seat I would like to ask him when was this bill reported?

Mr. POU. From the Judiciary Committee, I think, within the last day or so.

Mr. SHERLEY. Was it not reported yesterday?

Mr. POU. I think it was.

Mr. SHERLEY. Does the gentleman know when the report of the majority was available?

Mr. POU. I think yesterday.

Mr. SHERLEY. At what time?

Mr. POU. Perhaps about midday.

Mr. SHERLEY. I was not able at that time to get a copy of it. Does the gentleman know whether there is now available a report of the minority? There has been quite a diversity of views over this bill, and does not the gentleman think the House ought to have a little time to read and study the views of the majority touching the constitutionality of the proposed measure?

Mr. POU. My answer to that is that, speaking for myself, I believe that every Member of this House is in a position at this time to vote on this rule and within the next day to vote on the House bill 17593. The gentleman from Kentucky is well aware of the fact that this matter has been pending in Congress for a long time—that it has been discussed throughout the country and in the newspapers.

Mr. SHERLEY. I would suggest to the gentleman that the discussion in the newspapers throughout the country would not be very enlightening as to the purely legal aspects of the case. I have given a great deal of time to the subject, which is one of a great deal of difficulty. I should have liked an opportunity to study the report of the committee, and I say that in perfect good faith.

Mr. POU. Mr. Speaker, I reserve the balance of my time.

Mr. DALZELL. Mr. Speaker, I do not propose at this time to discuss the merits of the bill referred to in the resolution reported by the Committee on Rules, but I would like to make some observations with respect to the parliamentary situation and as to the zeal and efficiency of the Democratic majority in control of the business of this House.

This is the 8th day of February, and the Congress will expire by limitation of law on the 4th day of March. If I have counted correctly, there are between this and the expiration of the session 23 days. Of those 23 days 4 are Sundays, and unless the House contemplates carrying on business on Sunday that reduces the working days to 19. There are two days mortgaged for special business in the intervening time, one of them Wednesday next for the counting of the electoral vote, by concurrent resolution of the House and Senate, and the following Saturday for the memorial services of the late Vice President SHERMAN. That reduces the working days to 17. There will be one intervening Monday which is mortgaged for unanimous consent and suspension of the rules business. That reduces the working days to 16. The last six days of the session are devoted not alone to motions to suspend the rules, as they were previously under the rules of the Republican Congresses, but they are mortgaged to the consideration of the Unanimous Consent Calendar as well as to suspension of the rules. Deducting those 6 days you have 10 days left—10 working days of this session in which to complete the business of this House!

What is that business? In the first place, there is not a single, solitary conference report on any of the appropriation bills that has been passed upon by this House. All the conference reports on all the appropriation bills that this House and the Senate may be able to pass in the intervening time will have to receive the consideration of the House. There is a public-building bill to be considered, if we may give credence to popular rumor. There are remaining to be considered by this House the following great appropriation bills: The agricultural bill, the diplomatic bill, the Military Academy bill, the naval appropriation bill, the pension bill, the deficiency bill, and the sundry civil appropriation bill—all to be considered within the limit of 10 days.

I had made for me yesterday a statement of the time occupied in the consideration of these bills in the last session of Congress, and I find that the agricultural bill was taken up on the 27th day of February and finished on the 12th of March, the diplomatic bill was taken up on March 26 and finished March 28, the Military Academy bill on May 28 and finished May 31, the naval appropriation bill on May 23 and finished on May 28, the pension bill on January 30 and finished on February 2, and the sundry civil bill took from June 4 to June 21; in all, 42 days.

I do not contend that all of those 42 days were occupied in the consideration of these bills, because there was intervening business, but there will be intervening business in the consideration of these remaining seven bills now, and as against those 42 days occupied in the consideration of the bills you have left for their consideration in the remainder of this session 10 days.

How comes it, Mr. Speaker, that we have this great moral spasm at this juncture of the session? How comes it that this bill, which the gentleman from North Carolina [Mr. POU] says in no new matter relates to a subject that has been pending in this Congress and in previous Congresses, must needs be taken up at this time? How comes it that no report came from the Committee on the Judiciary on that bill until yesterday? Why, Mr. Speaker, the Committee on Rules adopted this rule before the bill reported by the Committee on the Judiciary had been printed and before the report of the Judiciary Committee had been printed, before the minority of the committee had had an opportunity to file their views. I say, how comes it that we have this great moral spasm at this juncture of the dying Congress? How much glory does it reflect upon the efficiency of a Democratic majority to conduct the business of this House? If we are going to have legislation by special rule, which shall take away the time that ought to be occupied in the consideration of appropriation bills, I ask is this the most important bill as to which we should have a special rule? There was introduced into this House on the 8th day of May, 1912, nine months ago, a bill that had been considered, deliberated upon, and passed by the Senate and which has been reported to this House, which is of most pressing importance to a great body of the people of this country, that is deserving, in my judgment, if not of more, at least of equal consideration by the membership of this House. I refer to what is known as the workmen's compensation act. Yet the Committee on Rules has steadfastly refused to report any rule not only with respect to that bill but with respect to any bill to which its attention has been called during the last two weeks of this session. There was currently reported and published in the public press a statement of the chairman of the Committee on Rules that no legislation would be authorized by that committee by way of special rule until the appropriation bills had been disposed of. Do you intend to dispose of the appropriation bills at this session, or do you intend to let them go over until the special session, to be disposed of then by the House controlled by your great majority, and thus to interfere with that great reform for which the country is so anxious—the revision downward of the tariff?

I submit, first, that there is no justification for a special rule for any legislation at this time outside of the appropriation bills; and, second, that if there be such justification, there is other legislation, there are other bills calling for enactment on the calendar that ought to take precedence or at least be put on an equality with this bill. And I submit that this is only another evidence of the fact that when history comes to record the story of this Congress it will pronounce this the most incompetent and useless Congress that ever sat under the dome of the Capitol. [Applause on the Republican side.] I reserve the balance of my time.

Mr. POU. Mr. Speaker, I yield four minutes to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Speaker, there is nothing surprising in this proposed legislation and, I take it, but little surprising in this rule. This proposed legislation has been discussed in the public press by the constituents of every Member of this House and by the Members themselves. Not only that, Mr. Speaker, but it has been before the House and before the Congress in one form and another repeatedly for about the last 20 years, and therefore I am warranted in saying that there is nothing which should astonish the gentleman who opposes this measure. Elaborate hearings were given on bills affecting the interstate shipment of alcoholic liquors by the Committee on the Judiciary of the House of Representatives of last spring and summer. Every man who had any views to express had an opportunity then to appear and give his views. The committee has given much consideration to this subject, and the result of that consideration is what is known as the amended Webb bill. The Webb bill is the Sheppard-Kenyon bill improved in phraseology and improved, I think, in the matter of constitutionality. The Webb bill differs from the Sheppard-Kenyon bill, so called, in that it does not undertake to destroy property rights in alcoholic liquors as the Sheppard-Kenyon bill did.

Now, Mr. Speaker, the gentleman from Pennsylvania [Mr. DALZELL] said that this rule was brought in here shortly after

the bill was reported. That is true, but up to that time, Mr. Speaker, I have heard no complaint from any member of the Committee on the Judiciary on that account. They seem to have acquiesced in the belief that the minority had ample opportunity to present their views, at least they have made no complaint, and it remained for the gentleman from Pennsylvania to register that complaint.

I think the minority of the Committee on the Judiciary can take care of their views and their wishes in this or any other matter, and therefore, Mr. Speaker, unless the minority members of that committee should have asked for further time to prepare and present their views, I see no occasion for delay in this matter at this time. The committee has been burdened by communications for and against this measure. The mail of every member of the committee has been burdened with petitions, letters, and protests, and I think that sufficient consideration has been given to this measure. I agree with the gentleman from Texas that the matter having been considered, the time has arrived for action, and the particular phases of the question bearing upon its constitutionality can be discussed in the time fixed by the resolution.

The SPEAKER. The time of the gentleman has expired.

Mr. DALZELL. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I am opposed to this special rule, and I am opposed to special rules setting aside any portion of the remaining days of this session for the consideration of business other than the appropriation bills until the appropriation bills are finally disposed of. The gentleman from Pennsylvania [Mr. DALZELL] has reviewed the number of days remaining to be devoted to public business and the bills to be considered in that time. Six general appropriation bills have passed the House; seven still remain to be disposed of in the 12 days available for work. It must be remembered that while about 12 days remain, 12 days do not remain for consideration of these bills by the House. They must be sent to the Senate sufficiently early to enable the Senate to consider and to dispose of them and to permit the managers representing both Houses to adjust the differences between the two Houses. The responsibility, Mr. Speaker, for the failure of the appropriation bills at this session will fall upon this side of the House; it can not be shirked. I do not know what the intention of the majority is. Last Wednesday, after a careful analysis of the situation, I moved to dispense with business in order on Calendar Wednesday. I did so because I was aware that there was a purpose to call up for consideration a bill that everybody realized had absolutely no chance of passing this House; that the so-called Panama or San Francisco Exposition, or lame-duck, bill could not pass this House once it was explained to the Members. It was a day wasted.

Every member of the majority who has charge of an appropriation bill, with the exception of one gentleman who was absent attending the marriage of one of his children, voted for that motion. The gentleman from Texas [Mr. HENRY], the chairman of the Committee on Rules, and the gentleman from Alabama [Mr. UNDERWOOD], the chairman of the Committee on Ways and Means and the responsible leader of this House, voted against the motion. Everybody realized how pressed we were for time.

Mr. Speaker, I do not know if there be any understanding or arrangement or disposition among those high in the councils and in the control of the party to defer the passage of the appropriation bills until the extra session, but I do say that in justice to myself and to the men who have the drudgery of preparing these bills, and who sit long hours in session with the House attempting to pass them, often to the impairment of their health—if there be any such disposition or understanding or arrangement, we should at least be notified of it. It is unfair to ask us to spend 10 hours a day in committee, to work at night, and be required to watch the business of the House at the same time, and then not have the support in our efforts to transact public business of the men whom this side of the House have placed in positions of responsibility.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. FITZGERALD. I will not yield.

The SPEAKER. The time of the gentleman from New York [Mr. FITZGERALD] has expired.

Mr. FITZGERALD. I would like but one minute more, if the gentleman from Pennsylvania [Mr. DALZELL] will yield.

Mr. DALZELL. I yield one minute more to the gentleman.

Mr. FITZGERALD. No one expects this bill to become a law. Why not be frank about it? Nobody dreams it will be enacted into law at this session of Congress, but in order to give men an opportunity to mislead the country into the belief that we want it to become a law, the day is to be wasted.

Mr. HOBSON. Will the gentleman yield for a question?

Mr. FITZGERALD. I will not.

The work is being piled up so as to make it physically impossible for the business of the country to be properly transacted. The naval bill, with all the great questions involved in it; the sundry civil bill; the deficiency bill, aggregating twenty to twenty-four millions of dollars; the diplomatic bill; the Agriculture bill; the pension appropriation bill, carrying $180,000,000, all wait to be considered by this House, and yet one day is squandered upon an exposition bill to take care of men who are, at the desire of their constituents, preparing to retire to private life, and one day is to be devoted to this bill, which everybody here knows can not receive consideration in the Senate before the expiration of this session.

The SPEAKER. The time of the gentleman has expired.

Mr. FITZGERALD. And I appeal to Members on this side who want to do business and who do not wish to fool the public to vote down this resolution.

Mr. POU. Mr. Speaker, I yield four minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, I want to join with the request of the gentleman from New York [Mr. FITZGERALD] that this House proceed to do business and not indulge in squandering time and fooling the public. We are in condition where the calendars are badly clogged, but the reason for it, and the only reason for it, is the grossest mismanagement of appropriation bills on the part of the majority in this House. [Applause on the Republican side.] The gentleman from New York [Mr. FITZGERALD] said that he moved last Wednesday to dispense with Calendar Wednesday, and he did, but if the gentleman was so anxious to conserve time, why was it that afterwards, when the agricultural bill was reported, unanimous consent was given for three hours of general debate upon the bill, and, with the exception of one speech, not one word was said in that general debate on the merits of the bill? Was that any effort to conserve the time of the House and expedite business?

Mr. FITZGERALD. The request for time came from the other side of the House, in trying to accommodate minority men.

Mr. LENROOT. But the gentleman made no objection. In the last three appropriation bills we have had seven and one-half hours of general debate, and everything has been discussed in that general debate except provisions of the appropriation bills. Further, Mr. Speaker, in the consideration of the appropriation bills under the five-minute rule there has been the grossest waste and mismanagement of time. We all remember on the District bill, only two or three days ago, that we consumed two whole legislative days on one proposition, and at the end of the two days' debate the House found it had traveled in a circle and reached a point exactly where it commenced two days before.

Now, Mr. Speaker, if this House is to take the position that at short sessions of Congress we shall have no general legislation except such as the Committee on Appropriations chooses shall be considered, then we might as well make up our minds that at short sessions of Congress we will consider nothing but appropriation bills.

I am for this rule, because by my vote I want to serve notice upon the Committee on Appropriations and upon the Democratic majority that they must, if they want their appropriation bills to go through, conduct these matters in some sort of business fashion, instead of in the way they have been doing in the past. [Applause.] And, Mr. Speaker, if they will do that we will have ample opportunity not only to consider this bill, but to consider other bills of great importance to the country.

I know, Mr. Speaker, and every other Member of this House knows, that there are bills upon the calendar now that the country is very much more interested in than they are in extended discussions over some little hundred-dollar item in an appropriation bill. We all know that hour after hour has been wasted upon very trivial matters, and now they say that because of that waste of time we have not time to consider bills of great national importance. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. DALZELL. Mr. Speaker, I have four minutes remaining, as I understand it.

The SPEAKER. Yes.

Mr. DALZELL. Is the gentleman from North Carolina [Mr. POU] going to have more than one speech over there?

Mr. POU. We have just two short speeches on this side.

Mr. DALZELL. Only one gentleman over here wants to speak.

Mr. POU. Then, Mr. Speaker, I yield three minutes to the gentleman from Tennessee [Mr. GARRETT].

The SPEAKER. The gentleman from Tennessee [Mr. GARRETT] is recognized for three minutes.

[Mr. GARRETT addressed the House. See Appendix.]

The SPEAKER. The time of the gentleman from Tennessee has expired. The gentleman from Pennsylvania [Mr. DALZELL] is recognized for four minutes.

Mr. DALZELL. Mr. Speaker, I will say to the gentleman from North Carolina [Mr. POU] that since I spoke to him a moment ago a gentleman on this side wants a minute, and I yield to him. I yield to the gentleman from New Jersey [Mr. MCCOY] one minute.

Mr. POU. The gentleman has only one speaker after that?

Mr. DALZELL. Yes.

The SPEAKER. The gentleman from New Jersey [Mr. MCCOY] is recognized for one minute.

Mr. MCCOY. Mr. Speaker, I do not want to be considered as speaking in opposition to this rule necessarily, but I do want the House to know this one fact: The chairman of the committee said that the minority of the Committee on the Judiciary who joined in a minority report had made no complaint. Our minority report is printed, but has only just now come into the hands of the Members of the House. We were given to understand that we might have 10 days' time, if we chose to take it, in which to submit our report before this bill should be brought up for consideration, but our time was shortened by the action of the Rules Committee.

Mr. POU. Mr. Speaker, I will say to the gentleman, if he will yield——

The SPEAKER. Does the gentleman yield?

Mr. MCCOY. Yes.

Mr. POU. I will say to the gentleman that I hold a copy of the minority report in my hand, so that it is apparent that it has already been printed.

Mr. MCCOY. Is that the report bearing the name of Mr. DAVIS?

Mr. POU. It is.

Mr. MCCOY. Then that contains the minority report, but has only just been received by the House.

The SPEAKER. The time of the gentleman from New Jersey has expired. The gentleman from Pennsylvania [Mr. DALZELL] is recognized for three minutes.

Mr. DALZELL. Mr. Speaker, I yield that time to the gentleman from Illinois [Mr. MANN].

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for three minutes.

Mr. MANN. Mr. Speaker, this is part of a flimflam game that is being played upon an unsuspecting public. [Laughter.] A bill only becomes a law when the bill passes both the House and the Senate. This bill is a House bill. It may pass the House this afternoon.

It is within the knowledge of every Member here that the Senate by unanimous consent has fixed for consideration on Monday next a Senate bill on the same subject. The House can pass the House bill, the Senate can pass the Senate bill, and Members of both bodies can go home and say, "We voted for our bill"; the Members of the House laying the blame on the Senate for not passing the House bill, and the Members of the Senate laying the blame on the House for not passing the Senate bill. [Laughter.] If gentlemen really wanted to pass the bill into a law, they would wait with their order until they could provide consideration of the Senate bill in the House after it had passed the Senate, and gentlemen all well know it.

Mr. Speaker, the gentleman from Pennsylvania [Mr. DALZELL] has already called attention to the condition of the appropriation bills. The distinguished gentleman from Texas [Mr. HENRY], chairman of the Committee on Rules, Attorney General in the next Cabinet [applause], special representative of the President elect on the floor of the House, is, as it seems to me, doing everything he can, probably inspired from the source of authority, to prevent the appropriation bills becoming laws at this session of Congress, in order that they may be taken up at the special session of Congress. Everyone knows that without special celerity these appropriation bills can not now become laws. Yet the gentleman proposes through the Committee on Rules to use up the time of the House, endeavoring to flimflam and fool the public, in order to take up time to prevent the appropriation bills becoming laws, knowing that this bill will not become a law. [Applause on the Republican side.]

Mr. POU. I yield the remainder of my time to the gentleman from Texas [Mr. HENRY].

The SPEAKER. The gentleman from Texas [Mr. HENRY] is recognized for four minutes.

Mr. HENRY of Texas. Mr. Speaker, it is indeed pathetic to see the attitude of the gentleman from New York [Mr. FITZGERALD] in regard to the appropriation bills. There is no doubt that every appropriation bill will be passed at this session under his wise leadership. But, Mr. Speaker, I maintain that the question of controlling and regulating the liquor traffic is as important as any appropriation bill. [Applause.] Permit me to assert to-day it is as vital and important as the life of the Republic itself.

No gentleman is surprised in regard to this legislation. The bill only proposes that liquors "*intended to be shipped into States in violation of the laws of those States shall be prohibited.*" In other words, the States of the Union may exercise their sovereign power, the power they never surrendered. They retained the right to control the liquor traffic and to all matters of domestic concern and within the scope of police powers.

After long and exhaustive investigation it seems to me there is not the slightest doubt about the validity of this statute under the Constitution. Let me say to gentlemen on the other side of the aisle, many of you coming from Northern States, that years ago you appealed to Congress to allow you to refuse to surrender fugitive slaves and permit you to exercise the functions and rights of sovereign States. To-day we appeal to you to maintain the integrity of State laws, State governments, and the right of local self-government, "*to let the people of every State control the liquor traffic as they see proper.*" [Applause.] That is the question involved here, and the rule only provides for the consideration of the bill. It is thrown open to amendment, with three hours for general debate, and I predict that the measure will pass this House practically unamended, because it is meritorious and justifiable from beginning to end.

The gentleman talks about "flimflamming the public." We do not intend to deceive anyone about the question. Ah, the gentleman from New Jersey [Mr. MCCOY] says that those who are opposed to the bill have not had time to file their minority views. And yet I hold in my hand the views of the minority, signed by the gentleman from New Jersey [Mr. MCCOY]. There is nothing to justify surprise here to anyone.

Mr. Speaker, that is all there is involved in the question. Shall we allow the States to exercise their reserved powers and jurisdiction? Standing for State rights, the supremacy of the law, local self-government, and the integrity of the people's rule, I shall stand for this rule and the most righteous measure here proposed.

The SPEAKER. The time of the gentleman from Texas has expired. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were 157 ayes and 3 noes.

Mr. FITZGERALD. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 211, nays 60, answered "present" 9, not voting 101, as follows:

YEAS—211.

Adair	Fergusson	Hobson	Morgan, La.
Adamson	Ferris	Holland	Morgan, Okla.
Aiken, S. C.	Fields	Houston	Morse, Wis.
Akin, N. Y.	Finley	Howard	Moss, Ind.
Alexander	Floyd, Ark.	Howell	Mott
Anderson	Foss	Howland	Murdock
Ashbrook	Foster	Hughes, Ga.	Neeley
Austin	Fowler	Hull	Nelson
Ayres	French	Humphrey, Wash.	Norris
Barnhart	Fuller	Humphreys, Miss.	Nye
Beall, Tex.	Gardner, Mass.	Jackson	Oldfield
Bell, Ga.	Gardner, N. J.	Jacoway	O'Shaunessy
Borland	Garner	Johnson, Ky.	Padgett
Burgess	Garrett	Jones	Page
Burke, S. Dak.	Gillett	Kendall	Payne
Burnett	Glass	Kennedy	Pepper
Butler	Godwin, N. C.	Kent	Pickett
Byrns, Tenn.	Good	Kinkaid, Nebr.	Plumley
Callaway	Goodwin, Ark.	Kitchin	Porter
Campbell	Gould	Kopp	Post
Candler	Graham	Lamb	Pou
Carlin	Gray	Langley	Powers
Carter	Green, Iowa	Lawrence	Pray
Clark, Fla.	Greene, Mass.	Lee, Ga.	Rainey
Claypool	Greene, Vt.	Lenroot	Raker
Clayton	Gregg, Tex.	Lever	Rauch
Cline	Guernsey	Lewis	Rees
Collier	Hamilton, Mich.	Lindbergh	Richardson
Covington	Hamilton, W. Va.	Linthicum	Roberts, Mass.
Cox	Hamlin	Littlepage	Roddenbery
Cullop	Hammond	Lloyd	Rubey
Currier	Hardy	Lobeck	Rucker, Mo.
Curry	Harrison, N. Y.	McCall	Russell
Daugherty	Haugen	McGillicuddy	Saunders
Davenport	Hawley	McKenzie	Scott
Davis, W. Va.	Hay	McKinney	Sells
Denver	Hayden	McLaughlin	Sharp
Dickinson	Heflin	Macon	Sims
Dies	Helgesen	Maguire, Nebr.	Sisson
Dixon, Ind.	Helm	Martin, Colo.	Slayden
Dodds	Henry, Conn.	Martin, S. Dak.	Slemp
Doughton	Henry, Tex.	Mays	Sloan
Edwards	Hensley	Miller	Small
Ellerbe	Higgins	Mondell	Smith, J. M. C.
Faison	Hinds	Moore, Tex.	Smith, Saml. W.

Smith, Tex.	Stone	Tribble	Willis
Stedman	Sweet	Tuttle	Wilson, Ill.
Steenerson	Taggart	Warburton	Wilson, Pa.
Stephens, Cal.	Taylor, Ala.	Watkins	Witherspoon
Stephens, Miss.	Taylor, Ark.	Webb	Young, Kans.
Stephens, Nebr.	Taylor, Colo.	Whitacre	Young, Mich.
Stephens, Tex.	Thayer	White	Young, Tex.
Sterling	Towner	Wilder	

NAYS—60.

Allen	Crago	Goeke	Madden
Bartholdt	Curley	Gregg, Pa.	Murray
Bartlett	Dalzell	Hamill	Reilly
Bathrick	Danforth	Hardwick	Rodenberg
Berger	Dent	Hayes	Rothermel
Blackmon	Doremus	James	Rouse
Booher	Dupré	Kahn	Sabath
Broussard	Dwight	Kinkead, N. J.	Sherley
Buchanan	Dyer	Knowland	Sherwood
Bulkley	Esch	Konop	Speer
Burke, Wis.	Estopinal	Lee, Pa.	Stevens, Minn.
Cannon	Evans	Longworth	Switzer
Cantrill	Fitzgerald	McCoy	Talcott, N. Y.
Cary	Gallagher	McDermott	Thistlewood
Cooper	Gill	McKellar	Townsend

ANSWERED "PRESENT"—9.

Browning	McMorran	Needham	Sparkman
Driscoll, M. E.	Mann	Riordan	Talbott, Md.
Hill			

NOT VOTING—101.

Ainey	Driscoll, D. A.	Levy	Reyburn
Ames	Fairchild	Lindsay	Roberts, Nev.
Andrus	Farr	Littleton	Rucker, Colo.
Ansberry	Flood, Va.	Loud	Scully
Anthony	Focht	McCreary	Shackleford
Barchfeld	Fordney	McGuire, Okla.	Simmons
Bates	Fornes	McKinley	Smith, N. Y.
Boehne	Francis	Maher	Stack
Bradley	George	Matthews	Stanley
Brantley	Goldfogle	Merritt	Sulloway
Brown	Griest	Moon, Pa.	Taylor, Ohio
Burke, Pa.	Gudger	Moon, Tenn.	Thomas
Burleson	Harris	Moore, Pa.	Tilson
Byrnes, S. C.	Harrison, Miss.	Morrison	Turnbull
Calder	Hart	Olmsted	Underhill
Conry	Hartman	Palmer	Underwood
Copley	Heald	Parran	Vare
Cravens	Hughes, W. Va.	Patten, N. Y.	Volstead
Crumpacker	Johnson, S. C.	Patton, Pa.	Vreeland
Davidson	Kindred	Peters	Weeks
Davis, Minn.	Konig	Prince	Wilson, N. Y.
De Forest	Korbly	Prouty	Wood, N. J.
Dickson, Miss.	Lafean	Pujo	Woods, Iowa
Difenderfer	Lafferty	Randell, Tex.	
Donohoe	La Follette	Ransdell, La.	
Draper	Langham	Redfield	

So the resolution was agreed to.

The following pairs were announced:

For the session:

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. RIORDAN with Mr. ANDRUS.

Mr. FORNES with Mr. BRADLEY.

Mr. SCULLY with Mr. BROWNING.

Mr. UNDERWOOD with Mr. MANN.

Mr. PALMER with Mr. HILL, commencing January 8.

Until further notice:

Mr. STACK with Mr. WOODS of Iowa.

Mr. RANSDELL of Louisiana with Mr. WEEKS.

Mr. DICKSON of Mississippi with Mr. REYBURN.

Mr. CRAVENS with Mr. WOOD of New Jersey.

Mr. TURNBULL with Mr. VARE.

Mr. WILSON of New York with Mr. VREELAND.

Mr. THOMAS with Mr. TILSON.

Mr. STANLEY with Mr. TAYLOR of Ohio.

Mr. SMITH of New York with Mr. SULLOWAY.

Mr. SHACKLEFORD with Mr. PROUTY.

Mr. RUCKER of Colorado with Mr. PRINCE.

Mr. REDFIELD with Mr. OLMSTED.

Mr. RANDELL of Texas with Mr. MOORE of Pennsylvania.

Mr. PETERS with Mr. NEEDHAM.

Mr. MOON of Tennessee with Mr. MOON of Pennsylvania.

Mr. MAHER with Mr. MCKINLEY.

Mr. LEVY with Mr. MCGUIRE of Oklahoma.

Mr. KORBLY with Mr. MCCREARY.

Mr. KINDRED with Mr. LA FOLLETTE.

Mr. JOHNSON of South Carolina with Mr. HUGHES of West Virginia.

Mr. HART with Mr. LAFFERTY.

Mr. HARRISON of Mississippi with Mr. HEALD.

Mr. GUDGER with Mr. HARTMAN.

Mr. GEORGE with Mr. GRIEST.

Mr. FRANCIS with Mr. FOCHT.

Mr. LITTLETON with Mr. FAIRCHILD.

Mr. DIFENDERFER with Mr. DRAPER.

Mr. CONRY with Mr. SIMMONS.

Mr. BYRNES of South Carolina with Mr. DAVIS of Minnesota.

Mr. BURLESON with Mr. CALDER.

Mr. BROWN with Mr. BURKE of Pennsylvania.

Mr. BRANTLEY with Mr. ANTHONY.

Mr. BOEHNE with Mr. AMES.

Mr. ANSBERRY with Mr. MERRITT.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. KITCHIN with Mr FORDNEY

Mr. PUJO with Mr. MCMORRAN.

Mr. FLOOD of Virginia with Mr. DE FOREST.

Mr. DANIEL A. DRISCOLL with Mr. MICHAEL E. DRISCOLL.

Mr. UNDERHILL with Mr. FARR, commencing February 7.

Mr. MORRISON (for the bill) with Mr. GOLDFOGLE (against).

Mr. AINEY (for the rule) with Mr. COPLEY (against).

Mr. PATTON of Pennsylvania (for the rule) with Mr. DONOHOE (against).

Mr. LANGHAM (for the rule) with Mr. LAFEAN (against).

Mr. HARRIS (for the rule) with Mr. BARCHFELD (against).

Mr. BOEHNE (for the rule) with Mr. PATTEN of New York (against).

Mr. HILL. Mr. Speaker, I voted "aye." I am paired with the gentleman from Pennsylvania, Mr. PALMER, and I desire to withdraw my vote and answer "present." It is only fair to say that I do not know how Mr. PALMER would vote if he was here.

Mr. MANN. Mr. Speaker, I voted "no." I am paired with the gentleman from Alabama, Mr. UNDERWOOD, and desire to withdraw my vote and answer "present."

Mr. SPARKMAN. Mr. Speaker, I voted "aye." I find I am paired with the gentleman from Wisconsin, Mr. DAVIDSON, and I wish to withdraw my vote and answer "present."

Mr. TALBOTT of Maryland. Mr. Speaker, has my colleague, Mr. PARRAN, voted?

The SPEAKER. He has not.

Mr. TALBOTT of Maryland. If he was present, I would vote "aye."

Mr. RANSDELL of Louisiana. Mr. Speaker, if I am entitled to vote I would like to vote "aye," but I was not here until the roll was nearly completed.

The SPEAKER. The gentleman does not bring himself within the rule.

The result of the vote was then announced as above recorded.

INTERSTATE SHIPMENT OF INTOXICATING LIQUORS.

Mr. DAVIS of West Virginia. Mr. Speaker, I desire to offer a proposed amendment to the pending bill, under the rule just adopted.

The SPEAKER. The Chair will state that he does not think it is yet time to do that.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent that the time provided by the rule for debate shall be equally divided; that I control one-half of it in favor of the bill and that the gentleman from Pennsylvania [Mr. MOON], the writer of the minority views, control the half in opposition to the bill.

Mr. CANNON. Mr. Speaker, I would state that the gentleman from Pennsylvania is not here to-day.

Mr. CLAYTON. Then, Mr. Speaker, the gentleman from Pennsylvania not being present, I will ask that the time in opposition to the bill be controlled by the gentleman from New Jersey [Mr. MCCOY].

Mr. CANNON. The gentleman is opposed to the bill?

Mr. CLAYTON. Mr. Speaker, Mr. MCCOY signed his name to the minority views, of which Judge MOON is the author.

The SPEAKER. The gentleman from Alabama asks unanimous consent that he control the time, one hour and a half, in favor of the bill, and that the gentleman from New Jersey [Mr. MCCOY], who joined in the minority views, control the other hour and a half against the bill. Is there objection?

Mr. BARTLETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. Mr. Speaker, under this rule all amendments will have to be discussed during the three hours, will they not?

The SPEAKER. That is true.

Mr. MANN. If they are discussed at all.

The SPEAKER. The Chair will state that he will direct the bill to be read, at the conclusion of which any gentleman who desires to offer an amendment may offer it before the debate begins.

Mr. BARTLETT. Mr. Speaker, another parliamentary inquiry. The bill, then, will not be read a second time for amendment?

The SPEAKER. Under the rule the bill must be read immediately.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Mr. Speaker, under the rule, as I take it, after the bill is read, it is in order to offer amendments, but is it required under the rule that all amendments shall be offered

at that time? May not a Member obtain the floor to offer an amendment at any time?

The SPEAKER. Of course; but in order to shorten the proceedings the Chair invites all gentlemen who have amendments to offer them as soon as the bill is read; but if any gentleman desires to defer offering his amendment until some other time, he has that right.

Is there objection to the request of the gentleman from Alabama? [After a pause.] The Chair hears none, and it is so ordered. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the shipment or transportation, in any manner or by any means whatsoever, of any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind, including beer, ale, or wine, from one State, Territory, or District of the United States, or place noncontinuous to but subject to the jurisdiction thereof, into any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, which said spirituous, vinous, malted, fermented, or other intoxicating liquor is intended, by any person interested therein, directly or indirectly, or in any manner connected with the transaction, to be received, possessed, or kept, or in any manner used, either in the original package or otherwise, in violation of any law of such State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, enacted in the exercise of the police powers of such State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, is hereby prohibited; and any and all contracts pertaining to such transactions are hereby declared to be null and void, and no suit or action shall be maintained in any court of the United States upon any such contract or contracts, or for the enforcement or protection of any alleged right based upon or growing out of such contract or contracts, or for the protection in any manner whatsoever of such prohibited transactions.

The SPEAKER. The Chair desires to state that after the three hours of debate have been exhausted no one can then offer amendments, because the rule provides that the vote shall be taken at once.

Mr. MANN. Mr. Speaker, ought not the committee amendments to be read at this time?

Mr. GARRETT. Mr. Speaker, I think they ought to be read now.

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 1, lines 5 and 6, strike out the words "including beer, ale, or wine."

The SPEAKER. The question is on agreeing to the committee amendment.

Mr. SHERLEY. Mr. Speaker, I suggest that it is not now in order to vote upon the committee amendments; that the rule adopted provides that amendments shall be considered as pending, with three hours of debate, and that then all amendments shall be voted upon.

The SPEAKER. The gentleman is eminently correct, and the Chair holds that that is an objection to voting on these amendments at this time.

Mr. SHERLEY. But not to reading them. It is perfectly proper that they should be read; but there would be no need of discussion if they are to be adopted in advance.

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

Second committee amendment: Page 1, line 7, strike out the word "noncontinuous" and insert the word "noncontiguous."

Mr. NORRIS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. NORRIS. I rise for the purpose of calling attention to the fact that the Clerk has made a mistake. This is on page 1, instead of page 2.

The SPEAKER. The Clerk read the amendment correctly. The gentleman from Nebraska did not hear correctly. This is the second amendment, instead of the second page, which the Clerk read. The Clerk will report the next amendment.

The Clerk read as follows:

Page 2, lines 3 and 4, strike out the words "directly or indirectly, or in any manner connected with the transaction."

Mr. BARTHOLDT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTHOLDT. Do I understand the first committee amendment to have been adopted?

The SPEAKER. No; none of the amendments have been adopted. There has been no vote taken upon any amendment.

Mr. BARTHOLDT. I thought the Speaker was putting the question.

The SPEAKER. The Clerk is reading these committee amendments for the instruction of the House.

The Clerk read as follows:

Page 2, line 5, strike out the words "or kept" and insert in lieu thereof the word "sold."

Page 2, line 9, strike out the following: "enacted in the exercise of the police powers of such State, Territory, or District of the United States, and place noncontiguous to but subject to the jurisdiction thereof."

Page 2, line 12, strike out the semicolon after the word "prohibited" and insert a period and strike out all the rest of the paragraph.

Mr. BLACKMON. Mr. Speaker, I desire to offer an amendment.

The SPEAKER. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, line 12, page 2, by striking out the period and adding "*Provided*, That nothing contained in this bill shall be so construed as to prevent any citizen of the United States from purchasing, ordering, or having shipped, or to prevent any common carrier or agent thereof from accepting, receiving, transporting, or delivering spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind in reasonable quantities when the same is plainly marked on the outside of the package 'For personal use': *Provided further*, That no common carrier or agent thereof shall make such delivery to any person, whether marked 'For personal use' or not, if the person ordering the same has been convicted of violating the prohibition laws of any county, State, or municipality, if the fact of such conviction appears of record in the courts of record in the county or parish where such shipment is to be delivered by the common carrier or agent thereof; or to any person who holds or possesses a Federal license or tax to retail spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind; or if the courts of record of any such county or parish show that the person ordering such spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind has been convicted of public drunkenness."

The SPEAKER. The Clerk will mark that "Amendment No. 1."

Mr. DAVIS of West Virginia. Mr. Speaker, I send up an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend by adding, on page 2, line 12, after the word "prohibited," the following:

"And whoever shall knowingly ship, transport, or deliver to any common carrier for shipment or transportation, or shall knowingly cause, induce, or procure to be shipped, transported, or delivered to any common carrier for shipment or transportation from one State, Territory, or District of the United States or place noncontinguous to but subject to the jurisdiction thereof, to any other State, Territory, or District of the United States or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States or place noncontiguous to but subject to the jurisdiction thereof, any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind, with intent to receive, possess, sell, or use the same therein, or to cause, induce, or procure the same to be received, possessed, sold, or used therein, either in the original package or otherwise, in violation of the laws of such State, Territory, or District of the United States or place noncontiguous to but subject to the jurisdiction thereof, shall be fined not less than $100 nor more than $5,000 or imprisoned not less than 30 days nor more than 2 years, or both."

Mr. MANN. Mr. Speaker, I reserve a point of order on the amendment.

The SPEAKER. The gentleman from Illinois [Mr. MANN] reserves a point of order on the amendment.

Mr. SHERLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SHERLEY. We are going to be called upon to vote, at the conclusion of a certain length of time, upon all amendments pending. I think the House is entitled to know in advance of the discussion what the amendments are, and therefore I ask if the points of order that are reserved must not now be made?

The SPEAKER. Is the query of the gentleman whether they must be made or reserved?

Mr. SHERLEY. Whether a point of order can be reserved. Otherwise we may have discussion on a lot of matters pending and then they may go out on a point of order. If this is a serious attempt to debate a really great proposition, it ought to be so the House can consider it.

The SPEAKER. The Chair is under the impression that it has been the universal practice for any Member to do exactly what the gentleman from Illinois [Mr. MANN] did.

Mr. SHERLEY. Mr. Speaker, I make the point of order that it is not in order to reserve a point of order on an amendment.

Mr. MANN. I think if the gentleman demands the regular order the point of order would have to be disposed of, Mr. Speaker, although I had hoped to have an opportunity to debate it.

The SPEAKER. The Chair is of that impression, too.

Mr. CLAYTON. Mr. Speaker, may I say that I hope the gentleman from Kentucky will not insist upon that, and that it is my purpose to allow a vote on these particular amendments? I agree with the suggestion made by the Chair a while ago that the amendments be offered and that any gentleman who wants to make a point of order against an amendment may have an opportunity to do so when the amendment is before the House for action.

Mr. SHERLEY. Mr. Speaker, unfortunately, perhaps, the gentleman from Alabama [Mr. CLAYTON] is unable to control the action of the House touching points of order. I do not feel that

this House at this time in the year ought to undertake to discuss matters that may not come before it in a legislative way; and, without desiring in any way to embarrass matters, I submit to the candor of gentlemen that we ought not to have a lot of amendments pending here and have them discussed in good faith on the theory that they may be voted on and then have them ruled out on a point of order.

Mr. MANN. I suggest to the gentleman from Kentucky [Mr. SHERLEY] in all candor that when an amendment is reported from the floor in the House we ought to have an opportunity to examine it under this rule before it is determined whether it is subject to a point of order or not.

Mr. SHERLEY. I agree with the gentleman. I had nothing to do with this arrangement.

The SPEAKER. If the gentleman from Kentucky [Mr. SHERLEY] demands the regular order, the Chair rules these amendments have got to be passed on at the time or that there has to be a point of order made.

Mr. SHERLEY. I do insist that points of order shall be considered when made.

Mr. MANN. Mr. Speaker, I make the point of order against the amendment offered by the gentleman from West Virginia on the ground that it is not germane to the pending bill. It is a bill which undertakes to confer certain rights and jurisdictions upon the various States of the Union, and does not in any wise provide for any penalty inflicted by the United States. It only purports to provide that when liquor is shipped from one State to another it shall be subject, in general language, to the laws of the State where it is found. Now, it does not seem to me that adding a penalty to be inflicted by the United States is germane to that proposition at all, but is an entirely different proposition.

Mr. DAVIS of West Virginia. Mr. Speaker——

The SPEAKER. The Chair will hear the gentleman from West Virginia [Mr. DAVIS].

Mr. DAVIS of West Virginia. Mr. Speaker, I am constrained, from the expression of the gentleman from Illinois [Mr. MANN], to conclude that he has not read my amendment, which is printed with the views of those who favor it, for this bill, regardless of whatever name may be ascribed to it, and regardless of whatever force gentlemen may think it will have, purports on its face to be a declaration by Congress that certain things shall not be done. In its original form, as it came to the committee, there was attached as the penalty for so doing the nullification of certain contracts. The committee struck out that penalty, believing it to be utterly impossible in law, and the amendment proposed is to insert a penalty, in the customary form, which will make effective the prohibition Congress is asked to declare. I submit, Mr. Speaker, it is entirely germane to the purpose, object, and language of the bill.

Mr. MANN. Mr. Speaker, while I am perfectly clear in my own mind that the amendment offered by the gentleman is not germane to the bill, and certainly not germane to that portion of the bill that undertakes to provide that contracts shall not be enforceable, and while I am clearly of the opinion that it is not a practical provision to be enforced by the United States, yet in order that the matter may be submitted to the House I will withdraw the point of order.

The SPEAKER. The gentleman withdraws his point of order.

Mr. DAVIS of West Virginia. Mr. Speaker, I offer a second amendment.

Mr. NORRIS. Mr. Speaker, I renew the point of order.

The SPEAKER. The gentleman from Nebraska [Mr. NORRIS] renews the point of order.

Mr. SHERLEY. On the point of order, Mr. Speaker, I would like to be heard. This bill undertakes briefly to declare that a shipment made in interstate commerce when the intention of anyone connected with that shipment is to violate a State law shall be prohibited. Now, as was well said by the gentleman from West Virginia [Mr. DAVIS], that is a declaration of policy on the part of the Federal Government. It is by this bill announcing that it proposes to prevent the interstate shipment of alcoholic liquors wherever anyone connected with it intends to violate a State law.

Now, personally I am opposed to that legislation. But if it is to be passed, if the United States Government is to lay down a rule, manifestly it is in the power of the Government, and it is within the legislative power of this House, to attach to that provision a penalty for its violation. Can it be said that when we provide—and that is in substance what the amendment of the gentleman from West Virginia does provide—that whoever does violate this act shall be punished, that that is not germane to the act proposed.

The language proposed by the gentleman from West Virginia seems intricate because of the necessity of defining what is interstate commerce by describing it as commerce between one State and another or Territory, and so forth. But the amendment is simply a proviso that anyone who violates the body of the act shall be punished.

The SPEAKER. The Chair is ready to rule on this point of order. There is no question whatever in the mind of the Chair but that this amendment is germane to this bill. The point of order is overruled.

Mr. DAVIS of West Virginia. Mr. Speaker, I offered another amendment.

Mr. BARTLETT. Mr. Speaker, I offer an amendment, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Georgia [Mr. BARTLETT].

Mr. DAVIS of West Virginia. Mr. Speaker, was I not recognized on my second amendment at the time the point of order was made? I sent to the desk a second amendment, and understood I was recognized by the Chair for that purpose. The amendment is now in the Clerk's hands.

The SPEAKER. The gentleman was recognized for one amendment.

Mr. DAVIS of West Virginia. I know; but a point of order intervened.

The SPEAKER. It is impossible to be recognized on two amendments at the same time.

Mr. DAVIS of West Virginia. I understand that.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Georgia [Mr. BARTLETT].

Mr. MURDOCK. Mr. Speaker, the gentleman from Alabama [Mr. BLACKMON] offered an amendment to be known as No. 1. Are we to understand that the Davis amendment is to be No. 2?

The SPEAKER. Yes; and this Bartlett amendment is to be known as No. 3, unless it is ruled out of order. The Clerk will report the amendment offered by the gentleman from Georgia [Mr. BARTLETT].

The Clerk read as follows:

Add, at the end of the bill, on page 2, the following: *"Provided, however,* That nothing in this act shall be held or construed to render illegal or subject to State control the interstate shipment of liquors herein defined into any State or Territory or District to anyone for his personal or family use."

Mr. DAVIS of West Virginia. Mr. Speaker, I offer a second amendment.

The SPEAKER. The Clerk will report the second amendment offered by the gentleman from West Virginia [Mr. DAVIS].

The Clerk read as follows:

Amend by adding at the end of the bill the following: "But nothing in this act contained shall be construed to forbid the shipment or transportation of any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind intended for sacramental purposes or for the personal use or consumption of the owner or consignee thereof."

Mr. SAUNDERS. Mr. Speaker, I desire to offer an amendment to that amendment.

The SPEAKER. The gentleman from Virginia [Mr. SAUNDERS] offers an amendment to the second Davis amendment. The Clerk will report it.

The Clerk read as follows:

At the end of the Davis amendment add the following:
"Unless such shipment or transportation is contrary to the local law of the place of delivery."

Mr. JACKSON. Mr. Speaker, I desire to offer an amendment.

The SPEAKER. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 2, line 8, add at the end thereof the following:
"Provided, That the courts of the United States shall have no jurisdiction to issue any injunction or restraining order against any State or county officer acting under the color of his office, or in any suit in which the good faith of any act of such officer is challenged."

Mr. MANN. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Where is that amendment offered to come in?

Mr. JACKSON. On page 2, line 8, at the end thereof, as stated in the amendment.

Mr. MANN. That is in the middle of a sentence.

Mr. CLAYTON. I suggest that the gentleman put it at the end of the bill.

Mr. JACKSON. I thought the intervening matter was stricken out.

Mr. HELGESEN. Mr. Speaker, I desire to offer an amendment.

The SPEAKER. The Clerk will report the Helgesen amendment.

The Clerk read as follows:

Amend by striking out everything after the enacting clause and substituting the following:

"That the shipment or transportation in any manner or by any means whatsoever of any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind, including beer, ale, or wine, from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, into any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, which said spirituous, vinous, malted, fermented, or other intoxicating liquor is intended, by any person interested therein, directly or indirectly, or in any manner connected with the transaction, to be received, possessed, or kept, or in any manner used, either in the original package or otherwise, in violation of any law of such State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, enacted in the exercise of the police powers of such State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, is hereby prohibited.

"SEC. 2. That all fermented, distilled, or other intoxicating liquors or liquids transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall, upon arrival within the boundaries of such State or Territory and before delivery to the consignee, be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its reserved police powers, to the same extent and in the same manner as though such liquids or liquors had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise."

The SPEAKER. The Chair recognizes the gentleman from Alabama [Mr. CLAYTON] for an hour and a half; but before he begins the Chair desires to state that at the conclusion of this three hours' debate no amendment will be in order. The Chair does not want anybody to complain or say that a snap judgment was taken on him.

Mr. MANN. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Is not any Member of the House at any time, under the rule, before the end of the three hours' debate, entitled to recognition for the purpose of offering an amendment?

The SPEAKER. That is true; but at the end of the three hours the vote will be taken.

Mr. SHERLEY. I desire to offer an amendment.

The SPEAKER. The gentleman will send it up.

Mr. SHERLEY. I desire to move to amend by striking out, on page 1, lines 4 and 5, the words "any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind" and substitute therefor "any article of commerce"; and on page 2, lines 1 and 2, strike out the words "spirituous, vinous, malted, fermented, or other intoxicating liquors" and substitute therefor the words "article of commerce."

The SPEAKER. The Clerk will report the Sherley amendment.

The Clerk read as follows:

Page 1, lines 4 and 5, strike out the words "any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind" and insert in lieu thereof "any article of commerce."

Mr. HOBSON. Mr. Speaker, I reserve a point of order against that amendment.

The SPEAKER. The gentleman can not reserve a point of order. He can make it. If the gentleman from Alabama wants to make a point of order, he must make it now.

Mr. HOBSON. I retire in favor of the gentleman in charge of the time, the chairman of the committee, the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Speaker, I have not made a point of order against this or the other amendments, because I thought that under the parliamentary situation if I made a parliamentary proposition it would prolong the discussion before we got into the merits of the bill, and I want the House to have the opportunity to consider any amendment that may be offered at the proper time.

The SPEAKER. The Chair will state to the gentleman from Alabama that anyone who wants to talk about these amendments must do it in this three hours' debate under this special rule.

Mr. CLAYTON. Then, Mr. Speaker, I will make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLAYTON. At the end of the debate, when an amendment is submitted, will it then be in order to make a point of order against it?

The SPEAKER. You will have to make it now, unless you get unanimous consent then.

Mr. MANN. It is too late to make it now, after discussing it, is it not?

Mr. CLAYTON. It is not too late.

The SPEAKER. The Chair will hold that it is not too late.

Mr. HOBSON. Mr. Chairman, I make the point of order against all amendments at this time.

The SPEAKER. The gentleman can not do that. If either gentleman from Alabama wishes to make a point of order against this amendment, he must do it now or hold his peace.

Mr. SHERLEY. Mr. Speaker, I would like to know what the point of order is, and then I would like to be heard.

Mr. NORRIS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. NORRIS. Is it not true that the Clerk has not completed the reading of the Sherley amendment?

The SPEAKER. It is true, and the Clerk will proceed and complete the reading of the amendment.

The Clerk read as follows:

Page 2, lines 1 and 2, strike out the words "spirituous, vinous, malted, fermented, or other intoxicating liquors" and insert in lieu thereof the words "article of commerce."

The SPEAKER. And against that the gentleman from Alabama makes the point of order.

Mr. RODDENBERY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERY. Is the time consumed on these points of order to be taken out of the three hours' general debate?

The SPEAKER. It is not. The Chair will hear the gentleman from Kentucky.

Mr. SHERLEY. I can not discuss it, Mr. Speaker, until I know what the point of order is.

Mr. HOBSON. I make several points of order, Mr. Speaker, and the first is that it is dilatory.

The SPEAKER. The Chair will overrule that point of order.

Mr. HOBSON. I will make another point of order, that it is not germane. I do not desire to enter into a discussion, but I do mean to say that the question of forbidding interstate commerce generally under these conditions has no legitimate bearing on the question as to commodities generally that are not in the prohibitory class under the laws of individual States; that the injection of that into this bill where States have laws against liquor shipments is not germane.

Mr. RODDENBERY. Mr. Speaker, I do not desire to argue the point of order at length, but if the gentleman from Kentucky will indulge me in order that the gentleman from Kentucky may have all the points before him, I would like to submit a brief addition to the point of order as stated by the gentleman from Alabama.

The SPEAKER. The Chair will give the gentleman a chance if he does not rule that way after the gentleman from Kentucky has got through.

Mr. SHERLEY. Mr. Speaker, as far as I can translate the statement of the gentleman from Alabama, his objection that the amendment is not germane is based upon the ground that the bill is dealing with a particular subject and I am undertaking to introduce other subjects.

Mr. HOBSON. Will the gentleman permit an interruption?

Mr. SHERLEY. Certainly.

Mr. HOBSON. The gentleman is introducing other matter that is not in the same class as the matter in question. He is introducing matter that is not prohibited by law, when we are dealing with matters that are prohibited by law.

Mr. SHERLEY. To that the answer is that it is not so. I am not doing anything of the kind. To treat the gentleman's point of order seriously, Mr. Speaker, the bill that is before the House undertakes to prohibit the shipment of "spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind," when the intention of anyone to the transaction is to violate the State law. The amendment offered by myself undertakes to substitute for the designation of various kinds of liquors the words "any article of commerce."

Now, my amendment, if it should be adopted into the bill, would have the effect of prohibiting the interstate shipment of any article where the intent is to violate a State law. In order that the Chair may fully understand the purport of it, let me illustrate by a concrete case. Suppose, as happens in a good many States, it is against the law to sell cigarettes; the effect of this amendment, if adopted, would be to prevent anyone through the medium of interstate commerce violating any State law by the interstate shipment of cigarettes. If the State law was the same in regard to the sale of pistols, the effect would be to prevent a violation of that law through the medium of interstate commerce. I know what will be suggested by those who are really familiar with the rules touching parliamentary practice, and that is that it is not possible where a matter deals with a given subject to bring in other subjects, but the point that I submit to the Chair is that this bill does not deal with a particular subject. It does not deal with whisky alone, it does not deal with beer alone, it does not deal with wine alone, but it deals with various articles of interstate commerce.

The SPEAKER. The Chair will ask the gentleman from Kentucky this question: Is not the whole subject matter of this bill the interstate shipment of intoxicating liquor, whether it be called whisky, beer, or what?

Mr. HOBSON. A beverage containing alcohol, if the gentleman will permit.

Mr. SHERLEY. Answering the Speaker's inquiry, I must say both yes and no. It does in the sense that I think every enumerated class here is a class of intoxicating liquors, but in the sense that the Chair suggests that it is one article of commerce, distinctly no. Whisky is an article of commerce distinct from beer, and not even a legislative determination can make them the same. Wine is an article of commerce distinct from whisky. I submit the rule has always been that when you are dealing with two classes it is proper to bring in a third.

The SPEAKER. Yes.

Mr. SHERLEY. And where you are dealing with only one class you can not bring in a second.

The SPEAKER. Yes; you may bring in absinthe or anything that would make a man drunk.

Mr. SHERLEY. In my judgment there is not a word that would warrant the statement that this is simply limited to one subject. It says "spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind," but there are many kinds, and to limit it and to say that we are dealing with only one subject matter, when the bill says we are dealing with four or five articles of commerce, is not tenable.

The SPEAKER. The Chair will ask the gentleman if the subject matter of this bill is not the interstate shipment of intoxicating liquors—that is, the intoxicating liquors that are mentioned in the bill?

Mr. SHERLEY. Yes; I think that is true, but I do not think it is true in the sense the Chair wants me to say it is true, that it is only one article. I think there are many articles.

Mr. CLAYTON. Mr. Speaker, may I interrupt the gentleman?

Mr. SHERLEY. Certainly.

Mr. CLAYTON. Mr. Speaker, I have great respect for the parliamentary learning and for the ability of the gentleman from Kentucky, but I desire to call his attention to the fact that this question has been settled by the present occupant of the chair. The Chair will remember that when the cotton-gambling bill was up for consideration, to prohibit gambling in cotton futures, it was sought then to add grain to that bill, and the Chair distinctly ruled then that the subject matter being gambling in cotton futures the addition of grain or other commodities to it was not germane to the original purpose of the bill, and did not allow the amendment. I say here that there is but one commodity dealt with in this bill and that commodity is in the language of the bill, "or other intoxicating liquor." It deals with nothing except intoxicating liquor in one form or another, and I may say that——

Mr. SHERLEY. Is this still a question?

Mr. CLAYTON. I beg the gentleman's pardon.

Mr. SHERLEY. That is all right, but I just want a chance to answer the gentleman's question. I am obliged to the gentleman for the illustration he uses, because nothing could better clarify the matter. That was a case where the law dealt with a specific thing, cotton. It did not deal with cotton and wool, things that go to make clothing. If this bill dealt with a particular thing like beer, the case would be entirely on all fours; but it deals with beer and whisky, which go to make intoxication, just as wool and cotton might go to make clothing. The illustration that the gentleman uses, instead of sustaining his position sustains the position that I have taken, that we are dealing with several subjects. The gentleman says that the bill is as if the only words in it were "other intoxicating liquor." I can not believe that, because I can not believe that the great Judiciary Committee would have reported a lot of useless words in the bill, and evidently they felt there was some need of the specification of all the classes; and for fear they might overlook a class, after enumerating every one they could think of—vinous, spirituous, malt, fermented—then they took a general hold and said "other intoxicating liquor." But for us to legislatively declare that we are dealing with but one subject is to deny what every man's own knowledge tells him, and that is that those are different articles of commerce.

Mr. HOBSON. Mr. Speaker, I do not desire——

The SPEAKER. The Chair will not bother the gentleman from Alabama.

Mr. HOBSON (continuing). I will simply say, Mr. Speaker, I did not go into an elaboration on this point.

The SPEAKER. The gentleman need not go into it now. It is clear as crystal to the mind of the occupant of the chair that the whole subject matter of this bill is to prevent the interstate shipment of anything that will make a man drunk into dry territory where it is prohibited by the local law, and it treats of no other subject. They might go on and enumerate more kinds of intoxicants, although any one of these words in here are superfluous about "spirituous, vinous, malted, and fermented liquors," provided you retain the words "intoxicating liquors" in it. But the gentlemen who drew the bill chose to put in certain specific sorts of intoxicants. It would be perfectly competent to amend this bill, although it would be superfluous, by putting in absinthe or pulque, or any other stuff that will make a man drunk. The point of order is sustained.

Mr. SABATH. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the Sabath amendment.

The Clerk read as follows:

Strike out, after the word "spirituous," in line 4, page 1, the following words: "Vinous, malted, fermented, or other intoxicating," so that it will read: "That the shipment or transportation in any manner or by any means whatsoever of spirituous liquor of any kind from a State or Territory," etc.

On page 2, line 1, strike out, after the word "spirituous," the words "vinous, malted, fermented, or other."

Mr. RODDENBERY. Mr. Speaker, I make the point of order on the amendment offered by the gentleman from Illinois.

The SPEAKER. What point of order does the gentleman make?

Mr. RODDENBERY. The point of order is that the amendment is not germane to the purposes of the bill, the purpose of the bill being to divest intoxicating liquors of an interstate-commerce character in certain cases. If the amendment is in order, it destroys the purpose for which the legislation is proposed in that all "intoxicating liquors" is a more comprehensive and inclusive term than "spirituous liquors," and all spirituous liquor is but one of a class of intoxicating liquors.

The SPEAKER. The point of order is overruled.

Mr. MANN. Mr. Speaker, I offer an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. MANN: Strike out the word "intoxicating" wherever it appears before the word "liquor."

Mr. CLAYTON. Mr. Speaker, I would like to have the amendment again reported.

The SPEAKER. The Clerk will again report the amendment.

The amendment was again reported.

Mr. CLAYTON. Mr. Speaker, I do not think that is subject to a point of order, but, of course, I hope the House will not agree to it.

Mr. MANN. Well, I make the point of order that the gentleman has no right to discuss this amendment until he takes the floor.

The SPEAKER. That is absolutely true, and the gentleman was not discussing——

Mr. MANN. Oh, yes; he was discussing it before he took the floor.

The SPEAKER. If he was doing anything at all with reference to it, he was sustaining the gentleman.

Mr. MANN. He was discussing the amendment and hoped the House would not agree to it.

The SPEAKER. Well, that is finished.

Mr. CLAYTON. I am sorry to have offended the gentleman.

The SPEAKER. The gentleman from Alabama is recognized for an hour and a half.

Mr. CLAYTON. Mr. Speaker, this bill, if it be amended in accordance with the suggestion of the Committee on the Judiciary, will read:

That the shipment of any spirituous * * * or other intoxicating liquor of any kind from one State * * * into any other State, * * * which said spirituous * * * or other intoxicating liquor is intended by any person interested therein to be received, possessed, or sold, or in any manner used either in the original package or otherwise, in violation of any law of such State * * * is hereby prohibited.

I have quoted the substance of the bill, omitting words which are unnecessary for the remarks which I desire to make to the House.

An examination of this bill shows that it has for its purpose the simple object of preventing persons, liquor dealers, if you please, and others from promoting the violation of State laws restricting the use or prohibiting the sale of intoxicants. If the contrary of what is asserted in this bill was suggested in any form, there is not a man here who would agree to it. Suppose the bill were to say that any man shall have the right to ship into any State liquor for the purpose of violating the State law; it would have no defender here.

By this bill it is sought to remove an impediment against the enforcement of the State law. That is all this bill seeks to ac-

complish. It is in behalf of the right of a State to enforce its own laws, and seeks to take from any person engaging in unlawful traffic in liquor the protection which is now afforded him by the commerce clause of the Constitution.

The friends of this bill have never claimed that it proposes to deny to any man the right to have liquor sent to him for his own use, because no State has prohibited the personal use of intoxicating liquors, nor has any State forbidden the use of wine for sacramental purposes. Therefore it seems that liquor shipped for these two purposes can not be said to be—

intended * * * to be received, possessed, or sold, or in any manner used * * * in violation of any law of such State.

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. CLAYTON. I will.

Mr. SHERLEY. Does the gentleman think there are some State laws under which it would be legal to ship liquor into certain territory, no matter for what use?

Mr. CLAYTON. I am inclined to agree with the gentleman's view of that. If it is for his personal use, I am inclined to think it is so.

Mr. SHERLEY. The express law of my State already prohibits the shipment from a "wet" county to a "dry" county.

Mr. CLAYTON. Perhaps so; and if that be so, that argument can be made, Mr. Speaker, by referring it to the sovereign State of Kentucky to manage the situation.

Mr. SHERLEY. If the gentleman will permit, I also understand it is the law of Alabama now. If the gentleman does not desire to prohibit shipment for personal use, would the gentleman have any objection to an amendment provided it also had the amendment of the gentleman from West Virginia, that it should not be a violation of the local laws?

Mr. CLAYTON. I will say in reference to that, the committee considered that quite carefully and rejected it, and the committee was of the opinion that this bill in its present form ought to pass as we have presented it to the House, with the committee amendments, and that it was unnecessary for us to agree to any further amendments. And, standing here in charge of this bill and speaking for the committee, I shall insist in behalf of the committee on the passage of this bill as it came from the committee, without any amendment except the amendments proposed by the committee and referred to in the report which has been read. [Applause.]

I do not think the gentleman from Kentucky ought to complain because some of us desire to put "dry" counties in other States upon an equality with "dry" counties in Kentucky. If the Legislature of Kentucky does not want whisky made in a "wet" county in Kentucky sold in a "dry" county in Kentucky, why should whisky distillers or dealers in Kentucky claim the right to ship their whisky, made in Kentucky, into a "dry" county in another State?

Let me repeat that no State has denied to its citizens the right to have intoxicating liquors for their own personal use and consumption. The Supreme Court of the United States in Vance *v.* Vandercook (170 U. S., 452) said:

But the right of persons in one State to ship liquor into another State to a resident for his own use is derived from the Constitution of the United States and does not rest on the grant of the State law. Either the conditions attached by the State law unlawfully restrain the right or they do not. If they do, and we shall hereafter examine this condition, then they are void. If they do not, then there is no lawful ground of complaint on the subject.

Associate Justice White, now Chief Justice, said, in Pabst Brewing Co. *v.* Crenshaw (198 U. S., 17):

In so far, however, as the State law imposed burdens on the right to ship liquor from another State to a resident of South Carolina intended for his own use and not for sale within the State, the law was held to be repugnant to the Constitution, because the Wilson Act, whilst it delegated to the State plenary power to regulate the sale of liquors in South Carolina shipped into the State from other States, did not recognize the right of a State to prevent an individual from ordering liquors from outside of the State of his residence for his own consumption and not for sale.

Mr. Caldwell, the lawyer who was the first to suggest the form of this bill, said in the hearings before the Committee on the Judiciary of the House:

I contend in the same way Congress might so regulate commerce as to take away this right for personal use. But, speaking for Oklahoma, I say to you that we are not asking that, because down there we are prohibitionists of this sort—we are prohibitionists because we are opposed to the traffic and the institution of the saloon. We do not berate the man just because he uses, in a decent way, intoxicating liquor, although, speaking for myself, I am a total abstainer. But we believe that if the use of intoxicating liquor had at all times been confined to the home—personal use in the home—there never would have been the question of prohibition.

So that primarily we prohibit the sale of those things in order to strike down that traffic—the open saloon and its attendant and kindred evils. If the time should ever come when, in order to protect the morals and the public welfare of the State of Oklahoma, it should, in the opinion of the legislative power of the State, become necessary to prohibit the personal use of intoxicating liquor, who ought to have the right to exercise that power—the Congress of the United States or the State of Oklahoma? We say that Congress has nothing to do with that question, and that it is none of Congress's business whether the people in the State of Oklahoma shall drink liquor, have it in their homes for their personal use, or whether they shall sell it.

Of course, Mr. Speaker, it is not the business of Congress whether the people of Oklahoma or any other State shall possess or not possess liquor in their homes for their own personal use or have it for eucharistic celebrations.

I now quote what was said by Rev. E. C. Dinwiddie, the legislative representative of the Anti-Saloon League, before the Committee on the Judiciary of the Senate:

Mr. DINWIDDIE. Now, I will say to the doctor, for his information, along the line of the point that the court has said that that is a constitutional right—and he and I will not have any argument about that—that it is a constitutional right for a man in one State to have shipped to him alcoholic liquors from another State. It is his right to receive those liquors. The Wilson law simply has the effect of preventing his selling them in unbroken packages if the law of his State forbids it. But that constitutional right that Dr. BARTHOLDT speaks of is the same constitutional right the Supreme Court held in the Bowman case and the Leisy *v.* Hardin case—was the right not only to receive in the original unbroken package, but the right to sell in the original unbroken package, the State law to the contrary notwithstanding. They used the same language then, saying it was a constitutional right. Congress took away by direct legislation the constitutional right the man had to sell liquor in the original package, if he received it through the channels of interstate or foreign commerce. That is a correct statement, which I am ready to rest upon before any committee of lawyers or anybody else.

Representative BARTHOLDT. Not at all. That was not a constitutional right at all——

Mr. DINWIDDIE. The Supreme Court said so.

Representative BARTHOLDT. Under the decison of the Supreme Court it was decided to be a constitutional right to receive an interstate shipment. In other words, an interstate shipment is not delivered until it is delivered to the hands of the consignee. But the very moment it leaves the hands of the consignee the State law goes into effect, and that is why I have always argued that this legislation is unnecessary, for the reason that as soon as a consignee receives a shipment of liquor and tries to dispose of it by sale or otherwise the State law is in effect, and you can prevent him from doing it without any law enacted by Congress.

Mr. DINWIDDIE. I am free to say that if the constituents of the doctor and those who buy their products for sale were men who would absolutely obey the laws of their States we would probably not need this legislation; but the keepers of blind tigers and speak-easies all over the country, at whom exclusively this legislation is aimed, do not always respect the law—and I rest on the language of the bills for this statement. I say that a plain, careful reading of that bill can not give anybody the impression that we are trying to prevent by congressional legislation the importation or use of intoxicating liquors for family or personal use.

Mr. HUGHES of West Virginia. Will the gentleman yield?

The SPEAKER pro tempore (Mr. MCKELLAR in the chair). Will the gentleman from Alabama yield to the gentleman from West Virginia?

Mr. CLAYTON. I will.

Mr. HUGHES of West Virginia. I want to ask the gentleman from Alabama if he does not think the amendment offered by my colleague [Mr. DAVIS] should be adopted, making a penalty for the violation of this law?

Mr. CLAYTON. I do not think it should be adopted at this time. I have told you plainly that I do not think it wise to agree to any amendment other than those agreed upon by the committee.

Mr. NORRIS. I would like to ask the gentleman a question right in line with the one that has been asked.

Mr. CLAYTON. Certainly.

Mr. NORRIS. Does not the gentleman think if what is known as the "Davis amendment," providing that a penalty is to be put on, making it a tax on the shipper of intoxicating liquor, that it would practically kill this legislation?

Mr. CLAYTON. I am afraid it would, Mr. Speaker. It would hazard the passage of this bill, and I do not think it is wise to weigh this bill down with such provisions as that. We have brought here a single proposition. Some of these bills introduced heretofore on this subject have stated that the liquor shall be subject to the State laws when it shall have arrived within the boundaries of the States. This bill proposes a positive law saying that any liquor shipped into a State to be used in violation of a law of the State is prohibited. I am indoctrinated somewhat with the old State rights idea, and I believe, when the police power of the State and the commerce power of Congress come in collision in that narrow field where sometimes it is difficult to determine whether one falls under the police power or under the commerce power, that it is a part of wisdom on the part of Congress to concede the power of the State or remove the impediment to the exercise of the police power of the State, especially when the State says that laws it has enacted in the interest of public health and public morals are being violated by the protection afforded by the commerce clause of the Constitution.

Mr. JACKSON. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. CLAYTON. I do.

Mr. JACKSON. I want to ask the gentleman relative to the matter that is covered by my own amendment, as I will not have a chance to discuss it.

Mr. CLAYTON. I hope the gentleman will be brief, as I have allotted to others most of my time.

Mr. JACKSON. I want to ask the gentleman if he thinks, if this law is passed—and I am going to vote for it that way—the Federal courts will have jurisdiction to enjoin State officers attempting to do their duty under the local law?

The gentleman is aware, of course, that it was thought necessary to put a provision similar to the one that I have offered in the interstate-commerce law to prevent that sort of thing. I have had some experience in these matters myself, and I see no reason why the litigants could not go into the Federal court and get a blanket injunction against the county attorney or sheriff's attorney, even after the passage of this law, and that is the *reason* why I offered my amendment. I want to know what the gentleman thinks about that proposition.

Mr. CLAYTON. I may say, Mr. Speaker, that that proposition was never called to the attention of the committee, either by the friends or the opponents of this bill. I have but one matured opinion upon this subject, and that is I want to pass this bill, word for word, as the committee has reported it, without adding anything to it or subtracting anything from it. The friends of the measure want it in this form, and it has been considered and debated in the committee and in the hearings, and we do not wish to hazard its enactment into law by the addition of anything else. Perhaps it may become apparent hereafter that this is not perfect legislation. If so, it then will be the time for Congress to go further. But at this time I would not favor any amendment.

Mr. BARTHOLDT. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. CLAYTON. I will yield for one question.

Mr. BARTHOLDT. The gentleman has stated that he is in favor of State rights. Does not the gentleman think that if the prohibition States would use their rights in the direction of the enforcement of their laws this legislation would be absolutely unnecessary?

Mr. CLAYTON. Well, I think not. I think that if they were to do their best you would still find the "blind tiger" and the "bootlegger" doing business under the protection that is afforded to them by the commerce clause of the Constitution. We want to remove that impediment as far as we can, and that is the object of this legislation.

Mr. BARTHOLDT. And is it not true, Mr. Speaker, that as soon as a shipment is delivered into the hands of the consignee, the moment the consignee attempts to dispose of it by sale or otherwise the State law goes into effect?

Mr. CLAYTON. Oh, I hope the gentleman will take his own time. The gentleman on this side [Mr. McCOY] will give him time. That is a perfectly legitimate argument, if the gentleman sees fit to use it, but it can have no persuasive force on me, and none, I think, on the friends of this measure. Perhaps when the gentleman takes the lecture platform he can discuss that phase of the question. [Laughter.] In any case where liquor is intended to be sold in violation of the State law, it is desired that the State shall have the unhampered power to seize such liquor before it is delivered to the consignee.

Mr. Speaker, I shall reserve a few minutes to close the debate on this measure. In the meantime I shall accord to several gentlemen brief time to advocate this bill. I shall avail myself of the opportunity of extending my remarks by having printed in the RECORD a part of the report which I had the honor to make for the Committee on the Judiciary on what was then known as the Hepburn-Dolliver bill in the Fifty-eighth Congress, second session. It will be remembered that the Hepburn-Dolliver bill passed the House of Representatives in the Fifty-seventh Congress, but failed in the Senate. I voted for that measure. It will also be remembered that the Littlefield form of the Hepburn-Dolliver bill was favorably reported to the House in the Fifty-ninth Congress, but those of us who voted to report that measure, including the gentleman from Maine, Mr. Littlefield, the gentleman from Texas [Mr. HENRY], and myself, were unable to have that bill considered in the House.

I quote from the report which I presented in the Fifty-eighth Congress, April 8, 1904, as follows:

> Now let us consider the real purpose of this bill, the step which it takes in advance of the act of August 8, 1890, namely, the removal of the impediment to the subjection of intoxicating liquors transported from one State into another to the police regulations of the latter State upon arrival within its boundaries before and after delivery of such liquors.
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> It is worth while to review briefly as may be some of the decisions of the Supreme Court of the United States construing the commerce clause of the Constitution—the Congress shall have the power to regulate commerce with foreign nations and among the several States and with the Indian tribes.
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> It may be noted that every argument made in behalf of the exclusive power of Congress over interstate commerce, in cases where there is apparently the slightest conflict between untrammeled interstate commerce and the police regulations of a State, recites or assumes the well-established fact that one of the most potent inducements which led to the formation of the Constitution was the commercial confusion that existed in the country when the States were separate and independent.
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> While this historical fact is admitted there is another historical fact that ought not to be forgotten, and that is that the police power of the States is older than the commerce clause of the Constitution, and was never surrendered by the States to the Federal Government, but was reserved to the States by the very nature of the Constitution, and afterwards declared by the adoption of the tenth amendment to have been reserved because not granted away.
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> There has not been a more perplexing problem presented to the Supreme Court of the United States from time to time than the question of what a State may do or may not do in given cases affecting interstate commerce more or less. The police power of the State is limited to the jurisdiction of the State; but within such jurisdiction and for State or local purposes it is a plenary power.
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> The control of Congress over commerce, essentially foreign or interstate, is exclusive. The first case in which it is claimed that there was a conflict between this reserved power of the State on the one hand and this exclusive power of the Congress on the other hand is the case of Gibbons *v.* Ogden (9 Wheat., 1), but this decision there went no further than to declare that a State regulation of foreign or interstate commerce in conflict with the Federal statute was void.
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> It was decided in Brown *v.* Maryland (12 Wheat., 419) that the statute of Maryland requiring importers of foreign goods to pay a license tax for the sale of such goods was invalid because repugnant to the provision of the Constitution which denies to the States the power to lay a tax on imports or exports, and also because such a tax was hostile to the commerce clause.
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> In Wilson *v.* Blackbird Creek Marsh Co. (2 Pet., 245) the State law authorized the company to construct and maintain a dam across Blackbird Creek, a navigable stream. The law was attacked upon the ground that it was in hostility to the commerce clause. It was upheld upon the ground that Congress had not "passed any act which bore upon the case; any act in execution of the power to regulate commerce."
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> In New York *v.* Miln (11 Pet., 102) a State law was held to be valid which required every master of a vessel arriving in the port of New York from any port of another State or nation to make a report to the mayor of the name, place of birth, and last legal settlement, age, and occupation of every person brought as a passenger by the vessel on her last voyage. This law was held to be the rightful exercise of the police power of the State.
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> In the License cases (5 How., 504) the constitutionality of the liquor laws of certain States was involved. In one case Pierce had been convicted in New Hampshire for selling liquor without the license required by that State, and the liquor was a barrel of gin bought in Massachusetts, brought coastwise into New Hampshire, and there sold in the original package. These State license laws were held to be constitutional.
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> In this case Chief Justice Taney said:
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> "Upon the whole, therefore, the law of New Hampshire is, in my judgment, a valid one. For although the gin sold was an import from another State and Congress have clearly the power to regulate such importations under the grant of power to regulate commerce among the several States, yet as Congress has made no regulation on the subject the traffic in the article may be lawfully regulated by the State as soon as it is landed in its territory, and a tax imposed upon it, or a license required, or the sale altogether prohibited, according to the policy which the State may suppose to be its interest or duty to pursue." (46 U. S., p. 585.)
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> In the Passenger cases (7 Howard, 283) the laws of the States of Massachusetts and New York, requiring masters of vessels to pay to the health officers of the State courts a certain sum for each passenger landed, were condemned for the reason that they were regulations of foreign and interstate commerce and conflicted with the exclusive power of Congress over the subject.
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> In Cooly *v.* Board of Wardens (12 Howard, 299) the law of Pennsylvania regulating pilots and pilotage for the Philadelphia Harbor was considered and held to be constitutional. It was there said:
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> "Whatever subjects of this power [the power of Congress over foreign and interstate commerce] are in their nature national or admit only of one uniform system or plan or regulation may justly be said to be of such a nature as to require exclusive legislation by Congress."
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> And it was held, further, that in case of pilotage, until Congress should exercise its power, it was left to the States for regulation, and—
>
> "That it is local and not national, that it is likely to be best provided for, not by one system or plan or regulation, but by as many as the legislative discretion of the several States should deem applicable to the local peculiarities of the ports within their limits."
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> In Bowman *v.* Railway Co. (125 U. S., 465) it was held that the law of Iowa forbidding common carriers to bring intoxicating liquors into the State from any other State or Territory without being first furnished with a certificate under the seal of a certain designated officer, certifying that the consignee or person to whom it is to be transported or delivered is authorized to sell liquor, was essentially a regulation of commerce among the States, affecting interstate commerce in an essential part, and not having been sanctioned by the authority, expressed or implied, of Congress, was repugnant to the Constitution of the United States.
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> In Leisy *v.* Hardin (135 U. S., 100) the case of Pierce *v.* New Hampshire was expressly overruled. It was held that the law of Iowa prohibiting the sale of intoxicating liquors, except for pharmaceutical and other specified purposes under a license, was unconstitutional when applied to a sale by the importer of liquor in the original package, such liquors having been manufactured in and brought from another State. This case overturned the doctrine in Pierce *v.* New Hampshire, which had been supposed for 50 years to be the law. Prior to the decision in this case no one believed that the consignee had the right to sell intoxicating liquors shipped from one State into another State in violation of the police regulations of the State to which they were shipped.
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> But in this case it was held that a citizen of one State had the right, under the commerce clause of the Constitution, to import intoxicating liquors into another State and to sell the same in the original packages, and that without the consent of Congress the State into which such liquors were imported was without authority to prohibit or regulate the sale of such liquors while they remained in the original packages. The State having a high-license law, a local-option law, a dis-

pensary law, or a prohibition law was powerless to enforce the same in the case of the sale of liquors in the original packages.

In Leisy *v.* Hardin, Mr. Chief Justice Fuller, quoting from Bowman *v.* The Railway, said:

"For the purpose of protecting its people against the evils of intemperance, it (the State) has the right to prohibit the manufacture within its limits of intoxicating liquors. It may also prohibit all domestic commerce in them between its own inhabitants, whether the articles are introduced from other States or from foreign countries; it may punish those who sell them in violation of its laws; it may adopt any measure tending, even indirectly and remotely, to make the policy effective until it passes the line of power delegated to Congress under the Constitution. It can not, without the consent of Congress, express or implied, regulate commerce between its people and those of the other States of the Union in order to effect its end, however desirable such a regulation might be."

Again the Chief Justice quotes from the License cases (5 Howard, 504), as follows:

"It has indeed been suggested that if a State deems the traffic in ardent spirits to be injurious to its citizens and calculated to introduce immorality, vice, and pauperism into the State, it may constitutionally refuse to permit its importation, notwithstanding the laws of Congress; and that a State may do this upon the same principles that it may resist and prevent the introduction of disease, pestilence, or pauperism from abroad. But it must be remembered that disease, pestilence, and pauperism are not subjects of commerce, although sometimes among its attendant evils. They are not things to be regulated and trafficked in, but to be prevented as far as human foresight or human means can guard against them. But spirits and distilled liquor are universally admitted to be subjects of ownership and property, and are therefore subjects of exchange, barter, and traffic, like any other commodity in which a right of property exists. And Congress, under its general power to regulate commerce with foreign nations, may prescribe what article of merchandise shall be admitted and what excluded, and may, therefore, admit or not, as it shall deem best, the importation of ardent spirits. And inasmuch as the laws of Congress authorize their importation no State has a right to prohibit their introduction."

The Chief Justice in the same case, in Leisy *v.* Hardin, says further:

"Hence, inasmuch as interstate commerce, consisting in the transportation, purchase, sale, and exchange of commodities, is national in its character and must be governed by a uniform system, so long as Congress does not pass any law to regulate it, or allowing the States so to do, it thereby indicates its will that such commerce shall be free and untrammeled. * * * The conclusion follows that as the grant of the power to regulate commerce among the States, so far as one system is required, is exclusive, the States can not exercise that power without the assent of Congress."

To avoid the effect of this decision and to remove an obstacle resulting from the exclusive control of Congress over commerce among the States, preventing the full operation and effect of the police regulations of the States in regard to intoxicating liquors, Congress passed the act of August 8, 1890, which is hereinbefore set out in this report. It was enacted—using the language of Chief Justice Fuller—"simply to remove an impediment to the enforcement of the State laws in respect to imported packages in the original condition created by the absence of a specific utterance on the part of Congress." In other words, this act is in pursuance of the power of Congress to regulate interstate commerce, and was held not to be a delegation of this power to the States, but the exercise by Congress of a power confided to Congress. It is not disputed that Congress can not delegate such a power for any purpose whatsoever, and it is equally well established that any act of Congress which invades the reserved province of the police power of the State under a mere pretext that interstate commerce is in some sort affected is without constitutional authority and void.

In Gibbons *v.* Ogden, Chief Justice Marshall declared in substance that although Congress can not enable a State to legislate, it may adopt the provisions of a State on any subject, such as pilotage and the like. It has done this in the case of a State system for the regulation of pilots. And Congress has passed laws requiring the Federal courts to conform in practice and procedure to the rules of the State courts. Further illustration is perhaps unnecessary.

The Wilson law, which we have set out, was held to be constitutional in the case of In re Rahrer (140 U. S., 545). In the opinion in this case Chief Justice Fuller states:

"The laws of Iowa under consideration in Bowman *v.* Railway Co. (125 U. S., 465), and Leisy *v.* Hardin (135 U. S., 100), were enacted in the exercise of the police power of the State, and not at all as regulations of commerce with foreign nations and among the States, but as they inhibited the receipt of an imported commodity, or its disposition before it had ceased to become an article of trade between one State and another, or another country and this, they amounted in effect to a regulation of such commerce.

"Hence it was held that, inasmuch as interstate commerce, consisting in the transportation, purchase, sale, and exchange of commodities, is national in its character and must be governed by a uniform system, so long as Congress did not pass any law to regulate it specifically, or in such way as to allow the laws of the State to operate upon it, Congress thereby indicated its will that such commerce should be free and untrammeled, and therefore that the laws of Iowa, referred to, were inoperative, in so far as they amounted to regulations of foreign or interstate commerce, in inhibiting the reception of such articles within the State, or their sale upon arrival, in the form in which they were imported there from a foreign country or another State. It followed, as a corollary, that when Congress acted at all, the result of its action must be to operate as a restraint upon that perfect freedom which its silence insured.

"Congress has now spoken and declared that imported liquors or liquids shall, upon arrival in a State, fall within the category of domestic articles of a similar nature. Is the law open to constitutional objection?

"By the first clause of section 10 of Article I of the Constitution certain powers are enumerated which the States are forbidden to exercise in any event, and by clauses 2 and 3 certain others which may be exercised with the consent of Congress. As to those in the first class, Congress can not relieve from the positive restriction imposed. As to those in the second, their exercise may be authorized, and they include the collection of the revenue from imposts and duties on imports and exports by State enactments, subject to the revision and control of Congress, and a tonnage duty, to the exaction of which only the consent of Congress is required. Beyond this Congress is not empowered to enable the State to go in this direction. Nor can Congress transfer legislative powers to a State nor sanction a State law in violation of the Constitution; and if it can adopt a State law as its own, it must be one that would be competent for it to enact itself and not a law passed in the exercise of the police power. (Cooley *v.* Port Wardens of Philadelphia, 12 How., 299; Gunn *v.* Barry, 15 Wall., 610, 623; United States *v.* Dewitt, 9 Wall., 41.)

"It does not admit of argument that Congress can neither delegate its own powers nor enlarge those of a State. This being so, it is urged that the act of Congress can not be sustained as a regulation of commerce, because the Constitution, in the matter of interstate commerce, operates ex proprio vigore as a restraint upon the power of Congress to so regulate it as to bring any of its subjects within the grasp of the police power of the State. In other words, it is earnestly contended that the Constitution guarantees freedom of commerce among the States in all things, and that not only may intoxicating liquors be imported from one State into another without being subject to regulation under the laws of the latter, but that Congress is powerless to obviate that result.

"Thus the grant to the General Government of a power designed to prevent embarrassing restrictions upon interstate commerce by any State would be made to forbid any restraint whatever. We do not concur in this view. In surrendering their own power over external commerce the States did not secure absolute freedom in such commerce, but only the protection from encroachment afforded by confiding its regulation exclusively to Congress.

"By the adoption of the Constitution the ability of the several States to act upon the matter solely in accordance with their own will was extinguished and the legislative will of the General Government substituted. No affirmative guaranty was thereby given to any State of the right to demand as between it and the others what it could not have obtained before, while the object was undoubtedly sought to be attained of preventing commercial regulations partial in their character or contrary to the common interests. And the magnificent growth and prosperity of the country attest the success which has attended the accomplishment of that object. But this furnishes no support to the position that Congress could not, in the exercise of the discretion reposed in it, concluding that the common interests did not require entire freedom in the traffic in ardent spirits, enact the law in question. In so doing Congress has not attempted to delegate the power to regulate commerce, or to exercise any power reserved to the States, or to grant a power not possessed by the States, or to adopt State laws. It has taken its own course and made its own regulation, applying to these subjects of interstate commerce one common rule, whose uniformity is not affected by variations in State laws in dealing with such property.

"The principle upon which local-option laws, so called, have been sustained is that, while the legislature can not delegate its powers to make a law, it can make a law which leaves it to municipalities or the people to determine some fact or state of things upon which the action of the law may depend, but we do not rest the validity of the act of Congress on this analogy. The power over interstate commerce is too vital to the integrity of the Nation to be qualified by any refinement of reasoning. The power to regulate is solely in the General Government, and it is an essential part of that regulation to prescribe the regular means for accomplishing the introduction and incorporation of articles into and with the mass of property in the country or State (12 Wheat., 448).

"No reason is perceived why, if Congress chooses to provide that certain designated subjects of interstate commerce shall be governed by a rule which divests them of that character at an earlier period of time than would otherwise be the case, it is not within its competency to do so.

"The differences of opinion which have existed in this tribunal in many leading cases upon this subject have arisen not from a denial of the power of Congress when exercised, but upon the question whether the inaction of Congress was in itself equivalent to the affirmative interposition of a bar to the operation of an undisputed power possessed by the States.

"We recall no decision giving color to the idea that when Congress acted its action would be less potent than when it kept silent. The framers of the Constitution never intended that the legislative power of the Nation should find itself incapable of disposing of a subject matter specifically committed to its charge. The manner of that disposition brought into determination upon this record involves no ground for adjudging the act of Congress inoperative and void."

Notwithstanding the fact that the act of August 8, 1890, was held to be constitutional, the purpose of the act and the efficacy of the police powers of the State were at least greatly impaired by the decision in Rhodes *v.* Iowa (170 U. S., 415). The statute of Iowa made it unlawful to bring intoxicating liquors into that State except when accompanied with a specified certificate to the effect that the consignee was at the time authorized to sell such intoxicating liquors in the county where it was to be delivered, which certificate the Iowa law provided should be granted under particular and exceptional conditions. It will be observed that the act of August 8, 1890, subjected such liquor to the State law upon arrival in such State.

The liquor shipped in the Rhodes case, and for which certificate was demanded, was shipped from Dallas, in the State of Illinois, to Brighton, in the State of Iowa; and it may be further observed that this law of Iowa in regard to such certificate was held to be repugnant to the Constitution of the United States. In this case, in defining the scope of this act, the court held that under its provisions liquors transported from one State into another remained under the protection of the interstate commerce laws until they were delivered to the consignee and that, therefore, the State law was inoperative to reach them until after they were delivered by the common carrier to the person to whom they were consigned. As we have said, the effect of this decision was largely to emasculate the act of August 8, 1890, so far as the transportation and delivery of intoxicating liquors within the State was concerned.

Under the law, as thus construed, dealers in intoxicating liquors located in some of the States established agencies in other States, and sent out their soliciting agents, who traveled over and canvassed the country, and solicited sales and took orders for intoxicating liquors to be shipped in by the principal, consigned to the subscribers—sometimes to be sent to them direct, and in other cases to be sent to them in care of the soliciting agent.

By this method the business of selling intoxicating liquors by the foreign dealer has been kept up in many of the States with impunity and in defiance of the laws of the State and community where the liquors are delivered. Under this system and the existing congressional action the States are entirely powerless to exercise any control or regulation over such sales. They can not even impose a license or any restrictions whatever on the business carried on in this manner.

To summarize, we may say that Leisy *v.* Hardin held that the State could not interfere with liquor shipped into it from another State as long as it remained in the original package. The act of August 8, 1890, above cited, was a regulation or assent by Congress that the

laws of the States might operate in specified cases or upon particular articles of commerce earlier than the State laws could have operated without such regulation or assent of Congress. The constitutionality of this law was upheld, as we have said, in the case of In re Rahrer. The Rhodes case held that the laws of Iowa could not operate upon the liquor shipped from Illinois until it had gone into the State of Iowa, and even not then, in the absence of congressional legislation, until the goods had been delivered to the consignee in Iowa. We quote from the case as follows:

"The claim is, however, and it is upon this ground that the court below rested its judgment, that under and by virtue of the provisions of the act of Congress of August 8, 1890 (ch. 728, 26 Stat. L., 313), the ruling in the Bowman case is no longer apposite, as the effect of the act of Congress in question was to confer upon the State of Iowa the power to subject to its statutory regulations merchandise shipped from another State the moment it reaches the line of the State of Iowa, and before the consummation of the contract of shipment by arrival at its destination and delivery there to the consignee. And it is to this question that the discussion at bar has mainly related, and upon which a decision of the cause really depends.

"It is not gainsaid that the effect of the act of Congress was to deprive the receiver of goods shipped from another State of all power to sell the same in the State of Iowa in violation of its laws, but while it is thus conceded that the act of Congress has allowed the Iowa law to attach to the property when brought into the State before sale, when it otherwise would not have done so until after sale, on the other hand, it is contended that the act of Congress in no way provides that the laws of Iowa should apply before the consummation by delivery of the interstate-commerce transaction. To otherwise construe the act of Congress, it is claimed, would cause it to give to the statutes of Iowa extraterritorial operation, and would render the act of Congress repugnant to the Constitution of the United States. It has been settled that the effect of the act of Congress is to allow the statutes of the several States to operate upon packages of imported liquor before sale." (In re Rahrer, 140 U. S., 545.)

For the purpose of this report it is perhaps not necessary to review the decisions, other than those we have mentioned, or to endeavor to reconcile conflicting theories that have been discussed in the determination of particular cases. To students of the history of our jurisprudence there is no more interesting field than the opinions and dissenting opinions rendered in the numerous cases construing the commerce clause of the Constitution. Perhaps we may properly, in the consideration of this bill, remit the question of the exclusive power of Congress over interstate commerce and the concurrent power of Congress and the State in certain cases, affecting in some degree interstate commerce, to academic discussion. Your committee is of the opinion that the constitutionality of this bill can be rested upon principle and the lately adjudicated cases. We find that in Bowman *v.* Railway Co. it is stated:

"So far as these regulations" (certain acts of Congress concerning transportation) "made by Congress extend, they are certainly indications of its intention that the transportation of commodities between the States shall be free, except where it is positively restricted by Congress itself or by the States in particular cases by the express permission of Congress. * * * It" (a State) "can not without the consent of Congress, express or implied, regulate commerce between its people and those of the other States of the Union," etc.

In Leisy *v.* Hardin it was said:

"Hence, inasmuch as interstate commerce, consisting in the transportation, purchase, sale, and exchange of commodities, is national in its character, and must be governed by a uniform system, so long as Congress does not pass any law to regulate it, or allowing the States so to do, it thereby indicates its will that such commerce shall be free and untrammeled. * * * The conclusion follows that as the grant of the power to regulate commerce among the States, so far as one system is required, is exclusive, the States can not exercise the power without the assent of Congress."

In reviewing the cases of County of Mobile *v.* Kimball (102 U. S., 691), Escanaba Co. *v.* Chicago (107 U. S., 678), Mugler *v.* Kansas (123 U. S., 623), and other cases, including Eilenbecker *v.* District Court of Plymouth County (134 U. S., 31, 40), mentioned in Leisy *v.* Hardin, Mr. Chief Justice Fuller said:

"These decisions rest upon the undoubted right of the States of the Union to control their purely internal affairs, in doing which they exercise powers not surrendered to the National Government; but whenever the law of the State amounts essentially to a regulation of commerce with foreign nations or among the States, as it does when it inhibits, directly or indirectly, the receipt of an imported commodity or its disposition before it has ceased to become an article of trade between one State and another, or another country and this, it comes in conflict with a power which, in this particular, has been exclusively vested in the General Government, and is therefore void."

And again, in the same opinion, the Chief Justice says:

"Undoubtedly it is for the legislative branch of the State governments to determine whether the manufacture of particular articles of traffic, or the sale of such articles, will injuriously affect the public, and it is not for Congress to determine what measures a State may properly adopt as appropriate or needful for the protection of the public morals, the public health, or the public safety; but notwithstanding it is not vested with supervisory power over matters of local administration, the responsibility is upon Congress, so far as the regulation of interstate commerce is concerned, to remove the restriction upon the State in dealing with imported articles of trade within its limits, which have not been mingled with the common mass of property therein, if in its judgment the end to be secured justifies and requires such action."

And in the same opinion it is further said:

"The plaintiffs in error are citizens of Illinois, are not pharmacists, and have no permit, but import into Iowa beer, which they sell in original packages, as described. Under our decision in Bowman *v.* Chicago Railway Co. (supra), they had the right to import this beer into that State, and in the view which we have expressed they had the right to sell it, by which act alone it would become mingled in the common mass of property within the State. Up to that point of time we hold that in the absence of congressional permission to do so the State had no power to interfere by seizure or any other action in prohibition of importation and sale by the foreign or nonresident importer. Whatever our individual views may be as to the deleterious or dangerous qualities of particular articles, we can not hold that any articles which Congress recognizes as subjects of interstate commerce are not such or that whatever are thus recognized can be controlled by State laws amounting to regulations while they retain that character, although at the same time, if directly dangerous in themselves, the State may take appropriate measures to guard against injury before it obtains complete jurisdiction over them.

"To concede to a State the power to exclude, directly or indirectly, articles so situated, without congressional permission, is to concede to a majority of the people of a State, represented in the State legislature, the power to regulate commercial intercourse between the States, by determining what shall be its subjects, when that power was distinctly granted to be exercised by the people of the United States, represented in Congress, and its possession by the latter was considered essential to that more perfect Union which the Constitution was adopted to create. Undoubtedly there is a difficulty in drawing the line between the municipal powers of the one government and the commercial powers of the other, but when that line is determined, in the particular instance, accommodation to it, without serious inconvenience, may readily be found, to use the language of Mr. Justice Johnson, in Gibbons *v.* Ogden (9 Wheat., i, 238), in 'a frank and candid cooperation for the general good.'"

And in the Rahrer case it is said that—

"No reason is perceived why, if Congress chooses to provide that certain designated subjects of interstate commerce shall be governed by a rule which divests them of that character at an earlier period of time than would otherwise be the case, it is not within its competency to do so.

* * * * * * *

"The framers of the Constitution never intended that the legislative power of the Nation should find itself incapable of disposing of a subject matter specifically committed to its charge. The manner of that disposition brought into determination upon this record involves no ground for adjudging the act of Congress inoperative and void."

Now, this bill is a presentation, as we have endeavored to show, of the conclusion derived from a just construction of constitutional law and a study of adjudged cases that an act passed in pursuance of the power of Congress to regulate commerce can authorize the operation of the internal laws of the State sooner than these laws could have operated without this legislation. That is the case here.

As we have shown, in the Rahrer case it was held that the sale in Kansas of intoxicating liquors transported from the State of Missouri could be prevented by the State, although such liquors were in the original package. It was held in that case that the act of Congress allowed the police regulations of the State governing intoxicating liquors to become operative sooner than would have been the case had Congress remained silent on the subject.

The proposition here is that it is entirely competent for Congress to go a step further and allow such State regulation to become operative upon the arrival of such liquors within the boundaries of the State, before and after delivery, provided that such regulation shall not interfere with liquors being transported through the State to points beyond its limits, and shall not interfere with the right of the citizen to have transported into the State from another State liquors for his own use. It is upon this theory that this bill is predicated, and with the belief that the courts will uphold its constitutionality.

The development of congressional and judicial thought on the line that the State has, within its boundaries, the right to regulate the traffic in intoxicating liquors, whether produced within or brought from without its boundaries, culminating in the act of August 8, 1890, and the decisions referred to, is the foundation for the belief that this bill will stand the test of judicial scrutiny. Whether the Wilson law is in effect a legislative declaration that the decisions in New York *v.* Miln and in Pierce *v.* New Hampshire, and other like cases, correctly interpreted the power of Congress and the power of the State, or whether it is congressional assent to the operation of State laws upon articles of commerce when once brought into the State sooner than would have been the case in the absence of congressional action, we need not stop to discuss. The constitutionality of the law, we believe, has been, at all events, established. This view is enough to meet the requirements of local self-government in the States, and still it does not, we think, militate against the idea that the control of interstate commerce is an exclusive and plenary power of Congress.

* * * * * * *

The purpose of this proposed law, and its sole purpose, is to allow each State to carry out its own domestic or internal policy in regard to the control of intoxicating beverages within the boundaries of the State.

The sole effect will be to permit the State, if it so wills, to circumscribe the sale of intoxicating beverages within its boundaries to the full extent that it may desire *to restrain* such traffic *or to regulate the* sale of the same through the medium of its own laws, including local-option laws, high-license laws, or dispensary laws. * * *

Mr. Speaker, in view of the assaults made upon the constitutionality of the pending bill, I think it but fair to have printed the argument made by Mr. Fred S. Caldwell, of Oklahoma City, Okla., who made the first draft of this bill. His argument was before the Committee on the Judiciary, and is as follows:

Mr. CALDWELL. Mr. Chairman and gentlemen of the committee, I have here a list of citations to authorities, to which I will refer in the course of my argument. Some of them, perhaps, in the limited time I will make no reference to. But, if there is no objection, I will hand this list to the reporter and ask that it be incorporated into the record at this time in order that the committee may have before them references to those cases, if they should desire to refer to them afterwards.

The CHAIRMAN. There is no objection, and the list will be incorporated in the remarks at this point.

The list referred to is as follows:

CITATION OF AUTHORITIES IN SUPPORT OF ARGUMENT BY FRED S. CALDWELL.

Bowman *v.* Chicago & N. W. R. Co. (125 U. S., 465; 8 Sup. Ct., 689; 31 L. Ed., 700).

Leisy *v.* Hardin (135 U. S., 100; 10 Sup. Ct., 681; 34 Law Ed., 128).

Scott *v.* Donald (165 U. S., 66; 17 Sup. Ct., 265; 41 Law Ed., 632).

Mugler *v.* Kansas, 123 U. S., 661; 8 Sup. Ct., 273; 31 Law Ed., 210).

Rhodes *v.* Iowa (170 U. S., 412; 18 Sup. Ct., 664; 42 Law Ed., 1096).

Vance *v.* Vandercook Co. (170 U. S., 439; 18 Sup. Ct., 676; 42 Law Ed., 1102).

In re Rahrer (140 U. S., 545; 11 Sup. Ct., 865; 35 Law Ed., 572).

Heyman *v.* Southern Ry. Co. (203 U. S., 217; 27 Sup. Ct., 104; 51 Law Ed., 178).

American Express Co. *v.* Iowa (196 U. S., 133; 25 Sup. Ct., 182; 49 Law Ed., 417).

Adams Express Co. *v.* Iowa (196 U. S., 147; 25 Sup. Ct., 185; 49 Law Ed., 424).

Pabst Brewing Co. *v.* Crenshaw (198 U. S., 17; 25 Sup. Ct., 552; 42 Law Ed., 925).

Delamater v. South Dakota (205 U. S., 93; 27 Sup. Ct., 447; 51 Law Ed., 724).
Foppiano v. Speed (199 U. S., 501; 26 Sup. Ct., 138; 50 Law Ed., 288).
Commonwealth v. Intoxicating Liquors (107 Mass., 399; U. S.).
United States v. Brig Malleck Adhel (2 How., 210).
Smith v. State of Maryland (18 How., 71).
Dobbins Distillery v. United States (96 U. S., 400; 24 Law Ed., 638).
J. B. Mullen & Co. v. Moseley (90 Pac., 986).
Fisher v. McGirr (1 Gray (Mass.), 1; 61 Amer. Dec., 381).
State v. 18 Casks of Beer (104 Pac., 1093).
Kalloch v. Newbert (Me., 72; Atl., 736).
State v. Intoxicating Liquors (71 Atl. (Me.), 758).
Gulf, Colorado & Santa Fe R. R. Co. v. State ex rel. Caldwell (Okla., 116; Pac., 176).
Ex parte Oklahoma (U. S.; 55 Law Ed., 431).
The Vessel Abby Dodge v. United States (U. S., No. 41, October term, 1911).
Louisville & Nashville R. R. Co. v. F. W. Cook Brewing Co. (U. S., No. 64, October term, 1911).
Adams Express Co. v. Kentucky (214 U. S., 218; 53 Law Ed., 972; 29 Sup. Ct., 633).
Graves v. Johnson (156 Mass., 211; 30 N. E., 818; 32 Am. St., 446; L. R. A., 834).
Church v. Proctor (13 C. C. A., 426; 66 Fed., 240).
Plumley v. Massachusetts (155 U. S., 461).
In re Scheitlin (99 Fed., 272).
Crossman et al. v. Lurman et al. (192 U. S., 189; 24 Sup. Ct., 234).
American Express Co. v. Mullins (29 Sup. Ct., 381).
State ex rel. v. Hooker (Okla., 98; Pac., 964).
Schwedes v. State (Okla., 98; Pac., 804).
Champion v. Ames (Lottery case; 188 U. S., 321).

"The Congress shall have power * * * to regulate commerce with foreign nations, among the several States, and with the Indian tribes." (Constitution, Art. I, sec. 8, cl. 3.)

"To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof." (Constitution, Art. I, sec. 8, cl. 18.)

Mr. CALDWELL. My argument will be, in a measure, in answer to the learned gentleman who discussed this matter before you this morning, and will be directed in support of House bills 17593 and 16214. So far as the interests for which I speak are concerned, either bill will, in our opinion, give the relief, and as Mr. Webb has stated to the committee, they are practically the same, as the committee undoubtedly have advised themselves.

The question was raised this morning that Congress can not pass either of these bills, because to do so would mean to delegate certain power to the several States, which power, by the commerce clause of the Constitution of the United States, has been vested exclusively in Congress. In order that we may get at the question that is before us perhaps it will be well to really put the matter specifically before the committee. I will undertake to do that briefly by making specific reference to the laws of the State of Oklahoma, with which I happen to be somewhat familiar.

Oklahoma, as certain members of this committee undoubtedly know, was born into the Union a prohibition State, and perhaps not altogether voluntarily. At least one-half of the State, in area, was that portion of the present State which was occupied by the Five Civilized Tribes, and Congress—or the United States, rather—was bound by Indian treaties to keep liquor out of that country and away from the Indians. I suppose, pursuant to the obligation of those Indian treaties, the condition was written into the enabling act that Oklahoma must, by ordinance irrevocable, write into its constitution, its fundamental law, prohibition for the Indian Territory side for 21 years. We did that. At the same time we submitted a separate amendment to the people which would provide for Statewide prohibition. It was adopted by a majority of something more than 18,000. Last fall, under a proposed amendment to the constitution, a resubmission, as we call it, of that issue—Statewide prohibition—was reaffirmed by something more than 20,000 majority.

The situation in Oklahoma is this: The first legislature gave life to the constitutional provision which, in itself, according to the decisions of our courts, was self-executing, by passing what we called, or what our supreme court, for the sake of brevity, has called, the enforcement act. Among other things that act provides that it shall be a crime to sell, barter, give away, etc., or otherwise furnish certain liquors, or to have the possession of any such liquor with the intent to violate any of the provisions of that act. One of the provisions of the act is that liquor can not be sold, so that if A B has a case of whisky in his possession with the intent to sell any of it A B is a criminal. The liquor is a nuisance; it can be seized, tried, condemned, and destroyed.

At this point I want to refer to a statement made by that eminent jurist, Chief Justice Shaw, of Massachusetts, something like 50 years ago, when he was construing an act of that State with reference to intoxicating liquors which made a similar provision—that is, it provided for search and seizure process and trial of the liquor, and the liquor's condemnation provided the unlawful intent was found to exist. I have cited the case in the list which I have given the reporter. It is Commonwealth against Intoxicating Liquors (107 Mass., 399). It is said in that case:

"The seizure of liquors under the statute of 1869, chapter 415, because they are kept for sale illegally, is a proceeding in rem"—an action against the offending thing—"which regards such liquors as a nuisance. The statute permits the keeper or any other person to come and claim them as his property, and if they appear to be his they are delivered to him, unless they are so kept as to constitute what the statute regards as a nuisance."

In another Massachusetts case, Fisher against McGirr (1 Gray (Mass.), 1), the courts say:

"To see whether any trial is provided for, we must first ask what is to be tried."

I will state to the committee that in the case of Fisher against McGirr the question of due process of law was before the court, and in that case they held that particular law unconstitutional and void, in that it did not provide for a trial which would satisfy the due process of law provision of the Constitution.

"The case supposes that the keeping of spirituous liquors intended for sale is made unlawful by the statute; that the illegality consists in the intent of selling; that the intent qualifies the act of keeping and impresses on the property illegally kept the character of a nuisance."

The case of whisky, in Oklahoma, kept with intent to violate any of the liquor laws of Oklahoma, is by that intent impressed with the character of a nuisance. We proceed against it by an action in rem, just as the learned justice says. How do we do that? By the fourteenth amendment of the Constitution of the United States it is provided that no person shall be deprived of life, liberty, or property except by due process of law. Our constitution provides that anyone whose property is to be tried and condemned has a right to a hearing. I would like to state also that a search and seizure warrant can not issue except upon probable cause having been shown by affidavit or affirmation before some judicial officer. The liquor, we will say, is in Oklahoma, and we will eliminate the question of interstate commerce. There is no question of interstate commerce in this case. There is the case of liquor. No officer in the State of Oklahoma can summarily go and seize that liquor, or destroy it, or do anything with it, unless he actually sees the person selling it. In other words, our law—and I think it is not unusual—provides this, that an officer may, without process, arrest a man if he takes him in commission of the criminal act.

The CHAIRMAN. He catches him in flagrante delicto?

Mr. CALDWELL. Yes, sir. But he must immediately take him before a proper tribunal and there swear to the complaint against him, and then the writ is issued which holds him for trial. The liquor is perfectly safe until the machinery of the law is set in motion against it, and that is done in this way: A, B, or C, or whoever has knowledge of the fact which supports the belief that the liquor is there, kept with the intent to violate the law, goes before some judicial tribunal of Oklahoma. He may go before a justice of the peace; he may go before a county judge, and the county courts of Oklahoma are courts of record; he may go before the superior court, and the superior courts of Oklahoma are courts of record; or he may go before the judge of the district court, and they are courts of record, any one of those judicial tribunals; and he makes affidavit to the facts, and the judicial officer passes upon those facts, supported by oath or affirmation, and he determines the existence or nonexistence of probable cause for believing that the nuisance exists. If, in his opinion, in the exercise of his judicial power, probable cause exists, he so finds, and he issues his warrant, directed to the constable or the sheriff, the executive officer of the court. That warrant is issued in the name of the State of Oklahoma, commanding that officer to go to the place, search, and, if he finds, seize the liquor; and do what? Arrest it, simply arrest it, and bring it into court. The law provides that the officer must make a return to that writ within three days of the time it is issued, and the return must show what the officer did. Suppose he found a case of whisky. He makes his return, which says, "I received this writ on such a day, and I executed it by going to the place and searching, and there finding and seizing a case of whisky," which he turns over to the court. Upon that return the court must set a hearing, not less than 10 days nor more than 30 days, so that they can not take snap judgment, neither can they keep the man's property if he had it for personal use, which is not barred by our law, tied up indefinitely. That hearing must be held in not less than 10 days nor more than 30 days later. What is tried? The status of that case of whisky. They may have a trial to a jury. You will find all this matter settled and the constitutionality of the law sustained by an opinion of the Supreme Court of Oklahoma in State, ex rel., v. Hooker (Okla.; 98 Pac., 964), which is among the citations I have given. If the fact be found that the liquor was kept or possessed by any person with the intent to violate the law, then judgment is pronounced, and the judgment is forfeiture, and the liquors are destroyed.

But an appeal can be had, and even to the Supreme Court of Oklahoma; and if, in the proceeding, any Federal question be introduced—if it should be claimed that the party had rights under the Constitution of the United States or any act of Congress—a writ of error could be prosecuted to the Supreme Court of the United States, even though it were only a case of liquor. It is regular, it is orderly, it is a judicial proceeding according to the due process of law provision.

That answers us abundantly and perfectly well in so far as liquors are concerned which are not in the channels of interstate commerce. But suppose there is a case of liquor, a barrel of liquor—yes, 10 barrels of liquor, each one, say, weighing five or six hundred pounds—I am not up on those matters as I was two or three years ago, but I remember that it was not uncommon to find shipments, before the penal code provisions went into effect, of a box of liquor of 450 pounds, which meant that a barrel of liquor was incased in a box and shipped into Oklahoma. We will say there are 10 barrels of whisky at the Santa Fe depot in Oklahoma City, and they have been purchased in Kansas City by John Doe, who is a well-known joint keeper in Oklahoma City. He has paid the special tax required by the United States of liquor dealers, which, under the laws of Oklahoma, is prima facie evidence of his intent to violate the liquor laws of Oklahoma. Why should any man in Oklahoma pay $25 to the United States Government unless he intends to violate the liquor laws or sell liquor? That nuisance—at least, that thing—is there; it is in Oklahoma. He intends to violate the law with it. But what happens? Oklahoma can not touch it. He can say openly, "Yes; I intend to sell it. I intend to violate the laws of Oklahoma; but you can not touch it. It has not been delivered to me under the contract of interstate shipment at the point of destination." Well, suppose we are exasperated to the extent of seizing it anyhow. It comes into court in the same process I have outlined, and he comes into court and says, "It makes no difference about my intent. I concede that; I admit that. But the liquor was not delivered."

The CHAIRMAN. Let me ask you, if it will not disturb your argument, you say the man avows that he is going to sell that liquor in violation of the laws of Oklahoma. He receives the barrel of whisky from the railroad company after having made that statement. Then could not the State authority seize the liquor after it is in his possession?

Mr. CALDWELL. That is not an open question. It would not be necessary, Mr. Chairman, for anyone to come before this committee to contend for a proposition so thoroughly and so completely settled as that. But just as clearly and conclusively is it settled that until that delivery is made we can not seize it.

Mr. MOON. Let me ask you a question upon that point. I do not understand that to be the law at all. It is only while that liquor is in transit. When that liquor arrives at its destination it is either to be delivered or it is held by the railroad company in a warehouse, and being held in a warehouse, according to my conception of the law, would subject it to the operation of the laws of Oklahoma; it is not in transit.

Mr. CALDWELL. Then the gentleman differs with the Supreme Court of the United States and with the Supreme Court of Oklahoma. The Supreme Court of the United States did say this, in the case of Heyman v. Southern Railway Co. (203 U. S., 217)—they leave it an open question as to how long the carrier could keep it in the warehouse for delivery. They did not say that 5 days would be an unreasonable time or that 30 days would be an unreasonable time.

Mr. MOON. But they did draw a distinction between liquor in transit and that in a warehouse?

Mr. CALDWELL. Yes, sir; they also said that the rule would not apply which, as between individuals, the consignee and the carrier, would make the carrier a warehouseman and not a carrier. You understand that as to interstate commerce—if a commodity is shipped to me from Kansas City to Oklahoma City the carrier has it there for delivery and notifies me, and I am given a reasonable time to come there and receive it. Then the carrier's liability as a carrier, which is greater than the carrier's liability as warehouseman, ceases, and after that time they are warehousemen and not carriers. The Supreme Court of the United States, in the Heyman case, said that rule is not the test with reference to liquor.

Mr. MOON. But they did say, however, that it was not within the protection of interstate commerce if it was held by the carrier as a warehouseman and not as a carrier.

Mr. CALDWELL. It would be held by the carrier as warehouseman as between the carrier and the shipper; but it would not be held as warehouseman as between the State and the shipper.

Mr. MOON. If there is any imperfection in the laws of Oklahoma or in the construction by its courts, that is another question.

Mr. CALDWELL. Now, if the chairman will permit me, I will proceed. This is departing somewhat from the first proposition, but digressions seem to be in order. Suppose some one, A, B, or C, or all three of them, go before the county court, a court of record, and make affidavit to the fact that at the Santa Fe Depot in Oklahoma City are certain liquors, describing them; that they are kept and intended to be used in violation of the laws of Oklahoma; and the county judge, from an examination of those facts, finds that probable cause exists, and he issues the warrant, and the officer proceeds to the station, arrests the liquor, and brings it into court. A trial is had, and what happens? The claimant comes in. If he is a local bootlegger who is well known, he will not come directly; he will have the shipper, the Kansas City wholesale house, come in. But they come in and make this claim: "Those 10 barrels of whisky were purchased in Kansas City; they were delivered to the Santa Fe Railroad Co. for transportation to Oklahoma City; and they had not been delivered under the contract of interstate shipment at the time this seizure was made. Therefore they were interstate commerce, it makes no difference what the man intended to do with them, and we demand a return." There is only one thing for the court to do, and that is to return them.

Mr. CARLIN. Who is hurt by that transaction?

Mr. CALDWELL. The State of Oklahoma; and I will tell you why. Suppose they are returned; and then, when the officers are not standing on picket, under the cover of darkness or otherwise—and many deliveries are made clandestinely, let me tell you—anyhow, the delivery is made. Here is the carrier, the Santa Fe Railroad Co. [indicating], here is the liquor, and here is the consignee, and the delivery is made. What happens? Instantly the consignee who receives the possession of the liquor becomes a criminal, because he has 10 barrels of whisky in his possession with intent to violate the law. Instantly the liquors are not property, but a public nuisance, and every time the Santa Fe Railroad makes a delivery of that sort in the State of Oklahoma it creates a public nuisance in the State of Oklahoma, and the consignee is a criminal.

Mr. CARLIN. But I am speaking of the case where the liquor was returned, sent back.

Mr. CALDWELL. They do not send it back; they simply return it to the Santa Fe Railroad Co. and put it there in the station. They do not have to return it. It is interstate commerce, and under the present commerce laws they have a right to ship it in there.

The CHAIRMAN. You restore the status as it was before the seizure was made.

Mr. CARLIN. They restore it to the carrier?

Mr. CALDWELL. Yes; and then the carrier can make the delivery under the interstate contract of shipment.

Mr. CARLIN. I understood you to say they returned it to the consignor.

Mr. CALDWELL. No; I say he can make claim, but they deliver it back to the carrier, who then holds it under the contract of interstate shipment until he can make the delivery under the contract of interstate shipment. Let me show you about the carrier shipping it back. The Supreme Court of the United States, in the case of Louisville & Nashville Railroad Co. *v.* The F. W. Cook Brewing Co., hold that the liquor dealer can make the carrier take it in there.

Mr. DAVIS. That is a late case?

Mr. CALDWELL. Yes; that is a late case, No. 64, October term, 1911. There are some interesting statements in that case by Justice Lurton. Mind you, the Kentucky law prohibits the transportation of liquor from a wet county into a dry county; that is intrastate. The violator of the law in the dry county, then, can not buy liquor in a wet county of Kentucky and take it into a dry county. So he goes over into Ohio, or Tennessee, or Missouri, and the railroad company—or at least this railroad company did, the Louisville & Nashville Railroad Co.—says, "We will not carry that into the dry county." He says, "I will see whether you do or not." So he went into court to mandamus the carrier to take the liquor from the wet State for delivery into the dry county, when the carrier could not take liquor from the wet county into a dry county; and the Supreme Court of the United States sustained that and said the carrier has to take it, and not only that, but they say the law of Kentucky is commendable which prohibits the carrying of the liquor from the wet county into the dry county. They do not say how commendable is the law of the United States which makes the railroad company carry it from a wet State into that dry county. I read the language of the court:

"Valid as the Kentucky legislation undoubtedly was as a regulation in respect to intrastate shipments of such articles, it was most obviously never an effective enactment in so far as it undertook to regulate interstate shipments to dry points. Pending this very litigation, the Kentucky Court of Appeals, upon the authority of the line of cases above cited, reached the same conclusion.

"The obligation of the railroad company to conform to the requirements of the Kentucky law, so far as that law prohibited intrastate shipments, is clear, and to this extent its circular notification was commendable. But the duty of this company, as an interstate common carrier for hire, to receive for transportation to consignees upon its line in Kentucky from consignors in other States any commodity which is an ordinary subject of interstate commerce, and such transportation could not be prohibited by any law of the State of such consignee, inasmuch as any law would be an unlawful regulation of interstate commerce not authorized by the police power of the State. It is obvious, therefore, that in so far as the Kentucky statute was an illegal regulation of interstate commerce, it neither imposed an obligation to obey nor affords an excuse for refusal to perform the general duty of the railroad company as a common carrier of freight."

The CHAIRMAN. That opinion was merely a restatement of principles heretofore decided by the court in other cases, do you not think?

Mr. CALDWELL. Undoubtedly so; but it emphasizes the unfortunate situation with reference to interstate commerce in intoxicating liquors.

Mr. CARLIN. The court uses the word "duty" of the railroad company. Do you think the duty referred to there is the constitutional duty?

Mr. CALDWELL. As long as the thing is interstate commerce, then it is a constitutional duty in this sense, that the commerce clause of the Constitution of the United States requires that it be done.

The CHAIRMAN. If it would not interrupt you, right at this point I want to reply to the suggestion that was made a while ago in a colloquy with Judge MOON, and cite from this decision from which you read:

"The Wilson Act, which subjects such liquors to State regulation, although still in the original packages, does not apply before actual delivery to such consignee where the shipment is interstate. Some of the many later cases in which these matters have been so determined and the Wilson Act construed are: Rhodes *v.* Iowa (170 U. S., 412); Vance *v.* Vandercook Co. (170 U. S., 438); Heyman *v.* Southern Railway (203 U. S., 270); Adams Express Co. *v.* Kentucky (214 U. S., 218)."

Mr. CALDWELL Yes; all those cases, and many others cited.

Mr. MOON. It has also been said by the Supreme Court that it is a delivery to the consignee, and the railroad company holds it as warehouseman, as the agent of that consignee, after a certain time.

Mr. CALDWELL. But that certain time is a very indefinite thing. The railroad companies in Oklahoma—in prohibition States it is a constant conflict between the traffic department and the operating department over intoxicating liquors. The operating department, which really includes the legal department, are worried to death by claims with reference to these shipments, and the difficulties they get into; but immediately upon the carrier imposing a restriction or a limitation which will relieve them against that, the brewers and the big distillers go to the traffic department and they say, "Here, you are shipping lots of stuff into the wet States," and they suggest that they will divert the traffic if they do not extend to them the privileges that they are demanding. The carriers, so far as they can all agree, can make a regulation. They had a 15-day limitation at one time, and at one time a 5-day limitation, that if the shipment was not delivered within 5 days they would return it. But suppose they did return it? Then they got into a controversy with the shipper for the freight on the return shipment. It simply forces the carrier to act as the supply agent for the bootlegger and the joint keeper, and you can not get away from it. That is just, in simple terms, exactly what it does.

Coming, now, to the gentleman's argument, he says that Congress can not so regulate commerce as to avoid that thing. It is an unfortunate situation if that can not be done. If the Federal courts, on the one hand, must, under the commerce clause of the Constitution, compel the carrier to perform that duty to the bootlegger and the joint keeper and the speak-easy and the blind tiger in the dry territory of the country, it is an unfortunate thing.

Mr. MOON. I might say that I did not understand Mr. Maxwell to state that. He said we could not do it in this way. I do not think he assumed or stated that Congress could not regulate it.

Mr. CALDWELL. You will agree that he did not suggest any means by which it could be done, and I take it——

Mr. MOON. No; he was here speaking to this bill.

Mr. CALDWELL. I take it he would oppose any bill.

Mr. MAXWELL. Why do you not shut up your speak-easy?

Mr. CALDWELL. I will tell you exactly why. We could picket that particular station where those 10 casks of whisky are for a while and after they ran out of a supply it would be shut up; the sign would be up, "Boys, nothing doing." But if we do not happen to have police officers enough to patrol every inch of railroad in the State of Oklahoma, at some point or some place that thing would be slipped out, and then they would be away with it, like a rat in a hole, and you have to dig for it; as Mr. Baker, I think, suggested an experience they had in Ohio about going after it. An ounce of prevention is worth a pound of cure; there is no question about that. If Congress will so regulate interstate commerce that the liquor in the hands of the carrier, which is intended to be used in violation of the laws of the State, is not interstate commerce, then we will stop it, because we will take those 10 casks of whisky and throw them in the ditch. It will be easy; it will be simple. I think that the learned gentleman and his clients fully appreciate how easily it could then be done.

Mr. MOON. Suppose we meet that situation by saying that if the common carrier holds liquor shipped to a consignee more than 15 days it shall amount to a constructive delivery?

Mr. CALDWELL. It would not meet it at all, because that is the law now.

Mr. MOON. I understood you to say it was not.

Mr. CALDWELL. No, sir. The only way you can meet it is to take intoxicating liquor intended to be used in violation of the laws of the State out of interstate commerce. And why should it not be taken out? Why should it be interstate commerce? Let us differentiate a minute. I think you will all agree that a thing is not necessarily interstate commerce just because it is in the channels of interstate commerce.

Mr. CARLIN. Do you mean to say that Congress ought to declare that intoxicating liquor should not be the subject of interstate commerce?

Mr. CALDWELL. I did not say that, Mr. Carlin. I said that Congress should say that liquor intended to be used in violation of the laws of a State should not be interstate commerce.

The CHAIRMAN. Practically, then, how can you determine that fact until that liquor is shipped?

Mr. CALDWELL. Why is it necessary to determine it before it is shipped? It never gets into the channels of interstate commerce until it is shipped.

The CHAIRMAN. At the initial point, then.

Mr. CALDWELL. We do not care what they do at the initial point outside of the State of Oklahoma.

The CHAIRMAN. Under this law the common carrier, it seems to me, ought to know whether he is engaged in a matter in violation of law or not.

Mr. CALDWELL. That is true.

The CHAIRMAN. It will concern him very much to know whether he is going on in violation of law or not.

Mr. CALDWELL. And that is why these bills are so drafted as not to make it a violation on the part of the carrier. It ought not to be.

Mr. DAVIS. But you deprive him of all compensation for the shipment.

Mr. CALDWELL. No. He can demand his compensation in advance.

Mr. DAVIS. If he does it as to the liquor shipment, must he do it as to all shipments?

Mr. CALDWELL. No; and I will tell you why. At the present time—I do not know about the railroad companies in this part of the Union—I know in Oklahoma and kindred States you can not ship household goods without paying the freight in advance. The poor emigrant who goes from Missouri into Oklahoma, or, if he should happen to be starving

out in the western part of Oklahoma or in the Panhandle of Texas, and wants to go to his relatives in Missouri, can not move his household goods until he pays the freight in advance.

Mr. NORRIS. Do they not apply that rule to Congressmen, too? I have had to do that. [Laughter.]

Mr. CALDWELL. Yes; I suppose so. We in Oklahoma see no reason why Mr. Pabst and Mr. Schlitz and the great brewing interests and the liquor interests should not be required to pay in advance freight on their shipments, if the poor householder is required to pay in advance freight on his household goods. Furthermore, they simply do it for their own protection. Gentlemen, I am not willing to concede that it is even required. I remember not many years ago I had a client in Oklahoma City who represented a local wholesale seed house, one of the largest seed houses of the West. He was a Dane, a rather obstreperous sort of fellow. He was always in controversy with the local freight agents about his shipments. If any thing came in a little short, he was going to have that shortage, and the controversy between him and the representative of the Rock Island Railroad Co. developed to the point where they would not deliver one of his cars and would not set a car in for him unless he paid the freight on it in advance. I looked the matter up somewhat for him, and I may be wrong, but I reached this conclusion, that the railroad company could not be compelled to extend credit to anybody if they did not want to. That is, they had a right to determine for themselves whether or not the shipper was entitled to credit. If he was a pauper, or if for any reason, in the exercise of their judgment in the carrying on of their business, they thought he was unworthy of credit, I knew of no law, and found none, that compelled them to extend him credit. So I say, in answer to Mr. Davis's question, I know of no law which would be violated by the railroad company if they should say that the freight on liquor shipped into dry territory must be paid in advance.

Mr. WEBB. Telegraph companies require senders of telegrams to pay in advance, when they do not know the senders.

Mr. CALDWELL. Yes, sir.

Mr. WEBB. They do not require me to pay in advance.

Mr. CALDWELL. But if you were to go to San Francisco, where you were not very well known, and wanted to send a telegram home, you would have to pay for it in advance.

Mr. WEBB. Certainly.

The CHAIRMAN. I think his face would entitle him to send it. [Laughter.]

Mr. CALDWELL. You could not say that of all the liquor dealers. [Renewed laughter.]

Is it a delegation of power? I have written out here that famous commerce clause of the Constitution of the United States. And I say that not in any disparaging sense, because I believe that, so far as the country as a whole is concerned and the development of the Nation that was then building is concerned, there is not another part of the Constitution of the United States into which so much is injected in the same space.

"Congress shall have power to regulate commerce with foreign nations, among the several States, and with the Indian tribes."

It is no longer an open question as to what Congress can do with reference to commerce with the Indian tribes, especially in intoxicating liquors. They can absolutely prohibit it, and have done it. It is a fixed policy. It is no longer an open question as to what Congress can do under that language of the Constitution with reference to foreign commerce. They can prohibit it absolutely. The Supreme Court at this term reaffirmed that in the case of the vessel *Abby Dodge*, No. 41 at the present term, and they cite an old case. They say it is settled law. So far as the language of that provision goes, they can do all to commerce among the States that they can do to foreign commerce or commerce with the Indian tribes. So, if there are limitations, they must be found in some other provision of the Constitution.

Furthermore, in this same section, at the end of it, is this:

"Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers"—

among which is the power to regulate interstate commerce. This is a dual form of government. They must work together, articulate together, but each in its separate sphere is supreme—the States in theirs, the Federal Government in its. The States exercise the police powers to regulate intrastate commerce; Congress regulates interstate commerce, and has all the power that is necessary to regulate interstate commerce expressly conferred by the Constitution, not implied, but expressly conferred.

We may, I think, agree on this: That if Congress can so regulate interstate commerce as to avoid a conflict between the exercise of the police powers of the State and interstate commerce, it ought to be done. This has not been done in the past; those conflicts have occurred until this is the settled law. It was not so in the beginning; it was a great question. The Supreme Court of the United States decided one way, and they decided another, and for years the line of cleavage was not well marked. But finally this has been settled as the law: That where the power of Congress to regulate interstate commerce and the power of the State over its internal affairs, the police powers of the State, conflict, the power of Congress to regulate commerce is supreme.

It is impossible to have two irresistible bodies, I believe, moving in opposite directions against each other at the same time. One has to be supreme, and the power of Congress is supreme. This power of Congress, then, to regulate interstate commerce is not a weakling if it is so strong and so powerful that it stands above the police powers of the State.

In Mugler *v.* Kansas (123 U. S., 661) the Supreme Court of the United States said that it was within the police power of a State to prohibit the manufacture of liquor for the personal use of the manufacturer. Likewise, even though he intended to sell the product through the channels of interstate commerce beyond the State. So the police power is pretty well defined. I think at the last term of court the Supreme Court of the United States decided the case of Noble State Bank *v.* Haskell, a case that went up from Oklahoma involving the constitutionality of the bank-guaranty law. Mr. Justice Holmes, in the discussion there, very tersely says that with regard to the police power of a State the lines are pricked out by the decisions first on the one side and then on the other, but, suffice it to say, that the bank-guaranty law is well within the police power of the State. There is the banking business, and under that decision a man can not engage in the banking business in Oklahoma on the theory that it is a vested right and that he has a right to carry on that business. He must comply with the State laws and guarantee his depositors.

Mr. CARLIN. What would you do with this language used by Mr. Justice Shiras in the case of Vance *v.* Vandercook Co.:

"The conceded purpose of protecting commerce from hostile action between the States would be defeated if Congress withdraw from the exercise of its power in such matters and turn them over to the legislatures of the States."

Mr. CALDWELL. From what case did you read that?

Mr. CARLIN. From Vance *v.* Vandercook.

Mr. CALDWELL. By Mr. Justice Shiras?

Mr. CARLIN. He was delivering the dissenting opinion there.

Mr. CALDWELL. Yes; I wanted to bring that point out; that is from the dissenting opinion.

Mr. CARLIN. The opinion of the court sustained the same idea; but he was giving his reasons for that.

Mr. CALDWELL. According to Mr. Justice Shiras, the opinion of the court did not sustain just that idea. He dissented on that ground. But I will answer the question, which is very pertinent. My answer to it is this: That if Congress, in the exercise of its power to regulate interstate commerce, takes a thing out of interstate commerce, then it is absolutely immaterial what the State does with it, because it is not interstate commerce. That is exactly what this bill will do with reference to intoxicating liquor that is intended to be used in violation of the laws of the State into which it is to be introduced. It is taken out of interstate commerce; it is not interstate commerce any more than rags infected with yellow fever or diseased meat.

Mr. DAVIS. What is it that determines whether or not it shall be taken out of interstate commerce?

Mr. CALDWELL. That intent. For instance, as Chief Justice Shaw said in a Massachusetts case, the thing that determines whether or not the liquor is a nuisance or is property is the intent of the possessor. He says that intent impresses upon it the character of a nuisance. If it does, what is the effect? You divest it of all property rights and you destroy it. Here is a case of liquor and A B possesses it. He intends it for his own personal use; that does not violate the law. It is then property. Nobody can interfere with it; it is his property. But he changes his mind. He intends to use it in violation of law, to sell it; it is no longer property. His intent—and I take Chief Justice Shaw for it, and it is well settled by a long line of decisions—impresses upon that case of liquor the character of a nuisance, and it is not property.

Mr. MOON. By virtue of a State law?

Mr. CALDWELL. By virtue of a State law.

Mr. CARLIN. Right there let me call your attention to this, and ask ask your view of it.

Mr. CALDWELL. One at a time, gentlemen.

Mr. CARLIN. It involves the same thing; it will enable you to answer that question—that is, if you can in view of this language, quoting from a majority opinion in that case.

Mr. CALDWELL. Vance *v.* Vandercook?

Mr. CARLIN. Yes. Justice White made this statement:

"Conceding, without deciding, the power of the State where it has placed the control of the sale of all liquor within the State in charge of its own officers to provide for an inspection of liquors shipped into a State by residents of other States for use by residents within the State, it is clear that such a law, to be valid, must not substantially hamper or burden the constitutional right on the one hand to make and on the other hand to receive such shipment."

Mr. CALDWELL. Yes, sir. Do you want to get my interpretation of that language?

Mr. CARLIN. Yes. What effect does this have when you apply that language to it?

Mr. CALDWELL. It has exactly the same effect that the Wilson Act had on the liquor which was intended to be sold in the original package.

Mr. CARLIN. I am speaking of the constitutional right of the individual.

Mr. CALDWELL. The right to resell in the original package was, before the passage of the Wilson Act, a constitutional right.

Mr. CARLIN. And the right of Congress, even if it intended to delegate that constitutional right to the State.

Mr. CALDWELL. You have a double question now. The last question is not pertinent to the main question. Before the Wilson Act was passed you must remember that in that same sense there was the constitutional right to resell in the original package.

I shall not be impatient with the members of the committee if they do not at first all agree with me in this proposition, because I confess that to a legal mind it seems to me that you are using improper language when you speak of a constitutional right and then say that Congress can take away that constitutional right. But the term is not well chosen in that sense. It was a constitutional right in that they said it was conferred by the commerce clause of the Constitution, but not absolutely fixed until Congress had spoken.

Mr. CARLIN. Justice Shiras takes the other view of that.

Mr. CALDWELL. The majority of the court did not agree with Justice Shiras.

Mr. CARLIN. I am showing you the two are not very far apart, so far as the language is concerned.

Mr. CALDWELL. I had not finished, Mr. Carlin. The Supreme Court held in the Rahrer case that that right to resell in the original package, which had been sustained in Leisy *v.* Hardin, as a part of the interstate commerce, could, by an act of Congress passed in the exercise of its power to regulate commerce, be taken away. I contend in the same way Congress might so regulate commerce as to take away this right for personal use. But, speaking for Oklahoma, I say to you that we are not asking that, because down there we are prohibitionists of this sort—we are prohibitionists because we are opposed to the traffic and the institution of the saloon. We do not berate the man just because he uses, in a decent way, intoxicating liquor, although, speaking for myself, I am a total abstainer. But we believe that if the use of intoxicating liquor had at all times been confined to the home—personal use in the home—there never would have been the question of prohibition.

So that primarily we prohibit the sale of those things in order to strike down that traffic—the open saloon and its attendant and kindred evils. If the time should ever come when, in order to protect the morals and the public welfare of the State of Oklahoma, it should, in the opinion of the legislative power of the State, become necessary to prohibit the personal use of intoxicating liquor, who ought to have the right to exercise that power, the Congress of the United States or the State of Oklahoma? We say that Congress has nothing to do with that question, and that it is none of Congress's business whether the people in the State of Oklahoma shall drink liquor, have it in their homes for their personal use, or whether they shall sell it.

Mr. DAVIS. I understood you to contend yesterday, Mr. Caldwell, in the informal colloquy we had about it, that the State did not have the power to forbid the use to its citizens, because the right to use was a necessary incident of the right to ship and purchase interstate.

Mr. CALDWELL. I added this to that: I said until Congress should further regulate as to interstate commerce, go further than Congress did go in the Wilson Act, and I think the record will bear me out in that.

I will read you a statement of the Supreme Court of Oklahoma in a case which I have cited here—the Schwedes case—on this personal-use

proposition, and then refer specifically to decisions of the Supreme Court of the United States, principally Vance *v.* Vandercook, as authority:

"Under subdivision 3, paragraph 8, Article I, of the Constitution of the United States, commonly referred to as the interstate-commerce clause of the Constitution, a resident of one State has the right to have shipped to him from another State alcoholic liquors when ordered by him for his and his family's use, and to keep the same for such use; and the State can not, under its police power, enact laws so as to substantially hamper or burden such constitutional right to have such shipment made and to receive and retain the same for personal use."

Vance *v.* Vandercook is quoted there as read by Mr. Carlin, and I want to call your attention at this time to a statement in Pabst Brewing Co. *v.* Crenshaw, to the same effect. This is not my interpretation of Vance *v.* Vandercook; it is not the interpretation of the Supreme Court of Oklahoma of Vance *v.* Vandercook, but it is the interpretation of the Supreme Court of the United States of Vance *v.* Vandercook, and it is given in the case of Pabst Brewing Co. *v.* Crenshaw. I read from the opinion this excerpt:

"In Vance *v.* W. A. Vandercook Co. (170 U. S., 438; 42 L. ed., 1100; 18 Supt. Ct. Rep., 674) the operation of a liquor law of South Carolina was considered. By the act in question the State of South Carolina took exclusive charge of the sale of liquor within the State, appointed its agents to sell the same, and empowered them to purchase the liquor, which was to be brought into the State for sale. The fact was that by the act in question the State of South Carolina, instead of forbidding the traffic in liquor, authorized it and engaged in the liquor business for its own account, using it as a source of revenue. The act, in addition, affixed prerequisite conditions to the shipment into South Carolina from other States of liquor to a consumer who had purchased it for his own use and not for sale. Considering the Wilson Act and the previous decisions applying it, it was decided that the South Carolina law, in so far as it took charge in behalf of the State of the sale of liquor within the State, and made such sale a source of revenue, was not an interference with interstate commerce. In so far, however, as the State law imposed burdens on the right to ship liquor from another State to a resident of South Carolina intended for his own use, and not for sale within the State, the law was held to be repugnant to the Constitution, because the Wilson Act, whilst it delegated"—

Mr. MAXWELL, I am sure, will take exception to that; and I do, too. But as late as this—and that case is decided in 198 United States Reports—the Supreme Court used the term "delegated."

Mr. MOON. Delegate what?

Mr. CALDWELL. It says:

"Whilst it (the Wilson Act) delegated to the States plenary powers to regulate the sale of liquors in South Carolina."

The Wilson Act did not delegate the power. If it had delegated power it would have been unconstitutional.

Mr. MOON. "Relegate," he means, I guess.

Mr. CALDWELL. No; it is "delegate." I did not discover it just here.

Mr. CARLIN. If it had delegated the powers, it would have been unconstitutional.

Mr. CALDWELL. Yes. I only refer to it to show that the Supreme Court of the United States does not always speak technically correctly. In substance, I think their decisions, the construction of the Wilson Act in the Rahrer case, the Rhodes case, and all the others are good law.

Mr. MOON. Is that the original?

Mr. CALDWELL. No; it is not the original.

Mr. MOON. That is a republication?

Mr. CALDWELL. Yes.

Mr. MOON. I expect, if you examine the opinion, you will find the word "relegated."

Mr. CALDWELL. I did not go back and proof read it. But in working up that proposition, and in reviewing the hearings of four years ago, I ran across this statement, and I thought it was extraordinary that they used it that way.

Mr. MOON. Did you compare it?

Mr. CALDWELL. No; I have not yet. It could not "relegate" to the States plenary powers very well. I think it would have to delegate to the States plenary power, if it did anything.

Mr. FLOYD. The State already had it.

Mr. CALDWELL. Exactly so. Here is the proposition, as I see it, with reference to the Wilson Act. Until the resale in the original package, or the original package was opened, the liquor was still in the field of interstate commerce, and the States could not touch it. What Congress did by the Wilson Act was simply to provide that the liquor should fall into other field of operation upon the delivery to the consignee, and before resale in the original package. It was not, accurately speaking, a letting down of the bars and letting the State into the field of interstate commerce. It was taking the liquor up and throwing it over the fence into that field which was not interstate commerce, and, of course, then the police power of the State attached to it.

Mr. DAVIS. Complete that quotation there.

Mr. CALDWELL. The quotation is this:

"In so far, however, as the State law imposed burdens on the right to ship liquor from another State to a resident of South Carolina intended for his own use, and not for sale within the State, the law was held to be repugnant to the Constitution, because the Wilson Act, whilst it delegated to the State plenary power to regulate the sale of liquors in South Carolina shipped into the State from other States, did not recognize the right of a State to prevent an individual from ordering liquors from outside of the State of his residence for his own consumption, and not for sale."

The Wilson Act did not take that right away. Not that Congress could not have taken it away by proper act, but the Wilson Act did not take it away.

The CHAIRMAN. The Wilson Act I have here before me, and it reads:

"That all fermented, distilled, or other intoxicating liquors or liquids transported into any State or Territory, or remaining therein, for use, consumption, sale, or storage therein, shall, upon arrival in such State or Territory, be subject to the operation and effect of the laws of such State or Territory."

The Supreme Court seems to have practically nullified that by holding that the liquors had not arrived until delivered to the consignee, as I understand it.

Mr. CALDWELL. I agree with Mr. Maxwell that the Supreme Court of the United States, in the case of Rhodes *v.* Iowa, decided as they did to sustain the constitutionality of the law. If you read the Rhodes case, I think you will find in it this language, that Congress did not intend to prohibit; not that they could not, but they did not intend to absolutely prohibit interstate commerce in intoxicating liquors, because they used this language, "That upon arrival within the State it shall become subject to the police powers of the State," and the court said if they had intended to prohibit intoxicating liquor absolutely from interstate commerce they would have said so.

Mr. MOON. The Supreme Court went further in its reasoning, and said Congress did not intend to do that because they had no constitutional power to do it.

Mr. CALDWELL. I do not agree with that.

Mr. CARLIN. Here is the case in which the idea that Congress had delegated its powers was sustained. I am reading from the Pabst Brewing Co. case. Justice White says:

"In so far, however, as the State law imposed burdens on the right to ship liquor from another State to a resident of South Carolina intended for his own use, and not for sale within the State, the law was held to be repugnant to the Constitution, because the Wilson Act, whilst it delegated to the State plenary power to regulate the sale of liquors in South Carolina shipped into the State from other States, did not recognize the right of a State to prevent an individual from ordering liquors from outside of the State of his residence for his own consumption, and not for sale."

Mr. CALDWELL. That is exactly as I have it here.

Mr. CARLIN. The delegation of power was held unconstitutional.

Mr. CALDWELL. I can not read it so. Read it again, Mr. CARLIN. It says, "repugnant to the Constitution"—I have compared mine with your reading, and mine is exactly like yours. It says "repugnant to the Constitution, because the Wilson Act, whilst it delegated to the State plenary power to regulate the sale of liquors in South Carolina shipped into the State from other States, did not recognize"—and, you might say, did not delegate—"the right of a State to prevent an individual from ordering liquors from outside of the State of his residence for his own consumption, and not for sale."

Mr. CARLIN. That is the very thing the court said Congress could not have done.

Mr. CALDWELL. I can not read it that way.

Mr. CARLIN. Is not that the very thing the court says Congress could not have done?

Mr. CALDWELL. No; it did not say that. They say that is what Congress did not do in the Wilson Act.

Mr. CARLIN. Yes; but it says if it had done it, it would have been unconstitutional. That is what it says in plain terms:

"In so far, however, as the State law imposed burdens on the right to ship liquor from another State to a resident of South Carolina intended for his own use, and not for sale within the State, the law was held to be repugnant to the Constitution."

Mr. CALDWELL. It tells why it was. They do not say it was because Congress could not pass any such law. They do not say that.

Mr. CARLIN. Congress could not pass it if it is repugnant to the Constitution. That is a self-evident fact.

Mr. CALDWELL. That is true. And I pointed that out a moment ago.

Mr. CARLIN. It is fundamental that if it is repugnant to the Constitution, Congress has no control over it.

Mr. CALDWELL. And that is why it is not accurate to say, as the Supreme Court has said, that the Wilson Act took away somebody's constitutional right. It did not. The Constitution gives Congress power to regulate commerce; but Congress does not speak, and its silence means that commerce shall be free, the courts say. All right. Brown *v.* Maryland said that foreign commerce meant this: The purchase of the article in the foreign jurisdiction, its shipment, its receipt, and the breaking of the original package, or resale in the original package. Until Congress spoke that was interstate commerce.

Mr. MOON. Not under the Constitution.

Mr. CALDWELL. Yes; under the Constitution.

Mr. MOON. No; it did not say that. It said under the construction of Congress they had absolute control over interstate commerce; and as long as there was no legislation on the subject it was a naked declaration by Congress that the channels of interstate commerce should be free, and that the original act of commerce involved all those things. It does not say they were constitutional.

Mr. CALDWELL. Because the commerce clause of the Constitution conferred absolutely upon Congress the power to regulate interstate and foreign commerce.

Mr. CARLIN. Do you think, then, Congress could prevent a shipment for personal use?

Mr. CALDWELL. I think they could; but I do not think Congress ought to do that or do anything about personal use, because I do not think it is any of their business to speak upon that. I think that the personal use, just as the right to sell, to maintain a saloon, or otherwise, is a matter that falls within the police power of the several States; and, as I said before, so far as the people of Oklahoma are concerned, they in their sovereign power should have the right to say whether or not liquor shall be used for personal use.

Mr. CARLIN. You say you think Congress could prevent these shipments for personal use?

Mr. CALDWELL. Yes; I think they could prohibit it absolutely.

Mr. CARLIN. But I am talking now about personal use, to prevent one citizen from sending into a State for the use of another citizen liquor of any sort or kind or quantity.

Mr. CALDWELL. That would depend on the regulation, the language of the act. If they would do this—if they would say that, where liquor is intended to be used in violation of the laws of the State into which it is to be introduced, interstate commerce in it is prohibited, then there will be no interstate commerce in that; and if you will pardon me at this time, I would like to read a quotation——

Mr. CARLIN. You do not agree, then, with Justice Shiras?

Mr. CALDWELL. The majority of the court did not.

Mr. CARLIN. The majority of the court did agree with him in reference to that. If you read the opinion here, you will see it says he dissented only in part. He states distinctly here that Congress has no power to prevent the shipment of liquors for personal use, and if it did so it would take away from the citizen a constitutional right.

Mr. CALDWELL. Yes; but that is contrary to the doctrine read us yesterday laid down In re Rahrer, because the Wilson Act did take away a right which, prior to the passing of the Wilson Act, the citizens of the States had under the commerce clause of the Constitution of the United States.

Mr. CARLIN. Not for personal use.

Mr. CALDWELL. What is the difference?

Mr. CARLIN. That is the ground; that they could not take that into consideration.

Mr. CALDWELL. I do not so consider it. I consider that decision differently; and Justice Shiras's opinion is the minority opinion and not the opinion of the court, and, in my mind, logically I can see no difference between Congress passing a law which takes away the right to resell in the original package—which, prior to this time, existed because of the commerce clause of the Constitution of the United States—and Congress passing a law which would take away the right to ship

for personal use, which right now exists under the commerce clause of the Constitution of the United States.

Mr. LITTLETON. Do you think if Congress undertook to do so they could prohibit the absolute sending of liquors through the channels of interstate commerce, regardless of any other question of policy?

Mr. CALDWELL. Yes, sir; I think so. I will answer that question before I take up the other proposition, because I do not want to overlook it. I think that for this reason, and I think Mr. Justice Harlan, speaking for the court in the majority opinion in the Lottery case, gives the reason why. I confess that when studying this proposition I was first confronted by the suggestion, Can Congress, in its power to regulate commerce, prohibit the shipment of wheat from Minnesota into Kansas or to New York? I was not clear what those limitations were. But I believe the Supreme Court of the United States has settled that in the Lottery case, and I will read that portion of the decision which, to my mind, settles it. Before doing so, however, let me make this additional suggestion. The States, as to their internal affairs, have full, complete, and absolute power to regulate intrastate commerce. They have the police power, and they can so legislate as to absolutely prohibit commerce in intoxicating liquors. I do not believe they could so legislate as to prohibit commerce—I mean intrastate commerce—in foodstuffs, medicines, and things which do not fall within that indefinable sphere of the police power. But intoxicating liquors do come within that field of opertion, and they can absolutely prohibit them. Under the expression of the Supreme Court of the United States in Champion *v.* Ames I think we might, by way of analogy, say that it blazed the way and is the guide to Congress in its regulation of commerce when it comes to the question as to what they can prohibit absolutely and what they can prohibit upon condition, and what those conditions shall be. I find the Supreme Court of the United States, in the Lottery case, say exactly this:

"If a State, when considering legislation for the suppression of lotteries within its own limits, may properly take into view the evils that inhere in the raising of money in that mode, why may not Congress, invested with the power to regulate commerce among the several States, provide that such commerce shall not be polluted by the carrying of lottery tickets from one State to another?"

The CHAIRMAN. Do you think it was possible for Congress upon this theory to have said, "We will regulate the carrying of lottery tickets; not the transmission into a State where there is a law against the lottery, but in all other States it shall be perfectly legitimate"?

Mr. CALDWELL. Yes; I think perhaps they could; not in just that way. But I think Congress could have said, "Interstate commerce in lottery tickets is hereby prohibited as to all those transactions where the tickets are to be introduced into a State in violation of the laws of such State."

The CHAIRMAN. I differ absolutely from you there. They say it was a pollution of commerce. It was inherently upon the same basis as diseased cattle or as rags infected with yellow fever. It was inherently a polluted article. We might do that in regard to liquor.

Mr. CALDWELL. Take the cattle case. Cattle may be perfectly healthful. The quarantine line runs through my State, and you know that Congress, in its interstate-commerce quarantine regulations, cooperates with the States. There is no conflict in the quarantine laws. They are so made that there shall be harmony, but they are not uniform. Different States may have different quarantine laws and regulations, but they articulate together, and there is no friction. Suppose there is a car of Texas cattle south of the quarantine line in Oklahoma and they are perfectly healthful. If you were to litigate the question in a court, it could be proven beyond doubt that they are perfectly free from Texas fever or otherwise. The regulation is that before they cross that line they must be dipped, which puts one to trouble and expense. They can not be introduced into interstate commerce across that line until they are dipped. That prevents undipped cattle, no matter how healthful they are, from entering interstate commerce.

Mr. MOON. It is a uniform regulation?

Mr. CALDWELL. Yes.

Mr. DAVIS. There is a distinction that that is a preservative regulation and not a prohibition.

Mr. CALDWELL. Exactly so; just as this is. In other words, we take into consideration that the dipping of cattle has some relation to the prevention of the spreading of disease. Suppose the regulation was that they could not be shipped in interstate commerce unless a string were tied around the tail of each one. That would be unconstitutional; that would be void, because it could not have any possible connection with the prevention of the spread of disease; and that is the limitation, as I take it, upon the police power, and that is the thing that Congress can very properly look to in the regulation of interstate commerce. I think I understood the gentleman from Pennsylvania to say this morning something about Congress doing a particular thing in the exercise of its police power.

Mr. MOON. I was about to say, so far as the interstate commerce is concerned, that power in the United States Congress is absolutely plenary; it is all gone out of the States, including the police power. Congress possesses the only power—I do not know that I should put it this way—but the police power is in Congress respecting interstate commerce. Judge Johnson said it was in Congress just as absolutely as though we were not a dual government, but we were one government; that the States had reserved nothing respecting interstate commerce.

Mr. CALDWELL. I think we would, perhaps, get to the same place; but, as a matter of constitutional law, I can not agree that the States delegated any of their police powers, or that, strictly speaking, Congress has any police powers.

Mr. CARLIN. Did not the Supreme Court say in the Lottery case that when the States delegated their powers over interstate commerce to Congress they necessarily delegated with it the police power over commerce that the States had previously possessed?

Mr. CALDWELL. I think not. I think, in effect, that may be so.

Mr. CARLIN. That is exactly the language of the court. Have you the opinion there?

Mr. CALDWELL. I have not the full opinion. But Congress can take that into consideration.

Mr. CARLIN. It will not do to say that that is so, in the face of the opinion.

Mr. CALDWELL. If they say that I have no objection to it, it supports my case.

Mr. FLOYD. Will you permit me to interrupt you right on that point?

Mr. CALDWELL. Certainly.

Mr. FLOYD. If the States did not delegate to Congress a portion of their police powers, then what is to prevent the State, in the exercise of its police power, from interfering with interstate commerce?

Mr. CALDWELL. Because the Supreme Court of the United States has said that where the power of Congress to regulate interstate commerce comes in conflict with a police power of the State, the power of Congress to regulate commerce is supreme. If the States delegated all that power there could not be any conflict.

Mr. CARLIN. I was trying to get into your mind what I have in mind in reference to the Lottery case—that the Supreme Court there based its decision upon the idea that a police regulation was necessary, and then it took up the question as to whether they had the power to hold that, as the States had delegated to Congress all their powers over interstate commerce, it necessarily carried with it the police power of the States over that particular subject of interstate commerce.

Mr. CALDWELL. It is a question of nomenclature, is it not? If they have the power, what more would you want?

Mr. MOON. I think it is a very vital question.

Mr. CARLIN. It may be helpful to you in your view of the case——

Mr. CALDWELL. I do not think we have to go so far as to say that Congress has police powers. I think the Federal Government's power is a delegated power. But the power over interstate commerce was all conferred. I say that the State can so regulate interstate commerce as to absolutely prohibit commerce in intoxicating liquors. Therefore, by way of analogy, I see no reason why Congress can not so regulate interstate commerce, where it has all the power, as to absolutely prohibit commerce in intoxicating liquor. But this bill does not go that far. This bill does not undertake to strike down a legitimate transaction; it only strikes down an illegitimate transaction.

Mr. LITTLETON. It will come to the point where every State in the Union will take action—I do not mean every State, but substantially all the States—until there are only one or two States where liquor can be sold. As it begins gradually to increase, the contraband character of this part of interstate commerce continues; and, finally, the question would be reached, sooner or later, as to what the final, ultimate power of Congress was over the prohibition of the entry of intoxicating liquor into the channels of trade.

Mr. CALDWELL. As fast as the States legislate, yes; and the States can go as fast as they please. That brings us, perhaps, to the illustration which was attributed to Mr. Dinwiddie by Mr. Maxwell, that this thing will expand and contract as the States legislate. But that reminds me of a little story that I read when I was studying German in college, I think "Der Fluch der Schoenheit"—the Curse of Beauty. Mr. Maxwell seems to think the beauty about this law is going to be a curse upon it and in some way destroy it. I trust it will not be so bad as that.

Mr. LITTLETON. I was going to follow the first question I asked you by a second one. I asked you if you thought Congress had the power to absolutely prohibit any interstate traffic in liquors, and you have answered plainly that you think so.

Mr. CALDWELL. Yes, sir.

Mr. LITTLETON. But you say this bill does not go that far; and that is true. You say the object of this bill is to prohibit interstate traffic in liquor where the use of the liquor intended is an unlawful use in the State to which it is sent.

Mr. CALDWELL. Yes, sir.

Mr. LITTLETON. Can you describe the accompanying attributes of that kind of commerce which would be sufficient to enable Congress to intelligently legislate, so that it would have a foundation upon which to legislate? Do you think the mere naked intent in the hidden domain of the motive of the consignor or consignee, or either, would be sufficient upon which to predicate a regulation or prohibition in any particular instance?

Mr. CALDWELL. I think that is pretty well settled law in this respect. Take this question of abating the nuisance. It is property, unless it is kept or possessed with intent to violate the law. But suppose a stranger has appropriated my case of whisky and he intends to sell it in violation of law. If it is seized in his hands, if he has wrongfully taken possession of my case of whisky, my property ought not to be confiscated to punish him, he being a wrongdoer in the first instance. So I think that it is settled law that, if I came into court at the hearing and showed that, I would be entitled to the return of my property. But suppose he is my servant, and I say to him, "Here, George, take my case of whisky up to the house," but, instead of obeying my order, George dodges down the alley here, or sends somebody else out, and goes peddling out my case of whisky, and the officer comes along and takes George and my case of whisky. I will not attempt to cite the authorities, but the law is settled—I make that statement without fear of successful contradiction—that in that case, having intrusted my liquor with my servant, and he having violated the law with it, his unlawful use of it and his unlawful intent would impress it with the character of a nuisance, and I would lose my case of whisky. So with the shipper. The liquor is shipped, say, under this law, and I see no reason to differentiate. That is, it has been suggested what must the vendor do? To be safe he must get his money in advance, and I see no objection to that. Furthermore, the carrier to be safe must get its pay in advance.

But I have here a quotation from Bowman *v.* Chicago & North Western Railway Co. (125 U. S., 465), a case cited by Mr. Maxwell this morning; and also quoting a "sagacious" statement by Mr. Justice Catron in the License cases, which I think settles exactly what the procedure would be.

The CHAIRMAN. Mr. Caldwell, just one minute. I call the attention of the committee to the fact that Mr. Caldwell has exceeded the time occupied by Mr. Maxwell by 12 minutes. Perhaps we have interrupted him a little more than we did Mr. Maxwell.

Mr. MOON. I think we ought to permit the gentleman to conclude.

The CHAIRMAN I agree with that; but what I want to say is that as soon as you conclude the point you are now on I would like to have you come back and discuss more fully than you have the proposition advanced by Mr. Maxwell that this is a delegation of power.

Mr. CALDWELL. I shall be glad to give the committee all the assistance I can, and I realize how you are pressed for time. I shall endeavor to be as brief as I can.

The CHAIRMAN. I will say to you in this connection that we are likely to be called back to the House at any time, judging from the experience of the last several days. About this time in the evening they may have a roll call or something that may take us back there.

Mr. CALDWELL. The committee, I think, will appreciate that there are many minds working against my ideas here, but, of course, I will try to be as brief as I can.

The CHAIRMAN. The committee has treated you exactly as it has others, Mr. Caldwell, and perhaps with a little more deference than it has most attorneys. It has had attorneys here on other bills who have hardly been allowed to make 10 minutes' talk uninterrupted. We have shot them to pieces with questions. [Laughter.]

Mr. CALDWELL. I did not mean that as a criticism. I appreciate questions from the committee, because while I do not wish to even assume that I know all there is to be known about this, I did come

from Oklahoma to Washington hoping that, at least, I could give the committee the view that the people in Oklahoma have of this question; and I can not do that unless you question me.

The CHAIRMAN. I may say that your address so far has been very instructive and illuminating and interesting to the committee.

Mr. CALDWELL. I shall understand, then, that if it becomes necessary for the committee to adjourn, the chairman will simply say so, and I will proceed until the suggestion is made by the chairman.

I think the point I was discussing was directed more particularly to the operation of this bill should it be incorporated into law. I quote now from Bowman v. Chicago & North Western Railway Co.:

"Doubtless the States have power to provide by law suitable measures to prevent the introduction into the States of articles of trade which, on account of their existing condition, would bring in and spread disease, pestilence, and death, such as rags or other substances infected with the germs of yellow fever or the virus of smallpox, or cattle or meat or other provisions that are diseased or decayed, or otherwise, from their condition and quality, unfit for human use or consumption. Such articles are not merchantable; they are not legitimate subjects of trade and commerce. They may be rightly outlawed as intrinsically and directly the immediate sources and causes of destruction to human health and life. The self-protecting power of each State therefore may be rightfully exerted against their introduction, and such exercises of power can not be considered regulations of commerce prohibited by the Constitution. Upon this point the observations of Mr. Justice Catron in the License cases (46 U. S.; 5 How., 504, 599; 12:256, 299) are very much to the point. Speaking of the police power, as reserved to the States and its relation to the power granted to Congress over commerce, he said: 'The assumption is that the police power was not touched by the Constitution'—if that is so, it is still with the States—"'but left to the States, as the Constitution found it. This is admitted; and whenever a thing, from character or condition, is of a description to be regulated by that power in the State, then the regulation may be made by the State, and Congress can not interfere. But this must always depend on facts subject to legal ascertainment, so that the injured may have redress. And the fact must find its support in this: Whether the prohibited article belongs to and is subject to be regulated as a part of foreign commerce or of commerce among the States. If, from its nature, it does not belong to commerce, or if its condition, from putrescence or other cause, is such when it is about to enter the State that it no longer belongs to commerce or, in other words, is not a commercial article, then the State power may exclude its introduction. And as an incident to this power, a State may use means to ascertain the fact.'"

Mr. WEBB. That is as regards national legislation?

Mr. CALDWELL. Yes; if Congress shall say, in the exercise of its power to regulate commerce, that liquor intended to be used in violation of the laws of the State into which it is being introduced is not interstate commerce, although it may be in the channels of interstate commerce; in other words, liquor so intended is not a legitimate article of commerce any more than drugs adulterated or misbranded since the food and drugs act, then I take it the State has power to do with them as they please, not because Congress has delegated any power to the State, but because Congress has said those things are not interstate commerce, and not being interstate commerce, naturally they fall in the field of the State police power and not in the field of interstate commerce.

Mr. LITTLETON. Just there, the State, in the cases you put here, has branded liquor as being unworthy of a place in its commerce, and it is the opinion of the State that attaches to the liquor that makes it objectionable to the commerce in your State, and that opinion is expressed by your State laws. In the case of the diseased or putrescent articles of which you spoke, no State branded them, no government proscribed them; the disease and infirmity inhered in the article, and therefore, because of that, they were subject to the general regulative power of Congress. In the case you put, could Congress, because the State in its opinion has branded an article thus and so, reject it out of the channels of interstate commerce without any opinion of its own denouncing it as unfit for interstate commerce?

Mr. CALDWELL. It certainly can—intoxicating liquor. I want to finish this application. Suppose this law is passed and the liquor arrives at the Santa Fe station in Oklahoma City—I use my original illustration—and a warrant is sworn out. Get away from this idea that I find throughout the hearings that the minute they come across the State line some officer, some goblin, is going to be there to board the train and summarily take them and destroy them. Due process of law prohibits all that. The State machinery can not move against that liquor except in accordance with due process of law. No search warrant can issue in Oklahoma except upon affidavit, supported by affirmation or oath, so that some one must go before a magistrate and swear out a warrant, swear to facts which show that the liquors are there and somebody intends to use them in violation of the law. Justice Catron said—which remark was quoted in the Rahrer case with approval—that if the fact exists which excludes things from interstate commerce, the State has power to use means to ascertain that fact. If the intention to use them in violation of the laws of the State excludes them from interstate commerce, the State may issue a warrant, may arrest the liquor and bring it into the State tribunal and try it, and if it is found it is intended to be used in violation of the law it is not interstate commerce. They can not then come in and say that "we intend to use that in violation of the law," because if they do that they confess their whole case under this law.

The only defense they could have is, "We did not intend this liquor for use in violation of any of the laws of the State of Oklahoma"; and if they did not intend to use it in violation of the laws of the State of Oklahoma it would not be a nuisance. But they say, "We have this liquor; it was in the channels of interstate commerce." We say, "Yes; but Congress, in the exercise of its power to regulate interstate commerce, has said there shall be no interstate commerce in liquor intended to be used in violation of the laws of the State into which it is introduced."

I cite in these cases a case from Maine, which I think is good law and which is analogous. The food and drugs act prohibits from interstate commerce food or drugs that are misbranded within the meaning of that law. A quantity of liquor was shipped from Boston to some place in Maine and seized in the hands of the carrier. In other words, they were arrested and brought into court, and it was asked that they be delivered back to the carrier because they were interstate commerce; that is, they were in the channels of interstate commerce. They had not been delivered to the consignee under the contract of interstate shipment. But the State traversed that claim by saying, "These liquors are not interstate commerce, because they are adulterated and misbranded in violation of the food and drugs act, and therefore Congress has said they can not be interstate commerce." The issue being found that they were adulterated and misbranded, all of those liquors which were adulterated and misbranded were forfeited, even though the seizures were made in the hands of the carrier.

Mr. MOON. For an inherent infirmity in the article in question.

Mr. CALDWELL. But not so inherent that they could have done that if Congress had not passed the food and drugs act.

Mr. MOON. No.

Mr. CALDWELL. So far as the inherent power to do damage, to corrupt morals, and injure the public welfare are concerned, it is well established by the decisions of the Supreme Court of the United States that that applies to all interstate commerce. And therefore I say that Congress, so far as intoxicating liquor is concerned, can make regulations respecting liquor in interstate commerce.

More directly answering your question, Mr. LITTLETON, it has been suggested here—and I want to add just one or two things to it—that section 242 of the game law is directly in point. I must take issue with the learned gentleman, who stated here this morning that there is no such thing as property in wild game, even though reduced to possession, at common law. You gentlemen are all lawyers, and you can judge between us. I have not the authorities here, but I make this statement, that at common law if I go upon the chase and I am fortunate enough to kill a deer, and I bring that deer home and dress it and put the venison in my smokehouse, and some one comes at night and steals the venison out of my smokehouse, he has stolen my property, and at common law he can be prosecuted for larceny.

Another illustration: I go upon the chase; I kill a fox, and take his pelt and make it into a rug and put it upon my floor. It is my property because I have converted it to possession. I say the limitation is this, that if I capture wild animals and keep them as pets or for curiosities in their wild state, as deer in my park or animals in my zoological garden, if I might have one, at common law, although I have them in captivity, yet in life they are not property. That is the limitation. This law applies to the dead bodies of animals, to the venison and quail, after they are killed. I have in mind a case that went up from Oklahoma, from Blaine County, where the agent of a railroad company was indicted, tried, and convicted because he shipped through interstate commerce, billed out, certain egg cases, which contained quail, and he knew nothing about the contents of the cases.

Talk about drastic regulation; you gentlemen will remember—those of you who were here when the penal code provisions were up—how, in every one of those provisions that related to intoxicating liquor, they were limited by "knowingly." No express agent, no railroad company, no carrier, can violate those provisions about shipping or misbranding liquor unless it is done "knowingly," and you read section 242 and find if that limitation is in there:

"It shall be unlawful for any person to deliver to any common carrier for transportation, or for any common carrier to transport from any State, Territory, etc., any dead bodies."

Not "knowingly transport." We are not asking that you go to the extremes to which you have gone with reference to the game laws. There are men being prosecuted frequently for violation of that statute, and put into Federal jails and penitentiaries. If this law is unconstitutional, I respectfully submit that the report recommending that these bills do not pass because they are unconstitutional carry with it a bill repealing these laws, because they are also unconstitutional, and men are being sent to jail every month for violating them.

I refer to section 245. In its language it is nearer to—I think quite in point with—the language of these bills.

"Whoever shall bring or cause to be brought into the United States or any place subject to the jurisdiction thereof"—

That is not the part I had in mind.

Mr. DINWIDDIE. The middle part of that contains the interstate reference.

Mr. CALDWELL. "Or shall knowingly deposit or cause to be deposited with any express company or other common carrier, for carriage from one State"—this applies to the shipper—"from one State, Territory, or District of the United States to another State, District, etc., any drug, medicine, article, or thing designed, adapted, or intended for immoral uses"—and then it winds up by saying—"or immoral use."

Whoever delivers to a carrier for transportation from one State to another State any thing or article, I do not care whether it is essentially or inherently vicious and bad, it may have many legal, lawful, and legitimate uses, but which is intended for an immoral use in the State into which it is sought to be introduced, it is a crime to send it through interstate commerce.

Mr. WEBB. The white-slave law, passed three or four years ago, punishes a man for intent.

Mr. CALDWELL. That is because the article is intended for an immoral use in the State into which it is sought to be introduced.

Mr. DAVIS. Are the laws of that State the criterion of the immorality?

Mr. CALDWELL. No; it might not be a violation of the law of the State.

Mr. DAVIS. Does not the act there denounce it as a Federal denunciation, and not leave the law of the State as the sole criterion of the legality or the illegality of it?

Mr. CALDWELL. That comes to the other proposition, which, perhaps, we would just as well take up now. For example, take section 289, with reference to crimes, acts committed in places within a State which are exclusively within the jurisdiction of the Federal Government—the Federal buildings, for example. Those sites are condemned and the buildings are built there and thus come under the Federal jurisdiction. The State can not tax them and the State can not operate on them. Let us get section 289:

"Whoever within the territorial limits of any State, organized Territory, or District, but within or upon any of the places now existing or hereafter reserved or acquired, described in section 272 of this act, shall do or omit the doing of any act or thing which is not made penal by any law of Congress, but which if committed or omitted within the jurisdiction of the State, Territory, or District in which such place is situated, by the laws thereof now in force would be penal, shall be deemed guilty."

Mr. CARLIN. That says "the laws thereof now in force."

Mr. CALDWELL. Yes.

Mr. CARLIN. That does not allow for any repeal or amendment; and is not that in effect the enactment of those laws into a Federal statute?

Mr. CALDWELL. There could be no logical distinction, I think. My suggestion is this, that a Federal building now being erected in Oklahoma City, the site having been condemned, is Federal property; it is under Federal jurisdiction. A man might go into that Federal building, when completed, and sell intoxicating liquor, and he would be guilty of a crime, because the laws of Oklahoma make it a crime to sell intoxicating liquor.

Mr. MOON. No; you are mistaken. He could not be punished because the law of Oklahoma made that a crime, except the act of Congress writes that into law. The Supreme Court has absolutely said that by

that section we write into our Federal penal laws all the laws of the several States.

Mr. CALDWELL. If that be done, then all you are doing by this act is to write into the Federal laws the penal laws of Oklahoma.

Mr. CARLIN. That act says laws in existence now; that makes a different enactment. It does not leave anything for the future action of the States.

Mr. CALDWELL. Do you think it would be objectionable if it did?

Mr. CARLIN. I am not saying what I think; I am trying to get your view.

Mr. CALDWELL. I will say I think it would make no difference if we did.

Mr. MOON. Did what?

Mr. CALDWELL. If we changed laws that had been passed.

Mr. MOON. It has been so said by the Supreme Court about four times. The Supreme Court has declared a similar section unconstitutional, one of them because they attempted to revise the laws of the State after the original law was adopted by Congress. The Supreme Court says that is impossible. We can not delegate to the States the right to the exercise of the criminal laws. Understand, that is territorial jurisdiction wholly; it has nothing to do with these conceded and surrendered powers of Congress. It is the territorial jurisdiction of the United States.

Mr. CALDWELL. I think the case might be distinguished there.

Mr. HOUSTON. That difficulty could be obviated by making it apply to the laws now in existence.

Mr. CALDWELL. I do not think it is necessary, because section 289 is a penal Federal law, a violation of which must be prosecuted and the punishment imposed in the Federal courts. The Webb bill is a regulation of commerce merely; it provides no penalty.

Mr. MOON. You are right. There is no analogy between the two cases at all.

Mr. CALDWELL. I am not ready to say there is no analogy. I think there is analogy in this, that on all these points in this dual form of government the Federal jurisdiction is meeting the State jurisdiction, and they are seeking to work out a system whereby they can punish all offenders, prohibit all wrongdoing, work to the general common welfare, and articulate together without conflict. In the liquor laws that has not been reched, and, so far as prohibition States are concerned, all they are asking is that Congress so regulate interstate commerce as to arrive at the situation where there will not be a conflict in jurisdiction, and if liquor, which is intended to be used in violation of the laws of the State into which it is to be introduced, is taken out of interstate commerce, conflict will no longer arise.

The question was asked this morning, and the suggestion made, as to what effect this law would have on liquor in transit through a prohibition State. I say absolutely none at all. It would have none at all, and the most that could ever happen would be that some one, either mistakenly or by willfully perjuring himself, should go before a magistrate and swear out a warrant, and that the magistrate, being thus imposed upon, should issue a warrant commanding the officer to search an express car, or a train, and that in that search he should take liquor which was in transit through the State. But what would be the result upon the hearing? The liquor was intended for and was a shipment from one State through this State to another State, so it could not possibly be intended for violation of the laws of the State of jurisdiction, and it would not come within the law. Furthermore, one State never enforces the penal laws of another State. Suppose it is going from Missouri through Kansas into Texas; and imagine that Texas is dry, as it will be. It makes no difference, so far as Oklahoma is concerned, what they are intending to do with it down in Texas. Oklahoma does not enforce the penal laws of Texas. In the case of Wisconsin *v.* Insurance Co. a foreign insurance company did business in the State of Wisconsin in violation of the laws of Wisconsin, thereby subjecting itself to a penalty. The State of Wisconsin brought suit and got a judgment for the penalty. Then the insurance company, having withdrawn from the State, the State of Wisconsin sought to enforce that judgment through the Federal courts, and the Supreme Court of the United States, applying the rule that one jurisdiction never enforces the penal laws of another jurisdiction, said they had no jurisdiction of the case, and that they would even look behind the judgment obtained by Wisconsin to determine that that judgment was for the recovery of a penalty. So that there is no possibility of any trouble about the shipment that is going entirely through the State.

But there ought to be no exception along that line, because this would happen. In Indian Territory, before statehood, it was a felony to introduce liquor into the Indian Territory—the Five Civilized Tribes—but that was done, and done repeatedly. Liquor would be billed from Gainesville, Tex., or from Fort Worth, Tex., through to a point in Kansas; or from Missouri to a point in Kansas, and the information would be given out. They would be all ready. The information would be given out, and before the train arrived the liquor dealer, the violater of the law, the criminal, would go into the Federal court and swear out a writ of replevin, and the officer would meet the train at the depot with a writ of replevin, and go into the car and replevy the liquor. Nobody had introduced it. The man who had shipped it intended it to go to Texas, and the railroad company received it for shipment to Texas. That is the way they did it frequently, and, of course, if they had a chance under this bill they would do it again. Now, what has happened in Oklahoma? The circuit court of appeals a short time ago held that the laws of Congress, the Federal laws, are still in force as to all that part of Oklahoma which was Indian country before statehood, and that it is still a crime against the Federal Government to introduce liquor into that Indian Territory part of it. So some one showed me just the other day a press notice from an Oklahoma paper, since I left home, with a big headline, where they did exactly that thing at Muskogee. The express company, the railroad company, will not now receive shipments into those parts of Oklahoma which were Indian country before statehood. Here is the press notice:

"CARS OF LIQUOR ROUTED THROUGH OKLAHOMA ARE EMPTIED AT ICING DEPOTS.

"INTERSTATE COMMERCE LAW BECOMES FIRST AID OF SCHEMING MERCHANTS IN EVADING FEDERAL COURT RULE FORBIDDING SHIPMENTS.

"MUSKOGEE, OKLA., *February 24.*

"The decision of the United States Circuit Court of Appeals of St. Louis forbidding the introduction of intoxicating liquors for any purpose into what formerly was Indian Territory, now the east half of Oklahoma, and the home of the Five Civilized Tribes, has developed ingenious schemes to evade the law. An odd one was lately discovered by the agents of a railroad.

"A carload of liquor, billed from Fort Smith, Ark., to Kansas City, Mo., was routed in a roundabout way and delivered by one railroad to another at Arkansas City, Kans. The car was hauled to Kansas City firmly sealed, but when delivery to the consignee was attemped the car was empty; not even a cork was in sight.

"The railroad agent was puzzled and prepared for a demand for damages from the consignee. The agents delivered the freight bill with the explanation that as the car was empty it would be proper to file a claim for the loss. To the agent's surprise, the consignee gave him a check for the full amount of freight and told him that there would be no claim for shortage.

"The railroad company, in the meantime, had asigned one of its best detectives to the task of learning what had become of the carload of liquor. Before he reported, a second car of liquor—also empty—was received and the freight bill paid without protest. A third car came before the detective reported.

"When the detective returned he told an unusual story. He had learned that the waybill issued at Fort Smith had been marked: 'Stop at Muskogee for ice.' The liquor was intact when the car reached Muskogee; it is thought to have been missing when it left that city.

"The cleverness of the trick lies in the fact that the consignment to Kansas City, according to law, is an interstate shipment and can not be molested by Oklahoma officers during transit through this State. Nor was there prohibition of the car being stopped for icing. As an interstate shipment, the liquor could not be refused by the railroad company, though it would be in violation of law to carry liquor to points in old Indian Territory.

"There is humor in the fact that when the shipments were made Kansas City with icing instruction blizzard weather prevailed in Oklahoma."

Mr. CARLIN. I want to direct your attention to this idea, which is in the minds of a good many members of the committee: I think we will probably agree that Congress has the right to regulate interstate commerce, and some would go so far, at least as to some articles, as to say that Congress has the right to prohibit interstate commerce. But the question is, Does this bill of itself do either? Does it regulate or prohibit? Does it not depend upon the action of the State to give this bill life and vitality, and not upon the act of Congress itself?

Mr. FLOYD. Not only that, not only upon the action of the State, but also upon the intention of the party who is to receive the liquor, in addition to the action of the State.

Mr. CALDWELL. It certainly depends upon the intention of the party, and I see no objection to that.

Mr. MCCOY. With Mr. Caldwell's consent, I would like to put this proposition to him: You say if this liquor is taken out of interstate commerce—in other words, if Congress says it is not an article of interstate commerce—the State can handle the proposition. Now, is not the very question which we are to decide, in the constitutional aspect of it, whether or not Congress can say that it is not a legitimate article of interstate commerce. Is not that the very question at issue?

Mr. CALDWELL. That is one question, and virtually the three questions go to the same point.

Mr. CARLIN. My question is this, whether, if we pass this act, there is anything in the act itself that would either regulate or prohibit the interstate shipment of liquor?

Mr. HOUSTON. Or, in other words, does it delegate to the State power to make a regulation?

Mr. CARLIN. Does the act derive its vitality from the State? We have not been able to get you to discuss that. We want to get your idea on that.

Mr. CALDWELL. Let me try it now. The State does not give it life and effect. It is clearly a regulation by Congress, because Congress speaks. And what do they speak? They say that the power to regulate commerce under the Constitution of the United States is full, complete, and absolute. Now, if it is, Congress has the power to keep the channels of interstate commerce clean. They have got the power to keep out of the channels of interstate commerce anything which, for the public welfare, for the common good, ought to be kept out.

Mr. CARLIN. We are admitting the power of Congress, for the sake of this question, to regulate and prohibit and do all these things which you say it has the power to do. But where in this bill does Congress attempt to make out a regulation or prohibition which is not dependent upon the action of some other legislative authority?

Mr. CALDWELL. Why can not Congress lay down a regulation which is dependent upon the action of the States? What is the objection to that?

Mr. HOUSTON. That is the point, right there. Is that a delegation of the power to the States?

Mr. CALDWELL. No.

Mr. HOUSTON. That is the point I want to get at.

Mr. CALDWELL. No; because Congress can say for that reason it shall not be interstate commerce. True, as the Supreme Court said in Mugler *v.* Kansas, that is always subject to review.

Mr. CARLIN. The Webb bill does not say that.

Mr. CALDWELL. Yes; it does.

Mr. CARLIN. "The shipment or transportation, in any manner," etc., is prohibited. The second clause of the Sheppard bill does go as far as you are intimating you would like to go now. The Sheppard bill has a second section.

Mr. CALDWELL. Yes; it has a second section.

Mr. CARLIN. The Webb bill has not.

Mr. CALDWELL. I think the title of the Webb bill is misleading and not logical, because it says, "To divest intoxicating liquors of their interstate-commerce character in certain cases." The title of the other bill states what is sought to be accomplished. The Sheppard bill says, "To prohibit interstate commerce in intoxicating liquors in certain cases"—not absolutely.

That which is sought to be accomplished is to prohibit interstate traffic in certain cases. What are the cases? What are the limitations that Congress is imposing? The limitation is this: It is liquor that is intended by the person introducing it to be used in violation of the laws of the State into which it is being introduced. What objection is there? That does not delegate anything to the State. It simply says that you shall not, through the channels of interstate commerce, carry into a State a thing which you intend, or any other person connected with you in the transaction intends, to use in violation of the laws of that State.

Mr. CARLIN. Then, suppose the States adopted regulations; is it not your idea that this bill would make those regulations applicable; such as one providing for seizure, for instance?

Mr. CALDWELL. Here would be the test: It would be interstate commerce or it would not be interstate commerce just as it was intended or was not intended to violate a State law with it.

Mr. CARLIN. But the test is whether it is State regulation or interstate regulation.

Mr. CALDWELL. The State has nothing to do with it. The State is not required to pass any law; only, if the State has a valid law, we

simply say that inasmuch as the power to regulate commerce is supreme to the police powers of the several States, therefore in the regulation of interstate commerce we will so regulate it as not to infringe upon or interfere with those police powers.

Mr. MOON. Suppose a large order comes to a liquor house in the city of Philadelphia; they are asked to ship several barrels of liquor. They must say, "Where is it going?" "It is going to Oklahoma." "Well, the laws of the State of Oklahoma will not permit a shipment to that State, at all."

Here is another order that is going to the State of Illinois. "What is the law of the State of Illinois?" "The law of the State of Illinois does not attempt to make it a criminal offense or a penal offense, or does not attempt to sacrifice that whisky if it is going to be sold, and therefore we can ship it into the State of Illinois. We can not ship it into the State of Oklahoma."

In other words, venders must look to the laws of the various States, and the laws of the various States absolutely regulate the power of shipment in interstate commerce. I do not see how you can get away from that. You said a moment ago that the laws of the States had nothing to do with it. I say they absolutely control it. I do not pretend to say what the consequence of that is; I am only inquiring about that fact.

Mr. CALDWELL. If there are no objectionable consequences, I do not see the objection.

Mr. MOON. To my mind the objectionable consequences are not only objectionable but absolutely fatal. It is absolutely unthinkable.

Mr. CALDWELL. Let us take the case of Graves *v.* Johnson, the opinion in which was written by Mr. Justice Holmes before he was appointed to the Supreme Court of the United States, in which a liquor vender in Massachusetts sold liquor to a party—and this is the finding of the court—"with a view to being used in violation of the laws of the State of Maine." That was the extent of the participation on the part of the vender. Suit was brought in a Massachusetts court for the purchase price of the liquor. The defense was the illegality of the contract, and Mr. Justice Holmes held that the liquor vender could not recover, and he quoted from Pollock on Contracts. I think there is a difference between the rule in this country and in England, and the rule goes further there than in this country, but it is well-settled law in England, and the court announced this rule, that where a contract is made with a view to violating the laws of another State, that contract is absolutely void.

This sale was made with a view that the liquor should be resold in violation of the laws of the State of Maine.

Mr. CARLIN. We are trying to get right down to the very inside of this question. You do not contend that there is any power in Congress to transfer to a State the duty which is imposed upon it by the Constitution, do you?

Mr. CALDWELL. Not at all.

Mr. CARLIN. We do know that the Constitution imposes upon Congress not only the privilege but the duty of regulating interstate commerce.

Mr. CALDWELL. Yes.

Mr. CARLIN. Therefore it is not the duty or the business of anybody else to have anything to do with that?

Mr. CALDWELL. Not at all.

Mr. CARLIN. Therefore if this legislation does have anything to do with that, and Congress undertakes by this bill to place the responsibility of that duty upon anybody else, it will be in violation of that constitutional provision?

Mr. CALDWELL. Yes.

Mr. CARLIN. That is what I think Mr. MOON was driving at; that if Congress is vesting in a State a part of that function which belongs to Congress, then it is doing it in violation of the Constitution.

Mr. CALDWELL. But that is the very question.

Mr. CARLIN. That is the very question.

Mr. CALDWELL. Congress is saying this, that liquor, intended to be used in violation of the laws of the State into which it is sought to be introduced through the channels of interstate commerce, is prohibited from interstate commerce.

Mr. CARLIN. Would this action of Congress be subject to the future laws of the State, laws enacted after the law of Congress? Suppose your State is a prohibition State, and the shipment of liquor there under the State act, taken in connection with this statute, would be impossible; then if you repealed your State act shipments under this statute would be possible?

Mr. CALDWELL. I suppose so; that is exactly true.

Mr. CARLIN. Would this act be susceptible to the future acts of the various States?

Mr. CALDWELL. It would be affected by them. But why is that not desirable?

Mr. CARLIN. That is not the question, whether it is desirable. Everybody may want it to be so; but the question is, How does that get to be constitutional?

Mr. CALDWELL. Because if Congress has the power to regulate commerce among the States, then Congress can speak with reference to interstate commerce transactions.

Mr. CARLIN. We all agree to that, if it is not prohibited.

Mr. CALDWELL. Here Congress is speaking, and Congress says this may go and that may go, and they say anything with reference to intoxicating liquors may go except those liquors which are intended to be used in violation of the laws of the State into which they are introduced.

These States are not foreign countries. They do not stand in that relation to the Federal Government. This is one Government of 48 States, and those 48 States, if you please, are not simply local municipalities that exist or not by reason of the power of Congress, but they exist as sovereign States. The truth of the matter is, that the Federal Government exists because of the grant of the sovereign power that is vested in those States. Now, this Congress deals with those States, and it says this—a treaty, if you please—"We will so regulate interstate commerce"——

Mr. CARLIN. You do not mean to contend by that argument that there is any power left in the States to legislate with reference to interstate commerce?

Mr. CALDWELL. I do not think that the argument infers that. If it does, I am saying that which is foreign to my mind. I have been sort of going around and around here, but I hope that I have not gotten so far that my remarks are as illogical as that.

What I meant to say was this: That if Congress has the power, an absolute power, to regulate interstate commerce, then, to my mind, there are not any limitations upon that absolute power, and now—and this, of course, does go to the object to be sought—shall we or shall we not regulate interstate commerce so as to keep out of the channels of interstate commerce liquor which is expressly intended to be used in violation of the laws of the State into which it is introduced?

Mr. CARLIN. Exactly. Now, would you contend that although Congress has the absolute power which it has to regulate interstate commerce, that would include the power to delegate that to some other legislative authority?

Mr. CALDWELL. But your question assumes something that is not in the case, because where do you get that delegation?

Mr. CARLIN. That is the very fact we are discussing here—whether this act of itself means anything, whether it regulates or prohibits anything, whether it does not require——

Mr. HOUSTON. The argument was made before the committee this morning that this was a delegation of power to the States to enact a prohibitory law.

Mr. CALDWELL. That statement was made?

Mr. HOUSTON. That statement was made.

Mr. CALDWELL. But it was not pointed out to the committee how or wherein it was a delegation of power.

Mr. WEBB. It seems to me that if the bird law, which was indorsed by my friend Judge MOON, a good lawyer, is constitutional, this proposed law is constitutional, too. Suppose no State had any laws against killing birds; then this proposed law would be a mere nullity, because it would regulate nothing. The vitality of the law will depend on the fact whether the law has any force in regulation. North Carolina may have an open and a closed season for shooting birds, and her legislature may meet next year and change that entire season; and if it does the Federal law that is in effect makes it felony to violate that law made next year.

Mr. DAVIS. Has the bird law been confirmed?

Mr. WEBB. It has been to the circuit court of appeals twice and has not been attacked as unconstitutional.

Mr. CALDWELL. Of course, statements can be made, and you can say, "Why is not this a delegation of power?" or, "Why is it a delegation of power?" To say that it is or that it is not does not get anywhere. I have said what it is in its nature, I think.

If it is a delegation of power, I think we should discover that it is by inquiring into how it will operate, what it will do, and the effect of it. I think, as Mr. WEBB says, it operates exactly as the bird law does. If the game is killed in an open season and the State law does not prohibit its being shipped out of the State, then it can be shipped; but if the State of Oklahoma prohibits it it can not be shipped, although the State of Missouri might not prohibit it. I see no objection to its depending on the State law, and I see no delegation of power there. It seems to me that is so because Congress has said it is so; not because the State does anything, but because Congress has so regulated commerce that these things follow from that regulation, and at any time the bill is repealed then the reverse will be so because Congress has spoken.

Mr. CARLIN. This bill of itself would not stop shipments into Oklahoma.

Mr. CALDWELL. Certainly.

Mr. CARLIN. It would not do it, would it? This bill itself does not even attempt to regulate interstate shipments into Oklahoma, does it?

Mr. CALDWELL. Now, I think I catch your point, and you have used the term "interstate shipment," which is not a correct expression. It is interstate commerce. I might have an interstate shipment of putrid meat, but it would not be interstate commerce. So that if this law is passed by Congress there might be an interstate shipment——

Mr. CARLIN. I refer to the interstate shipment of the subject matter which is also interstate commerce.

Mr. CALDWELL. No.

Mr. CARLIN. Liquor is now interstate commerce.

Mr. CALDWELL. It is now.

Mr. CARLIN. Yes. Then, if you ship it from one State to another it is a shipment of interstate commerce.

Mr. CALDWELL. Not if Congress says it shall not be interstate commerce if it is intended for use in violation of the laws of the State to which it is shipped.

Mr. CARLIN. No.

Mr. CALDWELL. Now, I think we are getting down to your question. Suppose Congress passes this law, and liquor is shipped from some State into the State of Oklahoma which is intended to be used in violation of the laws of Oklahoma. That is not interstate commerce. It is an interstate shipment; it is in the channels of interstate commerce, but it is an outlaw.

Mr. CARLIN. But you contend that Congress can speak with reference to laws not in existence or thought of.

Mr. CALDWELL. I can see no reason why Congress should not speak with reference to what the States, in the exercise of their police power, might do.

Mr. CARLIN. Congress would have to be speaking with prophetic vision of future enactments.

Mr. CALDWELL. Not at all with prophetic vision. They simply say, "This is not interstate commerce if it is intended to be used in violation of law." I think you will agree with me that it is impossible to subject to interstate-commerce law anything if the thing which you are subjecting is not interstate commerce. If Congress has said that it shall not be interstate commerce, then you are not delegating anything, because it is not interstate commerce. And let me suggest that I think that is exactly the logic of the case of Rhodes against Iowa. They said that Congress did not mean to prohibit intoxicating liquors from channels of interstate commerce absolutely because they did not say so, and they said that what they did do was simply to provide that upon arrival at the point of destination and delivery to the consignee the thing should cease to be interstate commerce. Then the police power of the State attached, not because Congress delegated to the States power to do something that they could not do, but because Congress said, "This thing is no longer interstate commerce."

Mr. CARLIN. It would not be interstate commerce in Oklahoma, Congress would be saying, but it would be interstate commerce in Illinois.

Mr. CALDWELL. Why? Because Congress has expressed itself.

Mr. LITTLETON. In other words, your position is that if Congress finds a certain condition in certain portions of the country and deals with that by withdrawing the article from the channels of interstate commerce, if that condition diminishes or increases the whole condition goes together. But Congress is dealing with certain specific conditions in certain States of the Union.

Mr. RUCKER. Is that true?

Mr. CALDWELL. It is.

Mr. RUCKER. Would not this bill be applicable to every State?

Mr. LITTLETON. It would be applicable, but there would be no condition upon which it could operate. As I understand him, he says that Congress finds a certain condition in different States, and, finding that condition, it deals with the condition by saying that a certain article shall be prohibited from entering that particular place as interstate commerce.

Mr. CALDWELL. No; it does not say that. It so legislates that all the States can bring themselves in or not. But as you are legislating to-day

you are only dealing with certain States, because all the States have not brought themselves in.

Mr. WEBB. Yes; all the States have laws against the sale of liquor.

Mr. HOUSTON. You are dealing with the violation of the law. The point is that you ship it to the place where it is to be used in violation of law.

Mr. LITTLETON. Now he brings himself down to the point whether regulation of interstate commerce has got to be uniform.

Mr. CALDWELL. I think Mr. CARLIN got pretty close to the proposition that way, and I think the Wilson Act is exactly analogous. The Wilson Act went into effect in August, 1890, and there were States prohibiting the sale of liquor in the original package. Suppose there was a State without any liquor law at all, or that liquor could be shipped into that State and sold in original packages, and there were other States, like Kansas, where it could not be sold. It could be shipped into the State of Kansas, but it could not be sold. Under the Wilson Act it ceased to be interstate commerce upon delivery, although it remained in the original package; and since it was no longer interstate commerce the State of Kansas could prohibit the sale of it in the original package.

I know the early decisions of the court are confusing, and you must remember that it was a suggestion made by the Supreme Court of the United States, in the case of Leisy against Hardin, that suggested the idea of passing the Wilson law. But the court was confused in the beginning. They have gotten the law down now where I think this is settled, that you can not delegate power to the States. Congress can not do that, but Congress can regulate commerce, and Congress can say, if this thing is intended to be used in violation of the laws of any State into which it is sought to be introduced, then it is not interstate commerce. It may become an interstate shipment, but it is not interstate commerce, and it has no right in interstate commerce; and that is so because Congress has spoken, and not because Congress has delegated any power anywhere. It is because Congress has said that is not interstate commerce.

Mr. DINWIDDIE. May I ask a brief question of Mr. Caldwell?

The CHAIRMAN. You may.

Mr. CARLIN. If the question does not provoke a long argument.

Mr. DINWIDDIE. It bears exactly on the point you have all been interrogating him on.

Mr. CARLIN. All right.

Mr. DINWIDDIE. Is there not this further thing to be said along that line, that this enactment is a direct enactment by Congress full and complete in itself, and not depending at all upon the legislation of any State for its vitality, in that Congress does settle the rule of interstate commerce; and if it passes this bill and makes the rule—that is, that intoxicating liquor shipped in interstate commerce, the object of which is the violation of the laws of the State into which it is shipped, shall be prohibited, that is the rule of Congress; it depends upon no act of any State; and the fact that some States may not have legislation that pertains to any intoxicating liquor does not affect the vitality of the law?

The CHAIRMAN. I thought you were going to ask a question.

Mr. DINWIDDIE. I am asking it and explaining it as I ask it. [Laughter.]

Mr. CARLIN. Will you answer that question?

Mr. DINWIDDIE. Furthermore——

The CHAIRMAN. I think the committee had better adjourn.

Mr. DINWIDDIE. I will ask this, if you will allow me. Is not this to be compared with the local-option enactment of a State, which is a complete, full enactment by the legislature, but whose enforcement and application is dependent upon a state of facts determined by a subsequent vote of the people?

Mr. MOON. May I ask you a question?

Mr. CALDWELL. May I answer this question?

The CHAIRMAN. I think Mr. Caldwell is entitled to answer that question, if he can unwind it.

Mr. CARLIN. If you can unscramble that egg you can answer it. [Laughter.]

Mr. CALDWELL. I think the Webb bill and the Sheppard bill are both clear regulations of interstate commerce by Congress. I think that they delegate nothing to the States, and that with the reason and the policy of the law the courts have nothing to do; and they have said so many times. Congress speaks; and the act, if passed, will have just that force and effect which the language of the act means and conveys. Congress is acting. Then it will be a question, Is this interstate commerce; and if not, why not? Because Congress has said that a thing so situated as this thing is situated shall not constitute interstate commerce. Liquor so situated, then, I say, is not property, but a nuisance.

Mr. MOON. What, then, becomes of Mr. Dinwiddie's beautiful theory that it expands and contracts with the laws of the States?

Mr. CALDWELL. That, as Chief Justice White says of Chief Justice Marshall's opinion in Brown *v.* Maryland, is one of the "incidents" of the legislation.

Mr. CLAYTON. Mr. Speaker, because several Members have requested me to do so, I now have printed in the RECORD the report made by the gentleman from North Carolina [Mr. WEBB] on the pending bill:

[House Report No. 1461, Sixty-second Congress, third session.]

DIVESTING INTOXICATING LIQUORS OF THEIR INTERSTATE CHARACTER IN CERTAIN CASES.

Mr. WEBB, from the Committee on the Judiciary, submitted the following report, to accompany H. R. 17593:

The Committee on the Judiciary, to which was referred the bill (H. R. 17593) entitled "An act to divest intoxicating liquors of their interstate-commerce character in certain cases" have considered the same and report thereon with the recommendation that the bill be passed with the following amendments:

Page 1, lines 5 and 6, strike out the words "including beer, ale, or wine."

Page 1, line 7, strike out the word "noncontinuous" and insert the word "noncontiguous."

Page 2, lines 1 and 2, strike out the words "directly or indirectly, or in any manner connected with the transaction."

Page 2, line 2, at the end of said line, strike out the word "or" and the word "kept" in the beginning of line 3, and insert in lieu thereof the word "sold."

Page 2, lines 6, 7, 8, and 9, strike out the words "enacted in the exercise of the police powers of such States, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof."

Page 2, line 9, after the word "prohibited," strike out the semicolon and insert a period, and after the word "prohibited," in line 9, strike out the remainder of line 9 and all of lines 10, 11, 12, 13, 14, 15, and 16.

This bill is intended to withdraw the protecting hand of interstate commerce from intoxicating liquors transported into a State or Territory and intended to be used therein in violation of the law of such State or Territory. Few words will suffice to justify the policy of such a bill. Before the Wilson Act of 1890, any person had the right, not only to have intoxicating liquors transported to him from without the State, but also to sell such liquors in the original package. The decision of the court in Leisy *v.* Hardin (135 U. S., 100) held that the consignee of such liquor had the right to sell it in the original package under the interstate-commerce clause of the Constitution. The Supreme Court held in the case of Rhodes *v.* Iowa that the Wilson law deprived the consignee of such liquor of the right to sell it in the original package, or otherwise, in violation of the law of the State.

Therefore, under the present law and decisions, no State can interfere with the interstate shipment of liquor until it has been actually delivered to the consignee, and because of this present state of the law no State official is permitted to touch any interstate shipment of liquor consigned to a "blind tiger," "bootlegger," or "speak-easy" until after it has been delivered to such violator of the State law.

To illustrate, some time ago there were three packages of liquor shipped into a town in a near-by State, consigned to individuals of doubtful character, one of whom had previously been convicted of selling liquor in violation of the law of the State.

One of the packages was a barrel containing 500 half-pint bottles of liquor, another was a barrel containing 250 pint bottles of liquor, and the third was a barrel containing 140 quarts of liquor. Owing to the character of the packages and the reputation of the consignees, the civil authorities were morally certain that these three packages of liquor were going to be used in violation of the State laws as soon as the consignees received them. This liquor was in the territory of a sovereign State and within the jurisdiction of its sovereign laws, and yet not one of her officers dared touch the liquor while it remained in the express office and undelivered. The sacred law of interstate commerce protected these shipments of "blind-tiger" liquor from molestation by State officers, not only while in transit, not only while they remained in the express office or depot, but also until they were actually delivered to those who intended to violate the State laws.

This bill, if enacted into law, would permit the State officers, under such circumstances, to seize such liquor under a proper warrant and try it upon the question of whether it was intended to be used in violation of the laws of the State, and if the jury should find that it was so intended the delivery to the consignee would be prevented and the liquor confiscated. Surely there can be no objection to such a law. This bill might well be styled a local-option act to give the various States the power to control the liquor traffic as to them may seem best. It would remove the shackles of interstate-commerce law from the action of the States and discontinue the handicap under which they now labor, in enforcing their police regulations, and leave them freer to break up the "blind tigers" and "bootleggers" that infest many "dry" States.

Congress has the power to enact this bill into law. The regulation of commerce with foreign nations, among the several States, and with Indian tribes is completely reposed in the Congress of the United States by article 1, section 8, clause 3 of the Constitution. The power to regulate includes the power to prohibit, as is shown by a long line of decisions of the Supreme Court and by a long line of Federal laws which have never been attacked. In Gibbons *v.* Ogden (9 Wheat., 189) Chief Justice Marshall, in discussing the power of Congress over commerce, says:

"It is the power to regulate—that is, to prescribe the rule by which commerce is governed. This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution. If, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to these objects, the power over commerce with foreign nations and among the several States is vested in Congress as absolutely as it would be in a single government having in its constitution the same restrictions in the exercise of its power as found in the Constitution of the United States."

In the case of United States *v.* Marigold (9 How., 560) Justice Daniel makes it clear that the power to regulate commerce includes the power to prohibit. He says:

"Under the commerce clause every subject falling within the legitimate sphere of commercial regulation may be partially or wholly excluded. The power of exclusion may operate on any and every subject of commerce to which the legislative expression may apply."

The same plenary power which Congress has over foreign commerce, by reason of the commerce clause of the Constitution, is given Congress over commerce with the Indian tribes, as was held in the case of United States *v.* 43 Gallons of Whisky (93 U. S., 188), construing a statute prohibiting the shipment of whisky into the county of Polk, in the State of Minnesota.

The court in this case says:

"Congress, under its constitutional power to regulate commerce with the Indian tribes, may not only prohibit the unlicensed introduction and sale of spirituous liquors in the Indian country, but extend such prohibition to territory in proximity to that occupied by the Indians."

Congress now has the exclusive and absolute power to regulate commerce with the Indian tribes.

"It would be strange indeed," says Judge Davis in this opinion, "if the commercial power lodged solely with Congress, and unrestrained as it is by State lines, did not extend to the exclusion of spirituous liquors intended to corrupt the Indians, not only from the existing Indian country, but from that which has ceased to be so."

(See also the case of United States *v.* Brigantine Williams, decided in 1808.)

In the Rahrer case Chief Justice Fuller says:

"By the adoption of the Constitution the ability of the several States to act upon the matter solely in accordance with their own will was extinguished and the legislative will of the General Government substituted. No affirmative guaranty was hereby given to any State of the right to demand, as between it and the others, what it could not have obtained before; while the object was undoubtedly sought to be attained of preventing commercial regulations partial in their character or contrary to the common interests. And the magnificent growth and prosperity of the country attest the success which has attended the accomplishment of that object. But this furnishes no support to the

position that Congress could not, in the exercise of the discretion reposed in it, concluding that the common interests did not require entire freedom in the traffic in ardent spirits, enact the law in question."

In the *Addison* Pipe Co. case (175 U. S.), involving the antitrust law, the court says:

"The reasons which might have caused the framers of the Constitution to repose the power to regulate interstate commerce in Congress do not, however, offset or limit the extent of the power itself. In Gibbons *v.* Ogden the power was declared to be complete in itself and to acknowledge no limitations other than are prescribed by the Constitution."

In 1895 Congress enacted a law prohibiting the transmission in interstate commerce of all lottery tickets, and the Supreme Court upheld the validity of such law. The court says:

"We are of the opinion that lottery tickets are subjects of traffic and, therefore, are subjects of commerce, and the regulation of the carriage of such tickets, from State to State, at least by independent carriers, is a regulation of commerce among the several States.

"But it is said that the statute in question does not 'regulate' the carrying of lottery tickets from State to State, but by punishing those who cause them to be so carried Congress, in effect, prohibits such carrying.

"It is said in effect (by Congress) that it would not permit the declared policy of the States which sought to protect their people against the mischiefs of the lottery business to be overthrown or disregarded by the agency of interstate commerce. Congress alone has the power to occupy by legislation the whole field of interstate commerce. What was said by this court on a former occasion may well be here repeated.

"The framers of the Constitution never intended that the legislative power of the Nation should find itself incapable of disposing of the subject matter specifically committed to its charge. (In re Rahrer, 140 U. S., 545.)

"That regulation may sometimes appropriately assume the form of prohibition is also illustrated by the case of diseased cattle transported from one State to another. Such cattle may have, notwithstanding their condition, a value in money for some purposes, and yet it can not be doubted that Congress, under its power to regulate commerce, may either provide for their being inspected before transportation begins or, in its discretion, may prohibit their being transported from one State to another."

Chief Justice Marshall, in Gibbons *v.* Ogden, says that Congress has the same power to regulate interstate as foreign commerce. He says:

"If this be the admitted meaning of the word in its application to foreign nations, it must carry the same meaning throughout the sentence and remain a unit, unless there be some plain, intelligible cause which alters it."

In the case of Cruthers *v.* Kentucky (141 U. S., 58) the court uses this language:

"*It has frequently* been laid down by this court that the power of Congress over interstate commerce is as absolute as it is over foreign commerce. And the same thing is exactly true with regard to interstate commerce as it is with regard to foreign commerce. No difference is perceivable between the two."

In Brown *v.* Houston (114 U. S., 630), the court says:

"The power to regulate commerce among the several States is granted to Congress in terms as absolute as is the power to regulate the commerce with foreign nations."

In Buttfield's case (192 U. S., 470) the court held that Congress, under the commerce power, could prohibit importation of articles from foreign countries. Of course this is well-settled law.

In Stockton *v.* Baltimore (32 Fed Rep., 9) Judge Bradley, who later became a justice of the Supreme Court of the United States, said:

"We think the power of Congress is supreme over the whole subject, unhampered and unembarrassed by State lines or State laws. That in this matter the country is one and the work to be accomplished is national, and that State interests, State jealousies, and State prejudices do not require to be consulted. In matters of foreign and interstate commerce there are no States."

Congress has power to prohibit the transportation of all intoxicating liquors in interstate commerce. The cases cited above abundantly establish this contention.

Hon. John W. Yerkes, representing several large distilleries, spoke before the Judiciary Committee of the Senate on January 25, 1908, in opposition to the then pending bill, and in the course of his argument said that in his opinion Congress had this power. At the same hearing and on the same day Senator Knox, a member of the committee, made this statement:

"Mr. Crane, who appeared here for the brewing company, said he thought Congress had that power. He thought it could absolutely prohibit the transportation of any such intoxicating liquors."

If Congress can arbitrarily prohibit the interstate transportation of all intoxicating liquors, then most certainly can Congress prohibit the shipment of any less portion of liquor or of any kind or class of liquor for whatever reason it chooses to assign or without giving any reason whatever. The larger power necessarily includes the smaller. This bill does not undertake, however, to prohibit the shipment of all liquor in interstate commerce, but only that which is intended to be used in violating a law of a sovereign State.

Congress has the power to refer to the orderly tribunals of the States the right and power to ascertain whether or not the liquor is intended to be used in violation of the State law, and if such tribunal, which might be considered the agent of Congress, finds that the liquor is intended to be used in violating the laws of the State, then eo instanti such liquor, although in commerce, is taken out of the legitimate sphere of interstate commerce and ceases to be a legitimate article of interstate commerce, and in law never was a lawful article of commerce.

Referring to an agent the power or duty of ascertaining some fact before a law shall take effect is neither novel nor unusual in the legislative history of our country. In many States the local-option laws do not take effect until the people in certain specified districts vote "wet" or "dry," as the case may be.

Only last summer Congress passed a law providing that when the President should find that a state of war existed in any American country and issued his proclamation to this effect then it should be unlawful to ship arms from the United States to such country. This law was intended to apply to the Mexican situation. The law was drawn by Senator ROOT, and its constitutionality so far has not been attacked. Why can not Congress refer to the orderly tribunals of the sovereign States the power to determine whether a shipment of liquor is intended to be used in violation of the laws of such States and after the fact is determined immediately the law become effective as to such shipment? The statute books carry many laws placing it in the power of the President and the various heads of the departments to ascertain certain facts before such laws may take effect.

The intent with which a thing is done is ofttimes the principal element in the crime.

Section 249, Criminal Code of the United States, makes anyone guilty of a crime who builds or fits out a vessel or sends it away for the purpose of procuring any person from any foreign country to be transported to any place to be sold, etc.

Section 255 of the Criminal Code of the United States provides that whoever builds or fits out a ship, intending that the same shall be employed in slave trade, shall forfeit the vessel and pay a fine of $2,000. Under this section the vessel shall be forfeited, if the builder intends to use it in the slave trade, whether such vessel ever engaged in slave trade or not.

Section 271 makes it a crime to bring a person into the United States with the intent to hold such person in confinement. There are many other sections of the Criminal Code in which intent is the chief element of crime.

If this bill should become a law, the State courts would therefore ascertain the fact of intent as they ascertain any other fact involving the question of intent.

No attempt in this bill is made to reach abstract intent, but only that intent which is "connected with the overt act of making or receiving any interstate shipment of liquor accompanied by the intent. Certainly there is nothing new about penal stautes which prohibit some specific act provided it be coupled with some specified intent. By way of illustration, forgery and obtaining by false pretenses are not, in themselves, made punishable. Whether they be so depends upon whether the act is done with intent to defraud."

Harmonizing congressional enactments with State laws is not unusual. The act of May 25, 1900, as contained in section 242 of the Criminal Code, makes it a crime to transport dead birds or wild animals in interstate commerce when such birds have been killed or shipped in violation of the laws of the State or district in which the same were killed or from which the same were shipped.

Congress passed a law while Jefferson was President forbidding the importation of free negroes from one State into any other State where they were not permitted by the laws of such State to reside.

Section 229 of the United States Criminal Code adopts the laws of the States for furnishing certain wrongful acts committed upon any lands reserved for the exclusive use of the United States or purchased by consent of the legislature, etc.

The act of August 19, 1911, providing for publicity of campaign contributions conforms to the laws of the various States in these words:

"No candidate for Representative in Congress or for Senator of the United States shall give, contribute, expend, use, promise, or cause to be given, contributed, expended, used, or promised, in procuring his nomination and election, any sum in the aggregate in excess of the amount which he may lawfully give, contribute, expend, or promise under the laws of the State in which he resides."

It will be seen that it is not necessary for a congressional act to be uniform throughout the United States, unless it is a law levying duties, imposts, and excises.

The pure-food law allows the export of any article when no substance is used in its preparation in conflict with the laws of a foreign country to which said article is intended to be shipped. The same law provides that condemned goods shall not be sold contrary to the laws of the State in which the sale is made. Congress has adopted the States as agents for supplying the procedure in the various Federal courts.

Congress has conformed its bankruptcy laws to the various State laws in the matter of exemptions, dower, priority of payments, etc. Delegating this power, or making the laws correspond to the State laws, does not invalidate the bankruptcy act, although Congress has the power of establishing "uniform laws" on the subject of bankruptcy, but uniformity is not required under the commerce clause.

Congress has enacted a law making the competency of a witness to testify in the United States courts depend upon the laws of the State in which the court is held.

Congress has left, by legal enactment, the qualifications and exemptions of jurors to State laws, and Colorado has recently qualified women as jurors.

Mr. CLAYTON. My request is that all gentlemen who speak on this bill may have five legislative days in which to extend their remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. CLAYTON] asks unanimous consent that all gentlemen who speak on this bill may have five legislative days in which to extend their remarks in the RECORD. Is there objection?

Mr. LANGLEY. Reserving the right to object, Mr. Speaker, I desire to ask the gentleman——

Mr. CLAYTON. Oh, Mr. Speaker, I hope that this will not come out of my time. I will have to withdraw my request if it is going to be objected to.

Mr. LANGLEY. I wanted to ask the Chairman whether under that form of request anyone who was recognized by the Chair for the purpose of asking the privilege of extending his remarks would be excluded?

Mr. CLAYTON. It would not exclude him.

Mr. MURDOCK. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is made.

Mr. CLAYTON. Now, Mr. Speaker, I yield 30 minutes to the gentleman from North Carolina [Mr. WEBB].

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. WEBB] is recognized for 30 minutes.

Mr. WEBB. Mr. Speaker, before proceeding further, I want to ask those who favor this class of legislation to join us in opposing the amendments which have been offered to this bill. It may seem strange to some Members when I ask you to oppose the penalty-clause amendment, for instance, offered by the gentleman from West Virginia [Mr. DAVIS]. The advocates of this bill have always taken the position that prohibition laws are local laws enacted by the States, and therefore the States

ought to execute their own police regulations, and that they ought not to call on the Congress of the United States to execute such laws for them. Therefore, if you adopt this penal provision, you ask the Congress of the United States to execute the local State laws by criminal proceedings. I believe in the right of the States to control absolutely the entire liquor question. The Supreme Court has decided over and over again that it is solely within the police power of a State to forbid, license, and control the manufacture, sale, or other disposition of spirituous and intoxicating liquors within its borders. Therefore we feel that we should not ask Congress to do something that the States ought to do, to wit, enforce their prohibition laws. What we do ask is that Congress, through its power over interstate commerce, shall remove the restrictions which now bind the action of the States in their efforts to honestly enforce their lawful prohibition enactments. That, gentlemen, is in brief why we feel that we should oppose this criminal or penal clause which has been offered here as an amendment.

Most certainly we oppose the personal-use clause offered by the gentleman from Alabama [Mr. BLACKMON] and by Mr. DAVIS of West Virginia. I hope no Democrat and no Republican Member will affront his State by voting for such a proposition. If the States have the right, in the first place, to prohibit the personal use or receipt of liquor, this Congress has no power to take that right away from the States. On the other hand, if the State has no power under its own constitution or the Constitution of the United States to deprive a man of the right of the personal use of liquor, then this law is harmless as to such right, because the State can never take that right from him.

I can conceive of a great injustice that you may do your own State, wet States as well as dry, if you undertake to force upon the States this personal-use amendment. If you adopt it, then the State will be powerless to prohibit what every State now prohibits, viz, the reception of liquor by a minor under the age of 16 years. The State would be powerless to prevent the delivery of liquor to a man who has been convicted of a violation of her laws in selling liquor. A State would be powerless to prevent the delivery of liquor to a habitual drunkard or an inebriate, and every State in this Union where the liquor traffic is licensed even has laws prohibiting a barkeeper from selling to that class of people. But now you propose to enact into a law of the United States a provision which will compel the States to allow that very class of people to receive the liquor, although their own citizens are not permitted to sell it to such persons, and the States will be compelled to allow it to go into the hands of these prohibited classes. A saloon keeper in Boston is forbidden by State law to sell liquor to a minor or to a habitual drunkard, but if you adopt this amendment, then a saloon keeper in another State will have the right to sell to this class of persons and have the liquor delivered to them in Boston, which is giving the outside saloon keeper a right which is denied the local dealer.

Senator Knox, who has given this class of legislation a great deal of study, filed a very learned report on the bills then pending before the Senate in 1909, and on the question of whether or not Congress should insert in such legislation the personal-use clause says:

"Congressional expression in favor of personal use would be an expression upon a subject with which Congress has nothing to do, and upon it all sorts of confusing questions would arise."

I realize that many would like to have this Congress pass a law prohibiting the shipment of all liquor into dry territory. No State has gone that far, and I do not want Congress to go further than the States have gone. I do not want Congress to make Kentucky dry, and I do not want Congress to make North Carolina wet, but I do want what this bill provides—that the State of Kentucky be allowed to control the whole matter as she deems best and allow my State to do the same thing. This bill will do that.

Strictly speaking, this law is not a prohibition law. It is a local-option measure to give to the States what they have always been entitled to under our interpretation of the Constitution—the right to control this troublesome question for themselves.

I take it that no States at present will absolutely prohibit the individual legitimate personal use of whisky. If they do and it is constitutional for them to do so, why should Congress attempt to take this constitutional right away from them by this amendment? Leave it to the State, and to the State alone, as the Supreme Court has often said, to settle these questions in their own way and work out their own salvation. Therefore, I shall ask the friends of this class of legislation to vote down these amendments, because they will load down the bill and make its passage that much more difficult and uncertain, which is the desire of the opponents of the pending measure.

Now, gentlemen, just a moment on the policy of this measure. Some gentlemen have said, and the gentleman from Missouri [Mr. BARTHOLDT] intimated, that the States now, under the present situation and condition of the law, have all the power they need to execute their prohibition laws. I take issue with my friend. I declare to him that the statement is not correct, and if I can not show him that it is not correct I shall not ask him to vote for the bill.

In the decision of Leisy *v.* Hardin (125 U. S.), it was declared that a man had not only the right to import liquor, but also to sell it in the original package, in spite of any State law forbidding such sale. People everywhere grew restive under that sort of decision. I can not understand the reasoning of the court in that case. There were dissenting opinions, but it was declared the law that a man had the right to import liquor and to sell it in the original package in violation of the laws of the State.

Mr. SAUNDERS. That is, in the original package.

Mr. WEBB. In the original package, I so stated. That shocks the average man, whether he is a State rights Democrat or a State rights Republican, or the contrary. No man outside of my State ought to have a superior right to the citizen within my State. There is no guarantee in the Constitution that gives the outsider a personal right to sell liquor in my State or ship it into my State if my State prohibits such sale in the State. The Supreme Court has said that often. If a man has not a right in my State to sell liquor, then certainly a citizen living in the District of Columbia ought not to have a superior right to enable him to sell it inside my State.

After that opinion was rendered public sentiment grew in favor of enacting a law which would remedy it. Senator Wilson, of Iowa, was the father of the Wilson law which was passed in 1890 and aimed to meet this decision. It provided—I am not quoting the law but only the substance of it—that whenever intoxicating liquors should arrive within a State they should immediately become subject to the police laws of that State. Now, the object of the men who passed the bill in 1890 was to put all intoxicating liquors, immediately upon arrival of the liquors within the borders of a sovereign State, under the control of the police laws of that State. No man who reads the bill and the debates that occurred at that time will deny it.

When that law came before the Supreme Court in 1897, in the case of Rhodes against Iowa, the court said the law is constitutional, but Congress did not mean to say that you could seize the liquor before it reached the consignee; it meant by the words "arrival in the State" delivery to the consignee, and therefore you can not touch the liquor until it is delivered to the consignee, although it does take away the right of the consignee to sell it in the original package in violation of State laws.

Ever since that decision any individual has had a right to have liquor shipped to him and delivered to him, and not until it is actually delivered to him does it become subject to the laws of the State. So the right to the delivery of the liquor to the consignee is still sacred under the commerce clause of the Constitution under the decision of the Supreme Court of the United States in Rhodes against Iowa.

Now, what the people of the United States, or a large portion, representing 2,000,000 square miles of territory, want is to give the States, if they can, the power to seize the liquors, which are intended to be used in violation of their laws, before the liquors get into the hands of the consignee—into the hands of blind tigers, bootleggers, speak-easies, and other law violators.

Mr. SHERLEY. Will the gentleman permit a question?

Mr. WEBB. If it is brief; my time is short.

Mr. SHERLEY. I am not trying to embarrass the gentleman.

Mr. WEBB. Oh, certainly not; I realize that. The gentleman may ask a question, but let it be brief.

Mr. SHERLEY. Under this law, assuming its constitutionality, would it not be possible for them to seize every shipment that came into a State, and then would not the consignee have to prove that he did not intend to violate the law?

Mr. WEBB. Absolutely not. If my friend has thus understood this bill, I am surprised, for the burden of proving unlawful intent is upon the man who alleges it.

Mr. SHERLEY. Will the gentleman permit another question?

Mr. WEBB. Yes; a brief question.

Mr. SHERLEY. Would it not be within their power to seize it and then undertake to prove the intent?

Mr. WEBB. Yes; but in further answer to that I can say it is within the power of any man in this city to cause the arrest of the gentleman from Kentucky as he goes from this Hall to his home to-night upon a charge of murder or other crime. Any law can be abused. The liquor law can be abused as well as any other law, but we have no right to assume that it will be

abused. The gentleman may be arrested at any time for some offense that he never thought of. The man who arrests a consignment of liquor under this bill must prove that it is intended to be used in violation of the law of the State, and he has to prove it in an orderly tribunal, and after it is proven, then, eo instanti, the liquor is taken out of interstate commerce and becomes subject to the laws of the State, because in law it never was legitimate interstate commerce.

Mr. SHERLEY. It practically means that when the authorities desire it, you have to have a lawsuit to get an interstate shipment. I just want the House to understand the scope of the bill.

Mr. WEBB. Yes; that is a fact, but that is true of every other thing that is litigated in life. If I want a lawsuit, I can get it out of the gentleman in 25 minutes. I can sue the gentleman on a note that he never made. I can have him arrested upon a charge of which he is not guilty, but men do not enjoy this kind of litigation, for costs and damage follow.

Mr. HUGHES of West Virginia. And every other law on the statute book is subject to the same objection.

Mr. WEBB. Certainly.

Mr. McCOY. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Certainly.

Mr. McCOY. Is it not a fact that in some States the mere possession of a certain quantity of liquor raises a presumption that the person who has it in his possession intends to violate the law?

Mr. WEBB. Yes; that is with reference to the State law.

Mr. McCOY. Then, in those cases, for the quantity mentioned, coming into the State in interstate commerce, could it not be seized, and would the burden not be on the consignee to prove or at least proceed with the evidence to show that he was not intending to violate the law?

Mr. WEBB. No. The man who alleges violation of the statute has to prove it.

Mr. McCOY. But prima facie the possession proves it, does it not?

Mr. WEBB. No; certainly not. You could not well prove an intent to have an intent.

Mr. McCOY. Under some of the laws?

Mr. WEBB. To give you a practical illustration of the working of this bill I set it out in the report of the committee. A few months ago in an adjoining State there were three or four barrels of liquor delivered to an express office in a certain town. One of the barrels contained 500 half-pint bottles of liquor, another contained 400 half-pint bottles, and another contained 140 quart bottles of liquor. Two of those consignments went to men of doubtful character, and one to a colored man, who had been convicted in that jurisdiction of "blind tigering," if I may use the term. That liquor sat in the express office, within the jurisdiction of the State, on her soil, for weeks, and it may be for months, and although every civil officer of that town was morally satisfied that that liquor was intended to be used to violate the laws of the State, they were powerless to touch the liquor until after it was actually delivered into the hands of the man who intended to violate the law with it.

I say, Mr. Speaker, that there is a hiatus between the arrival of such liquor in the express office and the delivery to the consignee over which the State ought to have control. It would be a horrible thought that a man could start a shipment of nitroglycerine to the capital of a State, with the avowed intention of blowing up the capital as soon as he got possession of the explosive, and that there was no power in the State to arrest or seize that nitroglycerine after it landed within the State and before it was delivered to the dynamiter.

Now, who can oppose this sort of a proposition? What is the objection to it? Is there anybody here who wants to stand up and say he favors violating the laws of any State of the Union? I am not in favor of violating the laws of Kentucky, New Hampshire, or any other State, and I hope there is no man among you who wants to aid or abet the violation of the laws of my State.

Mr. SHERLEY. Will the gentleman permit me another question?

Mr. WEBB. I have only 10 minutes—if the gentleman will make it brief.

Mr. SHERLEY. Am I to understand the gentleman will favor a law prohibiting the shipment of any article of commerce that was in violation——

Mr. WEBB. Oh, no; I know that a certain class of men in the United States have been trying hard ever since this Government has gradually been outlawing liquor, to make liquor as respectable as other articles of commerce, but it can not be done. This Congress has driven it out of the Capitol of the Nation; this Congress has driven it out of the mails of the United States; this Congress has made a man incapable of holding a civil-service job who is addicted to drinking the stuff; this Congress has gradually outlawed it, and there is no living man but knows that intoxicating liquors in this country ought not to have the same standing as other articles of interstate commerce. They stand in a condemned class by themselves. The Supreme Court of the United States in many great decisions have declared it a source of crime and sorrow throughout the United States, and I know that this Congress of the United States ought not to put liquor in the same class with other respectable articles of commerce. I for one will not do that.

Mr. Speaker, the courts of the United States, both State and Federal, have taken judicial notice of the evils of liquor. Mr. Justice Field, of the United States Supreme Court, in the case of Crowley *v.* Christensen (137 U. S., 90-91), says:

"It is urged that as the liquors are used as a beverage, and the injury following them, if taken in excess, is voluntarily inflicted and is confined to the party offending, their sale should be without restrictions, the contention being that what a man shall drink, equally with what he shall eat, is not properly matter for legislation.

"There is in this position an assumption of a fact which does not exist, that when the liquors are taken in excess the injuries are confined to the party offending. The injury, it is true, first falls upon him in his health, which the habit undermines; in his morals, which it weakens; and in the self-abasement which it creates. But, as it leads to neglect of business and waste of property and general demoralization, it affects those who are immediately connected with and dependent upon him. By the general concurrence of opinion of every civilized and Christian community, there are few sources of crime and misery to society equal to the dramshop, where intoxicating liquors in small quantities, to be drunk at the time, are sold indiscriminately to all parties applying. The statistics of every State show a greater amount of crime and misery attributable to the use of ardent spirits obtained at these retail liquor saloons than to any other source. There is no inherent right in a citizen to thus sell intoxicating liquors by retail; it is not a privilege of a citizen of the State or of a citizen of the United States. As it is a business attended with danger to the community, it may, as already said, be entirely prohibited, or be permitted under such conditions as will limit to the utmost its evils."

And again, Mr. Speaker, in the great case of Mugler *v.* Kansas (123 U. S.), Judge Harlan, delivering the opinion of the court, among other things, says:

"We can not shut out of view the fact, within the knowledge of all, that the public health, the public morals, and the public safety may be endangered by the general use of intoxicating drinks, nor the fact, established by statistics accessible to everyone, that the idleness, disorder, pauperism, and crime existing in the country are in some degree at least traceable to this evil."

Mr. SHERLEY. I thought the gentleman was arguing on the point of violating the State law; and, if that was true, no matter what the article was, you did not want to violate the State law.

Mr. WEBB. I am perfectly willing to put liquor and cigarettes in the same class.

Mr. SHERLEY. Is not the gentleman willing to prevent the violation of any State law, or does the gentleman's State virtue only go to certain laws?

Mr. WEBB. My State law does not prohibit the interstate shipment of many things——

Mr. SHERLEY. It does not touch this.

Mr. WEBB. I want public sentiment to gradually develop before Congress takes hold of all these questions. Take the question of lotteries. The time may come when——

Mr. SHERLEY. The gentleman does not want his virtue to run ahead of public opinion?

Mr. WEBB. I do not, if you want to put it that way; public opinion often makes virtue, and it is often a virtue to abide by such opinion. You can execute no law successfully except public opinion be back of it.

Mr. MANN. Will the gentleman yield? I do not desire to interrupt the gentleman.

Mr. WEBB. Yes, briefly.

Mr. MANN. Ought not we also to prohibit the transportation in interstate commerce of diseased or tuberculous milk, which kills more infants than liquor kills adults?

Mr. WEBB. Yes; I will support such a law.

Mr. MANN. Then the gentleman will vote for my amendment, which will improve this law?

Mr. WEBB. It is not germane to this bill, and will not help the passage of it. If the gentleman will bring it out of the

Committee on Interstate and Foreign Commerce, I will vote for it.

Mr. MANN. This amendment that I have offered is to strike out the word "intoxicating," so as to make the bill apply to milk and save the infants.

Mr. WEBB. Mr. Speaker, one word as to the constitutionality of the bill. I have tried very briefly, and I know imperfectly, to discuss the policy of the bill. I do not think there is a doubt in the mind of any lawyer in this House that the Congress of the United States, through the power lodged in it by Article I, section 8, clause 3, of the Constitution, has the right to exclude all liquors from interstate commerce, just as we have excluded lottery tickets from interstate commerce. When the States joined themselves together they gave up all their sovereign rights to deal with commerce going on between the several States and transmitted that power to the Congress of the United States under the commerce clause, and now Congress has the absolute sovereign power to control all the commerce between all the States, all the foreign nations, and with the Indian tribes.

The Supreme Court has often held that the power to regulate commerce includes the power to exclude articles from commerce. They have also held that the power of controlling commerce with foreign nations is the same as controlling commerce among the States and with the Indian tribes. They have held that you can exclude many things from interstate commerce, even to the prohibition of a lottery ticket, and the power is supreme in our hands under the first article of the Constitution. Therefore, if we choose so to do, we can exclude all liquor from interstate commerce; but this bill does not do that.

It will not be amiss to cite a few Supreme Court decisions along this line. I call attention first to the case of Gibbons *v.* Ogden (9 Wheat., 189), in which the great Chief Justice Marshall, in discussing the question of the power of Congress over commerce with reference to the embargo act, said:

"They (people who are opposed to the passage of such laws) deny that the particular law in question was made in pursuance of the Constitution, not because the power could not act directly on vessels, but because a partial embargo was the annihilation and not the regulation of commerce."

The Chief Justice, in answering this argument, said:

"It is the power to regulate; that is, to prescribe the rule by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution. If, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to those objects, the power over commerce with foreign nations and among the several States is vested in Congress as absolutely as it would be in a single Government having in its constitution the same restrictions on the exercise of the power as found in the Constitution of the United States."

And again, in the case of United States *v.* Marigold (9 How., 560), Justice Daniel made it clear that the power to regulate included the power to prohibit, in this language:

"Congress by the Constitution is vested with the power to regulate commerce with foreign nations; and, however at periods of high excitement an application of the terms to 'regulate commerce,' such as would embrace absolute prohibition, may have been questioned, yet since the passage of the embargo and nonintercourse laws and the repeated judicial sanctions those statutes have received it can scarcely at this day be open to doubt that every subject falling within the legitimate sphere of commercial regulation may be partially or wholly excluded when either measure shall be demanded by the safety or by the important interests of the entire Nation. Such exclusion can not be limited to particular classes or descriptions of commercial subjects; it may embrace manufactures, bullion, coin, or any other thing. The power once conceded, it may operate on any and every subject of commerce to which the legislative discretion may apply it."

The foregoing cases apply to foreign commerce. Let us see how it is applied to the Indian tribes, which power is given in the same clause as that among the States and foreign nations.

In the case of the United States *v.* 43 Gallons of Whisky (93 U. S., 188) the court construed a statute prohibiting the shipment of liquor into the county of Polk, in the State of Minnesota, which county was not within the Indian reservation. It had no more to do with the Indians than the District of Columbia, and the court, upholding the constitutionality of this statute, said:

"Congress, under its constitutional power to regulate commerce among the Indian tribes, may not only prohibit the unlicensed introduction and sale of spirituous liquors in the Indian country, but extend such prohibition to territory in proximity to that occupied by Indians. Under the Articles of Confederation the United States had the power of regulating the trade and managing all affairs with the Indians not members of any of the States, provided that the legislative rights of a State within its own limits be not infringed or violated. Of necessity these limitations rendered the power of no practical value. This was seen by the convention which framed the Constitution, and Congress now has the exclusive and absolute power to regulate commerce with the Indian tribes—a power as broad and as free from restrictions as that to regulate commerce with foreign nations." "In view of this changed condition," says Judge Davis in this opinion, "it would be strange indeed if the commercial power lodged solely with Congress and unrestricted, as it is, by State lines did not extend to the exclusion of spirituous liquors intended to corrupt the Indians not only from existing Indian country but from that which has ceased to be so by reason of its cession to the United States."

In the Rahrer case Chief Justice Fuller used this language:

"By the adoption of the Constitution the ability of the several States to act upon the matter solely in accordance with their own will was extinguished and the legislative will of the General Government substituted. No affirmative guaranty was hereby given to any State of the right to demand as between it and the others what it could not have obtained before, while the object was undoubtedly sought to be attained by preventing commercial regulations partial in their character or contrary to their common interests. And the magnificent growth and prosperity of the country attest the success which has attended the accomplishment of that object. But this furnishes no support to the position that Congress could not in the exercise of the discretion reposed in it, concluding that the common interests did not require entire freedom in the traffic in ardent spirits, enact the law in question."

In 1808 the case of the United States against William was decided, involving the embargo laws, and the law was sustained not under the taxing power but entirely under the commerce clause. The court in this case says:

"Congress shall have power to regulate commerce with foreign nations, among the several States, and with the Indian tribes. Such is the declaration in the Constitution. Stress has been laid in the argument on the word 'regulate' as implying in itself a limitation. Power to regulate, it is said, can not be understood to give a power to annihilate. To this may be replied that the acts under consideration, though of very ample extent, do not operate as a prohibition of all foreign commerce. It will be admitted that partial prohibitions are authorized by the expression, and how shall the degree or extent of the prohibition be adjusted but by the discretion of the National Government, to whom the subject appears to be committed? Let this be admitted, and are they not at liberty also to consider the present prohibition as necessary and proper to an eventual beneficial regulation? I say nothing of the policy of the expedient. It is not within my province, but in the abstract question of the constitutional power I see nothing to prohibit or restrain the measure. It was perceived that, under the power of regulating commerce, Congress would be authorized to abridge it in favor of the great principles of humanity and justice. It has been said in the argument that the large commercial States, such as New York and Massachusetts, would never have consented to the grant of power relative to commerce if supposed capable of the extent now claimed. On this point it is believed there was no misunderstanding. The necessity of a competent National Government was manifest. Its essential characteristics were considered and were understood, and all intelligent men perceived that a power to advance and protect the national interests necessarily involved a power that might be abused."

In the Addyston Pipe Co. case (175 U. S.), involving the antitrust law, the court said:

"The reasons which may have caused the framers of the Constitution to repose the power to regulate interstate commerce in Congress do not, however, affect or limit the extent of the power itself. In Gibbon against Ogden the power was declared to be complete within itself and to acknowledge no limitations other than are prescribed by the Constitution."

We now come to the Lottery case which decided the point completely. The Congress in 1895 enacted a law prohibiting the transmission in interstate commerce of all lottery tickets, and the constitutionality of the law was bitterly and powerfully attacked. In this decision these tickets were declared to be commerce, otherwise Congress could not act upon them.

Here is what the court says on this point:

"We are of the opinion that lottery tickets are subjects of traffic and therefore are subjects of commerce, and the regulation of carriage of such tickets from State to State, at least by independent carriers, is a regulation of commerce among the several States.

"But it is said that the statute in question does not 'regulate' the carrying of lottery tickets from State to State, but by punishing those who cause them to be so carried Congress, in effect, prohibits such carrying. That in respect to the carrying from one State to another of articles or other things that are, in fact or according to usage in business, the subjects of commerce.

"It is said, in effect, by Congress that it would not permit the declared policy of the States, which sought to protect their people against the mischiefs of the lottery business, to be overthrown or disregarded by the agency of interstate commerce. Congress alone has the power to occupy by legislation the whole field of interstate commerce. What was said by this court on a former occasion may well be here repeated.

"'The framers of the Constitution never intended that the legislative power of the Nation should find itself incapable of disposing of the subject matter specifically committed to its charge.' (In re Rahrer case, 140 U. S., 545.)

"That regulation may sometimes appropriately assume the form of prohibition is also illustrated by the case of diseased cattle transported from one State to another. Such cattle may have, notwithstanding their condition, a value in money for some purposes, and yet it can not be doubted that Congress, under its power to regulate commerce, may either provide for their being inspected before transportation begins, or, in its discretion, may prohibit their being transported from one State to another.

"The act of July 2, 1890, known as the Sherman Antitrust Act, and which is based on the power of Congress to regulate commerce among the States, is an illustration of the proposition that regulation may take the form of prohibition. That regulation may sometimes take the form or have the effect of prohibition is also illustrated in the case of re Rahrer.

"We decide that, under its power to regulate commerce among the several States, Congress, subject to the limitations imposed by the Constitution upon the exercise of the power granted, has plenary authority over such commerce and may prohibit the carriage of such tickets from State to State."

Chief Justice Marshall, in Gibbon *v.* Ogden, says that the Congress has the same power to regulate interstate as foreign commerce. Here is his language:

"If this be the admitted meaning of the word in its application to foreign nations, it must carry the same meaning throughout the sentence and remain a unit, unless there be some plain, intelligible cause which alters it."

In the case of Cruthers *v.* Kentucky (141 U. S., 57 and 58), the Supreme Court used the following language:

"It has frequently been laid down by this court that the power of Congress over interstate commerce is as absolute as it is over foreign commerce. And the same thing is exactly true with regard to interstate commerce as it is with regard to foreign commerce. No difference is perceivable between the two."

"The power to regulate commerce among the several States is granted to Congress in terms as absolute as is the power to regulate the commerce with foreign nations." (Brown *v.* Houston, 114 U. S., 622.)

In Stockton *v.* Baltimore (32 Fed. Rep., 9) in 1887, Judge Bradley, who later became a Supreme Court judge, said:

"We think that the power of Congress is supreme over the whole subject, unimpeded and unembarrassed by State lines or State laws. That in this matter the country is one, and the work to be accomplished is national, and that State interests, State jealousies, and State prejudices do not require to be consulted. In matters of foreign and interstate commerce there are no States."

If Congress can arbitrarily prohibit the interstate transportation of all intoxicating liquors, then most certainly can Congress prohibit the shipment of any less portion of liquor or of any kind or class of liquor for whatever reason it chooses to assign or without giving any reason whatever. The larger power necessarily includes the smaller. This bill does not undertake, however, to prohibit the shipment of all liquor in interstate commerce, but only that which is intended to be used in violating a law of a sovereign State.

Congress has often exercised its power over commerce by absolutely excluding certain articles from commerce altogether.

The act of March 2, 1895, prohibits any ship to clear which has on board fresh, salted, canned, or packed beef, unless the owner of the ship shall have from an inspector a certificate that said cattle are free from disease, and so forth.

The act of May 30, 1908, prohibits the transportation of nitroglycerine on any vessel or vehicle of any description operated by a common carrier in the transportation of passengers or articles of commerce by land or water.

The act of March 31, 1900, prohibits the transportation of explosive materials in any vessel or vehicle in interstate commerce.

The Congress many years ago passed the embargo laws. The Congress prohibited the importation of slaves. The Congress has prohibited the importation of counterfeit coins. The Congress prohibited importation of all convict-made goods.

The act of July, 1902, prohibits the introduction or sale of food products falsely labeled or branded.

The act of February 21, 1905, prohibits the transportation of gold or silver goods bearing the words "United States assay" or any similar words, or falsely branded.

The act of March 3, 1905, prohibits the transportation of loose hay or other highly inflammable materials on passenger steamers.

The act of February 21, 1905, prohibits the transportation of obscene books, notwithstanding that the Constitution guarantees freedom of speech, and it has been held that printing is as much speech as spoken words.

The act of March 3, 1905, prohibits the transportation of quarantined cattle. The act of March 3, 1905, prohibits the transportation of certain insects, including the boll weevil. If we can prohibit the transportation of insects, the transportation of convict-made goods, the transportation of gold and silver because it has three words stamped on it, the transportation of cattle whether diseased or healthy, then with how much more force can we argue that the Government has the right to prohibit the transportation of liquor which is intended to be sold in violation of the law of the sovereign State.

The act of June 25, 1910, prohibits the transportation or assistance in transportation of any woman or girl for the purpose of debauchery or for other immoral purposes or with intent, and so forth.

The act of June 29, 1906, prohibits any interstate carrier from giving any free ticket, pass, or transportation to certain persons and permits free transportation to certain other persons.

The act of May 25, 1900, makes it unlawful for any person to transport certain foreign animals or birds the importation of which is prohibited, and prohibits the transportation of dead bodies or parts thereof of any wild animals or birds where such animals or birds have been killed in violation of the laws of the State in which the same were killed, and provides that the transportation of dead birds, and so forth, may be had during the season when the same may be lawfully captured, and the export of which is not prohibited by law in the State in which the same were killed.

The act of May 23, 1887: Importation of opium by Chinamen prohibited, and such shall be forfeited, and no citizen of the United States shall transport opium to open ports of China.

The act of March 4, 1909, prohibits selling or transporting to any native of the Pacific Isles any liquor or opium. (Sec. 308.)

Congress has taken out of the sphere of legitimate commerce colored oleomargarine, misbranded liquors, C. O. D. shipments of liquors, and certain property owned by common carriers.

Unlawful to hunt, trap, kill, and so forth, any birds or animals or take eggs on any lands set apart or reserved as breeding grounds for birds, by any law, proclamation, or Executive order, except under rules from time to time prescribed by the Secretary of Agriculture—fine or imprisonment for violating provision of act. (June 28, 1906, 34 Stat. L., pp. 536, 538.)

Oleomargarine subject to State laws. (May 9, 1902, 32 Stat. L., p. 193.)

President authorized to designate such areas in Wichita Forest Reserve as in his opinion should be set aside for breeding places for birds, animals, and so forth, and then trapping, hunting, and so forth, in such places are unlawful, except under such regulations as the Secretary of Agriculture may from time to time prescribe. One thousand dollars fine or one year's imprisonment. (Jan. 24, 1905, 33 Stat. L., p. 614.)

Can not ship gypsy moth, and so forth, into States, and Secretary of Agriculture makes rules for shipping for scientific purposes and States give authority to further prohibit. (Mar. 3, 1905, 33 U. S. Stat. L., p. 1269.)

Rights of way for construction of dams, reservoirs, tunnels, flumes, and so forth, across and within United States forest reserves granted to citizens, and so forth, under such rules as the Secretary of Agriculture may make and subject to the laws of Territories and States in which reserves are situated. (Feb. 1, 1905, 33 U. S. Stat. L., p. 628.)

Any person violating act or any rules and regulations in pursuance thereof made by the Secretary of Interior guilty of misdemeanor and fines not over $500 or imprisonment not over six months. (Act June 3, 1878, 20 U. S. Stat. L., p. 89.)

Whoever violates or permits violation of any rule, regulation, or order made pursuant to foregoing act, such vessel may be prohibited from again carrying cattle from any port of the United States for such length of time, not exceeding one year, as the Secretary of Agriculture may direct. (Act Mar. 3, 1891, 26 Stat. L., p. 833.)

Anyone who forges or counterfeits, and so forth, or uses without authority any marks, stamps, or devices provided for in the regulations of the Secretary of Agriculture, guilty of misdemeanor, $1,000 fine or imprisonment not exceeding one year. (Mar. 2, 1895, 28 Stat. L., p. 732.)

Anyone violating rules and regulations which Secretary of Interior may make to preserve forests, and so forth, guilty of misdemeanor, and so forth. (Act June 4, 1897, 30 Stat. L., p. 35.)

Secretary of Agriculture prescribes rules for killing game in Alaska, and violations a misdemeanor. (Act June 7, 1902, 32 Stat. L., p. 327.)

Mr. DYER. Will the gentleman yield?

The SPEAKER pro tempore. Will the gentleman yield to the gentleman from Missouri?

Mr. WEBB. I have not the time to yield. I want to be courteous, but I have not the time.

Mr. SABATH. Will the gentleman yield for just a short question?

Mr. WEBB. I have but 10 minutes, and I am laboring under difficulty in making this argument in that time. My position is, therefore, Mr. Speaker, that if Congress has such power to prohibit arbitrarily the shipment of whisky in interstate commerce, that it has the power to prohibit the shipment of any lesser quantity or lesser portion for whatever reason it pleases, or to assign no reason at all. If a man has the right to cut down an entire tree, he has the right to remove a few limbs. This law prohibits the liquor being shipped in interstate commerce, if it is intended to be used in violation of the law of the State into which it is shipped. If liquor should be shipped for that purpose and it should be seized, and the fact established by proper proof, if this bill becomes a law, then that kind of liquor is taken out of the legitimate sphere of commerce, and in contemplation of law never was lawful commerce, and becomes subject to the law of the State, because the laws of commerce protect it no further if it is determined that it is to be used to violate the laws of a sovereign State.

The State courts may determine whether such liquor is intended to be used in violation of the law of such State, and if the question is answered "Yes" by the jury, then automatically this proposed law takes effect, and such liquor is eo instanti taken out of the realm of legitimate commerce. Surely Congress, which has plenary power over this whole subject of commerce, can leave to the orderly tribunals of the various States the right to determine whether or not the liquor is intended to be used in violation of their law.

The delegation of the duty or power to an individual of finding some fact before a congressional act takes effect is neither new nor novel. We have often enacted such laws. Only last summer Congress passed a law providing that when the President should find that a state of war existed in any American country and issued his proclamation to this effect, then it should be unlawful to ship arms from the United States to such country. This law was intended to apply to the Mexican situation. The law was drawn by Senator Root, and its constitutionality so far has not been attacked. Why can not Congress refer to the orderly tribunals of the sovereign States the power to determine whether a shipment of liquor is intended to be used in violation of the laws of such States, and after the fact is determined immediately the law becomes effective as to such shipment? The statute books carry many laws placing it in the power of the President and the various heads of the departments to ascertain certain facts before such laws may take effect. The finding of the fact by the President does not destroy the congressional power, but the act only depends upon his finding to take effect. He only acts as an agent to ascertain a fact before the act takes effect.

Harmonizing congressional enactments with State laws is not unusual. The act of May 25, 1900, as contained in section 242 of the Criminal Code, makes it a crime to transport dead birds or wild animals in interstate commerce when such birds have been shipped or killed in violation of the laws of the State or district in which the same were killed or from which the same were shipped.

Congress passed a law while Jefferson was President forbidding the importation of free negroes from one State into any other State where they were not permitted by the laws of such State to reside.

Section 229 of the United States Criminal Code adopts the laws of the States for punishing certain wrongful acts committed upon any lands reserved for the exclusive use of the United States or purchased by consent of the legislatures, and so forth.

The act of August 19, 1911, providing for publicity of campaign contributions conforms to the laws of the various States in these words:

"No candidate for Representative in Congress or for Senator of the United States shall give, contribute, expend, use, promise, or cause to be given, contributed, expended, used, or promised, in procuring his nomination or election, any sum in the aggregate in excess of the amount which he may lawfully give, contribute, expend, or promise under the laws of the State in which he resides."

It will be seen that it is not necessary for a congressional act to be uniform throughout the United States unless it is a law levying duties, imposts, and excises.

The pure-food law allows the export of any article when no substance is used in its preparation in conflict with the laws of a foreign country to which said article is intended to be shipped. The same law provides that condemned goods shall not be sold contrary to the laws of the State in which the sale is made. Congress has adopted the States as agents for supplying the procedure in the various Federal courts.

Congress has conformed its bankruptcy laws to the various State laws in the matter of exemptions, dower, priority of payments, and so forth. Delegating this power or making the laws correspond to the State laws does not invalidate the bankruptcy act, although Congress has the power of establishing "uniform laws" on the subject of bankruptcy, but uniformity is not required under the commerce clause.

Congress has enacted a law making the competency of a witness to testify in the United States courts depend upon the laws of the State in which the court is held.

Congress has left, by legal enactment, the qualifications and exemptions of jurors to State laws, and Colorado has recently qualified women as jurors.

I say that it is nothing new to make our law conform to State laws. We did it in 1900 when we made it a crime for any person or corporation or transportation company to ship birds or the dead bodies of birds out of a State where the birds were killed in violation of the laws of that State. There we made our State laws a criterion for our Federal act, and the violation of those State laws was made a crime against the United States as well as a crime against the State itself.

Some one has said there is difficulty about proving intent. Somebody asked, "How are you going to prove that a man intends to violate the law of his State?" Why, gentlemen, you prove that just as you prove any other offense or crime where intent is the chief ingredient or the chief element. Ninety crimes out of every one hundred denounced by law involve intent. False pretense is not a crime unless you prove intent. Forgery is not a crime unless you prove intent. In a case of this sort the proof of the intent may indeed be difficult, but opponents of this measure can not complain of that. You who oppose this bill need not worry about the difficulty of enforcing it. Let those who advocate it enforce the law, and if difficulty lies in the enforcement of the law, then it will be much to your pleasure, no doubt. The intent with which a thing is done is ofttimes the principal element in the crime.

Section 249 of the Criminal Code of the United States makes anyone guilty of a crime who builds or fits out a vessel or sends it away for the purpose of procuring any person from any foreign country to be transported to any place to be sold, and so forth.

Section 255 of the Criminal Code of the United States provides that whoever builds or fits out a ship, intending that the same shall be employed in slave trade, shall forfeit the vessel and pay a fine of $2,000. Under this section the vessel shall be forfeited if the builder intends to use it in the slave trade, whether such vessel ever engaged in the slave trade or not.

Section 271 makes it a crime to bring a person into the United States with the intent to hold such person in confinement. There are many other sections of the Criminal Code in which intent is the chief element of crime.

If this bill should become a law the State courts would therefore ascertain the fact of intent as they ascertain any other fact involving the question of intent.

No attempt in this bill is made to reach abstract intent but only that intent which is "connected with the overt act of making or receiving any interstate shipment of liquor accompanied by the intent. Certainly there is nothing new about penal statutes which prohibit some specific act, provided it be

coupled with some specified intent. By way of illustration, forgery and obtaining by false pretenses are not in themselves made punishable. Whether they be so depends upon whether the act is done with intent to defraud."

If liquor is sent in my State to a "blind tiger" or to a man who is known to be a violator of the laws of the State, and if the liquor is put up in 500 pint bottles, I have the right to assume, knowing the character of the liquor packages and knowing the character of the man to whom it is consigned, that he is going to violate the State laws, and I have a right to prevent it, as I would have the right to prevent the threatened violation of any other law in my State. And when you bring such a person before the court, or when you take the liquor into court—and that is what you would do; the bill only provides for an action in rem; you seize the liquor—you determine whether it was intended to be used or sold in violation of the law. And if the verdict is found against the liquor, the liquor may be confiscated, because it is taken out of interstate commerce and becomes subject to the laws of the States in their sovereign capacity.

Mr. Speaker, this is a just bill. It applies to all States, "wet" and "dry" alike, because every State in the Union has laws against the unrestricted sale of liquor, and this bill would protect the "wet" States whose laws are to be violated in the use or sale of liquor as well as it would protect the "dry" States under the same circumstances. It is a State rights measure. Surely the sovereign States of this Union, which have in their keeping the life, liberty, and property of their citizens, can be fully trusted with the less important power of controlling the liquor traffic in all of its phases. The bill we have before us, which I introduced into this Congress on the 10th of April, 1911, is intended to withdraw the protecting hand of interstate commerce from intoxicating liquors transported into any State or Territory, whether that State be "wet" or "dry," and intended to be used therein in violation of the law of such State or Territory. This bill if enacted into law will permit State officers to seize such liquor under a proper warrant and have the question tried as to whether the liquor is intended to be used in violation of the State law. Who can fairly object to such a provision? This bill might well be styled a local option act to give the various States power to control the liquor traffic as to them might seem best. It would remove the shackles of interstate-commerce law from the action of the States, and discontinue the handicap under which they now labor in enforcing their police regulations, and leave them freer to break up "blind tigers" and "bootleggers" that infest many States, and prevent other uses of liquor in violation of their sovereign laws.

The retail liquor dealers of the United States who are doing business under licenses properly granted by State and local authorities are not fighting this bill. The wholesale liquor dealers, who sell it to retailers who are permitted to do business lawfully, are not opposed to this legislation. The only opponents of the policy of this measure are largely the bootleggers, blind tigers, and speak-easy keepers who operate in prohibition territory, together with that class of brewers, distillers, and wholesale liquor dealers who sell to bootleggers and speak-easy keepers in "dry" territory, who violate the laws of their States and who have little or no regard for the laws of other States, and some who claim it unconstitutional.

On the other hand, Mr. Speaker, there are thousands and tens of thousands of the best women and men throughout this broad land who are to-day praying for the passage of this bill. They have no pecuniary interest in the matter. They are actuated by high and noble motives in behalf of mankind. The following will give the House an idea of the widespread sentiment in favor of temperance and prohibition:

No-license area in the United States, 2,120,388 square miles, or 71 per cent.

Population living under no license in the United States, 46,091,098, or 50 per cent plus.

States under prohibition: Georgia, Kansas, Maine, Mississippi, North Carolina, North Dakota, Oklahoma, Tennessee, and West Virginia.

Total population under State-wide prohibition, 14,685,961.

States in which 50 per cent of the population live under no license: Alabama, Arkansas, Colorado, Florida, Idaho, Indiana, Iowa, Kentucky, Louisiana, Nebraska, Minnesota, New Hampshire, Vermont, and Virginia.

Total population of States not under prohibition, but which have at least 50 per cent of the population living under no license, 26,573,611.

States in which 25 per cent or less than 50 per cent of the population is under no license: California, Delaware, Illinois, Maryland, Massachusetts, Michigan, Missouri, Ohio, Oregon, Washington, Utah, Wisconsin, and Wyoming.

Total population of States in which 25 per cent or less than 50 per cent is under no license, 24,418,784.

The other States have more or less territory where no local-option laws or other provisions for restricting the sale of intoxicating liquors for beverage purposes exist.

The following classes of people are begging this Congress for the legislation we are now considering:

The church people, regardless of denomination; the Anti-Saloon League of America; Woman's Christian Temperance Union; International Order of Good Templars; Independent Order of Rechabites; Sons of Temperance; the Templars of Honor and Temperance; National Temperance Society and Publication House; Scientific Temperance Federation; International Reform Bureau; Federal Council of Churches of Christ in America; temperance committees of practically every denomination represented in the Federal Council of Churches; National Inter-Church Temperance Federation, and other temperance and reform organizations. These bodies easily represent a constituency of more than 35,000,000. In addition to these forces, all organizations and individuals who are favorable to law enforcement and who stand for law and order are favorable to this legislation.

I have just received the following telegram, which explains itself:

BOSTON, MASS., *February 7, 1913.*

Hon. E. Y. WEBB,
Washington, D. C.:

At a public meeting held in Tremont Temple, Boston, Mass., on Friday evening, February 7, 1913, the following resolution was passed unanimously:

"*Resolved*, That the Baptists of Boston and vicinity earnestly request Congress to pass at once the bill entitled 'A bill to prohibit the shipping of liquor from one State into prohibition territory of another'; that we request the Hon. E. Y. WEBB, M. C. the author of said bill, to make known to Congress the wishes of this meeting."

Rev. HERBERT HANDEL, *Chairman.*

Mr. Speaker, why is it that the cause of prohibition and temperance has grown so rapidly in this country within the last 20 years? One who has seen all around him the wrecks, the destruction of character and manhood caused by the excessive use of liquor can easily answer this question. The American people have become aroused upon this subject as never before, because they have awakened to the fact that liquor is the greatest destroyer of happiness, of the home, and of life that we have among us. People are now ready to agree with Ingersoll when he said:

"I do not believe that anybody can contemplate the object without being prejudiced against the liquor crime. All we have to do is to think of the wrecks on either bank of the stream of death, of the suicides, of the insanity, of the ignorance, of the destitution, of the little children tugging at the faded and withered breasts of the weeping and despairing mothers, of the wives asking for bread, of the men of genius it has wrecked, of men struggling with imaginary serpents, produced by this devilish thing; and when you think of the jails, of the almshouses, of the asylums, of the prisons, of the scaffolds on either bank, I do not wonder that every thoughtful man is prejudiced against this damned stuff called alcohol."

It has been argued by some that strict enforcement of this law will diminish the revenues of the Government. What a sordid argument! Surely patriotic men will not let such argument move them when they know that the decreased consumption of liquor means the increased happiness of mothers and better preservation of the home and the wider conservation of human health and life. In the great opinion in the License cases (46 U. S., 632) it is said:

"If a loss of revenue shall accrue to the United States from the diminished consumption of ardent spirits, she will be the gainer a thousandfold in the health, wealth, and happiness of the people."

At this point, Mr. Speaker, I want to insert an article by Dr. W. S. Rankin, secretary of the North Carolina State Board of Health, on the "Relative importance of different causes of death," which shows the shocking mortality produced by the intemperate use of liquor:

"Until within the last two years one could have stated on the authority of such unbiased students of the liquor problem and such prominent members of the committee of fifty as Dr. John S. Billings and Mr. John Koren, that there was no acceptable estimate of the number of deaths occurring annually in the United States attributable to alcoholic intemperance. Fortunately, we now have the work of Mr. Edward Burnell Phelps, a trained statistician with unprejudiced mind, dealing with the mortality of alcohol. Mr. Phelps's work and estimate

will certainly be that accepted by scientific men and unbiased students of this great economic, health, and moral problem as authoritative.

"All estimates of mortality rates must rest upon the authority of the Bureau of the Census of the United States Government. According to our census there are one and a half million deaths every year in the United States. In addition to collecting the reports of these deaths, it is the business of the Bureau of the Census to hold a kind of inquest in the court of public opinion over these dead, by collecting, classifying, tabulating, and publishing, for general information, the principal circumstances connected with their deaths. Such information is most important, as from it the living may learn what are the most important causes of death, and by studying such causes learn how to circumscribe their effects.

"In a general way the comparative importance of the different causes of death may be determined by the relative number of deaths with which each cause is charged. This statement should be qualified, for this general rule will hold only for those causes of death which are closely and directly connected with fatalities; for example, the approximate number of deaths from tuberculosis, typhoid fever, and gunshot wounds gives us a fairly accurate idea of the comparative importance of these causes of death. But our general rule does not hold for those causes of death indirectly and remotely connected with fatalities; for example, malaria, hookworm disease, and alcoholic intemperance are important exceptions to the general rule above stated. The number of deaths set down opposite these and similar causes in the death-rate tables do not represent the complete nor even the major part of their life-destroying power. The greater part of the evil effect of such indirect causes of death is wrought through their destructive action on body defenses, making possible the entrance of other more fatal diseases like those mentioned in the first group, that complete the fatal work which the milder disease instigated.

"Now, to compare the importance of diseases remotely connected with fatalities, such as malaria and alcoholic intemperance, with diseases closely connected with fatalities, it is necessary to reduce the widely distributed effect of the former to its equivalent in total deaths, and then, balancing total deaths that are the direct effect of one disease with total deaths that are the indirect effect of another disease, reach a satisfactory conclusion as to the relative importance of the two diseases.

"If these estimates are to have weight with minds that do their own thinking, they must be made by a trained statistician, and each detail entering into the estimate must be carefully stated, so that each step in the calculation may be subject to review by those who are interested in the subject. As to the reliability of statistical conclusions we wish to quote from Dr. John S. Billings, himself an expert statistician: 'Where the chances are equally good that an observation may differ either on one side or the other from the exact truth it is possible that in the mass the errors on opposite sides will balance each other. The individual bricks turned out from a kiln might differ considerably among themselves, yet one wall of 100 courses of bricks will differ with the same number of courses but very little. A careless writer will sometimes put five words in a line, sometimes ten, yet the number of words in a hundred lines will vary little.'

Certainly no question of greater importance or interest could be raised in regard to the liquor problem than as to the number of deaths occurring annually in the United States which may be traced to its combined direct and indirect effects. Mr. Phelps's book on the "Mortality of Alcohol" is an answer to this question, and the balance of this article purports to be nothing more than a review of that book. The book can be obtained from the Thrift Publishing Co., New York City, for the price of $2 and can be assimilated in six or eight hours' reading:

METHOD ADOPTED BY MR. PHELPS OF ESTIMATING THE NUMBER OF DEATHS TRACEABLE TO LIQUOR.

"Mr. Phelps began by excluding from the 187 causes of death under which the deaths occurring in the United States are tabulated by the Bureau of the Census those causes in which alcohol could not be suspected of having even a remote effect. The excluded list of causes embraced 54 causes of death which are limited in their effect to women and children. Women were excluded from consideration in order that the estimate might be simplified by limiting it to men only, and after reaching satisfactory conclusions in regard to the number of male deaths attributable to alcohol an estimate of the female deaths resulting from alcoholic intemperance could be arrived at with fewer complicating factors. After having excluded 54 causes we have left 133 causes in which to consider the effects of liquor; of the 133 remaining causes 27 were again excluded as not being even in a remote degree the result of the use of liquor. We have left, therefore, 106 causes of deaths in which to study alcohol as a factor in male deaths. Furthermore, as the deaths under the age of 20 and over the age of 74 form such a very small part of male deaths attributable to liquor we may confine our estimate to the study of male deaths between the above ages as possible results of the use of alcohol.

"Three eminently qualified medical experts, with statistical training, were selected, and to each of them, independently, the list of 106 causes of death were submitted, and they were requested to write opposite each cause of death the percentage of deaths listed under that cause for which, in their opinion, liquor was responsible. The three independent estimates were then added, divided by 3, and the average accepted as the percentage of the total number of deaths listed under each particular cause for which alcohol was responsible. Without going into wearisome detail we may say that Mr. Phelps advances good reasons for believing that the average of the three experts would not be altered to any appreciable extent if the average opinion of the entire medical profession on the same facts were obtained.

"To illustrate: It is a well-known fact among medical men that liquor plays an important rôle in the causation of Bright's disease. The three judges, who we may refer to here as X, Y, and Z, stated, respectively, that liquor was responsible for 30, 40, and 20 per cent of the total deaths from Bright's disease. As the census had charged Bright's disease with 22,222 deaths between the twentieth and seventy-fourth years of age, 30 per cent, would be 5,254 of these deaths for which liquor was responsible. In like manner the percentage of deaths from the other 105 causes were calculated. To show how complete the list of 106 causes covered all deaths traceable to liquor Mr. Phelps calls attention to the fact that for 31 of these causes one or other of the three medical experts 'considered the possible alcoholic connection so extremely remote as to justify him in declining to make any estimate.'

THE VERDICT OF STATISTICAL AND MEDICAL EXPERTS AS TO THE ANNUAL NUMBER OF AMERICAN LIVES DESTROYED BY LIQUOR.

"The registration area of the United States has a system for reporting deaths with the cause of death, etc., and comprises 51.8 per cent of our national population. In 1908 there were 320,130 male deaths reported in the registration area; 198,858 of these deaths occurred between the ages of 20 and 74. According to the estimate of the medical and statistical experts, it was found that 10.3 per cent of all male deaths and 13.2 of all adult male deaths were chargeable to liquor. These percentages give us in round numbers for the registration area 32,855 male deaths a year as the result of liquor.

"We must now try to arrive at some conclusion as to the effect of liquor on American women. In New York City only one-fifth as many women died from acute alcoholic poisons, delirium tremens, as died in London from the same cause; moreover, in an investigation by the London police as to the number of women visiting the saloons it was found that 39,541 women entered London saloons in four hours' time. The presence of women in American saloons is comparatively rare. With these facts in mind and after consultation with statisticians and health officers, Mr. Phelps concludes that the women of this country do not use more than 20 per cent as much liquor as is used by men. We would therefore estimate the effect of liquor on our female population as being only one-fifth as severe as is its effect on the male population; therefore, if 13.2 per cent of all male deaths above the age of 20 result from the use of liquor, 2.6 per cent of all female deaths above the age of 20 would be the result of liquor. Now, there were 209,049 female deaths above 20 years of age in the registration area of the United States in 1908; 2.6 per cent of this number would give us 5,435 as the alcoholic female mortality of the registration area."

"Adding the male and female deaths occurring in the registration area we find a total of 38,288 deaths to be the annual harvest of human life in the registration area resulting from alcoholic intemperance.

"The next question is: If 38,288 deaths occur in 51.8 per cent of our national population from alcoholic intemperance, how many deaths occur for the whole population for this cause? After making the necessary corrections for the greater fatality of alcohol on urban than on rural populations, and for the difference in the proportion of rural and urban populations in the registration and nonregistration area of the United States, it is found that the alcoholic mortality of the nonregistration area is 27,609. This figure, added to the 38,288 deaths occurring in the registration area, makes a total of 65,897 deaths occurring each year in the United States that are chargeable to alcoholic intemperance.

"The economic value of the average adult life is estimated by political economists at $4,000. The 65,897 lives destroyed annually by liquor, at $4,000 apiece, amounts to an annual monetary loss of $263,588,000.

"It has been shown that for every unnecessary death there are 700 days of unnecessary sickness. On that estimate alcoholic intemperance produces, in addition to the 65,897 deaths, 46,127,900 days, or 126,377 years, of individual sickness every year in this country.

"Liquor is to blame for 1 out of 12 adult deaths.

"Liquor is to blame for 1 out of 10 male deaths.

"Liquor is to blame for 1 out of 7.5 adult male deaths.

"Liquor is to blame for twice as many deaths a year as are caused by typhoid fever.

"Liquor is to blame for more deaths in four years than were destroyed in the four years of the Civil War.

"The liquor problem is a public-health problem."

Indeed, Mr. Speaker, the liquor problem is a public-health problem, a public-wealth problem, a home problem, a happiness problem; it is a problem that should weigh upon the hearts of men until the use of liquor as a beverage shall be stamped out forever. Let us pass this pending bill and thus show our country and the world that we, the Representatives in the greatest Congress of the greatest Nation on earth, are willing to aid and encourage the good men and the godly women throughout the various States of the Union in settling aright this troublesome and perplexing problem. [Applause.]

Mr. CLAYTON. Mr. Speaker, I ask that the gentleman from New Jersey will use the 40 minutes' time allotted to him.

Mr. McCOY. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin [Mr. BERGER].

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. BERGER] is recognized for 10 minutes.

Mr. BERGER. Mr. Chairman and gentlemen, I surely hold no brief to defend the liquor dealers. The saloon keepers and the liquor dealers—and I wish the gentleman from Alabama [Mr. HOBSON] would also do me the honor to listen to my simple *statement*—the saloon keepers and the liquor dealers of Milwaukee are as a rule my opponents and the worst enemies of our cause. The liquor dealers are opposing the cause of Socialism in every city, so far as I know. Among the 2,800 saloon keepers and liquor dealers in Milwaukee I do not believe there are 28 who are members of our party. I do not believe we get one liquor dealer in a hundred. Practically all the liquor dealers are patriotic Republicans or Democrats—in Milwaukee they are both at the same time.

The liquor dealers have no reason to love the Socialists. We do not spend one cent for liquor during elections. We had been in power hardly 10 weeks when we closed up 114 saloons, more than had been closed up in Milwaukee by the Democrats and Republicans combined in the 65 years of Milwaukee's existence.

I repeat, I hold no brief for the saloon keepers. They were one of the most powerful factors in defeating me for reelection. And, moreover, I have always held that liquor is one of the most dangerous enemies of the working class. [Applause.]

Therefore it is only natural that I should reiterate on the floor of this House my belief that liquor is one of the most dangerous enemies of the working class. [Applause.] It is particularly one of the worst foes of the Socialist movement. We can not reason with a drunken man. Socialists must appeal to the man's intellect. A man must be sober when he hears us. He must be a thinking man in order to be able to understand us. A man who drinks to excess can, therefore, never become a good Socialist. He must stay a Republican or a Democrat, though he occasionally may be a Progressive. [Laughter.]

Mr. MARTIN of South Dakota. He is sometimes a sociable Democrat.

Mr. BERGER. Yes; he may be occasionally a sociable Democrat, but never a Social Democrat. [Laughter.] Moreover, we appeal to the better nature of the workingman—to his ambition, to his pride. We want to make him dissatisfied with his degraded condition, but a drunken man has no ambition; a drunken man is satisfied. He is a natural slave of his master as he is a slave of his appetite. That is the reason why the Socialist Parties the world over are virtually the greatest temperance organizations in existence. The Social Democratic Party of Germany has decreased the consumption of alcoholic beverages in that country 50 per cent in a single year. Socialists have even decreased the consumption of beer in Munich considerably, which is going some. [Laughter.]

The Socialist Parties the world over—in Germany, in Belgium, in Austria, in France—start voluntary abstinence societies and temperance circles, the leaders setting the example.

I have said that they are great abstainers and great temperance men, but they are not prohibitionists. Prohibition is bad in principle. It infringes upon personal liberty. It is inquisitorial. It is an extreme measure and therefore bound to fail when it becomes the rule.

Moreover, prohibition does not prohibit. It can not control appetite. If a man wants to get intoxicated, he will find ways and means to satisfy his craving. He can get intoxicated on morphine, on cocaine, or on opium. He does not have to get alcohol. If one wants to forget his misery, or if one has some illness that seems to demand intoxication, one can get the toxin in some drug store, and by having prohibition of liquor you simply foster the drug habit. Furthermore, experience has shown that prohibition makes lawbreakers—it makes lawbreaking popular. It seems to be born in man to oppose and violate oppressing laws. Why, in a little town in Michigan I have seen more lawbreakers of that kind in a week than you can see in the whole State of Wisconsin in a year. There are no such laws in Wisconsin and therefore they can not be broken. [Laughter.]

Mr. HAMILTON of Michigan. In what part of Michigan?

Mr. BERGER. It was in the dry desert of Michigan, where many camels live. Some of them get thirsty. [Laughter.]

Wherever prohibition is not upheld by public opinion—and, as a matter of fact, it is not upheld by public opinion anywhere, not even down South, where, I am told, almost every able-bodied gentleman carries a pocket saloon with him—wherever an oppressive sumptuary law is not upheld by public opinion, it is bound to make lawbreakers. In Maine, Massachusetts, Vermont, Kansas, and Minnesota a man who really wants to get liquor can get it. I have not traveled down South very much, but I was given to understand by my good friends who live there that in the South a white man can get anything he wants. [Laughter.]

In Milwaukee, of course, we have no prohibition. Our saloons keep open every day in the year, and some of them even every night of the year—at least that was the case until lately—but you can see more drunkards in a little town in Maine in a day than you can see in the great city of Milwaukee in a week.

Now, I say again that I do not like the saloons as an institution, but the saloon, like many other ills of society, is the outcome of the miserable economic conditions. It is the result of the profit system. And all methods of dealing with the liquor question which do not at the same time elevate the social conditions of the masses of the people and do not involve the elimination of private profit are bound to fail. Better social conditions will also strengthen the man physically.

Mr. LOUD. How about Michigan?

Mr. BERGER. That also holds good in Michigan.

The man with an empty stomach or a man who is ill nourished will get drunk on a glass of beer or a little glass of whisky. Moreover, he is seeking forgetfulness in intoxication. Imagine a man working 10 or 12 hours a day for $1.75, coming home in the evening to a miserable hovel, to his wife and six or seven children. His poor little home may be cold and is uncomfortable. His wife, tired and disagreeable, is finding fault and complaining to him as soon as he gets in, his children look dirty and are quarrelsome. The man has worked hard all day, and he wants to have recreation somewhere for an hour. Are we to be surprised that he goes to the saloon. Some of them go to the saloon even before they go home so as to be prepared for the reception. Gentlemen, if I had to live, with a wife and six or seven children, on $1.75 a day, I do not know but what I might take to drink myself, although I have never been under the influence of liquor in my life.

It is economic conditions that make drunkards, and not drunkards the economic conditions. [Applause.]

The saloon is a mighty poor substitute for a clubhouse, but it is the only clubhouse the capitalist system has provided for the workingman. Before you take away the saloon give him something better. You have no right to take away the saloon unless you provide for him a better place of amusement.

I say the saloon and all its concomitant evils are the outcome of present economic conditions, just as malaria and yellow fever are the outcome of swamps that breed a certain kind of mosquitoes. If we want to do away with malaria and yellow fever, we must drain these swamps—then there will be no mosquitoes to carry the disease. We can not make human beings goods by law as long as we keep up rotten economic conditions and miserable conditions by our laws.

This bill does not look dangerous. It does not seem to have any teeth, and contains no penalty clause. It leaves the punishment to the States. But it is a sneaky, dangerous proposition because it outlaws the liquor trade and makes no exception in favor of beer and wine. It has a tendency to make a moral and legal outlaw of every man who buys or sells a glass of beer in so-called dry territory, and after all is said and done, beer and wine are the best promoters of true temperance—the natural substitutes for whisky, brandy, and other alcoholic liquors. [Applause.]

Society is concerned only with the abuse, not with the use of intoxicants. You have no right to punish men as long as they stay sober. That is what prohibition is doing. That is what this bill is proposing to do in a sort of roundabout way.

Moderate drinking seems to be helpful—not harmful. All nations that have greatly contributed to the civilization of the world have been moderate drinkers. Look at the English, German, French, and Italian and compare them with the Hindus or the Chinese, who are almost teetotallers.

I do not know of a great man in the world's history who was a prohibitionist unless he was great as a prohibitionist.

Washington, Jefferson, Grant, Nepoleon, Bismarck were moderate drinkers. Shakespeare, Goethe, Schiller, Byron, Shelley drank wine and beer whenever they wanted to drink, and their mentality was not impaired thereby.

I am against this bill, gentlemen, from every point of view. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. BERGER. I would like two minutes more.

Mr. McCOY. I am sorry; but my time is all promised.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin may have two minutes more.

Mr. CLAYTON. Mr. Speaker, I would like to accommodate the gentleman, but the rule fixes the time.

The SPEAKER pro tempore. The gentleman from Wyoming asks unanimous consent that the gentleman from Wisconsin have two minutes more. Is there objection?

Mr. CLAYTON. If it is to be subtracted from the time fixed by the House, I shall have to object.

The SPEAKER pro tempore. The gentleman from Alabama objects.

Mr. McCOY. Mr. Speaker, I now yield 10 minutes to the gentleman from Alabama [Mr. BLACKMON].

Mr. BLACKMON. Mr. Speaker, I do not indorse all the statements made by the gentleman who has just preceded me—the gentleman from Wisconsin [Mr. BERGER]. There are important questions involved in this bill. The first question is. Do you gentlemen want to prohibit an honest, law-abiding citizen of the United States in a lawful way from ordering whisky for his personal use? If that is your purpose, then your bill is well drawn. I do not want the Congress of the United States to be sailing under false colors. I am not going to discuss the legal phases involved in this matter, but I want the country to know what the attitude of gentlemen supporting this measure is on the question. You have gone before the people with a proposition that your purpose was to do away with the saloon and that you had no idea of interfering with the private rights of the citizen.

Now, in good faith a large number of our people in this country joined hands with you to vote out the saloon. They acted in good faith. Now you come by this bill with a proposition to the people who joined hands with you in good faith in voting out the saloons and say to them that, having done this, we now propose to enact a law so that you can not order whisky for your own personal use. Now, I want to say to you gentlemen who think that you are sailing under a popular issue that, if you are sincere in your statement that this bill will not deprive a citizen of the United States in a lawful manner from ordering whisky for his own personal use, then what objection can you have to the amendment which I submit? When you say to the American people that this bill will not prevent a citizen from ordering and receiving whisky for his personal use you are mistaken, in my judgment, as to the intelligence of the people.

You say in this bill that no shipment shall be made where the secret intention of any party to the contract is to violate the law of the State where the shipment is to be delivered. Why do you believe that you could go into the remotest part of this country and deceive an intelligent man when you pass such a law by saying to him that we have not interfered with his private rights? He will know in a moment that a man selling whisky in another State would not take the chances of being prosecuted or becoming involved on account of the secret intention of the consignee. You all know, and the people all know, and all my good friends hiding behind the cloak of public sentiment ought to know, that the people are intelligent enough to know that the great carriers of this country, the railroads and express companies, are not going to run the risk of being involved in a prosecution on account of the secret intention of a man living in another State whom they do not know, simply for the purpose of collecting a small revenue of 40 cents.

When this law is passed, if the liquor dealer is willing to ship to a bona fide citizen, if he is willing to take the chance, do you suppose that the carrier will say, "I will accept this package and I will ship it to Georgia" or some other point for a charge of 40 cents and involve itself with the secret intention of the man who sent the order?

Why, gentlemen, you can not fool the people with that idea. You say this bill does not mean that a private citizen can not order for his private use. You might as well meet the question. Come out into the open and say to the people, "We have driven by your aid whisky out of the saloons and now we propose, having accepted your aid in good faith, to drive it out of your homes." That is what this bill means; and, in my judgment, those that are most actively behind this measure know that the ultimate effect of this bill will be to drive whisky in any form out of the homes of the law-abiding citizens of this country.

If you want to go that far, well and good, but if you want to be fair with the people of the United States who have stood by you in voting out the saloons, then you ought to adopt this amendment:

Amend, line 12, page 2, by striking out the period and adding "*Provided*, That nothing contained in this bill shall be so construed as to prevent any citizen of the United States from purchasing, ordering, or having shipped, or to prevent any common carrier or agent thereof from accepting, receiving, transporting, or delivering spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind in reasonable quantities when the same is plainly marked on the outside of the package 'For personal use': *Provided further*, That no common carrier or agent thereof shall make such delivery to any person, whether marked 'For personal use' or not, if the person ordering the same has been convicted of violating the prohibition laws of any county, State, or municipality, if the fact of such conviction appears of record in the courts of record in the county or parish where such shipment is to be delivered by the common carrier or agent thereof; or to any person who holds or possesses a Federal license or tax to retail spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind; or if the courts of record of any such county or parish show that the person ordering such spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind has been convicted of public drunkenness."

Mr. HOBSON. Mr. Speaker, will the gentleman yield?

Mr. BLACKMON. I have only 10 minutes.

Mr. HOBSON. It is merely to ask whether the gentleman thinks that that would not be an object devoutly to be desired in the end.

Mr. BLACKMON. Mr. Speaker, I do not believe that the great masses of the American people will ever stand for any such proposition, whether it affects liquor or not. Shall the Members of Congress say that they will regulate the personal habits of the people? [Applause.]

It will never happen, and it will never happen by my vote, especially coming from the State that I do, when in good faith for 10 years in the Alabama State Senate I helped the prohibitionists, so called, to enact every law that they asked me to vote for until we reached the constitutional amendment, and I voted against it, and my people in that State, by a majority of 20,000 votes, voted down that gag proposition, which was not one-half so injurious to the rights of the people as is this bill. Twenty-nine thousand majority of my people agreed with me on my proposition, and my judgment is that if there be gentlemen who believe that the great masses of the American people can be deceived by such a bill, they are going to be very much mistaken. Whatever the result may be, for myself I propose to support the amendment which I have offered that protects that class which the proponents of this bill say they are trying to protect. I prevent the delivery of whisky to a man who has been convicted of violating the prohibition law. I prevent the delivery of whisky to a man who has been convicted of public drunkenness. I prevent the delivery of whisky to a man who holds a Federal license, or Federal tax, more properly speaking, in prohibited territory. How much further do you want to go? Why, you want to dodge behind the proposition that you are not interfering with the rights of the private citizen. Gentlemen, I predict to-day that you will not be able to do it. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BERGER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. CLAYTON. Mr. Speaker, reserving the right to object, I ask unanimous consent that all gentlemen who speak on this bill may have the same privilege. I was on my feet ready to interpose an objection unless the privilege is enjoyed by all gentlemen who speak on the bill.

Mr. BERGER. Mr. Speaker, I am perfectly willing to accept that amendment.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent that all gentlemen who speak on the pending measure shall have the right to extend their remarks in the RECORD. Is there objection?

Mr. LINTHICUM. Mr. Speaker, I suggest as a substitute for that that all Members be given that right.

Mr. BERGER. Mr. Speaker, I am perfectly willing to accept that.

Mr. MURRAY. Mr. Speaker, reserving the right to object, may I ask if this is the same request that the gentleman from Alabama preferred a few moments ago?

Mr. CLAYTON. It is, as I amended the proposition of the gentleman from Wisconsin. It did not comprehend the proposition advanced by the gentleman from Maryland [Mr. LINTHICUM].

The SPEAKER pro tempore. It is all a matter of unanimous consent. Is there objection?

Mr. RODDENBERY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RODDENBERY. Mr. Speaker, has not the unanimous consent now being proffered already been ordered by the House?

The SPEAKER pro tempore. It has not. It was refused.

Mr. SHERLEY. Mr. Speaker, what is the request?

Mr. MURRAY. Mr. Speaker, I suggest that the gentleman from Kansas [Mr. MURDOCK] objected to this same request a few moments ago, and that the matter ought to be put in his presence rather than his absence.

Mr. LONGWORTH. But I suggest to the gentleman from Massachusetts that this is not the proposition of the gentleman from Kansas.

Mr. CLAYTON. Mr. Speaker, out of whose time does this come—not out of mine?

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent that all gentlemen who speak on the pending measure be allowed to extend their remarks in the RECORD. Is there objection?

Mr. MURRAY. Mr. Speaker, I suggest to the gentleman from Alabama that that request be made in the presence of the gentleman from Kansas [Mr. MURDOCK].

The SPEAKER pro tempore. Does the gentleman from Massachusetts object?

Mr. MURRAY. I object for the present.

The SPEAKER pro tempore. Objection is heard.

Mr. HEFLIN. Mr. Speaker, I demand the regular order.

Mr. McCOY. Mr. Speaker, I yield 20 minutes to the gentleman from Missouri [Mr. BARTHOLDT].

Mr. BARTHOLDT. Mr. Speaker, it is about 12 years ago that legislation to prohibit the interstate shipment of liquor into dry territory was first attempted in this House. It was shortly after the decision of the Supreme Court on the Wilson law when the first bill of this character made its appearance in the Committee on the Judiciary, and from that time to this I have carefully listened to all the arguments for and against not only this measure but all other bills of similar purport. Speaking from experience and a somewhat intimate knowledge of the questions involved I dare say it is preposterous as well as unjust to the membership of the House to undertake the disposal of this bill after a limited discussion of only three hours. It could hardly be considered in all its phases in three days.

Outside of the constitutional question, there are questions of policy and of the merits and effect of the legislation involved, and I am sure, if the members generally understood its far-reaching consequences and the dangerous precedent to be established by it, many of them who are now favorably disposed to the bill would hesitate to give it their support. This is exactly what happened to the members of five different Judiciary Committees, which, as is well known, persistently declined to report the bill. In every Congress during the last 12 years a majority of the Judiciary Committee at first favored the bill, but after listening to the arguments against it shrunk from reporting it out. Why? Because their consciences would not permit them to violate the oath they had made to uphold the Constitution. If there was sufficient time for discussion, no doubt the same thing would happen in this House.

But it is plain that the bill is to be railroaded through to-day. The Democracy is in the saddle, and, feeling its oats, that party is bent on riding roughshod over all the caution and sagacity which kept Republican Congresses for, lo, these many years from doing violence to vested rights and to the fundamental law of the country. The responsibility rests on the party which is now in control of this House.

While I represent one of the largest beer-producing districts of the country, I hold no brief from either the brewers or the retailers. But two years ago the people of my State voted on the question of prohibition and buried it under a majority of 217,000 votes, my own district leading this prohibition funeral with over 70,000 majority. So I hold a brief from the people whom I have the honor to represent which commands me to oppose this bill because it commits Congress to the folly of prohibition through the tender of its aid to prop up State prohibitory laws.

By the passage of this bill prohibition will be invested with the dignity of a great national issue, and I speak on behalf of millions of liberal-minded American citizens when I say we are ready to meet this issue. The friends of personal liberty have been comparatively quiet and silent all these years, but now that Congress for the first time in its history is about to go on record in favor of an attempt to tyrannize the people in matters of personal conduct they will be aroused to feverish activity and the fight for the preservation of individual rights will begin in earnest. It is silly to think that it will merely be a fight between the temperance forces on one side and the liquor interests on the other. Liberty-loving Americans have realized long ago that what confronts them is a clash of two different currents of thought, a struggle, in fact, of two civilizations, the Puritan and the Germanic, the one reveling in human misery, the other rejoicing in human happiness, the one bending people downward to the grave, the other turning their heads upward to the sun of heaven. This struggle between the powers of darkness and the powers of light, between moroseness and self-castigation one one side and good cheer, sociability, and happy laughter on the other is as old as the world, but as to the final outcome there can be no doubt.

Liberty and voluntary temperance will triumph over coercion and prohibition. The first organization to enlist in the cause of personal freedom will be the German-American alliance, 2,000,000 strong, but there are others. Let me read to you a letter which I have recently received in relation to the pending bill from the Missouri State branch of that great organization. It is as follows:

Hon. RICHARD BARTHOLDT,
Washington, D. C.

DEAR SIR: The National German-American Alliance of Missouri, comprising over 160 societies of various kinds and embracing more than 68,000 citizens of the United States, respectfully request you not to vote for any bill such as S. 4043, as previously reported by the Committee on the Judiciary of the Senate or any bills with similar tendency now pending in Congress undertaking to exercise police power in furthering prohibition in any State, as if within the purview of the interstate-commerce law.

As citizens of this country we claim to be second to none in our devotion to the cause of true temperance and to all that makes for the sanctity and purity of the home, and decency and order in the State; but we are bitterly opposed to the passage of any law that destroys our purely personal rights, and for the protection of these rights we stand united as one body. As free and sovereign members of free and sovereign people, we claim the right to regulate our lives and our homes as we see fit, in so far as we do not injure others. The right to drink wine or beer, and to bring them into our homes, we consider as absolute an attribute of human liberty as is the right to buy food. The enactment of such laws would cause this inalienable right of each person to pursue his own happiness in his own way, so long as he does not injure anyone, to be sacrificed to the fanaticism of those who regard the manufacture of or traffic in any alcoholic beverage as a crime and the partaker as a criminal.

We German-Americans have never allowed our love for food and drink to degenerate into intemperance or to interfere with the good of the community, and we regard these bills as an unjustifiable invasion of our manhood rights and of human freedom and as misleading and iniquitous measures, because tending to encourage drunkenness through clandestine tippling and thereby causing evasion of and contempt for the law of the land.

We therefore respectfully but earnestly pray for the defeat of all measures having the deleterious tendencies above referred to, such as Senate bill No. 4043.

THE NATIONAL GERMAN-AMERICAN ALLIANCE,
STATE DIVISION MISSOURI,
Dr. CHAS. H. WEINSBERG, *President*,
GEO. WITHUM, *Secretary*,
AUG. H. HOFFMANN, *Treasurer*,
WM. C. F. LENZ, *National Representative*.

And right in line with this earnest and dignified protest permit me to quote from an argument made by the president of the National German-American Alliance, Dr. C. J. Hexamer, before the Judiciary Committee of the Senate on this bill on March 9, 1912. He said:

In every crisis, in colonial times as well as during our national existence, the German element in our land has stood for order and good common sense, and has always counseled well. As early as 1688 our forefathers at Germantown passed the first of all protests against slavery. What misery would have been averted had their advice then been heeded. Their declaration for independence at Philadelphia antedates that of Jefferson; they fed and clothed the army of Washington at Valley Forge; they gave the cause of liberty a De Kalb, Steuben, "the Father of the American Army," a Herkimer, and a Muhlenberg. A Stricker and an Armistead defended and saved Baltimore in 1814; about 200,000 of them fought and bled that not one star should be torn from the field of blue of our glorious banner; and when the fiat-money craze spread over the country, they, regardless of party, stood as one man for national honor and honesty, voting for sound money. We plead again to-day, because we honestly believe that the passage of this bill would be a grievous mistake, creating a precedent the final outcome of which can not now be foreseen, and because we feel that it would be an irreparable blow to individual liberty and the sacred institutions of our country.

In the words of that great American jurist, Hon. James C. Carter: "Any legislation which bears the characteristics of tyranny, as I have defined that term, is vicious in theory, and has never yet succeeded, and never will succeed, in gaining its avowed end, or in having any other than an injurious effect; and I venture to add that if the zeal and labors which have been employed by what are called the better classes

of society in efforts to enact and enforce laws repressive of liberty had been expended in kindly and sympathetic efforts to change and elevate the thoughts and desires of those less fortunate than themselves a benefit would have been reaped in the diminution of misery and crime, which compulsory laws could never accomplish. Moral ends can never be gained except by moral means. All the advances in civilization and morality which society has thus far made are due to the cultivation and development of those moral sympathies which find their activity in cooperation and mutual aid."

Now, Mr. Speaker, let me briefly discuss the constitutional question involved in this bill. A mere cursory examination will show that it is in direct conflict with the Constitution of the United States. It will be noted that while the bill forbids the shipment of liquors into prohibition States, it provides no penalty for the violation of the law by a railway company, steamship line, or other transportation agency. A bill providing that certain actions shall be prohibited, but imposing no penalties for violations of the law, is so absurd that it at once suggests the question: "Why is no penalty prescribed?" The answer is that the interests behind these bills know that it would be impossible to punish infringements of the law, as Congress has no power to enact such a measure. Besides to inflict a penalty would, in the opinion of the Anti-Saloon League, break down the prohibition movement and make prohibition "unpopular and ridiculous."

By various decisions of the Supreme Court of the United States, notably Leisy *v.* Hardin (135 U. S., 100) and American Express Co. *v.* State of Iowa (195 U. S., 133), it has been held that a citizen of one State has the right to import liquor from another State. It has also been uniformly held by that court that the regulation of commerce between the States or between foreign countries and the States is wholly confided to Congress by the Constitution. The various kinds of liquors whose transportation it is proposed to prohibit have been held by the Supreme Court to be articles of commerce in which a right of traffic exists, and they are so recognized by the usages of the commercial world and the laws of Congress.

In regard to the transportation of liquors imported from foreign countries, it has been held by the Supreme Court that the right to import carries with it the right to transportation into any State without regard to the laws of such State. In the case of Brown against State of Maryland, decided in 1827, it was held that the absence of a law by Congress as to the importation of any article of commerce is equivalent to a declaration that the importation of that article into the States is unrestricted; and that any article whose importation into the United States is permitted has the right to enter the interior of any State.

In the case of Vance *v.* Vandercook Co. (170 U. S., 438) it was held by the Supreme Court, in an opinion delivered by the present Chief Justice, that—

> The right of persons in one State to ship into another State to a resident for his own use is derived from the Constitution of the United States and does not rest on the grant of the State law.

The only possible conclusion to be drawn from these various decisions is: That so long as the laws of Congress permit the importation of liquors into the United States a law prohibiting their transportation into certain States would be void, as the transportation of articles of commerce to their destination is a necessary right attaching to their importation. It follows that the proposed law is wholly ineffectual in so far as it aims to prevent the shipment into prohibition States of liquors brought from a foreign country into the United States.

But even though it is possible to recognize the right of foreign alcoholic liquors to interstate commerce, and at the same time to take away such right from domestic liquors intended for shipment into States which have enacted prohibitory laws, these decisions show very clearly that Congress can not discriminate between domestic liquors shipped from a State permitting the manufacture and sale of alcoholic beverages into another State where a like permission is granted, and the shipment of such liquors into a State which has enacted prohibitory laws. Congress must either totally deny the right of domestic liquors to interstate commerce or permit their shipment into all the States, irrespective of the fact that some of the States may have enacted prohibitory laws. Or, in other words, if the right which exists to-day to ship whisky, beer, etc., from the State of Kentucky to the State of Kansas is to be denied, then the right to ship whisky and beer from New York to Connecticut must be denied. Congress can not declare that whisky and beer are proper articles of commerce for consumption by citizens of the United States resident in the State of New York and improper articles of commerce for consumption by citizens of the United States resident in the State of Kansas. While Congress can not interfere with the exercise by a State of the police power as affecting the people who reside therein, Congress has the power, as shown by these decisions, to insist that no class of citizens of the United States shall be denied the right to purchase articles which other classes can purchase, through the admission by Congress of such articles to interstate commerce. If the right to purchase and transport recognized articles of commerce is denied to citizens of the United States resident in one State, then it must be denied to the citizens of the United States resident in all the States.

Section 2 of Article IV of the Constitution of the United States provides that—

> The citizens of each State shall be entitled to all privileges and immunities of citizens of the several States.

The plain construction of this article is that laws enacted by Congress affecting the citizens of the United States must be uniform in their application, and that Congress can not by a general law give citizens of the United States residing in one State privileges not accorded to citizens residing in other States, or impose restrictions on the commerce of citizens of the United States residing in one State that are not imposed on citizens residing in other States. The proposition to take by Federal legislation from the citizens of certain States the right to import recognized articles of commerce, while permitting citizens of other States to import such articles, is in direct violation of the right guaranteed by the Constitution to equal privileges and immunities for all citizens of each State.

The Kenyon bill embodies a special grant of powers not hitherto possessed by the States, but reserved to the Federal Government by express requirement of the Federal Constitution. Should Congress permit the States to erect trade barriers with reference to a single article of lawful commerce, the whole power of the Federal Government to prevent that division of the States into warring, commercial sections would be surrendered. And the theory that Congress may and should perform such an act of violence to the Constitution and the Federal Government itself and leave it to the courts to right any wrong, is one of the most dangerous propositions ever submitted to a legislative body sworn to support the Constitution. It is an assumption that the courts and not Congress are to support and enforce the Constitution, and that Congress is a mere clerical body bound to enact into law the whims of persons who, unmindful of the true nature of our Government and the just limitations of State powers, seek their own ends.

The pending bill is absurd, economically ruinous, and destructive of the great fabric of the Federal compact. Congress has no right to take the property of any citizen by legislation and without some form of redress or compensation, and can not delegate such power to States or organized bodies or individual citizens. If Congress abdicate and also authorize States to despoil the commerce of their neighbors and erect trade barriers, the Union will have been destroyed by act of Congress. For Congress has no graver duty than to obey the letter and spirit of the Constitution and prevent that very tragedy of a great Nation.

At one period of the Civil War, when the Federal forces had penetrated the cotton-growing States, vast quantities of garnered cotton were seized and sold as a war measure. Some years after peace was restored, Congress provided means for paying many of those who had thus suffered loss of property. Final justice was done even in a matter arising in the heat of conflict. It is well to recall, briefly, this history of a past that is not very far away, but which may have been forgotten by those now proposing a grant of the power of spoliation of lawful property to States without redress in time of peace.

In our history as a Nation, there have been many threatening movements and episodes, but none has been more threatening or baseless than that for spoliation by the States and consequent commercial disunion. How long can political union exist when commercial disunion is enacted by Congress?

So much for that. Having demonstrated that this bill contemplates a wanton attack on the Federal Constitution, now let me show you how completely unnecessary this legislation is in order to accomplish the purpose which it seeks to accomplish. That purpose is to prevent people living in prohibition States from securing liquor from outside of the State. It is true that under the Constitution and the decisions of the Supreme Court an interstate shipment can not be interfered with until it is delivered to the consignee, but it is also true that the moment the consignee attempts to dispose of it, by sale or otherwise, it becomes subject to the State prohibitory law and, consequently, to seizure and destruction. Hence, if the State authorities did their duty in enforcing the State prohibition law, the very object of the bill under consideration would be attained without any aid from Congress whatsoever. It may be argued that an enormous police force would be necessary to watch violations, but that is the penalty of trying to enact and enforce Russian statutes. The cry for help which comes to Con-

gress from the prohibition States is really a humiliating confession that these States either will not or can not enforce their own laws. If they fail to exhaust their own powers, they do not come here with clean hands, and their appeals are, consequently, not entitled to a hearing; and if, on the other hand, they can not enforce prohibition, even with the exercise of due diligence, then Congress should regard this as convincing proof that all prohibitory legislation is absolutely futile. In either case there is not a shadow of an excuse for interference by the law-making power of the Federal Government. I say again, if the State authorities can not furnish to Congress complete proof of its inability to suppress the traffic and of its entire good faith in the exercise to the utmost limit of its powers to that end, then I claim they have no moral right to invoke the power of Congress. And if, on the other hand, practical experience has demonstrated all honest attempts at suppression to have been futile, simply because of the inefficiency of all law in preventing people from obtaining what they desire, then, I say, it is absolutely useless to provide additional legal machinery for that purpose, because to do so would have no other effect than to undermine and destroy the authority and dignity of national law in the eyes of the people. Is there within the reach of my voice an advocate of the pending bill who can refute or break down this logic?

And is it not the duty of Congress, when it enters upon the field of sumptuary legislation, to inquire whether such legislation is backed by public opinion sufficiently to render it capable of enforcement? On that score I am able to give you some interesting facts and figures. There were relatively more arrests and more crimes in dry States than in wet States, and when I say dry I mean officially dry, for there is no real dry State in the Union. The milder beverages are consumed to a much larger extent in wet States than in dry ones, while, vice versa, strong drinks are more in demand in dry than in wet territory. The direct effect of prohibition legislation has been to increase the consumption of ardent spirits and to decrease that of beer and wine, and the figures of the Internal Revenue Office show that in no period of our history has the consumption of whisky increased more rapidly than during the last 10 years, the time of the greatest prohibition agitation; in fact a comparison between the increase of liquor consumption and population shows such a disproportion in favor of the former as to alarm the true friends of temperance and to stamp the whole prohibition agitation as an utter and miserable failure. Certainly, if the professional prohibition lobbyists, who have their headquarters here in Washington and are waxing fat as a result of their agitation, had been advance agents of liquor houses they could not have been more successful. But that is not all, Mr. Speaker. We also learn from the official reports that during the last fiscal year not less than 2,488 illicit stills were suppressed by the agents of the Government, and the majority of these were located in dry territory. And how many may there be still in operation? When we consider that there are only 924 legitimate distilleries in the whole country we can form a faint idea of the extent to which "moonshining" is now carried on, and as Government-taxed, legitimate liquor interferes with their business we are not surprised to learn that the "moonshiners" are making common cause with the prohibitionists to keep liquor out of their territory, as they are reported to have done in West Virginia. I am sure there is not a single "moonshiner" in the country who does not favor the very bill we are now considering.

These facts, Mr. Speaker, will give us an inkling of what will happen when this bill is put upon the statute books. For temperance purposes it will be absolutely nugatory, because if spirituous and malt liquors for which the Government tax has been paid is kept out of the prohibition States the demand will simply be supplied by the "moonshiners," and, besides, an expenditure of a few dollars will suffice to enable every farmer to produce himself all the liquor he may require, and in this way we are turning every farm and every home into a private distillery. Does any sane man believe that we could employ a sufficient force of Government agents to cope with this situation? You may pass a hundred laws like the one under consideration, and you will not thereby be able to promote the cause of temperance, simply because you can no more make a man temperate or abstemious by law than you can make him honest by law, and for this reason prohibition, whether backed by State or National law, or by both, will always and everywhere be an ignominious failure.

In conclusion, Mr. Speaker, I wish to quote here the opinions of some representative newspapers regarding the pending bill. Under the headline "Lobbying for Tyranny," the New York World of December 18, 1912, said:

In the various prohibition States it is a crime to manufacture, sell, or give away intoxicants. It is a crime to have liquor in the house. It is a crime for a traveler passing through dry territory to take a drink from a pocket flask.

Because some of these offenses happen every day, those who are more intent upon regulating the habits of the people than upon enforcing the law want Congress by the exercise of its great powers to come to their assistance. They want a Federal law prohibiting interstate shipments in such cases. They want the Nation to make their State laws effective. They want to say what their neighbors shall and shall not drink, and then they would like to turn the whole matter over to the United States Government for administration.

The right of a State to outlaw commodities and practices elsewhere perfectly lawful must be conceded, but the responsibility for the execution of the policy is its own. If most of its people offend and its jails are not commodious enough to accommodate them, there is the best of evidence that public opinion is either hostile or hypocritical. In any event, there are excellent reasons why the central Government should not exercise a tyranny over the people.

And under date of December 17, 1912, the Washington Post says:

THE KENYON BILL.

Enough was developed in the debate in the Senate yesterday on the Kenyon interstate shipping bill, wherein it is sought to legislate on the shipment of intoxicating liquors from "wet" into "dry" territory, to establish the doubtful wisdom of the passage of such a measure.

In the first place the inquiries made by the strongest lawyers in the Senate of those Senators who advocated the bill clearly show that, in the judgment of these lawyers, there is grave doubt as to the constitutional power of Congress to delegate its control of interstate commerce to the laws of the States and the whim and caprice of State officials.

When the advocates of the measure were forced to concede through these inquiries that the second section of the Kenyon bill is of doubtful constitutionality, they made the practical concession that the bill in its entirety is unconstitutional, for section 1 of the proposed bill makes the laws of the States, whatever they may be, the rule by which interstate shipments are to be controlled.

That this is dangerous and pernicious legislation is best shown by the fact that if the inviolability of interstate commerce from State interference is once jeopardized with respect to one article of interstate commerce, it establishes a precedent that may arise to plague the makers of our laws upon other articles of legitimate commerce at the behest of agitators in one or more of the States.

Of the 48 States now in the Union but 8 States have State-wide laws prohibiting the manufacture and sale of liquors. Others have county, municipal, parish, or township prohibition of manufacture and sale. No State prohibits the use of liquors or their possession for personal use. Nearly all States have search and seizure laws. It looks as if, aside from the constitutional validity of a measure delegating to the States the regulation of interstate shipments of liquor, the advocates of the Kenyon bill should devote their energies to the enforcement of State laws of unquestioned validity. Strict enforcement of State laws would accomplish all that the advocates of the Kenyon bill assert they are seeking.

The Kenyon bill, aside from its verbiage, proposes to subject interstate shipments of liquors to the operation of State laws before the interstate shipment is completed by delivery to the consignee.

If further congressional regulation of interstate liquor shipments is desired beyond the criminal-code provisions with respect to marking the kind and quantity of liquor and the name of the consignor on the package, it would appear preferable to have the regulation contained in an act of Congress which would furnish a national rule, and not to subject foreign and interstate shipments of liquor to as many different interstate regulations as there are States in the Union.

Mr. BARTHOLDT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. BERGER. Mr. Speaker, I would also like unanimous consent for the same purpose.

The SPEAKER. Is there objection?

There was no objection.

Mr. LANGLEY. Mr. Speaker, I would also like to have unanimous consent.

The SPEAKER. The gentleman from Kentucky also asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. DAVIS of West Virginia. Mr. Speaker, as a member of the Committee on the Judiciary, I joined in reporting to this House the pending bill in order that the House might express its opinion on the questions, both of law and of policy involved; having voted for the bill in committee, I shall vote for it here, but I was not then, and am not now, content with the form in which it appears before this body. In conjunction with some of my colleagues on the committee, I have filed a report suggesting to the House certain amendments and have offered the same to be read from the Clerk's desk. One of these amendments declares it not to be the purpose of the bill to prohibit shipments for sacramental purposes or for the personal use or consumption of the owner or consignee. The other provides what penalty shall be incurred by those who persist in making the sort of shipments which the bill forbids. These amendments are in the judgment of myself and my colleagues not only important but absolutely vital, since, as we see it, the bill without them is of doubtful virtue to accomplish any purpose, good or bad.

I would have been content, Mr. Speaker, to stand upon the brief exposition of our views set forth in the memorandum we have already filed, if it were not that there seems to have been a more or less deliberate effort to spread abroad the impression that our amendments were not offered in good faith or from the standpoint of friendship to this measure. I perceive that already this effort has so far succeeded that gentleman on this floor who approve both the language and the purpose of these amendments are disposed not to support them for fear that they may be suspected of hostility to the objects of the bill.

I can understand how those who are against the bill in any form can oppose these amendments because of a natural desire to leave the bill as imperfect and as powerless as possible, but I can not for the life of me understand why the friends of the measure should oppose an amendment as to sacramental and personal use, which will bring the bill into harmony with the law as laid down by the Supreme Court of the United States, or an amendment imposing a penalty, which will give to the bill all the vitality and force of which it is capable and furnish whatever defense is possible to the constitutional objections urged against it.

As the bill stands it simply declares that shipments of intoxicating liquor intended to be used in violation of State laws is prohibited; and having so said, it is silent. As I shall seek to point out, this is, in my judgment, simply equivalent to a resolution that the Members of Congress do not approve of the illicit traffic in liquors; only this and nothing more.

With such a declaration no reasonable man can disagree; certainly I do not. Each State has the undoubted right to determine for itself the manner in which the sale of intoxicants shall be regulated or the terms on which it shall be permitted, if at all. Whether it adopts the policy of license or the dispensary system, the prohibition of manufacture and sale, or prohibition in any other form, the law ought to be respected and enforced to the letter. My own State of West Virginia last fall, by an overwhelming majority, declared in favor of the constitutional prohibition of the manufacture and sale of intoxicants. I have no doubt that in due course legislation will be enacted to carry this constitutional declaration into effect, and it is my earnest hope that when enacted it will be enforced with vigor and sincerity. The principle involved goes beyond the mere question of intoxicating liquors and involves the supremacy of all written law. Speaking for myself, I shall support, as a Member of Congress, within the bounds of the Constitution and the limits of good reason, any and all legislation which will assist in the enforcement of whatever law my State or any other shall adopt. I have no sympathy with the "bootlegger" or "speak-easy" keeper, whether he operates in a prohibition State, a license State, or a dispensary State, and he ought to be put out of business in one just as quickly as in another. Neither have I any sympathy with a man outside the State who knowingly and intentionally assists him to violate the law. I should be only too glad to believe that this bill in its present form would put them both under the ban of the law.

But these questions are not involved here. This bill, like every other, must be judged by its own language and effect and not by the praiseworthy purpose of any of its advocates.

PERSONAL AND SACRAMENTAL USE.

I have suggested as an amendment that there be added to the bill this clause:

That nothing in this act contained shall be construed to forbid the shipment or transportation of any spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind intended for sacramental purposes or for the personal use or consumption of the owner or consignee thereof.

In presenting this amendment I am defending a principle approved by the Supreme Court of the United States itself, and I am thus saving the bill from a construction which would destroy it, and putting into language too plain to be misunderstood the expressed purpose of the author and proponents of the bill themselves.

It must be remembered that no State has forbidden to its citizens the right to possess intoxicating liquors for their own personal use and consumption.

In Vance *v.* Vandercook (170 U. S., 452) the Supreme Court said:

But the right of persons in one State to ship liquor into another State to a resident for his own use is derived from the Constitution of the United States and does not rest on the grant of the State law. Either the conditions attached by the State law unlawfully restrain the right or they do not. If they do, and we shall hereafter examine this condition, then they are void. If they do not, then there is no lawful ground of complaint on the subject.

And again, in the case of Pabst Brewing Co. *v.* Crenshaw (198 U. S., 17) Justice White said:

In so far, however, as the State law imposed burdens on the right to ship liquor from another State to a resident of South Carolina intended for his own use and not for sale within the State, the law was held to be repugnant to the Constitution, because the Wilson Act, whilst it delegated to the State plenary power to regulate the sale of liquors in South Carolina shipped into the State from other States, did not recognize the right of a State to prevent an individual from ordering liquors from outside of the State of his residence for his own consumption and not for sale.

What did the author of this bill intend on this subject? It is an open secret, Mr. Speaker, that this bill was drafted by a lawyer of some distinction in the State of Oklahoma—certainly by a gentleman of intelligence, as shown by his testimony before committees of this Congress. Let me read here his language before the Judiciary Committee of the House on the 5th day of March last.

He said:

I contend in the same way Congress might so regulate commerce as to take away this right for personal use. But, speaking for Oklahoma, I say to you that we are not asking that, because down there we are prohibitionists of this sort—we are prohibitionists because we are opposed to the traffic and the institution of the saloon. We do not berate the man just because he uses, in a decent way, intoxicating liquor, although, speaking for myself, I am a total abstainer. But we believe that if the use of intoxicating liquor had at all times been confined to the home—personal use in the home—there never would have been the question of prohibition.

So that primarily we prohibit the sale of those things in order to strike down that traffic—the open saloon and its attendant and kindred evils. If the time should ever come when, in order to protect the morals and the public welfare of the State of Oklahoma, it should, in the opinion of the legislative power of the State, become necessary to prohibit the personal use of intoxicating liquor, who ought to have the right to exercise that power—the Congress of the United States or the State of Oklahoma? We say that Congress has nothing to do with that question, and that it is none of Congress's business whether the people in the State of Oklahoma shall drink liquor, have it in their homes for their personal use, or whether they shall sell it.

For myself, I concur in his statement that it is not the business of Congress whether the people of Oklahoma or any other State shall have liquor in their homes for their personal use or shall use it for sacramental purposes; and I insist that this law shall be so defined as to accord with that principle and with the decisions of the Supreme Court.

Mr. J. M. C. SMITH. Will the gentleman state whose testimony it was from which he was just reading?

Mr. DAVIS of West Virginia. That was the statement of Mr. Fred S. Caldwell, of Oklahoma City, draftsman of this bill.

I read again from the published hearings had before a subcommittee of the Committee on the Judiciary of the United States Senate, on the 17th day of February last, the following statement from the Rev. E. C. Dinwiddie, legislative representative of the Antisaloon League:

Mr. DINWIDDIE. Now, I will say to the doctor, for his information, along the line of the point that the court has said that that is a constitutional right—and he and I will not have any argument about that—that it is a constitutional right for a man in one State to have shipped to him alcoholic liquors from another State. It is his right to receive those liquors. The Wilson law simply has the effect of preventing his selling them in unbroken packages if the law of his State forbids it. But that constitutional right that Dr. BARTHOLDT speaks of is the same constitutional right the Supreme Court held in the Bowman case and the Leisey *v.* Hardin case—was the right not only to receive in the original unbroken package, but the right to sell in the original unbroken package, the State law to the contrary notwithstanding. They used the same language then, saying it was a constitutional right. Congress took away by direct legislation the constitutional right the man had to sell liquor in the original package, if he received it through the channels of interstate or foreign commerce. That is a correct statement, which I am ready to rest upon before any committee of lawyers or anybody else.

Representative BARTHOLDT. Not at all. That was not a constitutional right at all——

Mr. DINWIDDIE. The Supreme Court said so.

Representative BARTHOLDT. Under the decision of the Supreme Court it was decided to be a constitutional right to receive an interstate shipment. In other words, an interstate shipment is not delivered until it is delivered to the hands of the consignee. But the very moment it leaves the hands of the consignee the State law goes into effect, and that is why I have always argued that this legislation is unnecessary, for the reason that as soon as a consignee receives a shipment of liquor and tries to dispose of it by sale or otherwise the State law is in effect, and you can prevent him from doing it without any law enacted by Congress.

Mr. DINWIDDIE. I am free to say that if the constituents of the doctor and those who buy their products for sale were men who would absolutely obey the laws of their States we would probably not need this legislation; but the keepers of blind tigers and speak-easies all over the country, at whom exclusively this legislation is aimed, do not always respect the law—and I rest on the language of the bills for this statement. I say that a plain, careful reading of that bill can not give anybody the impression that we are trying to prevent by congressional legislation the importation or use of intoxicating liquors for family or personal use.

This would certainly seem to be plain enough, and yet, Mr. Speaker, I received in my mail this morning a letter, a copy of which I suppose was received by every other Member of the House, upon stationery headed "The Anti-Saloon League of America" and signed by Edwin C. Dinwiddie, its "legislative superintendent." The right of that organization to promote this or similar legislation and the right of that gentleman as its representative to do what he legitimately can to bring about its passage, I do not for one moment challenge. I ask only the right to compare a portion of that letter with his testimony which I have just read. He says in his letter:

Besides an attempt to put on a penalty clause, our friends are asked to be on guard against the effort to attach a provision to exempt liquors imported for personal use. We contend this is purely a State matter. Such a clause is against the real policy and underlying principle of the bill. It will shackle and hobble the States while the whole intent of the measure is to unfetter them. It will legalize the introduction of liquors for personal use when that whole question should properly be left to State control.

We earnestly urge the friends of this legislation to resist to the very last any effort to attach a "personal use" clause to the bill, a plan which the liquor interests have been urging for 10 years past, whenever this legislation has been seriously feared by them.

I do not know, Mr. Speaker, what has been urged in years past; I do not know what may be urged by others now, but I deny with emphasis that in urging this particular amendment, I speak as a friend of the liquor interests or for or in their behalf.

Of course, the suggestion made in this letter that this bill would "legalize" everything it may not directly prohibit, is too ridiculous and absurd for serious consideration. The bill, of course, "legalizes" nothing. It does pretend to render certain things which are named unlawful.

Before the Senate committee we are told that—

A plain, careful reading of that bill can not give anybody the impression that we are trying to prevent by congressional legislation the importation or use of intoxicating liquors for family or personal use.

And yet, when we undertake to make the bill read to that effect in plain, unmistakable, honest, straightforward English, we are told this morning by letter from the same hand that—

Such a clause is against the real policy and underlying principle of the bill.

Others may reconcile these statements if they can; I can not. Further comment upon them and upon the bald contradiction between them is superfluous.

PENALTY CLAUSE.

I propose as another amendment to the bill that there shall be added a clause substantially as follows:

And whoever shall knowingly ship, transport, or deliver to any common carrier for shipment or transportation, or shall knowingly cause induce, or procure to be shipped, transported, or delivered to any common carrier for shipment or transportation from one State, Territory, or District of the United States or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States or place noncontiguous to but subject to the jurisdiction thereof, any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind, with intent to receive, possess, sell, or use the same therein, or to cause, induce, or procure the same to be received, possessed, sold, or used therein, either in the original package or otherwise, in violation of the laws of such State, Territory, or District of the United States or place noncontiguous to but subject to the jurisdiction thereof, shall be fined not less than $100 nor more than $5,000 or imprisoned not less than 30 days nor more than 2 years, or both.

This bill undertakes to strike out on a new line. I can not agree with my distinguished friend from Missouri [Mr. BARTHOLDT], who contends that it is similar in character with bills which have been urged from the same source in years gone by. In order that I may be clearly understood, it is necessary to call attention to the difference between this bill and bills in relation to the interstate shipment of intoxicating liquors which have been proposed in previous Congresses.

As is well known, after the Supreme Court had decided the case of Leisy *v.* Hardin (135 U. S., 100), Congress, on August 8, 1890, passed the Wilson Act to the effect that:

All fermented, distilled, or other intoxicating liquors or liquids transported into any State or Territory or remaining therein for use, consumption, sale, or storage therein, shall upon arrival in such State or Territory be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers to the same extent and in the same manner as though such liquids or liquors had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

Subsequently, in the cases of In re Rahrer (140 U. S., 545) and Rhodes *v.* Iowa (170 U. S., 412), the Supreme Court declared this act constitutional, but held, however, that the words "upon arrival in such State or Territory" meant arrival at the point of destination and delivery to the consignee.

In each succeeding Congress bills were introduced proposing, in effect, to amend the Wilson Act by inserting after the words "upon arrival" the words "within the boundary of the State" and "before delivery to the consignee," the intent of such amendment being to subject intoxicating liquors to State or Territorial laws at any time after they had crossed the geographical boundary of the State or Territory. Such a bill was pending in the Sixtieth Congress and was exhaustively considered.

In a report which emanated from the Judiciary Committee of the United States Senate Senator Knox summarized the objections to such a bill as follows:

My conclusions are:
1. Interstate shipments are not completed until they reach the consignee.
2. An interruption or interference with interstate shipments before they reach the consignee constitutes a regulation of commerce.
3. Regulating interstate-commerce shipments is an exclusive function of Congress.
4. Congress can not delegate any part of its exclusive power to the States.
5. To remove the bar or impediment of exclusive Federal power which shuts the States out of Federal domain, and thereby allow them to enter that domain, is to permit or sanction a State law in violation of the Constitution and, in effect, to delegate a Federal function to the States. (See S. Doc. No. 146, 61st Cong., 1st sess.)

These conclusions I regard as being in accord with the decisions of the Supreme Court and their logic to be unanswerable; in fact, they are axiomatic.

In Louisville & Nashville Railroad Co. *v.* Cook Brewing Co. (223 U. S.), decided on the 22d of January, 1912, and one of the latest deliverances on this subject, the Supreme Court says it is "indisputably determined"—

(a) That beer and other intoxicating liquors are a recognized and legitimate subject of interstate commerce.
(b) That it is not competent for any State to forbid any common carrier to transport such articles from a consignor in one State to a consignee in another.
(c) That until such transportation is completed by delivery to the consignee such commodities do not become subject to State regulation restraining their sale or disposition.

The proponents of the present bill, H. R. 17593, endeavor to avoid these objections by calling upon Congress itself to regulate the traffic in intoxicating liquors instead of asking it to surrender this regulation to the States at some point along the line of transit and before delivery. The earlier bills proposed may be characterized as merely negative or passive legislation by which the Federal power would withdraw from a field that it had formerly occupied. This bill, on the other hand, purports to be an affirmative and active exercise of the Federal power within the whole field of its constitutional operation.

I do not doubt the exclusive power of Congress to regulate interstate commerce in intoxicating liquors as in other articles, up to and including the moment of delivery to the consignee. It would seem also to be clear that this regulation may, in appropriate cases, take the form of prohibition and exclusion from the channels of commerce; thus, by section 240 of the Criminal Code, the shipment of intoxicants not so marked as to plainly show the name of the consignee, the nature of its contents, and the quantity contained therein, is forbidden; and as also, under the food and drugs act, is the shipment of adulterated or misbranded liquors.

By this bill it is now sought to exclude from interstate commerce all liquors shipped with unlawful intent. This is asserted to be a rule propounded by Congress alone, which is uniform in character, and which, after the language of Gibbons against Ogden, regulates commerce in intoxicating liquors by prescribing a rule by which it shall be governed.

As against this, it is urged that when the unlawful intent is to be tested solely by the laws of various States which are or may be violated, these laws and not the law of Congress become ipso facto the determining factors; that since it would be unlawful, for instance, to ship intoxicating liquors into the State of Pennsylvania to be sold to a minor, into the State of Ohio to be sold on Sunday, into the State of Kentucky to be sold after closing hours, into the State of Oklahoma to be sold at all, the uniformity of the attempted rule at once disappears, and the laws of the States are given extraterritorial effect. Indeed, a shipment made with intent to sell might be legal when consigned to a license county and illegal when consigned to a no-license county, both in the same State.

The question, therefore, is not whether Congress can forbid the transportation, with unlawful intent, of intoxicating liquors, or any other commodity, but whether it can, without delegating or surrendering its constitutional power, adopt as the criterion, the test, of that unlawfulness a purpose to violate the law of any other sovereignty.

Now, it is all very well for gentlemen to rise on this floor or elsewhere and say that there is no doubt about the power of Congress to pass legislation of this character. There is doubt about it, and everybody knows it. And I observe that those who are most confident on the subject are usually those who have given it least thought. Confidence seems to exist in inverse ratio to the amount of study that has been actually bestowed. In this particular I commend the frankness of the chief advocate of a similar bill pending elsewhere, who says:

Now, I think no lawyer who is honest with himself and perfectly frank will deny that there are very close constitutional questions involved in this bill, and especially as to section 2.

It is indeed a close question, but it is perfectly clear to me that if this bill is to stand at all it must stand as a congressional declaration of a congressional policy and not as an attempt on the part of Congress to surrender or redelegate to the States the power which the States solemnly lodged in the Federal Government. Congress has no power to so amend or constrict the Constitution. For myself, I do not believe that this bill will give to the officers of the States engaged in enforcing State laws any powers which they do not now possess.

I am aware that some of the advocates of the bill contend that it will enlarge by indirection the power of the States over

intoxicants in transit, and will render possible, under search and seizure laws, the entering of trains and other vehicles in which the forbidden liquors might be transported, either alone or in common with other legitimate articles of commerce; but this argument necessarily assumes that the bill is in fact, though not in language, a surrender or delegation of authority to the States which they have not heretofore enjoyed, and thus defeats its own purpose by exposing the bill to all the fatal objections which were urged against its predecessors.

But the bill, as I have said, professes to be an active exercise of congressional power. It is that or it is nothing. Congress is asked to declare that certain things shall not be done, and yet the gentlemen who say they favor such legislation want to stay our hands when we seek to punish those who do them. Is it not clear that if Congress has no right to punish it has no power to forbid; and, conversely, if it has the power to forbid, it is its duty to punish? Has it ever been seriously suggested before in the American Congress that we may create a crime but not punish it; that we shall have the will to denounce an offense but not the courage to punish the offender? [Applause.] What does the declaration by Congress that a certain thing shall not be done amount to if we go no further? What sanctity or sanction is there attached to a proclamation of that character? Is it any more than a resolution adopted by an assembly of worthy gentlemen to the effect that certain things do not meet with their approval? What are you going to do with a man who says, "I differ from you in your judgment, and I propose to continue to do this thing which you do not like"? How lame and impotent does that make the legislative branch of the Government appear? What a potent evasion of responsibility. What cowardice to say that Congress has the constitutional right to forbid a thing but not the constitutional courage to attach a penalty to its prohibition. [Applause.] Mr. Bishop, in the first volume of his work on "Criminal Law," section 6, says:

> By law, as the word is here used, is meant not merely the precept, but the penalty also. Indeed, law without punishment for its violation is in the nature of things impossible. It is as though we were to speak of an earth without matter, an atmosphere without air, an existence without existence.

The draftsman of this law recognized that principle. He knew that a law without sanctions and penalty was a mere all contracts made with reference to these shipments and not the declaration of legislative will; and therefore to this bill as originally presented he attached what he conceived to be appropriate penalties, by denouncing as null and void brutum fulmen, a mere declaration of legislative opinion and by depriving the article itself of its inherent property characteristics. I need not pause to discuss these suggested penalties, for it is enough to say that both friends and foes of the bill have united without dissent in striking them out as wholly impossible. The regulation of commerce by prohibiting the transportation of certain articles is no longer a novel exercise of congressional power. Laws are already on the statute books forbidding either entirely or on certain conditions the transportation of numerous articles, among them the following:

Slaves, explosives, lottery tickets; obscene books and other like articles; diseased and infected cattle; the mongoose, English sparrow, and other pests and game killed out of season; renovated or unstamped butter; unmarked or unlicensed virus and serum; gypsy moth, boll weevil, and insect pests; spuriously or falsely marked articles of gold and silver or their alloys; uninspected meats; adulterated and misbranded food and drugs; opium imported contrary to law; and, latest of all, the white slave traffic act.

To each of these laws Congress attached as a matter of course the sanction of a criminal penalty and imposed appropriate fines or imprisonments or both for their violation. Can any advocate of this bill assign a reason why a man should be punished for violating a law of Congress against the transportation of English sparrows and go free of punishment for the violation of a law of equal dignity forbidding the transportation of intoxicants for unlawful use?

If in violation of the revenue laws of the United States a man should sell intoxicating liquors at retail without having paid the special tax required by law, he may be fined not less than $100 nor more than $5,000, or imprisoned not less than 30 days nor more than 2 years, or both. Is there any reason why he should not suffer a similar penalty if, under this law, he knowingly ships intoxicating liquors for illicit use? Why should one law be given the sanction of criminal enforcement and the other left as an essay on the subject?

I insist that it is essential both to the validity and vitality of this proposed statute that either the penalties I suggest or some others shall be added thereto.

FEDERAL AID TO THE STATES.

Just one thing more, Mr. Speaker, which I feel it a solemn public duty to say. In the discussion of this bill the suggestion has been too frequently made that in some way the Federal Government is unfriendly to the States and is opposed to their enforcement of their own laws with reference to the manufacture and sale of intoxicating liquors. We hear talk about "partnership" between the Federal Government and the bootlegger, of the Federal Government "forcing intoxicating liquors on unwilling communities," and so on.

Oh, it is a very easy thing for local officers who, through indolence, inefficiency, or worse, do not want to execute local laws to unload the blame on the Federal Government or anybody else. It is quite natural, too, that such expressions should fall from the lips of those who make a business of appealing to passion rather than to reason and who wish to make their statements striking by the use of exaggerated language; but, unfortunately, this sort of talk is not confined to these classes; it comes from the lips of those who know better, and is not even a stranger in the halls of the Capitol itself.

I have no patience with it. It is not true in any sense, and those who indulge in it are helping to create a false impression in the public mind and stirring up animosities that may not be so easily laid.

The States or the people of the States created the Federal Government and gave it certain powers, which they can either take away or enlarge at pleasure; but they can not expect it to do things which they never gave it the power to do, and they ought not to be persuaded to look upon it as an enemy.

Congress has already declared that from the very instant when intoxicating liquors are delivered to the consignee they shall be subject to all the laws of the State in which they are delivered. It has further provided that no officer, agent, or employee of any railroad company, express company, or other common carrier shall deliver intoxicating liquors to any person other than the person to whom it has been consigned, or upon his written order, nor to any fictitious person or any person under a fictitious name. It has required all intoxicating liquors when shipped to be so labeled on the outside cover as to plainly show the name of the consignee, the nature of its contents, and the quantity contained therein. And it has forbidden any railroad company, express company, or other common carrier to collect the purchase price or to act in any way as the agent of the buyer or seller, thus putting an end to all C. O. D. shipments.

This is the law to-day. I do not believe the general public understand it. If they did, they would be less charitable toward those State officers who say they can not enforce State laws because the Federal law stands in the way.

But this is not all. A special tax is required to be paid to the United States by every person who desires to sell intoxicating liquors at retail, and while this is often spoken of as a "Government license," it is not, of course, a license in any sense, and gives to the party who pays the tax no right whatever to sell in violation of the law of the State. In fact, the law itself expressly provides that:

> The payment of any tax imposed by the internal-revenue laws for carrying on any trade or business shall not be held to exempt any person from any penalty or punishment provided by the laws of any State for carrying on the same within such State, or in any manner to authorize the commencement or continuance of such trade or business contrary to the laws of such State or in a place prohibited by municipal law; nor shall the payment of any such tax be held to prohibit any State from placing a duty or tax on the same trade or business for the State or other purposes.

In order to collect this tax the Federal Government keeps in the field its force of marshals, collectors, and secret-service agents making constant war on illicit distilleries and illegal sales. Its revenue collectors are required by law to keep publicly posted and to furnish to State authorities lists of those who have paid the special tax. The States have the right, and many of them exercise it, to make the payment of this special tax prima facie proof of an intent to violate the law; and thus this internal-revenue system instead of encouraging violation of State laws works in harmony with the State as its most effective aid.

In order to make this assistance as full as possible we have just reported favorably from the Judiciary Committee a bill directing the internal-revenue collectors to furnish upon request to the State officers not only a list of those who have paid this internal-revenue tax, but a certified copy of the application which is required to be made by the retailer to the internal-revenue collector's office.

All this, Mr. Speaker, demonstrates beyond question that instead of antagonism between the State and Federal Governments on this subject there is cooperation and active assistance.

For myself, I am willing to go as much further as we legally can along the line of this cooperation, but I do protest against the false and unfounded clamor that the Federal Government is blocking the moral progress of the States.

It was just this sort of thing which 50 years ago aroused human passion to a point where sober thought was no longer possible and drenched this land in blood. The Union was saved in vain if its citizens are to be taught now that it is a hateful and a foreign thing. The tears and blood that effort cost were a useless sacrifice if the system of government saved does not work as a harmonious whole. Instead of joining in such an outcry against it, will we not better serve the duty of the hour by raising our voices in its support. Must we not point out to the country that the State and Federal Governments are not hostile and contending forces but agents and servants of the same great people?

Above all, let us cause them to remember that no laws are automatic, and though we fill the shelves of all our libraries with new statutes on this and every other question, they will amount to nothing unless men are found who will enforce them. Now as always the first need the country over—in State, Nation, county, and city—is the genuine enforcement of the laws we have.

Mr. CLAYTON. Mr. Speaker, how much time has been consumed by those in advocacy of the bill?

The SPEAKER pro tempore. The gentleman from Alabama has 31 minutes remaining, and the gentleman from New Jersey has 49 minutes remaining.

Mr. McCOY. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, in 10 minutes' time it is, of course, impossible to discuss this question from a legal standpoint, even if I was capable of discussing it. I want to refer to it, and I would be glad to have the privilege of extending my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD.

Mr. CLAYTON. Mr. Speaker, I ask to modify that by including all gentlemen who have spoken.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. CLAYTON. Mr. Speaker, I was on my feet to object, unless it included all gentlemen who have spoken.

The SPEAKER pro tempore. Unanimous consent is asked, and unless a Member objects consent is given.

Mr. CLAYTON. I was on my feet to object.

The SPEAKER. Is there objection?

Mr. CLAYTON. Well, Mr. Speaker, if I must object now, I will object.

The SPEAKER pro tempore. Objection is made.

Mr. CANNON. Mr. Speaker, after unanimous consent has been given to three Members within 20 minutes to extend their remarks, the gentleman from Alabama, exercising his power as a Member of the House, has objected to further unanimous consent, making fish of one and fowl of another, just as this proposed legislation will do in this country. [Applause.]

To make myself clear in the outset, I will say that I am not going to vote for this bill, but for many reasons I shall vote against it. I hold in my hand—and, as I have not unanimous consent to extend my remarks, I will read from—the decision of the Supreme Court of the United States in the case of the Louisville & Nashville Railroad against Cook Brewing Co., a very recent decision, reported in Two hundred and twenty-third United States, page 70. In my judgment that decision covers this matter. I read from that decision, as follows:

That beer and other intoxicating liquors are a recognized and legitimate subject of interstate commerce.

That it is not competent for any State to forbid any common carrier to transport such articles from a consignor in one State to a consignee in another.

That until such transportation is concluded by delivery to the consignee, such commodities do not become subject to State regulation restraining their sale or disposition.

That is the unanimous decision of the Supreme Court, and yet we have this performance here to-day. Our power to regulate commerce among the States and with foreign nations is the one power we have in the premises, all other power being reserved to the States. I take it that under the power to regulate commerce, even if it were possible for Congress to prohibit commerce in a given article that had been declared to be a legitimate article of commerce, yet Congress can not delegate its power to regulate interstate commerce to any State.

If this bill should be enacted into law, thereby establishing a precedent for legislation of this kind, where would it lead us? Let us hark back to the Civil War for a moment. The fugitive slave law was constitutionally enacted, but some States nullified that law and some communities set it at defiance. If at that time they could have invoked such a precedent as is sought to be established by the enactment of the pending bill, certainly the law might have been absolutely destroyed.

Let me take another illustration. There are in this country a great number of people affiliated with organized labor. I do not disparage organized labor. I agree that labor ought to organize, but always obeying the law and not interfering with the rights of others. Let us say that 2,000,000 voters belong to the ranks of organized labor, and suppose that Congress should enact legislation providing that an article produced in one State where there was no restriction as to hours of labor should not be the subject of interstate commerce in entering a State which had by law decreed that no article produced by labor working more than six hours or eight hours per day could enter its markets, that would place the regulation of interstate commerce absolutely in the respective States.

Odium theologicum! A proclamation from the pulpit; a cross proclamation from another pulpit. We have freedom and religious liberty in this country under the Constitution, and yet many of us have seen—I have time and again—such conditions and circumstances that if one State could control there would be but one church or one creed in that State.

Let me tell you what I think. In the various States there is any amount of law, but we lack enforcement; we lack a sound public sentiment which enforces the law. In many instances it is not enforced because it is against public sentiment. Nevertheless there is a disposition on the part of people who agitate, some from principle and some for a living, to demand more legislation. The mere abundance of law does not aid enforcement.

Mr. Speaker, for a number of years I was a prosecuting officer in the State of Illinois, and do you know I found that frequently in the attempt to enforce the antiliquor law the most active and ardent and apparently enthusiastic opponents of the liquor traffic were the hardest to get to testify. Many of them shouted in season and out of season, but when the time came to enforce the law they were found wanting. Frequently they would decline jury service, saying, "Oh, excuse me; I have not time," "It would hurt my business," and so forth. I have seen good men, scores of them, commit perjury touching the suppression of the liquor traffic.

I say again it is enforcement of the law that counts. Several years ago I went into the State of Maine. God bless the State of Maine. A splendid people live there. For 50 years they have had prohibition. The State has been "dry" for all that time; but what did I find? I found that, notwithstanding the prohibition feature of the constitution and laws of that State, public sentiment in the cities was such that a candidate for the office of sheriff—an officer charged with the duty of enforcing the law—was elected on a pledge of nonenforcement. I have campaigned somewhat in many States, but I tell you that liquor seemed to be more abundant, more accessible, and offered more freely in the State of Maine than in the wettest of the wet States.

My friend from North Carolina desires national legislation on this question. How many moonshiners are there in his State deliberately violating the revenue laws, pursuing their business in the nighttime, and aided by a lenient public sentiment and protected by perjury selling the illicit stuff?

Mr. WEBB. Mr. Speaker, may I answer that question?

Mr. CANNON. In order to enforce the law it is necessary that there should be a public sentiment in favor of it. What is true of North Carolina is true everywhere. Yet the cry goes up for more law. The good prohibitionist, raising his hands to heaven, prays, "O God, inspire our legislators to give us more law"; but I am almost constrained to suspect that in some cases accompanying the prayer is the mental reservation "but I am agin its enforcement." [Laughter.]

Mr. WEBB. May I answer the gentleman's question?

Mr. CANNON. Oh, I can not yield in my 10 minutes.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. CANNON. Mr. Speaker, I am sorry, and I will again ask that along these lines, observing the rules of the House—and I think I know what the rules of the House are—I may be granted unanimous consent to briefly extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. CLAYTON. Mr. Speaker, I hope the gentleman will enlarge that request so as to include all who have spoken.

Mr. CANNON. When this is granted, then I will enlarge the request.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that all gentlemen who speak on the pending measure shall have the right to extend their remarks in the RECORD.

Mr. CLAYTON. Within five legislative days.

The SPEAKER pro tempore. Is there objection?

Mr. LINTHICUM. Mr. Speaker, I ask as a substitute for that that all Members be allowed to extend their remarks in the RECORD.

Mr. CANNON. Why not?

Mr. JAMES. Some gentlemen were given the right to extend their remarks in the RECORD a short time ago, and what is the objection to allowing the gentleman from Illinois the same right? He is the oldest Member on the floor.

The SPEAKER pro tempore. Is there objection to the request?

Mr. LINTHICUM. What is the request?

The SPEAKER pro tempore. It is the request of the gentleman from Illinois that unanimous consent be granted to gentlemen who speak on the pending measure to extend their remarks in the RECORD for five legislative days.

Mr. LINTHICUM. That applies alone to the gentleman from Illinois?

The SPEAKER pro tempore. All gentlemen who speak.

Mr. LINTHICUM. I have a substitute for that.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. LINTHICUM. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman's objection comes too late, the request having already been granted.

Mr. JAMES. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois shall be allowed five days in which to extend his remarks in the RECORD upon this question upon which he has just spoken.

The SPEAKER pro tempore. The Chair will state to the gentleman from Kentucky that the gentleman from Illinois has already made that request for himself and others.

Mr. JAMES. No; and that is what I wanted to direct the attention of the Chair to.

The SPEAKER pro tempore. Then the Chair misunderstood the gentleman.

Mr. JAMES. He did not include the others.

Mr. CLAYTON. The Chair has already announced that the request preferred by the gentleman from Illinois has been agreed to?

The SPEAKER pro tempore. The Chair so stated.

Mr. JAMES. That is all right.

Mr. BLACKMON. Mr. Speaker, I make a similar request.

The SPEAKER pro tempore. It has been already granted.

Mr. CLAYTON. Now, I ask that the gentleman from New Jersey may consume some more of his time.

Mr. McCOY. Mr. Chairman, I yield seven minutes to the gentleman from Alabama [Mr. DENT]. [Applause.]

Mr. DENT. Mr. Speaker, I have so many objections to the passage of this bill that even with my little ability it would be impossible for me to state them within the time that is given to me. In 1908 I was nominated by a Democratic primary in the State of Alabama, and in that primary the antisaloon league directed to each candidate the question as to whether or not each would vote for this legislation. I very promptly answered that if I became a Member of Congress from the second congressional district of Alabama I would not vote for any such legislation. [Applause.] I was nominated in the Democratic primary at that time, and was renominated and reelected twice since that time [applause], so, Mr. Speaker, I feel that I hold a commission from the people of the second congressional district of Alabama, "the cradle of the Confederacy and the cradle of home rule," to vote aganst any such proposition as this. [Applause.] I could not, in the little time that is given me, show the great objections that I have to this bill. It is the most peculiar and the most remarkable measure that I believe ever came from a great committee of the Congress of the United States. Why, Mr. Speaker, this bill declares that the transportation mentioned in the bill shall be prohibited. I shall not undertake to discuss the question as to whether or not the absence of a penalty makes the law absolutely nugatory. Is the Congress of the United States to declare a thing prohibited and then not fix a penalty for its violation? What does the law mean? Does it mean, Mr. Speaker, that the Congress of the United States relieves itself of the power which it has under the Federal instrument to regulate commerce between the States?

I notice that the title of the bill seems to indicate that its object is to divest intoxicating liquors of an interstate character in certain cases, and the bill says that they shall be prohibited. There might be some reason for contending that the Congress of the United States can delegate the power given it by the Constitution, to vest it in the States, but the title of this act declares one thing and the body of the act declares another. Every lawyer who has ever practiced criminal law knows that you can not make a crime by merely declaring it a crime. Every lawyer who has ever practiced in any court in this land knows that you can not by declaring a prohibition without adding a penalty make it a crime or an offense.

How would you enforce this act? I will ask that of the distinguished advocates of this bill. I repeat, How would you enforce this law, so far as the Federal Government is concerned, if it were adopted? There is, however, this insidious idea in the whole proposition, and gentlemen who want to vote for this bill ought to remember it: This bill makes it a prohibition on the part of the common carrier to accept a shipment of liquors. Now, suppose that the common carrier says that he will not accept it until it is decided whether or not he is violating the law. Then what? Every consignor and every consignee must go into the courts and ask for a writ of mandamus to compel the carrier to accept the shipment, and that notwithstanding the fact that in this bill you have no penalty whatever for a violation of the law. Now, Mr. Speaker, I have not time to go further into this discussion, but I do want to say——

The SPEAKER. The time of the gentleman has expired.

Mr. DENT. I do want to say that I am deeply regretful that the States of the South—and I come from the cradle of the Confederacy—should be willing to ask the Federal Government to aid them in enforcing their domestic regulations. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. CLAYTON. Mr. Speaker, I now yield five minutes to the gentleman from Tennessee [Mr. HOUSTON].

Mr. HOUSTON. Mr. Speaker, we do not come with this measure and ask the Federal Congress to enforce the laws of any of the States of this Union. That is not the object of the bill. The object of this measure is to establish the right and the power for each State to enforce its own temperance laws in whatever form they may be enacted by the different States. The States should have this right. It belongs to State rights, to the sovereignty of the States, to control in these affairs, and the States could exercise that right and power but for the fact that the Constitution of the United States says that Congress shall regulate interstate commerce.

But for that utterance in the Constitution and for that fixing of the power to regulate interstate commerce in Congress, the States could regulate this matter, and all that the friends of this measure ask and contend for is that the hand of the Federal Government by act of Congress shall be lifted from this interstate commerce and let the States in their sovereign capacity and in the exercise of their State rights enact laws and enforce those laws as best they can. I admit there is great difficulty in enforcing laws upon this subject. We have all seen that. And I want to say right here and now that the penal clause suggested by my colleague from West Virginia [Mr. DAVIS] would perhaps give more force and vitality to the suppression of the illegal traffic of liquor, and especially to the enforcement of this law, but when he did that it would carry into the domain of the Federal court the enforcement of the prohibition laws of every State in the Union.

And that is exactly what we do not want to do. We do not ask the Federal Government to come and enforce the laws of Tennessee or any other State. We only ask that the hands of the Federal Government shall be lifted so that the State can exercise its own right and have the proper power to enact and carry out its own laws. You know very well if that penal clause were inserted in this bill, forthwith the enforcement of this law would go to the Federal courts. We would have the Federal Government interfering in matters that had best be left to the State. And I know the States experience great difficulty in enforcing this, but give them the benefit of this aid, this power, to do all they can in regulating this illegal traffic. Then, we believe, the question could be solved in the best and most legitimate way in which to solve this question.

Now, then, much has been said in regard to the personal-use clause. There is no occasion for the insertion of that clause in this bill, because the bill does not interfere with personal use. It does not deal with that. It deals only with one proposition, and that is that inoxicating liquors of every kind shall not be shipped into any State when they are shipped for the purpose of violating the law of that State.

Mr. WEBB. Will the gentleman allow me to interrupt him right there?

The SPEAKER. Does the gentleman from Tennessee [Mr. HOUSTON] yield to the gentleman from North Carolina [Mr. WEBB]?

Mr. HOUSTON. Certainly.

Mr. WEBB. Here is what Senator Knox said with reference to the personal-use clause:

Congressional expression in favor of personal use would be an expression upon a subject with which Congress has nothing to do, and upon it all sorts of confusing questions would arise. The same evidence required to defeat the claim of importation for personal use would give the State the right to follow up and seize the goods under any existing State law covering the subject.

Mr. HOUSTON. That is exactly right, Mr. Speaker, and I agree with that doctrine fully. We do not ask Congress to deal with questions of that kind. The bill does not deal with a question of that kind. It only proposes to prohibit the shipment of intoxicating liquors into any State when said liquor is intended to be used in violation of the laws of that State. It would not interfere with the shipping of any liquors into any States that were intended to be used in compliance with the laws of that State. The States have not prohibited the personal use of liquor or the right to possess liquor, but many of the States have passed laws prohibiting its sale and manufacture. If a State in its sovereign capacity determines to enact laws to suppress the sale of whisky, it is a question for that State's own determination, and the State should have full opportunity and power to enforce its own regulations upon this question; and if Congress has the power to lift a barrier in the way of the States enforcing their own law, Congress should certainly do that thing. By refusing to do this Congress is aiding and abetting the illegal traffic of this article and is furnishing the means of nullifying the law of the State and promoting the illegal sales that have been so much decried by gentlemen on this floor in discussing this measure.

The passage of this law furnishes the opportunity for the States to control in this matter, or at least will aid in State control and in home rule. It is but aiding local option, with the State as the unit, and I think that all agree that the control of the liquor traffic belongs to the States and that the State in its exercise of its police power in local self-government should be aided as much as it is possible for Congress to aid it.

We all know that laws prohibiting the sale of whisky are difficult to enforce. We know that there has been and there will be in the future the "blind tiger," the "bootlegger" and the moonshiner. No law is enforced perfectly, much less a law of this character, yet we must realize that the more difficult it is to obtain liquor, the less will be obtained; the more difficult it is for the "blind tiger" to get supplies, the less he will get. And this is the class of offenders, these men who sell whisky in soft-drink establishments and other clandestine ways, which will be interfered with; and much can be done toward suppressing them when you place it out of their power to get their supplies shipped to them from another State, and I think this is the greatest good that will come from this measure. It will enable the State, by the exercise of its police power to enact laws, if they have not such laws, by which they can make it impossible or very difficult for this class of offenders to ply their illegal traffic.

As to the constitutionality of this measure, none of the decisions referred to go to the extent of holding that the provisions of this bill are unconstitutional. I can not understand why, when Congress is given the power by the Constitution to regulate interstate commerce, and the control thus being in Congress, that Congress can not by enactment give power to the States to deal with an outlawed article of commerce when carried into the States. When Congress says that liquor intended to be used in violation of law shall not be transported, then such liquor is no longer an article of interstate commerce and is out of the domain of interstate commerce, and the States can deal with it.

Mr. Speaker, much has been said in this discussion about this measure being futile and ineffective. If so, why such determined opposition to it by those representing the liquor organizations of the land? It may not accomplish the good that its supporters desire, but it is a step in the direction of aiding the States to enforce their laws to suppress the illegal sale of liquor, and I give my hearty support to a measure for that purpose. This measure has been berated as a "flimflam" measure and its supporters as being demagogues and hypocrites. This argument is unworthy of dignified reply and unworthy of the men who make it on this floor. They assume to themselves all virtue and all the candor and courage of conviction. Mr. Speaker, any cause may have the support of some demagogues and hypocrites, and it is quite as possible that this bill may have the opposition of some who are equally insincere and lacking in moral courage.

Whether a man believes in prohibition or not he should support this measure because it only gives the States the power more perfectly, more fully, more amply to enforce its laws. Whether you agree to the wisdom of a State passing prohibitory laws, every believer in American institutions and our theory of government should be willing to let each State determine that question for itself and aid the State in carrying out local government and home rule, and I have expressed the sentiment before on the floor of this House, that to say we can not enforce a law that meets the approval of the enlightened judgment and conscience of the people, who, through their Representatives, enacted these laws, is contrary to the spirit of the fathers who laid the foundations of this Government and who believed that the people were capable of self-government and would be able to enforce the laws that their wisdom and judgment approved.

Mr. CLAYTON. Mr. Speaker, may I ask how much time each side has consumed?

The SPEAKER. The gentleman from Alabama has 26 minutes remaining, and the gentleman from New Jersey [Mr. McCOY] 32 minutes.

Mr. CLAYTON. Mr. Speaker, I yield five minutes to my colleague from Alabama [Mr. HOBSON].

Mr. HOBSON. Mr. Speaker, I have noticed many remarkable things here to-day. At one moment the gentleman from Alabama [Mr. BLACKMON] opposed the bill with great earnestness, in the firm belief that it would interfere completely with the shipment of alcoholic beverages into dry territory for individual use, as heretofore, and then a few moments later the gentleman from West Virginia [Mr. DAVIS] was equally as earnest and even more certain that unless his amendment was adopted the same measure would have no effect whatsoever upon these shipments. Which of them is correct?

Another remarkable thing is the repeated announcement by the opponents of this bill that prohibition does not prohibit; that there is a greater consumption of alcoholic beverages in dry territory than wet territory; and yet they spoke in the interest of great brewers and great distillers whose sole object in life is to increase the consumption of their products. It is very remarkable that such a stupendous effort should be made on the part of these interests to defeat this measure if the result would be to increase the consumption of their goods. It is equally remarkable to hear rational men propound the self-evident contradictory theory that drinking beer reduces the drinking of distilled spirits. As a matter of fact, the vast bulk of all liquor drinking originated in the drinking of beer and other fermented drinks. It seems extraordinary to hear men on this floor plead for personal liberty as spokesmen of an agent that undermines the moral fiber of the Nation, lowers its average standard of character, and overthrows the foundation of all liberty. It is particularly singular to hear discourses in the interest of law observance from those who are the agents of those who are the source of most of the lawlessness of the land. It is singular to hear Members pleading for the sanctity of the home when the agent for whom they plead is the greatest enemy of the home. But the most remarkable thing of all is the gusto with which the gentleman from Illinois [Mr. CANNON] announced that he could get liquor in unusual abundance and with unusual ease in the dry State of Maine, and to hear colleagues of his applaud and rejoice at this grewsome fact—the violation of the laws of a great State.

As a matter of fact, Mr. Speaker, prohibition does prohibit, though it does not stop drinking. In the State of Maine the collections of the Commissioner of Internal Revenue are only about one-ninth of what they would be if Maine furnished its pro rata share of the internal revenue when prorated according to population. Of course, the gentleman from Illinois [Mr. CANNON] could find in Bangor, Portland, and other cities this one-ninth, but the great traffic has been blighted in that State. Upon the same proportion the State of Kansas ought to supply eleven times as much as it actually supplies. The State of Oklahoma ought to supply nineteen times as much as it actually does supply, and the State of North Dakota ought to supply twenty-nine times as much as it does actually supply. But, Mr. Speaker, it is a source not only of astonishment, but of sadness, that the violation of law that does go on in dry territory should be the source of jest and delight on the part of good citizens from any party or any section. It is impossible to escape the fact that the liquor interests who are opposing this measure are themselves the source of the very existence and continuance of all the blind tigers, bootleggers, and various others who violate the law in dry territory. No further argument is needed than the spectacle we have had for months and months where the stupendous interests representing the liquor business of two and one-half billions annually have been moving heaven and earth in trying to reserve to themselves the profits that accrue to them from the violation of their country's laws. However, there should be no surprise on the part of those who have investigated the real nature of alcohol and its effect upon the individual and upon society. I do not wish to split hairs about the Constitution.

No one can doubt the complete power of the individual State for the exercise of its police power to control its commodities within its borders. This bill does not add to that power, but simply makes it more effective, and it does not surrender any interstate right over any commodity. But in the light of the nature of alcohol the general-welfare clause in the Constitution would be eminently applicable. I do not believe there is a gentleman on the floor who would question the statement that liquor drinking is a menace to the general welfare of any community in which it operates. In fact, deep beneath all other rights is the right of self-preservation. The community has this right, the State has this right, the United States has this right, and anything that threatens the perpetuity of the existence of any one of these political entities must be assumed to be contained in the rights of the community to succeed to their suppression.

Indeed, Mr. Speaker, this question is no longer open to argument. Alcohol as to its real nature has been proven to be a poison and has been so proven by scientific investigations. As the poison in diphtheria comes from the toxin or excretion of the diphtheria bacillus, so the poison in alcohol comes from the toxin or excretion of the yeast or ferment germ. Alcohol is thus a toxin and as such comes within the family of toxic poisons. The universal law of biology is that the toxin of one form of life is a poison to all forms of a higher order. The yeast germ is killed by the alcohol it produces when it reaches 12 per cent concentrate. It is a single-cell germ and is below all organisms and is below most of the plants, so that it is a poison to everything that is protoplasmic. Oxides of the hydrocarbons, belladonna, morphia, strychnia, and other drugs have what is called an affinity for a particular tissue. While they attack all tissues, the attack is more deadly on a particular one. In the case of strychnine, the affinity is for the spinal cord, and people die from strychnine as from convulsions. Alcohol has been found to have an affinity of the cells that are in line with evolution. In the case of a plant, alcohol will cause the line of its development to be checked, and even reversed, and brings the plant back to its wild state. The Indian will want his tomahawk; the black man will be put back from his state of civilization to a state of savagery, and the white man will be degenerated in a similar degree and is reduced to a state of semi-civilization and finally down toward the brute.

This is readily understood when it is realized that alcohol is absorbed in the nerves and attacks the nerve tissue proper, and that the line of evolution of man is the nervous system, and alcohol attacks the nerve itself. The part of the nervous system most in line is the gray matter on the surface of the convolutions in the part of the brain called the cerebrum, where are found to be the seat of the centers of inhibition. It is the seat of the moral sense; here self-control is exercised in keeping with the conception of right and wrong and of duty. These cells are rapidly degenerated and are in the end actually wiped out through the process of degeneracy.

An insight into this widespread degeneracy can be understood when it is realized that there are about 3,000 murders each year where men actually murder their own wives and about 2,500 where they kill their own children and about 16,000 cases where they desert their little children. Doing violence to natural instincts, committing deeds that an animal would not be guilty of, this creature man, just a little lower than the angels, in the image of his Maker, has thus degenerated until he ends in actually being below the brute. Mr. Speaker, our character is the line of human evolution, and alcohol is a specific for degeneracy, the tearing down of character. The institutions of progress, of liberty, must be founded upon the average standard of character of the Nation. The widespread dissemination of this specific for degeneracy is producing already a large degenerate vote. Having no centers of inhibition, no sense of patriotism behind them, these votes are bought and sold by political machinery, and through them sinister interests are wont to attack the people through franchises and monopolies and are able to control elections.

If the degenerate votes continue to multiply, sinister interests will soon control the legislative and judicial branches of our Government and liberty will be undermined and our Constitution will perish. In vain can we appeal to our Constitution if the average standard of character of our people is thus undermined. Indeed, Mr. Speaker, the Nation's very existence is at stake in checking and ultimately destroying this great evil. Nature is helpless before degeneracy. When degeneracy begins then nature undertakes to exterminate it. It is true she uses natural agencies, but they are only the more effective because slow and accumulative. In the case of every drinking man, alcohol makes an attack upon the tissues of his body. The man does not realize how it is attacking the tissues, because it has already attacked the nerves and no message of pain is sent to the brain. The tissue under operation, as it were, is under anæsthesia. Alcohol is its own anæsthetic and deadens the pain it would otherwise produce, the pain being felt chiefly when the victim comes out from under the anæsthetic, and then he seeks to be relieved of the pain and to go back under the anæsthetic. Alcohol coursing through the veins and tissues partially paralyzes the white blood corpuscles that must destroy disease germs in order to produce health and life.

This army of defense can not meet the enemy invading when it is paralyzed. Figures go to show that the death rate for the population at large is 1,000 deaths per year out of every 61,215 of the population and that the death rate of total abstainers is 560 per cent out of the same number, and for liquor dealers, 1,642 deaths per year out of the same number. These figures resulting from many millions of cases can be taken as accurate. They show that 440 deaths out of every 1,000 deaths, nearly one-half the deaths that occur, are due to alcohol. Applied to this country, over 680,000 deaths per year in continental United States, or over 725,000 per year in the United States and its possessions. In other words, alcohol is killing out people at the rate of nearly 2,000 men a day every day in the year.

The Army War College at Washington made an investigation of the destructiveness of war. Taking all the wars of the world, from the Russo-Japanese War back to 500 B. C., the War College found that the total number of killed and wounded in battle amounts to about 2,800,000, of which it is estimated that about 700,000 were killed and something over 2,000,000 wounded.

The comparative figures show the appalling fact that alcohol is killing off as many Americans every year as all the wars of the world have killed in battle in 2,300 years.

Applied to the whole white race, we find that alcohol is killing 3,500,000 white men every year, five times as many as have been killed in war in 2,300 years; so that, stated mathematically, alcohol is 10,000 times more destructive than all wars combined. No wonder the Governments investigating the subject have found that war has been only a secondary cause of national decline, and that alcohol has been the real destroyer that has overthrown all the great nations of the past and is now undermining the great nations of to-day.

The figures of the British Government and English life insurance companies as to the effect of drinking on longevity are stated as follows:

If a young man at the age of 20 is a total abstainer and remains a total abstainer, his prospect of life is 44 years, and he will live to the average age of 64; but if he is a temperate regular drinker his prospect of life will be 31 years, and he will live to the average age of 51, after losing 13 years out of his life. If he is a heavy drinker, his prospect of life is 15 years, and he will die at the average age of 35, after losing 29 years out of his life. Conservative estimates place the number of confirmed drunkards in the United States at something over 1,000,000, of whom 300,000 die every year; the heavy drinkers at over 4,000,000; and temperate regular drinkers at over 20,000,000. A soldier wounded in battle and losing 10 years of his life as a consequence would be classed as seriously wounded. The confirmed drunkards and heavy drinkers together, 5,000,000 in number, must be looked upon as mortally wounded and the temperate regular drinkers as seriously wounded, making a total of over 25,000,000 Americans wounded by alcohol to-day—more than ten times as many as wounded in all the battles of the world since the dawn of history. The estimates for the white race make over 125,000,000 white men to-day wounded by alcohol.

If a great military power were to declare war on unprepared America to-day, every patriotic heart would be filled with anxiety. I know the full significance of war, especially when a nation is unprepared. But if I had the choice of having alcohol continue its deadly ravages with the Nation at peace or of having it wiped off the face of the land with a declaration of war by all the nations of the earth, I would not hesitate for a moment; I would take sober, undegenerate America and face the combined world in arms.

Dr. Demme says that if children are divided into two groups, those born of total abstainers and those born of drinkers, that five times as many will die among those in the second group than from an equal number of the first group. If this is true, and Dr. Demme says it is, as a scientific man, then there are 200,000 deaths of little children every year from wounds inflicted upon them before they are born. This is readily understood from experiments at Cornell, that show that the human embryo is exceedingly sensitive to alcohol. The figures show that one-tenth of 1 per cent, or 1 part out of 1,000 parts, attacks this embryo and erodes it so that if it should live it would never be normal, while a solution of one-half or 1 per cent, 1 part in 200 parts—as a matter of fact, only a very small solution—of alcohol will kill the human embryo. The form that the erosion

takes can be readily discerned from the lives of those who survive. Taking the two extreme cases, if both parents are alcoholic, one child in five becomes incurable and one child in three becomes epileptic.

Mr. CLAYTON. Mr. Speaker, I will ask the gentleman from New Jersey [Mr. McCOY] to occupy some of his time now.

Mr. McCOY. Mr. Speaker, I yield 10 minutes to the gentleman from Georgia, Judge BRANTLEY. [Applause.]

The SPEAKER. The gentleman from Georgia [Mr. BRANTLEY] is recognized for 10 minutes.

Mr. BRANTLEY. Mr. Speaker, I decline to discuss the question of prohibition or the evils of intemperance, because I decline to recognize the power of Congress to legislate on these subjects for the several States. [Applause.] These are matters for the police power of the State and not for Congress.

I want to submit a few objections to the pending bill based on constitutional lines. The remarkable character of the legislation proposed will be disclosed if we consider for a moment what the effect would be if we added to it the penal clause that has been suggested. This bill prohibits the "shipment or transportation" in interstate commerce of liquors under certain conditions. If we add a penal clause, what would the law be? The Supreme Court long ago held that—

laws which create crimes ought to be so explicit that all men subject to their penalties may know what acts it is their duty to avoid. (139 U. S., 288.)

And again:

Every man should be able to know with certainty when he is committing a crime. (92 U. S., 214.)

The language of the pending bill is:

That the shipment or transportation * * * of any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind from one State * * * into any State * * * which said * * * liquor is intended by any person interested therein to be received, possessed, sold, or in any manner used either in the original package or otherwise, in violation of any law of such State * * * is hereby prohibited.

The thing prohibited is the shipment and the transportation. A penal clause would punish the shipper and the transportation company for shipping or transporting, and yet neither the shipper nor the transportation company could read the law and know what acts should be avoided to make the transaction legal; and neither one could possibly know with certainty or otherwise when he was violating the law. With a penal clause added to the bill, we would have, should the bill become a law, a penal statute embracing by reference and without description the laws of all the States and punishing one man for the bare intention, and it undisclosed, of some other man to violate some one of these undescribed laws.

No man could know when he was violating the law, and such a law would be in the teeth of the sixth amendment to the Constitution. The friends of the measure did well to omit the penal clause, but they did not thereby save the constitutionality of the bill. It is true that no penalty, in the technical sense of that term, is imposed by the bill for a violation of its terms, but the entire bill is simply a penalty. It is nothing but a penalty, for the only thing it does is to penalize the shipper and the transportation company by denying to them the right under certain conditions to engage in interstate commerce. The right to engage in interstate commerce is a constitutional right, guaranteed to every citizen, and yet this bill proposes to deny to the shipper the right to ship his goods in interstate commerce and to the transportation company the right to transport them because some man in some other State unknown to either of them has an undisclosed intention to violate a State law in connection with the goods being shipped or transported. The punishment inflicted is not upon the man who has the intention to violate the law, but upon the innocent man, the man guiltless of either act or intention in violation of any law.

I do not care what the purpose of those framing this legislation may be declared to be, I take their bill as they have written it and I find that by its very letter the thing it does and the only thing it does is to take from certain of our citizens their constitutional right to engage in interstate commerce because of the undisclosed intentions of certain other of our citizens. For my own part, I can not stand for that kind of legislation. [Applause.]

It would be a travesty upon law to call this a regulation of commerce. It is not a regulation but a prohibition of commerce and a prohibition that can not be defended upon any known principle of law. The power of Congress to regulate commerce is a power uniformly and universally held to be limited to such regulations as are reasonable in character.

Can any man say that a regulation of commerce is reasonable in character when it lays down as the condition upon which the right of interstate commerce can be enjoyed that the shipper must know the police laws of all the States and, in addition, must know the unuttered thoughts with reference to these laws of people he has never seen? The same reasoning and the same justice that would make void a penal law of that indefinite and uncertain character will surely make void also the same law enacted in the guise of a regulation of commerce.

The recent act of Congress requiring liquors shipped in interstate commerce to be plainly marked as liquors is a regulation of commerce easily understood and easily complied with, but not so the so-called regulation in the pending bill. The one is a reasonable regulation, the other an unreasonble one.

Mr. Speaker, while sympathizing heartily with the purpose of the promoters of this particular legislation, so far as that purpose may be to produce temperance and morality in this country, I am opposed to this particular legislation because it is not only unreasonable but is also a direct invasion of State sovereignty.

Let me lay down this proposition: The police power of a State is entirely separate and apart from the power of Congress under the commerce clause. The right of the State to enact police regulations is an exclusive right. The right of Congress to regulate commerce is also an exclusive right. Neither sovereignty can infringe upon the jurisdiction of the other. It is true that we sometimes have difficulty in knowing just where the right or power of one sovereignty ends and the power of the other begins. We have been told about a "twilight zone"; but, so far as the regulation of the sale of liquor is concerned, all are agreed that it comes within the police power of the States and that Congress has no jurisdiction and no power over it. I ask my friends if they would maintain as valid a law of Congress undertaking to regulate the sale of liquor in the different States of this country? I dare say they would say no. I ask them, then, if Congress has the power to adopt the police regulations of the States and make them laws of Congress? Are not the two propositions one and the same? We know that when Congress adopts the law of a State the law when adopted becomes effective not because the State enacted it but because Congress enacted it. It is said that this bill is a regulation of commerce by Congress. I deny it. If this bill becomes a law and no State shall enact legislation of any kind, what would be your regulation? None. There is no regulation unless the State acts, and the regulation that is effective is the regulation of the State and not of Congress.

Now, if Congress can not enact police regulations for the States, it can not adopt such regulations when enacted by the States. It can not adopt a part of them. If it can adopt a part, it can adopt all. The thing that is made unlawful in this bill is the intent to violate a State law. The bill is the adoption by Congress of a part of the police regulations of a State. The State law must exist before the intent to violate it can exist. Under this bill Congress enters upon the domain of State legislation. There is no principle better settled than that Congress can not do this. Section 3243 of the Revised Statutes distinctly says that the payment of an internal-revenue tax shall not be held—

in any manner to authorize the commencement or continuance of such trade or business contrary to the laws of such State.

The Supreme Court in Fifth Wallace, page 471, in speaking of the domestic or internal trade of a State, said:

Over this commerce and trade Congress has no power of regulation nor any direct control.

In Judge Cooley's Constitutional Limitations, page 574, the author says:

In the American constitutional system the power to establish the ordinary regulations of police has been left with the individual States and can not be assumed by the National Government.

In Seventy-sixth United States, page 42, the Supreme Court held the act of March 2, 1867, making it a misdemeanor punishable by fine and imprisonment to mix for sale certain oils of less than a certain temperature to be void, because, in fact, nothing more than a police regulation relating exclusively to the internal trade of the States. The Supreme Court said:

That Congress has power to regulate commerce with foreign nations and among the several States and with the Indian tribes the Constitution expressly declares. But this express grant of power to regulate commerce among the States has always been understood as limited by its terms, and as a virtual denial of any power to interfere with the internal trade and business of the separate States except, indeed, as a necessary and proper means for carrying into execution some other power expressly granted or vested.

Despite the fundamental principle thus set forth in statute and judicial opinion that Congress can not enact police regulations, here is a bill that proposes, if it proposes anything, that Congress shall enact by adoption certain of the police regulations of the States, by which regulations interstate commerce shall be variously regulated in the different States.

I submit that this can not be done. But, Mr. Speaker, if it could be done—if Congress has any such power—I would, as a

friend of State sovereignty, shrink from its exercise in the way proposed, because if we concede that Congress may enter the domain of State sovereignty for the purpose of prohibiting the sale of liquor, we must concede, further, that Congress can also so enter for the purpose of permitting the sale of liquor. If Congress has jurisdiction at all, its jurisdiction is as complete to permit as it is to prohibit.

But, going a step farther, this bill is an invasion of State sovereignty because it is the exalting of the sovereignty of one State by degrading the sovereignty of another State. [Applause.] The States are equal in sovereignty, and neither one is supreme or superior to another. If this bill becomes a law there will be one State where under the Constitution a contract will be made—a valid legal contract—to purchase and deliver intoxicating liquors and ship them in interstate commerce; yet another State, with no greater sovereignty, will be permitted to annul that contract and prevent its enforcement because Congress has adopted the law of the State that contains the prohibition.

Mr. WEBB. May I interrupt the gentleman there?

Mr. BRANTLEY. I have but a moment.

The SPEAKER. Does the gentleman from Georgia yield to the gentleman from North Carolina?

Mr. BRANTLEY. I have no time, Mr. Speaker.

The SPEAKER. The gentleman declines to yield.

Mr. BRANTLEY. We would thus, by this legislation, bring about a conflict that I do not know how you would settle nor how it would be settled. One sovereign State would demand the right to have its valid contracts enforced and another State would demand the right to prevent their enforcement and deny the sovereignty of the other State to sanction the contract. It was to avoid that very situation that our Constitution was framed and that the commerce clause was put into the Constitution of the United States.

Mr. Speaker, in my judgment, this legislation would not only be invalid if enacted, but it would accomplish no results, because in the end, if it could be enforced at all, it would have to be enforced by the same machinery that is now in existence, and which our friends tell us now fails to enforce the laws we already have. [Applause.]

Not only does the bill fail to include any provision for its enforcement, but being based solely on an intent and an intent that must exist in advance of any act or attempt toward carrying it into effect, how can the law be enforced? How can such an intent be proven? The law must fail because of no judicial power to ascertain the existence of or to decree against such an intent.

The friends of the measure seem to have the idea that the States will enforce the law by denying the admission into their territory of certain liquors. But can that be possible?

No State will have any greater power after the passage of this bill than it had before. The States can not now, nor can they after the passage of this bill, regulate interstate commerce. This is so, not because of the will of Congress but because of the command of the Constitution.

After the passage of this bill, as now, an interstate shipment must be allowed to proceed to delivery to the consignee, for it is so written in the Constitution and so construed by the Supreme Court.

Neither the right to interstate commerce nor the interstate-commerce character of any lawful article of commerce can be determined or denied by the police regulation of any State. The protection that an interstate shipment of liquor has until delivery to the consignee is a protection granted by the Constitution, and it is as much beyond the power of Congress to alter or repeal the Constitution as it is beyond the power of the State so to do. A legitimate article of commerce will not and can not cease to be such because of an intent in the mind of some man to use it in some way in violation of a State police regulation. Its interstate-commerce character can not be tested by any such rule, for to permit such a rule would be to repeal the commerce clause of the Constitution and to transfer from Congress to the States the power to regulate interstate commerce.

This bill is but the old Hepburn-Dolliver and the old Littlefield bills stated in another way. In those and similar bills Congress has been asked for several years to say that if any State so willed interstate commerce should cease to be interstate commerce when it reached the boundary line of such State. Congress was asked in those bills to say in terms that the police power of the State should attach to intoxicating liquors the moment they entered the State. There was no question here as to what the promoters of this class of legislation sought. They were open and candid in their demands, and in terms they asked that the regulating power of Congress over commerce be subordinated to the police power of the State. In the pending bill they are not so open and candid. They say now they are asking a regulation by Congress. But are they? The regulation sought is a regulation in name only, so far as Congress is concerned. They seek now, as before, to subordinate the power of Congress to the power of the State. They would have Congress adopt the police regulations of the State, and then permit the State to enforce these regulations as applied to interstate commerce. The thing sought now is identically the thing that was sought before. The end to be reached, to wit, State control of interstate commerce in liquors, is the same now as it was before.

Congress has heretofore in its wisdom denied the appeals for such legislation because beyond the power of Congress to grant. Congress has no greater power now than it has heretofore had.

Gentlemen, in their advocacy of this measure, fail to tell us that the States in the exercise of their police power have never sought to go further in dealing with intoxicating liquors than to prohibit their sale. The personal use, consumption, and possession of liquors has not been interdicted. Intoxicating liquors have not in and of themselves been legislatively declared to be detrimental to the health, peace, or morality of any State. The thing that has been condemned is the selling of them. It has been the business of the dealer and not the consumption by the individual that has been condemned. So far as the sale of liquors is concerned, the power of the States is now ample to control and prohibit it.

The supreme power over the sale now vests in the State. There is no State in the Union where intoxicating liquors, no matter from where they come, can be lawfully sold except in obedience to the laws of such State. If in any State liquors are to-day being unlawfully sold, it is because the officials of such State are failing to do their duty. If it is the purpose of gentlemen advocating this legislation to prevent the use and consumption of liquors, they are appealing to the wrong sovereignty. The place to go is the legislatures of their respective States. Congress has no power for that purpose, and I might say that it will be time enough to ask Congress to deny the right of interstate commerce to all liquors when the States have outlawed their use, consumption, and possession.

In 1890 Congress enacted the Wilson law, which is now of force. This law provides that—

> * * * Intoxicating liquors or liquids transported into any State or Territory or remaining therein for use, consumption, sale, or storage therein shall, upon arrival in such State or Territory, be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers to the same extent and in the same manner as though such liquids or liquors had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

This reads very much like what is now being proposed in the way of legislation. The language of the present law "upon arrival in such State" is broad enough to cover a shipment the moment it crosses the State line, for at that point it has "arrived in such State," but the Supreme Court held that these words meant and necessarily meant arrival at place of destination and delivery to the consignee, for until that time the shipment constitutes interstate commerce, control over which Congress could not delegate to the States. This law and the repeated adjudications of the Supreme Court thereon foreclosures the subject with me. I shall stand upon the Constitution as the fathers wrote it and as the courts have expounded it.

Congress has already legislated in so far as it can do so to enable the States to control all sales of all liquors being or coming within their respective domains, and the power of the States in that regard is full and complete. Congress has gone further than mere sales of liquor, for in the law just quoted it has declared that, no matter from where liquors come, when they reach the consignee their use, consumption, or storage, as well as their sale, shall be subject to the police power of the State. Under the Constitution a man is entitled to ship and to receive liquors in interstate commerce, but after receiving them he holds them subject to the police power of his State, and can make no lawful use of them save in compliance with the laws of his State.

Mr. Speaker, to my way of thinking there is abroad in our country what seems to me a most dangerous sentiment. For my own part I am not concerned as to what the courts may do with this bill if it becomes a law, but I am concerned as to what I do with it under my oath of office. [Applause.]

The sentiment abroad, and which I regard as the most dangerous to-day in our Republic, is the sentiment that there are no guardians and no keepers of the Constitution save the judges of the courts of our land, and that if public sentiment seems to demand certain legislation Congress must enact it and leave to the courts to say whether or not it complies with the Constitution.

When I realize and know that there to-day exists no more obligation upon the part of the Chief Justice or any of the Associate Justices of the Supreme Court to uphold the Constitution than has been incurred by me, because the same oath to support the Constitution they have taken I have taken, I refuse to subscribe to the proposition that I must abdicate my power and my duty as a legislator of first passing upon constitutional questions.

Mr. Speaker, if this tendency or this sentiment persists, what must be the result in the end? If it persists, one of two things must happen. Either the courts must abdicate their duty and violate their obligations or else some day the people, led by the criminal indifference and cowardice of their legislators to believe themselves an outraged people, will rise up and hurl the courts from power, and in either event constitutional government will be gone. [Applause.]

I believe that important as it may be and important as it is to enforce prohibition or temperance, important as it is to have enacted this reform and that reform, I believe it is more important to each and all of us to preserve the Constitution under which we live. [Applause.]

Mr. McCOY. Mr. Speaker, how much time is there remaining?

The SPEAKER. The gentleman from New Jersey has 18 minutes and the gentleman from Alabama 21 minutes.

Mr. CLAYTON. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER of Missouri. Mr. Speaker, I would not trespass upon the patience of the House this morning to discuss this measure, as my attitude is well known, if it had not been that my colleague from the other side of the aisle [Mr. BARTHOLDT] undertook to speak for the people of that great Commonwealth lying just west of the Mississippi in which he and I live. I challenge his statement that he speaks in behalf of the majority of the people of Missouri. I say to him that I and those who cooperate with me speak for the liberty-loving, home-loving, law-abiding, righteous, moral element of the people of that great State. [Applause.] He speaks, as he has often spoken, in behalf of those in his district and elsewhere who have accumulated vast fortunes, aggregating many millions of dollars, built upon the wrecked homes of thousands of good people throughout this land. I speak for those whose homes have been devastated, whose manhood has been corrupted, whose happiness has been destroyed, whose rights have been trampled under foot by those he speaks for.

Mr. BARTHOLDT. Mr. Speaker, will the gentleman yield?

Mr. RUCKER of Missouri. Certainly.

Mr. BARTHOLDT. Is it not true that two years ago the people of the gentleman's State and my State voted——

Mr. RUCKER of Missouri. Yes; it is true.

Mr. BARTHOLDT. But I have not yet finished my question.

Mr. RUCKER of Missouri. I know what the gentleman is going to ask, and, in reply, I answer, the question then involved was State-wide prohibition, not local option; but, may I say, I have reason to believe and do believe that those you speak for imported cheap voters from other States in order to secure a majority against State prohibition in Missouri.

Mr. BARTHOLDT. Oh, the gentleman knows that is not true, and a Democratic legislature has admitted that it is not true, and officials appointed by the governor have admitted that it is not true, but Missouri by a majority of 217,000 votes defeated prohibition.

Mr. RUCKER of Missouri. Mr. Speaker, I do not want to discuss that matter, as it is in nowise involved here, but I will say that just after that election sadness was depicted in the faces of some of my good friends across the aisle who lost votes enough in their districts to enable the people to send Democrats in their places, because those represented by my esteemed colleague [Mr. BARTHOLDT] brought in every voter they could from far and near to vote against prohibition in Missouri, and I think the gentleman knows it.

Mr. BARTHOLDT. Oh, there is not one word of truth in that.

Mr. RUCKER of Missouri. I say there is.

The SPEAKER. Does the gentleman from Missouri yield to the other gentleman from Missouri?

Mr. RUCKER of Missouri. At any time and in any place.

Mr. BARTHOLDT. Will the gentleman yield?

Mr. RUCKER of Missouri. I will, but make your question short.

Mr. BARTHOLDT. Just a word. The legislature appointed a committee to investigate that condition of affairs. That committee was Democratic in its majority and it reported that there was no importation of voters from outside.

Mr. RUCKER of Missouri. I can not yield further.

The SPEAKER. The gentleman declines to yield further.

Mr. RUCKER of Missouri. Mr. Speaker, the gentleman provokes me to say that from one disreputable house in St. Louis there were voted several hundred alleged voters who did not live in St. Louis.

Mr. BARTHOLDT rose.

Mr. RUCKER of Missouri. Oh, I am not going to further discuss that matter with the gentleman.

The SPEAKER. The gentleman declines to yield.

Mr. RUCKER of Missouri. I want to say, in conclusion, that I am glad that the Congress of the United States, in response to a demand widespread and intelligent, not fanatical, as some gentlemen have denounced it, but a moral sentiment which comes from ocean to ocean, is to-day responding to that appeal and by an overwhelming vote will send this bill to the other end of the Capitol for its enactment into law.

Mr. Speaker, it is said that the passage of this bill may dissolve the Union and destroy the Constitution. Let me appeal to those gentlemen who are afraid the Constitution is going to be wrecked because we say to dealers in liquor that they can not ship their goods into States where its sale is prohibited by law, to be sold in violation of local law, to be of good cheer. The Constitution does not depend upon a whisky bottle for its perpetuity and its safety. It rests upon and depends upon——

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. RUCKER of Missouri. Mr. Speaker, I was just getting to the interesting point in my speech, but I yield.

Mr. McCOY. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. GALLAGHER].

Mr. GALLAGHER. Mr. Speaker, I have listened with a great deal of attention to-day to the arguments made for and against the passage of this bill. They are made by lawyers, principally upon its constitutionality, and from the wide difference of opinion that is manifest, I am reminded of what President Taft once stated, that great constitutional lawyers are those that have given up the practice of law and gone into politics.

Being a business man, I prefer to speak from a business standpoint, because I believe the passage of such a law as this would interfere very materially with the business and commercial welfare of the country. I have very grave doubts about the bill doing what is intended by it, and do not hesitate to say that I believe there will be liquor, and lots of it, sold in the States that you are now legislating to keep it out of, after the law is passed. I am not much of a prohibitionist when it comes to passing legislation of this kind. I have never been in any section of the country where prohibition prohibits, because it is hard to prevent the sale of intoxicating liquors when public sentiment is against it. I am not reflecting on those who advocate prohibition, nor am I finding fault with those who condemn liquor because of its ill effects. If one-half the effort were made to regulate the sale of liquor that is made to prohibit its use, we would accomplish more of a benefit to humanity.

The business world to-day is doing more for the cause of temperance than many of the reformers. It is fast becoming apparent that men who drink to excess can not occupy places of responsibility or trust in the commercial or industrial world. I doubt whether anybody who has given serious thought to the subject will contend that you can regulate men's appetites by law. You hear a great deal about dry territory. Where is it? I have been in many of the so-called dry States, but never was in one where you could not get as much whisky as you wanted to pay for. I do not believe there is any dry territory, and there are many here more certain of that fact than I am.

I feel sorry for men who have formed an uncontrollable habit for liquor, and have seen the misery and crime that come from it in my many years of city life. Many consider it more of a disease than a habit. If an effort were made to treat it as such, great good would be accomplished.

If this law is intended as a bluff to stop the railroads from transporting liquor, it will not accomplish its purpose. Railroads will handle just as much liquor as they did before. They will haul it to out-of-the-way places along State lines, and it will be carried into so-called dry territory just the same. I am sorry for many Representatives to-day who will be compelled to vote for this bill. I know there are many who want to see this bill defeated. There are men here who will vote for this measure who drink more whisky in a day than I do in a year. [Laughter and applause.]

I do not wish to deprive any person by law of a privilege that I would like to enjoy myself. I hate hypocrisy. I want to be honest with the people I represent. There is no general demand, so far as I know, by the people for this kind of legislation. I am not speaking in the interest of nor do I represent anyone connected with the liquor trade, but as a business man I do believe that the business side of the question should be considered when laws of this kind are to be passed.

In 1909 Illinois, the State I in part have the honor to represent, ranked first in the United States in the manufacture of distilled liquors. The value of the production of distilled spirits in my State for the year was $55,200,000, or 27 per cent of the total for the United States. Of the total value of products of this industry in the State in 1909, more than three-fourths ($42,758,000) represents the Federal internal-revenue tax. Illinois was first for the fiscal year 1912 in the collection of internal-revenue taxes, amounting to $52,614,483.95. Of the 67 collection districts subject to internal-revenue laws, the fifth district of Illinois reported the largest collections—$29,868,439.32. It also had the largest output of distilled spirits during the past fiscal year—28,928,567 gallons. No industry is so heavily taxed. What would support the Government should this revenue be shut off? Will the tax dodgers furnish it? Of fermented liquors my State produced 6,263,862 barrels, and the first Illinois district produced 5,321,342 barrels. In the city of Chicago, where I live, the receipts from saloon licenses is about $7,252,687 annually. The total tax otherwise collected from the liquor industry in Illinois, I believe, exceeds the amount of internal-revenue taxes paid the Federal Government.

Some idea of the wine industry of this country will be understood by a reference to a single State of the Union, to say nothing of the other great States engaged in the cultivation of the grape. It is the third largest industry in the State of California, and in the wine section, where a few years ago nothing could be seen but cactus and sagebrush along the foothills, now can be seen beautiful and prosperous settlements, with miles and miles of vineyards.

The amount of capital invested in this industry in the State is over $150,000,000, and 60,000 people, mostly small farmers, are engaged in the cultivation of these numerous vineyards.

The production of fermented liquors during the fiscal year ended June 3, 1912, was 62,176,694 barrels, or a decrease of 1,106,429 barrels, as compared with the highest record, for the year 1911. The number of breweries operated during the year was 1,461, a decrease of 31 breweries, as compared with 1911. Some idea of business conditions in the country will be noted from the following:

The total ordinary receipts of the Government for the year 1912 were $691,778,465.37.

Of this, $321,615,894.69 was collected from internal sources through the Bureau of Internal Revenue. Of this amount $149,933,706.53 was collected on distilled spirits, $62,108,633.39 on fermented malt liquors, and $7,001,967.70 from special taxes, case stamps on bottled-in-bond goods, and so forth, a total of $219,044,307.62 from the traffic in liquor.

For the four years from 1909 to 1912, inclusive, the distilled spirits withdrawn tax paid was as follows.

	Gallons.
1909	114,693,578.2
1910	126,384,726.7
1911	134,706,213.9
1912	135,913,479.6

showing total withdrawals in 1912 of 21,219,901.4 gallons in excess of 1909, notwithstanding the spread of prohibition.

During the same period the fermented malt liquors withdrawn tax paid were as follows.

	Barrels.
1909	56,303,497
1910	59,485,117
1911	63,216,851
1912	62,176,694

The above figures show that while there has been a heavy increase in the output of distilled spirits the production of beer has been practically at a standstill, leading unavoidably to the conclusion that the effect of prohibition is to increase the consumption of spirituous liquors, which can be easily handled and, owing to their very much smaller bulk, are infinitely more easily concealed than beer can be. It will be seen from this statement that prohibition causes an increase in the sale of spirituous liquors. The law will prevent wine and malt liquors from being received in prohibition States. Owing to the size of the package, it is easy to detect and the law officers can find it. People who want liquor will be supplied with vile whisky, and instead of reducing drunkenness it will encourage a lawless class, anxious to make money, to resort to the most extreme measures in order to defeat the law and rob the public.

I now call your attention to figures I have collected showing the number of illicit distilleries that were seized, as follows:

1909	1,743
1910	1,911
1911	2,471
1912	2,466

Of the whole number seized in 1912, 2,466, 1,407 were seized in the States of Alabama, Georgia, North Carolina, South Carolina, Tennessee, and Virginia, all of which States are understood to be nearly, if not quite, dry territory.

Illicit distilling and "bootlegging" continue without sign of abatement. During the past fiscal year practically the same number of illicit plants were seized and destroyed as during the previous fiscal year. It appears that in some sections of the country where local officers make some effort to enforce local prohibitory laws there is an increasingly greater demand for illicit whisky, and as the prices go up more persons are willing to run the risk of violating the law. When you take into consideration the number of plants running which the officers are unable to locate the taxes on the entire amount of illicit spirits so manufactured represent a large amount of revenue that is lost to the Government. It also represents and is responsible for a tremendously large disturbing element which is a promoter of lawlessness and crime in the communities where these plants are located.

This indicates conclusively that the demand for liquors is such that, where the supply is cut off by law, the resulting high prices which men are willing to pay in order to get something to satisfy their appetites afford a powerful inducement to supply that demand illegally. It would seem, therefore, that the result of legislation to prohibit the shipment of liquors into any given territory would inevitably cause an enormous increase in crimes against the revenue laws and a supplying of the demand for liquors from illicit stills. From this source the Government derives no tax.

The number of persons who paid special taxes as liquor dealers during the year 1912 in territory where the business is wholly or largely prohibited by law is as follows:

Alabama	1,304
Georgia	1,517
Iowa	3,051
Kansas	538
Kentucky	3,223
Maine	924
Nebraska	2,440
North Carolina	619
North Dakota	679
Oklahoma	1,104
South Carolina	1,040
South Dakota	1,238
Tennessee	2,078
Virginia	1,413

In conclusion, I draw the deduction from these figures and facts that prohibition does not prohibit; that the exclusion of liquors as contemplated by this act will have the opposite result to that which those seeking this legislation desire; that the users of malt liquors will hereafter drink spirit liquors, and the latter will be manufactured regardless of its quality or its effect on the human body. A premium will be offered to the "moonshiners" and others engaged in this lawless traffic. The vineyards of this country will be destroyed. The great property interests and the vast amount of capital invested in the liquor trade will be irreparably injured. The nature and the effect of this character of legislation would be to confiscate property by process of law. The Nation, the States, and the municipalities will suffer the loss of the income from which these governments derive their principal support. No substitute revenue is offered. This bill, if enacted into law, will mean ruin to the millions and millions of dollars invested in great legitimate enterprises. It would place in the list of unemployed an army of many hundreds of thousands who would be affected directly or indirectly by this legislation. No President can sign such a bill; no President will. I am opposed to the passage of any such law. [Applause.]

Mr. CLAYTON. Mr. Speaker, I yield two minutes to the gentleman from Colorado [Mr. RUCKER].

Mr. RUCKER of Colorado. Mr. Speaker, if there is any trepidation in my nature, it would have removed me from this seat after hearing the argument of the gentleman from Georgia and the other gentleman who succeeded him just as quickly as my constituents removed me from this Hall. Mr. Speaker, I was a practitioner of the bars in the early days of my life. I had occasion to go out many times and cuss the court deciding the case and very many times to go out from the other bar and cuss the proprietor for serving such bad whisky [laughter], going away with a headache in one case and disgruntled in the other. But, Mr. Speaker, I am in favor of this bill be-

cause it makes all of us, severally and individually, our own barkeepers; and since I am compelled to go back to one or both of these bars [laughter], I am going to go along the lines of least resistance and vote for the bill. I would not refer to this fact except in connection with an editorial printed in the Commoner on the 17th of January, by the great commoner, statesman, and advocate of moral uplift, and I read just one sentence from that editorial:

What Democrat——

The SPEAKER. The time of the gentleman has expired.

Mr. RUCKER of Colorado. I will ask leave to extend my remarks in the RECORD and also include another editorial that is due on the desks of all Members elaborating this subject.

The SPEAKER. The gentleman has that right already.

The editorial referred to is as follows:

A GOOD DEMOCRATIC MEASURE.

A measure pending in Congress and giving to the States absolute power over the shipment of liquor is good and ought to be enacted into law. It is called the Kenyon-Sheppard bill and proceeds upon sound Democratic theory. Long ago Mr. Bryan favored such a measure, and in the Commoner, April 22, 1910, he wrote an editorial, in which he said: "Interstate commerce is used to override State laws. What Democrat is willing to put himself on record against the proposition that the right of the people of a State to control the liquor traffic is more sacred than the right of liquor dealers to dispose of their product in dry territory and in violation of the law? Mr. Bryan believes that Congress should pass a law recognizing the right of each State to prescribe the conditions upon which intoxicating liquors can be transported, sold, and used within its borders. He also believes that the Federal Government should dissolve partnership with lawbreakers and no longer issue licenses for the sale of liquor in communities where local laws prohibit its sale. If it is thought unconstitutional to discriminate in the issue of licenses between different communities, the same end can be reached by reducing the license to a nominal figure and requiring the applicant for a Federal license to give written notice to the local authorities and newspaper notice to the local public of his intention to apply for a license. Now let those who oppose these propositions meet them with arguments."

Mr. CLAYTON. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER. Fourteen minutes.

Mr. CLAYTON. How much time has the gentleman from New Jersey?

The SPEAKER. Fifteen minutes.

Mr. CLAYTON. Mr. Speaker, I yield to the gentleman from Tennessee [Mr. SIMS]. [Applause.]

Mr. SIMS. Mr. Speaker, I rise to express my sympathy for those great constitutional lawyers who wear the Constitution as a hobble skirt and fall down every time they try to go forward and fall down every time they try to go to the right or to the left, who can only stand still where they are until they shrivel up or turn to a pillar of salt like Lot's wife. [Laughter and applause.] I want to ask every Member of this House who wants to accomplish the purposes for which this bill is intended, or anything like it, to vote for it without amendment. I ask you to vote every one of these amendments down. This is a battle that is being fought under the command of a general, under the command of the chairman of this great Committee on the Judiciary, and we can not here on the spur of the moment undertake to change the plan of battle and hope to win. Let us follow our gallant leaders who have given this matter nearly two years' continuous investigation and study and we can not fail to win. [Applause.]

Mr. Speaker, it is always noticeable that no plan can be suggested to control any evil, where profit is to flow from its pursuit, that those engaged in it do not flee to the Constitution for shelter and protection. We can hardly propose any kind of control or regulation of the liquor traffic, by either State or National legislation, that we are not immediately warned by those engaged in the traffic that we are violating the Constitution. They become immediately the stout defenders and protectors of the organic law. Written constitutions are nothing more than statutory enactments in general terms made difficult to repeal. But we do not find our friends who are engaged in the liquor business crying out for the observance of ordinary statutory enactments or for the enforcement of ordinary laws and police regulations.

They are vigorous in their demand for the observance of constitutional limitations by legislative bodies, whenever these bodies have under consideration any proposed legislation looking to the better control and regulation of their business; but when it comes to complying with statutory limitations upon the conduct of their business, in the interest of public health and public morals, they cry out oppression and coercion and refuse to obey the laws, and denounce them as arbitrary and despotic, and that we are trying to legislate the bad habits and bad appetites out of men and to legislate good habits and good morals into them.

Mr. Speaker, such arguments have no effect on me in determining how I shall vote on this bill, not because I do not feel the binding force of constitutional restrictions upon our power to legislate on this as well as on all other questions coming before us. I have never known an attempt to control by legislation any kind or character of business that would, in the opinion of those engaged in it, make it less profitable that the unconstitutionality of the measure was not immediately charged in opposition to its enactment.

Mr. Speaker, when we had before this House a few years ago a bill to prohibit the white-slave traffic, some of the best men and best lawyers in this body at that time opposed its passage on the ground that we had no constitutional power to enact such legislation under the commerce clause of the Constitution, that the white-slave traffic was not commerce, in the sense used in the Constitution. These same gentlemen were as anxious as any of us to prevent the white-slave traffic, but felt constrained by the Constitution and voted against the bill. I said in argument in support of that measure that I did not know how the courts would hold on the question of the constitutionality of the law; that I did not believe the bill was unconstitutional; and that the white-slave traffic could not be successfully dealt with by the States and that when I was in doubt, I would solve the doubt in favor of the best interest of the public and voted for that bill, and I intend to do so on this occasion. The white-slave law has been very successfully enforced ever since its enactment and no court has held it unconstitutional in any respect.

Mr. Speaker, I hope I may be excused for indulging in a few observations even at the risk of it being charged that they do not pertain to the bill under consideration at this time.

The question of governmental control and regulation of the liquor traffic is not new, either in this or foreign countries, and at this late day it seems to remain an unsolved problem.

We hear much said about taking the liquor business out of politics and keeping it out. Nothing would please me more than to see this done; but I want to ask our ardent and zealous friends of such a proposition, How is it going to be accomplished? I used to hear a great deal said along the same line about keeping the railroads out of politics, and after studying the question for quite a while I decided that the only way to keep the railroads out of politics was to keep politics out of the railroads; in other words, to cease to legislate concerning railroads. But I had to admit to myself that while my remedy would certainly take the railroads out of politics, it was impossible to cease legislating concerning railroads. So, Mr. Speaker, as I see it now, I never expect to see the railroads out of politics.

But to recur to my inquiry as to how we are going to take the liquor business out of politics, I have reached the same conclusion—that we must first take politics out of the liquor business. The Government is not in the railroad business and does not share in the profits derived in the pursuit of such business. Can it be thus said of the liquor business?

The Federal Government taxes the manufacture of whisky in a sum equal to several hundred per cent of its total value as a manufactured product. I am not informed as to the actual value of whisky untaxed, but I am told that it is about 25 or 30 cents per gallon, while the Government tax is $1.10 per gallon. Is there any other article of manufacture that bears anything like so heavy a tax as does whisky? Such a tax on almost any other article of manufacture would be absolutely prohibitive. The amount of this tax is strongly suggestive of the purpose being prohibition rather than revenue production. If the intention was prohibition, it is a failure; if revenue was the only object and purpose, it is excessive and unjust.

Mr. Speaker, practical prohibition by the United States Government can be brought about by levying a tax on intoxicating liquors so high as to become prohibitive without any amendment to the Federal Constitution.

There is no law of Congress that I am aware of that forbids the issuance of notes to circulate as money by State banks, but there is a Federal tax upon such notes equal to 10 per cent of face value, which does most effectually prohibit the issuance of such notes. A tax levied upon whisky, wine, and beer by the Federal Government large enough would most effectually prevent the manufacture and sale of such liquors in every State in the Union and in all Districts and Territories under the jurisdiction of the United States without supplementary legislation by any State or Territory, and such a law could and would be enforced. Such a law of Congress would most effectually take the liquor business out of politics for the plain and simple reason that there would be no liquor business to go into politics. Now, Mr. Speaker, if we want universal, Nation-wide prohibition we know how to get it, by congressional action and remove most effectually every manufacturer, wholesaler, retailer, and saloonkeeper in the United States from participation in politics.

But, on the other hand, if national prohibition is not desired nor intended, why retain a rate of taxation on the liquor business by the Federal, State, county, and municipal governments

that not only permits but drives every man engaged in the manufacture and sale of intoxicating liquors into city, county, State, and National politics?

Under the existing high-license and high-tax systems prevailing in the United States, the Federal, State, county, and municipal governments are actual profit-sharing copartners with the manufacturers and dealers in intoxicating liquors. How can we denounce a traffic as immoral, as destructive of public health, and as a producer or promoter of almost every crime under the sun while sharing the profits of that traffic? If our Federal tax is intended to prohibit the traffic, then make it effective by making it high enough to accomplish that purpose. But, on the other hand, if it is intended simply to produce revenue, reduce the tax to a revenue basis. If the taxation imposed on the manufacture and sale of intoxicating liquors was no higher than is imposed on so-called legitimate business, then the liquor maker and liquor seller would have no greater interest in politics than those engaged in other lines of business.

I know it is a policy of our people to tax luxuries higher than the necessaries of life, and that liquors and tobacco are classed, for purposes of taxation, as luxuries. But a tax upon intoxicating liquors out of all proportion to commodity value has made it more profitable to dodge these heavy taxes and thus secure a higher money return on a smaller amount of the commodity dealt in than by paying the tax and thus securing a much smaller money return on a much larger volume of the commodity handled. This condition naturally breeds the bootlegger, the illicit distiller, the smuggler, the license dodger, and law violators generally that this bill is intended to reach.

This system of high license and high taxation has brought into all our political units, from the smallest city ward to the wide domain of the Nation itself, all persons interested in the manufacture and sale of intoxicating liquors, or who are making money by violating the laws of State and Nation regulating and controlling this traffic, and it is useless and a waste of time to talk about removing this influence from politics while the cause and inducement for this active participation remains.

Mr. Speaker, millions of dollars are expended annually by the liquor traffic in all its phases in controlling ward meetings, village meetings, city meetings, county and State conventions, city, county, and State primaries, and even national conventions, all for the purpose of protecting the money profits of this business. No such a burden is necessary to the life of any other business in our country. Besides these things, the liquor business is often laid under tribute by municipal officers as a compensation for lax enforcement of the laws. Just as long as it is profitable for those engaged in the liquor business to spend their money in controlling conventions, primaries, and legislative bodies, just so long will their money be so used, and all attempts to prevent it by simple regulatory statutes will be unavailing. We must either make the tax prohibitive or so reduce it that it will not be profitable to evade it or dodge it or to expend vast sums of money in seeking to control politics and legislation.

Mr. Speaker, I am not addressing myself to the effect such legislation as I am discussing will have upon the use of intoxicating liquors. As a general rule, the more difficult it is to get intoxicating liquors the less such liquors are used. I am addressing myself alone to the effect that our present system of high license and high taxation of the liquor traffic has upon legislation and politics.

If the tax was either removed altogether or so reduced that it would not be profitable to use so much time and personal effort and to expend vast sums of money in the control or attempt to control the politics of ward, county, State, and Nation, I think it would be much easier to enact and to enforce prohibition laws in the States, counties, cities, and wards than it is now. If the high taxes and high licenses were removed or greatly reduced, the competition in manufacture and sale would be so sharp that the profits of the business would be so small that it would not pay to spend such vast sums of money in controlling or attempting to control politics and legislation. It does not follow that because competition in manufacture would be greatly increased by removal of these heavy, discriminating taxes that it would lessen the desire or reduce the demand for prohibition State laws or local-option laws. But it would make it much easier to both pass and enforce such laws.

It would require no great effort to enforce a State law against the manufacture and sale of soda water, although to do so would be as much of an infraction of the personal liberty of the citizen as if it was a law to prohibit the manufacture and sale of whisky. But the profits of the soda-water business would not be such as to make it profitable to expend the large sums of money necessary to thwart the will of the people.

If there was no Federal tax, or a very small revenue tax, on the manufacture and sale of whisky, we would have no Whisky Trust.

Mr. Speaker, the revenue necessities of the Government are not such, nor can they ever be such, as to justify its practical partnership in the whisky business, if that business is the cause of all the crime, misery, and poverty that is laid at its door.

If we impose a prohibitive tax on the traffic, it will end it and make prohibition complete and effective in every State in the Union. If we remove or reduce the tax, the control of legislation and politics by the use of money in shaping legislation in the States and subdivisions thereof will cease and then prohibitive legislation in the States can and will be enforced.

Mr. Speaker, if all the crime, misery, and poverty that is charged up against the liquor traffic is a true and just accusation, how can we justify ourselves in voting a tax upon such a source of evil simply because our salaries and other Government expenses are paid in part from the fund arising from the imposition of such a tax?

Shall we tolerate the existence of a public evil simply because that evil is willing to turn into the Public Treasury a part of its profits as the price of its existence?

Mr. Speaker, on February 21, 1743, 170 years ago, while a bill was pending before the House of Lords in the Parliament of England for the purpose of licensing and taxing the sale of gin, Lord Chesterfield delivered a notable speech bearing on the question of accepting tax money for the permission to sell gin, an intoxicating liquor. As bearing on what I have just said, I will now read that speech in my time as part of my remarks:

"To desire therefore, my Lords, that this bill may be considered in a committee is only to desire that it may gain one step without opposition; that it may proceed through the forms of the house by stealth, and that the consideration of it may be delayed till the exigencies of the Government shall be so great as not to allow time for raising the supplies by any other method.

"By this artifice, gross as it is, the patrons of this wonderful bill hope to obstruct a plain and open detection of its tendency. They hope, my Lords, that the bill shall operate in the same manner with the liquor which it is intended to bring into more general use; and that as those who drink spirits are drunk before they are well aware that they are drinking, the effects of this law shall be perceived before we know that we have made it. Their intent is to give us a dram of policy which is to be swallowed before it is tasted and which, when once it is swallowed, will turn our heads.

"But, my Lords, I hope we shall be so cautious as to examine the draft which these state empirics have thought proper to offer us, and I am confident that a very little examination will convince us of the pernicious qualities of their new preparation and show that it can have no other effect than that of poisoning the public.

"The law before us, my Lords, seems to be the effect of that practice of which it is intended likewise to be the cause and to be dictated by the liquor of which it so effectually promotes the use, for surely it never before was conceived by any man intrusted with the administration of public affairs to raise taxes by the destruction of the people.

"Nothing, my Lords, but the destruction of all the most laborious and useful part of the nation can be expected from the license which is now proposed to be given not only to drunkenness but to drunkenness of the most detestable and dangerous kind, to the abuse not only of intoxicating but of poisonous liquors.

"Nothing, my Lords, is more absurd than to assert that the use of spirits will be hindered by the bill now before us, or, indeed, that it will not be in a very great degree promoted by it. For what produces all kind of wickedness but the prospect of impunity on the one part or the solicitation of opportunity on the other? Either of these have too frequently been sufficient to overpower the sense of morality and even of religion, and what is not to be feared from them when they shall unite their force and operate together, when temptations shall be increased and terror taken away?

"It is allowed by those who have hitherto disputed on either side of this question that the people appear obstinately enamored of this new liquor; it is allowed on both parts that this liquor corrupts the mind and enervates the body and destroys vigor and virtue at the same time that it makes those who drink it too idle and too feeble for work, and while it impoverishes them by the present expense, disables them from retrieving its ill consequences by subsequent industry.

"It might be imagined, my Lords, that those who had thus far agreed would not easily find any occasions of dispute, nor

would any man unacquainted with the motives by which parliamentary debates are too often influenced suspect that after the pernicious qualities of this liquor and the general inclination among the people to the immoderate use of it had been generally admitted it could be afterwards inquired whether it ought to be made more common, whether this universal thirst for poison ought to be encouraged by the legislature, and whether a new statute ought to be made to secure drunkards in the gratification of their appetites.

"To pretend, my Lords, that the design of this bill is to prevent or diminish the use of spirits is to trample upon common sense and to violate the rules of decency as well as of reason. For when did any man hear that a commodity was prohibited by licensing its sale or that to offer and refuse is the same action?

"It is indeed pleaded that it will be made dearer by the tax which is proposed, and that the increase of the price will diminish the number of the purchasers; but it is at the same time expected that this tax shall supply the expense of a war on the Continent. It is asserted therefore that the consumption of spirits will be hindered, and yet that it will be such as may be expected to furnish, from a very small tax, a revenue sufficient for the support of armies, for the reestablishment of the Austrian family, and the repressing of the attempts of France.

"Surely, my Lords, these expectations are not very consistent, nor can it be imagined that they are both formed in the same head, though they may be expressed by the same mouth. It is, however, some recommendation of a statesman when, of his assertions, one can be found reasonable or true; and in this praise can not be denied to our present ministers, for though it is undoubtedly false that this tax will lessen the consumption of spirits, it is certainly true that it will produce a very large revenue, a revenue that will not fail but with the people from whose debaucheries it arises.

"Our ministers will therefore have the same honor with their predecessors of having given rise to a new fund, not, indeed, for the payment of our debts but for much more valuable purposes—for the cheering of our hearts under oppression and for the ready support of those debts which we have lost hopes of paying. They are resolved, my Lords, that the nation, which no endeavors can make wise, shall while they are at its head at least be merry; and since public happiness is the end of government, they seem to imagine that they shall deserve applause by an expedient which will enable every man to lay his cares asleep, to drown sorrow, and lose in the delights of drunkenness both the public miseries and his own.

"Luxury, my Lords, is to be taxed, but vice prohibited, let the difficulties in executing the law be what they will. Would you lay a tax upon a breach of the Ten Commandments? Would not such a tax be wicked and scandalous, because it would imply an indulgence to all those who could pay the tax? Is not this a reproach most justly thrown by Protestants upon the Church of Rome? Was it not the chief cause of the Reformation? And will you follow a precedent which brought reproach and ruin upon those that introduced it? This is the very case now before us. You are going to lay a tax, and consequently to indulge a sort of drunkenness which almost necessarily produces a breach of every one of the Ten Commandments. Can you expect the reverend bench will approve of this? I am convinced they will not, and therefore I wish I had seen it full upon this occasion. I am sure I have seen it much fuller upon some other occasions, in which religion had no such deep concern.

"We have already, my Lords, several sorts of funds in this nation, so many that a man must have a good deal of learning to be master of them. Thanks to His Majesty, we have now amongst us the most learned man of the nation in this way. I wish he would rise up and tell us what name we are to give to this new fund. We have already the civil-list fund, the sinking fund, the aggregate fund, the South Sea fund, and God knows how many others. What name we are to give to this new fund I know not, unless we are to call it the drinking fund. It may perhaps enable the people of a certain foreign territory to drink claret, but it will disable the people of this Kingdom from drinking anything else but gin, for when a man has by gin drinking rendered himself unfit for labor or business he can purchase nothing else, and then the best thing he can do is to drink on till he dies.

"Surely, my Lords, men of such unbounded benevolence as our present ministers deserve such honors as were never paid before; they deserve to bestride a butt upon every signpost in the city or to have their figures exhibited as tokens where this liquor is to be sold by the license which they have procured. They must be at least remembered to future ages as the happy politicians, who after all expedients for raising taxes had been employed discovered a new method of draining the last relics of the public wealth and added a new revenue to the Government, nor will those who shall hereafter enumerate the several funds now established among us forget among the benefactors to their country the illustrious authors of the drinking fund.

"May I be allowed, my Lords, to congratulate my countrymen and fellow subjects upon the happy times which are now approaching, in which no man will be disqualified from the privilege of being drunk, when all discontent and disloyalty shall be forgotten, and the people, though now considered by the ministry as enemies, shall acknowledge the lenity of that government under which all restraints are taken away?

"But to a bill for such desirable purposes it would be proper, my Lords, to prefix a preamble, in which the kindness of our intentions should be more fully explained; that the nation may not mistake our indulgence for cruelty, nor consider their benefactors as their persecutors. If, therefore, this bill be considered and amended—for why else should it be considered?—in a committee, I shall humbly propose that it shall be introduced in this manner:

"'Whereas the designs of the present ministry, whatever they are, can not be executed without a great number of mercenaries, which mercenaries can not be hired without money; and whereas the present disposition of this nation to drunkenness inclines us to believe that they will pay more cheerfully for the undisturbed enjoyment of distilled liquors than for any other concession that can be made by the Government; be it enacted by the King's most excellent majesty that no man shall hereafter be denied the right of being drunk on the following conditions.'

"This, my Lords, to trifle no longer, is the proper preamble to this bill, which contains only the conditions on which the people of this Kingdom are to be allowed henceforward to riot in debauchery—in debauchery licensed by law and countenanced by the magistrates; for there is no doubt but those on whom the inventors of this tax shall confer authority will be directed to assist their masters in their design to encourage the consumption of that liquor from which such large revenues are expected and to multiply without end those licenses which are to pay a yearly tribute to the Crown.

"By this unbounded license, my Lords, that price will be lessened from the increase of which the expectations of the efficacy of this law are pretended, for the number of retailers will lessen the value, as in all other cases, and lessen it more than this tax will increase it. Besides, it is to be considered that at present the retailer expects to be paid for the danger which he incurs by an unlawful trade, and will not trust his reputation or his purse to the mercy of his customer without a profit proportioned to the hazard; but when once the restraint shall be taken away he will sell for common gain, and it can hardly be imagined that at present he subjects himself to informations and penalties for less than 6 pence a gallon.

"The specious pretense on which this bill is founded—and indeed, the only pretense that deserves to be termed specious—is the propriety of taxing vice, but this maxim of government has on this occasion been either mistaken or perverted. Vice, my Lords, is not properly to be taxed but suppressed, and heavy taxes are sometimes the only means by which that suppression can be attained. Luxury, my Lords, or the excess of that which is pernicious only by its excess, may very properly be taxed, that such excess, though not strictly unlawful, may be made more difficult. But the use of those things which are simply hurtful—hurtful in their own nature and in every degree—is to be prohibited. None, my Lords, ever heard in any nation of a tax upon theft or adultery, because a tax implies a license granted for the use of that which is taxed to all who shall be willing to pay it.

"Drunkenness, my Lords, is universally and in all circumstances an evil, and, therefore, ought not to be taxed but punished, and the means of it not to be made easy by a slight impost, which none can feel, but to be removed out of the reach of the people and secured by the heaviest taxes, levied with the utmost rigor. I hope those to whose care the religion of the nation is particularly consigned will unanimously join with me in maintaining the necessity not of taxing vice but suppressing it, and unite for the rejection of a bill by which the future as well as present happiness of thousands must be destroyed."

Mr. CLAYTON. I will ask the gentleman to use some of his time.

Mr. McCOY. I yield to the gentleman from Georgia [Mr. BARTLETT].

[Mr. BARTLETT addressed the House. See Appendix.]

Mr. CLAYTON. Mr. Speaker, I yield to the gentleman from West Virginia [Mr. HUGHES].

Mr. HUGHES of West Virginia. Mr. Speaker, it is my intention to record my vote in favor of this bill, and in doing so I feel that the dry States are entitled to this protection. This bill does not interfere with or prohibit the shipment of liquor from wet States into wet States, but it will prohibit the shipment of liquor from wet States into dry States. The fight for such legislation has been going on for many years, and each year the necessity for this legislation becomes more marked. The gentleman from Kentucky [Mr. SHERLEY], who opposes this bill, and claims the States should control in this matter, can easily realize, if he knew the situation that now exists, that the States can not control. My district being on the border of Ohio, Kentucky, and Virginia, makes it more marked how this law is being violated. Take, for instance, the State law of Kentucky prohibits the shipment of liquors from wet counties into dry counties, and in order to evade this law the people who are engaged in the liquor business in Kentucky bring their shipments just over the line into West Virginia, and then ship it to any county in Kentucky, and thus evade the State law of Kentucky. Now, I think interstate-commerce restrictions should be so amended that this could not be done, and I, for one, am not willing to longer postpone action on this measure. It is my intention to vote for the amendment offered by Congressman DAVIS, from West Virginia, a member of the Judiciary Committee, as I feel there should be a penalty more severe than the Webb bill now provides. Some have said, however, that this will make this bill unconstitutional. I do not believe this, and if I did I would not vote for his amendment; but I hope that his amendment will be adopted and that the bill will pass.

There are other injustices which I feel are being done, and I have introduced a bill to try to remedy them. The Commissioner of Internal Revenue issues what he calls a "special tax stamp." I feel that the people should be protected by prohibiting the use of this "special tax stamp" where the State and county authorities prohibit the sale of liquor. To show the position the Commissioner of Internal Revenue has taken with reference to this legislation, I am going to ask that a letter from him addressed to me be printed as a part of my remarks, but I want to say now that the argument which he uses, that the present law aids the enforcement of local-option laws in the counties, I do not agree with. For some good reason the violators of the law are more afraid of revenue officers than they are of the local authorities, and if they did not feel that the Federal Government was behind them in a way, for the reason that they have issued to them this license, or "special tax stamp" as they may call it, they would not violate the law as they do now, and instead of its helping out the cause, as suggested by the honorable commissioner, it allows them to carry on this traffic when they would not otherwise do so:

TREASURY DEPARTMENT,
Washington, December 12, 1912.

Hon. JAMES A. HUGHES,
House of Representatives, Washington, D. C.

MY DEAR MR. HUGHES: Referring to your personal call this morning with respect to information furnished some of your constituents relative to the "issuing by the United States Government of licenses to persons to retail liquors in prohibition territory," I have the honor to state that the persons addressing such inquiries to you are evidently under somewhat of a misapprehension as to the position of the National Government.

The National Government issues no licenses of any kind to sell liquors, but it taxes the business of selling liquors, and, as specifically required by Congress, a special stamp is issued as a receipt for the payment of such tax. Section 3232, Revised Statutes, in connection with section 3244 as amended, provides as follows:

"No person shall be engaged in or carry on any trade or business hereinafter mentioned until he has paid a special tax therefor in the manner hereinafter provided * * *."

"That retail dealers in liquors shall pay $25.

"That every person who sells or offers for sale foreign or domestic distilled spirits, wines, or malt liquors, otherwise than as hereinafter provided, in less quantities than 5 wine gallons at the same time, shall be regarded as a retail dealer in liquors."

The tax paid is represented by a stamp, and section 3183, Revised Statutes, prohibits a collector from issuing any receipt in lieu thereof. Furthermore, section 3243 provides that—

"The payment of any tax imposed by the internal-revenue laws for carrying on any trade or business shall not be held to exempt any person from any penalty or punishment provided by the laws of any State for carrying on the same within such State, or in any manner to authorize the commencement or continuance of such trade or business contrary to the laws of such State or in places prohibited by municipal law; * * *."

There are numerous other statutory provisions, and almost every clause of these statutes has been construed in the Federal courts. The Constitution of the United States provides that all taxes shall be uniform throughout the United States. The laws above referred to are general laws applicable to the entire United States, and the President of the United States would have no more right to nullify the laws in a so-called "dry" territory than he would in a so-called "wet" territory. Undoubtedly the spirit of comity to which you refer in your letter is very desirable, but, with respect to the sale of alcoholic beverages, the Federal laws and certain local laws are in direct conflict, so that complete comity is more or less an impossibility. Under the Federal statutes and the decisions of the Supreme Court alcoholic beverages constitute a legitimate article of commerce, and the occupation of selling alcoholic beverages, under Federal statutes, is a legitimate occupation, for the prosecution of which the Federal statutes impose a Federal tax. So far as the Federal laws are concerned the place of transacting this business is entirely immaterial. If a person engages in the selling of alcoholic beverages in the District of Columbia, the Federal tax is collected; if he engages in business in the State of New York, the same tax is collected; if in California, Georgia, Tennessee, or West Virginia, the same tax is collected.

There is no authority vested in any administrative officer from the President down to waive the tax or to decline to collect it when liability therefor is shown. It is entirely within the province of the State, in the exercise of its police powers, to prevent the occupation being followed, but if, without regarding local laws, a person does engage in this occupation, that does not relieve him from his liability to the Federal statutes. The only way in which the Government could fail to collect this tax in West Virginia would be for the Congress to repeal this tax provision all through the United States. Then, of course, the Federal Government would have no interest in the matter at all and would withdraw its officers and tax collectors from this branch of work all through the United States. It would appear to this office that this action would be the worst blow that could befall the persons who are sincerely desirous of enforcing local prohibitory or semiprohibitory laws.

Section 3240, Revised Statutes, provides that each collector shall keep conspicuously in his office for public inspection a list of all persons who have paid special taxes, with the place and business for which the tax was paid. Information received in this office indicates that this is one of the greatest aids in the enforcement of local laws. Of course, if no Federal tax was collected the Federal Government would have no occasion to collect such data or to be interested in any way in the local transactions of liquor dealers.

A number of bills have been introduced with a view of having the Federal Government collect the tax in some sections of the country and not in other sections of the country, or to restrict the tax collections in various ways, all of which bills appear to this office to be unconstitutional. As above stated, however, a very simple way to handle the situation would be to repeal the taxing law on liquor dealers all over the United States, and this appears to be to this office the only way that the matter could be handled.

Very respectfully,

R. E. CABELL, *Commissioner.*

Mr. CLAYTON. Mr. Speaker, I yield to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Speaker, stripped of its legal verbiage this bill seeks to prohibit the shipment of intoxicating liquors from one State into another State, where the consignee has the intent to use the article in violation of the laws of the State into which it is shipped. The language of the pending bill is as follows:

That the shipment or transportation * * * of any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind from one State * * * into any State * * * which said * * * liquor is intended by any person interested therein to be received, possessed, sold, or in any manner used either in the original package or otherwise, in violation of any law of such State * * * is hereby prohibited.

In my representative capacity I shall vote for this bill because I am advised that a majority of my constituents wish me to do so, and I am willing on that account to forego any objections which I have for the purpose of executing their will. However, I would not feel content if I did not express some of my views regarding this legislation, and I shall do so very briefly.

In my judgment, its constitutionality is a debatable question, although I have not reached such a firm conclusion upon this point as would constrain me under my oath of office to oppose it on that ground. The act which is prohibited is the shipment and transportation of intoxicating liquors under certain conditions, and to this extent it is a prohibition and not a regulation of interstate commerce. Under the express terms of the Constitution Congress alone has the power to regulate commerce among the several States. It will be observed that no penalty is attached to the violation of this prohibition against the shipment and transportation of intoxicating liquors, and, by the declaration of its sponsors, it was not deemed advisable to provide any penalty for a violation of this prohibition. They have even gone so far as to say that the discussion of a penalty indicated opposition to the spirit of this bill, and that its real friends had no desire to punish any shipper or common carrier for its violation. Probably the real reason is attributable to the fear that the penalty could not be enforced, because of its uncertainty and indefiniteness. To inflict punishment upon a citizen for an alleged violation of a law when he could only ascertain that the act complained of was prohibited because of an undisclosed intent upon the part of the citizen of another State to violate the laws of that State would certainly contravene the basic proposition that a man shall know with reasonable certainty what law he is violating and the manner in which he is violating it at the time of his offense. Substantially, then, it may be said that shipments of intoxicating liquors from one State into another may proceed just as they have in the past. About the only effect will be to induce the shipper to require payment in advance and to impair the credit of the consignee. If the consignment may be seized under the laws of the State before it reaches the consignee, or after it is delivered,

then the shipper may decide to relieve himself of all doubt as to receiving payment and may refuse to extend credit.

The proposed inhibition against shipment and transportation is based upon an intent existing and undisclosed in the mind of the consignee to use the intoxicating liquor in a manner contrary to the law of the State. This is a nebulous premise upon which to base the conduct of another citizen as to whether this other citizen is or is not violating the law. Certainly it will not control the shipper or the common carrier, but it is said that the authorities of the State in the enforcement of its own law will be able to determine this intent, not by positive evidence but by attendant circumstances, such as the general character of the consignee, and the quantity of intoxicating liquor which has been shipped to him. If intoxicating liquor is property in the eye of the law, and if the owner of the property is entitled to the possession of this liquor for his own use, then it would be rather an unusual extension of the law to take this property from him upon the ground that he intended to use it in violation of the law. None of the States which have enacted prohibition laws applicable either to the entire State or to subdivisions thereof have attempted to go further than to prohibit the manufacture and sale of intoxicating liquor. They have not interdicted the possession of liquor for personal consumption, nor have they attempted to prohibit its temperate use.

What is the real purpose of this law? It is admitted that the States possess exclusively the police power to regulate intoxicating liquors and to enact and enforce all other laws affecting the life, health, peace, or property of its citizens. It is difficult to conceive a limit which might be placed upon the police power of a State to control the manufacture, sale, or consumption of intoxicating liquors. Referring to those States or subdivisions which have prohibited the manufacture and sale of this article, it is contended that the enforcement of such laws are impaired or made difficult because of interstate shipments. The purpose of all prohibition laws is to curtail or prevent the use of intoxicating liquors, and it is said that this purpose is thwarted because of the interstate-commerce privilege. If citizens desire to further prevent the use and consumption of liquor, they should not appeal to Congress, which has no jurisdiction, but they should appeal to the legislatures of their States, which possess exclusive police powers to deal with the subject.

Again, it is asserted that the main purpose of this bill is to deprive interstate consignments of liquor of their protection as interstate commerce immediately after crossing the boundary line of the State, or at any rate before delivery to the consignee. Under the Constitution and the laws as now construed, I am unable to see how this purpose can be accomplished. After the opinion of the Supreme Court of the United States in Leisy *v.* Harding (135 U. S., 100), which substantially held that the consignee of intoxicating liquors could sell the same in the original package, notwithstanding the law of the State prohibiting such sale, Congress, on August 8, 1890, passed what was known as the Wilson bill, which it may be well to quote here:

> All fermented, distilled, or other intoxicating liquors or liquids transported into any State or Territory or remaining therein for use, consumption, sale, or storage therein, shall, upon arrival in such State or Territory, be subject to the operation and effect of the laws of such State or Territory, enacted in the exercise of its police powers, to the same extent and in the same manner as though such liquids or liquors had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

In construing this statute the Supreme Court in two cases—One hundred and fortieth United States, page 545, and in Rhodes *v.* Iowa (170 U. S., 412)—held that the words "upon arrival in said State or Territory" meant arrival at the point of destination and delivery to the consignee. With reference to the pending bill, it is difficult to understand upon what theory the court will hold differently. I am of the opinion that if the present bill becomes a law interstate shipments, under the Constitution, will be protected by the commerce clause until actually delivered. If my contention be correct, then the proposed law would be futile and would not enlarge the power of the States to enforce their own police laws.

Having pointed out in a brief way some of the difficulties which surround this legislation, I will direct inquiry as to its constitutionality. I have not the time or the inclination to discuss this important question fully. I will present only one phase. The Constitution confers upon Congress the exclusive power to regulate commerce among the States. Just as each State possesses plenary police powers, so does Congress possess the exclusive power to regulate interstate commerce. It is here attempted to prohibit interstate commerce in liquor upon a certain condition.

The condition is that intoxicating liquors shall not be shipped into another State where the person to whom it is shipped intends to use it in violation of the law of that State. If there should be no law of the State regulating the use of liquor, then, admittedly, the inhibition against this interstate commerce would not attach. Therefore the question of the prohibition of this commerce depends for its vitality upon the law of the State, and we are driven to the conclusion that the State, by its action or nonaction, controls interstate commerce. Congress may not delegate this exclusive Federal function to any State. Further, this inhibition of commerce is not predicated upon an existing fact which may be determined, but merely upon an intent to do an act which might create an existing fact. I felt that justice to myself and my desire for truth rendered it necessary for me to make these comments upon the proposed law. If what I have said finds justification, either under the Constitution and laws or in consideration of wise policy, then they only illustrate the difficulties involved in the problem of total prohibition in the traffic and use of intoxicating liquors. Regardless of what my individual views may be as to the best and wisest methods of promoting temperance and abating the recognized evils from the intemperate use of intoxicating liquors, I sincerely espouse the cause of temperance, sobriety, and good morals. Whether local option or State-wide prohibition is the better remedy every good citizen must sympathize with the militant crusade against intemperance. There are many who believe that laws, rigidly regulating the traffic in and the consumption of intoxicating liquors, proceed along saner and wiser lines, and will result in better enforcement of the laws and will also preserve greater respect for the laws. All these questions are not for Congress to determine. We are confronted with a single question, whether under the Constitution this proposed law is valid, and if so, whether it will accomplish the purpose intended. Personally I hope that both queries may be answered in the affirmative, but I felt that I must preserve my intellectual integrity and express my best judgment upon both propositions.

Mr. CLAYTON. Mr. Speaker, I yield to the gentleman from Georgia [Mr. RODDENBERY].

Mr. RODDENBERY. Mr. Speaker, the title of the bill we are about to vote upon is in these words: "A bill to divest intoxicating liquors of their interstate-commerce character in certain cases." Under the protection of this interstate-commerce clause foreign whisky houses defy the laws of the States, furnish the vile alcoholic concoctions upon which "blind tigers" and "speakeasies" flourish and lead men into the temptation of "moonshine" stilling. All of which the liquor lobbyist and his agents hypocritically protest against. This day's vote will put them to the test. The essence of this bill makes it against Federal law for any person to ship or any person to receive intoxicating liquors in a prohibition State where such liquor is intended to be sold or used contrary to the laws of the State into which it is shipped. It does not interfere with the shipment or reception of liquors for lawful personal consumption or for any purpose not prohibited by State law. So it will be seen that it is not the purpose and object of this bill that the Government shall enforce State temperance laws nor interfere with the enforcement of prohibition laws, but it simply and only leaves and remits to each State complete power and control over interstate shipments or purchase of intoxicating liquors for any and all purposes. It expressly concedes to Georgia and the other States the exclusive authority to exercise their sovereign powers without hindrance by Federal authority as to the regulation or prohibition of the liquor traffic. No Democrat and no man who believes in the rule of the people can object to this legislation. Whoever is opposed to local State government may well oppose this bill, but no one else can. Personally I prefer making the bill more sweeping in some of its provisions, but being anxious for some wholesome legislation now, I accept this bill as reported by the committee and approved, so far as I am advised, by the temperance organizations of the country.

Speaking for myself, I should like to see the Government in partnership with the States for the enforcement of penal laws against the whisky traffic as it is in partnership with the State for enforcement of many other criminal laws. This course is evidently now not ripe for action. The measure, however, which we are about to pass is not offered as a panacea for all obstacles to temperance-law enforcement, nor is it the finality of legislation on this subject. The bill now before the House goes only so far as to withdraw the Government and its powers from direct partnership with the nefarious intoxicating liquor business and the "blind tiger" traffic. Let not the enemies of any legislation on this question load it down with such amendments as at present we know will mean its death in the Senate or in conference. I fear even now at this stage of the Sixty-second Congress, with but a few days remaining, that the final

realization of our hopes may be deferred. Complication of amendments, however salutory they may be, are but calculated to increase the grounds for this fear and augment the dangers ahead.

Mr. Speaker, able gentlemen have risen on this floor to propound the dangers that are in the constitutional questions involved. They need not have done that. For months every Member's mail has been flooded by the voluminous briefs, which I now hold in my hand, of the Wholesale Liquor Dealers' Association, the Model License League, the Liberty League, and every organization engaged in the liquor business of this country, expounding and interpreting the Constitution of our country and warning us that this legislation is unconstitutional. Great God! has the time come when honorable Members rise on the floor and engage in partnership with the views of the liquor traffic of this country and their legal hirelings in their interpretation of the fundamental law of our fathers? The ravenous buzzard, with his morbid talons buried in the decaying flesh of his rotting victim, with his gluttonous beak smeared and dripping with the putrid vitals of his lifeless carcass, is a noble animal by comparison with that merciless flock of human buzzards who, under the guise of interstate commerce, for sordid gain and enriched coffers, defy public sentiment, respect the law of no sovereign State, in order that they may grow fat on the lifeblood of their unfortunate fellow men [applause]; who, like demons of perdition, claw out the disconsolate hearts of tens of thousands of tortured, pleading women; who remorselessly hurl into the bottomless pits of bitterness, hopelessness, and despair the starving, naked, wailing, alcohol-orphanized childhood of this land.

A vote for this bill, if nothing more, will be a rebuke to, and solemn declaration of independence of, that aggregation of human vultures denominating themselves by such titles as the Brewers of America, the Wholesale Liquor Distillers, the Wholesale and Retail Liquor Dealers' Association of the United States, the Model License League, the Personal Liberty League, and so forth.

I thank God to have lived to see this day, when the Representatives of the American people will answer on the roll call with their votes the entreaties and imploring prayers of millions of country-serving, God-fearing, home-loving men and women. This day, O men, we who hold high station can dedicate one vote to liberty, country, God, and home, and rededicate the Constitution to the people, withdrawing it forever as a bulwark for that conglomeration of cormorants who, in defiance of the States, debauch manhood, slaughter womanhood, butcher childhood, and crucify babyhood on the accursed cross of alcohol. [Applause.]

Mr. McCOY. Mr. Speaker, I yield three minutes to the gentleman from Kentucky [Mr. CANTRILL].

Mr. CANTRILL. Mr. Speaker, in the three minutes that I have, I desire to make but two observations. The first is that it is admitted by the Antisaloon League of America, in asking for this legislation, that the great mass of legislation that they have spread upon the statute books in the various States is an absolute failure in carrying out what they intended to carry out. I want to make the further observation that this sham and pretense of a prohibition law is about to be written upon the statute books of this Nation because the leaders of the Antisaloon League have so decreed. This House stands ready, if they will give the word, to write upon the statute books of this country a real prohibition law. Some of the Democratic leaders upon this side of the House, before the election, thought that this was a very dangerous question to discuss in the American Congress, but since the election they have seen fit to lead us into the Prohibition Party. And, as a real Democrat, in order that the real sincere temperance people of this Nation may write upon the statute books of this country what they have been told that this law means, I propose to vote for the Davis amendment, so that there can be real temperance prohibition legislation in the country. And I also say that the failure of this legislation is because the leaders of the Antisaloon League of America have deceived the people back home, and have come here to the American Congress and asked the Representatives to write a sham and a pretense of prohibition upon the statute books of the Nation. [Applause.]

I yield back the balance of my time.

The SPEAKER. The gentleman yields back one minute.

Mr. McCOY. Mr. Speaker, I yield to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Speaker, while those in favor of this bill honestly believe that they are doing something in the cause of prohibition, yet, as a matter of fact, legislation of this character generally leads to human ills compared to which drunkenness is nothing. [Applause.]

Overindulgence in anything is bad for whomsoever is guilty of the practice. One can overeat himself just as easily as one can overdrink himself. Thousands of people die annually on account of overindulgence in eating. Every doctor will tell you that that is a fact. The efforts to curb human appetite have been many. I doubt whether they have always resulted in benefit to the human race.

Physicians tell us that the drug evil in this country is growing by leaps and bounds. Personally, I firmly believe that legislation of this character is largely responsible for it. You find thousands of young men and young women all over this land who have become morphine fiends, opium fiends, and cocaine fiends largely because the right to take less harmful stimulants has been denied them by legislation. There are hundreds of thousands of good men and women, many of whom belong to strong temperance organizations, who partake of drugs that contain infinitely more alcohol than is contained in beer, wine, cider, and even whisky. This is by no means an overstatement of the case. Many of the patent medicines that are sold to the public for certain ailments contain large percentages of alcohol, and the use of these remedies is sometimes much more harmful than would be indulgence in malt and vinous liquors.

The Government has passed stringent laws against the importation of opium. What has been the consequence? It is constantly being smuggled into the country, and I doubt whether there has been any diminution in the vice of opium smoking.

The abolition of the Army canteen has brought greater evils to the soldiers of this country than were ever visited upon them in the days when they were able to procure light wine and beer in their canteens. [Applause.] On January 9, 1913, the Committee on Military Affairs of the House of Representatives had a hearing upon a bill to restore the Army canteen in the Army. There appeared before that committee urging its restoration the Secretary of War, the Surgeon General of the United States Army, the statistician in the office of the Surgeon General of the Army, the Chief of Staff of the Army, and other prominent officers who have had much experience in the military establishment of our Government both before and since the abolition of the canteen. Among the latter was Brig. Gen. Clarence R. Edwards, who stated that there is just getting into the service in a slight degree the use of cocaine. He said that he was much surprised to find a few cases of it in the service and that it was growing; that the man who becomes addicted to the disease generally gets his soldier pal likewise to participate in it.

Here is the statement of Gen. W. W. Wotherspoon, of the General Staff Corps, found on pages 15 and 16 of the hearings before the Committee on Military Affairs:

Mr. WOTHERSPOON. My statement before the committee will have to be very brief. I think all the points have been thoroughly covered by the Secretary of War, Gen. Wood, and the Surgeon General. The only thing that may be of interest to the committee is that I was one of the originators of the canteen system in the Army. In 1878 the first canteen that I knew of was established by the Twelfth Infantry in Arizona on a petition by the enlisted men for the officers to give them an opportunity to get amusement away from the town of Prescott, Ariz., where hard liquor and all those other inducements to get away with the money of the men predominated to such an extent that the men wanted their clubs at the post. The first effort was to have the canteen without beer. They had little oyster suppers and sandwiches and coffee and billiards and various amusements, and we found that attracted a large class of the men, reduced the trials by court-martial very materially, and improved the discipline. But there was a residue of the men we could not control in that way. It was too mild for them, and it appeared they still wanted to go to saloons. So on the petition of the men and after a meeting of the noncommissioned officers of the regiments we, with great hesitation, introduced beer.

In connection with the spread of disease in the Army as a result of the abolition of the canteen, my experience was pretty large at one of the largest western posts. I had occasion—several occasions—to make a very careful investigation of the offenses committed by the men, and that brought me into direct contact with the class of dives and brothels that have been referred to here. I never have seen in my life anything so disgusting, so depraved, as those were. Among the men this class of dives was divided into two groups—the red and the green light. The red light was a place where liquor alone was sold of very vile character, but compared to the other place, the green-light district, it was a gentleman's club. At those places there was a barroom in front where the men believe they got knockout drops almost with the first drink. There were stalls in an extension of the building, where women, mostly negroes of the vilest type, had their habitations and extended their grasp over the soldiers. A man would go down after pay day and get into one of those green-light places. He would remember he had one or two drinks, also that he started in with $40 or $60 in his pockets, and he would be out in the hands of the police at the end of three days. He was generally found in some freight car.

It is exceedingly interesting and ought to commend itself to the consideration of every Member of this House who believes in true temperance: Prohibition has never yet made for temperance. On the contrary, it creates sneaks and liars and hypocrites. I said that the abolition of the Army canteen has brought greater evils to the soldiers of this country than were

ever visited upon them in the days when they were able to procure light wine and beer in the canteens.

So-called social diseases are more numerous in the Army and the Navy of the United States than in any of the other armies of the world. Our country is practically the only one in the world which does not have the canteen or something of a corresponding nature. The presence of these diseases to such a great extent is a most appalling condition of affairs. Some of these diseases are transmitted even to the third and fourth generation, when the soldier marries. Paresis and locomotor ataxia are directly attributed to one of the loathsome forms of these diseases. I had a most distressing case called to my attention only a few weeks ago. A soldier had contracted this loathsome disease and subsequently married. He became the father of two beautiful children. About six years ago, which was some years after the disease had been contracted prior to his marriage, he was suddenly stricken with paresis. He left his wife and children absolutely helpless. The War Department refused to give him a pensionable status on the ground that his disease was contracted outside the line of his duty. And I dare say there are hundreds of similar cases throughout the country.

In the old days, before Congress abolished the canteen, soldiers were permitted to have beer and light wine in the canteen building. Overindulgence was never permitted. The soldiers, looking upon the canteen as a sort of a club for social enjoyment, would be content to remain at the military post practically all the time.

It has been testified to by many officers that since Congress passed the law to abolish the canteen the soldiers take leaves of absence and visit the lowest brothels in the vicinity of the post. Does anyone believe that any real good has been accomplished by the congressional enactment which abolished the canteen? Even the wives of officers appeared before the Military Committee urging that that institution be restored.

I call attention to the matter merely to show that legislation of the character that is now pending before the House frequently does greater damage than good.

In my own State the wine industry is a very considerable one. It represents an investment of $150,000,000; 350,000 acres of land are devoted to grape culture in that State; 60,000 people are engaged in the business, most of whom are small farmers. It is the third largest agricultural industry in the State of California.

I believe that the moderate use of wine leads to true temperance. In the wine-growing countries of Europe, where the people indulge moderately in the fermented juice of the grape, there is comparatively little drunkenness. In the beer-drinking countries of Europe there is comparatively little drunkenness.

The true way to minimize the evils of intemperance is to begin with the education of the children. The evils of drunkenness should be pointed out to them in the home or even in the schools. I think that would be a much more effective remedy in the cause of true temperance than legislation of this character, and, so believing, I shall vote against this bill.

Mr. McCOY. Mr. Speaker, I yield to the gentleman from Illinois [Mr. SABATH].

The SPEAKER. The gentleman from Illinois [Mr. SABATH] is recognized.

Mr. SABATH. Mr. Speaker, for years and years a certain few States, and in the last few years a few others, have endeavored to stop the use and sale of liquor in the respective Commonwealths, and now, after these many years, they admit that they have been unable to do so, and are here to-day demanding that the Federal Government assist in enforcing this unreasonable and unwise State legislation.

Mr. Speaker, I never have, neither do I now, favor any special or sumptuary legislation. I do not believe in legislating for any especial district or any especial State; our duty is to legislate for this entire country of ours. Some people wonder why it is that these States have been unable to enforce their prohibition laws; to me it is plain, as it should be to anyone who recognizes the fact that you can not by law govern human nature and the tastes and inclinations of the individual.

You can no more legislate sobriety into a man than you can legislate good morals into him. These States have failed signally in the enforcement of their laws, the same as any other States would fail, for such laws are impossible of enforcement.

As for myself, I desire to say that, even were it possible to enforce prohibition, it would be unfair and unjust, because a majority should never be permitted to deprive the minority of the people of their personal rights and personal privileges, as these rights were given them by our Constitution. If an oppressive majority had the right to say how a man should live and what he should drink, they would also have the right to prescribe what he should eat, what he should wear, what church he should attend, or how many hours he might sleep.

We are to-day asked to legislate to aid these seven or eight so-called "prohibition" States in enforcing their laws, and some gentlemen coming from these States have endeavored to make us believe that this demand is country wide, yet anyone who studies the conditions will easily ascertain that this demand comes only from a few sections and from a few rabid, misguided, professional prohibitionists. I say, without fear of successful contradiction, that the demand for this legislation has been artificially created by false statistics and untruthful literature, and I deny that drunkenness is responsible for misery and want, and assert that the reverse is true; that misery, want, misfortune, and the unnatural conditions brought about by prohibition are conducive to drunkenness. This legislation is not demanded by the majority of our people nor by those people who have given this question careful consideration. The truth is that some honest and well-meaning individuals, who are nevertheless narrow-minded and prejudiced, have become unduly alarmed over this problem and are seeking to force their views and beliefs upon this country as a whole and endeavoring to compel the great majority of the people to view the question and its solution as they do.

Mr. Speaker, we are asked to enact this legislation on the ground that the prohibitory laws passed by the various States have failed of their intended effect because of the shipment of alcoholic liquors into those States. The police powers of the States have been reserved to them, and it is manifestly the duty of every State to exercise the powers it has to stop the use of liquor before calling for Federal aid. The reason for the failure of these prohibition States to enforce their laws is that they do not really wish to enforce them.

Mr. Speaker, I am not unmindful of the fact that a wave of prohibition seems to be rolling over certain States, yet I am bold enough to assert that this fact does not constitute an argument for the legislation by Congress at which this bill aims. Waves of alleged reform have heretofore swept communities, whole countries even, and after uprooting industries and impoverishing thousands, have vanished, leaving to saner influences the resuscitation of the things they have sought to destroy. There is a class of reform, so called, which in the last analysis is nothing but persecution. Its nomenclature varies with the period of its existence. In the days of Philip II of Spain reform found its advocates in the Alvas and the Torquemadas, who sought to reform all that were not of their faith by putting them to the sword or burning them at the stake. In our own country, up in New England, where prohibition has found a strong lodgment in the State of Maine, and with results not at all in keeping with the efforts put forth, it was a pleasant pastime a century or two ago to attempt reform by drowning those who were not in sympathy with the views of those in control. I merely cite these instances in order to show to what extremes reformers may go when they attempt to force their ideas upon those who do not agree with them.

We should beware how we bow to the present outbreak of intemperate assault upon vested law, for it involves a far greater menace to constitutional liberty than does the use of alcoholic drinks to society. In the one instance the danger is voluntary; to attempt to cure the evil by the commission of a greater wrong is futile in the extreme.

Mr. Speaker, it is a known fact that prohibition does not prohibit; in fact not only does it not prohibit, but it creates conditions that are responsible for many violations of the law and it breeds disregard for our entire judicial system. Statistics will show that there is more drunkenness in so-called "prohibition" States than in the States which have reasonable regulations. The statistics also show that there are many more illicit distilleries in those few States which have enacted prohibition legislation than in all those others which seek not to prevent its sale but to properly regulate it. To prove my contention I wish to read and insert as a part of my remarks extracts from the report of the Internal-Revenue Commissioner for the years 1911 and 1912. In his report for 1911 he said:

> A large number of the field force have been used during the year in detecting illicit distilling, which practice has increased steadily, especially in those States in which prohibitory laws have been enacted.

Please notice that he states that illicit distilling has increased steadily, "especially in those States in which prohibitory laws have been enacted." Is not this sufficient proof that these laws have not had the effect of prohibiting the use of liquor, but instead been the direct cause of increased disregard of the law?

Then, again, in this gentleman's report for 1912, he says:

Illicit distilling and "bootlegging" continue without sign of abatement. * * * It appears in some sections of the country, where local prohibitory officers make some effort to enforce local prohibitory laws, there is a correspondingly greater demand for illicit whisky, and as the price goes up more persons are willing to run the risk in violating the law. The tax on the entire amount of spirits aggregates a large amount of revenue that is lost to the Government, and represents a tremendous disturbing element and a great amount of lawlessness in communities, many of which are otherwise law-abiding and respecting.

Once again I wish to direct the attention of the gentlemen who are supporting this Webb bill and other prohibition measures that this State legislation has not been successful in prohibiting the use of liquor, but has instead encouraged illicit distilling.

Let me cite right here an instance of prohibition of another kind. In the State of Indiana a few years ago a law was passed prohibiting the sale of cigarettes. I have been informed, and I believe what I have been told, that the use of cigarettes in that particular Commonwealth has been not at all lessened by virtue of this prohibitory legislation. Unless I am greatly mistaken, similar attempts to prohibit the sale of these little "coffin nails" have been made elsewhere, but I have not learned that they have been attended with any better success.

Mr. Speaker, I never have been, and am not now, a believer in the excessive use of liquor, and I deplore as much as anyone the fact that some individuals are not at all times capable of curbing their desires, but at the same time I say that it is absolutely impossible to enact legislation which will make men abstain from the use of liquor in some form or other. What I favor is the enactment of strict legislation governing its sale, the imposition of heavy penalties for the violation of these regulations, the reservation to the States, counties, and municipalities, of complete control over the business as well as over the individuals conducting it, and providing for the immediate revocation of the licenses or permits of any individuals who violate the law. I feel confident that if these prohibition States would enact such legislation and would elect or select officials who would honestly exert reasonable efforts to see that such laws were enforced, that they would reduce drunkenness to a minimum, and also save their citizens the disgrace of perjuring themselves whenever they desire to secure a sip of liquor, as is now a common occurrence.

Then let us consider for a minute what would be the effect were we to close all the saloons throughout the United States, legislate out of existence all the breweries and all the distilleries that may exist there, and give the respective States jurisdiction over interstate commerce. Should this be done it would mean that illicit stills will spring up like mushrooms, "blind pigs" will flourish, bootlegging will be rampant, and those individuals desiring liquor will procure it in large quantities and drink a great deal more than they do when it can be purchased openly and legitimately. Surely we ought to take a lesson from the experience of our Army. Every officer bears witness to the fact that since the abolition of the post canteen drunkenness among the soldiers has increased tremendously, and with it all the attendant evils of disease, deterioration of discipline, and desertion. Have we the right to expect better results from those individuals who are not under military control?

There is another aspect of this question which I desire to have you consider. Millions of dollars are invested in the industries of brewing and distilling; what compensation will the Government hold out to those whose fortune is thus swept away, and what further compensation will Congress hold out to the thousands who have found employment in these industries and in this business, and the support of whose families is dependent upon their continuance therein? It is easily seen that the economic ramifications involved in the enactment of such legislation as is urged in this and similar bills is endless, and no man can foresee its ultimate effect.

Mr. Speaker, I presume no one, not even the most rabid prohibitionist, will deny the fundamental right of a person to take a glass of beer, a glass of wine, or a glass of whisky, or, in fact, any beverage which he may choose to enjoy, nor will anyone deny that the harm lies not in the use of this right but in its abuse. If these prohibition advocates would address themselves to finding a remedy for the immoderate use of stimulants, they would enlist under their banners hundreds of thousands of men in this country who now oppose them.

If Federal interference can regulate the drinking habits, not only of a community, but of the individual, what is there to prevent some future Congress, in which there may possibly be a large number of vegetarians, from passing a law forbidding the transportation of meat, for the advocates of a vegetarian diet assert that meat is most harmful, and that it tends to brutalize those indulging in it? Then, again, why not legislation prohibiting the use of teas and coffee? It is admitted that the stimulating qualities of these beverages are such as to render them very injurious when indulged in excessively. Then, too, if you pass a bill prohibiting the transportation of liquor you will shortly be implored to pass similar legislation having for its object the restriction of the use and transportation of tobacco. In fact, think of the precedent that would be set by the passage of this measure. This body would immediately be overwhelmed with demands for the passage of every conceivable kind of sumptuary legislation.

Mr. Speaker, I dislike very much to bring up the question of unconstitutionality, but I can not refrain from directing the attention of the Members of this House to the following ruling of the Supreme Court in the case of In re Rahrer (140 U. S., 562), where it was held that—

It does not admit of argument that Congress can neither delegate its own powers nor enlarge those of a State.

And also the cases of Leisey *v.* Hardin (135 U. S., 100), and American Express Co. *v.* State of Iowa (195 U. S. 133), where it was held that the citizen of one State has the right to import liquor from another State.

I also desire to call the attention of my colleagues to the opinion of Joel Prentiss Bishop, one of America's greatest law writers, who, in his book on "Statutory crimes," has the following to say with regard to the constitutionality of such legislation:

Now, as everyone is aware, while large classes of people hold that alcohol as a beverage is detrimental, others do not. And it is reasonable to inquire whether, when they of the affirmative become the majority of a State, it is within the rightful province of legislation to punish the men who furnish to the minority what they deem essential to their health and happiness. * * * Assuming all the worst things said against intoxicating drinks to be true, it is still the natural and inalienable right of every sane and capable person arrived at majority to procure them. * * * The drinks which a minority of the people deem essential, however pernicious we assume them to be in fact and however condemned by the majority, can not be altogether thrust by law beyond the practical reach of those who desire them without violating fundamental and indispensible principles of legislation.

Now, any comment that I might make on the above could add nothing to it, but I submit the words of this eminent authority as deserving of the most profound consideration.

Mr. Speaker, are we to now abandon the Constitution or to inaugurate a gradual process of disintegration by which this instrument is to be destroyed? Are we to distrust liberty and inaugurate governmental supervision of the citizens?

I feel that I have but imperfectly pointed out the dangers that lie concealed in this bill and other similar measures, but I trust that my efforts have been of some avail, and that my colleagues in this House will show their disapproval of legislation of this character by decisively defeating the measure now under consideration.

Mr. CLAYTON. Mr. Speaker, may I inquire how much time I have?

The SPEAKER. The gentleman has 10 minutes remaining.

Mr. McCOY. And I, Mr. Speaker—how much time have I?

The SPEAKER. Eight minutes.

Mr. CLAYTON. I yield half a minute, Mr. Speaker, to the gentleman from Wyoming [Mr. MONDELL].

The SPEAKER. The gentleman from Wyoming [Mr. MONDELL] is recognized for half a minute.

Mr. MONDELL. Mr. Speaker, I believe this bill is constitutional. I believe it is wise. It does not diminish the authority of the Federal Government. It does enlarge local control, and I shall vote for it. [Applause.]

I shall support the legislation because I am in sympathy with the object sought to be accomplished, to wit: To remove as far as possible the obstacles which the interstate shipment of intoxicating liquor present in the enforcement of State laws regulating or prohibiting the liquor traffic, and because, in my opinion, it is in harmony with our plan of government under the Constitution. The control of Congress over interstate commerce is complete and may extend to actual prohibition, at least within certain limits, as is illustrated by the antilottery legislation and has frequently been declared by the courts, but I do not think it is necessary to go to the extreme of holding that this power is complete to the point of prohibition in all cases to defend this legislation as being constitutional. What the legislation does is to subject certain articles in interstate commerce to the police power of the State in order that the State authorities may determine whether they are to be received, possessed, sold, or in any manner used in violation of the law of the State.

This may be said to be a relinquishment by Congress of a portion of its control over interstate commerce. Taking that view of it, I do not think it can be successfully maintained that Congress has not a right to do so if it deems wise. The full

control could, of course, be asserted at any time. What Congress really does in this legislation, however, is to authorize the use of the machinery of a State for the purpose of determining whether an article shipped into a State is, in fact, a legitimate article of interstate commerce. If the article proves to be contraband under the laws of the State, the protection of interstate commerce is denied it. We have many legislative enactments the force and efficiency of which are dependent upon their harmonious relation to State statutes. The act providing for the publicity of campaign contributions, certain provisions of the pure-food laws, and of the bankruptcy laws, recognizing and relating to State statutes, are cases in point.

This legislation ought to be—I believe will be—helpful in enabling the States in enforcing their laws regulating the liquor traffic. I am glad that a way has been found to accomplish this worthy purpose entirely in harmony with our plan of government. It particularly appeals to me, because it gives a wider opportunity for the exercise of local authority without encroaching upon the proper domain of Federal authority. [Applause.]

Mr. CLAYTON. Mr. Speaker, I yield to the gentleman from Mississippi [Mr. HARRISON].

The SPEAKER. The gentleman from Mississippi [Mr. HARRISON] is recognized.

Mr. HARRISON of Mississippi. Mr. Speaker, I have listened to this debate with much interest and some curiosity. I have seen in the course of it distinguished Members of this House who are opposed to the passage of the bill dress their arguments in every kind of garb. Some oppose it, saying that it is unconstitutional; others, that it destroys "individual liberty"; others, that it allows the prohibition States to dictate to the wet States as to what they shall or shall not do; and still others say that it will prevent wines being brought into the prohibition States for sacramental purposes.

No doubt some of these arguments are made in good faith. I can understand how lawyers may differ as to its constitutionality. In my opinion that is the only argument that can be reasonably advanced and that demands serious consideration. There is always a close question of law when we try to legislate within the limits of the indistinct twilight zone that separates the jurisdiction of the Federal Government, under the interstate-commerce clause of the Constitution, and the jurisdiction of the States. And in this instance, while I may have some doubt as to the constitutionality of the bill and some uncertainty as to its being upheld by the courts, I shall certainly resolve that doubt in behalf of those States the desire and will of whose people cry out for this legislation.

It was indeed interesting to listen to some of the arguments presented by the distinguished apostles of individual liberty—some coming from the hop-scented atmosphere of St. Louis, where Anheuser-Busch brews and flourishes—while others from that great prohibition city of Milwaukee, made famous by Messrs. Pabst, Schlitz, Gatz, Blatz, and socialism—say that individual liberty is destroyed and that State sovereignty is impaired by the passage of this bill. And they are so extremely solicitous about the welfare of the moral people in the prohibition States that they fear the passage of this bill will prevent the Christian people in those States from observing the holy sacrament hereafter.

O, Mr. Speaker, the people know who are the champions of the antiprohibition movement in this country and its defenders in this House. They know, too, that to-day on the final vote, those champions and defenders will, under the guise of strengthening the bill, vote for the passage of many amendments which on their face may appear just and right, but behind which dynamite has been placed with a lighted fuse to explode and destroy the whole bill. The advocates of this bill will not take orders from its opponents, but prefer to follow the beaten path that its framers have made.

There is no question of individual liberty involved in the passage of this bill. It will not prevent liquors from being brought into prohibition States and being used for lawful purposes. There is nothing in this bill that will prevent the good Christian people of the prohibition States from getting all the wine they desire and using it for sacramental purposes, and no one knows this better than the gentlemen who say it destroys individual liberty and impairs sacramental privileges.

This is not a prohibition question. If I were not in favor of prohibition, there is one great principle of free government involved that would cause me to vote for the passage of this bill. Nine States have declared by a majority of the people living in them that intoxicating liquors in those State shall not be sold or used in violation of the law in those States. Laws, when made, should be enforced or repealed, and every arm of the State government should be used in the enforcement of the people's laws, and the Federal Government should never give countenance and sanction to the violation of the laws of any State. Certainly no man on this floor would say that if the people of Maine desire prohibition that they should not be permitted to have it. If Missouri wants liquor distilled and sold there, then they should be allowed to have it. If that be true, then certainly you will agree with me that the people of Missouri ought not desire to violate the laws of Maine, but on the contrary, every law-abiding citizen of that State should prefer to encourage the people of Maine in the execution of their laws. The Representatives of the people of Missouri and every other State in the Union that legalizes the sale and use of intoxicating liquors can certainly assist the people of the prohibition States in the enforcement of their laws by voting for this bill, which will gurantee to those States the control of this matter and the exclusive right to execute its own laws.

This bill does not express a radical idea. It is not extreme. But, Mr. Speaker, the gentlemen of the Judiciary Committee, and those who have framed this legislation and looked into it thoroughly, tell us that under the decisions of the courts construing former acts of Congress on the subject and the limitation of the Federal Constitution, that it is the best we can do and as far as we can go.

Strange is the argument used by some against this bill. Why, they say "that it will do no good," that "it will accomplish no purpose." If that be true, why, then, do they oppose it? In my opinion, it will do a great deal of good. It is not for the purpose of getting the Federal Government to assist the States in the enforcement of their laws, as some contend, but it will answer the purposes for which it was intended, and that is, to give the States the unhampered, unimpeded, and exclusive power to enforce their own liquor laws.

When our fathers framed this Government the most enthusiastic and earnest proponents of a strongly centralized Government would not have contended that each State should not be free to regulate and execute its own police powers. They never dreamed that the champions of the liquor interests would ever hide behind the interstate-commerce clause and thereby let the Federal Government encroach upon the police powers of a State. And, Mr. Speaker, if any of those gentlemen in the Constitutional Convention, in their wildest dreams of imagination could have suggested or even hinted, that ever in the future, the interstate-commerce clause could be used to obstruct justice in the enforcement of laws by any State or to limit the morals of the people of any State or hinder the full exercise of the will of the people of a sovereign State, then the interstate-commerce clause would never have been written into the Constitution without a proviso making clear the intention of its draftsmen. I do not doubt that the framers knew what they were about, but I do doubt that they ever dreamed that new nationalism, centralization, and Federal encroachment would so expand and the Constitution be so construed as to bring about such conditions as would prevent the States from the enforcement of their police powers.

I represent in part a State the great majority of whose people believe in prohibiting the sale and unlawful use of intoxicating liquors. The sentiments of these people are behind the movement. The best liquor laws of which I have any knowledge are on the statute books of my State. The juries indict and convict the violators of those laws quicker when proven guilty than for any other crime, yet, Mr. Speaker, I have seen justice thwarted, permitting notorious blind tigers to infest a law-abiding community, not because the officers of the law were not doing all in their power to run the blind tigers down, but because they were protected by the Federal Government, which allowed them to have their liquors consigned to them in the depot to remain in safety until the darkness and stillness of the night when they could procure their large consignment and convey it to their den of vice and immorality. If this bill passes, the officers of the States can seize the liquors before they are delivered to the blind tiger and thereby prevent the deadly poison from infesting the community, from making sad homes and hungry children. I have seen, Mr. Speaker, in my own city, the officers watch the express offices and freight offices for days and nights trying to catch and seize a great quantity of liquor, which they knew was not for personal use, but for sale after it had been delivered to the consignee by the interstate carrier, but the bootlegger and blind tiger are always too cunningly alert and immorally smart. They know every policeman and detective, and the sentiments of every man in the community—their sympathizers and their enemies—and they wait their time with patience, sometimes until the wee hours of the morning in order to obtain their liquors from these offices. If this law be passed the express and freight offices can be watched, and these liquors, when brought into prohibition

States for illegal purposes, can be immediately seized and destroyed, and the community will be blessed thereby.

When we ask this right, who should oppose it? The people of a State have a right to demand that their laws be enforced. Good citizens of every State will sympathize with their brethren in other States in the enforcement of their laws.

If the liquors are received for personal use they will not be destroyed, and only the lawbreakers, bootleggers, blind tigers, and their sympathizers in my State and other prohibition States can possibly find objection to the passage of this bill, and only the distillers, liquor sellers, brewers, and their sympathizers in other parts of the country will oppose it.

The gentleman from Milwaukee [Mr. BERGER] says that the violation of the law has increased in the South since the advent of prohibition. I interrupted the gentleman for a question when he made that statement, but he declined to yield. Surely he does not desire to do the prohibition States of the South an injustice, and I am sure that this statement was made because of his ignorance of the conditions there rather than a desire on his part to misrepresent the condition there. I will not attempt to speak on this question of an increase in crime since the advent of prohibition in the other States of the South, but coming, as I do, from Mississippi, a State that has within the last 10 years seen the open saloon and its effect and statutory prohibition and its influence, I feel that I can truly depict to this House the conditions in that State before and since the enactment of a State-wide prohibition law.

I served for two years as district attorney in one of the districts of my State where three of the counties had open saloons and legally sold liquors. I served for three years in the same district with those three counties under the statutory prohibition law and when the open saloon had been abolished—for five years in the courts of those counties, two years of which there were saloons and three years of which we had prohibition—and during that time I came directly in touch with the character and extent of crime that followed the open saloon and prohibition. During the two years that these three counties legalized the sale of liquor, Mr. Speaker, the criminal dockets were so congested that it was impossible to try all of the cases thereon, and necessitated not only holding the courts for their full terms, but often forced the circuit judge to call special terms to relieve the dockets. After prohibition came into those counties and was fairly tried out the dockets were no longer congested, special terms of court no longer were known, and the full length of the terms assigned for holding of those courts were no longer required. And what I have described relative to the extent of crime in those counties under the open saloon and prohibition holds good in practically the same proportion with respect to the character of crime.

Murder, poverty, unhappy homes, divorces, and broken hearts follow as a natural consequence the open saloon, while prohibition lessens murders, alleviates poverty, restores sunshine in unhappy homes, mends broken hearts, diminishes divorces, elevates and enlightens a people, and only by the presence of the bootlegger and the blind tiger does prohibition cause a violation of the law.

Where a reasonable majority, backed by public sentiment, are for prohibiting the sale of intoxicating liquors, prohibition should prevail. If the minority of the people of a State, backed by no sentiment for prohibition, should desire to place it upon the people of a State, it should not prevail. No law can be enforced unless a reasonable majority of the people of the State are in favor of it and it is backed by the sentiment of the people. But when the people of a State, as in my State, favor overwhelmingly the prohibition of the sale of intoxicating liquors, it is unfair to them that the Federal Government should allow the interstate-commerce clause of the Constitution to be invoked and used as an instrument to hinder them in the enforcement of their laws.

I hope this bill will pass and that the hand of the Federal Government will be removed from the throats of some of the States, so that they may be permitted to enforce the will of their people in their own way, unmolested, unhindered, and unobstructed.

Mr. CLAYTON. Mr. Speaker, I yield to the gentleman from Mississippi [Mr. HUMPHREYS].

The SPEAKER. The gentleman from Mississippi [Mr. HUMPHREYS] is recognized.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I shall favor this bill and vote against all except committee amendments which may be proposed. I do this not because I believe the bill as reported is entirely perfect, but because I know that the effect of any amendment will be to delay all legislation on the subject and possibly defeat the bill. The bill is a very simple one. Nobody can possibly misunderstand or misinterpret its plain and manifest meaning. It provides simply that intoxicating liquors shall not be transported from one State to another where the intention of anybody connected with the transaction is to use or possess the liquor so transported, in violation of the laws of the State into which the liquor is shipped. The contention that the advocates of the bill are endeavoring to induce the Federal Government to enact prohibition legislation is, with all due respect to those who make it, mere twaddle. Nobody believes that the Federal Government has any power to enact prohibition laws for the States, and nobody desires the Federal Government to undertake the exercise of any such power. The question of the sale and use of intoxicating liquors is a matter that should be dealt with exclusively by the States. This bill recognizes that principle and has for its purpose nothing else. It leaves the burden of regulating the liquor traffic entirely and exclusively with the legislatures of the several States, and says for the Federal Government simply that such liquors shall loose their character as interstate commerce. This is done for the sole and only reason that the State authorities may not be hampered in the enforcement of their police regulations by reason of these liquors being part of interstate commerce and as such beyond the power of the State's control.

If any State should desire, through its authorized agents, the lawmaking branch of its Government, to outlaw the possession of intoxicating liquors within its borders, this is certainly a matter that would not and could not concern the Federal Government. It would be none of our business; and "in that spirit of harmony and conciliation which"—to use the words of the Supreme Court of the United States—"ought always to characterize the conduct of governments, standing in the relation which that of the Union and those of the several States bear to each other," we ought to enact such laws as will aid in the enforcement of State laws, if that can be done under the Constitution. Gentlemen hark back to "the better days of the Republic," and in the name of the fathers who framed our Constitution call upon us not to ask the Federal Government to invade the sanctity of State sovereignty. We are told that we are departing from the principles which inspired those who framed our dual system of government and that it is humiliating now to see these great States acknowledging their inability to conduct their own affairs and calling upon the Federal Government for aid. This is mere buncombe. We are doing no more in this bill than has been done from time to time since the foundation of the Republic. As far back as 1796 Congress enacted—

> That the President of the United States be, and he is hereby, authorized to direct the revenue officers and the officers commanding forts and revenue cutters to aid in the execution of quarantine and also in the execution of the health laws of the States, respectively, in such manner as may to him appear necessary. (Stat. L., Vol. I, p. 474.)

This act was approved by George Washington himself. But we are sometimes told that Washington was a Federalist, so lest some may insist in a spirit of partisanship that a Democrat may overlook such a precedent, I read from volume 2 of the Statutes at Large, page 205:

> An act to prevent the importation of certain persons into certain States where, by the laws thereof, their admission is prohibited.

This statute was enacted in 1803 and was approved by Thomas Jefferson. I think these citations are sufficient answer to the suggestion that we are departing from the faith of the fathers here to-day. But whatever opinion may have been held of the constitutionality of these old statutes which I have just read, the one signed by Washington and the other signed by Jefferson, the Supreme Court of the United States long ago upheld them both in the great case of Gibbons against Ogden, decided in 1824. These statutes were assailed as unconstitutional. Gentlemen here to-day insist with great earnestness that this bill is an attempt to delegate to the States the right to regulate interstate commerce. This identical contention was urged against the very statutes that I have read. In passing upon that subject the greatest judge who ever sat upon any bench in any country in the tide of time said (9 Wheat., 205):

> The acts of Congress passed in 1796 and 1799 (U. S. Stat., 474, 619), empowering and directing the officers of the General Government to conform to and assist in the execution of the quarantine and health laws of a State, proceed, it is said, upon the idea that these laws are constitutional. It is undoubtedly true that they do proceed upon that idea; and the constitutionality of such laws has never, so far as we are informed, been denied. But they do not imply an acknowledgment that a State may rightfully regulate commerce with foreign nations, or among the States; for they do not imply that such laws are an exercise of that power or enacted with a view to it. On the contrary, they are treated as quarantine and health laws, are so denominated in the acts of Congress, and are considered as flowing from the acknowledged power of a State, to provide for the health of its citizens. But as it was apparent that some of the provisions made for this purpose, and in virtue of this power, might interfere with and be affected by the laws of the United States, made for the regulation of commerce, Congress, in that spirit of harmony and conciliation which ought always

to characterize the conduct of governments standing in the relation which that of the Union and those of the States bear to each other, has directed its officers to aid in the execution of these laws; and has in some measure adapted its own legislation to this object by making provisions in aid of those of the States.

Under the ordinance relating to the slave trade the States had the right to prohibit "the migration or importation of such persons as they might think proper," and it is contended that the act of 1803, which Jefferson signed and which I have just quoted, was upheld on that theory. Very well; so be it; but I quote the statute to show that Congress believed then, at that early day, that the Federal Government had the power and that it was its duty to assist the States in the execution of such laws as the State itself had power to enact, and I invite your attention to the last section of this act of 1803, which is as follows:

SEC. 3. *And be it further enacted*, That it shall be the duty of the collectors and other officers of the customs, and all other officers of the revenue of the United States, in the several ports or places situated as aforesaid, to notice and be governed by the provisions of the laws now existing of the several States prohibiting the importation of any negro, mulatto, or other person of color, as aforesaid. And they are hereby enjoined vigilantly to carry into effect the said laws of said States conformably to the provisions of this act, any law of the United States to the contrary notwithstanding.

The whole purpose of this bill is, as expressed in its title, "to divest intoxicating liquors of their interstate-commerce character in certain cases" and to subject them to the police power of the States whenever they are shipped into a State with the criminal intention of violating its laws.

The rights of the so-called wet States are in no way infringed. They may manufacture, sell, possess, and consume intoxicating liquors to their hearts' content, but they can no longer claim protection of the commerce clause of the Constitution when they are brought to the bar of justice in another State into which they have shipped such liquors for the purpose and with the wicked intention of violating the laws of such State. Just how any Democrat who believes in local self-government and the right of every State under the Constitution to regulate its domestic affairs in accordance with its own will and judgment can vote against this measure passes my understanding. The merits of the contention of the prohibitionists or of the anti-prohibitionists are not an element in the consideration of this bill. It is none of our concern, and we are not undertaking to pass upon the wisdom or the unwisdom of prohibition law. It is not the propriety of the legislation but the right of the States to enact it that we are recognizing here to-day. We propose that the Federal Government shall, in the exercise of the powers conferred on Congress under the Constitution, be decent enough to withhold hereafter from all who wish to violate the laws of any State the right to use the vehicles of interstate commerce for that unholy purpose. Simply this and nothing more.

Mr. CLAYTON. Mr. Speaker, I yield half a minute to the gentleman from Iowa [Mr. TOWNER].

The SPEAKER. The gentleman from Iowa [Mr. TOWNER] is recognized for half a minute.

Mr. TOWNER. Mr. Speaker, I desired to speak on the legal aspects of this question, and manifestly I can not do that in the time that has been allotted to me. Therefore I shall only say this, that I hope the amendments that have been offered to this bill will be voted down.

I have no doubt whatever as to the constitutionality of this law, and I shall vote for it, not as the exercise of an unjust power on the part of the Federal Government, but only as an acknowledgment of the power that the States should have to control their own affairs in the interests of their people. [Applause.]

Mr. CLAYTON. Mr. Speaker, I yield to the gentleman from Missouri [Mr. DICKINSON].

The SPEAKER. The gentleman from Missouri [Mr. DICKINSON] is recognized.

Mr. DICKINSON. Mr. Speaker, the pending Webb bill I shall vote for, and shall vote against all amendments thereto, seeking thereby to aid in the passage of said bill, which seeks to divest intoxicating liquors of their interstate-commerce character in certain cases. This bill, as reported from the Judiciary Committee of the House, reads as follows:

Be it enacted, etc., That the shipment or transportation, in any manner or by any means whatsoever, of any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, into any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, which said spirituous, vinous, malted, fermented, or other intoxicating liquor is intended, by any person interested therein, to be received, possessed, sold, or in any manner used, either in the original package or otherwise, in violation of any law of such State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, is hereby prohibited.

I shall not discuss its constitutionality. Let the courts pass upon that question. The principle sought to be embodied in the bill I have long favored. I am an advocate of the right of the States to control their own domestic affairs and to regulate the sale of intoxicating liquors unhampered by Federal laws, and I am opposed to all restraint or license on the part of Federal authority that would tend to break down the laws of the State seeking to control or regulate the sale of intoxicating liquors.

Being opposed to the Federal Government licensing or issuing permits for sale of intoxicating liquors except to persons authorized under the laws of the State to sell, I introduced into this House a bill which reads as follows:

A bill (H. R. 2891) concerning permits to sell intoxicating liquors.

Be it enacted, etc., That no Federal authorization or permit to sell any intoxicating liquor in a State shall be given until it shall be satisfactorily shown that the applicant therefor may sell such liquor at the place designated for the sale thereof without violating any law of such State applicable to such place and sale, and no such authorization or permit shall extend to any sale not made openly, at the designated place of business of the applicant, and every such authorization or permit hereafter given shall contain suitable recitals showing compliance with the requirements of this act, and shall at all times be subject to the inspection of any Federal, State, county, or municipal officer; and every person guilty of a violation of this act shall be fined not less than $100 or be imprisoned not more than one year, or both.

This bill is now pending in committee, and I hope will be reported out, so it can be voted on in the House and become a law. It seeks to prevent the blind tiger and the bootlegger from selling with the consent of the Federal Government. The passage of this bill and the Webb bill will go a long way toward enabling the State to prevent illegal sales of liquor. These bills do not interfere with those authorized to sell under the laws of the State nor the collection of revenue by the Federal Government from those so licensed. The United States Government should aid in the preservation of the laws of the States rather than in their violation.

Mr. CLAYTON. I ask that the gentleman from New Jersey [Mr. MCCOY] shall use all of his time.

Mr. MCCOY. How many more gentlemen are to speak on that side?

Mr. CLAYTON. Only two more. Mr. Speaker, I think I have only about eight minutes left.

The SPEAKER. The gentleman has seven and one-half minutes.

Mr. CLAYTON. That was a pretty good guess.

Mr. MCCOY. Mr. Speaker, I yield to the gentleman from Maryland [Mr. LINTHICUM].

The SPEAKER. The gentleman from Maryland [Mr. LINTHICUM] is recognized.

[Mr. LINTHICUM addressed the House. See Appendix.]

Mr. MCCOY. I yield five minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, notwithstanding the denunciation of those temperate gentlemen who speak for temperance, I am one of those Members of this House who are opposed to this bill. I am opposed to it because I do not believe in such legislation; but I am opposed to it for the higher reason that I believe it fatally unconstitutional. And I am reminded by what the gentleman from Tennessee [Mr. SIMS] has said, that I find usually the denunciation of those who believe in supporting their oath touching the Constitution comes from those who know least of that document. [Applause.] There is an old saying that we resent that which we do not understand; and so it comes very easy to some to taunt others and tell them they are hobble-skirting themselves. I have no apology, however, for considering the question of constitutionality, and until the distinguished gentleman from Texas [Mr. HENRY] said there was no doubt, I had not found any good lawyer who said he did not think the subject was one of grave doubt. When the gentleman from Texas spoke I was reminded of the situation of the lawyer before the court, who, making a statement of law, was interrupted by the court, who said, "That is not the law." The lawyer replied, "It was until your honor spoke." And so, until the distinguished gentleman told us that there was no doubt as to the constitutionality of this law, all of us, even those who favored it, as well as those who opposed it, had grave doubts.

Within the three minutes granted me I shall not attempt to deal with the legal phases of a question that goes to the very vitals of the Constitution. I took occasion some eight years ago to discuss at length nearly every important decision that at that time had been rendered by the Supreme Court touching interstate shipments of alcoholic liquors. While I may not attempt to go into that subject at this time, I submit to you these, to me, fundamental propositions:

First, that the power over interstate commerce rests with the Federal Government, and an article does not lose its interstate character until delivered to a consignee.

Second, no power that the Federal Government has can be delegated to any State.

Third. It is not a Federal regulation of interstate commerce to prohibit it on the ground of an intent by any person party to the transaction to violate a State law as it may exist from time to time.

Man after man has stood on the floor here saying, "This bill is simply to give to the State additional power of control." I say to you that whatever power a State has over any subject within its domain is not because of the Constitution of the United States, and no act of Congress can grant any power to it that it does not already have. We live under a government of delegated powers. Certain powers have been delegated to the States, certain to the Nation, and certain reserved to the people, and delegated neither to the State nor to the Nation. The power that the Federal Government has over interstate commerce is plenary. It is absolute within the limits of the Constitution, and Congress can not by all the declarations under the sun convey to any single State the slightest power that that State does not now have. A State now has the power the moment a shipment has reached the hands of the consignee to deal with it the same as if it originated there. That ought to be of itself an ample power to enable the States properly to enforce every law that has back of it a united public opinion; and you will never enforce completely any law that does not have back of it a united public opinion.

Still they tell us that the effect of this is to give the State added control. What does the bill say? Does it even attempt to say that? It says the shipment is prohibited when the intent is to violate a State law. Let us suppose the shipment is made. What happens then? Does it lose its interstate character because you have said it should not be made in certain cases? By no process of reasoning am I able to bring myself to any such conclusion.

This law if passed will not, in my judgment, give to a single State the right to seize—though they will attempt to do it and will do it—any interstate shipment until it reaches the hands of the consignee.

Now, just one other word and I am through. I offered an amendment here in good faith to strike out the language that limited this bill to intoxicating liquors and make it apply to all articles of commerce; and assuming the proposed act to be constitutional, I defy any man to give a reason, if he plants himself on the ground that we ought not to enable anyone to violate a State law, why we ought not to make the law apply to any violation of any State law touching any article of commerce. I offered that amendment for another reason. I had hoped that we might have this matter considered as it ought to be considered, according to the legal questions that it presents. This bill does not become a constitutional or an unconstitutional bill because it relates to alcoholic liquors; and yet I could talk here until the crack of doom, and because it does relate to that subject I could not get a consideration of the constitutional question that every man under his oath of office promises to give to every subject that comes before this body. [Applause.]

Under the leave to extend my remarks I print a speech made by me before the Committee on the Judiciary in the Fifty-eighth Congress touching what was then known as the Hepburn-Dolliver bill—a bill which sought to amend the Wilson Act by adding the words "before or after delivery," so as to enable a State to seize an interstate shipment before delivery to a consignee. Much then said applies directly to the Webb bill. I also add the statements of Hon. Lawrence E. Maxwell, a former Solicitor General of the United States, touching the Webb bill, made before the present Committee on the Judiciary, also the statement of Mr. Edgar H. Gaus, an attorney of Baltimore, Md., touching an identical Senate bill made before the Senate Committee on the Judiciary.

These arguments supplement mine of eight years ago, and upon their soundness I submit the question of the constitutionality of the Webb bill.

The speech of mine above referred to is as follows:

"Mr. SHERLEY. Mr. Chairman and gentlemen of the committee, I want to be perfectly frank in saying that my attention to this bill and my original opposition to the bill grew out of the fact that I represent a district that is largely engaged in the manufacture and exportation of distilled spirits. Perhaps my congressional district is the largest district, in some respects, in the country. Certainly the Louisville market is the chief market of the world in regard to whiskies. But I would be equally unfair to myself and equally unfair to this committee if I was to base my opposition to this bill solely upon the ground that it affects alcoholic liquors.

"In my judgment, there is involved in this bill a proposition as fundamental and as far-reaching in regard to the organic nature of our Government, National and State, as any possible legislation, and this committee would not deserve its title of Judiciary Committee if it declined to consider, not simply the question of the advisability of a law of this kind, but the further and more fundamental question of the power of Congress to pass the law.

"It is an interesting fact that our present Government owes its existence largely to the trouble that grew up in the days of the old confederation in regard to interstate commerce. The Philadelphia convention, which adopted the present Constitution, was called into existence as a result of the labors of the Annapolis convention, which had itself been brought about by the original convention called by Maryland and Virginia to formulate some plan relative to commerce between those two States, and the provision giving Congress power over interstate and foreign commerce was put into the Constitution without practically any discussion, so apparent was the need of national control of commerce.

"Yet, strangely enough, from the beginning of the present Government down to this good hour there have been differences of opinion as to the power that was given to the National Government under that provision which says that Congress may regulate commerce with foreign nations, with the Indian tribes, and among the several States.

"One contention has been that the power of Congress was exclusive and left no power in the State. The other position has been that the power of Congress was not necessarily exclusive of the power in the States, and in the arguments and opinions dealing with these conflicting theories there has been an unfortunate use of a phrase, and that phrase is 'concurrent power.' There never has been, there never could be, such a thing as the concurrent power of the States and the Nation in regard to interstate commerce, and the decisions will amply bear out that statement. There has been, as to some subjects of interstate commerce, a subservient power in the State which was free to act until Congress did act itself. But if the powers were concurrent it would mean that the State power should not bow any more to the National power than the National power should bow to the State power. If there was such a thing as a concurrent power, the doctrine of the silence of Congress, which I shall come to in a moment, could have no force, because it would not matter whether Congress expressed its will or did not express its will. If the State's power was concurrent, it would follow that it was coequal and that both the State and the Nation could legislate and each would have the right to maintain that its law was to be enforced.

"The real contention and the real result of all the decisions, when you look not simply to what was said but to what was actually decided, is this: That where the question is one of a national nature, then the power of Congress is exclusive, but where the question is simply of a local nature, then there is power in the State to act, provided Congress has not by its own act governed the matter. In other words, when it comes to a question like pilotage or harbor regulations, then the State can go ahead and pass its law, and that law will be enforced until Congress undertakes to regulate in regard to such matters, and then the State law, even as to them, must bow to the national law, in accordance with that provision which makes a law passed in pursuance of the Constitution of the United States the supreme law of the land.

"I want to review very briefly a few of the cases decided by the Supreme Court to show, in a measure, just what was decided and what may be said to be the conclusions of the court at present.

"If I should undertake to read the decisions themselves, I would have to read some thousand pages, because there is at least that much printed matter on the specific questions involved in this case, without referring to the cases in regard to interstate commerce that had no relation to alcoholic liquors.

"In Gibbons against Ogden, which was the first case, and perhaps the most famous case of them all, the court decided this: That a State regulation of foreign or interstate commerce actually in conflict with a law of Congress is void.

"It was argued by Mr. Webster, and by all the counsel who were against the constitutionality of the State law, that the law would be void whether Congress had acted or not, and the reasoning of Chief Justice Marshall goes to the extent of saying that since the power of Congress over interstate commerce is an exclusive power, that therefore the State law must be unconstitutional, irrespective of its conflict with a specific Federal law. But the exact point decided was not that. He said that it was not necessary to decide that point, because here was a case

where the National Government had acted anyway and the State law was in conflict with the National law, and therefore there could be no doubt but that the State law was unconstitutional.

"In the case of Brown *v.* Maryland (12 Wheat., 419), the court decided that a State law imposing a license to sell on an importer was unconstitutional, being in conflict with the Federal law. In that case also the reasoning of the court points to the inevitable and logical conclusion that the power of Congress is exclusive, and that the action of the State is necessarily unconstitutional; but in that case, as in the Gibbons against Ogden case, the exact point decided was that a law passed by a State actually in conflict with a law passed by Congress was unconstitutional and went no further. The dicta of both of those cases seems to be unanswerable in its logic that the power of Congress is exclusive, but I want to present what was decided and not what was said.

"The next case was the case of Willson *v.* Blackbird Creek Marsh Co. (2 Pet., 245), and there, apparently, the Supreme Court reversed itself. It did not reverse itself in regard to the actual decisions, but the reasoning in that case is somewhat in conflict with the reasoning of the two former cases. There was a State law passed authorizing the erection of a dam across a navigable stream, and the advocates of the exclusive theory contended that that law was unconstitutional. The Supreme Court held that it was constitutional, on this ground: That the law related to that feature of interstate commerce which was not national in its character and which did not require a uniform rule, but which might be dealt with locally, and that in so far as Congress had not said anything, the State had the right to legislate; and right here I want to make this point plain. That the right of the State to so legislate is not owing to any right to regulate interstate commerce, but is the right that it has in other matters to legislate in regard to the territory over which its sovereignty extends; and the absence of national legislation simply leaves the State completely free to legislate as to the things within its domain, not by virtue of any power it has over interstate commerce, because it has none, but because of its other powers. In this particular case the legislation was upheld because relating to commerce only in its local aspects and not in conflict with any existing Federal law.

"Mr. LITTLEFIELD. What justice delivered that opinion?

"Mr. SHERLEY. That decision was rendered by Justice Marshall, and, as I have said, was apparently a decision the reasoning of which was somewhat in conflict with the reasoning in the two former cases of Gibbons *v.* Ogden and Brown *v.* Maryland.

"Mr. LITTLEFIELD. Were the other cases referred to, discussed, distinguished, and criticized?

"Mr. SHERLEY. They were distinguished. Commerce in this case was affected but locally and in the other cases fundamentally, and they were cases where Congress had acted; but the logic of those opinions, if carried out, perhaps might have suggested a different decision in the Blackbird Creek case.

"Then came the case of New York *v.* Miln (11 Pet., 102), which held that a law requiring masters of vessels to make a report of the name, place of birth, etc., of every person brought as a passenger unto the State of New York from other States or foreign countries, was constitutional, being the exercise of police power and not in any way regulating commerce. The court practically said in its dicta that the police power in the State is not limited or confined by the power of the National Government in regard to interstate commerce, but the facts of that case were simply this:

"The law required that masters should make a report of the passengers that came in as to who they were, so that the State might have some record in regard to immigration and might protect itself against pauper immigration, and the judges in deciding that case held—and it seems to me rightfully—that the act in question was in no way an interference with interstate commerce nor could be considered to really touch interstate commerce at all; that it was simply a regulation of a matter local entirely and not interstate or foreign.

"Then came the License cases (5 How., 504). In the License cases it was held that certain regulations of the States of New Hampshire, Massachusetts, and Rhode Island requiring a license to sell liquors imported from another State were valid. Each of the judges concurring in the judgment rendered delivered a separate opinion, and the reasons in support of the conclusion of the court are widely divergent. The chief question concerning which the judges differed was as to whether the regulations involved in that case were really regulations of interstate commerce or not. And it is to be noted that, in the opinion of several of the judges, the distinction is clearly drawn between a prohibition to import and a prohibition to sell after importation. Mr. Justice Woodbury, in his opinion, among other things, said:

"It is manifest, also, whether as an abstract proposition or practical measure, that a prohibition to import is one thing, while a prohibition to sell without license is another and entirely different. The first would operate upon foreign commerce on the voyage.

"The latter affects only the internal business of the State after the foreign importation is completed and on shore. The subject of buying and selling within the State is one as exclusively belonging to the power of the State over its internal trade as that to regulate foreign commerce is with the General Government under the broadest construction of that power. The idea, too, that a prohibition to sell would be tantamount to a prohibition to import does not seem to me either logical or founded in fact, for even under a prohibition to sell a person could import, as he often does, for his own consumption and that of his family and plantation, and, also, a merchant extensively engaged in commerce often does import articles with no view of selling them here, but of storing them for a higher or more suitable market in another State or abroad.

"He then states that the licenses involved in those cases were neither regulations of interstate commerce nor of foreign commerce, and holds that whether such laws are to be classed as police measures or as regulations of the internal commerce of the States, or as taxation merely, is immaterial so long as they do not affect interstate or foreign commerce until after the subject matter of that commerce touches the soil or waters within the limit of the State.

"I have called attention expressly to these views because the License cases in what they actually decide go perhaps as far as any case in the rights that they give to the State government to pass laws affecting interstate commerce, and yet it is apparent that there was noted a clear line of distinction between the right to sell and the right to import, a distinction that in my judgment is vital in considering the constitutionality of the proposed law. Some of the opinions, however, in the license cases are directly opposed in their reasoning to that set forth in Gibbons *v.* Ogden, and Brown *v.* Maryland.

"Mr. LITTLEFIELD. Were those cases discussed and distinguished?

"Mr. SHERLEY. They were discussed in some three or four hundred pages, and a man can find an expression in these different cases as to any proposition in regard to interstate-commerce law that you want. I could take the time of this committee for hours reading an expression by one judge, who has reached the conclusion that the State had reached all of its powers, and another who has reached the conclusion that the National Government had stripped the State of every power; but it is not what the judges have said, but what they have decided, which constitutes the law of the land.

"Very shortly after the decision in the License cases came the Passenger cases (7 How., 283), which presented the question of the constitutionality of laws of the States of Massachusetts and New York requiring masters of vessels to pay to the health officers of the State board a certain sum for each passenger landed. The court held such laws unconstitutional and abandoned in a large measure the ruling laid down in the License cases and apparently adopted the doctrine of exclusive power of the National Government.

"Then came the case of Cooley *v.* Board of Wardens (12, How., 299), and this case is apparently a compromise between the position of those advocating exclusive national power and those advocating the reserved power of the States. The question presented was the constitutionality of the law of Pennsylvania establishing regulations of pilots and pilotage for the harbor of Philadelphia. The court sustained the validity of the State law and laid down this rule, which I believe to be a safe rule to follow to-day.

"When the nature of a power like this is spoken of, when it is said that the nature of the power requires that it should be exercised exclusively by Congress, it must be intended to refer to the subjects of that power and to say that they are of such a nature as to require exclusive legislation by Congress. Now, the power to regulate commerce embraces a vast field, containing not only many but exceedingly various subjects quite unlike in their nature, some imperatively demanding a single uniform rule, operating equally on the commerce of the United States in every port, and some, like the subject now in question, as imperatively demanding that diversity which alone can meet the local necessities of navigation. Either absolutely to affirm or deny that the nature of this power requires exclusive legislation by Congress is to lose sight of the nature of the subjects of this power and to assert concerning all of them what is really applicable but to a part. Whatever subjects of this power are in their nature national, or admit only of one uniform system or plan of regulation, may justly be said to be of such a nature as to require exclusive legislation by Congress.

"If this rule is borne in mind and applied right on down through the various cases, you will find that a great deal of the difficulty caused by reason of the dicta of the court vanishes and is lost sight of. After that case was decided the old controversy was in a measure dropped, and the question that the court came to consider was as to the nature of the interstate commerce that the particular law affected, and if it was national they held that the State law could not be held to be constitutional, and if it was local they held that the State law was a valid exercise of the powers of the State.

"Then came the case of Bowman *v.* Railway Co. (125 U. S., 465), which expressly decided this question: That the shipment of alcoholic liquors from one State into another State could not be prevented by a State law. That was followed by the case of Leisly *v.* Hardin (135 U. S., 100), which went a step further

and followed up the doctrine which always had been the law in regard to foreign commerce, but which had expressly not been the law in regard to interstate commerce, that the right to import carried with it the right to sell. The Bowman case decided that you had the right to import and that the State could not interfere with it. Of course, at that time there was no national legislation warranting the State to interfere. You had the silence of Congress, and they held that the silence of Congress as to a national matter indicated that that commerce should remain free, whereas the silence of Congress as to a local matter indicated the will of Congress that the State might legislate. In other words, they gave just opposite meanings to the inaction of Congress according as the law involved related to a subject, local or national. The Bowman case decided expressly that the shipment of alcoholic liquor from one State to another could not be prevented by a State law, and then the Leisly case decided that not only could the importation not be prevented but that the sale could not be prevented.

"Mr. LITTLEFIELD. In the original package?

"Mr. SHERLEY. Yes, sir; and in deciding that they overruled the Pierce *v.* New Hampshire case, which was one of the License cases, and in that case the court, as I have just shown, held that the right to sell was not an inherent part of the right to introduce goods from one State into another. The Pierce case was directly opposed to the Brown *v.* Maryland case. The Brown case related simply to foreign commerce, whereas the Pierce case related to commerce between the States.

"The Leisly case held that commerce between the States was upon the exact same ground that foreign commerce was, and permitted not only the importation of but also the sale the first time in the original package. That decision, in my judgment, is open to severe criticism, and it did cause a great deal of criticism because of its failure to recognize the distinction between the right to sell and the right to import. I do not believe that it follows as a matter of logic, certainly in regard to interstate commerce, however it might be in regard to foreign commerce, that the right to import carries with it the right to sell. In foreign commerce that might be so, because the importer not having any reason to bring things into the country except for the purpose of selling them, his right to import would be practically annulled if you did not give him the right to sell, but in regard to interstate commerce that is not necessarily so.

"A man may want to import into a State for his own use without regard to his right to sell, and it seems to me that the right to sell is an incident and not a fundamental aspect of interstate commerce; and again I wish to say that if this committee will bear that in mind, that distinction between selling and the right of importation, they will come to the one point that, it seems to me, the whole proposed present law turns upon.

"The court, unfortunately, in those cases went to talking, and the judges said a good many things outside of what they decided. They decided exactly what I have said, but in deciding that, they intimated that Congress could break its silence and by an affirmative statement permit the State to do that which they had just decided it could not do before, an absolutely illogical position, because if the power of Congress was exclusive as to interstate commerce where the subject was national, it follows that by the very meaning of the word 'exclusive' there is carried the idea of an absence of power in the States; and Congress, as we all know, can not create power in the States. They may remove obstacles from the State rights to exercise another power, but they can not create a power in the State, and that has been decided repeatedly and needs no argument. The court however, said Congress could give permission, and Congress very quickly took advantage of that suggestion and passed the Wilson law.

"The Wilson law came up for construction as to its constitutionality and as to the constitutionality of the Iowa law in the Rahrer case, and the court in that case said a great deal, but did not decide very much. It decided this proposition: That Congress had the power to rob interstate commerce of its interstate character before the sale instead of allowing it to have that interstate character until after the sale. In other words, the effect of the Wilson bill was simply to put the law back where it was in regard to interstate commerce before the Leisly decision, that decision, as I have stated, having held as to interstate commerce that the right to import carried the right to sell. Congress, by the Wilson bill, put the law as to interstate commerce back where it was before that case was decided and said that the right to import did not carry the right to sell.

"Now, this law came up again before the Supreme Court in the Rhodes case, and there it was contended that the law not only prohibited the right to sell, but prohibited the right to import, and the Supreme Court decided that a proper construction of the words of the act limited it to the right to sell and did not touch the other right to import, and in deciding that case the court not only expressed the idea that it had not decided the constitutional question of whether if it had gone to the extent contended for it would have been constitutional, showing in the mind of the judge rendering that decision that there was a serious question as to such power being possessed by Congress, but it also makes a distinction which is very pertinent. It speaks of the right of sale as being an incident of interstate commerce, but not being one of the fundamental aspects of interstate commerce, the distinction that I made a few moments ago.

"In other words, it may be that Congress can say that we will, by affirmative legislation, decide that goods going into a State shall become intermingled with the rest of the property of the State so as to be subject to the State law at an earlier period than would happen ordinarily, but to say that Congress can say further that a State by its law shall be given the power to reach out into an adjoining State and prevent the goods of such State coming within its borders, and that a contract which has been made there shall not be enforced, is an entirely different proposition, and that is the proposition you are confronted with by the proposed law. That bill changes the present law to this extent, that it uses the words 'the boundary of' and then 'before and after delivery.' Those six or seven words are the only changes between the Wilson law as it now stands and this proposed law, excluding the second section, which is largely declaratory of the first.

"In other words, this is an effort to make the Wilson law mean what the advocates of the prohibition laws of Iowa contended it meant in the Supreme Court and what the Supreme Court decided it did not mean. What will be the effect of this law if passed? Of course one effect of the law, as has been stated by the gentleman who preceded me, would be to transfer the storm center from Washington to the various State capitals.

"Mr. THOMAS. Is it your contention that Congress has not the constitutional power to prohibit the transportation of intoxicating liquors from one State into another?

"Mr. SHERLEY. No, sir. I do not say that, because the Supreme Court has expressly decided the contrary in the Lottery case. The Supreme Court held that lottery tickets were articles of commerce, rather an unusual decision, but it is the law. They declared that a lottery ticket was an article of commerce, and, being such, the power of Congress to regulate included the power to prohibit; and I contend right here and frankly admit that you can write a national law which will prohibit the transportation of liquors; but that is not what you are trying to do under this bill. You are undertaking to lift the ban that is placed upon the States in regard to interstate commerce and permit them to legislate as to interstate commerce. If that be not the purpose of this bill, there is no use of passing it, because, under the law as it now stands and as construed in the Rahrer case, any State has the power the moment imported alcoholic liquors are delivered to the original consignee to treat them the same as if they had been manufactured in the State and not shipped in.

"In other words, they can say to the consignee, 'You shall not consume it; you shall not sell it; you shall not give it away.' They have all the power they can possibly have over any subject the moment it reaches the hand of the consignee under the present law, and I believe there are plenty of ways by which the States to-day can make effective their laws without undertaking to go out of the province of State sovereignty into that of national sovereignty and to give their laws extraterritorial effect. When whisky comes into the State of Iowa the State of Iowa gets absolute jurisdiction and the National Government loses absolute control over it; then the State can do as it pleases, and can make its prohibition effective if it wants to.

"Mr. LITTLEFIELD. Those practical difficulties do not exist?

"Mr. SHERLEY. I do not say they do not exist, but I do not consider that the practical difficulties in a case have the right to make this body undertake to disregard that great line of cleavage between what control belongs to the Nation and what to the State. You are making a precedent that is most dangerous.

"Mr. LITTLEFIELD. It was held in the Leisly case that the original package was an essential feature of interstate commerce?

"Mr. SHERLEY. That was based on the principle of the right to sell in the original package.

"Mr. LITTLEFIELD. That involves the original-package proposition?

"Mr. SHERLEY. No; the original-package proposition was involved in the Bowman case, which held that you had the right to import in the original package.

"Mr. LITTLEFIELD. The Leisly-Hardin decision held that the right to sell was an essential feature of interstate commerce?

"Mr. SHERLEY. Yes, sir.

"Mr. LITTLEFIELD. And for that reason no State law could prohibit the sale?

"Mr. SHERLEY. Yes, sir; but I contend that they have the power now to prevent the sale.

"Mr. LITTLEFIELD. If you can eliminate one element of interstate commerce by transportation, what is the matter with the other elements?

"Mr. SHERLEY. The element you are eliminating in regard to the sale is not a real element, but only an incident of interstate commerce. There can be interstate commerce without the power in the consignee to sell, but there can not be interstate commerce without the power to import. One goes to an incident of interstate commerce and the other goes to the commerce itself, and my position is that Congress can not legislate so as to give to the States the power to regulate interstate commerce, however much they may be able to lift the restrictions now on the States so as to make a subject of interstate commerce lose its interstate character at an earlier period than it would otherwise. That point is clearly shown in the wording of the decision in the Rahrer case. The Rahrer case in effect says: 'We do not create any rights in the State; we simply lift the ban of the National Government which it has by virtue of its regulation of interstate commerce and permit the State laws to operate.'

"Mr. LITTLEFIELD. As to an element of interstate commerce?

"Mr. SHERLEY. As to an incident.

"Mr. LITTLEFIELD. Did the decision call it an incident rather than an element of interstate commerce?

"Mr. SHERLEY. The Rhodes case, in reviewing the Rahrer case, did. The court used this exact language:

"While it is true that the right to sell free from State interference interstate-commerce merchandise was held in Leisly *v.* Hardin to be an essential incident to interstate commerce, it was yet but an incident, *as the contract of sale* within a State in its nature was usually subject to the control of the legislative authority of the State.

"On the other hand, the right to contract for the transportation of merchandise from one State into or across another involved interstate commerce in its fundamental aspect, and imported in its very essence a relation which necessarily must be governed by laws apart from the laws of the several States, since it embraced a contract which must come under the laws of more than one State. The purpose of Congress to submit the incidental power to sell to the dominion of State authority should not, without the clearest implication, be held to imply the purpose of subjecting to State laws a contract which in its very object and nature was not susceptible of such regulation even if the constitutional right to do so existed, as to which no opinion is expressed. (170 U. S., p. 424.)

"The question here asked by the court and left undecided must, in my humble judgment, be answered in the negative.

"While Congress can lift its arm from the State so as to give to it the free exercise of the power it would naturally have within its State lines, it can not give to the State the power to go out beyond the State limits and regulate interstate commerce, and I believe that to be the true distinction, the distinction that is so strongly intimated in the Rhodes decision.

"Of course this is a very close question, and I am free to confess that it is one concerning which there can be readily differences of opinion. The point that I make is this: That the Wilson law says, as construed by the Supreme Court, that the interstate character of alcoholic liquors shall be lost before instead of after the sale.

"It did not go to the vital aspect of interstate commerce. That aspect of it which is vital and fundamental is the right of importation from one State to another, and it does not seem to me that the right of importation necessarily carries with it the right to sell, although it was so declared back in the Leisly case in regard to interstate commerce and in regard to foreign commerce in the case of Brown *v.* Maryland. What you are asked to do here is to absolutely prevent interstate commerce not by a national law but by permission to the State to prevent it. The State has no power over the fundamental aspects of interstate commerce.

"It has power over those things which are incident to it, which are local to it. You can not make any regulations in regard to pilotage; you can not make any regulations in regard to any sort of tax or fee, or anything else, without in some way affecting interstate commerce; that is, if it applies to anything outside the State at all. There is a vast distinction, however, between affecting interstate commerce in that sense and affecting it in the sense of absolutely preventing its existence. Congress itself can prevent its existence, and Congress should do it if it wants to be honest and believes it ought to be done.

"Mr. SMITH. Does not the sale of an article imported into a State bear about the same relation to interstate commerce that the manufacture of the article does?

"Mr. SHERLEY. In this connection it certainly does.

"Mr. CLAYTON. That was decided in the Sugar case?

"Mr. SHERLEY. Yes, sir.

"Mr. LITTLEFIELD. What is the right to import without the right to sell?

"Mr. SHERLEY. It is a very considerable right, for you may have the right to sell in the State where the goods are made. I live, for instance, in the State of Iowa, and I go into the State of Kentucky, where, as I have heard it said, the whisky is so good that intemperance becomes a virtue, and I conclude that I want to get some of that whisky and carry it back to Iowa. I make a contract in the city of Louisville by which the manufacturer is to ship to me, in the State of Iowa, some whisky. That is a very valuable right to me, even if it does not carry with it the right to sell the whisky in Iowa.

"Mr. LITTLEFIELD. But, as a business proposition, is the right of import of any substantial value without the right to sell?

"Mr. SHERLEY. Unquestionably, without the right to sell in the place where imported, because the right to import may be exercised after the sale has already been made in another State. In other words, you make your contract of sale in the State of Kentucky and you carry out your importation by sending it over to the State of Iowa.

"Mr. LITTLEFIELD. You carry it through the State of Iowa?

"Mr. SHERLEY. Into the State. The mistake you make is in supposing that the only sale that can be made is one made after delivery. Now, the import sale, the sale that really gives commercial value to the commodity, is the sale that is made before delivery. A person may contract in another State for the purchase of any particular commodity, and it becomes interstate commerce afterwards. Of course there would be no value in the right to import if you could not buy and sell at either end of the line.

"Mr. LITTLEFIELD. The sale takes place at that point quite largely, although purchased for shipment into another State?

"Mr. SHERLEY. Yes, sir; the sale becomes completed, for instance, in Kentucky, and if this proposed law is passed and is constitutional the effect of it will be to say that while you can buy if you want to in another State, one of the incidents of the contract—that it shall be shipped to you into the State of Iowa—shall not be carried out, and then you have the beautiful spectacle of one State absolutely annulling the law of another State, and that is what I mean by saying that this law gives an extra territorial effect to the laws of the States.

"Mr. LITTLEFIELD. Does not the law substantially do that now? I understand your illustration, which is entirely sound; although liquor is sold in Kentucky to be delivered in Iowa, the sale takes place in Kentucky. Now, does not the law that deprives the consignee in Iowa of the right to sell in original packages impair the commercial value?

"Mr. SHERLEY. Yes, sir; but does not destroy it.

"Mr. LITTLEFIELD. Do you contend, as a commercial proposition, that the main purpose of the transportation from Kentucky into Iowa is not that it may be sold, and that when the law prevents it from being sold the main purpose of the consignee is not defeated?

"Mr. SHERLEY. If your premises were true, these people would not be here advocating this present law. They think there is a distinction. They think it interferes very materially with interstate commerce, and if tlfey did not think so they would not be here advocating a proposition that goes further than any proposition ever submitted to the national legislative body.

"Mr. PARKER. Have you considered the effect of the Wilson law on such a case as this? Suppose the Iowa law was in New York City, where there are large jobbing houses and where a jobbing house purchases a large quantity of liquor and then ships it to another State; what about that second sale to be exported somewhere else?

"Mr. SHERLEY. I am inclined to think, without having looked at that specific point, that it would be treated as a separate transaction, so that the jobber sending on his goods into other States would be considered as beginning a new interstate transaction which would be entitled to the same privileges as if there had been one transaction, provided, of course, the laws of New York permitted the jobber to hold the liquor received from another State and did not immediately confiscate it after receipt by the jobber.

"Mr. PARKER. Does your argument go so far as to say that the State law can not prevent a purchase in one State to be carried into another and then shipped into a third State?

"Mr. SHERLEY. I am inclined to believe that, for instance, alcoholic liquors—to make the case specific—bought in Kentucky and brought into Iowa and delivered to an Iowa consignee, could by the law of Iowa be prevented from being exported out of Iowa into another State.

"Mr. PARKER. You think it would?

"Mr. SHERLEY. Yes, sir; for this reason, that the very moment the interstate journey is ended, that moment the property passes from under the protection of the national law obtained by that provision giving Congress power to regulate commerce and becomes a part of the general property within the State. But this question might come up, as to whether one State could prevent the exportation of articles of commerce to another State, but that would be under an entirely different provision of the Constitution.

"But laying aside that question, which has no bearing here, I am inclined to think that the moment whisky came in there and became absolutely a part of the rest of the wealth of the State, that then the laws of the State could seize it and absolutely prevent its use or sale or consumption in any way.

"Mr. PALMER. What are your clients' fears based on, that Congress will violate the Constitution?

"Mr. SHERLEY. I have no clients. I am a Member of Congress doing my duty, as I think, to uphold the Constitution of the United States.

"Mr. PALMER. Your constituents, then, because you stated that you represented one of the largest distilling districts in Kentucky.

"Mr. SHERLEY. My constituents object to this law naturally, that is, my whisky and beer constituents, because it does interfere with their trade. The National Government recognizes that trade and raises a tremendous revenue out of it, and it ought to have the courage and honesty to stand in the open and either legislate so as to prevent alcoholic liquors being made at all, by putting the tax so high as to be prohibitory, or it ought to have the courage to protect the men engaged in that pursuit, in ordinary common fairness.

"That is my position aside from the question of the legal right. But this committee must determine and has no right to shirk the responsibility as to whether a law is constitutional and what is going to be the effect if you pass it. If you establish this precedent Congress can have the same power as to any article of interstate commerce. Take, for instance, tobacco, why should not Congress pass a law prohibiting practically the importation of tobacco from one State to another? You know the cry that goes out in regard to cigarettes, and in regard to smoking generally. There are people who believe just as strongly in regard to the destruction of the Nation from cigarette smoking as from alcoholic liquor drinking. Why should not Congress pass a law to give the States absolute power to prevent interstate commerce in regard to tobacco, and then, when you have gotten through with tobacco, why should you not take up a number of other things?

"There are a great many people in this country who believe that the trusts are going to absolutely destroy America. We all know that the State of New Jersey has a little habit of incorporating trusts and giving them the power to do whatever they want in any State but New Jersey. We have suffered from it. Why should not this great body pass a law which will say to the States that they may prohibit trust-made goods coming into the State, the same as they may now prohibit trust-made goods being manufactured in the States?

"Mr. LITTLEFIELD. Why do you not do that in Kentucky now and drive such corporations out of Kentucky?

"Mr. SHERLEY. Kentucky can prohibit them doing business but it can not prohibit their goods coming in. If you are going to legislate this power, give us the power to prevent trust goods coming in, and the State of Kentucky will be able to take care of the matter.

"Mr. LITTLEFIELD. What good would there be in sending commodities into Kentucky if they could not be disposed of? They might export them out.

"Mr. SHERLEY. There would be this particular good, that they would have the right to make the sale in advance and send direct to the consumer, and until you pass a law as to commodities other than alcoholic liquors, going so far as the Wilson law already has gone, they would have the power to sell them within the State.

"Now, in regard to alcoholic liquors, it seems to me that the logic of this case is simply to say this, we will let the States go back into that condition of commerce that existed prior to the formation of the National Government, and let them under the police powers, by their desire to do what they think necessary or convenient, so legislate so to prevent free intercourse between the States. But the precedent that would be established would doubtless lead to legislation affecting other articles of interstate commerce. It would simply become a question of the strength of any particular State in the National Congress to obtain legislation affecting any other commodity that it might desire.

"And while the Vance case, which was decided at the same time as the Rhodes case, holds that no State might directly discriminate against the products of another State it would be practicable to indirectly discriminate; for instance, a State not manufacturing a lard product made out of cottonseed oil might decide to prevent such product of a sister State being brought into competition with the lard manufactured within its own borders from animal fat. If it was powerful enough to obtain from Congress a law permitting it to treat lard made from cottonseed oil shipped into the State the same as if created there, it could then by a sufficient tax practically prevent the shipment, or could entirely prohibit it on the ground that such product was injurious to health, and could thereby create a monopoly for the lard made from animal fat.

"This is but a crude illustration, but it does illustrate what is possible to be done by the States should Congress decide to follow the dangerous precedent set forth in this case, having in mind that in the course of time every precedent, even though established for a good purpose, is taken advantage of for some less worthy object."

STATEMENT OF HON. LAWRENCE MAXWELL, JR.

"Mr. CARLIN. Mr. Maxwell, I think you said you wanted to be heard.

"Mr. MAXWELL. Mr. Chairman and gentlemen of the committee, I do not think the bill before the committee involves consideration of the question of the general power of Congress to prohibit the transportation of intoxicating liquor in interstate commerce, because any such provision would necessarily involve a complete revolution in the great body of the laws of the United States and in its fiscal system. I understand that the total revenue of the Federal Government for the fiscal year 1910, raised by taxation, amounted to $675,000,000, and that of that revenue $252,000,000 was derived from the tax on intoxicating liquor. So that if the transportation of these liquors in interstate commerce is to be considered by Congress, it must be in connection with an entire change of policy as to the fiscal affairs of the Government and its taxation.

"Mr. NORRIS. Could I ask you a question there? Can you give us any information as to how much of that tax is derived from the intoxicating liquors used illegally or sold illegally?

"Mr. MAXWELL. How can you ascertain that?

"Mr. NORRIS. Well, I do not know; I was trying to get information from you.

"Mr. MAXWELL. That could not be ascertained. You might ascertain what liquor was transported into the States that have regulating laws, but how much of that, if any, was used illegally or transported for the purpose of being used illegally, of course, could not be ascertained. I am told that in the Internal Revenue Department the greatest violation of the internal-revenue laws with respect to the manufacture of distilled spirits occurs in the States where prohibitory laws are in force, and those statistics the committee can easily get from the Commissioner of Internal Revenue. I understand that the work of the Department of Justice in punishing violations of the internal-revenue laws is largely in States where the traffic in intoxicating liquor is wholly prohibited.

"Mr. NORRIS. This law would not apply to this, as I understand it. That would not be interstate commerce.

"Mr. MAXWELL. That would not be interstate commerce; no.

"On the question of the general and absolute prohibition of transportation of intoxicating liquors in interstate commerce you would have to consider whether Congress, under the power given to it by the Constitution to regulate, could prohibit the transportation of an article which by the commercial usages of the world and the laws of the United States is an article of commerce. You would also with respect to the particular method of prohibition suggested by this bill have to consider some fundamental principles established by the Constitution of the United States. For instance, in the case of Adair *v.* United States (208 U. S., 162) the court held that Congress had no power to make it a criminal offense against the United States for a carrier engaged in interstate commerce to discharge an employee simply because of membership in a labor organization, and that a provision to that effect in an act of Congress concerning interstate commerce was a violation of personal liberty as well as of the right of property created by the fifth amendment to the Constitution of the United States. That was an act passed under the authority of Congress to regulate inerstate commerce, and the Supreme Court struck down that provision because the power of Congress was limited in respect to regulation of interstate commerce by other fundamental provisions in the Constitution of the United States.

"Take another case, the case United States *v.* Fox (95 U. S., 670). The court decided that section 5132 of the Revised Stat-

utes, which declares that every person respecting whom proceedings in bankruptcy are commenced, who, within three months before their commencement obtains goods upon false pretenses with intent to defraud, shall be punished by imprisonment, was inoperative to render the act an offense, because its criminal character was to be determined by a subsequent proceeding. The act was criminal if within three months there should be proceedings in bankruptcy. It was not criminal if the proceedings were commenced in three months and a day. The Supreme Court held it was in violation of the Constitution of the United States. Why? Justice Field, in the course of his opinion, did not refer to any specific provision of the Constitution, but decided that an act which is not an offense at the time it is committed can not become such by any subsequent independent act of the party with which it has no connection. The criminal intent *must exist* when the act complained of is done; it can not be imputed from a subsequent independent transaction. And there are other decisions of the Supreme Court of the United States and in State courts suggesting the same principle.

"Mr. MOON. Take a simple illustration. Suppose we passed a law requiring railroads to carry everybody at a rate of 1 cent a mile. That is regulation of interstate commerce.

"Mr. MAXWELL. Yes.

"Mr. MOON. Where anything of that kind has been attempted it has been at once said that it is confiscatory. Therefore the powers of Congress are subject to all the other limitations placed in the Constitution of the United States.

"Mr. MAXWELL. They must be; that has been decided frequently by the Supreme Court.

"Now, with respect to this particular bill. It says that the transaction is prohibited and the contract is declared to be void if one of the parties, unknown to the other, intends to violate any law of a State. That is an attempt to declare a transaction invalid because one of the parties to the transaction, unknown to the other, intends to violate in the future, when he gets the goods, some law of the State. Suppose he does have that intent in his mind when the goods are ordered. Suppose he abandons that intention before the goods are delivered to the carrier or after they are delivered to the carrier and before they are delivered to him. Nevertheless, that intent which he had at the time he purchased the goods, and at any time before the goods are delivered to him, renders the whole transaction invalid.

"Mr. WEBB. Mr. Maxwell, if you agree that Congress could prohibit entirely that shipment without assigning cause, don't you admit that it could limit it?

"Mr. MAXWELL. Certainly Congress could not do that. But by this bill Congress is asked to say that a transaction is invalid if one of the parties to that transaction has the intent at any time, undisclosed to the other, to violate some law of the State.

"Mr. NORRIS. Mr. Maxwell, if this bill were changed so that the intent were confined to one person, would it, in your judgment, change the status of the thing?

"Mr. MAXWELL. No; it would not. The right of transportation in interstate commerce is a right of the consignor, of the vendor, as well as the consignee, and that right can not be affected so as to render the contract invalid as against the seller because of the undisclosed purpose or intent of the buyer to violate the law.

"Mr. NORRIS. The point I wanted to make is this: In your argument you have repeatedly said that this law would apply if the intent of any of the persons was to use it illegally, that intent being unknown to any of the other persons. Then your judgment would be that the law would be just as bad if the intent were confined entirely to one person in the transportation.

"Mr. MAXWELL. Yes; and for what reason? You can not have an interstate transaction without the cooperation of two or more, and it is not within the power of Congress or any legislature under a constitutional government to declare a contract, which requires the cooperation of two or more persons, invalid because one of those persons has the intent to commit a crime.

"Mr. MCGILLICUDDY. Do you concede that Congress has the constitutional power to prohibit interstate commerce in intoxicating liquors altogether?

"Mr. MAXWELL. I do not; I do not concede that power.

"Mr. MOON. Do you concede the second proposition, that even supposing they had, it gives them the right to discriminate?

"Mr. MAXWELL. Not at all.

"Mr. MOON. They have a right to say that diseased cattle shall not go into interstate commerce, and thereby absolutely outlaw them, but they have not a right—if they do not outlaw—to discriminate between the different States as to the shipment.

"Mr. MAXWELL. They have not; no, sir. That means, to use the language of Mr. Justice Matthews in the case of Bowman *v.* Railway Co., commercial anarchy. The very purpose of the interstate-commerce clause of the Constitution was to prevent commercial anarchy and to have interstate commerce subject, and subject only, to uniform rules established by the Congress of the United States, so that when any man in a foreign country or in this country wishes to engage in interstate commerce the only law that he has to consult is the law of the United States. On the other hand, under this bill no man in London, Paris, or New York, or Philadelphia could engage in interstate commerce in this commodity without consulting the law of the State to which the goods are to go. He can not find out whether an interstate transaction is regulated, or to what extent, by making an exhaustive search of the laws of the United States. He would not get a start there, because immediately he would be referred to the various laws of the States. That is just what the commerce clause was intended to prevent. Under the commerce clause a man who wants to engage in interstate commerce or foreign commerce is required to consult, and to consult only, the laws of the United States.

"Mr. CARLIN. A great deal of stress has been laid on the fact that Congress has recognized in the way of statutes the shipment of birds. What have you to say about that?

"Mr. MAXWELL. I am very glad to have an opportunity to say a word about that. What I have said just now about the prohibition of interstate traffic or the power of Congress to absolutely prohibit the transportation of intoxicating liquors in interstate commerce is, in my opinion, quite aside from the question that you have before you in this bill. The fundamental objection to this bill, the objection which is vital and can not be overcome, is the objection that this bill undertakes to delegate to the States whatever regulation of interstate commerce is to be accomplished by the bill, and, as the chairman of the subcommitee so clearly pointed out, this law itself discloses no regulation; it has no vitality except as State laws come in. The power to regulate is the power to prescribe the rules under which interstate commerce shall be conducted, and there are no rules in this bill. The rules exist only when the State acts and to the extent that the State acts, and when the State repeals the law there is no rule, and when the State amends the law the rule is modified.

"Now, it is said, 'Does that delegate the power to the State?' There is no magic in the word 'delegate.' The objection is that Congress undertakes to regulate commerce among the States, not by any rule which it prescribes, but by a rule which it leaves the States to prescribe.

"Has Congress any policy—because the regulation of interstate commerce must evidence some public policy—has Congress any policy about the transportation of intoxicating liquors in interstate commerce? None whatever by this bill. Whatever is the policy of any particular State is the policy adopted by this bill. Congress has no policy. Congress by this law leaves the regulation, whatever it is, the expression of public policy, entirely to the State and dependent upon the State.

"In that connection, if the committee will allow me, I would like to quote a passage from the opinion of Chief Justice Marshall in Gibbons *v.* Ogden. On page 206 he says:

"The act of 1803 (3 U. S. L., 529) prohibiting the importation of slaves into any State which shall itself prohibit their importation implies, it is said, an admission that the States possessed the power to exclude or admit them, from which it is inferred that they possess the same power with respect to other articles.

"If this inference were correct; if this power was exercised not under any particular clause in the Constitution but in virtue of a general right over the subject of commerce, to exist as long as the Constitution itself, it might now be exercised. Any State might now import African slaves into its own territory. But it is obvious that the power of the States over this subject previous to the year 1808 constitutes an exception to the power of Congress to regulate commerce, and the exception is expressed in such words as to manifest clearly the intention to continue the preexisting right of the States to admit or exclude for a limited period. The words are: "The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year 1808." The whole object of the exception is to preserve the power to those States which might be disposed to exercise it; and its language seems to the court to convey this idea unequivocally. The possession of this particular power, then, during the time limited in the Constitution can not be admitted to prove the possession of any other similar power.

"Now, Mr. Caldwell could not, of course, fail to appreciate the vital importance of the objection which we urge to this bill; and, so far as possible, I have refrained from discussing any other objection. What is the good of considering other objections to a bill which is clearly repugnant to the Constitution of the United States because it delegates to the States a power which rests exclusively in Congress? And Mr. Caldwell, fine lawyer as he is, thoroughly appreciative of the significance of that objection, argued here for two hours without ever touching the point, and then, when his attention was called late in the afternoon to that objection, he referred to the Lottery case. But the act of Congress involved in that case did not leave anything to the States. It prohibited absolutely the interstate

transportation of lottery tickets. It delegated no power to the States and was not dependent on any State law.

"Another illustration used by Mr. Caldwell was that of obscene books, being section 245 of the Criminal Code of the United States. Congress does not say they are prohibited between States which provide that obscene books and pictures shall not be received. Congress declares its own rule, and says that obscene books shall not be transported in the mails or carried in interstate commerce. There is no delegation of power to the States.

"Then, with respect to the adoption or enactment of criminal laws of the States, in territory within the States subject to the jurisdiction of the United States, being section 289 of the Criminal Code, Congress left nothing to the States. Congress said that the laws in existence were enacted by it and that they should remain in force, so far as the United States are concerned, notwithstanding any subsequent repeal or amendment thereof by the State. There was no delegation of power to the State.

"Then they cite the Lacey Act of 1900, now section 242 of the Criminal Code, which makes it unlawful to transport in interstate commerce the dead bodies of wild animals or birds killed in violation of the law of the State in which they were killed or from which they were shipped, and Mr. Caldwell says that statute is an instance of the power of Congress to regulate interstate commerce, dependent upon action by the State. What Congress did by that statute was to make it illegal to transport in interstate commerce certain animals, or the dead bodies of certain animals, which are by the common law feræ naturæ, which belong to the sovereign, and which can not become private property or an article of commerce except with the sovereign's consent. Whether wild animals and birds are property depends entirely upon the law of the State in which they are killed. There is no other law that can govern the subject. What Congress did was to say that, since wild animals and birds killed in violation of law are not articles of commerce, they shall not be transported in interstate commerce. They are not property at all.

"The statute has been before the courts in two cases. In United States *v.* Smith (115 Fed., 423), which was an indictment under the statute before Archbald, in the District Court of the United States for the Middle District of Pennsylvania in 1902, he sustained a demurrer to the indictment on the ground that it did not state an offense.

"Mr. WEBB. In that it failed to set up the State law.

"Mr. MAXWELL. The indictment was not sustained, because it was not a good indictment. Here is what he said in his opinion, at page 428, in answer to the argument that the statute was unconstitutional:

"According to the views so expressed, I am therefore clearly of the opinion that no evasion or violation of the act is disclosed in the indictment, and that the demurrer must be sustained. The larger question whether the act is a legitimate exercise of the power given to Congress by the Constitution to legislate with regard to interstate commerce, or is merely, as charged, a national game law, thinly disguised, which it had no authority to pass, although fully discussed at the argument, I do not feel called upon to decide. Neither do I the further question whether—assuming the act to be valid—dead game carried in the hands, or as part of the personal luggage of the party who has killed it, must be regarded as falling within the terms of the act when transported under such conditions from State to State.

"Mr. CARLIN. Did he hold that the dead game was property?

"Mr. MAXWELL. He did not. United States *v.* Thompson (147 Fed., 637) is the other case in which the statute has been before the courts. A demurrer to the indictment was sustained in that case. The question of the validity of the statute was not discussed or passed upon.

"Mr. WEBB. Mr. Maxwell, may I make this suggestion? Have you read the report of the Interstate and Foreign Commerce Committee that reported this game-law bill?

"Mr. MAXWELL. I have not.

"Mr. WEBB. It was written by Mr. Sherman, who is now Vice President, and I wish to say that the reason for passing the law suggested by you was never even hinted at by the gentleman who made the report. I have never heard it asserted in this country that if a man takes wild game in his own possession it is not property. I am quite sure you will find Congress did not undertake to exercise its power based on that supposition.

"Mr. MAXWELL. That is not a supposition; that is as old and as certain as any principle of law can be that the power to appropriate animals which are feræ naturæ as private property depends wholly upon the consent of the sovereign. They are the property of the sovereign, and no man can acquire a right of private property in them except with the consent of the sovereign. Who is the sovereign? The sovereign is the State in which the animals are. Therefore, when the State has prohibited the killing or reduction to possession of those animals by killing, it says there can be no private property in them. That is as old as English law, and all that Congress has done, therefore, is to say that an article which is not the subject of private property, and which is therefore not essentially an article of commerce, shall not be transported.[1]

"[1] The point is settled by the case of Greer *v.* State of Connecticut (161 U. S., 519). A statute of Connecticut, while providing an open season for the killing of birds, made it an offense to have the birds in possession with intention to procure their transportation beyond the limits of the State. The offense with which Greer was charged was the possession of game birds for the purpose of transporting them beyond the State, although they had been lawfully killed within the State. The Supreme Court of Connecticut sustained the conviction, and the case was carried to the Supreme Court of the United States upon the claim that the Connecticut statute was repugnant to the commerce clause of the Constitution of the United States. In stating the case, Mr. Justice White said that the sole question was whether the State of Connecticut had "the power to regulate the killing of game within her borders so as to confine its use to the limits of the State and forbid its transmission outside of the State" (161 U. S., 522).

"He said (p. 522):

"'The solution of the question involves a consideration of the nature of the property in game and the authority which the State had a right lawfully to exercise in relation thereto. From the earliest traditions the right to reduce animals feræ naturæ to possession has been subject to the control of the law-giving powers.'

"The learned justice then examines the law of Greece, Rome, France, Germany, and England. At page 527 he says:

"'The practice of the Government of England from the earliest time to the present has put into execution the authority to control and regulate the taking of game.'

"This authority, he says, passed to the Colonies, and then to the States. Citing many American cases, he says, at page 528:

"'The adjudicated cases recognizing the right of the State to control and regulate the common property in game are numerous.'

"At page 529 he says:

"'The common ownership and its resulting responsibility in the State are thus stated in a well-considered opinion of the Supreme Court of California: "The wild game within a State belongs to the people in their collective sovereign capacity. It is not the subject of private ownership, except in so far as the people may elect to make it so, and they may, if they see fit, absolutely prohibit the taking of it or any traffic and commerce in it if deemed necessary for its protection or preservation or the public good."'

"At page 530 he says:

"'In view of the authority of the State to affix conditions to the killing and sale of game, predicated as is this power on the peculiar nature of such property and its common ownership by all the citizens of the State, it may well be doubted whether commerce is created by an authority given by a State to reduce game within its borders to possession, provided such game be not taken, when killed, without the jurisdiction of the State. The common ownership imports the right to keep the property, if the sovereign so chooses, always within its jurisdiction for every purpose. The qualification which forbids its removal from the State necessarily entered into and formed part of every transaction on the subject and deprived the mere sale or exchange of these articles of that element of freedom of contract and of full ownership which is an essential attribute of commerce.'

"At page 532 he says:

"'The power of the State to control the killing of and ownership in game being admitted, the commerce in game, which the State law permitted, was necessarily only internal commerce, since the restriction that it should not become the subject of external commerce went along with the grant and was a part of it. All ownership in game killed within the State came under this condition, which the State had the lawful authority to impose, and no contracts made in relation to such property were exempt from the law of the State consenting that such contracts be made, provided only they were confined to internal and did not extend to external commerce.'

"The point of the decision is emphasized in the dissenting opinions of Mr. Justice Field and Mr. Justice Harlan, who were of opinion that the game was property and, therefore, an article of commerce because it had been lawfully killed. The decision of the court proceeded upon the ground that the game was not property and, therefore, not an article of commerce and the statute of the State forbidding its transportation beyond the State was, consequently, not repugnant to the commerce clause of the Constitution of the United States.

"On the same ground the court, in New York ex rel. Silz *v.* Hesterberg (211 U. S., 31), held that a statute of New York making it an offense to have possession of game within the State during the closed season, although it had been lawfully taken in foreign countries during the open season there, was not repugnant to the Constitution of the United States. Geer *v.* Connecticut, supra, was followed and applied. In concluding his opinion, Mr. Justice Day said, at page 43:

"'The New York Court of Appeals further held that the so-called Lacey Act (31 Stat., 187, chap. 553, U. S. Comp. Stat., 1901, p. 290) relieved the regulation of the objection in question because of the consent of Congress to the passage of such laws concerning such commerce, interstate and foreign, within the principles upon which the Wilson Act was sustained by this court. Re Rahrer (Wilkinson *v.* Rahrer, 140 U. S., 545.)

"'In the aspect in which the game law of New York is now before this court we think it was a valid exertion of the police power, independent of any authorization thereof by the Lacey Act, and we shall therefore not stop to examine the provisions of that act.'

"In Rupert *v.* United States (181 Fed., 87), in the Circuit Court of Appeals for the Eighth Circuit, decided March 5, 1910, a conviction under the Lacey Act was sustained, the court saying at page 90:

"'Quail belong to the State or Territory, or rather to the people collectively thereof, and are subject to the local laws as to killing and the times therefor and the shipment. These propositions have been put at rest by the Supreme Court. (Geer *v.* Connecticut, 161 U. S., 519; Lawton *v.* Steele, 152 U. S., 133.) It is for the State legislature to say when quail may be killed. It may provide that they shall not be killed at any time. It may provide that they may be killed for use at home only and not killed for shipment out of the State, which, if allowed, would result in the extinguishment locally of such game. And no one doubts the validity of game laws which prohibits killing of game on the lands of another. It is quite likely that every State of the Union has such laws, and such was the common law. The individual having no ownership in the game and allowed at certain times, if at all, to kill the same at certain places for particular uses only, it does not become the general subject of commerce free from all inhibitions.'"

"Mr. NORRIS. In that case you would have to look to something besides the Federal statute to see——

"Mr. MAXWELL. To see what? To see whether the article offered for transportation is in fact an article of commerce, and that can be determined only by the law of the State, which has the sole right to say whether its wild animals and birds may be appropriated as private property.

"Mr. NORRIS. You would have to look to the State statute in order to see whether your Federal law applied.

"Mr. MAXWELL. You would have to look to the State statute to see whether it was an article of commerce at all; in other words, whether it was property.

"Mr. WEBB. And whether the Federal statute had been violated.

"Mr. MAXWELL. No; not whether it had been violated, but whether the thing offered for transportation is in fact an object of commerce by the law of the State, which is the only law that can make it an article of commerce. But when you deal with spirits, wine, ale, and beer, which are recognized by the commercial usages of the world as articles of commerce, you do not have to go to any State law to see whether they are in fact articles of commerce.

"Mr. WEBB. But in the open season the Federal Congress makes these birds an article of commerce and permits their transportation, because the various States which have these State laws permit the killing of them and their transportation.

"Mr. MAXWELL. Congress does not make them articles of commerce at all.

"Mr. CARLIN. The birds do not seem to have had friends enough to raise the question. That has never been passed upon?

"Mr. MAXWELL. The constitutionality of the statute has not been passed upon by the Supreme Court. But why should we get involved in a discussion as to the constitutionality of the Lacey law. The question before the committee is whether the Webb bill is constitutional. The two are not the same or similar. One relates to wild animals and birds over which the States have exclusive control; the other to spirits, wine, ale, and beer, which "are a recognized and legitimate subject of interstate commerce," to use the words of the Supreme Court in its latest decision announced only a month or so ago in L. & N. R. R. Co. *v.* F. W. Cook Brewing Co.

"Mr. WEBB. Let me suggest this: You are aware, of course, that the Supreme Court of the United States has said that no citizen of the United States or any State has any inherent right to manufacture or sell intoxicating liquors. In that particular case liquor stands almost alone. You could not say that as to raising wheat and corn. The United States Government has put whisky on a different basis, and we contend that no man has a right to make it or sell it, but there is no power in Congress to limit its transportation.

"Mr. MAXWELL. The State, in the exercise of its police power, may say that intoxicating liquors shall not be manufactured, that they shall not be possessed, perhaps that they shall not be used by the individual for his personal use, and that they shall not be subject to bargain and sale. Now, that is essentially a State matter, a local matter, upon which the power of the State is ample and complete. There is no law of the United States that interferes in the slightest degree with the full exertion of the police power of the State in respect to the use of or traffic in intoxicating liquors within the State. Now, what is the purpose of this bill? Is it to enlarge the police powers of the State? Of course, if it is, it is invalid. Is it to assist the State in the enforcement of its police power?

"Mr. WEBB. Right there I want to ask you this question: There is a period of time between the arrival of a consignment of whisky in the express office and its delivery during which the State can not take any action with reference to it. In other words, a package of whisky that arrives in a town, say, to-day, may remain in that express office or depot two days, three days, or a week, and the State has not power to touch it until it is delivered to the consignee.

"Mr. MAXWELL. Until it is delivered to the consignee, or until the carrier holds it as warehouseman for the consignee.

"Mr. WEBB. He has got to hold it a reasonable time. Now, can you suggest—I realize you are a great lawyer—can you suggest any way by which the State might have some right with reference to that whisky if it is shown it is intended to be used in violation of its laws where it rests within her territory and within her jurisdiction?

"Mr. MAXWELL. Not prior to the delivery to the consignee, so long as the Constitution of the United States and the commerce clause of the Constitution stand and are enforced.

"Mr. WEBB. Congress can not enforce it?

"Mr. MAXWELL. Congress can not——

"Mr. WEBB. Then there is no sovereign power anywhere to control liquor?

"Mr. MAXWELL. What you were asking was with respect to the power of the State. I do not mean to say that the Federal Congress has no power.

"Mr. WEBB. You say the Federal Congress can not prohibit the interstate shipment of whisky——

"Mr. MAXWELL. My opinion is—but that question is not involved here, and I would prefer to be excused from discussing it, because I have come to discuss a particular bill and an objection that is fundamental under the Constitution. But I do say that no State, consistently with the Constitution of the United States, can exercise any police power over an interstate shipment prior to its delivery to the consignee. The delivery to the consignee may be by delivering it to the person or to his agent, or it may be by retaining it for him in a warehouse. The fundamental objection is that consistently with the Constitution of the United States no such police power can be exerted by the State, even with the consent of Congress. That is reenforced in such clear and explicit terms by Mr. Justice Lurton in the case of Louisville & Nashville Railroad Co. against F. W. Cook Brewing Co., in an opinion rendered January 22, 1912, that I would like the permission of the chairman or Mr. WEBB to read what he says on that subject. A member of the committee has suggested that this decision does not add anything to prior decisions. That may be true, but it states clearly the principles which had been established by the decisions:

"By a long line of decisions, beginning even prior to Leisy *v.* Hardin (135 U. S., 100), it has been indisputably determined:

"(a) That beer and other intoxicating liquors are a recognized and legitimate subject of interstate commerce.

"(b) That it is not competent for any State to forbid any common carrier to transport such articles from a consignor in one State to a consignee in another.

"(c) That until such transportation is concluded by delivery to the consignee, such commodities do not become subject to State regulation restraining their sale or disposition.

"The Wilson Act, which subjects such liquors to State regulation, although still in the original packages, does not apply before actual delivery to such consignee where the shipment is interstate. Some of the many later cases in which these matters have been so determined and the Wilson Act construed are: Rhodes *v.* Iowa (170 U. S., 412); Vance *v.* Vandercook Co. (170 U. S., 438); Heyman *v.* Southern Railway (203 U. S., 270); Adams Express Co. *v.* Kentucky (214 U. S., 218).

"Valid as the Kentucky legislation undoubtedly was as a regulation in respect to intrastate shipments of such articles, it was most obviously never an effective enactment in so far as it undertook to regulate interstate shipments to dry points. Pending this very litigation, the Kentucky Court of Appeals, upon the authority of the line of cases above cited, reached the same conclusion. (C. & N. O. Ry. *v.* Kentucky, 126 Ky., 563.)

"The obligation of the railroad company to conform to the requirements of the Kentucky law, so far as that law prohibited intrastate shipments, is clear, and to this extent its circular notification was commendable. But the duty of this company, as an interstate common carrier for hire, is to receive for transportation to consignees upon its line in Kentucky from consignors in other States any commodity which is an ordinary subject of interstate commerce, and such transportation could not be prohibited by any law of the State of such consignee, inasmuch as any such law would be an unlawful regulation of interstate commerce not authorized by the police power of the State.

"Mr. WEBB. I think we all agree that that is the law.

"Mr. MAXWELL. What is sought to be accomplished by this bill? Are you trying to enlarge the police power of the States? That you can not do. Are you trying to have that police power exerted before the interstate transaction in its fundamental aspect is completed? That you can not do. You are trying to do nothing that is within the power of Congress. Absolutely nothing.

"Now, if the committee please, the suggestion is made that if this bill is of doubtful constitutionality put it up to the Supreme Court.

"Mr. WEBB. I want to say that I have made no such suggestion.

"Mr. MAXWELL. I know you have not, and I do not believe you would concur in that. I am a lawyer and nothing else. I want the courts preserved for the administration of justice. It is essential under our system of government that the Supreme Court of the United States should be vested with authority to pass upon the constitutionality of statutes, but it is desirable that that jurisdiction should be invoked as little as possible. The common cry when the court declares an act unconstitutional is that it is usurping the functions of the legislature. The pity is that that cry is used to impair the influence and usefulness of the courts for the primary purpose for which they are formed, to wit, the administration of justice between man and man. Therefore I deplore the presentation of constitutional cases to the court unnecessarily, and I am sure this committee, recognizing the duty resting upon it to maintain and preserve the Constitution, would hesitate to recommend a bill of doubtful validity with the idea of putting it up to the Supreme Court. That is something Congress should carefully refrain from doing, and therefore it is, if the committee please, that I have come here to offer the objections which seem to me to be fatal to this bill. What I have said is just what I would

say if the bill were for argument before the Supreme Court of the United States in a case involving its constitutionality.

"Senator Knox, in stating his views relative to the constitutionality of bills to regulate interstate commerce in intoxicating liquors, which were before the Judiciary Committee of the Senate and reported upon adversely by it in 1909, said (S. Doc. No. 146, p. 9, 61st Cong., 1st sess.):

"My conclusions are:
"First. Interstate shipments are not completed until they reach the consignee.
"Second. An interruption or interference with interstate shipments before they reach the consignee constitutes a regulation of commerce.
"Third. Regulating interstate shipments is an exclusive function of Congress.
"Fourth. Congress can not delegate any part of its exclusive power to the States.
"Fifth. To remove the bar or impediment of exclusive Federal power which shuts the States out of the Federal domain and thereby allows them to enter that domain is to permit or sanction a State law in violation of the Constitution and in effect to delegate a Federal function to the States.
"For these and other reasons assigned I am constrained to vote against the bills we have been considering.

ARGUMENT OF EDGAR H. GANS, ESQ.

"Mr. GANS. Mr. Chairman and gentlemen of the committee, it seems to me that the difficulty, if there is any, about this subject, arises out of misconceptions of certain fundamental distinctions. It shall be my effort to make these distinctions clear.

"Senator Rayner put his hand on the real question when he asked my colleague, Mr. Maxwell, how this proposed bill differed, in its constitutional aspect, from the bills that had heretofore been declared unconstitutional by the Judiciary Committee of the Senate.

"Those bills were introduced in the Sixtieth Congress, and their fundamental purpose was to submit intoxicating liquors transported into any State or Territory for delivery therein or remaining therein for use, consumption, sale, or storage, to the police powers of the State immediately upon arrival within the boundary of the State, before and after delivery, in the same manner as though such articles had been produced in the State.

"The question, therefore, was whether Congress could withdraw its power over a shipment at the State line or at some point before the goods were delivered to the consignee and leave it to be regulated or prohibited by the police power of the State.

"On this question Senator Knox, who was chairman of the subcommittee on the Judiciary, said:

"My conclusions are:
"First. Interstate shipments are not completed until they reach the consignee.
"Second. An interruption or interference with interstate shipments before they reach the consignee constitutes a regulation of commerce.
"Third. Regulating interstate shipments is an exclusive function of Congress.
"Fourth. Congress can not delegate any part of its exclusive power to the States.
"Fifth. To remove the bar or impediment of exclusive Federal power which shuts the States out of the Federal domain, and thereby allow them to enter that domain, is to permit or sanction a State law in violation of the Constitution and in effect to delegate a Federal function to the States. (Doc. No. 146, 61st Cong., 1st sess., pp. ix, x.)

"Senator Rayner and Senator Fulton, in separate opinions, expressed substantially the same views, and the views of these three Senators were adopted by the Senate Committee on the Judiciary.

"In other words, when you are considering the transportation of commodities from one State to another, interstate commerce per se, or in its fundamental aspect, begins with the consignor and ends with delivery to the consignee, and Congress has no power to permit a State to regulate or prohibit any part of such interstate commerce.

"In the Kenyon bill now presented it is not proposed to divide the act of interstate commmerce so as to leave a part, even though it be the larger part, within the control of Congress and a lesser part under the control of the police power of the State.

"That is not the question here. This bill affects the whole shipment. It prohibits the shipment of intoxicating liquors from one State to another when the liquors are intended by any person interested therein, directly or in any manner connected with the transaction, to be received, possessed, or kept, or in any manner used, either in the original package or otherwise, in violation of any law of such other State enacted in the exercise of its police powers.

"Now, the only cases thus far decided by the Federal courts justifying acts of Congress which prohibited shipments of merchandise from one State to another are those which deal with 'contrabrands of commerce' or 'outlaws of commerce,' or things which are not fully the subjects of commerce.

"In his argument before this committee, Mr. Caldwell, the draftsman of this proposed law, frankly admitted that his idea was to get around the decision of the Senate Judiciary Committee already referred to by making the shipment a nuisance. His argument is that intoxicating liquors shipped from one State into another, when the intention of anybody concerned is to violate the law of such other State, is a nuisance, and can be constitutionally prohibited by Congress under the line of cases just adverted to. Is this argument sound?

"This argument makes it necessary for us to examine the line of cases concerning 'outlaws of commerce,' or, as it is sometimes called, 'illicit commerce,' and also those cases dealing with things not 'subjects' of commerce, becaues not possessing in the eyes of the law all the characteristics of property, and to understand the fundamental principles upon which such cases rest. When we fully understand these principles, we can then see whether, under them, the present proposed law can be justified.

"These principles are as follows:

"1. Anything is an 'outlaw' of commerce or 'not a subject' of commerce when it is so in its own nature as applied to all the people of the United States as one nation.

"2. They can therefore, under the national power of regulation of commerce, be denied by Congress the facilities of interstate commerce.

"3. They can also, because they are 'outlaws' of commerce or 'not subjects' of commerce be prohibited from being shipped out of or into the States by the States themselves.

"The leading case is that of Champion *v.* Ames (188 U. S., 321), commonly known as the Lottery case.

"The question there was whether Congress could prevent the transportation from State to State of lottery tickets. It was decided by five judges, four dissenting, that Congress had the power. The real ground of the decision was that lotteries were injurious to all the people, and of this the court could take judicial notice—that being so injurious to all the people, they could, in the interest of all the people, be denied the facilities of interstate commerce as 'outlaws' of commerce. The court says, page 355 (italics ours):

"We have said that the carrying from State to State of lottery tickets constitutes interstate commerce and that the regulation of such commerce is within the power of Congress under the Constitution. Are we prepared to say that a provision which is in effect a prohibition of the carriage of *such articles* from State to State is not a fit or appropriate mode for the regulation of *that particular kind of commerce?* If lottery traffic, carried on through interstate commerce, is a matter of which Congress may take cognizance and over which its power may be exerted, can it be possible that it must tolerate the traffic and simply regulate the manner in which it may be carried on? Or may not Congress, *for the protection of the people of all of the States,* and under the power to regulate commerce, devise such means, within the scope of the Constitution, and not prohibited by it, *as will drive that traffic out of commerce among the States?* * * *

"(P. 357.) Besides, Congress by that act does not assume to interfere with traffic or commerce in lottery tickets carried on exclusively within the limits of any State, but has in view only commerce of that kind among the several States. It has not assumed to interfere with the completely internal affairs of any State and *has only legislated in respect of a matter which concerns the people of the United States.* As a State may, *for the purpose of guarding the morals of its own people,* forbid all sales of lottery tickets within its limits, so Congress, *for the purpose of guarding the people of the United States* against the 'widespread pestilence' of lotteries *and protect the commerce which concerns all the States,* may prohibit the carrying of lottery tickets from one State to another."

"Again, page 358:

"If the carrying of lottery tickets from one State to another be interstate commerce, and if Congress is of the opinion that an effective regulation for the suppression of lotteries, carried on through such commerce, is to make it a criminal offense to cause lottery tickets to be carried from one State to another, we know of no authority in the courts to hold that the means thus devised are not appropriate and necessary *to protect the country at large against a species of interstate commerce which,* though in general use and somewhat favored in both National and State legislation in the early history of the country, *has grown into disrepute and has become offensive to the entire people of the Nation.*

"The same principle is announced in the case of Hippolite Egg Co. *v.* United States (220 U. S., 51) in construing the pure food and drug act of 1906 (ch. 3915, 34 Stat., 768), whose object is to keep adulterated articles out of the channels of interstate commerce or, if they enter such commerce, to condemn them while in transit or in original or unbroken packages after reaching destination.

"The question was whether certain cases of preserved whole eggs, which had been shipped from Missouri to Illinois, could be seized as adulterated in violation of the act in the original package in the hands of the consignee, even though they had not been shipped for sale but to be used by the consignee in manufacturing purposes. It was contended that the court had no jurisdiction in rem, because at the time of the seizure the eggs had passed into the general mass of property in the State and out of the field covered by interstate commerce.

"The court said (italics ours), page 57:

"We are dealing, it must be remembered, with *illicit articles,* articles which the law seeks to keep out of commerce, because they are de-

based by adulteration, and which law punishes them (if we may so express ourselves) and the shipper of them. There is no denial that such is the purpose of the law, and the only limitation of the power to execute such purpose which is urged is that the articles must be apprehended in transit or before they have become a part of the general mass of property of the State. In other words, the contention attempts to apply to *articles of illegitimate commerce* the rule which marks the line between the exercise of Federal power and State power *over articles of legitimate commerce*. The contention misses the question in the case. There is here no conflict of jurisdiction over *property legally articles of trade*. The question here is whether *articles which are outlaws of commerce* may be seized wherever found, and it certainly will not be contended that they are outside the jurisdiction of the National Government when they are within the borders of a State. The question in the case therefore is, What power has Congress over *such articles?* Can they escape the consequences of their illegal transportation by being mingled at the place of destination with other property? To give them such immunity would defeat in many cases the provision for their confiscation, and their confiscation or destruction is the especial concern of the law. The power to do so is certainly appropriate to the right to *bar them from interstate commerce* and completes its purpose, which is not to prevent merely the physical movement of adulterated articles *but the use of them*, or rather to prevent trade in them between the States by denying to them the facilities of interstate commerce.

"From the above case it is clear that the powers of Congress over 'illicit' commerce is governed by different rules than those which determine and fix the powers of Congress over legitimate commerce. In legitimate commerce the line between State and Federal authority becomes important. In 'illicit' commerce no such question arises, for, as we have just seen, the National Government, acting for the Nation, can pursue adulterated articles even after they have gotten into the general mass of the property of the State, and, as we shall see presently, the State may itself forbid the importation into its boundaries of such articles.

"Upon the principles of these cases it is of course within the power of Congress to prohibit transportation companies from carrying from one State into another obscene books, pictures, or writings, or other matter of an indecent character, or any drug or article intended for producing abortion, or for any indecent or immoral use, as was done by act of 1900 (ch. 553, s. 4, Federal Penal Code of 1910, sec. 245). All these things—e. g., lottery tickets, adulterated food, indecent articles—all are inherently detrimental in themselves to all the people of the United States. If the thing involves a moral question, it is wrong to the moral conscience of the whole United States as a nation, not a malum prohibitum set up by one State against another State. If it is a question of health, it affects everybody in the same way. Therefore they are prohibited and denied the facilities of interstate commerce. These characteristics are not created by Congress, because they exist in themselves, but they are taken notice of by Congress just as the courts take judicial cognizance of the universal character of their dangerous and harmful tendencies.

"I make this assertion without fear of contradiction: The United States Supreme Court has never decided that the carriage of any article as contraband of commerce could be constitutionally prohibited which article was not, by the substantially universal consent of the whole Nation, contraband of commerce, and is therefore marked out, cut off, and declared to be something that can not be carried from State to State.

"So, again, an article that is not a subject of commerce may be prohibited from being carried from State to State, but that is precisely because it is not a subject of commerce.

"Thus Congress, by what is known as the Lacey Act (1900, ch. 553, sec. 2, Federal Penal Code of 1910, sec. 242), prohibited the transportation of the dead bodies of wild animals or birds when they are killed or offered for shipment in violation of the law of the State where they were killed or offered for shipment. This act was declared constitutional in the case of Rupert *v.* United States (181 Fed., 87, 90), but that was only because the dead bodies of wild animals and birds killed or offered for shipment against the laws of the State are not the subjects of property in the usual sense, but are under the control of the State where they are killed or from which they are to be shipped. They are therefore, under these circumstances, not subjects of commerce at all. The court bases its decision on the case of Geer *v.* Connecticut (161 U. S., 519, followed in Oklahoma *v.* Kansas Nat. Gas Co., 221 U. S., 223), where the whole subject is elaborately discussed by the then Mr. Justice White.

"The other characteristics of 'outlaws of commerce' or 'contrabands of commerce' or things 'not subjects of commerce' is even more striking. That is that the States can prohibit their being carried from or into the borders of the State, something which can never be done by the States as to any objects of legitimate commerce.

"The authorities are full and conclusive on this question. To cite a few—

"In the case of Plumley *v.* Commonwealth of Massachusetts (155 U. S., 461) the law of Massachusetts was sustained which forbade the sale of oleomargarine, colored in imitation of yellow butter, even though the article was imported into the State and sold in the original package; that such a sale was not a violation of the commercial clause of the Constitution.

"The court says (italics ours), page 468:

"He (the importer) is only forbidden to practice in such matters a fraud upon the *general public*. The statute seeks to prevent false pretenses and to promote fair dealing in the sale of an article of food. It compels the sale of oleomargarine for what it really is by preventing its sale for what it is not. Can it be that the Constitution of the United States secures to anyone the privilege of manufacturing and selling an article of food in such manner as to induce *the mass of the people* to believe that they are buying something which, in fact, is something wholly different from that which is offered for sale? * * *

"Page 479:

"The Constitution of the United States does not secure to anyone the privilege of defrauding the public. The deception against which the statute of Massachusetts is aimed is an *offense against society;* and the States are as competent to protect their people *against such offenses or wrongs* as they are to protect them against crimes or wrongs of more serious character.

"But in the case of Schollenberger *v.* Pennsylvania (171 U. S., 1) the Supreme Court of the United States held that a State could not prohibit the importation and sale of pure oleomargarine not deceptively colored, as this was a legitimate article of commerce.

"The Supreme Court, therefore, says to the States: 'You may keep out oleomargarine deceptively colored.' Why? Is it not an article of commerce? Yes; it is if it is pure and not deceptively colored. It is then an article of legitimate commerce, and you can not keep it out no matter what your local policy may be. But if it is colored for purposes of deception you can keep it out. Here you are dealing with fraud. It is fundamental that no man has the right to cheat another. It is not a local policy, but general—it is inherently wrong. Therefore, you can make oleomargarine 'contraband of commerce,' or an 'outlaw of commerce,' where it is put into such a condition as to deceive the people into thinking that it is butter, and such action on the part of the State will not contravene the commerce clause of the Constitution.

"The whole matter is summed up in the case of Bowman *v.* Chicago & North Western Co. (125 U. S.), where the Supreme Court says (p. 489):

"Doubtless the States have power to provide by law suitable measures to prevent the introduction into the States of articles of trade which, on account of their existing condition, would bring in and spread disease, pestilence, and death, such as rags or other substances infected with the germs of yellow fever or the virus of smallpox, or cattle or meat or other provisions that are diseased or decayed or otherwise, from their condition and quality, unfit for human use or consumption. Such articles are not merchantable; they are not legitimate subjects of trade and commerce. *They may be rightly outlawed as intrinsically and directly the immediate sources and causes of destruction to human health and life.* The self-protecting power of each State, therefore, may be rightfully exerted against their introduction, and such exercises of power can not be considered regulations of commerce prohibited by the Constitution. * * *

"(P. 490.) If *from its nature* it does not belong to commerce, or if its condition from putrescence or other cause is such, when it is about to enter a State, *that it no longer belongs to commerce,* or, in other words, *is not a commercial article,* then the State power may exclude its introduction.

"The same principles apply as to things that are not fully the subjects of property rights.

"Thus in Greer *v.* Connecticut (101 U. S., 519) it was held that the State has the right to prohibit the transportation of birds or game lawfully killed in the State, because these articles are feræ naturæ, subject only to such ownership as the State permits.

"From these authorities and others which could be cited it is clear that 'outlaws of commerce' are distinguished by sharp characteristics which never fail, and you can distinguish them as certainly as you tell a white man from a black man. If Congress is to prohibit their transportation they must be inherently wrong, as a shipment of deceitfully colored oleomargarine or a lottery ticket, and wrong quo ad the Nation as a whole.

"If it is an 'outlaw' of commerce, then it is not a thing with respect to which you can say to a State, 'You shall not forbid that thing to come within your borders,' or 'You shall not forbid it to go out.' You can do both, because it is not legitimate commerce, and not being legitimate commerce, the Constitution is not violated by such action.

"Now, coming back to this bill, wherein does it receive any support from the principles just enunciated as to 'outlaws of commerce.' Is intoxicating liquor an article of legitimate commerce, or is it outside of commerce? Do you not know that in every distillery in the United States there is a Government officer who watches everything that is done from the time of the buying of the grain until the distilled liquor is put into barrels—that the barrels are under the custody of a Government officer in a warehouse until the tax is paid? Do you not all

know that a great part of our internal revenue taxes come from distilled spirits?

"Oleomargarine was decided to be an article of commerce, inter alia, because its manufacture was recognized by Congress and it was made the subject of Federal taxation. (Shollenberger *v.* Pennsylvania, 171 U. S., 9.)

"So as to tobacco. The Supreme Court of the United States, speaking of tobacco, in Austin *v.* Tennessee (179 U. S., 345), says (italics ours), page 345:

"Whatever product has, from time immemorial, been recognized by custom or law as a fit subject for barter and sale, *particularly if its manufacture has been made the subject of Federal regulation and taxation*, must, we think, be recognized as a legitimate article of commerce, although it may, to a certain extent, be within the police power of the States. Of this class of cases is tobacco.

"As to intoxicating liquors, the effect of a long line of decisions is summed up by the Supreme Court of the United States in Louisville & Nashville Railroad Co. *v.* Cook Brewing Co., decided January 22, 1912, where the court says it has been indisputably determined—

"(a) That beer and other intoxicating liquors are a recognized and legitimate subject of interstate commerce.
"(b) That it is not competent for any State to forbid any commerce carrier to transport such articles from a consignor in one State to a consignee in another.
"(c) That until such transportation is concluded by delivery to the consignee, such commodities do not become subject to State regulation restraining their sale or disposition.

"If, therefore, intoxicating liquors are a recognized and legitimate subject of interstate commerce; if the States can not exclude the shipment of such liquors from another State, then it is clear that the present bill can not be supported upon the theory that intoxicating liquors are 'outlaws' of commerce, nor can its validity be founded upon any of the cases cited above. Not only is this true, but the present bill does not itself purport to make intoxicating liquors 'outlaws' of commerce. It does not undertake to have Congress say that the use of intoxicating liquors is wrong in itself, or that such use is deleterious to all the citizens of the United States, or that such liquors shall be denied the facilities of interstate commerce. There is no attempt to repeal the internal-revenue laws taxing liquors and regulating distilleries. There is no withdrawal contemplated of the recognition by Congress of liquors being in themselves legitimate subjects of foreign and interstate commerce. Nothing of this sort is attempted. It is therefore only a subterfuge to try to show that the bill can be supported upon the theory that liquor shall be regarded as a 'nuisance' or an 'outlaw' of commerce.

"The bill on its face is evidently an attempt to have Congress assist some States in the enforcement of their police regulations of the liquor traffic as against the interests of other States which authorize the manufacture of liquors and desire as wide a market for them as possible.

"The question has been asked whether Congress could not make intoxicating liquors "outlaws of commerce" and prohibit their transportation from State to State.

"A complete answer, so far as this discussion is concerned, would be that this question does not now arise. The present bill does not pretend to really accomplish this purpose.

"But waiving this objection, let us try to frankly answer the question.

"Let it be remembered that Congress can not arbitrarily prevent interstate commerce in things which are in their own nature the subject of legitimate commerce. The power as to legitimate commerce is to regulate, not to prohibit. Congress could not prohibit commerce in wholesome meat or bread. This is conceded. So when Congress comes to consider things that may be classed as illegitimate commerce, it does not merely put articles in that class of its own arbitrary will, but recognizes the existence of characteristics in the article which in the common opinion of the country render it harmful or deleterious, just as the Supreme Court of the United States, in passing upon the validity of acts of the legislature dealing with such articles, takes judicial cognizance of their characteristics in determining whether the legislative act is arbitrary or not.

"Thus the Supreme Court of Tennessee decided that cigarettes were not legitimate articles of commerce because wholly noxious and deleterious to health and their use inherently bad and bad only, but the Supreme Court of the United States held that this was not so in such a way as to make them 'outlaws of commerce.' (Austin *v.* Tennessee, 179 U. S., 350, 367.)

"The difficulty of dealing with the question of the wholesale prohibition of interstate commerce in liquors is that it is difficult to realize the atmosphere under which such a question would come to be practical. The Lottery case furnishes an illustration. In early times in this country lotteries were not looked upon with disfavor. Churches and public buildings were built with their proceeds. They were fully authorized by the legislatures, but with the passing of time there came to be a complete revolution in sentiment, so that they were bad to the moral conscience of the whole country. And therefore the Supreme Court, taking judicial cognizance of this situation, said that lottery tickets were contraband of commerce, because everybody agreed that they were hurtful to everybody in the United States who indulged in their use—that lotteries were a widespread pestilence, going into every home and working harm.

"But this is not true as to the use of intoxicating liquors. There is no belief, shared by substantially the whole people of the United States, including the Government, that the use of intoxicating liquors is so inherently wrong and deleterious to the whole people that it should be prohibited or suppressed as lottery tickets are prohibited or suppressed.

"We know that its use is freely permitted among all the civilized people in the world; that its prohibition in countries like England, France, Germany, or Italy would be regarded as simply ridiculous; that foreign traffic in them is enormous and has been since the beginning of the Government; that even in this country, though it is subjected to numerous restrictions under the police power of the States, still its prohibition is attempted only in a part of the country. We know, further, that it is still recognized by the Government of the United States as a legitimate subject of commerce; that its distillation is regulated by the Government and that it is heavily taxed by the Government; that the real situation in this country is that a great majority of the people are in favor of its use, but its temperate use, whilst a large number of earnest and zealous people are in favor of its prohibition.

"If the sentiment as to the use of liquor ever grows, as did the sentiment as to lottery tickets, to such an extent that substantially the whole country will believe that the use of intoxicating liquor in any form as a beverage is inherently wrong and deleterious to the whole people—a state of things which I regard as wholly impossible in the very nature of things—then such a state of facts would justify Congress in recognizing it and passing a law excluding liquor from interstate commerce on the theory of the Lottery case. But it is scarcely practical for us to be considering now what Congress might legally do on an impossible state of facts. Of course, Congress could not declare liquor an 'outlaw of commerce' and still regulate its manufacture and tax it. All the internal-revenue laws relating to intoxicating liquors would, of course, have to be repealed.

"This bill does not purport to 'outlaw' intoxicating liquor. It is really an attempt to aid one State to enforce its police power at the expense of other States.

"This bill undertakes to say to Maryland, 'Your whisky is outlawed because it is going to be used in violation of the prohibition laws of another State.' What does that mean, gentlemen? It means that here you have two States with conflicting interests, does it not? Take two States, for illustration, one a prohibition State and one where whisky is manufactured. Here you have two States which are interested in different things, and interested in different ways about a thing which is a subject of commerce. One State wants it and the other does not want it. What was the interstate-commerce law passed for? Was not the interstate-commerce law passed for the very reason that there were conflicts of interest between this State and that State as to commerce—as to the interchange of commodities? And is it not a fundamental and final answer to this question to say that when you are dealing with interstate commerce, the interstate-commerce clause requires you not to deal simply with the idea of helping one State in its interest, in what it thinks is its interest, against the interests of another State? I think my brother who talked just before me was very frank about it, that the only way that this conclusive argument can be gotten around at all is to attempt to make this not a regulation of interstate commerce, but to make it contraband of commerce. Now, that, I say, is conclusively shown, can not be done in this case.

"Now, I deny the power of Congress under the interstate-commerce clause to use the great power of the Government of the United States to aid one State as to its local police matters against another State. There is no authority that I know of, properly understood, that contains that principle.

"In one of the most recent cases in the Supreme Court of the United States the true principle of the interstate-commerce clause was stated.

"In Oklahoma *v.* The National Gas Co. (221 U. S., 229), the court says (italics ours), page 235:

"And yet we have said that in matters of foreign and interstate commerce there are no State lines. *In such commerce, instead of the States, a new power appears and a new welfare, a welfare which transcends that of any State. But rather let us say that it is constituted of the welfare of all the States.* * * *

"Here is involved simply an attempt to have Congress say to one State, 'Now, you have a prohibition law; you have been trying to enforce it and you do not succeed entirely. Why do you not succeed? Because here come in some goods from abroad, or from another State.' Now, Congress says, 'We will help that; we will take up that situation and we will endeavor, under the commerce clause, to so hedge things about that you can more perfectly enforce your law.' Where, under any section of the Constitution, does Congress get the right to supplement or aid or take the place of the purely police powers of the State? Because that is all it amounts to; and my brother Caldwell is perfectly right when he says it is not even that, it is not even a regulation of commerce, because, as you will see upon looking at these cases in the Supreme Court, that the power is exclusive, and there must be some uniform rule. Why? Because, in interstate commerce Congress deals as a nation; and, dealing as a nation, it deals as a unit; and, dealing as a unit, when it regulates it must be a uniform regulation, and therefore it must be something in the power of Congress to do. Congress can not adopt the police laws of the States.

"In the case of Rahrer (140 U. S., 545), the case you have already been over, it is said, page 562:

"Nor can Congress transfer legislative powers to a State, nor sanction a State law, in violation of the Constitution; and if it can adopt a State law as its own, it must be one that it would be competent for it to enact itself, and not a law passed in the exercise of the police power. * * * It does not admit of argument that Congress can neither delegate its own powers, nor enlarge those of a State.

"Congress can not take up a law of the State and enact it as its own law unless it is the kind of law it could have enacted without referring to the State. These things, in other words, are so different, the police power dealing with the internal affairs of the State and interstate commerce dealing with this great Nation as a nation, these ideas are so disparate in a law that Congress can not, acting as a nation, acting as a unit, take up and pass a law by adopting a State law if that State law justifies itself only under the police powers of the State.

"Then, again, speaking now of the object of the interstate-commerce law of the Constitution, the same decision says that the object was undoubtedly to prevent 'commercial regulations partial in their character or contrary to the common interests.'

"'Common interests,' and 'common interests' in the language of the Supreme Court in that case, means the interests of the people of the United States as a Nation under the commerce clause. That is what it means.

"Gentlemen, that is about the view I wish to emphasize, and I want to reiterate, as earnestly as I possibly can, that this law can not be justified, constitutionally, under the contraband idea, of putting the thing out of commerce; nor can I see that it can possibly be a regulation of commerce, when it simply undertakes to help one State against another in its police regulations, taking something which that other State may pass, which Congress could not pass itself, and which is therefore contrary to the very decision which I have read.

"Senator NELSON. I want to call your attention to the Wilson law and point out that it is exactly on the lines of this bill. Before the Wilson law was passed the Supreme Court held that interstate commerce went to the extent of allowing the sale of the unbroken package, did it not?

"Mr. GANS. Yes, sir.

"Senator NELSON. Here is the Wilson law, and let us see how this bill follows it:

"*Be it enacted, etc.*, That all fermented, distilled, or other intoxicating liquors or liquids transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall, upon arrival in such State or Territory, be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers, to the same extent and in the same manner as though such liquids or liquors had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

"Mr. GANS. Yes, sir.

"Senator NELSON. That is exactly what this bill says. It says that when liquor comes into any State it shall be subject to the laws of that State. Here is an exact model.

"Here the Federal Government relinquished its power over interstate commerce to the extent of allowing selling in the unbroken package. In this bill we propose to relinquish a little more of that power. This bill—I do not refer to the contract part of it, because that does not meet with my approval—the first part of the bill is identically in the language of the Wilson law, and this law meets fully the argument that this is a delegation of legislative authority. If it is a delegation of legislative authority in this case, it was also a delegation of authority to leave it to the laws of the State or Territory in reference to the disposing of it in the unbroken package. If there is a delegation of legislative authority in this case, there was also in the Wilson law.

"Mr. GANS. Now, will you allow me to answer that?

"Senator NELSON. Yes.

"Mr. GANS. Or try to answer it, I mean; because, to my mind, the answer is very clear, although you all may not think so. The answer is this, and it is fundamental: It is just exactly like it was with Shylock; it is not so hard to surrender your little finger, but when it comes to taking a slice out of your heart, it is different, is it not? In dealing with this question, the Wilson bill, as you have suggested, the court said what? Let me give the situation. Before the Wilson bill was passed there was the case of Leisy *v.* Hardin, in which they held that the power of Congress over interstate commerce extended not only from the time the consignor began to ship the goods to the time of its delivery to the consignee, but that it followed the sale in the original package by the consignee. This was the case of Leisy *v.* Hardin. The act of 1890 had this effect: It let go the power of Congress, so far as the sale in the unbroken package was concerned.

"Now, take the language of the Wilson law. By the language itself you could read it to mean that as soon as liquor got into the State it must be subject to the law of the State, but the Supreme Court of the United States took it up and said:

"It can not be. If you construe the language to mean that, then you are interfering with interstate commerce in its fundamental aspect; you are interfering with the transportation of goods from the consignor to the consignee. But when you let go the power over the sale in the original package you are not dealing with interstate commerce, per se, you are not dealing with a thing over which Congress has exclusive jurisdiction; you are dealing with an incident of interstate commerce, a thing like a wharf, or a warehouse, over which the State has police power, unless Congress interferes. In other words, the jurisdiction over the original package being in the State under its police power, unless Congress prevents it, and if Congress takes off its hand, then what is restored? Does Congress give the State power to sell in the original package? No; Congress can not give the State anything. Congress simply takes off its concurrent supervisory jurisdiction, and the State police power, ex propria vigore, governs the sale of the package. That is the ground upon which they put it.

"Senator NELSON. No; they put it upon the ground that the liquor had not arrived in the State. They used the term 'arrival.' They said it had not arrived in the State until it had been delivered to the consignee.

"Mr. GANS. Yes.

"Senator NELSON. That was the real gist of the case.

"Mr. GANS. I have the language. It is Rhodes *v.* Iowa (170 U. S., p. 424):

"Whilst it is true that the right to sell, free from State interference, interstate-commerce merchandise was held in Leisy *v.* Hardin to be an essential incident to interstate commerce, it was yet but an incident, as the contract of sale within a State in its nature was usually subject to the control of the legislative authority of the State. On the other hand, the power to contract for the transportation of merchandise from one State into or across another involved interstate commerce in its fundamental aspect and imported in its very essence a regulation which necessarily must be governed by laws apart from the laws of the several States, since it embraced a contract which must come under the laws of more than one State.

"Now, if that means anything it means that interstate commerce per se, going from the consignor to the consignee, is pure interstate commerce, with respect to which Congress has exclusive jurisdiction under the Constitution, and you all know perfectly well that if Congress is given by the Constitution exclusive power over that kind of interstate commerce (Southern Ry. *v.* King, 217 U. S., 531) it could not give any part of it to the State. If the power is in the State, where did the State get it? It never had it, and it can not be given it by Congress. But the authorities do say this, that when it comes to incidents of interstate commerce, such as selling in the original package, you have a thing which may be under the State or under Congress, as Congress chooses. That is all there is to it.

"Senator BORAH. In other words, if they had held that the Wilson law meant, by the word 'arrival,' when it physically entered the State, they would have made the law unconstitutional?

"Mr. GANS. Yes.

"Senator BORAH. And they held that it meant when the transaction was closed?

"Mr. GANS. Yes. They held that the sale in the original package was something that could be left to the State or not, at the option of Congress.

"Senator NELSON. Excuse me for having interrupted you.

"Mr. GANS. Certainly. I rather like it than otherwise. Now, I have only one other thing to say, and that is in respect to the delegation of power. The discussion which I have just made leads up to this, and therefore I regard it as supplemental to the very able discussion made by Mr. Maxwell.

"The point is that it is really not a regulation by Congress at all, but it is really delegating to the State the power to do something. It must be that, in essence, because Congress can not take up and adopt a law of the State when the thing which

it does is something that Congress could not do itself. It therefore amounts to simply a regulation by the State and not by Congress.

"But look at the absurdity of the bill—I mean the legal absurdity, of course. Here is a case, and I will not read the language, where there is a shipment of liquor from one State to another, where the liquor is 'intended'—intended by whom? Intended when? "Intended by any person interested therein, directly or indirectly, or in any manner connected with the transaction, to be received, possessed, or kept, or in any manner used either in the original package or otherwise, in violation of any law of such State, Territory, or District of the United States.' Intended by anybody connected, directly or indirectly, at any time, with the transaction, to violate the law of any State, with respect to which intention there is nothing in the bill—and they do not want it there—which connects knowledge of that intention with the consignor. Now, I ask you, gentlemen, as lawyers, all of you experienced lawyers, who have been dealing with weighty affairs all through your lives, did you, up to the time of reading this bill, ever hear of a proposition which fundamentally is so opposed to all principles of inherent justice as taking from me property in transit with respect to which I am entirely innocent on account of the fact that somebody, at some time, directly or indirectly connected with the transaction, may intend to violate the laws, no matter what the laws are, in regard to ale, in the original package or not, of another State; did anybody ever hear of anything like that?

"There are States, as you know perfectly well, where some counties are wet and some dry, and if the consignee lives in a city which is wet, to which the consignment goes, and if that consignee, without the knowledge of the consignor, intends to send some of that liquor to the dry counties, he intends to violate the law, and I am to be punished for that, although I have no way of finding out. Even though I asked him and he lied to me I would have forfeited my property.

"Then, if I sell to a consignee and he says that he intended or intends—in order to escape paying the bill when the bill comes in for the goods—to sell on Sunday, or after 12 o'clock at night, or to sell to a minor, or within a certain distance of a schoolhouse, or to do any one of those things which may be prohibited by the laws of his State, I am to be held to forfeit all my goods. Moreover, a thing can not be contraband of commerce unless it is contraband before it starts. Before it starts it must be a thing which is not a subject of commerce before it is put on the cars, because a thing would very rarely get to be contraband of commerce while it is going on the train.

"Here is a thing put on the train innocently by the consignor, an article manufactured under the laws of his State and recognized by the United States by its taxation and the policy of regulation as being an article of commerce, and yet because somebody intends, after it gets there, to violate the law of the State to which it is shipped it has been contraband of commerce from the beginning, under the rules I have indicated, and can be seized even in transit or seized at the other end. Now, with very great respect, that is supremely ridiculous, from my point of view. I do not believe there is a man who has any inherent sense of right who could believe that a consignor should be deprived of his property under these circumstances; and yet that is what is intended here.

"Senator DILLINGHAM. How would this law differ in principle from one that was framed in the same manner and made to apply to the ordinary poisons that are used among druggists, and to opiates, and to firearms, and to things of that kind that might be used legally or might be used illegally?

"Mr. GANS. I think that the State, under its police power, can pass laws relative to the use of dangerous things.

"Senator NELSON. We have a law governing the shipment of dynamite.

"Mr. GANS. Yes; but that comes under danger in transportation.

"Senator DILLINGHAM. Yes; but if Congress had power to pass this law, would they have the power to pass laws in relation to these other things?

"Mr. GANS. Yes; Congress could under that theory go into the whole matter and pass police regulations in regard to anything alleged to be dangerous in its use. This is a sort of entering wedge, by which Congress, under the interstate-commerce power, would take police jurisdiction. I do not see where it is to stop. All that they have to do is to have some reason for saying that the thing which you are going to ship is going to do harm to the people where you ship it, under their legal ideas or their traditions, and you could grasp and hold, therefore, in the Government of the United States a vast area of power which is now exclusively in the States.

"Mr. CALDWELL. Might I ask you a question?

"Mr. GANS. Certainly.

"Mr. CALDWELL. Is it not true that under the law as it now is an original package might be seized in the hands of the consignee immediately after delivery, at the point of destination, and confiscated if the consignee intends to use it in violation of the law, and all that notwithstanding whether the liquor had been sold on credit or not?

"Mr. GANS. That is true.

"Mr. CALDWELL. And the innocence of the vender?

"Mr. GANS. Yes.

"Mr. CALDWELL. So that this simply moves it up to the delivery prior to the point of destination; that is all, is it not?

"Mr. GANS. That is all, because it is everything. It moves along an impossible path; that is all. The only reason why the package you represent could be seized in the hands of the consignee is that when it gets there, under the law of 1890, it is under the control of the State, and the State has control of it inherently and originally. The United States has a right to take that control away; but if it leaves its hands off, then the State has control; but the State has no control, and never did have any control, over goods in transit."

Mr. CLAYTON. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. HENRY].

Mr. HENRY of Texas. Mr. Speaker, I did state that in my opinion this bill is constitutional, and I did not have much doubt on the question. That was true until I heard the distinguished gentleman from Kentucky [Mr. SHERLEY] say it is of doubtful constitutional authority; but now I do not know whether my assertion should stand, because I infer Mr. SHERLEY is a great lawyer and will admit it himself upon the slightest provocation. [Laughter.] Mr. Speaker, this bill shall receive my support as it came from the Committee on the Judiciary, and not a single one of these amendments shall have my support, because in my judgment they do not come from the friends of the legislation and are not necessary or proper.

I believe we have the constitutional right to pass this measure, and all the refinement of logic in the world can not convince me that Congress with plenary power to regulate interstate commerce can not regulate the liquor traffic as we are undertaking to do this day. Ah, but gentlemen say you ought to insert a penalty in this act. Why do you want a penalty and thus throw this matter into the Federal courts? Why not remand subject to the State courts and inforce the law there?

Here is the analysis: Let anyone undertake to ship liquor into a State or locality where is prohibition, and then let it be established that it is shipped to such locality with an intention to violate the law, and in the State court no man can plead in defense that it is interstate commerce and that the State is interfering with interstate commerce, because the prosecuting attorney will say, "We have established that you have shipped this liquor with a guilty intention and you have no right to that defense, because the Federal Government has put an embargo on this character of liquor traffic and you can not violate the laws of the State or a prohibition locality.

How can any Democrat refuse to vote for such a doctrine? How can any gentleman who believes in local self-government, no matter to what party he may belong, fail to vote for it? Ah, the distinguished ex-Speaker of the House, Mr. CANNON, said there are more saloons in Maine and more liquor in that State than in any other State he ever visited. Yes; but if you will pass this law there will no longer be bootleggers there to violate the law by pleading the interstate-commerce defense. That defense will be taken away by congressional enactment, and that is precisely what we propose to-day.

If you are going to amend it, let the friends of the measure offer the amendments. Therefore, I shall vote against the personal-use amendment also, because if there is a right under the Constitution to ship liquor into any locality for personal use or consumption, and not for sale, then this bill does not take that right away from any person. If they have the right to do it under the Constitution the United States Supreme Court has said that Congress can not take that privilege away. Therefore my vote shall be recorded for the act unimpaired, as presented by the Judiciary Committee. [Applause.]

Mr. McCOY. Mr. Speaker, I am one of those who believe that more men drink because they are miserable than are miserable because they drink. [Laughter and applause.] The failure to recognize that fact has been the cause of more legislation which will retard the progress of the temperance movement than anything else that has happened in this country, because it is aimed at the effect and not at the cause.

I want to show from the testimony of the Antisaloon League representatives that the principal trouble which now exists is due to the fact that the States will not enforce their own laws.

I want to point out that in countries like Italy the United States consuls say that they seldom see anybody in a drunken condition because the people are taught to use and not to abuse liquor—they are not forbidden to use it.

I want to discuss the constitutional question, and, more than all, I want to quote at this time a statement made by Mr. Anderson, the representative of the Antisaloon League of Maryland; and I wish that those who have any doubt about the constitutionality of this proposed law would listen to his statement.

Mr. Anderson, who appeared before the Judiciary Committee on the hearings upon this bill, representing the Antisaloon League of Maryland, said this:

I think no Member of the legislative body ought to yield to mere clamor and pass something that he is morally certain is not constitutional. I *should say*, very frankly, it would be cowardly to pass something that a man knew was unconstitutional and put the responsibility on somebody else.

THE CONSTITUTIONAL QUESTION.

My views as to the constitutional question are set forth in the minority report signed by the gentleman from Pennsylvania [Mr. MOON] and by the gentleman from Louisiana [Mr. DUPRÉ] and myself, which reads as follows:

Minority views. To accompany H. R. 17593.

Being unable to agree with the views expressed by the majority members of the Committee on the Judiciary, to whom was referred the bill H. R. 17593, intended to divest intoxicating liquors of their interstate-commerce character in certain cases, which bill has been favorably reported with amendments, we beg leave to submit herewith our views in opposition to the enactment of said measure.

The effect of the bill proposed, if enacted into law, will be to divest intoxicating liquors of their interstate character whenever they are intended by any person interested therein to be in any manner used in violation of any law of any State or Territory to which they may be shipped, and their transportation in interstate commerce is thereupon absolutely prohibited.

In the consideration of this bill a few fundamental and well-established principles of law should be kept in mind.

1. Ardent spirits, distilled liquors, ale, and beer are subjects of exchange, barter, and traffic like any other commodity in which a right of traffic exists, and are so recognized by the usages of the commercial world, the laws of Congress, by our treaties with foreign nations, and by the decisions of the courts. (Leisy *v.* Harden, 135 U. S., 100.)

2. The power to regulate interstate commerce is vested exclusively in Congress by Article I of section 8 of the Constitution of the United States, and that Congress can neither delegate this power nor enlarge the power of the States in reference thereto. (In re Rahrer, 140 U. S. 562.)

3. This constitutional protection of Congress over interstate shipments can not be divested until the goods have been delivered into the hands of the consignee, and until such delivery they can not be subjected to the operation of State laws. (Rhodes *v.* Iowa, 170 U. S., 412.)

This bill if enacted into law contravenes every one of these organic and vital principles, the establishment of which was one of the chief causes leading to the adoption of the Constitution. Under the guise of a congressional regulation it makes alcoholic liquors contraband in certain specified cases; it creates a distinction between legal and illegal shipments based upon the varying laws of the different States, thereby delegating to the States the power of regulating interstate commerce, and it strikes down the constitutional protection to a commodity that is the legitimate subject of interstate commerce, prevents its delivery to the consignee, and subjects it to the operation of a State law as soon as it crosses the border of a State.

This bill and others of similar import are unlike any other bills that have heretofore sought to accomplish this purpose. Bills have been introduced seeking to outlaw all traffic in intoxicating liquors by the exercise of the police power which Congress may possess under its plenary powers over interstate commerce. Bills have been introduced expressly declaring that the dominion of Congress over interstate shipments of liquor should cease upon its arrival within the borders of a State and before delivery to the consignee. These propositions which openly and squarely present to Congress the economic and legal questions involved have not been pressed for obvious reasons. In the first case, if Congress had the power and should declare all liquors contraband, it would do so at the cost of $250,000,000 yearly revenue which it receives from the manufacture and sale of this product. In the second case, the attempt by Congress to relinquish control over interstate shipments before delivery to the consignee is such an abandonment of its constitutional power over interstate commerce in its fundamental aspect as to render it unconstitutional.

The bill, in our judgment, seeks to accomplish both of these purposes by indirection and to avoid the inevitable consequences that attach to the direct method above referred to. Let us examine it carefully and see if it can be successfully done.

Its proponents say:

"The bill does not exclude alcoholic liquor from interstate commerce; that it is a regulation made by Congress itself; that the restrictions imposed are all to be found within the bill; that it is uniform in its operation; that it does not subject interstate shipments to the operation of State laws, but that it divests them of their constitutional protection only when some one or more of the parties interested therein intend to violate a State law."

In order to understand the application of the bill let us take a concrete, practical illustration of its operation. A dealer or a manufacturer in Philadelphia has in his possession and for sale in bulk alcoholic liquors. He receives an order from a wholesaler in the State of Pennsylvania, and his commodity is without question and without restrictions transported in intrastate commerce. By the same mail he receives an order for the same goods from another State, and this same commodity, which is the subject of barter and sale by all the civilized nations of the earth, by the acts of Congress and the decisions of the Supreme Court, is given a new status; it is permitted transportation only upon the condition that all the parties interested in the transaction intend to obey the laws of the State to which the consignment is made. The merchant or manufacturer in this case, and the railroads and other interstate transportation companies, are by this bill denied the usual and ordinary presumptions of law that every man intends to do his duty and to obey the laws of the land, but they must, at their peril, ascertain the actual undisclosed intent of the consignee respecting his intention to violate the laws of the State to which shipment is to be made. That actual intention can be legally determined only by a judicial trial in which a consideration of the question, "What are the laws of the State the intention to violate which is alleged?" must be a primary inquiry, because the intention to violate could be deduced only from the provisions of the law itself.

In Pennsylvania, where every licensed dealer has a right to vend liquors freely, the intent to violate would consist of an intention to sell without a license; in Iowa or in Oklahoma, where the sale of liquor is absolutely prohibited, it might be deduced from the mere possession of liquor. If some State in the future should prohibit the personal use of intoxicating liquor, as well as the sale and traffic therein, the mere giving of the order for shipment might be conclusive evidence of intention to violate. So that it must be apparent to every thoughtful mind that the controlling factors in determining the status of intoxicating liquors ordered by mail from the merchant or manufacturer before alluded to are the rigor or liberality, the restrictions or the absence thereof, in the laws of the various States to which the consignments are to be made, to which may be added the vagaries of the trier of the fact as to intention, and that the State law therefore regulates.

The distinction sought to be drawn by the proponents of this bill between its provisions and the provisions of a bill which would in terms submit interstate shipments of liquor to the States as soon as it crosses their borders, is, in our judgment, a thinly veiled sophistry and totally unsound. In the one case the commodity would be in terms subjected to the laws of the State immediately. By this bill the application of the State law would be postponed one stage and the commodity would be submitted to it immediately; that is, when these laws are crystallized into definite form by having influenced the intention of the consignee or other person.

All laws are but the abstract regulation of conduct. They take concrete form, and punishment is inflicted only when the intention to violate them is established. The law itself is the rule of conduct. The intent to violate is the offense, and the punishment for the violation is but the enforcement of the law. Therefore, to interdict interstate commerce in a legitimate commodity as a penalty for the intention to disobey a State law is, in legal effect, clearly an attempt to enforce a State law in the regulation of interstate commerce.

The application of this law will also be influenced by future State legislation. The character of State laws respecting the liquor traffic will change from year to year. A "dry" State to-day may be a "wet" State to-morrow. The converse of that proposition is equally true. A "wet" State may in the future absolutely prohibit the sale of liquor, or may even go to the point of prohibiting its personal use. The temptation and incentive of the consignee of intoxicating liquors to intend to violate a State law will therefore vary from year to year, as the attitude of the State law shall vary in its regulation of the traffic.

We have confined ourselves to the consideration of one aspect of the bill only. That it is open to many other insuperable legal objections, we are well aware. The attempt to make the action of A illegal and to inflict upon him a penalty because of this undisclosed and undiscoverable intent of other parties is a startling novelty in legislation—so violative of all of the principles and traditions of the common law from which we have drawn our jurisprudence and so fundamentally dangerous in its application, that it challenges the very foundations of justice itself. But we leave the enlargement and discussion of this to others, contenting ourselves with demonstrating the lack of power on the part of Congress for obvious constitutional reasons to pass the bill.

R. O. MOON.
H. GARLAND DUPRÉ.
WALTER I. MCCOY.

The statement of Mr. Maxwell, an attorney who appeared before the Judiciary Committee, is the clearest exposition of the fundamental constitutional objections to the Webb bill, and his position was successfully maintained under the fire not only of members of the committee, but also of the advocates of the bill present when he offered his views. I can not easily summarize his statement, so give it in full. It is as follows:

In other words, this proposed statute prohibits the transportation from any foreign country or from any State into any State or Territory or District of the United States of ardent spirits, beer, ale, or wine which are intended by any person interested therein, directly or indirectly, or in any manner connected with the transaction, to be received, possessed, or kept, or in any manner used, either in the original package or otherwise, in violation of any law of the State, Territory, or District to which the liquor is to be transported, enacted in the exercise of the police powers of such State, Territory, or District, and any and all contracts pertaining to such transactions are declared to be null and void.

We submit that this bill is unconstitutional because it delegates to the States the power to regulate interstate commerce in its fundamental aspect. The power to regulate interstate commerce, as the Supreme Court has said, is the power to prescribe the rules by which such commerce is to be governed. This bill attempts, of course, a regulation of interstate commerce; otherwise it would not be within the power of Congress to pass it. How does it regulate interstate commerce? By any rule which Congress itself establishes? Not at all, but by a rule which the State establishes. If there is no State law, there is no regulation. If there is a State law, the regulation is determined by that State law. The repeal of that State law repeals the regulation. The amendment of the State law amends the regulation. In the absence of a State law there is no regulation whatever. The extent and measure and duration of the regulation is dependent entirely upon the law of the State. Therefore, this proposed bill undertakes to delegate the regulation of interstate commerce to the laws of the State; to leave it to the State to say when spirits may be carried in interstate commerce, to what extent they may be carried in interstate commerce, and the various limitations which the States may impose upon the transportation of spirits in interstate commerce.

Mr. WEBB. May I ask you a question?

Mr. MAXWELL. Yes, sir.

Mr. WEBB. Do you think that Congress has power under the interstate-commerce clause of the Constitution to prohibit the shipment of all whisky in interstate commerce, if it chooses to do so?

Mr. MAXWELL. That question is not here. That is a difficult question, and one which is not involved at all in this bill, because Congress does not by this bill undertake to prohibit the transportation in interstate commerce of ardent spirits.

Mr. WEBB. It would be involved to this effect: If Congress has the plenary power to prohibit the shipment of all whisky in interstate commerce, having that plenary power, it could do anything which involved a lesser exercise of power; that is, it could prohibit any kind of whisky for any sort of reason. Now, if it could prohibit all whisky without any reason, then it certainly follows that the lesser power is included in the larger, and Congress could prohibit the shipment of any sort of whisky, for any sort of purpose, in violation of any sort of law, rule, or regulation.

Mr. MAXWELL. Which Congress itself prescribes.

Mr. WEBB. I did not see that——

Mr. MAXWELL. But Congress can not fix the rule by which any article of commerce shall be transported in interstate commerce solely with reference to some rule which the State may enact.

Mr. WEBB. I was going to say, though, if Congress has the power to prohibit its shipment entirely and arbitrarily, without assigning any reason at all, it can certainly prohibit any part of this commerce for any reason it pleases to assign, because all of those reasons apply to the exercise of a smaller power and the smaller power is included in the larger one.

Mr. MAXWELL. But Congress must prescribe. If Congress wants to impose regulation, Congress must determine for itself what the regulation shall be, so that the extent and duration of that regulation shall be discovered from the declaration of Congress, and not by the declaration of the State. By this bill Congress does not undertake to say that the transportation of wine, beer, or spirits in interstate commerce is prohibited, or when it shall be prohibited according to any rule prescribed by Congress. Congress is asked by this bill to leave to the various States the enactment of the law which gives vitality to the act of Congress.

Mr. WEBB. In that line, may I suggest this: That in 1900 Congress passed a law, and such men as Judge De Armond, who once graced this committee, voted for it, providing that it should be unlawful to ship in interstate commerce any dead birds or the bodies of animals killed in violation of the laws of the States.

Mr. MAXWELL. Yes.

Mr. WEBB. But permitting the shipment in interstate commerce of the bodies of such dead birds and animals provided the State law permitted the shipment. That statute has been in existence since 1900. It was passed by both Houses. Such men as Senator Bailey and Judge De Armond and other great lawyers voted for it, thereby saying that it was constitutional. On the call of the roll in the House it passed by a vote of 37 to 130. I just suggest that there Congress undertook to predicate legislation upon State law, and that law has been to the circuit court twice in the last 12 years and has not been declared unconstitutional.

Mr. MAXWELL. I am glad you called my attention to that statute. There is a striking difference between the statute now proposed and this statute to which you refer. That prohibited the transportation from a State, in interstate commerce, of what? Of an article which was not an article of commerce. The wild animals and birds which are the subject of that statute are feræ naturæ, in which there is no right of property, even after capture, except by the authority and the permission of the State. That game existed as property by virtue of the law of the State in which it was, and if by the law of that State it was denied the right of property, that being within the undoubted power of the State, it then could be treated by Congress as something which was not an article of commerce. What Congress did by that law was simply to say that articles which are not the subject of property—there could be no larceny of such articles at common law—shall not be carried in interstate commerce. That is the whole of that law.

Mr. WEBB. You do not mean to say that birds and animals are not articles of commerce? If they were not, Congress would have no power over them. The first question the court must decide is, Is this thing the subject of interstate commerce? As you will remember, that was the great discussion that they had in the Lottery case. Some of the judges held that lottery tickets were not interstate commerce, and the court held that they must be subjects of interstate commerce before Congress could act at all. The argument you make was never made in the discussion of this game bill on the floor of the House. The court holds that birds are subjects of interstate commerce and subject to the control of Congress. If they were not subject to the control of Congress, Congress would have nothing to do with them.

Mr. MAXWELL. Congress had the right to prohibit the transportation in interstate commerce by a rule which it prescribes. It would not depend at all upon the law of any State except the law of the State in which the wild animals or birds were, a law which in the exercise of the power of that State declared them not to be articles of commerce. They were not property. But as to ardent spirits, I quote from the words of Chief Justice Fuller, in the case of Leisy *v.* Hardin:

"Ardent spirits, distilled liquors, ale, and beer are subjects of exchange, barter, and traffic, like any other commodity in which a right of traffic exists, and are so recognized by the usages of the commercial world, the laws of Congress, and the decisions of courts."

Mr. MOON. Is it not true that the only way that Congress could ever eliminate the transportation of liquor through interstate commerce is by declaring that it is not an article of commerce?

Mr. MAXWELL. That is the only way.

Mr. MOON. Like diseased cattle?

Mr. MAXWELL. Diseased cattle are not an article of commerce. Congress may declare, but it declares by its own rule, and can not delegate to any State the power to say what is an article of commerce, if it is a commodity which, by the recognized usages of the commercial world, and by the acts of Congress, is an article of commerce.

Mr. WEBB. Do you think that Congress can arbitrarily declare what is and what is not interstate commerce?

Mr. MAXWELL. Probably not. Congress is doubtless limited by other provisions of the Constitution. In the Lottery case we are not confronted with any question of a delegation of power by Congress. Congress did not prohibit the transportation of lottery tickets to or from States according to whether the States declared such transportation to be illegal. Congress declared its own rule. Congress provided that the transportation of lottery tickets should be forbidden.

Mr. MOON. Mr. Maxwell, in answer to that question, is not this true: That if there was a preponderant public sentiment throughout this country that intoxicating liquors were inimical to the best interests of the country, under the exercise of the police power of Congress they could declare liquor to be not a legitimate subject of commerce?

Mr. MAXWELL. That is a very strong presentation of the question. I am not prepared to dispute that.

Mr. CARLIN. In the Lottery case, is it not a fact that the Supreme Court based its decision upon this ground, that the States having delegated to Congress the power to regulate and control interstate commerce, they at the same time delegated over interstate commerce the police power; and is it not a fact that the Lottery case was upheld upon the ground that that was an exercise of the police power of Congress?

Mr. MAXWELL. I so understand the case, and the exercise of the police power might perhaps extend to the declaration by Congress that ardent spirits should not be transported in interstate commerce.

Mr. CARLIN. In other words, your contention is that Congress could perhaps altogether prohibit the transportation of liquors in interstate commerce, or Congress could regulate it, but that this is neither prohibition nor regulation, as it is dependent upon the action of the State law to make it either?

Mr. MAXWELL. Wholly. Suppose there is no State law; this bill is a dead letter. It accomplishes nothing; it does not regulate. Suppose the State law prohibits absolutely the use of intoxicating liquors, and the possession of intoxicating liquors, as well as traffic in intoxicating liquors, as the State perhaps might do; then the regulation of interstate commerce becomes, solely by virtue of that legislation of the State, a regulation against its transportation into the State for use by the individual, or for possession by the individual, as well as for sale by the individual. Suppose the legislature abolishes that law; then the regulation of interstate commerce is abolished. Suppose the legislature, in the exercise of its police power, regulates by reposing authority in a municipal body, in the council of a city, in selectmen, or in the voters of a residential district of a city, as we have it in Ohio; then the regulation of interstate commerce is measured by the rule which the State adopts. If that rule is repealed, the regulation is gone. If that rule is modified, the regulation is modified. The fundamental objection to this bill, the objection to which I address myself, the objection which to me is insurmountable, is that Congress by this bill is asked to delegate to the States the regulation of interstate commerce.

Mr. MOON. Would not the interpretation of this very bill be different in two different States?

Mr. MAXWELL. Absolutely, and there might be different interpretations in the same State, according to the decisions of the courts of that State.

Mr. WEBB. There would be differences of law, too, because some States have no laws against killing birds, and some States have laws against the shipment of game birds, and nobody can ship them.

Mr. MAXWELL. Then if the bird is property, which it may or may not be, according to the law of the State in which it is killed, Congress does not prohibit its transportation. If it is not property by the law of that State it is not an article of commerce at all, and Congress for that reason prohibits its transportation. The bill now under consideration is entirely different. It deals with commodities which are admitted articles of commerce. In L. & N. R. R. Co. *v.* F. W. Cook Brewing Co., decided by the Supreme Court on January 22, 1912, the court said:

"By a long line of decisions, beginning even prior to Leisy *v.* Hardin (135 U. S., 100), it has been indisputably determined that beer and other intoxicating liquors are a recognized and legitimate subject of interstate commerce."

This bill has no force, no effect, no vitality, no significance, except as it attempts to delegate to the States the power to regulate interstate shipments of commodities which, as the Supreme Court says, "are a recognized and legitimate subject of interstate commerce."

Mr. WEBB. Is not that the exercise of a smaller power than the prohibition of all interstate shipment of whisky?

Mr. MAXWELL. No; it is nothing in the world but the delegation by Congress to the State of the power to regulate interstate commerce.

Mr. WEBB. I think it is our regulating commerce; making it depends upon the regulation of the State.

Mr. MAXWELL. That is, leaving it to the State to say whether the interstate transportation of ardent spirits, wine, ale, or beer shall be prohibited or regulate; leaving it to the State to say whether it shall be, and, if it shall be, to what extent. How can you get away from the plain proposition that in the absence of State legislation this law has no vitality or effect?

Mr. WEBB. Do you think we could prohibit the shipment of whisky into any State that prohibits the importation of whisky?

Mr. MAXWELL. Not at all; because you take away from Congress the regulation and delegate that power to the State.

Mr. WEBB. That argument strikes me in this way: Conceding that Congress has a right to destroy the entire body, it has no right to cut off a finger or a toe or a foot. It has the right to destroy the entire commerce in whisky, and yet we can not destroy the commerce in the States where they say it shall not be sold. If Congress has the exclusive power to destroy the entire commerce in whisky, it strikes me it has the power to destroy any part of it for any reason it may assign.

Mr. MAXWELL. Not by the rule, or for any reason you assign. Congress has nothing to do with that statute except to pass it. But, then, whether it is regulation, or what is the extent of the regulation, depends wholly upon a rule which the State prescribes.

Mr. WEBB. Then we say if whisky is being imported in violation of the law of these sovereign States, laws such as these sovereign States have a right to make, then Congress prohibits the importation?

Mr. MAXWELL. True, Congress prohibits the importation; but the States say that it shall be prohibited.

Mr. WEBB. That is right.

Mr. MAXWELL. Only to the extent that the States say. The moment that the State law is repealed the regulation is gone. The minute the State law is modified the regulation is modified. It is a regulation which has no force or vitality except as it is given life or affected by the varying laws of the States.

I have before me the case of In re Rahrer, from which I ask leave to read this short passage from the opinion of the Chief Justice in 140 U. S., page 562:

"It does not admit of argument that Congress can neither delegate its own powers nor enlarge those of a State."

The various forms of regulations which would be engrafted upon interstate commerce by this bill are as many as the various modes of regulation which have been and may be adopted by the States. The regulation may extend to prohibition; it may extend to possession; it may extend to use—for the personal use of the person who

receives it. It may be county regulation; it may be township regulation; it may be city regulation; it may be regulation of a residential district in a city; it may be regulation that is imposed for the purpose of providing a monopoly in the commodity, general or special; and if this bill becomes a law, instead of a uniform rule prescribed by Congress, you will have as many different rules as there may be methods of regulation adopted by the various States. It may be a regulation which rests in some State officer, some county officer, some township officer, some municipal officer, some ward officer.

The lottery case is not subject to the objection which is urged to this bill. Section 242 of the criminal code, prohibiting the transportation in interstate commerce of game which, by the law of the State where it is killed, is not property, is not subject to the objections that are urged to this bill.

Attention was also called at one of the hearings to section 289 of the criminal code. Notice the difference between that section and the bill which is here proposed. Section 289 adopted the laws of the States for punishing acts committed within the territorial limits of the States, but within or upon places now existing or hereafter reserved or acquired by the United States. That was simply adopting the criminal laws of the States then in existence.

Mr. MOON. Let me interrupt you there. That is not adopting the criminal laws of the States?

Mr. MAXWELL. No.

Mr. MOON. It is reenacting the criminal laws of the States and making them Federal laws. We can not adopt State laws.

Mr. MAXWELL. No; Congress can not adopt State laws; it can reenact them.

But does that section allow these laws to be changed or varied by the action of the State? That section expressly provides, "by the laws thereof now in force, and every such State, Territorial, or District law shall, for the purposes of this section, continue in force notwithstanding any subsequent repeal or amendment thereof by any such State, Territory, or District."

So that Congress itself, by that section, adopted a law. It did not leave it to the States to vary that law.

Mr. MOON. And it adopted it because the Supreme Court of the United States had expressly declared that it could not permit a State to legislate for it.

Mr. MAXWELL. That was the reason which led to the adoption. But when Congress passed this section it adopted the rule of law which Congress then determined should be adopted, and it provided that that rule of law should remain in force notwithstanding any repeal or modification of the State law by the State.

Mr. WEBB. And in every State they came to there might have been different criminal laws; in some no criminal laws with reference to action on this.

Mr. MAXWELL. Congress determined what criminal law should be in force. Congress did not leave it to any State. It examined the criminal laws of the States, and by adoption enacted them, and expressly provided that any repeal of those laws by the States should not affect their existence as laws of the United States by virtue of that section.

Mr. WEBB. And there are as many different criminal laws in the various States as there are States?

Mr. MAXWELL. That is because Congress itself declared the rule. It has not delegated any power. It has expressly provided that the statute shall not be treated as a delegation of power. The statute is the statute that Congress passed, and the rule is the rule that Congress determined upon.

Mr. CARLIN. To make that applicable to this bill, your contention is that the States having already enacted laws pertaining to this particular subject, Congress could reenact them into Federal statutes, but could not leave it open to the States themselves to enact, under a general provision of this sort?

Mr. MAXWELL. Exactly so.

Mr. MOON. No; that does not follow. Bear in mind that that relates to property only over which Congress has exclusive jurisdiction, which happens to be situated in the States. They could not exercise power over any property but that—

Mr. CARLIN. Over which Congress has territorial jurisdiction.

Mr. MOON. Yes; territorial jurisdiction.

Mr. MAXWELL. Territorial jurisdiction.

Mr. MOON. Congress has exclusive jurisdiction over interstate commerce.

Mr. MAXWELL. Congress has exclusive jurisdiction over interstate commerce. Whether Congress should exercise that jurisdiction by enacting a regulation or uniform law which should be applicable to all of the States alike is not a question which is involved here. It may be, perhaps, that Congress, in the exercise of its exclusive jurisdiction over interstate commerce, might say that no ardent spirits shall be transported into Oklahoma or into North Carolina or into some other State. Assuming that Congress would have the authority to pass a bill regulating interstate commerce which should not be uniform in its operation, but be directed against the introduction of ardent spirits into particular States, it would be the act of Congress which determined the regulation; and that regulation would endure because Congress enacted it, and would last as long as Congress maintained that regulation, and the regulation would not be dependent upon the action of the State of Oklahoma or of the State of North Carolina. You come back, every turn you take, to the fundamental objection, and as I contend, the fundamental and insurmountable objection to this bill, that it imposes a regulation upon interstate commerce by leaving the regulation wholly to the States, by delegating to the States the power to regulate interstate commerce, which is a power that can not be delegated by Congress.

Mr. MOON. Do you concede that Congress has the power to adopt regulations of interstate commerce which shall not be uniform?

Mr. MAXWELL. I do not. I presented that illustration simply for the purpose of showing the difference between a rule that is prescribed by Congress itself and one which is prescribed by a State. If Congress has the authority to say that wine, beer, and other liquors shall not be transported into the State of Oklahoma, then Congress acts. If Congress says that ardent spirits shall not be transported into the State of Oklahoma, provided the State of Oklahoma says they shall not be, then Congress delegates to the State of Oklahoma the regulation of interstate commerce by that State.

Mr. HOUSTON. What if Congress should provide that liquor should not be shipped in violation of the laws in the States now in existence?

Mr. MAXWELL. Laws now in existence?

Mr. HOUSTON. Which is intended to be used in violation of laws now in existence in the States, just as it is in the Territories, as you referred to in reference to the criminal code.

Mr. MAXWELL. That would present only the objection to the act as not being a uniform regulation of interstate commerce; but it would not be subject to the objection which this bill presents. If Congress should pass the act which you have just suggested, then the prohibition of the transportation of ardent spirits in interstate commerce into the State would be because Congress had itself adopted the rule by referring to the rule now in existence. The rule would be measured by the laws now in existence in the State. The rule would endure, although those laws might be repealed. The rule would be the same, notwithstanding any modification of those laws by the States, and the rule would not be applied to any future laws of the States or to any States in which laws should be enacted in the future.

Mr. HOUSTON. Now, upon the question of uniformity, you will see that there could not be uniformity between the criminal laws of Territories over which the United States had jurisdiction and the laws of contiguous States.

Mr. MAXWELL. Yes.

Mr. HOUSTON. That difficulty exists there, of course?

Mr. MAXWELL. Yes; but, then, that is a law which is passed not in the exercise of the power of Congress to regulate interstate commerce, but in the exercise of the power of Congress to legislate for territory belonging to the United States.

Mr. DAVIS. Congress has jurisdiction over a Territory of the United States.

Mr. MAXWELL. It has as to its code and form of government.

Mr. DAVIS. The legislation of Congress as to its Territories has not been uniform in many respects.

Mr. MAXWELL. No; it has not been. It has never been supposed that the regulation of the affairs of a State or Territory must be by a uniform rule. It must necessarily be with respect to the local conditions and circumstances. But with respect to interstate commerce the constitutional provision was for the very purpose——

Mr. MOON. I have no recollection of any criminal law that was ever passed for the Territories that was not uniform throughout the Territories. We organize the Territories under the act of Congress, and give them the power of passing local laws; but whenever Congress has passed a law for a Territory I think you will find it has been uniform with the law throughout all the other Territories. Laws have been passed for all the Territories, uniform throughout all the Territories.

Mr. HOUSTON. Suppose so; but when Congress provides that a law shall be uniform in accordance with the laws of the States contiguous thereto, that might not produce uniformity, of course.

Mr. MOON. No; I know of but one provision of the Constitution that requires uniformity, and that is in the levying of impost duties. The Wilson Act of 1890 offended against the rule laid down. There the legislation with reference to whisky clearly does not apply to anything else in the United States except liquors that have been shipped in violation of the laws of the State. There they took away what one great Chief Justice said was the right to sell in commerce after it left the hands of the original consignee. That applies to whisky and does not apply to any other goods that I know of.

Mr. HOUSTON. Would you say that the regulation of interstate commerce must be uniform throughout the States?

Mr. MAXWELL. I am not prepared to say that. That question is not involved in this bill.

Mr. HOUSTON. Well, but it relates to the objection you are making to this bill.

Mr. MAXWELL. No; the objection to this bill is not that Congress might not undertake to prescribe by its own rules the regulation of interstate commerce. My objection to this bill is that the regulation is committed entirely to the States.

Mr. LITTLETON. Suppose it was a fixed condition in the State and not a changing condition, and suppose that applied to one-half of the States, do you think that Congress would have the right of its own power to prescribe a rule governing one half of the States which did not apply to the other half of the States?

Mr. MAXWELL. I do not think Congress would ever think of adopting that sort of a rule.

Mr. LITTLETON. No; but I am speaking of the question of law.

Mr. MAXWELL. No; I think not. The very purpose of adopting the interstate-commerce clause of the Constitution was to have Congress regulate it by a uniform rule, made by Congress itself, without reference to the varying rules of the States. Now, the Wilson bill did what?

The CHAIRMAN. That is the act of 1890 which you referred to?

Mr. MAXWELL. That was the act of 1890. The first in the history of the cases on this general subject were the License cases. They were decided upon the ground that the act of New Hampshire, although it was considered to be a regulation of interstate commerce, was valid because Congress had not acted. The Supreme Court of the United States took the view, which was adhered to for a long time in respect of interstate commerce, that the States might act if Congress had not acted. But that rule is now completely repudiated, and the rule is that no State shall adopt any rule which directly regulates interstate commerce; that the failure of Congress to pass a law on the subject does not confer upon the State power to pass a law.

Mr. MOON. In other words, the failure of Congress to act means that it is the opinion of Congress that commerce shall remain free?

Mr. MAXWELL. Yes; that commerce shall remain free.

Mr. CARLIN. Before we come to the discussion of the Wilson bill let me ask you this: Would it be your interpretation of this bill that it might affect the shipment in interstate commerce of this commodity through a dry State to another State that was not dry?

Mr. MAXWELL. It might.

Mr. THOMAS. Would it affect it in transit, do you mean?

Mr. CARLIN. Yes; affect the shipment of it by seizure. If, for instance, Virginia was dry and had a statute that no liquor should be shipped into it, would that law prevent liquor being shipped through that State into North Carolina as interstate commerce from New York, we will say, or Pennsylvania?

Mr. MAXWELL. That I understand to be the result, upon a fair construction of this bill.

Mr. WEBB. How? Just point out how?

Mr. MAXWELL. Because it declares that the transaction is invalid; from the beginning it is invalid.

Mr. WEBB. Yes; but the man who seizes it has got to prove it.

Mr. NORRIS. It is only invalid when the intention is to violate the law of the State into which it is shipped. That would not apply to the case where it is going through the State. There is no intention to violate the law of that State and sell it there.

Mr. MAXWELL. But the transportation is illegal, no matter through what State it passes, if any party to the transaction interested therein, directly or indirectly, intends to receive or use it in the State to which it is destined, in violation of the laws of that State. The transaction

then is invalid, from the moment it is received by the carrier, even in the State where the contract is made, and it is invalid at every moment subsequent to that time, from that moment passing through any other State.

Mr. HOUSTON. It is with reference to liquors shipped from a certain territory to another specified place.

Mr. MAXWELL. Yes.

Mr. HOUSTON. It could not be construed to be subject to the effect of this law in any State through which it might pass, because that would not be in the spirit or the commodity intended to be affected by this law.

Mr. MAXWELL. That is very true; but in passing through that State the carrier is engaged in an illegal transaction. In taking it out of the State where it was held the carrier is engaged in an illegal transaction.

Mr. HOUSTON. Not unless he was going to ship it to a specified place.

Mr. MAXWELL. That is true. But if he gets in Ohio the package of liquor which may be lawfully sold there, the contract for which is lawful in that State, but which is intended by any person interested therein, in the State of Georgia, to which it is to be transported, to be received or used there in violation of the law of the State of Georgia, the contract of the carrier in carrying it, and its act of carrying, are made illegal from the moment that the carrier receives the goods in Ohio, during their transportation across the States of Kentucky and Tennessee and Georgia. The carrier from the beginning has been engaged in a transaction which is prohibited by law.

Mr. NORRIS. Mr. Maxwell, even assuming that to be all true, the practical result, if it was enacted, would be that no prosecutions would be had along the lines which you are now speaking of, would it not? The prosecutions would take place in the vicinities in the States, in the localities, to which the liquor was consigned.

Mr. MAXWELL. They might take place anywhere along the line——

Mr. NORRIS. Oh, yes——

Mr. MAXWELL. Where the transportation met with the disposition on the part of the officers of a community or particular section of a community to impede the commerce in liquor.

Mr. NORRIS. That might be true; but the person who undertook to bring about this prosecution would have to prove the intent with which the liquor was shipped; and inasmuch as that could only, unless in some exceptional cases, be done by evidence in the locality to which it was consigned, I think that while your construction might be true it would have no practical application for the reason that prosecutions of that kind would be very difficult, in the first place, much more difficult than they would be if they were had in the vicinity where the liquor was delivered to the consignee; so that even if it were true in theory, as a matter of practice it would hardly be done.

Mr. MAXWELL. I suppose, as a matter of practice, the enactment of this law, until its validity was determined by the Supreme Court, would substantially destroy traffic in intoxicating liquors, because the ground upon which the act or transaction is declared to be invalid, and the means for enforcing it, would involve everyone connected with the transaction, although they were acting in good faith.

Mr. NORRIS. Suppose that the man who shipped the liquor was acting in good faith, where would he be in any danger?

Mr. MAXWELL. Because the man who received it might transport it to another State where its sale would be entirely legal, and he might nevertheless say, "I intended to violate the laws of this State," so that you would whistle for your money.

Mr. NORRIS. The vendor would probably get his money before he shipped the liquor.

Mr. MAXWELL. Of course the result would be that no commerce could be conducted with safety except by payment in advance of shipment.

Mr. NORRIS. Oh, yes.

Mr. MAXWELL. That would be required for safety not only to the seller but to the carrier, because the carrier has no right of recovery, and all that is necessary for anybody to do under this statute is to say that he intended to violate the laws of the State, and when he says that, that is proved, and immediately the entire transaction becomes from the beginning invalid and illegal. No action can be maintained by the seller against the purchaser. No action can be maintained by the carrier against either seller or purchaser. No contract with respect to any part of the transaction, the sale or transportation, can be enforced in any State of the United States.

Mr. DAVIS. Taking the case of the carrier, you suggest that the shipper could protect himself from loss by demanding payment in advance?

Mr. MAXWELL. Yes.

Mr. DAVIS. I suppose the carrier could do the same thing by demanding payment in advance; and if the carrier demanded payment in advance from the shippers of liquor the carrier would have to demand payment in advance, under the interstate commerce act, from all other shippers?

Mr. MAXWELL. He would have to demand payment in advance from all other shippers; otherwise he would be guilty of discrimination, under the interstate commerce act.

Mr. DAVIS. The result would be to put all freight business on a cash basis?

Mr. MAXWELL. On a cash basis, and the result would be to destroy interstate commerce not only in this commodity, which is the object and purpose of those who are promoting this bill, but to destroy interstate commerce in all commodities.

Mr. NORRIS. Would not the only effect be, so far as the seller is concerned, that he would get his money in advance instead of selling on time; and is it not also true that under present conditions, under the present law, all such liquor shipped into States where it is illegally sold is paid for in advance before the shipment is made?

Mr. WEBB. You can not ship it C. O. D. at all now.

Mr. MAXWELL. You can not ship it C. O. D.; no.

Mr. NORRIS. No.

Mr. MAXWELL. But you can ship according to the ordinary rules of commerce, with a bill of lading attached, or upon the credit of the consignee. But here you are proposing by an act of Congress to make the entire transaction invalid because of an intent on the part of one of the parties to that transaction uncommunicated to the other.

Mr. NORRIS. I think that is right, Mr. Maxwell; but the point I wanted to bring out was that the danger, so far as the shipper was concerned, was practically nil, as I see it, and the danger of liquor being seized in a State through which it must pass to reach its ultimate destination would be practically none, because the evidence of the transaction depending on the intent of some one connected with the transaction, that evidence would necessarily be in the locality where the liquor was finally used illegally, if it was used illegally. That is where you would have to go to get your evidence. That is where prosecutions would occur, if any occurred.

Mr. MAXWELL. But suppose the law of the particular State declared a rule of evidence that possession was prima facie evidence of intention and purpose to use illegally?

Mr. MOON. Suppose it became a question of construction before the Supreme Court of the United States; is it not the cardinal rule that all laws are to be construed according to their possible and not according to their probable effect?

Mr. MAXWELL. That is the rule of construction, and it is doubtless the purpose of this law to invoke that rule of construction for the purpose of embarrassing the transportation of liquor. The extent to which the adoption of this rule would interfere with the trade is not a subject which I propose to discuss. Practical men can tell the committee about that, and whether the liquor could be seized in the State through which it was passing to its destination is not a question which involves the constitutionality of this act, and the suggestions on these subjects are all quite aside from the single objection which I wish to present to this committee, which is that no matter whether its construction be one way or the other upon the various points that are now suggested, this bill is beyond the power of Congress, because it is a delegation by Congress to the State of the regulation of interstate commerce and the regulation of interstate commerce in its fundamental aspect.

In the case of Bowman *v.* Chicago & Northwestern Railroad Co., reported in 125 U. S., which was decided in 1888, there was involved the question whether the railroad company was liable in damages for refusing, in Illinois, to receive for transportation to Iowa intoxicating liquors. It was lawful in the State of Illinois to sell and transport. It was unlawful in the State of Iowa to sell or transport. The railroad company defended the action on the ground that it was not compelled to receive the liquor, and was not liable in damages for failure to do so, because by the law of Iowa it was forbidden; and the question before the Supreme Court was whether that was a valid defense, and the question was whether the law of Iowa could affect the duty of the railway company, as an interstate carrier, to receive and transport the liquors. Mr. Justice Matthews, in delivering the opinion in that case, said, at page 493:

"Can it be supposed that by omitting any express declarations on the subject, Congress has intended to submit to the several States the decision of the question in each locality of what shall and what shall not be articles of traffic in the interstate commerce of the country? If so, it has left to each State, according to its own caprice and arbitrary will, to discriminate for or against every article grown, produced, manufactured, or sold in any State and sought to be introduced as an article of commerce into any other. If the State of Iowa may prohibit the importation of intoxicating liquors from all other States, it may also include tobacco or any other article the use or abuse of which it may deem deleterious. It may not choose even to be governed by considerations growing out of the health, comfort, or peace of the community. Its policy may be directed to other ends. It may choose to establish a system directed to the promotion and benefit of its own agriculture, manufactures, or arts of any description and prevent the introduction and sale within its limits of any or of all articles that it may select as coming into competition with those which it seeks to protect. The police power of the State would extend to such cases, as well as to those in which it was sought to legislate in behalf of the health, peace, and morals of the people. In view of the commercial anarchy and confusion that would result from the diverse exertions of power by the several States of the Union it can not be supposed that the Constitution or Congress have intended to limit the freedom of commercial intercourse among the people of the several States. 'It can not be too strongly insisted upon,' said this court in Wabash, etc., Railway Co. *v.* Illinois (118 U. S., 557, 572), 'that the right of continuous transportation from one end of the country to the other is essential in modern times to that freedom of commerce from the restraints which the States might choose to impose upon it that the commerce clause was intended to secure. This clause giving to Congress the power to regulate commerce among the States and with foreign nations, as this court has said before, was among the most important of the subjects which prompted the formation of the Constitution.' (Cook *v.* Pennsylvania, 97 U. S., 566, 574; Brown *v.* Maryland, 12 Wheat., 419, 446.) And it would be a very feeble and almost useless provision, but poorly adapted to secure the entire freedom of commerce among the States, which was deemed essential to a more perfect union by the framers of the Constitution if, at every stage of the transportation of goods and chattels through the country, the State within whose limits a part of the transportation must be done could impose regulations concerning the price, compensation, or taxation, or any other restrictive regulation interfering with and seriously embarrassing this commerce."

That was said by one of the greatest justices who has sat in the Supreme Court, by a man whose surroundings and associations disconnected him as far as possible from traffic in intoxicating liquors. He was a churchman, an elder in the Presbyterian Church; a man distinguished for his piety as well as for his learning and character. But he sat there as a judge; just as this committee must sit in this case, free from all suggestions that overlook the fundamental limitations upon the power of Congress, which must consider only—not only with respect to this particular commodity, for it is a rule that must apply to all commodities—the provision of the Constitution which places the regulation of interstate commerce in Congress, and exclusively in Congress.

The court did not, in that case, have occasion to determine whether or not the liquor, after being received in the State of destination, might be subject to the local rule with respect to its disposition. Manifestly there is a distinction between the transportation and the disposition of the goods after they have been received by the consignee. The transportation is a national matter and includes the receipt and carriage and delivery to the consignee. After the goods have been delivered and have become a part of the mass of the property of the State, then the State may deal with them, because that becomes a subject of local regulation, and Congress has, by the Wilson bill, expressly authorized the State to deal with subjects of interstate commerce, with intoxicating liquor which has been transported in interstate commerce into a State, after it has been delivered to the consignee and has thereby become a part of the mass of the property of the State.

Mr. WEBB. You would have argued that law unconstitutional, too, would you not, Mr. Maxwell? Would you not have argued that that was unconstitutional—any attempt to take away from the consignee the right not only to receive it but to sell it?

Mr. MAXWELL. The validity of that law was, of course, argued before the Supreme Court of the United States in the case of In re Rahrer.

Mr. WEBB. Yes.

Mr. MAXWELL. Which was the first case in the Supreme Court involving the construction and validity of that act, and there the Supreme Court held that the power to sell after the goods had been delivered to the consignee and had become a part of the mass of the property in the State was not an essential incident of interstate commerce.

Mr. WEBB. But it had been held an essential incident in other cases, had it not?

Mr. MAXWELL. It had been.

Mr. WEBB. Yes.

Mr. MAXWELL. But the Supreme Court of the United States declared in that case that the right of the consignee to sell in the original package was not an essential incident of interstate commerce. When the case of Rhodes *v.* Iowa came up, which is reported in 170 U. S., page 412, the question was whether under the Wilson Act it was competent for the State, in the exercise of its power, to deal with the property or impose its regulations, the particular State regulation there involved comprehending the seizure prior to the delivery of the property to the consignee, and the Supreme Court of the United States decided, without passing upon the constitutional question, that under the Wilson Act the power of the State could not be exerted until the essentially interstate-commerce transaction was ended; in other words, until the commodity had been delivered to the consignee.

Mr. WEBB. Did they not say in that same case that, if Congress chose to do so, it might subject these intoxicating liquors to the police power of the State at an earlier period?

Mr. MAXWELL. No; they did not say that; the case was decided upon a construction of the Wilson Act, which was necessary in order to make that statute constitutional. That is obvious. I have the case before me. Mr. Justice White, now the Chief Justice of the Supreme Court, said, at page 424:

"Whilst it is true that the right to sell free from State interference interstate-commerce merchandise was held in Leisy *v.* Hardin to be an essential incident to interstate commerce, it was yet but an incident, as the contract of sale within a State in its nature was usually subject to the control of the legislative authority of the State. On the other hand, the right to contract for the transportation of merchandise from one State into or across another involved interstate commerce in its fundamental aspect, and imported in its very essence a relation which necessarily must be governed by laws apart from the laws of the several States, since it embraced a contract which must come under the laws of more than one State. The purpose of Congress to submit the incidental power to sell to the dominion of State authority should not without the clearest implication be held to imply the purpose of subjecting to State laws a contract which in its very object and nature was not susceptible of such regulation even if the constitutional right to do so existed, as to which no opinion is expressed."

Mr. MOON. In other words, he complimented Congress in construing that act by saying that they would not attempt to do so ridiculous a thing as to assert the right of the State to interfere with interstate commerce. They would not construe it that Congress meant that, because they gave Congress the credit of not attempting to commit an absurdity; was that it?

Mr. MAXWELL. That is it. They construed that act so that it should be constitutional; and out of deference of the judicial department to the legislative department they said they would not assume that Congress undertook to regulate a transaction which, in its very nature, was not susceptible of regulation in that way.

Mr. WEBB. They complimented Congress, not for refusing to prohibit the shipment of all whisky in interstate commerce, but simply because they did not delegate this interstate-commerce power to the States. There is no compliment on the whisky side of it.

Mr. MAXWELL. Oh no.

Mr. WEBB. I understood you that the compliment was because they did not exclude all whisky.

Mr. MOON. They said that Congress did not mean to interfere with its interstate shipment. When you come to read the language of the act, I am not so sure about it, and never was; but the court simply said that Congress could not do that. They knew that would be contrary to the Constitution, and they said, "We know that you would not attempt to do so ridiculous a thing." That is about what the court said.

Mr. MAXWELL. Yes.

Mr. MOON. You read the language of the Wilson Act, and I think you will come to the conclusion that Congress did intend to surrender that to the police power of the State.

Mr. WEBB. Then there is no compliment to Congress.

Mr. MOON. They dug that out of it. [Laughter.]

Mr. MAXWELL. The Supreme Court of the United States did in that case what it is the duty of every court to do—to construe the act, if possible, so that it will be constitutional; and so construing it they took occasion to point out that they could not impute to Congress the intention to leave to the various States a rule which, in respect of interstate commerce in its fundamental aspect, could only be prescribed by a national body.

What is the purpose of this bill? The sole purpose of this bill is to put into the power of the State the authority to interfere with an interstate-commerce transaction in its fundamental aspect by seizing the liquor before the interstate-commerce transaction is ended, to wit, before delivery to the consignee.

Mr. CARLIN. Have you before you the criminal code? I have on my notes a reference to sections 242, 249, and 255.

Mr. MAXWELL. I have here section 242; that is the game law.

Mr. CARLIN. What is section 249?

Mr. MAXWELL. That is with reference to equipping vessels for the slave trade.

Mr. CARLIN. Section 255 has been cited here as bearing on this situation.

Mr. MAXWELL. That has nothing to do with interstate commerce. That was cited, as I understand it, on the subject of intent. Congress prohibited the equipment of vessels in the slave trade, and, being a criminal statute, made it one of the conditions of the criminal act that it should be done with intent to accomplish the criminal purpose.

Mr. Chairman and gentlemen, I am very much obliged to you for the time which you have given me, which I have already transgressed.

The CHAIRMAN. I suppose you intend to revise your remarks, and the committee regrets that it can not give you more time to-day; so that, if you desire it, you may submit to the committee a brief, which will be printed as a part of the hearings.

Mr. MAXWELL. I shall be glad to do that.

The CHAIRMAN. And in that brief I am sure the committee would be very glad to have you review all the decisions in these cases. You started to do that in your argument. You took the case of Bowman *v.* Chicago & Northwestern Railway Co., and then you started to review the history of the Wilson law, the act of August 8, 1890.

Mr. MAXWELL. That was passed as the result of the decision in the case of Leisy *v.* Hardin.

The CHAIRMAN. The case of Leisy *v.* Hardin was decided April 28, 1890.

Mr. MAXWELL. Yes.

The CHAIRMAN. Following that, the Rhodes case came. We would like for you to review that, and the Rahrer case, and then the case of Vance *v.* Vandercook, the South Carolina case.

Mr. MAXWELL. Yes.

The CHAIRMAN. There is an expression used in that latter case on which we would like to have your views. I believe I can give you what it is. It refers to the personal use. Mr. Justice White, in the case of Vance *v.* Vandercook, used this language, and I quote from one hundred and seventieth United States, page 452. They first say the distinction between the right to transport intoxicating liquors into the States for personal use and the legal restriction imposed by the State on liquors for sale or storage is clearly shown. The statute of South Carolina involving the question of personal consumption was considered, and the right was upheld. It appears to have been upheld. Mr. Justice White, on behalf of the court, said:

"Indeed, the law of the State here under review does not purport to forbid the shipment into the State from other States of intoxicating liquors for the use of a resident, and if it did so, it would upon principle and under the ruling in Scott *v.* Donald, to that extent be in conflict with the Constitution of the United States. It is argued that the foregoing considerations are inapplicable, since the State law now before us, whilst it recognizes the right of residents of other States to ship liquor into South Carolina for the use of residents therein, attaches to the exercise of that right such restrictions as virtually destroy it.

"But the right of persons in one State to ship liquor into another State to a resident for his own use is derived from the Constitution of the United States, and does not rest on the grant of the State law. Either the conditions attached by the State law unlawfully restrain the right or they do not. If they do—and we shall hereafter examine this contention—then they are void. If they do not, then there is no lawful ground of complaint on the subject."

Then, further along, he says:

"Conceding, without deciding, the power of the State where it has placed the control of the sale of all liquor with the State in charge of its own officers to provide for an inspection of liquors shipped into a State by residents of other States for use by residents within the State, it is clear that such a law, to be valid, must not substantially hamper or burden the constitutional right on the one hand to make, and on the other to receive, such shipment."

I call your attention to that, and to the other cases I have referred to; and also, Mr. Maxwell, we would like to have you get hold of several reports that have gone from this committee, dealing with this question. You will find that a report was made from this committee on April 8, 1904, reviewing the Wilson law, and reporting a bill to do away, as far as Congress could do so, with the effect of the decisions which militated against the effectiveness of the Wilson law.

Then you will find, again, that on January 24, 1907, Mr. Littlefield reported on behalf of this committee a bill to the House on this subject, somewhat after the form of the Wilson law, and he undertook in that report to review all these decisions; and I want to say for the members of the committee that most of us who have been on the committee for a long time have heard all of these decisions reviewed quite frequently before, but we would like for you to review them in connection with this particular bill.

Mr. MAXWELL. That I shall be glad to do. In my argument I intended to say something about many of them, but I have exhausted the time allotted to me. I speak with diffidence before this committee, whose familiarity with the subject is much more intimate than mine. I suppose that I was asked to speak here because I have had occasion to argue some cases in the Supreme Court of the United States involving the application of State laws to interstate commerce, including the cases that came up from Iowa and some that came up from Kentucky.

The purpose of this law, the effect of it, is nowhere more aptly stated than it was in the proceedings before this committee on January 30, where Mr. Dinwiddie said:

"The beauty about this law, as Mr. WEBB expressed it to me the other day, is that it expands or contracts with the legislation of the State."

That is the whole of this law. That is the beauty of it; that is the purpose of it—to have regulation if the State imposes it, to have regulation to the extent that the State imposes it, to have regulation stop when the State says so.

The CHAIRMAN. You think that beauty is, then, fatal to its constitutionality?

Mr. MAXWELL. That beauty, which is the object of attraction to its advocates, is the beauty which makes it unconstitutional. It is the beauty which removes the regulation as a regulation of commerce and commits it to the States. It expands or contracts, not as Congress determines in its wisdom, but as the States determine, for any of the many purposes which, as Mr. Justice Mathews pointed out, would be included in the exercise of their police power.

I had also proposed to say something on the subject of the invalidity of this bill on the ground that it denies fundamental rights by destroying the validity of a contract because of the intent of one of the parties not communicated to the other, and to call the attention of the committee to the observation of Mr. Justice Holmes in one of the cases before the Supreme Court, where he said that commerce among the States is a practical conception. To make the intent of the consignee the test of interstate commerce is even a more visionary contention than one drawn from the witty diversities of the law of sales.

Chief Justice Brian, in an early case, as quoted by Lord Blackburn in a later case in the House of Lords, said: "It is trite law that the thought of man is not triable, for even the devil does not know what the thought of man is."

Under this section a contract made by one of the parties in good faith immediately becomes invalid because of the uncommunicated and unknown intent of the other party.

The CHAIRMAN. I would like for you to discuss that more elaborately in your brief than you have had the opportunity of discussing it here. Of course Congress has regulated to an extent that practically amounts to the prohibition of the transportation of diseased cattle in interstate commerce, but there the diseased nature of the cattle was an inherent characteristic of the property entering into interstate commerce. So, also, has it regulated the matter of the shipment of explosives; but there the dangerous nature of the explosives was an inherent characteristic of the commodity. Here the idea is that the purpose for which the consignee intends to use the liquor shall relate back to

the initial transaction of the shipment and affect that. I would like to hear from you on that in your brief.

Mr. MAXWELL. I shall be glad to treat that. We submit that that feature of the law is absolutely repugnant to fundamental principles underlying all law and to the Constitution of the United States.

With respect to the shipment of putrescent food and articles which of themselves would be a danger to interstate commerce, such as explosives, I shall have printed in my brief what the court in the case of In re Rahrer refers to as the sagacious observations of Mr. Justice Catron in the license cases, where he points out the difference between forbidding the shipment of such articles in interstate commerce and the regulation of interstate commerce by the State, upon the ground that those articles are not subjects of interstate commerce at all, and may be so declared, and are so declared by the act of Congress.

Mr. WEBB. On that line, let me suggest these laws to you, to show you that Congress has never followed out any such line as that. In the Dingley law they prohibited absolutely the importation of any goods or merchandise made in whole or in part by convict labor. There the goods were just as fine and as wholesome and as sanitary as any other goods. A little later they passed a law prohibiting the shipment or transportation in any vessel of any loose hay. Loose hay is just as good as any other hay. Congress gets the power to do these things from the constitutional provision giving it control over interstate commerce. A little later, for the benefit of a few New York manufacturers of silver and gold, they prohibited the shipment in interstate commerce of gold and silver with three words on it, "U. S. Assay," and if it did not bear the correct amount of gold and silver in it. There was nothing hurtful about the gold and silver; there was nothing hurtful about it if it had the "U. S. Assay" on it; but Congress absolutely prohibited in commerce those things. Congress further prohibits, if you will notice, the transporting in interstate commerce of meats, whether diseased or not, unless they are inspected by an inspector. That meat may be perfectly wholesome, but unless it has the stamp of the inspector upon it, it can not be shipped in interstate commerce, and although the cattle were just as healthy as any in the world and the meat is perfectly sound, it is condemned; and that is not confiscation.

Mr. CARLIN. But the right to prohibit is not involved, under your argument.

Mr. MAXWELL. Not at all.

Mr. CARLIN. The question here is whether Congress does anything else than delegate the power to some one else to prohibit.

Mr. MAXWELL. And nothing is more pertinent, in that connection, than the sagacious observations of Mr. Justice Catron quoted by Chief Justice Fuller in In re Rahrer, the case in which the Wilson Act was held to be constitutional:

"The exclusive State power is made to rest, not on the fact of the state or condition of the article, nor that it is property usually passing by sale from hand to hand, but on the declaration found in the State laws, and asserted as the State policy, that it shall be excluded from commerce. And by this means the sovereign jurisdiction in the State is attempted to be created, in a case where it did not previously exist. If this be the true construction of the constitutional provision, then the paramount power of Congress to regulate commerce is subject to a very material limitation; for it takes from Congress, and leaves with the States, the power to determine the commodities, or articles of property, which are the subjects of lawful commerce. Congress may regulate, but the States determine what shall or shall not be regulated. Upon this theory, the power to regulate commerce, instead of being paramount over the subject, would become subordinate to the State policy power; for it is obvious that the power to determine the articles which may be the subjects of commerce, and thus to circumscribe its scope and operation, is, in effect, the controlling one."

And so it is here. Congress is not asked by this bill to declare a national policy or to prescribe a uniform regulation, but to provide that whatever the different States from time to time declare by varying rules not to be the subject of interstate commerce shall not be carried in interstate commerce.

Mr. CARLIN. Mr. Maxwell, I think you said you wanted to be heard.

Mr. MAXWELL. Mr. Chairman and gentlemen of the committee, I do not think the bill before the committee involves consideration of the question of the general power of Congress to prohibit the transportation of intoxicating liquor in interstate commerce, because any such provision would necessarily involve a complete revolution in the great body of the laws of the United States and in its fiscal system. I understand that the total revenue of the Federal Government for the fiscal year 1910, raised by taxation, amounted to $675,000,000, and that of that revenue $252,000,000 was derived from the tax on intoxicating liquor. So that if the transportation of these liquors in interstate commerce is to be considered by Congress, it must be in connection with an entire change of policy as to the fiscal affairs of the Government and its taxation.

Mr. NORRIS. Could I ask you a question there? Can you give us any information as to how much of that tax is derived from the intoxicating liquors used illegally or sold illegally?

Mr. MAXWELL. How can you ascertain that?

Mr. NORRIS. Well, I do not know; I was trying to get information from you.

Mr. MAXWELL. That could not be ascertained. You might ascertain what liquor was transported into the States that have regulating laws, but how much of that, if any, was used illegally or transported for the purpose of being used illegally, of course, could not be ascertained. I am told that in the Internal Revenue Department the greatest violation of the internal-revenue laws with respect to the manufacture of distilled spirits occurs in the States where prohibitory laws are in force, and those statistics the committee can easily get from the Commissioner of Internal Revenue. I understand that the work of the Department of Justice in punishing violations of the internal-revenue laws is largely in States where the traffic in intoxicating liquor is wholly prohibited.

Mr. NORRIS. This law would not apply to this, as I understand it. That would not be interstate commerce.

Mr. MAXWELL. That would not be interstate commerce; no.

On the question of the general and absolute prohibition of transportation of intoxicating liquors in interstate commerce you would have to consider whether Congress, under the power given to it by the Constitution to regulate, could prohibit the transportation of an article which by the commercial usages of the world and the laws of the United States is an article of commerce. You would also with respect to the particular method of prohibition suggested by this bill have to consider some fundamental principles established by the Constitution of the United States. For instance, in the case of Adair *v.* United States (208 U. S., 162), the court held that Congress had no power to make it a criminal offense against the United States for a carrier engaged in interstate commerce to discharge an employee simply because of membership in a labor organization, and that a provision to that effect in an act of Congress concerning interstate commerce was a violation of personal liberty as well as of the right of property created by the fifth amendment to the Constitution of the United States. That was an act passed under the authority of Congress to regulate interstate commerce, and the Supreme Court struck down that provision because the power of Congress was limited in respect to regulation of interstate commerce by other fundamental provisions in the Constitution of the United States.

Take another case, the case United States *v.* Fox (95 U. S., 670). The court decided that section 5132 of the Revised Statutes, which declares that every person respecting whom proceedings in bankruptcy are commenced, who, within three months before their commencement obtains goods upon false pretenses with intent to defraud, shall be punished by imprisonment, was inoperative to render the act an offense because its criminal character was to be determined by a subsequent proceeding. The act was criminal if within three months there should be proceedings in bankruptcy. It was not criminal if the proceedings were commenced in three months and a day. The Supreme Court held it was in violation of the Constitution of the United States. Why? Justice Field, in the course of his opinion, did not refer to any specific provision of the Constitution, but decided that an act which is not an offense at the time it is committed can not become such by any subsequent independent act of the party with which it has no connection. The criminal intent must exist when the act complained of is done; it can not be imputed from a subsequent independent transaction. And there are other decisions of the Supreme Court of the United States and in State courts suggesting the same principle.

Mr. MOON. Take a simple illustration. Suppose we passed a law requiring railroads to carry everybody at a rate of 1 cent a mile. That is regulation of interstate commerce.

Mr. MAXWELL. Yes.

Mr. MOON. Where anything of that kind has been attempted it has been at once said that it is confiscatory. Therefore the powers of Congress are subject to all the other limitations placed in the Constitution of the United States.

Mr. MAXWELL. They must be; that has been decided frequently by the Supreme Court.

Now, with respect to this particular bill. It says that the transaction is prohibited and the contract is declared to be void if one of the parties, unknown to the other, intends to violate any law of a State. That is an attempt to declare a transaction invalid because one of the parties to the transaction, unknown to the other, intends to violate in the future, when he gets the goods, some law of the State. Suppose he does have that intent in his mind when the goods are ordered. Suppose he abandons that intention before the goods are delivered to the carrier, or after they are delivered to the carrier and before they are delivered to him. Nevertheless, that intent which he had at the time he purchased the goods, and at any time before the goods are delivered to him, renders the whole transaction invalid.

Mr. WEBB. Mr. Maxwell, if you agree that Congress could prohibit entirely that shipment without assigning cause, don't you admit that it could limit it?

Mr. MAXWELL. Certainly, Congress could not do that. But by this bill Congress is asked to say that a transaction is invalid if one of the parties to that transaction has the intent at any time, undisclosed to the other, to violate some law of the State.

Mr. NORRIS. Mr. Maxwell, if this bill were changed so that the intent were confined to one person, would it in your judgment change the status of the thing?

Mr. MAXWELL. No; it would not. The right of transportation in interstate commerce is a right of the consignor, of the vendor, as well as the consignee, and that right can not be affected so as to render the contract invalid as against the seller because of the undisclosed purpose or intent of the buyer to violate the law.

Mr. NORRIS. The point I wanted to make is this: In your argument you have repeatedly said that this law would apply if the intent of any of the persons was to use it illegally, that intent being unknown to any of the other persons. Then your judgment would be that the law would be just as bad if the intent were confined entirely to one person in the transportation.

Mr. MAXWELL. Yes; and for what reason? You can not have an interstate transaction without the cooperation of two or more, and it is not within the power of Congress or any legislature under a constitutional government to declare a contract, which requires the cooperation of two or more persons, invalid because one of those persons has the intent to commit a crime.

Mr. MCGILLICUDDY. Do you concede that Congress has the constitutional power to prohibit interstate commerce in intoxicating liquors altogether?

Mr. MAXWELL. I do not; I do not concede that power.

Mr. MOON. Do you concede the second proposition, that even supposing they had, it gives them the right to discriminate?

Mr. MAXWELL. Not at all.

Mr. MOON. They have a right to say that diseased cattle shall not go into interstate commerce, and thereby absolutely outlaw them, but they have not a right—if they do not outlaw—to discriminate between the different States as to the shipment.

Mr. MAXWELL. They have not; no sir. That means, to use the language of Mr. Justice Matthews in the case of Bowman *v.* Railway Company, commercial anarchy. The very purpose of the interstate-commerce clause of the Constitution was to prevent commercial anarchy and to have interstate commerce subject, and subject only, to uniform rules established by the Congress of the United States, so that when any man in a foreign country or in this country wishes to engage in interstate commerce the only law that he has to consult is the law of the United States. On the other hand, under this bill no man in London, Paris, or New York, or Philadelphia could engage in interstate commerce in this commodity without consulting the law of the State to which the goods are to go. He can not find out whether an interstate transaction is regulated, or to what extent, by making an exhaustive search of the laws of the United States. He would not get a start there, because immediately he would be referred to the various laws of the States. That is just what the commerce clause was intended to prevent. Under the commerce clause a man who wants to engage in interstate commerce or foreign commerce is required to consult, and to consult only, the laws of the United States.

Mr. CARLIN. A great deal of stress has been laid on the fact that Congress has recognized in the way of statutes the shipment of birds. What have you to say about that?

Mr. MAXWELL. I am very glad to have an opportunity to say a word about that. What I have said just now about the prohibition of

interstate traffic or the power of Congress to absolutely prohibit the transportation of intoxicating liquors in interstate commerce is, in my opinion, quite aside from the question that you have before you in this bill. The fundamental objection to this bill, the objection which is vital and can not be overcome, is the objection that this bill undertakes to delegate to the States whatever regulation of interstate commerce is to be accomplished by the bill, and, as the chairman of the subcommittee so clearly pointed out, this law itself discloses no regulation; it has no vitality except as State laws come in. The power to regulate is the power to prescribe the rules under which interstate commerce shall be conducted, and there are no rules in this bill. The rules exist only when the State acts and to the extent that the State acts, and when the State repeals the law there is no rule, and when the State amends the law the rule is modified.

Now, it is said, "Does that delegate the power to the State?" There is no magic in the word "delegate." The objection is that Congress undertakes to regulate commerce among the States, not by any rule which it prescribes, but by a rule which it leaves the States to prescribe.

Has Congress any policy—because the regulation of interstate commerce must evidence some public policy—has Congress any policy about the transportation of intoxicating liquors in interstate commerce? None whatever by this bill. Whatever is the policy of any particular State is the policy adopted by this bill. Congress has no policy. Congress by this law leaves the regulation, whatever it is, the expression of public policy, entirely to the State and dependent upon the State.

In that connection, if the committee will allow me, I would like to quote a passage from the opinion of Chief Justice Marshall in Gibbons *v.* Ogden. On page 206 he says:

"The act of 1803 (3 U. S. L., 529) prohibiting the importation of slaves into any State which shall itself prohibit their importation implies, it is said, an admission that the States possessed the power to exclude or admit them; from which it is inferred that they possess the same power with respect to other articles.

"If this inference were correct; if this power was exercised, not under any particular clause in the Constitution, but in virtue of a general right over the subject of commerce, to exist as long as the Constitution itself, it might now be exercised. Any State might now import African slaves into its own territory. But it is obvious that the power of the States over this subject previous to the year 1808 constitutes an exception to the power of Congress to regulate commerce, and the exception is expressed in such words as to manifest clearly the intention to continue the preexisting right of the States to admit or exclude for a limited period. The words are: "The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year 1808." The whole object of the exception is to preserve the power to those States which might be disposed to exercise it; and its language seems to the court to convey this idea unequivocally. The possession of this particular power, then, during the time limited in the Constitution can not be admitted to prove the possession of any other similar power."

Now, Mr. Caldwell could not, of course, fail to appreciate the vital importance of the objection which we urge to this bill; and, so far as possible, I have refrained from discussing any other objection. What is the good of considering other objections to a bill which is clearly repugnant to the Constitution of the United States because it delegates to the States a power which rests exclusively in Congress? And Mr. Caldwell, fine lawyer as he is, thoroughly appreciative of the significance of that objection, argued here for two hours without ever touching the point, and then, when his attention was called late in the afternoon to that objection, he referred to the Lottery case. But the act of Congress involved in that case did not leave anything to the States. It prohibited absolutely the interstate transportation of lottery tickets. It delegated no power to the States and was not dependent on any State law.

Another illustration used by Mr. Caldwell was that of obscene books, being section 245 of the criminal code of the United States. Congress does not say they are prohibited between States which provide that obscene books and pictures shall not be received. Congress declares its own rule, and says that obscene books shall not be transported in the mails or carried in interstate commerce. There is no delegation of power to the States.

Then, with respect to the adoption or enactment of criminal laws of the States, in territory within the States subject to the jurisdiction of the United States, being section 289 of the criminal code, Congress left nothing to the States. Congress said that the laws in existence were enacted by it and that they should remain in force, so far as the United States are concerned, notwithstanding any subsequent repeal or amendment thereof by the State. There was no delegation of power to the State.

Then they cite the Lacey Act of 1900, now section 242 of the criminal code, which makes it unlawful to transport in interstate commerce the dead bodies of wild animals or birds killed in violation of the law of the State in which they were killed or from which they were shipped, and Mr. Caldwell says that statute is an instance of the power of Congress to regulate interstate commerce, dependent upon action by the State. What Congress did by that statute was to make it illegal to transport in interstate commerce certain animals, or the dead bodies of certain animals, which are by the common law feræ naturæ, which belong to the sovereign, and which can not become private property or an article of commerce except with the sovereign's consent. Whether wild animals and birds are property depends entirely upon the law of the State in which they are killed. There is no other law that can govern the subject. What Congress did was to say that, since wild animals and birds killed in violation of law are not articles of commerce, they shall not be transported in interstate commerce. They are not property at all.

The statute has been before the courts in two cases. In United States *v.* Smith (115 Fed., 423), which was an indictment under the statute before Archbald, in the District Court of the United States for the Middle District of Pennsylvania in 1902, he sustained a demurrer to the indictment on the ground that it did not state an offense.

Mr. WEBB. In that it failed to set up the State law.

Mr. MAXWELL. The indictment was not sustained because it was not a good indictment. Here is what he said in his opinion, at page 428, in answer to the argument that the statute was unconstitutional:

"According to the views so expressed, I am therefor clearly of the opinion that no evasion or violation of the act is disclosed in the indictment, and that the demurrer must be sustained. The larger question whether the act is a legitimate exercise of the power given to Congress by the Constitution to legislate with regard to interstate commerce, or is merely, as charged, a national game law, thinly disguised, which it had no authority to pass, although fully discussed at the argument, I do not feel called upon to decide. Neither do I the further question whether—assuming the act to be valid—dead game carried in the hands, or as part of the personal luggage of the party who has killed it, must be regarded as falling within the terms of the act when transported under such conditions from State to State."

Mr. CARLIN. Did he hold that the dead game was property?

Mr. MAXWELL. He did not. United States *v.* Thompson (147 Fed., 637) is the other case in which the statute has been before the courts. A demurrer to the indictment was sustained in that case. The question of the validity of the statute was not discussed or passed upon.

Mr. WEBB. Mr. Maxwell, may I make this suggestion: Have you read the report of the Interstate and Foreign Committee that reported this game-law bill?

Mr. MAXWELL. I have not.

Mr. WEBB. It was written by Mr. Sherman, who is now Vice President, and I wish to say that the reason for passing the law suggested by you was never even hinted at by the gentleman who made the report. I have never heard it asserted in this country that if a man takes wild game in his own possession it is not property. I am quite sure you will find Congress did not undertake to exercise its power based on that supposition.

Mr. MAXWELL. That is not a supposition; that is as old and as certain as any principle of law can be that the power to appropriate animals which are feræ naturæ as private property depends wholly upon the consent of the sovereign. They are the property of the sovereign and no man can acquire a right of private property in them except with the consent of the sovereign. Who is the sovereign? The sovereign is the State in which the animals are. Therefore, when the State has prohibited the killing or reduction to possession of those animals by killing, it says there can be no private property in them. That is as old as English law, and all that Congress has done, therefore, is to say that an article which is not the subject of private property and which is therefore not essentially an article of commerce shall not be transported.

The point is settled by the case of Geer *v.* State of Connecticut (161 U. S., 519). A statute of Connecticut, while providing an open season for the killing of birds, made it an offense to have the birds in possession with intention to procure their transportation beyond the limits of the State. The offense with which Geer was charged was the possession of game birds for the purpose of transporting them beyond the State, although they had been lawfully killed within the State. The Supreme Court of Connecticut sustained the conviction, and the case was carried to the Supreme Court of the United States upon the claim that the Connecticut statute was repugnant to the commerce clause of the Constitution of the United States. In stating the case, Mr. Justice White said that the sole question was whether the State of Connecticut had "the power to regulate the killing of game within her borders so as to confine its use to the limits of the State and forbid its transmission outside of the State" (161 U. S., 522).

He said (p. 522):

"The solution of the question involves a consideration of the nature of the property in game and the authority which the State had a right lawfully to exercise in relation thereto. From the earliest traditions the right to reduce animals feræ naturæ to possession has been subject to the control of the law-giving power."

The learned Justice then examines the law of Greece, Rome, France, Germany, and England. At page 527 he says:

"The practice of the Government of England from the earliest time to the present has put into execution the authority to control and regulate the taking of game."

This authority, he says, passed to the Colonies, and then to the States. Citing many American cases, he says, at page 528:

"The adjudicated cases recognizing the right of the State to control and regulate the common property in game are numerous."

At page 529 he says:

"The common ownership, and its resulting responsibility in the State are thus stated in a well-considered opinion of the Supreme Court of California: 'The wild game within a State belongs to the people in their collective sovereign capacity. It is not the subject of private ownership, except in so far as the people may elect to make it so; and they may, if they see fit, absolutely prohibit the taking of it or any traffic and commerce in it if deemed necessary for its protection or preservation or the public good.'"

At page 530 he says:

"In view of the authority of the State to affix conditions to the killing and sale of game, predicated as is this power on the peculiar nature of such property and its common ownership by all the citizens of the State, it may well be doubted whether commerce is created by an authority given by a State to reduce game within its borders to possession, provided such game be not taken, when killed, without the jurisdiction of the State. The common ownership imports the right to keep the property, if the sovereign so chooses, always within its jurisdiction for every purpose. The qualification which forbids its removal from the State necessarily entered into and formed part of every transaction on the subject, and deprived the mere sale or exchange of these articles of that element of freedom of contract and of full ownership which is an essential attribute of commerce."

At page 532 he says:

"The power of the State to control the killing of and ownership in game being admitted, the commerce in game, which the State law permitted, was necessarily only internal commerce since the restriction that it should not become the subject of external commerce went along with the grant and was a part of it. All ownership in game killed within the State came under this condition, which the State had the lawful authority to impose, and no contracts made in relation to such property were exempt from the law of the State consenting that such contracts be made, provided only they were confined to internal and did not extend to external commerce."

Mr. NORRIS. In that case you would have to look to something besides the Federal statute to see——

Mr. MAXWELL. To see what? To see whether the article offered for transportation is in fact an article of commerce, and that can be determined only by the law of the State, which has the sole right to say whether its wild animals and birds may be appropriated as private property.

Mr. NORRIS. You would have to look to the State statute in order to see whether your Federal law applied.

Mr. MAXWELL. You would have to look to the State statute to see whether it was an article of commerce at all; in other words, whether it was property.

Mr. WEBB. And whether the Federal statute had been violated.

Mr. MAXWELL. No; not whether it had been violated, but whether the thing offered for transportation is in fact an object of commerce by the law of the State, which is the only law that can make it an

article of commerce. But when you deal with spirits, wine, ale, and beer, which are recognized by the commercial usages of the world as articles of commerce, you do not have to go to any State law to see whether they are in fact articles of commerce.

Mr. WEBB. But in the open season the Federal Congress makes these birds an article of commerce and permits their transportation, because the various States which have these State laws permit the killing of them and their transportation.

Mr. MAXWELL. Congress does not make them articles of commerce at all.

Mr. CARLIN. The birds do not seem to have had friends enough to raise the question. That has never been passed upon?

Mr. MAXWELL. The constitutionality of the statute has not been passed upon by the Supreme Court. But why should we get involved in a discussion as to the constitutionality of the Lacey law. The question before the committee is whether the Webb bill is constitutional. The two are not the same or similar. One relates to wild animals and birds over which the States have exclusive control; the other to spirits, wine, ale, and beer, which "are a recognized and legitimate subject of interstate commerce," to use the words of the Supreme Court in its latest decision announced only a month or so ago in L. & N. R. R. Co. *v.* F. W. Cook Brewing Co.

Mr. WEBB. Let me suggest this: You are aware, of course, that the Supreme Court of the United States has said that no citizen of the United States or any State has any inherent right to manufacture or sell intoxicating liquors. In that particular case liquor stands almost alone. You could not say that as to raising wheat and corn. The United States Government has put whisky on a different basis, and we contend that no man has a right to make it or sell it, but there is no power in Congress to limit its transportation.

Mr. MAXWELL. The State, in the exercise of its police power, may say that intoxicating liquors shall not be manufactured, that they shall not be possessed, perhaps that they shall not be used by the individual for his personal use, and that they shall not be subject to bargain and sale. Now, that is essentially a State matter, a local matter, upon which the power of the State is ample and complete. There is no law of the United States that interferes in the slightest degree with the full exertion of the police power of the State in respect to the use of or traffic in intoxicating liquors within the State. Now, what is the purpose of this bill? Is it to enlarge the police powers of the State? Of course, if it is, it is invalid. Is it to assist the State in the enforcement of its police power?

Mr. WEBB. Right there I want to ask you this question: There is a period of time between the arrival of a consignment of whisky in the express office and its delivery during which the State can not take any action with reference to it. In other words, a package of whisky that arrives in a town, say, to-day may remain in that express office or depot two days, three days, or a week, and the State has not power to touch it until it is delivered to the consignee.

Mr. MAXWELL. Until it is delivered to the consignee, or until the carrier holds it as warehouseman for the consignee.

Mr. WEBB. He has got to hold it a reasonable time. Now, can you suggest—I realize you are a great lawyer—can you suggest any way by which the State might have some right with reference to that whisky if it is shown it is intended to be used in violation of its laws where it rests within her territory and within her jurisdiction?

Mr. MAXWELL. Not prior to the delivery to the consignee, so long as the Constitution of the United States and the commerce clause of the Constitution stand and are enforced.

Mr. WEBB. Congress can not enforce it?

Mr. MAXWELL. Congress can not——

Mr. WEBB. Then there is no sovereign power anywhere to control liquor?

Mr. MAXWELL. What you were asking was with respect to the power of the State. I do not mean to say that the Federal Congress has no power.

Mr. WEBB. You say the Federal Congress can not prohibit the interstate shipment of whisky——

Mr. MAXWELL. My opinion is—but that question is not involved here, and I would prefer to be excused from discussing it, because I have come to discuss a particular bill and an objection that is fundamental under the Constitution. But I do say that no State, consistently with the Constitution of the United States, can exercise any police power over an interstate shipment prior to its delivery to the consignee. The delivery to the consignee may be by delivering it to the person or to his agent, or it may be by retaining it for him in a warehouse. The fundamental objection is that consistently with the Constitution of the United States no such police power can be exerted by the State, even with the consent of Congress. That is reenforced in such clear and explicit terms by Mr. Justice Lurton in the case of Louisville & Nashville Railroad Co. *v.* F. W. Cook Brewing Co., in an opinion rendered January 22, 1912, that I would like the permission of the chairman or Mr. WEBB to read what he says on that subject. A member of the committee has suggested that this decision does not add anything to prior decisions. That may be true, but it states clearly the principles which had been established by the decisions:

"By a long line of decisions, beginning even prior to Leisy *v.* Hardin (135 U. S., 100), it has been indisputably determined:

"(a) That beer and other intoxicating liquors are a recognized and legitimate subject of interstate commerce.

"(b) That it is not competent for any State to forbid any common carrier to transport such articles from a consignor in one State to a consignee in another.

"(c) That until such transportation is concluded by delivery to the consignee, such commodities do not become subject to State regulation restraining their sale or disposition.

"The Wilson Act, which subjects such liquors to State regulation, although still in the original packages, does not apply before actual delivery to such consignee where the shipment is interstate. Some of the many later cases in which these matters have been so determined and the Wilson Act construed are: Rhodes *v.* Iowa (170 U. S., 412); Vance *v.* Vandercook Co. (170 U. S., 438); Heyman *v.* Southern Railway (203 U. S., 270); Adams Express Co. *v.* Kentucky (214 U. S., 218).

"Valid as the Kentucky legislation undoubtedly was as a regulation in respect to intrastate shipments of such articles, it was most obviously never an effective enactment in so far as it undertook to regulate interstate shipments to dry points. Pending this very litigation, the Kentucky Court of Appeals, upon the authority of the line of cases above cited, reached the same conclusion. (C. & N. O. Ry. *v.* Kentucky, 126 Ky., 563.)

"The obligation of the railroad company to conform to the requirements of the Kentucky law, so far as that law prohibited intrastate shipments, is clear, and to this extent its circular notification was commendable. But the duty of this company as an interstate common carrier for hire, to receive for transportation to consignees upon its line in Kentucky from consignors in other States any commodity which is an ordinary subject of interstate commerce, and such transportation could not be prohibited by any law of the State of such consignee, inasmuch as any such law would be an unlawful regulation of interstate commerce not authorized by the police power of the State."

Mr. WEBB. I think we all agree that that is the law.

Mr. MAXWELL. What is sought to be accomplished by this bill? Are you trying to enlarge the police power of the States? That you can not do. Are you trying to have that police power exerted before the interstate transaction in its fundamental aspect is completed? That you can not do. You are trying to do nothing that is within the power of Congress. Absolutely nothing.

Now, if the committee please, the suggestion is made that if this bill is of doubtful constitutionality put it up to the Supreme Court.

Mr. WEBB. I want to say that I have made no such suggestion.

Mr. MAXWELL. I know you have not, and I do not believe you would concur in that. I am a lawyer and nothing else. I want the courts preserved for the administration of justice. It is essential under our system of government that the Supreme Court of the United States should be vested with authority to pass upon the constitutionality of statutes, but it is desirable that that jurisdiction should be invoked as little as possible. The common cry when the court declares an act unconstitutional is that it is usurping the functions of the legislature. The pity is that that cry is used to impair the influence and usefulness of the courts for the primary purpose for which they are formed, to wit, the administration of justice between man and man. Therefore I deplore the presentation of constitutional cases to the court unnecessarily, and I am sure this committee, recognizing the duty resting upon it to maintain and preserve the Constitution, would hesitate to recommend a bill of doubtful validity with the idea of putting it up to the Supreme Court. That is something Congress should carefully refrain from doing, and therefore it is, if the committee please, that I have come here to offer the objections which seem to me to be fatal to this bill. What I have said is just what I would say if the bill were for argument before the Supreme Court of the United States in a case involving its constitutionality.

Senator Knox, in stating his views relative to the constitutionality of bills to regulate interstate commerce in intoxicating liquors, which were before the Judiciary Committee of the Senate and reported upon adversely by it in 1909, said (S. Doc. No. 146, p. 9, 61st Cong., 1st sess.):

"My conclusions are:

"First. Interstate shipments are not completed until they reach the consignee.

"Second. An interruption or interference with interstate shipments before they reach the consignee constitutes a regulation of commerce.

"Third. Regulating interstate shipments is an exclusive function of Congress.

"Fourth. Congress can not delegate any part of its exclusive power the States.

"Fifth. To remove the bar or impediment of exclusive Federal power which shuts the States out of the Federal domain and thereby allows them to enter that domain is to permit or sanction a State law in violation of the Constitution and in effect to delegate a Federal function to the States.

"For these and other reasons assigned I am constrained to vote against the bills we have been considering."

STATE RIGHTS.

It is a pity that we do not hear more of State obligations. There is no right without a correlative obligation. No State has the right to ask for a Federal statute of more than doubtful constitutionality unless it has rigidly enforced its own laws in relation to the matter in regard to which it seeks legislation.

The proponents of this bill have utterly failed in substantially every instance to show anything approaching a proper enforcement of the laws of the different States referred to in the hearings.

Dr. Berry, superintendent of the Maine Civic League, said:

Mr. BERRY. Mr. Chairman, our laws in Maine forbid the transportation of alcoholic beverages intended for illegal purposes, and make them seizable at any point. Our laws make it a crime for any person or corporation to transport them, but the interpretation that is put upon the interstate-commerce law makes those laws inoperative. Our troubles are due to outside influences. The only liquors that come to Maine are those that are forced into Maine under the operation of the interstate-commerce law. Our sheriff in York County seized some liquor in a freight car at the Biddeford Station, and he was obliged to restore it, because it had not been constructively delivered. More, the wholesale liquor houses in Massachusetts sued the sheriffs in our State for interfering with the transportation of liquors. Our sheriff was defended by the State attorney general and had to expend $300 of his own money in protecting himself.

Mr. CARLIN. What is the condition there with reference to the sale of intoxicating liquors?

Mr. BERRY. Liquor is being sold there in eight of the counties because of arrangements made with outside liquor houses.

Mr. CARLIN. I wanted to get at that condition.

Mr. BERRY. Eight counties have complete enforcement.

Mr. CARLIN. They have eight counties there in which you say liquor is sold? You mean at retail?

Mr. BERRY. Yes, sir.

Mr. CARLIN. Isn't that in violation of your State law?

Mr. BERRY. The situation is this: A sheriff is hired by a wholesale liquor house outside the State to permit the importation of its liquor, and is paid on beer $1 a barrel. Now, we can not deal with the sheriff except it is done by impeachment, and we can not impeach.

Mr. CARLIN. Do you mean to say you have legal proof of contracts of that sort?

Mr. BERRY. Yes, sir. We have no possible way of removing the sheriff.

Mr. MOON. I live in Maine in the summer, and I saw statements in the Boston World that in Portland there were 50 places where liquor was being sold openly.

Mr. BERRY. Because of the reasons I have just stated.

Mr. MOON. Why can not that man be indicted? Why can not they indict him and send him to jail?

Mr. BERRY. For the simple reason that the officers are in collusion with them, and all exercise of legal authority has to be through the officers.

Mr. MOON. You can indict the man.

Mr. BERRY. On what grounds can we indict him?

Mr. MOON. For violation of the law.

Mr. BERRY. On what evidence?

Mr. MOON. I have gone right to the station there, and I have seen beer drunk as openly as in Washington. I do not drink it myself, and I do not visit these places, but I am told they are just as open, bold, and flagrant there as they are here.

Mr. BERRY. That is not true, sir——

Mr. MOON. I am inclined to think that it is absolutely true that the places are right there.

Mr. BERRY. Liquor is sold there, but a man stands on watch outside with a press button in his hand to notify the persons within if an officer comes.

Mr. MCCOY. Why don't they elect another sheriff? Is there nobody in Portland who would enforce the law?

Mr. BERRY. We work by parties, you know—political manipulations. Why don't they enforce the brothel law in Washington? You have your red-light district; why don't you take care of it?

Mr. MCCOY. I think it ought to be taken care of, but that has nothing to do with your failure to enforce the law in Maine.

The fact is that in parts of Maine the voters are absolutely opposed to the prohibition law, and no one who had pledged himself to the enforcement of that law could succeed as a candidate for office.

Let us see what the conditions are in Tennessee, where they have practically a prohibition law. Mr. Carre, president of the Tennessee Anti-Saloon League, described the conditions in his State in part as follows:

That brings on the condition which I desire, in a measure, to indicate to you. I feel sure it will be a rather startling proposition. We have, for example, in Knoxville anywhere from 25 to 50 Federal licensed, open saloons. We have in Chattanooga anywhere from 50 to 100. We had in the city of Nashville until recently——

Mr. CARLIN. You mean within 4 miles of the schoolhouse?

Mr. CARRE. Yes, sir. We had in the city of Nashville until a few months ago over 400 Federal licenses and open saloons—the same saloons that operated before the law went into effect, and operating exactly in the same way; and in the city of Memphis we have anywhere from 500 to 800 Federal licenses.

It is this condition of lawlessness, gentlemen, that I want to bring to your attention from the State of Tennessee. The mayor of our city, the police force, the sheriff, the judge of our criminal court, and the prosecuting attorney are all impervious to any appeal whatever from the citizens to give them relief from such a condition. The mayor, in his first campaign, stated, by his own signature, that if elected he would enforce that law. After two years, having become emboldened in the art of misrule, he declared openly that if he were elected he would not enforce this State law.

Hence the State of Tennessee is powerless at the present to enforce the law under these conditions, and the governor of the State, on Thanksgiving Day, called a conference of citizens from all quarters of the State. There were from 300 to 500 men present to consider what could be done. He appointed a legal commission of 15 men, and that commission has reported that the governor is without power to enforce the laws of the State, and they furthermore say that the constitution——

Mr. CARLIN. They did not report that the local Commonwealth attorneys did not have the power to enforce the laws?

Mr. CARRE. I beg your pardon.

Mr. CARLIN. They did not report that the local Commonwealth attorneys did not have the power to enforce the laws, did they?

Mr. CARRE. Not that they did not have the power, but that they were not doing it, and the commission has said that the constitution has not contemplated such a condition as we now have and has not vested the governor with such power, and that the legislature has not confronted or has not presupposed these conditions. The point I want to bring to your attention—and then I am about through—is that we pray for some relief from these intolerable conditions. Our people want this law, but the conditions are such that many of them are discouraged, and our courts are being debauched, our officials are becoming perjured—I might almost use the word—well, I will not use it; they are perjured men, and we to-day are suffering under these intolerable conditions.

Mr. HOWLAND. How is the Federal Government to blame for that?

Mr. CARRE. How is that?

Mr. HOWLAND. How is the Federal Government to blame for that?

Mr. CARRE. The conditions depicted in the indictment of the two railroads that I referred to, I think, answer your question—if it were not for those interstate shipments. We have forbidden the manufacture of the liquor; we have forbidden the sale of the liquor; but it is imported into our territory from without and sold.

Mr. CARLIN. How many moonshiners have been indicted in Tennessee?

Mr. CARRE. I can not give you the number; not many.

Mr. CARLIN. This bill will not reach them, and if you have that condition existing among your public officials, it seems to me almost unbelievable.

Mr. CARRE. It is.

Mr. CARLIN. It must be because public sentiment there is justifying it.

Mr. CARRE. No, sir; it is not.

Mr. CARLIN. It is not the fault of the law, because you have enacted sufficient statutes.

Mr. CARRE. Yes, sir.

Mr. CARLIN. And your people elect the officials?

Mr. CARRE. I will answer your first question with reference to the "wild-cat" distillers, that they do not trouble us one particle. They just have little places up in the mountains which are very small, which do a 1-gallon business.

Now I come to the answer of your second question. It is not the fact that our people are not interested in this question, but that the liquor forces are concentrating their wealth in our State at every election and are forcing into office by unprincipled methods officials who will do their bidding after they get into office.

Mr. CARLIN. They could only do that by the votes of your own people.

Mr. CARRE. That is true, by the purchased vote; and at the last municipal election it is understood that at least $8,000 was spent in the city of Nashville in the settlement of poll taxes alone by the liquor people.

You will say it is our business to correct that evil, and I grant you that; but I also contend that it is unfair on the part of the Federal Government to force us to such extraordinary legislation and almost impossible effort to accomplish this result against unmeasured wealth which confronts us in these elections. If the Federal Government throws that challenge down to us, if the Federal Government, having been apprised of these facts, says to a struggling State like Tennessee, "Sink or swim," we will have to meet the issue, gentlemen.

Mr. CARLIN. Let me ask you this question: If this legislation you are asking for should prove to be constitutional and operative, would it not have to be enforced by the very officials of whom you are complaining?

Mr. CARRE. That is true, but——

Mr. CARLIN. And if you have that condition existing among your officials, men who have sworn to execute the laws and who will not do it, this statute may not give you any relief.

Mr. CARRE. I will answer that question this way: It will give us an objective, in the first place, toward which to work. As it has already been brought out in these hearings, there are many citizens who feel that if we had the protection of the Federal Government we could move on to the completion of this work.

Mr. CARLIN. The only protection asked for here is that the State laws may be operative——

Mr. CARRE. I understand.

Mr. CARLIN. So far as interstate shipments are concerned——

Mr. CARRE. I understand.

Mr. CARLIN. The right of seizure would be in the hands not of the Federal officials, but in the hands of the State officers—in the hands of the very men you are complaining of.

Mr. DODDS. Would you get any more with this law in effect than with your State law?

Mr. CARRE. I think we would; and that is the second point I want to come to, and that is by extra effort we could begin to make encroachments upon these officials, and as soon as the law began to be operative we would begin to that extent to cut off the revenue from the outside distillers and brewers of the United States, and their interest in Tennessee would be that much diminished, and their slush fund would eventually be cut off, and if the slush fund from the brewers and distillers were cut off we could handle the elections and put in officers who would enforce the law.

Mr. CARLIN. Do your grand juries indict these men?

Mr. CARRE. No, sir; they will not. We have had citizens—professors, doctors, lawyers—all leading citizens of the city, 20 or 30 or 40, who went out and bought liquor and went before the grand jury, and the grand jury turned the whole thing down. We had 60 or 70 warrants sworn out; we had the testimony taken down stenographically and turned in to the grand jury, and it has never been heard from to this day; and that grand jury, I want to call your attention, gentlemen, is appointed man by man by the judge himself, and he can remove every last one of them if he so desires.

Mr. CARLIN. If you changed your laws so that your grand juries were drawn as they are in many other States—from the citizens promiscuously—would not that, at least, give you the opportunity for a grand jury that would indict?

Mr. CARRE. It would not, because we have that law everywhere else in the State except Nashville, and the conditions are worse at Memphis than they are there.

Mr. CARLIN. Do you mean to say that you have not drawn even by accident a grand jury that will indict?

Mr. CARRE. No, sir; a few cases have been indicted in Chattanooga, but by one method and another those men have been kept off of the "road" thus far.

Mr. CARLIN. You can not get trial except through indictment?

Mr. CARRE. That is what we know.

Mr. CARLIN. And your primary trouble is that the grand jury, which is composed entirely of your own citizens, will not indict?

Mr. CARRE. That is made up that way.

Mr. CARLIN. In those cases where it is not made up, but is drawn from the citizens?

Mr. CARRE. I am not an expert in the making of juries.

Mr. DAVIS. Is your judge an elective officer?

Mr. CARRE. Yes; he is. In this instance he was not elected, but he was appointed by Gov. Patterson to fill out an unexpired term. He comes up for election by primary on the 14th of this month.

Mr. DODDS. How long has this condition of affairs existed?

Mr. CARRE. How is that?

Mr. DODDS. How long has this condition of affairs existed?

Mr. CARRE. Since the 14th of July.

Mr. DINWIDDIE. Mr. Chairman and gentlemen of the committee, just as a passing remark I want to say that I have not had any opportunity to ascertain conditions such as Dr. Carre mentioned here.

Mr. CARLIN. I do state that it is startling—certainly it is to me, and I did not think such a condition existed anywhere in this country.

Mr. DINWIDDIE. There are many places to be found in this country where there is difficulty in getting officers of the law to do their full duty with respect to the liquor traffic where it exists illegally within their own jurisdiction, because of the fact that whenever interstate shipments are involved they are absolutely powerless to get control of the liquors prior to their unlawful sale, except by the very hard operations that have been named here this morning—clandestine operations.

Mr. CARLIN. In this case saloons seem to be in open operation on the public highway in violation of the law.

Mr. DINWIDDIE. That I do not contend for at all; that is a matter, in my judgment, absolutely within the purview of the State authority, and I think that a State that permits those kind of conditions has to suffer the consequences.

Of course Mr. Carre was inaccurate in speaking of "Federal licenses." The Federal Government does not license anybody to sell liquor, but merely imposes an excise tax on the occupation of selling—only the States grant licenses.

Witnesses from other States admitted a condition of nonenforcement rather than one of inability to enforce.

Illicit distilling is on the increase, particularly in many of those States from which the agitators for this sort of legislation come, States that are supposed to be wholly or partially "dry." Here are the figures.

The number of illicit distilleries seized by the Federal officials was:

1909	1,743
1910	1,911
1911	2,471
1912	2,466

Of the whole number seized in 1912—2,466—1,407 were seized in the States of Alabama, Georgia, North Carolina, South Carolina, Tennessee, and Virginia.

CHARACTER BUILDING, NOT PROHIBITION, IS THE SOLUTION OF THE PROBLEM.

With those who believe that the use of alcoholic liquor as a beverage is morally wrong there can be no controversy. One who sincerely entertains such views is entitled to have them respected and given proper consideration, provided always that such person is willing to respect different views sincerely held.

The situation is otherwise, however, with regard to those who do not object to the proper use of alcoholic liquors by others, and especially if they are themselves users of it. With such persons it is proper to argue that prohibition does not prohibit, that it leads to worse conditions than does a regulated traffic in such liquors, and that a more certain and permanent—in fact, the only certain and permanent—eradication of the evils resulting from the indulgence in alcoholic stimulants—if indeed they ever can be entirely eradicated—will come from personal education in regard to the evils complained of, an education that shall convince the individual that he is harmed. When such an individual is convinced that he is harmed and ceases to use alcoholic liquor entirely or becomes a moderate user of it, a result has been achieved that no prohibition law can ever bring about. The experience of the ages proves this.

Let us see what some of the results are where people are taught to use wine in moderation.

Mr. Sbarboro representing the grape growers and the Italian-Swiss colony of California appeared before the committee in opposition to the bill and placed in the record letters from United States consuls in regard to conditions in several foreign countries. Here are some of them:

AMERICAN EMBASSY,
Rome, October 21, 1908.

CAV. ANDREA SBARBORO,
President Manufacturers' and Producers' Association, of California, Rome.

DEAR SIR: In reply to your request for my observations as to drunkenness among the people of Italy, and of the city of Rome in particular, I have pleasure in stating that during my residence in Italy I have seen very few cases of drunkenness.

The people, as a whole, are accustomed to drink wine at their meals, which perhaps prevents them from having a craving for stronger intoxicants.

I am, dear sir, your obedient servant, LLOYD C. GRISCOM.

—

AMERICAN CONSULAR SERVICE,
Florence, Italy, December 26, 1908.

CAV. ANDREA SBARBORO,
Hotel Baglioni, Florence.

DEAR SIR: Replying to your inquiry relating to the prevalence of drunkenness in Florence, I can say that I have seen but two or three intoxicated men during my four years' residence here.

Wine is in almost universal use by all classes. At the Gambrinus, a popular café, hundreds gather in the evenings—men, women, and children—drink the light wine and beer of the country, and spend the evenings in a pleasant manner and without disorder, and many of the lunch baskets prepared for little children attending school are provided with a small flask of wine.

Yours, truly, JEROME A. QUAY, *Consul.*

—

AMERICAN CONSULAR SERVICE,
Naples, Italy, October 9, 1908.

CAV. ANDREA SBARBORO,
Hotel de Londres, Naples.

DEAR SIR: Replying to your verbal inquiry of this morning, I am happy to be able to tell you that drunkenness is almost unknown here. In this great city of 600,000 inhabitants one very seldom sees a person the worse for drink. Wine is taken freely among all classes; most workmen drink from a pint to a quart every day, but there is almost no use of strong liquor.

I have lived nearly eight years in Italy and have seen very few drunken men during that time.

Very truly, yours, C. S. CROWNINSHIELD,
American Consul.

—

AMERICAN CONSULAR SERVICE,
Milano, Italy, October 28, 1908.

CAV. ANDREA SBARBORO,
President Manufacturers' and Producers' Association, California, Hotel Cavour, Milan.

MY DEAR MR. SBARBORO: With reference to your interesting booklet and to the conversation which I enjoyed with you at the Hotel Cavour to-day, I take great pleasure in saying to you in writing what I at that time said by word of mouth. In the four years I have been stationed here I have seen but two cases of intoxication in the streets of Milan; both of these were on holidays, and neither case exhibited anything more than a slightly accentuated good nature. It would be entirely within my conception of the truth to say that drunkenness is unknown in Milan.

Yours, very truly, JAMES E. DUNNING,
Consul of the United States.

AMERICAN CONSULATE,
Palermo, Italy, December 18, 1908.

CAV. ANDREA SBARBORO,
Hotel Trinacria, Palermo.

DEAR SIR: Referring to our conversation of this morning, I have to say that my experience of many years in Italy and southern France, where the native wines form a regular part of the repasts of the inhabitants, is that drunkenness in these countries is of most rare occurrence. The use of such wines would seem to fill the need felt by many for a light stimulating, or fortifying, beverage and not to lead to a craving for alcohol or to other baneful extremes. Here in Sicily, while the people no doubt have their faults, it is a pleasure to witness their general temperate habits. Even the usual place where drinks are publicly sold is most often a pasticceria, cake shop, or a pleasant café, which the most respectable persons, including ladies and children, may freely enter. There are no screens put up, there is no concealment of the interior or the inmates, for nothing takes place there requiring concealment. The drinking saloon, in an offensive sense, can hardly be said to exist at all.

I beg to remain, very truly, yours,

WILLIAM HENRY BISHOP.

—

AMERICAN CONSULAR SERVICE,
Kehl, Baden, Germany, December 19, 1908.

GRAPE GROWERS OF CALIFORNIA,
460 Montgomery Street, San Francisco, Cal.

DEAR SIR: I am in receipt of your letter of December 1 and willingly place at your disposal the results of my observation of the wine-drinking habits of this part of Germany.

As you are aware Alsace-Lorraine is by far the most important wine producing portion of the German Empire, and naturally wine is the universal drink of the people. This is not so markedly the case in Strassburg, the capital, where the population includes very many Germans—therefore beer drinkers—as well as the native Alsatians. Even in Strassburg, however, wine may be described as the daily drink of the people; even the poorest house has its cask of red wine in the cellar. I have no statistics at hand, but I can say that drunkenness is here a rare offense.

Outside of this city the consumption of beer is trifling and wine is the invariable accompaniment of the midday and evening meals. The wine flask is quite as familiar a feature of the table in Alsace-Lorraine as the water bottle is in the United States. At hotels and boarding houses a half pint of wine is usually supplied without extra charge. In the cafés and restaurants, between meals and in the evenings, wine is constantly drunk, costing only about 19 cents per quart. It is a matter of common knowledge that the people of Alsace-Lorraine are a careful, industrious, and particularly sober community. The spectacle of a person overcome with liquor is so unusual as to excite amusement rather than the disgust which is aroused where such exhibitions are unhappily familiar.

The foregoing remarks apply in a lesser degree to Baden, where much wine is grown and much consumed.

I am, yours, very truly, CARL W. SMITH,
American Vice Consul (in charge).

—

AMERICAN CONSULAR SERVICE,
Algiers, Algeria, April 15, 1909.

H. F. STOLL, Esq.,
Secretary Grape Growers of California, San Francisco.

DEAR SIR: I am in receipt of your letter of March 20, 1909, and have pleasure in adding my testimony to that of your other correspondents, as to the beneficial effects from a temperance point of view of the regular consumption of light wine as a beverage.

In this colony everyone, from the child just weaned, drinks wine at every meal, and drunkenness is practically unknown. Of course an exception must be made for a large port like Algiers, but even here it is quite a rare event to see a man the worse for liquor.

Very truly, yours, JAMES JOHNSTON,
American Consul.

—

AMERICAN CONSULAR SERVICE,
Teneriffe, February 19, 1909.

H. F. STOLL, Esq.,
Secretary Grape Growers of California, 460 Montgomery Street, San Francisco, Cal.

DEAR SIR: In reply to yours of the 14th ultimo, requesting me to inform you about wine drinking and other conditions in re to wine, I have the pleasure to give you my personal knowledge and observation about the universal drinking of wine in the Canary Islands. During my nine years (although myself being an abstainer) I have not seen more than a dozen under the influence of wine or liquor. All saloons, cafés, restaurants, and hotels are open Sundays and every other day; other business is prohibited on Sundays.

The Canary Islands have been known for many centuries for their excellent wine. In 1679 King Charles II issued a proclamation, giving the selling price of wine in England, among which is mentioned Canary Sack; for this wine the highest price was obtained.

In this country, on account of the food not having enough substance and the greater part of the inhabitants being "Anemicos," all the doctors recommend wine to be taken with all meals, more especially foreigners. The children receive wine with their food, of course, this mixed with water, according to the age of the children. I give my own children, ages 4 and 6 years, every noon meal a quarter of a glass of wine mixed with three-quarters water, to give them blood, and myself, although an abstainer, have been ordered at present time by my doctor to drink a glass of wine at every meal, as my blood was becoming too thin, and since I have been taking same I find a great improvement in my health.

As to your request for reports, I respectfully refer you to the Department of State—a report that I transmitted from here on May 27, 1907, headed "The wine trade in Teneriffe." The same has been published, and on application, no doubt, copies will be furnished to you. I would kindly request that you send me a copy, as the one I had has gone astray.

Hoping these few remarks will be satisfactory to you, I am,

Yours, very truly, SOLOMON BERLINER,
American Consul.

AMERICAN CONSULAR SERVICE,
Madrid, Spain, February 5, 1909.

H. F. STOLL, Esq.,
Secretary Grape Growers of California,
460 Montgomery Street, San Francisco, Cal.

DEAR SIR: Replying to your favor of the 15th ultimo, I am to-day mailing a copy of the "Estadistica de las producciones viticola y elevarera." which may interest you.

The drinking of wine at meals here is universal, and, like France, Germany, and Italy, there is practically no drunkenness.

I am, respectfully, yours,

R. W. BARTKEMANN,
American Consul.

—

AMERICAN CONSULAR SERVICE,
Marseille, February 4, 1909.

THE GRAPE GROWERS OF CALIFORNIA,
460 Montgomery Street, San Francisco, Cal.

GENTLEMEN: I have received your letter of the 16th instant, and am of the opinion that you would receive information more of the nature that you are seeking from one of the wine-growing centers of France than from Marseille. In fact, a letter from this point would not at all meet your wishes, as Marseille is a large seaport town, with a very mixed population, and the number of drinking bars where strong liquors are sold, perhaps as much as wine, is a fact that is not infrequently commented on. Without hesitation, however, I may say that in sections of France which I have visited, which are distinctly wine-producing sections, the sight of an intoxicated person is infrequent.

I am sending your letter to our consul at Bordeaux, as the conditions of that center of wine industry are much nearer those regarding which your inquiry is made.

Respectfully,

HORACE LEE WASHINGTON,
American Consul.

—

AMERICAN CONSULATE,
Seville, Spain, February 20, 1909.

H. F. STOLL, Esq.,
Grape Growers of California,
460 Montgomery Street, San Francisco, Cal.

SIR: I take pleasure in acknowledging your letter of January 15, 1909, with cutting of your article from the San Francisco Chronicle and prospectus of the grape growers of California, both of which I have read with interest. I note also your questions regarding wine drinking, etc., and think that these can perhaps best be answered separately, as follows:

(1) The extent of the vineyards in the Province of Seville may be gathered from the fact that they consist of some 15,000 hectares (1 hectare is equal to 2.471 acres) of vines, all of the white grape. A considerable amount of damage has been done by the Phylloxera, but this is being rectified with American vine stocks.

(2) There is a very extensive treatise on the growing of grapes and making wines in Spain, entitled "Enciclopedia de Viticultura y Vinicultura."

(3) Wine drinking may be considered as a universal habit through Spain, or certainly Andalusia.

(4) Drunkenness does not exist on any great scale; on the contrary, it may be regarded as distinctly limited in its range. This may be attributed to the fact that wine is the ordinary beverage instead of spirits and the like, the effects of wine drinking being much less harmful. It may be also remarked that those who drink nothing but wine, even in the cases of drunkards, are long lived and do not contract those diseases which are associated with other forms of alcohol drinking.

Trusting that you will find this information of service to you,

I am, dear sir, yours, very truly,

LOUIS J. ROSENBERG.
American Consul.

—

AMERICAN CONSULAR SERVICE,
Genoa, Italy, November 4, 1908.

CAV. ANDREA SBARBORO,
Presidente Banca Italo-Americana,
Hotel Bristol, San Francisco, Cal.

SIR: Referring to our very pleasant conversation this morning, in which you requested an expression of my opinion as to the prevalence of drunkenness in Italy, I do not hesitate to say that a 10 years' experience in this country, and a careful observation of the habits of the people, has convinced me that drunkenness is exceedingly rare. So much so is this the case that I do not remember to have seen a dozen Italians who were obviously intoxicated during all the time I have lived in Italy. This condition prevails in spite of the fact that the very large majority of Italians habitually drink the light wines of their country at their meals. Accustomed to wine from early childhood, the Italians use it moderately as a mildly stimulating beverage. So used, I can not discover that it produces harmful results.

I remain, respectfully,

JAS. A. SMITH, *Consul General.*

—

HIS BRITANNIC MAJESTY'S CONSULATE,
Venice, December 29, 1908.

DEAR SIR: With reference to the conversation which has passed between you and me this morning, I have the pleasure to state that cases of intoxication are very rare in this district, as the people generally drink the light wine of the country.

Believe me to be, yours, very truly,

EDW. DE ZUCCATO.

Here is some additional evidence offered by Mr. Sbarboro:

133 EAST THIRTY-FIFTH STREET,
March 13, 1908.

MY DEAR SIR: Although I believe in temperance, I try to be temperate in my belief and sufficiently radical not to defeat the ends of my conservatism. I am warmly in sympathy with you in the attitude which you take in regard to wine as a substitute for whisky. Judging from what I see in this country and from what I know of the conditions of things in Europe, which I have visited 25 times, I am decidedly of the opinion that the more wine there is produced in this country and the more freely it is transported from State to State, the less whisky will be used and the smaller the amount of drunkenness. If the proposed bill is passed, I earnestly trust that exception will be made of beverages containing less than a certain fixed maximum of alcohol.

Wishing you the largest success in your propagation of the views which you so interestingly and persuasively expressed to me a couple of days since, I am,

Yours, very sincerely,

C. H. PARKHURST.

CAV. ANDREA SBARBORO,
Waldorf Astoria, New York City.

—

CALIFORNIA STATE BOARD OF HEALTH,
San Francisco, Cal., November 22, 1905.

Mr. A. SBARBORO,
460 Montgomery Street.

MY DEAR MR. SBARBORO: In your paper entitled "Wine or tea, that is the question," you expressed sentiments which I have been advocating for years. If the people of this country were educated from babyhood up to drink wine, alcoholism would be a rare disease, as has been proven in wine-drinking countries. It is the forbidden fruit that tempts. In my experience in families where the wine flows freely drunkards are the exception, whereas many of the offspring of teetotalers and wine abhorrers who have not tasted alcoholics until they almost have grown to be men become drunkards. It would be interesting to compare the statistics of drunkards in wine and beer drinking countries with those of England and America. Hoping that you will further pursue this question and that I may be able to assist you in an humble way,

I remain, truly, yours,

MARTIN REGENSBURGER.

William R. Wheeler, formerly Labor Commissioner of the United States, wrote Mr. Sbarboro as follows:

ALPINE, CAL., *May 12, 1908.*

Mr. A. SBARBORO,
Italian-American Bank, San Francisco.

MY DEAR MR. SBARBORO: I am particularly grateful to you for having inclosed your very able article on the subject of "True temperance," upon which I had already read so many favorable comments. I well recall your request that while in Italy I make particular effort to spy out drunken men. I am glad to state that, much to my surprise, during the entire month which I spent there I did not see one drunken man, notwithstanding the fact that wine is the national beverage and universally consumed. This confirmed the opinion previously conceived, that Italy is, in truth, a temperance country. I myself am a strong believer in, and practitioner of, temperance, but not prohibition. The great trouble with many well-meaning people in our country is that they do not discriminate between the two. I assure you, my dear Mr. Sbarboro, that you shall at all times have my cooperation in your good work of preaching "the gospel of the grape."

Very sincerely, yours,

WM. R. WHEELER.

Mr. Sbarboro said, among other things:

Let me tell you this about the mayor of London. I was very much impressed with the recent statement of Sir Thomas Boor Crosby, the lord mayor of London, who, when he presided at a conference of the National Temperance League, insisted strongly upon moderation in the use of alcoholic drinks. He stated that compulsory abstinence was not the way to win the world to the side of temperance. Although he is in his eighty-second year, he says he takes a moderate amount of alcohol every day, and he calls that "temperance."

I am, myself, over 72 years of age. I have been drinking wine at my meals since I was a baby. I do not know what intoxication is, and, as you see, wine has not affected my health very much.

To prove to you further, gentlemen, that I practice what I preach, I will tell you also that I am the father of five children, all born in San Francisco, and that every one of them as soon as they could sit at the table in their baby chair was given a litle wine and water by their mother. These children are now grown up. The three boys are employed in important financial institutions, and the two girls are married and have children of their own, who are being brought up in the same manner. My children and grandchildren have used wine at their meals every day of their lives, except in sickness. They do not know what intoxication is, and if they live as long as Methuselah, I assure you that they never will. What a great blessing it would be to the American people if they all could say the same of their children.

The gentleman from Wisconsin [Mr. BERGER] in his speech to-day went to the bottom of the matter. The principal cause of the evils connected with use of alcoholic liquor is the bad social conditions existing in this country. If the money spent and the efforts expended in the agitation that has been carried on in favor of so-called prohibition laws and against the saloon had been spent and expended in a persistent effort to improve social conditions this country would be a vastly better one than it is now, and we should not now be considering the Webb bill.

Mr. CLAYTON. Mr. Speaker, I can not, of course, in the limited time remaining for debate add much to the discussion which has been had. But in closing the debate on this bill I desire to say that some gentlemen mistake the purpose of this legislation. The purpose is to take the protecting arm of the Federal Government, by virtue of the interstate-commerce clause of the Constitution, from around the illicit dealers in liquors, and is to allow the States which have passed police regulations restricting or forbidding the sale of liquor to better enforce those regulations. If any man should ask how this bill can contribute to that end, let me answer by saying it will permit the State to seize such liquor intended to be sold or otherwise used in violation of law before it reaches the hands of the consignee. In Leisy *v.* Hardin (135 U. S., 100) the case of Pierce *v.* New Hampshire (5 How., 554) was expressly overruled. It was held that the law of Iowa prohibiting the sale of intoxicating liquors except for pharmaceutical purposes, under a license, was unconstitutional when applied to the sale by the importer of liquor in the original package, such liquors having been manufactured in and brought from another State. This case overturned the doctrine in Pierce against New Hampshire, which

had been supposed for 50 years to be the law. Prior to the decision in Leisy against Hardin, no one believed that the consignee had the right to sell intoxicating liquors shipped from one State into another in violation of the police regulations of the State to which they were shipped. To avoid the effect of the decision in that case and to remove the obstacle resulting from the exclusive control of Congress over commerce among the States preventing the full operation and effect of police regulations of the States in regard to intoxicating liquors, Congress passed the Wilson law, the act of August 8, 1890. It was there enacted, using the language of Chief Justice Fuller in Leisy against Hardin, "simply to remove an impediment to the enforcement of the State laws in respect to imported packages in the original condition, created by the absence of a specific utterance on the part of Congress"; in other words, this act was in pursuance of the power of Congress to regulate interstate commerce and was held not to be a delegation of power to the States, but the exercise by Congress of the power confided to Congress by the Constitution. It is not disputed that Congress can not delegate a power to the States, and it is well established that any act of Congress which invades the reserved police power of the State under a mere pretext that interstate commerce may in some way be affected, is without constitutional authority and void.

In Gibbons *v.* Ogden (9 Wheat., 1) Chief Justice Marshall declared in substance that while Congress can not enable a State to legislate, it may even go so far as to adopt the provision of a State on any subject, such as pilotage and the like.

Congress has passed laws requiring the Federal courts to conform in practice and procedure to the rules of the State courts.

In the United States *v.* Forty-three Gallons of Whisky (93 U. S., 188) the Supreme Court declared:

Congress, under its constitutional power to regulate commerce with the Indian tribes, may not only prohibit the unlicensed introduction and sale of spirituous liquors in the Indian country, but extend such prohibition to territory in proximity to that occupied by the Indians.

It would be strange indeed if the commercial power lodged solely with Congress, and unrestrained as it is by State lines, did not extend to the exclusion of spirituous liquors intended to corrupt the Indians, not only from the existing Indian country, but from that which has ceased to be so.

In the Rahrer case, Chief Justice Fuller says:

"By the adoption of the Constitution the ability of the several States to act upon the matter solely in accordance with their own will was extinguished, and the legislative will of the General Government substituted. No affirmative guaranty was hereby given to any State of the right to demand, as between it and the others, what it could not have obtained before; while the object was undoubtedly sought to be attained of preventing commercial regulations partial in their character or contrary to the common interests. And the magnificent growth and prosperity of the country attest the success which has attended the accomplishment of that object. But this furnishes no support to the position that Congress could not, in the exercise of the discretion reposed in it, concluding that the common interests did not require entire freedom in the traffic in ardent spirits, enact the law in question."

* * * * * * *

In 1895 Congress enacted a law prohibiting the transmission in interstate commerce of all lottery tickets, and the Supreme Court upheld the validity of such law. The court says:

"We are of the opinion that lottery tickets are subjects of traffic and, therefore, are subjects of commerce, and the regulation of the carriage of such tickets, from State to State, at least by independent carriers, is a regulation of commerce among the several States.

"But it is said that the statute in question does not 'regulate' the carrying of lottery tickets from State to State, but by punishing those who cause them to be so carried Congress, in effect, prohibits such carrying.

"It is said in effect (by Congress) that it would not permit the declared policy of the States which sought to protect their people against the mischiefs of the lottery business to be overthrown or disregarded by the agency of interstate commerce. Congress alone has the power to occupy by legislation the whole field of interstate commerce. What was said by this court on a former occasion may well be here repeated.

"The framers of the Constitution never intended that the legislative power of the Nation should find itself incapable of disposing of the subject matter specifically committed to its charge. (In re Rahrer, 140 U. S., 545.)

"That regulation may sometimes appropriately assume the form of prohibition is also illustrated by the case of diseased cattle transported from one State to another. Such cattle may have, notwithstanding their condition, a value in money for some purposes, and yet it can not be doubted that Congress, under its power to regulate commerce, may either provide for their being inspected before transportation begins, or in its discretion may prohibit their being transported from one State to another."

In referring to the License case (5 How., 504), Chief Justice Fuller, in Leisy against Hardin, quoted, along with other language, the following:

Congress, under its general power to regulate commerce with foreign nations, may prescribe what article of merchandise shall be admitted and what excluded, and may therefore admit or not, as it shall deem best, the importation of ardent spirits. And, inasmuch as the laws of Congress authorize their importation, no State has a right to prohibit their introduction.

The opponents of this measure have made an attack on it upon the ground that it is lacking in uniformity, because, they say, that the laws of the different States prohibiting or regulating the sale of intoxicants are unalike. I think they derived a confused notion because of the taxing power of the Federal Government. The Constitution says:

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, * * * but all duties, imposts, and excises shall be uniform throughout the United States.

Of course this has always been held to be a geographical uniformity in the matter of taxation. The taxing power is quite a different power from the commercial power of Congress. The commerce clause is in this language:

The Congress shall have the power * * * to regulate commerce with foreign nations and among the several States and with the Indian tribes.

Could not the same objection of nonuniformity have been urged against the Wilson law, the constitutionality of which was upheld? It will be remembered that the Wilson law is in the following language:

That all fermented, distilled, or other intoxicating liquors or liquids transported *into any State* or Territory or remaining therein for use, consumption, sale, or storage therein, shall upon arrival in *such State* or Territory be subject to the operation and effect of the laws of *such State* or Territory enacted *in the exercise of its police powers*, to the same extent and in the same manner as though such liquids or liquors had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

Let me repeat what Chief Justice Fuller said about the Wilson law of 1890, and that is that its purpose was—

simply to remove an impediment to the enforcement of State laws with respect to imported packages in the original condition in the absence of specific utterances on the part of Congress.

And to this let me add that this particular measure is simply further to "remove the impediment to the enforcement of the State laws in respect to imported packages in the original condition in the absence of specific utterances on the part of Congress" by now making a specific utterance that the importation of liquor into a State for illegal purposes is prohibited. Let those who believe that each State has a right to regulate its domestic affairs, to carry out its own internal policy, cast their vote for this measure, whereby the Federal Government is to take its protection away from those engaging in the wrongful traffic of selling liquor contrary to law.

The SPEAKER. The time of the gentleman from Alabama has expired. All time has expired. The previous question is ordered on the bill and all amendments to final passage. The Clerk will report the first committee amendment.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that the vote be taken on the committee amendments en grosse.

The SPEAKER. The gentleman from New York asks unanimous consent that the committee amendments be voted on en grosse. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the committee amendments.

The question was taken, and the committee amendments were agreed to.

The SPEAKER. The Clerk will report the first amendment, submitted by the gentleman from Alabama [Mr. BLACKMON].

The Clerk read as follows:

Amend, line 12, page 2, by striking out the period and adding:

"*Provided*, That nothing contained in this bill shall be so construed as to prevent any citizen of the United States from purchasing, ordering, or having shipped, or to prevent any common carrier or agent thereof from accepting, receiving, transporting, or delivering spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind in reasonable quantities, when the same is plainly marked on the outside of the package 'for personal use': *Provided further*, That no common carrier or agent thereof shall make such delivery to any person, whether marked 'for personal use' or not, if the person ordering the same has been convicted of violating the prohibition laws of any county, State, or municipality, if the fact of such conviction appears of record in the courts of record in the county or parish where such shipment is to be delivered by the common carrier or agent thereof; or to any person who holds or possesses a Federal license or tax to retail spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind; or if the courts of record of such county or parish show that the person ordering such spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind has been convicted of public drunkenness."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. BLACKMON) there were—ayes 55, noes 149.

Mr. BLACKMON. Mr. Speaker, I demand the yeas and nays on the amendment.

The SPEAKER. The gentleman from Alabama demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Thirty-nine gentlemen have risen; not a sufficient number.

Mr. HEFLIN. Mr. Speaker, I demand the other side.

The SPEAKER. Those opposed to taking the vote by the yeas and nays will rise and stand until counted. [After counting.] One hundred and fifty-nine gentlemen have risen.

Mr. BLACKMON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Oh, there is evidently a quorum present. The count shows a quorum. Not a sufficient number have risen to order the yeas and nays. The vote on the amendment was—ayes 55, noes 149.

Mr. BLACKMON. Mr. Speaker, I demand tellers.

The SPEAKER. The gentleman from Alabama demands tellers. As many as favor taking the vote by tellers will rise and stand until counted. [After counting.] Twenty-seven gentlemen have risen, not a sufficient number, and tellers are refused.

So the amendment was rejected.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 2 by Mr. DAVIS of West Virginia: Amend by adding, on page 2, line 12, after the word "prohibited," the following:

"And whoever shall knowingly ship, transport, or deliver to any common carrier for shipment or transportation or shall knowingly cause, induce, or procure to be shipped, transported, or delivered to any common carrier for shipment or transportation from one State, Territory, or District of the United States, or place noncontiguous to, but subject to, the jurisdiction thereof to any other State, Territory, or District of the United States, or place noncontiguous to, but subject to, the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States, or place noncontiguous to, but subject to, the jurisdiction thereof any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind, with intent to receive, possess, sell, or use the same therein, or to cause, induce, or promise the same to be received, possessed, sold, or used therein, either in the original package or otherwise, in violation of the laws of such State, Territory, or District of the United States, or place noncontiguous to, but subject to, the jurisdiction thereof, shall be fined not less than $100 nor more than $5,000, or imprisoned not less than 30 days nor more than 2 years or both."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced the noes seemed to have it.

Mr. DAVIS of West Virginia. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 79, nays 214, answered "present" 6, not voting 82, as follows:

YEAS—79.

Ashbrook	Dent	Higgins	Reilly
Barchfeld	Denver	Howland	Rodenberg
Bartholdt	Doremus	Hughes, W. Va.	Rothermel
Bartlett	Dwight	Jacoway	Rouse
Bathrick	Edwards	James	Sabath
Blackmon	Estopinal	Kahn	Sells
Brantley	Evans	Kinkead, N. J.	Sherley
Broussard	Fields	Konop	Sherwood
Buchanan	Fitzgerald	Langley	Slayden
Bulkley	Floyd, Ark.	Lee, Pa.	Small
Burke, Wis.	Francis	Littlepage	Speer
Burleson	Gallagher	Lobeck	Stephens, Miss.
Cantrill	Garner	McCoy	Stevens, Minn.
Cary	Gill	McDermott	Talcott, N. Y.
Clark, Fla.	Goeke	McGillicuddy	Thayer
Claypool	Graham	McKellar	Thistlewood
Cooper	Hamill	Moss, Ind.	Townsend
Crago	Hamilton, W. Va.	O'Shaunessy	Whitacre
Curley	Hardwick	Powers	White
Davis, W. Va.	Heflin	Redfield	

NAYS—214.

Adair	Davenport	Guernsey	Lafferty
Adamson	Davis, Minn.	Hamilton, Mich.	La Follette
Aiken, S. C.	Dickinson	Hamlin	Lamb
Akin, N. Y.	Dickson, Miss.	Hardy	Lawrence
Alexander	Dies	Harrison, Miss.	Lee, Ga.
Allen	Dodds	Hart	Lenroot
Anderson	Doughton	Haugen	Lever
Anthony	Dupré	Hawley	Lewis
Austin	Dyer	Hay	Lindbergh
Barnhart	Ellerbe	Hayden	Linthicum
Bates	Esch	Hayes	Lloyd
Beall, Tex.	Faison	Helgesen	Longworth
Bell, Ga.	Fergusson	Helm	Loud
Berger	Ferris	Henry, Conn.	McCall
Booher	Finley	Henry, Tex.	McGuire, Okla.
Borland	Flood, Va.	Hensley	McKenzie
Burgess	Focht	Hill	McKinley
Burke, S. Dak.	Foss	Hinds	McKinney
Burnett	Foster	Hobson	McLaughlin
Butler	Fowler	Holland	McMorran
Byrns, Tenn.	French	Houston	Macon
Callaway	Fuller	Howard	Madden
Campbell	Gardner, Mass.	Howell	Maguire, Nebr.
Candler	Gardner, N. J.	Hughes, Ga.	Martin, Colo.
Cannon	Garrett	Humphrey, Wash.	Martin, S. Dak.
Carlin	Gillett	Humphreys, Miss.	Mays
Clayton	Glass	Jackson	Miller
Cline	Godwin, N. C.	Johnson, Ky.	Mondell
Collier	Good	Johnson, S. C.	Moore, Tex.
Covington	Goodwin, Ark.	Jones	Morgan, Okla.
Cox	Gould	Kendall	Morrison
Cravens	Gray	Kennedy	Morse, Wis.
Cullop	Green, Iowa	Kent	Mott
Curry	Greene, Mass.	Kinkaid, Nebr.	Murdock
Dalzell	Greene, Vt.	Knowland	Murray
Danforth	Gregg, Pa.	Konig	Neeley
Daugherty	Gregg, Tex.	Kopp	Nelson
Norris	Rauch	Stedman	Tuttle
Nye	Rees	Steenerson	Volstead
Oldfield	Richardson	Stephens, Cal.	Warburton
Padgett	Roberts, Mass.	Stephens, Nebr.	Watkins
Page	Roddenbery	Stephens, Tex.	Webb
Parran	Rucker, Mo.	Sterling	Weeks
Payne	Russell	Stone	Wilder
Pepper	Saunders	Sweet	Willis
Pickett	Scott	Switzer	Wilson, Ill.
Plumley	Shackleford	Taggart	Wilson, Pa.
Porter	Sharp	Talbott, Md.	Witherspoon
Post	Sims	Taylor, Ala.	Woods, Iowa.
Pou	Sisson	Taylor, Ark.	Young, Kans.
Pray	Sloan	Taylor, Colo.	Young, Mich.
Prince	Smith, J. M. C.	Taylor, Ohio	Young, Tex.
Raker	Smith, Saml. W.	Towner	
Ransdell, La.	Smith, Tex.	Tribble	

ANSWERED "PRESENT"—6.

Bradley	Driscoll, M. E.	Needham	Sparkman
Browning	Mann		

NOT VOTING—82.

Ainey	Driscoll, D. A.	Lindsay	Roberts, Nev.
Ames	Fairchild	Littleton	Rubey
Andrus	Farr	McCreary	Rucker, Colo.
Ansberry	Fordney	Maher	Scully
Ayres	Fornes	Matthews	Simmons
Boehne	George	Merritt	Slemp
Brown	Goldfogle	Moon, Pa.	Smith, N. Y.
Burke, Pa.	Griest	Moon, Tenn.	Stack
Byrnes, S. C.	Gudger	Moore, Pa.	Stanley
Calder	Hammond	Morgan, La.	Sulloway
Carter	Harris	Olmsted	Thomas
Conry	Harrison, N. Y.	Palmer	Tilson
Copley	Hartman	Patten, N. Y.	Turnbull
Crumpacker	Heald	Patton, Pa.	Underhill
Currier	Hull	Peters	Underwood
Davidson	Kindred	Prouty	Vare
De Forest	Kitchin	Pujo	Vreeland
Difenderfer	Korbly	Rainey	Wilson, N. Y.
Dixon, Ind.	Lafean	Randell, Tex.	Wood, N. J.
Donohoe	Langham	Reyburn	
Draper	Levy	Riordan	

So the amendment was rejected.

The Clerk announced the following additional pairs:

On this vote:

Mr. MAHER (for the Davis amendment) with Mr. SLEMP (against).

Mr. DONOHOE (for the Davis amendment) with Mr. PATTON of Pennsylvania (against).

Mr. COPLEY (for the Davis amendment) with Mr. AINEY (against).

Mr. GOLDFOGLE (for the Davis amendment) with Mr. MORRISON (against).

Mr. WILSON of New York (for the Davis amendment) with Mr. PALMER (against).

Mr. LAFEAN (for the Davis amendment) with Mr. LANGHAM (against).

Mr. PATTEN of New York (for the Davis amendment) with Mr. BOEHNE (against).

Until further notice:

Mr. AYRES with Mr. CALDER.

Mr. BYRNES of South Carolina with Mr. DE FOREST.

Mr. CARTER with Mr. REYBURN.

Mr. RUBEY with Mr. CURRIER.

Mr. DIXON of Indiana with Mr. HEALD.

Mr. HARRISON of New York with Mr. OLMSTED.

Mr. HULL with Mr. MATTHEWS.

Mr. MORGAN of Louisiana with Mr. ROBERTS of Nevada.

Mr. PUJO with Mr. PROUTY.

Mr. RAINEY with Mr. VREELAND.

Mr. STANLEY with Mr. WOOD of New Jersey.

Mr. MANN. Mr. Speaker, I voted "no." I am paired with the gentleman from Alabama, Mr. UNDERWOOD, and I desire to withdraw my vote and to be recorded as "present."

The SPEAKER. Call the gentleman's name.

The name of Mr. MANN was called, and he answered "Present."

Mr. SPARKMAN. Mr. Speaker, I am paired with Mr. DAVIDSON. As he has not voted, I desire to withdraw my vote of "no" and answer "present."

The SPEAKER. Call the gentleman's name.

The name of Mr. SPARKMAN was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 3, by Mr. BARTLETT: Add at the end of the bill, on page 2, the following:

"*Provided, however*, That nothing in this act shall be held or construed to render illegal or subject to State control the interstate shipment of liquors, herein defined, into any State or Territory or District to anyone for his personal or family use.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. BARTLETT. Division, Mr. Speaker.

The House divided; and there were—ayes 64, noes 167.

Mr. BARTLETT. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. Those in favor of ordering the yeas and nays will please rise and stand until counted. [After counting.] Forty-six gentlemen have risen in the affirmative—not a sufficient number.

Mr. BARTLETT. The other side, Mr. Speaker.

The SPEAKER. The gentleman from Georgia [Mr. BARTLETT] demands the other side. Those opposed to ordering the yeas and nays will rise and stand until they are counted. [After counting.] One hundred and ninety-nine gentlemen have risen. On this vote the ayes are 46 and the noes are 199—not a sufficient number—and the yeas and nays are refused.

So the amendment was rejected.

The SPEAKER. The Clerk will first report the next amendment, and then the amendment to the amendment.

The Clerk read as follows:

Amendment No. 4, by Mr. DAVIS of West Virginia: Amend by adding at the end of the bill the following:

"But nothing in this act contained shall be construed to forbid the shipment or transportation of any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind intended for sacramental purposes or for the personal use or consumption of the owner or consignee thereof."

The Clerk read the amendment to the amendment, by Mr. SAUNDERS, as follows:

Unless such shipment or transportation is contrary to the local law of the place of delivery.

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Virginia [Mr. SAUNDERS] to the amendment offered by the gentleman from West Virginia [Mr. DAVIS].

The question was taken, and the amendment to the amendment was rejected.

The SPEAKER. The question is on the amendment of the gentleman from West Virginia [Mr. DAVIS].

The question was taken, and the amendment was rejected.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 5, by Mr. JACKSON: On page 2, line 12, add at the end of the bill:

"*Provided*, That the courts of the United States shall have no jurisdiction to issue any injunction or restraining order against any State or county officer acting under the color of his office, or in any suit in which the good faith of any act of such officer is challenged."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The SPEAKER. The Clerk will report the next amendment. The Chair desires to say that the rule is that any gentleman desiring a division shall rise and address the Chair. A gentleman sitting in his seat and demanding a division puts the Chair to a disadvantage. He can not tell who makes the demand, or anything about it, and besides, it is not permissible under the rules. The Clerk will report the next amendment.

The Clerk read as follows:

Amend by striking out everything after the enacting clause and substituting the following:

"That the shipment or transportation in any manner or by any means whatsoever of any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind, including beer, ale, or wine, from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof into any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, which said spirituous, vinous, malted, fermented, or other intoxicating liquor is intended, by any person interested therein, directly or indirectly, or in any manner connected with the transaction, to be received, possessed, or kept, or in any manner used, either in the original package or otherwise, in violation of any law of such State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, enacted in the exercise of the police powers of such State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, is hereby prohibited.

"SEC. 2. That all fermented, distilled, or other intoxicating liquors or liquids transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall, upon arrival within the boundaries of such State or Territory and before delivery to the consignee, be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its reserved police powers, to the same extent and in the same manner as though such liquids or liquors had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise."

The SPEAKER. The question is on agreeing to the substitute.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. CURLEY. Division, Mr. Speaker.

Mr. HELGESEN. I demand the yeas and nays.

The yeas and nays were refused.

So the substitute was rejected.

The SPEAKER. It turns out that there are two more amendments here that ought to have been voted upon before that substitute was considered. The Chair did not know that they were here. The Clerk will report the first one.

The Clerk read as follows:

Amendment No. 7, by Mr. SABATH:

Strike out, after the word "spirituous," on line 4, page 1, the following words: "Vinous, malted, fermented, or other intoxicating," so that it would read: "That the shipment or transportation, in any manner or by any means whatsoever, of any spirituous liquor of any kind from one State"; and on page 2, line 1, strike out, after the word "spirituous," the words "vinous, malted, fermented, or other."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was rejected.

The SPEAKER. The Clerk will report the next one.

The Clerk read as follows:

Amendment No. 8, by Mr. MANN:

Strike out the word "intoxicating" wherever it appears before the word "liquor."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was rejected.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is, Shall the bill pass?

Mr. CLAYTON. Mr. Speaker, I demand the yeas and nays.

Mr. LANGLEY. So do I, Mr. Speaker.

The yeas and nays were ordered.

The SPEAKER. The Clerk will call the roll. Those in favor of this bill will vote "yea" when their names are called, and those opposed will vote "nay."

The question was taken; and there were—yeas 239, nays 64, answered "present" 5, not voting 73, as follows:

YEAS—239.

Adair	Francis	Kitchin	Rauch
Adamson	French	Knowland	Rees
Aiken, S. C.	Fuller	Kopp	Richardson
Akin, N. Y.	Gardner, Mass.	Lafferty	Roberts, Mass.
Alexander	Gardner, N. J.	La Follette	Roddenbery
Anderson	Garner	Lamb	Rubey
Anthony	Garrett	Langley	Rucker, Colo.
Ashbrook	Gillett	Lawrence	Rucker, Mo.
Austin	Glass	Lee, Ga.	Russell
Ayres	Godwin, N. C.	Lenroot	Saunders
Barnhart	Good	Lever	Scott
Bates	Goodwin, Ark.	Lewis	Sells
Beall, Tex.	Gould	Lindbergh	Shackleford
Bell, Ga.	Graham	Linthicum	Sharp
Booher	Gray	Littlepage	Sims
Borland	Green, Iowa	Lloyd	Sisson
Burke, S. Dak.	Greene, Mass.	Loud	Sloan
Burnett	Greene, Vt.	McCall	Small
Butler	Gregg, Pa.	McGillicuddy	Smith, J. M. C.
Byrns, Tenn.	Gregg, Tex.	McGuire, Okla.	Smith, Saml. W.
Callaway	Guernsey	McKenzie	Smith, Tex.
Campbell	Hamilton, Mich.	McKinley	Sparkman
Candler	Hamilton, W. Va.	McKinney	Speer
Carlin	Hamlin	McLaughlin	Stedman
Carter	Hammond	McMorran	Steenerson
Clark, Fla.	Hardy	Macon	Stephens, Cal.
Claypool	Harrison, Miss.	Maguire, Nebr.	Stephens, Miss.
Clayton	Haugen	Mann	Stephens, Nebr.
Cline	Hawley	Martin, Colo.	Stephens, Tex.
Collier	Hay	Martin, S. Dak.	Sterling
Covington	Hayden	Mays	Stone
Cox	Hayes	Miller	Sweet
Crago	Helgesen	Mondell	Taggart
Cullop	Helm	Morgan, Okla.	Talbott, Md.
Curry	Henry, Conn.	Morse, Wis.	Taylor, Ala.
Daugherty	Henry, Tex.	Moss, Ind.	Taylor, Ark.
Davenport	Hensley	Mott	Taylor, Colo.
Davis, Minn.	Higgins	Murdock	Thayer
Davis, W. Va.	Hill	Neeley	Thistlewood
Denver	Hinds	Nelson	Towner
Dickinson	Hobson	Norris	Tribble
Dickson, Miss.	Holland	Nye	Tuttle
Dies	Houston	Oldfield	Underwood
Dixon, Ind.	Howard	O'Shaunessy	Volstead
Dodds	Howell	Padgett	Warburton
Doremus	Howland	Page	Watkins
Doughton	Hughes, Ga.	Parran	Webb
Edwards	Hughes, W. Va.	Payne	Weeks
Ellerbe	Hull	Pepper	Whitacre
Faison	Humphrey, Wash.	Pickett	White
Fergusson	Humphreys, Miss.	Plumley	Wilder
Ferris	Jackson	Porter	Willis
Fields	Jackoway	Post	Wilson, Ill.
Finley	Johnson, Ky.	Pou	Wilson, Pa.
Flood, Va.	Johnson, S. C.	Powers	Witherspoon
Floyd, Ark.	Jones	Pray	Woods, Iowa
Focht	Kendall	Prince	Young, Kans.
Foss	Kennedy	Rainey	Young, Mich.
Foster	Kent	Raker	Young, Tex.
Fowler	Kinkaid, Nebr.	Ransdell, La.	

NAYS—64.

Allen	Cary	Goeke	Moore, Tex.
Barchfeld	Cooper	Hamill	Murray
Bartholdt	Cravens	Hardwick	Redfield
Bartlett	Curley	Hart	Reilly
Bathrick	Dalzell	James	Rodenberg
Berger	Danforth	Kahn	Rothermel
Blackmon	Dent	Kinkead, N. J.	Rouse
Brantley	Dupré	Konig	Sabath
Broussard	Dwight	Konop	Sherley
Buchanan	Dyer	Lee, Pa.	Sherwood
Bulkley	Esch	Lobeck	Slayden
Burgess	Estopinal	Longworth	Stevens, Minn.
Burke, Wis.	Evans	McCoy	Switzer
Burleson	Fitzgerald	McDermott	Talcott, N. Y.
Cannon	Gallagher	McKellar	Taylor, Ohio
Cantrill	Gill	Madden	Townsend

ANSWERED "PRESENT"—5.

Bradley	Driscoll, M. E.	Heflin	Needham
Browning			

NOT VOTING—73

Ainey	Fairchild	McCreary	Roberts, Nev.
Ames	Farr	Maher	Scully
Andrus	Fordney	Matthews	Simmons
Ansberry	Fornes	Merritt	Slemp
Boehne	George	Moon, Pa.	Smith, N. Y.
Brown	Goldfogle	Moon, Tenn.	Stack
Burke, Pa.	Griest	Moore, Pa.	Stanley
Byrnes, S. C.	Gudger	Morgan, La.	Sulloway
Calder	Harris	Morrison	Thomas
Conry	Harrison, N. Y.	Olmsted	Tilson
Copley	Hartman	Palmer	Turnbull
Crumpacker	Heald	Patten, N. Y.	Underhill
Currier	Kindred	Patton, Pa.	Vare
Davidson	Korbly	Peters	Vreeland
De Forest	Lafean	Prouty	Wilson, N. Y.
Difenderfer	Langham	Pujo	Wood, N. J.
Donohoe	Levy	Randell, Tex.	
Draper	Lindsay	Reyburn	
Driscoll, D. A.	Littleton	Riordan	

So the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. LEVY with Mr. FORDNEY.

Mr. BOEHNE with Mr. DAVIDSON.

Mr. STACK with Mr. CURRIER.

Mr. LINDSAY with Mr. CALDER.

Mr. HEFLIN with Mr. VREELAND.

On this vote:

Mr. MORRISON (in favor) with Mr. GOLDFOGLE (against).

Mr. AINEY (in favor) with Mr. COPLEY (against).

Mr. PATTON of Pennsylvania (in favor) with Mr. DONOHOE (against).

Mr. LANGHAM (in favor) with Mr. LAFEAN (against).

Mr. SLEMP (in favor) with Mr. MAHER (against).

Mr. PALMER (in favor) with Mr. WILSON of New York (against).

Mr. DIFENDERFER (in favor) with Mr. LINDSAY (against).

Mr. BOEHNE (in favor) with Mr. PATTEN of New York (against).

The result of the vote was announced as above recorded.

On motion of Mr. CLAYTON, a motion to reconsider the last vote was laid on the table.

VISITORS TO THE NAVAL ACADEMY.

The SPEAKER announced the appointment as visitors to the Naval Academy Messrs. TALBOTT of Maryland, WITHERSPOON, and ROBERTS of Massachusetts.

INDIGENT PERSONS IN ALASKA.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I move to take from the Speaker's table the bill (S. 267) providing for assisting indigent persons other than natives in the District of Alaska, and I move that the House insist on its amendments and agree to the conference asked by the Senate.

The SPEAKER. The Chair lays that bill before the House. The gentleman from Mississippi moves that the House insist on its amendments and agree to the conference.

The motion was agreed to, and the Speaker appointed as conferees on the part of the House Mr. HUMPHREYS of Mississippi, Mr. HARDY, and Mr. LANGHAM.

LEAVE TO EXTEND REMARKS.

Mr. GARRETT. Mr. Speaker, I addressed the House on the rule to-day. I ask unanimous consent to extend my remarks.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks on the rule. Is there objection?

Mr. GARRETT. I want it understood that I may perhaps touch upon the subject matter of the bill, although my remarks in the House to-day were on the subject of the rule.

The SPEAKER. Is there objection?

There was no objection.

SIMON NAGER.

The SPEAKER laid before the House the bill (H. R. 18425) to remove the charge of desertion from the military record of Simon Nager, with a Senate amendment.

Mr. HAY. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

MEXICAN CLAIMS.

The SPEAKER. The Chair lays before the House the following request for a change of reference of a bill.

The Clerk read as follows:

The Committee on Interstate and Foreign Commerce is discharged from the further consideration of the bill (H. R. 28655) authorizing the payment of damages to persons for injuries inflicted by Mexican Federal or insurgent troops within the United States during the insurrection in Mexico in 1911, and making an appropriation therefor, and the same is hereby referred to the Committee on Foreign Affairs.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, as I understand that bill is in the nature of a private bill concerning claims growing out of the trouble in Mexico. Under the rules of the House neither the Committee on Interstate and Foreign Commerce nor the Committee on Foreign Affairs has any authority to report a private claims bill.

The SPEAKER. Except by unanimous consent.

Mr. MANN. That is a private bill, and the rules provide that such a bill can be sent to the proper committee without bringing it before the House.

Mr. COOPER. If the gentleman will permit, is that a bill to provide for payment of damages to the persons who were shot in Texas?

Mr. MANN. I believe that is the case.

Mr. COOPER. The Committee on Foreign Affairs has already considered a bill of this character, and some of the claims included in it have been referred by the chairman of that committee to a subcommittee.

Mr. MANN. That may all be, but the committee can not report it under the rules of the House.

Mr. COOPER. It has already agreed to report a considerable number of exactly similar claims, and the remainder are now being considered by a subcommittee.

Mr. MANN. The Committee on Foreign Affairs has no jurisdiction to report a private claim.

Mr. COOPER. If the gentleman will permit me, these are not what is ordinarily understood as private claims. They are claims, in effect, against Mexico, and which involve our relations with that country, and they can not in any way properly be brought to the attention of the Mexican Government except by the presentation of the claims to that Government by our State Department after they have been paid by the United States. If the Mexican Government then agrees to accept as just the aggregate that we have paid the claimants, it will, on principles of comity, I presume, as is customary in such cases, vote to reimburse the United States Treasury by the same amount; but if the Mexican Government should not so agree, then there will be an opportunity for it to ask that the matter be sent to The Hague tribunal. It is plain that the Committee on Foreign Affairs is the proper committee to which to refer matters of this character.

The SPEAKER. The Chair will read the rule upon this subject:

No bill for the payment or adjudication of any private claim against the Government shall be referred, except by unanimous consent, to any other than the following-named committees, viz: To the Committee on Invalid Pensions, to the Committee on Pensions, to the Committee on Claims, to the Committee on War Claims, to the Committee on Private Land Claims, and to the Committee on Accounts.

Mr. KENDALL. I think the controversy arose through certain injuries that were inflicted on persons on the Mexican border. The State Department took cognizance of it and undertook to negotiate through the diplomatic sources, and then a resolution was passed by the Senate appointing a tribunal to investigate the circumstances, and that tribunal has made its report.

Mr. MANN. Where is the report?

Mr. KENDALL. It was referred to the Committee on Foreign Affairs.

Mr. MANN. It was referred to the Committee on Claims in the House.

Mr. KENDALL. It has been before the Committee on Foreign Affairs, whether legitimately or not I do not know. The Committee on Foreign Affairs have been taking testimony and examining into the matter, with such light from the State Department as it could acquire.

Mr. MANN. The Committee on Foreign Affairs would have jurisdiction on a matter that related to a claim against Mexico, but the Committee on Foreign Affairs has no jurisdiction to consider claims against the United States, and ought not to have.

The SPEAKER. The Chair will ask the gentleman from Illinois if he thinks this claim stands on the ordinary plane?

Mr. MANN. The Committee on Claims has frequently reported claims in behalf of foreign citizens, recommending payment by the United States.

The SPEAKER. But this is the claim of a foreign Government.

Mr. MANN. Against the United States.

Mr. KENDALL. To be presented against Mexico.

Mr. COOPER. It is primarily against Mexico and not the United States. Neither the Government of the United States nor any of its citizens injured these persons or permitted them to be injured.

The SPEAKER. One thing is clear about it, and that is that the Committee on Interstate and Foreign Commerce has no business with it.

Mr. MANN. The rules provide how a private bill wrongfully referred shall be changed, and it does not require action by the House.

Mr. COOPER. The whole question is whether it has been erroneously referred. The gentleman is mistaken in saying that this is a claim against the United States. The bullets were Mexican bullets fired across the border, killing and wounding persons on our soil. Primarily the claims are against Mexico, but the only way to get them before the Mexican Government is for our Government to ascertain what damage was done, pay for it, and then, through the State Department, present to Mexico a diplomatic request for reimbursement.

The SPEAKER. The Chair will have to examine the bill to see what is in it and form his opinion about it. One thing is certain, and that is the Committee on Interstate and Foreign Commerce has no jurisdiction over it.

Mr. FLOOD of Virginia. Mr. Speaker, I rise to a parliamentary question. I have just come in and I would like to know what the question is before the House.

The SPEAKER. The question is upon taking the bill from the Committee on Interstate and Foreign Commerce and referring it to the Committee on Foreign Affairs. It was erroneously referred to the Committee on Interstate and Foreign Commerce, and now the gentleman from Illinois [Mr. MANN] claims that it would be equally erroneous to refer it to the Committee on Foreign Affairs. Two or three members of the Committee on Foreign Affairs claim that that committee has a right to it.

Mr. COOPER. I say that, properly speaking, this is not a claim against the United States. After the amount has been paid to the claimant by the United States the State Department will present it to Mexico and Mexico will reimburse our Treasury, so that at last the United States will not really have paid anything.

Mr. MANN. It must first be a claim against the United States before it is paid by Mexico.

Mr. COOPER. No. It is a claim against Mexico, the amount of which is first ascertained and paid by the United States, in order that a proper demand may be made upon Mexico.

Mr. MANN. The determination of several resolutions that have been introduced would be to fix the liability upon the United States, and I do not think it ought to be so fixed.

The SPEAKER. How can they fix a claim upon the United States for damage done by Mexico?

Mr. MANN. That is the purpose of the bill, to have the United States pay the claim, and that makes it a claim against the United States. Then we may whistle for the money, perhaps, as far as Mexico is concerned.

The SPEAKER. Does the gentleman from Illinois claim that this is a private bill?

Mr. MANN. Certainly.

Mr. FLOOD of Virginia. When was the bill introduced?

The SPEAKER. The Chair will ask that this matter go over until next Monday.

Mr. MANN. For the present, Mr. Speaker, I will object to the request to change the reference to the Committee on Foreign Affairs.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. MANN. Upon what subject?

Mr. RAKER. Upon the bill that has just been passed.

Mr. MANN. I shall object to the extension of any remarks upon the bill that was passed to-day.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Curtiss, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6402. An act to authorize the issuance of absolute and unqualified patents to public lands in certain cases;

S. 7754. An act for the relief of Joseph Hodges; and

S. 8369. An act authorizing the Secretary of the Treasury to give to the Order of Daughters of the American Revolution the "Old Exchange" Building in the city of Charleston, S. C.

The message also announced that the Senate had disagreed to the bill (S. 267) providing for assisting indigent persons, other than natives, in the District of Alaska, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. NELSON, Mr. BURNHAM, and Mr. CHAMBERLAIN as the conferees on the part of the Senate.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6402. An act to authorize the issuance of absolute and unqualified patents to public lands in certain cases; to the Committee on the Public Lands.

S. 7754. An act for the relief of Joseph Hodges; to the Committee on the Public Lands.

S. 8369. An act authorizing the Secretary of the Treasury to give to the Order of Daughters of the American Revolution the "Old Exchange" Building in the city of Charleston, S. C.; to the Committee on Public Buildings and Grounds.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 8034. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 7160. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. RUBEY, for six days, on account of death of his secretary.

To Mr. DAVENPORT, for one week, on account of important business.

To Mr. FLOOD of Virginia, indefinitely, on account of sickness.

To Mr. SCULLY, for one week, on account of illness in his family.

TO PUNISH UNLAWFUL BREAKING OF SEALS OF RAILROAD CARS, ETC.

Mr. CARLIN. Mr. Speaker, I ask to take from the Speaker's table the bill H. R. 16450, and move to concur in the Senate amendments. They are immaterial amendments to a House bill.

The SPEAKER laid before the House the following House bill with Senate amendments.

The Clerk read as follows:

H. R. 16450. An act to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, the unlawful entering of such cars, the stealing of freight and express packages or baggage or articles therefrom in process of transportation in interstate shipment, and the felonious asportation of such freight or express packages or baggage or articles therefrom into another district of the United States, and the felonious reception or possession of the same.

The Senate amendments were read.

Mr. CARLIN. Mr. Speaker, I move to concur in the Senate amendments.

The question was taken, and the Senate amendments were concurred in.

HOUR OF MEETING ON MONDAY.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-morrow it adjourn to meet at half past 10 on Monday morning.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House adjourns to-morrow it adjourn to meet at 10.30 a. m. on Monday. Is there objection? [After a pause.] The Chair hears none.

SPEAKER PRO TEMPORE FOR SUNDAY, FEBRUARY 9, 1913.

The SPEAKER designated Mr. PEPPER, of Iowa, to preside at the eulogies in the House to-morrow, Sunday, February 9, 1913.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 55 minutes p. m.) the House adjourned to meet to-morrow, Sunday, February 9, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of harbor at Spring Bay, on the Illinois River, between Copperas Creek and La Salle, Ill. (H. Doc. No. 1371); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on examination of Wessaweskeag River, South Thomaston, Me. (H. Doc. No. 1370); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

3. A letter from the Secretary of War, transmitting, with letter from the Chief of Engineers, report of examination and survey of Providence River and Harbor, R. I. (H. Doc. No. 1369); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

4. A letter from the Secretary of the Treasury, submitting estimate of appropriation for the Federal building at Pittsburgh, Pa. (H. Doc. No. 1368); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Interior, transmitting list of useless papers on file in the department and requesting that they be destroyed (H. Doc. No. 1367); to the Committee on Disposition of Useless Executive Papers and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill (H. R. 1330) to protect the monuments already erected on the battlefields of Bull Run, Va., and other monuments that may be there erected, reported the same with amendment, accompanied by a report (No. 1479), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PRAY, from the Committee on the Public Lands, to which was referred the bill (S. 4958) to accept the cession by the State of Washington of exclusive jurisdiction over the lands embraced within the Mount Rainier National Park, and for other purposes, reported the same with amendment, accompanied by a report (No. 1480), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. O'SHAUNESSY, from the Committee on the District of Columbia, to which was referred the bill (H. R. 20500) to authorize and direct the Commissioners of the District of Columbia to cause to be removed all obstructions from West Virginia Avenue, in the city of Washington, in the District of Columbia, reported the same with amendment, accompanied by a report (No. 1482), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JONES, from the Committee on Insular Affairs, to which was referred the bill (S. 313) relative to the exchange of certain properties between the insular government of Porto Rico and the War Department, reported the same without amendment, accompanied by a report (No. 1484), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEPHENS of California, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 28524) to create a board of local inspectors, Steamboat-Inspection Service, for the port of Los Angeles, Cal., reported the same without amendment, accompanied by a report (No. 1489), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLINE, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 28674) for the control and regulation of the waters of the Niagara River above the Falls of Niagara, and for other purposes, reported the same without amendment, accompanied by a report (No. 1488), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FLOOD of Virginia, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 28408) authorizing the payment of damages to persons for injuries inflicted by Mexican federal or insurgent troops within the United States during the insurrection in Mexico in 1911, making appropriation therefor, and authorizing and directing the Secretary of State to proceed in conformity with diplomatic usage and international law to secure reimbursement therefor from Mexico, reported the same with amendment, accompanied by a report (No. 1485), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PEPPER, from the Committee on Military Affairs, to which was referred the bill (S. 6798) authorizing the Secretary of War to grant permission for the erection of a hotel on the Fort Huachuca Military Reservation, in Arizona, reported the same without amendment, accompanied by a report (No. 1490), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KAHN, from the Committee on the District of Columbia, to which was referred the bill (S. 2504) to provide for the extension of New Hampshire Avenue, in the District of Columbia, on a straight line, and for other purposes, reported the same without amendment, accompanied by a report (No. 1487), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 5948) to prohibit in the District of Columbia the intermarriage of whites with negroes or Mongolians, reported the same with amendments, accompanied by a report (No. 1486), which said bill and report were referred to the House Calendar.

Mr. RUCKER of Missouri, from the Committee on the Judiciary, to which was referred the bill (H. R. 27489) to amend section 3240 of chapter 3 of the Revised Statutes of the United States, as amended by act approved June 21, 1906, so as to provide for furnishing certain records or certified copies thereof, and for other purposes, reported the same with amendment, accompanied by a report (No. 1481), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HAY: A bill (H. R. 28699) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1914, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. HARDWICK: A bill (H. R. 28700) to authorize the purchase or acquisition of an aviation field at Augusta, Ga., for aviation and other military purposes; to the Committee on Military Affairs.

By Mr. MARTIN of South Dakota: A bill (H. R. 28701) to provide an enlarged homestead; to the Committee on the Public Lands.

By Mr. McCALL: A bill (H. R. 28702) for the acquisition of a site and the erection thereon of a public building at Winchester, Mass.; to the Committee on Public Buildings and Grounds.

By Mr. JACOWAY: A bill (H. R. 28703) for the purchase of a site and the erection of a public building at Little Rock, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. KENT: A bill (H. R. 28714) authorizing the purchase and erection of four electroliers in front of the Government building in the city of Sacramento, Cal.; to the Committee on Public Buildings and Grounds.

By Mr. AKIN of New York: Resolution (H. Res. 821) to authorize the Secretary of Agriculture to purchase 6 thoroughbred turkey buzzards and 99 thoroughbred humming birds for breeding purposes; to the Committee on Agriculture.

By the SPEAKER (by request): Memorial from the Legislative Assembly of the State of North Dakota, memorializing Congress to pass the Kenyon-Sheppard bill at the earliest possible date and without amendment; to the Committee on the Judiciary.

Also (by request), memorial from the General Assembly of the State of Iowa, memorializing Congress to pass the Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. MARTIN of South Dakota: Memorial from the Legislature of the State of South Dakota memorializing the Congress of the United States to enact during the present session the Newlands bill providing for the creation of a board of river regulation; to the Committee on Rivers and Harbors.

Also, memorial from the Legislature of the State of South Dakota, urging Congress by proper enactment to designate Fort Meade as a brigade post and provide suitable barracks and quarters for the garrison thereof; to the Committee on Military Affairs.

Also, memorial from the Legislature of South Dakota, memorializing Congress to immediately enact legislation restricting the jurisdiction of the district courts of the United States in the matter of enjoining State officers, etc.; to the Committee on the Judiciary.

Also, memorial from the Legislature of the State of South Dakota, memorializing Congress to enact a general statute for the nomination of presidential candidates by direct vote of the party electors; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. NYE: Memorial from the Legislature of the State of Minnesota, favoring bill to authorize national banks to loan money on farm mortgages, etc.; to the Committee on Banking and Currency.

By Mr. GOOD: Memorial from the General Assembly of the State of Iowa, memorializing Congress to pass the Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. STEVENS of Minnesota: Memorial from the Legislature of the State of Minnesota, requesting legislation authorizing Federal banks to loan money on farm-land mortgages; to the Committee on Banking and Currency.

By Mr. LEVY: Memorial from the Legislature of the State of New Mexico, protesting against transferring Fort Sill Indians, known as Geronimo's Band, to the Mescalero Apache Indian Reservation or to any other reservation in New Mexico; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AIKEN of South Carolina: A bill (H. R. 28704) for the relief of the heirs of Catherine Norris, deceased; to the Committee on War Claims.

By Mr. CARLIN: A bill (H. R. 28705) for the relief of the heirs of Frederick A. Holden, deceased; to the Committee on War Claims.

By Mr. MICHAEL E. DRISCOLL: A bill (H. R. 28706) granting an increase of pension to Robert F. Thorn; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 28707) for the relief of Thomas J. Smith; to the Committee on War Claims.

By Mr. RIORDAN: A bill (H. R. 28708) granting an increase of pension to James F. Conway; to the Committee on Invalid Pensions.

By Mr. SHARP: A bill (H. R. 28709) to restore the name of John O. Wilkins, deceased, to the rolls of Company G, One hundred and twenty-first Regiment Ohio Volunteer Infantry; to the Committee on Military Affairs.

By Mr. TAGGART: A bill (H. R. 28710) granting an increase of pension to Samuel J. Smock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28711) granting an increase of pension to Mary Bailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28712) granting an increase of pension to Robert Hird; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28713) granting a pension to Mary H. Bisbey; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANSBERRY: Petition of the United Mine Workers of America, Columbus, Ohio, favoring the passage of the Wilson resolution, for the investigation of the present conditions of the miners of West Virginia; to the Committee on Labor.

By Mr. ASHBROOK: Petition of the United Mine Workers of America, favoring the passage of the Wilson resolution, for an investigation of the West Virginia miners' strike; to the Committee on Labor.

By Mr. BROWNING: Petition of 15 citizens of Merchantville and the Trinity Methodist Episcopal Church, of Merchantville, N. J., favoring the passage of the Kenyon-McCumber bill, preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. DYER: Petition of E. O. Moore and W. J. Edwards, St. Louis, Mo., favoring the passage of the Kenyon-Sheppard bill, preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

Also, petition of the Antisaloon League of America, Washington, D. C., favoring the passage of the Webb bill, preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

Also, petition of the Missouri Library Association, Jefferson City, Mo., favoring the passage of an amendment giving the books from public libraries the same rates as merchandise under the parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of Phil Bardenheimer & Co., Bauer Mueller Distilling Co., and 42 other companies of St. Louis, Mo., protesting against any action on the Webb bill by the House until the Senate has acted on the Kenyon liquor bill; to the Committee on the Judiciary.

By Mr. FRENCH: Petition of the Women's Christian Temperance Union, of Parma, Idaho, favoring the passage of the Kenyon-Sheppard bill, preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. GOOD: Petition of the Johnson Gas Appliance Co. employees, Cedar Rapids, Iowa, favoring the passage of House bill 25685, providing for the labeling and tagging of all fabrics and articles of clothing intended for sale under interstate commerce; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Tama Methodist Episcopal Official Board, Tama, Iowa, favoring the passage of the Kenyon-Sheppard bill, preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. HARRISON of New York: Petition of citizens of New York, favoring the passage of the McLean bill, granting Federal protection to all migratory birds; to the Committee on Agriculture.

By Mr. LEE of Pennsylvania: Petition of the System Federation of the Harriman Lines, Los Angeles, Cal., favoring the passage of legislation for the enforcing of the inspection of locomotive boilers and safety appliances for railway equipment; to the Committee on Interstate and Foreign Commerce.

By Mr. LEVY: Petition of T. L. Kennedy, professor mechanical engineering, Harvard University, favoring the passage of the Page bill, granting Federal aid for vocational education; to the Committee on Agriculture.

Also, petition of the American Wood Preservers' Association, Baltimore, Md., protesting against the passage of legislation for the removal of creosote oil from the free list; to the Committee on Ways and Means.

Also, petition of Ernest Thompson Seton, Greenwich, Conn., favoring the passage of the McLean bill, granting Federal protection to all migratory birds; to the Committee on Agriculture.

Also, petition of Rice & Adams, Buffalo, N. Y., favoring the passage of House bill 27567, for a 1-cent letter-postage rate; to the Committee on the Post Offices and Post Roads.

Also, petition of the California Club, of San Francisco, Cal., favoring the passage of legislation making further appropriations for the suppression of the white-slave traffic; to the Committee on Appropriations.

By Mr. LINDSAY: Petition of the Downtown Taxpayers' Association, Brooklyn, N. Y., favoring the placing of a clause in this year's naval appropriation bill providing for the building of one of the new battleships in a Government navy yard; to the Committee on Naval Affairs.

By Mr. McKENZIE: Petition of citizens of Pearl City and the Lutheran Churches of Pearl City and Kent, Ill., all favoring the passage of the Webb-Kenyon bill, preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. MOTT: Petition of the Downtown Taxpayers' Association, of Brooklyn, N. Y., favoring the passage of an amendment for the construction of one battleship at a Government navy yard; to the Committee on Naval Affairs.

By Mr. NELSON: Petition of the Epworth League and congregation of the First Methodist Episcopal Church, Madison, Wis., favoring the passage of the Kenyon-McCumber bill, preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. POWERS: Papers to accompany bill for the relief of Thomas J. Smith, for property taken during Civil War; to the Committee on Naval Affairs.

By Mr. RAKER: Petition of the World Peace Foundation School, Boston, Mass., protesting against the passage of legislation for the building of two battleships per year; to the Committee on Naval Affairs.

Also, petition of the California Wine Association, New York, protesting against the passage of the Webb bill, preventing the

shipment of liquor into dry territory; to the Committee on the Judiciary.

Also, petition of the Rudgear Merle Co., San Francisco, Cal., favoring the passage of House bill 27567, for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of the Downtown Taxpayers' Association, Brooklyn, N. Y., favoring the passage of legislation providing for the building of one of the two battleships in a Government navy yard; to the Committee on Naval Affairs.

By Mr. SCULLY: Petition of citizens of Monmouth County, State of New Jersey, favoring the passage of the Kenyon-McCumber bill, to withdraw from interstate-commerce protection liquors imported into dry territory for illegal use; to the Committee on the Judiciary.

Also, petition of the First Methodist Episcopal Churches of Highlands, Toms River, West Long Branch, and Sea Bright; citizens of Metuchen, Toms River, and Cranbury; Old First Methodist Episcopal Church, of West Long Branch; and Presbyterian Church of Atlantic Highlands, State of New Jersey, favoring the passage of the Kenyon-McCumber bill, to withdraw from interstate-commerce protection liquors imported into dry territory for illegal use; to the Committee on the Judiciary.

By Mr. SMITH of Michigan: Petition of Taylor Bros. Co., Battle Creek, Mich., favoring the passage of legislation for the removal of duty on almonds, walnuts, and filberts; to the Committee on Ways and Means.

Also, petition of the Woman's Historical Club, Detroit, Mich., protesting against the passage of any legislation tending to destroy the present national system of forest preservation; to the Committee on Agriculture.

By Mr. STEPHENS of California: Petition of members of the Lake Avenue Methodist Episcopal Church, Pasadena, Cal., favoring the passage of the Kenyon-Sheppard bill, preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. WILLIS: Petition of the United Mine Workers of America, District No. 6, Columbus, Ohio, favoring the passage of legislation for the investigation of the West Virginia coal strike; to the Committee on Labor.

By Mr. WOOD of New Jersey: Petition of citizens of the fourth congressional district of New Jersey, favoring the passage of the Kenyon-McCumber bill, to withdraw from interstate-commerce protection liquors imported into dry territory for illegal use; to the Committee on the Judiciary.

HOUSE OF REPRESENTATIVES.

SUNDAY, *February 9, 1913.*

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore [Mr. PEPPER].

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our heavenly Father, in whose all-encircling love we dwell, through whose never-failing ministrations our existence is continued moment by moment, hour by hour, guide us, we beseech Thee, by the Holy Spirit of Truth to do Thy will, that we may build each for himself a character which shall be an everlasting memorial to Thee. We are here in memory of three great men whose lives have become a part of the Nation's history. We can not add to or detract from their glory, but we may exalt ourselves by recording faithfully their service to State and Nation. Comfort, we pray Thee, their friends, colleagues, and those near and dear to them by the bonds of kinship with the blessed hope of the immortality of the soul.

Not enjoyment, and not sorrow,
Is our destined end or way;
But to act that each to-morrow
Find us farther than to-day.

Inspire us with courage, zeal, and fidelity that we may be worthy and pass on to the reward of those who, true to themselves, reflect in thought, word, and deed the character of Him who taught us to pray: Our Father which art in heaven, hallowed be Thy name. Thy kingdom come. Thy will be done in earth, as it is in Heaven. Give us this day our daily bread. And forgive us our debts, as we forgive our debtors. And lead us not into temptation, but deliver us from evil. For Thine is the kingdom, and the power, and the glory, forever. Amen.

The SPEAKER pro tempore. The Clerk will read the Journal.

Mr. KENDALL. Mr. Speaker, I ask unanimous consent that the reading of the Journal may be dispensed with.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. Without objection, the Journal will be approved.

There was no objection.

THE LATE REPRESENTATIVE HUBBARD, OF IOWA.

The SPEAKER pro tempore. The Clerk will report the special order of to-day.

The Clerk read as follows:

Ordered, That Sunday, February 9, 1913, at 12 o'clock m., be set apart for addresses upon the life, character, and public services of Hon. ELBERT H. HUBBARD, late a Representative from the State of Iowa.

Mr. HAUGEN. Mr. Speaker, I offer the following resolution, which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 822.

Resolved, That in pursuance of the special order heretofore adopted the House proceed to pay tribute to the memory of the Hon. ELBERT HAMILTON HUBBARD, late a Representative in Congress from the State of Iowa.

Resolved, That as a further mark of respect to the memory of the deceased and in recognition of his public career the House at the conclusion of the memorial proceedings of this day shall stand adjourned.

Resolved, That the Clerk of the House communicate these resolutions to the Senate.

Resolved, That the Clerk of the House be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased.

The question was taken, and the resolution was unanimously agreed to.

Mr. SCOTT. Mr. Speaker, I rise with deep feeling of trepidation on this occasion; a feeling due to consciousness of my inability to speak fittingly and adequately of the life and character of the man to whose memory we are all anxious to pay tribute of honor. My want of confidence at this time is not attributable to the absence of knowledge on my part of his splendid faculties, accomplishments, and attainments, or want of familiarity with his admirable character and lovable disposition. An acquaintance extending over a score of years, during which period I was privileged to come in frequent contact with him as a neighbor, as an honorable public servant, and as a brother at the bar, gave ample opportunity for me to discern and appreciate both his unusual faculties of mind and his noble impulses of heart. It is rather realization upon my part of his deserving and commendable qualities that forces acknowledgment of my want of command of language to fittingly describe them.

I am also deeply impressed with a sense of recollection of the almost tragic circumstance of his untimely taking off. After nearly eight years of service in this House, and when the time had again recurred for the people to pass judgment upon the faithfulness of his stewardship, by popular vote he was accorded a fifth nomination—a distinction never before conferred upon any man by the electors of his district. With the closing of the polls at the popular primary election on the 3d of last June he repaired to his home apparently in good health and without outward evidence of concern touching the result of the ballot. Indeed, he seemed inspired with a confidence wholly unaffected by any sense of apprehension.

I had been his opponent in the contest then at a close, and I shall always treasure with deep feeling of satisfaction his expression of gratification made just before retiring to his home over the fact that our campaign had been one of the utmost good feeling and wholly devoid of any circumstance calculated to cause regret.

After returning home and partaking of his evening meal he walked down the street a short distance to spend the evening with a neighbor almost directly across the way from my own home. After conversing with his friend a few moments he was taken suddenly ill of acute indigestion. He grew rapidly worse, and the seriousness of his condition was soon apparent. He lingered through the night, and in the early morning expired in the arms of his son.

Appalled by the force and suddenness of the shock the whole community gave over to lamentation and sense of deepest sorrow. The passing of ELBERT HAMILTON HUBBARD affected with a sense of personal bereavement his fellow citizens far beyond the circle of his immediate friends. Coming to the young city of his father's adoption when but a child, he became fused with the personality of its earliest generation, and his life was contemporary with its entire history. His personality was striking, bearing immediate evidence of distinctive character; his impulses were so high and generous, his sympathies so broad, and his mind so tolerant as to challenge the admiration and affection of all who were privileged to know him. Endowed with such qualities, though modest almost to a degree of diffidence, he never wanted for friends to speak in his behalf.

Mr. HUBBARD was peculiarly a product of his home city. Born at Rushville, in the State of Indiana, August 19, 1849, he came a few years later as a small boy to Sioux City, where his father

had settled as one of its earliest pioneers. His preparatory education was completed in the Sioux City public schools, and at the age of 19 he entered Yale College for the completion of his general education. From that institution he was graduated with the class of 1872, and, returning to Sioux City, took up the study of the law. In due time he completed his course and entered upon the practice of his chosen profession. For 30 years before entering this House he maintained high position at the Iowa bar. The discharge of his professional duties was characterized by marked ability; and while vigorous and persistent in maintaining the cause of his client, he never disregarded the established ethics of his profession. His conduct at the bar was not only marked by a recognition of that high respect due to the court, but that gentlemanly courtesy to his brother lawyers which graces the orderly management of judicial proceedings.

During the period of his professional career there were a number of intervals when he put aside his private affairs in response to the call of his fellow citizens to perform important public service. As early as 1882 he served as a member of the House of Representatives of the Iowa Legislature, and again in 1899 in the Iowa Senate. His public service in the legislature of his State, as in this House, was always characterized by that marked ability and fidelity by which he secured and held the respect and gratitude of his fellow citizens.

Were I to assign preeminent distinction to any of Mr. HUBBARD'S lovable traits of character, it would be to that code of manners observed by him in his relation to the members of his family. From him wife and children always received that solicitous consideration, that anxious desire for convenience and comfort, that deep sincerity of love and affection which will constitute a lasting heritage of loving memory. But with all this there was no mark of selfishness; his kindly demeanor was not reserved for those who were near and dear; to all with whom he came in contact he gave that consideration of kindly respect which marked the refined gentleman. To the poor—to those who toil—he was most generous in his regard; and all those whose privilege it has been to know his character will gratefully acknowledge his fraternal nature.

Yea, brother of all the brave millions that toil;
Brave brother in patience and silent endeavor,
Rest on, as the harvester rich from the soil,
Rest you, and rest you for ever and ever.

Mr. KENDALL. Mr. Speaker, standing by the open grave into which the remains of his only brother were about to be committed, the most persuasive orator of our day, perhaps of any day, solaced the agony of his tortured heart with this philosophy:

Yet, after all, it may be best, just in the happiest, sunniest hour of all the voyage, when eager winds are kissing every sail, to dash against the unseen rock, and in an instant hear the billows roar over a sunken ship.

The mortality record of the Sixty-second Congress has been unprecedented in the parliamentary history of the Republic. Six Senators and 19 Representatives have responded to the final roll call in this Capitol, and have been transferred to augment the uncounted quorum in the world invisible. The passing of these colleagues has been of especial significance to me, because within the year circumstances personal to myself have made me understand, as I never understood before, that "the night cometh," and that "no man knoweth the day nor the hour."

The death of HUBBARD was certainly unexpected, but we can not be sure that it was untimely. He was so completely equipped to live that he was perfectly prepared to die. The inexorable messenger who can not be denied beckoned him apart just when the inducements to life were most alluring, just when the possibilities of service were most expansive, just when the approval of friends was most unmistakable. The entire community was profoundly shocked by the suddenness of the summons, but we can not presume to challenge the dispensations of a Providence which orders with infinite wisdom all the destinies of men. For our sufficient consolation we must realize that the "Almighty has His own purposes," and that "the judgments of the Lord are true and righteous altogether."

I first became acquainted with our departed friend when we were elected, he to the senate and I to the house in the Twenty-eighth General Assembly of Iowa. The personnel of that legislature was exceptional in ability and experience, and many of its membership have since been elevated to positions of responsibility and eminence in the State. It was a company of men earnest of conviction, vigorous of intellect, resolute of individuality, and only the fittest might be ambitious to survive. HUBBARD early assumed a leadership which he maintained unquestioned until the session was dissolved by adjournment. In that more limited arena he developed the qualities which commanded his promotion to this wider theater of endeavor, and here I was privileged to resume relations with him when I entered the Sixty-first Congress in 1909. I loved him from our introduction in Des Moines with an affection which deepened and intensified as the advancing years revealed the genuine nobility of his admirable character.

He was a courageous man. He denounced the intolerance of the régime which formerly dominated the House majority, even at the peril of exclusion from party fellowship. He attacked the prerogative which then attached to the Speakership when it was inevitable that his independence would be punished by the autocracy he antagonized. He sustained the President in his program for reciprocity with Canada when all his Republican colleagues from Iowa rejected the proposition; and he repudiated the Payne-Aldrich bill as a betrayal of party pledges, although it had the unqualified indorsement of a powerful Executive.

He was the proprietor of his own convictions. He would not accept a measure simply because it was proposed by the organization, nor resist it simply because it was favored by the opposition. It is not difficult to define the political creed to which he subscribed. He was a Republican, but always with him partisanship was subordinated to patriotism. He was determined that his party should become and continue the progressive party of the Nation. He knew that it was instituted not to make men rich, but to make men free, and he insisted that it must never renounce the exalted impulse which Abraham Lincoln lived and died to communicate to it. In any conflict between men and money, between people and property, his voice and his vote were for humanity. He believed in the direct election of Senators and in a graduated income tax. He believed in the initiative, the referendum, and the recall, accompanied by appropriate restrictions. He believed in protection as a cardinal policy, but always with tariff duties so adjusted that prosperity for the producer should go hand in hand with competition for the consumer.

He believed that in this democracy equality of opportunity must be sacredly preserved. He believed that the people of this country, white and black, rich and poor, great and small, must control it absolutely in all its departments. He believed that in the adoption or abrogation of organic compacts, in the enactment or repeal of statutes, in the designation or displacement of officials, the electors themselves must be the ultimate authority. He believed that in this age of arrogance and wealth the helplessness of the weak must be protected against the aggressions of the strong. He believed that every citizen in the land must be assured an untrammeled ballot for the nomination of his party candidates, so that the real preference of the rank and file of the voters shall be reflected in the results. He believed that the Constitution must be made a potential force in governmental life, cheerfully recognized and universally respected, by the removal of every unnecessary impediment which interposes between the people and its amendment after fair deliberation. He believed that the dangers of combination and monopoly must be overcome by restoring to the market place that unhampered independence and reasonable rivalry which alone can countervail the abuses of industrial, commercial, and financial concentration. He demanded that the course of the Republic be so directed that the disinterested intelligence of the many rather than the selfish genius of the few shall sound the dominant note in the national strain. These were the principles he espoused. Many of them were unpopular when he embraced them. Most of them are now applauded everywhere.

His life was open, unconcealed, obvious. He intended no evil, and he was therefore reluctant to impute evil even to those who willfully misrepresented him. He endured the criticism, much of it misinformed, some of it malignant, which all successful men are compelled to encounter; but it never aroused his animosity or disturbed his composure. He never provoked a controversy, but he never surrendered a conviction. The opinions he entertained were formulated for his own government after serious consideration, and while he never attempted to impose them upon his associates, he would not relinquish them no matter how bitterly they were assailed.

He was a man of extraordinary modesty. His political career was signalized by singular prosperity, but with vanity he was wholly unacquainted. He enjoyed the unbounded confidence of his electorate, and he had been commissioned and recommissioned as the representative of a sovereign Commonwealth in the most distinguished legislative assembly in the world. But he always esteemed the distinctions conferred upon him as opportunities for useful achievement in the public interest, and he remained throughout what he was originally—a simple, sincere, unaffected gentleman. And he was a natural gentleman. I knew him intimately for a dozen years, in public station and in private life, in his office and in mine, in his home and in mine,

and our intercourse was informal, even familiar. I never heard him utter a word in conversation that would be offensive to sensibilities the most fastidious, and I believe he never conceived a thought that might not have been published, without impropriety, in any presence.

He had no partiality for public life, because he comprehended how capricious is the approbation of men and how puerile are the preferments which the most fortunate can secure. He was devoted to wife and children and fireside and friends, and he contemplated early retirement to his home, and to his library, and to his profession.

He had a fine appreciation of art, whether expressed on canvas or in marble. He would stand for hours engrossed in Saint Gaudens's marvelous representation of "Grief" in Rock Creek Cemetery, and he once confided to me that, after all the pictures in the Corcoran Gallery, he returned instinctively again and again to view with awe and reverence Vela's majestic statue of Napoleon, in the upper corridor, and Michaelangelo's wonderfully impressive figure of the Pieta, near the entrance.

His literary discrimination was acute, cultivated, critical. Shakespeare he knew and cherished as a friend. Kipling was often in his hand. Browning was always on his table. Dickens was like one of the family. Tennyson was a constant companion, and the last time I saw him in Washington he concluded our interview by reciting with dramatic effect from that solemn masterpiece, "Crossing the Bar":

Sunset and evening star,
And one clear call for me.
And may there be no moaning of the bar
When I put out to sea.

Twilight and evening bell,
And after that the dark.
And may there be no sadness of farewell
When I embark.

For tho' from out our bourne of Time and Place
The flood may bear me far,
I hope to see my Pilot face to face
When I have crost the bar.

I can not suppose that he had a premonition of the approaching end, but as he finished there was the shadow of a tear in his eye and the suggestion of a tremor in his tone. He paused a moment, abstracted in reverie, and then began repeating that immortal poem of Leigh Hunt's:

Abou Ben Adhem (may his tribe increase!)
Awoke one night from a deep dream of peace,
And saw, within the moonlight in his room,
Making it rich, and like a lily in bloom,
An angel writing in a book of gold;
Exceeding peace had made Ben Adhem bold,
And to the Presence in the room he said,
"What writest thou?" The vision raised its head,
And with a look made all of sweet accord,
Answered, "The names of those who love the Lord."
"And is mine one?" said Abou. "Nay, not so,"
Replied the angel. Abou spake more low,
But cheerily still, and said, "I pray thee, then,
Write me as one who loves his fellow men."
The angel wrote and vanished. The next night
It came again with great awakening light,
And showed the names whom love of God had blest,
And lo! Ben Adhem's name led all the rest.

He finished, and we clasped hands in a final farewell. I shall remember him always as he appeared that last afternoon—gentle, serene, hopeful, courteous, radiating the delightful urbanity which endeared him to all. Within the month he had "crossed the bar," had seen "his pilot face to face," and had been written "as one who loves his fellow men."

The foremost poet of Bible time, possibly of all time, in the anguish of his spirit exclaimed, "If a man die, shall he live again?" The answer has arisen for centuries spontaneously from the human heart. We can not know when or where or how, but we do know that sometime, somewhere, somehow, if we are worthy to be numbered with the good, the just, and the true, we shall be permitted again to meet and greet our friend for whom we mourn to-day.

Mr. LLOYD. Mr. Speaker, more frequently than heretofore we are called upon to engage in these memorial exercises. The mortality of this body seems to grow greater with each recurring year. One year ago it would not have been expected that during this Congress it would be necessary to show our evidence of respect for the memory of Mr. E. H. HUBBARD. He was then in the apparent enjoyment of excellent health, with as good chance for a long life as any of us. But his fate was that of many others; he was called hence when it was least expected. Mr. HUBBARD was an exemplary man—but few are found whose lives are more so. He was a man who was slow to make personal friends, but everyone who knew him testifies to his personal worth. He lacked the element of personality which advertises and makes conspicuous. He was retiring and modest in demeanor. He had a long tenure of service here and showed at times superior ability but without demonstration. Men learned to know him for what he was, for he was entirely devoid of pretense and never paraded his superior ability. He was not brilliant in speech, but was convincing in statement. In Congress he made few addresses, and those he did make were on the merits of measures before the House. He never sought popular applause by trying to reach the galleries, but was contented to address himself to his colleagues on this floor. He was a man of splendid natural ability and had made himself a student of public questions. He was a man of strong convictions and was conscientious in the advocacy of what he believed to be right. He was an honest man and a useful citizen, and his life was an incentive to better things.

Mr. Speaker, this good man has gone into the beyond. His body so carefully consigned to earth may crumble into dust, but his spirit lives now and shall ever live. The philosophy of life is in death. Man's origin and development may be shrouded in mystery; his habitation and dominion in point of time may be unknown; his destination may be more of speculation than knowledge; man may not be able to explain the phenomena of life or the effect of dissolution; men may not agree as to the meaning of death or man's fate beyond it, but the certainty of its coming can not be doubted. The Bible story of man—his purpose and his future—presents the only solution of his existence. Here he may be to-day in the enjoyment of health and strength, to-morrow he may be cold and lifeless. Why this change? Humanity can but demonstrate the fact of what has happened; only infinity can explain it. Our friend, in the enjoyment of health, was cut down in the twinkling of an eye in the zenith of his power and before his mind and body had begun to weaken. Why this extraordinary condition? Why this irony of fate? A few months ago he sat in yonder seat, but never again will he answer an earthly roll call nor rise at the signal of the Speaker's gavel.

What of it all? Is life worth living? Is man's short stay amongst men compensation for the sorrow of separation? Ask wife and child was Mr. HUBBARD'S life worth its cost in pain, anguish, and heartache, and you can be sure of the quick response, "A thousand times, yes." Ask the mother who bore him, and whose anxious heart beat over his little form, who nurtured him until he was wholly grown, "Was Mr. HUBBARD'S life worth the cost," and she would promptly answer, "It was." I ask his friends, at home and here, what of Mr. HUBBARD'S life? Was it for good or ill, for sunshine or for sorrow, for uplift or injury? Can it be said that his life was in vain, or was it a benefaction? I feel I can safely say there comes this response from all: "His life was worth the living."

What is the measure of human greatness? Is it in strict integrity, honesty of purpose, fidelity to truth, good training in mind and morals, devotion to duty as one sees it, splendid integrity, observation of filial, marital, and moral obligations? Then Mr. HUBBARD may be classed amongst the great men of earth. Here we know men by the little things they do—by their actions in committees, their conduct on this floor, and their personal demeanor elsewhere. We say of this man, "He is honest;" of that one, "He is brilliant;" and of another that he possesses a splendid character, applying almost as many descriptions as there are men; but, so far as I have ever heard, Mr. HUBBARD was regarded as a man of superior intelligence, good judgment, and strict integrity.

Another forceful example is here presented of the uncertain tenure of life and a splendid warning to us to be prepared when our summons comes. None of us knows when the call may be made. Let us hope that every individual here—the loved ones of Mr. HUBBARD and his friends generally—in thinking upon his life may receive inspiration from his good deeds and splendid example, and may all be encouraged to better living by reason of their association with him.

Mr. LENROOT. Mr. Speaker, when I became a Member of the Sixty-first Congress one of the first men with whom I became acquainted was E. H. HUBBARD. We immediately became friends, and from that time to the day of his death were very intimate. We both belonged to that wing of the Republican Party first called "Insurgent" and later "Progressive," and therefore upon public questions of great moment were thoroughly in accord.

Of his early life and career others have spoken. I only desire to briefly give expression to my opinion of him as a legislator and affection for him as a man. I need not say to any Member of this House that he was a man of marked ability and power, for they all know that to be the case. When he arose to speak there was immediate attention and Members

came in from the corridors. Everyone knew that when he arose he had something to say and that his speech would be profitable to listen to.

Being a profound lawyer with a deep sense of practical justice, scorning technicalities, he was at his best when discussing legal principles and their application to legislation. He was especially well equipped to distinguish between provisions of law and court procedure which aimed to secure justice and those which resulted in its obstruction. The first he always defended and sought to extend. The latter were his implacable foe.

He was a modest man; one of the most modest that I ever knew. He never sought to push himself forward and very often yielded to others to give expression to views and policies that he had been largely instrumental in formulating. This was especially marked in the consideration of the bill amending the interstate-commerce law enacted in 1910.

Members of the Sixty-first Congress will remember that the bill was the subject of very extended discussion. It was the habit of a group of Members, of which he was one, to meet nearly every evening in my office to prepare and consider amendments to the bill. His ripe experience and great ability were invaluable upon those occasions; but when it came to the presentation of these matters upon the floor he insisted that some other Member should take the lead. He was always ready and prepared, however, to assist and speak whenever the occasion seemed to require it. As illustrating this great modesty, I remember an occasion upon another bill when he and I discussed some features of it and found our views as to certain amendments to be in accord. I urged him to speak upon them, feeling certain that he could convince the House as to the correctness of our position. He said he would consider it. I saw him go up to the Speaker. In a few moments he returned, came over to my desk, and said: "Mr. LENROOT, the Chair has just promised me to recognize you next, and I want you to present the matter."

He was a Republican; but in every act and in every vote in this House he considered his duty to his country higher than his duty to his party. Upon any matter that arose there was but one question in his mind. That question was not whether it was a Republican measure or a Democratic measure, not who favored it or opposed it, but the sole question was whether it was right and in the interest of the people that it pass; and if his conscience answered "yes," he would vote for it, even though he stood alone.

That, Mr. Speaker, is the highest type of American citizen. That is the type of men that we increasingly need here, and the example and influence of our friend as a Member of this House has done much to create higher standards of thought and action in the deliberations of this body.

He was my friend. He was the friend of every Member with whom he came in contact. Of him it can be truly said:

None knew him but to love him,
None named him but to praise.

Mr. POWERS. Mr. Speaker, it was not long after the opening of the extraordinary session of Congress, nearly two years ago, that I had the pleasure of meeting for the first time our departed friend and colleague, Mr. HUBBARD. I was not intimately acquainted with him, although I had the pleasure of his association and company on quite a number of occasions, and had not only been more or less observant of his work in Congress but of his characteristics as a man as well.

There are others here much more familiar with the achievements of his long and honorable public career than I, as well as the inborn qualities that made that career possible, and I shall therefore leave a discussion of these matters, in the main, to those better able to do justice to them. His father before him was a distinguished jurist and an honorable Member of this House; and it is said that the son, as it was but natural for him to do, experienced peculiar pleasure and pride in following his father's footsteps to the halls of national legislation. For the fourth time he was elected and for the fifth time nominated by a critical and discerning constituency to a seat in this body—the greatest of its kind on earth. When after eight years of continuous service a Representative here has been renominated for two more years by the political party largely responsible for his former elections, that of itself is very convincing, if not conclusive, proof not only of his ability as a national legislator but also of his unswerving fidelity to that trust.

Mr. HUBBARD was originally sent from and continually returned to Congress by the district in which he had been born and reared, and by the constituents who knew his life and character best. In the eyes of the world a man may have a good reputation or a bad reputation, and whether good or bad it may be wrong. The place to get at what a man really is, the place to discover a man's true character, is from those among whom he has lived and mixed and mingled—those with whom he has been thrown in daily contact. They are the best judges of what a man really is.

They are the only true judges, and judged from that standard the life and character of ELBERT H. HUBBARD is above reproach. He was repeatedly trusted and honored by those who knew him best, and he was ever faithful to the trust imposed. He was independent in thought, independent in action. He put patriotism above party; the welfare of his constituency above his own. The truth is strikingly exemplified by the votes he cast contrary to the wishes and will of his constituency at the time, but which later proved to be for their permanent good. He was inherently honest. He voted not to please but to benefit. He was willing to take the consequence of every honest and honorable act, whether at the time understood or misunderstood, and leave it to time to vindicate him and his motives. But he is now with us no more. As a superb specimen of physical manhood, moving with poise and deliberation among his fellow men, bravely doing the duties and cheerfully meeting the responsibilities of life, he is no more. He is dead. But how little of the good and great that can die? He will live forever in the minds of all who knew him and in the hearts of a grateful constituency.

Peace and death's beauty to his heart to-day, who is not dead, but only gone away to sleep a little, as a child who goes when twilight frees the petal of the rose.

Mr. LOBECK. Mr. Speaker, the State of Iowa is noted for its great agricultural resources, second to none in the Union. The Creator, in His infinite wisdom, created within its boundaries a magnificent land, a country bounded by great rivers. Throughout its confines flow mighty streams, boundless prairies meet the eye, and splendid groves are interspersed to make the scenery beautiful to mankind.

No wonder, then, that the early settlers who came to the Territory and State of Iowa said: "This is the land for me and my family."

They saw this land, its fertile soil, its splendid streams, its magnificent resources, and they realized that it would become a veritable garden, an earthly paradise.

The struggles of these pioneers is the story repeated over and over again of the people who have converted by dauntless courage, integrity, and energy the virgin soil of the West into the fairest and best-producing agricultural lands of our country.

These pioneers brought with them the Bible, the spelling book, and the reader. They established churches, schools, and colleges.

As they developed and tilled the farms, built towns, cities, and constructed roads, they did not forget that education of their children was as necessary as the gaining of wealth, and they remembered to give their loved ones the priceless privilege of becoming educated, esteeming the value of education higher than the mere gaining of wealth.

As a youth I took an humble part in the development of Iowa, coming to the State in May, 1869, and remaining in Iowa until 1880, when I removed to my adopted and beloved State, Nebraska.

I knew personally some of its growth, especially west of the Des Moines River, then in its new development. I saw the virgin soil turned to the sun, the crops planted, the harvests gathered, the towns and cities built, with their churches and schoolhouses, railroads constructed, and the region become an empire of splendid homes.

At that time the district, a part of which was represented by Congressman HUBBARD, was known as the sixth, "the big sixth," comprising what is now known as the tenth and eleventh districts, a vast domain in extent, a mighty land to improve. To this district there came young men who have made their names famous and have rendered useful service to the State and Nation.

Iowa has been the home of great men from its earliest history; its men have been foremost in every line of activity and usefulness; its educators are widely known; its editors have achieved national fame; its clergymen have taken leading places amongst the divines of the land; its warriors have been mighty in battle; and its statesmen have ranked with the foremost in the high councils of the Nation.

When I came to Iowa, Senator Harlan was in the zenith of his influence; Senator Grimes's memory was still fresh in the minds of the people on account of his distinguished services in the Senate of the United States. And in the House of Representatives Iowa was represented by Allison, Kasson, Wilson of Fairfield, Price, Grinnell, and Hubbard (the father of the man whose memory we commemorate to-day). These were familiar household names in Iowa and the Nation. They

were great men, leaders of thought, and they rendered distinguished service for their country. During these days Governors Kirkwood and Carpenter, now gone to their final reward, were the Republican leaders of Iowa.

It was Congressman HUBBARD's privilege to see his beloved State develop into an empire. He took a prominent part in its growth and development. Living his life within its boundaries, he knew its resources better than most men. He not only knew, but helped develop, helped to make its history, and assisted in making its laws. Keeping close to the wishes of the common people, he became highly respected for his great ability, and they loved him for his usefulness.

I became acquainted with Congressman HUBBARD first at Sioux City, at a waterways convention. The Congressman believed that the great Missouri River should and could carry on its waters great fleets to transport the commerce and agricultural products of the Missouri Valley. He believed that the Missouri River could be made a mighty factor in transportation matters and lent his great influence to attain this most worthy object.

In this and other conventions I saw the great strength of his character, I noted his common sense, his method of doing things. Then, later, meeting him here in Congress, I observed his attentive manner, his close application to duties. I do not wonder that his people believed in him, elected him, time and time again, to represent them in legislative halls, both in his State and in Congress.

When the history of Iowa is fully written it will be related that in the northwestern part of the State there have been able and faithful men serving in Congress. Among the names of men who served in this body I recall Pomeroy, Orr, Oliver, Holmes, men who served their State and district faithfully, all of whom I had the honor to know personally. Judge HUBBARD was a worthy successor of these men and, like his predecessors, a man of the common people, strong, able, and conscientious. He was of the rugged type; growing to manhood among the pioneers of Iowa, he shared their joys and their sorrows, he knew their difficulties, and he lived to share their triumphs and success. In a word, "He made good."

The large attendance of the best citizenship of Iowa, the vast concourse of neighbors and people who attended the funeral of Judge HUBBARD to render their tribute of affection to his worth, attested the high esteem in which he was held by his people.

The life work of Congressman HUBBARD is ended, but the memory of his usefulness to his State and his country will live, and—

To live in hearts we leave behind
Is not to die.

His was a useful life. He gave his best to his people; for this they loved him.

With loving hands they laid him away in a beautiful resting place close to the scenes of his life's labors, near the city he loved and where he had been such an important factor in its growth and citizenship.

There is no death; the stars go down
To rise upon some fairer shore,
And bright in heaven's jeweled crown
They shine forever more.

Mr. WOODS of Iowa. Mr. Speaker, there is something necessary more than mere ability, riches, or personal achievement to perpetuate a man's memory. Though nature may bestow talents that are unusual, though energy and industry may compel passing recognition, though position has been attained that has lent power, and good fortune carried him to the highest pinnacle of fame, yet, if such a one lack human sympathy and a fellow feeling for mankind, the memory of his triumphs and successes will soon pass into oblivion. But when a man is found who possesses as a foundation to his talents a generous nature, a willingness to assist his fellow beings, a combination of heart and intellect, it forms a personality that leaves an indelible mark on those he comes in contact with and the world at large recognizes his true worth that his personal modesty can not hide and the malignity of a jealous, selfish world can not obscure.

ELBERT H. HUBBARD possessed a nature that was lovable, a kind and courteous disposition, and a quiet, unobtrusive manner. He had a faculty of making friendships that were lasting. A thorough student, he was careful and painstaking with any problem confronting him. He was cool and logical in debate, and in presenting an argument in favor of his position never became offensive, though earnest and aggressive. He took great pride in everything he did. He was proud of the principles he advocated and never allowed personal ambition or the fear of criticism to swerve him from what he considered right. Mr. HUBBARD was always loyal to his friends and ever ready to assist in a good cause. He was successful in his profession, was a credit to his district and to the country in his capacity as a lawmaker. He had a pure heart, a loving disposition, a generous appreciation of others, and a modest opinion of self. His chief concern was for the common people, and he gave of his time and talent to the end that the Government by the people, of the people, and for the people shall endure. His untimely death was indeed a loss to the Nation and a personal bereavement to every Member of this House, but the memory of his tender kindness and beautiful character will be one of our dearest recollections.

Mr. PICKETT. Mr. Speaker, how often we are called upon to pay our tributes of love and respect to the memory of departed associates. During this Congress alone 18 Representatives and 4 Senators have answered the final summons. Death has indeed laid a heavy toll on our membership. Their tenure of service has varied from a few months to many years. Some, just entering on this wider sphere of activity, were pressing forward with ambitious hope to greater usefulness. Others, privileged to serve for a period of years, had become identified with both the membership and the work of the House, and left their impress on our national affairs. Others had climbed high up the ladder of fame and were in the very zenith of their power, with great possibilities still before them. They have come from the various elements which go to make up the composite whole, each contributing in his own way to the finished product of legislation under which the greatest Nation in the world has been moving forward.

But no matter what their place here, or the distance of the horizon that bounds their name or fame; no matter how poignant the sorrow, or how deeply felt the loss; as each and all have passed away, the ranks have closed and Congress moved on. Great men have died at every period in our history, but no matter how great or beloved or potential, the Government does not pause. The legislative powers of our ninety millions of people are, under the Constitution, vested in Congress. Individual Congresses may adjourn or recess, but the Congress of the United States lives on. Its work is never completed. There will always be unfinished business before it.

Others who were associated for a longer period in this body with Mr. HUBBARD have spoken of his distinguished services here, and recounted his participation in the important contemporaneous legislation. I do not know that I can add anything to their tributes to his worth and service as a legislator. It is said that Cromwell selected his "Ironsides" from "such men as had some conscience in what they did." All will bear testimony that Mr. HUBBARD was a conscientious man. This trait was displayed in everything he did or said. He was guided by deep emotions, earnest convictions, and a sincere desire to serve the people. He had high ideals and a pure and lofty conception of the trust imposed upon a public servant.

His rise was steady rather than meteoric, which reflects the esteem in which he was held by those who knew him best. A lawyer by profession, through ability and work he made an honored place for himself among the bar of his State. Called to represent the constituents of his home county in the house of representatives in Iowa, his service in that body was such that he was later chosen to the senate of his State, where his services were so preeminent as to merit the wider responsibility of election to represent his district in Congress—a district comprising 13 counties with a population of approximately 250,000 people. He was elected to Congress four different times, and on the day of the evening on which he died had been renominated by his party as their candidate for another term. These continued and repeated evidences of confidence and esteem by a quarter of a million of people to whom he was known so well and with whom he had been closely associated for many years of his life are the highest tribute to his worth and character.

A few years ago, when an assassin's bullet struck down our lamented McKinley, beautiful indeed were the tributes of love and respect which came from a shocked and loving people. He had held many positions of trust and discharged them with fidelity and ability. His name had been associated and identified with policies and measures prominently recorded in the history of our country. And yet I recall how all of his achievements on the field of honor, in the halls of legislation, in the public forum, in the Chief Executive's chair seemed to have been set aside as the public mind turned instinctively to the sweetness and beauty of his home life. What was true of McKinley is equally true of the departed friend and associate whom we commemorate to-day.

Mr. HUBBARD was devoted to his family. His home life was ideal. He was fond of history, poetry, music, and art. His

home was the center of culture and there he found his greatest happiness. He enjoyed the society of his friends and liked to have them gather at his home. There his true qualities of mind and heart were shown to best advantage. He was gentle, affable, and kindly in his ways, sincere in his feelings, inspiring in his ideals. He was genuine. He will long be missed by those who were privileged to dwell within his hospitable friendship, and his memory will be a priceless heritage to his family.

> His life was gentle, and the elements
> So mix'd in him, that Nature might stand up
> And say to all the world, "This was a man."

Mr. GREEN of Iowa. Mr. Speaker, my acquaintance with Mr. HUBBARD was limited. I had not known him until the first session of this Congress. Short as it was, this acquaintance was sufficient to impress upon my mind the worth of the man and the force of his character.

We are living in an age devoted to the accumulation of wealth and a constant desire for the spectacular. The homely virtues of right living, of thorough integrity, and a consideration for others are too often forgotten unless so paraded before the public as to lose much of their value.

Mr. HUBBARD'S life was in itself a sermon and a creed, yet he never preached or talked. A gentleman in the highest sense, he was kindly to others, considerate to all, and showed malice to none. His private life was without a blemish and his integrity unquestioned. The splendid prizes of the financial world had no allurements for him. He had an extensive practice as a lawyer and long service as a public official. As an attorney he had frequent opportunities to enrich himself in a manner that would have brought no reproach, but in professional and official life it was not sufficient for him to satisfy the law or accord with custom. The rule which he adopted was controlled by his conscience.

He who simply treads the path of duty is not likely in the ordinary course of events to have his merits fully known by the public. Mr. HUBBARD was unpretentious and led no vainglorious life. While his career was not dazzling it was infinitely more useful than many another which has been loudly acclaimed by the public and the press. His work was done faithfully with no loud-sounding advertisements and no flourish of trumpets. The busy world does not, can not, understand the loss it has sustained when such a man passes away. It is therefore most fitting, Mr. Speaker, that we should meet here to commemorate his virtues. Some time, when those who later read the history of the worthy men of our State, examine the record which we have made here, they will say: "This was a just man; a patriotic citizen; a faithful legislator; a man of large heart, of generous mind, of broad views; who lived, not for himself alone, but for all mankind."

Mr. SISSON. Mr. Speaker, I was not so fortunate as many of those who have spoken upon this occasion as to have a very intimate personal acquaintanceship with Mr. HUBBARD. When I came to Congress I recollect meeting him among the early days of the special session. I recollect with a great deal of pleasure the absolute independence of thought on the part of this distinguished man. My nearly four years of service in this House has made me very much less of a partisan than when I came. I fully realize that there are Representatives on the other side of the aisle from that upon which I sit whose patriotism is just as great, whose devotion to the country is just as great, as any of those gentlemen sitting upon this side of the aisle.

It seems to me that we are now reaching a period in our country's history when the party lines are being greatly shattered, and, being an optimist, I feel that whatever may occur to the political parties as they now exist, that out of it all the American people and this Republic will emerge brighter and stronger. I do not believe that any man living, when he attempts to measure the success of his life by what he has accumulated, can say that his life is a success. There is, there can be but one successful life, and that is a life of service. I do not care what field of labor one may occupy. I care not whether his avocation be one that is considered in the eyes of men a high and great avocation or not. If he devotes his life unselfishly to the betterment of humanity his life is a success. The hod carrier who devotes himself to unremitting toil, with a full determination that in this line of work he shall succeed and shall endeavor to make mankind better, is as glorious a success as though he occupied a position in the mind's eye of the world.

Mr. HUBBARD always impressed me when he came to consider a public question that he could and did lay aside all of his partisanship; and while he was a Republican, he never permitted a Republican organization or Republican leaders to do his thinking for him. And his example to me and others here has had an influence not only on that side of the aisle but on this side of the aisle, and I desire to indorse from my knowledge of him all that his friends from Iowa have said of him. And I believe that in their description of him as a man and individual at home they have not exaggerated his good qualities and his good character, because the earnest I saw of him here justifies me in the conviction that they have not overdrawn the picture.

Mankind worships at the cross of Christ because his was a life of service. Just as a man can pattern his life by that life it is a success. When the spirit of altruism shall fill the hearts and minds of people at both ends of this Capitol, and of all of those who shall occupy offices of trust in this Nation, and can have their ideas and their minds thus unselfishly directed to public questions and filled with that spirit of the Master, we will be able then, and not until then, to properly solve all the great matters of State.

I believe that the ethics of a people should always be in advance of the laws and the legislation of a people I believe that when a people reach that point where their ethics are not in advance of their business and legislative code, that people have reached a point where they will not rapidly make advancement. And the ethical code of the distinguished Member of this House upon whose bier I would lay a flower was high. It rose above all the partisan strife, not only in his own State and in the Nation, but above the parties and strife in this House.

Courage is not only displayed on the field of battle, amid martial music, rattling musketry, and belching cannon. It requires more courage on the floor of this House to submit to the jeers of your party leaders and submit to the criticisms of a partisan press than it does to die on the field of battle. Mr. HUBBARD had this sort of courage. He was willing to submit to criticism in order that he might submit to the dictates of his own conscience. I believe he was an ideal Member in this respect. And in paying to him this tribute, with a full knowledge of his seven years' service, I know that he was all that I say he was. And I would to God that every Member on both sides of the center aisle would voice their consciences and their judgments with the same courage, with the same convictions, with the same patriotism, and with the same full consideration of the public welfare that Mr. HUBBARD did.

Mr. GOOD. Mr. Speaker, ELBERT H. HUBBARD was born at Rushville, Ind., on August 19, 1849. With his parents he removed to Iowa in 1857. His early education was obtained in the common schools of Sioux City. At the age of 23 he was graduated from Yale College.

His father, Asahel W. Hubbard, was prominently identified with the beginnings of Sioux City. He built the first hotel and organized the first railroad company in that vicinity. He was a lawyer by profession, and was elected judge of the circuit court, which position he filled with distinction. From 1862 to 1869 he represented the Sioux City district in this House. It was a source of great satisfaction to ELBERT H. HUBBARD to represent the district in the Congress of the United States where he had lived practically all his life, and which had previously been ably represented by his distinguished father. He was a boy of 8 years when he became a resident of Iowa, and from that time to the date of his death his interests and sympathies were always closely associated with the building up and development of that part of the country.

Mr. HUBBARD loved his country and rejoiced in her victories and mourned in her defeats. He was but a boy in his teens when the wires flashed the news over the country of Lee's surrender, and it is related of him that in the demonstration that followed young HUBBARD joined in the celebration by mounting the tower of the Methodist Church and ringing the old church bell. Throughout his entire life he was moved to action by the noble and patriotic impulses of his nature.

Mr. HUBBARD'S legislative experience was not confined to his labors in this House. He was a member of the House of Representatives of the General Assembly of Iowa. Later he was elected to the State senate, where he served in the twenty-seventh and twenty-eighth general assemblies. He was a member of the house when the liquor question was decided by the Legislature of Iowa. He was again called to the service of his State when the great problem of the control of railways and corporations was before the Iowa Legislature. In Congress he took a prominent part in the fight to liberalize the rules of the House. It is thus seen that throughout his legislative career his tenure in each of the legislative bodies in which he served was at a time when his party was divided by internal strife. He was an able legislator, and in that capacity he served his State and country with credit and distinction. In every legis-

lative act party ties were made subservient to the national welfare. A lawyer by profession, he occupied an enviable position at the bar of the State.

It is worthy of note that the great financial panic of 1893 had its beginnings with the disastrous failure of the Union Trust Co. of Sioux City. For several years the Union Trust Co. had been floating stocks, bonds, and other securities which it guaranteed. The notes of this concern and the securities which it guaranteed had been sold in practically every part of the country. When the crash came in April, 1893, banks in 24 States of the Union held the promissory notes of this company, aggregating over $7,000,000. In addition to this, stocks and bonds guaranteed by this company had been sold in excess of $50,000,000 more. The object of the Union Trust Co. was to build a city where there was none, and in a marked degree it succeeded. Practically every great interest in Sioux City was allied in some way with the Union Trust Co. Most of its great enterprises were started by it, while to others it gave financial aid and backing. It built and aided in the building of railroads, street railways, manufacturing establishments, packing plants, stockyards, and elevators. It platted additions, erected buildings, and in a large way handled real estate, and did everything that a big corporation could do in the way of building up the city. It was a stupendous undertaking. The failure of this institution spelled bankruptcy to dozens of the financial organizations of Sioux City. It was a gloomy day for that thriving metropolis. When the crash came the trust company and its creditors alike looked for some one who had the confidence of the community and who, at the same time, had the ability to straighten out the legal and financial tangles. ELBERT H. HUBBARD was united upon as that man. He was appointed receiver for the Union Trust Co. and wound up its affairs with marked ability.

It was in connection with litigation growing out of this great failure that the present Attorney General, Hon. George W. Wickersham, became acquainted with Mr. HUBBARD, and from that day to the time of Mr. HUBBARD's death there existed a very close, intimate relationship between the two men. On more than one occasion I have heard the Attorney General speak in terms of highest praise of the legal ability and honorable conduct of Mr. HUBBARD.

For several years previous to his death Mr. HUBBARD was a member of one of the great committees of this House, the Committee on Insular Affairs. He took a great interest in all the legislation coming before this committee, and was a deep student of every question referred to it. He rarely participated in debate on the floor of the House, but he was a good listener, and no member of the House was, as a rule, better informed as to the merits of a bill after it had been discussed on the floor than he. When the time for action came there was never any question in his mind what his duty was. For him to know his duty was to perform it.

He loved nature and spent most of his spare time in strolling through the woods. He was a familiar figure in Rock Creek Park. He took a lively interest in everything that he saw or heard during these walks in the woods. How frequently have I heard him tell of the good times he had had in his long walks in the park. Who of his close friends have not heard him say of these tramps in the woods, "Great fun"? His home life was ideal. He was essentially a home man. Club life had no charms for him. He was an idealist, a dreamer of dreams. His idle moments were spent in communion with nature or in the companionship of his charming family. Surrounded by loved ones at home, his everyday life was most beautiful. The Almighty gave our lamented colleague a big heart. His was an affectionate nature, and his heart was always in the right place. We miss his counsel and advice. We miss his pleasant smile, his cheerful and cordial greeting, his brotherly companionship.

O for the touch of a vanish'd hand,
And the sound of a voice that is still.

Mr. NORRIS. Mr. Speaker, again we have met to pay the last tribute to one we loved. Again we are assembled around the open grave of one of our own number. We have met in blessed memory of a friend and brother who but yesterday, in the possession of all the faculties of a vigorous manhood, stood out among us as a model worthy of the emulation of the best. We can not think of him, we can not read of him, we can not remember him, we can not emulate him without improvement. Judge HUBBARD was one of God's noblemen. The elements of manhood were so intermingled in his make-up that his very life will always remain an inspiration to all those who knew him. He was vigorous and determined, he was unflinching and courageous, and through it all he was gentle, modest, and true. He never betrayed a friend and never took advantage of an enemy. As measured by the span of the ordinary life his work was far from completed. At a time when his usefulness was the greatest the awful summons came. Many years of still greater achievement, it seemed to his friends, lay before him; and yet, without notice and without warning, he was stricken down while the sun was in its zenith. And oh, how does his sudden taking off remind us of others of our number who were called before. Before their work has been completed they have been compelled to lay their burdens down and obey the sudden and solemn call. When humanity needed them most they have been called to answer the final summons. Before their grateful fellow citizens had learned to appreciate their work and their worth and give to them the honor and the reward that their work and their labors had entitled them to receive, eternity's gates swung open and we were deprived of their wisdom, their leadership, and their counsel. In this respect Iowa's loss has been greater than any other State. It seems but yesterday that Dolliver was called, and now to-day HUBBARD is gone—both summoned in the same way, while in the prime of their manly vigor and strength. Such instances almost cause us to doubt the wisdom and the justice of Providence, and, if this life were the end of it all, such doubt would be resolved into a certainty. But to me it is another reason for my faith that beyond this world of pain and grief there is a brighter, happier life, where the wrongs of earth will be righted, where tears of sorrow will never flow, where broken hearts will never bleed, where—

No grief shall gnaw the heart
And never shall a tender tie be broken.

And what of that life beyond? Is it a place where punishment shall be meted out to weakened mortal man for sins committed here?

Will death change me so
That I shall sit among the saints,
Turning a deaf ear to the sore complaints
Of souls that suffer?
Methinks, God pardon if the thought be sin,
That a world of pain were better, if therein
One's heart might still be human, and desires
Of human pity drop upon its fires
Some cooling tears.

We have it in Holy Writ, spoken through the lips of the Master himself, that the Kingdom of God is not meat and drink, but peace, love, and joy. It is beyond the power of the human mind to solve the mystery of death. In the awful shadow of its wing man stands helpless and appalled. No mortal eye can see, no mortal tongue can tell what lies beyond, and yet we have a satisfied, abiding faith that beyond it all there is a future life for man. And when the awful summons comes to us it will be with that faith, with that hope, with that belief—aye, with that conviction that, with unfaltering step and without a shudder or a fear, we can enter the mist, the darkened cloud that conceals from mortal eye the peace, the joy, the love, the blessings of eternity.

Mr. LINDBERGH. Mr. Speaker, soon after my first arrival in Washington it was my good fortune to meet the late Judge ELBERT H. HUBBARD. Immediately I knew him to be a sincere man of strong character. After I became better acquainted with him I came to know him as an excellent and able counselor. There are many problems that arise in the performance of the duties of office upon which a new Member needs the advice of one who is tried and experienced. I quickly recognized in Judge HUBBARD a man of the character that one could absolutely rely upon. On several occasions I went to his office in order to consult with him, and found him to be most judicious in passing his opinion on subjects requiring consideration.

Judge HUBBARD was progressive in the true sense of progressiveness. He knew the limitations of men and was practically and not radically progressive. He stood for those things that aid toward the betterment of conditions that affect mankind. He possessed the judgment that makes of men true statesmen.

The saddest that I have felt on seeing the draped desk of a departed Member was on the day when I saw it draped for Judge HUBBARD. It was the first information that had come to me of the closing of his life's valuable service to his country. But there was still left to his country the good of his past services. Perhaps a personal incident that I recall will give light on that statement. Those of us who try hard to meet the demands placed upon us get but little chance to make close personal acquaintances here. But occasionally we get a glimpse into the souls of our colleagues. One evening I called on Judge HUBBARD, and he was reading a poem written by J. K. Bangs. After he completed its reading he handed it to me. It was:

That part of me that from the earth hath come,
Let earth take back again when comes the hour
That makes of my achievement the full sum
And sets the limit to my feeble power.

I grudge no bit of it—the loan of clay
That from her breast I've ta'en I shall return,
And have no slight reluctance to repay,
Nor ever think the debt incurred to spurn.

But that which of the spirit is in me
Let no earth-creditor of me demand;
To earth give earth's, to immortality
The gift divine from the Immortal Hand.

Judge HUBBARD has given back to earth the clay. The results of his work as a statesman live on for the betterment of mankind—"the gift divine to the Immortal Hand."

Mr. TOWNER. Mr. Speaker, ELBERT HAMILTON HUBBARD was born in 1849. He was 62 years old when he died. He was a graduate of Yale College and a lawyer by profession. He early settled in Iowa and served both as a representative and as a senator in the general assembly. He was elected as a Representative in Congress in 1904 and served about seven years and until his death.

He was a man of the cleanest character and most exemplary life. There are those we know whose character is always challenged, who must struggle to maintain it, and who keep it only at the sword's point. Not so with his. No one ever challenged it; no one ever impugned it; no one ever doubted it. He was inherently, instinctively, temperamentally clean and pure. He was honest without effort, personally and politically.

I knew him personally only two years, but during that time our association was quite close. Although we often differed, I learned to greatly admire his fine character and high ideals. If I were asked to name his most distinguishing characteristic I think I should say simplicity and candor.

There is no more admirable trait in man that a noble simplicity. In this age when the character of many is so enigmatic that their original elements can not be divined, it is refreshing to find a simple nature, clear and transparent as a limpid streamlet. The greatest truths are the simplest, and so are the greatest men. Emerson said:

Nothing is more simple than greatness; indeed, to be simple is to be great.

This fine trait ELBERT HUBBARD possessed. He was simple and unaffected as a child. He had no thought of obscuring an issue or of concealing a thought. He did not desire to mystify, but to clarify. He was not a lover of darkness, but of light. He stood in the clear sunlight himself, and for the dragons of the caves he had neither admiration nor fear.

Closely allied to this is another most admirable trait of character, candor. Candor is the seal of a noble mind. A small mind or a dishonest one can not be candid. Dissimulation ever marks the swindler and the scoundrel. Deceit is the desire of little minds, the defense of the depraved, and the most useful weapon of the wicked. But candor is the mark of purity, for only the pure can be candid. This most admirable trait was marked in ELBERT HUBBARD. It did not need to be affirmed of him, because it was apparent. It shone from his eye, and—

on his unembarrassed brow nature had written "gentleman."

I do not think ELBERT HUBBARD was ambitious, certainly not in the selfish sense. He was only desirous of doing his duty and being of service. If in doing this, distinction came, it was welcome. But he had no thought nor desire to force the issue, to press forward—

Treading the thorny road
Which leads through toil and hate to fame's serene abode.

His was the contemplative mind. He did not seize a thought and hurl it rough and ponderous toward its goal. Rather with patient care he sought it out with meditation, and with utmost pains he fashioned it, and then with steadfast purpose sent it speeding toward its goal. He loved the old themes and the old books.

The past's incalculable hoard,
Mellowed by scutcheoned panes in cloisters old,
Seclusions ivy-hushed and pavements sweet
With immemorial list of musing feet.

It would be thought that with these characteristics he would have been out of tune with this pushing, radical, inconoclastic age. But he was keenly and ardently abreast of the foremost thought, alive and sympathetic to the changing temper of the times. A strange combination this, a conservative radical. Ideally that is what we all should be; keeping abreast of the progress of the age and bearing our part in its onward march, and yet holding fast to the treasured richness of the past and never yielding judgment to passion or to impulse.

Most of this virtuous and blameless life is hidden from us in modest privacy. But that which is revealed gives token of the richness and the worth reserved for those who knew and loved him best. We speak of the news of unexpected death as a stroke. And so it is. Out of the unseen comes the arrow of death, and out of the unseen comes the flash of a sad intelligence that smites the heart sometimes with sorrow deeper than the dart of death. To those who knew him best no news of death could have been more unexpected. He was seemingly so well, so happily alive, so glad in the very hour of political victory that when the news came of his death it came with double force. But there is a consolation, if not a blessing, in sudden death. To those who knew him best he will not be recalled as a saddened, suffering figure, but he will stand forever in the halls of memory as he stood in life, vigorous and strong in the maturity of manhood; a fine type of that which is best in American life.

Peace, Peace! he is not dead, he doth not sleep—
He hath awakened from the dream of life—
'Tis we who, lost in stormy visions, keep
With phantoms an unprofitable strife.
And in mad trance strike with our spirit's knife
Invulnerable nothings. We decay
Like corpses in a charnel; fear and grief
Convulse us and consume us day by day
And cold hopes swarm like worms within our living clay.

He has outsoared the shadow of our night;
Envy and calumny and hate and pain.
And that unrest which men miscall delight
Can touch him not and torture not again.
From the contagion of the world's slow stain
He is secure, and now can never mourn
A heart grown cold, a head grown gray in vain;
Not when the spirit's self has ceased to burn
With sparkless ashes load an unlamented urn.

Mr. HAUGEN. Mr. Speaker, ELBERT HAMILTON HUBBARD'S neighbor, Mr. SCOTT, and friends who knew him longer and better than I did have related in detail his life story and commanding incidents of his private and public career; hence in my brief tribute to his memory I shall not undertake to particularize, but to speak of him as I knew him in our brief personal acquaintance—not as a function or formal duty, but out of a heartfelt affection for that noble man. Though I knew him intimately for only a few years, yet having lived in the same house with him for a year, and here in Washington where our duties brought us in frequent contact, I had an opportunity to know and study his grand life, his splendid character, his noble qualities and purposes so manifest in every walk of life, both public and private. Like in most great and good men, we had in Mr. HUBBARD, generally known here as Judge HUBBARD, a plain, simple, unassuming, unpretentious, and unselfish man. "Simplicity belongs to greatness." A man of sterling qualities, of loving disposition, eminently sociable, pleasant, courteous, obliging, loyal to his friends, with a character founded on integrity, with a will to work his way honestly and bravely, endowed with lofty ideals, fortified with wealth of learning, pursuing his duty with industry, fidelity, unyielding courage and fixity of purpose, always shunning deceit and cunning practice. The better I knew him the more I adored him, the more I loved and realized why his constituents trusted him, and why he was held in such high esteem by his many friends. His neighbor and lifelong friend, the Hon. John C. Kelly, recently, in a letter to me, said:

As time passes here there is coming to be universal agreement that he was a sounder, safer, and stronger man than his political friends or enemies could appreciate when they were measuring him by an ideal.

In our State Judge HUBBARD occupied a position in the foremost ranks of his profession. Noted as a counsel, as an advocate with an unfailing fidelity to his clients, as a legislator with unfaltering faith in rectitude of purpose, dominated by lofty ideals, naturally through his fidelity to his clients, his constituents, and his State he gained distinction and popularity. Coming to Congress as he did, with his genial disposition, keen intellect, noble character, and experience in legislative work, coupled with his patriotic, active, and effective public service, his unswerving and unusual devotion to truth, to the best interest of his State and Nation, always evident in his performance of public duty, naturally won him distinction and many friends. Few Members of Congress have gone to their graves more universally loved and mourned by their colleagues than our worthy friend, Judge HUBBARD. I had the honor to be a member of the committee which attended his burial services in his home city. I was deeply impressed by the regard evidenced by the great number of sympathetic friends who came for the last time to look upon the face of that departed friend. In his departure his excellent family sustain the loss of a loving husband and devoted father. The State of Iowa and the Nation lost a most worthy, respected, and patriotic citizen.

While I realize that it is not in my power to utter words that will fully allay the great sorrow experienced by the members of his family, yet it is comforting in this hour to point to a life so bright, a character so pure, and to one with such noble qualities, splendid career, and record as a statesman and citizen; to say that while he has departed from the world of sickness, pain, sorrow, and adversity, we sincerely

believe that he has gone to one of happiness, brightness, and peace, and to know that his grand life has made the world better and added to its happiness.

Mr. AYRES. Mr. Speaker, never will I forget the scene in the great church at Sioux City last June at the funeral of ELBERT HUBBARD. Every foot of room in that spacious building was crowded by those who came to do honor to his memory, and outside were hundreds of others who could not gain admittance. All sorts of folk were there—the rich, the poor, politicians and philanthropists, business friends and social friends, the cultured and the ignorant, youths and old men. Everywhere were flowers heaped by willing hands, roses and lilies, violets and forest leaves, woodland blossoms, tender and fragile, and immortelles. The music of the great organ rose and fell, the voices of singers relieved the hushed expectancy. And as I looked about at that great and mixed assemblage the thought came, *this truly was a man of the people.*

This is how ELBERT HUBBARD always appealed to me—a man of the people. A true representative of the prosperous, intelligent men and women among whom he lived and among whom he died in so unexpected, so dramatic a fashion. What more can be said of him, what higher tribute can be paid to him, than that he typified the virtues, the hopes, the affections, the ideals, aye, the failings, of that numerous and sensible class of Americans who are the real makers and owners of this great Republic, and in whose continuance abides the hope of its future.

The people of his district should raise a shaft—a granite shaft—to mark his grave, and on it should be inscribed: "He was one of us."

Mr. PEPPER. Mr. Speaker, I do not desire to allow this occasion to pass without adding a brief tribute to the memory of ELBERT H. HUBBARD.

My acquaintance with our friend and colleague, ELBERT H. HUBBARD, dated from my entrance to this House two years ago. From that time until his sudden and untimely death I learned to admire and respect him as a courageous and independent public servant and as a genial, kindly friend.

One trait of his character impressed me from the first; that was his unqualified devotion to what he conceived to be his duty. It seemed to me he was remarkably free from partisan bias and prejudice. When it came to voting in the House of Representatives I was struck oftentimes with his complete independence and abandonment of party regularity.

I think in his later life he had reached an attitude of mind where he felt unwilling to allow any partisan thoughts whatever to enter into consideration in connection with his public work.

I think during the time I served with him in the House, although we were on opposite sides of the big aisle, our votes were recorded together oftener than otherwise.

To my mind Mr. HUBBARD was a true progressive. He saw with a vision remarkably clear the present condition of the public mind. He realized at the time the unrest and dissatisfaction of the people with conditions as they have existed for some time.

He was a profound student, a deep thinker, a philosopher. He hated sham and pretense and was a lover of truth.

To these attributes I should add those of frankness, reliability, sincerity, straightforwardness, plain dealing, all modes in which truth, a divine attribute, develops itself.

I do not recall of hearing Mr. HUBBARD speak except very briefly on one or two occasions. At these times, however, he spoke with force and convincing power.

I sometimes think it is rare to find a man who can speak out the simple truth that is in him honestly and frankly without fear or favor. But with Mr. HUBBARD, either in private conversation or in public discourse, his speech conveyed to me always a conviction of absolute sincerity.

His public career covered a period of 13 years—6 years in the State Legislature of Iowa and 7 years in the Congress of the United States. At the time of his death he had just been triumphantly renominated for the fifth time as a candidate for Congress.

He had reached that period in his congressional career when his influence was felt in every matter to which he gave attention.

I am glad to have known Mr. HUBBARD. His life and public record have been and are an inspiration to me.

LEAVE TO PRINT.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent that Members who may desire to do so have leave to print for the next five legislative days.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. HAUGEN. Mr. Speaker, in order that the RECORD may further show the esteem entertained for Judge HUBBARD by his many friends, I ask unanimous consent to have printed in the RECORD extracts from the Sioux City Tribune of June 7, 1912, and the Sioux City Journal of June 8, 1912, and also the address at the funeral of ELBERT HAMILTON HUBBARD at the First Presbyterian Church, Sioux City, Iowa, by the pastor, Wallace M. Hamilton, D. D.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Following are the extracts and the address referred to:

[From the Sioux City Tribune, June 7, 1912.]

VAST NUMBERS PAY LAST RESPECTS TO CONGRESSMAN—FLOWERS BANKED HIGH NEARLY HIDE THE BIER OF ELBERT HAMILTON HUBBARD.

Like a shadow,
Softly and sweetly thrown from a passing cloud,
Death fell upon him.

Ringing clear, like a tone from a silver bell, these words from the lips of Rev. Wallace M. Hamilton, pastor of the First Presbyterian Church, Sixth and Nebraska Streets, fell upon the ears of hundreds of friends, nation wide, who gathered this afternoon for the final rites over the bier of Congressman ELBERT HAMILTON HUBBARD.

Scarcely distinguishable in the midst of a luxuriance of roses, lilies of the valley, smilax, ferns, and carnations, the minister pronounced the words so that they could be heard distinctly from the farthest corner of the church auditorium.

To the solemn tones of Beethoven's funeral march, played by Prof. O. A. Morse, organist, the casket was borne to its place directly before the pulpit. The Hubbard family, including relatives, occupied the small choir room at the right, while the first five rows in the auditorium proper were reserved for the congressional delegation and the Woodbury County and Sioux City Bar Associations.

FLOWERS PILED HIGH.

To the right of the pulpit stood a colossal crown and base of American Beauties, sweet peas, and Easter lilies, the gift of the official congressional committee. On the left was a large anchor of roses, Easter lilies, and carnations, given by the two local bar associations, while heaped about the altar and inset about the platform rail were cut flowers of every description sent in by organizations and friends. The pulpit was wrapped about with white rosebuds given by Sioux City friends. An immense box of cut pink and white carnations and American Beauty roses was received from the Iowa delegation in Congress. The Commercial Club, local merchants, and lodges about the city were also represented in a wealth of floral grandeur heaped about the altar. The Erodelphian Society of the high school sent in a design of pink and white carnations.

During the service the Presbyterian Church choir sang "Rock of ages" and "Lead, kindly light." At the close, Chopin's funeral march was played by the organist.

The first five carriages in the procession to Floyd Cemetery were occupied by the family and relatives, the next three by pallbearers, and the following three by the congressional delegation. Immediate friends followed.

A. B. FUNK PAYS HIGH TRIBUTE TO DEPARTED LEADER.

SPIRIT LAKE, *June 5, 1912.*

Hon. JNO. C. KELLY,
Sioux City, Iowa.

MY DEAR MR. KELLY: I am stunned by the death of the noble HUBBARD.

You and others may have known such thing might be, but I had not seen him since I was in Washington, some months since, and was wholly unprepared.

He had fought a good fight and kept the faith. The old district had just grandly sustained him in his fidelity to lofty political ideals. The State and country needed him in his clear conviction, high courage, and undaunted conscience. "Take him for all in all, we shall not look upon his like again."

His death is to me a personal loss, but knowing how you two were bound by many ties, I know few friends are so much wounded as yourself. And my heart bleeds for his devoted family. Like "the shelter of the rock in the weary land" was his great heart to those nearest and dearest. I have not communicated with Mrs. Hubbard. May I ask you to assure her of my deep and abiding sympathy? Am very sorry I am not able to be at the funeral Friday.

Sincerely, yours,

A. B. FUNK.

[From the Sioux City Journal, June 8, 1912.]

COUNTRY HONORS HUBBARD.

Sioux City, Iowa, and the Nation yesterday paid final honor to Congressman ELBERT H. HUBBARD, deceased.

National respect for the late Congressman was extended by a delegation from the United States Senate and House.

The condolence of Iowa was expressed by the attendance at the funeral ceremony of nearly all the State colleagues of the late Mr. HUBBARD in the House, and by the presence of political and personal friends from various parts of the State.

Sioux City indicated sympathy to a marked degree, the auditorium of the First Presbyterian Church, where the ceremony was held, being packed to overflowing by friends and neighbors.

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The long procession to the Floyd Cemetery began at 3.15 o'clock. Headed by the pallbearers and hearse, it was composed in order by the immediate relatives of the late Congressman, the members of the delegation from Washington, D. C., the members of the Sioux City and Woodbury County Bar Associations, and the friends of the family.

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Active pallbearers were T. A. Black, F. L. Eaton, W. N. Ford, George S. Parker, William Gordon, and Judge William Hutchinson. The honorary pallbearers, chosen by the bar association yesterday, were Craig L. Wrigat, C. R. Marks, E. B. Spalding, J. L. Kennedy, T. G. Henderson, and Judge David Mould.

Congressman HUBBARD died about 5.30 o'clock Tuesday morning of heart disease, just as returns were beginning to come in which showed conclusively he had won the honor of the fifth consecutive nomination to Congress from the eleventh district. He was at the home of John C. Kelly, an old friend. His younger son, Lyle Hubbard, was with him at the end. Mrs. Hubbard was en route to Sioux City from Washington.

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Address at the funeral of Hon. ELBERT HAMILTON HUBBARD, M. C., at the First Presbyterian Church, Sioux City, Iowa, by Wallace M. Hamilton, D. D.

Again we are reminded that all roads lead toward the cemetery. Thither have gone little children, the household idols; thither the playmates of earlier years; thither the aged and the infirm; and now one in the fullness of life. The Providence emphasizes the need more strongly than words "that our days should be numbered and our hearts applied unto wisdom."

When, on the morning of Tuesday, June 4, the spirit of Hon. E. H. HUBBARD took its flight, we were bereft of one of our most respected and useful citizens. The most admiring and loving friend could wish for his memory no higher tribute than a true portrayal of his life and character. And while the general facts of his life are well known to all of you, and will not be repeated here, yet it is natural and right at the close of every noble life that we place the flower on the casket, that we break the "alabaster box," that we recall the noblest and best of the qualities of the departed.

The simple tastes and quiet demeanor of our friend would exclude any unnecessary parade or eulogy from this service. Keeping in mind what would be his desire, we would indicate some truths that we should ever retain in our hearts. The stability of the conspicuous traits of his character suggested that they were inherited. The inference was supported by the concurrent testimony of those who had opportunity to know the virtues of his ancestors. With a good inheritance, and the opportunity of a college training, the success and honor which distinguished his career were due to a happy concurrence of favorable conditions. His mind was vigorous; his heart was true to humanity; his innate honor directed him. He was philanthropic in his impulses and was thus delivered from the temptation of the merely technical and saved to be a lover of justice and righteousness. These conspicuous traits of character, together with the ample development of his natural gifts, secured for him a position of leadership and of lasting and tender regard in the hearts of his friends. If intelligence, integrity, and courage are the pillars that support the State, then our community has had a good representative in the halls of legislation.

His home life was ideal; among his family and friends he was full of kindness and sympathy. My impression is that he was a member of no lodge or organization of men, but belonged to the community. Faithful in his profession and to the general public, but when his day's work was over he found his home the place of refuge and joy.

In political life he necessarily differed with many of his fellow men, but so far as I have been able to detect in conversation with him it was without malice or personal animosity.

His death, coming at the close of a successful campaign for renomination, was inexpressibly sad. The announcement cast a gloom over our entire city. Men in every walk of life felt they had lost a friend. His devotion to his family, his friends, and the public service was limited only by the boundaries of his life. He was human, and so there was weakness, but he has left the memory of a brave, honest man.

Like a shadow,
Softly and sweetly thrown from a passing cloud,
Death fell upon him.

God does not thus equip a life for these few years. We live in a world of reason. Our hearts and minds need another summertime for their unfolding. In certain conditions our minds may drive out at the door our belief in immortality, but when we do lose that belief it will come in again through the window of our hearts with the assurance that this is not the end. To deny the soul's survival is to charge folly upon nature and God. Mr. Emerson said, at the close of his life, "What I have seen of God's work in this world leads me to trust for that I have not seen; and whatever He has in reserve for us it must be something beautiful and in the grand style of His work." Sir Walter Scott, anticipating his death, and to comfort his children, placed as his last words in his journal: "And on the next morning—" and then the line broke off. He knew that dying was no "All hail and farewell," but rather "All hail and good morning." So we turn with confidence to the Bible, for it is the key that fits the lock and opens the future with fullness of light and assurance. Immortality is here no unemphatic assertion; it is here as a glorious vision; it is here as a conclusive argument; it is here as a revelation in the tangible embodiment in the grand personality of the risen and ascended Christ. He is now our way to an immortal hope. Before He lived and died, tombs faced the west. After Christ, tombs faced the east, for the sun had disappeared to stand upon the horizon again, clothed with untroubled splendor. There is a chamber in the catacombs, used about the time of Julius Cæsar, and every tomb has emblems of the skull and crossbones. Near by is another chamber of a later generation, and, lo, Christ's teachings have carved upon each stone a lily, eloquent of immortal hope. To-day our hearts are sad because of the loss of a friend, but our assurance is of eternal life. With gratitude for his useful life, and with deep sympathy, we reverently bow our hearts and heads and commend his bereaved family to the God of all comfort in this their hour of need.

THE LATE SENATOR WILLIAM P. FRYE.

Mr. GOULD assumed the chair as Speaker pro tempore.

The SPEAKER pro tempore. The Clerk will report the special order.

The Clerk read as follows:

On motion of Mr. GUERNSEY, by unanimous consent,

Ordered, That Sunday, February 9, 1913, be set apart for addresses upon the life, character, and public services of Hon. WILLIAM P. FRYE, late a Senator from the State of Maine.

Mr. GUERNSEY. Mr. Speaker, I send the following resolution to the desk, and ask that it be read.

The SPEAKER pro tempore. The Clerk will report the resolution.

House resolution 823.

Resolved, That the business of the House be now suspended that opportunity may be given for the tributes to the memory of Hon. WILLIAM P. FRYE, late a Senator from the State of Maine.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of memorial exercises of the day, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was unanimously agreed to.

Mr. McGILLICUDDY. Mr. Speaker, the career of Senator FRYE is not only eminent, but in many respects unexampled. For 40 consecutive years he was a conspicuous Member of the American Congress—10 years in the House and 30 years in the Senate. This is a length of service equaled only twice in the whole history of our country.

For 10 years before coming to Congress Mr. FRYE was a notable figure in the public life of his State. Commencing in 1861, he was elected for three terms as a member of the State Legislature of Maine; twice elected mayor of Lewiston, his native city; and for two terms filled the high office of attorney general, where his abilities as a lawyer won him renown.

I have said that his career in many respects was unexampled; so it was. It is well known that during Senator FRYE's public career there were strong men in his party in Maine who were active in the sphere of political life. High and important offices did not go unsolicited; yet in all the 50 years of his political activity, and notwithstanding the many high and important offices he filled, he never was obliged to make a contest for a nomination in his party for any position he ever held.

Another remarkable fact is that in his long career he never lost his hold, even temporarily, upon the confidence of the people of his State. Fifty years is a long period of political activity. In that time he saw his party in the political vicissitudes of the times meet with downfall and defeat. But the people never faltered in their loyalty and devotion to him, even to his dying day.

Furthermore, in these days of modern political machinery, it is worthy of note that Senator FRYE never depended upon a political machine, so called, for his personal political supremacy. He appealed directly to the people, placed his whole confidence in the people, and they in turn rewarded him with theirs.

Another remarkable feature of his public career was its pleasantness and freedom from bitterness. Enemies he had none; calumny never assailed him; envy and malice never threw their blighting shadows across his pathway. In the lengthening years of his life it was his great satisfaction to contemplate this feature of his career. It made him an optimist of the best type, with faith in his fellow man and hope and confidence in the future of his country.

He was intensely an American. His public life began with the breaking out of the Civil War in 1861 and spanned a succeeding period of 50 years—probably the most exciting, strenuous, and important period of our country's history. New problems of tremendous import were presented for solution. The period brought forth American statesmen of the highest type. Foremost among them was Senator WILLIAM P. FRYE, prominently identified with every great public question of his time. In the legislative hall and committees an indefatigable workers, and on the stump—the great educational forum of American politics—the irresistible orator.

As a platform speaker in a political campaign Senator FRYE had no superiors and few equals in his time. He had a wonderful power of taking a dry and intricate question like the tariff and making it interesting and clear to the average man. He could place himself in the sympathies of his audience quicker and more thoroughly than any man I ever saw, and at his will he could, by bursts of real eloquence, arouse his hearers to the highest pitch of enthusiasm.

The great public knew the Senator as an orator and statesman. But as a citizen, neighbor, and friend he was at his best to those who were fortunate enough to be included in the circle of his intimate acquaintance.

There was an unaffected plainness and cordial sincerity about the man that had a peculiar charm. And yet there was a natural dignity about him that commanded respect and marked him as the cultured gentleman. All in all, he was one of nature's great men.

Maine has given many eminent statesmen to the service of the country. Her citizens have been proud to honor them.

High upon her roll of fame posterity will write the name of the Hon. WILLIAM PIERCE FRYE, the matchless orator, the pure statesman, the wise diplomat, and patriotic lover of his country and mankind.

Mr. GUERNSEY. Mr. Speaker, as a member of the delegation from the State of Maine on this floor I desire to offer a few remarks on the life work of one of the best types of American statesmen that has appeared in our national life. Others for a time have occupied more conspicuous places in the public mind only to have their lives blighted by disappointment, defeat, or death.

The statesman that I refer to, broadly speaking, never knew disappointment; he never knew defeat, and death overtook him only after he had long passed the time allotted to man. Such was the remarkable career of a remarkable man—WILLIAM PIERCE FRYE, United States Senator from Maine, who died at his home in Lewiston, Me., on the banks of the Androscoggin, August 8, 1911, aged 80 years.

For more than 40 years WILLIAM PIERCE FRYE was a commanding figure in the State of Maine and the councils of the Nation. For 10 consecutive years he was a Member of this House, and for more than 30 years represented his State in the United States Senate. Throughout his long public career at Washington he enjoyed to an extent almost without a parallel in American public life the constant, sustained support and ever-increasing confidence and respect of the people of his State. His personal strength with the people of Maine was universal. Brilliant as were the careers of those sons of Maine, the great Secretary of State Blaine and the great Speaker Reed, neither can compare for complete success with the life work of Senator FRYE.

Years ago, as a boy, I knew of him as a great political orator who charmed audiences from ocean to ocean. I heard him speak, and read his speeches with absorbing interest. In later years, when I better understood the great national questions he advocated and the strength of his position on public matters, I found myself in full accord with his views. As time passed on I became a member of our State legislature and had the opportunity to cast my vote in his favor on the occasion of his fourth return to the United States Senate.

When I became a Member of the National House of Representatives I went to him for counsel and aid, and not only did I receive the counsel and aid sought, such as could only be given and extended by a man in Senator FRYE's high position and unlimited experience, but he often extended unsought his helping hand not alone in acts of kindness, but often in matters of great public importance to me as a Representative and to my district.

When I called upon him for the last time, less than two years ago at his hotel in the city, I saw that the heavy hand of time was laid upon him and that his day had reached its twilight; yet even then he was the same kind-hearted, dignified, and determined man, looking straight into the future with no thought of looking back, even though his physical strength was fast vanishing.

Senator FRYE was born September 2, 1830, at Lewiston, Me., the son of Col. John M. Frye, a prominent and influential man in the early development of the present city of Lewiston. His great-great-grandfather, Joseph Frye, was a general under Washington in the War of the Revolution.

Senator FRYE was educated in the public schools of his home town, and at the age of 15 he entered Bowdoin College and graduated four years later in the class of 1850. He read law with William Pitt Fessenden, practiced law for a time at Rockland, Me., but later returned to Lewiston and became a partner of Thomas A. B. Fessenden. On the death of Mr. Fessenden Senator FRYE formed a partnership with John B. Cotton, who was afterwards Assistant Attorney General during the administration of President Harrison.

At the bar in his State Senator FRYE achieved success as a lawyer and soon became one of its acknowledged leaders. He soon, however, was called to broader fields, and in 1861–62 and 1867 was chosen to represent his city in the State legislature, serving also as mayor of Lewiston in 1866 and 1867. Political preferment seemed to crowd upon him and in 1867, while he was still mayor and representative in the legislature, he was chosen attorney general of Maine, and during the years 1867–1869 he conducted the important office with signal ability, winning a country-wide reputation in the trial of capital cases. In 1864 he was chosen as presidential elector. In 1872, 1876, and 1880 he was a member of the national committee from his State, and in 1880 succeeded James G. Blaine as chairman of the Republican State committee of Maine.

He entered the National Congress in 1871 as a Representative from what was then the second congressional district of Maine. In the Forty-second Congress he had as colleagues James G. Blaine, Eugene Hale, John Lynch, and John A. Peters, while in the Senate there were Hannibal Hamlin and Lot M. Morrill. Five times he was chosen to succeed himself as a Representative from his district, and served, in addition to the Forty-second Congress, in the Forty-third, Forty-fourth, Forty-fifth, Forty-sixth, and Forty-seventh Congresses, and undoubtedly would have been chosen Speaker in the Forty-seventh Congress had it not been for his promotion to the United States Senate.

In 1881 James G. Blaine resigned his seat in the Senate to enter the Cabinet of James A. Garfield as Secretary of State, and Representative FRYE was elected to the United States Senate to fill the vacancy caused by the resignation of Senator Blaine.

In the United States Senate, as the successor of James G. Blaine, he fulfilled the highest expectations of his State and maintained his position on a par with that of his most illustrious predecessors. In 1883 he was chosen as his own successor for a full term by the State legislature, and likewise in 1888, 1895, 1901, and 1907. On the occasion of each legislative election the unanimity of choice in his favor was so complete that no voice, so far as I am able to learn, was ever raised against his candidacy within his own party.

The wonderful ease with which Senator FRYE continued in public favor until the day of his death was one of the striking features of his public life. On one occasion I am told that not long ago a prominent statesman asked the Senator if he were to live his life over whether he would follow the professional career in which he had been so eminently successful before coming to Congress or that of a public man such as he had been since he entered Congress, and the aged Senator replied that he would choose by all means the public service if he could be assured in advance of as comfortable time as he had always experienced so far as effort to hold his position was concerned.

Senator FRYE never had his time consumed or his position embarrassed by seeking for riches. Opportunities undoubtedly were presented to him whereby he could have advanced his fortune legitimately, but he is said to have remarked that he much preferred to put aside such opportunities that came to him through others, as he could not tell how soon return of favors might be suggested and which would embarrass him as to some public act that he should perform.

The service of Senator FRYE in the United States Senate is a record of devotion to duty to his State and Nation, it was brilliant and able. He served on the Committee on Foreign Relations, and for years was chairman of the Committee on Commerce. He became conspicuous in diplomatic matters, and one of the most prominent supporters of measures to increase and upbuild our domestic and foreign commerce.

On February 7, 1896, he was elected President pro tempore of the Senate, and reelected to that position March 7, 1901, and held the same until within a few months of his death, resigning from the position on account of failing health. In 1898 he was appointed a member of the peace commision which met at Paris to settle the final differences between this country and Spain growing out of the Spanish-American War.

During the long life of Senator FRYE he witnessed the making of a large portion of the history of this Republic, as well as taking part in making much of it.

He was born during the administration of Andrew Jackson—first term—and he became a voter during the administration of Fillmore. As a member of the Legislature of Maine in 1861 and 1862 his voice and vote were always in favor of upholding the Federal Government in its struggle to continue its life during those dark days in the early part of the Rebellion.

After he entered Congress he saw the administrations of Grant, Hayes, Garfield, Arthur, Cleveland, Harrison, McKinley, Roosevelt rise, develop great governmental policies, and pass into history, and lived long enough to take part during a large portion of the present administration of President Taft.

As a member of the peace commission at the close of the Spanish-American War he favored the acquisition of the Philippine Islands, believing it was the duty of this Government to continue its control over those islands which had been captured in war, and that it would be cowardly for our Government to desert them, and, further, he believed that this Government was destined to grow and become a great world power. With William McKinley he was an empire builder.

Senator FRYE came near having presidential greatness thrust upon him, not once but twice. In the national convention of 1880 pressure was brought to bear for him to accept the nomination for Vice President. It was proposed to him before it was to Mr. Arthur. Had he accepted, the tragic death of President Garfield would have placed him in the highest office in

the land, but he refused to allow his name to be used and Mr. Arthur was chosen in his stead.

In 1900 President William McKinley urged Senator FRYE to accept the nomination for Vice President on the Republican ticket with him, but the Senator was firm in his decision not to accept such position. At the time it is related that Senator FRYE said to the President, "Why, what if anything should happen to you?" The President replied, "Then you would be President, and no man is better fitted to be President than yourself." Thereupon Senator FRYE said that he would not accept the Presidency even if it were tendered to him on a plate of gold.

President McKinley, like President Garfield, met his death at the hand of an assassin and Theodore Roosevelt was elevated from the Vice Presidency to the Presidency. Thus twice did Senator FRYE put aside the possibility of being President of the United States. To him the most desirable position in this Republic was a United States Senatorship, and he wished to continue in his position as a Senator from his native State.

Senator FRYE's long service of 30 years in the United States Senate is a record that has been surpassed by but three Senators and equaled only by six. His former colleague from Maine, ex-Senator Hale, served for 30 years. They entered the Senate at practically the same time, and during their 30 years of service in that body through their joint efforts gave Maine influence in the Senate all out of proportions to our State's wealth and population.

Senator FRYE was a tireless worker and a debater without a peer, and Senator Hale, as Senator FRYE once stated in my presence, was the ablest legislator in the United States. Fortunate, indeed, was the State of Maine when she was served in the highest legislative branch of our Government by such men.

It can be said of Senator FRYE that he was as considerate of the opinions of others as he was strong in his own convictions. A determined but nevertheless a fair fighter, unsparing in his assaults in debate, but always courteous, firm in attitude yet gentle in his personal manner, as careful in his public acts as he was in his private affairs, he was true to his constituents and to his country. He was loyal to the former and patriotic for the latter. He was as diligent in the search of the facts of a case as he was gifted in presenting them with convincing logic and eloquence.

His personal interests throughout his long career were overshadowed by his sense of public duty, and his public service was preeminently conspicuous. Such was his life work; and as long as the history of the Nation is preserved on its pages will appear the written evidence of the unblemished record and the splendid character of WILLIAM PIERCE FRYE.

Mr. Speaker, inasmuch as there are undoubtedly others who would like to add a tribute, but are unavoidably absent, I move that a period of 20 days be allowed them in which to extend their remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the gentleman's request? [After a pause.] The Chair hears none, and it is so ordered.

At this point Mr. GUERNSEY assumed the chair as Speaker pro tempore.

Mr. STEVENS of Minnesota. Mr. Speaker, the sentiments and ideals which impress youth have a lasting influence throughout its future. That man is a benefactor among his fellows who appreciates and utilizes his own advantages for a useful and honored career; and, in addition, by example and by precept, awakens enthusiasm and devotion among the younger generation, which knew and believed in him.

One of the strongest and most cherished recollections of my boyhood was a political speech which I heard delivered by then Representative in Congress WILLIAM P. FRYE, at Rockland, Me., among his friends, in the political campaign of 1872, when he urged the reelection of President Grant, Gov. Chamberlain, and the Republican ticket. He was at that time some over 40 years of age, at the height of his manly vigor and attractiveness, with a voice and manner singularly winsome and forceful; and with a method and style for the treatment of his subject which appealed powerfully to his hearers. Of course, in those days the questions arising from the Civil War and reconstruction were uppermost, and always the theme of the political orator; and I remember so well, and to my youthful astonishment, that he discussed them with vigor and forcefulness, and yet with no bitterness or rancor toward the people or States of the South. The ordinary partisan orator of that period depended upon fanning the prejudices and creating apprehension among his hearers.

Mr. FRYE never descended to that, even though at the time to do so would easily win applause and approbation. Probably my youthful imagination was chiefly stirred by his peroration, in which he used the beautiful legend of St. Christopher to exemplify the mission of the Republican Party to preserve our Nation and its institutions. I was reared in the Republican faith, and so probably needed no particular monition to keep steadfast; and yet to this day there recurs to me the impression then made by his fervid and splendid oratory, his unexpected fairness and broadmindedness, his wealth of information and illustration, his clearness and good sense, and especially by his moral sincerity and lofty patriotism, with its call to us to stand by that party which had preserved our country and its blessed institutions. It is such a lesson as that, ground into one's fiber, which keeps us firm in the faith, and continuously striving to preserve and purify and strengthen the ideals and institutions of our Nation for ourselves and for the millions of our countrymen who will follow us.

This personal experience is only related to illustrate one of the great missions of the long and very useful life of Senator FRYE. He was one of the most potent and influential platform, political, and parliamentary orators of his time; surpassed by none in his attractiveness, in his popularity, and his capabilities. When I came to know him well I told him of the impressions caused by his speech, and he stated that probably up to the time he was talking to me he had made more political speeches and over a larger territory than any political speaker in the country. That was probably true at that date, but since then several of the leading political orators of both parties have surpassed his record.

His career in Congress, in both the House and Senate, was distinguished and extremely useful and patriotic. The same qualities which made him so charming and powerful upon the public platform were immensely more potential amid the exactions and in the complex and constantly increasing burdens of public service. As a parliamentarian he excelled, and the certainty, capability, precision, and eminent fairness of his guidance as a presiding officer made him one of the most sought and notable in the country.

The great subject which laid nearest to his heart was the development of the resources of his country and the advancement of its commerce and influence for the blessing of our own people. He served upon the most important committees of the House and Senate, and contributed to their work the vigor, industry, training, and splendid ability of a master in his own sphere. But through it all, in his practical, keen, incisive, but thoroughly upright way, he ever sought to advance the interests and welfare of his countrymen in the fields of commerce; since he believed that with increasingly prosperous conditions as a foundation there would surely follow in our citizenship the attributes which the highest character, culture, and civilization would bring to such a people in a land blessed like ours.

As a member of the peace commission to bring to a conclusion the Spanish War his services were extremely useful and in the broadest way. He foresaw the necessity for the United States to preserve and extend its influence throughout the world, not for trade and commerce merely, which should redound to the material advantage of our people, but he believed that the extension of our influence and institutions among the nations of the earth would have a reflex action for good among our own people in their daily rush for personal advantage, helping them to adequately appreciate what blessings they have, and compelling them to realize that in their own actions they should stand as exemplars before the peoples of the world, and that it always would be incumbent upon them to maintain and truly deserve their prestige.

The strength of his character which made his so sincere, so respected among his fellows, so influential among his countrymen, was a heritage from a New England ancestry which conferred upon him the best it had. It has been fortunate for our Nation that such as he and such qualities as his have been dedicated to the public service throughout our history. His aptitude for such duties was so well recognized, and his constituents had such entire confidence in and admiration for him, that opposition to his reelections became almost useless in his State.

The people of a great State can receive and deserve no higher encomium for their intelligence, their integrity, steadfastness, and patriotism than by their continued and hearty support of such a man as Senator FRYE for more than half a century of such public service. He earned and received and appreciated it, and the people reaped their full reward by the dedication of a rare life solely to their public work and to their public welfare. The peaceful and natural close of such a long, happy, useful, sweet, and honored life could not arouse the poignant sorrow except as one would sincerely mourn that such a de-

parture is the divine dispensation and that such a friend has finally left us.

I do not know to whose memory could be more fittingly applied this tribute to a moral hero:

He never failed to march breast forward,
Never doubted clouds would break;
Never thought though right were worsted
Wrong would triumph;
Held we fall to rise, are beaten to fight harder,
Sleep to wake.

Mr. GOULD. Mr. Speaker, for more than half a century during the lifetime of Senator WILLIAM P. FRYE the people of his State honored him with their love and confidence by electing him to State and Federal offices. For more than 40 years in the two Houses of Congress he stood out in bold relief as a national figure, a leader in all that made for the welfare of his country and fellow man. It was not my privilege to know him intimately or to be classed among his personal friends, as he entered public life while I was but a boy in my teens. My first knowledge of this man, who was destined afterwards to ripen and develop into one of the most influential statesmen of his time, was while he was serving his State in the high office of attorney general. He was then in the full flush and vigor of his early manhood, strong, ardent, masterful in all those elements and qualities that go to make up a great lawyer, and one who by force of character and personal magnetism must inevitably become a leader among men. As an advocate at the bar, an orator and a public speaker, Senator FRYE had few equals anywhere. His services as a campaign speaker were eagerly and widely sought. His keen sense of wit, his eloquence and his perfect command of language were always a source of pleasure and satisfaction to those of his hearers who were in sympathy with his views, and the subtle sarcasm with which he could ridicule his opponents was a corresponding discomfort to them. His broad and liberal education, his vast and varied knowledge upon public questions, and his resourceful mind made him always a powerful friend and a dangerous opponent. That he held public office longer than any other man from his State is the strongest evidence of the regard and esteem in which his fellow citizens held him. He served the people of his home city, his State, and his country at large, the latter at home and abroad, and in all these places of public trust as the servant of his people he served with that degree of fidelity and distinction of which they were always justly proud. Senator FRYE was loved and respected by all those who knew him from the time he entered upon that long life of service and worth, until in the fullness of time he was called to take up the boatman's oar and cross the dark river to the great beyond, from which no traveler has ever yet returned, out into that life beyond the grave, into which no human eye has ever seen, into that life there of which no living man can ever know; and history will bear his name down through the generations that shall follow, and picture him as a vital and forceful part of the Nation during his time. Not the least, however, of importance was the example he gave to young men of this country, of one who by force of his own efforts and sterling character rose from the people and climbed step by step the ladder until he reached that goal, the zenith of the ambition of many and attained by few, a seat in the highest legislative body of the world—the Senate of the United States. His home was always on the banks of the river upon which he was born and where he died, and as the waters of that river flow out into the boundless ocean, so will the precepts and examples given by him flow out into the great sea of human toil and endeavor, and make the world better because he has lived. We all regret and mourn his loss as national in character, and pay this our humble but feeling tribute of respect to his memory.

THE LATE REPRESENTATIVE UTTER, OF RHODE ISLAND.

The SPEAKER pro tempore. The Clerk will report the next order.

The Clerk read as follows:

On motion of Mr. O'SHAUNESSY, by unanimous consent,
Ordered, That Sunday, February 9, 1913, be set apart for addresses upon the life, character, and public services of Hon. GEORGE H. UTTER, late a Representative from the State of Rhode Island.

Mr. O'SHAUNESSY. Mr. Speaker, I present the following resolution, which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 824.

Resolved, That, in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of the Hon. GEORGE HERBERT UTTER, late a Representative in Congress from the State of Rhode Island.

Resolved, That as a further mark of respect to the memory of the deceased, and in recognition of his distinguished career and his great service to his country as a Representative in Congress, the House, at the conclusion of the memorial proceedings of this day, shall stand adjourned.

Resolved, That the Clerk of the House communicate these resolutions to the Senate.

Resolved, That the Clerk of the House be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased.

The resolution was unanimously agreed to.

Mr. O'SHAUNESSY. Mr. Speaker, death, the great reaper whose sickle never dulls and whose arm never falters, has reaped a rich harvest in the Sixty-second Congress. My colleague and friend, GEORGE HERBERT UTTER, was the eighteenth in its necrological roll. More have been added since his soul winged its way to that immortal home where all of earth's grandeur pales into insignificance in comparison with the riches our Heavenly Father has stored up for his faithful children.

Coming to Westerly, R. I., in 1861, from Plainfield, N. J., where he was born, July 24, 1854, he resided in that community continuously until his death, which took place on Sunday, November 3, 1912, two days prior to the general election. He had given freely of his splendid oratorical powers to the Republican national committee during the campaign and had stumped for his party in his usual effective fashion in the New England States, and, no doubt, by his unremitting endeavors hastened the end which was to be the climax of the malignant disease which gripped him. He was equipped for the masterful rôle he was to play in the business and political world at Alfred (N. Y.) Academy, in Westerly High School, and at Amherst College, from which he graduated in 1877. For years and until his death he was the publisher of the Westerly Sun, which steadily reflected the views of its owner, who was always ready with moral admonitions as applied to current events.

Congressman UTTER was a man of simple tastes and hardy virtues; in debate he manifested the spirit born of true conviction and in council gave abundant evidence of that indefinable something which generates and inspires confidence. He was a man of deep religious feeling, and his unfaltering devotion to the sect of which he was so conspicuous a member, the Seventh-day Baptists, found him ready for the summons which must come to all. No doubt perplexed him when, surrounded by his loving family at his home in Westerly, he passed away, comforted by the presence of devoted hearts and sustained by a State-wide approving sentiment of his private and public life. He was prepared for the fulfillment of the Savior's words, "I am the Resurrection and the Life." The sect to which he gave such rigorous devotion is small in numbers and makes Saturday its Sabbath Day. The sturdy observance of this habit alone marked him as an unusual man, as one who differed with millions, but differed conscientiously, manifesting at the same time a broad religious tolerance.

But there are deeds that should not pass away,
And names that must not wither.

His deeds, so characteristic of the man, shall not pass away, and his name shall be remembered wherever meritorious action and endeavor have left an impress upon the memory of man. It is related of him that, when governor of Rhode Island, he declined to attend a celebration in the city of Washington and delegated the lieutenant governor to take his place, because the exercises were to be held on Saturday. And in the performance of his duties in this great Chamber, only the most pressing necessity, the consideration of some very vital question, would cause his presence here on the day that he had dedicated as his Sabbath. He had the courage of his convictions, content with the approbation of his conscience. In political life he loved the truth, and dared speak it, even though in some cases it spelled defeat for some cherished ambition.

He had a distinguished and honorable public career. He was elected four times a member of the Rhode Island House of Representatives, and during one of those terms was speaker of the house. He was twice chosen as senator from his home town, and thereafter he filled, to the satisfaction of the public, the exalted posts of secretary of state, lieutenant governor, and governor of Rhode Island. And withal he remained the same genial, unassuming, charitably disposed Christian gentleman, magnanimous in his consideration of others, and never failing to find deep down in the other man's heart something to admire and approve. His oratorical ability, coupled with his unfailing, invaluable advice and meaty suggestion for high moral endeavor, made him a favorite at public gatherings, and I am sure that his cheering words will long be remembered by the many Bible classes, Young Men's Christian Associations, and commercial bodies that had the pleasure and satisfaction of hearing him. His was a conservative nature that held to old traditions and found little comfort in the new political dispen-

sation. He had a reverent regard for American institutions, and a profound trust that, unchanged, they could and would work out a nation's destiny. With his tenacity of belief there was always coupled a bourgeoning hope that every political problem would be solved for the good of all the people, but his caution dispelled rash methods, and his nature quailed instinctively at quick transitions in the methods of government.

He brought an optimism to his work; his buoyant spirit was nowhere better shown than in his favorite poem:

"HOW DID YOU DIE?"

Did you tackle that trouble that came your way,
With a resolute heart and cheerful?
Or hide your face from the light of day
With a craven soul and fearful?
Oh, a trouble's a ton, or a trouble's an ounce,
Or a trouble is what you make it,
And it isn't the fact that you're hurt that counts,
But only how did you take it?

You are beaten to earth? Well, well, what's that?
Come up with a smiling face.
It's nothing against you to fall down flat,
But to lie there—that's disgrace.
The harder you're thrown, why the higher you bounce;
Be proud of your blackened eye.
It isn't the fact that you're licked that counts,
It's how did you fight—and why?

And though you be done to the death, what then?
If you battled the best you could,
If you played your part in the world of men,
Why, the critic will call you good.
Death comes with a crawl, or comes with a pounce,
And whether he's slow or spry,
It isn't the fact that you're dead that counts,
But only how did you die?

And here in this House, where his services were characterized by an unfailing sense of modesty and untiring zeal, we honor his memory. I can hardly reconcile myself to the knowledge that my cheerful and helpful colleague has passed away. How often he spoke to me in this Chamber in his kindly and fatherly way, little thinking that his useful, well-spent, highly moral life was so soon to end. He has gone, but he will live in the affections of a grieved domestic circle, in the respect of the State he loved and honored, in the memory of his services, and in the loving testimony of those whose good fortune it was to meet him here, to associate with him, and to work with him.

Mr. GREENE of Massachusetts. Mr. Speaker, the Sixty-second Congress has been depleted by the hand of death to a greater extent than it has been my experience to witness since I have been a Member of the House of Representatives. Many of these deaths have been sudden and unexpected, and I am sure none more so than that of the late Member from the second district of Rhode Island, Hon. GEORGE H. UTTER.

His activities seemed to be at their height of usefulness when the second session of this Congress was concluded, and I am sure no one imagined when the parting good-bys were exchanged and we departed to our respective homes that we had parted forever in this life from our late associate. His program for active campaigning in the presidential contest in behalf of the party to which he owed allegiance, and from whose membership he had often been honored, seemed to promise fulfillment of the work which he enjoyed and his return to the scene of his activities and friendships here. But while man proposes and plans for the future there is an unerring destiny which overrules our purposes and shapes our ends.

Mr. UTTER was a resident of Westerly, R. I., from early boyhood, and was active in promoting the interests and shaping the public improvements of the town of his adoption. His natural ability was improved by education in the public schools and by academic and college training. He was a newspaper publisher, and as such and as a public-spirited citizen he had a marked influence among his fellow townsmen. He was an honored member of the Rhode Island House of Representatives for several terms and speaker of that body. He was also a member of the Rhode Island Senate, secretary of state, lieutenant governor, and governor of that State. Upon the death of the late Congressman Capron he was elected a Member of this body.

Mr. UTTER was a ready debater and an eloquent advocate of the policy of protection to American industries and American labor, under which the State of Rhode Island had marvelously grown and prospered until it became one of the most complete and varied industrial centers of growth and activity in New England. But not alone to political lines were his activities limited. He was frequently called upon to speak in different parts of the country in behalf of the extension of the work of the Young Men's Christian Association and also in addressing religious and other public assemblages. He was an eloquent and forceful speaker, and was always sure to have an appreciative audience whenever the announcement was made that he was to deliver an address. He was suddenly stricken with disease while actively engaged in the campaign for the Republican Party, and was compelled to submit to an operation, from which he did not recover.

I was assigned to membership of the committee which attended his funeral services at his home in Westerly, R. I. There was a large attendance at the exercises, of many persons prominent in public life from all over the State, and also his associates in Congress from Rhode Island, Connecticut, and Massachusetts. The places of business in Westerly were closed, and general evidence of respect to his memory were displayed by the citizens of the community, and thus the last tribute of respect and affection was paid to his memory on the day following the national election of 1912. The town, the State, and the Nation have been deprived of the services of a useful and worthy citizen and able legislator, but his words and his accomplishments will be recorded in the pages of history, and his example and worth may well be an inspiration to the generations who may contemplate his career in public and private life.

Mr. PLUMLEY. I enter these precincts to-day with laggard and hesitant steps. A funeral pall is over this Chamber, and shadowy forms, the ethereal essence of them whom we commemorate, walk by my side. A solemn hush is here where yesterday there was strenuous strife, and we who were partisans then are now one in that union of soul which awaits on common sorrow.

It was a brief acquaintance I had with the late Hon. GEORGE HERBERT UTTER, a little less than a year, but during that period it became close and intimate. During the political campaign of 1912 he spoke in Vermont, at my request, and in my own town, where he charmed all with his wit, his wisdom, his method, manner, and matter.

When we dwell upon his career we deal with a character which was excellent, rich, and rare; with a life that was clean, exalted, and noble; with garnered results which are worthy of study and emulation. There beat in his breast a heart large, warm, and true. He possessed a personality which attracted friends and held them. He loved and was beloved. He had faith in others and was himself trusted implicitly. For the greater part of his adult life he was a public servant, living in the limelight of official service, yet beyond reproach and without scandal. He was honest because it was right to be honest; he served to the best of his ability those who trusted him, because such service was their due. He lived a high-minded, whole-souled Christian gentleman and patriot, and at his death there is bereavement and lamentation.

In his life and in his death he verified the words of Scripture:

The highway of the upright is to depart from evil; he that keepeth his way preserveth his soul.

It is indeed most gratifying that at this hour we can recount the virtues of our dead with naught to extenuate, naught to conceal; that as a precious privilege we can name him as our friend, and in honoring him do honor to ourselves. When cut down he was in the full tide of honor and usefulness. "His death was untimely and his brethren mourn."

[Mr. REES addressed the House. See Appendix.]

Mr. PICKETT. Mr. Speaker, James A. Garfield once said:

There is no place on earth where a man will more certainly or more speedily reach his true level than in the House of Representatives.

GEORGE HERBERT UTTER illustrates the force of this observation. Elected to the Sixty-second Congress, he was permitted to serve only through two sessions—the extra session in 1911 and the regular session commencing December, 1911. Yet in this brief period he established himself in the esteem of his associates and left his impress on the legislation of this body. He laid the foundation for a career of usefulness and distinction. Genial and courteous in his manner, attentive to his duties, industrious in his work, bringing to his assistance a rare natural ability, supplemented by years of training and experience in the public service, he was admirably equipped to take a distinguished place in this high forum of national legislation.

There is an old Roman legend—

Let what each man thinks of the Republic be written on his brow.

There was written on the brow and displayed in the words and acts of GEORGE HERBERT UTTER a high conception of our Republic, an abiding faith in the fundamental principles on which our institutions rest, and a prophetic vision of its grander possibilities yet to come. While not omitting the details necessary to a legislator, he seemed to have a broad and comprehensive grasp of public questions. Emerson has said something

about noting what "the hours are saying to the centuries." Ours is a great Nation, 48 separate sovereign States; 90,000,000 people; vast territory. It requires breadth of vision to grasp those great problems which involve the life and the future of our Republic. Frequently the human mind is so absorbed with the localized aspect of questions that it fails to reach out and encompass, so to speak, the national viewpoint. He had this faculty in a rare degree.

He had another character trait—intellectual courage. He did not fear to act on his judgment. He stood square shouldered to his duty as a public servant. He did not propound the interrogatory, "Is this measure policy?" He always appeared to be self-questioned by "Is this right?"

Small of stature, there was yet in his bearing the signet of command—command of himself and therefore command of others; which, united, forms leadership. Amid the storms and passions which frequently beset the pathway of public men he stood erect, unshaken as Atlas—

> While storms and tempests thunder on its brow,
> And oceans break their billows at its feet.

He was a firm believer in constitutional government. His love of constituted authority, reverence for the wisdom of our fathers, and deep convictions in fundamentals of our Government, together with an exalted patriotism and a lofty ambition for the destiny of our Nation, recalled to my mind the hope expressed by Lord Coke—

> Of living always under the protection of the law and in the gladsome light of jurisprudence.

Great memories are in themselves great leaders. The memory of those who have wrought for the Nation's good is in itself an education for those who follow. The memory of GEORGE HERBERT UTTER may well be preserved to the youth of our land, that they may emulate his example, that it may stimulate them to do their duty toward preserving the institutions he loved so well and to which his life was so nobly devoted.

Mr. MURRAY. Mr. Speaker, these are memorial exercises for one whom I never knew till I met him here as a Representative from Rhode Island, but whom I came to know with such respect and admiration that I felt a personal loss when he died. Mr. UTTER was a positive man, with real ideas about men and things, with courage and capacity to express those ideas. There was force in his manner and method of expression, but it was a charming kind of force that directed itself against policies and principles rather than against persons.

I do not remember any time when we were in active disagreement on any matter in debate, but I am sure that we could have differed frequently in that way without any present memory of bitterness that might have been caused by his remarks. The memory would not be here, because the bitterness never was there when Mr. UTTER spoke.

He spoke sometimes, but he wrote constantly, for he was the editor of a newspaper. I have reflected lately on the influence he must have exerted during his lifetime as an editor; not the kind of influence that might cause men to vote in a given way, at a given time, but the kind of influence, unknown to him and not realized by his reader, that shapes the mind and helps to form the thought that may be the cause of action long after the reading may have been forgotten.

I am sure that Mr. UTTER wrote editorials and articles of real value, because he said things of that sort. I remember well, for instance, a talk that he gave me one day when he stopped here at my seat on his way to the reference library in the rear of this section. It was a simple talk about present-day conditions of American life, in which Mr. UTTER developed to me his idea that most of the disturbance we noticed last spring was social in its nature rather than political. He showed me clearly that a large part of the price of present-day success is the loss of friendships and associations we truly enjoyed in earlier and humbler days. He proved from his experience and from mine that many men who used to be friends are not now friendly, and that the change in relations seemed to be because we had been singled out from our fellows for something of distinction.

I wish that I could set forth in this memorial the details of that talk, but I can not do so any more than I can ever erase from my mind and leave out of my life the effect of it. I am sure that Mr. UTTER wrote frequently in the columns of his newspaper just as he talked that day to me. I am also sure that those writings left a lasting impression on the minds of his readers, just as that talk left a lasting impression on me.

I remember well a newspaper editorial that I read many months ago written under the caption, "Creditors of humanity." It told something of the life story of a Massachusetts man who was secretary of the Interstate Commerce Commission and had just died. It made the point that humanity keeps books with all who are given opportunity to serve. On one side of the ledger there is written down everything that comes to a man in the way of public position and office that presents opportunity; on the opposite side is a detailed statement of the things given back to humanity in return for these opportunities.

I know little, if anything, of the details of service rendered by Mr. UTTER before he came to Congress. I believe on what I know of him as a Representative here, however, that he was indeed of the few who are "creditors of humanity."

Mr. REILLY. Mr. Speaker, as editor of the Westerly Sun, as governor of Rhode Island, and Representative in Congress GEORGE HERBERT UTTER was a success. Under his direct management his newspaper had for a number of years been a power for good in Rhode Island, and its field of usefulness and influence was constantly growing. It is a clean newspaper in the fullest sense of that phrase, because its editorial direction and business management were clean, because Editor and Business Manager UTTER was a clean man. His newspaper reflected the high moral standard that he had set for his life work, and its tone was never lowered. As governor of the State of Rhode Island he conducted the affairs of that Commonwealth along the same lines as he did his private business. He inaugurated reforms in State affairs that had long been needed, but which required a high degree of moral courage, in view of certain powerful influences, to put into effect. That the measures were of much benefit to the State and the people thereof is evidenced by the fact that they are still effective, and there has been no desire, at least no ability, to change them. While he was a stanch Republican, he was not the sort of partisan who stood for everything his party did. He went with his party so long as he believed it to be right, at least in a moral sense, and when it ceased to be that he did not follow it.

In every position, either of private or public character, Gov. UTTER gave to the duties of the position the best advice that was in him, and invariably it was of a high order.

He was well fitted for congressional life. His newspaper training and his service for his State gave him a firm grasp on national affairs, and he was certain to become one of the most influential Members of his party in this body.

He was of a retiring nature, but that did not mean that he shirked responsibility or duty. He was always ready to stand in the front rank for what he considered right. He was a ready speaker as well as writer, and not only in political campaigns, but on the lecture platform, was he in much demand. He was a religious man and truly devoted to his faith. He had the fullest courage of his conviction, but was in no sense bigoted or narrow. He accorded to everyone the right to worship as he pleased, but had no patience with those who did not believe in any worship.

His home life was ideal, and there his loss is felt the keenest. Though of a serious turn of mind as distinct from the frivolous, yet he was no grouch. He felt that the man who scattered flowers in the pathway of the poor and unfortunate and let the sunshine of human happiness into the dark places of life was following in the footsteps of the Master. And so he lived and died, beloved of all who knew him and mourned the most by those who knew him best.

Mr. LA FOLLETTE. Mr. Speaker, my acquaintance with the late GEORGE H. UTTER was necessarily very brief, we both being at the time we first met new Members serving our first term, he representing a constituency of a State bordering on the Atlantic, I from a State touching the Pacific.

We were fellow members of the Committee on Coinage, Weights, and Measures, and it was in attendance on committee meetings that my attention was first directed to him particularly. His desire for accurate information, his insistence on a plain understanding of all measures discussed in that committee, caused me to give more than ordinary thought to and created a desire for knowledge of the man, and, upon looking up his biography, I was not surprised to learn that he had been a member and speaker of the House of Representatives of the State of Rhode Island, member of its State senate, secretary of state, lieutenant governor, and governor, respectively.

In noting his achievements and successful career, I was reminded of a little speech made by President Lincoln to a regiment of soldiers he was reviewing in front of the White House during the Civil War. President Lincoln said:

> I happen temporarily to occupy this big White House. I am a living witness that any one of your children may look to come here as my father's child has. It is in order that each one of you may have,

through this free government which we have enjoyed, an open field and a fair chance that the struggle should be maintained that we may not lose our birthright.

As President Lincoln was a living witness to the opportunities opened up to the children of the most humble householder, so was Congressman UTTER a living example of the possibilities that are open to the laborer, the artisan, and the tradesman of our great country, if they only have the determination, the stamina, and ability to take advantage of the golden opportunities ever opening at their feet.

Congressman UTTER was a printer by trade, and a printer and publisher by occupation. He served his county and State in many capacities, each time establishing his worth. He was successively elevated in position and in opportunity to serve in greater things, and we can but mourn his sudden demise while yet in the perfection of his manhood and in the heyday of his success.

I feel that his life and achievements should be an inspiration to the youth of his own State and of our common country.

A kindly, courteous gentleman. Long shall we cherish his memory.

Mr. CRAGO. Mr. Speaker, it was my privilege to have been closely associated with GEORGE HERBERT UTTER, late a Representative from the State of Rhode Island, in much of his congressional labors. We were members of the same committee and at times were brought into close contact by reason of work on subcommittees. His very unexpected death was to me a great personal loss, and to this service, in honor of his memory, I bring words of sorrow, feeble though they may be, yet too deep and real to measure by any standard other than of friendship for the man and a deep appreciation of the many virtues his life exemplified.

I shall leave to others the recital of the events of his life prior to the convening of the special session of the Sixty-second Congress, as my personal acquaintance with him began at that time.

A brief reading of his biography discloses the fact that his former work and training in public life had well fitted him for his duties as a Member of this body, and we see the result of that training reflected in his work.

In his committees and on the floor of this House he took an active part and interest. He thought for himself, and his judgment on public questions was formed only after mature deliberation and was always founded on a knowledge of the facts and reasoned out by a mind trained to measure men and apply principles.

As a Republican Gov. UTTER was loyal to his party and the theory of government for which it stands, yet higher than the good of party he ever placed the common welfare of the Nation, and only those measures which appealed to him as right and just received his support.

His services in this legislative body was brief, yet he impressed his individuality on all with whom he came in contact, and had it been given him to serve even for a few years his ability, his loyalty to duty, his zeal for the public good would undoubtedly have commanded general recognition, and his real worth would have given him a prominent place in the councils of this body.

Born in the year 1854, he was but a child when, in 1861, the War between the States began, and so he could not have a part in that great struggle which called to the field the young manhood of this Nation. When in 1898 the call to arms was again sounded he had reached that age in life when, until the Government was in greater need of men, he could not follow the flag to the front and participate in that brief but brilliant feat of arms. And so his fame is linked not to any martial epoch of our history, but is the product of an era of peace, yet his love and veneration for the men who bore arms in defense of our country was intense and sincere.

His fame rests not on titles, but his titles came to him by reason of the true greatness of the man.

In the closing days of a great political campaign, a campaign in which sane principles of self-government, by the people, were being assailed as never before, when all about him were the sounds of conflict, a conflict in which, from a sense of duty, he had enlisted with heart and soul on the side of law and order as he saw it, he must needs answer the higher call. His body, weakened by disease, refused longer to hold the life which struggled so hard to gain the victory.

This life is grand and good and noble, yet it is a battle, a struggle from the cradle to the grave.

The physical man, in order that he may feel and know the pleasurable sensations, must be subject to pain and decay; the soul of man, in order that it may soar to heights divine, has within it the possibilities of sinking into depths of low desire.

To war against pain and death, to struggle against that which would drag one to a lower level, physical, mental, and moral, is the challenge nature gives her children and impartially awaits our action.

The life of the departed shows him victor in this conflict. He had his days of sorrow and disappointment, but there was always the bright to-morrow—to-morrow with all its joys, its possibilities, and its pleasures. May we enter our to-morrow with a new realization that we are all agents of a great power in a mighty purpose; the manner of accomplishing that purpose we may not know, but if our work is good, if our lives are filled with good deeds, we shall have fulfilled the highest purpose of the Creator.

Gov. UTTER has reached the end of all human endeavor, and in that spirit land of life eternal has found what mortal man can never know—perfect happiness.

Peace to his soul, reverence for his memory, love for a life filled with good deeds—a life once ours, for evermore a part of the Infinite.

Mr. O'SHAUNESSY. Mr. Speaker, I ask that unanimous consent be given to those who are unavoidably absent to extend their remarks and make them a part of the proceedings of this day.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

ADJOURNMENT.

The SPEAKER pro tempore. In accordance with the resolution heretofore adopted and as a further mark of respect to the deceased the House will now stand adjourned until 10 o'clock and 30 minutes a. m. to-morrow.

Accordingly (at 2 o'clock and 52 minutes p. m.) the House adjourned to meet to-morrow, Monday, February 10, 1913, at 10.30 a. m.

SENATE.

MONDAY, *February 10, 1913.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

The Journal of the proceedings of Saturday last was read and approved.

CONNECTICUT RIVER DAM (S. DOC. NO. 1067).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 5th instant, certain information relative to the contracts or agreements to be entered into by and with the Connecticut River Co. with reference to a dam across the Connecticut River and the generation of power in connection therewith, which was ordered to lie on the table and to be printed.

DISTRICT ELECTRIC RAILWAY COMMISSION (S. DOC. NO. 1068).

The PRESIDENT pro tempore laid before the Senate a communication from the Interstate Commerce Commission, transmitting, pursuant to law, the fifth annual report of the District Electric Railway Commission respecting the enforcement of the act of Congress governing street railways in the District of Columbia, which, with the accompanying paper, was referred to the Committee on the District of Columbia and ordered to be printed.

FIRST PRESBYTERIAN CHURCH OF NEWBERN, N. C. (S. DOC. NO. 1069).

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion filed by the court in the cause of the Deacons of the First Presbyterian Church of Newbern, N. C., *v.* United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts; agrees to the conference asked for by the Senate on the disagreeing

votes of the two Houses thereon, and has appointed Mr. SIMS, Mr. LEE of Georgia, and Mr. MORSE of Wisconsin managers at the conference on the part of the House.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 1332. An act regulating Indian allotments disposed of by will;

H. R. 16450. An act to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, the unlawful entering of such cars, the stealing of freight and express packages or baggage or articles in process of transportation in interstate shipment, and the felonious asportation of such freight or express packages or baggage or articles therefrom into another district of the United States and the felonious possession or reception of the same;

H. R. 18425. An act to remove the charge of desertion from the military record of Simon Nager; and

H. R. 28186. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 8035) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the House insists upon its amendments to the bill (S. 267) providing for assisting indigent persons, other than natives, in the District of Alaska, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HUMPHREYS of Mississippi, Mr. HARDY, and Mr. LANGHAM managers at the conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 17593) to divest intoxicating liquors of their interstate-commerce character in certain cases, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 109. An act to authorize the sale and disposition of the surplus and unalloted lands in the Standing Rock Indian Reservation in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect;

S. 7160. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 8034. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 1332. An act regulating Indian allotments disposed of by will;

H. R. 8861. An act for the relief of the legal representatives of Samuel Schiffer;

H. R. 21524. An act for the relief of Frederick H. Ferris;

H. R. 25002. An act to amend section 73 and section 76 of the act of August 27, 1894, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes";

H. R. 27879. An act providing authority for the Northern Pacific Railway Co. to construct a bridge across the Missouri River in section 36, township 134 north, range 79 west, in the State of North Dakota;

H. R. 27944. An act to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.;

H. R. 27986. An act to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.;

H. R. 27987. An act to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.; and

H. R. 27988. An act to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.

CREDENTIALS.

Mr. CLARK of Wyoming presented the credentials of FRANCIS E. WARREN, chosen by the Legislature of the State of Wyoming a Senator from that State for the term beginning March 4, 1913, which were read and ordered to be filed.

Mr. KAVANAUGH presented the credentials of JOSEPH T. ROBINSON, chosen by the Legislature of the State of Arkansas a Senator from that State for the term beginning March 4, 1913, which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented resolutions adopted by the Cigar Makers' International Union, favoring the enactment of legislation granting the right of citizenship to the people of Porto Rico, which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of members of the State Commandery, Military Order of the Loyal Legion of the United States, of Milwaukee, Wis., praying that a pension be granted to the widow of the late Lieut. Gen. Arthur MacArthur, United States Army, which was referred to the Committee on Pensions.

Mr. GALLINGER presented a petition of the Ministers' Conference in Roanoke, Va., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

He also presented the petition of John D. Sullivan, of Washington, D. C., praying that an appropriation be made for the purchase of ground at College Park, Md., to be used by the Government as an aviation field, which was referred to the Committee on Military Affairs.

Mr. CULLOM presented petitions of sundry citizens of Deer Grove, Homer, Hillsboro, Manville, Peoria, Rockford, Enfield, Wheaton, Evanston, Watseka, Chicago, Galesburg, Grayville, Sparta, Marshall, Jacksonville, Rock Island, Steward, Biggsville, Sterling, Reno, Charleston, Onarga, Rantoul, Prophetstown, Olney, Joliet, Apple River, Urbana, Paris, Towanda, Farmington, Harvard, Danville, Macomb, Kampsville, Gilman, Detroit, Edgewater, Pearl City, Good Hope, Mattoon, Quincy, Champaign, Tolono, Thompsonville, Aurora, Moweaqua, Cerro Gordo, Eldorado, Paxton, Pekin, Downers Grove, Makanda, Decatur, Bloomington, Kewanee, Harrisburg, Normal, Pontiac, Brimfield, Centralia, Peoria, Carbondale, Pana, Alton, Waukegan, Freeport, Morgan Park, Annawan, Concord, Shelbyville, Ridge Farm, Farina, Coultersville, Elgin, and Dwight, all in the State of Illinois, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Chicago, Ottawa, and Alton, all in the State of Illinois, remonstrating against the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

He also presented petitions of Moline Chapter, General John Stark Chapter, and George Rogers Clark Chapter, Daughters of the American Revolution, all in the State of Illinois, praying for the enactment of legislation to prohibit the desecration of the American flag, which were referred to the Committee on the Judiciary.

He also presented a petition of Waldron-Murphy Camp, No. 29, United Spanish War Veterans, of Chicago, Ill., and a petition of the J. M. Joplin Camp, No. 66, United Spanish War Veterans, of Benton, Ill., praying for the enactment of legislation providing for the pensioning of the widows and orphans of the soldiers of the Spanish-American War, which were referred to the Committee on Pensions.

He also presented a memorial of Moline Chapter, Daughters of the American Revolution, of Moline, Ill., and a memorial of Fort Armstrong Chapter, Daughters of the American Revolution, of Rock Island, Ill., remonstrating against the enactment of legislation transferring the control of the national forests to the several States, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. CRAWFORD presented petitions of sundry citizens of Wessington Springs, Ashton, Redfield, Waubay, Corona, White Rock, Andover, Hecla, Bath, Mellette, West Port, Sisseton, Frederick, Langford, Brookings, White, Pierre, Conde, Selby, Cresbard, Claremont, Groton, Watertown, Clark, Aberdeen, Yankton, and Volin, all in the State of South Dakota, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

He also presented a memorial of the congregation of the Seventh-day Adventist Church of Leola, S. Dak., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. BRISTOW presented petitions of sundry citizens of Topeka, of members of the Adult Bible Class Federation of Garden City, of sundry students of the Agricultural College of Manhattan, of members of the Woman's Christian Temperance Union of Bunker Hill, of members of the Young Men's Christian Association of the Kansas State Agricultural College of Manhattan, all in the State of Kansas, and of members of the Anti-Saloon League of Washington, D. C., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Toledo, Kans., praying for the passage of the so-called Kenyon "red light" injunction bill, which was ordered to lie on the table.

Mr. CURTIS presented petitions of the congregations of the First Presbyterian Church of Highland; of the First Methodist Church of Rosedale; of the Adult Bible Class Federation of Garden City; of the students of the Kansas Agricultural College of Manhattan; and of sundry citizens of Moran, Topeka, and Meade, all in the State of Kansas, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. STONE presented a petition of sundry citizens of Roscoe, Mo., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. WORKS presented a petition of the California State Board of Forestry, praying that an additional appropriation be made for the protection of forested watersheds of navigable streams, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Woman's Christian Temperance Union and of sundry citizens of Visalia, Cal., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. BURNHAM presented petitions of sundry citizens of Whitefield, Nashua, Lakeport, Concord, Manchester, Bristol, Franklin, and Rochester, all in the State of New Hampshire, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. WARREN presented petitions of the congregation of the Congregational Church of Douglas and of sundry citizens of Douglas and Jackson, all in the State of Wyoming, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. SMITH of South Carolina. I present a concurrent resolution adopted by the General Assembly of the State of South Carolina, which I ask may be printed in the RECORD and referred to the Committee on Post Offices and Post Roads.

There being no objection, the concurrent resolution was referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

Concurrent resolution memorializing Congress to appropriate $100,000 for use in repair of public roads on which Rural Free Delivery mail routes are established.

Be it resolved by the house of representatives (the senate concurring):

SECTION 1. That our Senators and Representatives in Congress be, and they are hereby, requested to endeavor to secure an appropriation by Congress of $100,000 to be used in the State of South Carolina for repairing public roads over which Rural Free Delivery mail routes are established.

SEC. 2. That a copy of this resolution be sent to our Senators and Representatives in Congress.

—

IN THE HOUSE,
Columbia, S. C., January 31, 1913.

The house agrees to the resolution and orders that it be sent to the senate for concurrence.

By order of the house.

JAS. A. HOYT,
Clerk of the House.

—

IN THE SENATE,
Columbia, S. C., January 31, 1913.

The senate agrees to the resolution and orders that it be returned to the house with concurrence.

By order of the senate.

M. M. MANN,
Clerk of the Senate.

Mr. SMITH of South Carolina presented a petition of sundry citizens of Marion County, S. C., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was ordered to lie on the table.

Mr. GRONNA. I present a concurrent resolution passed by the Legislature of North Dakota, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the concurrent resolution was ordered to lie on the table and be printed in the RECORD, as follows:

House concurrent resolution memorializing the Congress of the United States to pass the measure now pending in the Senate known as the Kenyon-Sheppard bill.

Whereas there is now on the statutes of the State a law forbidding the sale or transportation of intoxicating liquors in the State of North Dakota; and

Whereas the interstate common carriers are bringing into our State large quantities of intoxicating liquors to be sold in open violation of our State laws and to the great injury of the people of the State; and

Whereas there is now pending in the Congress of the United States a measure known as the Kenyon-Sheppard bill, which has for its purpose the prevention of interstate shipments of liquors into States where the laws of the State forbid the sale of same: Therefore be it

Resolved by the House of Representatives of the State of North Dakota (the Senate concurring), That the Congress of the United States be, and the same is hereby, earnestly memorialized and requested to pass the Kenyon-Sheppard bill at the earliest date possible and without amendment; be it further

Resolved, That a copy of these resolutions, properly certified, be forwarded at once to our Senators and Representatives in Congress and to the Speaker of the House of Representatives and to the President of the Senate.

Mr. GRONNA presented telegrams in the nature of petitions from the Woman's Christian Temperance Unions of Cass, Traill, and Steele Counties, of the State Woman's Christian Temperance Union of North Dakota, and of sundry citizens of Devils Lake, Fargo, and Park River, all in the State of North Dakota, and of the Ministers' Conference in Roanoke, Va., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. BURTON presented petitions of sundry citizens of Beech Grove, Newark, Rawson, Wilmington, Poplar Grove, Gratis, Napoleon, Union, Fort McKinley, Troy, Dayton, Wakeman, Leesburg, Sidney, Ashland, Graham County, Venedocia, Toledo, Columbus, Blanchester, Oakland, Mark Center, Deenville, Kenton, Mingo Junction, Athens County, Steubenville, Painter Creek, Oxford, Springfield, Manchester, New Waterford, Miami County, Marion County, Tiffin, Dayton, and Marietta, all in the State of Ohio, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. CUMMINS. I present a concurrent resolution adopted by the Legislature of Iowa, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the concurrent resolution was ordered to lie on the table and be printed in the RECORD, as follows:

Concurrent resolution memoralizing Congress to pass the Kenyon-Sheppard bill relating to the interstate transportation of intoxicating liquors.

Whereas for a number of years last past the sale of intoxicating liquors as a beverage has been prohibited by law in a large number of the cities and counties of the State of Iowa; and

Whereas under the protection of the commerce clause of the Federal Constitution a large quantity of liquor is shipped from without the State to points within the State and disposed of in violation of law; and

Whereas these interstate shipments of liquor and the illegal disposition of the same result in drunkenness, prosecutions, expensive litigation, the commission of crime, and the pauperizing of individuals and families: Now therefore

Be it resolved by the House of Representatives of the State of Iowa (the Senate concurring), That the Congress of the United States be, and it is hereby, memorialized to pass the Kenyon-Sheppard bill, now pending before Congress, looking to the correction of these evils, and that the Representatives in Congress and the United States Senators from Iowa be, and they are hereby, requested to use all honorable means to secure the passage of said act; and

Resolved further, That a copy of this resolution be forwarded by the secretary of the senate and the clerk of the house to the Speaker of the House and the President of the Senate of the United States, and to the Representatives in Congres from Iowa, and to the President of the United States.

January 25, 1913, introduced in the house by Bliss of Ringgold.
January 27, 1913, adopted by the house.
January 28, 1913, received by the senate.
January 30, 1913, adopted by the senate.

A. C. GUSTAFSON,
Chief Clerk of the House.
JOS. E. MEYER,
Secretary of the Senate.
EDWARD H. CUNNINGHAM,
Speaker of the House.
W. T. HARDING,
President of the Senate.

I hereby certify that this concurrent resolution originated in the House of Representatives of the Thirty-fifth General Assembly of the State of Iowa.

A. C. GUSTAFSON,
Chief Clerk of the House.

Mr. MYERS presented petitions of sundry citizens of Eureka, Cut Bank, Moore, Inverness, and Glendive, and of the congregation of the First Presbyterian Church of Philipsburg, all in the State of Montana, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. MARTINE of New Jersey presented petitions of Local Grange No. 190, Patrons of Husbandry, of Englishtown, and of sundry citizens of Newark, Jersey City, Flemington, Garfield, Elizabeth, New Monmouth, Mountain View, Union Hill, Cranbury, Morristown, Bridgeton, Roselle, Keyport, Lakewood, Marlton, Shiloh, Montclair, Pleasantville, Blairstown, Belleville, White House, Merchantville, Toms River, Newton, Freehold, Hightstown, Highlands, Trenton, Atlantic Highlands, Mendham, Hamburg, Preakness, Palmyra, Irvington, Frenchtown, Plainfield, Ridgewood, Mount Holly, Millville, Red Bank, Peapack, Gladstone, East Orange, Monmouth County, Boonton, Metuchen, Long Branch, Lambertville, Pointville, Wrightstown, Readington, Bound Brook, Pennington, Bloomfield, Summit, Caldwell, Englishtown, and Burlington, all in the State of New Jersey,

praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. MARTINE of New Jersey (for Mr. BRIGGS) presented petitions of sundry citizens of Moorestown, East Orange, Boonton, Bloomfield, Oceanport, Hampton, Caldwell, Montclair, Newark, Highlands, Keyport, Metuchen, Palmyra, Pleasantville, Readington, Plainfield, Ocean Grove, Hillsdale, Princeton, Hamburg, Burlington, Pennington, Mount Holly, Blairstown, Trenton, West Long Branch, Eatontown, Marlton, Bound Brook, Lambertville, Asbury Park, Englishtown, Atco, Elizabeth, Morristown, Orange, Freehold, Upper Montclair, Woodstown, and Basking Ridge, all in the State of New Jersey, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. PERKINS presented a memorial of the congregation of the Seventh-day Adventist Church of Arroyo Grande, Cal., and a memorial of the congregations of the Seventh-day Adventist Churches of the State of California, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. SMITH of Maryland presented a petition of the Park View Citizens' Association of the District of Columbia, praying that an appropriation of $128,000 be made for the construction of a school building west of Soldiers' Home and south of Rock Creek Road in the District, which was referred to the Committee on Appropriations.

Mr. ROOT presented memorials of sundry citizens of Watertown, N. Y., remonstrating against the passage of the so-called Owen health bill, which were ordered to lie on the table.

He also presented petitions of the Men's Association of the First Baptist Church of Hoosick Falls; of the Men's Bible Class of Herkimer; of the congregation of the Methodist Episcopal Church of Waterloo, and of sundry citizens of Waterloo, Auburn, Hornell, Poughkeepsie, Seneca Falls, North Tonawanda, Freeport, Syracuse, Pernville, Long Lake, Cornwall, and Orrs Mills, all in the State of New York, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

He also presented a petition of sundry citizens of New York, N. Y., praying for the passage of the so-called Nelson bill, amending the Harter Act relating to the liability of shipowners, which was referred to the Committee on Commerce.

Mr. BROWN presented petitions of members of the Commercial Club of Grand Island, the State Medical Society, and of the medical societies of Cedar, Dixon, Thurston, and Wayne Counties, all in the State of Nebraska, praying for the passage of the so-called Owen health bill, which were ordered to lie on the table.

He also presented memorials of sundry citizens of McCook, Beatrice, and Gothenburg, all in the State of Nebraska, remonstrating against the passage of the so-called Owen health bill, which were ordered to lie on the table.

He also presented a memorial of the Wholesale Liquor Dealers' Association of Nebraska and a memorial of the Willow Spring Distillery Co., of Omaha, Nebr., remonstrating against the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

He also presented a memorial of the Farmers' Education and Cooperative Union, of Dodge County, Nebr., remonstrating against the passage of the so-called agricultural extension bill, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Gordon, Laurel, Lincoln, Cherry County, Seward County, Collegeview, Table Rock, and Omaha, all in the State of Nebraska, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. DU PONT presented petitions of sundry citizens of Wilmington, Del., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. SHIVELY presented petitions of the Woman's Christian Temperance Union of Greencastle, of members of the Woman's Home Missionary Society of South Bend, of members of the German-American Christian Civic League of Indianapolis, of members of the Young Men's Christian Band of Manchester College of North Manchester, of members of the Brotherhood of the First Baptist Church of Goshen, of members of the Bourbon Township Sunday School Association, of members of the First Baptist Church of Fort Wayne, of members of the West Richmond Friends Church and Sunday School of Richmond, of the temperance committee of West Richmond Friends of Richmond, of members of the Friends Church of Charlottesville, of John Wilkinson and 37 other citizens of Carroll County, of William S. Coffey and 12 other citizens of Brown County, of Edmon G. Hall and 8 other citizens of Fowler, of J. Turner Johnson and 39 other citizens of Newburg, of O. N. Huff and 14 other citizens of Wayne County, of Mrs. H. W. Simmons and 7 other citizens of Jeffersonville, and of Ward Marshall and 21 other citizens of Muncie, all in the State of Indiana, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. TOWNSEND presented a memorial of the congregation of the Seventh-day Adventist Church of Adrian, Mich., and a memorial of the congregation of the Seventh-day Adventist Church of Bloomingdale, Mich., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of the congregation of the First United Brethren Church of Grand Rapids, Mich., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. SMITH of Michigan. I send to the clerk's desk a concurrent resolution of the Legislature of Michigan ratifying the constitutional amendment providing for the direct election of Senators by the people, together with the certificate of the governor of Michigan to the effect that this has been done. I ask that the concurrent resolution lie on the table and be printed in the RECORD.

There being no objection, the concurrent resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Senate concurrent resolution 2.

A concurrent resolution ratifying the proposed amendment to the Constitution of the United States providing that Senators shall be elected by the people of the several States.

Whereas the Congress of the United States, after solemn and mature deliberation therein, has, by a vote of two-thirds of both Houses, passed a concurrent resolution submitting to the legislatures of the several States a proposition to amend the Constitution of the United States, which resolution is in the following words:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That in lieu of the first paragraph of section 3 of Article I of the Constitution of the United States, and in lieu of so much of paragraph 2 of the same section as relates to the filling of vacancies, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the States:

"The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

"When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

"This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution."

Resolved by the Senate of the State of Michigan (the House of Representatives concurring), That in the name and behalf of the people of this State, we do hereby ratify, approve, and assent to the said amendment.

Resolved further, That a copy of this assent and ratification, engrossed on parchment, be transmitted by his excellency the governor to the Senate and House of Representatives of the United States in Congress assembled and to the Secretary of State of the United States.

I do hereby certify that the foregoing resolution was adopted by the senate, by a two-thirds vote of all the senators elect, on the 22d day of January, 1913.

DENNIS E. ALWARD,
Secretary of the Senate.

I do hereby certify that the foregoing resolution was adopted by the house of representatives, by a two-thrids vote of all the members-elect, on the 28th day of January, 1913.

CHARLES S. PIERCE,
Clerk of the House of Representatives.

To the President of the Senate of the United States:

This is to certify that the foregoing is a true and compared copy of senate concurrent resolution No. 2 of the State of Michigan, ratifying, approving, and assenting to the concurrent resolution of the Congress of the United States relative to an amendment to the Constitution of the United States providing for the direct election by the people of United States Senators.

In witness whereof I have caused the great seal of the State to be affixed hereto.

Given under my hand, at Lansing, this 3d day of February, 1913.

[SEAL.] WOODBRIDGE N. FERRIS,
Governor.

By the governor:

FREDERICK C. MARTINDALE,
Secretary of State.

By D. H. NIELS,
Deputy Secretary of State.

Mr. LA FOLLETTE presented petitions of sundry citizens of Fond du Lac and Grand Rapids; of the Woman's Christian Temperance Union of Mineral Point; and of the congregations of the Welsh Presbyterian Churches of Jerusalem and Bethesda; and the Methodist and Congregational Churches of Hartford, all in the State of Wisconsin, praying for the passage of the

so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

He also presented petitions of members of the Washington Secular League, of Washington, D. C., and of sundry citizens of the District of Columbia, praying for the enactment of legislation to regulate the hours of employment of women in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. TILLMAN. I present a petition signed by a large number of citizens of Marion County, S. C., praying for the enactment of the Kenyon-Sanders bill relative to the interstate shipment of alcoholic liquors in prohibition districts. I ask that the body of the petition be printed in the RECORD, omitting the signatures, and that it lie on the table.

There being no objection, the petition was ordered to lie on the table and the body of the petition was ordered to be printed in the RECORD, omitting the signatures, as follows:

Hon. B. R. TILLMAN,
United States Senate, Washington, D. C.

We, the undersigned citizens of Marion County, State of South Carolina, do hereby respectfully petition you, as our Representative, to use your influence to the enactment of the Kenyon-Sanders bill, now pending, relative to the shipment of alcoholic liquors in prohibition districts. We feel that this bill, if passed, will be of untold benefit to those communities that have already voted prohibition for themselves.

We pray your earnest attention to this matter at once.

Signed by 84 citizens of Marion County, S. C.

Mr. TILLMAN presented a concurrent resolution passed by the General Assembly of the State of South Carolina, praying that an appropriation of $100,000 be made for use in repairing the public roads on which rural free-delivery mail routes are established, which was referred to the Committee on Post Offices and Post Roads.

INTERSTATE SHIPMENT OF LIQUORS.

Mr. ASHURST. Mr. President, I present two petitions signed by citizens of Graham County, Ariz., earnestly petitioning in behalf of the early passage of the Kenyon-Sheppard bill. I ask that the petitions, including the names thereon, be printed in full in the RECORD.

The PRESIDENT pro tempore. The Senator from Arizona asks that the petitions, the nature of which he has stated, be printed in full in the RECORD. Is there objection?

Mr. GALLINGER. I will ask the Senator if the list of names is a very long list? We have heretofore, as a rule, not printed the names of petitioners, but the body of the petition itself.

Mr. ASHURST. There are about 45 or 50 names on each petition, and there are two petitions.

Mr. GALLINGER. As no one here would know those parties simply because their names are printed, would not the Senator be willing to have the petitions printed without the names?

Mr. ASHURST. No, sir; I regret that I would not be willing. I request that the names be printed, because they comprise some of the most honorable, the most respectable, and the most virtuous citizens of Arizona.

Mr. GALLINGER. Mr. President, I feel constrained to object to the printing of the names.

The PRESIDENT pro tempore. The Senator from New Hampshire objects.

Mr. ASHURST. I move that the names as well as the petitions be printed in the RECORD.

The PRESIDENT pro tempore. The Senator from Arizona moves that the body of the petitions and the names attached thereto be printed in the RECORD.

Mr. ASHURST. Mr. President, I make this motion in order to accentuate that there are two rules in this body, one rule for one Senator and another rule for another Senator. Last week several petitions were presented and the names of the petitioners appeared in the RECORD. Surely if that was an improper proceeding the objection should have been made at that time as well as against the petitions which I now have the honor to present.

The PRESIDENT pro tempore. The Senator from Arizona moves that the body of the two petitions, with the names attached thereto, be printed in the RECORD.

Mr. ASHURST. On that motion I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BRISTOW. I should like to inquire what has been the custom in regard to these private petitions. I have received hundreds of them from the people of my State. I have filed them and I have never asked that the names be printed or the petitions except it was a memorial from the legislature.

Mr. GALLINGER. That is right.

Mr. BRISTOW. If it is customary for such petitions to be printed in the RECORD, of course every Senator ought to have that privilege when the request is made. But if it is not customary then no one ought to have the privilege. The same rule ought to apply to all. I am anxious to know what the practice has been before I vote upon this question.

Mr. ASHURST. Mr. President, I would request Senators to turn to page 2768 of the CONGRESSIONAL RECORD for Saturday, February 8, 1913, and in the lower left-hand column they will observe that a petition was presented by the distinguished junior Senator from Georgia [Mr. SMITH] upon identically the same subject and practically in the same wording as the petitions which I now present, and the names appended to that petition are printed in the RECORD.

So, I say, if in good faith Senators desire to see that rule enforced, why do they not object to another Senator presenting petitions of an exactly similar character and having them printed in the RECORD with the names attached?

I shall always proceed upon the idea that every Senator here is the equal of every other Senator, and so long as I have the honor to represent in part the State of Arizona here I shall never consent that a rule shall be relaxed in favor of one Senator and then restricted as against another Senator.

I again ask Senators to look at the lower left-hand column of the CONGRESSIONAL RECORD, page 2768, Saturday, February 8.

Mr. LODGE. Mr. President, as is well known to the Senate, under an order adopted by the Senate as far back as the Forty-ninth Congress it was provided—

That when petitions and memorials are ordered printed in the CONGRESSIONAL RECORD the order shall be deemed to apply to the body of the petition only, and the names attached to said petition or memorial shall not be printed unless specially ordered by the Senate.

I think the names are very rarely printed. In my experience I have very seldom known it to be done. It certainly can not be done except by unanimous consent. I doubt very much whether we can change a rule on motion. This is a rule, because it has been adopted by a majority of the Senate.

Mr. CULBERSON. Mr. President, I call the attention of the Senator from Massachusetts to the order which he read. It says that the names shall not be printed "unless specially ordered by the Senate," which would be by motion.

Mr. LODGE. Certainly; but no order of the Senate can be passed on the day on which it is offered.

Mr. CULBERSON. I am not so sure about that.

Mr. LODGE. If an objection is made, it goes over under the rule.

Mr. CULBERSON. No objection has been made.

Mr. LODGE. I am making no objection; I am only calling attention to it. I say I am very sure all Senators here are aware that the practice in that respect has been very uniform and that names are very rarely printed, because if we opened the RECORD to the printing of names we should have columns and columns filled with nothing but names of petitioners. My own experience is that that rule has been very strictly enforced. When there are only a few names on a petition permission has been given to print them, but I think it is extremely exceptional.

Mr. ROOT. Mr. President, I wish to say that I should be very sorry that the Senator from Arizona should rest under an impression that there is any discrimination. I want to say to him that I have received, I think it is no exaggeration to say, 10,000 names affixed to petitions and memorials from my constituency, which I have never considered that I was at liberty to have printed in the RECORD. I would have loaded the RECORD so that it would be difficult to find anything in it except names. My understanding was that I was not at liberty to ask to have them printed.

I am quite sure that if it appears a petition was printed with the names it was rather through inadvertence or because the bulk of it was not sufficient to make it a matter of any particular consequence.

Mr. SMITH of Georgia. Mr. President, the petition which was printed last Saturday was printed at my request. I had received many thousand names of a similar character, and many, many petitions of the same character. It was not my purpose to take part in the debate upon the subject, and I asked the consent of the Senate to print the petition, which was very short, and the short list of names attached to it, simply to occupy space enough in the RECORD to emphasize my interest in the subject. I suppose I have in my office a large drawer full of similar petitions, with the signatures attached, and I thought that that short list of names was not improper to go with the petition just as a sample of what I had received.

I certainly hope that the Senator from Arizona shall receive every privilege that I have received. I will gladly vote for his motion.

Mr. SMOOT. I notice that in the request made by the Senator from Georgia [Mr. SMITH], in presenting the petition to which he referred, he did not ask that the names of the petitioners be printed in the RECORD, but simply requested that the petition lie on the table and be printed in the RECORD.

Such requests are made every day when the Senate is in session. If the Senator from Georgia had asked that the petition be printed, and also that the names of the petitioners be inserted in the RECORD, there is no question but that there would have been objection, because we have petitions here, as has been stated, with tens of thousands of names, and it has been the universal rule in the Senate that the names signed to such petitions be not printed. I have not the least objection to the names of petitioners being known, if it were necessary, but I want to say to the Senator from Arizona [Mr. ASHURST] that it would make his case no stronger to have the names printed; it would merely encumber the RECORD, and therefore I hope that he will not insist that the names be printed in the RECORD. I will call his attention to the fact that he may scan the RECORD for years and years back, and he will find very few cases where the names of petitioners have been so printed.

Mr. GALLINGER. Mr. President, as I made the objection, and in view of some observations on the part of the Senator from Arizona [Mr. ASHURST], I wish to say that I am sure the Senator from Arizona will acquit me of any purpose of discrimination in matters of this kind.

Mr. ASHURST. I cheerfully do so.

Mr. GALLINGER. I certainly have endeavored always to see that the Senator from Arizona should have his due in this body, that he should have proper recognition, and that his State should also have due and proper recognition. I have never during my term of service here asked that names attached to petitions be printed in the RECORD. I have had petitions with thousands of names signed to them sent to me, but, remembering the rule of the Senate, I have refrained from asking that they be printed in the RECORD.

I hope the Senator from Arizona will not feel that there is a purpose to discriminate against him individually or against his State in the objection I have raised. I think, after the Senator has been here a while, he will see the necessity for this rule and the propriety of it. While it has not, perhaps, heretofore been observed with absolute strictness in certain instances, such as that which occurred a few days ago when the request was not made to print the names but where they went into the RECORD, I trust that the Senator will not feel that that establishes a precedent which ought to be controlling.

I think, upon reflection, the Senator from Arizona will realize that his statement that these are the names of distinguished men in his State will carry just as much weight as though they were printed in the RECORD, and I hope that he will not insist on the motion that he has made, but that he will withdraw it.

Mr. MYERS. Mr. President, I have very great respect for the Senator from New Hampshire [Mr. GALLINGER]. He has been very kind to me since I have been here. I respect his judgment, his knowledge, his experience, and his motives in all matters, and I am satisfied that his motive in this instance is a good one and fair-minded; but I believe in this particular case we could well afford to waive the rule, if it be one, allow these names to be printed, and let some Senator who is chairman of the Committee on Rules or of the Commitee on Printing, or whoever might have jurisdiction, give notice that henceforth he would object to such requests, demand the enforcement of the rule, and treat all alike. I do not suppose there are above 75 or 100 of the names of these petitioners, and I do not suppose the cost to print them in the RECORD will be 5 cents. I am sure that Arizona is proud to be in the Union. She was trying to get in for a long time. I am sure that her citizens will take pride in letting others know that they are now citizens of the United States, and I am sure that we are all proud to have Arizona in the Union. Who is there here who is not proud to have her in the Union?

Mr. GALLINGER. Mr. President, if my good friend from Montana will permit a word, he will remember that no Senator in the body commenced earlier to insist that Arizona ought to come into the Union than myself.

Mr. MYERS. I give the Senator from New Hampshire great credit for that and all due credit in other matters. I have great respect for the Senator, but I think——

Mr. ASHURST. Mr. President——

Mr. MYERS. I should like to finish.

Mr. ASHURST. Very well.

Mr. MYERS. I think we might well vote without objection, without delay, and without any disrespect to anybody, or to the rules, for that matter, to let these names be printed in the RECORD, and then if any Senator wants to invoke the inviolability of the rule hereafter on all alike, let it be known that it will be done; but as long as the names of petitioners from other States have been printed—and each State is supposed to be on an equal footing here—I believe in this one instance we might well permit these names to be printed. So I hope that the motion of the Senator from Arizona will prevail. I think it is nothing but fair and right and just.

Mr. ASHURST. Mr. President——

Mr. GALLINGER. Mr. President, will the Senator from Arizona permit me a moment?

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from New Hampshire?

Mr. ASHURST. Certainly.

Mr. GALLINGER. Mr. President, in view of the statement made by the Senator from Montana [Mr. MYERS] that this will not be construed as a precedent and that at least some of us in the future will have the privilege, without being called in question, to invoke the rule, I propose, so far as I am concerned, to withdraw objection to the printing of the names in the RECORD.

Mr. ASHURST. Mr. President, I thank the distinguished Senator from New Hampshire [Mr. GALLINGER], and before I resume my seat will say that no Senator can serve here long without cultivating a deep affection for him. So far as the State of Arizona is concerned, that State does not forget that when my colleague [Mr. SMITH], who is now an honored Senator upon this floor, was a Delegate in the House the Senator from New Hampshire was one of the Senators who always stood by the Territory, now the State, of Arizona. I am very grateful to the Senator for withdrawing his objection. I have not questioned, and must not be understood as questioning, his motives in objecting to the names of the signers of these petitions being printed in the RECORD. I withdraw, if I may, the demand for the yeas and nays.

The PRESIDENT pro tempore. Does the Senator ask for the revocation of the order for the yeas and nays?

Mr. ASHURST. I do, Mr. President.

Mr. CLAPP. Before that is disposed of, Mr. President, I should like to say a word. I do not know that it will do any good, but I wish to state that some years ago the Senate adopted a rule whereby petitions, pension bills, claims bills, and private bills of all kinds should be filed with the Secretary to appear in the RECORD as introduced by the Senators presenting them, so as to avoid unnecessary delay of the Senate in the morning hour and taking the time of the Senate in presenting such matters. It seems to me that that rule ought to be observed.

Mr. GALLINGER. Regular order, Mr. President.

The PRESIDENT pro tempore. The Senator from Arizona asks unanimous consent for the revocation of the order for the yeas and nays. Without objection, it will be so ordered, and the petitions, together with the signatures, will be printed in the RECORD as requested.

The petitions are as follows:

To the UNITED STATES SENATE,
Care of the Hon. Henry F. Ashurst, Washington, D. C.:

We, the undersigned citizens of Graham County, State of Arizona, earnestly petition for the speedy passage of the Kenyon-McCumber interstate liquor bill, S. 4043 or S. 2310, to withdraw from interstate-commerce protection liquors imported into "dry" territory for illegal purposes.

J. R. Welker, Safford, Ariz.; C. C. Rickman, Safford, Ariz.; C. M. Layton, Thatcher, Ariz.; Andrew Kimball, Thatcher, Ariz.; G. R. Young, Safford, Ariz.; J. T. Owens, Safford, Ariz.; P. J. Jacobson, Safford, Ariz.; George H. Crosby, jr., Safford, Ariz.; L. R. Pace, Thatcher, Ariz.; Loule A. Nelson, Thatcher, Ariz.; F. B. Jacobson, Safford, Ariz.; A. E. Welker, Safford, Ariz.; J. T. Brown, Thatcher, Ariz.; S. N. Higgins, Safford, Ariz.; J. T. Childers, Thatcher, Ariz.; Orlando Jolley, Thatcher, Ariz.; S. A. Merrill, Safford, Ariz.; R. G. Layton, Safford, Ariz.; A. H. Layton, Thatcher, Ariz.; Frank Tyler, Thatcher, Ariz.; John N. Morris, Safford, Ariz.; David W. Birdno, Safford, Ariz.; Willie M. Birdno, Safford, Ariz.; Amelia Evans, Safford, Ariz.; Austin Evans, Safford, Ariz.; Geo. A. Zundel, Safford, Ariz.; T. B. Reed, Safford, Ariz.; John West, Safford, Ariz.; Wm. Morris, Safford, Ariz.; B. W. Wright, Safford, Ariz.; Heber Higgins, Artisa, Ariz.; Alvin Warner, Safford, Ariz.; U. J. Paxton, Safford, Ariz.; Charles Boggs, Safford, Ariz.; A. C. Peterson, Thatcher, Ariz.; D. L. Ridgway, Safford, Ariz.; T. C. Shaeffer, Safford, Ariz.; C. T. Reynolds, Safford, Ariz.; J. H. Larson, Thatcher, Ariz.; Sam J. Paxton, Safford, Ariz.; G. L. Young, Safford, Ariz.; John M. Barnhart, Globe, Ariz.; J. J. Chamberlain, Safford, Ariz.; M. J. E. Ringer, Safford, Ariz.; J. H. Carlton, Thatcher, Ariz.; Lee Carlton, Safford, Ariz.; Geo. S. Huarus, Safford, Ariz.; Ezra Madsen, Safford, Ariz.; M. E. O'Bryan, Safford, Ariz.; Geo. Catlett, Safford, Ariz.; C. W. B. Link, Safford, Ariz.; Geo. A. Hoopes, Thatcher, Ariz.; G. F. Houck, Safford, Ariz.; O. P. Merrill, Safford, Ariz.; M. M. Crandall, Safford, Ariz.; M. R. Crandall, Safford, Ariz.; R. H. Freestone, Safford, Ariz.; Albert Norris, Safford, Ariz.; W. F. Scarlett, Safford, Ariz.; C. W. Scarlett, Safford, Ariz.; W. R. Chambers, Safford, Ariz.; Elam Olsen, Safford, Ariz.; Robt. L. Nash, Safford, Ariz.; L. A. John, Safford, Ariz.; Frank Nelson, Safford, Ariz.; Geo. Goodman, Safford, Ariz.; D. B. Williams, Safford, Ariz.; Hartley Thomas, Safford, Ariz.; H. W. Brown, Safford, Ariz.

REPORTS OF COMMITTEES.

Mr. ROOT, from the Committee on the Library, to which was referred the bill (S. 6062) for the preparation of a plan for the erection of a foundation and pedestal on ground belonging to the United States Government, in the city of Washington, upon which to place a memorial or statue, to be furnished by the State of Pennsylvania, of Maj. Gen. George Gordon Meade, reported it with amendments and submitted a report (No. 1202) thereon.

Mr. WARREN, from the Committee on Appropriations, to which was referred the bill (S. 8414) to authorize aids to navigation and other works in the Lighthouse Service, and for other purposes, asked to be discharged from its further consideration and that it be referred to the Committee on Commerce, which was agreed to.

Mr. CURTIS, from the Committee on the District of Columbia, to which was referred the bill (H. R. 6083) to amend an act entitled "An act for the widening of Benning Road, and for other purposes," approved May 16, 1908, reported it with amendments and submitted a report (No. 1203) thereon.

THE FRANCIS GIRARD GRANT.

Mr. THORNTON. From the Committee on Private Land Claims I report favorably without amendment the bill (H. R. 11478) to quiet title and possession with respect to a certain unconfirmed and located private land claim in Baldwin County, Ala., in so far as the records of the General Land Office show said claim to be free from conflict, and I submit a report (No. 1201) thereon. I call the attention of the Senator from Alabama [Mr. JOHNSTON] to the bill.

Mr. JOHNSTON of Alabama. This is a local measure which has been passed by the House, and I ask unanimous consent for its present consideration.

Mr. SMOOT. I should like to ask the Senator from what committee the bill was reported.

Mr. JOHNSTON of Alabama. The Committee on Private Land Claims.

Mr. GALLINGER. Let the bill be read for the information of the Senate.

Mr. SUTHERLAND. Mr. President, I dislike very much to object to the consideration of this or any other bill, but the Senator from Ohio [Mr. POMERENE] has given notice that he will address the Senate this morning on the Kenyon interstate liquor bill, which must be voted upon not later than 6 o'clock. A number of Senators desire to be heard upon that bill, and the time is barely sufficient.

Mr. JOHNSTON of Alabama. It will take only a few moments to pass this local bill.

Mr. SUTHERLAND. I do not know; it may take a good many moments. I have seen some of these matters that we were promised would take only a few moments take a long time. I therefore feel constrained to object.

The PRESIDENT pro tempore. Objection is made, and the bill will be placed on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CRAWFORD:

A bill (S. 8439) restricting the issuance of interlocutory injunctions to suspend the enforcement of the statute of a State or of an order made by an administrative board or commission created by and acting under the statute of a State; to the Committee on the Judiciary.

By Mr. WETMORE:

A bill (S. 8440) for the enlargement of the site and the erection of a new public building at Newport, R. I.; to the Committee on Public Buildings and Grounds.

By Mr. CHILTON:

A bill (S. 8441) authorizing the President to appoint Andrew Summers Rowan to be a colonel in the Army; to the Committee on Military Affairs.

A bill (S. 8442) granting a pension to Charles McCarthy; to the Committee on Pensions.

By Mr. STONE:

A bill (S. 8443) to authorize the St. Louis-Kansas City Electric Railway Co. to construct a bridge across the Missouri River at or near the town of Weldon Springs Landing, Mo.; to the Committee on Commerce.

By Mr. JONES:

A bill (S. 8444) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes," approved July 1, 1898; to the Committee on Public Lands.

By Mr. CRANE:

A bill (S. 8445) for the acquisition of a site and the erection thereon of a public building at Winchester, Mass.; to the Committee on Public Buildings and Grounds.

By Mr. BRADLEY:

A bill (S. 8446) granting an increase of pension to W. C. Jones (with accompanying papers); to the Committee on Pensions.

By Mr. BURNHAM:

A bill (S. 8447) for the relief of Martha Cutts Almy, and others; to the Committee on Claims.

A bill (S. 8448) granting an increase of pension to Joseph Cook; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 8449) granting an increase of pension to Katharina Britsch (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 8450) granting an increase of pension to Kate Hoyberger; to the Committee on Pensions.

By Mr. CLARK of Wyoming (for Mr. CLAPP):

A bill (S. 8451) to amend section 235 of the Criminal Code, act of March 4, 1909 (with accompanying papers); to the Committee on the Judiciary.

By Mr. SMITH of Michigan:

A bill (S. 8452) granting an increase of pension to Margaret W. Goodwin; to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 8453) granting a pension to Caroline Fust (with accompanying paper); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ROOT submited an amendment proposing to appropriate $53,800 to pay the allowances made to the Malambo fire claimants under article 6 of the treaty of November 18, 1903, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BRISTOW submited an amendment proposing to appropriate $9,000 for the completion of the addition to the post office and courthouse at Salina, Kans., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed, and, with accompanying paper, referred to the Committee on Public Buildings and Grounds.

Mr. NEWLANDS submitted an amendment proposing to increase the appropriation for general repairs and improvements at the Indian school at Carson City, Nev., from $6,000 to $20,600, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate $26,952 for grading and improving Sixteenth Street from Montague Street to the Military Road, etc., intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. JONES submitted an amendment proposing to extend the act approved August 24, 1912, so as to apply to the Reclamation Service under the act known as the reclamation act of June 17, 1912, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BOURNE submitted an amendment proposing to appropriate $150,000 for continuing the construction of a wagon road and necessary bridges through Crater Lake National Park, Oreg., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WETMORE submitted an amendment proposing to appropriate $256,500 for the completion of the harbor of refuge at Point Judith, R. I., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. CULBERSON submitted an amendment proposing to appropriate $1,185,000 for the construction and extension of a sea wall on land adjoining Fort San Jacinto, Galveston, Tex., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $700,000 for improving the channel from Galveston Harbor to Texas City, Tex., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. CRAWFORD submitted an amendment proposing to appropriate $20,000 to enable the President to propose and to invite foreign Governments to participate in an inernational conference for the purpose of considering plans for an international inquiry into the high cost of living, etc., intended to be proposed by him to the diplomatic and consular appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. STEPHENSON submitted an amendment authorizing the Secretary of the Treasury to place upon the books of the Treasury, to the credit of the portion of the Wisconsin Band of Pottawatomie Indians now residing in the States of Wisconsin and Michigan, the sum of $447,339, being the proportionate share of these Indians in annuities and moneys of the Pottawatomie Tribe, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. LIPPITT submitted an amendment proposing to appropriate $150,000 for improving the Providence River and Harbor, R. I., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. FLETCHER submitted an amendment proposing to appropriate $600,000 for technical and clerical services in the purchase of equipment and supplies for collecting, maintaining, and making available to Federal, State, municipal, and hospital authorities and institutions of learning plans and descriptive matter of hospitals, asylums, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. MARTINE of New Jersey submitted an amendment proposing to appropriate $6,000 for the instruction and employment of the blind of the Columbia Polytechnic Institute who are actual residents of the District of Columbia, etc., intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

LEGISLATIVE, ETC., APPROPRIATION BILL (S. DOC. NO. 1065).

Mr. WARREN. I present a conference report, it being a partial agreement of the conferees on the legislative, executive, and judicial appropriation bill.

The PRESIDENT pro tempore. The report will be read.

The Secretary read as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26680) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 31, 32, 33, 34, 35, 36, 40, 48, 51, 52, 70, 99, 100, 104, 105, 117, 118, 119, 125, 126, 127, 128, 132, 133, 141, 157, 158, 159, 175, 197, 198, 199, 202, 206, 207, 218, 219, 220, 221, 236, 241, and 242.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 28, 29, 30, 41, 42, 43, 46, 47, 49, 50, 54, 55, 56, 57, 58, 62, 63, 64, 65, 66, 67, 69, 71, 72, 73, 74, 75, 91, 92, 96, 97, 101, 102, 103, 107, 108, 109, 110, 111, 112, 120, 121, 122, 123, 124, 129, 130, 131, 134, 135, 136, 143, 144, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 176, 203, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 222, 227, 228, 229, 230, 231, 232, 233, 234, 237, and 238, and agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In line 8 of the matter inserted by said amendment strike out "$3,500" and insert in lieu thereof the following: "$2,000, or so much thereof as may be necessary"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$74,525"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following: ": *Provided*, That no person shall be employed hereunder at a compensation in excess of $4,000 per annum"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$87,990"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$16,120"; and the Senate agree to the same.

Amendment numbered 98: That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For legislative expenses, namely: Salaries of Members, $216,000; mileage of Members, $6,500; salaries of employees, $5,160; printing of laws, $3,500; rent of legislative halls and committee rooms, $2,000; stationery, supplies, printing of bills, reports, and so forth, $3,500; in all, $42,260, to be immediately available"; and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$166,358"; and the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$840"; and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,640"; and the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$840"; and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,960"; and the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lines 3 and 8 of said amendment strike out "$31,200" and insert in lieu thereof "$30,000"; and the Senate agree to the same.

Amendment numbered 138: That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,375"; and the Senate agree to the same.

Amendment numbered 140: That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,500"; and the Senate agree to the same.

Amendment numbered 142: That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$275,820"; and the Senate agree to the same.

Amendment numbered 145: That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "one at $2,400"; and the Senate agree to the same.

Amendment numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$631,250"; and the Senate agree to the same.

Amendment numbered 174: That the House recede from its disagreement to the amendment of the Senate numbered 174, and agree to the same with an amendment as follows: In line 8 of the matter inserted by said amendment, before the word

"to," insert the following: "or so much thereof as may be necessary"; and the Senate agree to the same.

Amendment numbered 200: That the House recede from its disagreement to the amendment of the Senate numbered 200, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$30,000"; and the Senate agree to the same.

Amendment numbered 201: That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$36,000"; and the Senate agree to the same.

Amendment numbered 204: That the House recede from its disagreement to the amendment of the Senate numbered 204, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,000"; and the Senate agree to the same.

Amendment numbered 205: That the House recede from its disagreement to the amendment of the Senate numbered 205, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,000"; and the Senate agree to the same.

Amendment numbered 223: That the House recede from its disagreement to the amendment of the Senate numbered 223, and agree to the same with an amendment as follows: In lieu of the number proposed insert "eleven"; and the Senate agree to the same.

Amendment numbered 224: That the House recede from its disagreement to the amendment of the Senate numbered 224, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twelve"; and the Senate agree to the same.

Amendment numbered 225: That the House recede from its disagreement to the amendment of the Senate numbered 225, and agree to the same with an amendment as follows: In lieu of the number proposed insert "nine"; and the Senate agree to the same.

Amendment numbered 226: That the House recede from its disagreement to the amendment of the Senate numbered 226, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$73,260"; and the Senate agree to the same.

Amendment numbered 239: That the House recede from its disagreement to the amendment of the Senate numbered 239, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$56,680"; and the Senate agree to the same.

Amendment numbered 240: That the House recede from its disagreement to the amendment of the Senate numbered 240, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,000"; and the Senate agree to the same.

On amendments numbered 2, 7, 8, 11, 23, 24, 25, 26, 27, 37, 38, 39, 61, 68, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 93, 94, 95, 139, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 160, 161, 162, 163, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, and 235 the committee of conference have been unable to agree.

F. E. WARREN,
GEO. PEABODY WETMORE,
LEE S. OVERMAN,
Managers on the part of the Senate.

J. T. JOHNSON,
A. S. BURLESON,
FREDK. H. GILLETT,
Managers on the part of the House.

Mr. WARREN. Mr. President, regarding the conference report, which has just been read, I ought to say to the Senate that it is only a partial agreement. There are numerous matters undecided, such as the Senate amendments concerning assay offices, surveyor general's offices, Indian matters, certain employees of the Senate, the police force of the Senate and House, and some other minor matters.

Mr. OVERMAN. And the Commerce Court.

Mr. WARREN. Yes; and the Commerce Court. Unless there is some other disposition proposed, I shall move that the Senate insist upon its amendments in disagreement and ask for a further conference with the House of Representatives.

The PRESIDENT pro tempore. The Chair will inquire of the Senator from Wyoming if it is his desire that the Senate shall now take action upon the report as presented?

Mr. WARREN. Yes.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. CRAWFORD. Mr. President, I have no doubt that this form of conference report is one that has been established and followed for a long time, but I must say that it is unsatisfactory to a Senator when a conference report comes in, to find the only reference made is that the conferees have agreed on amendments numbered 1, 2, 3, 4, 5, 6, 7, and so forth; have not agreed on amendments numbered 16, 17, 18, and 19; and have agreed on amendments numbered 23, 24, 25 and 26 with certain amendments. I am not criticizing the committee in this particular instance, but I am very much interested in this conference report, vitally interested in some portions of it, and I want to keep in touch with it. I want to know what the stage of the proceeding is, so that I can be on guard. I do not like to have a conference report adopted here as to amendments numbered 1, 2, 3, 4, 5, 6, and 7, and then skipping over amendments 12, 13, 14, and 15, and confirming amendments numbered 25, 26, and 29. I do not believe the average Member of the Senate, when he votes to confirm that kind of a report, knows very much about what he is doing.

Mr. WARREN. Mr. President, I will say to the Senator that we are proceeding in the course that has been followed for a great many years—more than a score of years. I do not consider that any report is finally and fully settled until the last item is settled, but it is sometimes of great assistance to the managers of the conference to have their work checked up so far as they have agreed and then endeavor to obtain agreements as to items left in disagreement.

Mr. CRAWFORD. Mr. President, I simply desire to give notice now that the attempt to close offices and interfere with necessary public business carried on for the public welfare in points throughout the West is not going to be confirmed here in the form of a conference report without a few remarks from one of the Senators from South Dakota, and they may take some time. I do not want a conference report perpetrating that kind of an injury to all of the northwest section of this country to be confirmed here as an agreement or disagreement to amendments numbered 1, 2, 3, 4, 5, and so forth.

Mr. CLARK of Wyoming. Mr. President, I should like to ask my colleague, the chairman of the committee, whether it has been the custom of the Senate to print partial reports, so that Senators may be advised as to what items have been disposed of in conference?

Mr. WARREN. The report as read will go into the RECORD, so that on to-morrow morning it will be before every Senator, and, in connection with it, he can consult the bill itself.

Mr. CLARK of Wyoming. Can we secure a copy of the bill with the amendments numbered, so that we may be able to understand exactly what has been agreed to?

Mr. WARREN. They can be furnished to the Senators from the desk.

Mr. SUTHERLAND. Mr. President, will not the Senator from Wyoming consent to let the matter go over until to-morrow morning?

Mr. WARREN. I am not holding it.

Mr. SUTHERLAND. I thought the Senator had moved to agree to the conference report.

Mr. WARREN. I will say to the Senator from Utah that if the report should be agreed to so far as it goes I should then ask that the Senate insist upon its amendments still in disagreement and ask for a further conference; but we have not yet arrived at that stage.

Mr. SUTHERLAND. But not to assent to the agreements already made?

Mr. WARREN. Well, Mr. President, that is a question for the Senate to decide. I think we are making more of a point on this matter, probably, than is necessary. The bill can not become a law until it is completed; and the acceptance of the report, so far as it goes, is simply one of the parliamentary stages.

Mr. SUTHERLAND. Some of us are very much interested in the report which has been made, and desire to be heard upon it. We have a special order assigned for to-day on a very important bill that ought to be discussed, and the time which is allowed for discussion on that measure is not sufficient. I hope, therefore, the Senator from Wyoming will permit this matter to go over until to-morrow morning, when we shall have time to discuss it.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Massachusetts?

Mr. SUTHERLAND. I do, if I have the floor.

Mr. LODGE. Mr. President, I only want to say to the Senator that I think he is proceeding under a slight misapprehension as to the effect of agreeing to this report. Partial agreements of conferees do not bind. If we disagree to their report, we

can not amend it; we disagree to the whole report, and it goes back to conference, where the whole subject is open. Even if the conferees have agreed on everything but one item, they may come back on that item in order to get the instruction of the Houses. I do not understand that the partial agreements which we have been in the habit of presenting here in the least prevent their being discussed when the final report is made.

Mr. CLARK of Wyoming. No, Mr. President; that is not the point. The point is whether or not by agreeing to this partial report we do not give the conferees to understand that, so far as that part of the report is concerned, they have the consent of the Senate.

Mr. LODGE. Undoubtedly that is true.

Mr. CLARK of Wyoming. Yes.

Mr. LODGE. Though technically it does not bind.

Mr. CLARK of Wyoming. I know; but in reality it does.

Mr. LODGE. In that sense it undoubtedly gives the conferees the right to say that the Senate favors those items, and that has been the practice.

Mr. SUTHERLAND. Mr. President, that is the thing to which I object. I think Senators should be heard upon these matters before the conferees have any understanding on the subject.

Mr. LODGE. They will be just as open after the final report as they are now.

Mr. WARREN. Mr. President, if the Senator will permit me, I have not counted the amendments in this bill. Last year in the similar bill there were something over 500 of them. They are largely matters of a clerk more or less here and there, or one or two or three hundred dollars more or less here and there as to salary, and are hardly matters that the Senate in Committee of the Whole would care to take up.

If the Senator will permit me, I will state exactly what is still in disagreement. I think it ought to go into the RECORD, so that if it comes up to-morrow or at any other time we will know more about it.

Beginning at the opening of the bill, the first disagreement is upon inserting the name of Woodbury Pulsifer as one of the employees.

The second matter is that of increased pay for two employees, Loeffler and Keller.

The third is that of the Capitol police force, which the House has seen fit to cut in two. It allows only one-half of the force that is now employed under the joint management of the Sergeants at Arms of the House and of the Senate.

The next matter is that of the insertion of the name of George H. Carter, the printing clerk. Objection is made to naming him.

The next is the payment of $300 to a lady, Miss Etta J. Giffin.

The next matter is that of the employment of an $1,800 clerk that we proposed, in addition to what the House proposed, in the copyright office of the Library of Congress.

The next item is the freight on bullion and coin, for which the House allowed only $15,000 instead of $75,000 or $100,000 as formerly, and which the Senate increased to $40,000.

The next matter is the number of internal-revenue collection districts, which we reduced by four last year. Such a reduction has not seemed to be satisfactory, and we seek to put them back to the former number. That is in disagreement.

Then there is the entire list of mints and assay offices, which the House cut out, taking out all of the assay offices but one in the Northwest. Those are still in disagreement.

Then there is the matter of $5,000 for the National Aerodynamical Laboratory Commission.

There is a disagreement of about $18,000 in regard to clerks for the Indian office, which the Senate seeks to provide for the examination of titles and distribution of amounts due to the heirs of deceased Indians. It is part of the Indian service which the department says is necessary.

The next is the small matter of two or three employees in the Patent Office.

Then comes the matter of surveyors general and their clerks. The House has sought to do away with one of the offices of the surveyors general, and to cut down very largely from the estimates for all the others. The Senate has put in, in most cases, the amount estimated for, but has never exceeded the amount called for by the estimates, and has put back the one office which the department states is as necessary as any surveyor general's office in the United States—the one which is for South Dakota and Nebraska jointly.

Then comes the matter of the Commerce Court. I think it is generally conceded that the Commerce Court must be provided for until the end of the fiscal year. I think it is more a question of whether it shall be taken care of in this bill or in a deficiency bill. But since it was estimated for in this bill, and has been provided for, we introduced it here and the Senate indorsed it. So the managers of the conference on the part of the Senate have felt that they should maintain it.

Those are the items in disagreement, and all the items.

Mr. BRISTOW. Mr. President, the Senator has given the items which are in disagreement; but what are the items that we are agreeing to? That is what I am interested in. I am not so much interested in what the conferees have not yet agreed upon as what we are now ratifying.

Mr. WARREN. I hardly think the Senator would want me to go into those generally, because there are perhaps a couple of hundred of them. The bill itself will show the Senator what they are.

Mr. BRISTOW. Why should it not be printed, and then go over, and be taken up to-morrow morning?

Mr. WARREN. I have no objection whatever to that course.

Mr. CRAWFORD. Let us have it printed.

Mr. WARREN. Mr. President, since there seems to be a general wish that the report should be printed, and that we should proceed no further upon it at the present time, I shall not make the motion which I indicated I desired to make, for a further conference, but shall let the matter go over and take it up to-morrow morning.

The PRESIDENT pro tempore. The report will be printed.

Mr. CRAWFORD. Does it follow as a matter of course, then, that it will be printed?

Mr. WARREN. Oh, yes.

The PRESIDENT pro tempore. The Chair has just announced that it will be printed.

DEPOSIT OF PUBLIC MONEYS IN NATIONAL BANKS.

Mr. POINDEXTER. I offer a resolution, which I ask may be read.

The Secretary read the resolution (S. Res. 462), as follows:

Resolved by the Senate of the United States, That the Secretary of the Treasury be, and he hereby is, directed to transmit to the Senate any information in his possession touching his authority to make the order for the disposition, custody, and disbursement of the public moneys embodied in Department Circular No. 5, issued by said Secretary of the Treasury on January 9, 1913. Also to transmit to the Senate any information in his possession touching the effect of said order upon the system and mode of receiving, caring for, handling, and disbursing said public moneys in effect prior to the issuance of said order, and especially what change in said system was effected by said order; also any information in his possession as to the manner and in what proportion the public moneys specified in said order are distributed among the several national banks therein referred to, and to designate what, if any, additional banks have been designated as Government depositories on account of the change in the custody of the public moneys specified in said order, and where the same are located; also the amount of daily receipts of the Government which have been deposited in banks since said order went into effect, and what, if any, security therefor or interest thereon has been required by said Secretary of the Treasury from the said banks, and what amount or proportion of said daily receipts has been deposited in banks in New York City; also to state the monthly average amount of all funds in the custody of disbursing officers which said order requires to be deposited in banks, but which prior thereto were deposited with the Treasurer or an Assistant Treasurer of the United States; also what is the average monthly amount of United States disbursing officers' accounts in New York City.

Mr. POINDEXTER. I desire to make a brief statement in regard to the resolution.

The PRESIDENT pro tempore. The Senator from Washington will proceed.

Mr. POINDEXTER. The statement of the United States Treasury at the close of business February 7, 1913, shows that the customs receipts of the United States for that day amounted to $1,076,175. This order, designated as circular No. 5, changes the mode of caring and keeping and the place of deposit of these daily receipts and will change the place of deposit of public moneys during the present fiscal year, ending June 30, 1913, according to the report of the Treasury, to the amount of $201,551,299.

This order was made without any legislation authorizing or directing it. From statements in the public press I have noticed that the Secretary of the Treasury claims that it is authorized by law. It is my judgment that it was not authorized by law. There has been no change in the law in that regard for a great many years. If it is authorized by law, and if the Secretary of the Treasury, in his discretion, can control and direct the place of deposit, as between the Public Treasury or subtreasury of the United States and a private bank, of public moneys amounting to over $200,000,000 a year, the law ought to be changed; and the Senate ought to have full information from the Secretary of the Treasury as to his motives and purposes in making such an order.

On the other hand, if the law does not authorize this order, which has created a great deal of comment throughout the country and more or less astonishment, then it is perfectly obvious that it is a matter of the most serious import, and one upon which the Senate should be immediately informed and

which undoubtedly would call for some action of a pronounced character by Congress.

I will detain the Senate for only a few moments. The order in substance is contained in the first paragraph of the so-called circular No. 5, which is as follows:

For the purpose of bringing the ordinary fiscal transactions of the Federal Government more nearly into harmony with present business practices, it has been determined that the daily receipts of the Government shall be placed with the national-bank depositaries to the credit of the Treasurer of the United States. Disbursements will be made by warrant or check drawn on the Treasurer, but payable by national-bank depositaries, as well as by the Treasury and subtreasuries, in accordance with the following regulations.

It proceeds to set out certain regulations as to accounts, the manner of issuing checks and warrants by which these moneys shall be disbursed.

Mr. President, the statutes of the United States expressly require that the customs receipts shall be deposited with the Treasurer of the United States or with a subtreasurer. The statute also requires that moneys intrusted to the disbursing officers shall be kept with the Treasurer of the United States or in a subtreasury, or, in places where there is no subtreasury, may be deposited in a national bank depositary.

So far as I am informed, and I think that I am informed upon the subject, there is no subsequent statute which has changed the law which I have just stated and which has been in effect for almost a hundred years.

The National City Bank, of New York City, issued a circular dated February, 1913, commenting upon this order of the Secretary of the Treasury. It was prepared no doubt by a financial expert connected with the National City Bank, which is one of the Standard Oil banks. This circular, which has been published throughout the country, says:

When the Treasury Department was established 124 years ago it was made the duty of the Secretary of the Treasury to superintend the collection of the revenues. Nearly 60 years later it was made a felony for any officer of the United States to deposit in any bank any portion of the public moneys intrusted to him. This drastic legislation, which had as its foundation the unfortunate experience of the Government with the banking business, was partially repealed by the national currency act and the national bank acts of 1863 and 1864, by permitting internal-revenue receipts to be deposited in banks. It was not until 1907 that Congress permitted customs receipts to be so deposited. One of the important features of Secretary MacVeagh's plan now is to take advantage of this act.

I think that a search of the banking and currency act of 1907 will fail to disclose that there is a word or syllable in it which amends or repeals the laws existing prior to that time as to the deposit of public moneys in the hands of the disbursing officers or as to the deposits of money received from customs.

It is evident that some contention is made by the Secretary of the Treasury that the law of 1907 authorized this change. I want briefly to call attention to the manner and the form in which the order is made and in which the business is transacted for the purpose of showing that the Secretary of the Treasury knows that the law is still in force which requires these funds to be deposited in the Treasury or a subtreasury, and that it is simply a sham system of keeping accounts by which under the name of keeping accounts with the Treasurer of the United States in fact the accounts are kept with private banks. There is one peculiar statement contained in the circular of the National City Bank which I have just read. I will read some of the preceding sentences:

The method of making disbursements which has just been adopted also marks the passing of the old order as to expenditures.

There are two separate and distinct propositions involved in this circular. One of them is as to the place of deposit of the customs receipts; the other, a distinct matter, is the place of deposit of the funds intrusted to and under the custody of the disbursing officers:

For nearly 50 years the Treasury Department has been operating under a statute requiring disbursing officers to keep their accounts with the Treasurer of the United States, an assistant treasurer, and in places where there is no treasurer or assistant treasurer with a national-bank depository. This has been strictly construed to prevent a disbursing officer from having an account with a national-bank depository in a city where there is a subtreasury.

This is the interesting statement, in connection with the preceding, contained in the circular issued by the National City Bank:

It is interesting to note—

The circular says—

that the change which has been made is sustained by the same section of law which was supposed to prohibit just what is now being done.

Mr. SUTHERLAND. Mr. President, will the Senator permit me to interrupt him? Some little time ago I objected to the consideration of a bill presented by the Senator from Alabama upon the ground which I then stated. I did not know that the resolution which the Senator has proposed would lead to debate or I should have asked that it go over under the rule.

I call the attention of the Senator to the fact that at 6 o'clock to-day we are obliged to vote upon the pending measure, and there have been notices given already that Senators would address the Senate upon that matter. Unless it can be taken up within a reasonable time some of those who desire to be heard will be denied the privilege. I hope under those circumstances the Senator will permit the resolution to lie over.

Mr. POINDEXTER. I do not anticipate—I trust, at least—that there will not be any objection to the resolution. The statement which I wish to make is very brief. I would have concluded it in five minutes.

Mr. SUTHERLAND. In order to be consistent with the Senator from Alabama, I am obliged to ask that the resolution shall lie over under the rule.

The PRESIDENT pro tempore. Under objection, it necessarily does so.

Mr. POINDEXTER. I give notice, then, that I shall call it up to-morrow, and complete my remarks at that time.

The PRESIDENT pro tempore. The resolution will go over under the rule.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE SYLVESTER CLARK SMITH.

Mr. PERKINS. I desire to give notice that on Saturday, March 1, 1913, I shall ask the Senate to consider resolutions commemorative of the life and character of Hon. SYLVESTER CLARK SMITH, late a Member of the House from California.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE ELBERT H. HUBBARD.

Mr. CUMMINS. I give notice that on Saturday, March 1, 1913, I shall call up the resolutions commemorative of the life and character of Hon. ELBERT H. HUBBARD, late a Member of the House from Iowa.

BUREAU OF NATIONAL PARKS.

Mr. SMOOT. I desire to give notice that I will address the Senate on Thursday, the 13th, after the routine morning business, upon the bill (S. 3463) to establish a bureau of national parks, and for other purposes.

INTERSTATE SHIPMENT OF LIQUORS.

Mr. GALLINGER. I ask that House bill 17593 be laid before the Senate.

The bill (H. R. 17593) to divest intoxicating liquors of their interstate commerce character in certain cases was read twice by its title.

Mr. GALLINGER. Mr. President, this bill is very similar in its nature to the so-called Kenyon bill, and I venture to ask unanimous consent that it be now considered.

Mr. SUTHERLAND. I object, Mr. President.

The PRESIDENT pro tempore. The Senator from Utah objects.

Mr. GALLINGER. Let it be referred to the committee, then.

The PRESIDENT pro tempore. The bill will be referred to the Committee on the Judiciary.

Mr. GALLINGER subsequently said: When House bill 17593 was laid before the Senate I suggested that it be referred to the Committee on the Judiciary. I ask unanimous consent that the action of the Senate be rescinded and that the bill be allowed to lie on the table for the present.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that the bill indicated by him, which was previously referred to the Judiciary Committee, may now lie on the table. Is there objection? It will be so ordered, without objection.

REGULATION OF PLACES OF AMUSEMENTS—VETO MESSAGE (S. DOC. NO. 1066).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on the District of Columbia and ordered to be printed:

To the Senate:

I return herewith, without approval, Senate bill 2600, entitled "An act to authorize the Commissioners of the District of Columbia to prevent the exhibition of obscene, lewd, indecent, or vulgar pictures in public places of amusement in the District of Columbia."

Upon inquiry I find that the requirement of section 2, that all picture films shall be submited to the District Commissioners for investigation and approval before exhibition, is, under present conditions, not only unnecessary but incapable of enforcement without unduly encroaching upon the services of

the police force of the District. In this connection I wish to call your attention to the accompanying letter to the Attorney General on the subject from the District Commissioners, dated February 3, 1913.

I beg to suggest that the purpose of this bill may be accomplished by a statute merely prohibiting, under a penalty, the exhibition of objectionable pictures, without the requirement of prior investigation and approval by the commissioners before exhibition, and to recommend the passage of such a measure.

WM. H. TAFT.

THE WHITE HOUSE, *February 10, 1913.*

The PRESIDENT pro tempore. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. GALLINGER. Mr. President, that bill which the President has vetoed was introduced and earnestly favored by me, and it passed both Houses of Congress. The Commissioners of the District of Columbia gave their approval of the bill. It seems to me that the suggestion of the Attorney General is not a wise one, and yet it is proper that the committee should give it consideration.

I regret that the bill has been vetoed, inasmuch as I believe the proposed law would have done much toward protecting the youth of Washington from witnessing pictures that are certainly not calculated to improve their morals or to contribute to their education along sound lines. No instrumentality can be imagined that is better calculated to corrupt the morals of the young than indecent pictures, and the bill was intended to protect them from that danger.

I move that the veto message and the accompanying bill be referred to the Committee on the District of Columbia.

The motion was agreed to.

RIGHT OF WAY IN YELLOWSTONE NATIONAL PARK.

Mr. MYERS. Mr. President, I had intended at this time to ask unanimous consent for the immediate consideration of the bill (S. 3130) to authorize the Secretary of the Interior to permit the Conrad-Stanford Co. to use certain lands, but I understand——

Mr. SUTHERLAND. Mr. President, I object.

Mr. MYERS. I have not asked for the consideration of the bill, Mr. President.

Mr. SUTHERLAND. Oh, I beg pardon.

Mr. MYERS. I said I had intended to ask it, but the Senator from Utah [Mr. SUTHERLAND] stated awhile ago that a number of Senators desire to speak immediately after the close of the morning business on the Kenyon bill. I had observed that it was set down to be taken up at 3 o'clock, but I am told that there are a number of Senators who desire to speak on it before that time. I have no wish whatever to interfere with the desire of any Senator to address the Senate on that or any other subject, but I ask at this time unanimous consent that an order be made that Senate bill 3130 be taken up for consideration immediately after the final disposition of Senate bill 8033, the Connecticut River dam bill, which comes up to-morrow.

Mr. SMOOT. I simply desire to state to the Senator from Montana that there are so many unanimous-consent agreements now given we can hardly tell where they are going to lead; that there is not a single appropriation bill which has passed both Houses and been agreed upon by the conferees; and I certainly shall object at present to any unanimous-consent agreement for consideration of a bill, unless it is provided it shall not interfere with appropriation bills and conference reports.

Mr. MYERS. Mr. President, I will add that qualification to my request, providing that it shall not interfere with the consideration of appropriation bills or conference reports.

Mr. GALLINGER. Or a previous unanimous-consent agreement.

Mr. SWANSON. And I should like——

Mr. SUTHERLAND. For the present I object to the request.

The PRESIDENT pro tempore. Objection is made.

Mr. MYERS. I have been trying for a long time to get up this bill. It is manifest that I can not get it up in any other way. It is on the calendar, but whenever it is called on the calendar for objected bills there is objection made, which is all right. It is the privilege of any Senator to object, of course. The calendar is never called so that the bill can be reached on its own right, and I know of no other way of getting the bill before the Senate.

Therefore I move that, notwithstanding the objection, an order be made now that the bill be taken up for consideration immediately after the final disposition of Senate bill 8033, providing that it shall not interfere with the consideration of appropriation bills or conference reports.

Mr. SMOOT. Is that motion in order?

The PRESIDENT pro tempore. The Chair will state that it would require a two-thirds vote. The Senate can make a special order at any time, but a special order requires a two-thirds vote.

Mr. MYERS. It requires only a majority vote to consider it, does it not?

The PRESIDENT pro tempore. But to make a special order requires a two-thirds vote.

Mr. MYERS. The bill was introduced nearly two years ago, in the summer of 1911, and I am about despairing of ever getting it to a vote. I will withdraw the motion.

INTERSTATE SHIPMENT OF LIQUORS.

Mr. CURTIS. Mr. President, I had expected to submit some remarks in favor of the Kenyon-Sheppard bill, but on account of an important committee meeting on an appropriation bill it will be impossible for me to remain during the discussion and to submit remarks. I therefore ask unanimous consent to print the following excerpts from the Central Christian Advocate, which give strong reasons for the passage of the bill.

The PRESIDENT pro tempore. Is there objection to printing in the RECORD the matter indicated by the Senator from Kansas? The Chair hears none.

The matter referred to is as follows:

[Excerpts from the Central Christian Advocate, published at Kansas City, Mo., Claudius B. Spencer, D. D., editor, December 25, 1912.]

INTERSTATE COMMERCE IN INTOXICATING LIQUORS.

To the people of Kansas:

"For your altars and your firesides." It has ever been the sentiment of humanity that the most sacred treasures are the altars and firesides of the people. This it is which has written the most sublime chapters of history. For their altars and firesides men have willingly shed their blood. The sentiment is the fountain of patriotism; it is the basis of laws. To stand by and see their altars and firesides jeopardized is an act unworthy of real men.

Citizens of Kansas, the interstate-commerce laws shield men—of that grade of character capable of doing it—in shipping into your borders intoxicating liquors which is prohibited, under the most severe penalties, by your laws. This Federal shelter you feel to be not only a nullification of yours laws, but also an attack upon your firesides and altars. And, citizens of Kansas, you believe the Kenyon-Sheppard bill, Senate No. 4043, will give you relief from such Federal protection of men who in your own State are branded as criminals and punished by sentence to State prison.

NULLIFYING THE STATE LAWS.

We call your attention, citizens of Kansas, to the action taken by the Southern Sociological Congress, held a little time ago in Nashville, Tenn. The question of this nullification of State laws relating to the prohibition of the sale of intoxicating liquors was under consideration. The following action was taken without a dissenting voice:

"Throughout the Southern States determined opposition to this traffic has resulted in the enactment of laws by which five entire States and approximately 90 per cent of the territory of the remaining States of our southland now forbid the sale of intoxicating liquors.

"Under the present Federal law the States are powerless to prevent the importation of intoxicating liquors from other States, even when consigned to notorious violators of law and for the avowed purpose of sale contrary to the laws of the State. Under our system of government a citizen of one State should not be given privileges and opportunities under the protection of interstate commerce which the people have wisely denied to their own citizenship within the State.

"Therefore, in view of all these things, be it

"*Resolved*, That it is unjust to States having prohibited the liquor traffic, in whole or in part, for the Federal Government to permit people in other States to ship these States alcoholic liquors intended to be used in violation of their laws; and we call upon Congress to pass promptly the Kenyon-Sheppard-Webb-McCumber bill, which will permit the States to enforce their own laws by preventing the introduction of liquors from other States into their territory for unlawful purposes.

"We insist that the present situation is both anomalous and intolerable. The fact that outside and irresponsible citizens of other States should, under the guise and protection of interstate commerce, have the power to furnish the bootlegger and the blind tiger with their supplies of liquors by means of which they carry on their unlawful traffic is repugnant to every sentiment of justice and of fair dealing between the Federal Government, under its delegated commercial power, and the States, under their inherent powers of police. We insist that no political issue transcends this in importance, going directly, as it does, to that relationship of equality and comity which should be established and maintained between them under our dual system of government."

The Southern Sociological Congress then unanimously passed this resolution:

"We therefore urge Senators and Representatives in Congress to support, both with their influence and votes, the pending bill above named and vigorously to oppose the efforts of the liquor interests of the country to delay and defeat it."

ANALYSIS OF KENYON-SHEPPARD BILL.

Citizens of Kansas, lest it may have escaped you, we beg to ask you, What is this Kenyon-Sheppard bill, S. 4043? Stripped of its verbiage, to use the summary of Senator SANDERS of Tennessee, it is:

"*Be it enacted, etc.*, That the shipment of intoxicating liquors from one State into any other State by any person to be received or used in violation of any law of such State, is hereby prohibited."

The bill is not a prohibition bill. We might wish it were; but it is not. It does not prevent a man from drinking intoxicating liquor. It has no penalties. It simply lifts the shelter which the Federal Government has placed around men of such character as to ship to men in prohibition States intoxicating liquors to be sold contrary to and in defiance of State laws.

Precisely what the bill is intended to stop is set forth in this circular sent into Idaho, a dry State, by a liquor firm in Salt Lake City. In his speech in the Senate, December 17, Senator KENYON, author of the bill, held aloft the circular; it was illuminated with pictures of Uncle

Sam, some ten in number, in various poses, and at the top was this announcement, "Uncle Sam our partner." The circular was then read by Senator KENYON. We reproduce the circular:

"UNCLE SAM IS OUR PARTNER.

"THE FRED J. KIESEL CO., OGDEN, UTAH.
"*Mail Order Liquor Department.*

"To meet the surprisingly increasing demand from dry Idaho counties and other dry sections we have increased our bottled in bond and blended whisky stock and are ready to supply all demands from the thirsty, be they bankers, merchants, tradesmen, laborers, ministers, bootleggers, or even politicians, from the governor down to the least official.

"Our list includes the following well-known brands: Sunny Brook, Old Crow, Old Kissel, Hermitage, Our Joe, Guckenheimer, Paul Jones, and Chicken Cock.

"Pabst Blue Ribbon, 'the Beer of Quality.' Idan-ha, the monarch of table and medicinal waters; also finest of wines and brandies from our own winery at Sacramento, Cal.

"Price lists furnished on application. Address all communications to the Fred J. Kiesel Co., Mail Order Department, Ogden, Utah."

This circular exactly sets forth what "partnership" it is the Kenyon-Sheppard bill is intended to dissolve.

CONDITIONS DEMANDING THE KENYON-SHEPPARD BILL.

We wish to leave no stone unturned to show the people of the West that this statement of the Salt Lake defiers of the Idaho laws is correct. We may be permitted to quote from some remarks of the senior Senator from Georgia upon this subject:

"Briefly stated, the conditions which demand the passage of this or some similar bill are these: Every State in which the traffic in liquors has been prohibited by law is deluged with whisky sent in by people from other States under the shelter of the interstate-commerce law. There are daily trainloads of liquors in bottles, jugs, and other packages sent into the State consigned to persons, real and fictitious, and every railway station and every express company office in the State are converted into the most extensive and active whisky shops, from which whisky is openly distributed in great quantities. Liquor dealers in other States secure the names of all persons in a community, and through the mails flood them with advertisements of whisky, with the most liberal and attractive propositions for the sale and shipment of the same. Freed from the expense of the middleman, the distiller or dealer in other States is enabled to sell to the individual in the prohibition State at a less price than the purchaser formerly paid to the domestic whisky dealer. It is evident that under such circumstances the prohibition law of a State is practically nullified, and intoxicating liquors are imposed upon its people against the will of the majority."

CHARACTER OF COMMODITY AIMED AT.

There is another phase: What is the character of the business such States as Kansas, Oklahoma, North Dakota, Tennessee have driven from the ranks of respectable and permissible occupations? We will make no appeal to sentiment. We will accept the definitions made by the Supreme Court of the United States, a tribunal incapable of being swerved by rhetoric or sentimentality—the Supreme Court of the United States, in a number of cases, with reference to this. In the case of Welsh *v.* State (126 Ind., 72) the court says that—

"The license law treats the traffic as dangerous, as dangerous to public and private morals, and as dangerous to the public peace and the good order of society."

In The State *v.* Gerhardt (145 Ind., 439) the court says:

"The unrestricted traffic in intoxicating liquors has been found by sad experience to be fraught with great evil and to result in the most demoralizing influence upon private morals and the peace and safety of the public."

In Mugler *v.* Kansas (123 U. S., 623, 685–662) the Supreme Court of the United States said:

"It is not necessary for the sake of justifying the State legislation now under consideration to array the appalling statistics of misery, pauperism, and crime which have their origin in the use or abuse of ardent spirits. * * * For we can not shut out of view the fact within the knowledge of all that the public health, the public morals, and the public safety may be endangered by the general use of intoxicating drinks; nor the fact established by statistics acceptable to everyone that the idleness, disorder, pauperism, and crime existing in the country are in some degree at least traceable to this evil."

Again, the Supreme Court of the United States, in Crowley *v.* Christensen (137 U. S., 86), says:

"By the general concurrence of opinion of every civilized and Christian community there are few sources of crime and misery to society equal to the dramshop, where intoxicating liquors in small quantities, to be drunk at the time, are sold. Every State shows a greater amount of crime and misery attributable to the use of ardent spirits obtained at these retail liquor saloons than to any other source."

This is the business which the States of Kansas and Oklahoma and others have had the moral courage to rise up and abolish. It is abhorred by the people. To engage in it is punishable by sentence to State's prison and the striped clothes of a convict. And this is the business which is defiantly carried on under the protection of Federal decisions as to interstate commerce, the only requisite being that a man shall ship his goods from a point outside of the State, he then being free to laugh at the State laws, which would send him to State's prison, to scorn, seeing "Uncle Sam is his partner," by such protection. The Kenyon-Sheppard bill deprives the shipper of that impenetrable partnership.

THE LIQUOR PEOPLE AND THE BILL.

How the liquor people regard this bill may be seen from the following:

[From Bonforts Wine and Spirit Circular, Nov. 25, 1912.]

"Congress convenes December 2. On December 16 the Kenyon bill (S. 4043) will be made the special order of business. This bill is the most dangerous measure ever aimed at the liquor traffic. What have you done to defeat it? Your Senator and your Congressman are your representatives and must listen to your protest. This bill must be killed. It will not die unless Senators and Congressmen are made aware of the strong opposition to it. You can do a great deal to help defeat this bill. The passage of the Kenyon bill will be the biggest victory ever won by the Anti-Saloon League. What are you going to do about it?"

[Circular being sent out to liquor dealers by David Wise & Co., distillers and wholesale liquor dealers of Chicago.]

"EXTREMELY IMPORTANT.

"On December 16 next there will come up in the United States Senate at Washington, D. C., a bill known as the 'amended Kenyon bill,' No. 4043. This bill would take liquors out of interstate commerce. This means that you could not have whisky, wines, beer, or other liquor shipped to you, either by freight or express, if you live in a territory where the sale of liquor is forbidden.

"Please act quickly. Get as many well-known and prominent citizens as you can to write to your United States Senators, protesting against the passage of this bill. Letters of protest should go to Washington between December 1 and 12."

KANSAS CITY AND ST. LOUIS OPPONENTS OF THE BILL.

And now, citizens of Kansas, and, for that matter, of Oklahoma, all this is written to awaken you to the necessity of immediately petitioning the Senate to liberate you from the coils of the python which this "partnership" has fastened about you. And why?

You would think, citizens of Kansas and Oklahoma, that the Senate would be more than ready to give you this relief. It is your altars and firesides that are at stake. President-elect Woodrow Wilson, April 2, 1912, in vetoing a bill passed by the New Jersey Legislature, spoke concerning the attitude of the Federal Government on this question. He said: "It is a mistaken and hurtful Federal policy." The people of Kansas and Oklahoma know in bitterness it is a hurtful and a mistaken policy.

Beyond doubt this Federal protection of the intershipment of prohibited intoxicating liquors would be dissolved were it not for the pressure of the liquor trade which is fattening on this defiance of the State laws and for the added strength of those who for some reason are petitioning the Senate not to lift the Federal shelter from those thus nullifying the State laws.

WHY THOSE SIGNATURES?

The CONGRESSIONAL RECORD for December 16 contains the information of petitions remonstrating against the passage of the Kenyon-Sheppard bill 4043, which strips the liquor trade of its Federal protection in defying the laws of prohibition States. Among the petitioners were Local Union No. 43, Beer Drivers and Stablemen, International Union of United Brewery Workmen of America; Local Unions Nos. 237, 246, and 279, International Union of United Brewery Workmen of America, all of St. Louis; the Trade Assembly of Joplin, all in the State of Missouri; and the National German-American Alliance of Missouri, remonstrating against the passage of the so-called Kenyon-Sheppard interstate liquor bill.

Also, sundry telegrams in the nature of memorials from Strandberg, McGreevy & Co., the Southwestern National Bank of Commerce, the Densmore Hotel Co., Edward J. McMahan, the Bauer Machine Works, the Commerce Trust Co., the Niles & Moser Cigar Co., the First National Bank, the Kumpfs Insurance Agency, the Hodes Planing Mill, the A. J. Shirk Roofing Co., the Kupper Hotel Co., Charles Campbell, the Central Brass Works Co., Rothenberg & Schloss, the C. C. Yost Pie Co., and the Ridley Machine Works Co., all of Kansas City, Mo., remonstrating against the passage of the so-called Kenyon-Sheppard interstate liquor bill.

What can not fail to impress the citizenship of the western and southwestern country is the presence among these signatures not only of the "beer drivers and stablemen" and brewery roustabouts but of the Southwestern National Bank of Commerce, the Commerce Trust, and the First National Bank, of Kansas City. In behalf of the citizens of Kansas and Oklahoma we must ask, Why?

One thing we believe, so long as Kansas stands the sight of an advertisement, document, bill, draft, check, or other matter relating to the signers of the above appeal against what the people of Kansas believe and know to be an absolutely essential safeguard of their altars and firesides will call up a definite recollection of the attitude of these parties toward this relief. And this we regret. Possibly they will also.

Mr. POMERENE. Mr. President, I can not vote for this bill for the following reasons:

First. It is clearly unconstitutional. This is not a question of the prohibition of the liquor traffic by Congress nor is it a question of regulation by Congress. The purpose is to have Congress delegate the power to the several general assemblies of the country to make such police regulations as to them may seem proper relative to the inspection and seizure of intoxicating liquors in interstate trade. Congress is given full power to regulate interstate commerce. None of it is reserved to the States. Congress only has such powers as are conferred upon it by the Constitution. In no respect is it authorized to transfer this responsibility or power to the general assemblies.

Second. Waiving the question of the constitutionality of the bill, it is unfair and unjust, because the validity of an interstate shipment may depend wholly upon the bad faith of the vendee or of somebody directly or indirectly connected with the transaction, and the property may be seized by the State authorities and confiscated before it reaches the consignee, though the consignor was acting in the best of faith.

Ours is a dual form of government. The powers of sovereignty have been divided. Part of them are retained by the State and part are delegated to the Federal Government. All powers not delegated to the Federal Government, and not prohibited to the States, remain with the States and with the people. And it must follow that all powers which are delegated to the Federal Government are not retained by the people, unless they are so reserved to be exercised concurrently.

"It does not admit of argument," says Chief Justice Fuller (In re Rahrer, 140 U. S., 560), "that Congress can neither delegate its own powers nor enlarge those of a State."

Section 8 of Article I of the Constitution gave to Congress the power—

To regulate commerce with foreign nations and among the several States and with the Indian tribes.

Nowhere is any part of this power retained by the States or the people.

The police power rests with the States. The power to regulate commerce among the States is vested in Congress. Any student of this subject recognizes the fact that there may be and often

is a twilight zone where it is difficult to say what acts of sovereignty relate to the commerce power and what to the police power. But wherever this difficulty arises the Constitution has not left it unsolved, because by Article VI it provides that—

This Constitution and the laws of the United States, which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land.

It necessarily follows if there is any conflict of jurisdiction between the commerce power of the Federal Government and the police power of the States the former must prevail.

Chief Justice Fuller, in In re Raher (140 U. S., 555), says:

The power of Congress to regulate commerce among the several States, when the subjects of that power are national in their nature, is also exclusive. The Constitution does not provide that interstate commerce shall be free, but by the grant of this exclusive power to regulate it it was left free, except as Congress might impose restraint. Therefore *it has been* determined that the failure of Congress to exercise this exclusive power in any case is an expression of its will that the subject shall be free from restrictions or impositions upon it by the several States. (Robbins *v.* Shelby Taxing Dist., 120 U. S., 489.) And if a law passed by a State in the exercise of its acknowledged powers comes into conflict with that will, the Congress and the State can not occupy the position of equal opposing sovereignties, because the Constitution declares its supremacy and that of the laws passed in pursuance thereof. (Gibbons *v.* Ogden, 9 Wheat., 1, 210.) That which is not supreme must yield to that which is supreme. (Brown *v.* Maryland, 12 Wheat., 419, 448.)

What is it proposed to do by the Kenyon bill, so called? Section 1, as reported by the committee, reads:

That the *shipment or transportation* in any manner or by any means whatsoever of any *spirituous, vinous,* malted, fermented, or other intoxicating liquor of any kind, including beer, ale, or wine, *from* one State, Territory, or District of the United States or place noncontiguous to but subject to the jurisdiction thereof, into any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, which said *spirituous, vinous, malted, fermented, or other intoxicating liquor is intended, by any person interested therein directly or indirectly, or in any manner connected with the transaction, to be received, possessed, or kept, or in any manner used, either in the original package or otherwise,* in violation of any law of such State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, enacted in the exercise of the police powers of such State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, *is hereby prohibited.*

Section 2 reads:

That all *fermented, distilled, or other intoxicating liquors or liquids transported into any State* or Territory, *or remaining therein for use, consumption, sale, or storage therein,* shall, upon arrival within the boundaries of such State or Territory and before delivery to the consignee, be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its reserved police powers, to the same extent and in the same manner as though such liquids or liquors had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

Stripped of its legal verbiage this bill in section 1 declares that the shipment or transportation in any manner or by any means of any intoxicating liquor from one State to another, which intoxicating liquor is "intended by any person interested therein, directly or indirectly, or in any manner connected with the transaction, to be received, possessed, or kept, or in any manner used, either in the original package or otherwise, to be in violation of the law of such State," is prohibited.

And section 2 provides that all such intoxicating liquor, when transported into any State or remaining therein for use, consumption, sale, or storage therein, upon arrival within the boundaries of such State, *and before delivery to the consignee,* shall be subject to the operation and effect of the laws of such State enacted in the exercise of its reserved police powers to the extent and in the same manner as though such liquor had been produced in such State.

A careful analysis of this bill shows:

First. That if any person, whether he be seller or purchaser or transportation company or any person directly or indirectly interested therein, or in any manner connected with the transaction, intends to receive or possess or keep or in any manner use said liquor in violation of law, then the transportation is prohibited. In other words, if the vendor in one State should sell intoxicating liquor in good faith to a vendee in dry territory in another State under the representations by the vendee that it was to be used for medicinal, chemical, pharmaceutical, or sacramental purposes, or if the common carrier in good faith transported the liquor to be used for such purposes, and, in fact, the vendee did not intend to use it for any of those purposes, but intended to use it in violation of the law of the State or of the county or of the township or of the municipality or of the residential district in which the consignee lived, the property could be seized by the officers of the State immediately upon its crossing the border line of the State and before it reached the consignee and could be confiscated, if the State by its law would so declare.

Second. It is also apparent that if the vendor living in one State should contract to sell and transport liquor to a vendee in another State for lawful use, consumption, sale, or storage, and the contract should seemingly be made in the best of good faith by both parties thereto, and the liquor was afterwards shipped, the vendee could refuse to pay for it, because he could say, "I did not at the time of the purchase intend to use, consume, sell, or store this liquor legally, but I intended to use it in violation of law."

Third. An examination of this bill further discloses, if it becomes a law, that Congress does not have any fixed policy with respect to either the transportation, the use, consumption, sale, or storage of liquors. It is an attempt to relieve the Federal Government from all responsibility. It is an effort to delegate or, if not to delegate, to abdicate the power which the people gave to the Federal Government over interstate commerce and leave it subject to the will of the several States and localities therein.

Fourth. In the State of Ohio we have county local option, township local option, municipal local option, residential district local option, and municipalities are clothed with authority to prohibit by ordinance the sale of liquor within their limits.

Elections can be had on this subject every three years in counties and every two years in townships and municipalities, and petitions may be presented and hearings may be had to determine the question every two years in residential districts.

There are 1,379 townships in the State of Ohio. Under the Kenyon bill, if enacted, the shipment of liquor from another State to any of these counties, townships, municipalities, or residential districts would be legal or illegal as they were wet or dry, and subject to change every three years in the counties and every two years in the other political divisions. Purchasers might live in dry territory and do business in wet territory and have their point of shipment either in wet or dry territory. The liquor which is ordered by the purchaser may be for legal use in the township where he does business or for illegal use in the township in which he lives.

Under the Kenyon bill, if an illegal use, or consumption, or sale, or storage, or transportation is intended by anyone directly or indirectly connected with the transaction, the liquor is subject to search and seizure and even confiscation at the State line. A train which is carrying passengers and merchandise may be stopped, if the State legislature should authorize, at the Pennsylvania line, in order to search for liquor intended for an illegal purpose by some consignee living near the Indiana border. And it is worthy of thought to consider just how an official is to determine whether this liquor is intended to be used legally or illegally.

Whether this legislation is right or wrong, whether it is politic or impolitic, I am not now going to consider further. I call attention to these facts especially in order to determine what the effect is going to be upon interstate commerce. Clearly, if this bill is constitutional, it would confer upon the several States the power to do the things which I have just described. And if the State did any of these things, would it not be placing a burden upon interstate commerce? Would it not directly hamper and interfere with the transportation of passengers and of all classes of commodities as well as of liquor when on an interstate train? Would it not embarrass traffic to have this train stopped at the Pennsylvania line in order to search for some liquor which it was thought was intended for illegal use in Cincinnati, Dayton, Columbus, or Toledo? Would it not interfere with the right of contract by the citizens of one State with citizens of another? Surely these acts would be burdensome to interstate traffic. In other words, such legislation would be a direct interference with the regulation of interstate commerce.

I think, therefore, that it is clear:

First. That the power to regulate interstate commerce was surrendered by the States and vested in Congress;

Secondly. That if it is vested in Congress, it does not remain with the States; and

Thirdly. That if Congress has the power to permit the States to make any such regulations as I have referred to, it must be found in the Constitution.

Congress has no power of legislation save that which the Constitution gives it. Where, in the Constitution, is the authority given to the Congress whereby it can redeed—if I may use the term—this power back to the States from whence it came? Clearly it is not expressly given. In what clause of the Constitution is it impliedly given? This bill does not say "Congress is hereby regulating." It does say, in effect, "We grant permission to the States and to the several localities in those States to control interstate commerce, and they are to say whether interstate transportation is lawful or unlawful." In

other words, 48 States may have 48 different policies respecting interstate shipments of liquor, and in each political subdivision of the State the manufacture or sale or use of liquor may be legal or illegal, depending upon the choice of each and upon the authority given to each by the general assemblies in the States in which it may be located.

Each locality ought to have the right to determine this matter for itself so far as it can consistent with constitutional authority.

I do not believe, sir, that it was ever the intention of the fathers, when the Federal Constitution was adopted, that this power over interstate commerce was to be shifted from State to Nation, and then from Nation back to State. If it was so intended, somewhere within the limits of the Constitution there would be some hint that such was the purpose.

The fact that this bill is presented is a concession that the States do not have the power to control the shipment from another State of intoxicating liquors or to search an interstate agency and seize the liquor prior to the delivery to the consignee.

It must therefore remain in Congress. If Congress can delegate this power to the States, it must be because Congress possesses that power under some provision of the Constitution. As the power to regulate commerce is clearly given to Congress, how can it be given back to the States? Where is the provision in the Constitution authorizing Congress to delegate this power back to the States, either by direction or by indirection? If there is no such power anywhere contained in the Constitution, then it seems to me that it is clear there is no authority under which this bill can be legally passed.

A transportation line leading from one State into another is an agency for interstate commerce. As an agency of interstate commerce, it is within the power of Congress to control it, and, being within the power of Congress to control it, though a portion of the line is within a State, it is, so far as the power of regulation is concerned, as much foreign to the State as is the territory beyond the boundaries of the State. The State can not regulate commerce which is beyond its boundaries, and neither, in my judgment, can it control or regulate the commerce which is conducted by an agency within the State so long as it is an interstate agency.

It is suggested with much plausibility that if the legislature can forbid or control the sale of liquor within the State, and can not control or regulate the sale of liquor therein by a man without the State, it is giving the man outside the State greater privileges than has the man within the State. This may be so, but, if so, it addresses itself only as to the question of what the law ought to be and not as to the question of what it is or can be made constitutionally.

Let us take the other horn of the dilemma. Assume for the sake of argument that the legislature has the power to forbid the sale and delivery by some one outside of the State to some one within the State, then we are conferring upon the legislature of a State the power to control the interstate commerce by a man without the State. In other words, the legislative power of the State is extending beyond the State and over a man who is not subject to its jurisdiction. From the standpoint of a citizen within the State present conditions may seem unfair, but no more unfair than is the legislation of the proposed character to the citizen of another State in the second instance just cited. All of this argument shows the wisdom of the fathers in leaving interstate commerce to the jurisdiction and control of Congress. And if we are not content with present conditions, we must change the form of our Government by amending the Federal Constitution. There is no escape from it.

In United States *v.* E. C. Knight Co. (156 U. S., 1, 13) the Supreme Court says:

> It is vital that the independence of the commercial power and of the police power, and the delimitation between them, however sometimes perplexing, should always be recognized and observed, for while the one furnishes the strongest bond of union, the other is essential to the preservation of the autonomy of the States as required by our dual form of government; and acknowledged evils, however grave and urgent they may appear to be, had better be borne than the risk be run in the effort to suppress them of more serious consequences by resort to expedients of even doubtful constitutionality.

ADJUDICATIONS.

Let us now turn to some of the adjudications bearing upon the subject of interstate commerce in liquors to ascertain what light, if any, we can find upon the subject of the pending bill touching the power of the Congress and of the States.

In Bowman *v.* Chicago & North Western Railway Co. (125 U. S., 46) the question was the effect of a statute of the State of Iowa on the interstate shipment of liquors which forbade common carriers bringing into that State from any other State intoxicating liquors without first being furnished with a certificate of the auditor of the county to which it was to be transferred to the effect that the consignee was authorized to sell intoxicating liquors in that county. The defendant was sued as a common carrier in the State of Illinois for breach of duty in refusing to transport from Illinois to Iowa a shipment of liquor. The railroad interposed as a defense the Iowa State law. The court said (p. 486):

> Has the law of Iowa any extra-territorial force which does not belong to the law of the State of Illinois? If the law of Iowa forbids the delivery and the law of Illinois requires the transportaion, which of the two shall prevail? How can the former make void the latter?

On page 485 the court quotes from Twelfth Howard, page 299, the following:

> The subjects, indeed, upon which Congress can act under this power are of infinite variety, requiring for their successful management different plans or modes of treatment. Some of them are national in their character and admit and require uniformity of regulation affecting alike all the States. Others are local or are mere aids to commence and can only be properly regulated by provisions adapted to their special circumstances and localities. *Of the former class may be mentioned all that portion of commerce with foreign countries or between the States which consists in the transportation, purchase, sale, and exchange of commodities.* Here there can of necessity be only one system or plan of regulations, and that Congress alone can prescribe. Its nonaction in such cases with respect to any particular commodity or mode of transportation is a declaration of its purpose that the commodity or by that means of transportation shall be free. *There would otherwise be no security against conflicting regulations of different States, each discriminating in favor of its own products and against the products of citizens of other States.* And it is a matter of public history that the object of vesting in Congress the power to regulate commerce with foreign nations and among the States was to insure uniformity of regulation against conflicting and discriminating State legislation.

Again, on page 489, in the Bowman case, the court quotes approvingly from Hall *v.* De Cuir (95 U. S., 488):

> But we think it may safely be said that State legislation which seeks to impose a direct burden upon interstate commerce or to interfere directly with its freedom does encroach upon the exclusive power of Congress.

The court concluded:

> That the statute of Iowa, the validity of which is drawn in question in this case, does not fall within this enumeration of legitimate exercise of the police power. It is not an exercise of the jurisdiction of the State over persons and property within its limits. On the contrary, it is an attempt to exert that jurisdiction over persons and property within the limits of other States. It seeks to prohibit and stop their passage and importation into its own limits and is designated as a regulation for the conduct of commerce before the merchandise is brought to its border. * * * It is therefore a regulation of that character which constitutes an unauthorized interference with the power given to Congress over the subject.

In Leisy *v.* Hardin (135 U. S., 100) the court held:

> A statute of the State of Iowa prohibiting the sale of any intoxicating liquors, except for pharmaceutical, medicinal, chemical, or sacramental purposes and under a license from a county court of the State, is, as applied to a sale by the importer and in the original packages or kegs, unbroken and unopened, of such liquors manufactured in and brought from another State, unconstitutional and void as repugnant to the clause of the Constitution granting to Congress the power to regulate commerce with foreign nations and among the several States.

This rule was later modified by the Wilson Act.

Chief Justice Fuller (p. 108), in the case just referred to, says:

> The power vested in Congress "to regulate commerce with foreign nations and among the several States and with the Indian tribes" is the power to prescribe the rule by which that commerce is to be governed and is a power complete in itself, acknowledging no limitations other than those prescribed in the Constitution. It is coextensive with the subject on which it acts and can not be stopped at the external boundary of a State, but must enter its interior and must be capable of authorizing the disposition of those articles which it introduces, so that they may become mingled with the common mass of property within the territory entered. (Gibbons *v.* Ogden, 9 Wheat., 1; Brown *v.* Maryland, 12 Wheat., 419.)

On August 8, 1890, Congress passed the Wilson Act. It provided:

> That all fermented, distilled, or other intoxicating liquors or liquids transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall, *upon arrival in such State or Territory*, be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers to the same extent and in the same manner as though such liquors had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

This statute came up for consideration in In re Rahrer (140 U. S., 545), and was sustained by the court. The question involved therein was as to whether liquors in the original packages could be sold in the State of Kansas under a law of the State forbidding its manufacture or sale. It will be noted that the only question before the court was the validity of a sale within the State. It did not involve the validity of the act of interstate transportation.

In Rhodes *v.* Iowa (170 U. S., 412) the Wilson Act again came before the Supreme Court. The Iowa statute forbade any common carrier or person transporting from one place to another in the State any intoxicating liquors without first being furnished with a certificate from the county auditor to the effect that the consignee was authorized to sell intoxicating

liquors in that county. The question in the case was, Does the Iowa statute apply to a shipment made in Illinois for delivery to the consignee in Iowa?

The liquor was seized by the constable shortly after it was removed from the train to the freight house, and was condemned and there destroyed. It had been held in the Bowman case that the transportation of merchandise from one State into and across another was interstate commerce, and was protected from the operation of the State laws from the moment of shipment whilst in transit and up to the ending of the journey by the delivery of the goods to the consignee at the place to which they were consigned.

And in the Rhodes case (170 U. S., 412), to which I shall hereafter refer, Mr. Justice White, in discussing the Bowman case, said:

> The fundamental right which the decision in the Bowman case held to be protected from the operation of State laws by the Constitution of the *United States* was the continuity of shipment of goods coming from one State into another from the point of transmission to the point of consignment, and the accomplishment there of the delivery covered by the contract. This protection of the Constitution of the United States is plainly denied by the statute now under review, as its provisions are interpreted by the court below. The power which it was held in the Bowman case the State did not possess was that of stopping interstate shipments at the State line by breaking their continuity and intercepting their course from the point of origin to the point of consummation.

In Rhodes *v.* Iowa (170 U. S., 412) it was contended that the words in the Wilson Act "upon arrival in such State" meant "arrival at the State line." The court held that this meant *at the place of consignment in the State.*

The language of the learned justice shows how careful the court was to protect the power of the Federal Government over interstate commerce.

On page 421 the court says:

> But to uphold the meaning of the word "arrival," which is necessary to support the State law as construed below, forces the conclusion that the act of Congress in question authorized State laws to forbid the bringing into the State at all. This follows from the fact that if arrival means crossing the line, then the act of crossing into the State would be a violation of the State law, and hence necessarily the operation of the law is to forbid crossing the line and to compel remaining beyond the same. Thus, if the construction of the word "arrival" be that which is claimed for it, it must be held that the State statute attached and operated beyond the State line confessedly before the time when it was intended by the act of Congress it should take effect.

And if it was true in the case of the Iowa statute that the construction contended for by the State authorities would have the effect of extending its operation beyond the State, certainly the Kenyon bill would have a like effect and would operate upon the interstate commerce beyond the State line.

In the earlier adjudications upon this subject the Supreme Court took the extreme view of holding that goods in transit from a foreign country to a State of the Union or from one State or Territory to another continue to be interstate commerce and under the control of Congress after they were delivered to the consignee and so long as they remained in the original package. I believe that this was an extreme position to take, because the original package in which the goods were shipped was a mere incident of commerce, and after it was delivered to the consignee it became thereby commingled with the goods and property of the State and ought to be subject to the control of the State, for this reason if for no other, that the consignee is a resident of the State and is not primarily an interstate agency. His act in selling to a fellow citizen of the State is a State and not an interstate transaction. The railroad or other transportation company which extends its lines and its business from one State into another is essentially and primarily an agency of interstate commerce. If we are to permit the interstate transportation companies to be subject to the legislation of the several States through which they may pass, we will at once destroy commerce among the States and defeat the very purpose for which the third paragraph of section 8 of Article I of the Federal Constitution was adopted. If the police power of the States can adopt the regulations provided for in the pending bill while spirits are recognized as articles of interstate commerce, they can apply these same or similar regulations to any other article of commerce, and the effect would be to make the State the supreme law of the land instead of the Federal Constitution, with the laws and treaties made in pursuance thereof, as declared by the Constitution itself.

If I may be pardoned for so saying, I never had much sympathy with the doctrine laid down in the earlier cases that merchandise retained its interstate character so long as it remained in the "original packages." It seems to me that the interstate character of a shipment from one State to another continued only up to the time of delivery to the consignee, at which time the contract between the consignor and consignee is complete, and to say that it continued so long as the merchandise remained in the original package, even though it came into the hands of other parties by purchase, is carrying the doctrine too far. But, however that may be, the Supreme Court has repeatedly said that the original package was only an incident of interstate commerce.

I speak of this because the Wilson Act is sometimes referred to as a precedent for the Kenyon bill. Instead of its being a precedent for the Kenyon bill it seems to me that a careful consideration of the decisions based upon the act make it a precedent against the constitutionality of this bill, because of the narrow construction which was given to the phraseology of the Wilson Act by the court in the Rhodes case limiting the meaning of the words "upon arrival" as heretofore pointed out.

Can it now be said that because Congress sought to change the original-package rule, that this is a precedent for giving to the State the entire police regulation of all interstate business, or, to limit it to this particular class of goods, to the transportation of liquors by interstate agencies immediately upon their arrival across the boundary line of the State? Is the control of an incident of interstate business to be a precedent for the control of the very essence of the business?

That we must not so conclude clearly appears from what Mr. Justice White says in the Rhodes case, on page 422:

> If the act of Congress be construed as reaching the contract for interstate shipment made in another State, the necessary effect must be to give to the laws of the several States extraterritorial operation, for, as held in the Bowman case, the inevitable consequence of allowing a State law to forbid interstate shipments of merchandise would be to destroy the right to contract beyond the limits of the State for such shipments. If the construction claimed be upheld, it would be in the power of each State to compel every interstate-commerce train to stop before crossing its borders and discharge its freight, lest by crossing the line it might carry within the State merchandise of the character named covered by the inhibitions of a State statute.

In further discussing this branch of the subject the learned justice, on page 424, says:

> The purpose of Congress to submit the incidental power to sell to the dominion of State authority should not without the clearest implication be held to imply the purpose of subjecting to State laws a contract which in its very object and nature was not susceptible of such regulation even if the constitutional right to do so existed, as to which no opinion is expressed.

In Vance *v.* W. A. Vandercook Co. (170 U. S., 438) the court was considering the validity of an act of the State of South Carolina and its effect upon interstate commerce. In the discussion of that case Mr. Justice White, on page 444, says:

> In the inception it is necessary to bear in mind a few elementary propositions which are so entirely concluded by the previous adjudications of this court that they need only be briefly recapitulated:
>
> (a) Beyond dispute the respective States have plenary power to regulate the sale of intoxicating liquors within their borders, and the scope and extent of such regulations depend solely on the judgment of the lawmaking power of the States, provided always they do not transcend the limits of State authority by invading rights which are secured by the Constitution of the United States, and provided further that the regulations as adopted do not operate a discrimination against the rights of residents or citizens of other States of the Union.
>
> (b) Equally well established is the proposition that the right to send liquors from one State into another, and the act of sending the same, is interstate commerce, the regulation whereof has been committed by the Constitution of the United States to Congress, and hence that a State law which denies such a right, or substantially interferes with or hampers the same, is in conflict with the Constitution of the United States.

On page 452 Mr. Justice White says:

> But the right of persons in one State to ship liquor into another State to a resident for his own use is derived from the Constitution of the United States and does not rest on the grant of the State law. Either the conditions attached by the State law unlawfully restrain the right or they do not. If they do—and we shall hereafter examine this contention—then they are void. If they do not, then there is no lawful ground of complaint on the subject.

I will not stop now to read the South Carolina statute. After quoting it, Mr. Justice White says—page 455:

> The regulation, then, compels the resident of the State who desires to order for his own use to first communicate his purpose to a State chemist. It moreover deprives any nonresident of the right to ship by means of interstate commerce any liquor into South Carolina unless previous authority is obtained from the officers of the State of South Carolina. On the face of these regulations it is clear that they subject the constitutional right of the nonresident to ship into the State and of the resident in the State to receive for his own use to conditions which are wholly incompatible with and repugnant to the existence of the right which the statute itself asknowledges. The right of the citizen of another State to avail himself of interstate commerce can not be held to be subject to the issuing of a certificate by an officer of the State of South Carolina without admitting the power of that officer to control the exercise of the right. But the right arises from the Constitution of the United States; it exists wholly independent of the will of either the lawmaking or the executive power of the State; it takes its origin outside of the State of South Carolina and finds its support in the Constitution of the United States. Whether or not it may be exercised depends solely upon the will of the person making the shipment and can not be in advance controlled or limited by the action of the State in any department of its government.

I shall only take the time of the Senate to cite one further decision of the United States Supreme Court bearing upon this

branch of the question. It is the case of the Louisville & Nashville Railway against Cook Brewing Co. (223 U. S., 70).

The Legislature of the State of Kentucky, on March 21, 1906, passed an act by which it was made "unlawful for any common carrier to transport beer or any intoxicating liquor to any consignee in any locality within the State where the sale of said liquors has been prohibited by vote of the people under the local-option law."

The Louisville & Nashville Railway Co. took the position that this applied to interstate as well as to intrastate transportation, and refused to receive for shipment beer consigned by the Cook Brewing Co., at Evansville, Ind., to points in Kentucky where the local-option law was in force.

The Kentucky statute was sustained by the court so far as it related to intrastate shipments, but was held ineffective as to interstate shipments.

On page 82 Mr. Justice Lurton, delivering the unanimous opinion of the court, says:

By a long line of decisions beginning even prior to Leisy *v.* Hardin (135 U. S., 100) it has been indisputably determined:

(a) That beer and other intoxicating liquors are a recognized and legitimate subject of interstate commerce.

(b) That it is not competent for any State to forbid any common carrier to transport such articles from a consignor in one State to a consignee in another.

(c) That until such transportation is concluded by delivery to the consignee such commodities do not become subject to State regulation, restraining their sale or disposition.

The Wilson Act, which subjects such liquors to State regulation, although still in the original packages, does not apply before actual delivery to such consignee where the shipment is interstate. Some of the many later cases in which these matters have been so determined and the Wilson Act construed are Rhodes *v.* Iowa (170 U. S., 412); Vance *v.* Vandercook Co. (170 U. S., 438); Heyman *v.* Southern Railway (203 U. S., 270); Adams Express Co. *v.* Kentucky (214 U. S., 218).

If, then, intoxicating liquors are a recognized and legitimate subject of interstate commerce, if it is not competent for any State to forbid a common carrier to transport such articles from a consignor in one State to a consignee in another, if such commodities do not become subject to State regulation until the act of transportation is concluded, as held by Mr. Justice Lurton in the decision just referred to as well as in the other cases I have cited, and if, as Mr. Chief Justice Fuller said in In re Rahrer, it does not admit of argument that Congress can not redelegate its own powers to the State, nor enlarge those of the State, how can the friends of the Kenyon bill hope to have its constitutionality sustained when the very purpose of the bill is to declare unlawful the shipment or the transportation of intoxicating liquors from one State into any locality in another State where they are to be received, possessed, or kept, or in any manner used in violation of the law of such State by anyone directly or indirectly interested therein, or in any manner connected with the transaction?

I recognize the fact that the liquor regulations are not enforced as they ought to be. It is not right that sales should be made in localities which have voted dry. Constant defiance of the law by many of those engaged in the traffic have rightly aroused public sentiment. The remedy, however, is not to be found in more legislation, but in more vigorous enforcement of present legislation. Every locality has its police authorities clothed with ample power. If they are supported by public sentiment and perform their duties, there will be no cause for complaint. If they are not supported by public sentiment or they do not perform their duties, the remedy for existing wrongs is not additional Federal legislation, unconstitutional in character, but the creation of a proper public sentiment and the securing of officers who will perform their duties.

Congress some years ago gave, and properly gave, aid to the States in the administration of their police authority when sections 238, 239, and 240 of the Criminal Code of the United States were enacted.

Section 238 prevents any common carrier or employee from knowingly delivering or causing to be delivered to any person other than the consignee, except upon written order, any interstate shipment of liquor.

Section 239 prevents the common carrier from collecting the purchase price of interstate shipments of intoxicating liquors or to act as the agent of the buyer or seller of the liquor for the purpose of buying or selling or completing the sale thereof save only in the actual transportation and delivery of the same.

Section 240 requires that all packages shall be labeled on the outside cover so as to plainly show the name of the consignee, the nature of their contents, and the quantity thereof.

By this means the local police authorities can easily ascertain whether liquor is being delivered in their localities and to whom. In every hamlet and township the means of detection are at hand without attempting, by the pending legislation, to embarrass and burden the great avenues and agencies of commerce.

If the Kenyon bill is the sine qua non for law and order, it must be first authorized by an amendment to the interstate-commerce clause of the Federal Constitution. All localities have at their very doors the same opportunities for search and seizure and confiscation after the delivery to the consignee that they could have at the gateways of commerce on the border lines of the State. If, in the opinion of the friends of this measure, the fathers made a mistake by conferring upon the Federal Government the power to regulate commerce between the States there is a lawful way to correct it, and that is by an amendment to the Constitution in the manner therein provided.

Mr. SUTHERLAND. Mr. President——

Mr. POMERENE. Will the Senator from Utah yield to me?

Mr. SUTHERLAND. I yield to the Senator from Ohio.

Mr. POMERENE. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. JOHNSON of Maine in the chair). The Senator from Ohio suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Culberson	Lea	Sheppard
Bacon	Cummins	Lodge	Simmons
Borah	Curtis	McCumber	Smith, Ariz.
Bourne	Dillingham	Martin, Va.	Smith, Mich.
Bradley	Dixon	Martine, N. J.	Smith, S. C.
Brandegee	du Pont	Nelson	Smoot
Bristow	Foster	Newlands	Stephenson
Brown	Gallinger	O'Gorman	Stone
Bryan	Gamble	Oliver	Sutherland
Burnham	Gronna	Overman	Thomas
Burton	Hitchcock	Page	Thornton
Chamberlain	Jackson	Paynter	Townsend
Clapp	Johnson, Me.	Percy	Webb
Clark, Wyo.	Johnston, Ala.	Perkins	Williams
Clarke, Ark.	Jones	Pomerene	
Crane	Kavanaugh	Richardson	
Crawford	Kenyon	Root	

Mr. OLIVER. I wish to state that my colleague [Mr. PENROSE] is absent on account of illness. I will allow this announcement to stand for the day.

The PRESIDING OFFICER. Sixty-five Senators have answered to their names. A quorum of the Senate is present. The Senator from Utah will proceed.

Mr. SUTHERLAND. Mr. President, it is no part of my purpose to enter upon a discussion of the merits of this proposed legislation. In what I shall have to say I shall confine myself to the question of its legality.

I sympathize, I think, quite as much as the proponents of this measure with all practicable efforts which have for their object the curtailment or the prevention of the evils which we all concede follow from the use of intoxicating liquors. If I had the power to do so by my single pronouncement I would consign every drop of intoxicating liquor to the bottom of the ocean, because I believe that humanity would be far better off without it.

But, Mr. President, it is necessary not only that a proposed piece of legislation should be wise and just, but under our form of government it is necessary that it should be in harmony with the Constitution of the United States.

The bill which is now under consideration consists of two sections. By the first it is provided, in substance, that the shipment or transportation of intoxicating liquor from one State into any other, or from any foreign country into any State, which liquor is intended by any person interested therein, directly or indirectly, or in any manner connected with the transaction, to be received, possessed, or kept, or in any manner used, in violation of any law of such State, is prohibited.

The second section provides that any such intoxicating liquor transported into any State, or remaining therein for use, consumption, sale, or storage shall, upon arrival within the boundaries of such State, and before delivery to the consignee, be subject to the operation and effect of the laws of such State enacted in the exercise of its reserved police powers, to the same extent and in the same manner as though such liquor had been produced in such State.

The purpose sought to be accomplished by each of these sections is precisely the same, namely, to allow the State jurisdiction over intoxicating liquors to attach upon the instant that such liquors, being carried in interstate transportation, cross the boundary line of the State to which they are consigned. It seems to be conceded, as indeed it must be conceded, that in the absence of the proposed congressional legislation any interference upon the part of a State, by statute or otherwise, with an interstate shipment of intoxicating liquor prior to its delivery would be void as constituting a regulation of interstate commerce, a subject committed by the Constitution to the sole jurisdiction of Congress. The proposed bill therefore consti-

tutes an attempt upon the part of Congress to enable a State to deal with intoxicating liquors in a manner which and at a time when it would be utterly precluded from doing in the absence of any such legislation. Is not its effect, then, clearly to confer upon a State a power which it does not now possess? In the course of what I shall have to say I shall endeavor to establish the following propositions:

I. The purpose in giving to Congress the power to regulate interstate commerce was to secure commerce among the States against conflicting and discriminating State regulations and to insure a free interchange of all legitimate articles of interstate commerce among the citizens of the several States.

II. Intoxicating liquor is a legitimate article of commerce, and so long as it is recognized as such it can not be denied the right of interstate transportation.

III. Regulation may take the form of prohibition only where the article in question has been outlawed, not by a few of the States, but substantially by the people of the Nation.

IV. In this respect the power of Congress over interstate commerce is not as extensive as it is over foreign commerce. In the latter case the Nation deals in its sovereign capacity and may prohibit importation from foreign countries altogether. And I may add it may prohibit importation from foreign countries altogether of any and every article. In dealing with the several States it can not altogether forbid the interchange of legitimate commodities.

V. Congress can not add to or take from the powers of a State. It can not by its silence or by any affirmative or permissive act enable a State to do anything which by the Constitution it is inhibited from doing.

VI. The State can not by statute, or otherwise, substantially interfere with interstate transportation, because such interference would be a regulation of interstate commerce. This is so, not because such action on the part of the State is opposed to the will of Congress, or to any act of Congress, but because it is opposed to the Constitution. Being opposed to the Constitution, it is self-evident that Congress can not by any form of legislation authorize the State to do what the Constitution forbids it from doing.

VII. The bill in question, if upheld, would necessarily result in a multitude of differing and conflicting systems of regulation, and this would subvert the whole intent, spirit, and purpose of the commerce clause, which is essentially to establish a uniform system and consequently forbid the establishment of a multitude of differing systems.

Mr. President, before I begin the discussion of the various propositions which I have laid down, I desire to call attention to some of the legislation which is now upon the statute books.

The legislation which has special reference to this subject now in force is, first, the so-called Wilson law. Under the provisions of that law, which was enacted in 1890, it is provided that intoxicating liquors shall, upon arrival in a State, become subject to the State laws enacted in the exercise of the police power.

This law, although comprehensive in terms, has been so limited by the decisions of the Supreme Court that it applies only to interstate shipments of liquor after they have been delivered to the consignee; that is, it permits the State, after the liquor has been delivered to the consignee, and therefore after the interstate transportation has ended, to be governed by the State law.

Second. Sections 238, 239, and 240 of the Penal Code forbid under a penalty (1) delivery of intoxicating liquor to any person other than the consignee, unless upon his written order, or to any fictitious person; (2) the collection of the purchase price of intoxicating liquor by any common carrier or acting as agent of buyer or seller; (3) the shipment of any liquor unless labeled on the outside to show name of consignee, nature of contents, and quantity contained.

Under this legislation the State has full power to seize and confiscate liquor after it reaches the hands of the consignee, and the sections of the penal code, by requiring delivery to an actual consignee and the plain marking of every package with the name of consignee and the quantity and kind of liquor contained, furnishes information which will enable the State to act.

The proposed bill attempts to go entirely beyond this legislation. The first section of that bill, I repeat, provides in substance that shipment or transportation of intoxicating liquor from one State to another, or from any foreign country into any State, is prohibited if the same "is intended, by any person interested therein, directly or indirectly, or in any manner connected with the transaction, to be received, possessed, or kept, or in any manner used, * * * in violation of any law of the State enacted in the exercise of its police power."

Section 2 provides that all intoxicating liquor shall upon arrival within the boundaries of the State, and before delivery to the consignee—in express terms going beyond the Wilson law—be subject to the operation and effect of the police laws of the State to the same extent—mark you—and in the same manner as though such liquors had been produced in such State. In other words, that interstate commerce in this article shall be subject to the State laws just as intrastate commerce is subject to those laws.

Section 2 is an attempt on the part of Congress to allow any State to deal as it shall see fit with the interstate shipment of liquor immediately after it crosses the boundary line of the State. It therefore gives to the State the power to regulate and control an interstate shipment of liquor before the interstate transportation has ended, and constitutes, therefore, a clear delegation of the power of Congress to regulate interstate commerce.

Section 1 seeks to do precisely the same thing by legislation so worded as to obscure its real intent; in other words, section 2 does directly what section 1 does indirectly. In both cases Congress itself does not undertake to prescribe the rule which shall govern the interstate transaction, but leaves it to be prescribed wholly by the State.

Now, not only does this proposed legislation seek to turn over to the States the power to thus regulate *interstate* commerce, but it gives identically the same power to each State to regulate *foreign* commerce. We have by our laws in the plainest terms invited foreign nations to make shipments of all kinds of intoxicating liquors to us upon complying with our laws with reference to the payment of duties, so that the foreigner in Paris or in any other part of Europe, looking at the Federal law, finds that he may ship to the United States and to any and every part of it wines or liquors of any description upon complying with those conditions. We now propose by this legislation to inject into the whole system an element which can but result in the utmost confusion. The merchant in Paris then must inquire, not only what is the law of the United States, but he must inquire what is the law of Kansas, what is the law of Iowa, and of the others of the 48 States. Even then his inquiry is not ended. He will find that in some States the sale of liquor has been altogether prohibited; in other States he will find that it has been left to various communities to determine the question. So he must inquire further. If his shipment is destined for county A in Indiana, he must ascertain whether a vote of the people has been recently taken and, as a result of the vote, whether the sale of liquor in that county has been forbidden. He may ascertain one thing or the other. Indeed, he may begin the shipment of his consignment of liquor to county A, relying upon the vote of the people in favor of the regulated saloon, and find, before his shipment has reached New York, that the people have reversed themselves and have voted in favor of excluding the regulated saloon and of absolute prohibition.

If the foreigner sends a shipment of liquor to Kansas, it may be held in the office of the collector in Topeka, and the State at that period—because the bill proposes no limitation upon the power of the State—may seize the consignment. It seems to me, without elaborating further upon the question, that this proposed legislation must of necessity, so far as it affects foreign commerce, result in indescribable confusion in the administration of our tariff laws.

It is conceded that Congress may not delegate to any State its authority over any subject committed to it by the Constitution. The people in framing the Government selected Congress as one of its agents, and empowered that agent among other things to regulate interstate and foreign commerce. The effect of conferring this power upon Congress was to deny it to the several States. The rule is fundamental that an agent can not delegate his authority. The question therefore arises whether the proposed legislation attempts this delegation. If it does, it is absolutely void. A correct solution of this question involves an inquiry into the extent and character of the commerce power as embodied in the commerce clause of the Constitution.

Let me say, before I come to that, that section 1 of this proposed legislation is absolutely unique. So far as my investigation goes it has not a parallel anywhere in the civilized world. What are the consequences to follow the violation of section 1? An act of legislation which the citizen is at perfect liberty to violate, or the violation of which produces no consequences whatever, may be wise and friendly counsel, but it certainly is not law, for law presumes a rule of conduct which the citizen must obey or suffer the consequences. So far as the Government of the United States is concerned, no penalty whatever is prescribed for its violation. Every consequence which will follow a violation will be imposed by a State law. How can Congress pass a law leaving each State to prescribe the effect which shall follow its disobedience? Moreover, we do not even author-

ize the State by statute to regulate finally; but, in the last analysis, by this section we permit the undisclosed intent of some unnamed and undesignated individual to regulate interstate commerce.

I. WHAT WAS THE PURPOSE IN GIVING TO CONGRESS THE POWER TO REGULATE INTERSTATE COMMERCE?

To ascertain this will reflect light upon the meaning of the provision, since the grant of the power must be interpreted with a view to the accomplishment of the end sought. The controlling purpose was to secure commerce among the States against conflicting and discriminating State regulations.

In Mobile *v.* Kimball (102 U. S., 691, 697), the Supreme Court said:

It is a matter of public history that the object of vesting in Congress the power to regulate commerce with foreign nations and among the States was to insure uniformity of regulation against conflicting and discriminating State legislation.

In Western Union Telegraph Co. *v.* Pendleton (122 U. S., 347, 358), the court, after quoting preceding cases, said:

The supreme authority of Congress over the subject of commerce by the telegraph with foreign countries or among the States is affirmed, whenever that body chooses to exert its power; and it is also held that the States can impose no impediments to the freedom of that commerce.

And again, on the same page:

The object of vesting the power to regulate commerce in Congress was to secure, with reference to its subjects, uniform regulations, where such uniformity is practicable, against conflicting State legislation.

In Steamship Co. *v.* Port Wardens (6 Wall., 31, 33), the court said:

And it was thus given, so far as it relates to commerce between the States, with the obvious intent to place that commerce beyond interruption or embarrassment arising from the conflicting or hostile State regulations.

In Inman Steamship Co. *v.* Tinker (94 U. S., 238, 245), the court said:

The commerce clauses of the Constitution had their origin in a wise and salutory policy. They give to Congress the entire control of the foreign and interstate commerce of the country. They were intended to secure harmony and uniformity in the regulations by which they should be governed. Wherever such commerce goes the power of the Nation accompanies it, ready and competent, as far as possible, to promote its prosperity and redress the wrongs and evils to which it may be subjected.

In Leisy *v.* Hardin (135 U. S., 100, 112), the court said:

But the transportation of merchandise from one State to another is in its nature national, admitting of but one regulating power; and it was to guard against the possibility of commercial embarrassments which would result if one State could directly or indirectly tax persons or property passing through it, or prohibit particular property from entrance into the State, that the power of regulating commerce among the States was conferred upon the Federal Government.

In the case of Bowman *v.* Chicago & Northwestern Railway Co. (125 U. S., 465, 508), Mr. Justice Field said:

It is a matter of history that one of the great objects of the formation of the Constitution was to secure uniformity of commercial regulations and thus put an end to restrictive and hostile discriminations by one State against the products of other States and against their importation and sale.

"It may be doubted," says Chief Justice Marshall, "whether any of the evils proceeding from the feebleness of the Federal Government contributed more to that great revolution which introduced the present system than the deep and general conviction that commerce ought to be regulated by Congress. It is not, therefore, matter of surprise that the grant should be as extensive as the mischief, and should comprehend all foreign commerce and all commerce among the States. To construe the power so as to impair its efficacy would tend to defeat an object, in the attainment of which the American Government took, and justly took, that strong interest which arose from a full conviction of its necessity" (p. 508).

And on page 484 the court said, quoting from Railroad Company *v.* Richmond (19 Wall., 584):

The power to regulate commerce among the several States was vested in Congress in order to secure equality and freedom in commercial intercourse against discriminating State legislation.

And on page 481 the court said, quoting from another decision:

It is of national importance that over that subject there should be but one regulating power.

Mr. Justice Miller, in his lectures on the Constitution, says:

You would scarcely imagine, and I am sure you do not know unless you have given some consideration to the subject, how very important is that little sentence in the Constitution. It was the want of any power to regulate commerce as between the States themselves and with foreign nations which as much, and I am not sure but I am justified in saying more, than any one thing forced the States to form the present Constitution in lieu of the Articles of Confederation under which they had won their freedom and established their independence. It is difficult now for us to fully appreciate how strong was the tendency to separate, to quarrel, and to bring their adverse interests into collision, which grew out of the want of any general power in the Federal Government, as it then existed, to control the commercial relations of the States with each other (p. 433).

Hamilton said:

The competitions of commerce would be another fruitful source of contention. The States less favorably circumstanced would be desirous of escaping from the disadvantages of local situation and of sharing in the advantages of their more fortunate neighbors. Each State or separate confederacy would pursue a system of commercial polity peculiar to itself. This would occasion distinctions, preferences, and exclusions, which would beget discontent. The habits of intercourse, on the basis of equal privileges, to which we have been accustomed from the earliest settlement of the country, would give a keener edge to those causes of discontent than they would naturally have independent of this circumstance. * * * The opportunities which some States would have of rendering others tributary to them by commercial regulations would be impatiently submitted to by the tributary States.

And, quoting further from Hamilton:

The interfering and unneighborly regulations of some States, contrary to the true spirit of the Union, have in different instances given just cause of umbrage and complaint to others; and it is to be feared that examples of this nature, if not restrained by a national control, would be multiplied and extended till they became not less serious sources of animosity and discord than injurious impediments to the intercourse between the different parts of the Confederacy.

Mr. Justice Matthews, speaking for the court, said in Bowman *v.* C. & N. W. Ry. Co. (125 U. S., 465–493):

Can it be supposed that by omitting any express declarations on the subject Congress has intended to submit to the several States the decision of the question in each locality of what shall and what shall not be articles of traffic in the interstate commerce of the country? If so, it has left to each State, according to its own caprice and arbitrary will, to discriminate for or against every article grown, produced, manufactured, or sold in any State and sought to be introduced as an article of commerce into any other. If the State of Iowa may prohibit the importation of intoxicating liquors from all other States, it may also include tobacco or any other article the use or abuse of which it may deem deleterious. It may not choose even to be governed by considerations growing out of the health, comfort, or peace of the community. Its policy may be directed to other ends. It may choose to establish a system directed to the promotion and benefit of its own agriculture, manufactures, or arts of any description, and prevent the introduction and sale within its limits of any or of all articles that it may select as coming into competition with those which it seeks to protect. The police power of the State would extend to such cases as well as to those in which it was sought to legislate in behalf of the health, peace, and morals of the people. It view of the commercial anarchy and confusion that would result from the diverse exertions of power by the several States of the Union, it can not be supposed that the Constitution or Congress have intended to limit the freedom of commercial intercourse among the people of the several States. "It can not be too strongly insisted upon," said this court in Wabash, etc., Ry. Co. *v.* Illinois (118 U. S., 557–572), "that the right of continuous transportation from one end of the country to the other is essential in modern times to that freedom of commerce from the restraints which the States might choose to impose upon it that the commerce clause was intended to secure." This clause giving to Congress the power to regulate commerce among the States and with foreign nations, as this court has said before, was among the most important of the subjects which prompted the formation of the Constitution. (Cook *v.* Pennsylvania, 97 U. S., 566–574; Brown *v.* Maryland, 12 Wheat., 419–446.)

And it would be a very feeble and almost useless provision, but poorly adapted to secure the entire freedom of commerce among the States which was deemed essential to a more perfect union by the framers of the Constitution, if, at every stage of the transportation of goods and chattels through the country, a State within whose limits a part of the transportation must be done could impose regulations concerning the price, compensation, or taxation or any other restrictive regulation interfering with and seriously embarrassing this commerce.

That the danger sought to be avoided by conferring upon Congress the power to regulate interstate commerce was not fanciful is shown by the attempts which have been made from time to time by the various States to enact discriminating legislation affecting interstate commerce.

I need not remind the Senate that one of the earliest cases in which the interstate-commerce clause was interpreted by the Supreme Court was a case of that character, where the State of New York had undertaken by its legislation to monopolize the navigable waters of that State. In the great case of Gibbons against Ogden the rule was clearly announced that that was not admissible; that that was a matter which belonged to the National Government; and that no State could be permitted, under the Constitution, to regulate commerce, because that would be to permit what had been done in that very case, namely, to enact hostile and discriminating legislation which would operate against the other States.

We have that trouble going on now in the United States. Congress has held, for example, that insurance does not fall within the operation of the commerce clause. Many of the States have therefore passed laws in effect discriminating against insurance companies of sister States and in favor of their own. It is well known that the necessity of uniform commercial regulation among the States was the principal cause which led to the framing of the Constitution.

If the doctrine should be established that this power, in whole or in part, could be surrendered to the States, we should witness not only conflicts among the legislatures of the several States but between the several States and Congress as well; and, as said by Mr. Justice McLean in Cooley *v.* Board of Wardens, etc. (12 How., 325):

From this race of legislation between Congress and the States, and between the States, if this principle be maintained, will arise a conflict similar to that which existed before the adoption of the Constitution.

If the proposed legislation should be adopted and be held valid, a single shipment of liquor, instead of being subject to one control, namely, that of Congress, might, and undoubtedly would to a large extent, become subject to two conflicting rules. Part of the journey it would be a legitimate article of com-

merce, freely accorded all the rights of protection afforded to other articles, and a part of the journey before the interstate transportation had become complete it would become an illegitimate article, possessing no right of transportation whatever.

A contract between a citizen of Illinois and a citizen of Iowa, by which the former agreed to sell and ship a quantity of liquor to the latter, perfectly valid by the law and enforceable in the courts of Illinois, would be invalidated by the law of Iowa.

II. DIFFERENCE BETWEEN FOREIGN AND INTERSTATE COMMERCE.

It is sometimes loosely said that Congress has the same authority to deal with interstate commerce that it has over foreign commerce, and that inasmuch as the power of Congress to prohibit the importation of articles from foreign countries into the United States is sustained, it has the same power to prohibit transportation from one State to another. It is true that the language of the Constitution conferring the power upon Congress in the two cases is identical; but the objects to which the language refers is altogether different. The Government of the United States in dealing with a foreign government deals with it in its sovereign capacity. Indeed, it does not need the commerce clause to enable it to regulate commerce with foreign nations; it does not need the commerce clause to enable it to forbid transportation altogether from foreign lands to this country. Congress may do in that respect whatever any other sovereign nation may do. We have passed embargo acts, prohibiting absolutely and altogether articles coming from foreign countries into this country. Does anybody pretend that we would have that power in dealing between the State of Pennsylvania and the State of California or between any other two States of the Union? We have no power, as the Supreme Court has said, to place an embargo wholly or partially upon legitimate articles of commerce passing from one State to another. In construing language we must not only pay attention to the words that are used, but we must pay attention to the objects upon which the words operate. If I say, for example, "you have control over your property and your children," I use precisely the same words with reference to both subjects, but I mean different things. Under your control of your property you may sell it, but under the control of your children you may not sell them.

In Groves *v.* Slaughter (15 Pet., 449, 505) the court said:

> The power to regulate commerce among the several States is given in the same section and in the same language, but it does not follow that the power may be exercised to the same extent. * * * The United States are considered as a unit in all regulations of foreign commerce, but this can not be the case where the regulations are to operate among the several States. The law must be equal and general in its provisions. Congress can not pass a nonintercourse law, as among the several States, nor impose an embargo that shall affect only a part of them.

And, yet, what is this legislation but an attempt to impose an embargo, so far as the State of Iowa is concerned or the State of Kansas is concerned or the State of Maine is concerned, against certain articles of commerce being sent from New York or Pennsylvania or Kentucky or some other State?

III. WHEN MAY REGULATION TAKE THE FORM OF PROHIBITION?

It has been urged by some that Congress under its power to regulate commerce may prohibit the transportation of certain articles from one State to another, and if it may do this, it may stop at any point short of absolute prohibition. An examination of the cases, however, will disclose that the power to prohibit has never been sustained except as to things which have been outlawed by the common opinion of the people or by reason of their impurity or diseased condition or misbranding, and so on, are not legitimate articles of commerce.

In the Lottery case—which is the case to which the proponents of this measure themselves refer—(188 U. S., 321) the Supreme Court sustained a law of the first character as—

> necessary to protect the country at large against a species of interstate commerce which, although in general use and somewhat favored in both National and State legislation in the early history of the country, has grown into disrepute and has become offensive to the *entire people of the Nation* (p. 358).

And in that case the court was careful to limit its decision to the article of lottery tickets alone, as though precluding anybody from using it as a precedent for prohibiting any other class of property from being transported. At page 363 the court said:

> We decide nothing more in the present case than that lottery tickets are subjects of traffic among those who choose to sell or buy them; that the carriage of such tickets by independent carriers from one State to another is therefore interstate commerce; that under its power to regulate commerce among the several States Congress, subject to the limitations imposed by the Constitution upon the exercise of the powers granted, has plenary authority over such commerce and may prohibit the carriage of such tickets from State to State.

Therefore, by the express language of the Supreme Court itself in that case, we are precluded from using it as a precedent for prohibiting the carriage of articles from one State to another, unless they are lottery tickets.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SUTHERLAND. I do.

Mr. KENYON. I wish to ask the Senator from Utah one question right on that point. What is the opinion of the Senator from Utah as to whether Congress could, if it so desired, prohibit the transportation of all intoxicating liquors in interstate commerce?

Mr. SUTHERLAND. Mr. President, I intend to discuss that question a little later along, although I may now say to the Senator from Iowa that that question is not involved in this controversy. This is not an attempt upon the part of Congress to prohibit the transportation of intoxicating liquors. Therefore the question is not material to that which we are discussing, but I think whenever intoxicating liquors occupy the same condition in this country which lottery tickets did, there could be no question about the power of Congress then to absolutely prohibit their transportation.

Mr. KENYON. I desire to ask the Senator another question——

Mr. SUTHERLAND. But, I think, until that time comes there is, to say the least, an exceedingly grave doubt as to whether Congress has any such power.

Mr. BORAH. Mr. President, there are more States in the Union in which there is a better crystallized public opinion against the use of liquor than there were against the use of the lottery ticket.

Mr. SUTHERLAND. There are 8 States in the Union which have passed laws prohibiting the sale of intoxicating liquors. There are 40 States under whose laws the sale of intoxicating liquors, under some circumstances, is legitimate and proper, but there is no State in the Union that has thus far undertaken to forbid the purchase or the use of intoxicating liquors.

Mr. BORAH. Not for personal use, and I am not aware of any State that ever prohibited a man having a lottery ticket for his own personal use.

Mr. SUTHERLAND. In the last analysis I rather think that all liquor is for personal use.

Beginning with the assumption that Congress may have power to forbid all interstate transportation of liquors, it is argued that the bill under consideration is a partial exercise of that power and is therefore legal because the whole embraces the parts.

It may be first replied that Congress does not by the proposed act prohibit anything. Congress does not attempt to forbid transportation of intoxicating liquors at all, but, on the contrary, permits unrestricted transportation in all intoxicating liquors, so far as the declarations of Congress are concerned, unless in particular instances there is a State law upon the subject of the use, sale, or possession of intoxicating liquor which somebody connected with the transportation intends to violate. By the proposed act Congress does not attempt to regulate the transportation at all. The shipper will look at the act of Congress in vain for any rule governing his right to ship into another State. He must find his authority not in the law of Congress but in the act of the State legislature, and even there he does not find any definite rule, but in the last analysis his right to ship can only be determined by ascertaining the intention of the consignee or some other person connected with the transaction, which intention may be entirely undisclosed.

But in the face of this condition it is gravely urged that no delegation of authority is made to any State. The fallacy of this contention is so obvious that one can but marvel at the credulity or the assurance of those who proclaim it. To regulate commerce, as said by Chief Justice Marshall in the case of Gibbons against Ogden, is to "prescribe the rule by which commerce is governed." Under the proposed legislation who prescribes this rule? Manifestly not Congress, because that body prescribes no rule whatsoever, but refers to rules to be prescribed by the various States, which rules may be as varied and as numerous as the States themselves.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from North Dakota?

Mr. SUTHERLAND. I yield to the Senator.

Mr. McCUMBER. I think the Senator has indicated that in his opinion section 2 is unconstitutional as a delegation of authority to the State legislatures or to State laws.

Mr. SUTHERLAND. I have been trying to indicate that.

Mr. McCUMBER. I should like to ask the Senator whether or not, in his opinion, it would be any delegation of authority if that section were so amended that it simply declared, first,

that intoxicating liquors themselves were of such a nature as to be dangerous to public morals and public health, and then provided that they might be introduced into interstate commerce only on condition that they should lose their interstate commerce character the moment they crossed a State line? In that case, the way I put it, the State law is not referred to in any way. All that Congress would say would be: "We let go of this subject, and therefore it falls within the powers of the State itself the moment it crosses the State line."

Mr. SUTHERLAND. Mr. President, I dislike very much to express an opinion upon any matter which, as it seems to me, is not involved in the pending question.

Mr. McCUMBER. I want to say to the Senator that it undoubtedly will be involved before we get through with the matter, and that is the reason I desired his opinion.

Mr. SUTHERLAND. I should like to consider it when it is presented. I doubt very much whether that would help the matter at all, because, after all, we are to determine the substance of this thing. I do not think we can cover it up under any form of words and make that constitutional, by some form of expression or by some legislative argument, which in its essence is unconstitutional.

Mr. McCUMBER. The real point is, Can Congress divest that article of its interstate character the moment it crosses a State line and let go of it at that time?

Mr. SUTHERLAND. I do no think so, Mr. President. I think, so long as intoxicating liquor is recognized by the laws of Congress and by the common consent of the majority of the States of the Union, it can not be declared illegal. In other words, Congress can not in one breath say that a thing is legitimate and then in another breath that it is illegitimate.

But conceding, for the sake of argument, the power of Congress to entirely forbid the shipment of liquor in interstate commerce, it does not follow that it may partially forbid it. If it prohibits, it must do so upon the ground that intoxicating liquor is not a legitimate article of interstate commerce. It would seem to be self-evident that Congress could not, by the same act of legislation, declare a thing to be a legitimate article and also an illegitimate article of commerce, and yet this is precisely what partial prohibition does, since the effect of it is to permit the article to move among some of the States and to forbid it to move among others. In the Lottery case the prohibition against the transportation of lottery tickets was absolute and complete. The rule was uniform. The decision of the Supreme Court would undoubtedly have been otherwise if Congress had provided that lottery tickets might be transported among some of the States and forbidden transportation among others. Whether a given thing is a legitimate article of commerce surely must depend upon the character of the thing itself and not upon the secret purpose which may be entertained by somebody as to its use.

The commodity clause of the Hepburn Act is also cited as illustrating the power of Congress to prohibit, but that was a regulation of an instrumentality of commerce. Congress did not prohibit the transportation of coal, but only prohibited the interstate carrier which produced the coal from itself transporting it. This was purely a regulation of interstate commerce.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SUTHERLAND. I do.

Mr. BORAH. There was no difference between the two classes of coal in so far as the intrinsic quality of the commodity was concerned. One of them was impressed with the personal ownership, which was the same ownership as that of the carrier, and the other was not. In one instance Congress prohibited the carrying, and in the other instance it did not.

Mr. SUTHERLAND. Yes.

Mr. BORAH. That was because of the impress upon the article of the relationship of the parties to the particular article. Why may we not say that when liquor is to be used in a specific way and for a specific purpose, it shall bear that imprint, and pass out of the channels of interstate trade?

Mr. SUTHERLAND. I have been undertaking to say all along why we can not do it. To my mind, the two cases are entirely different. A railroad company engaged in interstate commerce is an instrumentality of interstate commerce which Congress may regulate. It may not only regulate the articles which are carried in interstate commerce, but it may regulate the instrumentality by which they are carried. In that particular case it does not undertake to regulate the article; it does not attempt to prohibit its being transported; but it says: "You, an instrumentality entirely under the control of Congress so far as regulation is concerned, if you produce this article, must not carry it."

Mr. BORAH. Then that falls back upon the proposition that it was not excluded because of any intrinsic quality of the article, but because of a certain relationship of other parties to the article.

Mr. SUTHERLAND. The *article* was not excluded at all. The *instrumentality* was excluded from carrying it.

Mr. BORAH. We do not exclude the liquor except because of its relationship to certain parties.

Mr. SUTHERLAND. I understand perfectly the position of the Senator from Idaho; but there we were regulating the instrumentality. We may say that certain railroad companies which bear a certain relation to a particular article can not themselves carry it, for reasons of public policy; but that would not prevent the article itself being carried by somebody else.

The Lacey law, which has been referred to, dealt with animals fera naturæ, which have always been held to belong to the State and not subjects of private ownership except with the consent of the State. The effect of the Lacey law therefore is simply to forbid the transportation of an article which is not property and therefore not the subject of commerce.

Reference has been made to the provisions of section 289 of the penal code. By this section Congress adopted for certain purposes the laws of the States in force at the time of the passage of the congressional act. It was as though the law of each State had been set forth in terms in the act of Congress. Instead of doing this the law is indicated by reference instead of by recital, but the law adopted becomes a law of Congress and is not enforced as a law of the State. The section recognizes in the plainest way that Congress would have no power to permit a State to legislate for the Federal Government by providing that these adopted laws should continue in force notwithstanding any subsequent repeal or amendment by the States.

In other words, Congress simply found certain laws upon the statute books of the States which it thought applicable to certain conditions, and by its legislation it said: "We will adopt those laws as laws of Congress." The effect is the same as though it had set them out in full and had said: "This is the law of Congress." But it could not, by any sort of legislation, as has been recognized over and over again, say: "We will adopt any law upon this subject which the States may hereafter adopt," because that would be to delegate the power of Congress. It could not even continue the law in force in an amended condition, because to amend the law is to legislate quite as much as to make it originally. Congress, in the clearest way, has shown that it considers that it has no power to adopt the legislation of a State thereafter to be enacted.

INTOXICATING LIQUOR IS A LEGITIMATE ARTICLE OF COMMERCE.

The next proposition which I desire to discuss very briefly is that intoxicating liquor is a legitimate article of commerce, and so long as this is recognized it can not be denied the right of interstate transportation.

It may be conceded that if the time shall ever come when intoxicating liquor is outlawed by substantially the whole people of the United States, as lottery tickets were outlawed, that Congress may then forbid its transportation upon the ground that it would in that event no longer be a legitimate article of commerce. But this is not the case. To the contrary, it has always been recognized and still is recognized as a legitimate article of commerce, entitled to the protection of the Federal Government the same as any other article.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. SUTHERLAND. I yield to the Senator.

Mr. GALLINGER. I am interested in the Senator's discussion, as we all are interested in it. I should like to have the Senator restate his view, if he pleases, that a law must be uniform, or its application must be uniform, in all the States. Is that the Senator's position?

Mr. SUTHERLAND. Not quite that. If the Senator will be patient, I have, later along, some authorities to quote upon that precise question; and I intend to discuss it in that connection.

Mr. GALLINGER. I wanted, at this point, to suggest that in the pure-food law we provided that condemned goods might be excluded from any State where the State laws were against them.

Mr. SUTHERLAND. Oh, yes.

Mr. GALLINGER. And that it did not cover the broad proposition that I thought the Senator was arguing.

Mr. SUTHERLAND. Impure food might be excluded by the State itself. The State has done that. Diseased meats or

impure food can be excluded by the State without any law of Congress.

Mr. GALLINGER. And because of that fact they could not be transported to that State through the medium of interstate commerce?

Mr. SUTHERLAND. Yes; because they are impure foods; and being impure, they are not legitimate articles of commerce.

Mr. GALLINGER. We think liquors are worse than impure. [Applause in the galleries.]

Mr. SUTHERLAND. I agree with the Senator. The Senator can not get up any argument with me about that.

The PRESIDENT pro tempore. It is against the rules of the Senate for any manifestations of approval or disapproval to be had in the Chamber, especially in the galleries. The Chair admonishes the galleries that if it is repeated, the Senate will have to take action to prevent its recurrence.

Mr. SUTHERLAND. Mr. President, I hope very much that a great piece of legislation like this will not be passed by the Senate of the United States in a spirit of mere emotion. There are some pretty grave questions involved in this matter, and I am undertaking to discuss them; and I am undertaking to discuss them under my oath as a Senator.

What I had said when the Senator from New Hampshire interrupted me is borne out by the decisions. In Bowman *v.* Chicago & Northwestern Railway Co. (125 U. S., 465, 501) the court uses this language:

> What is an article of commerce is determinable by the usages of the commercial world and does not depend upon the declaration of any State. The State possesses the power to prescribe all such regulations with respect to the possession, use, and sale of property within its limits as may be necessary to protect the health, lives, and morals of its people, and that power may be applied to all kinds of property, even that which in its nature is harmless. But the power of regulation for that purpose is one thing and the power to exclude an article from commerce by a declaration that it shall not thenceforth be the subject of use and sale is another and very different thing. If the State could thus take an article from commerce, its power over interstate commerce would be superior to that of Congress, where the Constitution has vested it.

In the License cases (5 How., 504, 599) Mr. Justice Catron said:

> If from its nature it does not belong to commerce, or if its condition from putrescence or other cause is such when it is about to enter the State that it no longer belongs to commerce, or, in other words, is not a commercial article, then the State power may exclude its introduction. And, as an incident to this power, a State may use means to ascertain the fact. And here is the limit between the sovereign power of the State and the Federal power. That is to say, that which does not belong to commerce is within the jurisdiction of the police power of the State, and that which does belong to commerce is within the jurisdiction of the United States. And to this limit must all the general views come, as I suppose, that were suggested in the reasoning of this court in the cases of Gibbons *v.* Ogden, Brown *v.* The State of Maryland, and New York *v.* Miln. What, then, is the assumption of the State court? Undoubtedly, in effect, that the State had the power to declare what should be an article of lawful commerce in the particular State, and, having declared that ardent spirits and wines were deleterious to morals and health, they ceased to be commercial commodities there, and that then the police power attached, and consequently the powers of Congress could not interfere. The exclusive State power is made to rest, not on the fact of the state or condition of the article nor that it is property usually passing by sale from hand to hand, but on the declaration found in the State laws and asserted as the State policy that it shall be excluded from commerce. And by this means the sovereign jurisdiction in the State is attempted to be created in a case where it did not previously exist. If this be the true construction of the constitutional provision, then the paramount power of Congress to regulate commerce is subject to a very material limitation, for it takes from Congress and leaves with the States the power to determine the commodities or articles of property which are the subjects of lawful commerce. Congress may regulate, but the States determine what shall or shall not be regulated. Upon this theory the power to regulate commerce instead of being paramount over the subject would become subordinate to the State police power, for it is obvious that the power to determine the articles which may be the subjects of commerce, and thus to circumscribe its scope and operation is, in effect, the controlling one. The police power would not only be a formidable rival, but in a struggle must necessarily triumph over the commercial power, as the power to regulate is dependent upon the power to fix and determine upon the subjects to be regulated. The same process of legislation and reasoning adopted by the State and its courts could bring within the police power any article of consumption that a State might wish to exclude whether it belonged to that which was drank or to food and clothing, and, with nearly equal claims to propriety, as malt liquors and the produce of fruits other than grapes stand on no higher ground than the light wines of this and other countries, excluded, in effect, by the law as it now stands. And it would be only another step to regulate real or supposed extravagance in food and clothing.

Not only are intoxicating liquors recognized by the usages of the civilized world to be legitimate articles of commerce, but Congress has itself repeatedly emphasized their character in this respect by legislation which has been in force since the foundation of the Government and still remains upon the statute books. It collects millions of dollars annually upon the manufacture and sale of intoxicating liquors. It provides for the supervision of their manufacture and their inspection. It levies duties upon all kinds of intoxicating liquor when imported from foreign countries and thereby invites their importation into the United States.

In Shollenberger *v.* Pennsylvania (171 U. S., 1, 7), the Supreme Court, speaking of oleomargarine, said:

> In the examination of this subject the first question to be considered is whether oleomargarine is an article of commerce. No affirmative evidence from witnesses called to the stand and speaking directly to that subject is found in the record. We must determine the question with reference to those facts which are so well and universally known that courts will take notice of them without particular proof being adduced in regard to them, and also by reference to those dealings of the commercial world which are of like notoriety.
>
> Any legislation of Congress upon the subject must, of course, be regarded by this court as a fact of the first importance. If Congress has affirmatively pronounced an article to be a proper subject of commerce, we should rightly be influenced by that declaration.

The court then proceeds to refer to the various statutes passed by Congress, as, for example, the act imposing a tax and regulating the manufacture and sale, importation, and exportation of oleomargarine and other goods of the same character, and at page 9 it is said:

> This act shows that Congress at the time of its passage in 1886 recognized the article as a proper subject of taxation, and as one which was the subject of traffic and of exportation to foreign countries, and of importation from such countries. Its manufacture was recognized as a lawful pursuit, and taxation was levied upon the manufacture of the article, upon the wholesale and retail dealers therein, and also upon the article itself.

The court also refers to the fact that the reports of the Secretary of the Treasury show that tax receipts from this source during the nine years beginning with the year 1887 amounted to over $10,000,000, and at page 12, summing up, the court concludes:

> Upon all these facts we think it apparent that oleomargarine has become a proper subject of commerce among the States and with foreign nations.

And the court adds:

> The general rule to be deduced from the decisions of this court is that a lawful article of commerce can not be wholly excluded from importation into a State from another State where it was manufactured or grown. A State has power to regulate the introduction of any article, including a food product, so as to insure purity of the article imported, but such police power does not include the total exclusion even of an article of food.

The same rule has been recognized with reference to intoxicating liquors by repeated decisions of the Supreme Court, the last expression of the court being found in the case of Louisville & Nashville Railway Co. *v.* Cook Brewing Co. (223 U. S., 70). Mr. Justice Lurton, speaking for the court, said:

> By a long line of decisions, beginning even prior to Leisy *v.* Hardin (135 U. S., 100), it has been indisputably determined:
>
> *a.* That beer and other intoxicating liquors are a recognized and legitimate subject of interstate commerce.
>
> *b.* That it is not competent for any State to forbid any common carrier to transport such articles from a consignor in one State to a consignee in another.
>
> *c.* That until such transportation is concluded by delivery to the consignee such commodities do not become subject to State regulation restraining their sale or disposition.

It is therefore no longer an open question that intoxicating liquors are legitimate articles of interstate commerce which are entitled to the protection of the Federal authority to the same extent and under the same conditions as other commodities. Indeed, the bill under consideration itself recognizes the general legitimacy of this species of property as an article of commerce. If the article is outlawed in any particular instance under the provisions of this proposed law, it will not be by the will of Congress but by the will of the particular State or States. In particular instances the interstate shipment of intoxicating liquors will be forbidden not because Congress has declared or intimated in the slightest degree that they are noxious, but because, and only because, somebody intends to violate a State law.

It has been repeatedly determined that although the several States possess their undiminished powers of police, that no law, although otherwise a proper exercise of the police power, is valid if the effect of such law is to substantially regulate interstate commerce. The Constitution is declared to be the supreme law of the land. This supreme law confers the power to regulate commerce upon Congress, and thereby withdraws it from the States. If, therefore, a State law which has the effect of regulating commerce be upheld, immediately that law becomes superior to the Constitution. In the absence of permissive legislation by Congress, it is perfectly clear that no State has the power to regulate in any degree interstate commerce, and the reason is that this power has been vested in Congress. Hence a State law of this character is void not because it is opposed to any congressional law, not because it is opposed to the will of Congress, not because it has not been permitted by Congress, but because, and only because, it is in violation of the Constitution of the United States. It would seem to be self-evident that if the action of a State is void because in conflict with the Constitution, that no act of Congress, which is the mere creature of the Constitution, either by affirmative action, by removing

obstacles, or by declaration of any character, could render the State action valid. To concede such a proposition would be to admit an astounding paradox, namely, that while Congress may not itself violate the Constitution, it may in some manner justify or absolve a State in doing so. No sort of specious reasoning can establish the proposition that any department of the Federal Government, or that all of them combined, by any proceeding, can change that which is opposed to the Constitution so as to be in harmony with the Constitution, and yet it is to this conclusion that the proponents of the pending measure are inevitably driven.

Mr. Justice Catron in the License cases pointed out the distinction between the police power of the State and the commerce power of the United States in the following language:

> And here is the limit between the sovereign power of the State and the Federal power. That is to say, that which does not belong to commerce is within the jurisdiction of the police power of the State, and that which does belong to commerce is within the jurisdiction of the United States.

It must be conceded that any State law now in existence attempting to interfere with the interstate transportation of intoxicating liquor before such transportation is completed by delivery would be unconstitutional. Upon what theory can Congress pass legislation which will make an unconstitutional enactment constitutional? And yet it is gravely asserted that upon the passage of this bill State statutes concededly unconstitutional will become valid and operative.

Mr. Chief Justice Taney, in the License cases (5 How., 580), said:

> But it is equally clear that as to all future laws by the States, if the Constitution deprive them of the power of making any regulations on the subject, an act of Congress could not restore it.
>
> For it will hardly be contended that an act of Congress can alter the Constitution and confer upon a State a power which the Constitution declares it shall not possess. And if the grant of power to the United States to make regulations of commerce is a prohibition to the States to make any regulation upon the subject, Congress could no more restore to the States the power of which they were thus deprived than it could authorize them to coin money, or make paper money a tender in the payment of debts, or to do any other act forbidden to them by the Constitution.

In the case of Hanley *v.* Kansas City Southern Railway Co. (187 U. S., 617) the Supreme Court said:

> Transportation for others, as an independent business, is commerce, irrespective of the purpose to sell or retain the goods which the owner may entertain with regard to them after they shall have been delivered.

That being so, any law whose primary effect is to interfere with the transportation of an article of commerce from one State to another before the delivery to the consignee, no matter what the consignee or anybody else may intend to do with it, is a regulation of interstate commerce. The contract of transportation is to carry from the consignor in one State to the consignee in another. This transportation is a single, indivisible thing, and, as said in the case of Gibbons *v.* Ogden, "the power must be exclusive. It can reside but in one potentate, and hence the grant of this power carries with it the whole subject, leaving nothing for the State to act upon." Until delivery to the consignee there is no place where you can stop and say, thus far it is interstate transportation and thereafter intrastate transportation. As expressed in the same great case, "the word 'among' means intermingled with. A thing which is among others is intermingled with them. Commerce among the States can not stop at the external boundary line of each State, but may be introduced into the interior."

If we may surrender to one State the authority to interfere with a shipment of goods from another State the moment it crosses the boundary line of the former, it logically follows that we may likewise surrender the power to the latter State to interfere with the shipment until it reaches the boundary line, and this would be equivalent to a total surrender of the whole power. The State in which the shipment originates being permitted to deal with the matter until it reached the boundary line and the State to which the shipment is destined being permitted to deal with it afterwards, the effect would be to prevent the shipment altogether, not by the exercise of the regulative power of Congress, but by the exercise of that power by the several States, and thus a power which the people have affirmatively devolved upon Congress would be delegated to other and distinct governments.

V. DELEGATION OF POWER UNDER BOTH SECTIONS.

I have perhaps already sufficiently discussed the proposition that the pending bill constitutes an attempt to delegate the power of Congress over interstate commerce to the States. That this is beyond the power of Congress no citation of authorities is necessary to establish. The Supreme Court has repeatedly so declared.

In determining the validity of a statute we must have regard to its substance rather than its form. No matter in what terms the statute may be written, if its natural and reasonable effect is to accomplish an unconstitutional result it is void; or, as stated by the Supreme Court in the case of Reid v. Colorado (187 U. S., 137, 150):

> * * * The purpose of a statute, in whatever language it may be framed, must be determined by its natural and reasonable effect.

In the case of Mugler *v.* Kansas (123 U. S., 623) Mr. Justice Harlan said:

> The courts are not bound by mere forms nor are they to be misled by mere pretense. They are at liberty—indeed they are under a solemn duty—to look at the substance of things whenever they enter upon inquiry whether the legislature has transcended the limits of its authority.

However artful the language, however cunning the hand of the draftsman, this effect, when discovered, determines the validity or invalidity of the act. A moment's reflection, it seems to me, will convince any candid mind that the effect of this proposed legislation is to give vitality and validity to an act of a State government which, in the absence of the proposed legislation, would be unconstitutional and void.

Congress can neither take from nor add to the powers of the States. It has been claimed that the validity of the pending measure is sustained by the Supreme Court in upholding the Wilson Act, but the Supreme Court has been careful to say in several cases, notably in Rhodes *v.* Iowa (170 U. S., 412), that the effect of the Wilson Act was only to permit the State jurisdiction to attach after the delivery of the consignment to the consignee, so as to permit the State to regulate and control the sale of the article, whether in the original package or not, after such delivery, and that this right of sale was only an incident of interstate commerce, and not such commerce in its fundamental aspect. In other words, the substantive transportation of a commodity from one State to another ended upon delivery to the consignee. The right of the consignee to sell in the unbroken package was not a fundamental part of the interstate transaction but was a mere incident resulting therefrom.

It is urged, however, that this bill does not permit the State to legislate with reference to interstate commerce, but does nothing more than remove an impediment to the operation of the police power of the State. But it does more than this. In the absence of the proposed legislation by Congress the police power is inoperative because it conflicts with the superior authority of the commerce clause of the Constitution. This bill therefore seeks to give vitality to the law of a State which has none in its absence, and however we may endeavor to reach a contrary result by forms of words or devious methods of reasoning, we are at last always confronted with the same conclusion, namely, that the effect of the legislation is to permit the State to do something which the Constitution forbids.

Under section 1 of the bill no rule governing the interstate transaction is prescribed by Congress. In every instance we must determine whether a particular shipment may be made, not by reference to any regulation prescribed by Congress but by reference to a law of the State. As accurately said by one of the proponents of this measure:

> The beauty about this law is that it expands and contracts with the legislation of the State.

In other words, the State by its legislation may admit the article or forbid its admission. It may admit it this year and prohibit its admission next year. It may admit it under some circumstances to-day and under totally different circumstances to-morrow.

Whether intoxicating liquor shall or shall not be an article of lawful commerce depends wholly upon the will of the State. That the power to prescribe what shall constitute a lawful article of commerce is the power to regulate commerce is clearly shown by Mr. Justice Catron in the License cases (5 How., 599), where that distinguished justice said:

> What, then, is the assumption of the State court? Undoubtedly, in effect, that the State had the power to declare what should be an aricle of lawful commerce in the particular State; and having declared that ardent spirits and wines were deleterious to morals and health, they ceased to be commercial commodities there, and that then the police power attached, and consequently the powers of Congress could not interfere. The exclusive State power is made to rest not on the fact of the state or condition of the article nor that it is property usually passing by sale from hand to hand, but on the declaration found in the State laws and asserted as the State policy that it shall be excluded from commerce. And by this means the sovereign jurisdiction in the State is attempted to be created in a case where it did not previously exist.
>
> If this be the true construction of the constitutional provision, then the paramount power of Congress to regulate commerce is subject to a very material limitation; for it takes from Congress and leaves with the States the power to determine the commodities or articles of property which are the subjects of lawful commerce. Congress may regulate, but the States determine what shall or shall not be regulated. Upon this theory the power to regulate commerce, instead of being paramount over the subject, would become subordinate to the State police power, for it is obvious that the power to determine the articles which may be the subjects of commerce, and thus to circumscribe its scope and operation, is in effect the controlling one. The police power would

not only be a formidable rival, but in a struggle must necessarily triumph over the commercial power, as the power to regulate is dependent upon the power to fix and determine upon the subjects to be regulated.

The same process of legislation and reasoning adopted by the State and its courts could bring within the police power any article of consumption that a State might wish to exclude, whether it belonged to that which was drank or to food and clothing; and with nearly equal claims to propriety, as malt liquors and the produce of fruits other than grapes stand on no higher grounds than the light wines of this and other countries, excluded, in effect, by the law as it now stands. And it would be only another step to regulate real or supposed extravagances in food and clothing. * * * For these reasons I think the case can not depend on the reserved power in the State to regulate its own police.

Speaking of the Wilson Act, in Rhodes *v.* Iowa (170 U. S., 412, 422), the court said:

If the act of Congress be construed as reaching the contract for interstate shipment made in another State, the necessary effect must be to give to the laws of the several States extraterritorial operation; for, as held in the Bowman case, the inevitable consequence of allowing a State law to forbid interstate shipments of merchandise would be to destroy the right to contract beyond the limits of the State for such shipments. If the construction claimed be upheld, it would be in the power of each State to compel every interstate-commerce train to stop before crossing its borders and discharge its freight, lest by crossing the line it might carry within the State merchandise of the character named covered by the inhibitions of a State statute.

And further on, at page 424, the court said that while the right to sell free from State interference interstate commerce merchandise was held—

to be an essential incident to interstate commerce, it was yet but an incident, as the contract of sale within a State in its nature was usually subject to the control of the legislative authority of the State. On the other hand, the right to contract for the transportation of merchandise from one State into or across another involved interstate commerce in its fundamental aspect, and imported in its very essence a relation which necessarily must be governed by laws apart from the laws of the several States, since it embraced a contract which must come under the laws of more than one State.

In the Bowman case it was said:

Has the law of Iowa any extraterritorial force which does not belong to the State of Illinois? If the law of Iowa forbids the delivery and the law of Illinois requires the transportation, which of the two shall prevail? How can the former make void the latter?

In American Express Co. *v.* Iowa (196 U. S., 133, 143) the Supreme Court, after referring to the preceding cases, says:

Those cases rested upon the broad principle of the freedom of commerce between the States and of the right of a citizen of one State to freely contract to receive merchandise from another State, and of the equal right of the citizen of a State to contract to send merchandise into other States. They rested also on the obvious want of power of one State to destroy contracts concerning interstate commerce valid in the States where made.

In Vance *v.* Vandercook (170 U. S., 438, 452) the court said:

The right of persons in one State—

And I invite particular attention to this case—

The right of persons in one State to ship liquor into another State to a resident for his own use is derived from the Constitution of the United States, and does not rest on the grant of the State law.

And again Mr. Justice White said:

The right of the citizen of another State to avail himself of interstate commerce can not be held to be subject to the issuing of a certificate by an officer of the State of South Carolina without admitting the power of that officer to control the exercise of the right. But the right arises from the Constitution of the United States; it exists wholly independent of the will of either the law-making or the executive power of the State; it takes it origin outside of the State of South Carolina and finds its support in the Constitution of the United States.

And at page 446:

In the inception it is necessary to bear in mind a few elementary propositions which are so entirely concluded by the previous adjudications of this court that they need be only briefly recapitulated. * * *

(b) Equally well established is the proposition that the right to send liquors from one State into another, and the act of sending same is interstate commerce, the regulation whereof has been committed by the Constitution of the United States to Congress, and hence that a State law which denies such a right, or substantially interferes with or hampers the same, *is in conflict with the Constitution of the United States.*

How can a right derived from the Constitution be taken away by an act of Congress or by an act of the State, or by the combined acts of both Congress and the State? The right of a citizen of one State to contract with a citizen of another State for the sale and delivery of any legitimate article of commerce is equally derived from the Constitution and not from the grant of any State law. Upon what principle, therefore, can a State law prevent the execution of this contract, the right to enter into which is derived from the Constitution? And if a State law attempting to do so be void as an interference with interstate commerce in its fundamental aspect, upon what theory may Congress vitalize it? To ask the question is to answer it.

The sale of an article in the unbroken package is an incident of commerce, but it is not a necessary and fundamental part of it, for interstate commerce may be complete without any sale—and very often is where goods are imported for personal use—but without delivery to the consignee the interstate transaction has failed of fulfillment altogether.

Mr. Justice Woodbury, in the License cases, said (5 How., 619):

And what power or measure of the General Government would a prohibition of sale within a State conflict with if it consisted merely in regulations of the police or internal commerce of the State itself? There is no contract, expressed or implied, in any act of Congress that the owners of property, whether importers or purchasers from them, shall sell their articles in such quantities or at such times as they please within the respective States. Nor can they expect to sell on any other or better terms than are allowed by each State to all its citizens, or in a manner different from what has comported with the policy of most of the old States, as well before as since the Constitution was adopted. Any other view would not accord with the usages of the country, or the fitness of things, or the unquestioned powers of all sovereign States, and, as is admitted, even of those in this Union, to regulate both their internal commerce and general police. The idea, too, that a prohibition to sell would be tantamount to a prohibition to import, does not seem to me either logical or founded in fact. For, even under a prohibition to sell, a person could import, as he often does, for his own consumption and that of his family and plantations.

Now I come to the question which the Senator from New Hampshire [Mr. GALLINGER] suggested a few moments ago.

VI. THE POWER TO REGULATE INTERSTATE COMMERCE IS ESSENTIALLY A UNIT AND NOT SUBJECT TO A MULTITUDE OF SYSTEMS.

Since the purpose of conferring authority to regulate interstate commerce upon Congress was to prevent a multiplicity of diverse and conflicting rules made by the separate States, it would seem to follow that the regulation of any given article must be uniform in character, and that varying regulations could not be justified upon the varying desires or opinions of the several States. If this were not so the evils which the consolidation of this power in Congress was intended to prevent would still exist.

In Robbins *v.* Shelby Taxing District (120 U. S., 489, 494) the Supreme Court said:

In a word, it may be said that in the matter of interstate commerce the United States are but one country, and are and must be subject to one system of regulations and not to a multitude of systems. The doctrine of the freedom of that commerce, except as regulated by Congress, is so firmly established that it is unnecessary to enlarge further upon the subject.

In United States *v.* E. C. Knight Co. (156 U. S., 1, 32) Mr. Justice Harlan in a dissenting opinion said:

Commerce among the States, as this court has declared, is a unit, and in respect of that commerce this is one country and we are one people. It may be regulated by rules applicable to every part of the United States, and State lines and State jurisdiction can not interfere with the enforcement of such rules. The jurisdiction of the General Government extends over every foot of territory within the United States. Under the power with which it is invested Congress may remove unlawful obstructions, of whatever kind, to the free course of trade among the States. In so doing it would not interfere with the "autonomy of the States," because the power thus to protect interstate commerce is expressly given by the people of all the States. Interstate intercourse, trade, and traffic are absolutely free, except as such intercourse, trade, or traffic may be *incidentally* or *indirectly* affected by the exercise by the States of their reserved police powers.

In Groves *v.* Slaughter (15 Pet., 505) this language was used:

The law must be equal and general in its provisions. Congress can not pass a nonintercourse law as among the several States nor impose an embargo that shall affect only a part of them.

In Oregon Steam Navigation Co. *v.* Winsor (20 Wall., 67) the court said:

This country is substantially one country, especially in all matters of trade and business.

In Hall *v.* De Cuir (95 U. S., 485, 507) the Supreme Court said:

Commerce among the several States as well as commerce with foreign nations requires uniformity of regulation; and that power is by the Constitution vested exclusively in Congress, as appears by the Constitution itself and by an unbroken course of the decisions of this court, covering a period of more than half a century.

In Walling *v.* Michigan (116 U. S., 446, 455), the court said:

We have so often held that the power given to Congress to regulate commerce with foreign nations, among the several States and with the Indian tribes is exclusive in all matters which require or only admit of general and uniform rules, and especially as regards any impediment or restriction upon such commerce that we deem it necessary merely to refer to our previous decisions on the subject, the most important of which are collected in Brown *v.* Houston (114 U. S., 622, 631) and need not be cited here.

And on page 456, quoting from Mobile *v.* Kimball (102 U. S., 691, 697), the court, speaking of the subjects of interstate commerce which are subject only to the exclusive regulation of Congress, said:

Some of them are national in their character and admit and require uniformity of regulation, affecting alike all of the States; others are local or are mere aids to commerce and can only be properly regulated by provisions adapted to their special circumstances and localities. Of the former class may be mentioned all that portion of commerce with foreign countries or between the States which consists in the transportation, purchase, sale, and exchange of commodities. Here there can of necessity be only one system or plan of regulation, and that Congress alone can prescribe. Its nonaction in such cases with

respect to any particular commodity or mode of transportation is a declaration of its purpose that the commerce in that commodity or by that means of transportation shall be free. There would otherwise be no security against conflicting regulations of different States, each discriminating in favor of its own products or citizens and against the products and citizens of other States. And it is a matter of public history that the object of vesting in Congress the power to regulate commerce with foreign nations and among the States was to insure uniformity of regulation against conflicting and discriminating State legislation.

Suppose the proposed bill should be enacted. In the course of time somebody violates it. What follows? So far as the United States is concerned, nothing whatever. No penalty is prescribed by way of fine or imprisonment or forfeiture of goods or otherwise. So far as the Federal Government is concerned, the enactment will not be in any real sense a law at all, but only a piece of gratuitous and more or less irrelevant advice, and this having been given Congress simply washes its hands of the whole affair and retires permanently from the field. But the State of Kansas, for example, having by its law prohibited the sale of intoxicating liquors and authorized a seizure and confiscation of such liquors within the State stops an interstate train at the State line and seizes a shipment of beer which it is suspected is being imported for the purpose of sale in violation of the State law. In the proceedings which follow the consignor, the consignee, or the railway company whose interstate operations have been interrupted challenges the action of the State as constituting a regulation of interstate commerce and therefore beyond the power of the State. What, then, must be the concession and contention of the State?

Obviously it must put in a plea analogous to a plea of confession and avoidance. It must obviously concede that its statutes and proceedings do constitute a regulation of interstate commerce, and one therefore prima facie beyond the authority of the State, but that this want of power on the part of the State has been supplied by the authorization or the permission of Congress. In the last analysis, the legality of the State action must rest wholly and alone upon the Federal statute, and whether we call it a grant or a concession or a permission, or by any other name, or by no name at all, in substance and effect a State power has been created or amplified by an act of Congress.

Over and over again we have been assured that this is not an attempt to delegate any congressional power to the State or to add to the power of a State, neither of which, it is admitted, can be done, but that the effect of the legislation is only to remove a little impediment which now exists to the exercise of the State power. Let it be conceded. What then? The pertinent inquiry suggests itself, What is this impediment which stands in the way of the State now doing what it will be permitted to do hereafter by virtue of this act of Congress? Is it a Federal statute which Congress may modify or repeal at pleasure? No. Is it some form of manacle which, Congress having forged, Congress may loose; some restraint which, having been imposed by Congress or some inferior authority, may be removed by Congress? No. Senators may delude themselves by ingenious phrases and plausible forms of lip logic into the belief that they are following straight paths, but always, like bewildered travelers lost in the woods, they must come back to the same point again and again, and that point is that the impediment which they seek to remove is one imposed by the Constitution of the United States, to prevail against which Congress is as helpless as the States themselves. Approached from whatsoever angle we please, this little impediment to be brushed aside so unceremoniously always reveals itself as the Constitution, which stands at the gate like the "flaming sword, which turned every way to keep the way of the tree of life." The conclusion is irresistible that we are by this legislation attempting to enable a State to exercise a power under and by force of an act of Congress which the State has no authority to exercise under the Constitution, and if our act be valid we shall have succeeded in making a Federal statute superior to the Federal Constitution.

There has never been a time in all our history when the necessity of adhering to the limitations of the Federal Constitution was more imperious than to-day. Constitutional principles must be made with reference to the generality of cases and not to exceptions. General rules sometimes of necessity operate harshly in occasional instances, and the temptation is always great to ignore or violate these principles whenever we come into contact with one of these exceptional cases. The danger, however—and it is a very real and grave one—is that if we violate the Constitution in order to bring about a good result, or what we fancy to be a good result, we have opened the door of opportunity for future violations where the result may be neither good nor wise.

As said by the Supreme Court in Scott *v.* Donald (165 U. S., 58, 91):

The evils attending the vice of intemperance in the use of spirituous liquors are so great that a natural reluctance is felt in appearing to interfere, even on constitutional grounds, with any law whose avowed purpose is to restrict or prevent the mischief.

But, as said by Chief Justice Fuller in the Knight case (156 U. S., 1, 13):

It is vital that the independence of the commercial power and of the police power and the delimitation between them, however sometimes perplexing, should always be recognized and observed, for while the one furnishes the strongest bond of union, the other is essential to the preservation of the autonomy of the States as required by our dual form of government—

And then follow these words of wisdom and of warning—

and acknowledged evils, however grave and urgent they may appear to be, had better be borne than the risk be run, in the effort to suppress them, of more serious consequences by resort to expedients of even doubtful constitutionality.

I have never subscribed to the doctrine that the end justifies the means. The step from virtuous necessity to doubtful expediency is very short and easily taken. We should be extremely careful not to do a forbidden thing upon the plea that good will result, lest we thereby establish a precedent for doing the forbidden thing to the undesired end that evil may follow. Whenever we violate the Constitution an example is set which is quite likely to come back sooner or later to vex us. It was Portia, I think, who said:

'Twill be recorded for a precedent,
And many an error by the same example
Will rush into the State.

Mr. President, I do not for one moment doubt the honesty of purpose of the good men and good women of the country who are urging upon Congress the adoption of this legislation. The sincerity of their belief in its wisdom and its legality I do not question. I sympathize with the purpose that they have in view, namely, to reduce the evils of intemperance; but, sir, that is not the end of the matter. Superior to my own desires and superior to the wishes of any part of the people stand the sovereign commands of all the people, which they have embodied in their Constitution, and these do not admit of disobedience or evasion upon any pretext. Honest legislators may differ, and frequently do differ, as to the interpretation and application of these commands, but no man who, after study and reflection, has reached a definite and settled conclusion as to the meaning of one of these commands may act in opposition to it without breaking faith with his own conscience.

If a man is guilty of an overt act of dishonesty, he may be compelled to suffer the penalty of the law and the scorn of mankind. What he does may be seen by others than himself, but into the secret chamber of his own intellect no eye save his own may penetrate. In that domain each of us is his own advocate and finally his own sole judge. If he be guilty of intellectual dishonesty his debasement, if he so wills, can be known only to himself, but while he pays no outward penalty he pays, nevertheless, in the uneasy and unhappy consciousness that he has betrayed himself. To be mistaken in one's judgment is a common and comparatively trivial fault; to deliberately violate one's honest judgment is as indefensible and contemptible an act as any man can commit. Everyone of necessity spends more time with himself than with anybody else, and he ought to so conduct himself that he may feel in decent company the major part of the time. The people of the country who are urging this legislation are not sworn to uphold and defend the Constitution. I am. The duty and responsibility of keeping the oath is mine, not theirs.

I am willing to go as far as any man ought to go in a liberal and broad construction of the Constitution in the interest of beneficent legislation. I am not willing to violate the plain terms of that great charter for the advancement of any cause, however near it may lie to my own heart or the hearts of others.

During the delivery of Mr. SUTHERLAND'S speech,

Mr. GALLINGER. Mr. President, I rise to ask that the unanimous-consent agreement may be read from the desk.

The PRESIDENT pro tempore. The hour of 3 o'clock having arrived, the Secretary will read the unanimous-consent agreement.

The Secretary read as follows:

It is agreed by unanimous consent that on Monday, February 10, 1913, at 3 o'clock, p. m., the bill (S. 4043) to prohibit interstate commerce in intoxicating liquors in certain cases be taken up for consideration, not to interfere with appropriation bills, and that the vote be taken on all amendments pending and amendments to be offered, and upon the bill itself, not later than the hour of 6 o'clock on that day.

The PRESIDENT pro tempore. The Chair will now formally lay the bill before the Senate. The title will be stated.

The SECRETARY. A bill (S. 4043) to prohibit interstate commerce in intoxicating liquors in certain cases.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

After the conclusion of Mr. SUTHERLAND'S speech,

Mr. THORNTON. Mr. President, I presume that other Senators have had a common experience with myself in the matter of receiving requests to vote against the pending bill, generally known as the Kenyon-Sheppard bill and generally understood to have for its object the prohibition of the shipment of liquor from a State in which it is lawful to sell it, to a State in which its sale is not legalized; an understanding based on a popular error, for the bill does not prohibit such shipment, but does subject it to the authority of the police power of the other State when it enters its jurisdiction and before it reaches the consignee, provided it had been purchased for the purpose of violating the laws of the State.

Powerful political influences from my own State, which is not a prohibition State except in spots, have been brought to bear on me by those who have been my personal as well as political friends, in the effort to have me vote against the passage of the bill, the parties generally basing their opposition on the two-fold ground that it was unconstitutional and a violation of the right of personal liberty.

To all I have answered that I could not do so consistently with my views of the rights of the respective States of the Union.

If either of these objections appeared to me well founded, I would vote against the bill, for I have taken an oath to obey the Constitution of the United States and I am now, as I have ever been, a strong believer in the right of the personal liberty of the individual citizen.

But while there may be a doubt in my mind as to the constitutionality of the bill, that doubt is not sufficiently strong to make me vote against its passage, for I can not justify myself in taking the position that unless a legislator was absolutely sure of the constitutionality of an act submitted to him it is his duty to vote against it, even though he thought the motive for its inception was proper and the result of its passage would be beneficial.

I hold, rather, that I have no right in such a case to attempt to block what I considered proper legislation, but that it would be my duty to assist in its passage and let the courts pass on the mooted question.

And so in this storm the safe harbor of unconstitutionality is not open to me for entrance.

So much for that part of the question.

As for the second part of the proposition, it will not be disputed that the right of the personal liberty of the individual citizen is subordinated to the greater right of the State to control that liberty within such bounds as are considered proper with reference to the well-being of the community at large.

The right of a State in the exercise of its police powers to regulate the liquor traffic within its boundaries or to suppress such traffic entirely will not be denied.

This bill permits the States to exercise the same police power over liquor shipped into its territory from another State that it could exercise over it if the shipment originated within its territory, a power that can not be exercised except for the purpose of preventing the violation of its own laws.

The effect of its passage will be to prevent the General Government from lending the force of its laws, either to assist the citizens of one State to violate the laws of another or to assist the citizens of the other State to violate the laws of their own.

I believe that while the General Government should be supreme in the exercise of the authority conferred on it by the Constitution, the States composing it should be supreme in the exercise of the authority reserved to them by the Constitution.

I believe further that it is the duty of the States to stand ready to assist the General Government in the exercise of its constitutionally conferred powers and that it is equally the duty of the General Government to stand ready to assist the States in the exercise of their constitutionally reserved powers to the extent not only of refraining from enacting laws that may tend to obstruct the proper State authority, but also of amending or repealing any existing laws that may have such a tendency.

Holding such views, I can not vote against the pending bill, but must vote for its passage.

Mr. WEBB. Mr. President, the liquor evil has been before the world since the beginning of history. The history of the Jews, the Greeks, and the Romans, the three ancient civilizations best known to us, show the different methods of approach to this great question. A referendum to the citizens of Rome, the imperial city that ruled the world, on the banishment of the temples of Bacchus, as saloons were then called, notwithstanding their protection of a god, resulted in Rome going dry. Rome went dry on the political slogan that the temples of Bacchus were headquarters of the demoralization of youth and the white-slave traffic. The saloon still maintains its ancient reputation, and in our time it has eliminated none of its evils, but has added others unknown to the ancient civilizations.

Bacchus, a god of great power, was not, I am glad to say, infinite in his attributes nor universal in his jurisdiction.

Bacchus was a riotous god. His birth was a tragedy amid thunder and lightning. His mother was consumed by the lightning and immediately on his birth departed to Hades. Hence the epithet, fireborn. The orphaned Bacchus was never mothered. He was put in charge of Persephone, the infernal goddess of death, daughter of the Styx and wife of Pluto and mother of the furies, whose reputation lies chiefly in the fact that she was abducted by Pluto and made queen of Hades. His nurses became insane, and the little kid was changed into a ram and brought up in the dark recesses of a cave. When he was grown he became insane and became a hobo. He compelled his female worshippers to leave their homes. In their frenzy mothers mistook their children for animals and tore them in pieces. The people, and particularly mothers, opposed his entrance to many countries. Ships that carried him had their masts and oars changed to serpents and Bacchus changed himself into a lion, and ivy surrounded the ship. The sailors were seized with madness and leaped into the sea. Homer calls him the "drunken god." He was the god of the tragic art. In the beginning of his career the Graces were his companions. Time wrought great changes in his companions, who were Bacchantic women, raging with madness, in vehement motions, their heads thrown backward, with disheveled hair, carrying in their hand cymbals, swords or serpents. Satyrs and centaurs, monstrosities slightly human in face, brutes in body, were his chums. Sacred to him were poisonous shrubbery, and among animals sacred to him were the serpent, tiger, lynx, and panther. The expression of his countenance in art is languid and shows a kind of dreamy longing, his head, with a wreath of vine or ivy leaves, somewhat on one side, his attitude is easy, like that of a man who is absorbed in sweet thoughts or slightly intoxicated. He is often seen leaning on his companions or riding on a panther or ass, tiger, or lion. On coins he is represented with the horns of a ram or a bull. The above forceful description of Bacchus, as given in the poets of Greece and Rome, and taken from the classical dictionary is so easy of interpretation that I will not apply it.

To regulate interstate commerce. What does "regulate" mean? It means to prescribe rules for, and to prescribe rules means primarily to restrict. Unrestricted commerce is not regulated. It is free and unrestrained and has no regulation whatever. The derivation of the word "regulate" is from "rego," which primarily means to keep straight (a very suggestive meaning in connection with this bill). The verb "reign" contains the primary meaning and Webster's first definition is to possess or exercise sovereign power or authority; to exercise government as a king or emperor; to hold supreme power. Webster gives the third meaning to have superior or uncontrolled dominion. The first meaning of regulate in the Century Dictionary is to adjust by rule, method, or established mode, to govern by or subject to certain rules or restrictions. To regulate a machine is to adjust the governor so as to restrict or confine its movements, to increase or lessen the power as occasion demands. To regulate a clock or a watch is to restrict its movements by a pendulum or compensating spring. Our forefathers in making our great Constitution used the word "regulate" in its ordinary use. They never intended to surrender the right of protecting their descendants from the greatest evil known to man. They pledged their fortunes as well as their sacred honor to guard the happiness of the people and not the interests of the saloon and the stillhouse and the lawbreaker. Our forefathers, who made our great Constitution, were great scholars and used words with great accuracy. They used "regulate," in my humble opinion, to mean that the power to restrict interstate commerce was in their hands to be used as the needs of the people required.

You, yourselves, Senators, gave that interpretation to the word when you prohibited the consignment of liquor to the Indian tribes. Later, when the Indian Territory became a part of the sovereign State of Oklahoma, the Supreme Court of the United States decreed that under your law consignments of liquor could not be transported to that part of Oklahoma which was formerly the Indian Territory. Have not we in Tennessee, in our father's house, a right to expect that you do as well for us and our children as you do for others? We simply ask for equal justice. We do not ask you to even help us execute our anti-liquor laws or delegate to us any power we do not possess. We simply ask you "to deprive liquors in-

tended for unlawful purposes of interstate-commerce character, and let us deal with such imported liquors as we would with liquors of domestic production intended for the same unlawful purposes."

Your laws regulate nitroglycerine and its products. That means they restrict—they prescribe conditions. They prohibit entirely from the whole Union absinthe simply because it intoxicates, but another intoxicant is said to have the right of way even over the sovereign power of States and the Nation itself. I have been myself denied by quarantine the privilege of crossing into my own State to my own home because I did not have with me a health certificate, and I had not been in contact with any contagion. Cattle, sheep, horses, hogs, and plants of every description are stopped, regardless of loss to the owners, because of anticipated disease. To regulate, then, is evidently to restrict. It seems that the only commodity known to man that can not be restricted is intoxicating liquors. If disease of animals and plants constitutes the difference, intoxicating liquors are responsible for more diseases of the body than all other causes combined and in addition they send great multitudes to the madhouse, to suicides' graves; they destroy the will power, which alone constitutes true manhood. They undermine love and destroy homes. This great destroyer, the greatest evil known to man, seems to be in the estimation of great lawyers the only disease-breeding commodity that can have no restriction put upon it.

They had trouble in ancient times to regulate this same commodity, personified into Bacchus with such unusual power that he overcame all restraints by changing men that stood in his way into fowls, fish, or animals, according to his whim. Modern sovereignty, it seems to me, works the same trick by changing the meaning of very simple words. Even statesmen and chemists of the United States can't tell what whisky is. In my boyhood whisky had no restriction upon it whatever. It was sold at 10 cents a gallon anywhere—on the public highway, at camp meetings—and any illiterate plowboy could tell what whiskey was. Now that whisky is so disguised with Indian hemp, buckeye, mountain ivy, poison oak, sulphuric acid, chloral, and other poisons, I don't wonder that its definition involves problems too complex for great statesmen and chemists.

While our temperance laws in Tennessee are reasonably enforced in at least 80 per cent of the population and 95 per cent of the area, we are greatly hampered by the action of the Federal Government in protecting under the interstate-commerce law the shipment of liquor. We do not ask the Government to assist us in the enforcement of our temperance laws, but we do ask that when the liquor crosses the State line, that it shall become subject to the laws of our own Commonwealth. We do ask that you leave in our hands consignments of liquor after they come within our boundaries. The State of Tennessee has long passed her majority and is clothed and in her right mind. She thinks she, on the ground, knows her people after more than a century of acquaintance better than the General Government can know them, and asks that her discretion on this great question be supreme. She will be wise in the use of this discretion. She can discriminate between a proper consignment and one that is designed for a lawless purpose.

Mr. President, it is wrong for this great Government, the strongest in the world, to force this Pandora's box on our people.

Tennessee's yeomanry in the days of the Revolution, at King's Mountain, living on parched corn, turned the tide of disaster and made this great Government a possibility. Our incomparable Andrew Jackson, with a Tennessee army at New Orleans in the War of 1812, won imperishable glory for this Nation. In the Civil War, Tennessee furnished a great army on the side of the Union. The Republican Party of our State, largely composed of old Federal soldiers and their descendants, have united hands and hearts with the old Confederate veterans and their descendants, who constitute the very backbone of democracy, in support of this bill, and ask you simply to withdraw your protection from interstate consignments of liquor. We simply ask you not to give your protection to that lawless gang who, armed with your license, nullify the laws of the great State of Tennessee. Andrew Jackson, of Tennessee, twice President of the United States, has some reputation on nullification. When he was your Executive, he did not allow your laws to be nullified. We ask you to-day to pass this Kenyon-Sheppard bill that you, the Senators of the United States may not by your votes nullify the laws of the great Commonwealth of Tennessee, the home of Andrew Jackson.

In reaching the conclusion that it was easier for people to do right without than with saloons Tennesseeans were following illustrious precedents. Many States of this great country preceded them in adopting this policy. North Carolina, her mother, had set the example. Tennesseeans, proud of their ancestry, love to follow where her mother leads.

This body of Senators, the greatest lawgivers in history, with the cooperation of the other House, preceded us. Every refreshment known to man, except intoxicating beverages, can be purchased in this Capitol. You said to the civilized world, by excluding liquor from the Capitol of this great country, it is easier to be efficient legislators without than with intoxicating liquors easily accessible to you.

If you Senators can do your work better without an easily accessible drink stand, how about indiscreet youth and the great masses of the plain laborers of our country? Tennessee congratulates you on this right course in this Capitol and would not force upon you a different policy if she could. Is it not in good form in this Chamber to quote from Him who is the truth, the life, the way of nations as well as individuals, from Him who is the author of all good, and whose precepts lie at the very foundation of all progressive civilization, on whose birth history pivots itself, "Do unto others as ye would that others do unto you"? If mankind could only even approach this ideal, it would solve the most complex problems of modern civilization, both national and individual.

Do not protect by your law of interstate commerce those who violate our laws. It is wrong to force this upon us. We are following your illustrious example, Senators. You taught us the way to make it easier to do right. It is wrong to thrust us back when we are simply walking in your footsteps. To give our State control of consignments of liquor when they cross the State line to within our jurisdiction is no precedent for other consignments of other commodities. You yourselves have set the example of making liquor different from other commodities. You have excluded liquor, and liquor alone, from this great Capitol. This in your estimation set it apart as different from other commodities. Your method of taxation has set it apart as different from all other commodities. The producer of liquor is not permitted by law to control or even have access to his own product except in the presence of your officers. No other product of man has such a brand of distrust upon it and its producer. It is a positive wrong and a positive discourtesy for you by your licenses and your protection of liquor to nullify our laws by your method of regulating interstate commerce.

Your quarantine stations in protecting the people against contagious diseases confine the citizens themselves regardless of their convenience, liberties, or comfort, and exclude them from access to their own homes and loved ones to prevent disease. You are right in this. Liquor kills more people than all wars and pestilences and famines and earthquakes combined. Yet this commodity, more deadly than all diseases combined, has right of way into the heart of a sovereign State in spite of the wishes of its people.

I am greatly gratified to-day that I stand on State rights with the Senators of Kansas. Kansas has made a heroic fight against the greatest evil known to man. Her leadership thrills my soul. I am proud to follow on this, the greatest problem of civilization, where Kansas leads. I have not always stood with Kansas on State rights. I bear on my body scars, but none on my heart, because 50 years ago I differed with Kansas on this great question. It is a happy omen that the bill bears the joint names of Senator KENYON, of Iowa, and Senator SHEPPARD, of Texas—North and South standing together for State rights.

My widowed mother, in sight of the smoke of distilleries, told me on her knee that it was wrong to make and sell liquor. I never went to a teacher from infancy to my graduation in a university who did not teach me it was wrong to handle, touch, or taste liquor. As a soldier boy in my teens I heard the general order of Gen. Robert E. Lee read at dress parade that liquor brought to his army should be in sealed packages, put in charge of the surgeons, and that the seal should not be broken till the wounded were actually on hand. It was a sober army that made him the most famous commander in history and put his statue in Statuary Hall by the side of the Father of His Country. My Father in heaven was good to me to give me such a mother and such teachers and such a commander. I reverence their memory.

I have tried as a father, as a grandfather, as a teacher, as a citizen to transmit this great lesson to those who are to come after me. I am glad to-day, as a Senator of the United States, that I have an opportunity to make a record on this, the greatest problem before the civilized world. I am not a lawyer; I can not meet the legal arguments of those learned lawyers on the other side. I have the greatest respect for their learning and ability; I covet to-day their equipment. I can say, and I do say, that if the Constitution of the United States stands in

the way of this great reform the Constitution ought to be changed.

Pardon me for a personal allusion. I have spent more than 60 years in a boarding school for boys. No man can tell what a little carrot-haired, hatchet-heeled boy will develop into. In my boyhood at the Bingham School at the Oaks, in a remote part of Orange County, N. C., my roommate, a 12-year-old lad, later became the governor of his State. A college friend, Walter Clarke, has been for many years and is now chief justice of North Carolina. God has allowed me to live to see my own little student boys develop into such a splendid manhood as to worthily occupy seats in this Chamber and in the House of Representatives at the other end of this Capitol. Senator Edward Ward Carmack, a former pupil, was an honor to the Senate of the United States. He was a genius and a statesman and a martyr to the cause I represent.

I have seen others of these little boys later on the supreme bench of their State, and many of them learned judges of other courts. I have seen them wearing Episcopal robes and filling great metropolitan pulpits. I have seen them great authors, presidents, deans and professors in great colleges and universities and the headmasters of great schools. I have seen them great lawyers, great surgeons and physicans, great soldiers and manufacturers, and farmers. I have seen many of them in business become millionaires.

To see these boys make this splendid development is the loviest scene that God and angels look down upon. Such development makes happy fathers and makes a bird sing in mothers' hearts.

Oh! I wish I could be spared the contemplation of the other side that makes the devil and his emissaries rejoice and feel that they have come into possession of their very own. I have accompanied them to the madhouse for a living death while still in the flesh. I have accompanied them to suicides' graves, and seen them entangled in divorce suits—all love gone. I have seen them in dishonor in convict garb, their fathers ashamed and their mothers broken hearted, in each case a tragedy infinitely greater than the loss of the *Titanic*, that brought an investigation from this august body and also from the Parliament of England. Liquor did it every time. Having spent my life in the rural districts with the knee-breeches boys about me, I, like other men, dreamed dreams, but I never once dreamed that my name would ever be even considered for this great honor; but among those little boys the question of government may have been unique and not dignified enough to be even mentioned in this Chamber. But my conception of the proper function of government agrees with Gladstone, the prime minister of England and the greatest lawgiver of the last century, that government's proper function is to make it easier for people to do right. Tennessee, in three great contests, has said to you that it is easier for her people to do right without than with saloons. No intoxicating beverage can now be legally sold in Tennessee.

I am an optimist. The world is getting better every day. I saw in my boyhood liquor absolutely without restriction. It is now restricted in a thousand ways; I saw gambling untrammeled and indulged in everywhere, even on the public highway. It has been driven into guarded dens. I saw public betting on horse races—now a thing of the past. Lotteries in my boyhood used the mails. Their agents were everywhere. Dueling was common. A gentleman allowed himself to be punctured by bullets into a pepperbox to show that he was brave and a man of honor. Senators, America is aroused on the liquor question. Anglo-Saxons have won every reform that once caught the ear of the people. Liquor has got to go. God grant that I may help it go.

The world is stirred on this question. Children now live who will have to explain to their children what a saloon was, and why their ancestors tolerated such a deadly evil. But for the money invested in it it would already have been a thing of the past. Toleration of the saloon puts the dollar above the man.

Miss Frances E. Willard, the lovely and charming queen of womanhood, has the great honor of a statue in Statuary Hall in this Capitol. No honor has ever been bestowed more worthily. It was her work for temperance that made this bill a possibility. In her name and in the name of millions of charming white-ribboned women all over this great American Nation; in the name of the white-ribboned hosts of Tennessee, under the leadership of Mrs. Silena Holman, a mother and grandmother of a noble family, who for years, with womanly dignity and charm, has done more than anybody else in cultivating public sentiment in Tennessee in favor of lofty ideals of citizenship, and who, if usefulness to her people is the correct measure of statesmanship, is Tennessee's greatest statesman; in the name of all the fathers and grandfathers and mothers and grandmothers of this great Nation, who wish a clean environment in which to rear their offspring, in whom they have invested their very lives; in the name of all the schoolmasters of America, whose greatest ambition in life is to train a citizenship worthy of this the greatest Nation in history; in the name of all the Christian churches of America, who labor and sacrifice that all the people may have a right attitude to God and to man; in the name of all the boys and girls on whose ideals formed in youth and not on material prosperity, which you have so nobly fostered, the future glory and usefulness of this great Nation depends; in the name of our Father in Heaven, who said that righteousness and not material prosperity exalteth a nation.

When we come to you asking for a fish, do not give us a serpent that stings, that mars, that destroys, whose coil is in the stillhouse. [Applause in the galleries.]

The PRESIDENT pro tempore. If applause in the galleries be repeated the Chair will certainly direct the Sergeant at Arms to clear the galleries. The Chair hopes that the occupants of the galleries will consider that this notice is given in the utmost good faith and sincerity, and that this offense against the rules of the Senate will not be repeated.

Mr. GALLINGER. Mr. President, after listening to the eloquent speech of a new Senator I am moved to make a request, which is that by unanimous consent the rules of the Senate be so far suspended that the Senate may substitute for consideration the bill on the same subject passed by the House of Representatives for the bill now under consideration.

Mr. MARTINE of New Jersey. I object.

The PRESIDENT pro tempore. The Senator from New Jersey objects.

Mr. ROOT. Mr. President, I have been urged by a great many people, whom I respect very much, to vote for this bill. I can not vote for it, however, because I have come to a perfectly clear and definite conclusion in my own mind that the bill is not within the constitutional power of Congress, and with that opinion I can not with self-respect vote for the bill; I can not vote for it consistently with the obligation that I have taken to maintain the Constitution.

Nowadays, sir, when I say that a measure which is popular and which many of our citizens desire is unconstitutional I feel as if I were doing an injury to an old friend and subjecting that friend to obloquy, to censure, and to possible disaster; but, sir, it is only by observance of the rules of the Constitution that we can maintain the government of law as against that government of men which means the destruction of individual liberty. The maintenance of the government of law, the observance of declared principles and rules of action, is far more important than the fate of any bill regarding any specific subject that can be submitted to Congress; and, sir, I can not reconcile it with my idea of what is wise for the country and what is right for a representative in the Senate to cast a vote for a measure which seems to me to be unconstitutional in order to throw upon the courts the burden of declaring it to be unconstitutional. I believe, sir, that the effect of passing this bill—and I understand that it probably will pass—will be that the courts of the United States will have to say that it is beyond the constitutional power of Congress. I think they will have to say that or stultify themselves, and when they say that they will concentrate upon themselves a measure of unpopularity, of public censure, and of public impatience with the judicial establishment which we will have shifted from our shoulders when we vote for the bill believing it to be unconstitutional. I think I shall be the better satisfied to take that burden on my own shoulders, and therefore I shall vote against the bill, because I think it is not permitted by the Constitution.

The bill has two sections. The last one is a simple and direct section which provides that all intoxicating liquors upon arriving within the boundaries of a State shall be subject to the police laws of the State. I think the friends of the bill have practically conceded that that is not constitutional. I think they are right. I do not see how they can avoid that conclusion. Still, in my judgment, it is much the least objectionable of the two sections of the bill.

The other section provides that the shipment or transportation in any manner or by any means of any intoxicating liquor into any State, whether from a foreign country or from any other State, is prohibited if the intoxicating liquor—

is intended, by any person interested therein, directly or indirectly, or in any manner connected with the transaction, to be received, possessed, or kept, or in any manner used, either in the original package or otherwise, in violation of any law of such State, Territory, or District of the United States, * * * enacted in the exercise of the police powers of such State—

And so on.

Mr. President, that provision seems to me to be open to a number of objections, which I shall proceed to state.

In the first place, it undertakes to charge the citizens of every State and the citizens of all foreign countries engaged in com-

merce with the United States with a knowledge of all the laws of every other State. I doubt whether we can, by law, charge a citizen of the State of Louisiana with knowledge of the laws of the State of New York. If the effect is not, as a matter of law, to charge that knowledge upon the citizens of each State, then it is to require what is impossible, that the citizens of each State shall become familiar with all the laws and all the facts upon which laws operate and receive effect in all the other States. If they do not know all the laws and do not know all the facts upon which those laws operate, such as the issue of licenses, the fulfillment of conditions, and so on, then they are penalized for their ignorance by having their contracts prohibited.

In the second place, the provision undertakes to invalidate the contracts of the people of each State by reason of the intention of some one else in regard to future conduct under the laws of other States. The laws of a given State require a common carrier to accept and carry an invoice of goods. The contract is obligatory. The contract is made. But under this provision, if it is effective at all, the contract is invalidated because some one besides the carrier, and it may be some one besides the shipper, has an undisclosed intention to violate, after the transaction of transportation is over, an unknown law in a different State. I do not think it is competent for us to invalidate contracts in that way.

I can not quite agree with the proposition that this law means nothing because it carries no penalty. I think the law, if it be effective, makes contracts made under it invalid and unenforceable. That is the general rule of law—that a contract made in violation of law is an illegal contract, an invalid contract, outlawed, and incapable of compulsion or of being made the basis of remedy in the courts. That rule of law is maintained as strictly and as clearly by the Supreme Court of the United States as it is in any jurisdiction.

A third objection to this provision is that it is simply and plainly a surrender on the part of the General Government of the power of regulating this interstate commerce and a delegation of that power to the government of the State in which the transaction ends.

The Supreme Court has described the origin and the operation of this rule by which the Government of the United States is to regulate interstate commerce as being a regulation by the Federal Government of a transaction which can not be regulated by the States because the transaction is in part within the jurisdiction of one State and in part within the jurisdiction of another State; and this rule, around which our Union has been built up, was established to prevent the conflict of rules in the State where the transaction begins with rules in the State where the transaction ends.

Sir, I say that the provisions of this first section abandon that rule and vest in the State in which the transaction is to end the power to regulate and control the transaction. It is not letting go of the transaction and leaving it subject to the police power of the State. It is letting go of the regulation of that commerce and putting it in the hands of the government of the State where the transaction ends.

There would be a different situation, sir, if we were undertaking to legislate about a known law of a State; if we were undertaking to say that goods transported into the State of Michigan in violation of a certain named law of Michigan should be subject to the penalties of that law. That is not what we do here, however. We make all transportation of this article of commerce subject to whatever laws may be hereafter passed by any State. And what is that, sir? Some States undertake to regulate the traffic in liquors by means of high licenses and make it illegal to sell without a license. Some undertake to regulate it by local option and make it legal to sell in one place and illegal to sell in another. Some prescribe the purposes for which the sale may be made and prescribe conditions of receiving certificates or evidences of authority to sell or to buy for the particular purposes. There is a great variety of provisions declaring when and how and under what circumstances and upon what conditions this traffic, the possession, the transportation, the sale, and the use of these articles shall be lawful.

The effect of this provision, if it takes effect at all, is that each State shall be empowered to say when and how and under what circumstances and upon what conditions this liquor may be transported into the territory of the State. The States can do that, because they can say that under any other conditions it shall be unlawful. Under this, sir, a State may by law permit the manufacture of distilled spirits within its territory and by law make it unlawful to have in possession distilled spirits manufactured out of its territory. There is no limit upon the regulation by every State of this kind of interstate traffic under the authority conferred by this bill. It is not giving up the regulation and allowing police law to take its place. It is handing over the power of regulation to the State into which the transportation goes.

Mr. President, one great trouble about this whole subject is that the States themselves have been unwilling to outlaw these commodities. We should have a much simpler situation if there were a State which made it unlawful to manufacture or sell or have in possession or use intoxicating liquors. That State, so far as it was within its power, would have declared that intoxicating liquors were not the subject of commerce. But so long as a State permits them to be manufactured in some way and in some places, to be sold in some way and in some places, to be held in possession for some purposes, to be used for some purposes, so long it still regards these commodities as the subjects of commerce.

What is proposed in this bill is that the Government of the United States shall hand over to the government of each State the right to say how and when and under what conditions interstate commerce in these articles of commerce, so treated and regarded by all the States, shall be had.

There is another objection, sir. That is, that this bill does not merely hand over to the State which is the terminus ad quem of this transportation the power to regulate interstate commerce within its borders, but it undertakes by Federal law to enforce in each State the laws of the other States. I beg Senators to observe the real significance of that. Let us say that the State of Iowa, which has stringent laws, is empowered by this statute, if it is passed, to declare the circumstances under which beer may be imported from St. Louis, in the State of Missouri. If the beer is carried in in accordance with the laws of the State of Iowa, it is a good transaction. If it is carried in in violation of those laws, with intent to sell without a license, with intent to sell in a "dry" town rather than a "wet" town, with intent to sell for one purpose rather than another, then it is a bad transaction, and the contract made in the State of Missouri is a void contract, made void by the law of Iowa.

So, sir, we are not merely delegating to the legislature of a State the power to regulate interstate commerce within its borders, which the Constitution prohibits to the legislatures of the States and vests in Congress, we are not merely abdicating our authority and refusing the performance of our duty to say when and how and in what manner this thing shall be done, but we are undertaking by Federal law to enforce in the State of Missouri the laws of the State of Iowa, by putting upon those laws, whatever they may be, whenever they may be enacted, the imprimatur of Federal authority, and we are stretching out the arm of Federal power over the State of Missouri, to say that no matter what laws she may make, if they are in contradiction of the laws of the State of Iowa, they are void and ineffective.

Sir, I should be very glad if there were some way in accordance with the Constitution in which we could help stop this traffic. Public opinion upon the subject has grown very rapidly within recent years. The time may come, and I shall be glad to see it, when the people of the United States will be ready to act as a whole in the suppression of this traffic. But until they are ready, until this process of education and enlightenment which has been going on in these past years in regard to this kind of traffic has come to the point where the people of the United States, whom we represent and who made the Constitution that governs us, are ready to act as a whole, we are bound to maintain the provisions of that Constitution and to perform the duties it has imposed upon us; and the people of every State are bound, in loyalty to their country, to do the best they can to enforce their own laws in subordination to the directions of that Constitution.

If I may say one thing more, sir, the real trouble in the enforcement of these laws comes from the fact that they do not prohibit this traffic. If they did, it would be easy to enforce them. It is because they make discriminations and allow the traffic to be legal here though illegal there, to be legal in this way though illegal in that way, to be legal upon one condition though illegal upon another, because when a man has liquor in his possession he is entitled to the presumption under the laws of the State that he is going to use it lawfully, that it is so difficult to enforce these laws. Instead of impressing the prohibition upon the traffic in general, everywhere and under all circumstances in the State, they are seeking to transfer the difficulty of making the discrimination and of enforcing discriminating and partial laws from the officers within the State to the people of other States through the prohibition of our statutes.

Mr. STONE obtained the floor.

Mr. BORAH. I should like to ask the Senator from New York a question before he sits down.

The PRESIDENT pro tempore. Does the Senator from Missouri yield for that purpose?

Mr. STONE. I do; for that purpose.

Mr. BORAH. I wanted to have the opinion of the Senator from New York as to whether or not it is within the power of Congress, should Congress see fit to do it, to absolutely prohibit the shipment of liquor in interstate commerce?

Mr. ROOT. Mr. President, my impression is that it is within that power; but, of course, it is a subject which is not up for discussion, and upon which examination might well change my views. I have not examined the subject. It is but the general impression that a lawyer carries on a subject that he has not examined with special reference to the particular question. My impression is that it would be competent for the United States to do that thing.

Mr. BORAH. Just one more question. If it is within the power of Congress to absolutely prohibit the shipment of liquor in interstate commerce, is it not also within the power of Congress to prohibit the shipment of any part of that commodity which it may designate as a particular class?

Mr. ROOT. Not necessarily, Mr. President.

Mr. BORAH. Does not the whole include the part?

Mr. ROOT. Oh, yes; but the reason why I think Congress could prohibit the traffic in alcoholic spirits is the injurious effect upon the people of the country, the same reason that operates upon the States in enacting their prohibition laws; and that reason is a reason that must be followed. You can not say that Distiller A may have his product treated as part of interstate commerce and Distiller B may not have his product treated as part of interstate commerce. You must follow the reason; and you can not hand over to the legislature of a State the power to say what part may be admitted to interstate commerce and what part may be excluded.

Mr. BORAH. I agree with that proposition; but those of us who believe that Congress is not handing it over to the State, who believe that Congress has identified a particular class of that commerce and is itself excluding it from commerce, have no trouble in arriving at the conclusion that if you may exclude the whole you may exclude a part of the whole.

For instance, if the Senator from Missouri will yield just a moment further, in Kentucky a law was passed "to regulate the carrying, moving, delivering, transferring, or distribution of intoxicating liquors in local-option districts." That law prohibited its transportation entirely. The Supreme Court said:

> Valid as the Kentucky legislation undoubtedly was as a regulation in respect to intrastate shipments of such articles, it was most obviously never an effective enactment in so far as it undertook to regulate interstate shipments to dry points.

If a State may absolutely prohibit the shipment of all liquor and all commerce in liquor, may not the Congress of the United States, having the same power with reference to interstate commerce, its power being equally plenary, prohibit the shipment of all liquor in interstate commerce? Has the State any power over liquor in intrastate shipment that Congress has not over interstate liquor?

Mr. ROOT. I think it may. Yes; I think it may. I have already answered the question of the Senator. I have said that it is my impression that the Government of the United States would have the power to exclude all intoxicating liquors from interstate commerce. I do not think, however, that it can exclude intoxicating liquors from interstate commerce between two particular States. I do not think it can say that the State of Idaho can exclude intoxicating liquors from interstate commerce beween Idaho and another State. I think Congress itself must make the rule. The question whether the United States can exclude all intoxicating liquors from interstate commerce must depend upon the question whether intoxicating liquors are to be classified with flour, vegetables, wheat, the things which are necessary or useful to life, or whether they can be classified among the substances that are so injurious that they can be treated like putrid meat, injurious to health or dangerous to life.

If they are to be classified on that side, then they must be excluded, but they must be all excluded. You can not take a halfway step. You must declare them to be injurious to health and dangerous to life, or that in substance, so that they will be excluded as a whole. You can not exclude half and let in another half, because then you lose the reason in which you are justified in any exclusion.

Mr. BORAH. I will not delay the Senator from Missouri further.

Mr. STONE. Mr. President, I want about 15 minutes of the time of the Senate to say what I have to say respecting the pending bill. I do not wish to occupy more time than that, because I doubt whether it is in the best good taste, under the circumstances, on an occasion like this, when only three or four hours are provided for under the order of the Senate for any Senator to occupy a half or a third of that time. I believe other Senators should be given a chance briefly to state their views and to offer amendments and have them considered. I think it is a practice much abused for Senators, when an order such as this is made, with only a short period for them to speak, to defer their opportunity, which might have been taken advantage of on almost any day of many days previously, and to exploit their views at great length when the order is operating. I shall take but a few moments of the time of the Senate, out of deference to this view which I have expressed.

Mr. President, whenever a State determines to deal in a restrictive way with what is called the "liquor traffic" there are ordinarily two principal ways of treating the subject. One of these ways is to prohibit the manufacture and sale of intoxicating liquors in the State as a whole, or it may be to authorize municipalities within the State, such as counties or cities, to prohibit the sale of liquors within municipal limits whenever the people of any such muncipality shall, in accordance with law, determine upon that policy; this latter plan is commonly known as "local option."

The other usual way of dealing with this question is to regulate the traffic by statute instead of prohibiting it. Ordinarily when this plan is resorted to the statute provides for licensing those who engage as retailers in the business, prescribing the form of the licenses and the terms upon which they may be allowed, and fixing penalties for violations of the law.

Generally speaking, I have always believed that the liquor traffic could be best controlled and the best results obtained, especially in populous centers, by imposing license taxes upon those authorized to engage in the business, and to subject the business to statutory and police regulations. I have in my State always and consistently opposed the policy of State-wide prohibition, believing that it would be practically impossible to effectively enforce a prohibitory law in communities, especially in large communities, when in fact the dominant, all-prevailing sentiment was hostile to that policy. I have always believed that any attempt to force a policy of that kind on an unwilling people would be received sullenly and resentfully, and that it would lead to constant violations of the law, either covertly or openly. I have felt that such a situation was calculated to bring disrespect of law and public authority, and that it would lead to more or less public disorder. Hence, I say, I have always maintained, and still believe, that State-wide prohibition, especially in populous States like Missouri, would not be a wise policy for the State to adopt—less wise and less effective than a well-ordered regulatory system. At the same time I have for years consistently supported the policy of so-called local option—that is, the right of each local community or municipality to choose for itself whether it would have prohibition or a regulated licensed system within its borders. I have felt that the policy to be established in each municipal community, whether the one policy or the other, should be buttressed alone upon the expressed will and well-considered public sentiment of the community immediately affected, and not upon the will or public opinion of some other community. I have seen nothing in the course of my observation and experience to shake my faith in the soundness of these views.

In 1910, about three years ago, a constitutional amendment was pending before the voters of my State establishing absolute prohibition as the policy of the State, and State wide in its operation and effect. I opposed the adoption of that amendment. In published interviews and in public speeches I declared my belief that it would be unwise for more reasons than one to incorporate the proposed amendment in the constitution of the State. The amendment was defeated by a large majority. In my addresses to the people during that campaign I said, among other things, that I did not believe that the people residing in a so-called "dry" county should undertake, or be authorized by law to attempt, to impose their standard of morality or habit with respect to the use of wines and liquors upon the people of another county where a totally different public sentiment on that subject prevailed; and that equally would I suppose the right, or claim of right, of people residing in a so-called "wet" county imposing their standard upon the people of some other county having a totally different view and desiring a totally different policy. I contended that all this should be left to the people of each separate municipality, and that that would be infinitely better in every way than the plan proposed by the then pending constitutional amendment. During that campaign I conversed with scores of Missouri electors, living in dry counties, who told me that in the main

they concurred in my view of the subject. They said that in their own counties they were, for various reasons, strenuously opposed to licensing or authorizing by law the carrying on of a liquor-selling business, but that if the people in other counties or sections held a different view they were willing for that people to settle that question for themselves. Undoubtedly that was the attitude of large numbers of men who voted against the adoption of the constitutional amendment for State-wide prohibition.

Now, Mr. President, I am receiving numerous letters from gentlemen for whom I have high respect, scattered over my State, reminding me of the position I took in the prohibition campaign of 1910, and with which they sympathized, asking me whether under my view of this whole subject, as often expressed, I did not think that I ought to support the bill now before the Senate. Frankly, I think I ought to support it, and I intend to vote for it.

Under the law as it now stands a State has the power to regulate the liquor traffic when it is carried on wholly within the State. For example, a State can by law forbid the shipment of liquors intended for sale from a point within the State to another point within the State which would be within so-called "dry" territory, and the State can, within this limitation, prescribe such penalties and devise such remedies as may be deemed necessary to punish or prevent a violation of the law. The State can control the business as long as the business is confined wholly to the State. But under the Federal law a citizen of one State may ship liquors into another State, and the consignment can not be interfered with by State authority while in transit nor until it is actually delivered into the possession of the consignee at the point of destination, and this even though the point of destination may be within dry territory. In other words, the State could, if it desired, forbid a liquor merchant in St. Louis, Mo., shipping a package of intoxicating liquors intended for sale to a dry county in that State; but a citizen of East St. Louis, Ill., could ship the same consignment to the same person at the same place without incurring the penalties of the Missouri statute and without fear of having the cargo interrupted or interfered with until it had been actually delivered to the consignee.

This would give to the outside shipper an advantage over the inside shipper, and at the same time would put the people and authorities of the dry county at a disadvantage in dealing with the outside shipper that they would not be subject to in dealing with the inside shipper. It seems to me to be both fair and right that whenever the people of a county of my State, upon mature deliberation, adopt the policy of local option they are as much entitled to protection against men outside of Missouri who have no respect for the law or public policy governing the community, as they are entitled to be protected against men living within the State who might wantonly intrude themselves and trample the law under their feet.

I think Congress has the constitutional right to so amend laws governing interstate commerce as to put intoxicating liquors outside the pale of that protection now thrown about them by Federal law, and thus subject them, upon arrival, to the law of the State to which they are shipped for unlawful use. Aside from my conviction that Congress has this constitutional right, I feel that the moral strength of the argument is in favor of the enactment of such legislation.

The pending bill, if enacted, would not be a criminal statute; it would not create a crime nor prescribe a penalty. It would not even forbid a shipment from one State into another. It would in effect merely strip these particular commodities of their character as articles of interstate commerce, and thus withdraw from them the protection the Federal law now throws over them against the law and police regulations of the State. It would merely put the shipper outside of Missouri or Iowa or Arkansas upon a level, that is upon terms of equality, so far as State law and regulation go, with the shipper within the State. I confess I am unable to see that any essential principle of sound constitutional law or any just claim of public or private right would be violated by the enactment of a statute of this character.

Such a law would not be violative of the Federal Constitution, but it would better enable the State to enforce its own internal policy, and thus at the same time promote that comity that ought in such cases and within proper limits to prevail between the States and the General Government.

It is a settled doctrine now that each State, acting in its sovereign capacity, can, generally speaking, establish its own internal policy with respect to the manufacture and sale of intoxicants, and I can see no good reason, founded either in morals or public or private right, why the Federal Government should enact or perpetuate laws that militate against the assertion of the established public policy of the local sovereignty. With respect to prohibition I have never believed in the wisdom of a policy too extreme or drastic.

I have already said I have opposed State-wide prohibition in Missouri; but also I have favored local option. Mr. President, the liquor traffic has been brought into disrepute by abuse. Doggeries, joints, bootleggers—men who run their business without regard to public decency or public opinion—are the men who arouse, and justly arouse, a sentiment against the whole traffic that leads on to absolute prohibition. Men even of broad-minded and liberal views, who believe in the largest personal liberty consistent with public decency and order, halt when they see shameful things, and they will not tolerate situations that the moral sense of mankind condemn as bad and indefensible. Men engaged in the liquor traffic should themselves purge the business of disreputable establishments and practices, and should themselves have high regard for the law and public opinion. Otherwise they need not be surprised to see public sentiment against the business grow and spread in every direction. Personally I believe in the largest measure of liberty in personal habit and conduct consonant with public order; but that, Mr. President, is about the limit of personal liberty.

License to do something according to law does not confer liberty upon the licensee to do something else in violation of law. I am a strenuous advocate of personal liberty. I do not like the idea of any other man or set of men telling me what I shall drink or eat or wear or think. With respect to all these I not only prefer but I insist upon the right to follow my own judgment. This is fundamental. I resent any pretense of right put forward by any other man to regulate my personal habits so long as my habits are decent, orderly, and lawful. If one man does not desire wine at his table or to indulge in a social drink, that is his privilege. I would not dare to question the wisdom of what he does in this behalf for his own guidance. On the contrary, I would say he ought best to know his own limitations and what is good for himself; and in any event I would insist that he should be left free to determine all such questions for himself. But if another prefers to serve wine at his board or to indulge in a social libation, I am equally unwilling that any spirit or policy of intolerance should circumscribe his right.

Generally speaking, I believe in a broad view of this question, and in liberality of conduct and opinion with respect to it. Nevertheless the regulation of the liquor traffic is inevitable and necessary. How it shall be regulated is a question each State should determine for itself, and I think the Federal Government, instead of putting any serious obstacle in the way, should cooperate with the State in this behalf. With respect to this matter I have nothing to do with the local policy of other States; but with respect to Missouri, being long a citizen of that Commonwealth, I have not only an immediate interest in the subject but I have a right to express to my fellow citizens the opinions I hold as to what will best promote the general welfare of that great sovereignty. The people of Missouri may or may not follow my advice, and the people of your several States may or may not follow your advice, but when the people of our several States speak we should all of us accept the verdict. Salus populi suprema lex esto is the motto of my State.

Mr. President, with this I close what I have to say on this subject. In many of its aspects it is a most interesting subject of more or less wide import, and it would require more time than I have taken to elaborate it if I felt disposed to enter upon the discussion with the idea of amplifying it at length. However, I am satisfied to state within the briefest possible compass, as I have attempted to do, some of the reasons that influence my judgment and will determine my course in supporting this measure, and leave it at that.

Mr. GALLINGER obtained the floor.

Mr. SHEPPARD. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from New Hampshire yield to the Senator from Texas?

Mr. GALLINGER. I yield to the Senator from Texas.

Mr. SHEPPARD. I want to renew the request that the rules be so far suspended that House bill 17593 be substituted for the pending bill.

Mr. MARTINE of New Jersey. I object.

The PRESIDING OFFICER. Objection is made.

Mr. GALLINGER. Mr. President, the State that I in part represent had on its statute books for a great many years a prohibition law, but, through the influence and active work of the liquor interests of New Hampshire, that law was repealed a few years ago, and a local-option law took its place. Under that local-option law it was a question for the people of the several cities and towns to determine for themselves by a vote

at stated times whether or not liquor should be permitted under license to be sold in those municipalities. A very large proportion of the State voted against licensing the traffic, when immediately the cities and towns that voted in favor of license flooded the nonlicense towns with liquor to an extent that became a scandal. The result was that the New Hampshire Legislature, at its earliest opportunity, passed a law preventing the sending of liquor into those no-license communities.

The action of New Hampshire in that particular is very similar to what is proposed in this bill; that is to say, this bill proposes that the States that prohibit the selling of liquor shall not be invaded by the States that do not prohibit it and which, for gain, send liquor into prohibition territory.

Mr. President, I am not even going to suggest whether or not this bill is constitutional, because I am not a constitutional lawyer; but a very distinguished member of the legal profession has made a suggestion to me that impressed me, and I want to put it in the form of an interrogatory to the Senator from Utah [Mr. SUTHERLAND], who is recognized as one of the best lawyers in this body. It is this: Is it not a fact that the power of Congress to regulate interstate commerce carries with it the power to define what shall constitute an interstate transaction and at what point the transaction ceases to be interstate? I ask that question.

Mr. SUTHERLAND. No, Mr. President; as the question is put, I will say not. Will the Senator let me have the paper from which he is reading?

Mr. GALLINGER. Certainly.

Mr. SUTHERLAND. The latter part of the question is "at what point the transaction ceases to be interstate"? Congress can not declare a thing to be not interstate which is interstate any more than it can declare that a white man is a black man.

Mr. GALLINGER. The question refers to interstate commerce. The word "commerce" was left out.

Mr. SUTHERLAND. Well, "interstate commerce." It amounts to the same thing.

Mr. GALLINGER. Will the Senator answer directly the question? That is all I desire the Senator to do. I will read the question again:

> Is it not a fact that the power of Congress to regulate interstate commerce carries with it the power to define what shall constitute an interstate transaction and at what point the transaction ceases to be interstate commerce?

Mr. SUTHERLAND. Within limits, perhaps, yes, Mr. President; but if I were to give a categorical answer to the question I should say no, because what constitutes an interstate transaction is to be determined by the nature of the transaction itself. As I have already said, Congress can not say that a white man is a black man, when he obviously is not; and interstate transportation, of its own nature, begins when the article is delivered to the carrier and ends when the carrier has delivered it to the consignee.

Mr. GALLINGER. Well, Mr. President, I think the Senator from Utah will be somewhat troubled to sustain that position in view of our legislation in the pure-food law. I called the Senator's attention a little while ago to the fact that, under the pure-food law, we did prohibit interstate commerce in certain articles, and the Senator said, "Yes; impure articles," and cited tainted meats as an illustration, but the law goes much further than that, and I want to read one section of it:

> SEC. 10. That any article of food, drug, or liquor that is adulterated or misbranded within the meaning of this act, and is being transported from one State, Territory, District, or insular possession to another for sale, or, having been transported, remains unloaded, unsold, or in original unbroken packages, or if it be sold or offered for sale in the District of Columbia or the Territories, or insular possessions of the United States, or if it be imported from a foreign country for sale, or if it is intended for export to a foreign country, shall be liable to be proceeded against in any district court of the United States within the district where the same is found, and seized for confiscation by a process of libel for condemnation. And if such article is condemned as being adulterated or misbranded, or of a poisonous or deleterious character, within the meaning of this act, the same shall be disposed of by destruction or sale, as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States.

Mr. President, that applies to drugs which are defined to be below the standard as established by the Pharmacopœia of the United States and other well-known medical publications; it applies to the misbranding or the adulteration of certain articles, so that we halt those under the pure-food law, confiscate them, condemn them, and sell them. Now, I want to ask the Senator if that section does not contravene the claim that the moment an article enters into interstate commerce it can not be arrested and disposed of according to the law of the State, thus balking interstate commerce to that extent?

Mr. SUTHERLAND. Mr. President, I have made no such claim and no such suggestion. What I have said is that we, under the same law, might stop the transportation of intoxicating liquors if they are misbranded or if they are impure; but it is based upon the proposition that they are impure and upon the proposition that they are misbranded, as the law says, and when they are misbranded that constitutes an attempt to perpetrate a fraud upon the people to whom they are to be transported; and the courts have recognized that distinction.

Mr. GALLINGER. Mr. President——

Mr. POINDEXTER. I should like to ask the Senator from Utah merely one question.

Mr. GALLINGER. I have but a few moments' time, but I yield for a question.

Mr. POINDEXTER. I understand the Senator from Utah—I am not personally clear as to the position he takes in that regard—to contend that Congress would not have the power to prohibit interstate shipments of intoxicating liquors unless they were misbranded.

Mr. SUTHERLAND. No. Mr. President——

Mr. POINDEXTER. In other words, does the Senator contend that Congress has not the power to prohibit the shipping of intoxicating liquors simply as such?

Mr. SUTHERLAND. Mr. President, I undertook in the course of my remarks to state exactly what my position about that was. In the first place, I undertook to show that that question was not involved in this case. I further undertook to show that I had no doubt, whenever liquors should be substantially outlawed by the people of the United States, that Congress then could forbid their transportation; but I had some doubt as to the power until that had been done, and particularly so long as it continued by its other laws to recognize liquors as legitimate articles of commerce.

Mr. POINDEXTER. I think it is involved in the bill.

Mr. GALLINGER. Mr. President, I am to occupy but a few minutes, and I will hasten, so as to give way to other friends of the bill. I have no doubt in my own mind that Congress in its plenary power can declare intoxicating liquors detrimental to the public health and public morals and can keep that commodity out of interstate commerce for that reason.

The Senator from Utah, Mr. President, in his very eloquent address compared the Constitution to a flaming sword which turned in all directions to protect the tree of life. Mr. President, it seems to me we are invoking the Constitution of the United States to-day to perform the functions of a flaming sword turning in all directions to protect the most destructive, the most disastrous, and the most terrible curse of our age and civilization; and it is worth while for us to take a little risk about this matter; it is worth while for us, even though there is a difference of opinion as to the constitutionality of this proposed law, to test it in the courts, if necessary, so as to have the matter settled once and for all. If there is any ground for believing that the law is unconstitutional, the liquor interests of this country, who are strong, wealthy, resourceful, and arrogant, will see that it goes to the courts for determination. There is no doubt about that. They will see to it that the Constitution shall not be violated at their expense, and no effort on their part will be withheld to have this law declared unconstitutional; but if, perchance, Mr. President, it shall prove to be a constitutional law, I submit to the Senate and to the country that the work we shall do to-day in passing the bill will have been work well performed, and the Senate will deserve the gratitude and applause of such of our people as believe that the liquor interests ought to be restricted in every possible, legal, and constitutional manner.

I have asked twice to-day, Mr. President, to have the bill that passed the House of Representatives on Saturday last—a bill similar in its general terms to the bill under consideration—acted upon at the present time. Unfortunately, under the rules of the Senate, that can not be done to-day except by unanimous consent. The junior Senator from Texas [Mr. SHEPPARD] has made a similar request, and in each instance objection has been made. So there is nothing left for us to do to-day but to pass a Senate bill and submit that for the consideration and the judgment of the other House of Congress.

I am of opinion at the present moment that when the vote comes upon the bill which is now under consideration I shall offer the bill that has come from the House of Representatives as a substitute for the Senate bill. If I do so, I shall do it in the hope and the belief that it will more likely become a law than if we send the Senate bill to the House as a separate and independent measure, couched in different language from that which is employed in the House bill.

Mr. President, I do not know how far the Constitution of the United States may prevent the individual State from being protected from interstate business in the carriage of intoxicating liquors, but I want to make one suggestion, and then I am done.

Suppose 47 States of the American Union adopted prohibition laws and the great State of New York alone remained anti-prohibition. Is it conceivable that those 47 States would allow the State of New York to dot its valleys and its hills with breweries and distilleries and send broadcast into the 47 other States a commodity that had been outlawed by those 47 States? I apprehend that if that situation ever could be brought about the people of the United States would find a speedy way to protect themselves from the sale and use of intoxicating drinks that had been brought into their communities from the one State that had refused to adopt the laws that the 47 other States had enacted.

So I say to-day that if any State in the American Union, representing the majority sentiment of the people of that State, sees fit to legislate outlawing the liquor traffic, it has a right to demand that it be protected by the Constitution and the laws of the United States from having that law nullified by the interstate transportation of liquor from other States into that community; and I shall esteem it one of the special privileges that has come to me as a Member of this great body to vote to protect those communities against what I deem, and what they deem, to be a great wrong, against which they ought to be protected.

I trust and I believe, Mr. President, that this great body, always desirous of promoting the best interests of the people of our country, will to-day register its verdict in a manner that will be fully understood and that will not be liable to misinterpretation—a verdict in favor of restraining this disastrous and demoralizing traffic in intoxicants to the least possible limits.

I have reason to believe, and I rejoice in the fact, that the verdict of the Senate will be such as to bring joy and happiness to thousands and thousands of homes and to millions of people in all parts of our country, many of whom are to-day in trial, tribulation, and sorrow because of the evils and the disastrous results of the sale and use of intoxicating liquor.

Mr. BORAH. Mr. President, manifestly at this late hour it is impossible to discuss the bill before us at length. I am going, therefore, to confine myself to very general statements. While this is not a desirable way to discuss constitutional questions, I am compelled through want of time to do so.

My object in the first place was to discuss principally the second section of the bill. I do not believe the second section of the bill is constitutional. I believe it establishes a different rule and involves a different principle from that which is involved in the first section, and it was my purpose to state why I entertain that view. I shall not do so, however, in view of the fact that I understand the parties in charge of the bill are going to offer as a substitute for this bill the one that passed the house known as the Webb bill, and which is in effect the first section of this bill.

Assuming that probably the substitute will prevail, I am not going to take time to state why it seems to me the second section is inhibited by the provisions of the Constitution. I could not and shall not vote for this section in any event—entertaining the view which I do as to its unconstitutionality, But I want to say, while I am on my feet, just a word in regard to the first section, and why I think in a general way it is not subject to the inhibition of the Constitution. It may not be and perhaps it is not wholly free from doubt, but I think the doubt should be resolved in favor of the bill in view of the fact that it promotes wholesome legislation. In fact if it were not for certain decisions of the Supreme Court I might have arrived at a conclusion that it would also be unconstitutional. But in view of those decisions I feel constrained to resolve any doubt I entertain in favor of the bill.

This section provides:

That the shipment or transportation in any manner or by any means whatsoever of any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind, including beer, ale, or wine, from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, into any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, which said spirituous, vinous, malted, fermented, or other intoxicating liquor is intended, by any person interested therein, directly or indirectly, or in any manner connected with the transaction, to be received, possessed, or kept, or in any manner used, either in the original package or otherwise, in violation of any law of such State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, enacted in the exercise of the police powers of such State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, is hereby prohibited.

As I view it, Mr. President, Congress sees fit by this act to take a certain commodity, impressed with a certain quality or condition, and put it in a class by itself, and itself fix absolutely the rule for the carrying of that commodity or for its prohibition.

In my opinion, Congress has the power to say that no liquor shall be shipped or passed through the chanels of interstate trade if Congress sees fit to do so. I do not agree with the proposition that it is necessary to see how high public opinion shall rise in order that we may exercise that power or that our possession of it is dependent upon that fact.

I understood the Senator from Utah [Mr. SUTHERLAND] to say that if the time should come when the people almost universally came to the conclusion that this ought to be done, we would then have the power to prohibit the shipment of liquor in interstate trade. I do not think I am mistaken about what he said. In my opinion, that would have nothing to do with the power of Congress to pass the law; neither would it extend, amplify, or limit the provision of the Constitution itself. If we have the power under the Constitution it is because of the provisions of the Constitution and not because of public opinion.

If, for any reason, substantial and basic, Congress concludes that any article of commerce in its shipment through channels of interstate trade is inimical to the public interests, Congress may prohibit its shipment. If it is an article or commodity which can fairly be said to be injurious to public morals to the welfare of society, Congress may take it out of the channels of interstate trade. It occurs to me that that proposition has been pretty well settled; and instead of relying upon original argument, I want to cite, as I can only have time to cite, a few extracts from one opinion.

In the Lottery case it was said, referring to the decisions which were there reviewed:

They also show that the power to regulate commerce among the several States is vested in Congress as absolutely as it would be in a single government, having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States.

Further on they say:

If lottery traffic, carried on through interstate commerce, is a matter of which Congress may take cognizance and over which its power may be exerted, can it be possible that it must tolerate the traffic and simply regulate the manner in which it may be carried on? Or may not Congress, for the protection of the people of all the States and under the power to regulate interstate commerce, devise such means, within the scope of the Constitution and not prohibited by it, as will drive that traffic out of commerce among the States?

If Congress comes to the conclusion that the shipment of liquor in interstate commerce, to be used in violation of the laws of the State, is inimical to the morals and the interests of the people of the United States, may not Congress take that particular class of commodities and inhibit its transportation in interstate commerce? May not Congress take into consideration in establishing a rule that the commodity is on its errand of law violation? May not Congress say, and with substantial reason say, we think any commodity which is being used in violation of law ought not to pass through the channels of interstate trade? Congress does not have to say that, but in determining the immoral and injurious effect of shipping a commodity, may not Congress take into consideration in addition to the general baneful effect of liquor that this particular liquor is being taken through the channels of interstate trade for the purpose of violating the law of a State?

The court says, further:

If a State, when considering legislation for the suppression of lotteries within its own limits, may properly take into view the evils that inhere in the raising of money in that mode, why may not Congress, invested with the power to regulate commerce among the several States, provide that such commerce shall not be polluted by the carrying of lottery tickets from one State to another? In this connection it must not be forgotten that the power of Congress to regulate commerce among the States is plenary, is complete in itself, and is subject to no limitations except such as may be found in the Constitution. What provision in that instrument can be regarded as limiting the exercise of the power granted? What clause can be cited which, in any degree, countenances the suggestion that one may, of right, carry or cause to be carried from one State to another that which will harm the public morals?

What provision of the Constitution has been pointed out to us or what principle is found in that instrument which protects a man in or gives him the right to ship liquor into a State in violation of the laws of that State? What inherent right belongs to an individual to take an article of commerce and to send it in violation of law among a certain community or among a certain people? Is it unconstitutional for Congress to say that we believe it tends to good morals and the public welfare that the laws of the States be obeyed and we will not furnish aid in their violation?

We can not think of any clause of that instrument that could possibly be invoked by those who assert their right to send lottery tickets from State to State except the one providing that no person shall be deprived of his liberty without due process of law. We have said that

the liberty protected by the Constitution embraces the right to be free in the enjoyment of one's faculties, "to be free to use them in all lawful ways; to live and work where he will; to earn his livelihood by any lawful calling; to pursue any livelihood or avocation, and for that purpose to enter into all contracts that may be proper." But surely it will not be said to be a part of anyone's liberty, as recognized by the supreme law of the land, that he shall be allowed to introduce into commerce among the States an element that will be confessedly injurious to the public morals.

It was said by the Senator from New York, in distinguishing this proposition, that we could absolutely prohibit the shipment of liquor of all kinds; but it was his opinion, as I understood his argument, that we could not take a part of that commodity which was being shipped under certain conditions and for certain purposes and single it out.

Mr. President, we fix the rule in this act of Congress. Congress does not leave it to the Sates to fix the rule. Congress fixes the rule, and says that whenever liquor is being shipped in violation of the law of a State, it itself declares that it shall be prohibited. In other words, it establishes the rule, although the operation of the rule depends upon certain conditions. When those conditions exist, the rule operates and applies to all shipments coming within that rule. Congress itself, however, selects the condition which must exist, and Congress classifies the commodity and Congress itself establishes the rule.

As a State may, for the purpose of guarding the morals of its own people, forbid all sales of lottery tickets within its limits, so Congress, for the purpose of guarding the people of the United States against the "widespread pestilence of lotteries," and to protect the commerce which concerns all the States, may prohibit the carrying of lottery tickets from one State to another. In legislating upon the subject of the traffic in lottery tickets, as carried on through interstate commerce, Congress only supplemented the action of those States—perhaps all of them—which, for the protection of the public morals, prohibit the drawing of lotteries, as well as the sale or circulation of lottery tickets within their respective limits.

Congress was confessedly here, as stated by the learned justice, simply supplementing and making effective that which the States in their respective capacities had undertaken to do, but which they were unable to do. They could prohibit the shipping of lottery tickets within their own boundaries; they could drive them from commerce within the State; but they were unable to take them out of commerce as between the States. Therefore Congress proceeded to do that which the States could not do—supplement their action and make them contraband of commerce in the territory of the United States as an entirety.

May not we, therefore, in view of the way in which liquor is regarded, the evil consequences which flow from its use, the misery and crime which follow its consumption, take that article and prohibit it from interstate commerce, not only in its entirety, but to such an extent as in our judgment we think will promote the public morals?

In regulating commerce, are we limited to the exercise of this power in its fullest extent or not at all? If we may prohibit entirely, may we not prohibit partly? May we not exercise our judgment as to what will interfere with the morals of the people and what will not? It seems to me that having the power in its completeness, we may exercise it in its fullness, or we may limit our exercise.

It said, in effect, that it would not permit the declared policy of the States, which sought to protect their people against the mischiefs of the lottery business, to be overthrown or disregarded by the agency of interstate commerce. We should hesitate long before adjudging that an evil of such appalling character, carried on through interstate commerce, can not be met and crushed by the only power competent to that end.

And finally:

It is a kind of traffic which no one can be entitled to pursue as of right.

I undertake to say that it has been established too long in this country to be contradicted that the traffic in liquor is not one that a man can have as a matter of absolute right. From the time the article "issues from the coiled copper-colored worm in the distillery until it empties into the hell of death, dishonor, and crime" it is regulated and controlled. No man can deal in it as a matter of absolute right. He can do so only as either we, the Congress of the United States, when it is interstate commerce, or as the States, when it is intrastate commerce, say he may deal with it. He can not deal with it with unrestraint, he can not begin to deal with it other than as the public may by law decide is safe. It is looked upon as a baneful, injurious, exceptional commodity, and any man who sells must do so by permission. We may say that he may not send it through interstate commerce at all, or we may say he may send it upon certain terms or conditions, and it is not for the citizens to question the limitation which we put upon that act, which he has no right, except by our consent, to do at all.

Mr. KENYON. Mr. President, a bill was passed in the House known as the Webb bill. An attempt has been made to substitute that bill to-day for what is commonly known as the Kenyon-Sheppard bill. That has not been successful, but a motion will be made by the Senator from New Hampshire [Mr. GALLINGER] to strike out all after the enacting clause and insert in lieu thereof the words of the Webb bill. I very much hope that that motion may prevail.

The PRESIDENT pro tempore. The hour of 6 o'clock having arrived, under the unanimous-consent agreement the time has arrived for voting upon the bill and amendments which may be offered thereto.

Mr. GALLINGER. Mr. President, I move to strike out all after the enacting clause and to substitute House bill 17593.

Mr. PAYNTER. Mr. President——

The PRESIDENT pro tempore. The Senator from New Hampshire moves to strike out all after the enacting clause and insert what will be read.

Mr. PAYNTER. May I rise to a point of order?

The PRESIDENT pro tempore. The Senator may, of course.

Mr. PAYNTER. I would like very much to have the Chair direct that the order under which we are proceeding shall be read and determine whether or not we have any right to take any action at all at this time.

The PRESIDENT pro tempore. The motion that is made is simply to amend the bill. It is not for the purpose of substituting the House bill.

Mr. PAYNTER. I understand that, but is it proper for me to make an inquiry of the Chair with reference to the effect of the order?

The PRESIDENT pro tempore. Undoubtedly.

Mr. PAYNTER. That is what I am doing. I call the attention of the Chair to the language of the order.

The PRESIDENT pro tempore. The Chair will have the order read.

Mr. PAYNTER. I do not urge my view about it at all. I simply want the Chair to express its opinion.

The PRESIDENT pro tempore. The Secretary will read the order.

The Secretary read as follows:

It is agreed by unanimous consent that on Monday, February 10, 1913, at 3 o'clock p. m., the bill (S. 4043) to prohibit interstate commerce in intoxicating liquors in certain cases be taken up for consideration, not to interfere with appropriation bills, and that the vote be taken on all amendments pending and amendments to be offered and upon the bill itself not later than the hour of 6 o'clock on that day.

The PRESIDENT pro tempore. The bill before the Senate has an amendment which was reported by the Judiciary Committee. That is the pending amendment. The Senator from New Hampshire [Mr. GALLINGER] now offers a distinct amendment.

Mr. PAYNTER. I have not made myself understood, Mr. President. I was trying to ascertain from the Chair whether, when the rule provides that the bill and amendment shall be voted upon not later than 6 o'clock, we can proceed after that hour.

The PRESIDENT pro tempore. The Chair would undoubtedly construe the order to mean that the Senate shall begin to vote at 6 o'clock. It would be impracticable to do otherwise.

Mr. GALLINGER. Let my amendment be read.

The PRESIDENT pro tempore. The Senator from New Hampshire moves to strike out all after the enacting clause and to insert as a substitute the language which will now be read to the Senate by the Secretary.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and to insert:

That the shipment or transportation, in any manner or by any means whatsoever, of any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, into any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, which said spirituous, vinous, malted, fermented, or other intoxicating liquor is intended, by any person interested therein, to be received, possessed, sold, or in any manner used, either in the original package or otherwise, in violation of any law of such State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, is hereby prohibited.

Mr. O'GORMAN. Mr. President, I offer an amendment to the amendment offered by the Senator from New Hampshire.

Mr. CLARKE of Arkansas. Mr. President, I make the point of order that no substitute provision can be entertained until the friends of the original bill have had an opportunity to perfect it. The amendment proposed by the Committee on the Judiciary, it seems to me, would be the pending amendment. For myself, I think that is the only constitutional and effective way to deal with this question. If I had supposed that any such movement as this would take place it would have been my duty, holding the views I do, to have submitted my reasons for believing that the amendment proposed by the Judiciary

Committee is the only effective way in which this great question can be dealt with.

I make the point of order now that we are entitled to a vote upon the proposition to amend the original bill before a counter proposition that goes to the life of it can be submitted to the Senate.

Mr. GALLINGER. Under our rules it is clearly in the province of the Senate to amend either the original bill or the substitute. They are to be considered as separate questions.

The PRESIDENT pro tempore. The Chair will state that the view taken by the Senator from Arkansas is correct and does not conflict with the view expressed by the Senator from New Hampshire. The Chair was going to submit to the Senate first amendments to the original proposition. It is proper, however, that the substitute and amendments thereto should be submitted to the Senate, but not voted upon until after the friends of the original measure have had an opportunity to perfect the same. After that has been done, the friends of the substitute will have a like opportunity to perfect that measure, and when each has been perfected by its friends the Senate will be in a position to judge and choose between the two. Upon that suggestion the Chair will state that the first question will be upon the amendment now pending, reported by the Judiciary Committee, to the original bill.

Mr. O'GORMAN. Let the amendment I offered to the amendment of the Senator from New Hampshire be read.

The PRESIDENT pro tempore. The Secretary will read the amendment which has been offered by the Senator from New York to the substitute.

The SECRETARY. It is proposed to add at the end of the amendment offered by the Senator from New Hampshire the following words:

But nothing in this act shall be construed to forbid the interstate shipment of liquors herein defined into any State, Territory, or District where the same are intended for sacramental purposes, or for the personal use of the owner or consignee thereof, or for the members of his family.

The PRESIDENT pro tempore. The question now is upon the amendment reported by the Judiciary Committee.

Mr. HITCHCOCK. I should like to inquire whether it would be proper at this time for me to offer an amendment to the bill, to follow the amendment of the committee.

The PRESIDENT pro tempore. It can now be received and read for information. If it were an amendment to that amendment, it would be now in order, but if it is a substantive amendment it will be voted upon afterwards.

Mr. HITCHCOCK. It is to be added to the amendment of the committee.

The PRESIDENT pro tempore. It will be in order after that amendment has been acted upon by the Senate. The Secretary will read the amendment reported by the Judiciary Committee.

The SECRETARY. The committee report, on page 2, line 12, after the word "prohibited," to strike out the semicolon and the remainder of the bill and to insert a new section, to be known as section 2, to read as follows:

SEC. 2. That all fermented, distilled, or other intoxicating liquors or liquids transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall, upon arrival within the boundaries of such State or Territory and before delivery to the consignee, be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its reserved police powers, to the same extent and in the same manner as though such liquids or liquors had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

The PRESIDENT pro tempore. The Chair will inquire of the Senator from Nebraska whether the amendment proposed by him proposes to change the amendment of the committee or is simply to add to it?

Mr. HITCHCOCK. It will be an addition to that paragraph, and it would somewhat change it. I think it is an amendment properly to it.

The PRESIDENT pro tempore. That being so, the Secretary will read that first.

The SECRETARY. It is proposed to add at the end of section 2 reported by the committee the following proviso:

Provided, however, That nothing in this act shall be held or construed to render illegal or subject to State control the interstate shipment of liquors or liquids above described into any State or Territory to an individual for his personal or family use.

Mr. McCUMBER. I do not know that I heard that distinctly and correctly. I ask that it be read again, so that I may understand whether it allows shipments into another State for the personal use of a drunkard or a minor.

The PRESIDENT pro tempore. The Secretary will again read the amendment to the amendment.

The Secretary again read Mr. HITCHCOCK's amendment to the amendment.

The PRESIDENT pro tempore. The question is upon the adoption of the amendment offered by the Senator from Nebraska [Mr. HITCHCOCK] to the amendment reported by the Judiciary Committee.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question recurs upon the adoption of the amendment reported by the Judiciary Committee.

Mr. McCUMBER. I offer the following amendment, to be inserted after the enacting clause, without taking anything from the bill.

The PRESIDENT pro tempore. That would not now be in order. It will be subsequently in order, but unless it is an amendment to the pending amendment it would not now be in order.

Mr. McCUMBER. It is an amendment to the pending amendment.

The PRESIDENT pro tempore. The Senator stated that it was to come in after the enacting clause. The Chair does not know what it is. The Secretary will read the amendment to the amendment.

Mr. McCUMBER. Let it came in prior, then, to section 2 of the bill.

The PRESIDENT pro tempore. That will be in order later, but it is not an amendment to the pending amendment. The Chair is of the opinion that it is an independent amendment and not an amendment to the pending amendment. It will be in order after the pending amendment has been acted upon.

Mr. CULBERSON. I ask that the amendment may be read.

The PRESIDENT pro tempore. The Secretary will read the amendment submitted by the Senator from North Dakota.

The Secretary read as follows:

That all fermented, distilled, or other intoxicating liquors or liquids, being commodities in their nature dangerous to public health and good morals, their shipment from one State, Territory, or the District of Columbia into another State, Territory, or the District of Columbia is hereby authorized and allowed only on condition that their interstate-commerce character shall cease immediately upon their arrival within the boundaries of the State, Territory, or the District of Columbia to which they are consigned; and they shall thereupon be divested of their interstate-commerce character.

The PRESIDENT pro tempore. The Chair will state that if the Senator moves that as a substitute for the pending amendment it will now be in order.

Mr. McCUMBER. I do not intend it as a substitute, but I want to have it inserted in connection with the amendment of the committee.

The PRESIDENT pro tempore. It will be in order after the amendment of the committee has been acted upon. The question is on agreeing to the amendment reported by the Judiciary Committee which has been read to the Senate.

Mr. CLARKE of Arkansas. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GALLINGER. I will ask that the amendment be again stated. I think there is a misapprehension about it.

The PRESIDENT pro tempore. The amendment will be again read.

The SECRETARY. On page 2, beginning in line 12, after the word "prohibited," the Committee on the Judiciary report to strike out the semicolon and the remainder of the bill and to insert:

SEC. 2. That all fermented, distilled, or other intoxicating liquors or liquids transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall, upon arrival within the boundaries of such State or Territory and before delivery to the consignee, be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its reserved police powers, to the same extent and in the same manner as though such liquids or liquors had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

The PRESIDENT pro tempore. The question is upon the adoption of this amendment and the yeas and nays were ordered thereon.

Mr. STONE. That is the committee amendment.

The PRESIDENT pro tempore. It is the amendment reported by the Judiciary Committee. The Secretary will proceed to call the roll.

The Secretary proceeded to call the roll.

Mr. BRADLEY (when his name was called). I transfer my pair with the Senator from Indiana [Mr. KERN] to the senior Senator from Pennsylvania [Mr. PENROSE] and vote "nay."

Mr. CHILTON (when his name was called). I have a general pair with the Senator from Illinois [Mr. CULLOM]. I understand from him, however, that he is for this bill and he has given me permission to vote. I vote "yea."

Mr. SMITH of Michigan (when his name was called). I have a pair with the junior Senator from Missouri [Mr. REED]. In his absence I transfer that pair to the junior Senator from New Mexico [Mr. FALL] and vote. I vote "yea."

Mr. CHILTON (when Mr. WATSON'S name was called). My colleague [Mr. WATSON] has a general pair with the senior Senator from New Jersey [Mr. BRIGGS]. If my colleague were present, he would vote "yea."

Mr. WILLIAMS (when his name was called). I vote "yea." To explain my vote I will state that I have a pair with the Senator from Pennsylvania [Mr. PENROSE], but I transfer that pair to the Senator from Indiana [Mr. KERN]. Therefore I voted "yea."

The roll call was concluded.

Mr. FOSTER (after having voted in the negative). I wish to inquire if the junior Senator from Wyoming [Mr. WARREN] has voted.

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. FOSTER. Not knowing how that Senator would vote on this question and having a general pair with him, I withdraw my vote.

Mr. HITCHCOCK. I will state that the junior Senator from Indiana [Mr. KERN] is absent on public business.

Mr. STONE. I desire to state that my colleague [Mr. REED] is absent, and detained by reason of serious illness in his family.

The result was announced—yeas 61, nays 23, as follows:

YEAS—61.

Ashurst	Dixon	Lodge	Smith, Md.
Bacon	Fletcher	McCumber	Smith, Mich.
Bourne	Gardner	McLean	Smith, S. C.
Brady	Gore	Martin, Va.	Stone
Bristow	Gronna	Myers	Swanson
Brown	Guggenheim	Nelson	Thomas
Bryan	Hitchcock	Newlands	Thornton
Chamberlain	Jackson	Oliver	Tillman
Chilton	Johnson, Me.	Overman	Townsend
Clapp	Johnston, Ala.	Perkins	Webb
Clark, Wyo.	Jones	Poindexter	Wetmore
Clarke, Ark.	Kavanaugh	Richardson	Williams
Crawford	Kenyon	Sheppard	Works
Culberson	La Follette	Simmons	
Cummins	Lea	Smith, Ariz.	
Curtis	Lippitt	Smith, Ga.	

NAYS—23.

Bankhead	Catron	Martine, N. J.	Pomerene
Borah	Crane	O'Gorman	Root
Bradley	Dillingham	Owen	Smoot
Brandegee	du Pont	Page	Stephenson
Burnham	Gallinger	Paynter	Sutherland
Burton	Gamble	Percy	

NOT VOTING—11.

Briggs	Foster	Penrose	Warren
Cullom	Kern	Reed	Watson
Fall	Massey	Shively	

So the amendment of the committee was agreed to.

Mr. KENYON. Mr. President, I desire to offer an amendment to section 1 of the bill. Is that now in order?

The PRESIDENT pro tempore. It is.

Mr. McCUMBER. I should like to ask if my amendment is not now in order?

The PRESIDENT pro tempore. The Chair was about to call attention to the fact that the amendment offered by the Senator from North Dakota is first in order, unless the amendment offered by the Senator from Iowa is an amendment to that.

Mr. KENYON. It is not.

The PRESIDENT pro tempore. The Chair understands it is not. Then, the amendment now pending is the one offered by the Senator from North Dakota [Mr. McCUMBER], which will be read.

Mr. CRAWFORD. I ask that it be read.

Mr. WILLIAMS. I should like to have the amendment again read.

The PRESIDENT pro tempore. The amendment will be again read. The Chair has just directed that it be read.

Mr. McCUMBER. I should like to ask the Chair to state that the amendment is intended to be inserted after the enacting clause and before the remainder of the amendment.

The PRESIDENT pro tempore. As a distinct section. The proposition is to insert as a distinct section the amendment now to be read, without interfering with the other parts of the bill.

Mr. STONE. Mr. President, if it is a proper parliamentary inquiry—and I doubt it—I should like the Chair to state whether the amendment now proposed would not, in substance, displace the amendment of the committee just agreed to?

The PRESIDENT pro tempore. It is perfectly competent for the Senate to adopt an independent amendment, and the question of its consistency or inconsistency is not a parliamentary question.

Mr. STONE. But it is well enough to call the attention of the Senate to it.

Mr. McCUMBER. I should like to have the amendment again read.

The PRESIDENT pro tempore. The Secretary will again read the amendment.

The SECRETARY. After the enacting clause it is proposed to insert:

That all fermented, distilled, or other intoxicating liquors or liquids being commodities in their nature dangerous to public health and good morals, their shipment from one State, Territory, or the District of Columbia into another State, Territory, or the District of Columbia is hereby authorized and allowed only on condition that their interstate-commerce character shall cease immediately upon their arrival within the boundaries of the State, Territory, or the District of Columbia to which they are consigned, and they shall thereupon be divested of their interstate-commerce character.

The PRESIDENT pro tempore. The question is upon the adoption of the amendment.

Mr. WILLIAMS. I wish to ask the Senator a question. I think the Senator has forgotten or pretermitted something. This would not prevent any liquor being sold to Porto Rico?

The PRESIDENT pro tempore. The Chair is unable to hear the Senator from Mississippi or to decide whether he is in order.

Mr. WILLIAMS. I was merely suggesting the propriety of an amendment to the amendment of the Senator from North Dakota.

The PRESIDENT pro tempore. The question is upon the adoption of the amendment just read, to be inserted as an independent section.

The amendment was rejected.

Mr. O'GORMAN. I offer at this time the amendment which I send to the desk.

The PRESIDENT pro tempore. Is the amendment offered to the original bill?

Mr. O'GORMAN. Yes.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to amend by adding at the end of the bill the following:

But nothing in this act shall be construed to forbid the interstate shipment of liquors herein defined into any State, Territory, or District where the same are intended for sacramental purposes or for the personal use of the owner or consignee thereof or for the members of his family.

The PRESIDENT pro tempore. The question is on the adoption of the amendment just offered by the Senator from New York as an independent section to the original bill.

Mr. O'GORMAN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. OWEN. Let the amendment be again stated.

The PRESIDENT pro tempore. The amendment will be again read.

The Secretary again read the amendment proposed by Mr. O'GORMAN.

Mr. McCUMBER. A parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator will state it.

Mr. McCUMBER. Is not that exactly the same amendment which was offered by the Senator from Nebraska [Mr. HITCHCOCK] and voted down?

The PRESIDENT pro tempore. It is not.

Mr. LODGE. This is offered to the House bill, as I understand.

The PRESIDENT pro tempore. It is not the same amendment in words.

Mr. CLARKE of Arkansas. Mr. President, I want to submit another point after the Chair has disposed of that one. I did not intend to interrupt the Chair.

The PRESIDENT pro tempore. The Chair has disposed of it.

Mr. CLARKE of Arkansas. I make the point of order that the amendment is not germane to any provision of the bill, since neither the bill nor the amendment proposed by the Judiciary Committee deals with the question of transmitting liquor in interstate commerce, but simply to divest a certain commodity of that character at the pleasure of the several States of the Union. It does not undertake to exclude by the exercise of national power liquor intended for any use, but leaves that matter exclusively to be determined by the States after the liquor shall have reached the State boundaries. I therefore make the point of order that the amendment is not germane to the provisions to which it is sought to be added as an amendment.

Mr. O'GORMAN. Mr. President, if everyone were to construe the amendment offered by the Senate committee as the Senator from Arkansas [Mr. CLARKE] construes it, there would be no need for this amendment, but others will not construe it

as the Senator from Arkansas construes it. Therefore I urge the necessity of the amendment.

Mr. GALLINGER. Regular order, Mr. President.

Mr. O'GORMAN. Those who violate this law——

Mr. GALLINGER. Regular order!

Mr. O'GORMAN. Those who advocate this enactment profess to throw no restriction upon the personal use of intoxicants. I want that to be declared by the statute.

The PRESIDENT pro tempore. Under the rule, the point of order made that a certain amendment is not germane must be submitted to the Senate; it is not a question for the decision of the Chair. The Chair will, therefore, submit to the Senate the question of whether or not the amendment is germane. Is the amendment submitted by the Senator from New York germane to the bill? [Putting the question.] The Chair is in doubt.

Mr. O'GORMAN. I ask for the yeas and nays, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I again announce my pair with the senior Senator from Illinois [Mr. CULLOM] and withhold my vote.

Mr. FOSTER (when his name was called). I again announce my pair with the Senator from Wyoming [Mr. WARREN]. I will state that, if I were permitted to vote, I should vote "yea."

Mr. CHILTON (when Mr. WATSON's name was called). My colleague [Mr. WATSON] is paired with the senior Senator from New Jersey [Mr. BRIGGS]. I do not know how my colleague would vote on this question if he were present.

Mr. WILLIAMS (when his name was called). Upon this particular matter, not knowing how either the Senator from Pennsylvania [Mr. PENROSE] or the Senator from Indiana [Mr. KERN] would vote if they were present, I shall observe my pair with the Senator from Pennsylvania [Mr. PENROSE]. If he were present and I were privileged to vote, I should vote "no."

The roll call was concluded.

The result was announced—yeas 41 nays 41, as follows:

YEAS—41.

Bacon	Fletcher	O'Gorman	Smoot
Bankhead	Gamble	Oliver	Stephenson
Bradley	Guggenheim	Owen	Stone
Brandegee	Hitchcock	Page	Sutherland
Burton	Johnson, Me.	Paynter	Thomas
Catron	Kavanaugh	Percy	Thornton
Clark, Wyo.	La Follette	Perkins	Tillman
Crane	Lippitt	Pomerene	Wetmore
Culberson	Lodge	Richardson	
Dillingham	McLean	Root	
du Pont	Martine, N. J.	Smith, Ga.	

NAYS—41.

Ashurst	Crawford	Kenyon	Smith, Ariz.
Borah	Cummins	Lea	Smith, Md.
Bourne	Curtis	McCumber	Smith, Mich.
Brady	Dixon	Martin, Va.	Smith, S. C.
Bristow	Gallinger	Myers	Swanson
Brown	Gardner	Nelson	Townsend
Bryan	Gore	Newlands	Webb
Burnham	Gronna	Overman	Works
Chamberlain	Jackson	Poindexter	
Clapp	Johnston, Ala.	Sheppard	
Clarke, Ark.	Jones	Simmons	

NOT VOTING—13.

Briggs	Foster	Reed	Williams
Chilton	Kern	Shively	
Cullom	Massey	Warren	
Fall	Penrose	Watson	

The PRESIDENT pro tempore. On the question of the adoption of the amendment the yeas are 41 and the nays are 41, so the amendment is not adopted.

Mr. SMITH of Georgia. Mr. President, the vote was not upon the adoption of the amendment, but upon the question of its being germane.

The PRESIDENT pro tempore. The Chair in stating the result was in error.

Mr. GALLINGER. Regular order!

Mr. CULBERSON. Mr. President, I presume the Senator from New York desires now to present the amendment.

The PRESIDENT pro tempore. The Chair is of the opinion that the question was really upon the point of order, and the point of order is not sustained upon a tie vote.

Mr. CLARKE of Arkansas. Mr. President, in my humble opinion that is not the question. The rule provides that upon the question of germaneness being raised the proposition shall be submitted to the Senate.

The PRESIDENT pro tempore. Yes.

Mr. CLARKE of Arkansas. It would require affirmative action of the Chair to decide that an amendment is in order, and it would therefore require the affirmative action of the Senate to decide that it is germane.

Mr. STONE. The Chair can not decide the question of germaneness, and, therefore, the Chair submitted the question to the Senate to decide, as a point of order, whether or not it was germane.

The PRESIDENT pro tempore. If the point of order had been submitted without any provision in the rules which required its submission to the Senate, it would have been a question of sustaining the point of order. The rule of the Senate simply goes to the extent that instead of the Chair deciding it as a point of order it shall be decided by the Senate. The question really is whether the point of order is well taken.

Mr. CLARKE of Arkansas. That is not what the rule says. I should be glad if the Chair would have the rule read to the Senate.

The PRESIDENT pro tempore. The Chair will have it read.

Mr. McCUMBER. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. McCUMBER. Did not the Chair put to the Senate the question, "Is this amendment germane?"

The PRESIDENT pro tempore. Yes; but the Chair considers that——

Mr. McCUMBER. And the vote did not sustain the fact that it was germane?

Mr. GALLINGER. That is right.

Mr. O'GORMAN. Mr. President, I asked for the yeas and nays on the original amendment which I proposed, and that seems to be the regular order.

The PRESIDENT pro tempore. The Chair desires to make the final ruling, and then it will be competent to appeal from the decision of the Chair if it is thought to be wrong. In the opinion of the Chair it was really a submission of the question of the point of order, and in the absence of an affirmative vote it is the opinion of the Chair that the point of order fails.

Mr. CLARKE of Arkansas. Mr. President, I shall not prosecute an appeal at this late hour; but I do not want the occasion to pass without saying that, if the hour were not so late and we were not so anxious to dispose of this matter, I should ask the judgment of the Senate on that question.

The PRESIDENT pro tempore. The Chair may be in error, but that is the opinion of the Chair.

Mr. WORKS. Mr. President, the trouble about it, I think, is not in the present ruling of the Chair, but the fact that the question was erroneously put in the beginning.

The PRESIDENT pro tempore. Possibly that is the case. The Chair recognizes that to be so.

Mr. WORKS. The Chair very clearly stated that the question was whether or not the amendment was germane, and I voted upon that understanding. Now, upon the ruling of the Chair, my vote is simply reversed.

The PRESIDENT pro tempore. In the opinion of the Chair, it is simply a point of order.

Mr. CRAWFORD. Mr. President——

Mr. STONE, Mr. LODGE, and others. Regular order!

The PRESIDENT pro tempore. The regular order is demanded.

Mr. CRAWFORD. Has this matter been disposed of?

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from New York [Mr. O'GORMAN].

Mr. O'GORMAN. Upon that I ask for the yeas and nays.

Mr. HITCHCOCK. Mr. President, the yeas and nays have already been ordered on the amendment of the Senator from New York.

The PRESIDENT pro tempore. The Senator from Nebraska is correct.

Mr. O'GORMAN. Mr. President, I ask that the Secretary again read the amendment for the information of the Senate.

The PRESIDENT pro tempore. The Secretary will again read the amendment.

The SECRETARY. It is proposed to add at the end of the bill the following:

But nothing in this act shall be construed to forbid the interstate shipment of liquors herein defined into any State, Territory, or District where the same are intended for sacramental purposes or for the personal use of the owner or consignee thereof or for the members of his family.

Mr. McCUMBER. Mr. President, is not that subject to amendment?

The PRESIDENT pro tempore. It certainly is.

Mr. McCUMBER. I move to strike out all of the amendment after the words "sacramental purposes."

The PRESIDENT pro tempore. The question is on the amendment of the Senator from North Dakota to the amendment proposed by the Senator from New York to strike out all of the proposed amendment following the words "sacramental purposes." [Putting the question.] By the sound the "noes" appear to have it.

Mr. McCUMBER. I ask for the yeas and nays.

The PRESIDENT pro tempore. The yeas and nays are called for.

Mr. McCUMBER. I withdraw the request.

The PRESIDENT pro tempore. The Senator from North Dakota withdraws his request for the yeas and nays. The amendment to the amendment is rejected.

The question now is upon the amendment proposed by the Senator from New York upon which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I again announce my pair with the senior Senator from Illinois [Mr. CULLOM]. Not knowing how he would vote if present, I withhold my vote.

Mr. FOSTER (when his name was called). I again announce the absence of my pair, the senior Senator from Wyoming [Mr. WARREN] and state that if I were at liberty to vote I should vote "yea."

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE], but I am reliably informed that if he were present he would vote "yea." I therefore desire to vote. I vote "yea."

The roll call was concluded.

Mr. CHAMBERLAIN. I am requested to announce the pair of the senior Senator from West Virginia [Mr. WATSON] with the senior Senator from New Jersey [Mr. BRIGGS].

The result was announced—yeas 31, nays 50, as follows:

YEAS—31.

Bacon	Guggenheim	Martine, N. J.	Stephenson
Bankhead	Hitchcock	O'Gorman	Stone
Bradley	Johnson, Me.	Oliver	Sutherland
Brandegee	Johnston, Ala.	Paynter	Thomas
Burton	Kavanaugh	Perkins	Tillman
Catron	La Follette	Pomerene	Wetmore
du Pont	Lodge	Richardson	Williams
Crane	McLean	Root	

NAYS—50.

Ashurst	Culberson	Kenyon	Simmons
Borah	Cummins	Lea	Smith, Ariz.
Bourne	Curtis	Lippitt	Smith, Ga.
Brady	Dillingham	McCumber	Smith, Md.
Bristow	Dixon	Martin, Va.	Smith, Mich.
Brown	Fletcher	Myers	Smith, S. C.
Bryan	Gallinger	Nelson	Swanson
Burnham	Gamble	Newlands	Thornton
Chamberlain	Gardner	Overman	Townsend
Clapp	Gore	Owen	Webb
Clark, Wyo.	Gronna	Page	Works
Clarke, Ark.	Jackson	Poindexter	
Crawford	Jones	Sheppard	

NOT VOTING—14.

Briggs	Foster	Percy	Warren
Chilton	Kern	Reed	Watson.
Cullom	Massey	Shively	
Fall	Penrose	Smoot	

So Mr. O'GORMAN's amendment was rejected.

Mr. KENYON. Mr. President, I offered an amendment prior to the amendment of the Senator from New York [Mr. O'GORMAN], which I ask to have stated.

The PRESIDENT pro tempore. The amendment will now be read.

The SECRETARY. On page 2, lines 3, 4, and 5, it is proposed to strike out the words "by any person interested therein, directly or indirectly, or in any manner connected with the transaction," and to insert in lieu thereof the following: "Either by the consignor or consignee, or the agent of either thereof."

The PRESIDENT pro tempore. The question is upon the adoption of the amendment of the Senator from Iowa.

Mr. STONE. I should like to have the section read as it is proposed to be amended.

The PRESIDENT pro tempore. The section as proposed to be amended will be read.

The Secretary read as follows:

Be it enacted, etc., That the shipment or transportation in any manner or by any means whatsoever of any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind, including beer, ale, or wine, from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, into any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, which said spirituous, vinous, malted, fermented, or other intoxicating liquor is intended, either by the consignor or consignee, or the agent of either thereof, to be received, possessed, or kept, or in any manner used, either in the original package or otherwise, in violation of any law of such State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, enacted in the exercise of the police powers of such State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, is hereby prohibited.

The PRESIDENT pro tempore. The question is upon the adoption of the amendment offered by the Senator from Iowa to strike out and insert as read by the Secretary.

The amendment was agreed to.

Mr. KENYON. Mr. President, I offer the amendment which I send to the desk, to be known as section 3.

The PRESIDENT pro tempore. The proposed amendment will be stated.

The SECRETARY. It is proposed to add a new section at the end of the bill, as follows:

SEC. 3. This act shall be in full force and effect on and after the 1st day of July, 1913.

The PRESIDENT pro tempore. The question is upon the adoption of the amendment just read.

The amendment was agreed to.

The PRESIDENT pro tempore. If there be no further amendments to the original bill, the substitute is now before the Senate, with the amendment which has been offered to it. The Chair understands that the amendment voted upon the original bill is identical with this, and therefore it will not be submitted to the Senate. The question is upon the adoption of the substitute offered by the Senator from New Hampshire [Mr. GALLINGER] to strike out all after the enacting clause and insert in lieu thereof the language of the amendment which has been already read. It will be read again if desired. The question is upon the adoption of the amendment to strike out and insert.

The amendment was agreed to.

The PRESIDENT pro tempore. If there are no further amendments to be offered as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill divesting intoxicating liquors of their interstate character in certain cases."

The bill as passed by the Senate is as follows:

A bill (S. 4043) divesting intoxicating liquors of their interstate character in certain cases.

Be it enacted, etc., That the shipment or transportation in any manner or by any means whatsoever of any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, into any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, which said spirituous, vinous, malted, fermented, or other intoxicating liquor is intended by any person interested therein to be received, possessed, sold, or in any manner used either in the original package or otherwise in violation of any law of such State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, is hereby prohibited.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 58 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 11, 1913, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 10, 1913.*

The House met at 10.30 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almightly Father, author and finisher of our faith, renew our confidence in Thee that we may go forward with unfaltering footsteps to the work of the hour, with an increasing consciousness of Thy presence to uphold, sustain, and guide us in right thinking and in right living, that we may walk worthy of the vocation whereunto we are called. In the spirit of the Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

AMERICAN IMPORTERS OF MANILA HEMP.

Mr. HARDWICK. Mr. Speaker, I desire to present a privileged resolution.

Mr. BOOHER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Missouri [Mr. BOOHER] rise?

Mr. BOOHER. To call the attention of the Speaker to the fact that there are 20 Members of Congress in this Hall, and therefore I make a point of no quorum.

The SPEAKER. Will the gentleman withhold it until we get through with these routine matters?

Mr. HARDWICK. Mr. Speaker, I move to discharge the Committee on Ways and Means from the further consideration of House resolution 779, which I send to the Clerk's desk, and ask that the House do pass the same.

The SPEAKER. The gentleman from Georgia [Mr. HARDWICK] moves to discharge the Committee on Ways and Means

from further consideration of House resolution 779, and to pass the same. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 779.

Resolved, That the President of the United States be, and he is hereby, requested to advise the House, if in his judgment not incompatible with the public interest, as to the facts regarding the exemption of American importers of manila hemp from payment of the export tax thereon, stating as nearly as may be practicable what amounts of money have been refunded to such importers by virtue of said exemption since the act of Congress of March 8, 1902, known as the Philippine tariff act, up to the present time, and to whom said amounts have been refunded.

The SPEAKER. The gentleman from Georgia [Mr. HARDWICK] moves to discharge the Committee on Ways and Means from further consideration of the resolution.

Mr. FITZGERALD. I want to inquire of the gentleman if this matter has been called to the attention of the Committee on Ways and Means?

Mr. HARDWICK. It has; but not on the resolution in this precise form. I think I had best make a brief explanation.

Mr. FITZGERALD. The members of that committee are engaged at present, and none of them is here.

Mr. HARDWICK. This motion is made with the knowledge and concurrence of the gentleman from Alabama [Mr. UNDERWOOD] and the gentleman from Georgia [Mr. BRANTLEY], who reported a similar resolution.

The SPEAKER. The question is on agreeing to the resolution.

Mr. HARDWICK. Mr. Speaker, I thought I was recognized.

The SPEAKER. The gentleman is recognized.

Mr. HARDWICK. Mr. Speaker, on January 8, 1913, the gentleman from Virginia [Mr. JONES] introduced a resolution involving precisely the same question as the resolution I now present. It was not, however, privileged under the rules of the House, because of certain statements of fact contained in the preamble and because the resolution as introduced by the gentleman from Virginia called upon the President, not simply for information, but also for certain conclusions. On January 16, 1913, the Ways and Means Committee unanimously reported favorably the resolution of the gentleman from Virginia, after amending it by striking out the preamble.

In that form it was reported from the Ways and Means Committee by my colleague, the gentleman from Georgia [Mr. BRANTLEY]. When the Ways and Means Committee was reached on the last call of committees, on February 3, 1913, my colleague [Mr. BRANTLEY] endeavored to secure consideration of the resolution, but as the call was proceeding under unanimous consent he was unable to do so because of objection then interposed by the gentleman from Illinois [Mr. MANN].

In the meantime I had, on January 18, 1913, introduced a resolution embodying the same proposition as that involved in the resolution of the gentleman from Virginia [Mr. JONES], but with the preamble omitted, and simply calling on the President for certain information, without asking him for any conclusions. In this form the resolution is privileged, and it was my right to call it up at any time after the expiration of seven legislative days, if the committee failed to report it. Before exercising that right, however, I conferred fully with both the gentleman from Alabama [Mr. UNDERWOOD] and the gentleman from Georgia [Mr. BRANTLEY] and not only gave them notice of my intention to so call it up to-day, but also obtained their concurrence therein, as I have just stated to the gentleman from New York [Mr. FITZGERALD] and to the House.

Mr. Speaker, the resolution, in terms, merely calls upon the President to give to the House—

the facts regarding the exemption of American importers of manila hemp from payment of the export tax thereon, stating, as nearly as may be practicable, what amounts of money have been refunded to such importers by virtue of said exemption since the act of Congress of March 8, 1902, known as the Philippine tariff act, up to the present time, and to whom said amounts have been refunded.

Mr. Speaker, I freely confess that I do not know what the facts are about this most important question. If I did, I should not ask for the passage of this resolution; but I do know that in a book entitled "The American Occupation of the Philippines from 1898 to 1912," recently published by a distinguished citizen of my own State, Mr. James H. Blount, who was for two years an officer of the volunteer forces of the United States in the Philippines, and for four years a judge of the court of first instance in the Philippines, it is charged that the International Harvester Co. and other American importers of manila hemp have in the last 10 years collected more than $4,000,000 in refund of export taxes on manila hemp, under the rebate system authorized by the Philippine tariff act of 1902 and the Payne Tariff Act of 1909, and that these amounts so refunded are, in effect, a free gift or subsidy to the International Harvester Co. and other American importers of manila hemp.

Ordinarily, Mr. Speaker, I should not care to base a resolution of inquiry, addressed to the President, upon mere statements contained in some book, but in this case I know the author so well and am so well acquainted with his high character and his splendid opportunities for accurate knowledge of conditions in the Philippines that I think his statements in reference thereto ought to receive attention and consideration. Besides, this House is entitled to know, and ought to know, just exactly what the facts are in reference to this hemp tax—whom it burdens and how much, whom it benefits and how much. We are entitled to accurate information on these questions for two reasons; first, in order that we may understand what has happened in the past and why, and, second, in order that we may know how we should legislate in the future. If it be true that this rebate of the export tax on manila hemp has had the effect of giving to one of our great American trusts practical control of the manila hemp market, to the injury of the people of the Philippine Islands, and a subsidy of several million dollars, the sooner we know the facts, and know them accurately and officially, the sooner will we be able to apply the remedy. It seems to me the resolution ought to pass without a dissenting vote. I now yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, there was an original House resolution, No. 767, on this same subject practically, making a charge directly against the International Harvester Co. I made inquiry of the International Harvester Co. with reference to the facts in the matter when the original resolution, No. 767, was reported. This resolution relates to the same matter, although making no special charge against the International Harvester Co. I have no objection to its passage, nor would I have now to the passage of the original resolution, so far as they are concerned.

I ask to have read in my time a letter from the International Harvester Co. in reference to the matter, and, Mr. Speaker, I ask in reading the letter that the table of figures be omitted from the reading, but inserted in the RECORD.

The SPEAKER. Without objection, the Clerk will read.

Following is the letter referred to:

INTERNATIONAL HARVESTER CO.,
OFFICE OF THE GENERAL MANAGER,
Chicago, February 7, 1913.

Hon. JAMES R. MANN,
House of Representatives, Washington, D. C.

MY DEAR MR. MANN: On my return from California my attention has been directed to a copy of House resolution No. 767, relating to the exemption of American importers from the payment of the export duty on manila hemp. The resolution requests certain information of the President, and asks him to what extent the rebate of duty has operated unjustly and "who have been the beneficiaries of such injustice." I note, too, that the resolution as originally introduced practically charged the International Harvester Co. with being the principal beneficiary under the act and that the refund of the export duty amounted to a free gift or subsidy.

As a manufacturer of twine, the International Harvester Co. has no interest whatever in either the repeal, modification, or continuance of this refunding of the export duty on manila hemp. Our price quotations on binder twine which we manufacture from this manila hemp are based on the net cost of the fiber, and the rebate is always deducted from that cost the same as any other discount. This being the basis of our cost calculations, our customers, the consumers, secure the benefit of the refund. The wholesale prices of binder twine f. o. b. factory and here quoted covering 10 years are official and are taken from the Cordage Trade Journal:

	Sisal.	Standard sisal.	Standard manila.	Manila.	Pure manila.
1902	11	11	12½	13½	15
1903	10½	10½	11½	12	13
1904	10½	10½	11½	12½	13½
1905	10	10	11	12	13½
1906	10	10	11	12	13
1907	9⅜	9⅜	.....	12½	14
1908	8½	8½	.....	11½	13
1909	7½	7½	.....	8½	10
1910	7½	7½	7½	8½	9
1911	6½	6½	.....	7¾	8¾

The prices above quoted for 1902 are based on raw material purchased in 1901, before the act went into effect. Note the drop in 1903, when the first manila purchased under the act entered into the trade.

The original act on this subject was passed November 15, 1901, prior to the formation of this company. It levied an export duty on manila hemp of 75 cents per 100 kilos, or about three-eighths of a cent per pound. This payment was credited up to the exporter by the Manila customs upon the shipment of the fiber. Fiber that went direct to the United States in one vessel and which was consumed in the United States was entitled to the above rebate. It applies to all American users, including the seven State prisons that are manufacturing twine. The operation of the law has served to increase the importance of New York as a market for manila fiber and has reduced the price to the American twine consumer.

In spite of the alleged advantages of this rebate the company's use of manila fiber has steadily decreased since 1902. In 1903 we purchased 89,000 bales, or 8.87 per cent of the total amount exported. In 1911 we purchased 67,000 bales, or 4.56 per cent of the total.

The raw materials from which binder twine is manufactured—sisal from Yucatan and manila from the Philippines—are the only raw materials this company consumes that are produced wholly outside of the United States. Prices and production of these are entirely in stranger hands and the material is bought in a fluctuating market. This is a condition which this company earnestly sought to cure.

The straw from American-grown flax is a waste product. It seemed to possess the essential characteristics necessary for a binder twine. If it could be utilized for that purpose, $20,000,000 per annum might be kept at home and paid to the American farmer for this waste product, and the price of binder twine could be materially reduced. In spite of this "free gift or subsidy" this company made every effort to cure this condition and has spent the sum of $1,000,000 in experimental work in this vain quest. A twine was produced, but no commercial process could be found by chemists or laboratory experts that would render the twine free from the attacks of insects.

This letter is sent you for the purpose of clearly defining this company's position. We have steadily declined to participate on one side or the other of this controversy. The continuance of the rebate is, as I have said, of no financial advantage to the International Harvester Co., except in so far as it may benefit our patrons, the farmers, nor do I believe that it has been of any financial advantage to any American cordage company in its domestic trade.

Yours, very truly,

C. S. FUNK,
General Manager.

Mr. BOOHER. Mr. Speaker, if the gentleman proposes to enter into a debate I shall insist upon my point of no quorum.

Mr. HARDWICK. There is to be no debate, Mr. Speaker. The gentleman from Illinois [Mr. MANN] just wants to make a short statement. I do not want to debate the matter.

Mr. MANN. It appears in this letter that in part, owing to the rebate on manila hemp, the price of binding twine in this country has decreased from 13 cents a pound 10 or 12 years ago to the neighborhood of 6 or 7 or 8 cents a pound at the present time, a decrease to go wholly to the benefit of the consumer of binding twine. Probably it is the strongest argument we have yet seen in reference to free trade in raw materials.

The SPEAKER. The gentleman from Georgia [Mr. HARDWICK] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the Speaker announced that the "ayes" seemed to have it.

Mr. BOOHER. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 23, noes 3.

Mr. BOOHER. Mr. Speaker, I make the point of no quorum.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll. Those in favor of the resolution will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 214, nays 0, answered "present" 13, not voting 155, as follows:

YEAS—214.

Adair	Ellerbe	Jacoway	Pou
Akin, N. Y.	Esch	Johnson, Ky.	Powers
Alexander	Estopinal	Kahn	Prince
Allen	Fairchild	Kendall	Pujo
Anderson	Faison	Kennedy	Raker
Ashbrook	Fergusson	Kinkaid, Nebr.	Rauch
Austin	Ferris	Kinkead, N. J.	Redfield
Ayres	Fields	Konop	Rees
Barnhart	Fitzgerald	Kopp	Richardson
Bartlett	Floyd, Ark.	La Follette	Roberts, Mass.
Bates	Foss	Lamb	Roddenbery
Bathrick	Foster	Lawrence	Rodenberg
Beall, Tex.	Fowler	Lee, Pa.	Rothermel
Bell, Ga.	Francis	Lever	Rouse
Blackmon	French	Levy	Rucker, Mo.
Borland	Fuller	Lindbergh	Russell
Broussard	Gallagher	Linthicum	Saunders
Buchanan	Gardner, Mass.	Littlepage	Sells
Bulkley	Garner	Lloyd	Sherley
Burgess	Garrett	Loud	Sherwood
Burke, S. Dak.	Gill	McCall	Sims
Burke, Wis.	Godwin, N. C.	McGillicuddy	Sisson
Burleson	Goodwin, Ark.	McKellar	Slayden
Burnett	Graham	McKenzie	Smith, J. M. C.
Butler	Gray	McKinley	Smith, Tex.
Byrnes, S. C.	Greene, Mass.	McKinney	Stanley
Byrns, Tenn.	Gregg, Tex.	McLaughlin	Steenerson
Callaway	Guernsey	McMorran	Stephens, Cal.
Campbell	Hamill	Macon	Stephens, Miss.
Candler	Hamilton, Mich.	Madden	Stephens, Nebr.
Cantrill	Hamlin	Maguire, Nebr.	Stephens, Tex.
Carter	Hardwick	Mann	Sterling
Clark, Fla.	Hardy	Martin, S. Dak.	Stone
Claypool	Harrison, Miss.	Miller	Sulloway
Cline	Hart	Mondell	Sweet
Collier	Hawley	Moon, Tenn.	Switzer
Copley	Hay	Moore, Pa.	Talcott, N. Y.
Cox	Hayden	Morgan, Okla.	Taylor, Ala.
Cravens	Heflin	Morrison	Taylor, Ark.
Crumpacker	Helgesen	Moss, Ind.	Taylor, Colo.
Cullop	Helm	Mott	Thistlewood
Curley	Henry, Tex.	Murdock	Townsend
Dalzell	Hensley	Neeley	Tribble
Daugherty	Higgins	Nelson	Tuttle
De Forest	Hobson	Norris	Webb
Dent	Holland	Oldfield	Whitacre
Denver	Houston	O'Shaunessy	White
Dickinson	Howard	Padgett	Willis
Dies	Howell	Page	Wilson, Pa.
Donohoe	Howland	Patton, Pa.	Witherspoon
Doremus	Hughes, W. Va.	Pepper	Woods, Iowa
Doughton	Humphrey, Wash.	Pickett	Young, Tex.
Dupré	Humphreys, Miss.	Plumley	
Edwards	Jackson	Post	

NAYS—0.

ANSWERED "PRESENT"—13.

Adamson	Browning	Hill	Talbott, Md.
Berger	Currier	Kent	
Booher	Driscoll, M. E.	Payne	
Bradley	Dwight	Sparkman	

NOT VOTING—154.

Aiken, S. C.	Fordney	Lee, Ga.	Rucker, Colo.
Ainey	Fornes	Lenroot	Sabath
Ames	Gardner, N. J.	Lewis	Scott
Andrus	George	Lindsay	Scully
Ansberry	Gillett	Littleton	Shackleford
Anthony	Glass	Lobeck	Sharp
Barchfeld	Goeke	Longworth	Simmons
Bartholdt	Goldfogle	McCoy	Slemp
Boehne	Good	McCreary	Sloan
Brantley	Gould	McDermott	Small
Brown	Green, Iowa	McGuire, Okla.	Smith, Saml. W.
Burke, Pa.	Greene, Vt.	Maher	Smith, N. Y.
Calder	Gregg, Pa.	Martin, Colo.	Speer
Cannon	Griest	Matthews	Stack
Carlin	Gudger	Mays	Stedman
Cary	Hamilton, W. Va.	Merritt	Stevens, Minn.
Clayton	Hammond	Moon, Pa.	Taggart
Conry	Harris	Moore, Tex.	Taylor, Ohio
Cooper	Harrison, N. Y.	Morgan, La.	Thayer
Covington	Hartman	Morse, Wis.	Thomas
Crago	Haugen	Murray	Tilson
Curry	Hayes	Needham	Towner
Danforth	Heald	Nye	Turnbull
Davenport	Henry, Conn.	Olmsted	Underhill
Davidson	Hinds	Palmer	Underwood
Davis, Minn.	Hughes, Ga.	Parran	Vare
Davis, W. Va.	Hull	Patten, N. Y.	Volstead
Dickson, Miss.	James	Peters	Vreeland
Difenderfer	Johnson, S. C.	Porter	Warburton
Dixon, Ind.	Jones	Pray	Watkins
Dodds	Kindred	Prouty	Weeks
Draper	Kitchin	Rainey	Wilder
Driscoll, D. A.	Knowland	Randell, Tex.	Wilson, Ill.
Dyer	Konig	Ransdell, La.	Wilson, N. Y.
Evans	Korbly	Reilly	Wood, N. J.
Farr	Lafean	Reyburn	Young, Kans.
Finley	Lafferty	Riordan	Young, Mich.
Flood, Va.	Langham	Roberts, Nev.	
Focht	Langley	Rubey	

So the resolution was agreed to.

The Clerk announced the following pairs:

For this session:

Mr. PALMER with Mr. HILL.

Mr. SCULLY with Mr. BROWNING.

Mr. FORNES with Mr. BRADLEY.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. RIORDAN with Mr. ANDRUS.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. LITTLETON with Mr. DWIGHT.

Until further notice:

Mr. JONES with Mr. OLMSTED.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. KITCHIN with Mr. FORDNEY.

Mr. FINLEY with Mr. CURRIER.

Mr. GLASS with Mr. SLEMP.

Mr. SMALL with Mr. SLOAN.

Mr. SMITH of New York with Mr. TAYLOR of Ohio.

Mr. STACK with Mr. VOLSTEAD.

Mr. THOMAS with Mr. SAMUEL W. SMITH.

Mr. TURNBULL with Mr. SPEER.

Mr. WATKINS with Mr. VARE.

Mr. WILSON of New York with Mr. TOWNER.

Mr. LOBECK with Mr. VREELAND.

Mr. MCDERMOTT with Mr. WILSON of Illinois.

Mr. MAHER with Mr. WILDER.

Mr. LINDSAY with Mr. YOUNG of Michigan.

Mr. MARTIN of Colorado with Mr. WOOD of New Jersey.

Mr. SABATH with Mr. CARY.

Mr. SHACKLEFORD with Mr. SIMMONS.

Mr. SHARP with Mr. SCOTT.

Mr. RUCKER of Colorado with Mr. ROBERTS of Nevada.

Mr. RUBEY with Mr. PROUTY.

Mr. REILLY with Mr. PRAY.

Mr. RANSDELL of Louisiana with Mr. PORTER.

Mr. RANDELL of Texas with Mr. MOON of Pennsylvania.

Mr. RAINEY with Mr. WEEKS.

Mr. PATTEN of New York with Mr. MERRITT.

Mr. UNDERWOOD with Mr. TILSON.

Mr. MURRAY with Mr. HARRIS.

Mr. MORGAN of Louisiana with Mr. MATTHEWS.

Mr. HULL with Mr. NEEDHAM.

Mr. AIKEN of South Carolina with Mr. CALDER.

Mr. ANSBERRY with Mr. BURKE of Pennsylvania.

Mr. BOEHNE with Mr. AINEY.

Mr. BRANTLEY with Mr. CANNON.

Mr. BROWN with Mr. ANTHONY.

Mr. CARLIN with Mr. COOPER.

Mr. CONRY with Mr. BARCHFELD.

Mr. CLAYTON with Mr. BARTHOLDT.
Mr. DAVENPORT with Mr. CRAGO.
Mr. MOORE of Texas with Mr. MCGUIRE of Oklahoma.
Mr. MAYS with Mr. MCCREARY.
Mr. MCCOY with Mr. LONGWORTH.
Mr. LEWIS with Mr. LENROOT.
Mr. LEE of Georgia with Mr. LANGLEY.
Mr. KORBLY with Mr. LANGHAM.
Mr. KONIG with Mr. LAFEAN.
Mr. KINDRED with Mr. KNOWLAND.
Mr. JOHNSON of South Carolina with Mr. HENRY of Connecticut.
Mr. JAMES with Mr. HEALD.
Mr. HUGHES of Georgia with Mr. HAUGEN.
Mr. HAMMOND with Mr. HARTMAN.
Mr. HARRISON of New York with Mr. HAYES.
Mr. HAMILTON of West Virginia with Mr. GRIEST.
Mr. GUDGER with Mr. GREENE of Vermont.
Mr. GREGG of Pennsylvania with Mr. GREEN of Iowa.
Mr. GOULD with Mr. HINDS.
Mr. GOLDFOGLE with Mr. GOOD.
Mr. GOEKE with Mr. GILLETT.
Mr. GEORGE with Mr. GARDNER of New Jersey.
Mr. GLASS with Mr. SLEMP.
Mr. FLOOD of Virginia with Mr. FOCHT.
Mr. UNDERHILL with Mr. FARR.
Mr. EVANS with Mr. DYER.
Mr. DANIEL A. DRISCOLL with Mr. MICHAEL E. DRISCOLL.
Mr. DIXON of Indiana with Mr. DRAPER.
Mr. DICKSON of Mississippi with Mr. DODDS.
Mr. DIFENDERFER with Mr. DAVIS of Minnesota.
Mr. DAVIS of West Virginia with Mr. DANFORTH.

Mr. CURRIER. Mr. Speaker, did the gentleman from South Carolina, Mr. FINLEY, vote?

The SPEAKER. He did not vote.

Mr. CURRIER. I wish to withdraw my vote in the affirmative, and to vote "present."

Mr. MANN. I voted "aye." I have a general pair with the gentleman from Alabama, Mr. UNDERWOOD, but I understand he and I would vote the same way on this question. Therefore I do not withdraw my vote.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will unlock the doors.

THE BUSINESS OF THE HOUSE.

The SPEAKER. The Chair asks unanimous consent to address the House for two minutes.

The Speaker does not believe that a majority of the Members of the House realize in what a serious condition the business of this House is. Not more than half the appropriation bills have passed the House. In the very nature of things they have to be passed long enough before the 4th of March to get them over to the Senate, let the Senate consider them, and then go through with the conference reports. If you will count out the days that are segregated, so to speak, Mondays, Wednesdays, and Fridays for particular classes of business, there are only about 11 days of this session left which, in the natural order of things, can be devoted to appropriation bills, with half the appropriation bills still on the hooks. The Chair does not want to see these appropriation bills go over to the extraordinary session of Congress; neither does any other Member. The only way to get these bills through—and the Chair hates to say a word about it at all, because somebody will make the claim that he is trying to set up as a boss, but it is the duty of the Chair to state it—is for Members to stay in their places in this House.

Another thing. While nobody wants to curtail the right of debate in the House, we can not get these bills through if every Members persists in trying to relieve his mind of all the thoughts he has. [Applause.] The Chair sat here this morning and watched at least 25 Members who rushed in and answered to their names, rushed out again, without even stopping to take their overcoats off. They simply answered to their names and rushed right out and back over to their offices again. [Applause.] The Chair is not criticizing these gentlemen. He is not complaining of them. They are all busily engaged in transacting some species of the public business over in their offices, and the Chair recognizes as fully as it is possible for any human being to recognize the tremendous pressure of letter writing at this particular juncture, especially upon the Democratic Members of the House. [Laughter.] But here we have wasted 30 minutes this morning in a roll call. We might just as well have begun at 11 o'clock instead of half past 10.

At any time any gentleman has the constitutional right to raise the point of no quorum. Some Members think the Chair ought to look around and count a quorum without reference to the number present. The Chair is not going to do anything of the sort. He is not going to rule contrary to the evidence and his own senses, and he has pretty good eyes, too. [Laughter.] To have a quorum is a constitutional right, and if gentlemen do not want the business delayed, if they do not want to be criticized for these appropriation bills going over to the next session they must stay here, not only when they have been brought here after a waste of 30 minutes in a call of the House, but they must sit down and stay. Time and time again the Chair has seen the gentlemen managing these appropriation bills give way and yield to let in an amendment, taking money out of the Treasury which they knew ought not to go in and was not in order, simply because they looked around and saw no quorum present and did not want to waste the time to get a quorum.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HUGHES of Georgia, for three weeks, on account of official business, inspecting fortifications at Panama.

To Mr. MORGAN of Louisiana, for 10 days, on account of important business.

To Mr. WARBURTON, for four days, on account of important business.

To Mr. BROWN, for one week, on account of death in family.

To Mr. SAMUEL W. SMITH, for four days, on account of important business.

FORTIFICATION APPROPRIATION BILL

Mr. SHERLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 28186, an act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and sevice, and for other purposes, with a Senate amendment, and agree to the same.

The SPEAKER. Is there objection to the present consideration?

There was no objection.

The Senate amendment was read.

Mr. MANN. Will the gentleman from Kentucky yield a minute to me?

Mr. SHERLEY. Certainly.

Mr. MANN. I would like to congratulate the able gentleman from Kentucky on being able to get one appropriation bill finally passed through both Houses.

The SPEAKER. The Chair congratulates him, too.

The Senate amendment was concurred in.

WORKMEN'S COMPENSATION ACT.

Mr. PEPPER. Mr. Speaker, I ask unanimous consent to have printed as a House document a very carefully prepared article on the workmen's compensation act, prepared by the State Historical Society of Iowa.

Mr. HARDWICK. I object.

PENSIONS.

Mr. RICHARDSON. Mr. Speaker, I call up the conference report on the bill (S. 8035) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, which was printed in the RECORD on Saturday, February 8.

The conference report was read, as follows:

CONFERENCE REPORT (NO. 1483).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 8035) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 3, and 6, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: In lieu of the matter stricken out by the House insert:

"The name of Thomas M. F. Delaney, late of Company G, Fourth Regiment Wisconsin Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving."

That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows: In lieu of the matter stricken out by the House insert:

"The name of John J. Ledford, late of Company F, Fourth Regiment Missouri Volunteer Infantry, War with Spain, and pay him a pension at the rate of $16 per month."

That the Senate recede from its disagreement to the amendment of the House numbered 5 and agree to the same with an amendment as follows: In lieu of the matter stricken out by the House insert:

"The name of John F. Burton, late of Company B, Fifth Regiment Missouri Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving."

That the Senate recede from its disagreement to the amendment of the House numbered 7, and agree to the same with an amendment as follows: In lieu of the matter stricken out by the House insert:

"The name of Carl W. Carlson, late of Company B, Third Regiment United States Volunteer Cavalry, War with Spain, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving."

And the House agree to the same.

WILLIAM RICHARDSON,
IRA W. WOOD,
WM. A. DICKSON,
Managers on the part of the House.
P. J. MCCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendment No. 1, the case of Arthur F. Shepard, S. 2465: In this case the item was stricken from the bill by the House on the ground that the soldier's condition is not due to service, the principal disability having come on later. The Senate recedes from its disagreement.

Amendment No. 2, the case of Thomas M. F. Delaney, S. 4691: The Senate passed this bill, increasing the pension to $24 per month. The House struck the item from the bill on the ground that it is an excessive rate. Your conferees recommend that the item be restored at $12 per month.

Amendment No. 3, the case of George G. Thirlby, S. 6276: The Senate passed this at $24 per month. The House reduced the rate to $16 per month and the Senate recedes from its disagreement to the amendment.

Amendment No. 4, John L. Ledford, S. 6898: The Senate passed this at $24 per month. The House struck the item from the bill on the ground that the evidence of injury incurred in the service did not warrant such a high rating. The man is badly disabled, and your conferees recommend that the item be restored to the bill at a rate of $16 per month.

Amendment No. 5, John F. Burton, S. 7036: The Senate passed this at $16 per month. The House struck the item from the bill on the ground that the disability did not warrant that rate. Your conferees recommend that the item be restored at a rate of $12 per month, as part of the disability is due to service and the soldier is now receivng a pension of $6.

Amendment No. 6, Otto Weber, S. 7368: The Senate passed this at $16 per month. The House struck the item from the bill on the ground that if soldier's disability had increased he should apply at the bureau. He has not applied for increase for nearly six years. The Senate recedes from its disagreement.

Amendment No. 7, Carl W. Carlson, S. 7466: The soldier is pensioned now at $10 per month. The Senate passed the bill to increase it to $20 per month. The House struck the item from the bill on the ground that if pensionable disability had increased the soldier should be able to get relief at the bureau. The soldier is badly disabled, and your conferees recommend that the item be restored at a rate of $16 per month.

WILLIAM RICHARDSON,
IRA W. WOOD,
WM. A. DICKSON,
Managers on the part of the House.

The conference report was agreed to.

CONTRACTS FOR TRANSFERRING FOREIGN MAIL.

Mr. TUTTLE. Mr. Speaker, I ask unanimous consent to take up House resolution 778, directing the Committee on the Post Office and Post Roads to institute and carry forward an investigation into the letting of contracts, and so forth.

The SPEAKER. This is not a privileged resolution.

Mr. TUTTLE. It is not technically privileged, but I ask unanimous consent to take it up.

The SPEAKER. The Chair is not permitted under the rule to put that question. The Chair thinks it is better to maintain the rule except where there is an extraordinary situation.

Mr. TUTTLE. I think this is an extraordinary case.

Mr. MANN. Mr. Speaker, I object; it has no business to come before the House now.

The SPEAKER. That is absolutely true. This is District of Columbia day.

Mr. JOHNSON of Kentucky. Mr. Speaker, I call up the bill H. R. 22643, to amend subchapter 2, chapter 19 of the Code of Law for the District of Columbia, by providing a penalty for willful omission to return library property in the District of Columbia, and I ask to substitute therefor Senate bill 6096.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to discharge the Committee on the District of Columbia from further consideration of the bill S. 6096 and substitute it for the House bill. Is there objection?

Mr. MANN. Reserving the right to object, I would like to have the House bill reported.

The SPEAKER. The Clerk will report the House bill.

The Clerk read as follows:

Be it enacted, etc., That subchapter 2, of chapter 19, of the Code of Law for the District of Columbia is hereby amended by adding thereto an additional section, to be known as section 849 a, as follows:

"SEC. 849 a. Whoever willfully detains any book, newspaper, magazine, pamphlet, manuscript, or other property belonging to or in the custody or control of the Library of Congress, or any public or incorporated library in the District of Columbia, for 30 days after notice in writing to return the same, such notice to contain a copy of this section, and to be given after the expiration of the time which, by the rules of such library, such book or other property may be kept, shall be punished by a fine of not less than $1 nor more than $25, or by imprisonment for not less than one month nor more than six months. Prosecutions under this section shall be brought in the name of the District of Columbia by information filed by the corporation counsel or one of his assistants: *Provided*, That the penalties provided by this section shall be in addition to any penalties lawfully imposed by the trustees of any public or incorporated library in the District of Columbia, and shall be applicable when the offense is not otherwise punishable by some statute of the United States."

Mr. MANN. Reserving the right to object, may I ask the gentleman from Kentucky whether the bill as it passed the Senate struck out the word "willfully"?

Mr. JOHNSON of Kentucky. Yes; the word "willfully" is in the House bill, but not in the Senate bill.

Mr. MANN. If the Senate bill is taken up, what is the gentleman's intention?

Mr. JOHNSON of Kentucky. I have no intention; I do not care whether the word is in or out; it is a matter for the House to determine.

Mr. MANN. It may not make much difference what the gentleman from Kentucky will do, but it makes considerable difference what the House will do.

Mr. JOHNSON of Kentucky. If the Senate bill be taken up, the word "willfully" not being in it, it would pass that way or amended with the insertion of the word "willfully." I would not care to offer the amendment.

Mr. MANN. Mr. Speaker, as I understand this bill, if a Member of Congress has sent to his rooms or to his office a book from the Congressional Library and it is lost, or even if he returns it and they do not find it, and say that he lost it, he is liable to an imprisonment of six months.

Mr. HUGHES of West Virginia. Mr. Speaker, I want to object to the consideration of this bill.

Mr. MANN. It is not a question of the consideration of the bill; it is a question of the substitution of the Senate bill for the House bill.

The SPEAKER. The gentleman can not object to the consideration of the bill. The Chair will state the situation. The engrossed copy of the Senate bill is not here, and, unless the House intends to give unanimous consent to consider it, it is not in order.

Mr. MANN. Mr. Speaker, if the engrossed copy of the Senate bill is not here we can not consider it.

Mr. JOHNSON of Kentucky. Mr. Speaker, I will say to the gentleman that it has disappeared from the District Committee room, as has a number of other bills.

Mr. MANN. And if this bill were in force as to an engrossed copy of a bill, the gentleman would be liable to a fine and imprisonment because he had lost it, and I am sure that no one in the House would charge the gentleman with negligent or willful loss of the engrossed copy, or anything of the sort. Yet that is what the Senate bill provides with reference to a book coming from the Congressional Library.

Mr. HUGHES of West Virginia. Mr. Speaker, I object to the substitution of the Senate bill.

The SPEAKER. The gentleman has a perfect right to do that.

Mr. JOHNSON of Kentucky. Then, Mr. Speaker, I will withdraw the consideration of the bill.

The SPEAKER. Does the gentleman withdraw the House bill?

Mr. JOHNSON of Kentucky. Yes; I withdraw the motion to consider either the House or the Senate bill.

EMBEZZLEMENT OF EVIDENCE OF DEBT—DISTRICT CODE.

Mr. JOHNSON of Kentucky. Mr. Speaker, I call up the bill (H. R. 21709) to amend section 851a of chapter 19 of subchapter 2 of the Code of Law for the District of Columbia, which I send to the desk and ask to have read.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Code of Law for the District of Columbia be amended by adding to subchapter 2 of chapter 19 the following section:

"SEC. 851a. Whoever shall be guilty of any offense defined in sections 834, 835, 836, 837, and 838 of the Code of Law for the District of Columbia shall, where the thing, evidence of debt, property, proceeds or profits be of the value of not more than $35, be punished by imprisonment for not more than one year or a fine of not more than $500, or both."

SEC. 2. That this act shall take effect upon its passage.

Mr. JOHNSON of Kentucky. Mr. Speaker, this is a bill prepared by United States District Attorney Wilson, and upon his recommendation of it the committee has reported it out. I will say, however, that the title to the bill is not correct, and if the bill passes I shall make a motion to amend the title.

Mr. BARTLETT. To what sort of an offense does this section refer?

Mr. JOHNSON of Kentucky. It is an addition to section 849, which deals with embezzlement by agent, attorney, clerk, or servant.

Mr. BARTLETT. Is it to regulate the punishment with reference to the amount of money embezzled?

Mr. JOHNSON of Kentucky. Yes.

Mr. BARTLETT. What is the present law?

Mr. JOHNSON of Kentucky. I do not know. This is the creation of additional offenses.

Mr. MANN. The present law provides for a fine not exceeding $1,000 or imprisonment of not more than 10 years, or both, as to embezzlement by agent, attorney, clerk, or servant.

Mr. BARTLETT. That refers to embezzlement without regard to money?

Mr. MANN. No; that is not the law with reference to section 851.

Mr. JOHNSON of Kentucky. This is with reference to the embezzlement of any paper which evidences indebtedness. There is no statute against it, and the district attorney wishes this bill passed. I will read from the bill:

SEC. 851a. Whoever shall be guilty of any offense defined in sections 834, 835, 836, 837, and 838 of the Code of Law for the District of Columbia shall, where the thing, evidence of debt, property, proceeds or profits be of the value of not more than $35, be punished by imprisonment for not more than one year or a fine of not more than $500, or both.

Mr. BARTLETT. Both, then, are made felonies. The embezzlement of $35 under this act is made a felony, as I understand it. It would be imprisonment in the penitentiary for one year, I apprehend, though it does not say so.

Mr. JOHNSON of Kentucky. Mr. Speaker, I will say to the gentleman that I thought the House met at 12 o'clock this morning, and I have not had time to run over these bills and be as familiar with them as I would like to be. I am relying largely upon the fact that District Attorney Wilson has prepared this bill and sent it over here.

Mr. BARTLETT. I do not desire to embarrass the gentleman.

Mr. JOHNSON of Kentucky. It is no embarrassment to me. I do not care whether the bill passes or not.

Mr. MARTIN of South Dakota. Mr. Speaker, I would like to inquire whether the gentleman does not think the House ought to be informed as to what the present penalties are before making changes in them?

Mr. JOHNSON of Kentucky. The sections to be amended are:

SEC. 834. Embezzlement by agent, attorney, clerk, or servant: If any agent, attorney, clerk, or servant of a private person or copartnership, or any officer, attorney, agent, clerk, or servant of any association or incorporated company shall wrongfully convert to his own use, or fraudulently take, make away with, or secrete, with intent to convert to his own use, anything of value which shall come into his possession or under his care by virtue of his employment or office, whether the thing so converted be the property of his master or employer or that of any other person, copartnership, association, or corporation, he shall be deemed guilty of embezzlement and shall be punished by a fine not exceeding $1,000 or by imprisonment for not more than 10 years, or both.

Mr. BARTLETT. May I suggest to the gentleman that the effect of this bill is to reduce the penalty where the amount does not exceed $35? That is the whole purpose.

Mr. JOHNSON of Kentucky. It clearly states that.

Mr. BARTLETT. So that instead of increasing the penalty or making a new penalty it decreases the penalty.

Mr. JOHNSON of Kentucky. I understand it makes some penalty——

The SPEAKER. Does the gentleman from Kentucky yield to the gentleman from Illinois?

Mr. JOHNSON of Kentucky. Certainly.

Mr. MANN. Mr. Speaker, the gentleman from Georgia called attention to what I was going to ask.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill (H. R. 21709) to amend subchapter 2 of chapter 19 of the Code of Law for the District of Columbia."

AMENDING SUBCHAPTER 2 OF CHAPTER 19, CODE OF LAW FOR THE DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I call up the bill H. R. 21714, a bill to amend section 851b of chapter 19 of subchapter 2 of the Code of Law for the District of Columbia.

The Clerk read as follows:

A bill (H. R. 21714) to amend section 851b of chapter 19 of subchapter 2 of the Code of Law for the District of Columbia.

Be it enacted, etc., That the Code of Law for the District of Columbia be amended by adding to subchapter 2 of chapter 19 the following section:

"SEC. 851b. That if any person entrusted with the possession of anything of value, including things savoring of the realty, for the purpose of applying the same for the use and benefit of the owner or person so delivering it, shall fraudulently convert the same to his own use he shall, where the value of the thing so converted is $35 or more, be punished by imprisonment for not less than 1 nor more than 10 years, or by a fine of not more than $1,000, or both; and where the value of the thing so converted is less than $35 he shall be punished by imprisonment for not more than one year or by a fine of not more than $500, or both: *Provided*, That nothing contained in this section shall be construed to alter or repeal the foregoing sections contained in subchapter 2 of chapter 19 of this code."

SEC. 2. That this act shall take effect upon its passage.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill (H. R. 21714) to amend subchapter 2 of chapter 19 of the Code of Law of the District of Columbia."

INTERMARRIAGE OF WHITES WITH NEGROES OR MONGOLIANS IN THE DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I call up the bill H. R. 5948.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 5948) to prohibit in the District of Columbia the intermarriage of whites with negroes or Mongolians.

Be it enacted, etc., That in the District of Columbia it shall be unlawful for any person of the Caucasian blood, or their descendants, to intermarry with an African, commonly called negro, or the descendants of an African, or with a Mongolian, or with the descendants of a Mongolian; and should any person as aforesaid violate the provisions of this act such marriage shall be null and void and the parties so offending shall be prosecuted for a felony, and if convicted shall be imprisoned not less than two years nor fined not more than $500, or both, at the discretion of the court.

SEC. 2. That any attempt to evade this statute by marrying out of the District of Columbia and returning into it shall be within its meaning, and such marriage shall likewise be null and void, and the offending parties shall be prosecuted as aforesaid.

SEC. 3. That this act shall take effect and be of force from its passage.

The committee amendments were read, as follows:

On line 4, page 1, strike out the words "blood, or their descendants" and insert in lieu thereof the words "or white race."

On line 5, after the word "with," strike out the rest of the line, all of line 6, and all of line 7, down to and including the word "Mongolian," and insert in lieu thereof the following: "any person of the Ethiopian or black race, Malay or brown race, or Mongolian or yellow race."

The question was taken, and the committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 92, noes 12.

So the bill was passed.

The title was amended so as to read: "To prohibit in the District of Columbia the intermarriage of whites with Ethiopians, Malays, or Mongolians."

WAREHOUSE FOR THE DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I call up the bill H. R. 28530 and ask unanimous consent to consider it in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 28530) to provide for a warehouse for the receipt, care, and distribution of supplies for the use of the government of the District of Columbia, and for other purposes.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to consider this bill in the House as in Committee

of the Whole House on the state of the Union. Is there objection?

Mr. MANN. Mr. Speaker, I object.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering District legislation.

The question was taken; and the Speaker announced the ayes seemed to have it.

Mr. FOSTER. Division, Mr. Speaker.

The House divided; and there were—ayes 56, noes 47.

Mr. MANN. Mr. Speaker, I ask for tellers.

Tellers were ordered.

Mr. JOHNSON of Kentucky and Mr. MANN took their places as tellers.

The House again divided; and there were—ayes 20, noes 80.

So the motion to go into the Committee of the Whole House on the state of the Union was rejected.

AGRICULTURE APPROPRIATION BILL.

Mr. LAMB. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Agriculture appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 28283) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1914, with Mr. BEALL of Texas in the chair.

Mr. LAMB. Mr. Chairman, I ask to return to page 17, line 16, of the bill.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 17, line 18, by striking out "$375,000" and inserting "$435,000."

Mr. LAMB. Mr. Chairman, before proceeding further, I ask that only 20 minutes be used in debate on this proposition, 10 minutes on a side.

The motion was agreed to.

Mr. McLAUGHLIN. Mr. Chairman, a year ago a substantial increase in this appropriation was made, and the only objection urged against it was that there was doubt as to whether the department was able properly to use the money asked for. When the increase of appropriation was made, the department increased its organization, added to its force, and is now able properly to use the money asked for. In my judgment, no better work is carried on by the department than by the branch of the service called "Farm Management and Farm Demonstration."

Mr. MADDEN. Will the gentleman let me ask him a question?

Mr. McLAUGHLIN. Yes.

Mr. MADDEN. What is the particular work done under so-called farm management and demonstration?

Mr. McLAUGHLIN. The employment of experts to go out and meet farmers right on the farms, to give them instructions, and assist them in understanding and applying new methods suggested by the department and its experts.

Many years ago substantial assistance was given by the Federal Government to the agricultural colleges of the States, but every law providing money for colleges forbade its use outside of the colleges except for the publication of bulletins or for the holding of institutes where lectures might be given. It has been found that information as to secrets of the soil and new methods of agriculture have not reached the farmer. The bulletins are skillfully drawn, and it would seem as if they might be understood, but the ordinary farmer does not apply them. Gentlemen who appeared before the Committee on Agriculture urging these appropriations—presidents of agricultural colleges and gentlemen high in the Department of Agriculture—told us that if the work of the Agricultural Department, the secrets they have discovered, the new methods that they could put into operation, could be taken to the farmers of the country in such a way as to be understood and readily applied in their work, agriculture could be revolutionized in this country. The department now is organized so that it can use the amount of money my amendment would provide. I have talked with the officials there.

Mr. McKENZIE. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Michigan [Mr. McLAUGHLIN] yield to the gentleman from Illinois [Mr. McKENZIE]?

Mr. McLAUGHLIN. Yes.

Mr. McKENZIE. Is it not the policy of the Government to use this money in cooperating with the respective States in the Union?

Mr. McLAUGHLIN. In most of the States work is done by cooperating with the officials of agricultural colleges. It is found that is the best way to carry on this work.

Mr. McKENZIE. Do they not require the county or the community which gets one of these demonstrators to put up a part of the expense?

Mr. McLAUGHLIN. In almost every case that plan is followed, and the officials of the department tell me there is such a demand for this kind of work—so many ways of cooperation and so many offers of contributions of money—that it is evident that the work so far carried on is successful; it is very popular, and the department needs more money than is now carried in this bill in order to enable it properly to carry on the work. The Secretary of Agriculture has said in my hearing over and over again that he considers this as the most important work that his department is doing.

This work was first carried on largely in the South under another appropriation, "To meet the ravages of the boll weevil." It has been very successful there. The increase of this appropriation would take nothing, of course, from the appropriation available for work in the South and would in no way curtail that or interfere with it. This appropriation would simply extend to the North work similar to that carried on so successfully in the South. It was my privilege a few days ago——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAMILTON of Michigan. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. McLAUGHLIN. I was about to say, Mr. Chairman, that it was my privilege a few days ago to visit the South—the city of Columbia, S. C., where the annual corn exposition was held—and while there I learned a little better than I knew before the result of the efforts the Department of Agriculture has made in bringing about better methods of agriculture.

Mr. HAMILTON of Michigan. Mr. Chairman, would the gentleman permit me to ask him a question?

Mr. McLAUGHLIN. Yes.

Mr. HAMILTON of Michigan. The gentleman spoke, if I understood him correctly, about the use of this appropriation to repair the ravages of the boll weevil in the South. I was wondering whether, under the appropriation, they undertook to repair the ravages of the boll weevil in the South before the boll weevil had committed any ravages; and if so, how?

Mr. McLAUGHLIN. Mr. Chairman, if I used the word "repair" I used the wrong word.

Mr. HAMILTON of Michigan. The gentleman understands what I am trying to get at, does he not?

Mr. McLAUGHLIN. Yes. There is a feeling that this money is not used exactly to meet the ravages of the boll weevil, but the money is properly used. I make no criticism of the way it has been used, and I believe the appropriation ought to be continued.

Mr. COX. Mr. Chairman, will the gentleman yield for a question right there?

The CHAIRMAN. Does the gentleman yield?

Mr. McLAUGHLIN. I do.

Mr. COX. Do not the hearings before the gentleman's committee disclose the fact that up to this hour they have been unable to find anything that would meet the ravages of the boll weevil?

Mr. McLAUGHLIN. Not exactly that. The testimony before the committee is to the effect that they have no way of exterminating the boll weevil. This, however, is not the boll-weevil appropriation. I was diverted by the question of the gentleman from Michigan.

Mr. YOUNG of Texas. Mr. Chairman, will the gentleman allow me in that connection to make an answer for him?

Mr. McLAUGHLIN. Yes.

Mr. YOUNG of Texas. Mr. Chairman, I will state that——

Mr. McLAUGHLIN. I object to the gentleman making a statement in my time. I thought at first he wanted simply to ask a question.

Mr. HAMILTON of Michigan. I may be misinformed about this, and I should be inclined to think that the practice is all right if it actually exists, but I understand the practice is to anticipate the effect of the boll weevil by farm instruction in territory far in advance of its appearance there, and that much of the work is in anticipation of what the boll weevil might do if it should arrive.

Mr. McLAUGHLIN. It is in anticipation, Mr. Chairman; but the boll weevil's progress has not been stopped in any respect or in any measure. Its march is steady, and it is absolutely necessary for the people of the Southern States, where cotton is grown or has been grown exclusively, to learn some

other lines of agriculture, and it is in the effort to teach those people and induce them to engage in other lines so as to overcome the effect of the boll weevil or be able to meet it when it comes that this money is used, and it is properly used.

But I do not wish to be diverted into talk of the boll-weevil appropriation. I make no criticism of it. Instead of criticizing it, I am in favor of it. I have never questioned the propriety of making that appropriation. I have sometimes questioned the language that was used, but never the amount of money appropriated or the use made of it.

I was attracted by the wonderful results produced by the agents of the Department of Agriculture with the boll-weevil money, and have wished to see that work carried on in the North. It is begun. The department is organized. It is doing splendid work. Requests are coming from every State in the North, and I might say from almost every county, with offers of money for cooperation. The department can use every dollar of this amount, $435,000, and use it profitably in its work, and my amendment would appropriate that amount. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAMB. Mr. Chairman, the department asked for $407,000 for this work. We carefully considered it, and, in the judgment of the committee, the $375,000 that we have allowed is amply sufficient to carry on this demonstration work in the part of the country designated for it. In all frankness, candor, and earnestness, I am very much surprised that this motion should come from a member of the committee who was himself on the subcommittee and agreed to this and then in the full committee ratified it.

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. LAMB. For a question.

Mr. McLAUGHLIN. Is it not true that I moved to make this $435,000, and that I used every effort in that committee to induce them to accept that amendment?

Mr. LAMB. I do not recall it. I think the gentleman is mistaken.

Mr. McLAUGHLIN. The gentleman's memory is not as good as it ought to be.

Mr. LAMB. I thought it was a peculiar position for a member of the committee to take after we had discussed this matter in the subcommittee and in the full committee. We think the $375,000 that we allow is ample to carry on this work. We gave exactly the same amount that you will find in the paragraph below for the demonstration work in the Southern States, supposed to be for the eradication of the boll weevil. That money is used, of course, for just the same purposes that this is. We feel that this amount is all that they can use properly and with good judgment, and we hope the Committee of the Whole will stand by the Committee on Agriculture in the matter of this appropriation.

Mr. MANN. Will the gentleman yield for a question?

Mr. LAMB. Yes.

Mr. MANN. If the Lever bill, which is now in conference, becomes a law at this session of Congress, will it not provide a considerable sum for this same work in addition to the amount carried in this bill?

Mr. LAMB. Yes; it will carry an appropriation for the agricultural colleges that will do the same work.

Mr. MANN. I understand the theory of the Lever bill is to carry on extension work.

Mr. LAMB. Yes.

Mr. MANN. You provide in the Lever bill an appropriation the first year of $300,000 or $400,000, anyhow.

Mr. LEVER. We provide for $480,000.

Mr. MANN. Four hundred and eighty thousand dollars for the first year?

Mr. LEVER. Yes.

Mr. MANN. Practically to do this same class of work, as I understand.

Mr. LAMB. Yes.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. LAMB. Yes.

Mr. McLAUGHLIN. Does not the Lever bill contain a clause providing that the appropriation thereby made shall not in any respect interfere with farm-demonstration work or farm-management work?

Mr. LAMB. I think that is correct.

Mr. MOSS of Indiana. Mr. Chairman, I am opposed to this amendment. First, I desire to call attention to a statement which was made before the committee in relation to the purposes of this appropriation. I asked this question of Dr. Galloway:

> Is there any part of this six hundred and some odd thousand dollars that is available under farm-management work and the farmers' cooperative work that is now being actually expended for original scientific work by experts in the department looking toward the improvement of any of the great farm products and a solution of any of the purely scientific phases of agricultural work?
>
> Dr. GALLOWAY. No, sir.
>
> The CHAIRMAN. None whatever?
>
> Dr. GALLOWAY. No, sir.

So that the appropriation of this money does not in any manner advance the position of agricultural science or help to solve the great problems confronting the farmers in their efforts to feed and clothe our Nation.

I have here a statement of how this $300,000 is expended for the current year. Of the total sum only $171,291 was allotted for farm demonstration work. Now, this amendment proposes to increase the appropriation more than $100,000, ostensibly to stimulate farm demonstration work. Yet of the $300,000 carried in current law there was but $171,291 allotted for farm-demonstration work. There was $55,980 spent on the study of farm economics, cost account, farm management surveys, history of farm management, marketing farm products, farm equipment, and farm credits. The subject of farm credits means a study of the European system of farm credits, which has absolutely no relation to the development of agricultural science or to the germane work of the Agricultural Department.

There was $37,161 appropriated for the study of tenant farming in relation to farm management, making and utilization of hay, sugar-beet growing, and so forth. The full list of these subjects is as follows:

Farm management investigations.

GROUP PROJECT NO. 310, OFFICE ADMINISTRATION AND RECORDS.

Project No.—	Name.	Location of work.	Leader.
310-A	Library and files	Washington	C. L. Feldkamp.
310-B	Photographic records	do	A. Ruark.
310-C	Manuscripts	do	E. A. Boeger.
310-D	Finances	do	R. R. Whittleton.
Group project No. 311	Farm economics	do	E. H. Thomson.
311-A	Cost accounting	do	C. M. Bennett.
311-B	Farm management surveys	General	H. M. Dixon.
311-C	History of farm management	Office	L. G. Connor.
311-D	Marketing farm products	New Jersey	H. W. Gilbertson.
311-E	Farm equipment	General	H. H. Mowry.
311-F	Farm credit and farm insurance	Washington, D. C.	J. W. Froley.
Group project No. 312	Special studies	General	D. A. Brodie.
312-A	Tenant farming in relation to farm management	do	J. W. Froley.
312-B	Weeds and tillage	do	H. R. Cox.
312-C	Making and utilization of hay	do	H. B. McClure.
312-D	Utilization and maintenance of pastures	do	J. S. Cotton.
312-E	Sugar-beet growing in relation to farm management	At present inactive	
312-F	Relation of farm practice to farm yields	General	J. L. Fidler.
312-G	Relation of geographical to farm enterprises	do	O. E. Baker.
Group project No. 313	Field studies and demonstrations	do	C. B. Smith.
313-A	North Central States		J. C. McDowell.
313-B	South Atlantic and South Central States		C. L. Goodrich.
313-C	Western division		
Group project No. 320	Utilization of cacti and dry-land plants	General	D. Griffiths.
320-A	Cactus investigations	Southwest	Do.
320-B	Grazing-land investigations	do	E. O. Wooton.
Group project No. 360	Clearing and utilization of logged-off lands	General	H. Thompson.

NOTE.—Project No. 313-A consisted originally of the North Central and the North Atlantic States. It has been found advisable to divide this into the North Central and the North Atlantic, making a new project number of the latter, the number to be decided by the project committee. Mr. L. A. Clinton is in charge; salary, $3,000.

Thus the department did not seek to use the sum of $300,000 for farm demonstration work, but used only $171,291 for this purpose. Then why seek to make this very large increase?

This work has been advanced so rapidly by large appropriations that the department could not get from the civil service enough persons to fill the positions so as to organize this work within the classified service, but appointed persons without examination. It is not good policy to command the department to extend scientific work more rapidly than a corps of teachers can be organized under usual methods and to increase the number of employees when competency is not guaranteed. I will put in the RECORD a statement showing every person appointed under this appropriation, which will indicate those secured under civil service and those appointed without such examination. It will be observed that 82 of such persons were not taken from the classified list.

Furthermore, I will insert in the RECORD the number of communities which are profiting by this work. Under the plan of the Department of Agriculture 25 per cent of the total expense of this demonstration work is to be contributed by the National Government, 25 per cent by the State experiment station, and 50 per cent by the localities to be benefited. In Vermont there were only four counties that contributed, and thus inaugurated this work in their communities. There is scarcely a State in the Union where a half dozen counties cooperated with the National Government. It will require time to develop this complex cooperation between the department, the State experiment station, and the community. This amendment is a proposition to appropriate money where the communities have not had sufficient time to become interested enough to take up their part of the work or to provide funds to meet their pro rata of expense.

Mr. CAMPBELL. Will the gentleman yield?

Mr. MOSS of Indiana. Certainly.

Mr. CAMPBELL. The question is new, or was a year ago, and I would like to call the gentleman's attention to the fact that just now in nearly every weekly paper which I have received I see that the farmers have organized in the several communities for the purpose of having demonstrated to them the value of the expert farmer.

Mr. MOSS of Indiana. In answer to that I will take my own State for an illustration. We have there farm demonstration work organized as well as in any State in the Union. We have a thousand organizations for farm demonstration work, and yet in the State of Indiana only 4 counties out of 92 contributed money to inaugurate this work and thereby participate in this appropriation. The new work of the department ought to be carefully estimated for and considered before Congress appropriates public funds. Any other course is not only extravagant, but it will surely result in waste of public moneys. During the last five years Congress has forced appropriations on the Department of Agriculture. In many items their estimates have been reduced, while in many other directions the appropriations have been largely increased without any consultation with the heads of departments. I will insert the following extracts from the hearings and table showing the increase each year of the appropriation over the estimate. It will be observed that in 1913 the per cent of increase not estimated for was 116.

The CHAIRMAN. So that sometimes there does not come any estimate either from the chief of the bureau or the Department of Agriculture? For instance, at times, through the action of the House, Congress takes the initiative in that matter?

Dr. GALLOWAY. Yes. I may say, Mr. Chairman, that, speaking generally, 60 per cent of our increases are not estimated for at all.

Total of appropriations for Bureau of Plant Industry.

[Includes statutory salaries.]

Fiscal year.	Estimate submitted.	Appropriation allowed.	Estimated increase.	Increase allowed by Congress.	Increase allowed over estimate.	Per cent of total increase not estimated for.
1909	$1,167,676	$1,341,676	$115,446	$289,446	$174,000	60
1910	1,560,636	1,709,266	218,960	367,590	148,630	40
1911	1,698,206	1,758,206	11,060	48,940	60,000	123
1912	1,979,326	2,061,686	221,120	303,480	82,360	27
1913	2,099,060	2,323,580	37,374	261,894	[1] 304,520	116
Average per cent of increase						56

[1] Includes chestnut-blight work and investigations of potatoes and sugar beets under irrigation.

Memorandum showing names of persons other than clerks, messengers, and others on the statutory roll, employed in connection with the farm-management work, showing the method of each person's entering the service.

Name.	Entered department.	Present status.		How appointed.
		Within civil service.	Outside civil service.	
Wm. J. Spillman	Feb. 12, 1901	Agriculturist in charge of farm management, $4,000.		Through civil service.
David A. Brodie	July 16, 1904	Agriculturist, $3,000		Do.
Lewis A. Clinton	Dec. 1, 1912	.....do		Do.
David Griffiths	June 23, 1900	Agriculturist, $2,780		Do.
Clarence B. Smith	Apr. 3, 1896	Agriculturist, $2,700		Do.
Oscar H. Benson	Feb. 1, 1911	Assistant agriculturist, $2,520		Do.
Levi Chubbuck	Apr. 29, 1887	Agriculturist, $2,520		Do.
E. H. Thomson	July 1, 1909	.....do		Do.
Chas. L. Goodrich	Jan. 1, 1908	Agriculturist, $2,460		Do.
John W. Froley	Mar. 21, 1907	Agriculturist, $2,400		Do.
John C. McDowell	Apr. 1, 1908	.....do		Do.
Elmer O. Wooten	July 1, 1911	Assistant curator, $2,280		Do.
Geo. A. Billings	Jan. 25, 1908	Agriculturist, $2,220		Do.
Byron Hunter	July 1, 1902	.....do		Do.
Albert D. McNair	Dec. 16, 1907	.....do		Do.
Alfred G. Smith	Jan. 20, 1909	.....do		Do.
John S. Cotton	Feb. 1, 1902	Agriculturist, $2,100		Do.
Herbert R. Cox	Oct. 7, 1907	.....do		Do.
Matt A. Crosby	July 1, 1902	.....do		Do.
Lawrence G. Dodge	July 1, 1905	.....do		Do.
J. Allen Drake	Apr. 1, 1903	.....do		Do.
Henry A. Miller	June 1, 1902	Agriculturist, $2,040		Do.
Jacob H. Arnold	Aug. 1, 1909	Agriculturist, $2,000		Do.
Harry Thompson	May 1, 1912	.....do		Do.
W. A. Etherton	Dec. 1, 1912		Farm architect, $2,000	Civil-service sanction.
James M. Johnson	Feb. 15, 1912	Agriculturist, $2,000		Through civil service.
Harry B. McClure	July 16, 1906	Assistant agriculturist, $2,000		Do.
Samuel M. Tracy	Mar. 13, 1891	.....do		Do.
Daniel W. Working	May 1, 1911	Agriculturist, $2,000		Do.
Herbert H. Mowry	Jan. 16, 1905	Assistant in dry-land agriculture, $1,980		Do.
Ernest A. Boeger	Oct. 10, 1911	Assistant, $1,800		Do.
C. M. Hennis	July 15, 1910	Assistant agriculturist, $1,800		Do.
Charles P. Reed	Oct. 1, 1912	.....do		Do.
F. D. Stevens	Sept. 1, 1911	.....do		Do.
M. J. Thompson	Apr. 1, 1912		Agent, $1,800	Civil-service sanction; excepted from examination.
Rex E. Willard	Nov. 1, 1912	Assistant agriculturist, $1,800		Through civil service.
Louis G. Connor	June 1, 1909	Assistant agriculturist, $1,740		Do.
C. Morris Bennett	July 16, 1909	Assistant agriculturist, $1,620		Do.
Lillian Church	Nov. 7, 1904	Assistant in farm cost accounting, $1,620		Do.
Chas. E. Hoke	June 6, 1907	Assistant agriculturist, $1,620		Do.
Abram B. Ross	Mar. 1, 1910	.....do		Do.
Howard A. Turner	Sept. 25, 1912		Scientific assistant in tenant farming, $1,500.	Civil-service sanction.
Oliver E. Baker	June 1, 1910	Assistant in farm management, $1,440		Through civil service.
James S. Ball	Oct. 19, 1909	Assistant in farm accounting, $1,440		Do.

Memorandum showing names of persons other than clerks, messengers, and others on the statutory roll employed in connection with the farm-management work, showing the method of each person's entering the service—Continued.

Name.	Entered department.	Present status.		How appointed.
		Within civil service.	Outside civil service.	
Henry R. Cates	Sept. 4,1912	Scientific assistant in farm management, $1,440		Through civil service.
Morton O. Cooper	Oct. 1,1912	Assistant in farm cost accounting, $1,440		Do.
Harrison M. Dixon	Nov. 1,1911	Scientific assistant in farm economics, $1,440		Do.
Lee W. Fluharty	Apr. 1,1911	Assistant agriculturist, $1,440		Do.
H. N. Humphrey	....do....	Scientific assistant in farm equipment, $1,440		Do.
W. R. Humphries	May 18,1908	Assistant in farm-cost accounting, $1,440		Do.
Oscar Juve	May 16,1911	Scientific assistant in farm economics, $1,440		Do.
Kenneth H. Atwood	Aug. 12,1912		Special agent, $1,440	Civil-service sanction; excepted from examination.
Geo. H. Miller	Mar. 1,1912	Assistant in farm-cost accounting, $1,440		Through civil service.
Harlan B. Munger	Aug. 16,1912	....do....		Do.
Olin S. Rayner	Mar. 1,1912	....do....		Do.
Max B. Oates	Oct. 1,1912	Scientific assistant in farm management, $1,440		Do.
Hobart F. Williams	Feb. 1,1911	....do....		Do.
Arnold P. Yerkes	May 29,1912	Scientific assistant in agronomy, $1,440		Do.
Ilena M. Bailey	July 11,1912		Agent, $1,200	Civil-service sanction; excepted from examination.
Martin R. Cooper	Aug. 12,1912	Assistant in farm cost accounting, $1,200		Through civil service.
Louis C. C. Krieger	Dec. 20,1911	Botanical artist, $1,200		Do.
Cora L. Feldkamp	Feb. 1,1908	Library assistant in farm management, $1,200		Do.
John L. Fidler	Sept. 1,1912	Scientific assistant in farm management, $1,200		Do.
Alvin K. Rothenberger	July 1,1912	....do....		Do.
Harrison G. Strait	Aug. 12,1912	Assistant in farm cost accounting, $1,200		Do.
Don G. Magruder	Nov. 16,1909		Special agent, $1,000	Civil-service sanction; excepted from examination.
John L. Sherman	Oct. 1,1912	Scientific assistant in farm management, $1,200		Through civil service.
Eugene Tucker, jr	Dec. 11,1911	Assistant photographer, $900		Do.
Ben. H. Harvin	Mar. 1,1912		Agent, $30 per month	Civil-service sanction; excepted from examination.
Geo. E. Monroe	Mar. 8,1909	Assistant agriculturist, at $5 per diem when actually employed, not to exceed $915 in any one year.		Through civil service.

NOTE.—By the term "Civil Service sanction" is meant that in the case of agents who have been selected as field men to represent the department in its work they are first appointed by the department and then their special qualifications for the work in hand are submitted to the Civil Service Commission for sanction. If their fitness as outlined by the department is approved by the commission, their appointments are made permanent under Schedule A of the civil-service rules respecting positions excepted from examination. In the case of the farm architect and the scientific assistant in tenant farming, prior authority for their appointment was obtained from the Civil Service Commission, there being no eligibles for such positions on the civil-service lists at the time their services were needed.

Memorandum showing agents and others employed in farm-management work whose salaries are paid partly by the department and partly by outside agencies.

Name.	Entered department.	Total salary.	Amount paid by department.	Amount paid by outside agency.		Nature of agency.
				Salary.	Travel.	
H. S. Adams	Sept. 1,1912	$1,500	$1,100	$400	$900	Butler County, Pa.
A. D. Anderson	Nov. 1,1912	1,500	780	720	700	Pope County, Minn.
A. E. Anderson	....do....	1,500	1,200	300	900	State of Nebraska.
Geo. J. Baker	Oct. 16,1912	2,200	1,500	700	800	State of Minnesota.
H. J. Baker	Sept. 1,1912	1,400	.....	1,400	.....	Massachusetts.[1]
D. C. Bascom	Oct. 1,1912	1,200	600	600	600	Logan County, Colo.
E. C. Bishop	Aug. 16,1912	2,000	1,300	700	600	State of Iowa.
G. R. Bliss	Oct. 1,1912	2,000	1,200	800	800	Scott County, Iowa.
A. E. Bowman	Jan. 1,1913	1,800	1,500	300	900	State of Wyoming.
M. O. Bugby	Aug. 16,1912	1,600	770	830	900	Ohio Experiment Station.
A. A. Burger	Jan. 1,1913	2,000	1,200	800	800	Blackhawk County (Iowa) Improvement Association.
*Geo. W. Bush	Nov. 1,1912	2,400	1,500	900	800	Oneida County and State of New York.
Alfred Carlsted	....do....	1,500	780	720	700	Swift County, Mo.
L. J. Chapin	Sept. 1,1912	1,800	1,275	525	800	Salem (Oreg.) Board of Trade.
Floyd Rader	....do....	1,800	1,275	525	700	Oregon State Agricultural College.
Ralph A. Chitty	Jan. 1,1913	1,500	1,200	300	700	Purdue University, Indiana.
Carl Christopher	....do....	1,500	750	750	400	State of Delaware.
M. E. Chubbuck	Dec. 1,1912	1,600	900	700	700	Herkimer County (N. Y.) Farm Improvement Association.
L. B. Clore	Oct. 1,1912	1,800	600	1,200	1,200	Lafayette County, Ind.
J. S. Collier	Nov. 1,1912	2,500	1,200	1,300	1,200	Kankakee County (Ill.) Soil Improvement Association.
J. E. Converse or successor.	.....	1,600	800	800	800	Warren County (Ky.) Crop Improvement Association.
W. M. Cook	Aug. 16,1912	1,500	770	730	700	Ohio Experiment Station.
*Jay Coryell	Dec. 10,1912	1,600	1,200	400	700	Windsor County (Vt.) Farm Association.

[1] The State of Massachusetts carries him approximately half the time and is paying his salary at the present time.

Memorandum showing agents and others employed in farm-management work whose salaries are paid partly by the department and partly by outside agencies—Contd.

Name.	Entered department.	Total salary.	Amount paid by department.	Amount paid by outside agency.		Nature of agency.
				Salary.	Travel.	
J. W. Coverdale	Dec. 1,1912	$2,500	$1,650	$350	$350	State of Iowa.
R. J. Davidson	Dec. 16,1912	1,600	1,200	400	700	Montgomery County Agricultural Association, Iowa.
D. H. Doane	Jan. 1,1913	2,400	1,200	[1]1,200	400	State of Missouri.
R. B. Dunlap	Sept. 1,1912	1,320	1,100	220	700	Altoona (Pa.) Chamber of Commerce.
W. L. Elser	....do....	1,440	1,200	240	800	State of Ohio.
R. J. Evans	Jan. 1,1913	1,800	1,200	600	900	State of Utah.
B. B. Ezell	Aug. 12,1912	1,500	1,050	450	700	Charleston (W. Va.) Chamber of Commerce.
E. H. Forristall	Jan. 1,1913	2,400	1,200	1,200	1,200	D., L. & W. R. R., and Cortland Chamber of Commerce, N. Y.
L. H. Goddard	Aug. 16,1912	2,500	825	1,675	800	State of Ohio.
*H. W. Gilbertson.	July 1,1911	2,000	900	1,100	700	Lackawanna R. R. and Sussex County, N. J.
Earl C. Hall	Aug. 19,1912	1,200	1,080	120	800	State of Idaho.
J. H. Hankinson.	Nov. 1,1912	1,800	900	900	900	New Jersey Experiment Station and Mercer County.
K. L. Hatch	Jan. 1,1913	3,000	1,000	2,000	.....	Wisconsin University.
F. D. Hawk	Nov. 1,1912	1,500	780	720	700	Stevens County, Minn.
H.W. Hawthorne	....do....	1,200	1,080	120	800	State of Ohio.
E. K. Hibshman.	Aug. 19,1912	2,000	1,700	300	.....	Pennsylvania.[2]
A. L. Higgins	Jan. 1,1913	1,600	1,200	400	800	State of Ohio.
R. G. Hoopingarner.	Sept. 1,1912	1,800	800	1,000	600	Iron County, Mich.
G. R. Ingalls	Jan. 1,1913	1,600	800	800	600	University of Wisconsin.
C. D. Jarvis	Jan. 13,1913	2,500	1,500	1,000	600	State of Connecticut.
F. R. Johnson	Dec. 4,1912	1,500	780	720	700	Ottertail County, Minn., and Sears & Roebuck.
O. M. Johnson	Sept. 1,1912	2,000	800	1,200	600	University of West Virginia.
S. M. Jordan	Dec. 1,1912	3,000	750	2,250	700	Missouri station and Pettis County, Mo.

[1] $400 travel.

[2] As soon as State funds are available, the State of Pennsylvania will bear an equal share of the salary and expenses of Mr. Hibshman.

Memorandum showing agents and others employed in farm-management work whose salaries are paid partly by the department and partly by outside agencies—Contd.

Name.	Entered department.	Total salary.	Amount paid by department.	Amount paid by outside agency.		Nature of agency.
				Salary.	Travel.	
H. G. Knight	Nov. 16,1912	$3,000	$720	$2,280	.....	State of Wyoming.
Alden Lathrop	Nov. 1,1912	1,500	780	720	$700	Big Stone County, Minn.
*W. H. Lauck	Oct. 16,1912	1,800	1,200	600	600	El Paso County, Colo.
O. G. Lloyd	Aug. 10,1912	1,400	1,100	300	700	State of Iowa.
*W. A. Lloyd	Aug. 16,1912	1,700	1,680	20	800	State of Ohio.
E. L. Luther	Jan. 1,1913	1,800	800	1,000	600	University of Wisconsin.
C. G. McBride	Oct. 1,1912	2,700	[1] 1,500	1,200	300	Pennsylvania and Mercer County, Pa.
J. M. McKee	Aug. 16,1912	1,600	1,200	400	700	Pennsylvania and Washington County, Pa.
C. M. McWilliams	Jan. 1,1912	2,000	500	1,500	.....	Missouri and Cape Girardeau County, Mo.
C. A. Mahan	Oct. 1,1912	1,400	600	800	600	Henderson County (Ky.) Crop Improvement Association.
F. F. Marshall	Nov. 1,1912	2,000	780	1,220	.....	State of Minnesota and Traverse County.
G. B. Maynadier	.....do.....	1,400	1,050	350	700	State of Ohio.
F. N. Meeker	.....do.....	1,600	1,050	550	700	Do.
H. P. Miller	Jan. 20,1913	2,500	900	1,600	900	Ohio, Portage County Improvement Association.
C. W. Montgomery.	Aug. 16,1912	1,800	770	1,030	700	State of Ohio.
Frank Montgomery.	.....do.....	1,400	725	675	400	Berea College, Kentucky, Kentucky University.
M. L. Mosher	Oct. 1,1912	2,000	1,200	800	700	Clinton County Commercial Club, Iowa.
Eben Mumford	.....do.....	2,300	1,500	800	700	State of Michigan.
Fred Mutchler	.....do.....	2,400	1,600	800	800	West Kentucky Normal School.
Geo. A. Nelson	Nov. 1,1912	1,600	1,440	160	600	Wahkiakum County, Wash.
A. L. Norling	.....do.....	1,500	780	720	700	Grant County, Minn.
F. D. Otis	Jan. 1,1913	1,500	800	700	700	University of Wisconsin.
F. W. Peck	.....do.....	2,000	1,000	1,000	600	State of Minnesota.
H. F. Patterson	Oct. 1,1912	2,500	1,200	1,300	800	South Dakota Better Farming Association.
Griffith Richards	Feb. 15,1913	1,500	800	700	.....	University of Wisconsin.
*F. E. Robertson	Apr. 16,1912	1,620	1,020	600	800	Watertown (N. Y.) Chamber of Commerce.
*A. K. Rothenberger.	July 1,1912	1,600	1,200	400	800	Perkomen Seminary, Grange of Berks and Montgomery Counties, Pa.
Huldah Peterson	Dec. 1,1912	1,200	1,000	200	800	Nebraska Experiment Station.
Earl W. Sheets	Sept. 1,1912	1,400	1,100	300	800	West Virginia.
J. H. Skinner	Sept. 16,1912	1,800	1,300	500	800	Grand Rapids (Mich.) Chamber of Commerce.
H. G. Smith	July 1,1912	1,200	1,100	100	1,000	Alpena Chamber of Commerce, and Presque Isle, Montgomery, and Alpena Counties, Mich.
Z. M. Smith	Sept. 1,1912	1,600	1,200	400	800	State of Indiana.
C. B. Tillson	Nov. 16,1912	2,000	1,200	800	800	Plattsburgh (N. Y.) Chamber of Commerce, New York State, and county supervisors of Clinton County.
H. S. Vandervort.	Dec. 1,1912	1,500	540	960	600	Parkersburg (W. Va.) Chamber of Commerce.
L. M. Winsor	.....do.....	1,800	1,200	600	600	San Luis (Colo.) Commercial Association, and Colorado Agricultural College.
Jason Woodman.	Nov. 1,1912	1,800	1,200	600	600	Kalamazoo County, Mich.

[1] $300 travel.

Of the above 75 are agents excepted from examination, while the 7 before whose names is placed a star [*] were appointed through examination.

The CHAIRMAN. I would like to have you place in the record the States and the number of centers in each State where the work has been inaugurated without any contributions of local funds; then the States and the centers in each that have contributed one-fourth; the States and centers in each that have contributed one-half; and the States and the centers in each that have contributed one-third.

FARM MANAGEMENT, FIELD STUDIES, AND DEMONSTRATIONS.

In all the counties in which this work has been inaugurated the local organizations and the States are contributing one-half or more, with but three or four exceptions. One of these is Bedford County, Pa., which was started three years ago, where the bureau is contributing all but $100 of the expense. Another county is Wahkiakum County, Wash., where the bureau is contributing $960 and the county $500 as well as office room. In Mercer County, Pa., the bureau is paying practically all of the cost of the work. The following statement indicates the present condition of the work (Jan. 21, 1913). Much of the work has not yet been definitely arranged.

Proposed expenditures during fiscal year ending June 30, 1913.

	Allotments.		
	Bureau of Plant Industry.	County or other sources.	State institution.
General work:			
Salaries and traveling expenses of general leaders	$6,900	.....	.....
Boys' and girls' club work	6,618	.....	.....
North Atlantic States, division leaders	2,445	.....	.....
New England States, district leader	2,900	.....	.....
Maine, general State work	720	.....	.....
Vermont—			
Bennington County	800	$800	.....
Orange County	600	600	.....
Windsor County	600	600	.....
Caledonia County	600	600	.....
	2,600	2,600	.....
New York, New Jersey, and Pennsylvania	3,000	.....	.....
New York:			
General work—			
Tompkins County	1,400	.....	.....
Broome County	900	1,800	.....
Chemung County	1,137	2,650	.....
Jefferson County	1,020	1,680	.....
Clinton County	750	1,000	.....
Herkimer County	700	1,200	.....
Oneida County	1,000	1,000	.....
Franklin County	400	800	.....
St. Lawrence County	600	800	.....
Niagara County	400	800	.....
Cortland County	1,200	2,400	.....
One extra county	450	.....	.....
	9,957	14,130	.....
New Jersey:			
Essex County	900	1,800	.....
Mercer County	675	1,350	.....
Special survey work	350	350	.....
	1,925	3,500	.....
Pennsylvania:			
State leader	2,287	.....	$213
Bedford County	2,800	.....	100
Blair County	916	900	100
Washington County	1,000	1,000	100
Butler County	916	1,000	100
Mercer County	1,350	200	100
Montgomery County	900	900	100
	10,169	4,000	813
North Central States, division leader	4,273	.....	.....
Ohio:			
State leader	825	.....	2,375
Supervisor district 1	800	.....	1,200
Supervisor district 2	800	.....	1,200
Supervisor district 3	770	.....	1,630
Supervisor district 4	800	.....	1,000
Supervisor district 5	770	.....	1,630
Supervisor district 6	770	.....	1,530
Supervisor district 7	800	.....	1,200
Portage County	1,200	2,000	.....
	7,635	2,000	11,760
Historical survey	770	.....	.....
	8,305	2,000	.....
Indiana:			
General State work	1,500	.....	1,000
Boys and girls' club work	1,300	.....	1,300
Laporte County	450	1,800	.....
Montgomery County	600	1,000	.....
St. Joseph County	600	1,000	.....
Steuben County	600	1,000	.....
	5,050	4,800	.....
Illinois:			
General State work	1,500	.....	.....
Kankakee County	800	1,600	.....
Livingston County	600	1,200	.....
McHenry County	600	1,200	.....
	3,500	4,000	.....

Proposed expenditures during fiscal year ending June 30, 1913—Continued.

	Allotments.		
	Bureau of Plant Industry.	County or other sources.	State institution.
Michigan:			
General State work	$1,000	.....	$1,000
Corn club work	500	.....	500
Northwest Michigan supervisor	2,700	.....	.....
North central Michigan supervisor	1,800	.....	.....
Northeast Michigan supervisor	1,650	$650	.....
South central Michigan supervisor	1,800	.....	.....
Kalamazoo County	800	800	.....
Kent County	1,050	900	.....
Iron County	800	1,200	.....
Branch County	600	800	.....
Saginaw County	600	800	.....
Allegan County	600	800	.....
	13,900	5,950	1,500
Wisconsin:			
General State work	1,000	.....	1,000
Eau Claire County	400	.....	1,000
Oneida County	400	.....	1,000
Barron County	400	.....	1,000
Clark County	400	.....	1,000
Research work	500	.....	.....
	3,100	.....	5,000
Minnesota:			
General State work	1,062	.....	1,062
Stevens County	520	880	.....
Pope County	520	880	.....
Grant County	520	880	.....
Traverse County	520	880	.....
Bigstone County	520	880	.....
Swift County	520	880	.....
Ottertail County	520	880	.....
	4,702	6,160	1,062
North Dakota:			
General State work	2,600	.....	.....
Ransom County	150	1,000	.....
Barnes County	150	1,000	.....
Grand Forks County	150	1,000	.....
Cavalier County	150	1,000	.....
Bottineau County	150	1,000	.....
Adams County	150	1,000	.....
	3,500	6,000	.....
South Dakota:			
General State work	1	.....	500
Brown County	900	2,100	.....
	901	2,100	500
Iowa:			
General State work	800	.....	800
Corn Club work	1,300	.....	1,700
Scott County	900	1,500	.....
Clinton County	900	1,500	.....
Muscatine County	600	900	.....
Clay County	600	900	.....
Montgomery County	600	900	.....
Blackhawk County	600	900	.....
Polk County	600	900	.....
	6,900	7,500	2,500
Missouri:			
General State work	3,000	.....	800
Pettis County	700	2,000	.....
Cape Girardeau	600	1,000	.....
Nodaway	600	1,000	.....
	4,900	4,000	800
Nebraska:			
General State work	800	.....	800
Club work	500	.....	500
Jefferson County	600	800	.....
Gage County	600	800	.....
Butler County	600	800	.....
	3,100	2,400	1,300
Kansas:			
General State work	600	.....	600
Three counties (not selected)	1,800	1,800	.....
	2,400	1,800	600
Western States:			
Division leader	1,200	.....	.....
District leader for Colorado, Wyoming, and Utah	2,900	.....	.....
	4,100	.....	.....
Colorado:			
General State work	150	.....	1,000
El Paso County	1,000	1,000	.....
Logan County	600	1,200	.....
Rio Grande County, Saguache County, Costillo County, Conejos County	700	800	.....
	2,450	3,000	1,000

Proposed expenditures during fiscal year ending June 30, 1913—Continued.

	Allotments.		
	Bureau of Plant Industry.	County or other sources.	State institution.
Wyoming, general State work	$3,000	.....	$1,500
Utah, general State work	750	.....	750
District leader for Oregon, Washington, Montana, and Idaho	5,000	.....	.....
Montana, general State work	988	.....	600
Idaho, Bonner County	1,000	.....	1,000
Washington, Wahkiakum County	960	$500	.....
Oregon:			
Polk County, Marion County, Wallowa County	1,062	1,050	.....
Union County, Umatilla County, Baker County	1,062	1,050	.....
	2,124	2,100	.....
Southern States, division leader	4,434	.....	.....
District leader for Maryland, Delaware, and Virginia	2,600	.....	.....
District leader for West Virginia, Kentucky, and Tennessee	2,800	.....	.....
Maryland, Baltimore County	600	800	.....
Delaware, general State work	600	.....	600
West Virginia:			
General State work	800	.....	800
Corn Club work	1,100	.....	1,100
Kanawha County	950	1,000	.....
Wood County	315	1,000	.....
	3,165	2,000	1,900
Kentucky:			
General State work	1	.....	500
Corn Club work	1,600	1,600	.....
Henderson County	500	1,000	.....
Madison County	725	725	.....
Jefferson County	600	1,000	.....
Other counties	1,250	.....	.....
	4,576	4,325	500
Investigational work (no demonstrations).			
(Demonstration work carried on by office of farmers' cooperative demonstration work.)			
North Carolina	2,800	.....	.....
South Carolina	3,750	.....	.....
Georgia and Florida	1,200	.....	.....
Alabama	2,967	.....	.....
Mississippi	2,700	.....	.....
Louisiana	3,100	.....	.....
Arkansas	1,800	.....	.....
Texas	1,650	.....	.....
Oklahoma	2,725	.....	.....
	22,692	.....	.....
Influence survey in North	1,440	.....	.....
	24,132		
Grand total	175,924	.....	.....

Mr. LEVER. Mr. Chairman, I would like the committee to understand what we are doing. Last year we increased the appropriation in this item $156,000. This is the first year that this particular division of the Bureau of Plant Industry has been doing this work. The Secretary of Agriculture recommended in his estimate an appropriation of $435,000 for the next fiscal year. The committee allowed $75,000 of that amount. We did it in the belief that they could not economically and wisely in the second year of their work expend $435,000. We felt that a $75,000 increase and a total appropriation of $375,000 for a work only two years old, good as it is, was a liberal appropriation and ought to be considered as a liberal appropriation of the whole committee for this work. I sincerely trust that the gentlemen on this side, at least, will not be frightened into voting for this increase of $60,000 asked by the gentleman from Michigan on the theory that a vote against it will be considered a vote against the farmer. I want to say to you that the farmer is a sensible fellow and he wants his business carried on in a sensible way.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIS. Mr. Chairman, I ask for three minutes.

The CHAIRMAN. All debate has been exhausted, but the gentleman from Ohio asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. WILLIS. Mr. Chairman, I hope this amendment will be agreed to. I want to call attention to one or two facts in connection therewith. As has been correctly stated by the gentleman from South Carolina, the appropriation was increased last

year, and I tried to show in some remarks I made in general debate when this bill first came up that under that appropriation the Bureau of Farm Management was doing a splendid work. It is hampered because it does not have sufficient funds. The gentleman from Indiana stated, as I understood him, that 116 per cent of the increases in the agricultural bill had been made last year where they were not asked for. I do not quite understand his arithmetic, but be that as it may, the fact is the department is straining every nerve to get these men to the different localities that are seeking to get their services, but it is hampered because it does not have sufficient funds, and so it is asking for this increased appropriation of $435,000, for the benefit of the farmers of the North and West.

Gentlemen say this simply puts it on a parity with the appropriation for the boll-weevil work or cooperative demonstration work in the South. I am entirely in favor of that appropriation. The *Knapp work* is splendid work and has accomplished great good, but I am here in the name of the farmers of the great North and West asking that you give us the same advantages that you have been giving the farmers of the South ever since 1904.

Mr. LAMB. Let me say to the gentleman that we are doing that now.

Mr. WILLIS. Mr. Chairman, I do not think that is quite correct. The fact is this appropriation for Knapp work in the South has been in the bill since 1904, and the farm-management work we are trying to get established for the benefit of the farmers of the North and West is a new thing. This appropriation would offset the Knapp work appropriation these many years back, and we need this money to bring up the farm-management work to a standard and parity with the cooperative demonstration work in the South. This is a fair amendment, and I hope it will be adopted.

Mr. RODDENBERY. Mr. Chairman, I offer the following amendment to the amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend the amendment by striking out "$435,000" and inserting "$400,000."

Mr. RODDENBERY. Mr. Chairman, this strikes out $435,000, as offered by the gentleman from Michigan, and inserts $400,000, which would be a reduction of $35,000 and an increase of $25,000.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Georgia.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Michigan.

The question was taken; and on a division (demanded by Mr. MCLAUGHLIN) there were—ayes 38, noes 41.

So the amendment was rejected.

Mr. LEVER. Mr. Chairman, I call the attention of the Chair to the fact that we have not yet read the next paragraph or the next item, on page 17, which was passed over without prejudice.

The CHAIRMAN. The gentleman is correct, and the Clerk will read that paragraph.

The Clerk read as follows:

For farmers' cooperative demonstrations and for the study and demonstration of the best methods of meeting the ravages of the cotton-boll weevil, $375,000.

Mr. BOOHER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Strike out all beginning with the word "and," in line 22, down to and including the word "weevil," in line 24, so that the paragraph will read:

"For farmers' cooperative demonstrations, $375,000."

Mr. LEVER. Mr. Chairman, I would suggest to the gentleman from Missouri the following change in the language. Make the paragraph read:

For farmers' cooperative demonstration work, $375,000.

Mr. BOOHER. Mr. Chairman, I have no objection to that.

Mr. LEVER. Then, Mr. Chairman, I offer that as an amendment to the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment so that it will read:
"For farmers' cooperative demonstration work, $375,000."

Mr. LEVER. I have no objection to the amendment.

Mr. RODDENBERY. Mr. Chairman, may I ask the gentleman from South Carolina a question? This amendment offered by the gentleman from Missouri and accepted by the committee is not intended to do away with the study and demonstration of the best methods of meeting the ravages of the boll weevil? That work is not to be discontinued or abated?

Mr. LEVER. Not at all. The idea of the committee in accepting the amendment is that the work is really demonstration work, and it ought more properly be called demonstration work.

Mr. RODDENBERY. It is the understanding of the committee that striking out these lines in no way abridges the authority of the Agricultural Department to continue this work—enlarge or decrease it as the good of the country may demand.

Mr. MANN. Not at all.

The CHAIRMAN. The Chair will ask the gentleman a question. Does the Chair understand the gentleman's amendment to be to strike out the word "demonstrations" and insert "demonstration work"?

Mr. LEVER. Yes.

Mr. MANN. Mr. Chairman, the gentleman from Georgia [Mr. RODDENBERY] asked what would be the effect of this, and my friend from South Carolina says that after you strike this language out it means the same that it does before it is stricken out.

But that is not a proper construction. If this language is stricken out of the bill the department is no longer given authority to study the best method of meeting the ravages of the cotton-boll weevil. There must be no other object on the part of the gentleman from Missouri in striking the language out except to strike out that authority. Now, when the department reads the language after it is out they read only authority for farmers' cooperative demonstration work, and, if then they turn from the language of the appropriation bill to the proceedings in the House, they find that the House has stricken out of the bill that part of it which authorizes the department to study the best method of meeting the ravages of the cotton-boll weevil, and no department of the Government would be warranted under such conditions in continuing that study, so what is the object in striking it out?

Mr. BOOHER rose.

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Missouri?

Mr. MANN. I understood the gentleman desired to ask a question.

Mr. BOOHER. No; I thought the gentleman had finished. Mr. Chairman, my object in introducing this amendment was simply to place this sum of money in the hands of the department to use where it pleases in this work. Now, you turn to the hearings before the Committee on Agriculture, and you will find that the department expert said in the hearings that they only used $10,000 last year of the sum of money that was appropriated for the study of the boll weevil, and they had come to the conclusion now, and it is a settled fact with the department, that there is no cure for boll weevil except the early planting of cotton and intensified farming, and it is demonstration work along that line entirely that this amendment is offered that it may be so used. Now, let us see what the testimony was.

Mr. MANN. Will the gentleman yield?

Mr. BOOHER. Certainly.

Mr. MANN. If out of the appropriations of last year they only used $10,000 for farmers' cooperative demonstration work the gentleman does not fear they have got authority to use all they want of that——

Mr. BOOHER. No; I think whenever an appropriation is made the department will use any sum they have; we never see them turning any of it back. The appropriation last year was $332,960 for this purpose, and only $10,000 was used to eradicate the boll weevil. Not a cent of the balance was turned back to the Treasury.

Mr. MANN. They can use all they want out of this appropriation for that purpose.

Mr. BOOHER. Here is the testimony, and now let us see. Dr. Howard was on the stand, and Mr. MCLAUGHLIN asked him this question:

Have you considered the advisability of stopping your work and using the appropriation given Dr. Knapp in assisting the farmers?

Dr. HOWARD. That has been suggested, but we are spending only about $10,000 on the weevil.

Mr. LAMB. Now, the gentleman is getting the wrong horse.

Mr. BOOHER. No, I am not. I am reading from the testimony before the gentleman's committee, and the gentleman was present at the hearing.

Mr. LAMB. Dr. Howard is chief of the Bureau of Entomology.

Mr. BOOHER. But this whole question of the boll weevil is divided——

Mr. LAMB. They get $45,000 for this work.

Mr. BOOHER. You have three paragraphs under which the study of the boll weevil can be continued without this large sum.

Mr. LAMB. That is right.

Mr. BOOHER. So this amendment is simply taking the boll-weevil provision out of this bill and permitting the use of the sum appropriated to be used in farmers' cooperative demonstration work. I want to read a little further from the hearings to show the House that the department has absolutely quit trying to kill and destroy the boll weevil:

Mr. HAWLEY. Have you given up the problem of attempting to find a spray that will kill the boll weevil?
Dr. HOWARD. Practically so.
Mr. HAWLEY. You think it will not be possible to kill it with a spray?
Dr. HOWARD. No, sir.

What is the use of continuing? Why spend large sums of money and accomplish nothing? You have got three paragraphs carrying over $84,000 in this bill already adopted that gives this department the right to pursue the study of the boll weevil, and you have increased this item something like $60,000 over last year. I want the department to have all the money they need, but I do not want this Committee of the Whole House to vote any money under false pretenses of this boll-weevil business, because they tell you they can not kill it. They tell you that the only thing that the farmer can do to wipe out the boll weevil is by changing crops and planting cotton earlier. You do not need any outside demonstration work to teach the farmers that; treat the farmers like men, not as a lot of children.

Mr. HAUGEN. The gentleman claims they have authority under other sections of the bill if they desire to do this?

Mr. BOOHER. Certainly. If they want to pursue the study of boll weevil, or any other thing that attacks crops in the South, they have the right to do it under three paragraphs we have already adopted which carry $84,000 for that purpose. I think that language ought to go out.

Mr. LAMB. I ask for a vote.

Mr. RODDENBERY. I would like to be heard briefly.

Mr. BOOHER. Just a moment. I want to call the attention of my friends from the cotton-growing regions to Bulletin 519 of the Department of Agriculture. It gives the experience of an old negro cotton raiser in the South. It shows that, without any assistance from anybody, without a word from a department expert, without anybody to show him anything—and I understand he is in the district of my friend from Alabama [Mr. HEFLIN]—that old negro, named Sam McCall, took an old, run-down piece of land, where you could not raise more than two or three hundred pounds of cotton to the acre, and worked it until now he raises from three to five bales to the acre.

Mr. LAMB. He has been educated in the best of schools—the school of experience.

Mr. BOOHER. What a negro cotton raiser can do a white cotton raiser in the South can do, I imagine. I want to recommend to my friends from the cotton-growing regions that they get a number of those bulletins and send them to every cotton raiser in their districts.

Mr. HAMILTON of Michigan. I infer from what the gentleman says that this old darkey has found out more about growing cotton than the department experts have.

Mr. BOOHER. I agree with the gentleman from Michigan.

Mr. HAMILTON of Michigan. Why not hire him?

Mr. BOOHER. I am going to ask unanimous consent to print this bulletin in the RECORD. It is written entirely on the experience of this man. It is illustrated. I am going to ask that it be put in the RECORD, illustrations and all, in order that the readers of the RECORD may see just what has been done.

Mr. LAMB. If you put it in the RECORD, they will never see it. The bulletin is the place for it.

Mr. SIMS. Does the bulletin say that he raised from three to five bales of cotton on an acre?

Mr. BOOHER. Yes.

Mr. MANN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Did the gentleman from Missouri [Mr. BOOHER] ask unanimous consent to print a farmers' bulletin in the RECORD or not?

Mr. BOOHER. I want to make the request to print it in the RECORD, with the illustrations.

Mr. MANN. I shall object.

Mr. BOOHER. I make the request now.

Mr. MANN. I object to printing public documents in the RECORD.

Mr. BOOHER. I am very sorry the gentleman objected. The bulletin, if read by the cotton raisers, would save to the Government the large sums we appropriate every year under the pretense that it is in aid of the farmer and the planter.

Mr. RODDENBERY. Mr. Chairman, permit me to call the committee's attention to the language of the paragraph which my friend from Missouri [Mr. BOOHER] seeks to amend:

For farmers' cooperative demonstrations and for the study and demonstration of the best methods of meeting the ravages of the cotton boll weevil, $375,000.

Now, under the language of the paragraph it is not incumbent on the department to expend all of the $375,000 for studying or checking the ravages of the boll weevel, but only so much of it as they see fit. Under the first clause of the paragraph, "for farmers' cooperative demonstrations," they may expend such amount as in their judgment is proper for other demonstrations.

Mr. LEVER. Will my friend withhold for a moment? The language in this item means this, that on account of the criticism, such as the gentleman from Missouri [Mr. BOOHER] offers and the gentleman from Michigan [Mr. MCLAUGHLIN] has so often offered in the committee, as to the character of the work being done under the language in the item, which used to read:

For the study and demonstration of the best methods of meeting the ravages of the cotton boll weevil.

It was decided in conference last year to add:

For farmers' cooperative demonstrations and for the study and demonstration of the best methods of meeting the ravages of the cotton boll weevil.

Now, I am confident in my own mind that the department, under the language proposed by the gentleman from Missouri [Mr. BOOHER] and amended by my amendment, "for farmers' cooperative demonstration work," will have all the authority it wants to use that money in the best way they can for the benefit of the work. And if to do farmers' cooperative demonstration work, combating the boll weevil is considered by the department the best use of this money, they will expend it in that way.

Mr. RODDENBERY. My friend from South Carolina [Mr. LEVER] well knows the significance of the statement just made by the gentleman from Illinois [Mr. MANN] if "striking out" this amendment should be adopted, because the vote of the House will show, in the face of his statement, that the item authorizing study and work for meeting the ravages of the boll weevil was stricken out. I fear this will leave the department stripped of authority to continue this work. I know my friend from South Carolina does not desire that result to follow.

Now, if that is the purpose of my colleague from Missouri, not to discontinue this boll-weevil investigation and work, why not accept this substitute, "For farmers' cooperative demonstration work," and so forth?

Provided, That the department may expend so much of this sum as it sees fit for the study and demonstration of the best methods of meeting the ravages of the cotton-boll weevil.

Now, although the department has exerted its highest endeavors faithfully, I am not infatuated with the success that it has had in effecting an eradication of the cotton-boll weevil, nor am I especially out of accord with some of the views of my colleague from Missouri. But in my judgment this change should not be made—and I hope gentlemen will take note of the significance of it—without at least letting the paragraph carry some clause that will negative the idea that the department no longer has authority to do this work if it sees fit.

Now, look at the paragraph just before, carrying $375,000: "*Provided*, That of the amount hereby appropriated" a certain sum may be used in a certain way.

Mr. LEVER. Mr. Chairman, I will say to my friend from Georgia that I have absolutely no objection to his substitute. The only reason the committee accepted the proposition of the gentleman from Missouri [Mr. BOOHER] was that by accepting it we would be enabled to go on and gain time, believing that it would not affect the work of the department. But I am willing to accept the gentleman's substitute.

Mr. MANN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. RODDENBERY. I do.

Mr. MANN. What is the difference between "farm demonstration work" in the preceding item and "farmers' cooperative demonstrations" as carried in this item?

Mr. LEVER. In practice, none.

Mr. MANN. But the department must assume a difference. They otherwise would have to assume that Congress is childish.

Mr. RODDENBERY. I take no issue with the gentleman on that proposition.

Mr. HEFLIN. Mr. Chairman, the gentleman from Missouri [Mr. BOOHER] is needlessly excited, it seems to me, about the productivity of an acre or two of ground in my district. There we sometimes produce a bale of cotton on 1 acre of ground

in my district, and this old negro man McCall that he has referred to was taught by his master how to produce cotton. He was a slave, and his master taught him how to produce cotton on a large scale. It is said, I believe, that he remained on the old plantation after the emancipation and raised cotton on the same ground that he raised it on when his master was alive.

Mr. BOOHER. No; not on that land at all. He bought another farm.

Mr. HEFLIN. But the secret of his success is the fact that he has employed the very methods taught by the bulletins distributed by Members of Congress. I have sent these bulletins into my district for eight years. Here is what this bulletin says, speaking of this old negro:

During the last few years, having heard something of the advantages of crop rotation as a means of increasing the yield, McCall has been diversifying his crops, making corn and oats in addition to cotton, hoping in this way to refresh his land and to increase the productiveness of his land so as to enable him to produce the standard nine bales of cotton on 1 acre.

He has been doing the very thing that the Department of Agriculture has been teaching—the diversification of crops.

Therein lies the secret. He does not have to read the bulletins himself. I doubt whether he can read. But he sees and talks with farmers cultivating their ground around him, who do read the bulletins, and he hears it from them. That is why this negro produced so much on this 1 or 2 acres of ground. He has not and will not ever produce nine bales of cotton on 1 acre of ground.

Mr. LAMB. Mr. Chairman, this is all very interesting, it is true, but I ask for a vote.

Mr. HAMILTON of Michigan. The gentleman's time has not expired.

Mr. LAMB. Oh, I beg the gentleman's pardon. I thought he was through.

Mr. HAMILTON of Michigan. I would like to ask the gentleman from Alabama a question.

Mr. HEFLIN. Very well.

Mr. HAMILTON of Michigan. The gentleman said that the success of this old negro was due to the fact that he had studied in the school of cotton experience under his master. Now, I want to know why his surviving master or the children of his master, who may also be assumed to have studied in the same school, can not go on with the same measure of success that the old negro has had?

Mr. HEFLIN. The character of the soil has a great deal to do with it. Soil of one character will produce a great deal more cotton than soil of another character.

Mr. HAMILTON of Michigan. There is glory enough for all. Why not give that old man his share of it?

Mr. HEFLIN. That is what I want him to have. I simply want to show that this old negro learned from the farmers around him who do read the bulletins.

Mr. HAMILTON of Michigan. Yes; but the farmers around him have not been intelligent enough to know what he knows.

Mr. TALCOTT of New York. I want to ask the gentleman from Alabama if the territory invaded by the boll weevil is not constantly increasing?

Mr. HEFLIN. That is true.

Mr. TALCOTT of New York. Has it not reached the gentleman's own State?

Mr. HEFLIN. It has.

Mr. TALCOTT of New York. And this demonstration work is necessary for that reason.

Mr. HEFLIN. That is true. The boll weevil has now reached my State and the State of Georgia.

Mr. LAMB. Mr. Chairman, I move that all debate on this paragraph and the amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Virginia moves that all debate on this paragraph and the amendments thereto close in five minutes.

The motion was agreed to.

Mr. BOOHER. Mr. Chairman, in reply to my friend from Alabama [Mr. HEFLIN] I want to say that he read from the bulletin the experience of this old colored man after he had been raising from 3 to 5 bales of cotton to the acre. He did not state where the old man got his information in the first place or the condition his land was in when he began. Let me read that to you. Here is what he said. Here is what Dr. Galloway says he did:

McCall began working such portions of his land as were tillable and grew cotton and corn, the crops common to that section. After working along this line for 15 years he arrived at the conclusion that a man with a limited equipment who was doing practically all his own work could obtain better results by concentrating his efforts on a small area of land.

No one gave McCall instructions about cultivating his land—no expert to tell him how to proceed. It is not a fact that anyone ever read him a bulletin or gave him advice. How did he know anything about it? He dug it out of his own head, went to work and improved his land so that it has become very productive.

He accordingly selected 2 acres near his cabin and for the last 21 years has devoted his time and energies to increasing the producing capacity of his small area. These 2 acres were in a little higher state of fertility than the other tillable portions of his land, producing on an average one-third to one-fifth of a bale of cotton to the acre.

Now, without anybody ever reading to him a bulletin, without anybody telling him how to kill the boll weevil, he raises from 3 to 5 bales to the acre. Why, the cotton-boll weevil has been a blessing to the cotton raiser. That may sound strange, but you raise more cotton every year as the years come and go, and if it was not for the cotton-boll weevil you would raise such a tremendous crop that, if our theory of prices is right, the supply would far exceed the demand, and the price of cotton would go down to a place where you could not afford to raise it.

Mr. HEFLIN. I wish to correct the gentleman. The cotton crop of 1911 was more than 2,000,000 bales greater than the crop of 1912.

Mr. BOOHER. Either the gentleman is mistaken or else the bureau reports are wrong—one or the other.

Mr. HEFLIN. The department does not claim that the crop of 1912 is within 2,000,000 bales as great as the crop of 1911.

Mr. BOOHER. This Congress has appropriated for killing the boll weevil two million and a quarter dollars, and I will put into the RECORD a letter giving the amount for each year that you have been appropriating for the eradication of the boll weevil, only to learn there is no remedy:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, December 14, 1912.

Hon. CHARLES F. BOOHER,
House of Representatives.

MY DEAR MR. BOOHER: In compliance with your letter, I have the honor to advise you that the following sums have been appropriated for the suppression of the boll weevil in the cotton States, viz:

Fiscal year:

1905	$250,000
1906	190,000
1907	230,000
1908	150,000
1909	144,000
1910	225,000
1911	250,155
1912	350,000
1913	332,960
Total	2,122,115

In connection with the above figures, Congress made specific appropriations for "Cotton-boll weevil investigations" for the fiscal years 1905 to 1908, inclusive. For the years 1909 to 1913, inclusive, the amounts represented were appropriated for farmers' cooperative demonstrations and for the study and demonstration of the best methods of meeting the ravages of the cotton-boll weevil.

Very respectfully,

JAMES WILSON, *Secretary.*

During this time the crop of cotton had increased from year to year. There may have been one year when there was less raised, just as has happened to the corn crop and the wheat crop and other crops. But it is true that they continue to raise greater and greater crops in spite of the tremendous ravages of the boll weevil. The boll weevil, like other farm pests, come and go, and after we have so generously appropriated money to eradicate them, and the experts tell us that there is no known remedy that will destroy the pest, it occurs to me that we are not justified in spending this large sum, $375,000, in further prosecution of these useless experiments. Let us be generous in furnishing money for farm-demonstration work, but not for a special purpose, when it has been demonstrated that further expenditure along that line will be productive of no good results.

Mr. HAMILTON of Michigan. Will the gentleman yield for a question?

Mr. BOOHER. Yes.

Mr. HAMILTON of Michigan. Does not the gentleman think it would be a good idea to make an appropriation to send some Agricultural Department experts to study the methods used by this old colored man?

Mr. BOOHER. I think it would. They absolutely go on in this bulletin and say that this old fellow raises such a class of cotton seed, that is known as McCall's cotton seed, and brings a large price in the market; this, too, without the aid of an expert or an appropriation.

Mr. HARDY. Has the gentleman from Missouri seen statements that somebody raised 300 bushels of corn to the acre?

Mr. BOOHER. I have heard a gentleman say that he saw an acre of corn that yielded 300 bushels to the acre, and I think he told the truth; I think that can be done.

Mr. HARDY. Does the gentleman mean to say that you can pile 9 bales of cotton on an acre of land and leave any room for the stalks?

Mr. BOOHER. Oh, the old man says he is going to raise that amount before he dies, and if he succeeds as well in the future as he has in the past no doubt he will do so.

Mr. HARDY. My capacity for accepting statements of that sort is limited.

Mr. BOOHER. I am not responsible for the gentleman's limited capacity?

Mr. HEFLIN. Will the gentleman state how much he did make on 1 acre of ground?

Mr. BOOHER. Three to five bales, weighing 505, 506, and 510 pounds, on 1 acre, 50 bushels of oats and 50 bushels of corn and 1 bale of cotton on the other acre.

Mr. HARDY. That is altogether out of proportion.

Mr. BOOHER. I have nothing to do with the proportion; I am telling you what is in the bulletin. It came under the observation of the expert who wrote it.

Mr. RODDENBERY. Mr. Chairman, I desire to offer an amendment, which I think the chairman of the committee and the chairman of the subcommittee will accept.

The CHAIRMAN. Is it an amendment offered to the amendment offered by the gentleman from Missouri? The Clerk will report the amendment.

The Clerk read as follows:

FOR FARMERS' DEMONSTRATION WORK.

Provided, That of the amount hereby appropriated such sum may be used for the study and demonstration of the best method of meeting the ravages of the cotton-boll weevil as may be deemed necessary, $375,000.

The CHAIRMAN. The question is on the substitute.

Mr. MANN. Is not that a substitute for the paragraph? Does not the amendment to the paragraph come first?

The CHAIRMAN. The gentleman from Georgia stated that it was a substitute for the amendment as proposed to be amended, but it appears to the Chair that it is a substitute for the paragraph. The question is on the amendment offered by the gentleman from South Carolina.

The question was taken, and the amendment was rejected.

The CHAIRMAN. Now the question is on the amendment offered by the gentleman from Missouri.

Mr. RODDENBERY. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. RODDENBERY. After a vote is taken on the amendment of the gentleman from Missouri, will my amendment be in order?

The CHAIRMAN. The amendment of the gentleman from Georgia as a substitute will be in order.

Mr. LEVER. Mr. Chairman, if the amendment of the gentleman from Missouri is voted down, will a vote then be taken on my amendment?

The CHAIRMAN. The Chair will call the gentleman's attention to the fact that his amendment to the amendment was defeated.

Mr. LEVER. If the amendment of the gentleman from Missouri is voted down, then the language of the bill will stand.

The CHAIRMAN. The gentleman from Georgia has a substitute for the paragraph.

Mr. LEVER. If the gentleman from Georgia would withdraw that, we can go on with the language in the bill for the farmers' cooperative demonstration work, $375,000.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. BOOHER) there were 19 ayes and 45 noes.

So the amendment was lost.

Mr. RODDENBERY. Mr. Chairman, I ask unanimous consent to withdraw the substitute which I offered.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to withdraw his amendment in the way of a substitute. Is there objection?

Mr. BOOHER. I object.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia as a substitute.

The question was taken, and the amendment was rejected.

Mr. STEPHENS of Texas. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 17, line 24, after the word "weevil," add "and destroying the Russian thistle."

Mr. HAUGEN. Mr. Chairman, I offer an amendment to add "the Canadian thistle."

Mr. STEPHENS of Texas. I will accept that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas, which the Clerk will report.

The Clerk read as follows:

Page 17, line 24, after the word "weevil," add "and to destroy the Russian thistle."

Mr. MONDELL. Mr. Chairman, I desire to offer an amendment.

Mr. MANN. No other amendment can be in order.

Mr. STEPHENS of Texas. I accept the amendment offered by the gentleman from Iowa [Mr. HAUGEN].

Mr. MANN. The gentleman can not accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa to the amendment offered by the gentleman from Texas.

The question was taken, and the amendment to the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I move to amend the amendment of the gentleman from Texas by inserting the words "loco weed."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment by inserting the words "loco weed."

The CHAIRMAN. The question is on the amendment to the amendment.

The amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Texas [Mr. STEPHENS].

The amendment was rejected.

Mr. MARTIN of South Dakota. Mr. Chairman, I move to strike out the last word of the paragraph last read on page 22, and I do this for the purpose of explaining an amendment which I desire to offer.

The CHAIRMAN. The Chair would state to the gentleman that all debate on this paragraph is exhausted.

Mr. MARTIN of South Dakota. Mr. Chairman, I do not so understand the proceedings. The motion was to limit debate on the paragraph then under consideration, which was a paragraph to which we had returned. Debate has not been closed nor has amendment been closed on the paragraph on page 22.

The CHAIRMAN. The gentleman is correct. The Chair was in error.

Mr. COX. Mr. Chairman, I have an amendment that I desire to offer.

Mr. LAMB. Mr. Chairman, I think the gentleman from South Dakota is right.

The CHAIRMAN. The gentleman's amendment is to strike out the last word?

Mr. MARTIN of South Dakota. Mr. Chairman, the amendment which I desire to offer at this point, or if I can get unanimous consent to return to page 19, line 14, which would be a more appropriate place, is as follows:

Of which sum the amount of $10,000, or so much thereof as the Secretary of Agriculture shall direct, may be used for the purpose of making further investigations of the hardy and drought-resisting alfalfas of Siberia, and to obtain further seeds and plants thereof.

Evidently it would be in order at this point, but it is a question in my mind whether it would not be more appropriate as an amendment to the new section or new paragraph which the committee has inserted on page 19, beginning with line 9 and terminating with line 14. I would like to have the view of the gentleman in charge of the bill.

Mr. LAMB. Mr. Chairman, I would say that I think the Secretary has full authority now under this bill to do all of that, and I think he is doing it.

Mr. MARTIN of South Dakota. Quite true; but I want to make that perfectly clear, and it can either be offered on page 22 or to line 14 on page 19. I ask unanimous consent to return to that page.

Mr. LAMB. Provided that the Secretary can do this work, and he is doing it now.

Mr. MARTIN of South Dakota. If there be no objection to unanimous consent to return to page 19, line 14, I will ask for that. The committee has made a rearrangement of this appropriation and has inserted that paragraph as a new paragraph. It provides for the investigation of foreign seeds and probably would belong there.

Mr. LAMB. Mr. Chairman, I object.

Mr. MARTIN of South Dakota. Then, Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Amend, by adding to line 17, page 22, "of which sum the amount of $10,000, or so much thereof as the Secretary of Agriculture shall direct, may be used for the purpose of making further investigations of the hardy drought-resisting alfalfas of Siberia, and to obtain further seeds and plants thereof."

Mr. LAMB. Mr. Chairman, I would say to my friend that under the general provisions of this bill the Secretary of Agriculture has been doing and can do all of this work.

Mr. MARTIN of South Dakota. Mr. Chairman, I think there is some little doubt about that. It is only for the purpose of making certain that there is such authority that I offer the amendment. I want to say just a word or two because I am in entire sympathy with the desire of the committee to proceed with the bill.

Mr. MOSS of Indiana. Is it not a fact that this House on a former occasion appropriated $40,000 for that particular purpose?

Mr. MANN. Oh, no.

Mr. MOSS of Indiana. And did not the Government buy more than 80,000 pounds of alfalfa which was especially drought-resisting?

Mr. MARTIN of South Dakota. There was no special appropriation of that kind covering this item.

Mr. MOSS of Indiana. Does the gentleman say there is no appropriation for alfalfa that is drought resisting?

Mr. MARTIN of South Dakota. I think there is; but this appropriation does not interfere with that, and this does specifically say that a certain part of the amount may be used for the purpose of further investigating and obtaining other seeds of hardy alfalfas of northern Siberia. Now, I want to explain just in a word the present status of that investigation.

Mr. LAMB. Mr. Chairman, I think debate is unnecessary. Let the gentleman refer to page 22, line 12. It says:

Provided further, That $39,000 of which sum, or so much thereof as the Secretary of Agriculture shall direct.

Mr. MARTIN of South Dakota. Certainly; I am simply adding that as an amendment to the paragraph.

Mr. LEVER. Will the gentleman yield?

Mr. MARTIN of South Dakota. Certainly.

Mr. LEVER. Gentlemen are speaking at cross-purposes here. There is not any doubt in the world but that the Secretary of Agriculture now has authority, if he has the money, to do all the work the gentleman seeks to have done in his amendment. I think you will find, on page 19, lines 9 to 14, "for investigation in foreign seed and plant introduction."

Mr. MARTIN of South Dakota. I just asked the committee for the privilege of returning to offer this amendment to that item.

Mr. LEVER. I am confident, however, that the language of that item gives the gentleman all the authority that he wants, and I know that the Secretary of Agriculture is sending his experts abroad to introduce into these countries these foreign plants.

Mr. MARTIN of South Dakota. This does not make it any more binding than that item and does call on the department——

Mr. MANN. Will the gentleman yield?

Mr. MARTIN of South Dakota. Certainly.

Mr. MANN. I believe there is no doubt that the Department of Agriculture is now doing this work. They have a man or more abroad now in various places in Asia making this investigation. There is no question about that.

Mr. MARTIN of South Dakota. Well, I am not certain whether there is anyone abroad now or not.

Mr. MANN. I know there is some one abroad now. They are abroad under this authority in the existing appropriation bill—a current appropriation bill—

To collect, purchase, propagate, test, and experiment with seeds of interest to agriculture—

And so forth.

Now, the item in that form is left out of this bill, but it is inserted in this way on page 19:

For investigations in foreign seeds and plant introduction, including the collection, study, purchase, testing, propagation, and distribution of rare and valuable seeds—

And so forth.

While the word is changed from "collect" to "collection," it means the same thing, and the Secretary now exercising the authority has kept Mr. Myers abroad, and will have the authority under the item in this year's bill, except that the amount this year is $83,000, whereas last year it was $52,000.

Mr. BARTLETT. The Secretary, in his report, on page 19, said:

The whole alfalfa question in the United States has been put on a new basis by the introduction of the Turkestan, Siberian, Arabian, and Peruvian alfalfas and the development of the hardy hybrid strains which grow in the Southwest throughout the winter.

Mr. MANN. They keep a man abroad working on this practically all the time.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. MANN. I ask that the gentleman be given five minutes additional.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MARTIN of South Dakota. Now, I will ask the committee whether the amount available for this sort of work has been increased in this item on page 19?

Mr. LAMB. Increased $40,000 over last year.

Mr. MARTIN of South Dakota. As near as I can figure the items of the committee in their present form, there was an increase of about $10,000 for the two items together. Now, do I understand the gentlemen in charge of the bill claim this item which is covered by my amendment and for which some additional appropriation apparently has been made can be carried on by the Secretary under the bill as now drawn?

Mr. LEVER. Undoubtedly; and he is now doing work which the gentleman seeks to have done.

Mr. MARTIN of South Dakota. Then, what is the objection to this amendment?

Mr. LEVER. We do not desire to load the bill down with new language.

Mr. MANN. If the gentleman will yield there, I can give an objection that will be perfectly apparent to him. If the gentleman's item would go in, the agent abroad would have to be paid out of some item to pass the auditor's office, and he would have to confine his work, if he is paid out of the alfalfa item, as the gentleman proposes, to the study of alfalfa abroad, whereas now he is given authority to study all plants abroad, and he is paid out of the general item, and there is no trouble at the auditor's office.

Mr. MARTIN of South Dakota. Mr. Chairman, just a word or two before I yield the floor.

There is no subject of greater importance to all of that plains country between the Panhandle of Texas and our northern boundary lines than the procuring of these hardy alfalfa seeds from northern Siberia. It has come under my observation from what has occurred in the past. Dr. Hansen, of the Agricultural College of South Dakota, was sent to Siberia in 1897, 1906, and 1908 to obtain these plants. Some very important and hardy alfalfas were found on the trip of 1906. In 1908 a limited quantity of the seeds and plants was brought to the United States and used for experimental purposes by the farmers in South Dakota and other parts of the Great Plains area during the last year or two with very encouraging results. The field, however, was not entirely covered, and I may say in the correspondence which I have had, seeking some information or light upon this subject, I have a letter from Dr. Hansen, who made the exploration, which took him 1,000 miles away from the railroad, into a country where these plants grow wild and in their native state, and where the rainfall is only 9 inches a year. In seeking information from Dr. Hansen recently I have the following statement:

Briefly, the campaign is one for a more abundant meat supply by increasing the forage-producing capacity of the dry uplands extending from the Pan Handle of Texas to our northern boundaries. Some of these alfalfas are native of a region where the climatic extremes range from 44 degrees below zero in winter to about 122 degrees heat in summer, with a rainfall as low as 9 inches.

In my 1906 tour the Siberian alfalfas were first discovered. In 1908 I had the job to cover Siberia from east to west to locate fields where the tallest and best strains were to be found, but it was too big a job for one summer, inasmuch as traveling a thousand miles from railway, more or less, is slow work.

Now, Mr. Chairman, in the face of the apparent fact that the amount of appropriation for this general work of investigation of new and important seed plants has been increased, and with the assurance of the committee that the bill in its present form would cover an extension of this class of investigation of these particularly important plants which we need in the West, I will not insist upon my amendment, but I will ask leave to print as a part of my remarks some correspondence which I have had with the explorer who made these original trips.

The CHAIRMAN. The gentleman from South Dakota [Mr. MARTIN] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The following are the letters referred to:

SOUTH DAKOTA AGRICULTURAL EXPERIMENT STATION,
Brookings, January 14, 1913.

Hon. E. W. MARTIN, *Washington, D. C.*

DEAR SIR: I am very busy preparing a bulletin on the alfalfas which I found growing wild in Siberia in 1906 and 1908. Upward of 1,500 farmers are cooperating with me in this work of testing the few plants,

and many report remarkable results showing drouth resistance and ability to endure severe cold without snow cover. Efforts will be made to get a State appropriation for extending the work by field demonstrations, so that an abundance of seed may be raised for local distribution, especially in the western part of the State.

It is very expensive going 1,000 miles from railway with a fully equipped expedition of men and horses, which is the only way of getting this seed. A small congressional appropriation, say of $5,000, would help greatly, but it would not be a good plan unless it be distinctly specified that it was for the purpose of my finishing alfalfa investigations which I have already started by my three trips to Siberia in 1897, 1906, and 1908, as I have had to learn the work from the very beginning. A new man would have to learn it all over again.

Cordially, yours,

N. E. HANSEN.

SIBERIAN ALFALFA IN STANLEY COUNTY, S. DAK.

Upward of 1,500 farmers are cooperating with me in testing the alfalfas which were found growing wild in Siberia in 1906 and 1908. The following letter is a sample. After inspecting some of the plants I sent in spring 1911 to Henry L. Jeffries, Sansarc, S. Dak.; John W. Horning, of Hayes, S. Dak.; wrote a letter under date of August 3, 1912, from which the following are extracts:

"* * * Seeing Mr. Jeffries's plants and knowing what the plants you left are doing is prima facie evidence that your new Siberian alfalfas will find an adapted home here, and that the development of this country will now depend upon the same. This has proven another very unfavorable season for the settlers here, and they are leaving every day, many never to return. The ones that are determined to stay and try to develop the country are doing so at a sacrifice. My people and I are determined to stay, and have hopes in the cultivation of your alfalfa. * * *

"You will find the country far more depopulated than when you were here. The settlers had to go, as they were at the limit of their means, and many are staying now hoping for better conditions in the future, and who are in very adverse circumstances.

"I am sure you appreciate the true sense of this letter and, knowing that you are interested with me in the development of this country, I feel certain that you will give this your most careful consideration. * * *"

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, January 2, 1913.

Prof. N. E. HANSEN, *Brookings, S. Dak.*

DEAR PROF. HANSEN: I am pleased to notice by your letter of December 28 that the theories we had with regard to getting hardy plants from countries colder and drier than South Dakota west of the Missouri River have been justified by developments. I think the Siberian alfalfas and plants coming from Africa, together will eventually reclaim our dry-land belt running from the Gulf of Mexico up to our northern line. Every State having a dry belt, and they all have in the territory I have described, should use all possible effort to get these plants propagated and disseminated among the people. I will speak to Dr. Galloway, who is in charge of our explorers, of the benefit that would come by sending you out again to these northern Asiatic regions to bring us more of those plants or the seed of them. It would be one of the wisest investments the State of South Dakota could make to encourage the getting of these plants for the people. My time in the Department of Agriculture will cease on the 4th of March, when I retire to private life. I will not have the authority to select explorers after that time, but the necessity for this work is pretty well understood by the scientists of the department. South Dakota can afford to act for itself if the Federal Government does not do all you think it should do.

I hope you will complete that bulletin that we have been discussing. I would like to have it before I retire, so that I could have it printed and distributed.

Very truly, yours, JAMES WILSON, *Secretary.*

REPORT OF THE SECRETARY OF AGRICULTURE, 1912.

SIBERIAN ALFALFAS.

Our dry-land problems will be measurably solved through alfalfas From Siberia and nonsaccharine sorghums from Africa (p. 10).

The whole alfalfa question in the United States has been put on a new basis by the introduction of the Turkestan, Siberian, Arabian, and Peruvian alfalfas and the development of the hardy hybrid strains which grow in the Southwest throughout the winter (p. 119).

During the past year an agricultural explorer was sent through the steppe regions of western Siberia, south of Omsk, to make a detailed study of the behavior of the yellow-flowered, hardy alfalfa on the cattle ranches there, and he made contracts with the peasants for all the possible seed for special experimental tests of this plant in the Northwest (p. 120).

A number of wild forage legumes from the Siberian steppes have been located and are now being secured in quantities for distribution and testing in the years to come (p. 120).

During the past year marked advance has been made in the work with the hardy and drought-resistent alfalfas introduced from Europe and Asia. The crossing of the yellow-flowered form with the common species has resulted in some very promising hybrids, adapted to use both as hay and for grazing in the Great Plains region. The value of the new alfalfa for hybridizing can scarcely be overestimated (p. 121).

ALASKA.

Plants of alfalfa obtained by Prof. N. E. Hansen in Siberia and northern Europe have been given trial and have proved hardy for two winters at Rampart. These are being propagated as rapidly as possible, to extend their use for forage and to increase the nitrogen of the soil, most Alaskan soils being deficient in this important element (p. 103).

RAMPART, ALASKA.

Siberian alfalfas have been successfully introduced and have withstood the winter climate for two years (p. 218).

SOUTH DAKOTA AGRICULTURAL EXPERIMENT STATION,
Brookings, January 27, 1913.

Hon. E. W. MARTIN, M. C.,
Washington, D. C.

MY DEAR SIR: In reply to yours of the 18th instant, a bulletin covering this Siberian alfalfa work is already in the hands of the printer, and I trust will be out in time so that I can send you a copy to post you in full. I am leaving to-night for the Conservation and Development Congress at Pierre, which will be held January 28, 29, and 30. As soon as I get back I will answer your letter more in detail. Briefly, the campaign is one for a more abundant meat supply by increasing the forage-producing capacity of the dry uplands, extending from the Panhandle of Texas to our northern boundaries. Some of these alfalfas are native of a region where the climatic extremes range from 44° below zero in winter to about 122° heat in summer, with a rainfall as low as 9 inches.

In my 1906 tour the Siberian alfalfa was first discovered. In 1908 I had the job to cover Siberia from east to west to locate fields where the tallest and best strains were to be found, but it was too big a job for one summer, inasmuch as traveling a thousand miles from railway, more or less, is slow work.

My plan would be to get seed in quantity of some of the best of these, and some additional varieties, I think, can be secured, especially where the Siberian and Turkestan alfalfas overlap.

I mentioned the figure $5,000, as I thought that could be obtained readily, and with the hope that the State legislature would grant a small appropriation to eke that out. But if the exploration is to be an extensive one for hundreds of people hunting for seed over many square miles, the expense will be greater—nearer $15,000 than $5,000. In time, I think, much more will be granted for the purpose. Such things come slowly. It is an effort, not to replace the common alfalfa wherever that does well, but to extend the alfalfa fields to our driest and highest uplands. My machine-transplanting method will hasten all this work some 50 years. Last spring I adapted a tobacco planter for alfalfa, so that we put in the plants at the rate of 6,000 per hour.

Yours, truly,

N. E. HANSEN.

Mr. EDWARDS. Mr. Chairman, I wish to ask unanimous consent to revise and extend in the RECORD the remarks which I made on this bill on the 6th and 7th instant.

Mr. MANN. Mr. Chairman, I shall not object to the gentleman extending his remarks in the RECORD. I am going to object, however, to gentlemen having the privilege of revising their remarks in the RECORD. Gentlemen now have the privilege of making all corrections of any remarks which they submit, but ought not to have permission of the House to strike out anything which they have said in the House.

Mr. EDWARDS. I will say that I do not care to revise my remarks but to extend them in the RECORD.

The CHAIRMAN. The gentleman from Georgia [Mr. EDWARDS] asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Chairman, I move to strike out the last two words. I am glad the gentleman from South Dakota [Mr. MARTIN] withdrew his amendment, because, being in hearty sympathy with what he desires to accomplish, I believe the amendment would have been an unfortunate one. I want to congratulate the committee on having segregated these two items—the one on page 19 and the one on page 22. The provision on page 19 is one for the investigation, testing, propagation, and so forth, and refers generally to those plants that we seek abroad, of course including alfalfa. The item on page 22 specifically provides for the purchase and distribution of seeds, and under that item we hope a considerable portion of the $39,000 will be used for the purchase and distribution of alfalfa. We have been endeavoring for quite a number of years to secure sufficient of the drought and cold resisting alfalfas to have them thoroughly tested in the West, but we have been unable to secure any considerable quantity from the department until this year. The amount now furnished, while much larger than they have been able to furnish in the past, is still rather inadequate to meet the demands. I am in hopes that under the item now in the bill we will secure a sufficient amount of these alfalfa and other seeds to have them introduced in the country in which they are needed.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. MARTIN of South Dakota. Does the gentleman know whether, under this purchasing clause, page 22, the hardy alfalfa seed can be purchased? Are they available?

Mr. MONDELL. I think that is true.

Mr. MARTIN of South Dakota. Where can they be found?

Mr. MONDELL. Several varieties are now grown in various parts of the country, and the department is securing them, but under the other item they will continue to propagate, so that, I think, under the two items, the one clearly providing for investigation and collection and propagation and the other for the purchase of the seed, we will be able to secure more of these seeds than we have.

Mr. MARTIN of South Dakota. I think with the gentleman that the committee had done right in separating these items. It is a logical classification, and I congratulate the committee upon the new arrangement.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Dakota [Mr. MARTIN].

Mr. LAMB. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto shall close in 20 minutes.

The CHAIRMAN. The gentleman from Virginia [Mr. LAMB] asks unanimous consent that all debate on this paragraph and all amendments thereto close in 20 minutes. Is there objection?

There was no objection.

Mr. COX. Mr. Chairman, I believe that the amendment that I offered on Friday evening is now pending before the committee.

My amendment, Mr. Chairman, proposed to strike out the item on page 19, beginning with line 22, and following up to strike out page 20 and page 21 and down to line 17 of page 22. I do not desire, Mr. Chairman, to consume very much time in the discussion of this question.

Mr. MANN. Mr. Chairman, does the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. COX. I do.

Mr. MANN. Does the gentleman desire to strike out the entire paragraph and leave out the item of $39,000 for the purchase and distribution of drought-resistant field seeds, and so forth?

Mr. COX. I will say to the gentleman that I have an amendment to offer later on to save that in the event this paragraph should go out.

Mr. MANN. I asked that question for the information of the House.

Mr. COX. Now, Mr. Chairman, I would be the last man on the floor of this House who would deny any benefit to the farmers of this country or strike a blow at their interests.

Mr. CANDLER. Mr. Chairman, is it understood that the gentleman from Indiana has 10 minutes in opposition?

The CHAIRMAN. The gentleman has five minutes.

Mr. COX. I do not want it taken out of my time.

Mr. Chairman, I say I would be the last Member of this House who would for a moment strike a blow at the farming interests of the country, because I believe that the farmers of the country form the very basis of all our prosperity. I believe when the farming community is prosperous the Nation as a whole is prosperous. But it does seem to me that we have gone the limit in this bill. Indeed, it seems to me we have gone beyond the limit in this bill, and this is one of the items which, so far as I am personally concerned, I can not entertain.

We are proposing in this paragraph to expend $296,000 for the purchase of seeds for free distribution to the farmers of this country.

I called up the Post Office Department a few days ago with a view to seeing or getting at as near as I could what the cost would be to the people of this country on account of this item. I found that the agricultural appropriation bill of last year carried an item of $285,000 for this same purpose. Gen. Stewart, the Second Assistant Postmaster General, estimated that it would cost $283,643 to send that amount of seed through the mails. I called up Dr. Galloway, and I found out from him that in addition to the $285,000 expended for this purpose last year there was an item of $27,000 which went to the payment of salaries, traveling expenses, and so forth, making a showing of fact, on this item last year of $285,000, of an actual cost to the people of this country of $596,323 upon the seed distribution.

This year the item carries the amount of $296,000, and, of course, Mr. Chairman, it will cost more than $600,000 to the taxpayers of this country before this seed finally reaches its destination.

I have always had an idea that the people imagined in some way or in some manner or somehow that this seed was not bought and paid for by them. I have had an idea in my mind, and I have it yet, that the people believe that these seeds, as a rule, are grown and propagated by the Department of Agriculture upon its experimental farms in the country.

I wonder whether or not they would stand for it if they actually knew the fact that they were being assessed more than $600,000 to buy $300,000 worth of seed. I wonder whether or not they would stand for it if they realized that they were paying a salary roll of $27,000 a year and were assessed that much in the department for the purpose of collecting these seeds to be distributed free.

I find in the Book of Estimates this year an estimate of $4,000 or $4,400 for traveling expenses, to be saddled on the people next year for somebody traveling over this country or over the world, wherever the travel might be required, for the purpose of buying seeds for free distribution to the people of this country. I believe, Mr. Chairman, if the people only knew the fact, the exact truth of the situation, and knew that they were being assessed and being taxed each year $600,000 for the sole purpose of getting to them the small amount of $300,000 worth of seeds, they would not stand it.

Besides, Mr. Chairman, the whole thing is unfair. It is absolutely unjust. It is inequitable. The amount allotted to each Member is 18,000 or 20,000 packages. I have upward of 50,000 voters in my district, enabling me to send a package of seed to about one-third of the voters of my district. It is called free seeds, and this idea of being free is somewhat catchy to the people, but when the facts are found out that for every dollar we are actually expending for seeds we are spending more than a dollar to get that dollar's worth of seeds to the people.

This extra dollar goes to the railroad and transportation companies, for salaries, and so forth. In other words, we are expending $296,000 for the purchase of seeds, and then spending more than $300,000 to get the seeds to the people. From a business standpoint it is a losing game. Instead of being free to the people, the truth is they are paying twice as much for these seeds as the same would cost them at home. And the seeds are no better than the seeds which can be bought at home. In fact, in many instances the seeds are the same, bought and purchased by the department from the seed houses in the open market.

I firmly believe that if the farmers throughout the country only knew how they were being hoodwinked, in this "free" seed distribution they would not stand for it one minute.

As an illustration, I have in my district approximately 50,000 voters. My district is largely an agricultural community. I believe my allotment of seeds is between 18,000 and 20,000 packages. As a matter of fact, it is impossible for me to treat all of my constituents equally and justly. Therefore, by reason of the small amount of the appropriation I am unable to give more than one-third of my constituents a small package of garden seeds each.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HEFLIN. Mr. Chairman, I want to say a few words in reply to the gentleman from Indiana [Mr. Cox]. Every time this agricultural appropriation bill comes up for consideration in this House some gentleman picks out the farmer as the individual upon whom to practice economy. Some gentlemen begrudge the small package of seed that now goes annually to him from the Department of Agriculture. It costs only one-third as much to secure these seed and send them to the farmers of the country as you expend now annually for pneumatic-tube service in the cities. The gentleman speaks about the Government buying these seeds on the outside. I want to say to the gentleman that we do get these seed from men who give attention to producing choice seed for this very purpose. Care is now exercised in the selection of these seed. Dr. Galloway refuses tons and tons of seed every year because they are faulty and unfit for distribution. [Applause.] They no longer palm off on the farmer the character of seeds that used to go out from the department, but we now have men to select seeds, and the very best seeds are selected for this annual distribution. [Applause.]

Mr. COX. Will the gentleman yield for a question?

Mr. HEFLIN. Certainly.

Mr. COX. Is it not a fact that the Government itself purchases these seeds?

Mr. HEFLIN. Yes.

Mr. COX. Does it purchase them in the open market, in competition?

Mr. HEFLIN. The fact that the Government does purchase these seed gives somebody an opportunity to sell seeds and to grow good seeds for the purpose of distribution. [Applause.] But I will tell you where the nigger in the woodpile is. Seed interests outside are sore because Dr. Galloway condemns carloads of seed as unfit for distribution amongst the people, and they have trouble selling these condemned seed that the Government would not use. It works well in both ways, you see.

Mr. COX. Will the gentleman yield?

Mr. HEFLIN. I have no further time. It gives the department an opportunity to find the very best seeds that it is possible to find in the United States, and to send them out amongst the people, that they may have the opportunity to get the very best seed in the world.

Mr. Chairman, I suggest to these gentlemen that if they want to give their views on economy to possess their souls in patience and try their hands on battleships or something else. Let the farmer get his little package of seeds from Uncle Sam. They are of value to him. I beg my sharpshooting friends not to shoot into this provision of the bill. [Applause.]

Mr. CANDLER. Mr. Chairman, I had not intended to say anything in reference to this very important matter, but, in view of the fact that it has assumed gigantic proportions and has been under investigation not only by the Agricultural De-

partment, but by the Post Office Department, I have thought it proper to submit a few remarks.

Everybody will admit that the greatest department of this Government is the Agricultural Department, because it reaches more people and accomplishes more good than any other department of this great Government.

As was suggested by the gentleman from Alabama [Mr. HEFLIN] a moment ago, it is an important matter to send something directly from the Government of the United States to the farmer himself at least once a year. The truth of it is that the only direct communication between the Government, supported by the farmer, and the farmer himself is that which is found in the message carried to him once a year by the distribution of seeds, and the record shows that the benefits that have been derived from this, the greatest department of the Government, are directly traceable to the distribution of seeds, because the establishment of the department itself was brought about by reason of the fact that the disposition of seeds was begun way back in the commencement of this great Republic.

Mr. BOOHER. Will the gentleman yield?

Mr. CANDLER. Yes; briefly.

Mr. BOOHER. Does not the gentleman think that if the Government furnishes the seeds it should also furnish one of these experts to show them how to plant and cultivate them?

Mr. CANDLER. The expert is furnished to tell them how to plant and cultivate them through the bulletins that my friend from Alabama [Mr. HEFLIN] has referred to. Furthermore, on the package of seeds itself there is carried a message telling them what they are and how to plant and cultivate them.

Now, Mr. Chairman, these seed, as was said by the gentleman from Alabama, are the very best that can be obtained. They are not all purchased in the open market, but a great many of them are, and every year there is submitted to the Department of Agriculture 200 or more competitive bids from which the seed are selected. They are required to come up to the highest type, they are required to germinate a certain high per cent, they must be true to type, and the very best seed that can be obtained from the growers, not only by competitive bids, are obtained, but some considerable part of them are produced under the direct supervision of the Government experts.

Mr. BARTLETT. Will the gentleman yield for a suggestion?

Mr. CANDLER. Yes; with pleasure.

Mr. BARTLETT. Is it not a fact that there is no complaint made by the real farmer about the distribution and value of the seed, but the complaints come from people who would very rarely raise a crop from any kind of seed?

Mr. CANDLER. That may be true.

Mr. COX. That is not true in the third district of Indiana.

Mr. CANDLER. I have heard no complaints from anybody to whom the seed has been sent. The only complaints I have had were from people who said they did not get the seed, but had been overlooked. No longer ago than this morning I received a letter from a man who said that I had overlooked him. I want to say that the seed will go to him before the sun goes down to-night, as I am always glad to respond to all requests from my constituents, and do so promptly. [Applause.]

Mr. Chairman, I am not willing to take away from the farmers of this country a single solitary thing they now receive unless you furnish them with a better substitute for it.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. CANDLER. I ask for two minutes more.

The CHAIRMAN. The gentleman from Mississippi asks for two minutes more. Is there objection?

There was no objection.

Mr. HAUGEN. I want to suggest to the gentleman that the expense of sending out these seeds is only one dollar out of forty carried in the bill, and only one dollar out of over two thousand dollars expended by Congress.

Mr. CANDLER. I am obliged to the gentleman for the information. As I was saying Mr. Chairman, I am not willing to take away from the farmers of this country anything they now receive unless they are furnished with something better in lieu of it. When the farmer, as is demonstrated by facts and figures furnished by the Government of the United States itself, is largely supporting the Government and maintaining its prosperity and carrying it on to greater achievement and more glorious development, I am not going to turn and take away from him even one little package of seed. But for their help to-day this Government would be a Nation indebted to the other nations of the world, but by reason of the fact that they have come to the rescue of the Government itself and of the people of this Nation, we are to-day a creditor nation having the balance of trade upon our side, and other nations are indebted to us by billions of dollars, whereas it would have been millions of dollars against us but for them. When they have discharged this great and patriotic duty and are standing up like men for the credit and prosperity of the Nation, contributing to its resources, welfare, and prosperity, I say it would not only be unjust, but in my opinion ungenerous, to take anything away from them which they are now receiving, and so far as I can prevent it it shall never be done, unless you give them something better. The people are my friends and I shall stand for their interests at all times as God gives me light to see the right. [Applause.]

Mr. MOSS of Indiana. Mr. Chairman, I congratulate my colleague from Indiana [Mr. Cox] on making this motion, although I am aware that it will not probably prevail. I wish to say that the valid objection is not so much, in my opinion, in the making of a present to the farmer, to be paid for by public funds, as the fact that this present must come through a Member of Congress. The very terms of this appropriation bill are that the seeds must be distributed on the order of the Congressmen, and no man from my district can write to the Secretary of Agriculture and get his order filled without an indorsement from me; and that is true of every other congressional district.

Mr. RODDENBERY. Oh, no; there is this provision in the bill:

And provided also, That the Secretary shall report, as provided in this act, the place, quantity, and price of seeds purchased, and the date of purchase; but nothing in this paragraph shall be construed to prevent the Secretary of Agriculture from sending seeds to those who apply for the same.

Mr. MOSS of Indiana. Mr. Chairman, I am speaking from my own information and stating the facts as they exist under the procedure of the department. I went to the department and asked the reason why seeds were not sent direct to all applicants. I found that not only were these requests denied, but that the Department of Agriculture has a card prepared, which they send to every applicant for seeds, stating that the application must be sent to their Congressman; so that there can be no question about it. You are making an appropriation for a distribution of seeds, and then you attach to it a condition that nobody can secure any benefit except he applies to you as a Member of Congress. And if this provision were to be eliminated from the free-seed distribution the appropriation, in my opinion, would soon disappear from the bill.

We may as well be frank to the people of this country. It is not necessary to mislead the people as to what they receive when they are sent congressional seeds. The department does not buy new and rare varieties of seeds. As a matter of fact, the men who buy these seeds say they buy the commonest kind, so that they can get a large quantity for the money and thus make the distribution more general; and more than that, they purchase from the seedsmen of this country seeds that are two years old. Of course, they have to germinate or to meet a germination test; but of those seeds that are sold by retail over this country the packets which remain unsold at the close of the season are re-collected and are then sold to the Government of the United States for distribution under the congressional seed appropriation during the following year.

Mr. CANDLER. Mr. Chairman, in the report it says that the Secretary's quota for distribution direct to miscellaneous applicants, including State agricultural experiment stations, schools, hospitals, Army posts, crop reporters, cooperators, and American citizens in foreign countries was 1,000,000 packages of vegetable seed and 150,000 of flower seed.

Mr. MOSS of Indiana. Mr. Chairman, I have not the time to go into that. These were given by the Secretary to special classes as rewards for special services. They do not apply to the citizen of a district who applies for seeds in the ordinary way. So that you are not distributing any new kind of seeds, but the commonest kinds that can be obtained.

Another thing. The Department of Agriculture itself has never recommended that this distribution be made or continued. I challenge any gentleman on the floor of this House belonging to the Agricultural Committee to produce any estimate or any recommendation from the department within the last 10 years, asking that this congressional seed distribution be continued. As a matter of fact, under Mr. Cleveland's administration, the Secretary of Agriculture refused to send the seeds out after the money was appropriated, and there was a special vote of Congress compelling him to recognize the terms of law and purchase the seeds. There never has been from that time to this a recommendation by the Department of Agriculture in favor of this practice. It is kept up purely by congressional authority as a kind of exclusive patronage to be dispensed by the Members themselves.

One other matter about the demand. All agricultural organizations are on record opposing it, and the people themselves are not in favor of it. Since I have been a Member of Con-

gress, excepting this year, I have placed a notice in every paper published in the fifth district of Indiana, saying that I would send a package of seed to every person in the district who desired it, and I have never yet gotten requests from one-third enough constituents to take up the seeds that are furnished to me. After having continued this advertising custom three years and after having filled every request which came in response, I was able last year to give to gentlemen from the South who came to me whole sackfuls of seed in order that they might send them down to the overflowed section of the Mississippi Valley to be used for replanting the gardens which had been destroyed. This year I have just sent out a notice, in order to get rid of them, to every school-teacher in the fifth district that I will be glad to send seeds to every scholar in the public schools. If there is any justification for this expenditure, it is in being able to supply the public schools with seeds for experimentation, and thereby possibly interesting the young in agricultural and horticultural pursuits.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. Cox].

The question was taken; and on a division (demanded by Mr. Cox) there were—ayes 13, noes 47.

So the amendment was rejected.

Mr. COX. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, beginning with line 22, page 19, and strike out all down to the bottom of pages 19, 20, 21, and 22 down to line 17, and insert the following:

"Purchase and distribution of rare and valuable seeds and plants: For purchase, propagation, testing, and distribution of rare and valuable seeds and bulbs, trees, shrubs, vines, cuttings, and plants from foreign countries or from our possessions for experimenting with reference to their introduction into and cultivation in this country, and same shall be used for experimental test, to be carried on with the cooperation of the agricultural experimental stations, $39,000."

Mr. LEVER. Mr. Chairman, I make the point of order on that.

Mr. COX. Mr. Chairman, I do not think it is subject to a point of order.

Mr. LEVER. Mr. Chairman, I will withdraw the point of order and ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The amendment was rejected.

The Clerk read as follows:

Total for Bureau of Plant Industry, $2,607,165.

Mr. BYRNS of Tennessee. Mr. Chairman, I move to strike out the last word. Before we leave this section of the bill, I desire to ask the gentleman from Virginia a question in regard to an item to which my attention has been directed by letter. That is on line 11, page 16, the item for investigating the handling, grading, and transportation of grain, $65,000. I desire to ask the gentleman if, in his opinion, and in the opinion of the committee, a sufficient amount of money has been allowed to pursue the work of standardization of grain, without delay or in any way jeopardizing the work now being done by the department as along that line.

Mr. LAMB. I think we increased that a little.

Mr. LEE of Georgia. Mr. Chairman, we increased that something over $9,000.

Mr. LAMB. They asked for an increase of that paragraph, and we, after discussing it and hearing the department, gave them $9,000 more, and I think I can answer the gentleman's question by saying it is ample for the purposes of fixing grades on grain, etc.

Mr. BYRNS of Tennessee. It is stated to me that the department is now engaged in standardizing corn, or rather establishing standard grades for corn, and it was hoped that sufficient money would be allowed to complete this work, so as not to delay the work of standardizing grades for wheat and oats. Has that been done?

Mr. LAMB. Well, we gave them all they asked; that is all I can say to the gentleman.

Mr. BYRNS of Tennessee. Mr. Chairman, I do not care to say anything on the subject myself, except to say that this is a matter of extreme importance to the grain trade. The grain trade of this country, as I understand it, is practically up in the air because of the failure to standardize grain. The grain trade is in a very unsettled condition, and it is exceedingly important that this standardization be carried on just as rapidly as possible, in order that the grain interests of the country may understand the condition, and also that the necessary laws may be passed in order to enforce these standards or grades that may be fixed by the department; and, without consuming the time of the committee further, I want to read a letter which I have received from Mr. Charles D. Jones, of Nashville, Tenn., who is president of the Grain Dealers' National Association, and who presents the matter in the clearest and most forcible manner. I offer that for the information of the committee and ask unanimous consent to insert it in the RECORD as a part of my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The time of the gentleman has expired.

The letter is as follows:

GRAIN DEALERS' NATIONAL ASSOCIATION,
Nashville, Tenn., February 5, 1913.

Hon. JOSEPH W. BYRNS,
Washington, D. C.

MY DEAR MR. BYRNS: There is a matter before Congress in which the grain trade of this country is most vitally interested. As you are no doubt aware, the question for standards of grain has agitated the grain trade of this country for a good many years.

There have been bills introduced, both in the House and Senate, attempting to place in the hands of the Government the inspection of grain. This, the grain men of the country have as a class opposed, but we have asked the Government to standardize the grades and then pass such laws as will enforce those standards on all markets. To this end the Agricultural Department has been working in a scientific manner, Dr. J. W. F. Duvel having been in active charge of this work. Dr. Duvel has almost completed his investigations regarding the corn, and will, in a short time, be prepared to pass on what he considers the proper standards for corn; that is, provided an appropriation is made which will enable him to continue his investigations. At the present time all this work has been stopped, or practically so, on account of the lack of funds to prosecute the work. I understand that in the present agricultural appropriation bill the Secretary has requested an increased appropriation of $20,000, a part of which was to be used for fixing standards for corn, the remainder to be used in establishing a laboratory on the Pacific coast, which will be necessary before the Government will be able to successfully pass on the standards for wheat and oats such as are produced on the Pacific coast and intermountain area.

This bill has been referred to the House committee with an increase of only a little over $9,000. If that bill goes through the House and the Senate, it will certainly jeopardize the movement for grain standardization, as it would delay the corn grades for another year and prolong the wheat and oat grades almost indefinitely, neither of which would be acceptable to the grain dealers or producers of this country.

There are few questions before the National Government to-day of such great importance as this grain standardization, and as president of this association, as well as a southern grain man, I want to ask you to use your influence in getting this appropriation sufficiently large to enable this work to be prosecuted to an early conclusion. As it is now, the grain trade is up in the air, so to speak. We are needing these standards badly. If an amendment could be offered in the House increasing this appropriation to forty or fifty thousand dollars to enable such work to be rapidly pushed, it certainly would be money well spent in a good cause, and whoever succeeds in doing that will be forever cherished as a friend to the grain trade. Where a large interest, like the grain trade of this country, is operating in such an unsettled state as it is to-day, nothing should be left undone to pass the necessary laws to give the business the required stability. The entire grain trade of this country is looking to the Government for an early settlement of this question. It is vital to the interest, and I hope that if any retrenchments in the way of appropriation will be necessary that it will not be at the expense of this grain standardization.

Assuring you of my official and personal appreciation of the efforts which I am sure you will make, I am,

Very truly, yours,
CHAS D. JONES,
President.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman in charge of this bill a question or two. Just what does the Agriculture Department do in the matter of fixing grain standards?

Mr. LAMB. I will state what they say in asking for this increase of $10,000 for investigating, handling, grading, and transportation of grain and fixing definite standards thereof. The Bureau of Plant Industry is just about ready to standardize corn, and additional funds will be required for that purpose. It is intended to encourage and instruct special agencies in the matter of not only standardizing grain, but to now effect uniform standards throughout the country. Commercial organizations and agencies are anxious to have it done. They are continually expressing the desire that these standards be fixed as soon as possible. What they have in mind is unless that is done there may be a step in one way or another to have Federal inspection of grain, and that is something that the majority of the grain people in the country seem to avoid.

Mr. BARTLETT. Which Congress has refused to do time and time again.

Mr. MADDEN. The information which I wish to obtain is, how many grades of wheat, for example, has the Agriculture Department established?

Mr. LAMB. I could not tell you.

Mr. MADDEN. Where do they have their inspection headquarters?

Mr. LAMB. In different localities—one at New Orleans, one at Baltimore, and one at Chicago.

Mr. MADDEN. What effect does the standard fixed by the Agriculture Department have on the value of the grain?

Mr. LAMB. Now, I can not stand that civil-service examination. [Laughter.]

Mr. MADDEN. What is the purpose of establishing the standards if nothing is to be gained by it, and if nobody knows

anything about the reason for the establishment of the bureau fixing the standards, why should we make an appropriation? That is what I want to know.

Mr. LAMB. If the gentleman will look on page 18 of the hearings by Dr. Galloway, he will find there is right much on that subject. I do not believe the gentleman would like to take the time of the committee by reading the hearings before that committee, because it is not a practical question on which we can reach a result right now, and I am satisfied that the gentleman is anxious, as I am, to proceed with this bill.

Mr. MADDEN. I assume this is a very practical question or the Committee on Agriculture, as careful as they are in the expenditure of other people's money, would not offer to make an appropriation, because if there are not any results to be obtained and there is not anything practicable about it, then we ought not to appropriate.

Mr. LAMB. Do not understand me to mean that. I stated I did not care to go into a discussion of this question, as I did not think we could reach any result about it, so far as the bill is concerned.

The CHAIRMAN. The time of the gentleman has expired. All time on this amendment has expired.

Mr. MOSS of Indiana. Mr. Chairman, I would like to ask unanimous consent to submit a word here. I think it should be very well understood that the Agricultural Department is not trying to fix a standard for grain and have it adopted by law. I understand the department is not attempting to fix the definite grades to the extent of having them adopted by law, but only studying the conditions which go to make up the grades—the things that enter into grain that fix different grades. Now, I would like to have the chairman of the Committee on Agriculture to say whether or not it is the purpose to have the Federal Government fix a standard for grain, such as No. 1 red and No. 2 red, and so forth.

Mr. LAMB. Here is what Dr. Galloway says about it, and I will read it, if I may have the indulgence of the committee for a short time. He says:

Mr. WHITACRE. Speaking about the standardization or grading of corn or wheat, have you been doing some work along that line?

Dr. GALLOWAY. Yes, sir.

Mr. WHITACRE. For how many years?

Dr. GALLOWAY. We have been working now on these standards—of course, this is all in connection with the marketing—for about six years.

Mr. WHITACRE. How many years more will it take to find out how or four more years for wheat.

Dr. GALLOWAY. We are ready to standardize corn now; the fundamentals for that have been worked out, and it will probably take three or four more years for wheat.

Mr. WHITACRE. Why has it taken you such a great length of time to find out how many different grades of wheat there are?

Dr. GALLOWAY. It is a question of what should enter into the grades. The interested parties are not agreed whether we should consider the milling quality or moisture content; and if the moisture content is finally agreed upon, as it has been in corn, then we must work out specific methods for readily determining the moisture content.

Mr. MOSS of Indiana. Then, Mr. Chairman, that accords with my own understanding about this. We have laboratories in six of the principal States of the Union, but they in no sense commit the Agricultural Department to fix the grades of grain for the purpose of having them adopted by law. If they did I would ask to have it stricken out.

Mr. MANN. It is not in order to strike it out. But I ask for the regular order.

The Clerk read as follows:

Chugach National Forest, Alaska, $22,530.

Mr. HUMPHREY of Washington. Mr. Chairman, I wish to offer an amendment. First, a parliamentary inquiry: Should I wait until the end of the paragraph, or is this the proper place?

The CHAIRMAN (Mr. HAY). The Chair thinks each line of this is a paragraph. If the gentleman wishes to offer an amendment he had best offer it now.

Mr. HUMPHREY of Washington. I want to offer an amendment on line 20, page 27.

The CHAIRMAN. The gentleman will send up his amendment.

Mr. HUMPHREY of Washington. I move to strike out all of line 20.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 27, line 20, strike out all of the line.

Mr. LAMB. Is it the gentleman's intention to destroy that forest by leaving it uncared for?

Mr. HUMPHREY of Washington. Yes; that is the intention of it.

Mr. MONDELL. The gentleman does not intend to destroy the forest?

Mr. HUMPHREY of Washington. No; but I want to destroy the appropriation. That is what I thought the gentleman from Virginia [Mr. LAMB] meant.

Mr. LAMB. I understand the gentleman's facetiousness, but I want to know——.

Mr. HUMPHREY of Washington. I want to ask for some information. What is the purpose of having the forest reserve?

Mr. LAMB. What is the purpose of having any of them? I will answer the question by asking another.

Mr. HUMPHREY of Washington. In the first place, the forest reserve is supposed to preserve or protect a forest. But you have no forest here.

Mr. LAMB. I have never been in this forest. I do not know how much land is there or how many trees. But Mr. Graves, the Forester, has been given authority to make these units of forest, and he has apportioned a lump sum to all of these forests, according to his best judgment in the matter, and I do not think it would be proper to strike out one any more than all of them.

Mr. HUMPHREY of Washington. If they are all like this one, they ought all to be stricken out.

Mr. FERRIS. What are the facts about this?

Mr. HUMPHREY of Washington. The facts in regard to this forest reserve are, in the first place, that there is only about 10 per cent of that forest reserve that has timber on it. In the next place, it needs no protection from fire, because they have 140 inches of rainfall there annually, and you could not burn it if you desired. It is not to protect water power or stream flow, and I do not know of any reason why that forest reserve is there except to give employment to somebody.

Mr. MADDEN. How much land does this cover?

Mr. HUMPHREY of Washington. Something like 800,000 acres.

Mr. FERRIS. When was this created?

Mr. HUMPHREY of Washington. It was created by Executive order——

Mr. FERRIS. How long has that been in existence?

Mr. HUMPHREY of Washington. I do not know.

Mr. FERRIS. About how long? I do not care for the particular date.

Mr. HUMPHREY of Washington. It was created by Executive order dated the 23d of July, 1907. Now, I would like to know what has been——

Mr. FERRIS. I wanted to proceed a little further. It was created in 1907 by Executive order and embodies 800,000 acres?

Mr. HUMPHREY of Washington. I think it has probably been added to since then. There were 850,000 acres in the first instance.

Mr. FERRIS. What proportion of it is covered by timber?

Mr. HUMPHREY of Washington. From the best information I can get it is about 10 per cent.

Mr. FERRIS. Is it agricultural in character, and would it have any value if not in a forest reserve?

Mr. HUMPHREY of Washington. No; I think not.

Mr. FERRIS. What is the use of subjecting it to the ordeal of having the timber cut off?

Mr. HUMPHREY of Washington. I am not able to understand why Congress should pay out $22,000 a year for men to watch this reserve.

Now, you have been looking for some place to economize, and I congratulate the majority on that position. But I would like some one to tell me some reason why you are going to pay $22,000 a year for the care of this forest reserve.

Mr. LAMB. I will say, Mr. Chairman, that if the gentleman from Washington had come before our committee we would have taken his views into consideration.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to proceed for five minutes more. Is there objection?

Mr. LAMB. I do not like to object, Mr. Chairman, but can the gentleman give us any further information about this forest reserve—this particular one?

Mr. HUMPHREY of Washington. Yes; I will if the gentleman does not have any information; I will try to give the House some that I have.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. HUMPHREY of Washington. Now, of this forest reserve, as I have said, only about one-tenth of its area has timber. Most of what timber there is on it is utterly unfit for

any merchantable purpose. There is no reason for having a reserve up there to protect this forest from fire. There is no other reason that I have ever been able to discover for this great expense except to give some one a job.

Why not get rid of this expense? The only purpose that I know, so far as this forest reserve is concerned, is to feed some of the parasites representing the Government who are playing spies on the people. They create trouble, but they do protect the forests.

Mr. LAMB. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. LAMB. What percentage of it can be converted into homesteads?

Mr. HUMPHREY of Washington. I do not know that any of it can be; very little, at most. You take all of Alaska that is accessible and put it into a forest reserve and then pay employees, whose only purpose is to make trouble, to stay there under pretense that they are protecting the forests.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. FERRIS. If there are 800,000 acres in the forest reserve and practically only 10 per cent of it is in timber, why should not the President eliminate 90 per cent of it and reserve the timber on the remaining 10 per cent? It ought not to be subject to entry if it is clearly timberland.

Mr. LEVER. How long has it been since the gentleman from Washington got the information he has about this forest reserve?

Mr. HUMPHREY of Washington. I have known it for some time and I took occasion yesterday to look it up particularly, to see about it a little more definitely, and I looked at your report, and I did not find any information about it there.

Mr. LEVER. There is not any Member of Congress, and I do not believe there is anybody on top of the earth, who knows much about the national forests. We have got to take somebody's word about them. I was wondering whether the gentleman had visited this place himself and had special information concerning it.

Mr. HUMPHREY of Washington. No; but there is no reason why you should hire some one to stay on that forest reserve. What are these men doing?

Mr. LEVER. This, Mr. Chairman, is an attempt, is it, to get some forest-reserve lands out from the possession of the Government, so that somebody may get coal claims up there?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Washington asks unanimous consent for five minutes more. Is there objection?

Mr. LAMB. I object, Mr. Chairman. I think we have had enough on this.

Mr. HUMPHREY of Washington. I would like some one to give me some information about this forest reserve—to tell me what these men do that we are paying $22,000 to annually.

The CHAIRMAN. Objection is made to the request of the gentleman from Washington.

Mr. HUMPHREY of Washington. Mr. Chairman, did anyone object?

The CHAIRMAN. The Chair understood the gentleman from Virginia [Mr. LAMB] to object.

Mr. HUMPHREY of Washington. I will say to the gentleman that he is not going to save time by objecting. This is an important question. Most of the time that has been allotted to me has been taken up by questions.

Mr. FERRIS. Mr. Chairman——

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] is recognized. Does the gentleman from Virginia object?

Mr. LAMB. Yes; I object.

Mr. HUMPHREY of Washington. Then, Mr. Chairman, I will make the point of no quorum.

The CHAIRMAN. The point of no quorum is made.

Mr. HUMPHREY of Washington. And the gentlemen will have to keep a quorum here during the consideration of this bill if they deny my request for five minutes' extension of time.

The CHAIRMAN. The Chair will count. The gentleman from Washington will be in order.

Mr. LAMB. Mr. Chairman, I will agree that the gentleman may have five minutes more. I ask unanimous consent for that.

Mr. MANN. Let the gentleman from Washington withdraw his point of no quorum.

Mr. HUMPHREY of Washington. I will withdraw the point of no quorum, Mr. Chairman. I have no desire to delay the consideration of this bill, but I do desire to speak for five minutes.

The CHAIRMAN. Does the gentleman from Washington withdraw the point of order?

Mr. HUMPHREY of Washington. Yes.

The CHAIRMAN. The gentleman from Virginia [Mr. LAMB] asks unanimous consent that the gentleman from Washington [Mr. HUMPHREY] proceed for five minutes. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. Now, I hope I shall not be interrupted for a moment or two. If these gentlemen on the Committee on Agriculture have no information upon this subject, I shall try to give them a little.

In the first place, as I said, Mr. Chairman, according to information I have received, there is only 10 per cent of this forest reserve that has timber on it. They have 140 inches of rainfall a year on at least part of it and a large amount on all of it. There is no reason for a forest reserve up there and no reason for having men up there to watch it. There is no purpose in keeping men up there; none whatever, except to furnish them with jobs.

Here is where you could economize and really benefit the Government. You ought to strike this appropriation out. By so doing you are not going to do injustice to anybody. You are paying here $22,000 for services that are of absolutely no value to anyone

Mr. HAUGEN. I would like to have the gentleman tell us in what respect this differs from other forest reserves.

Mr. HUMPHREY of Washington. In this particular: There is no necessity of protecting it from fire. There is no reason that I know of why it ever was created. It costs a great deal more to take care of it than the Government gets out of it, according to the figures I have examined. It costs the Government twice as much as they get from the sale of timber. If anyone wants to use that timber, most of it unmerchantable, why not let them do it? Otherwise it will rot in the forests.

Mr. FERRIS. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. FERRIS. Does not the gentleman think, under his own statement, which is in substance that there are 800,000 acres in all and that 10 per cent is timbered, that to strike out $22,530 and insert in lieu thereof $2,000 so that a man could be kept there until the President could determine whether it was necessary by Executive order to eliminate the other nine-tenths, would be wise?

Mr. HUMPHREY of Washington. If there is any duty for a man to perform up there I would not object, but I have not been able to ascertain that there is.

Mr. FERRIS. If it is really timbered land and belongs to the Federal Government, if you vacate it it will become open to homestead entry and you will have the same trouble that we had before.

Mr. LEVER. Mr. Chairman, I hold in my hand a statement entitled "Detailed estimates for forest reserves," and I find that the area as given by the Forester himself, instead of being 800,000 acres, as the gentleman from Washington stated, is 11,267,850 acres. The gentleman from Washington himself says that 10 per cent of this land is timbered. So approximately there are over 1,000,000 acres of forest land that are being administered for $22,000. It seems to me that that is pretty cheap administration.

Mr. HUMPHREY of Washington. I do not think the gentleman means to misrepresent or misquote me. I said that I thought there had been additions made to it.

Mr. LEVER. I did not intend to misquote the gentleman.

Mr. HUMPHREY of Washington. My statement was that the original proclamation set aside about 850,000 acres.

Mr. LEVER. Let me ask the gentleman from Washington when I call attention to the fact that there are over 11,000,000 acres and, according to his own statement, that 10 per cent is forest area, then there must be over 1,000,000 acres in forestry, which have been administered for $22,000—does he not think that is about as cheap administration as is possible?

Mr. HUMPHREY of Washington. What do they do?

Mr. LEVER. What do they do in any national-forest reserve? They protect it against fire, they protect it against trespassers, they see to it that the grazing permits and timber permits are given out in accordance with law, and they do all these same services that I imagine they do on every national-forest reserve.

Mr. HUMPHREY of Washington. The gentleman is very much mistaken. In my State you have to protect it from fire and you have some sale of timber, but in Alaska there is no need of protection from fire and sales do not amount to sufficient to pay expenses.

Mr. MANN. Does not fire burn in Alaska?

Mr. HUMPHREY of Washington. Not on this timber.

Mr. MANN. Why not?

Mr. HUMPHREY of Washington. Because it is always wet.

Mr. MANN. Oh, there is no place where the timber is always wet.

Mr. HUMPHREY of Washington. The Delegate from Alaska stated that if this forest was saturated with coal oil you could not burn it.

Mr. MANN. Probably one statement is just as correct as the other.

Mr. HUMPHREY of Washington. You do not have to protect the forests of Alaska from fire, and no one pretends that you do who knows the facts.

Mr. LEVER. It seems to me that we have got land up there that belongs to the United States, and we ought to protect it, and it strikes me from the statement I have just made that this area costs less money for protection than any forest reserve in the United States.

Mr. HUMPHREY of Washington. You have a total of over 27,761,000 acres in Alaska. Is not the very purpose of putting aside such a tremendous area to show that it is very cheap, according to acreage, to protect it? Is not that one of the main purposes of these vast forest reserves in Alaska?

Mr. LEVER. The gentleman has not been in control of the Government, and he does not know what the purpose is.

Mr. MONDELL. Mr. Chairman, the gentleman from Washington [Mr. HUMPHREY] propounded the interrogatory, Why was this reserve created? I have some opinions on that subject, and have heretofore expressed some of them. My opinion is that the Chugach and other reserves in Alaska were originally created in perfect good faith; whether in wisdom or not is a question. When created they covered comparatively small acreages of the more or less forested lands adjacent to the coast in southeast Alaska. Several years ago the service desired to increase its appropriations and it brought before the committee a request for an increase of about $200,000 on the basis of increased area of the forest reserves in Alaska. I said at that time that it was my opinion, and it is still my opinion, that those reserves were extended beyond all reason at that time, partly for the purpose of laying a foundation on which to ask Congress to appropriate $200,000 more, which was done, not for the administration of these Alaska reserves so increased, but for the administration of reserves within the continental boundaries of the United States. In other words, this was the extraordinary condition to which I called the attention of the House at that time, that we were asked to add $200,000 to the appropriations for the care of forest reserves within the continental boundaries of the United States because we had increased the area of the reserves in Alaska. Whatever your opinion may be, the fact remains that these Alaska reserves were increased, and immediately following the increase, which included millions of acres of lands containing no forest whatever, we were asked to increase and did increase the appropriation for the management of the reserves in the United States, based on increased acreage in Alaska. In my opinion that is one of the reasons why these reserves were increased.

There was another reason. These vast reserves are a part of the general policy of bottling up Alaska. Eleven million acres were taken in this reserve, and in all 25,000,000 acres in southeast Alaska mostly, taking in a large part of that portion of the Territory. Placing these lands in the forest reserve takes them from under the land laws and the right-of-way acts except those limited acts which apply in forest reserves. In other words, by the simple process of a presidential proclamation declaring that land containing no forest is forest, you can repeal all of the land laws and repeal all of the right-of-way acts except to the limited extent to which land and right-of-way acts, entirely within the discretionary power of the Secretary of Agriculture, apply within forest reserves.

[The time of Mr. MONDELL having expired, by unanimous consent it was extended five minutes.]

Under these acts no rights of way can be secured which are not revocable in the discretion of the Secretary granting them, except for a very few purposes. Therefore, through this process of extending forest reserves over vast areas in Alaska, the land laws cease to operate, and the right-of-way acts cease to operate except in this very limited way. Men desiring to secure locations for business find it practically impossible to do so except under leases revocable at will.

Mr. LAMB. May I ask my colleague if he is in favor of the amendment to strike this out?

Mr. MONDELL. I think it is more or less immaterial whether you strike it out or not. I agree with the gentleman from Washington [Mr. HUMPHREY] that there is not any reason why we should pay salaries to protect areas that contain no forests; or so far as they do, contain forests of a character that ought to be opened to the use of the people of the community for their local needs. There is not any reason on earth why this forest reserve should be maintained, and in my opinion it never would have been enlarged except that it first gave an excuse for increasing the appropriations elsewhere, and second—and perhaps that is the more compelling reason—that it practically bottled up all of the resources of this enormous area, larger than many of the States of the Union.

Mr. LAMB. Does the gentleman happen to know whether or not in this area there are any mines or minerals or anything valuable under the ground?

Mr. MONDELL. So far as mines are concerned, so far as they exist, their exploration can be carried on, somewhat hampered, but it can be carried on. It does not make so much difference to the miner, except it makes it more difficult for him to secure timber for his mines and more difficult to secure title. Other than that, men seeking location for themselves—men seeking rights of various sorts for industrial purposes and for development—are greatly hampered.

Mr. LAMB. But the evidence of the gentleman from Washington [Mr. HUMPHREY] is that the whole thing is not worth 25 cents or a button.

Mr. MONDELL. Oh, I take it that somewhere on this great domain some one some time might want to do something, and if they do—and I have no doubt they will—they will find themselves hampered by a law which does in fact repeal the land laws and does repeal all of the right-of-way acts except those limited acts which apply within forest reserves.

Mr. LAMB. What would be the effect directly of the approval of this amendment and the striking out of this forest?

Mr. MONDELL. The thing to do is to get your new administration to wipe out this forest reserve.

The CHAIRMAN. The time of the gentleman from Montana has expired. The question is on the amendment offered by the gentleman from Washington.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

St. Joe National Forest, Idaho, $45,324.

Mr. FOWLER. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee why a large increase over the appropriation of last year is carried in this paragraph. I refer to the St. Joe National Forest, Nev. There was appropriated last year $27,624, and this year there is an appropriation of $45,324.

Mr. LAMB. Mr. Chairman, I will give the gentleman what the Forester says. He says that larger timber sales are now in progress in this forest than in any other forest in this district. The heavy cut is practically all in fire-killed timber, which must be removed within the next year or two if it is to be salvaged. Especially good men are needed in the administration of these sales because of defects resulting from the fire. Both this year and last it was necessary to secure the Secretary's approval for an increase to this forest exceeding the limitations of the appropriation plus 10 per cent. Of the above increase about $10,000 will be required for the wages of scalers. The timber cut on this forest is expected to reach its maximum next year, probably 50,000,000 feet of lumber. The remainder of the increase is needed for future sales. They are selling great quantities of lumber in that forest.

Mr. FOWLER. Do the men in charge of this forest have charge of the inspection and the sale of the lumber?

Mr. LAMB. Yes.

Mr. FOWLER. And the measurement thereof?

Mr. LAMB. Yes; and he says $10,000 will be required for the wages of scalers who measure this lumber.

Mr. FOWLER. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

Wichita National Forest, Okla., $3,800.

Mr. FERRIS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

After the semicolon, at the end of line 17, on page 33, add the following:

"And not to exceed $2,000 may be expended in the erection of a headquarters building."

Mr. MANN. Mr. Chairman, on that I reserve the point of order.

Mr. LAMB. Mr. Chairman, I reserve the point of order.

Mr. FERRIS. Mr. Chairman, I think both gentlemen are entirely within their rights as far as this being subject to a point of order is concerned, but I think the facts will appeal to them in such a way that they will let it be allowed, notwithstanding.

I can not do better than to read a short letter from the department, although I am entirely familiar with the facts myself. I read a letter of February 10 from the Forest Service:

SUPERVISION APPROPRIATION, 1914.

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, February 10, 1913.

Hon. SCOTT FERRIS,
House of Representatives.

DEAR MR. FERRIS: You letter of February 10 is received.

In reply to your inquiry, I am glad to give you the following information from the records in this office regarding the need for a headquarters building on the Wichita National Forest. The building now occupied by Acting Supervisor Rush is an old log house of one room with a small lean-to attachment. This building is in such a dilapidated condition as to be unfit for habitation, and because of the decayed condition of the material of which it is constructed it would be a waste of money to attempt any substantial repairs. During the last year the district forester planned to replace the present building with a new one, but was unable to construct the necessary building within the $650 limitation imposed by existing legislation. It would be possible to erect this building during the next fiscal year without increasing the amount carried by the bill making appropriations for the Forest Service, but it can not be done until the $650 restriction is removed. The Forest Service will be very glad to secure authority for the construction of a building out of the regular appropriation at a cost not to exceed $2,000. This would permit the construction on the site of the present building of a substantial six-room structure, which will be sufficient for present and future needs.

The need for a building costing more than the average ranger cabin is due to the unusual character of this forest, in which is included the Wichita National Game Preserve. As you are aware from personal observation on the ground, the need for these headquarters is somewhat greater than on other forests, owing to the fact that there is in the immediate vicinity of the headquarters a large herd of buffalo, maintained under special authority of Congress, together with other varieties of game, such as elk, deer, and wild turkeys. The location of the supervisor close to these animals is absolutely necessary. This attraction brings to the headquarters a very large number of visitors, who desire to view the buffalo and other animals. Congress has already provided a large amount of money for the erection of fences and other buildings on the Wichita National Forest for the necessary care and protection of these animals, and the construction of the permanent headquarters is simply a necessary addition to the equipment for their maintenance.

Very truly, yours,

H. S. GRAVES, *Forester.*

Mr. Chairman, the letter and the facts in substance amount to this: There is a game preserve and a forest reserve on 58,000 acres of land in my own home county in Oklahoma. I go there oftentimes every summer. I am familiar with the forest and the status of things out there. The forester lives in a little one-roomed log cabin, and the logs are rotted off at the corners. The Forestry Service has been trying for two or three years to build a house to serve the purpose out there and you can not do it, where you have to haul the lumber 25 miles and take carpenters out and board them, for $650.

Mr. MANN. Will the gentleman yield?

Mr. FERRIS. Certainly.

Mr. MANN. Is there anything to prevent the man from building another log house where the ends are not rotted off?

Mr. FERRIS. No; but I think the gentleman will agree in the face of existing circumstances that it will be hardly the thing to do to build another log house in this day and age since we have also made it a game preserve. I hope the chairman will let the amendment pass; it does not increase the bill at all, but merely allows this to be taken from the amount which is now in the bill. It, in fact, only relaxes a harsh rule of limitation of $650 per house.

Mr. LAMB. I would be very glad to relieve the situation and let my colleague from Oklahoma have his amendment if I could possibly do so, and I think if the gentleman had come before the committee and made the suggestion we would have found some remedy for this evil, but now we are bound to insist on the point of order. I think we will find a remedy hereafter.

Mr. FERRIS. I hope the gentleman will not make the point of order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

Wyoming National Forest, Wyo., $7,170.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I should like to ask the chairman of the committee how the total for the care of these forest reserves compares with the total of the bill of last year?

Mr. LAMB. I do not think there is any increase; I am satisfied it is the same as last year. The total lump sum is apportioned among these different forests by the Forester himself.

Mr. MONDELL. The appropriation this year for this purpose is not totaled in the bill, but, if I am correct in a rather hurried addition and subtraction, it is less than it was last year. In other words, the service has modified these items, and in modifying them has brought about a reduction in the total of the expenditures on the forest reserves. In doing that there have been some increases and a considerable number of decreases, necessarily, in order to bring about the net decrease, and I am very glad that no gentleman having reserves in his State has felt called upon to question the reduction in the cost of the service on such reserves, because we must admit, it seems to me, that the Forest Service in making these estimates of the necessary expenditure for superintendents, for rangers, and all that sort of thing, has carefully gone into all of the questions of the needs of the service and that they have wisely decided what is needed. On the forest reserves in my State there is a reduction. Some items have been increased, some have been reduced, and I am assuming that those increases and reductions have been wisely made. The chairman will recall that I called his attention to the fact of these changes before the committee took up the bill for consideration and asked that they investigate the matter fully and determine so far as they could the wisdom and propriety of these changes. I think the fact that changes have been made in practically every one of these cases indicates that the service and the committee have carefully considered the needs of the service and are endeavoring to keep the expenditures as low as possible consistent with the good of the service. I trust they have not made the sums too low in any case. We must and do depend on them in the matter.

Mr. LAMB. I am very much obliged to the gentleman, and he must allow me to thank him.

The Clerk read as follows:

Zuni National Forest, N. Mex. and Ariz., $3,734.

Mr. RAKER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Provided, That it is hereby made one of the duties of each officer under the Forest Service while working in the field to make investigations for ferreting out and prevention of offenses committed against the property of permittees within the national forests and make full report thereof to the forest supervisor of the district.

Mr. LAMB. Mr. Chairman, I make the point of order.

Mr. RAKER. I wish the gentleman would withhold that.

Mr. LAMB. I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. RAKER. I move to strike out the last word.

The CHAIRMAN. That can only be done after the reading of the next paragraph.

The Clerk read as follows:

Additional national forests created or to be created under section 11 of the act of March 1, 1911 (36 Stat., 963), and lands under contract for purchase or for the acquisition of which condemnation proceedings have been instituted for the purposes of said act, $57,590.

Mr. RAKER. Mr. Chairman, I move to strike out the last word.

Mr. LAMB. Would the gentleman object to coming closer? We can not hear the gentleman.

Mr. RAKER. I will permit him to hear before I get through if I have the time. In regard to the last amendment, it is one which seems to me ought to go into this bill at some place. The permittees for these various national forests are paying large sums of money for the purpose of running their stock upon the ranges.

And the various forest rangers, while doing their work over the range, on horseback, afoot, or otherwise, ought to be required to observe the strangers and interlopers in these forests, to the end that they should report strange men and strange conditions to the supervisors, and in turn to the local authorities, so that these people paying this rent might have some knowledge and information and some protection against those who are driving their horses and cattle away. It is nothing but fair and right that such protection should be given.

Now, Mr. Chairman, I introduced on December 12, 1912, H. R. 27145, covering this subject, which was referred to the Secretary of Agriculture, and I hold in my hand a copy of the resolution of the Alturas Stock Association of the Modoc Forest Reserve in relation to that matter, showing the need and necessity for some action that would require and compel joint action in regard to the forest officers as to reserves.

And I ask, therefore, Mr. Chairman, unanimous consent to insert in the RECORD this letter, together with the resolutions of the stock association.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

There was no objection.

The following are the resolutions and letters referred to:

Resolutions of the Alturas Stock Association.

Whereas the Hon JOHN E. RAKER, Member of Congress, has introduced a bill (H. R. 27142) in the House of Representatives, appropriating the sum of $5,000 to be used for determining the best methods

of ferreting out offenses committed against the property of permittees within the national forests, and for other purposes; and

Whereas the Hon. James Wilson, Secretary of Agriculture, has written a letter to the Hon. JOHN LAMB, of the Committee on Agriculture, a copy of which is attached to these resolutions, denouncing the bill as useless, in that the ground covered by the said bill is already covered by law of ample scope, and that the duty of protecting private property, even upon the said forests, properly falls within the province of the State, and for other reasons herein set out and answered below; and

Whereas it appears that the honorable Secretary of Agriculture, and the various officers serving under him intrusted with the management and government of the said national forests, have failed to grasp the purport of the said bill, and the contention of the old Modoc County Stock Association referred to in the letter, in that it appears that the said officers seem to have conceived the idea that the said bill contemplates, and the said stock association desired, that the officers of the Forest Service should assume the duties of the State or county constabulary and sheriffs, or other executive officers, in the enforcement of the said laws; and

Whereas the said stock association had in view only that the duties of the Forest Service should be extended to include the detection of the theft of live stock, and the securing of evidence to be turned over to the local county or State officers for their use in enforcing the local laws sufficient to convict the thieves upon the national forests, and that special officers peculiarly fitted for the work should be employed for the purpose, and no other; and the bill referred to has for its object an inquiry to determine to what extent the theft of live stock exists upon the national forests; to what extent, if it does so exist, local officers of the national forests are assisting in its detection; to determine if it is practicable for them to do more; and if so, to determine the best way for the service to proceed to give such assistance in the detection of the theft of live stock upon the national forests; and

Whereas it is not the duty of any county or State officer to go into the lonely recesses of the ranges and there to act as a detective in the ferreting out of a crime, the existence of which is suspected but not known, either within or without the national forests located within the respective county or State, his prescribed duties, in the main, being the arresting and trying of accused persons upon warrants sworn to and evidence furnished by others; and

Whereas the Forest Service through its present organization for managing and caring for grazing within the respective forests is better equipped for handling successfully the detection of the crime of the theft of live stock within the national forests than would be any organization that the county or State may ever hope to effect for the purpose; and

Whereas the honorable Secretary makes the technical assertion in the above-mentioned letter that "the duty of preventing crimes against private property falls properly within the province of the States, and I question whether the Federal Government should endeavor to assume a part or all of the duty," and a little farther along in his letter, after quoting a Federal law to sustain him, he says, "Under this law forest officers have been directed to cooperate freely with the local officials in the enforcement of the laws of each of the States and the local regulations promulgated under authority of such laws." In the one paragraph he questions his right to do a thing, and in the other he says that he has done it under warrant of law. He further says that "the present plan of" Federal "cooperation" with State or county officials "has been almost uniformly harmonious, and has been productive of excellent results." Further along in his letter he says "The loss of stock by theft within the national forests has been so reduced by the watchfulness and the cooperation of the local forest officers that it is much less than the loss occurring upon the unreserved public lands outside of the boundaries of the national forests." It appears to us that the honorable Secretary himself, in so far as the theft of live stock upon the national forests is concerned, has answered that part of his letter in which he asserts that the "duty of preventing crimes against private property falls properly within the province of the State." The part that the forest officers are now taking in the detection of the crime of theft of live stock upon the national forests, whatever that may be, has worked well, and the honorable Secretary is pleased with it and appears to be satisfied to stop short right where he is, notwithstanding that he admits in his letter that the thieving of live stock still continues upon the national forests. He says that it has only been reduced, and from the tone of his letter one would be led to believe that the theft of live stock within the national forests before the cooperation which he refers to was of very common occurrence, which we feel to be the case. Then, if the cooperation has worked well as far as it has gone—and the honorable Secretary says that it has—what is to hinder its working better if it should go a step further? We naturally wonder if the department pulled back at the initial step.

The bill under discussion aims at an investigation having for its object the preventing of theft upon the national forests. At the same time that the honorable Secretary states that the theft of live stock has been much reduced, he admits that it still exists, for he says that it has only been reduced. Surely he does not want to be understood as opposing a measure having for its object the finding of a means for further reducing, or stopping altogether, such thefts. What harm can possibly come from an independent investigation representing the side of the permittees of the national forests? Much good may come. The cooperation has worked well as far as it has gone. The honorable Secretary has said so. He also says that it should go no further. Why? The stockmen would like to be heard upon that point also. They represent one side of the issue, and it appears to us that the bill in question will afford them the best possible means to be heard. It appears to us that the honorable Secretary may be getting his information through persons that do not want to have further duties added to those that they already have. An ex-ranger of the Modoc National Forest says that it is wrong to require rangers to assist in the protection of live stock from theft within the national forest, because a thief that he may detect in the act of stealing, and report, would waylay and assassinate such a ranger. It is current report that a ranger on the Modoc National Forest last summer, during the month of July or August, saw a man thereon whom he supposed to be in the act of stealing horses. The supposed thief was driving a band of horses in a run with every indication that he was trying to avoid being seen. He and the horses soon disappeared in the brush and were not seen or heard of again. The incident was not reported until some time after, when it was too late to do anything. These incidents are mentioned to show the probable bias of the honorable Secretary's information, as well as to point out the necessity of the investigation proposed in the above-mentioned bill. If Federal cooperation has worked well, will it not work better under an organization that will furnish men for the purpose that are not afraid of performing their duty because of the danger of assassination? Should this situation not be investigated? If the Forest Service has a right to do a thing at all it certainly has the right to do it well.

Have we made it clear? Have we made the thing that we want so clear that the argument that the National Government has no right to punish those guilty of crimes committed within a national forest within a State against the permittees thereof, will ever be made to us again, for we have heard it more than once? There certainly can be no law against the National Government's pointing the finger of guilt and evidence at the one guilty of committing an offense, any offense, against the property of permittees, or otherwise, within or without the national forests. A foreigner visiting our lands for the first time has that right. That is all that the permittees want. Point the offender out and name the evidence, and then the county and State laws and the machinery for their enforcement are ample. That is where the gap lies—to find the thief and his crime. The county and State laws fall down at that point. They provide no machinery for detecting the crime of the sneaking, prowling thief that commits his crimes on the lonely and secluded ranges of the national forests away from the habitation of man.

The honorable Secretary has said that such assistance is now given; that the finger of guilt is now pointed by the employees of the Forest Service. One of the purposes of this bill is to find out to just what extent the finger is pointed, and to what extent the pointing is make-belief. Observe the incidents quoted above. Is it wrong and useless for the people to inquire into the acts of the Forest Service to see if the service can not be improved for their benefit?

There is no especial provision in any of the rules and regulations governing the management of the national forests, that we are aware of, that makes it an especial duty of anyone to point the finger. The employee in the service is only expected to point the finger when, in the daily routine of his other duties, he unexpectedly happens upon an offender in the act of committing an offense. Even seeing the evidence of the offense without the offender it is no part of his duty to trace the crime to the offender. We, therefore, believe that the finger is not pointed nearly as often as it should be; and for proof we point to the fact that many of the men formerly engaged in the live-stock industry and using the summer ranges within the Modoc National Forest for their stock have either entirely quit the business or reduced their stock to a minimum, they claiming that so many of their stock were lost during the outside summer grazing season that there was no profit in the business.

The statement of the honorable Secretary, quoted above, that "The loss of stock by theft within the national forests is much less than the loss occurring upon the unreserved public lands outside of the boundaries of the national forests," indicates very plainly that the officers of the Forest Service whose duties it is to patrol the national forests are in a better position for the detection and prevention of the theft of live stock upon the national forests than the permittees thereof, or the State and county officers intrusted with the enforcement of the local laws. If the forest officers are better organized and in a better position for the work, and those duties come within the meaning of the law, as the honorable Secretary says that they already do, why not make the detection of the theft of live stock upon the national forests one of their specific duties instead of an optional duty as it now seems to be? The law quoted says that they are to do these things whenever it is practicable. Who decides when it is practicable and when it is not practicable? Naturally, it appears to us that it is the man on the ground. Who else could it be? Who but the man who sees or knows in person of the acts of thievery? It appears that it is all left to him. The law and the instructions of the department, as set out in the letter of the honorable Secretary, tell him, virtually, "If you see a thief in the act of stealing upon the national forests, you may prevent him or you may leave him alone, just as you feel about it." If you are afraid, you may run. If you think best, you need not mention the incident at all. You are only to go as far as practicable, and it is up to you to decide when it is practicable, and when it is not practicable, to interfere with thievery that comes under your observation. In connection with this we call attention to the incidents quoted above. The Secretary says that the theft of live stock upon the ranges of the forests is less than it is upon the adjacent ranges outside of the forests, and we are convinced that his statement is correct. But is it from any active part that the rangers and the patrol of the Forest Service take in the suppression of the theft of live stock upon the forests, or is it from the mere fact that their presence upon the forests, in the performance of their daily duties, makes the secrecy of thieving a little more uncertain and thereby scares out the more timid in the vocation that the loss of live stock from that source is reduced?

The law says that the officials of the Forest Service may prevent the theft of live stock upon the national forests; the Secretary of Agriculture tells them so, too; but who tells them that they must? Who knows how much more good might be done if the detection of the theft of live stock upon the national forests was made a specific duty of the forest officials instead of an optional duty? Who knows to what greater extent the thieving of live stock might be stopped if at least one patrol skilled in the detection of the theft of live stock, whose sole duties are to look after its live-stock interests, were placed upon the national forests? The object of the bill under discussion is to make an impartial investigation that will settle these points as they should be rightfully settled. And yet we are told that there is no occasion for it.

The honorable Secretary further says that, naturally, there are occasional requests from permittees for protection from losses by theft; but only upon one national forest has there been any concerted demand for more rigid enforcement of State laws by local forest officers. This does not argue that there is not a great need in all of the forests for a better way for the detection of the theft of live stock upon such forests. He only says that the demand was not made. More than likely the permittees in other forests than the Modoc thought that there was no use, and therefore did not urge the matter. The nature of the correspondence of the Forest Service upon these matters, while courteous, was not such as to encourage the presentation of such matters to it a second time. Probably the thickness of its skin accounts for the persistence of the old Modoc County Association and its successor, the Alturas Stock Association. Any requests at all from permittees for protection from losses by theft upon the national forests indicate that the theft exists there, but it does not indicate to what extent it exists.

In answer to the latter part of the letter, will say that it is not a question of the adequacy of the laws, either county or national, that is needed to stop the theft of live stock upon the national forests. The law is ample. It is the catching of the thief with evidence sufficient

to convict; that is the point. The next best thing to catching him is to make him think that he will be caught and convicted if he commits the thefts, and thereby scare him out.

The honorable Secretary, in closing, says: "I feel that the present plan of cooperation, which has worked out so satisfactorily upon other national forests, should be equally adequate with the Modoc Forest, and that the present instructions mark the limit to which the Federal officers should go in the enforcement of State laws for the protection of private property." The attention of the honorable Secretary is called to the fact that he bases his statement of the fact that the plan of cooperation has worked out so satisfactorily upon other national forests than the Modoc upon the fact that not many permittees upon other forests than the Modoc have asked for special patrol to operate against stock thieves upon the national forests. May we ask what opportunity have such permittees had to express themselves upon the matter? We feel that we have fully answered these final statements in the letter of the Secretary in answering other parts of his letter, and to answer them here would be but to repeat.

Resolutions relating to the grazing of live stock upon the Modoc National Forest and the need of special patrol thereof, adopted by the advisory board of the Alturas Stock Association on February 28, 1912, and afterwards approved by the association, are attached to and made a part of these resolutions. Now, therefore,

Resolved, That, for the reasons herein above set out, it is the unqualified belief of this executive board of the Alturas Stock Association that the said bill is asking for an investigation that is necessary, and that, if vigorously carried out, should prepare the way for filling an existing gap which is proving unusually difficult to bridge in the execution of the laws in regard to the theft of live stock upon the national forests, and should lead to much good: And be it further

Resolved, That we hereby extend to the Hon. JOHN E. RAKER, Member of Congress, our earnest approval of his efforts in behalf of the interests of the permittees of the national forests holding grazing privileges thereon, and ask that he vigorously and as incessantly as decency will permit urge the passage of the said bill.

Adopted by the executive board of the Alturas Stock Association on this 23d day of January, in the year 1913.

W. J. DORRIS, *President*.

Attest:
W. E. ARMSTRONG, *Secretary*.

Resolutions by the advisory board of the Alturas Stock Association.

Whereas the live-stock industry of Modoc County, by reason of its valleys, which provide winter quarters and are surrounded by large summer grazing areas that are rocky, broken, precipitous, and mountainous, and suited to no other uses, and never will be, than that of grazing and of timber, is the principal source of its revenues; and

Whereas the grazing lands lying within the national forest of the county are of greater permanent value to its citizens than the forests lying within the same, adding, as they do, a steady annual revenue to the resources of the county, which will continue for untold ages to come; and

Whereas the fees for the grazing of live stock upon the Modoc National Forest amounted to about 86 per cent of its total revenues in the year 1911, a very small part of which was expended by the service in protecting the grazing interests of its permittees and enforcing the rules and regulations established by law and the Forest Service for the proper management and control of the grazing areas lying within the said national forest; and

Whereas the officers and employees of the said Modoc National Forest do not seem to have the time necessary to look after the grazing interests therein, to protect the permittees in their rights, and to enforce the laws, rules, and regulations established for the management and control of the grazing areas thereof to give equal justice alike to all holders of grazing permits; and

Whereas the service does not, and can not, properly regulate grazing within the said Modoc National Forest, and protect the ranges therein from trespass and usurpation by large stock owners who can get a permit to range thereon only a portion of their stock and graze, or are expected to graze, the remainder on ranges adjacent thereto; by stockmen who do not hold permits and manage to slip their stock onto the reserve at remote and unfrequented places; by men who have no stock upon the reserves, but ride the ranges thereon and drive stock therefrom for the purpose of theft, without men in the employ of the service, during the summer grazing season, whose sole duty is to look after the grazing and handling of livestock upon the said national forest, and nothing else; and

Whereas the average loss of stock on the summer ranges should not exceed 2 per cent of the total number turned thereon, the real loss amounts, in many instances, to as much as 10 per cent, for which reason many of the smaller stockmen have quit the business; and

Whereas the principal infractions complained of above occur during the months of July, August, and September, at which time the stockmen generally are busy taking care of their crops, and the routine work of the forest rangers does not take them onto that part of the range within the reserve where the above unlawful acts complained of are committed, they being off, in many instances, patrolling the forests to detect and put out fires. Now, therefore, be it

Resolved, That, for the reasons hereinabove set out, it is the sense of the advisory board of the Alturas Stock Association that the Forest Service should furnish an adequate number of rangers during the summer grazing season, whose sole duty is to look after grazing on the Modoc National Forest, and nothing else, to put a stop to the trespasses and wrongs above set out and complained of; and

Resolved, That it appears to this board that the members of this association holding grazing permits on the reserve are not getting value received for the money that they pay for such permits, in that a large part of the money paid for such permits is used for other purposes while the things needed to be done to protect and promote the grazing interests of the reserve above set out are left undone; and

Resolved, That it appears to us that the authority to put a stop to the things above complained of does not lie with the permittees, but with those intrusted with the enforcement of the regulations and laws made for the management of the reserves, an important branch of which, the grazing of live stock, is given but little attention in the field, apparently being attended to only when the rangers can be spared from the doing of other things.

Resolution approved and adopted by the advisory board of the Alturas Stock Association February 28, 1912.

P. S. DORRIS, *Chairman*.

Attest:
THEODORE LEE, *Acting Secretary*.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, December 28, 1912.

Hon. JOHN LAMB,
Committee on Agriculture, House of Representatives.

DEAR CAPT. LAMB: I have the honor to acknowledge the receipt of your letter of December 17, inclosing a copy of the bill (H. R. 27142) to make an appropriation for experiments and investigations and determining methods for the ferreting out and preventing of offenses committed against the property of permittees within the national forests, and for other purposes. The bill also provides that the money to be appropriated shall be used from the funds collected from the permits granted to permittees within the national forests.

I know of no reason why it is necessary for Congress to appropriate $5,000 for the purposes specified in this bill. The United States Government has ample means and ample authority of law to prevent crimes against the property of the United States Government, both within the national forests and outside, and for this purpose no further legislation now appears to be necessary. The duty of preventing crimes against private property falls properly within the province of the State, and I question whether the Federal Government should endeavor to assume a part or all of the duty, except in rare instances where its assistance is required by the State. In so far as the protection of private property within the national forests is concerned, there is no State which requires the assistance of the United States Government beyond the extent to which such assistance is now rendered. In the appropriation act of May 23, 1908 (35 Stat., 259), Congress provided that—

"Hereafter officials of the Forest Service designated by the Secretary of Agriculture shall in all ways that are practicable aid in the enforcement of the laws of the States or Territories with regard to stock"
* * *.

Under this law forest officers have been directed to cooperate freely with the local officials in the enforcement of the laws of each of the States and the local regulations promulgated under authority of such laws. The present plan of cooperation has been almost uniformly harmonious and has been productive of excellent results.

The loss of stock by theft within the national forests has been so reduced by the watchfulness and the cooperation of the local forest officers that it is much less than the loss occurring upon the unreserved public lands outside of the boundaries of the national forests, and realizing this fact, the majority of the permittees have not expressed any desire for the further extension of authority now possessed by the forest officers. Naturally there are occasional requests from permittees for protection from losses by theft, but the records of the Forest Office show that upon only one national forest has there been any concerted demand for the more rigid enforcement of State laws by local forest officers. This demand arises within the Modoc National Forest, which is situated in the extreme northern end of the State of California. A number of petitions and communications have been received from permittees within that forest, which expresses the belief that since the Government charges a fee for the grazing of cattle upon the forest lands, it is incumbent upon the Government to protect the cattle from theft during the period that they occupy the forest lands under permit. It is the understanding that the State laws and local regulations effective within the Modoc Forest are fully as adequate to protect the owners of livestock from losses by theft as the laws and regulations effective within the remainder of the national forests. I feel that the present plan of cooperation, which has worked out so satisfactorily upon other national forests, should be equally adequate within the Modoc Forest, and that the present instructions mark the limit to which Federal officers should go in the enforcement of State laws for the protection of private property.

For the reasons given above, I do not favor the passage of the bill.

Very sincerely, yours,

JAMES WILSON, *Secretary*.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GARNER having taken the chair as Speaker pro tempore, a message from the Senate was read, announcing that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 8297. An act to transfer the Pacific Branch of the National Home for Disabled Volunteer Soldiers to the War Department; and

S. 8348. An act waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Minor Meriwether, jr.

The message also announced that the President of the Senate pro tempore (Mr. BACON) had appointed Mr. CLARKE of Arkansas and Mr. BURNHAM members of the Joint Select Committee on the part of the Senate, as provided for in the act of February 10, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of the Interior.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with deep sorrow of the death of Hon. EDMOND H. MADISON, late a Member of the House of Representatives from the State of Kansas.

Resolved, That as a mark of respect to the memory of the deceased, the business of the Senate be suspended in order that proper tribute may be paid his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Resolved, That the Senate expresses its profound sorrow on account of the death of Hon. ALEXANDER C. MITCHELL, late a Member of the House of Representatives from the State of Kansas.

Resolved, That the business of the Senate be now suspended in order that fitting tribute may be paid to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. ROBERT LOVE TAYLOR, late a Senator from the State of Tennessee.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished services.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The message also announced that the Senate had passed the following resolution:

Resolved, That as a further mark of respect to the memory of the deceased Senators, ROBERT LOVE TAYLOR and GEORGE S. DIXON, and deceased Representatives, EDMOND H. MADISON and ALEXANDER C. MITCHELL, the Senate do now adjourn.

AGRICULTURE APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

That the Secretary of Agriculture is hereby directed and required to select, classify, and segregate, as soon as practicable, all lands within the boundaries of national forests that may be opened to settlement and entry under the homestead laws applicable to the national forests, and the sum of $100,000 is hereby appropriated for the purposes aforesaid: *Provided*, That not to exceed $35,000 of this sum may be expended under the direction of the Secretary of Agriculture for the examination, survey, and platting of certain lands now listed or to be listed within national forests chiefly valuable for agriculture and describing such lands by metes and bounds, as required by the act of June 11, 1906 (34 Stat., p. 233), and the act of March 3, 1899 (30 Stat., p. 1095), and hereafter such surveys, and the plats and field notes thereof, shall be made by employees of the Forest Service, to be designated by the United States surveyor general, and such surveys and the plats and field notes thereof shall be approved by the United States surveyor general.

Mr. MARTIN of South Dakota. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by adding, after the word "general," line 20, page 34, the following:

"*Provided further*, That any unexpended balance of an appropriation of $35,000 to be expended under the direction of the Secretary of Agriculture for survey and lease of lands within the forest reserves, chiefly valuable for agriculture, and describing the same by metes and bounds or otherwise, etc., provided by the act of August 10, 1912, entitled 'An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913,' be, and the same is hereby, continued and made available for and during the fiscal year ending June 30, 1914, for the purpose of this appropriation."

Mr. LAMB. I accept that. It is all right.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota [Mr. MARTIN].

The question was taken, and the amendment was agreed to.

Mr. FOWLER. Mr. Chairman, I move to strike out the last word. I desire to ask the gentleman in charge of the bill how long the Secretary of Agriculture has been segregating these national forests?

Mr. MANN. That item, as it stands, appears in the current law for the first time.

Mr. LAMB. It came in the bill last year by conference with the Senate, I think. It was put in by the Senate, and we agreed to it in conference.

Mr. FOWLER. The last bill carried an appropriation of $25,000 for this purpose.

Mr. MANN. Thirty-five thousand dollars.

Mr. FOWLER. No; $25,000.

Mr. LEVER. The gentleman is right. It is $25,000.

Mr. LAMB. While this is apparently a new item, it is the same in amount and substantially the same in language as provided in the current law for the proper execution of the acts of June 11, 1906, and March 3, 1909, and has been combined with this subappropriation for the convenience of administration. The appropriation will give the Forest Service authority to make the first survey when the land is located for the settler, and which, when approved by the surveyor general, will avoid a second survey. The actual increase is only $40,000.

Mr. FOWLER. The bill last year carried an appropriation of $25,000, as is carried after the proviso in this bill. Now, in addition to that, there is $100,000 carried in this bill.

Mr. LAMB. I think the gentleman is mistaken about that.

Mr. FOWLER. For the purpose of segregating, this bill carries $75,000 more than was carried last year.

Mr. MANN. I just explained that. There was an increase for the purpose of carrying out that law. The actual increase is only $40,000.

Mr. FOWLER. The actual increase, as I understand, is $75,000.

Mr. MANN. The proviso takes the place of an omitted item in the bill.

Mr. FOWLER. I do not understand why there should be a larger appropriation this year than was made last year.

Mr. MANN. That is an increase of only $40,000.

Mr. LEVER. The appropriation last year was only $60,000, and we have increased it to $100,000.

Mr. FOWLER. What appears to be the necessity for this additional $40,000?

Mr. LEVER. The department is very anxious, indeed, and I think the people of the country are very anxious, to have these agricultural lands segregated in order that they may be thrown open to homestead entry. Rather than bottling them up in the national forests, we want to make progress in selecting agricultural lands and then opening them up according to law.

Mr. FOWLER. The main object of this appropriaton is to segregate the agricultural land from that which is not subject to agriculture?

Mr. LEVER. Exactly.

Mr. FOWLER. In order to open it up for homestead settlement?

Mr. LEVER. Yes; to homestead entry.

Mr. FOWLER. For those who have no homes?

Mr. LEVER. Yes.

Mr. HAWLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. FOWLER. Yes.

Mr. HAWLEY. The sum inserted in the last year was a tentative sum, and since that time they have been examining the magnitude of the problem, and they have come to the conclusion that it would be more economical to make a large one and have it all done as soon as possible.

Mr. FOWLER. Mr. Chairman, I withdraw my pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For the purchase and maintenance of necessary field, office, and laboratory supplies, instruments, and equipment, $155,000.

Mr. RAKER. I offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California [Mr. RAKER].

The Clerk read as follows:

Add, as a new paragraph, after line 25, page 34:

"For experiments and investigations and determining methods for the ferreting out and prevention of offenses committed against the property of permittees within the national forests, $5,000: *Provided*, That the money hereby appropriated shall be used from the funds collected from the permits granted to permittees within the national forests."

Mr. LAMB. Mr. Chairman, I make the point of order against that.

The CHAIRMAN. The gentleman from Virginia [Mr. LAMB] makes a point of order against the amendment. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

For investigations of methods for wood distillation and for the preservative treatment of timber, for timber testing, and the testing of such woods as may require test to ascertain if they be suitable for making paper, and for other investigations and experiments to promote economy in the use of forest products, $100,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] moves to strike out the last word.

Mr. MANN. This item in the current law carried $170,000. It is reduced in the present bill to $100,000. I appreciate the reasons which actuated the committee in making the reduction; but this item covers the expenditure for the study of wood in the making of paper, particularly print paper, and I am informed that if the item remains at $100,000 it means the abandonment of the laboratory at Wausau, Wis., where the Government has been carrying on these experiments.

In this country we are now in that condition where, being dependent upon the supply of spruce wood for the manufacture of print paper, our supply is decreasing annually, and the manufacturers of paper are going over to Canada and establishing their mills there, where the spruce supply is practically unlimited. We are threatened with a removal by the manufacturers of the print paper mills in this country to the other side of the line.

The laboratory at Wausau, Wis., is doing effective work, and has shown that it is practicable to make news print paper out of other kinds of wood, such as jack pine and other varieties that are adapted to that purpose. They are making interesting experiments, but those experiments are not yet complete.

I desire to read to the committee a letter from Mr. John Norris, who is the chairman of the committee on paper of the American Newspaper Publishers' Association, and who, from his point of view, representing his side, is undoubtedly the best-posted man in the country on the subject. I asked him a short

time ago, after this bill was reported, to investigate this matter and see whether, from the point of view of the publishers of newspapers, they thought it was desirable to continue these experiments, because they have to pay for the paper in the end. I hold in my hand this letter from Mr. Norris:

AMERICAN NEWSPAPER PUBLISHERS ASSOCIATION,
OFFICE OF THE COMMITTEE ON PAPER,
New York, January 24, 1913.

Hon. JAMES R. MANN,
House of Representatives, Washington, D. C.

DEAR MR. MANN: In the matter of Wausau Laboratory, I visited Mr. LAMB, Chairman of the Committee on Agriculture, and Mr. Graves, Chief of the Forestry Service. The expenses of maintaining the Wausau experiments range from $15,000 to $20,000 a year payment by the United States Government. The committee on Agriculture has reduced the lump item for testing purposes from $170,000 to $100,000. The anticipation of the Forestry Service is that, if the appropriation is kept at $100,000, the experimental work at Wausau will be discontinued.

I have received a copy of a report of Mr. Thickens, in charge of the experimental work at Wausau, entitled "Experiments with jack pine and hemlock for mechanical pulp," issued June 11, 1912, in the Forest Products Laboratory series. I have read Mr. Thickens's report carefully and I fail to find much encouragement for a commercial substitute for spruce. However, I expect to visit Wausau next week and will advise you further with respect to that situation.

Yours, truly,

JOHN NORRIS,
Chairman of Committee on Paper.

Then I asked him to go to Wausau, which he proposes to do. He communicated with me again, but I do not have his letter here, urging that these experiments be continued. The question now arising is in the main a question as to color. They find that after their experiments they are able to make cheaper paper out of white pine by the ground-wood process, but the color is off.

They find that after their experiment they are able to make cheap paper out of jack pine by the ground-wood process. But the color is off. I am satisfied that if these experiments can be continued a few years longer we will be able to use a large amount of the soft woods, which are now practically valueless, for the making of the news print paper, instead of in the end being compelled to buy from Canada. I hope that the gentleman will not oppose an amendment which I offer, to make the sum $120,000 instead of $100,000.

The CHAIRMAN. The gentleman from Illinois withdraws the pro forma amendment and offers an amendment, which the Clerk will report:

The Clerk read as follows:

Page 35, line 6, strike out "$100,000" and insert in lieu thereof "$120,000."

Mr. LAMB. Mr. Chairman, to show that the Committee on Agriculture had this matter carefully in hand, when we had Mr. Graves before us I asked him this question on this appropriation of $170,000:

The CHAIRMAN. Right there, Mr. Graves, may I ask this question: This is in great part technical and scientific, and when we have found out how this distillation of Douglas fir and other western fir timber, and so forth, can be done, is there an end to that? Is there not a time when that sort of thing should reach its ultimate result?

Mr. GRAVES. There are such a multitude of problems of the better utilization of the products of our forests that it will be a long time before we have them all solved. We will solve one after another. Take, for instance, the question of the drying of lumber. There is an enormous waste to-day through imperfect drying of lumber, and we have developed a new dry kiln, which through experiments so far is showing a large reduction in that waste. When we have perfected that about all that is necessary for us to do on that particular line of work will have been done; but I could not say that we are going to exhaust the field of things necessary to find out for the best use of what our forests produce.

The CHAIRMAN. Where do you do this work—where is this $170,000 expended?

Mr. GRAVES. The headquarters of this is at Madison, Wis., where the laboratory is established.

The CHAIRMAN. Is the bulk of this money spent right there?

Mr. GRAVES. The bulk of this money is spent there. We have some of the work in Washington, and a representative of the branch is here to assist me in the direction of the work, and then we have men in the field; we have representatives of that branch assisting in our national forest timber sales.

Now, Mr. Chairman, in 1909 these appropriations for general expenses in this department were all in a lump sum and embraced $3,986,000. The appropriation of that year, when the segregation was made for this work, was $129,420. When we increased it the next year to $170,000 I, as ranking member of the minority on that occasion, urged that it should stand as it was and insisted that it should, but it was increased to $170,000. This year there came a recommendation from the department for $170,000. We considered it carefully, and thought, in view of the fact that some of these experiments were purely technical and that an end ought to come at some time, we would reduce the amount; but in view of the fact that the first appropriation was $129,000, and as the gentleman from Illinois seems to have investigated this subject, I am willing to agree to the amendment asked for by the gentleman from Illinois.

Mr. MANN. With the understanding that the $20,000 is for the purpose of continuing these experiments?

Mr. LAMB. Exactly.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

The amendment was agreed to.

The Clerk read as follows.

For experiments and investigations of range conditions within national forests, and of methods for improving the range by reseeding, regulation of grazing, and other means, $20,180.

Mr. RAKER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from California offers an amendment which the Clerk will report.

The Clerk read as follows:

Add after the word "forests," in line 8, page 35, the following: "Experiments and investigations and determining methods for the ferreting out and prevention of offenses committed against the property of permittees within the national forests."

Mr. LAMB. I make a point of order on that amendment.

Mr. RAKER. I desire to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from California.

Mr. RAKER. After reading the provision you will notice that the matter beginning in line 7 relates to general range conditions. It is—

For experiments and investigations of range conditions.

That is general.

To direct the officers to do certain things would be germane under that section. Again, "the regulation of grazing is in that section and other means." The object of the amendment is to specify what some of those other means are relative to the range conditions in a national forest. I believe, without going into the merits of the amendment, that the amendment is not subject to a point of order under this particular paragraph.

Mr. LEVER. Mr. Chairman, not having examined the amendment closely, but from listening to it, I think it must be apparent to the Chair that it is new legislation. It seems to me that the gentleman is trying to write a criminal statute into this bill, and I think it is clearly subject to a point of order.

Mr. RAKER. Mr. Chairman, it is as far from being a criminal statute as any language can be. The forest supervisor has control of the ranges. He is making an investigation and experiment as to the conditions, as to the regulation of grazing and other means; and I call your attention to the fact that if a man is within the forest reserve with stock for which he has no permit, whether he is only driving them across or not, one of the duties is or ought to be, relating to the condition of that range, to try and find out what that man is doing. The only purpose of this amendment is to have a supervisor of the rangers report these men that are using the range without permission. Here is an extent of territory 40 miles square. They have control of it. These rangers know who have permits on that range, and if they see a strange man, with cattle or horses 10 or 15 or 20 in number, they ought to report to the Forest Service. They do not report, saying it is none of their business, as a letter from the Secretary of Agriculture will show. They do not report because they are afraid of the men that are driving the cattle there.

When they come into the supervisors to make their report, and in turn for the supervisor to report to the legal authorities, these men should be directed to report to the supervisor. These permittees have been complaining, and they have a right to complain. They have been paying their money; they are willing and ready to pay it, but they believe the officers of the range ought to make the report; but, as I say, the reason that they do not make it is because they are afraid of the fellows on the range. That is all we ask.

Mr. LEVER. Mr. Chairman, without discussing the merits of the proposition, I desire to call the Chair's attention to the language of the bill:

For experiments and investigations of range conditions within national forests, and of methods for improving the range by reseeding, regulation of grazing, and other means.

It seems to me that the latter part of the item sets out very clearly what is intended to be done, and certainly the amendment of the gentleman from California is a change of the item to such an extent as to make it subject to a point of order as new legislation.

Mr. MONDELL. Mr. Chairman, it seems to me that the gentleman from California has shown that he has forestry officers that ought to be discharged.

Mr. RAKER. Not at all.

Mr. MONDELL. The legislation that he proposes is clearly new, radical, and revolutionary and would not necessarily cure the condition that he has in mind. The reading of the amend-

ment as I caught it would authorize the Agricultural Department to ferret out any sort of offense committed against permittees. As the gentleman from South Carolina has well said, they are proposing to enact a criminal statute or to give authority to investigate any sort of a crime or misdemeanor occurring on forest reserves provided it is perpetrated against permittees.

Mr. RAKER. Will the gentleman yield? I know the gentleman wants to be fair. This amendment relates to the property of the permittee and for which he has a permit.

Mr. MONDELL. It is certainly new legislation, and places the Forestry Service officials under obligation to pursue a man who might commit a larceny of the property of the permittee, where some one might steal his sheep dog or drive off a calf. It provides that the forestry officers shall ferret out all offenses against the property of the permittee. A man might set fire to his house and, under the amendment, the forestry officers would be compelled to find out who committed the crime. It would not only be new legislation but unwise legislation. The protection which the gentleman desires permittees to have, they now have. I have had some little experience in forestry matters, and this is the first time I ever heard it suggested that the Forestry Service did not protect the permittee in use of the range. The complaint usually is that they are a little bit too drastic in their operations in protecting him against those unauthorized on the reserve.

The CHAIRMAN. The Chair is ready to rule. This amendment by the gentleman from California [Mr. RAKER] is to authorize a portion of the appropriation contained in this paragraph to be used for the purpose of—

ferreting out and prevention of offenses committed against the property of permittees within the national forests.

It appears to the Chair that it is certainly not authorized by any existing law and will be entirely new legislation, and in addition to that would not be germane to this particular paragraph. The Chair therefore sustains the point of order.

The Clerk read as follows:

For the purchase of tree seed, cones, and nursery stock, for seeding and tree planting within national forests, and for experiments and investigations necessary for such seeding and tree planting, $165,640: *Provided*, That the Secretary of Agriculture may procure such seed, cones, and nursery stock by open purchase without advertisements for proposals, whenever in his discretion such method is most economical and in the public interest, and when the cost thereof will not exceed $500.

Mr. RAKER. Mr. Chairman, I move to strike out the last word. Has the chairman any statement in the hearings where they have planted any of these seed in California?

Mr. LAMB. Mr. Chairman, I think not. I will tell the gentleman directly. It is the same amount that was carried last year.

Mr. RAKER. Where were they planted? Does the report show?

Mr. LAMB. They cover about 30,000 acres a year.

Mr. RAKER. Where?

Mr. LAMB. In the different forests. I do not know that the report shows where.

Mr. RAKER. I am very much interested in the conservation of these barren hills. I have been going over a good deal of the Western States, and some of my friends have asked me if I could not send them the information where these trees were planted. I thought I would be able to get the information here, so that they would know that their money was being properly expended.

Mr. LEVER. Mr. Chairman, I do not know that I can tell the gentleman just where this replanting is going on, but this appropriation is primarily for the reforestation of denuded lands in the national forests. It furnishes a large part of the cost of maintaining 31 nurseries and collecting and purchasing 75,000 pounds of tree seed and planting from 20 to 30 acres annually.

Mr. RAKER. Then, presumably, for the present they are using the larger part in getting the nurseries in shape so they can set the trees out later.

Mr. LEVER. That is true, and they are reforesting the denuded lands.

The Clerk read as follows:

For silvicultural, dendrological, and other experiments and investigations independently or in cooperation with other branches of the Federal Government, with States, and with individuals, to determine the best methods for the conservative management of forests and forest lands, $83,728.

Mr. RUCKER of Colorado. Mr. Chairman, I move to strike out the figures "$83,728" and insert in lieu thereof "$100,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 35, line 24, by striking out "$83,728" and inserting "$100,000."

Mr. LAMB. Mr. Chairman, this is the same appropriation as we carried last year, the same wording, and the same amount asked for by the department.

Mr. RUCKER of Colorado. Mr. Chairman, I want to say to the chairman that that sum is not sufficient. For illustration, in Colorado it cost $300,000 last year to administer the forest reserves. They obtained from the grazing privilege and sale of timber only $210,000, or $90,000 short of expenses. Therefore, we ought to have an additional appropriation in order to make our State even up with the others on the matter of expenditure. I was in doubt whether to ask for a decrease or an increase, but as soon as I ran across the figures that we are running behind $90,000 a year in Colorado alone, to say nothing about the other States, I hoped to awaken sympathy on the part of this House against this forest reserve policy. We, in Colorado, believe that not a tree should be removed from our forests. They are necessary for the proper conservation of our water supply. Our trees only grow three months in the year and only six hours in a day. I will ask in this connection to have printed in the RECORD an article from the Rocky Mountain News, printed a few days ago on this identical subject, and which gives the official figures. In the same connection, as long as I see that the news zephyrs are ladened with a conservatism concerning this conservation policy coming eastward from the West, I desire to put in the RECORD an editorial from the Washington Post of this morning.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The newspaper clippings referred to are as follows:

FIGHT LAUNCHED ON LAND POLICY—AMMONS LEADS PROTEST AGAINST ORDER TO CHARGE HOMESTEADERS FOR RESERVE TIMBER—COMMERCIAL BODIES TO AID—ORGANIZATIONS THROUGHOUT STATE ARE ASKED TO OPPOSE PINCHOT CONSERVATION SYSTEM.

Gov. Ammons and several anti-Pinchot conservation policy advocates decided yesterday to urge every commercial body in the State to get into the fight against the order of the Forestry Department to charge homesteaders for timber from the forestry reserves.

The order says that settlers will be charged for timber just enough to cover the cost of supervision, but is taken by Coloradoans opposed to the Pinchot policy to mean that settlers necessarily must pay more for such timber than the market prices for lumber in cities and towns with transportation facilities.

"The forestry department makes a virtue of every necessity; and it has never granted a single concession except at the end of a fight," declared Gov. Ammons in a meeting in the capitol yesterday.

The Government's figures show that under the old order the cost of supervision in Colorado in the last fiscal year ran more than $300,000, while the income from the sale of timber and leasing of forest lands was only $210,000. Homesteaders under the new order, it is declared, will be expected to make up such deficits. Originally settlers were given a certain amount of timber gratis; later the permit system was adopted, granting each settler $20 worth of timber.

Commercial bodies throughout the State will be urged to back up the victory gained by Ammons and his associates after years of fighting in forcing the Government to throw open for settlement 85,000 acres of land in the White River Reserve.

The releasing of this land, it is declared, indicates that some factor, probably the election of Wilson, has caused the Forestry Department to recognize the West's viewpoint on conservation.

—

THE CONSERVATION QUESTION.

No appointment that President-elect Wilson can make will be more vital to the interests of the United States than the selection of a Secretary of the Interior. The people of the country who have watched the departure of so-called conservationists from the true conservation doctrine, which certainly is not confiscation, will await with interest the first announcement from Mr. Wilson as to the policy he will pursue with reference to the development of the Nation's natural resources.

There has grown up in recent years a bureaucratic sentiment in Washington which has been working gradually toward the complete destruction of the old Democratic theory of State's rights, and it will be interesting to see whether Mr. Wilson shall lend moral support to this movement. In New Jersey he has not hesitated to grapple with problems which should be handled by a governor and not by the President of the United States, and it will be strange indeed if he should change his program when he comes to Washington. As governor he has not tried to interfere with national functions. By the same token it is probable that he will impress upon his supporters when he comes to Washington that there should be no interference by the Federal Government in matters which are within the jurisdiction of the States.

The effect of the bureaucratic proclivities which have been manifest within recent years would be to seize all the State and private rights in the waterways of this country by confiscating the property of the riparian owners and usurping the rights of the States. All the power rightfully exercised by the Federal Government was conferred by the States. The States did not endow the Federal Government with control of streams, except as to navigation.

The theory of the "conservationists" is that the natural resources are being preserved for posterity. The practical result, however, is simply stagnation. The Government itself will not build dams and sell the power because of the expense, and if it will not permit private capital to do the work, progress will be at an end.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado.

The amendment was rejected.

The Clerk read as follows:

For market and other miscellaneous forest investigations, and for collating, digesting, recording, illustrating, and distributing the results of the experiments and investigations herein provided for, $40,160.

Mr. SHERLEY. Mr. Chairman, I move to strike out the last word. I desire to ask the gentleman why there is an increase in this item of nearly $9,000 over that of last year?

Mr. LAMB. The increase of $8,800 has been made to cover the expense of temporary draftsmen in preparing maps and atlas sheets, the result of grazing recognizance and additional map work incident to the acquisition of lands under act of March 1, 1911.

Mr. SHERLEY. That does not tell us very much. Last year they had $31,000. How much of this was expended for map work? What were the balances?

Mr. LEVER. Mr. Chairman, under the old appropriation of *$40,160*, which the committee reduced in the current law, they spent for information, $3,620; for publication, $9,300; for forest atlas, $27,240; making a total of $40,160. That was the law when we took charge of it last year, and we reduced it last year by the difference between $40,000 and $31,000.

Mr. SHERLEY. Does it cost three times as much to make it available as it does to get the information that they obtained under this item?

Mr. LEVER. Well, a good deal of the cost here, of course, is making the forest atlas.

Mr. SHERLEY. I understand; but your first item was that they spent $3,000 in getting the information and $9,000 in making it available.

Mr. LEVER. The making up of the forest atlas would come, necessarily, from the information obtained under this item and under all the items of the Forest Service.

Mr. SHERLEY. I understand that; but that is not what the gentleman stated. The gentleman segregated the item of $40,000 into three classes—$3,000 was for getting the information, $9,000 for making that information available, and the balance was for the atlas.

Mr. LAMB. Here is what Mr. Graves said:

This $40,000 appropriation is, in the first place, for working at the investigations in the office. It provides for the Forest Atlas and it pays for the preparation of maps, photographic work connected with it, and the drafting. This particular item in this appropriation is estimated at $27,240 of the entire $40,000.

Mr. SHERLEY. Last year you cut it $9,000, practically. This year you give it back to them. Now, if you ought to have cut it last year, why should you increase it this year?

Mr. LAMB. Because of the increase of the work; that is what they tell us.

Mr. SHERLEY. How will they make out with their appropriation this year? Are they going to have any deficit?

Mr. LAMB. Well, I do not know whether they will or not.

Mr. LEVER. We think not.

Mr. SHERLEY. Then why increase it?

Mr. LEVER. The gentleman himself, I think, in his own bill made some increases, perhaps, over the current law; did he or did he not?

Mr. SHERLEY. Sometimes, and I sometimes try to give a reason for it. I do not know whether this is a right increase or not, and that is what I am trying to get at.

Mr. LAMB. They have increased the domain of the forest reserves, and on account of the administration of it they are urging that very strongly as a justification for a slight increase.

Mr. SHERLEY. If it is a complete one, there is no need of having anything to do except to pass their estimate.

Mr. LAMB. I will make this observation in passing: A good deal of this will be employed in connection with the eastern portion, where we are buying new forests all the time.

Mr. SHERLEY. My experience has been that the increases that they most strongly urge are increases connected with publication and office work.

Mr. LAMB. We are buying new farms and have to map them. The gentleman from Oregon is on the committee, and perhaps he can give some information.

Mr. HAWLEY. I remember in the testimony before the committee the Forester said there was a congested condition of the work; that he had not been able to keep up with the office work with the amount of the appropriation they had. There is a congestion in the office, and they ask an additional appropriation that they may work up that congested material.

Mr. SHERLEY. What I did not understand is how, if they are in such a congested state in the office, this very wise committee last year should have cut the appropriation $9,000, and you now propose to increase it.

Mr. LAMB. Because we have I do not know how many thousand acres of new land.

Mr. HAWLEY. Several hundred thousand.

Mr. SHERLEY. Mr. Chairman, I move to strike out "$40,160" and to substitute "$31,360."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 36, line 4, by striking out "$40,160" and inserting "$31,360."

Mr. RODDENBERY. Mr. Chairman, I desire to be heard against the amendment.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. RODDENBERY. Mr. Chairman and gentlemen, this paragraph to which the gentleman from Kentucky [Mr. SHERLEY] offers an amendment is a general paragraph for miscellaneous forest investigation, and on the preceding page we have passed a paragraph for special study and ascertainment of woods that are suitable for making paper. I examined some months ago with a little care several volumes on woodpulp and print-paper investigation, which were published when the Payne bill was under consideration, and to which the gentleman from Illinois [Mr. MANN] gave so much attention. In examining those reports, it showed that the forests of New England and of the West had been looked to for furnishing sufficient wood for print paper. I am heartily in accord with the committee touching the first paragraph, and I think there should be no decrease in this item. I think a careful investigation of the forests of the Northeast and Northwest was very opportune, but I doubt if the department has gone far enough in the southern timber range in its investigation for woods adapted for manufacture of wood pulp for high-grade paper. The bay, the poplar, the pine, are by reason of climatic conditions more tense in their tissue, more compact and strong in their fiber in the higher latitudes. As you go to the forests of southern Louisiana, southern Alabama, southern Georgia, southern Mississippi, and northern Florida, you find the bay, the poplar, and the black pine, the latter as contradistinguished from the yellow, long-leaf pine, which is a resinous pine. They are of soft texture, porous, and coarse in fiber. The tops and butt ends are thrown away in sawmill manufacture, and if this department of the Government would investigate, they would, I apprehend, ascertain that millions of feet of wood are being destroyed that would occupy the same place now as the wood that we go to Canada to obtain. Vast forests of it now grow in that area. I know they have made some investigations, but they have never, with sufficient persistence, gone there, and, on the ground, in elaborate way, tested the various types and forms of these woods. This is directed not so much to this committee as to the appropriate department of the Government charged with expending wisely these appropriations.

Mr. CAMPBELL. Will the gentleman yield?

Mr. RODDENBERY. I yield.

Mr. CAMPBELL. The gentleman spoke of much timber that is being wasted in certain States which I have heretofore regarded as States in which the people thought they could manage their own affairs very well. Does the gentleman think the Government ought to go down there and tell them how to prepare the timber they are wasting?

Mr. RODDENBERY. No, sir. I was suggesting that the department might do in the southern forests what the reports on these various appropriations show they have done in New England and in the Northwest. I want to be distinctly understood as ratifying and thoroughly approving precisely what they have done in New England and precisely what they have done in the Northwest. And it was with no purpose to undertake to make the impression that any section had by design or intentional discrimination been neglected, but I think perhaps it is because the conditions have not been brought to the department's attention.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, in order that the committee may get the right viewpoint, I would like to read from the hearings on page 52, as follows:

This $40,000 appropriation is, in the first place, for working at investigations in the office. It provides for our forest atlas. It pays for the preparation of maps, the photographic work connected with that, and the drafting. That is the principal item in this appropriation, estimated at $27,240 of the entire $40,000. All of Mr. Plummer's statistical work in the compilation and maintenance of our statistics and maps comes under this item. We are asking for an increase of that, because the examination of these eastern forests involves a great deal of additional map work. We are concentrating our map work as far as we can in the head offices rather than having it done in the field, because we have got the machinery for it, and this procedure is a great deal more economical, and the extra map work due with the new purchases of land is adding an additional burden, and we did not have money enough—we will not have money enough for next year's work under the present appropriation.

Now, then, that we may not get our appropriations mixed, the statement of Mr. Graves before the committee is to the effect that on account of the fact that we have brought under

control under the Weeks law about 340,000 acres of additional land which must be mapped this increase is asked; and that is all there is to it. I hope the amendment of the gentleman from Kentucky [Mr. SHERLEY] will be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. SHERLEY].

Mr. MANN. Mr. Chairman, just a word. I am always interested in anything that my distinguished friend from Georgia [Mr. RODDENBERY] says, and hence I desire to help correct him as to his viewpoint on the subject of manufacture of paper.

The woods which grow in the South are not in the main adapted to the manufacture of ground wood pulp, which is the article used to produce news print paper or cheap book paper, such as schoolbook paper. But there is a large amount of wood in the South which is now used for the manufacture of what is called chemical pulp or soda pulp, used in the manufacture of book paper, and the hardwoods nowhere can be used for the manufacture of ground wood. It is a process of tearing the fiber apart on a grindstone. Very few woods except the spruce are easily adapted to it, although they are trying to find methods by using different speeds and different roughness and different processes to utilize other kinds of softwood for the same purpose.

This laboratory that the gentleman refers to at Wausau, Wis., was located there, by the way, because the department secured the cooperation of the manufacturers of ground wood, who paid most of the expense, and the benefits are extended to anybody who wants to avail of them. There is much wood that goes to waste, and on the other hand there is much wood now in the way of tops and branches used in the manufacture of soda pulp. But that is an expensive paper compared with that made from the ground wood, from which you make the news print paper.

Mr. SHERLEY. Mr. Chairman, it is evident that very little of this $40,000 is expended for investigation. Only about $3,000 of it is expended for that. A year ago this committee, the Committee on Agriculture, of its own initiative, evidently considered that the tendency that we find prevalent in all the departments—that of adding to the office force in Washington and having as much money spent here as possible, instead of in the field—had been in operation in connection with this item, and accordingly they reduced the item themselves. This year, however, without any reason to show that the money was not sufficient which they on their own judgment last year said would be sufficient, they come back and return the old sum. Their economy was of short life; it does not seem to have lasted very long.

Now, so much of the speech of the gentleman from Georgia [Mr. RODDENBERY] as relates to this item may be answered by saying that only $3,000 of this has been used for experimental purposes. There is no reason why the previous amount which we have increased should not be used in the South as in the East or in the West. But why this item should be increased for the purpose of simply adding to the clerical force here in Washington in this connection I do not see.

Mr. LAMB. Mr. Chairman, it seems evident that the gentleman from Kentucky [Mr. SHERLEY] has failed to understand the explanation that has been given, although the explanation of Mr. Graves has been read twice, first by myself and then by the gentleman from South Carolina [Mr. LEVER], giving his reasons, which were that the purchase of lands under the Appalachian bill necessitated the making of these maps.

Mr. SHERLEY. Were not most of these additional lands purchased last year?

Mr. LAMB. No. The purchases have been made since then.

Mr. SHERLEY. What authority has the gentleman for that statement?

Mr. LAMB. I know from a man in my own town, a lawyer, who examines these titles, and the land was bought after the titles were perfected, and much of it purchased recently.

Mr. LEVER. Forty thousand acres were bought in the last few weeks.

Mr. SHERLEY. It has all been surveyed, so as to need to be mapped now?

Mr. LEVER. Yes; it has been surveyed so as to be mapped out of this fund.

Mr. LEE of Georgia. Mr. Chairman, if the gentleman will permit, I want to make a statement as to the purchases that have been made, so that the gentleman from Kentucky [Mr. SHERLEY] will understand.

Mr. SHERLEY. I understand the purchases, but not a word has been said that shows the necessity for more money for map purposes. Statements such as that which the gentleman has made are made before our committee repeatedly. There is not an item involving clerical force which the department officials do not support by saying that they are going to have additional work and therefore will require additional clerical force. It never seems to dawn on them that there is a necessity for actually doing more work.

Mr. LEE of Georgia. Here is a summary of work that has been done under the Weeks law by the Forest Service:

Summary of work under Weeks law by Forest Service.

1. Total area offered (Dec. 1, 1912), 2,796,919 acres.
2. Total area examined (Dec. 1, 1912), 1,137,821 acres.
3. Total area approved by N. F. R. C. (Feb. 1, 1913), 346,533 acres.
4. Location of tracts approved for purchase:

Name of area.	State.	Watershed.	Acres.	Average price per acre.
Georgia	Georgia	Tennessee	31,876	$7.00
Massanutten	Virginia	Potomac	19,322	1.24
Mount Mitchell	North Carolina	Catawba	26,170	5.27
Nantahala	do	Tennessee	27,815	9.32
Natural Bridge	Virginia	James	24,900	6.80
Savannah	Georgia and South Carolina.	Savannah	44,757	6.38
Smoky Mountain	Tennessee	Tennessee	59,213	4.31
White Mountains	New Hampshire	Androscoggin, Connecticut, Merrimac, Saco	81,352	6.07
White Top	Tennessee and Virginia.	Tennessee and Kanawha	36,917	3.95
Average			352,322	5.66

5. Total amount needed to purchase lands approved by N. F. R. C., $1,994,939.68.
6. Total force, 97.
   (a) Washington, 7.
   (b) Field, 90.
7. Total cost fiscal year 1912:
   (a) Forest Service fund, $8,858.00.
   (b) Weeks law fund, $81,628.19.
   Total, $90,486.79.

Mr. SHERLEY. How much of that has been surveyed?

Mr. LEE of Georgia. More than a million acres have been surveyed.

Mr. SHERLEY. Then, why did you gentlemen cut the fund so much last year?

Mr. LAMB. I will say to the gentleman that last year we pared it down to the very bone; perhaps too much.

Mr. LEE of Georgia. More than a million acres have been surveyed.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky [Mr. SHERLEY].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For the construction and maintenance of roads, trails, bridges, fire lanes, telephone lines, cabins, fences, and other improvements necessary for the proper and economical administration, protection, and development of the national forests, $400,000: *Provided*, That hereafter the Secretary of Agriculture, whenever he may deem it necessary for the protection of the national forests from fire, may permit the use of timber free of charge for the construction of telephone lines: *Provided further*, That no part of the money herein appropriated shall be used to pay the transportation or traveling expenses of any forest officer or agent except he be traveling on business directly connected with the Forest Service and in furtherance of the works, aims, and objects specified and authorized in and by this appropriation: *And provided also*, That no part of this appropriation shall be paid or used for the purpose of paying for, in whole or in part, the preparation or publication of any newspaper or magazine article, but this shall not prevent the giving out to all persons without discrimination, including newspaper and magazine writers and publishers, of any facts or official information of value to the public.

Mr. FOWLER. Mr. Chairman, I reserve a point of order against the paragraph. I desire to know why it is that $400,000 is annually appropriated here for building these roads, trails, and telephone lines? Does it take that amount of money to keep them up?

Mr. LAMB. We have been carrying that appropriation every year. It assists in the prevention of forest fires and conserves the property.

Mr. FOWLER. When will you get done building roads in these forests?

Mr. LAMB. About the time that Gabriel blows his trumpet.

Mr. FOWLER. You are going to ask for $400,000 annually until that time, are you?

Mr. LAMB. I rather think so—as long as the forests remain or until the roads are built. Then you must maintain them. Some people appear to forget this maintenance feature entirely.

Mr. HAWLEY. Will the gentleman yield to me?

Mr. FOWLER. Yes.

Mr. HAWLEY. In the State of Oregon there is one forest that has over 3,000,000 acres in it. It comprises the backbone of the Cascade Mountains. It is a vast area, and has a great deal of ripe timber in it. Roads and trails have never

been built in there since the Indians left the country, except in scattered portions of it.

Mr. FOWLER. Is that a new forest?

Mr. HAWLEY. It was created several years ago, I think.

Mr. FOWLER. And no roads have been built there yet?

Mr. HAWLEY. Only just in the outer edges of it.

Mr. FOWLER. How have they protected it from fire so far?

Mr. HAWLEY. They have not protected it from fire.

Mr. FOWLER. Has much timber been destroyed there?

Mr. HAWLEY. In the year 1911 there were several hundreds of millions of feet of timber destroyed in the State of Oregon by fire.

Mr. FOWLER. In this forest?

Mr. HAWLEY. Part of it in this forest. They are extending the roads and trails as fast as they can every year along the main lines of the mountains, so that they can rush in men and supplies whenever a fire breaks out, so as to subdue the fire at the earliest possible moment.

Mr. FOWLER. Do you think it will take $400,000 annually to keep up these roads?

Mr. HAWLEY. It may for a time. I think in time they will have the roads and trails constructed.

Mr. LAMB. Oh, no; it will take an appropriation to maintain them.

Mr. HAWLEY. The forest reserves of the United States are of immense area. There are 16,000,000 acres in the State of Oregon alone.

Mr. FOWLER. Can you give us any idea as to how long you are going to require an annual appropriation of $400,000?

Mr. MANN. Long after you are dead.

Mr. HAWLEY. I do not know how long.

Mr. FOSTER. As long as you stay here at least.

Mr. HAWLEY. I am not specially interested in this item. I am simply stating facts that I have observed.

Mr. FOWLER. How much of the $400,000 appropriated last year was spent for this purpose?

Mr. HAWLEY. I suppose it has not all been exhausted yet, because the limit of time has not yet expired, but practically all will be expended.

Mr. FOWLER. How long have you been appropriating $400,000 annually?

Mr. HAWLEY. The appropriation was about that amount when I came on the committee, as I now recall.

Mr. FOWLER. Has it been increasing?

Mr. LAMB. I can say to the gentleman that according to the best calculation I can make these forests in about five or six years will become self-sustaining. When the railroads get into this timberland we will then receive as much from the forests as this bill amounts to, and then the gentleman will have no objection to the appropriation.

The CHAIRMAN. Does the gentleman from Illinois make the point of order?

Mr. FOWLER. I am trying to find out whether it is necessary to make this appropriation. If it is, I do not want to make a point of order against it.

The CHAIRMAN. The Chair is prepared to rule.

Mr. FOWLER. It is subject to a point of order.

The CHAIRMAN (Mr. BEALL of Texas). If the paragraph did not contain this language, beginning on line 9, page 36—

Provided, That hereafter the Secretary of Agriculture, whenever he may deem it necessary for the protection of the national forests from fire, may permit the use of timber free of charge for the construction of telephone lines—

the Chair would overrule the point of order.

Mr. FOWLER. It would not then be subject to the point of order.

The CHAIRMAN. In the opinion of the Chair, that is new legislation, and the point of order being directed against the whole paragraph, it is subject to the point of order.

Mr. LEVER. I hope the gentleman will permit an explanation as to why this $400,000 is necessary.

Mr. FOWLER. That is what I am after. My point of order is reserved against the paragraph for the purpose of getting information as to the necessity of appropriating $400,000 annually for the purposes contained in this paragraph.

Now, the part of the paragraph that is subject to a point of order the Chair has pointed out. I understand, Mr. Chairman, that the Government now uses Government timber for the purpose of constructing telephone lines, and that part of this paragraph does not give any additional advantage, because for the Government to pay for its own timber is like taking the money out of one pocket and putting it into the other.

Mr. HAWLEY. The gentleman is in error.

Mr. FOWLER. Under the circumstances, Mr. Chairman, I do not desire to press the point of order, because I am not familiar enough with the demand for this $400,000. Were I familiar enough with it to know that it was not necessary, as I do believe, I might insist on the point of order, but I do not feel that I ought to take the responsibility to cut out that part of the appropriation, and therefore I withdraw the point of order.

Mr. FOSTER. Mr. Chairman, I renew the point of order as to the word "hereafter."

The CHAIRMAN. The point of order is sustained.

Mr. LEVER. Then, Mr. Chairman, I offer the following amendment: On line 9, page 36, insert, after the word "*Provided*," the words "That the Secretary of Agriculture, whenever he may deem it necessary for the protection of the national forest from fire, may permit the use of timber free of charge for the construction of telephone lines."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 36, line 9, by inserting, after the word "*Provided*," the words "That hereafter the Secretary of Agriculture, whenever he may deem it necessary for the protection of the national forests from fire, may permit the use of timber free of charge for the construction of telephone lines."

Mr. FOSTER. I reserve a point of order to that.

Mr. HAWLEY. I think I can satisfy the gentleman who made the point of order with this explanation: All through the forests there are settlers who have built telephone lines from the outside. The shortest way frequently to get a line into settlers' homes is across the forest land. If they have to carry the poles from their own land to the forest land, it is going to cost a great deal of money and a great deal of labor. In every instance the settlers allow the Forestry Service not only to use their own lines and the telephones in their houses, but to connect with their private lines and extend them farther into the mountains. The Forestry Service really gets the service of these telephone lines without cost and the settlers maintain the lines. In exchange the settlers are to get this small amount of timber necessary to make the poles. I think it is a great benefit to the Forestry Service to have that provision.

Mr. MANN. Under this provision the Secretary might grant free poles to any telephone company in that part of the country.

Mr. HAWLEY. He might.

Mr. MANN. He would be asked to, would he not?

Mr. LAMB. He would not do it, save to conserve the best interest of the forest.

Mr. MANN. I think I would, if I was Secretary of Agriculture, because communication all through that country is desirable, as far as fighting fire is concerned. It is desirable to have communication 100 miles, perhaps. Does not the gentleman think there ought to be some limitation on the value of these poles?

Mr. LAMB. It is limited to the forest reserves.

Mr. MANN. It is not limited in its language to the use of telephone poles inside of the forest reserves.

Mr. LAMB. In some cases these forest reserves cover a third of the whole State. The provision gives the Secretary authority to dispose of the timber needed for these poles in the interest of the forests.

Mr. MANN. Then it would lap over into the adjoining State.

Mr. HAWLEY. The purpose of this is to furnish poles only when the system is carried across the forest land or lands intervening between forest lands; to allow them to cut down suitable trees as they go along to make poles to attach the wires to.

Mr. MANN. Then it is poorly expressed, because this is what it says:

May permit the use of timber free of charge for the construction of telephone lines—

not in the forest reserve, but anywhere when he may deem it necessary for the protection of the national forests from fire. Now, it is very essential, in the opinion of many forest supervisors, to communicate with people all about the country in a time of fire. Do I understand it is the purpose to furnish poles for everybody who wants to build a line in that part of the country?

Mr. MARTIN of South Dakota. The gentleman has not overlooked the qualification that whenever the Secretary may deem it necessary for the protection of forests from fire.

Mr. MANN. But this communication with adjoining towns is desirable.

Mr. MARTIN of South Dakota. Then it is only when it is necessary.

Mr. LEVER. And necessary for a certain purpose.

Mr. MONDELL. Mr. Chairman, is it the gentleman's opinion that the right to furnish these poles should be limited to cases where the lines are to be built on forest reserves?

Mr. LAMB. That is what I think.

Mr. MONDELL. Then the committee should add to their amendment the words "on forest reserves" at the end of the amendment. That would make it clear.

Mr. MANN. That would be all right, if that would be done.

Mr. RAKER. The gentleman certainly would not want to put that limitation on. There are many places where forests are served, where at different places the line crosses public lands and public roads that are not in the reserve, and certainly this is a wise and just provision, where they construct those local telephone lines. They are used whenever the Government wants them for the purpose of assisting in fighting fire by calling in men. You certainly ought to give us the right to cut the poles and use them for building such lines.

Mr. HAWLEY. I do not think there will be multiplication of telephone lines. All the settlers will get will be a few poles of no special value as they stand in the forest, and they will have to furnish the wire and the insulators and all the instruments, and do all the work, and the Government gets the advantage of that.

Mr. RAKER. Is not every line that is put up an addition and an advantage to the Government?

Mr. HAWLEY. Yes.

Mr. LAMB. The Government gets the protection of the national forests by the use of these telephone lines, put from one forest to another by these private companies.

Mr. HAWLEY. Yes. Out in the forest in Oregon I have made some investigation. Settlers will carry the lines many miles into the mountains and then the Forest Service attaches to the nearest line and carries it back to their lookout stations or cabins.

Mr. FOSTER. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. The gentleman from Illinois very properly asked why we need $400,000 for the building of roads, trails, bridges, fire lanes, telephone lines, cabins, fences, and other necessary improvements on the forest reserves. I should offer an amendment increasing this item $100,000 if I thought there was any possibility of securing the increase. Gentlemen will recall that the forest reserves of the United States are an area a little over five times the size of the great State of Illinois. I refer now to the forest reserves in continental United States, exclusive of Alaska. They are largely rough, broken, mountainous country. The protection of the timber from fire requires the cutting of fire lanes, and the great loss referred to a moment ago in Oregon, Idaho, and Washington two years ago was largely due to the fact that there were no fire lanes or that they were infrequent. In addition to that, telephone, trail, and road communications through the reserves is essential, not only to the utilization of the reserves themselves but for the benefit and comfort of the people who live in the locality, who must travel across the reserves. It is necessary to build cabins for the forest rangers, and it is necessary to fence their little pastures. It is necessary to do a thousand and one things to make these reserves available for use; and when you consider that you are covering a territory of 165,000,000 acres, which is over five times the area of Illinois, if I recollect the area of that imperial Commonwealth, and that it is a new country, mountainous, that it has many rivers, canyons, and heavy timber, the amount carried is altogether too small. It ought to be a million dollars.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. MANN. The gentleman does not pretend that this $400,000 is all that is carried in the bill for that purpose?

Mr. MONDELL. Nearly all.

Mr. MANN. Oh, no.

Mr. MONDELL. There is another little item of 10 per cent.

Mr. MANN. A very large item.

Mr. MONDELL. It is not a very large item. That item is not as large as it ought to be, and the Forest Service could economically use annually a million dollars for the next five years and still not build all of the roads and trails and not cut all of the fire lanes that ought to be built and cut. If we had made this appropriation larger four or five years ago we might have saved a loss of millions of dollars in forest fires two years ago. It is true that this last year we have had a very favorable season. The rains have fallen and it has been possible to protect the forests, but when we have another like the season of two years ago we are likely to again discover what poor economy it was not to appropriate more than we do for these purposes. I do not complain of the committee—the committee has given all that the department asked. The department has been altogether too modest. The department does not realize the necessity of the situation from the standpoint of fire lanes and of means of communication.

Mr. LAMB. If the gentleman was on the committee he would not think the department was modest.

Mr. MONDELL. They were not so modest in some other matters. They did very well in the matter of investigating the boll weevil and cattle tick and some other things that trouble the brethren in the sunny South, but we are glad that they take a broad view of their duties and responsibilities in those things, and we only regret they do not take as broad a view of their duties and responsibilities touching these great areas of reserve, which do contain, as I said a moment ago, some very valuable timber.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

That an additional 10 per cent of all moneys received from the national forests during the fiscal year ending June 30, 1913, shall be available at the end thereof, to be expended by the Secretary of Agriculture for the construction and maintenance of roads and trails within the national forests in the States from which such proceeds are derived; but the Secretary of Agriculture may, whenever practicable in the construction and maintenance of such roads, secure the cooperation or aid of the proper State or Territorial authorities in the furtherance of any system of highways of which such roads may be made a part.

In all, for general expenses, $3,110,299.

Mr. RAKER. Mr. Chairman, I move to amend by striking out, in line 1, page 37, the word "ten" and inserting in lieu thereof the word "twenty-five," so that it will read "an additional 25 per cent."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 37, line 1, by striking out "ten" and inserting "twenty-five."

Mr. LEVER. Mr. Chairman, I make the point of order against that that it is a change of existing law.

The CHAIRMAN. The Chair would like to ask the gentleman from South Carolina, What is the existing law on the subject?

Mr. LEVER. Mr. Chairman, in the Digest of Laws applicable to the Department of Agriculture, page 164, it is provided:

That hereafter, on or before the 1st day of January of each year, the Secretary of Agriculture shall submit to Congress classified and detailed reports of all receipts by the Forest Service and classified and detailed estimates of all expenditures intended for that service for the next fiscal year and detailed reports of all expenditures under any appropriation for such service during the preceding fiscal year: *And provided further*, That 10 per cent of all moneys received from each forest reserve during any fiscal year, including the year ending June 30, 1906, shall be paid out of the fund thereof by the Secretary of the Treasury to the State or Territory in which said reserve is situated, to be expended as the State or Territorial legislature may prescribe for the benefit of the public schools and the public roads of the county or counties in which the forest reserve is situated.

Mr. RAKER. Will the gentleman permit a question?

Mr. LEVER. Yes.

Mr. RAKER. That does not relate to the additional 10 per cent?

Mr. MANN. That has been raised to 25 per cent, and then comes along another 10 per cent, and now the gentleman wants to raise that to 25 per cent. Why not make each one 50 per cent and get four or five items together? Next year I am going to strike out this item on the point of order before it gets to the amendatory stage.

Mr. LEVER. In fact, the item is subject to the point of order.

Mr. MANN. The item is subject to the point of order, and it will be made the next time.

The CHAIRMAN. In the opinion of the Chair, no point of order having been made to the paragraph, which would be out of order, it can be perfected or changed by any germane amendment.

Mr. RAKER. Mr. Chairman, on that matter I want to read what the Chief Forester said in regard to this in his testimony before the committee. This is on page 54 of the testimony:

Mr. GRAVES. May I add a word about this road item before leaving it?

The CHAIRMAN. Yes, sir.

Mr. GRAVES. I favor very emphatically this item, and last year I expressed myself to individual members of the conference committee, when I was consulted about this, as even in favor of the 25 per cent. There are in the national forests so many remote ranches and communities where a small expenditure will be of enormous benefit in the development of the country. We have knowledge of a great many of these points, where settlers are able to raise perhaps a few hundred dollars, and by assistance from the Government of a few hundred or a few thousand dollars they may actually shorten the distance from their ranches and settlements to the nearest town or railroad by a good many miles. For instance, there is a case in one of the forests where 40 miles of haul for products of the farms will be saved; another, where it will be reduced from 50 to 27 miles; and a great many instances of that sort where the assistance to the settlers as a result of this first appropriation will be very great indeed.

Now, I have thought about the condition of the members on the committee, and I know they are giving the best attention they can to this item; but there is but one gentleman on the committee who has been in a position to actually go over these reserves and know what it means to the Government to put proper roads and trails over this property that it is now holding and controlling and for which it is collecting rent from the permittees and off of which it is selling large quantities of tim-

ber. The State is assisting half and half in places through its counties, and certainly the National Government as a private individual, or if it was part of the county so that it could assist in building the roads or trails, would expend money for the purpose of building those roads and trails for the accommodation of the people living in those communities, to say nothing about the question of the protection from fire; and undoubtedly it is the object and intent of Congress in such legislation to give the residents living adjacent to these forest reserves fair roads, decent trails, to go from one community to the other over the reserves that you have created, and particularly where you take 25 per cent of the money actually collected from the reserves to build these improvements.

Mr. HAWLEY. Mr. Chairman——

Mr. MONDELL. Mr. Chairman——

Mr. LAMB. I think we have discussed this about long enough.

Mr. HAWLEY. I would like to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HAWLEY. Is the point of order of the gentleman from South Carolina [Mr. LEVER] still pending?

Mr. LAFFERTY. I make the point of order that we have passed the point where a point of order can be raised.

The CHAIRMAN. All points of order have been overruled.

The question is on the amendment of the gentleman from California [Mr. RAKER].

Mr. MANN. Mr. Chairman, as I recall it, we now pay 25 per cent of the gross receipts from the forest reserves to the States for school and other purposes in lieu of taxation. In addition to that, we now pay 10 per cent of the gross receipts to the States for the building of roads and trails. In addition to that we appropriate $400,000, which we expend in the forests for the same purpose. That amounts to more than 50 per cent of the gross receipts from the national forests. Whenever the constituents of my distinguished friend from California [Mr. RAKER] are willing to pay 10 per cent of the gross receipts from their business for taxation, I will be glad to join him in providing that the Government shall pay more than 50 per cent of the gross receipts from our operation of the national forests.

Mr. RAKER. Will the gentleman yield right there?

Mr. MANN. It strikes me that it takes more gall than anything else I know of for these people to insist that out of the gross receipts in the operation of the national forests we shall spend more than one-half in lieu of taxation in the States.

Mr. CULLOP. I would like to ask the gentleman from Illinois [Mr. MANN] a question. What is the amount of the receipts from the forest reserves?

Mr. LEVER. A little over $2,000,000. Now it is proposed to take 25 per cent of that $2,000,000 and add it to the $400,000 appropriated to go into the road fund.

Mr. MONDELL. Mr. Chairman, some time ago I introduced a bill proposing an increase in this item to 20 per cent, and I did it after a very thorough investigation into the conditions of the forest reserves in my State. The gentleman from Illinois [Mr. MANN] thinks we have a great deal of "nerve" out that way when we ask for simple justice. The only difficulty is that he does not fully understand the situation.

Mr. MANN. I never think that, because that is what you never ask for.

Mr. MONDELL. This particular item is intended to give the States and communities an opportunity to build and maintain roads on main lines of communication. One reserve in my State that I visited last fall has a road some 40 miles in length, extending across the reserve, that was built before the reserve was established. It was a fairly good mountain road. Since the reserve has been established there has been a decline in activities on the reserve, and under our laws it is doubtful if we can use the revenues obtained from taxation for the construction of roads on reserves. The result is that this road, which was built years ago, is falling into disuse, and a mountain road which I traveled without difficulty some years ago I found almost impossible to get over last year. This is coming to be a common experience.

Now, there are many main lines of communication—main roads—which the department does not feel justified in maintaining, much less in constructing, with the item of $400,000 carried elsewhere in the bill. Those main roads must be built and maintained. We are not asking anything that is not eminently fair and reasonable when we ask that a part of these taxes which our people pay to the Forest Service shall be used for the maintenance of main roads across the reserves. I hope the item may be increased to 25 per cent. It ought to be. We are entitled to that much of these revenues for these purposes.

Mr. LAFFERTY. Mr. Chairman——

Mr. LAMB. Mr. Chairman, I ask that all debate be closed on the paragraph and amendments thereto in five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LAFFERTY. Mr. Chairman, I favor the amendment offered by the gentleman from California [Mr. RAKER]. I see no reason for getting excited over a little amendment of this kind, offered here in the Committee of the Whole during the consideration of questions which we are in duty bound to decide for the people of this country. The only question involved here is one of common sense. There is no use in gentlemen from one section of the country accusing gentlemen from another section of the country of having too much gall or wanting something that is unfair.

This amendment of the gentleman from California merely authorizes the Secretary of Agriculture to utilize an additional 25 per cent of the receipts from the national forests, to be used for what purpose? For the improvement of those very national forests. Where is the Member that will say that it is justice for the Federal Government to set aside as a national forest one-fourth and a little more of the area of a great State in this Union, as has been done in the State of Oregon, and then sit back supinely and refuse to build public highways across that great area?

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. LAFFERTY. Certainly.

Mr. McKENZIE. Is it not a fact that the Government of the United States is now paying out a great deal more money for the conservation of these forests than it is receiving from them?

Mr. LAFFERTY. I understand that up to the present time the expenses of the national forests have exceeded the revenues therefrom. But here we do not propose any additional appropriation by this amendment. We propose only to set apart 25 per cent of the proceeds from the sale of timber and grazing privileges within the national forests.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield for another question?

The CHAIRMAN. Does the gentleman yield?

Mr. LAFFERTY. Yes.

Mr. McKENZIE. Then, as a matter of fact, you are asking the United States to build roads out there for you, are you not?

Mr. LAFFERTY. Yes; and there it no reason why all of the proceeds from the sale of timber and grazing privileges within the national forests should not be used by the Secretary of Agriculture for the improvement of these forests in the way of roads, trails, telephone lines, and those other things which will go to prevent fire and permit the public to travel across those large withdrawals. In fact it could not amount to anything that would injure the Federal Government, because, as has been suggested, the Federal Government is, as a matter of fact, already expending more than the total receipts of the national forests upon the conservation work of the country at this time.

Why should not the proceeds be spent for this purpose? Why should we not specifically say by this amendment of the gentleman from California that one-quarter of the proceeds shall be expended within the national forests for the building of good roads?

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment offered by the gentleman from California [Mr. RAKER].

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. MONDELL. Mr. Chairman, I offer an amendment as a separate paragraph at the end of line 11, page 37.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wyoming.

The Clerk read as follows:

Insert at end of line 11, page 37, as a new paragraph, the following:

"To enable the Secretary of Agriculture to cooperate with any State or States which shall have provided by law for the destruction of predatory wild animals and in which national forests are located, upon request of the proper State officials and upon such conditions as the Secretary may deem advisable, in the organization and maintenance of a plan for the destruction of such animals upon the national forests and the lands adjacent thereto, and out of the appropriation herein provided there shall be paid, upon proper certification by the Secretary of Agriculture, to the proper officer of each State in which forest reserves are located, a sum equal to that proportion of the amount expended by the State for the destruction of predatory wild animals for the preceding fiscal year that the area of permanently reserved forest lands in the State bears to the entire area of the State, $200,000."

Mr. LAMB. Mr. Chairman, I make a point of order against that. It is too long. [Laughter.]

The CHAIRMAN. The gentleman from Virginia [Mr. LAMB] makes a point of order against the amendment.

Mr. MONDELL. Mr. Chairman, I trust the gentleman will withhold his point of order for five minutes.

The CHAIRMAN. Does the gentleman from Virginia withhold his point of order?

Mr. LAMB. Yes; for five minutes.

Mr. MONDELL. Mr. Chairman, my amendment proposes an appropriation of $200,000 to aid in the destruction of predatory wild animals, and provides that of that sum the Secretary of Agriculture shall pay to the proper officer of each State having forest reserves a sum equal to that proportion of the bounty appropriation of the State that the area of the forest land bears to the entire area of the State.

In other words, the appropriation is in recognition of the fact that the General Government should bear its proportion of the cost to the State of the destruction of predatory wild animals. Forest reserves are, unfortunately, a breeding ground for wolves, coyotes, bears, and other predatory wild animals. Although the forest reserve may constitute one-third of an entire State—in the case of my State about one-eighth—the Federal Government bears no part of the cost of destroying these animals. It seems to me eminently fair and just that the Federal Government should pay its share of the cost of the destruction of these animals.

Most of the Western States make appropriations each year for the payment of bounties for the destruction of these animals, and it is simply proposed to have the Federal Government pay its share of this bounty expense. Nothing could be fairer. We are only asking the Federal Government to pay on the acreage it retains from the jurisdiction of the State, and largely from settlement.

I trust that the chairman of the committee will not insist on the point of order. Out in the western country we are being overrun by these animals. The loss annually in the destruction of sheep, cattle, horses, and particularly calves and colts, runs into the millions, and States go to great expense each year in providing for the destruction of these animals. In addition to that, stock associations in many cases pay very heavy bounties, and it is only fair that the Federal Government should do its share toward keeping down the number of these animals. Furthermore, I implore all lovers of game animals to join me in support of the appropriation so that predatory animals shall not multiply in the forest reserves to such a degree as to destroy the deer, antelope, elk, and other game.

Mr. BARTLETT. How about birds?

Mr. HELM. Do these animals which you have described destroy any Federal property?

Mr. LAMB. Mr. Chairman, I insist on the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. RODDENBERY. I move to strike out the last word. I hope the committee will see fit to allow the gentleman from Wyoming to have this little appropriation added to the bill. From his statement it is evident that there is nothing for the Government to appropriate for in Wyoming except predatory wild animals, national forests, sheep, Army posts and reservations, public buildings, and the salaries of able statesmen. Certainly, the gentleman ought to be allowed this small item. [Laughter.]

The Clerk read as follows:

That hereafter the Secretary of Agriculture is authorized to reimburse owners of horses, vehicles, and other equipment lost, damaged, or destroyed while being used for necessary fire fighting, trail, or official business, such reimbursement to be made from any available funds in the appropriation to which the hire of such equipment is properly chargeable.

Mr. FOWLER. I reserve a point of order against that paragraph.

Mr. MANN. I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. RAKER. Is there no way of having the gentleman withhold his point of order for a moment?

Mr. MANN. If we are going to pass the appropriation bills we have got to make progress with them.

The Clerk read as follows:

That hereafter the employees of the Forest Service engaged in office work in cities or towns outside of the District of Columbia, or in forest supervisors' offices, or who are assigned to permanent duty in Alaska, may, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leave of absence not to exceed 30 days in any one year, which leave may, in exceptional and meritorious cases where such an employee is ill, be extended, in the discretion of the Secretary of Agriculture, not to exceed 30 days additional in any one year.

Mr. COX. I make a point of order against that paragraph.

Mr. LAMB. The point of order is conceded.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Total for Forest Service, $5,346,259.

Mr. BOOHER. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. Will the chairman of the committee tell me what the gross receipts of the Forest Service are?

Mr. LAMB. Two million one hundred and fifty-seven thousand three hundred and fifty-six dollars.

Mr. BOOHER. What are the gross expenses?

Mr. LAMB. They are $5,346,259.

Mr. BOOHER. Will the chairman tell me whether or not the deficit is greater this year than last year?

Mr. LAMB. It is nearly the same. There are some contracts not realized on.

Mr. BOOHER. Then we are not getting anywhere near an even break in this matter.

Mr. LAMB. We will later, because the timber sales in the future will wipe it out.

Mr. BOOHER. Yes; I heard a former chief forester say that we would be even 10 years ago, and we are getting further away every year.

Mr. LAMB. Well, it takes a long time to develop a big business. The forester has in charge a territory larger than New England, New York, and Pennsylvania.

Mr. MANN. Let me say to the gentleman from Missouri that, in relation to the expenses, the gentleman from Virginia is not quite accurate, because we have taken 25 per cent of the gross receipts for schools and 10 per cent more for the construction of roads and trails in addition to the expense carried by the bill.

Mr. BOOHER. So the deficit is a million dollars more than appears in the bill.

The Clerk read as follows:

BUREAU OF CHEMISTRY.

Salaries, Bureau of Chemistry: One chemist, who shall be chief of bureau, $5,000; 1 chief clerk, $2,000; 1 supervising clerk, $2,500; 1 executive clerk, $2,000; 7 clerks, class 4; 9 clerks, class 3; 1 clerk, $1,440; 12 clerks, class 2; 1 clerk, $1,300; 18 clerks, class 1; 13 clerks, at $1,020 each; 11 clerks, at $1,000 each; 22 clerks, at $900 each; 1 clerk, $840; 1 chief food and drug inspector, $3,000; 1 food and drug inspector, $2,250; 10 food and drug inspectors, at $2,000 each; 14 food and drug inspectors, at $1,800 each; 1 food and drug inspector, $1,620; 13 food and drug inspectors, at $1,600 each; 4 food and drug inspectors, at $1,400 each; 4 laboratory helpers, at $1,200 each; 1 laboratory helper, $1,020; 4 laboratory helpers, at $1,000 each; 4 laboratory helpers, at $960 each; 2 laboratory helpers, at $900 each; 6 laboratory helpers, at $840 each; two laboratory helpers, at $780 each; 20 laboratory helpers, messengers, or laborers, at $720 each; 2 laboratory helpers, messengers, or laborers, at $660 each; 26 laboratory helpers, messenger boys, or laborers, at $600 each; 1 laboratory assistant, $1,200; 1 tool maker, $1,200; 1 sampler, $1,200; 1 janitor, $1,020; 1 student assistant, $300; 2 messengers, at $840 each; 1 skilled laborer, $1,050; 1 skilled laborer, $840; 2 messenger boys or laborers, at $540 each; 8 messenger boys or laborers, at $480 each; 3 messenger boys or laborers, at $420 each; 1 messenger boy or laborer, $360; 6 charwomen, at $240 each; in all, $272,860.

Mr. FOWLER. Mr. Chairman, I make a point of order against the paragraph.

The language, "one chemist who shall be chief of bureau, $5,000," changes existing law. The statute provides for a chemist at $2,000.

When the various agencies of this department were organized into bureaus, it was especially provided that all the laws in existence at that time should be applicable to the various bureaus. The Bureau of Chemistry, of Plant Industry, of Animal Industry, the Bureau of Soils, and, as I recollect, one other in 1902. It was especially provided in that act, as I will read for the benefit of those interested—

That all existing statutes relating to the Division of Soils be reorganized into the Bureau of Soils, the Division of Forestry reorganized into the Bureau of Forestry, the Division of Chemistry organized into the Bureau of Chemistry—

and others that I will not take the time to read—

shall remain in effect as applying to the respective bureaus into which the divisions named have been organized.

The statute of 1862 provided that the salary of the chemist shall be $2,000. I am reading now from the annotated Federal statutes in 10 volumes.

Mr. LEVER. Mr. Chairman, in the act creating the Department of Agriculture, sections 520, 521, and 522, it is provided that there shall be in the Department of Agriculture one chief clerk at a salary of $2,000, one chemist at a salary of $2,000 a year. In addition to that, section 523 provides that the Commissioner of Agriculture shall appoint such other employees as Congress may from time to time provide.

I take the position that the point of order of the gentleman from Illinois is not well taken, because the statute does not fix the salary of the Chief of the Bureau of Chemistry. The statute does fix the salary of one chemist at $2,000 per annum, but the fact is that we are employing many chemists in the Department of Agriculture at salaries much above the salary fixed in the fundamental law for the one chemist to which the gentleman has referred. There is no place in the statute any-

where fixing the salary of the Chief of the Bureau of Chemistry, and that salary has been fixed from time to time under section 523 by provisions on the appropriation bill.

The CHAIRMAN. The Chair will ask the gentleman from South Carolina if the one chemist provided for in the original act has come down through the various changes to be recognized a Chief of the Bureau of Chemistry?

Mr. LEVER. I will say frankly I do not know; but I call the attention of the Chair to a well-recognized rule of law, and that is that you can not look to persons in the interpretation of the law, but we must look to the position rather than the person who fills the position.

The CHAIRMAN. Under the authority of that statute creating the Department of Agriculture do I understand that the word "employees" would be broad enough to cover the chief of division, like the Chief of the Bureau of Chemistry?

Mr. LEVER. In reply to the suggestion of the Chair permit me to call the attention of the Chair to the debate on the floor of the House some years ago with reference to the creation of the Remsen Board and for the employment of different chemists from the appropriation carried in this bill. I want to call attention to the fact that the Chair held that under the language there—"persons and other employees"—that it was decided that the Secretary of Agriculture had the right to employ such persons as would enable him to carry out the fundamental purpose of the creation of his department.

The CHAIRMAN. The Chair will call the attention of the gentleman from South Carolina [Mr. LEVER] to what occurred during the consideration of the last agricultural appropriation bill, when a point of order was made by the gentleman from Florida with respect to the solicitor for the department. That same article of the statute which the gentleman from South Carolina has just read was relied upon partly as furnishing authority for the existence of an official of that kind. It is the recollection of the Chair that the gentleman from Missouri [Mr. BORLAND], who presided over the committee at that time, held that that language with respect to an employee would not cover such an official as the head of a bureau or such an official as the Solicitor in the Department of Agriculture.

Mr. LEVER. But the fact is that the gentleman from Missouri, presiding at that time over the committee, overruled the point of order made by the gentleman from Florida and sustained the position of the committee.

The CHAIRMAN. Yes; but that was because the word "hereafter," which occurred in the agricultural appropriation bill of 1910, extended that law beyond that year.

Mr. LEVER. Mr. Chairman, it seems to me that there is not to be found anywhere in the statutes any language which fixes the salary of the Chief of the Bureau of Chemistry, and that the only language fixing it must be found in an appropriation bill, the current law, and that the point of order is not well taken.

If the Chair will permit, let me call his attention to the fact that there is no law anywhere except the fundamental law of the Department of Agriculture, in this section 523, and the last appropriation bill, the current law, which fixes either the position of the Chief of the Bureau of Chemistry or the salary attached to it; but we feel we have a right to fix his salary and position under the fundamental law.

Mr. FOWLER. Mr. Chairman, I have before me the Annotated Statutes of the United States, and I have gone through with the various acts pertaining to the Agriculture Department, and nowhere has there been a change from the existing law passed since 1862 creating the position of chemist.

The CHAIRMAN. May the Chair ask a question right there? Did the gentleman find the statute which changed the title of that official from chemist to chemist who shall be chief of bureau?

Mr. FOWLER. No.

The CHAIRMAN. Did he discover where that language first came into the bill?

Mr. FOWLER. I do not know when it was attempted to make this chemist the chief, but, Mr. Chairman, the fact that there is in the permanent law a provision for a chemist fixing the salary permanently can not be destroyed by a committee undertaking to place upon that name any additional words for the purpose of qualifying it. The very statute at the time when this bureau was created declared that all existing law should then be applicable to the Bureau of Chemistry, and for that reason, when a point of order was made against the appropriation bills for the various departments of the Government during this session, where it was sought to say that a chief clerk who should do some other things should get an increase of salary, the Chairman held that the chief clerk's salary was fixed by law, and his identity could not be destroyed by virtue of any additional words qualifying it.

The CHAIRMAN. The Chair is ready to rule.

Mr. LEVER. Mr. Chairman, before the Chair rules I desire to call his attention to the following language:

> An exception to these general principles referring to the fact of legislation on appropriation bills is found in the established practice that in the absence of a general law fixing a salary the amount appropriated in the last appropriation has been held to be the legal salary.

The CHAIRMAN. The Chair would say to the gentleman from South Carolina there is no dispute about that proposition. It occurs to the Chair that inasmuch as the act creating the Department of Agriculture provided for one chemist and fixed the salary at the sum of $2,000, and that in this bill the first item under the Bureau of Chemistry is for one chemist, who shall be chief of bureau, $5,000, it would be the judgment of the Chair that that is the chemist whose salary was fixed in the bill creating the Department of Agriculture, and he is therefore constrained to sustain the point of order.

Was the point of order of the gentleman from Illinois directed simply to that office?

Mr. FOWLER. Mr. Chairman, I do not desire to press the point of order any further.

The CHAIRMAN. The gentleman makes the point of order to that salary alone?

Mr. FOWLER. What I read, "one chemist, who shall be chief of bureau, $5,000."

The CHAIRMAN. The point of order is sustained.

Mr. MANN. The item is stricken out?

The CHAIRMAN. The item of "one chemist, who shall be chief of bureau, $5,000," is stricken out.

Mr. FOWLER. Mr. Chairman, I offer an amendment, "one chemist, $2,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Amend page 38, by inserting after the word "chemistry," the words "one chemist, $2,000."

Mr. MANN. Mr. Chairman, I hope that amendment will not be agreed to. It will be a distinct reflection upon this House, upon this Congress, and upon the Department of Agriculture and the chief chemist, Department of Agriculture, to insert on the floor of the House an amendment designed to cover his office at $2,000. My colleague has availed himself of the privilege, which he has the right to do, to strike out the item in the bill on a point of order, but it ought to be left out instead of being restored at $2,000, because that would be an insult to this chief chemist, whoever he may be. I have not an acquaintance with him. The place which Dr. Wiley held for years ought not to be discredited by the House by the adoption of such an amendment. [Applause.]

Mr. FOWLER. Mr. Chairman, I desire to be heard for a moment upon the amendment. I have offered my amendment, Mr. Chairman, in good faith. The statute of the United States provides for a chemist of the Agricultural Department and fixes the salary at $2,000. If there is need of other officers in this department, Congress has ample power and ought to be willing to create whatever other positions are necessary to carry into effect the objects of this department. If a chief chemist is necessary to preside over the Bureau of Chemistry, then I say that Congress is derelict in its duty if it does not create such a position and fix a definite and adequate salary therefor, and for my colleague from Illinois [Mr. MANN] to say that it is a reflection upon Dr. Wiley to amend the paragraph to make it conform to the statute is to say that Congress, of which he has been a Member for the last 16 years, has neglected its duty in not providing for the position of a chief of chemistry. It is an acknowledgment of the deplorable condition of this department. Instead of trying to reflect upon me in my efforts to comply with the statute my colleague [Mr. MANN] ought to go back home and get down on his knees by the side of his bed to-night before he goes to sleep and pray to the God of heaven to forgive him for his sins of omissions of duty which he has committed as a Member of Congress for lo these many years.

The question was taken, and the amendment was rejected.

Mr. LAMB. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose, and the Speaker having resumed the chair, Mr. BEALL of Texas, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 28283, the Agricultural appropriation bill, and had come to no resolution thereon.

HOUR OF MEETING TO-MORROW.

Mr. GARNER. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 10.30 o'clock to-morrow.

The SPEAKER. The gentleman from Texas [Mr. GARNER] asks unanimous consent that when the House adjourns to-day it adjourn to meet at 10.30 o'clock to-morrow morning.

Mr. LAFFERTY. Mr. Speaker, a parliamentary inquiry; that means when the House adjourns to-night?

The SPEAKER. Why, of course, that does not interfere with the order adopted. Is there objection? [After a pause.] The Chair hears none.

CONFERENCE REPORT ON LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I have to present a conference report on the legislative, executive, and judicial appropriation bill. The statement has not been signed by my colleague on the conference committee. I ask unanimous consent that at the evening session, after I get that statement signed, I be permitted to present it under the rule.

The SPEAKER. The gentleman from South Carolina [Mr. JOHNSON] asks unanimous consent that at the evening session that is set apart for the consideration of private bills that he may have leave to present the conference report on the legislative, executive, and judicial appropriation bill for printing in the RECORD. The reason that he does not do so now is because some member of the conference committee has not signed it. Is there objection? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of Italian labor on the farm.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD on the subject of Italian labor on the farm.

Mr. RAKER. Mr. Speaker, reserving the right to object, as a part of the same request I ask unanimous consent that I have the right to extend my remarks in the RECORD upon the interstate shipment of liquor bill which passed Saturday.

Mr. BARTLETT. That has been already granted.

Mr. RAKER. No; I did not get a chance to speak.

Mr. MANN. If the gentleman couples that with the other I shall object to both.

Mr. RAKER. I certainly couple it.

Mr. MANN. Then I object.

The SPEAKER. The gentleman from Illinois objects to both requests.

Mr. MANN. Mr. Speaker, I will not object to the request of the gentleman from California if he will make it by itself.

Mr. RAKER. I withdraw my objection to the request of the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Speaker, I renew my request.

The SPEAKER. The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent to extend his remarks in the RECORD on the subject of Italian labor on the farm. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may extend my remarks in the RECORD on the bill relative to the interstate shipment of liquor passed on last Saturday.

The SPEAKER. The gentleman from California [Mr. RAKER] asks unanimous consent to extend his remarks on the bill relative to the interstate shipment of liquor. Is there objection?

There was no objection.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 8861. An act for the relief of the legal representatives of Samuel Schiffer;

H. R. 28186. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

H. R. 16450. An act to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, the unlawful entering of such cars, the stealing of freight and express packages or baggage or articles in process of transportation in interstate shipment, and the felonious asportation of such freight or express packages or baggage or articles therefrom into another district of the United States, and the felonious possession or reception of the same; and

H. R. 18425. An act for the relief of Simon Nager.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 27986. An act to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.;

H. R. 27944. An act to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.;

H. R. 27987. An act to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.;

H. R. 27988. An act to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.;

H. R. 27879. An act providing authority for the Northern Pacific Railway Co. to construct a bridge across the Missouri River in section 36, township 134 north, range 79 west, in the State of North Dakota;

H. R. 1332. An act regulating Indian allotments disposed of by will;

H. R. 21524. An act for the relief of Frederick H. Ferris;

H. R. 25002. An act to amend section 73 and section 76 of the act of August 27, 1894, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes"; and

H. R. 8861. An act for the relief of the legal representatives of Samuel Schiffer.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 8297. An act to transfer the Pacific Branch of the National Home for Disabled Volunteer Soldiers to the War Department; to the Committee on Military Affairs.

S. 8348. An act waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Minor Meriwether, jr.; to the Committee on Naval Affairs.

RECESS.

The SPEAKER. The Chair declares the House in recess until 8 o'clock p. m.

Accordingly (at 5 o'clock p. m.) the House was in recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, at 8 o'clock the House was called to order by the Speaker.

BILLS ON THE PRIVATE CALENDAR.

The SPEAKER. The Clerk will report the special order.

The Clerk read as follows:

Ordered, That on next Monday, February 10, 1913, the House shall stand in recess from the hour of 5 o'clock p. m. until the hour of 8 o'clock p. m., at which time it shall be in order to consider in the House, as in Committee of the Whole, bills on the Private Calendar which are not objected to.

The SPEAKER. The Clerk will call the first bill on the Private Calendar.

HENRY HARRISON HALL.

The first business on the Private Calendar was the bill (H. R. 20721) to authorize the President to reappoint Henry Harrison Hall a second lieutenant in the Army.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects.

RELIEF OF HEIRS OF MYRA CLARK GAINES.

The next business on the Private Calendar was the bill (H. R. 17501) for the relief of the heirs of Myra Clark Gaines, deceased.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

RELIEF OF THE SNARE & TRIEST CO.

The next business on the Private Calendar was the act (S. 2512) for the relief of the Snare & Triest Co.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

CAPT. HAROLD L. JACKSON.

The next business on the Private Calendar was the bill (H. R. 19788) to restore Capt. Harold L. Jackson, retired, to the active list of the Army.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

RELIEF OF HEIRS OF BENJAMIN S. ROBERTS.

The next business on the Private Calendar was the bill (H. R. 4125) for the relief of the heirs of Benjamin S. Roberts.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects.

REIMBURSEMENT OF CERTAIN FIRE INSURANCE COMPANIES, HAWAII.

The next business on the Private Calendar was the act (S. 2819) to reimburse certain fire insurance companies the amounts paid by them for property insured by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900.

The SPEAKER. Is there objection?

Mr. MANN. I object to that, Mr. Speaker.

The SPEAKER. The gentleman from Illinois objects.

MAJ. GEORGE A. ARMES.

The next business on the Private Calendar was the bill (H. R. 11397) authorizing the appointment of Maj. George A. Armes, United States Army, retired, to the rank and grade of major general on the retired list of the Army.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

GUSTAV A. HESSELBERGER.

The next business on the Private Calendar was the bill (H. R. 15286) for the relief of Gustav A. Hesselberger.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

HERMAN HAUPT.

The next business on the Private Calendar was the bill (H. R. 20613) for the proper recognition of the services rendered by Herman Haupt during the Civil War.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects.

LIEUT. COL. CONSTANTINE MARRAST PERKINS.

The next business on the Private Calendar was the bill (H. R. 9290) for the reinstatement of Lieut. Col. Constantine Marrast Perkins to the active list of the Marine Corps.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects.

ANTONIA SOUSA.

The next bill on the Private Calendar was the bill (H. R. 2070) for the relief of the estate of Antonia Sousa, deceased.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay, out of the naval pension fund, to the estate of Antonia Sousa, deceased, late a musician in the Marine Corps of the United States, the sum of $19.50 per month from March 4, 1886, to April 27, 1892, both inclusive, being the amount of allotment granted to the said Antonia Sousa by the Secretary of the Navy under section 4756, Revised Statutes of the United States, which was wrongfully withheld from him by the former Commissioner of Pensions, and the necessary amount is hereby appropriated out of the naval pension fund.

The following committee amendment was read:

Strike out in lines 6, 7, 8, 9, page 1, and line 1, page 2, the following words: "The sum of $19.50 per month from March 4, 1886, to April 27, 1892, both inclusive, being the amount of allotment granted to" and insert in lieu thereof the words "the sum of $1,431.25, the total amount found to be due the estate of the pensioner."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

TRANQUILINO LUNA.

The next business on the Private Calendar was the bill (H. R. 19819) to authorize the payment of $2,000 to the widow of the late Tranquilino Luna in full of his contest expenses in the contested-election case of Manzaneres against Luna.

The SPEAKER. Is there objection?

Mr. FOSTER. I object.

WILLIAM F. NORRIS.

The next business on the Private Calendar was the bill (H. R. 3668) for the relief of William F. Norris.

The SPEAKER. Is there objection?

Mr. MANN. I object.

SETTLERS IN SHERMAN COUNTY, OREG.

The next business on the Private Calendar was the bill S. 295, an act to adjust the claims of certain settlers in Sherman County, Oreg.

The SPEAKER. Is there objection?

Mr. FOSTER. I object.

BOLOGNESI, HARTFIELD & CO.

The next business on the Private Calendar was the bill (H. R. 21403) for the relief of Bolognesi, Hartfield & Co.

The SPEAKER. Is there objection?

Mr. FOSTER. I object.

JOHN T. HAINES.

The next business on the Private Calendar was the bill S. 4778, an act to correct the military record of John T. Haines.

The SPEAKER. Is there objection?

Mr. HOWARD. I object.

Mr. ANTHONY. Will the gentleman withhold his objection?

Mr. HOWARD. I will withhold it.

Mr. ANTHONY. I want to state that I believe this to be a particularly meritorious bill, and if the gentleman would look into it I think he would not make an objection. It is to correct the military record of an officer of the Army who was appointed major from the grade of captain, but two days before the Senate confirmed it he died. His rank had been reached; he was entitled to the rank, and his name was sent to the Senate, but he died two days before the Senate confirmed it. This bill is simply to give his widow the right to the extra six months' pay for his rank as major over what it would have been for his rank as captain.

The SPEAKER. Is there objection?

Mr. COX. I object.

H. C. HODGES AND OTHERS.

The next business on the Private Calendar was the bill (H. R. 20692) for the relief of H. C. Hodges, H. A. Powell, John Smith, and Joseph Ridley.

The SPEAKER. Is there objection?

Mr. ANTHONY. I object.

H. J. RANDOLPH HEMMING.

The next business on the Private Calendar was the bill (H. R. 21526) for the relief of H. J. Randolph Hemming.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. SLAYDEN. Will the gentleman withhold his objection for a minute?

Mr. MANN. I will reserve it for a minute, but the bill is so thoroughly bad——

Mr. SLAYDEN. As long as the gentleman denounces a bill to which my name is attached as bad——

Mr. MANN. I did not notice that the gentleman's name was attached to it.

Mr. SLAYDEN (continuing). I feel as if I would like a few moments to make a statement. I never heard of Mr. Hemming until a year or two ago when a Senator from a Western State called the bill to my attention and convinced me that Mr. Hemming had been employed by a representative of this country in India, and that he helped to protect the United States against the infringement of certain of its laws.

I introduced a bill at the request of the Senator, and it was taken to the Committee on Claims, gone over very thoroughly, and while the amount claimed by Mr. Hemming was not allowed they investigated it and the gentleman from Missouri, Mr. DICKINSON, particularly found that Mr. Hemming had been employed by an official representative of this Government, and that he had rendered considerable and valuable services, and had incurred some outlay of money. I do not know anything about the facts except as they are set forth in the document. Judge DICKINSON, who gave more attention to it than any other man in the committee, became convinced of the justice of his claim and that we ought to give the man what was properly due him. That is all my interest in the matter, and with that I am willing to leave it to the House.

Mr. MANN. Mr. Speaker, this is the case of an attorney in India—in Bombay or Calcutta, I do not know which—who claimed that he had been employed by a consular officer with authority. That was denied. The consular officer did at one time say that the services rendered were probably worth $500. This gentleman is now or has been recently in this country prosecuting the claim and has announced that he proposes to have it adjudicated as a claim by a citizen of Great Britain against the United States under the commissioners that were

appointed for the purpose of settling such claims. The bill was introduced for $10,000. If the gentleman has a claim for $10,000 which is legitimate, he ought to have $10,000. The consular officer reported that there might properly be paid to him $500. The committee reports $2,000. I think he had better follow his rights, if he has any, to the $10,000 in the regular manner. I object.

ELLEN M. STONE.

The next business on the Private Calendar was the bill (H. R. 2461) to provide for the repayment of the ransom of Ellen M. Stone.

The SPEAKER. Is there objection?

Mr. HOWARD. I object.

Mr. FOWLER. Mr. Speaker, I trust the gentleman will not object to the consideration of this bill.

Mr. HOWARD. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Georgia objects.

GEORGE P. HEARD.

The next business on the Private Calendar was the bill (H. R. 23080) for the relief of George P. Heard.

The SPEAKER. Is there objection?

Mr. FOSTER. I object.

Mr. BLACKMON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. FOSTER. It will be.

The SPEAKER. It will be.

GASTON LEE HOLMES.

The next business on the Private Calendar was the bill (H. R. 14607) authorizing the President to reinstate Gaston Lee Holmes as a midshipman in the United States Naval Academy.

The SPEAKER. Is there objection?

Mr. COX. Mr. Speaker, I object.

JOHN W. WEST, DECEASED.

The next business on the Private Calendar was the bill (H. R. 6544) for the relief of the heirs of John W. West, deceased.

The SPEAKER. Is there objection?

Mr. MANN. I object.

CHARLES LEWIS CLIFFORD.

The next business on the Private Calendar was the bill (H. R. 14593) authorizing the President to reinstate Charles Lewis Clifford as a midshipman in the United States Naval Academy.

The SPEAKER. Is there objection?

Mr. SLAYDEN. Mr. Speaker, I object.

L. D. HILDEBRAND.

The next business on the Private Calendar was House resolution 567 (in lieu of H. R. 15207), for the relief of L. D. Hildebrand, administrator of the estate of John W. Hildebrand, deceased, and referring the same to the Court of Claims.

The SPEAKER. Is there objection?

Mr. MANN. I object.

THEODORE DEHON.

The next business on the Private Calendar was the bill (H. R. 9136) for the relief of the heirs of Theodore Dehon.

The SPEAKER. Is there objection?

Mr. ANTHONY. Mr. Speaker, I object.

GEORGE E. PAYNE, DECEASED.

The next business on the Private Calendar was the bill (H. R. 22311) for the relief of the legal representatives of George E. Payne, deceased.

The SPEAKER. Is there objection?

Mr. COX. Mr. Speaker, I object.

CHARLES A. COOLIDGE.

The next business on the Private Calendar was House resolution 580 (in lieu of H. R. 24844) for the relief of Charles A. Coolidge, and referring the same to the Court of Claims.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to say, for the information of the House, that these bills that are being called at this time on the Private Calendar have, in the main, already been objected to, so far as unanimous consent is concerned, on a prior occasion. Gentlemen ought not to take exception to objections at this time. I object.

JAMES EASSON.

The next business on the Private Calendar was the bill (H. R. 265) for the relief of James Easson.

The SPEAKER. Is there objection?

Mr. ANTHONY. I object.

Mr. SISSON. I object.

GEORGE IVERS.

The next business on the Private Calendar was the bill (S. 100) to carry into effect the findings of the military board of officers in the case of George Ivers, administrator.

The SPEAKER. Is there objection?

Mr. SISSON. I object.

ERSKINE R. K. HAYES.

The next business on the Private Calendar was the bill (S. 3459) for the relief of Erskine R. K. Hayes.

The SPEAKER. Is there objection?

Mr. MANN. I object.

FRED R. PAYNE.

The next business on the Private Calendar was the bill (H. R. 15241) for the relief of Fred R. Payne.

The SPEAKER. Is there objection?

Mr. MANN. I object.

MARCUS P. NORTON.

The next business on the Private Calendar was the bill (H. R. 25201) for the adjudication and determination of the claims arising under joint resolution of July 14, 1870, authorizing the Postmaster General to continue in use in the postal service Marcus P. Norton's combined post-marking and stamp-canceling hand-stamp patents.

The SPEAKER. Is there objection?

Mr. HOWARD. Mr. Speaker, I object.

HENRY A. V. POST.

The next business on the Private Calendar was the bill (H. R. 17323) for the relief of Henry A. V. Post.

The SPEAKER. Is there objection?

Mr. SISSON. Mr. Speaker, I object.

SAM MANA.

The next business on the Private Calendar was the bill (H. R. 21195) for the relief of Sam Mana, owner of the schooner *Moi Wahine*, sunk in collision with a Government vessel.

The SPEAKER. Is there objection?

Mr. SISSON. Mr. Speaker, I object.

SCHOONER "MOI WAHINE."

The next business on the Private Calendar was the bill (H. R. 21043) for the relief of the owners of the cargo laden aboard the schooner *Moi Wahine*.

The SPEAKER. Is there objection?

Mr. MACON. Mr. Speaker, I object.

LIEUT. CYRUS R. STREET.

The next business on the Private Calendar was the bill (H. R. 21019) to restore Lieut. Cyrus R. Street, retired, to the active list of the Army.

The SPEAKER. Is there objection?

Mr. SISSON. I object, Mr. Speaker.

GEORGE OWENS AND OTHERS.

The next business on the Private Calendar was the bill (S. 2014) for the relief of George Owens, John J. Bradley, William M. Godfrey, Rudolph G. Ebert, Herschel Tupes, William H. Sage, Charles L. Tostevin, Alta B. Spaulding, Grace E. Lewis, and Dolly Neely.

The SPEAKER. Is there objection?

Mr. ANTHONY. Mr. Speaker, I object.

CHARLES M. AND ELIZABETH FRANCIS BUTLER.

The next business on the Private Calendar was House resolution 603 (in lieu of H. R. 25052) referring to the Court of Claims the claim of heirs of Charles M. and Elizabeth Francis Butler.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

ERIC BERGLAND.

The next business on the Private Calendar was House resolution 608 (in lieu of H. R. 24773) referring to the Court of Claims the claim of Eric Bergland.

The SPEAKER. Is there objection?

Mr. MANN. I object, Mr. Speaker.

J. W. DEVERS.

The next business on the Private Calendar was House resolution 615 (in lieu of H. R. 14762) referring to the Court of Claims the claim of the estate of J. W. Devers, deceased.

Mr. SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

DAVID C. M'GEE.

The next business on the Private Calendar was the bill (H. R. 18565) for the relief of David C. McGee.

The SPEAKER. Is there objection?
Mr. FOSTER. Mr. Speaker, I object.

JOSEPH BLOCK, DECEASED.

The next business on the Private Calendar was House resolution 629 (in lieu of H. R. 25707) referring to the Court of Claims the claim of the heirs of Joseph Block, deceased.
The SPEAKER. Is there objection?
Mr. ANTHONY. Mr. Speaker, I object.

EVAN URNER RINEHART.

The next business on the Private Calendar was the bill (H. R. 25428) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Evan Urner Rinehart.
The SPEAKER. Is there objection?
Mr. COX. Mr. Speaker, I object.

ROBERT N. CAMPBELL.

The next business on the Private Calendar was the bill (H. R. 24739) to reinstate Robert N. Campbell as a first lieutenant in the Coast Artillery Corps, United States Army.
The SPEAKER. Is there objection?
Mr. COX and Mr. SISSON. I object.

LEWIS MONTGOMERY.

The next business on the Private Calendar was the bill (H. R. 16604) for the relief of Lewis Montgomery.
The SPEAKER. Is there objection?
Mr. ANTHONY. Mr. Speaker, I object.
Mr. HAY. Mr. Speaker, I move that the House do now adjourn.
The question was taken, and the Speaker announced the ayes seemed to have it.
Mr. POU. Division, Mr. Speaker. Mr. Speaker, I ask unanimous consent that I may be heard for one minute.
Mr. BOOHER. Mr. Speaker, I make the point of order that there is no quorum present.
The SPEAKER. On this vote the ayes are 18, and the noes are 42, and the gentleman from Missouri [Mr. BOOHER] makes the point of order that there is no quorum present.
Mr. POU. Mr. Speaker, I ask the gentleman to withhold his point of order for a moment.
Mr. BOOHER. Oh, yes; I will.
Mr. POU. Mr. Speaker, I ask unanimous consent that I may be heard for two minutes.
The SPEAKER. The gentleman from North Carolina asks unanimous consent that he be heard for two minutes. Is there objection? [After a pause.] The Chair hears none.
Mr. POU. Mr. Speaker, I would like to say to the House that there are quite a number of meritorious bills on this calendar. The members of the Committee on Claims have worked like a lot of court referees for nearly two years, and to-night will probably be the last chance, I am afraid, for any of these bills to be passed by the House. So I hope the House will not adjourn now and leave these bills on the calendar. Furthermore, I do hope that gentlemen will not object unless they have investigated the records in the respective cases and feel that they are exercising a legislative duty by entering such objections.

Now, there is not a single one of these bills in which I have any interest, except that interest which every Member feels in desiring to see meritorious bills passed. I believe that can be said of every member of the Committee on Claims. We have worked very hard to accommodate the Members of this House interested in the bills on this calendar, and you have an opportunity to pass them now. I hope the House will not adjourn, and I hope gentlemen will not object unless they feel impelled to do so from a sense of legislative duty. [Applause.]
Mr. BOOHER. Mr. Speaker, if these bills are going to be disposed of as we have been disposing of them there is not any use of the House staying in session. However, to see whether any of these bills will be considered, I will withdraw my point of no quorum at present.
Mr. SISSON. Mr. Speaker, I make the point of order that there is no quorum present.
Mr. SLAYDEN. Mr. Speaker, I move that we adjourn.
Mr. FOSTER. I move that the House do now adjourn.
The question was taken; and the Speaker announced that the "ayes" seemed to have it.
Mr. LEVER. Mr. Speaker, I ask for a division.
The House divided; and there were—ayes 19, noes 46.
The SPEAKER. There is no quorum present.
Mr. FOSTER. Mr. Speaker, I move a call of the House.
The question was taken; and the Speaker announced that the "noes" seemed to have it.
Mr. LEVER. Mr. Speaker, I ask for a division.
Mr. FOSTER. I move that the House do now adjourn.
The SPEAKER. Those in favor of a call of the House will rise and stand until they are counted.
Mr. MANN. Mr. Speaker, I ask for the yeas and nays.
The SPEAKER (after counting). Thirty-nine gentlemen have risen in the affirmative; a sufficient number.
Mr. SAUNDERS. The other side, Mr. Speaker.
The SPEAKER. Those opposed to the yeas and nays will rise and stand until they are counted. [After counting.] Eleven gentlemen have risen in the negative. Thirty-nine is more than one-fifth of fifty; so the yeas and nays are ordered. The question is on the call of the House. Those in favor of the call of the House will, as their names are called, answer "yea," and those opposed will answer "nay."
The question was taken; and there were—yeas 84, nays 42, answered "present" 11, not voting 244, as follows:

YEAS—84.

Akin, N. Y.	Ferris	Kahn	Pray
Anderson	Fields	Kendall	Raker
Bell, Ga.	Fitzgerald	Kennedy	Rouse
Blackmon	Foster	Kinkaid, Nebr.	Russell
Booher	Fowler	Knowland	Sabath
Burke, Wis.	French	La Follette	Scott
Burnett	Gill	Langley	Sherley
Byrnes, S. C.	Godwin, N. C.	Lee, Pa.	Small
Candler	Good	Lever	Smith, J. M. C.
Cary	Gray	Lindbergh	Stephens, Cal.
Cooper	Greene, Mass.	McKinney	Stephens, Miss.
Copley	Greene, Vt.	McMorran	Sterling
Cox	Hamilton, Mich.	Maguire, Nebr.	Stone
Daugherty	Harrison, Miss.	Mann	Sulloway
Dent	Haugen	Moore, Pa.	Taggart
Dickinson	Hawley	Norris	Talcott, N. Y.
Difenderfer	Hayden	Page	Taylor, Ala.
Dixon, Ind.	Hayes	Pickett	Taylor, Ark.
Donohoe	Heald	Porter	Taylor, Colo.
Esch	Howell	Post	Vare
Faison	Humphreys, Miss.	Pou	White

NAYS—42.

Adair	Edwards	Hensley	Sherwood
Alexander	Fergusson	Holland	Sisson
Anthony	Floyd, Ark.	Howard	Slayden
Buchanan	Francis	Jacoway	Switzer
Callaway	Gallagher	Macon	Tuttle
Campbell	Goodwin, Ark.	Morgan, Okla.	Willis
Cantrill	Gregg, Tex.	Moss, Ind.	Wilson, Pa.
Cravens	Hamlin	O'Shaunessy	Witherspoon
Cullop	Hammond	Peters	Young, Kans.
Curry	Harrison, N. Y.	Powers	
Doughton	Hay	Saunders	

ANSWERED "PRESENT"—11.

Adamson	Farr	Madden	Roddenbery
Browning	Johnson, S. C.	Murray	Sparkman
Curley	McDermott	Rainey	

NOT VOTING—244.

Aiken, S. C.	De Forest	Henry, Tex.	Martin, Colo.
Ainey	Denver	Higgins	Martin, S. Dak.
Allen	Dickson, Miss.	Hill	Matthews
Ames	Dies	Hinds	Mays
Andrus	Dodds	Hobson	Merritt
Ansberry	Doremus	Houston	Miller
Ashbrook	Draper	Howland	Mondell
Austin	Driscoll, D. A.	Hughes, Ga.	Moon, Pa.
Ayres	Driscoll, M. E.	Hughes, W. Va.	Moon, Tenn.
Barchfeld	Dupré	Hull	Moore, Tex.
Barnhart	Dwight	Humphrey, Wash.	Morgan, La.
Bartholdt	Dyer	Jackson	Morrison
Bartlett	Ellerbe	James	Morse, Wis.
Bates	Estopinal	Johnson, Ky.	Mott
Bathrick	Evans	Jones	Murdock
Beall, Tex.	Fairchild	Kent	Needham
Berger	Finley	Kindred	Neeley
Boehne	Flood, Va.	Kinkead, N. J.	Nelson
Borland	Focht	Kitchin	Nye
Bradley	Fordney	Konig	Oldfield
Brantley	Fornes	Konop	Olmsted
Broussard	Foss	Kopp	Padgett
Brown	Fuller	Korbly	Palmer
Bulkley	Gardner, Mass.	Lafean	Parran
Burgess	Gardner, N. J.	Lafferty	Patten, N. Y.
Burke, Pa.	Garner	Lamb	Patton, Pa.
Burke, S. Dak.	Garrett	Langham	Payne
Burleson	George	Lawrence	Pepper
Butler	Gillett	Lee, Ga.	Plumley
Byrns, Tenn.	Glass	Lenroot	Prince
Calder	Goeke	Levy	Prouty
Cannon	Goldfogle	Lewis	Pujo
Carlin	Gould	Lindsay	Randell, Tex.
Carter	Graham	Linthicum	Ransdell, La.
Clark, Fla.	Green, Iowa	Littlepage	Rauch
Claypool	Gregg, Pa.	Littleton	Redfield
Clayton	Griest	Lloyd	Rees
Cline	Gudger	Lobeck	Reilly
Collier	Guernsey	Longworth	Reyburn
Conry	Hamill	Loud	Richardson
Covington	Hamilton, W. Va.	McCall	Riordan
Crago	Hardwick	McCoy	Roberts, Mass.
Crumpacker	Hardy	McCreary	Roberts, Nev.
Currier	Harris	McGillicuddy	Rodenberg
Dalzell	Hart	McGuire, Okla.	Rothermel
Danforth	Hartman	McKellar	Rubey
Davenport	Heflin	McKenzie	Rucker, Colo.
Davidson	Helgesen	McKinley	Rucker, Mo.
Davis, Minn.	Helm	McLaughlin	Scully
Davis, W. Va.	Henry, Conn.	Maher	Sells

Shackleford	Stanley	Thomas	Watkins
Sharp	Stedman	Tilson	Webb
Simmons	Steenerson	Towner	Weeks
Sims	Stephens, Nebr.	Townsend	Whitacre
Slemp	Stephens, Tex.	Tribble	Wilder
Sloan	Stevens, Minn.	Turnbull	Wilson, Ill.
Smith, Saml. W.	Sweet	Underhill	Wilson, N. Y.
Smith, N. Y.	Talbott, Md.	Underwood	Wood, N. J.
Smith, Tex.	Taylor, Ohio	Volstead	Woods, Iowa
Speer	Thayer	Vreeland	Young, Mich.
Stack	Thistlewood	Warburton	Young, Tex.

So a call of the House was ordered.

The Clerk announced the following additional pairs:

For the session:

Mr. BARTLETT with Mr. BUTLER.

Mr. HOBSON with Mr. FAIRCHILD.

Until further notice:

Mr. BATHRICK with Mr. DE FOREST.

Mr. BEALL of Texas with Mr. FOSS.

Mr. BORLAND with Mr. FULLER.

Mr. BULKLEY with Mr. GUERNSEY.

Mr. BURGESS with Mr. HELGESEN.

Mr. BURLESON with Mr. HIGGINS.

Mr. BYRNS of Tennessee with Mr. HOWLAND.

Mr. CARTER with Mr. HUGHES of West Virginia.

Mr. CLARK of Florida with Mr. HUMPHREY of Washington.

Mr. CLAYPOOL with Mr. JACKSON.

Mr. COLLIER with Mr. KENT.

Mr. COVINGTON with Mr. KOPP.

Mr. DIES with Mr. LAWRENCE.

Mr. DUPRÉ with Mr. LOUD.

Mr. GARNER with Mr. MCKINNEY.

Mr. GARRETT with Mr. MCLAUGHLIN.

Mr. GRAHAM with Mr. MARTIN of South Dakota.

Mr. HARDWICK with Mr. MILLER.

Mr. HARDY with Mr. MONDELL.

Mr. HEFLIN with Mr. MOTT.

Mr. HELM with Mr. MURDOCK.

Mr. HENRY of Texas with Mr. NELSON.

Mr. JOHNSON of South Carolina with Mr. GILLETT.

Mr. LEVY with Mr. LAFFERTY.

Mr. LLOYD with Mr. ROBERTS of Massachusetts.

Mr. MCCOY with Mr. RODENBERG.

Mr. MCGILLICUDDY with Mr. SELLS.

Mr. MOON of Tennessee with Mr. STEENERSON.

Mr. MORRISON with Mr. WOODS of Iowa.

Mr. PADGETT with Mr. AMES.

Mr. PEPPER with Mr. WARBURTON.

Mr. PUJO with Mr. YOUNG of Michigan.

Mr. RAUCH with Mr. MCGUIRE of Oklahoma.

Mr. SMITH of Texas with Mr. REYBURN.

Mr. RUCKER of Missouri with Mr. CRAGO.

Mr. SIMS with Mr. DAVIS of Minnesota.

Mr. STANLEY with Mr. PAYNE.

Mr. STEDMAN with Mr. DYER.

Mr. STEPHENS of Texas with Mr. PLUMLEY.

Mr. WEBB with Mr. PRINCE.

Mr. YOUNG of Texas with Mr. REES.

Mr. ALLEN with Mr. DALZELL.

Mr. BARNHART with Mr. AUSTIN.

Mr. ASHBROOK with Mr. BATES.

Mr. AYRES with Mr. BURKE of Pennsylvania.

Mr. HULL with Mr. NEEDHAM.

Mr. HOUSTON with Mr. MOON of Pennsylvania.

Mr. GOULD with Mr. HINDS.

Mr. RAINEY with Mr. MCCALL.

Mr. RICHARDSON with Mr. THISTLEWOOD (either to be released when the other would vote the same way).

Mr. MCKENZIE. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall listening when his name was called?

Mr. MCKENZIE. No.

The SPEAKER. Then the gentleman does not bring himself within the rule.

Mr. LAMB. I desire to vote, Mr. Speaker.

The SPEAKER. Was the gentleman in the Hall listening when his name was called?

Mr. LAMB. No, sir; I was not. I just came over from my office.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. FARR. Mr. Speaker, did the gentleman from New York, Mr. UNDERHILL, vote?

The SPEAKER. He did not.

Mr. FARR. I voted "aye," but I have a pair with the gentleman, and I desire to withdraw my vote and vote "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. FARR, and he answered "Present."

Mr. JOHNSON of South Carolina. Mr. Speaker, I voted "aye," but I was paired with the gentleman from Massachusetts, Mr. GILLETT. I wish to withdraw my vote and vote "present."

The SPEAKER. Call the gentleman's name.

The Clerk called the name of Mr. JOHNSON of South Carolina, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and——

Mr. SISSON. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Mississippi [Mr. SISSON] moves that the House do now adjourn. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the "noes" seemed to have it.

Mr. LAFFERTY. A division, Mr. Speaker.

The House divided; and there were—ayes 41, noes 80.

So the House refused to adjourn.

Mr. GREENE of Massachusetts and Mr. FARR demanded the regular order.

The SPEAKER. The Clerk will call the roll.

Mr. POU. Mr. Speaker, I ask unanimous consent that further proceedings under the call be dispensed with, and that we proceed with the call of the Private Calendar under the original order of the House.

Mr. MANN. That is impossible by unanimous consent or otherwise until we get a quorum.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is correct. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Dyer	Langham	Reyburn
Aiken, S. C.	Ellerbe	Lawrence	Richardson
Ainey	Estopinal	Lee, Ga.	Riordan
Allen	Evans	Lenroot	Roberts, Mass.
Ames	Fairchild	Lindsay	Roberts, Nev.
Andrus	Finley	Linthicum	Rodenberg.
Ansberry	Flood, Va.	Littlepage	Rothermel
Ashbrook	Focht	Littleton	Rubey
Austin	Fordney	Lloyd	Rucker, Colo.
Ayres.	Fornes	Lobeck	Rucker, Mo.
Barchfeld	Foss	Longworth	Scully
Barnhart	Fuller	Loud	Sells
Bartholdt	Gardner, Mass.	McCall	Shackleford
Bartlett	Gardner, N. J.	McCoy	Sharp
Bates	Garner	McCreary	Simmons.
Bathrick	Garrett	McGillicuddy	Sims
Beall, Tex.	George	McGuire, Okla.	Slemp
Berger	Gillett	McKellar	Sloan
Boehne	Gooke	McKinley	Smith, Saml. W.
Borland	Goldfogle	McLaughlin	Smith, N. Y.
Bradley	Gould	Maher	Smith, Tex.
Brantley	Graham	Martin, Colo.	Speer
Broussard	Green, Iowa	Matthews	Stack
Brown	Gregg, Pa.	Mays	Stedman
Burke, Pa.	Griest	Merritt	Steenerson
Burleson	Gudger	Miller	Stephens, Nebr.
Butler	Guernsey	Mondell	Stephens, Tex.
Byrns, Tenn.	Hamill	Moon, Pa.	Stevens, Minn.
Calder	Hamilton, W. Va.	Moon, Tenn.	Sweet
Cannon	Hardwick	Moore, Tex.	Talbott, Md.
Carlin	Hardy	Morgan, La.	Taylor, Ohio
Carter	Harris	Morrison	Thayer
Clark, Fla.	Hartman	Morse, Wis.	Thomas
Clayton	Heflin	Mott	Tilson
Cline	Helgesen	Murdock	Towner
Collier	Helm	Needham	Townsend
Conry	Henry, Conn.	Neeley	Tribble
Covington	Henry, Tex.	Nelson	Turnbull
Crago	Higgins	Nye	Underhill
Currier	Hill	Oldfield	Underwood
Dalzell	Hinds	Padgett	Volstead
Danforth	Houston	Palmer	Vreeland
Davidson	Howland	Parran	Warburton
Davis, Minn.	Hughes, Ga.	Patten, N. Y.	Watkins
Davis, W. Va.	Hughes, W. Va.	Payne	Webb
De Forest	Humphrey, Wash.	Pepper	Weeks
Dent	Johnson, Ky.	Plumley	Whitacre
Denver	Jones	Prince	Wilder
Dies	Kent	Prouty	Wilson, Ill.
Dodds	Kinkead, N. J.	Pujo	Wilson, N. Y.
Doremus	Kitchin	Randell, Tex.	Wood, N. J.
Draper	Konig	Ransdell, La.	Young, Mich.
Driscoll, D. A.	Konop	Rauch	Young, Tex.
Driscoll, M. E.	Kopp	Redfield	
Dupré	Korbly	Rees	
Dwight	Lafean	Reilly	

The SPEAKER. One hundred and forty-nine Members have answered to their names—not a quorum.

Mr. POU. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. HAMLIN) there were 66 ayes and 62 noes.

Mr. FARR. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered by 45 ayes and 9 noes.

The question was taken; and there were—yeas 54, nays 78, answered "present" 8, not voting 241, as follows:

YEAS—54.

Adair	Doughton	Kindred	Scott
Alexander	Faison	Kinkaid, Nebr.	Sisson
Anthony	Fergusson	Lever	Slayden
Byrnes, S. C.	Floyd, Ark.	Lewis	Sloan
Callaway	Foster	Macon	Stanley
Campbell	Francis	Maguire, Nebr.	Switzer
Cantrill	Gill	Morgan, Okla.	Taggart
Cox	Godwin, N. C.	Moss, Ind.	Tuttle
Cravens	Gregg, Tex.	Pou	Willis
Cullop	Hamlin	Powers	Wilson, Pa.
Dickinson	Hart	Rouse	Witherspoon
Dickson, Miss.	Hay	Russell	Young, Kans.
Difenderfer	Hensley	Sabath	
Dixon, Ind.	Holland	Saunders	

NAYS—78.

Anderson	French	Jackson	Patton, Pa.
Bell, Ga.	Gallagher	Jacoway	Pickett
Blackmon	Good	Kahn	Pray
Booher	Goodwin, Ark.	Kendall	Raker
Buchanan	Gray	Kennedy	Roddenbery
Candler	Greene, Mass.	Knowland	Sherwood
Cary	Greene, Vt.	Lafferty	Smith, J. M. C.
Claypool	Hamilton, Mich.	La Follette	Stephens, Cal.
Cooper	Hammond	Lamb	Stephens, Miss.
Copley	Harrison, Miss.	Langley	Sterling
Curley	Haugen	Lindbergh	Stone
Curry	Hawley	McDermott	Talcott, N. Y.
Daugherty	Hayden	McKenzie	Taylor, Ala.
Dent	Hayes	McKinney	Taylor, Ark.
Donohoe	Heald	McMorran	Taylor, Colo.
Edwards	Heflin	Madden	Thistlewood
Esch	Hobson	Martin, S. Dak.	Vare
Ferris	Howard	Moore, Pa.	Woods, Iowa
Fields	Howell	Norris	
Fowler	Humphreys, Miss.	Olmsted	

ANSWERED "PRESENT"—8.

Adamson	Browning	Mann	Rainey
Akin, N. Y.	Farr	Murray	Sparkman

NOT VOTING—241.

Aiken, S. C.	Dyer	Langham	Rees
Ainey	Ellerbe	Lawrence	Reilly
Allen	Estopinal	Lee, Ga.	Reyburn
Ames	Evans	Lee, Pa.	Richardson
Andrus	Fairchild	Lenroot	Riordan
Ansberry	Finley	Levy	Roberts, Mass.
Ashbrook	Fitzgerald	Lindsay	Roberts, Nev.
Austin	Flood, Va.	Linthicum	Rodenberg
Ayres	Focht	Littlepage	Rothermel
Barchfeld	Fordney	Littleton	Rubey
Barnhart	Fornes	Lloyd	Rucker, Colo.
Bartholdt	Foss	Lobeck	Rucker, Mo.
Bartlett	Fuller	Longworth	Scully
Bates	Gardner, Mass.	Loud	Sells
Bathrick	Gardner, N. J.	McCall	Shackleford
Beall, Tex.	Garner	McCoy	Sharp
Berger	Garrett	McCreary	Sherley
Boehne	George	McGillicuddy	Simmons
Borland	Gillett	McGuire, Okla.	Sims
Bradley	Glass	McKellar	Slemp
Brantley	Goeke	McKinley	Small
Broussard	Goldfogle	McLaughlin	Smith, Saml. W.
Brown	Gould	Maher	Smith, N. Y.
Bulkley	Graham	Martin, Colo.	Smith, Tex.
Burgess	Green, Iowa	Matthews	Speer
Burke, Pa.	Gregg, Pa.	Mays	Stack
Burke, S. Dak.	Griest	Merritt	Stedman
Burke, Wis.	Gudger	Miller	Steenerson
Burleson	Guernsey	Mondell	Stephens, Nebr.
Burnett	Hamill	Moon, Pa.	Stephens, Tex.
Butler	Hamilton, W. Va.	Moon, Tenn.	Stevens, Minn.
Byrns, Tenn.	Hardwick	Moore, Tex.	Sulloway
Calder	Hardy	Morgan, La.	Sweet
Cannon	Harris	Morrison	Talbott, Md.
Carlin	Harrison, N. Y.	Morse, Wis.	Taylor, Ohio
Carter	Hartman	Mott	Thayer
Clark, Fla.	Helgesen	Murdock	Thomas
Clayton	Helm	Needham	Tilson
Cline	Henry, Conn.	Neeley	Towner
Collier	Henry, Tex.	Nelson	Townsend
Conry	Higgins	Nye	Tribble
Covington	Hill	Oldfield	Turnbull
Crago	Hinds	O'Shaunessy	Underhill
Crumpacker	Houston	Padgett	Underwood
Currier	Howland	Page	Volstead
Dalzell	Hughes, Ga.	Palmer	Vreeland
Danforth	Hughes, W. Va.	Parran	Warburton
Davenport	Hull	Patten, N. Y.	Watkins
Davidson	Humphrey, Wash.	Payne	Webb
Davis, Minn.	James	Pepper	Weeks
Davis, W. Va.	Johnson, Ky.	Peters	Whitacre
De Forest	Johnson, S. C.	Plumley	White
Denver	Jones	Porter	Wilder
Dies	Kent	Post	Wilson, Ill.
Dodds	Kinkead, N. J.	Prince	Wilson, N. Y.
Doremus	Kitchin	Prouty	Wood, N. J.
Draper	Konig	Pujo	Young, Mich.
Driscoll, D. A.	Konop	Randell, Tex.	Young, Tex.
Driscoll, M. E.	Kopp	Ransdell, La.	
Dupré	Korbly	Rauch	
Dwight	Lafean	Redfield	

So the House refused to adjourn.

The result of the vote was then announced as above recorded.

Mr. FOSTER. Mr. Speaker, I offer the following order.

The Clerk read as follows:

Ordered, That the Sergeant at Arms take into custody and bring to the bar of the House such of its Members as are found absent without leave of the House.

The SPEAKER. The question is on agreeing to the order.

The question was taken, and the order was agreed to.

Mr. RODDENBERY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERY. I have a short letter addressed to me touching a matter of legislation which I desire at a subsequent time, in a day or so, to present to the House.

Mr. MANN. Mr. Speaker, I make the point of order that the gentleman is out of order.

Mr. RODDENBERY. If I could read it now——

The SPEAKER. No business can be transacted at this time except to bring in the absentees or to adjourn.

Mr. ANTHONY. Mr. Speaker, I move that the House do now adjourn.

The question was taken, and the House refused to adjourn.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the motion of the gentleman from Illinois that the House do now adjourn. The rule provides that if this motion be seconded by a majority of those present it may be considered. Those in favor of seconding the motion will rise and stand until counted. [After counting.] Sixty-five Members have risen. The Chair will count those present. [After counting.] One hundred and nine Members are present. The rule provides that at any time after the roll has been completed the Speaker may entertain the motion to adjourn if seconded by a majority of those present, to be ascertained by actual count of the Speaker, and that if the House adjourn all proceedings under this section shall be vacated. A majority of those present have seconded the motion to adjourn. The question is on the motion of the gentleman from Illinois that the House do now adjourn.

The question was taken, and the motion was agreed to.

Accordingly (at 10 o'clock and 6 minutes p. m.) the House adjourned until to-morrow, Tuesday, February 11, 1913, at 10.30 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named as follows:

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill (S. 8273) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls, reported the same with amendment, accompanied by a report (No. 1493), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (S. 8092) granting to the Emigration Canon Railroad Co., a corporation of the State of Utah, permission, in so far as the United States is concerned, to occupy, for a right of way for its railroad track, a certain piece of land now included in the Mount Olivet Cemetery, Salt Lake County, Utah, reported the same without amendment, accompanied by a report (No. 1494), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FOSS, from the Committee on Naval Affairs, to which was referred the bill (S. 4584) to promote the efficiency of the Naval Militia, and for other purposes, reported the same with amendment, accompanied by a report (No. 1496), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (H. R. 26200) granting cities and incorporated towns coal lands for municipal purposes, reported the same with amendment, accompanied by a report (No. 1499), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill (H. R. 28613) to construe the name of

E. T. Bourger, as the same appears in the report of Hawkins-Taylor Commission in relation to Company F, Osage County Battalion, Missouri Home Guards, to refer to Joseph Bourgeret, of Osage County, Mo., reported the same without amendment, accompanied by a report (No. 1492), which said bill and report were referred to the Private Calendar.

Mr. HEALD, from the Committee on Claims, to which was referred the bill (H. R. 24971) for the relief of E. I. Du Pont de Nemours Powder Co., a corporation organized under the laws of the State of New Jersey, reported the same with amendment, accompanied by a report (No. 1495), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 24972) for the relief of the International Smokeless Powder & Chemical Co., a corporation organized under the laws of the State of New Jersey, reported the same without amendment, accompanied by a report (No. 1495), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CLARK of Missouri: A bill (H. R. 28715) to authorize the St. Louis & Western Traction Co. to construct a bridge across the Missouri River near Weldon Springs Landing, in the State of Missouri; to the Committee on Interstate and Foreign Commerce.

By Mr. GLASS: A bill (H. R. 28716) to erect an extension to the post-office and courthouse building at Lynchburg, Va.; to the Committee on Public Buildings and Grounds.

By Mr. YOUNG of Kansas: A bill (H. R. 28717) authorizing the Secretary of War, in his discretion, to deliver to the city of Beloit, Kans., condemned bronze or brass cannon with equipment, etc.; to the Committee on Military Affairs.

By Mr. RAINEY: A bill (H. R. 28718) to authorize the St. Louis Belt, Illinois & Eastern Traction Co., to construct a bridge across the Mississippi River near the mouth of the Missouri River; to the Committee on Interstate and Foreign Commerce.

By Mr. BURGESS: A bill (H. R. 28719) to increase the limit of cost of public building at Cuero, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. TAYLOR of Arkansas: A bill (H. R. 28720) authorizing the construction of a post-office building at Stuttgart, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. WARBURTON: A bill (H. R. 28721) for the creation of a commission for the location, construction, and maintenance of interstate and military highways, and providing the necessary revenues for the same; to the Committee on Agriculture.

By Mr. TILSON: A bill (H. R. 28722) increasing the cost of erecting a Federal building at New Haven, Conn.; to the Committee on Public Buildings and Grounds.

By Mr. MOON of Tennessee: Resolution (H. Res. 825) authorizing the appointment by the Speaker of an additional clerk; to the Committee on Accounts.

By Mr. MURDOCK: Resolution (H. Res. 826) relating to American interests in Mexico; to the Committee on Foreign Affairs.

By Mr. HAMILL: Joint resolution (H. J. Res. 395) for safeguarding American lives and interests in Mexico; to the Committee on Foreign Affairs.

By Mr. TOWNSEND: Joint resolution (H. J. Res. 396) granting permission to the Woman's Titanic Memorial Association to erect a memorial structure in Potomac Park, in the city of Washington; to the Committee on the Library.

By Mr. CLAYTON: Joint resolution (H. J. Res. 397) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. CARY: Joint resolution (H. J. Res. 398) authorizing the Commissioners of the District of Columbia to revoke licenses under certain conditions; to the Committee on the District of Columbia.

By Mr. FERRIS: A memorial from the Legislature of the State of Oklahoma, urging Congress to amend the Sherman anti-trust law; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FERRIS: A bill (H. R. 28723) granting an increase of pension to David Wolroth; to the Committee on Invalid Pensions.

By Mr. WATKINS: A bill (H. R. 28724) for the reinstatement on the active list of the Army and retirement of Gordon A. Dennis, former second lieutenant in the Infantry; to the Committee on Military Affairs.

By Mr. FITZGERALD: A bill (H. R. 28725) to remove the charge of desertion against Edward Deegan, otherwise known as Edward Degan; to the Committee on Naval Affairs.

By Mr. OLMSTED: A bill (H. R. 28726) to correct the military record of James E. Zerbe; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANSBERRY: Petition of the Downtown Taxpayers' Association, Brooklyn, N. Y., favoring an amendment to the naval appropriation bill providing for the building of one of the new battleships in a Government navy yard; to the Committee on Naval Affairs.

By Mr. CARY: Petition of various chapters of the Order of the Daughters of the American Revolution, favoring the passage of legislation to give and grant the building, the Old Colonial Exchange, Charleston, S. C., to the Order of the Daughters of the American Revolution in the State of South Carolina; to the Committee on Public Buildings and Grounds.

Also, petition of the American Wood Preservers' Association, Baltimore, Md., protesting against the passage of legislation removing creosote oil from the free list; to the Committee on Ways and Means.

Also, petition of the Merchants' and Manufacturing Association of Milwaukee, Wis., protesting against the passage of House bill 26678, to facilitate transportation and to prevent the use of railroad cars for storage purposes; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Merchants' and Manufacturing Association of Milwaukee, Wis., favoring the passage of House bill 16450, to punish the unlawful breaking of seals of railroad cars containing interstate and foreign shipments; to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Association of Manufacturers, New York, favoring the passage of Senate bill 3, for Federal aid for vocational education; to the Committee on Agriculture.

By Mr. ESCH: Petition of the congregations of the Baptist, Congregational, Methodist, and Presbyterian Churches of Baraboo, Wis., favoring the passage of the Kenyon-Sheppard bill preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. FITZGERALD: Petition of the Downtown Taxpayers' Association, Brooklyn, N. Y., favoring the placing of a clause in this year's naval appropriation bill providing for the building of one of the new battleships in a Government navy yard; to the Committee on Naval Affairs.

By Mr. KONOP: Petition of the American Wood Preservers' Association, Baltimore, Md., protesting against the passage of legislation removing creosote oil from the free list; to the Committee on Ways and Means.

By Mr. McKENZIE: Petition of citizens of Prophetstown, Ill., favoring the passage of the Kenyon-Sheppard bill preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. MANN: Petition of the Illinois Vigilance Association, Chicago, Ill., favoring the passage of the Kenyon "red-light" injunction bill for the cleaning up of Washington for the inauguration; to the Committee on the District of Columbia.

By Mr. MARTIN of South Dakota: Petition of teachers of Sioux Falls, S. Dak., favoring the passage of the McLean bill granting Federal aid for the protection of all migratory birds; to the Committee on Agriculture.

By Mr. OLMSTED: Petition of the Council of the Organizations of Christian Men of Lebanon, Pa., favoring the passage of the Kenyon "red-light" injunction bill for the cleaning up of Washington for the inauguration; to the Committee on the District of Columbia.

Also, petition of the Council of the Organizations of Christian Men of Lebanon, Pa., favoring the passage of the Kenyon-Sheppard bill preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. RAKER: Petition of members of the California State Board of Forestry, favoring the passage of legislation making additional appropriations for Federal aid in protecting forests at the heads of navigable streams from fires; to the Committee on Agriculture.

By Mr. SCULLY: Petition of 26 citizens of Lakewood, 24 citizens of Keyport, and 19 citizens of New Monmouth, N. J.; the Baptist Ushers' Union, New Monmouth, N. J.; and the Keyport (N. J.) Baptist Church, favoring the passage of the Kenyon-McCumber bill preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. TAYLOR of Colorado: Petition of citizens of Nucla, Colo., praying for an investigation of the prosecution of the editors of the Appeal to Reason by Government officials; to the Committee on Expenditures in the Post Office Department.

By Mr. TUTTLE: Petition of 17 voters of Summit; 27 citizens of Blairstown; 28 citizens of Roselle; the Fulton Street Methodist Episcopal Church, of Elizabeth; the First Baptist Church of Roselle; the First Presbyterian Church of Hamburg; and the Presbyterian Church of Beanstown, all in the State of New Jersey, favoring the passage of the Kenyon-McCumber bill preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

Also, petition of business men of the fifth district of the State of New Jersey favoring the passage of legislation to compel concerns selling goods direct to the consumer by mail to contribute their portion of the funds in the development of the local community, the county, and State; to the Committee on Interstate and Foreign Commerce.

By Mr. UNDERHILL: Petition of the American Wood Preservers' Association, Baltimore, Md., protesting against the passage of legislation for the removal of creosote oil from the free list; to the Committee on Ways and Means.

Also, petition of the California Club, San Francisco, Cal., favoring the passage of legislation making further appropriations for the suppression of the white-slave traffic; to the Committee on Appropriations.

Also, petition of the American Forestry Association, Washington, D. C., protesting against the passage of House bill 23293, for the protection of the water supply for the city of Colorado Springs and the town of Manitou, Colo., as amended by the Senate; to the Committee on the Public Lands.

By Mr. WILLIS: Petition of the Chamber of Commerce of Steubenville, Ohio, favoring the passage of legislation for the establishment of a tariff commission to aid Congress in its tariff legislation; to the Committee on Ways and Means.

By Mr. WILSON of New York: Petition of the American Wood Preservers' Association, Baltimore, Md., protesting against the passage of any legislation removing creosote oil from the free list; to the Committee on Ways and Means.

Also, petition of the California Club, of San Francisco, Cal., favoring the passage of legislation making further appropriations for the suppression of the white-slave traffic; to the Committee on Appropriations.

SENATE.

TUESDAY, *February 11, 1913.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GRONNA and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 2070. An act for the relief of the estate of Antonia Sousa, deceased;

H. R. 5948. An act to prohibit in the District of Columbia the intermarriage of whites with Ethiopians, Malays, or Mongolians;

H. R. 21709. An act to amend subchapter 2 of chapter 19 of the Code of Law for the District of Columbia; and

H. R. 21714. An act to amend subchapter 2 of chapter 19 of the Code of Law for the District of Columbia.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 16450. An act to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, the unlawful entering of such cars, the stealing of freight and express packages or baggage or articles in process of transportation in interstate shipment and the felonious asportation of such freight or express packages or baggage or articles therefrom into another district of the United States, and the felonious possession or reception of the same;

H. R. 18425. An act for the relief of Simon Nager; and

H. R. 28186. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a joint memorial of the Legislature of Oregon, which was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
STATE OF OREGON,
Office of the Secretary of State.

I, Ben W. Olcott, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 5 with the original thereof filed in the office of the secretary of state of the State of Oregon on the 4th day of February, 1913, and that the same is a full, true, and complete transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 4th day of February, A. D. 1913.

[SEAL.] BEN W. OLCOTT,
Secretary of State.

House joint memorial 5.

To the honorable Senate and House of Representatives of the United States of America:

Your memorialists, the Legislative Assembly of the State of Oregon, respectfully represent that—

Whereas the Willamette River, a navigable stream, has a tendency in past years of deviating from its proper course, at Independence, and attempting to cut through the fertile lands situated immediately below the city of Independence, consisting of the largest and best hop lands in the world, thus rendering the present channel unfit for navigation; and

Whereas in former years the Government, recognizing the necessity of preserving the present channel of the Willamette River, at Independence, in its integrity, caused a revetment to be built at a cost of $50,000; and

Whereas this revetment is a decided success so far as it is possible for a revetment of its size, but it is only half large enough and does not afford sufficient protection to prevent the river encroaching on the banks, and this destruction goes on from one high water to another; and

Whereas this encroachment of the river upon the banks has a tendency to cut an entirely new channel or to cause a division of the present channel which will make futile the work already done aside from being a direct menace to the navigation of said upper Willamette River above Salem; and

Whereas an appropriation is necessary for the immediate improvement and future preservation of the navigation of the Willamette River at the revetment at Independence; Therefore be it

Resolved, That your memorialists favor an appropriation sufficient to improve and preserve this revetment to the end that navigation of the upper Willamette River above Salem be preserved and that the lands adjoining be protected.

Adopted by the house January 28, 1913.

C. N. MCARTHUR,
Speaker of the House.

Concurred in by the senate January 30, 1913.

DAN J. MALARKEY,
President of the Senate.

The PRESIDENT pro tempore presented a joint memorial of the Legislature of Oregon, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
STATE OF OREGON,
Office of the Secretary of State.

I, Ben W. Olcott, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 7 with the original thereof filed in the office of the secretary of state of the State of Oregon on the 4th day of February, 1913, and that the same is a full, true, and complete transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 4th day of February, A. D. 1913.

[SEAL.] BEN W. OLCOTT,
Secretary of State.

Senate joint memorial 7.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Legislative Assembly of the State of Oregon, respectfully represent that—

Whereas a bill has been introduced into the United States Senate for passage, being Senate bill 8003, providing for the construction, maintenance, and improvement of post roads and rural-delivery routes through the cooperation and joint action of the National Government and the several States in which such post roads or rural-delivery routes may be established; and

Whereas the passage of said bill by Congress would greatly inure to the benefit and advantage of the State of Oregon and its subdivisions: Now therefore be it

Resolved, That your memorialists favor the enactment of Senate bill 8003 by Congress of the United States, which will greatly inure to the benefit and advantage of the State of Oregon in the construction of its roads and public highways; and be it further

Resolved, That the secretary of state of the State of Oregon be directed to transmit a copy of this memorial to the President of the United States Senate and the Speaker of the House of Representatives of the United States and to each of the Senators and Representatives of the State of Oregon in Congress.

Adopted by the house January 31, 1913.

C. N. McARTHUR,
Speaker of the House.

Adopted by the senate January 29, 1913.

DAN J. MALARKEY,
President of the Senate.

The PRESIDENT pro tempore presented a joint memorial of the Legislature of Oregon, which was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, STATE OF OREGON,
Office of the Secretary of State.

I, Ben W. Olcott, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 8 with the original thereof filed in the office of the secretary of state of the State of Oregon on the 4th day of February, 1913, and that the same is a full, true, and complete transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 4th day of February, A. D. 1913.

[SEAL.] BEN W. OLCOTT,
Secretary of State.

Senate joint memorial 8.

To the honorable Sixty-second Congress of the United States assembled:

Your memorialists, the Senate and House of Representatives of the State of Oregon, in the Twenty-seventh Legislative Assembly, respectfully represent that—

Whereas the Sixty-first Congress recognized the duty of the Federal Government to protect from fire the forested watersheds of navigable streams in the passage of the Weeks law; and

Whereas under the provisions of section 2 of the said law the Secretary of Agriculture during 1911 and 1912 allotted to Oregon the sum of $15,000, which was expended with splendid results under the direction of the State forester in protecting from fire the watersheds of practically every navigable stream in the State, and it appears that because of lack of funds the Secretary is unable to continue the cooperation on the same scale as it has been conducted during the past two years; and

Whereas, representing a Commonwealth to which the protection of its great forest resources, forest industries, and navigable streams from the injurious effects of forest fires is of vital importance, and which supports such protection through liberal appropriations by its own legislature and great expenditure of private money and effort: Now therefore be it

Resolved, That your memorialists, the Senate and House of Representatives of the State of Oregon, in the twenty-seventh legislative session assembled, respectfully and earnestly petition and urge the Congress of the United States at its present session the continuation of Federal cooperation to the same end as provided in section 2 of the Weeks law, and that provision therefor be made one of the annual appropriations by Congress; and be it further

Resolved, That the secretary of state be authorized and directed to forward a copy of this memorial to the Presiding Officer of the United States Senate, the Speaker of the House of Representatives, the chairmen of the House and Senate Committees on Agricultural Appropriations, the Secretary of Agriculture, and to each of the Members of the Oregon delegation of said National Congress.

Adopted by the house January 31, 1913.

C. N. McARTHUR,
Speaker of the House.

Adopted by the senate January 29, 1913.

DAN J. MALARKEY,
President of the Senate.

The PRESIDENT pro tempore presented a joint memorial adopted by the Legislature of Oregon, which was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
STATE OF OREGON,
Office of the Secretary of State.

I, Ben W. Olcott, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 6 with the original thereof filed in the office of the secretary of state of the State of Oregon on the 4th day of February, 1913, and that the same is a full, true, and complete transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 4th day of February, A. D. 1913.

[SEAL.] BEN W. OLCOTT,
Secretary of State.

House joint memorial 6.

To the honorable the Senate and the House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Legislative Assembly of the State of Oregon, respectfully represent that—

Whereas we are convinced that the requirements of the repayment of the cost of construction of Government irrigation projects in 10 years is too great a burden upon the landowner under said projects, and its enforcement will eventually mean the ruin of the majority of those whom the reclamation act was designed to assist and benefit; and

Whereas we are convinced that the applicants for water under said project should be given a period of 25 years in which to return to the Government the money expended for the construction and maintenance of said projects, and that the money which would otherwise be used in making payments to the United States for said water-right charges could be more beneficially used in development work within the said projects; and

Whereas we are convinced that the requirement of residence on irrigation projects constructed by the Reclamation Service of the United States is an unjust and unreasonable requirement; that it prevents the landowners in these projects from engaging in their accustomed occupations during the time when the land is being developed and produces nothing in return: Now therefore be it

Resolved by the house of representatives (the senate concurring), That our Representatives and Senators in Congress be, and the same are hereby, memorialized and requested to amend section 5 of the act of June 17, 1902, known as the reclamation act, so as to read as follows:

"No sale of water right shall be made for any land in private ownership in excess of 160 acres to any one landowner, and no sale shall be deemed complete until all payments therefor are made, but the time for said payments for said water right may be extended for a period of time not to exceed 25 years from date of water-right application, at the discretion of the Secretary of Interior."

Adopted by the house January 28, 1913.

C. N. McARTHUR,
Speaker of the House.

Concurred in by the senate January 30, 1913.

DAN J. MALARKEY,
President of the Senate.

The PRESIDENT pro tempore presented resolutions adopted by the Woman's Wilson and Marshall League of Seattle, Wash., favoring the recognition by the United States of the Republic of China, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Worley Bible Class, of Bethany Baptist Sunday School, of Washington, D. C., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. HITCHCOCK presented a memorial of the Farmers' Educational and Cooperative Union of Scribner, Nebr., remonstrating against the passage of the so-called agricultural extension bill, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Gosper County and Beatrice, in the State of Nebraska, remonstrating against the passage of the so-called Owen health bill, which were ordered to lie on the table.

Mr. MYERS presented a memorial of the congregation of the Seventh-day Adventist Church of Rollins, Mont., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. THOMAS. I present a senate joint memorial adopted by the Legislature of Colorado, relating to the bill (S. 8403) to establish the Rocky Mountain National Park in the State of Colorado, and for other purposes. I ask that the memorial be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Senate joint memorial 4.

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the General Assembly of the State of Colorado, would respectfully represent that under and by direction of the Secretary of the Interior, the Hon. R. B. Marshall, chief geographer of the department, recently visited Colorado to determine by perconal observation whether there should be established in Colorado a national park.

That the said Marshall, following the said order, visited Colorado, and after a careful and painstaking examination of the country proposed to be included in said national park, recommended the creation of the same.

That the people of Colorado desire that said park shall be established. It includes the highest mountain peaks in the State; the area is little adapted to either agriculture or grazing; its scenery for sublimity and grandeur is not excelled on the continent; its location is easy of access to America's millions who seek health and recreation in the summer months, it being situated in the front and main range of the Rocky Mountains.

We therefore urge that you pass an act creating the said Rocky Mountain National Park, adopting the metes and bounds as set forth in the report of said Chief Geographer Marshall to the Secretary of the Interior, and embodying provisions as contained in a bill for an act creating the said park, prepared and introduced in the National House of Representatives for that purpose.

And this your memorialists will ever pray.

Mr. GRONNA presented a telegram in the nature of a petition from the Missouri Slope District North Dakota Bankers' Association, praying for the passage of the so-called agricultural extension bill, which was ordered to lie on the table.

Mr. BRANDEGEE presented resolutions adopted by the New England Club of Library Commission Workers, favoring the adoption of certain amendments to the parcel-post law, which were referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of Arizona presented a memorial of the congregation of the Seventh-day Adventist Church of Globe, Ariz., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. SMITH of Maryland presented a petition of members of the faculty of Westminster Theological Seminary of Maryland,

praying for the passage of the so-called Kenyon "red-light" injunction bill, which was ordered to lie on the table.

Mr. SMOOT presented memorials of sundry citizens of Washington, D. C., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. GALLINGER presented a petition of sundry citizens of Washington, D. C., praying that an appropriation be made for the opening and extension of Sixteenth Street NW., which was referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. SMOOT (for Mr. BRYAN), from the Committee on Claims, to which was referred the bill (S. 2708) for the relief of the owners of lighter *No. 128*, reported adversely thereon, and the bill was postponed indefinitely.

He also (for Mr. BRYAN), from the same committee, to which was referred the bill (S. 6028) for the relief of the heirs of the late Samuel H. Donaldson, reported it with an amendment.

Mr. JOHNSON of Maine, from the Committee on Finance, to which was referred the bill (H. R. 27323) to provide for refund or abatement under certain conditions of penalty taxes imposed by section 38 of the act of August 5, 1909, known as the special excise corporation-tax law, reported it without amendment and submitted a report (No. 1204) thereon.

Mr. CRAWFORD, from the Committee on Claims, to which was referred the bill (S. 7878) for the relief of Severin and Berthe L. Evensen, dependent parents of Sigurd Evensen, reported it without amendment and submitted a report (No. 1205) thereon.

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (S. 8410) to authorize the sale of lands contained in the abandoned military reservation at Fort Hancock, near Bismarck, N. Dak., asked to be discharged from its further consideration and that it be referred to the Committee on Public Lands, which was agreed to.

TERMS OF DISTRICT COURT IN NEW JERSEY.

Mr. O'GORMAN. On behalf of the Committee on the Judiciary, I report back favorably, without amendment, the bill (H. R. 28094) to amend section 96, chapter 5, of the act of Congress of March 3, 1911, entitled "The Judicial Code." I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. The Senator from New York asks unanimous consent for the present consideration of the bill just reported by him. Is there objection?

Mr. SMOOT. Let the bill be read, Mr. President.

Mr. O'GORMAN. I will say to the Senator from Utah that the bill merely relates to the holding of terms of court in Trenton and Newark, N. J.

Mr. SMOOT. I have no objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 96, chapter 5, of the act of Congress approved March 3, 1911, and therein designated "The Judicial Code," so as to read as follows:

SEC. 96. The State of New Jersey shall constitute one judicial district, to be known as the district of New Jersey. Terms of the district court shall be held at Newark on the first Tuesday in April and the first Tuesday in November and at Trenton on the third Tuesday in January and the second Tuesday in September of each year. The clerk of the court for the district of New Jersey shall maintain an office, in charge of himself or a deputy, at Newark and at Trenton, each of which offices shall be kept open at all times for the transaction of the business of the court; and the marshal shall also maintain an office, in charge of himself or a deputy, at Newark and at Trenton, each of which offices shall be kept open at all times for the transaction of the business of the court.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SENATORS FROM WEST VIRGINIA.

Mr. DILLINGHAM. From the Committee on Privileges and Elections I send up a report of that committee on papers referred to it in relation to the nomination and election of CLARENCE W. WATSON and WILLIAM E. CHILTON as Senators of the United States. I ask to have the report read. It is accompanied by a resolution, for which I will ask immediate consideration after the reading of the report.

The PRESIDENT pro tempore. The Senator from Vermont submits a report from the Committee on Privileges and Elections, which will be read.

The Secretary read as follows:

Mr. DILLINGHAM, from the Committee on Privileges and Elections, submitted the following report (No. 1206):

The Committee on Privileges and Elections, to whom was referred the petition of William E. Glasscock, William Seymour Edwards, Herschel C. Ogden, David B. Smith, and F. A. MacDonald, citizens of West Virginia, making certain charges and allegations of fraud and corruption connected with the nomination and election of CLARENCE W. WATSON and WILLIAM E. CHILTON as Senators of the United States from the State of West Virginia, report

That a careful examination of the said petition and of all the papers submitted by the Senate to the committee discloses—

First. That the Legislature of West Virginia, which convened on the 11th day of January, A. D. 1911, chose Messrs. CLARENCE W. WATSON and WILLIAM E. CHILTON as Senators of the United States from the State of West Virginia, and that they appeared, took their oath of office, and are now sitting as Senators in this body. The petitioners do not state or allege that in such election any individual member of the legislature was bribed to vote for either of the persons named, or that, in voting for them, or either of them, any member thereof was actuated by any corrupt or improper motive.

Second. It does not appear upon any of the papers before this committee that in such election any member of the Legislature of West Virginia was improperly approached by any person interested in the election of either of the said Senators, or that any improper offer or inducement of any kind or nature was made to any such member to cast his vote for said Senators, or either of them.

Third. The only direct charge that money was improperly used, or attempted to be used, by anyone is contained in a purported statement of L. J. Shock, a member of the West Virginia Legislature, that, on the 18th day of January, 1911, prior to the caucus of the Democratic members of the legislature, which was held to nominate party candidates for United States Senators, he was paid $1,000, and promised a further sum, to vote for Messrs. WATSON and CHILTON for United States Senators. This statement was read by Hon. George W. Bland, a State senator, before the Joint Assembly of the Legislature of West Virginia on the 25th day of January, 1911. But it affirmatively appears, from the papers submitted to this committee, that the charge made by Mr. Shock was without foundation, and has been fully retracted in a statement made by him to Senator WATSON, of which the following is a copy:

BURNSVILLE, W. VA., *January 8, 1913.*

Hon. C. W. WATSON,
Washington, D. C.

DEAR SIR: The time has come when you should know the truth about the so-called Shock statement. I never have signed any statement that was read before the legislature and I never have been under oath. I have let the talking go on because I hated to be put in a wrong light. The truth is that I set up the whole business. Nobody tried to buy my vote, and would not swear that they did. I wanted to nominate McGraw, and I thought if I got this thousand dollars and made this play, it would hurt you and CHILTON. The trick failed to work, and now you have the truth. I do not know you, and am sending this to you because I want justice to be done. So far as I know, your election and CHILTON's was honest and fair, and it is wrong to have this report going around.

Very truly, yours, L. J. SHOCK.

Fourth. All other matters contained in the petition aforesaid are rumors without apparent foundation—statements of individual opinion, newspaper stories, and speculations as to general conditions existing in and about the legislature and throughout the State of West Virginia just previous to and at the time of such election. These do not in any instance refer to the action of any particular member of the Legislature of West Virginia. They do not charge any act of bribery or attempted bribery. They neither name any member of that body as having received, nor as having been asked to receive, money for his vote, nor do they indicate any person who made any attempt to bribe or improperly influence any member of the legislature. They are of that general character too frequently indulged in both by individuals and by the public press on the occasion of elections in connection with which great public interest is aroused, and, while calculated to arouse suspicion and create prejudice, they do not, in the opinion of the committee, present a proper basis for action on the part of the Senate.

The committee are unanimously of the opinion that the prayer of the petition should not be granted, and submit the following resolution:

Resolved, That the Committee on Privileges and Elections be discharged from further consideration of the subject.

Mr. DILLINGHAM. I ask for the present consideration of the resolution.

The PRESIDENT pro tempore. The Senator from Vermont asks for the present consideration of the resolution which has just been read. Is there objection? The Chair hears none.

Mr. STONE. Mr. President, my attention was diverted. I wish to be certain what this is.

The PRESIDENT pro tempore. The Secretary will again read the resolution.

Mr. STONE. No; I desire to be certain just what it relates to.

The PRESIDENT pro tempore. It relates to the question of the validity of the election of the Senators from West Virginia, Senator WATSON and Senator CHILTON. The resolution has been read to the Senate. It is now before the Senate for action. [Putting the question.] The resolution is unanimously agreed to. The report, the Chair understands, is a part of the action of the Senate. The report is adopted and the resolution is agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ROOT:

A bill (S. 8454) to amend section 914 of the Revised Statutes; to the Committee on the Judiciary.

By Mr. MYERS:

A bill (S. 8455) granting to the trustees of the Diocese of Montana of the Protestant Episcopal Church, for the benefit of Christ Church On-the-Hill, at Poplar, Mont., lots 5, 6, and 7, in block 30, town site of Poplar, State of Montana; to the Committee on Public Lands.

By Mr. FLETCHER:
A bill (S. 8456) authorizing the Director of the Census to collect, collate, and publish statistics relating to the turpentine and rosin industry; to the Committee on the Census.
By Mr. CHILTON:
A bill (S. 8457) for the relief of Sarah Miller (with accompanying paper); to the Committee on Claims.
A bill (S. 8458) granting a pension to Benjamin F. Eagle (with accompanying paper);
A bill (S. 8459) granting a pension to Cynthe Harrah (with accompanying paper);
A bill (S. 8460) granting a pension to Gideon Hill (with accompanying papers);
A bill (S. 8461) granting a pension to Lucinda Patterson (with accompanying papers);
A bill (S. 8462) granting a pension to Mollie C. Warren (with accompanying paper);
A bill (S. 8463) granting a pension to Sarah Hunter (with accompanying paper);
A bill (S. 8464) granting an increase of pension to Jacob Hilfinger (with accompanying paper);
A bill (S. 8465) granting an increase of pension to William A. Holton;
A bill (S. 8466) granting a pension to Harriet A. Glasscock (with accompanying paper);
A bill (S. 8467) granting an increase of pension to Richard Woods (with accompanying paper);
A bill (S. 8468) granting a pension to Elizabeth S. Ryan; and
A bill (S. 8469) granting a pension to Jacob H. Wetzel (with accompanying paper); to the Committee on Pensions.
By Mr. O'GORMAN:
A bill (S. 8470) granting a pension to Mary E. Allen (with accompanying paper); to the Committee on Pensions.
By Mr. SMITH of Michigan:
A bill (S. 8471) granting a pension to Michael Reichard (with accompanying papers);
A bill (S. 8472) granting a pension to Amanda M. McKinney (with accompanying paper); and
A bill (S. 8473) granting an increase of pension to Charles H. Eding; to the Committee on Pensions.
By Mr. McLEAN:
A bill (S. 8474) granting an increase of pension to John Robinson (with accompanying papers); to the Committee on Pensions.
By Mr. DU PONT:
A bill (S. 8475) to authorize the award of medals for service in battle; to the Committee on Military Affairs.
By Mr. CATRON:
A bill (S. 8476) making the act approved April 28, 1904, commonly known as the Kinkaid Act, applicable to certain public lands in New Mexico; to the Committee on Public Lands.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MYERS submitted an amendment proposing to appropriate $50,000 for the improvement of New York Avenue NW. from Florida Avenue to the Bladensburg Road, etc., intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CULBERSON submitted an amendment proposing to appropriate $20,000 for continuing the study of rice production, etc., intended to be proposed by him to the Agriculture appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. SMITH of Michigan submitted an amendment providing for the survey of the Pere Marquette River, Mich., from deep water in the harbor of Ludington, following the south branch of the river to the State Road and Iron Bridge, and thence to the city of Scottville, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. O'GORMAN submitted an amendment proposing to secure a depth not to exceed 35 feet in the through channel of the East River, N. Y., and not to exceed 30 feet elsewhere, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. NEWLANDS submitted an amendment proposing to appropriate $50,000 to enable the Chief of Engineers of the Army and the Board of Engineers for Rivers and Harbors to make a report upon the relative importance of the various improvements recommended as worthy of being undertaken by the United States upon methods of standardization by which the waterways of the country may be improved, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $100,000 to enable the Chief of Engineers of the Army and the Board of Engineers for Rivers and Harbors to report to Congress upon the saving accomplished by the adoption of a continuing contract system upon methods of standardization by which the waterways of the country may be improved uniformly in proportion to their capacities, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

WITHDRAWAL OF PAPERS—DAVID LOWRY.

On motion of Mr. CRAWFORD, it was

Ordered, That the papers accompanying the bill (S. 3011) for the relief of David Lowry be withdrawn from the files of the Senate, no adverse report having been made upon the same.

WITHDRAWAL OF PAPERS—FRANCIS M'CABE.

On motion of Mr. MCCUMBER, it was

Ordered, That the papers accompanying S. 6102, Sixty-second Congress, "granting an increase of pension to Francis McCabe," be withdrawn from the files of the Senate, there having been no adverse report thereon.

COMMISSION ON RURAL CREDITS (S. DOC. NO. 1071).

Mr. SMITH of Georgia. Mr. President, the Senate is familiar with the fact that the Southern Commercial Congress is organizing a commission consisting of men from each State who are to leave for Europe during the month of April to spend three months abroad studying in foreign countries the systems of cooperation which have contributed toward improving rural credits and agricultural finance.

The work of this commission was formally indorsed both in the Senate and in the House by a joint resolution at the last session of Congress.

I desire to present to the Senate the plan of work of this commission and the program which it will seek to carry out, together with indorsements of the work.

Among these indorsements are expressions taken from the national platforms of each of the three great political parties commending efforts to improve rural credits and agricultural finance, also a letter from ex-President Roosevelt, a short speech from President Taft, and a letter from the next President, together with short speeches from Senator FLETCHER and Sir Horace Plunkett upon the same subject.

There are also several other short matters in this material which I am presenting to the Senate, and as I do not wish to mention them in detail, I have submitted to the chairman of the Committee on Printing, the Senator from Utah [Mr. SMOOT], that he might see what they are and approve them.

Although the work of this commission is to be borne by private expense, it is one which might well have been provided for from the National Treasury.

I can not too highly express my own appreciation of the proposed work of this commission, and I ask that the papers which I present be printed as a public document.

The PRESIDENT pro tempore. The Senator from Georgia asks that the papers which he has presented, the nature of which he has indicated, may be printed as a public document. Is there objection? The Chair hears none, and it is so ordered.

DECISION OF JUDGE M'PHERSON ON WATER POWER (S. DOC. NO. 1070).

Mr. BURTON. I ask unanimous consent to have printed as a Senate document a decision of Judge Smith McPherson in a case in the southern district of Iowa. It relates to the question of water power and navigable streams.

The PRESIDENT pro tempore. The Senator from Ohio asks that the paper, the purport of which he has indicated, be printed as a public document. Is there objection? The Chair hears none, and it is so ordered.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE JAMES P. LATTA.

Mr. HITCHCOCK. Mr. President, I should like to give notice that on Saturday, March 1, I will ask the Senate to consider resolutions commemorative of the life and public services of the late JAMES P. LATTA, a Member of the House of Representatives from Nebraska.

INTERSTATE SHIPMENT OF LIQUORS.

Mr. GALLINGER. On yesterday the bill (H. R. 17593) to divest intoxicating liquors of their interstate-commerce character in certain cases was received from the House of Representatives and at my request was read twice by its title and ordered to lie on the table. I now ask that the bill be taken from the table and referred to the Committee on the Judiciary.

The PRESIDENT pro tempore. The bill will be referred to the Committee on the Judiciary.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14053) to increase the pension of surviving soldiers of Indian wars in certain cases, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter stricken out and inserted by the Senate insert "twenty"; and the Senate agree to the same.

P. J. McCUMBER,
MILES POINDEXTER,
Managers on the part of the Senate.
WILLIAM RICHARDSON,
IRA W. WOOD,
W. A. DICKSON,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 8035) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 3, and 6, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: In lieu of the matter stricken out by the House insert:

"The name of Thomas M. F. Delaney, late of Company G, Fourth Regiment Wisconsin Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving."

That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows: In lieu of the matter stricken out by the House insert:

"The name of John J. Ledford, late of Company F, Fourth Regiment Missouri Volunteer Infantry, War with Spain, and pay him a pension at the rate of $16 per month."

That the Senate recede from its disagreement to the amendment of the House numbered 5, and agree to the same with an amendment as follows: In lieu of the matter stricken out by the House insert:

"The name of John F. Burton, late of Company B, Fifth Regiment Missouri Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving."

That the Senate recede from its disagreement to the amendment of the House numbered 7, and agree to the same with an amendment as follows: In lieu of the matter stricken out by the House insert:

"The name of Carl W. Carlson, late of Company B, Third Regiment United States Volunteer Cavalry, War with Spain, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

And the House agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.
WILLIAM RICHARDSON,
IRA W. WOOD,
W. A. DICKSON,
Managers on the part of the House.

The report was agreed to.

DEPARTMENT OF LABOR.

Mr. LODGE. I ask that the bill (H. R. 29913) to create a department of labor be reprinted with certain amendments intended to be proposed by me, the amendments to be printed in small capitals.

The PRESIDENT pro tempore. Without objection, it is so ordered.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on the District of Columbia:

H. R. 21709. An act to amend subchapter 2 of chapter 19 of the Code of Law for the District of Columbia; and

H. R. 21714. An act to amend subchapter 2 of chapter 19 of the Code of Law for the District of Columbia.

H. R. 5948. An act to prohibit in the District of Columbia the intermarriage of whites with Ethiopians, Malays, or Mongolians was read twice by its title and on motion of Mr. GALLINGER referred to the Committee on the Judiciary.

H. R. 2070. An act for the relief of the estate of Antonia Sousa, deceased, was read twice by its title and referred to the Committee on Claims.

YELLOWSTONE RIVER BRIDGE, NORTH DAKOTA.

Mr. GRONNA. I ask unanimous consent to call up from the calendar two bridge bills—Senate bill 8089 and Senate bill 8090. The session is drawing to a close, and it is urgent that they should be passed at as early a date as possible.

I ask the Senate first to consider the bill (S. 8089) permitting the building of a railroad bridge across the Yellowstone River from a point on the east bank in section 15 to a point on the west bank in section 16, township 151 north of range 104 west of the fifth principal meridian, in McKenzie County, N. Dak.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, on page 2, line 4, after the words "North Dakota," to strike out the colon and all of the bill down to and including line 23, on page 3, and to insert ", in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906," so as to read:

Be it enacted, etc., That the consent of Congress is hereby granted to the Minneapolis, St. Paul & Sault Ste. Marie Railway Co., a railway corporation organized under the laws of the States of Michigan, Wisconsin, Minnesota, and North Dakota, its successors or assigns, to build a railway bridge across the Yellowstone River from a point on the east bank in section 15 to a point on the west bank in section 16, township 151 north of range 104 west of the fifth principal meridian, in McKenzie County, N. Dak., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE, NORTH DAKOTA.

Mr. GRONNA. I now call up Senate bill 8090, providing for the building of a railroad bridge across the Missouri River, N. Dak., and ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 8090) permitting the building of a railroad bridge across the Missouri River from a point on the east bank in section 14, Mountrail County, N. Dak., to a point on the west bank of said river in section 15, in McKenzie County, N. Dak., in township 152 north, range 93 west of the fifth principal meridian, which had been reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, page 2, line 5, after the word "meridian," to strike out:

Provided, That the plans for the construction of said bridge and appurtenant works shall be submitted to and approved by the Chief of Engineers and the Secretary of War before the commencement of the construction of such bridge: *And provided further,* That said Minneapolis, St. Paul & Sault Ste. Marie Railway Co., its successors or assigns, shall not deviate from such plans after such approval, either before or after the completion of the said bridge, unless the modification of said plans shall have previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War, and any changes in said bridge which the Secretary of War may at any time order in the interest of navigation shall be promptly made by said company at its own expense.

SEC. 2. That in case any litigation arises from the building of said bridge or from the obstruction of said river by said bridge, cases may be tried in the proper courts, as now provided for that purpose in the State of North Dakota and in the courts of the United States: *Provided,* That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt said bridge from the operation of same.

SEC. 3. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same and over the approaches thereto upon payment of a reasonable compensation for such use; and in case of disagreement between the parties in regard to the compensation to

be paid or the conditions to be observed all matters at issue shall be determined by the Secretary of War.

SEC. 4. That any bridge built under this act and subject to its limitations shall be a lawful structure and shall be recognized and known as a post route upon which no higher charge shall be made for the transmission of mails and the troops and munitions of war of the United States over the same than the rate per mile paid for the transportation over the railroad or approaches leading to the said bridge; and it shall enjoy the rights and privileges of other post roads in the United States, and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridge and its approaches for postal telegraph and telephone purposes.

And to insert:

In accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

So as to read:

That the consent of Congress is hereby granted to the Minneapolis, St. Paul & Sault Ste. Marie Railway Co., a railway corporation organized under the laws of the State of Michigan, Wisconsin, Minnesota, and North Dakota, its successors and assigns, to build a railway bridge across the Missouri River from a point on the east bank of section 14, Mountrail County, N. Dak., to a point on the west bank of said river in section 15, in McKenzie County, N. Dak., in township 152 north, range 93 west, of the fifth principal meridian, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The amendment was agreed to.

The next amendment was, in section 6 (3), page 4, line 8, after the word "hereby," to insert "expressly," so as to make the section read:

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DEPOSIT OF PUBLIC MONEYS IN NATIONAL BANKS.

The PRESIDENT pro tempore. Morning business is closed. The Chair lays before the Senate a resolution coming over from yesterday, which the Secretary will read.

The Secretary read the resolution (S. Res. 462) submitted by Mr. POINDEXTER on the 10th instant, as follows:

Resolved, That the Secretary of the Treasury be, and he hereby is, directed to transmit to the Senate any information in his possession touching his authority to make the order for the disposition, custody, and disbursement of the public moneys embodied in department circular No. 5, issued by said Secretary of the Treasury on January 9, 1913; also to transmit to the Senate any information in his possession touching the effect of said order upon the system and mode of receiving, caring for, handling, and disbursing said public moneys in effect prior to the issuance of said order, and especially what change in said system was effected by said order; also any information in his possession as to the manner and in what proportion the public moneys specified in said order are distributed among the several national banks therein referred to, and to designate what, if any, additional banks have been designated as Government depositories on account of the change in the custody of the public moneys specified in said order, and where the same are located; also the amount of daily receipts of the Government which have been deposited in banks since said order went into effect, and what, if any, security therefor or interest thereon has been required by said Secretary of the Treasury from the said banks, and what amount or proportion of said daily receipts has been deposited in banks in New York City; also to state the monthly average amount of all funds in the custody of disbursing officers which said order requires to be deposited in banks, but which prior thereto were deposited with the Treasurer or an Assistant Treasurer of the United States; also what is the average monthly amount of United States disbursing officers' accounts in New York City.

Mr. POINDEXTER. Mr. President, in explanation of this resolution, I desire to add a few words to what I said on yesterday, when it was introduced, as to the question of whether or not the Secretary of the Treasury has the discretion of directing that these vast sums of money shall be deposited in private banks. The accounts of the disbursing officers of the Government in cities where there are subtreasuries or the Treasury of the United States amount to more than $400,000,000. The resolution which I submitted on yesterday, and which is now before the Senate, requires of the Secretary of the Treasury information as to his authority in the matter.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Massachusetts?

Mr. POINDEXTER. I yield.

Mr. LODGE. On that point of authority, as the Senator was cut off on yesterday, I could not then call his attention to the statutory provision. There is no question about the removal of the restrictions. In what was known as the Aldrich-Vreeland Act section 5153 of the Revised Statutes was amended. Section 5153 of the Revised Statutes provides:

SEC. 5153. All national banking associations, designated for that purpose by the Secretary of the Treasury, shall be depositaries of public money, except receipts from customs, under such regulations as may be prescribed by the Secretary.

When that section was amended by the act to amend the national banking act, approved March 4, 1907, it was amended so as to read:

All national banking associations designated for that purpose by the Secretary of the Treasury shall be depositories of public money under such regulations.

Thus taking out the exception of the customs receipts. I have looked with some care to see if there was any other provision, and I find there is no other provision except this one, which removes the restriction and brings them within the general class of public money which can be deposited at the discretion of the Secretary of the Treasury in duly authorized depositories of public money.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Utah?

Mr. POINDEXTER. I yield to the Senator.

Mr. SMOOT. I simply desire to say to the Senator that while he is discussing the question I wish to call his particular attention to the circular No. 5, referred to by him yesterday, and to state that it only applies to banks designated as special depositories of public money, and other depositories are not affected by circular No. 5. Its provisions only apply to those banks designated as active depositories, and therefore, if the Senator will take that into consideration, no doubt he will immediately see that the statement made by him as to the amounts daily deposited in these particular banks is not what he says they would be.

Mr. STONE. How much are they?

Mr. SMOOT. Mr. President, I really do not know; I have not had time to look it up; but it is only a very few banks where such moneys are deposited, and therefore all the customs receipts can not be included. The Senator from Massachusetts has already called attention to the fact that section 5153, the original section, was reenacted in 1907, eliminating the words——

Mr. LODGE. Eliminating the restriction in regard to customs receipts.

Mr. SMOOT. Eliminating the restriction in regard to customs receipts—"except receipts from customs." Those words were left out of the act of 1907.

Mr. OVERMAN. How would the Senator designate an "active depository"?

Mr. SMOOT. That is designated by the Secretary of the Treasury.

Mr. OVERMAN. I understand there are depositories in every State in the Union. The Senator used the words "active depository." Why is not every bank that has deposits of money in it an active depository?

Mr. SMOOT. They are not all active depositories. For instance, I will call the Senator's attention to the depository in his own city—no doubt there is one there, and perhaps more than one—but such banks are not active depositories. When a bank has a hundred thousand dollars or fifty thousand dollars of Government deposits, as the case may be, such deposits are hardly ever drawn on; there is hardly any change ever made; and their amount is only augmented by the receipts that may come from local collections.

Mr. OVERMAN. What I want to get at is, What is an "active depository"?

Mr. SMOOT. An illustration would be a depository in the city of New York, where customs receipts are received and where transfers are made rapidly every day, perhaps.

Mr. OVERMAN. It means, then, that "active depositories" are only located in the great cities of the country?

Mr. SMOOT. That would be about the effect of it; yes.

Mr. POINDEXTER. Mr. President, I presume that during the time since this resolution was introduced the Senator from Massachusetts, who has paid attention to the subject, has investigated the matter more or less carefully. He cited one section of the law of 1907, which he says authorizes the order made by the Secretary of the Treasury. That section of the law of 1907, as he points out, amends section 5153 of the Revised Statutes. Now, I should like to call the attention of the Senate and of the Senator from Massachusetts to another section of the Revised Statutes, not affected in any way by the law which he cites or by any other law that has been passed. I refer to section 3620, which provides:

SEC. 3620. It shall be the duty of every disbursing officer having any public money intrusted to him for disbursement, to deposit the same with the Treasurer or some one of the assistant treasurers of the United States, and to draw for the same only as it may be required for payments to be made by him in pursuance of law; and all transfers from the Treasurer of the United States to a disbursing officer shall be by draft or warrant on the Treasury or an assistant treasurer of the United States.

Then there is an exception to that to the following effect:

In places, however, where there is no treasurer or assistant treasurer, the Secretary of the Treasury may, when he deems it essential to the public interest, specially authorize in writing the deposit of such public money in any other public depository.

What the Secretary of the Treasury has done in this case is to undertake to extend the authority conferred upon him by section 3620 of the Revised Statutes in cities where there is no subtreasury to cities where there is a subtreasury, in which cities the statute in a most mandatory manner directs that the disbursing officers shall keep their funds in the subtreasury located there.

Mr. SMOOT. Mr. President, I should like to call the Senator's attention——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Utah?

Mr. POINDEXTER. I yield to the Senator.

Mr. SMOOT. I should like to call the Senator's attention to an amendment to the section which he has just read. If he will turn to section 5488, he will notice that——

Mr. POINDEXTER. My attention was diverted. To what section did the Senator refer?

Mr. SMOOT. Section 5488 of the Revised Statutes. If the Senator will turn to that section, he will see that it reads:

Every disbursing officer of the United States who deposits any public money intrusted to him in any place or in any manner "except as authorized by law"—

If the Senator will notice, those words are an amendment of the section to which he referred.

Mr. POINDEXTER. Mr. President, of course I respect the opinion of the Senator from Utah, but I must say that this language can not possibly be an amendment to section 3620. It deals with a different subject.

Mr. LODGE. Mr. President, if the Senator will allow me——

Mr. POINDEXTER. Just let me finish the sentence. Furthermore, the exception to which the Senator calls attention, "except as provided by law," does not touch the question at all, because the very contention I am making is that it is expressly provided by law that the disbursing officers can not deposit the public funds in their possession in private banks in cities where there is a subtreasury.

Mr. LODGE. Mr. President, of course the act of March 4, 1907, like all other acts, whether expressly or not, repeals any act or parts of acts inconsistent therewith. So far as section 5488 is inconsistent with it, of course it is repealed by the later act.

If the Senator will look at the index in the volume of the statutes, he will see that the reference to the act contains this statement:

Restriction on the deposit of customs receipts in national banks removed.

And it gives this section. That being removed, of course, no earlier act can possibly interfere with it. If it is inconsistent, it is repealed.

Mr. POINDEXTER. Mr. President, it is not inconsistent. It does not conflict with the other section in any way at all, because it deals with a different subject matter. The section of the law to which the Senator from Massachusetts refers relates to the deposit of customs receipts. The section of the law to which I refer relates to an entirely different subject, the accounts of disbursing officers, which contain moneys transferred and intrusted to the disbursing officers from all the receipts of the Government. The place of deposit of the receipts from the customs, when they are received, is one subject. I differ from the Senator as to the effect of the law of 1907, even as to the deposit of customs receipts. But that has no relation whatever to the requirement as to the place where the accounts of disbursing officers shall be kept, and consequently can not repeal it by implication.

Mr. HITCHCOCK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Nebraska?

Mr. POINDEXTER. I yield to the Senator.

Mr. HITCHCOCK. I should like to ask the Senator from Washington whether he will accept an amendment to his resolution, to render it a little more specific and to gather further information which may be of assistance? I propose to add:

Also a list of the national banks authorized to receive national deposits, public moneys, or postal-savings funds, and the amount on deposit in each December 31, 1912.

So that we may have a definite and clear statement of the condition as it existed on the first of the year.

Mr. POINDEXTER. Mr. President, I have no objection to that amendment.

Mr. HITCHCOCK. Then I offer the amendment.

The PRESIDENT pro tempore. The amendment will be received and acted upon at the proper time.

Mr. SMOOT. Will the Senator allow the resolution to be reported now, as amended, so that we can get it in our minds?

Mr. POINDEXTER. Yes.

The PRESIDENT pro tempore. Does the Senator from Washington accept the amendment proposed by the Senator from Nebraska?

Mr. POINDEXTER. I accept the amendment.

The PRESIDENT pro tempore. Without objection, the amendment will be considered as part of the original resolution.

Mr. LODGE. I should like to have it read so that we can see just what it is.

The PRESIDENT pro tempore. The Secretary will read the resolution as amended.

The Secretary read as follows:

Resolved, That the Secretary of the Treasury be, and he hereby is, directed to transmit to the Senate any information in his possession touching his authority to make the order for the disposition, custody, and disbursement of the public moneys embodied in department circular No. 5, issued by said Secretary of the Treasury on January 9, 1913; also to transmit to the Senate any information in his possession touching the effect of said order upon the system and mode of receiving, caring for, handling, and disbursing said public moneys in effect prior to the issuance of said order, and especially what change in said system was effected by said order; also any information in his possession as to the manner and in what proportion the public moneys specified in said order are distributed among the several national banks therein referred to, and to designate what, if any, additional banks have been designated as Government depositories on account of the change in the custody of the public moneys specified in said order, and where the same are located; also the amount of daily receipts of the Government which have been deposited in banks since said order went into effect, and what, if any, security therefor or interest thereon has been required by said Secretary of the Treasury from the said banks, and what amount or proportion of said daily receipts has been deposited in banks in New York City; also to state the monthly average amount of all funds in the custody of disbursing officers which said order requires to be deposited in banks, but which prior thereto were deposited with the Treasurer or an Assistant Treasurer of the United States; also what is the average monthly amount of United States disbursing officers' accounts in New York City; also a list of the national banks authorized to receive national deposits, public moneys, or postal savings funds, and the amount on deposit in each December 31, 1912.

Mr. SMOOT. Mr. President, I desire to call the attention of the Senator from Nebraska to the fact that the information called for in the latter part of the resolution as read, which I believe is his amendment, is all in print, and can be given him in five minutes' time, although I am not objecting if he wants it in this general report. I simply want to tell the Senator that it is all in print, and can be had in a very few minutes.

Mr. HITCHCOCK. I presume it is in print in a certain form, but I suggest it as an appropriate item of information to go with the Senator's resolution, because it fixes a certain date and, I think, will be helpful to the Senate.

Mr. SMOOT. I have not the least objection to the amendment, nor have I any objection to the resolution. The resolution can pass now, so far as any objection on my part is concerned.

Mr. POINDEXTER. Mr. President, I shall not proceed much further, but I should like to answer now the suggestion made by the Senator from Utah that this order will not have the effect of changing the place of deposit of very large sums of the public money. I have noticed the statement from the office of the Secretary of the Treasury that money would be drawn out as fast as it would be put in. That was the substance of it—that the daily expenditures out of these funds, through checks cashed by private banks where they were deposited, would amount to as much as the daily receipts. But that does not affect the question in any way at all. You might reverse the statement and say that the daily receipts would equal the daily expenditures, so the balance of the account would remain the same.

The simple fact, which all of the argument and all of the sophistry in the world can not avoid, is that there is a million dollars or more of customs receipts, for one thing, that heretofore has been deposited in currency and coin in the subtreasury that under this order will be deposited daily in the national banks. It does not make any difference whether they are inactive depositories or whether they are active depositories. The matter of creating depositories is in the discretion of the Secretary of the Treasury. I imagine that a great many banks that were indifferent about it before, now that this vast sum of money is to be distributed among the banks, will be making application to the Secretary of the Treasury to be designated as Government depositories, so that they will be eligible to receive a large portion of these funds.

Mr. SMOOT. Mr. President, I do not want the Senator to misunderstand the statement I made. Of course during the whole year there will probably pass through these banks, as he suggests, $400,000,000. But the balances at any particular time, on any particular day of the year, will never exceed the customs receipts on that day.

In other words, if the customs receipts are $1,500,000 a day, they are deposited in special depositories on that particular day; but checks are immediately drawn upon them. The account is an active one. It is the same as if the Senator himself had an account in which he was depositing every day and drawing his personal checks against his deposits. So far as the amount of money is concerned, there will be very little money left on any particular day in the year. That is what I should like the Senator to direct his remarks to if he misunderstood my former statement.

Mr. POINDEXTER. I did not misunderstand the former statement of the Senator. Everybody knows the contingencies to which checking accounts are subject. Every Government disbursing officer constantly has a balance on hand, and that balance fluctuates. It is being replenished, it is being reduced. It is a very large average balance. The customs receipts, which are subject to the same suggestion just made by the Senator from Utah, are a million dollars a day. If a million dollars is drawn out, a million dollars is put in, so that the average balance is a million dollars.

Reverting again to the suggestion of the Senator from Massachusetts [Mr. LODGE], the law of 1907 amending the Revised Statutes as to customs receipts does not in any way specifically undertake to authorize the deposit in national-bank depositories of any other kind of public moneys than those which were authorized before. It is true that it leaves out a certain exception; but there were certain specific prohibitions as to what funds could be deposited in national-bank depositories, and those prohibitions are not amended or repealed. When a statute is passed which says that public moneys, in those words, in that most general form of expression, may be deposited in national-bank depositories, it means such public moneys as the law authorizes to be deposited there.

Mr. NELSON. Mr. President, will the Senator yield to me for a minute?

Mr. POINDEXTER. I yield to the Senator.

Mr. NELSON. I desire to call the attention of the Senator from Washington to two facts:

Away back in 1846, I think, a law was passed prohibiting the deposit of any public moneys in banks. That took the money out of circulation. It put it into the subtreasury and took it out of circulation. In the sixties—I think in 1864—we amended the law so that the internal-revenue receipts were to be deposited in the banks. The restriction against depositing customs receipts was found in section 5153 of the Revised Statutes. That exception as to customs receipts was eliminated by this amendatory section of the act of 1907. But, aside from that, I think it is strictly within the law now to deposit customs receipts as much as internal-revenue receipts.

I want to call the Senator's attention to this fact: Two of the great vices of our financial system have been, first, the lack of sufficient elasticity in our paper currency, and the next, the fact that our subtreasury system has taken the revenues of the Government and put them into the subtreasuries, hoarded them there, piled them up, and taken them out of the channels of commerce and trade. In all other countries—in France, in Germany, in England, and in the minor countries—the receipts of the Government are put into a large bank, they are checked against, and the money of the country remains in circulation in the channels of trade. Under our artificial subtreasury system those receipts have been taken out of the channels of trade and hoarded up until we have had as much as $300,000,000 of surplus, and what has been the result? The result has been that at the times when we have been threatened with panics, or have had any financial stress in the country, people have come to the Treasury Department and have said, "For God's sake, deposit in the banks some of this money that is in the subtreasuries."

Under this law, and under the recent rules of the Treasury Department, we have finally come to the same basis as the other countries of the world, and that is that the fiscal affairs of the country are transacted through the banks of the country. The money goes into the channels of commerce and trade, and moves through them instead of being piled up in the Treasury. If the Senator would stop to consider the financial systems of other countries and compare them with our old and obsolete subtreasury system he would see the necessity for this change. We never can put our financial system on a safe basis till we adopt the system whereby the receipts of the Government go into the banks of the country and remain in circulation and are checked against in that way.

Otherwise it is just as though the Senator from Washington should put all the money he received in the course of a year into a safe, and keep it locked up all the year, and keep that money out of circulation. It would do nobody any good. That is exactly what transpires under our subtreasury system. We corrected it, as I said, in 1864, I think, by allowing internal-revenue receipts to be put there. Now, under this legislation we allow the customs receipts to be put there. I think it is a great progress and a great step in advance in our financial system. If we can only change our paper currency so as to make it more elastic, we shall put ourselves on a par with the other great countries of the world.

Mr. POINDEXTER. Mr. President, the speech just made by the Senator from Minnesota would be very applicable to a discussion in the Senate of a change in the fiscal policy of the Government, but it is not applicable to the question as to whether or not the Secretary of the Treasury, without any legislation, without such a discussion, without hearing the views of the Senator from Minnesota and the Members of both branches of Congress, may make this order in his own discretion, upon his own authority, revolutionizing the fiscal policy of the Government, and, as stated in the circular issued by the National City Bank of New York, undertaking to do it under the very statute which that circular says was supposed to prohibit the thing that he has done.

Mr. NELSON. Will the Senator let me interrupt him a moment further?

Mr. POINDEXTER. I will yield for a question, but not for a speech.

Mr. NELSON. I do not want to make any extended remarks. I call the Senator's attention to section 5153 as it is found in the Revised Statutes:

> All national banking associations designated for that purpose by the Secretary of the Treasury shall be depositaries of public money, except receipts from customs.

That is the language of the Revised Statutes.

By the act of March 4, 1907, that section is reenacted and that exception is eliminated. So that in fact national banks if they are designated as depositaries are lawful custodians of customs receipts as well as internal-revenue receipts.

Mr. POINDEXTER. That has no application whatever to the $400,000,000 that are paid out by the disbursing officers of the Government in cities where there are subtreasuries. Section 3639 of the Revised Statutes, as far as it is applicable to this question, is as follows:

> The Treasurer of the United States, all assistant treasurers, and those performing the duties of assistant treasurers, all collectors of the customs, all surveyors of the customs, acting also as collectors, all receivers of public moneys at the several land offices, all postmasters, and all public officers of whatsoever character are required to keep safely, without loaning, using, depositing in banks, or exchanging for other funds than as specially allowed by law, all the public money collected by them, or otherwise at any time placed in their possession and custody, till the same is ordered, by the proper department or officer of the Government, to be transferred or paid out.

Section 3620 is still more specific. It provides that—

> It shall be the duty of every disbursing officer having any public money intrusted to him for disbursement to deposit the same with the Treasurer or some one of the assistant treasurers of the United States.

To indicate that the Secretary of the Treasury is fully aware of the statute I have just read and recognizes that it is still in force, we have only to turn to the forms of the checks and certificates of deposit and to the name of the account which he has devised in this circular No. 5 to conduct the business of the Government under this new system.

The checks drawn by the disbursing officers are drawn on the Treasurer of the United States. Why? Because the law requires the account to be kept with the Treasurer of the United States. Where are they presented? Where are they paid? They are presented at the national banks. They are paid by the national banks. The money is in the national banks. The account is the account of a disbursing officer, but it is listed in the bank as the Treasurer's account in order to make it in form comply with section 3620 of the Revised Statutes, while in fact it does not comply with it but is a direct violation of it, because the money, which is the account spoken of in the law, is on deposit in the bank when the law says it shall not be on deposit there.

Mr. STONE. Mr. President, will the Senator from Washington yield to me?

Mr. POINDEXTER. I yield for a question.

Mr. STONE. This is a resolution directing the Secretary of the Treasury to report certain information to the Senate. I assume there is no opposition to the passage of the resolution, and when the information comes in we can discuss it. I think it is a very timely resolution. I should like very much to see it adopted, and I have no doubt it will be unanimously agreed to. But in looking it over I fear it does not call for one thing I should like to have, and that is the exact reason or reasons that influenced the Secretary of the Treasury to make the order.

I suggest to the Senator from Washington an amendment which I have prepared, in line 8, after the word "Senate," to insert the words "the reason or reasons for the making of such order and," so that it will read:

Also to transmit to the Senate the reason or reasons for the making of such order and any information in his possession touching the effect.

And so forth.

Mr. POINDEXTER. I have no objection to the suggestion of the Senator from Missouri.

The PRESIDENT pro tempore. Does the Senator from Washington accept the amendment?

Mr. POINDEXTER. I accept the amendment and submit the resolution.

The PRESIDENT pro tempore. The Secretary will read the resolution as it has been amended by agreement.

The SECRETARY. Insert, after the word "Senate," in line 8, the words "the reasons for making such order and," so that it will read:

Resolved, That the Secretary of the Treasury be, and he hereby is, directed to transmit to the Senate any information in his possession touching his authority to make the order for the disposition, custody, and disbursement of the public moneys embodied in department circular No. 5, issued by said Secretary of the Treasury on January 9, 1913; also to transmit to the Senate the reasons for making such order and any information in his possession taking the effect of said order, etc.

The PRESIDENT pro tempore. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

CLAIMS OF GOVERNMENT EMPLOYEES.

Mr. CRAWFORD submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24121) to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 8, 9, 10, 11, 12, 13, 14, and 15, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "$22,231.38"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the language stricken out insert the following: "To pay $1,500 to Oscar F. Lackey for injuries received while in the employ of the Isthmian Canal Commission as assistant engineer in construction of the Panama Canal on November 21, 1905"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "two thousand"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "seven hundred and fifty"; and the Senate agree to the same.

COE I. CRAWFORD,
W. L. JONES,
Managers on the part of the Senate.
EDWARD W. POU,
JOHN A. MAGUIRE,
Managers on the part of the House.

The report was agreed to.

CONNECTICUT RIVER DAM.

The PRESIDENT pro tempore. The morning business is closed, and the agreement requires that Senate bill 8033 be laid before the Senate for its consideration and action.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8033) to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of Connecticut.

Mr. BANKHEAD. Mr. President——

Mr. POINDEXTER. If the Senator from Alabama will yield to me to make a request out of order, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD an editorial from the Porto Rico Review on the subject of granting American citizenship to Porto Ricans, a question which is now pending in this body.

The PRESIDENT pro tempore. The Senator from Washington asks unanimous consent to have printed in the CONGRESSIONAL RECORD an article the nature of which he has stated.

Mr. SMOOT. I did not hear what the article is.

Mr. POINDEXTER. It is an editorial on the question of granting American citizenship to the inhabitants of Porto Rico, printed in the Porto Rico Review.

Mr. SMOOT. The Senator asks that it be printed in the RECORD?

Mr. POINDEXTER. In the RECORD.

Mr. BRANDEGEE. I have no objection unless the morning business would be reopened. I do not want to violate the unanimous-consent agreement.

The PRESIDENT pro tempore. The Chair would have to sustain the objection.

Mr. BRANDEGEE. If it could be done without reopening the morning business, I have no objection.

The PRESIDENT pro tempore. The Chair can not entertain the request of the Senator from Washington. The Senate is limited to the matters embraced in the unanimous-consent agreement. The Senator from Connecticut is correct.

Mr. FLETCHER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will proceed to call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Martine, N. J.	Smith, S. C.
Bacon	Gallinger	Nelson	Smoot
Bankhead	Gamble	O'Gorman	Stephenson
Bourne	Gardner	Oliver	Sutherland
Brady	Gore	Overman	Swanson
Brandegee	Gronna	Page	Thomas
Bristow	Jackson	Paynter	Thornton
Bryan	Johnson, Me.	Percy	Tillman
Burnham	Johnston, Ala.	Perkins	Townsend
Burton	Jones	Poindexter	Warren
Catron	Kavanaugh	Richardson	Webb
Chamberlain	Kenyon	Root	Wetmore
Clapp	La Follette	Sheppard	Williams
Clarke, Ark.	Lodge	Simmons	Works
Dillingham	McCumber	Smith, Ariz.	
Dixon	McLean	Smith, Md.	
du Pont	Martin, Va.	Smith, Mich.	

Mr. WEBB. My colleague [Mr. LEA] is necessarily absent.

The PRESIDENT pro tempore. Upon the call of the roll of the Senate 65 Senators have responded to their names. A quorum is present. The Senator from Alabama will proceed.

Mr. WARREN. The Senator from Alabama is about to debate the Connecticut River bill?

Mr. BANKHEAD. I am.

Mr. WARREN. Will the Senator yield to me to dispose of a conference report, so that the matter may go back into conference? The unanimous-consent agreement provides for such business.

Mr. BANKHEAD. How long will it take?

Mr. WARREN. I hope it will take only a minute.

Mr. BANKHEAD. If I may be allowed to do so under the agreement, and if the Senator insists, I will yield, although I do not like to do it.

Mr. WARREN. If it is a matter that will lead to extended debate, I will drop it.

Mr. BANKHEAD. Very well.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WARREN. I ask the Senate to take up the conference report made on yesterday on House bill 26680, being the legislative appropriation bill.

The PRESIDENT pro tempore. The conference report which was submitted to the Senate and printed and which is a partial agreement is before the Senate. The question is on agreeing to the report.

The report was agreed to.

Mr. WARREN. I move that the Senate further insist upon its amendments in disagreement and ask for a further conference with the House on the disagreeing votes of the two Houses thereon and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. WARREN, Mr. WETMORE, and Mr. OVERMAN conferees on the part of the Senate.

CONNECTICUT RIVER DAM.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8033) to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of Connecticut.

Mr. BANKHEAD. Mr. President, before approaching the discussion of this subject, I desire to say to the Senate that I have no personal or pecuniary interest whatever in any water-power company, nor have I any interest in any public-utility company of any character. Therefore the only interest I feel in the final disposition of this question leads to a desire on my part to protect, as far as may be, the interests and the rights of the States and the property owners therein.

I send to the Secretary's desk an amendment which the majority of the Committee on Commerce offer to the pending bill, and I ask that the Secretary read the amendment for the information of the Senate.

The PRESIDENT pro tempore. Without objection, the amendment will be read.

The SECRETARY. It is proposed to amend by striking out of section 1, beginning after the word "act," in line 15, on page 2, the following:

And provided further, That the rights and privileges hereby granted may be assigned with the written authorization of the Secretary of War, or in pursuance of the decree of a court of competent jurisdiction, but not otherwise: *And provided further*, That the Secretary of War, as a part of the conditions and stipulations referred to in said act, may, in his discretion, impose a reasonable annual charge or return, to be paid by the said corporation or its assigns to the United States, the proceeds thereof to be used for the development of navigation on the Connecticut River and the waters connected therewith. In fixing such charge, if any, the Secretary of War shall take into consideration the existing rights and property of said corporation and the amounts spent and required to be spent by it in improving the navigation of said river, and no charge shall be imposed which shall be such as to deprive the said corporation of a reasonable return on the fair value of such dam and appurtenant works and property, allowing for the cost of construction, maintenance, and renewal, and for depreciation charges.

Mr. BANKHEAD. Mr. President, of course the majority of the Committee on Commerce will exercise its rights under the rules and practice of the Senate to perfect the pending bill before other amendments are acted upon. The majority of the committee are opposed to the provisions contained in the amendment and assign, as their reasons, in part the following:

First. The Federal Government having no right to control the use of water power in the Connecticut River, it can not legally legislate on the subject of control.

Second. A valuable resource of the State will be practically confiscated.

Third. The control, regulation, and disposition of water power in the Connecticut River being questions of State policy, Congress has no right to demand compensation in any form.

Fourth. The Federal Government has no right to withhold a permit for the construction of a dam, because it will not interfere with navigation, but improve it.

Fifth. If the Secretary of War is given authority and discretion to fix the amount of charge to be collected, it is an attempt to delegate to the head of a department the power to levy and collect taxes, a function which belongs to Congress alone.

Mr. President, there can be no question but that the amount sought to be collected from the Connecticut River Co. is a tax; it can not be construed in any other way. If it is a tax, Congress has no constitutional power or authority to delegate that power to the Secretary of War or to any other subordinate. If that power can be exercised by Congress, it may as well delegate to the Secretary of the Treasury the power to levy and collect duties on imports at his own will and discretion; if it may delegate the taxing power to a subordinate of the Government for one purpose, it may do so for all purposes; it may delegate the power to the Director of the Mint, for instance, to coin money and, in his own discretion, to fix the value and the fineness of the coin. There is no limit, Mr. President, to this delegation of power if it can be constitutionally exercised at all.

I beg the indulgence of the Senate while I attempt to reply to the argument of the distinguished Senator from Ohio [Mr. BURTON] when he addressed the Senate a few days ago on this bill. The Secretary of War and the Senator from Ohio proclaim that whatever the Government can legally and constitutionally do it may do by an agent. Mr. President, I concede that; but I insist that what the Government can not legally and constitutionally do, it can not do that illegal and unconstitutional act by its agent.

The Senator from Ohio, in attempting to maintain his position as to the right of the General Government to levy and collect a tax, or if you prefer to call it a toll, upon water powers in the United States where a dam, the land, and other appurtenant works are owned and constructed by private parties, in my judgment signally failed in the effort.

The Senator from Ohio, in the discussion of the question, called the attention of the Senate to a number of bills. His references are to be found on page 111 of the document I hold in my hand—Federal Control of Water Power—and will also be found in the CONGRESSIONAL RECORD as a part of his remarks. He undertook to criticize the majority of the Committee on Commerce for the declaration that no law of Congress had ever been enacted authorizing, as is proposed in the pending bill, the Government to levy and collect a toll. All the committee intended was that no law of Congress had ever authorized the collection of a toll for the use of the surplus waters of a navigable river where the structure was erected by private enterprise, and that no act of Congress authorizing the collection of a toll at any dam anywhere in the United States can be found except where the Government itself constructed the work and was the riparian owner.

The Senator from Ohio cited a number of cases which he claimed established his contention, and among them was the Muskingum River, in the Senator's own State. The provisions of that bill are that—

The Secretary of War be authorized and empowered to grant leases or licenses for the use of the water powers, at such rate and on such conditions and for such periods of time as may seem to him just, equitable, and expedient.

Mr. President, the lock and dam there belongs exclusively to the United States. It was at one time the property of the State of Ohio or of private owners. The Government bought it and paid for it and, consequently, took over all the rights that the State of Ohio had and all the rights that the riparian owners had. So it is not a parallel case at all. No one, perhaps, will contend that the Government of the United States may not collect a reasonable amount for the use of a structure that it may build, thereby creating a power; but nobody who has investigated this question thoroughly will say that the Federal Government can legally collect a toll or a tax for surplus water, or otherwise, in a river where the title to the dam and the land is in private parties. That is our contention. The case of the Green and Barren Rivers is similar. The Cumberland and Tennessee is also a similar case; in fact, Mr. President, all the cases referred to by the Senator tend to establish the contention of the majority of the committee, that the Federal Government has never asserted ownership in the surplus water of a navigable river except where it was riparian owner, and, therefore, has nothing to sell.

I want to call particular attention to one of the references made by the Senator from Ohio—the Cumberland and its tributaries. In that instance Congress authorized private parties to construct a lock and dam, giving them the power to collect toll from every vessel, barge, or other craft that went through the lock, the rates, of course, to be subject to the approval of the Secretary of War, and at the expiration of 40 years its owners are to transfer the lock and dam to the Government free of cost, retaining ownership of the dam and all the power rights and privileges to themselves. That is another case cited to establish the contention of the distinguished Senator from Ohio.

I have endeavored to show, and I think I have shown, that there have been no dams or locks constructed by private parties, who are the riparian owners, where the Government has ever insisted it was entitled to compensation or toll for its use, except in all cases it has been required, perhaps—and it should be required—that the power company shall furnish current to operate the lock and light the dam. It is perfectly proper that the Government should require power companies to furnish power to operate the locks, because it is a part of the navigation of the stream; but beyond that requirement the Government has never gone and has never attempted to go.

Mr. President, how can the Government acquire property for the construction of a lock and dam on a navigable river? What do they acquire when, by purchase or condemnation, they have secured a site upon which a lock and dam may be erected in aid of navigation?

I assert as a correct principle that the Federal Government can not go into any of the sovereign States of the Union and condemn a site for a lock and dam for any purpose except navigation; and when they have so condemned it they can not use it for any purpose except navigation. In this contention the majority of your committee are sustained by a number of decisions.

I want to read briefly from a case in the Forty-third Southern Reporter, page 791, bearing directly on this question:

This case arose in my own State, where a railroad company condemned the right of way over which to construct its road, and during the construction a valuable sand bank was discovered. When the road was completed and in operation the railroad people undertook to sell the sand for a profit. The original owner from whom the lands had been taken came into court and said: "You can not use that right of way for any purpose except that which is required to operate your road. Whatever else of value may be there belongs to me, from whom you originally took the land." The court very promptly decided that he was entitled to whatever of profit the railroad had

derived from the sale of the sand and required the road to pay him for it.

Mr. BURTON. Mr. President, will the Senator from Alabama yield to me for a question?

Mr. BANKHEAD. Certainly.

Mr. BURTON. The Senator from Alabama does not maintain that that is at all analogous to this case, does he? That is a statement of an elementary principle which we all recognize. The other, the condemnation for navigation, involves the development of a water power incidental to the main purpose. The case of the sand bank is something entirely distinct. It is not a part of the operation of the railroad.

Mr. BANKHEAD. Mr. President, I think it is entirely analogous. This road was built for the development of commerce over the road. The river is improved for the development of commerce over the river. It seems to me the principle is the same.

But in another case, Sixty-sixth Iowa, page 606 (55 Am. Rep., 281), the court held that stone taken from the cut through which a railroad was built, not necessary for the construction of the road, belonged to the original owner from whom the land was acquired, and when the railroad company undertook to sell it as a matter of merchandise or commerce, the court said, "No; you did not condemn anything but the right of way, and you have no interest there but for a right of way. Whatever else there may be of value belongs to the original owner," and the court compelled the road to pay to the original owner the market value of the stone that had been sold by the railroad.

If the Government of the United States can go to Colorado or to Connecticut or to Alabama and condemn a site for a lock and dam under the commerce clause of the Constitution, does anybody believe for a moment that it could use that site for any other purpose than navigation? Does any Senator believe that the Government could go on that site and erect a Government distillery, for instance, or any other commercial or business enterprise it might choose? Why, certainly not. And if they did, under all the decisions of all the courts, the Government would be required to pay to the original owner from whom the land was condemned for navigation purposes whatever profit it received beyond its use for navigation.

Mr. President, the right to regulate and supervise and control properly belongs to the States. I anticipate that all the States of this Union have laws and public service commissions—and if they have not, they will very soon come to it—perfectly competent to deal with this question and to regulate all the affairs and business of a water-power corporation or any other public utility corporation that may be doing business in the State.

To whom does the water in the Connecticut River belong? Does it belong to the Federal Government, or does it belong to the State of Connecticut and the riparian owners in that State? What right or interest has the Government in the waters of that river beyond what is necessary for navigation in the river? If it has no legal right, if it has no moral right, to appropriate it to its own use for a profit, then we have no power whatever to pass this bill as reported to the Senate.

Mr. President, I want to show the Senate, if I can, how great minds change on a subject of this sort. I want to read from a report bearing directly on the question now under consideration made by Gen. Mackenzie to the Secretary of War for his approval.

The Chief of Engineers, at that time Gen. Mackenzie, was perhaps one of the ablest of that corps. When he came to report on this question he said what I am about to read:

> In connection with legislation of this kind careful consideration should be given to the question of the limitations of the power of the Federal Government over navigable waters. By virtue of its power to regulate commerce, Congress may exercise control over the navigable waters of the United States, but only to the extent necessary to protect, preserve, and improve free navigation. The Federal Government has no possessory title to the water flowing in navigable streams, nor to the land comprising their beds and shores, and hence Congress can grant no absolute authority to anyone to use and occupy such water and land for manufacturing and industrial purposes. The establishment, regulation, and control of manufacturing and industrial enterprises, as well as other matters pertaining to the comfort, convenience, and prosperity of the people, come within the powers of the States, and the Supreme Court of the United States holds that the authority of a State over navigable waters within its borders, and the shores and beds thereof, is plenary, subject only to such action as Congress may take in the execution of its powers under the Constitution to regulate commerce among the several States.

That report of Gen. Mackenzie went to the Secretary of War, who is now the President of the United States, and here is what he said in an indorsement approving the report:

> WAR DEPARTMENT,
> *January 17, 1905.*
>
> Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the accompanying report of the Chief of Engineers, United States Army, of yesterday's date, and to drafts of bills therein referred to. The report seems to me to be very comprehensive, accurate, and instructive.

That was the opinion of the Secretary of War at that time.

I desire now to read again from the President of the United States while Secretary of War in an opinion on the Des Plaines River case, where application was made that the department should not interfere with a private dam:

> The department is not going to take any action, and has not taken any action. The advisory step, taken at the instance of Mr. Snapp, or the persons who intended to put some sort of water-power construction in the Des Plaines River, was extra official, and really was beyond the authority of the Chief of Engineers, except as he was accommodating to express an opinion in the interest of explanation. The truth is that the Des Plaines River not being a navigable stream, no permit was necessary to put any obstruction into it which the War Department could prevent. But even if it had been a navigable stream, and even if the application had been made and properly made to this department to say whether this would interfere with navigation, if the department concluded it would not interfere with navigation then it is not within the power of the department to withhold its expressing such an opinion and granting such a permit, so far as the United States is concerned, for the purpose of aiding the State in controlling the water power. If the State has any control over the water power which it may exercise in conflict with the claimed rights of the riparian owner, then it must exercise it itself, through its own legislation and through its own executive officers. All the United States does, assuming it to be a navigable stream, is merely to protect the navigation of the stream. With reference to the water power, it has no function except in respect to water power which it itself creates by its own investment in property that it itself owns; and then, of course, it may say how that water power shall be used.
>
> But with respect to the water power on a navigable stream, which may be exercised without interference with the use of the river for navigation purposes, that is controlled by the laws of the State. It is controlled by the riparian ownership and by the common law as it governs those rights. Therefore I do not see, with reference to this matter, that this department has any function to perform or which it can perform.

Again, the Secretary of War says:

> There are two answers to that. The department is not going to take any action, and has not taken any action.

The department is not going to issue a permit, because it has no business to do it. It has no authority to do it unless navigation is interfered with.

> The application * * * is for this department to take no official action which may interfere with the State control of the water power which may be developed in the Des Plaines River under a proposed improvement by the construction of a 14-foot waterway; and also to take no action which may interfere with the waterway as a waterway.

One more quotation. Now, listen, Mr. President:

> It is not that we approve this; it is not that we disapprove it. It is that we have nothing whatever to do with it.

Nothing to do with what? Granting a permit for the construction of a dam on a navigable river where navigation is amply provided for.

> That is the truth of it. If the State wishes to control the matter of the water power, then it is for the legislature, through which it can express that view, in so far as it may constitutionally effect it by legislation.

That is the opinion of the Secretary of War, speaking as a great judge, as one who had been on the bench for many years and had been called on many times to construe the Constitution and the laws enacted under it.

Mr. President, the other day I had the Secretary read, for the information of the Senate, a paragraph from the report of the National Waterways Commission. I want to insert this in the RECORD, and therefore I intend to read it as a part of my remarks. It will be observed that this report was made by a commission composed of Senators and Representatives, appointed for the express purpose of inquiring into the very question that we are now discussing, and to determine what the interests of the Government and the State and the riparian owners were in the navigable waters of the United States.

Here is what they said:

> The commission is of the opinion that the Federal Government has no proprietary right or interest in navigable waters which would authorize the collection of tolls. The right, if it exists at all, rests upon either the second or third theory stated. As regards the second theory, it should be said that the imposition of tolls, unless based upon a more substantial foundation than the mere authority to grant or withhold consent—an authority arising solely from the control of the Federal Government for the purposes of navigation—does not commend itself to the commission, and it is to be doubted whether, even in case a bill should be passed or other action taken by Congress for granting this permission, with a provision for charging tolls, such tolls could be collected.

That was the unanimous opinion of this commission.

Now, Mr. President, in connection with what I have read I wish to read the names of the Members composing this commission in order that the Senate may judge how able they were to deal with this question and therefore can place the greatest confidence in their conclusions. The members of the commission were THEODORE E. BURTON, chairman; JACOB H. GALLINGER, from New Hampshire, vice chairman; Samuel H. Piles, WILLIAM ALDEN SMITH, F. M. SIMMONS, William Lorimer, JAMES P. CLARKE, D. S. Alexander, FREDERICK C. STEVENS, Irving P. Wanger, S. M. SPARKMAN, and JOHN A. MOON.

Mr. President, when that declaration was read the other day the Senator from Ohio [Mr. BURTON] in reply said, "Well, I

have changed my mind since then." It appears that the Secretary of War, now the President, has also changed his mind on this question. However, the fact remains, although these gentlemen have changed their minds, the Constitution has not changed. It is the same now as it was when these views were expressed, and there is no means of changing it that I know of except to submit an amendment to the States for their ratification.

Now, so much for that. I have read in the presence of the Senate the views of the Secretary of War indorsing the report of the Chief of Engineers, and I do not deem it necessary to pursue that branch of the subject any further.

I wish to quote another authority briefly on the question of the rights of riparian owners, and I read from Kent's Commentaries. In discussing the rights of the riparian owner Chancellor Kent said:

Every proprietor of lands on the banks of a river has naturally an equal right to the use of the water which flows in the stream adjacent to his lands, as it was wont to run (currere solebat), without diminution or alteration. No proprietor has a right to use the water to the prejudice of other proprietors above or below him unless he has a prior right to divert it or a title to some exclusive enjoyment. He has no property in the water itself, but a simple usufruct while it passes along. Aqua currit et debet currere ut solebat is the language of the law. (b) Though he may use the water while it runs over his land as an incident to the land, he can not unreasonably detain it or give it another direction, and he must return it to its ordinary channel when it leaves his estate. Without the consent of the adjoining proprietors he can not divert or diminish the quantity of water which would otherwise descend to the proprietors below, nor throw the water back upon the proprietors above without a grant or an uninterrupted enjoyment of 20 years, which is evidence of it. (c) This is the clear and settled general doctrine on the subject, and all the difficulty that arises consists in the application. The owner must so use and apply the water as to work no material injury or annoyance to his neighbor below him, who has an equal right to the subsequent use of the same water; nor can he by dams or any obstruction cause the water injuriously to overflow the grounds and springs of his neighbor above him.

Those are the views of this eminent author on the rights of the riparian owner. Of course, all this is subject to the right of navigation.

Mr. Farnham, in his work on "Waters and Water Rights," says:

Conflict between riparian and navigation rights: The right of an individual to use a waterway for the purpose of navigation comes to him as one of the public, and he has no more rights than belong to the public in the use of a public highway, unless he is a riparian owner on the stream, when his rights may depend on different principles. Waterways constituting the highways lie along land the title to which is usually in private individuals, and in many instances the individuals have the title to the bed over which the water flows. This contiguity to the water gives certain rights which belong to the owner of the land as an individual and not as one of the public. With these rights the public can not interfere. They are private property within the protection of the constitutional provisions against taking property for public use without compensation. The rights of a member of the public are no greater than those of the entire public, so that the individual, in exercising his rights of navigation, must respect the rights of the owner of the bank. But the public right of way is paramount. That is the principal use of the stream when it is navigable, and other rights must give way to it so far as necessary to preserve the right of navigation. This does not mean that the riparian owner can make no use of the stream or its bed which will in any way interfere with the right of navigation. Such a requirement would be unreasonable, because during large portions of the year the stream may not be capable of navigation, and at such times it would be unreasonable to deprive the riparian owner of the opportunity to utilize the water power in the stream or to erect barriers to the passage of stock or make other reasonable uses of the property. In many cases, also, a little yielding of absolute right by both interests will permit both to obtain greater benefit from the stream. When it is said that the right of the public is paramount, nothing more is meant than that the riparian owner can do nothing to close the highway. He can not divert the water from the stream nor consume it so as to defeat the possibility of navigation, nor can he place insuperable obstructions in the stream. Conversely, the right of public navigation is not such as to destroy the rights of the riparian owner. The right can not be exercised to the unnecessary or wanton destruction of private rights or so as to deprive riparian proprietors of the use of the stream for legitimate purposes which will not unreasonably interfere with the right of navigation. The navigation right is a right of passage merely, and so long as that right is preserved without unreasonable impairment the riparian owner may bridge the stream or use water therefrom, or even throw a dam across it, if he makes provision for the right of passage. The rights may be said to be reciprocal, each modifying the other, each to be used so as not to interfere unreasonably with the other right. The riparian owner is not bound to provide a better passage than is furnished by nature. He may even abridge the rights to some extent if he leaves a convenient passageway.

Now, Mr. President, I want to quote briefly from another distinguished judge and juror as well as a United States Senator. I beg the indulgence of the Senate while I read an extract from the report of Senator O'GORMAN made to the Judiciary Committee. It will be remembered that a resolution introduced by the Senator from Washington [Mr. JONES] was referred to the Judiciary Committee, the provisions of which directed the committee to inquire into all the branches and phases of this question. In reporting on that resolution to the full committee the Senator from New York [Mr. O'GORMAN] said:

The contention in favor of the right of the Federal Government to lease the excess water power is without authority or reason to sustain it. Kaukauna Co. v. Green Bay (142 U. S., 254), and Green Bay Co. v. Patten (172 U. S., 58), are not in point and do not support the proposition.

He quotes Supreme Court decisions which were relied upon by the distinguished Senator from Ohio [Mr. BURTON] to sustain his contention the other day in the discussion of this question before the Senate.

The commerce clause was not involved in either case.

Says the Senator from New York [Mr. O'GORMAN]—

In the former case the controversy arose between the State and a riparian owner, and in the latter case the right of the Federal Government grew out of a grant and was not based upon the commerce clause.

As I understand the facts in this case, the Government of the United States many years ago donated, perhaps, to the Territory of Wisconsin certain lands to be used for the purpose of improving the navigation of the Fox River. A company was organized to do the work, and the State turned over the land or proceeds finally to this company, conveying to the company all the right the State had and that the riparian owner had in the property. The Senator from New York [Mr. O'GORMAN] in his report says:

The claim is made that the Government's improvement creates the excess power, but the fact is that the water that produces the power concededly belongs to the State, and the only effect of the improvement by the Government is to enlarge the potentiality of the State's water at the point of improvement.

The Government has no more right to claim ownership of the increase of the water than the State or a riparian owner would have to require the Government to make compensation for impairment of the stream at other points resulting from the improvement. Where depreciation is necessarily caused by the improvement for navigation the State must bear the loss; where appreciation results from the improvement the State is entitled to the gain. In either case the property affected belongs to the State. As we have seen, the title of the State includes the water as well as the bed of the rivers. The right of the State, under its title, to appropriate the water, subject only to the power of the Government under the commerce clause, is recognized by the cases cited, and the State's title necessarily excludes dominion over its waters by the Government except for the single purpose above indicated. The Government may improve navigation; it can not confiscate the property of the State.

Mr. President, I wish to read very briefly from a report made by the chairman of the Committee on Commerce, the senior Senator from Minnesota [Mr. NELSON]. It will be found on page 96 of the document I hold in my hand.

Says the Senator in his report:

In this connection, and as a further response to the interrogatory, it must be noted that the mere grant by the Federal Government of authority to construct a dam in a navigable river, not for purposes of navigation, but really for the creation of a water power, is merely a license or permit, the effect of which is that if the dam is constructed and operated conformable to plans approved by the Government, it will not be deemed an obstruction or impediment to navigation. And in such case the Government would be authorized to charge a nominal license fee for inspecting and passing upon the plans and for watching over the work to see that it conforms to the plans and is properly maintained; but the regulative power of the Government would not extend to the use of the water for other purposes than navigation and interstate commerce. In such a case it seems to us that the Federal Government has no water power to sell or charge compensation for, for it is only authorized by the Constitution to regulate interstate and foreign commerce, which in this case means navigation.

Further on, Mr. President, I quote from a speech of the distinguished Senator from Idaho [Mr. BORAH], to be found on page 19 of the report I hold in my hand. I shall quote only briefly:

The water and the streams of the States belong to and are subject to the control of the States and are not subject to the control of the National Government except in so far as it is necessary to control them in the regulation of commerce.

And again he observes:

The National Government can not, under the guise of regulating commerce, effect objects and purposes not authorized by the Constitution of the United States. Justice Marshall said:

"Should Congress, under the pretext of executing its powers, pass laws for the accomplishment of objects not intrusted to the Government, it would become the painful duty of this tribunal, should a case requiring such a decision come before it, to say that such an act was not the law of the land."

The Senator from New York [Mr. O'GORMAN] says further in his report:

Federal expenditures must be reimbursed exclusively through taxation. The function of taxation is to secure sufficient money to perform the delegated governmental functions. This power was limited by section 8, Article I, as follows:

"The Congress shall have the power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States."

Mr. President, we are opposed to the provisions of this bill because the tax sought to be levied would ultimately fall on the consumer. If water-power companies are required to pay a corporation tax, and they all are—if they are subject to the taxing laws of the State, and the Secretary of War is authorized by the provisions of this bill to add an additional tax or charge at his discretion—all this added burden must necessarily be met by the consumer of power.

It would be a gross discrimination, Mr. President, against other enterprises and power companies. There are many miles

of transmission lines conveying power from dams constructed upon nonnavigable streams in various sections of the country. To authorize the levy of a tax upon water power on a navigable river that must come in competition with power generated on nonnavigable rivers would be an unjust and an unequal tax, and ought not to be imposed.

The chief objection to my mind included in the provision which the majority of the committee are endeavoring to eliminate is that it would usurp the authority of the State, and would, in a large measure, take from the State the power it now exercises and controls over corporations and in fact all public-utility companies. If for no other reason, that should be sufficient to satisfy the mind of an ordinary man that this invasion of the right of the State to control its internal affairs should not be permitted.

There can be no question, Mr. President, that the passage of this bill in its original form would bring on conflicts between the States and the Federal Government, the result of which no one can tell. It would to a degree create a twilight zone that *can not be* navigated, if you will permit the expression, without coming in contact with the breakers that always present themselves on doubtful questions of this character.

Let us see how jealous the governors of certain States in this country are on this particular question.

It will be remembered a few days ago the Interstate and Foreign Commerce Committee of the House was considering a proposition which gave to the Federal Government control over certain surplus water in a navigable stream in the State of New York. The governor of that State, once a Member of the House and chairman of the Foreign Affairs Committee, when his attention was called to it, sent a telegram, copy of which I am about to read, to the chairman of the committee in charge of the bill.

I protest against the principle of this bill, asserting ownership on behalf of this State to the water power covered by the bill, and ask that the State be not only permitted to fix the rates by the public-service commission but also be permitted to control the development and distribution of power, subject to Federal control only for purposes of navigation, and urge the committee to give New York State a hearing on the bill.

Mr. BURTON. Will the Senator yield for a question?

The PRESIDING OFFICER (Mr. DIXON in the chair). Does the Senator from Alabama yield to the Senator from Ohio?

Mr. BANKHEAD. Certainly.

Mr. BURTON. Is it not true that the Committee on Foreign Affairs of the House unanimously reported that bill?

Mr. BANKHEAD. I am not so sure about that. Perhaps it did. I am not talking about the committee; I am talking about the views of the governor of the great State of New York.

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from New York?

Mr. BANKHEAD. Certainly.

Mr. O'GORMAN. So that there may be no confusion in the mind of the Senate respecting the matter referred to by the Senator from Ohio, it should be stated that before the Committee on Foreign Affairs in the House there was not only involved the question as to the power of the Federal Government under the commerce clause, but also the power residing in the Federal Government under the provision of the Constitution permitting the Federal Government to make treaties, that a treaty had been made between the United States and Great Britain respecting the boundary waters between the State of New York and Canada. Everyone conceded, even those asserting the very proper views now urged by the Senator from Alabama, that the rights of the State of New York in the waters of the Niagara River were subject not only to the commerce provision of the Constitution, which allows the Government to intrude only for the purpose of navigation, but that the rights of the State were also subject to the terms of any treaty made between the United States and Great Britain respecting the quantity of water which might be taken out of the Niagara River. But it was asserted, and, if I mistake not, by a majority of the committee, that the right of the State of New York to the waters of the Niagara River on its northern boundary were supreme and exclusive with the exception of the two features to which I have called the attention of the Senate.

Mr. BANKHEAD. I am very much obliged to the Senator from New York.

Again, Mr. President, I desire to quote from a former distinguished Member of this body and at one time governor of the State of Connecticut where this dam is proposed to be built. I refer to ex-Senator Bulkeley. Here is what he said when his attention was called to the provisions of this bill:

What I am opposed to is the sudden claim of the Federal Government that it has anything to say about the Connecticut or any other inland river other than concerns navigation. The Connecticut River, or so much of it as lies within the State, is solely the concern of the State government and not the Federal Government, so far as this improvement is involved. The Federal Government is presenting a brand-new claim after 300 years.

Now, then, in conclusion on this phase of the question, I want to add this: The Senate will find every State in the Union asserting its right to its natural resources in its rivers as the property of the State and its riparian owners, and these contentions on the part of each State will be confined to no particular portion of the country, but will come from the West, the North, the East, and the South whenever the confiscation of the natural resources of any State is attempted, as is attempted now under this bill in the State of Connecticut.

If these so-called new principles are persisted in and Congress ever adopts them, there will be but one conclusion to these conflicts and one settlement of them, and that will be another repeated decision of the Supreme Court deciding that the States own and control their navigable and nonnavigable rivers and that Congress can never by any sort of constitutional legislation in any way control or regulate these natural resources owned by the States.

Mr. President, I believe I have said about all I care to say on this subject. I would not in this discussion refer at all to the so-called Coosa River Dam bill if it were not for the assertions and the direct declarations made in a paper which I hold in my hand. It is headed "For immediate release. Progressive Headquarters, Washington, D. C., February 9, 1913." I will ask the Secretary to read it, because I want it to go into the RECORD.

The PRESIDENT pro tempore. The Secretary will read as requested, without objection.

The Secretary read as follows:

PROGRESSIVE HEADQUARTERS,
Washington, D. C., February 9, 1913.

Information has reached the legislative reference committee of the Progressive Party that certain interests in Congress are scheming to revive the Coosa River Dam bill and pass it over the President's veto. The committee issues the following statement on the general considerations which should govern the disposition of water powers, and contrasting the Coosa River bill with the Connecticut River bill, which is to be voted on by the Senate on February 11:

Efforts are now being made in Congress to revive the indefensible policy of giving away public water powers of enormous and increasing commercial value without safeguards against extortion and without reserving to the people any share in the profits arising from their use. These efforts to betray the public interest are focused in the Coosa River Dam bill, which grants valuable public property to a foreign corporation for nothing and leaves the consumer without appeal to the Government which grants the rights. The issues raised by this bill are of vital and immediate significance. Already over 30,000,000 tons of coal are annually saved by water power, and of present undeveloped water powers the Coosa is one of the most important.

The legislative reference committee of the Progressive Party emphatically condemns the effort to pass the Coosa River Dam bill over the President's veto and asserts that the disposition of public water powers should be controlled by the following principles:

1. Water power belongs to the people. The sites where it is produced should never be permitted to pass out of their hands, for only in this way can effective control be secured.
2. The public has the right to complete information about every business based on the use of public property.
3. Where public development is not desirable the right to use water-power sites should be leased for periods long enough to permit sound and profitable investment, but no longer. At the expiration of each lease all rights should return to the people who gave them.
4. Corporations or individuals who make money out of rights granted by the people should share their profits with the people.
5. The right to regulate the rates and conditions of service of corporations acting under Federal grants should be exercised by the State or local authorities or by national authority when local authorities fail to protect the consumer against extortion.

In contrast with the Coosa River Dam bill, which represents a wrong principle, is the Connecticut River bill, which will be voted upon on February 11. The Connecticut River bill recognizes the right of the Government to control the use of its property by requiring publicity of accounts, participation by the people in profits produced from public property, and reasonable safeguards against the watering of stock. For these reasons the legislative reference committee of the Progressive Party warmly indorses the principle of the Connecticut River bill.

WILLIAM DRAPER LEWIS, *Chairman*,
GIFFORD PINCHOT,
JANE ADDAMS,
JAMES R. GARFIELD,
FRANCIS J. HENEY,
CHARLES E. MERRIAM,
HERBERT KNOX SMITH,
BEN B. LINDSEY,
WALTER E. WEYL,
HENRY F. COCHEMS,
Legislative Refcrence Committee of the Progressive Party.

Mr. BANKHEAD. Mr. President, I have asked the Secretary to read that document in order that the Senate might inquire, if it chooses to do so, who this self-constituted committee on progressive legislation is and what their purposes and objects are. I had it read for another reason. This legislative committee of the Progressive Party are undertaking to poke their noses into everything; they are undertaking to make false impressions upon everybody, and everybody knows who a portion of that committee is. One of them I have the honor to know personally, and only one. He acquired fame

as a member of a kitchen cabinet that is now bygone. He played tennis in the back yard of the White House, and that is all I know of his doing that could be construed as a public service. I know not why he should come into this controversy. That document is intended for the Associated Press, to be released this morning, and I suppose it has gone to the country. I hope so. It is marked for "immediate release," but a copy fell into my hands and I thought I would obey the instructions and release it by having it read to the Senate.

The reference in this article made by this legislative committee to the Coosa River Dam bill is unwarranted and untruthful, so far as the statement is concerned.

I have said, Mr. President, that I will have no objection to the passage of this Connecticut River bill if the amendment proposed by the majority of the committee shall be adopted. The bill is in substantial conformity to the general dam act. There may be some details that are unnecessary, but they are there and I have no objection to them.

The truth of the business is—and it may as well be stated to the Senate—that these Connecticut River Dam people who came down here to get this permit were taken by the throat, so to speak, and told, "If you do not consent to the provisions that I prescribe, if you do not agree to my policy with reference to this matter, you can have no legislation at all and your bill will be vetoed." Under those circumstances and with that pressure these gentlemen consented, no doubt, that these provisions might be written into the bill. They could perhaps afford to do it. Where this dam is located there is the greatest market, probably, for electrical current in the United States; they can no doubt sell at a profit every horsepower produced. I hope they can; but I want to say to the Senate that if this provision which we are endeavoring to strike out of this bill had been incorporated in the Coosa River bill or in any other bill I should be just as much opposed to it as I am to its insertion in this bill. I am opposed to it on principle, not as a matter of policy.

What has been the effect of the veto by the President of the Coosa River Dam bill? What has been the result? Arrangements had been made and a contract entered into for the construction of a nitrogen plant to take nitrogen from the air by a process recently discovered. It must be remembered that nitrogen is an essential component of high-grade fertilizers; we can not make cotton and corn without it; and I want to admonish Senators from the grain States that the time is very near when they, too, must fertilize their land if they want to keep the production up to the consumption in this country. There was one of the greatest opportunities for conservation of resources ever presented to Congress by means of the construction of a dam and the erection of a nitrogen plant. They would have made the fertilizer, instead of our importing it from Chile, where there is an export duty of $11.16 a ton before it can enter the United States.

What happened? The promoters were compelled to transfer their activities to another country; they were compelled to go to Canada, across the line, near Niagara, where cheap power could be had, and there to-day they are building their plant, which ought to have been constructed in Alabama or in some other State where cheap power could be obtained. That is the result.

Talk about conservation of resources! Such a plant would have saved millions and millions of tons of coal that must necessarily be consumed in the production of power in the absence of this water-power product; millions and millions of cords of wood, thereby conserving our timber resources. That is one result.

We would have conserved all these natural resources—coal, wood, the forests, the land, and the water. As it is now, we are burning our coal by the ton, burning our wood by the cord, importing our fertilizers from Chile, and our water running idly and wastefully to the sea. Is that conservation? That is the kind of conservation that this self-constituted legislative committee would have us enact; that is the kind of conservation they are telling the people of this country must be adopted if our resources are to be conserved.

Mr. President, does conservation mean reservation? Does conservation mean that the natural resources of this country, all of which belong to the people, are to be denied them, are to be tied up indefinitely? Are we to be told, and is this Congress to enact a law that confirms the explanation or the conclusion of these conservationists, that the way to conserve is to reserve and to prevent the development of the resources of this country? How long are they to be tied up? The Coosa River and the Connecticut River are the oldest rivers in the world, perhaps. These resources, these magnificent water powers, have been running idly for years and years to the sea, worth nothing to anybody. Past generations have neglected their opportunities, but the present generation is endeavoring to utilize them, and yet these gentlemen come to Congress and say, "another hundred years must pass before you can intelligently go to work to develop the natural resources of the country." That is what it all means.

Now, Mr. President, I want to call the attention of the Senate, since I have been compelled to notice the allusions made to the Coosa River, to this item. I remarked a while ago that our nitrates were all imported from Chile; that that country imposed an export tax of $11.16 per ton on them; and that 62 per cent of the entire revenues of that country are derived from its export of this product alone. So important do they regard it, so valuable an asset do they esteem it, that here is what has happened:

[From the Paris edition Daily Mail, Dec. 28, 1912.]

£500,000 PRIZE.

SANTIAGO DE CHILE, *Friday.*

Senator Bulnes has introduced a bill into the Chilean Senate offering a prize of £500,000 to the inventor of a process which will completely extract the nitrates contained in the raw substance called caliche. (Reuter.)

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Caliche was the name given to Chile saltpeter, which occurs as natural deposits in Chile, and which contains from 50 to 75 per cent of sodium nitrate. The nitrates obtained from caliche are used as an artificial manure. The industry is of great importance to Chile.

That little Government, proposing to offer a reward to the inventor who will discover a means by which these nitrates can be completely extracted, put into a marketable form, and sold to those all over the world who from necessity must use it, is willing to pay the enormous sum of $2,500,000 to somebody who will invent a process by which these ingredients can be extracted and made marketable; and here we are, Mr. President, in this great country, surrounded everywhere by this valuable product—nitrogen. It is in the air everywhere; it can not be exhausted; it can only be extracted by means of cheap power—power so cheap that coal and wood can not produce it successfully, power that can only be obtained by the utilization of our water power—and we are told that we can not avail ourselves of this rich asset, that we can not control our own water power, that we can not build dams and locks, provide for navigation, and turn them over to the Government without cost, navigation having been amply provided for, and use the balance of the water, if there is a surplus, introducing this essential article of commerce that must be had if our farms are to be kept up to that state of production where home consumption can be supplied. What kind of conservation do you call it? I have no name for it that I would venture in this presence, Mr. President.

How long are we going to be misled, how long are we going to be deceived, how long are we to have our prejudices played upon by these self-constituted legislative committees, simply thrusting their views upon an innocent public, who have never thought it necessary, perhaps, to give them a serious consideration?

Mr. President, I am now going to yield the floor to the Senator from Colorado [Mr. THOMAS]. I have said all I care to say on this subject. Others could have said it better, no doubt; but I have endeavored as best I could to present the views of the majority on this important question. I believe, and I think they believe, that the general dam law as it has been worked out and as it is now in operation is entirely sufficient to protect the interests of the Government and to promote the interests of private owners of water power, the State, and the riparian owner, and upon that we are willing to stand.

At the proper time, Mr. President, I shall ask the Senate to vote upon the amendment which I have had read at the desk.

Mr. WORKS. Mr. President, I desire to submit some remarks upon the pending bill; but as the Senator from Colorado [Mr. THOMAS] desires to address the Senate, I shall withhold them until he can be heard.

Mr. GALLINGER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. JONES in the chair). The Senator from New Hampshire suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Percy	Swanson
Bankhead	Johnson, Me.	Perkins	Thomas
Brady	Johnston, Ala.	Poindexter	Thornton
Brandegee	Jones	Richardson	Tillman
Bristow	Kavanaugh	Root	Townsend
Bryan	Kenyon	Sheppard	Warren
Burton	McCumber	Simmons	Webb
Catron	McLean	Smith, Ariz.	Wetmore
Chamberlain	Martine, N. J.	Smith, Ga.	Williams
Culberson	Nelson	Smith, Md.	Works
Dillingham	O'Gorman	Stephenson	
Gallinger	Oliver	Stone	
Gamble	Page	Sutherland	

Mr. WEBB. I desire to announce that my colleague, the senior Senator from Tennessee [Mr. LEA], is necessarily absent from the Senate.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum of the Senate is present.

Mr. THOMAS. Mr. President, if the pending bill concerned only the Connecticut River Co. I would not actively oppose its passage. I might not approve of the principle involved, but I would not actively oppose it. If it were a measure so far local in its consequences as to involve the interests only of the two States which are divided by the Connecticut River and of the other two which are traversed by it, I might not feel warranted in making any active opposition to it.

The State which I have the honor in part to represent here touches Connecticut only when the roll of the States is called. Geographically it is far distant from Connecticut, located in a different section of the Union, and possessing a climate and soil which demand a different domestic policy and a different code of laws. Nevertheless, this bill, as I am compelled to view it, involves an exercise of Federal power which will be invoked in support of other, although perhaps unrelated, legislation applicable to the national domain and to the waters of the natural streams within the State of Colorado.

The Senator from Ohio [Mr. BURTON] is therefore in the main correct in saying that there would be no objection to this bill in the Senate except for the opinion of certain Senators that it creates a precedent which might be embarrassing to them. My objections, however, go beyond the suggestion of the Senator from Ohio; they involve the question of the authority of the Government of the United States, acting through Congress, to grant such a privilege as this measure embodies. Indeed, they are fundamental in character, or, perhaps I should say, they are both fundamental and practical, for they affect both the merits of the bill and the jurisdiction of Congress over its subject matter.

It was said by the Senator from Ohio on last Wednesday that the agitation for this improvement—that is, the improvement of navigation in the Connecticut River—assumed active form about 1898, which would be some 15 years ago, but that Congress has refused to make the necessary appropriation for the improvement of the river. I assume, therefore, that the aspect of that agitation was public rather than private, or semi-private, in its nature, and took definite form in an effort to secure an appropriation of funds for the purpose of conducting the work of improving the Connecticut River by the Government directly and under its undoubted authority to control and improve its navigation.

I also assume that if the public demand for this improvement were so insistent, and began so long ago, its urgent and important nature and the exigencies of navigation would long since have resulted in the appropriation of sufficient money for the purpose of perfecting the end desired. I assume this for the reason, chiefly, that the four States which either border upon or are traversed by this river have been at all times well and ably represented in both Houses of the National Legislature. Their Representatives have been at all times fully alive to the interests of their respective constituencies, and anxious for the development of the resources of their several States by perfecting as a commercial highway the navigability of the Connecticut River. It would seem, however, that this urgent situation has not until now crystallized into a definite effort to obtain some sort of legislation by Congress upon the subject. It has now assumed definite form, and the bill under consideration is designed to effectuate the purpose through the medium of the Connecticut River Co.

Yet river and harbor bills for many years have contained items of appropriation covering improvements, some actual and necessary, others not so necessary, and the need for which was perhaps more imaginary than actual, involving enormous amounts of money, frequently arousing a large degree of public disapprobation largely justified by these conditions. If there had been crying demand for this improvement in one of the great rivers of the country traversing a thickly populated region devoted to active manufacturing industry, who doubts that ample provision would have been made for it through the active effort of New England Senators and Representatives?

I assume, therefore, that the proposed improvement, instead of being desired by the people or essential to the improvement of the navigability of the stream for purposes of trade and commerce, is primarily designed to create a water power for the benefit of the grantee in the bill, and that this measure is prompted by the necessity, if this concern would enlarge its business, of making the best possible sort of an agreement with the Government of the United States through a bill of this kind that will enable it to extend and enlarge its equipment so as to meet the demands for power of the present or at least of the future.

It was stated by the Senator from Ohio that the commerce of the river for the year 1912, if I remember correctly, was represented by a traffic of 683,000 tons of the value of $23,000,000, which could be largely increased by the improvements contemplated in this measure; that it would also extend the benefits of river navigation, and I presume therefore, by way of implication, the benefits of competition arising from this extension, to a number of thickly-settled communities lying above the point of obstruction in the stream. The Senator also referred to a line of boats for passengers plying between Hartford and New York whose business would be favorably affected by the improvement.

But this want was doubtless as insistent, relatively at least, between 1898 and the present time as it is to-day. Yet for some reason, not up to this time disclosed, the Government of the United States has not, in its governmental capacity, seen fit or has not been urged to make the improvement on its own account. This is a subject of proper comment, in view of the sudden urgency which the situation has assumed and which may be due to other motives than that of river navigation.

It might be pertinent, therefore, to inquire what particular agency, if any, transacted this business upon the river and transported so many passengers and so many tons of merchandise upon its waters. We know, the whole country knows, that the transportation business of the New England States is under the control and domination of a single great company, which has extended its powers and dominion over the great domain of transportation so completely that there no longer exists such a thing as opposition to the monopoly which it enjoys. Has this company had something to do with the retardation of the improvement of this river? Its monopoly in transportation justifies the inquiry as to the good faith of the insistence that the purpose of the bill is to improve the navigation of the river; that it is urgently demanded by the people; and the further inquiry whether, if so improved, the improvement will benefit, if it benefits anyone, any other than the New York, New Haven & Hartford Railroad Co. This suggests the further query whether the benefit to that corporation will consist of the added miles of navigation to the stream or the added capacity of the Connecticut River to generate electric current for its use.

The Connecticut River Co. was chartered by the State of Connecticut in 1824, nearly 100 years ago, "for the purpose of improving the boat navigation of the Connecticut River." If we may judge by what has been said about it, the company was not incorporated for any other purpose. Its original grant of powers may have been sufficiently great to embrace other subjects and other operations; but in the absence of further information we must assume that its original and perhaps its only purpose was the improvement of boat navigation upon the Connecticut River. Its charter may have since been amended.

But recently another power company has competed with it for what the Senator from Ohio has called the "franchise" involved in the body of this bill; and being at odds, nothing was attempted here until they either united their forces or the other quit the field. "Being at odds," says the Senator from Ohio, "it was useless to grant a franchise to either."

This expression of the Senator conveys to my mind the notion that the primary, the real, purpose of this bill is to grant a franchise—which, of course, is a privilege, the value depending very largely upon the subject matter—to a private corporation organized under the laws of the State of Connecticut under the guise of improving navigation. The notion that it is a franchise is also borne out by the recital on page 6, line 6, of the bill itself, which refers to—

> The value of the authority hereby granted.

We have a right to assume, I think, that up to this time the franchises of this company, whatever they may have been, were conferred upon it by State and not by Federal legislation or action. It was said that it has had authority to and has been generating electric current for some time since 1909, and this, of course, must have been by State authority to manufacture and market it.

This leads up to the proposition that the bill in its simplest terms relates to a power scheme already established, and seeks through the agency of Federal authority to extend itself by the increase of its water power. In other words, the main purpose of the bill is to increase the energy of the stream for private purposes through the operation of the power of the Government to regulate commerce among the States.

The ostensible purpose of the bill, and of kindred measures, is to prevent monopoly. The Senator from Ohio so said, and he certainly believes that such will be the effect of the bill. It is no possible reflection upon his good faith and integrity of

purpose to assert that instead of preventing, this bill will promote or continue a tendency to monopoly in water power that has been in operation in this country for a long time.

I take it that the Senator's support of this bill is entirely due to his belief that it will tend to prevent a monopoly in water power by the exercise of a sort of governmental control, to some extent at least, over the property and the power and the methods of the company.

The Senator said:

Mr. President and Senators, I maintain that a condition of that kind is absolutely necessary to prevent monopoly in this very valuable asset of the Nation. Already there has been a very considerable degree of consolidation. The head of the Bureau of Corporations made a report some time since, in which he showed this tendency to concentration in the hands of a limited number of corporations, and that under this tendency a very large share of the water power of the country was falling under the control of certain corporations which have been alert and active in seeking to gain for themselves this very valuable privilege.

In this connection let me refer to this statement of the Senator a little later on:

Those who are seeking it—

That is, this privilege—

are willing, and indeed anxious, to accept on the terms proposed.

This therefore is the situation: The Government upon one hand, under the provisions of this bill, proposes to limit, if not to prevent, the creation of a monopoly in water power, while the company which is to be benefited and also to be injuriously affected by this measure, so far as it corrects any tendency to combination, is not only willing but anxious to accept the grant upon the terms proposed.

These considerations bring me to my first objection to the bill, Mr. President, which is that the bill instead of preventing serves to enhance a monopoly now existing. Therefore in my judgment it can not carry out the purposes for which it seems, at least in part, to have been designed.

I assert that there is a monopoly of water power in this country already, as shown by the report of the Bureau of Corporations, to which the Senator referred. It is of far-reaching dimensions. It is in the control of a few hands. It is enormously overcapitalized. It is imposing prices for power out of all proportion to the capital actually invested in it. I am making at present no particular comment upon this condition. I am merely stating a well-known fact—a fact to which we can not shut our eyes; a fact that is becoming more and more prominent as time passes. Whether it is caused by the natural laws of commercial evolution, by conspiracy in restraint of trade, by lack of State control, or as a result of the indifference or imbecility or corruption of the governing powers, or by all these causes combined, is not material here. It is not only a menace of the future, but it is a condition of the present.

Its correction must come, if at all, from other sources than legislation of the kind here proposed.

I may say in passing that my own view of the subject is that the generation and use of electric current constitutes a natural monopoly in which there can be no real permanent competition; and as a consequence the business should be subject not only to governmental control but to governmental operation, if not governmental ownership, if that should prove essential to its control. The important bearing of the existence of this condition upon the measure now under consideration is that much of this monopoly's most valuable assets have been acquired through the enactment by Congress of measures like this. That value, in so far as congressional action is concerned, consists not alone in the intrinsic worth of the water power secured, but in its probable exemption from State taxation, State regulation, and State control, because it is stamped with the impress of Federal ownership.

In defending the proposition that Congress may, as an incident to the control of navigation, confer upon a private corporation a franchise like this, the Senator from Ohio referred to preceding legislation of a similar character, and cited a list, appearing in the CONGRESSIONAL RECORD on pages 2802 and 2803, of acts heretofore passed by the Congress of the United States relating to the same subject—that is to say, to the "grant," if I may so term it, by Congress to private corporations of rights in water power.

These several acts of Congress begin with one dated the 11th day of August, 1888, and end with one bearing date the 2d day of March, 1907. A significant circumstance attaching to this list is that the exercise of this power to grant franchises in water power is of recent exercise, and, therefore, I may say, of recent origin. Another significant circumstance connected with it, Mr. President, is that these grants began coincidently with the rise in the commercial world of electric power as an agency of commerce and of industry.

It would seem as though, contemporaneously with the realization of the enormous value of electric current in the commercial world as an agency of business and of industry and of civilization in all its various phases, the eyes of business foresight and sagacity were turned upon Congress, or upon the Federal power as a possible agency through the medium of which these enormously valuable concessions could be obtained, and, being obtained from Federal authority, might be the more valuable by reason of their possible exemption in consequence from State or local control.

The exercise of an authority that is born with the sudden origin of a demand by means of which a new departure is made in exercising, or at least a novel construction is placed upon a power already ample, in its manifold development throughout the history of the country, shows to my mind that instead of being the exercise primarily of a control over navigation, it is a pretended exercise of that power for the real purpose of producing some other result and reaching some other end. This bill, for example, instead of being designed to benefit navigation, is designed, through the power of Congress, to so exercise that authority as to create and confer valuable rights and franchises upon certain industrial activities of the country. Thus a sovereign attribute of the Federal Government seems to have been transformed, or is being transformed, into a commercial asset for the benefit of great private interests.

We have heard a good deal during the past few years about "dollar diplomacy." Whether founded upon a proper basis or not, it is the popular impression, which I think well justified, that the diplomatic powers and agencies of the Government of the United States have in recent years been diverted into currents of commercialism, and that in our negotiations with and our relations to other countries the opening up of new and attractive avenues for investment by capital upon a large scale has been the dominating thought and the dominating motive of our diplomatic policies. "Dollar diplomacy" has, therefore, become a popular expression, defining conditions which, in my judgment, largely justify its use. Our activities in this direction have become so insistent in recent times that occasions have arisen making it necessary to reenforce them with the presence of battleships in the Caribbean and the establishment of receiverships in Santo Domingo.

We are now supplementing "dollar diplomacy" through the enactment of measures like this, and creating, through their agency, what may be termed a "dollar sovereignty," which goes hand in hand with our "dollar diplomacy." They are the Gold Dust Twins of our new nationalism, born of the alliance between high finance and the national authority. If it be true that through this species of legislation we are virtually creating private interests through the guise of exercising a sovereign power for a great public purpose, then it is equally true that the fact should appear, and should appear as its most prominent feature, to the end that its true nature and character may be fully understood and estimated by the people of this country.

So far as the legislation of Congress is concerned, although I may be mistaken, nevertheless I think I am safe in asserting that prior to the time when, through the development and discoveries of science, electric energy became the great moving force in our industrial civilization, it never occurred to any legislator or to any lawyer, constitutional or otherwise, that the power to control navigation under the commerce clause of the Constitution could be made an agency for the creation of property belonging to the Government as its creator, which in turn could be made the subject of a grant for the benefit of private parties.

The Green Bay cases, to which frequent reference has been recently made, are cases which I have read with much care since the beginning of this argument. In my judgment the opinions therein are entirely susceptible of the construction which was placed upon them by the Senator from Ohio, and they support as well the construction which is insisted upon by the Senator from New York. But they grew out of and were based upon an act of Congress of 1846, whereby certain lands were conveyed to the State of Wisconsin, the proceeds of which were to be utilized for the improvement of navigation in the Fox and Wisconsin Rivers. The State for some reason found itself unable to perform the trust imposed upon it by this act of Congress, and therefore contracted with a private corporation to make the desired improvement. That company was also unable to carry out the object of its creation, in consequence of which all its rights, whatever they were, fell into the hands of the Green Bay Co. through processes of law. That company, falling also into financial straits, conveyed or granted to the Government of the United States all of its property and improvements in the rivers, with the exception of the power or the right to use the force generated by the stream, together with

its power plant. In other words, it reserved its riparian rights from the operation of the grant.

Hence the real question here involved—although it seems to have been discussed and to some degree decided by the Supreme Court of the United States in these cases—was evidently injected into the record without reference at all to the commerce clause of the Constitution or to the powers of Congress thereunder. If the right of the Government to acquire property, and to grant a franchise in waters of a flowing stream navigable in character under the commerce clause had been directly presented in those cases, I think it is safe to say that a different or more modified conclusion would have been reached by the court.

I am not aware of any other cases in which it is claimed that the direct point has been involved or was judicially disposed of, and inasmuch as there is such a wide discrepancy of opinion between good lawyers in this body as to the meaning and effect of these decisions it is pertinent at least to insist that the question is still an open one, in so far as the courts of the country are concerned.

Referring once more to the list of acts of Congress which are cited as precedents for the one now under consideration, and assuming that they also were designed or intended or believed by their advocates to have been intended to prevent a monopoly in water power, it is somewhat remarkable to find that, with one exception, none of them place any restrictions whatever, in so far as a tax or toll may be said to be a restriction, upon the exercise of the powers therein conferred upon the grantee. True, they all invest the Secretary of War with almost unlimited authority in making leases to impose conditions which he may or may not exercise. They confer wide discretion, but they do not fix any restriction whatever upon the exercise of this authority, and none upon the enjoyment of the property right, unless the Secretary of War sees fit to impose them.

One of them, that relating to Lock No. 4, at Coosa, Ala., does provide that, beginning with 1925, 12 years from now and 14 years after its enactment, the grantee shall pay to the United States $1 per annum per horsepower, with an increase if the normal flowage is increased by storage reservoirs.

I am entirely at a loss, Mr. President, to comprehend how the mere investiture of an administrative officer with a discretionary power of control over the operation of a franchise granted to a corporation can amount in any degree to a restriction or limitation upon the power and authority of the grantee of that franchise, except in so far as some particular feature may call into active exercise the authority of that officer. This certainly appears to me to be a most inefficient method either of preventing a combination of the several grantees among themselves or with others or in any manner affecting their relations to the public or to the private consumer.

This brings me to a short consideration of the bill under discussion. I contend that there is nothing in any of its recitals which in the slightest degree restricts or limits the powers or the rights of the grantee in the bill, except in so far as the discretion of the Secretary of War may be said to be such a restriction. Instead of preventing, therefore, I insist that it actually promotes the possibility of a combination by clothing the grantee of the franchise with full power and authority to act as its interests or inclinations may afterwards prompt it to do, subject only to those easy limitations which may readily be complied with or avoided. Let us see what the alleged controlling and restricting provisions are:

And provided further, That the rights and privileges hereby granted may be assigned with the written authorization of the Secretary of War, or in pursuance of the decree of a court of competent jurisdiction, but not otherwise.

"The rights and privileges hereby granted" may be assigned either by "the written authorization of the Secretary of War, or in pursuance of the decree of a court of competent jurisdiction." Either of these may be easily obtained whenever the conditions calling for the exercise of the power are favorable to or desired by the company.

Now, we know from our experiences at the bar that judgments of this sort, especially when they are sought by both parties to the transaction, or where there is no opposition to the application, are perfectly easy of obtainment. There be courts and courts.

This right of assignment by judgment is limited, Mr. President, to the action of no particular court. Any "court of competent jurisdiction" may grant the right. How then can it be said that if there arises an exigency or an occasion for assignment which appeals to the interests of the company and those who control it, the authority to sell and dispose of the franchise can not be easily obtained?

I do not, in speaking thus, reflect upon the courts; at least I do not intend to do so. I merely state what seems to me to be an apparent truth, that the condition or limitation imposed upon assignment by this measure is practically no condition or limitation at all, but that when the exigency or the occasion arises, an appeal to the Secretary of War or to the courts will be followed beyond a doubt by granting the required permission.

There is and can be nothing in this measure which in any manner interferes or which can interfere with or be a limitation upon the transfer of a controlling interest in this concern by an assignment of its shares of stock to any other corporation or any other individual or individuals.

There are many ways of creating a combination, of which perhaps a holding company is the most familiar and most popular at the present time. By the simple assignment of a majority of the shares of its stock to any concern desirous of securing them, the holding company or some other, there is just as complete an assignment, and therefore as much monopoly followed by as great a degree of benefit or injury to the patrons or consumers of this concern as though there had been an assignment of the franchise itself under a decree of court or by the written authorization of the Secretary of War.

Instead, therefore, of placing a limitation upon the power to create monopoly, the bill merely provides one method whereby it may be accomplished, leaving all others open to the company to avail itself of them if it should care to do so.

Another provision in the bill which is said to "prevent monopoly" is:

That the Secretary of War, as a part of the conditions and stipulations referred to in said act, may, in his discretion, impose a reasonable annual charge or return, to be paid by the said corporation or its assigns to the United States, the proceeds thereof to be used for the development of navigation on the Connecticut River and the waters connected therewith.

It can not be pretended that this proviso imposes upon the Secretary of War a duty to impose a reasonable or any annual charge upon the corporation. It simply invests him with the power to impose such a charge or not, as he may see fit. It delegates to him, in other words, a quasi judicial power, an authority entirely permissive in its character to do what he pleases, and which he may exercise or decline to exercise as the appeals of the company or as his own information or inclination, or both, may ultimately determine.

There is this limitation, however, that—

In fixing such charge, if any, the Secretary of War shall take into consideration the existing rights and property of said corporation and the amounts spent and required to be spent by it in improving the navigation of said river, and no charge shall be imposed which shall be such as to deprive the said corporation of a reasonable return on the fair value of such dam and appurtenant works and property, allowing for the cost of construction, maintenance and renewal, and for depreciation charges.

To my mind that means nothing whatever. It simply provides that before the Secretary of War can fix any charge at all upon the operation of the company's affairs he must take into consideration these various expenditures, and having taken them into consideration they may be so large in their amount, when contrasted with the volume of the company's business, as to discourage him from imposing any charge at all.

Now, apart from the unwisdom, in my judgment, of investing a single administrative officer with this large discretion, apart from the dangers which, I think, are involved in the attempted exercise of such a power, when it is considered that once exercised it does not remain a fixed quantity, but may be withdrawn or changed or diminished or enlarged, it becomes a disturbing factor in the operations of the grantee's business. In effect the Government says to the Secretary: "You may do what you please in the matter of imposing annual charges upon the company; you may regulate the amount which it shall pay into the Treasury of the United States from its earnings; you may decline to exercise the authority if you see fit; or, having exercised it, you may continue to do so from time to time by enlarging or diminishing or removing the charge as you shall deem proper."

This is a loose method of arranging for or providing restrictions against a danger the menace of which is urged as the prime reason for the enactment of an important measure.

Mr. SMITH of Arizona. Will it interrupt the Senator if I should ask him a question?

Mr. THOMAS. Not at all.

Mr. SMITH of Arizona. What protection does the mere supervision of the Federal power give to the ultimate consumers of this power?

Mr. THOMAS. None whatever.

Mr. SMITH of Arizona. It gives no power further than to tax.

Mr. THOMAS. That is a power which may or may not be exercised. It depends entirely upon the point of view of the

man who happens to be Secretary of War on any given occasion.

It is significant, also, that this is the feature of every act included in the list prepared by the Senator from Ohio, with a single exception, which does not take effect until 1925.

I may say to the Senator from Arizona that this provision does not give any protection to the consumer, because the charge imposed may be added to the amount which he must pay for power, and thus the burden of the Government charge is shifted from the corporation to the customer.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. JONES in the chair). Does the Senator from Colorado yield to the Senator from Idaho.

Mr. THOMAS. Certainly.

Mr. BORAH. The Senator from Colorado says that it may be shifted to the consumer. It would almost inevitably be shifted to the consumer, would it not?

Mr. THOMAS. I think so.

Mr. BORAH. Even if we were not fixing the rate, if some other tribunal was fixing the rate, and this burden was placed on this power, they would be able to shift it to the consumer.

Mr. THOMAS. I think it follows inevitably that such would be the method.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Washington?

Mr. THOMAS. Certainly.

Mr. POINDEXTER. I should like to ask the Senator from Idaho if that would not be true in case the State levied a tax on it to the same extent. A tax by the State or any charge applied by the State would be just as proper to be taken into consideration in estimating what charges for power would be reasonable as a tax or charge levied by the Federal Government. So the effect of the point made by the Senator and others who take that view is that there should not be levied any charge or any tax.

Mr. BORAH. Of course, if a tax was levied either by the State or by the Federal Government, in my judgment, the consumer would ultimately pay it. For that reason I believe in erecting a tribunal which will fix a tax for the protection of the consumer and not for the purpose of obtaining some money with which to build up a great department to dredge rivers.

Mr. THOMAS. Mr. President, I do not believe that because the National instead of the State authority imposes a burden by way of a tax upon the corporation it would make any difference in its effect upon the consumer. The natural tendency, perhaps the inevitable practice, is that all these extra charges are carried along and the consumer ultimately bears them. That is almost a self-evident consequence. It might not perhaps be an objection to the imposition of the tax, but I refer to the subject because it is urged here by the advocates of this bill as a protection to the consumer, as a protection to the public, and above all as a prevention of monopoly. Now, that it can operate in either of those directions seems to me to be impossible in view of these considerations.

Hence I come back to the proposition stated a few moments ago, that my fundamental objection to this bill is that its paramount object and the object of all kindred measures is not to improve navigation but to utilize the Government's sovereign power to control navigation merely as an agency in behalf of a private enterprise, to create a property to be claimed by the Government and by it donated to private parties, or conveyed to them under conditions which make it virtually a donation. I do not think the Government of the United States, even if it had the authority to do so, should go upon the streams of the country and under the pretense of improving navigation become virtually an agency of private concerns to invest them, first, with a property which the Government does not possess and then with a franchise which exempts them from State control.

The Constitution never designed the investiture of the Federal Government with this far-reaching power for any such purpose. In all the writings of commentators upon that great document nothing can be found, so far as my investigation goes, which lends countenance to the use of so great an attribute of sovereignty for so ignoble a purpose. It is the utilization of a sovereign attribute of the Federal Government in other words, for commercial purposes and private interests.

There can be no doubt in my mind, after an examination of these bills, and the Connecticut River bill is one of them, that the alleged improvement of the river is wholly secondary and subordinate to the creation of a physical condition in the stream which will add to the assets and the wealth of the Connecticut River Co., and that, too, by investing it with an asset which does not belong to the Government of the United States and over which it has and should have no control except in so far as is necessary and incidental to the purpose and for the power can be lawfully exerted.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. THOMAS. Certainly.

Mr. BRANDEGEE. What is the asset which the Government of the United States confers upon the licensee in this case?

Mr. THOMAS. I am going to come to that very soon. I may say to the Senator from Connecticut, however, it is the energy created in the stream by the improvements made in it and which is to be used to generate an article of commerce.

Mr. BRANDEGEE. Mr. President, if the Senator will permit me to say a word——

Mr. THOMAS. Certainly.

Mr. BRANDEGEE. That is conferred by the franchise this company has held from the State of Connecticut since the year 1824.

Mr. THOMAS. That being the case, why is the company here ready and anxious to obtain this franchise, as it is called by the Senator from Ohio?

Mr. BRANDEGEE. The Senator from Ohio may have named it that, and the Senator from Colorado has been quick to seize upon that term, but I do not agree that it is a franchise. The consent of Congress is given for this company to relocate an existing dam practically in the same place where it has been in existence for 80 years. It is moved a short distance from its present site, where it gets a better location, and where a larger lock in the interest of navigation can be maintained than at the present point. When the company can not place any obstruction in a navigable river without the consent of Congress, and has come here to get it with such limitations as Congress may impose, how that can be properly described as conferring property in the waters of a stream within the State and conferring a valuable franchise I can not see.

The clause the Senator from Ohio quoted on page 6, where the words "value of the authority hereby granted" appear, is a clause which prevents acquiring any property by the issuing of this permit, because it occurs in connection with the scheme for the assessing of whatever property the company may have, if the Government does not renew the license after 50 years, and provides distinctly that "the value of the authority hereby granted" shall not be taken into consideration in estimating what shall be paid to the company.

Mr. THOMAS. Mr. President, I am unable to see that the Connecticut River Co. is ready to make this improvement because inspired by a philanthropic desire to improve navigation in the Connecticut River, nor that it is anxious to reconstruct its dam and, in addition thereto, to build a lock of great value and present it to the Government of the United States, unless it is going to get something valuable in return. I am not very particular as to what that thing which it gets may be called, for designations amount, after all, to comparatively little in a matter of this sort.

What we are concerned with is that this is a contract between the Government of the United States as party of the first part and the Connecticut River Co. as party of the second part, in which each undertakes to do certain things. The benefit, whatever it may be called, which is conferred upon the company is the result of the improvements which it is permitted to make and which is so valuable that the Senator from Ohio says these conditions are required in the bill to prevent the creation of a monopoly by its bestowal. That monopoly, if there is danger of the creation of one, must find for its basis the thing, whatever it is, which springs into existence as the result of the performance of this contract.

If the Government has nothing to convey, then certainly it can exercise no control or authority over this company in so far as its revenues are concerned. If the Government is not conferring an asset upon it, how can it tax the company upon the assumption that it has given it a right and power and property not enjoyed in common with others, from which others are excluded, and which depends for its existence upon the performance of the things required in the bill from the company?

When interrupted I was calling the attention of the Senate to the real purpose of the bill, and I was stating that to accomplish it we were proposing to utilize a sovereign authority of the Government for the benefit of the party of the second part to this contract. The Senator from Ohio before concluding his speech made a statement which, I think, supports my present contention. He said:

> While I was connected with the Rivers and Harbors Committee of the other House I knew of cases where the building of locks and dams was advocated under the guise of improving navigation, when the real object, after the dam had been constructed, was to obtain water power.

That is the thing which is being accomplished here, the real object being to obtain a water power, not to improve the navigation of the river except in so far as that results as a consequence from the thing to be done, and except in so far as it is necessary, in order to secure the doing of the thing, to base and pivot it upon the assumption that the primary purpose of the measure is to improve navigation.

I have no doubt in the river and harbor bill which this body will soon be called upon to consider there will appear many items—which the Senator from Ohio will readily recognize when his attention is called to them—in which the object is not to improve navigation at all, but to obtain water power at public expense. These matters, Mr. President, are prompted and encouraged by the introduction and attempted passage of bills like this. The time will come, and perhaps it will come shortly, when the Government may throw off all pretense of improving navigation and devote itself to the enactment of these measures, utilizing the river and harbor bill chiefly for the creation of water power, not perhaps for the purpose of conferring it upon individuals or corporations, but to acquire what the protest which was read here a few moments ago by the Senator from Alabama calls public water powers, or water powers belonging to the public. Just what is meant by that expression I confess I do not fully understand, for I know of no such thing as a public water power in the sense that such a power belongs to the General Government or to the States, unless the one or the other has created it for some public purpose appurtenant to the particular government acquiring it.

These conditions, Mr. President, provoke raids upon the Treasury, and bill after bill will be introduced, and doubtless have been introduced, for the purpose that is sought to be, and will be, accomplished by this measure if it becomes a law.

Another objection I have to the measure is that the Federal Government, having no property interest in the subject matter of the grant, is without authority to enact the law.

Mr. McLEAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. THOMAS. I do.

Mr. McLEAN. Before the Senator passes to the other objection, I should like to ask if he would be willing to give us his opinion as to how he would circumvent this impending monopoly of water power? Do I understand him to say that he thinks such corporations should be under State ownership and State control?

Mr. THOMAS. My own belief as to this and kindred matters, Mr. President, is that no public utility whatever should be committed to the keeping of private individuals. I believe that this, being a natural monopoly, should be under the control, if not the ownership, of the respective States where the power plants are located. I will go further and say that if the States should prove to be unable to control the monopoly, and it should appear that the power of control can only be found in the Government of the United States, then measures should be taken, if necessary, by an amendment to the Constitution, whereby the American people in their sovereign capacity should take charge of and control them; and, if necessary to such control, ownership appears to be essential, then such ownership should follow on the general proposition that the welfare and the necessities of the public and of the individual should be the supreme consideration of the national authority.

Mr. McLEAN. Do I understand the Senator to say that he would include with the water power the public charge of all public utilities?

Mr. THOMAS. If necessary; yes.

Mr. McLEAN. By condemnation?

Mr. THOMAS. The Senator from Connecticut asks me for my opinion, and of course I can not express an opinion as to how, in my judgment, a particular public utility that is a natural monopoly can be controlled without extending that view to all similar conditions.

Mr. McLEAN. Whether it be a water power upon a navigable or a nonnavigable river?

Mr. THOMAS. Yes, sir.

Mr. McLEAN. And you would recommend as the only solution for this dilemma in which we are put by these impending monopolies a condemnation by the State if necessary?

Mr. THOMAS. Yes.

Mr. McLEAN. And State ownership and control?

Mr. THOMAS. Yes. The General Electric Co. and its various constituencies, according to the official record or report of the Bureau of Corporations, practically dominate the electric energy of the Nation.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Washington?

Mr. THOMAS. Certainly.

Mr. POINDEXTER. I should like to get the opinion of the Senator from Colorado as to whether or not a State or a number of States could effectively regulate such a monopoly as that where the power plant is located in one State and the power is conveyed into other States.

Mr. THOMAS. Absolutely. The mere fact that some part of the current created is utilized in another State does not in any wise affect the power of a State over the corporation owning the property and subject to its jurisdiction.

Mr. POINDEXTER. The levy of a tax by a State upon the sale of the power undoubtedly would be claimed by the company resisting it to be an attempt on the part of the State to regulate interstate commerce.

Mr. THOMAS. It is not necessary to accomplish the end by placing a tax upon the property.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. THOMAS. Certainly.

Mr. BORAH. I was going to say to the Senator from Washington [Mr. POINDEXTER] that I have introduced an amendment to this bill providing that the Interstate Commerce Commission shall fix the price of all power transferred from one State to another.

Mr. POINDEXTER. I think that that is a good amendment. It is a principle for which we are contending.

Mr. BORAH. My idea was that we ought to begin to take into consideration after awhile the men who are going to consume this power—the people who are going to burn the electric lights and otherwise use electricity.

Mr. POINDEXTER. Yes; I think we ought to take them into consideration; but the trouble is that a great many of those who are seeking to get franchises or grants of this kind are unwilling to take the consumers into consideration or to have any such conditions attached to their bills as the one which was just now suggested by the Senator from Idaho [Mr. BORAH]. They ask for a grant and insist upon an unconditional grant.

Mr. THOMAS. Mr. President, at some other time I shall be more than willing to enter into a discussion or a statement of whatever views I may entertain as an individual upon the most interesting subject of regulating monopolies. I do not, however, conceive it to be entirely germane to the objections which I am attempting specifically to state against the measure now under consideration.

I said a few moments ago that another objection which I had to this measure was that the Federal Government, having no property interest in the subject matter of the grant, is without authority to make it. The subject matter, by whatever name it may be called, is a right to a supply of water power for the generation of electric current. What the subject matter is called is largely immaterial; the thing itself is the important consideration.

The Senator from Nevada [Mr. NEWLANDS] the other day said that there could be no property in running water; that it was as free as air; and he likened its condition in law to that of a flying bird, which, until reduced to physical possession, was the property of no man. Now, these abstract propositions we may concede, but if the Government is not as a subject matter conferring upon the company the right to generate electricity from water power to which it asserts ownership, then it is selling nothing at all.

The Senator from Nevada said that what were really the subjects of the grant were the structures placed in the river which made this increased current possible; but a moment's reflection, I think, will show the fallacy of that position, for the structures in the river are not placed there by the Government at all. They are constructed by the company which gives or presents the lock to the Government, retaining its title to the dam. It is the dam which creates the current, and not the locks. If that view of the situation be correct, then, certainly the Government is without power to exact from the grantee here a direct tax upon its own structure.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Nevada?

Mr. THOMAS. Certainly.

Mr. NEWLANDS. Mr. President, I assume that the Senator from Colorado will admit that that structure can alone be put there by the National Government or by its agent in so far as the structure itself is in aid of navigation.

Mr. THOMAS. Well, I may concede that for the sake of the argument, but the conclusion announced by the Senator from Nevada does not follow at all.

Mr. NEWLANDS. Then, let me add one word further, that the company is simply the agent of the Government in erecting in this stream a structure in aid of navigation; and my argument was that if this structure created a head of water which through the use of the structure could be made valuable, the Government could utilize that head of water; and if the Government could utilize it, its agent, this power company, could utilize it.

Mr. THOMAS. An agent, Mr. President, must have a principal, and certainly the Senator from Nevada will not, upon reflection, contend that an agent who pays the cost of the entire transaction, instead of the principal, is the kind of an agent that is contemplated by the legal use of the term. I do not think there is any agency about it.

Mr. NEWLANDS. Well, Mr. President, my assumption is that the Nation has the right as sovereign under the commerce power of the Constitution to erect this structure——

Mr. THOMAS. Certainly.

Mr. NEWLANDS. That no individual can put up this structure without its consent, and that the Government can act either directly or through an agent in the exercise of the commerce power; directly it can put up this structure, or it can act indirectly through an agent, and the terms upon which that agent is to be permitted to put up that structure are simply a matter of contract and agreement between the principal, the sovereign, and the agent thus authorized.

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from New York?

Mr. THOMAS. Certainly.

Mr. O'GORMAN. Does the Senator from Nevada claim that an agreement may be made between the Federal Government and an agent, whereby the property of a State may be taken without the consent of the State?

Mr. NEWLANDS. I do not.

Mr. O'GORMAN. Does the Senator from Nevada claim that the Federal Government has any right, under the commerce clause, to do more than to enter the stream for the single, naked purpose of promoting its navigation, and that when it performs that purpose it exhausts every power granted to the Federal Government under the Constitution—that the right to go into a stream for the purpose of promoting its navigation can not be construed into a grant of property rights in the possession of the State? The stream belongs to the State before the Federal Government enters it for the purpose of exercising this naked right, and the stream continues the property of the State even after the Federal Government exercises this right. The right exercised by the Federal Government is akin to a limited agency conferred by a principal upon an agent to do a specific thing, and it can not be extended or enlarged, as I understand the Senator from Nevada is disposed to enlarge this power.

Much of the discussion here to-day and previously relates to a question of policy and ignores the vital proposition that under this bill recognition is proposed to be given to a principle which would be destructive of the rights reserved to the States.

Mr. NEWLANDS. Mr. President, will the Senator from Colorado permit me?

The PRESIDING OFFICER. Does the Senator from Colorado yield further to the Senator from Nevada?

Mr. THOMAS. Certainly.

Mr. NEWLANDS. It is not necessary, in order to answer the Senator from New York [Mr. O'GORMAN], to enter into all the refinements which he has considered with reference to the rights of the States and the rights of the Nation. Every man will admit that the Nation has a right in aid of navigation to construct the structure which is authorized by this bill. If the Nation constructed it, it would be the owner of it; and, being the owner of it, it could put that structure to any beneficial use it chose.

Mr. O'GORMAN. Whether provided for by the Constitution or not?

Mr. NEWLANDS. It could put it to any beneficial use it chose—that is my contention—because it is the owner of the structure, and every right of ownership attaches to it as the owner of the structure. In this case the agent is designated by the National Government to put up that structure. The agent would have the same right as the Government itself in that structure if those rights are secured by the contract with the National Government. It is a matter simply of contract between the National Government and the agent regarding the construction and regarding the use of a structure which the National Government has the right to create or which it can authorize an agent to create. That is my contention. That structure in that stream creates a certain head of water which can be used beneficially either by the Government or by the agent, and the use of that head of water created by the structure which no one else can erect does not invade any right of the State in the stream.

Mr. THOMAS. Mr. President, the Senator is logical, and his conclusion is consistent with his premise, but the fundamental difference between us is evolved at the threshold of his statement. If it be true that the Government, after constructing a dam of its own for the improvement of navigation, can use it for any purpose it pleases consistent with navigation, then it is equally true that if it authorizes me to build a dam I can use it for every purpose consistent with its original purpose of the improvement of navigation. But the Government's power, Mr. President, is measured and limited by the purpose contemplated in the commerce clause of the Constitution. To say that it can be extended further in one direction is to concede that it can be extended further in any direction; and when that is given due consideration the consequences, it seems to me, conclude the existence of the authority.

Now, proceeding with the discussion, I maintain that the grant here proposed to be made by Congress to the Connecticut River Co. must consist of property or property rights, or both, belonging to or under the exclusive proprietary control of the Federal Government or it can not be made at all.

I contend, further, that the Federal Government can not, through the exercise of the sovereign Federal authority or power to regulate or improve a navigable stream, acquire interests or rights to its waters as the owner or proprietor thereof which may be used or conveyed or sold or leased to others for purposes wholly foreign to navigation. It is a fundamental proposition that you can not lease or sell or dispose of property unless you own it or have some interest in it which is the subject of a transfer; and I do not perceive any difference—certainly there is no essential difference—between the proprietary powers of the Government of the United States in that regard and those of an individual.

This proposition, apart from its self-evident truth, to my mind was ultimately conceded by the Senator from Ohio before he took his seat and concluded his discussion. On page 2815 of the CONGRESSIONAL RECORD he is reported to have made this statement:

> First, that whenever an improvement is made which promotes navigation and in such improvement, whether by locks or dams or otherwise, a water power is created—

Which, of course, means that it did not before exist; which means that it was brought into existence by virtue of the improvement—

> that water power is an incident to the principal fact, and it belongs to the State or Government which seeks to promote navigation.

Hence, unless it can be said that this power so created does belong to the Government, its authority, acting through Congress, to enact this measure falls to the ground. We therefore are at one with reference to the fundamental condition underlying the exercise of this power. I might paraphrase the expression of the Senator from Ohio by stating the proposition thus: Wherever an improvement is made which promotes navigation, but which improvement is primarily designed to develop water power and to promote navigation merely as an incident to the principal fact, such water power does not belong nor become subject to the control of the Government either in its proprietary or sovereign capacity.

In the document entitled "Federal Control of Water Power," printed for the use of the Committee on Commerce, is a legal opinion by Hon. Rome G. Brown which discusses this general proposition so thoroughly and exhaustively as to make any addition to it practically impossible. On page 274 of that pamphlet he says:

> 1. The only power of control belonging to the Federal Government is under the commerce clause of the Constitution, to regulate navigable streams as highways—that is, for the purpose of navigation—and this power excludes every proprietary element and is purely a limited sovereign power of control for a specific purpose.

Again, on page 246, he says:

> Conservation—the reserving of that which one has—is legal and proper, but the attempted appropriation of any beneficial use or the proceeds or advantage thereof from another which has passed to the latter in private ownership is not conservation; it is confiscation.

These expressions seem to me to embody a correct statement of the very important principle which is here involved, and, if they be correct, then I deny that the Government in its sovereign or any other capacity can, through the exercise of some authority conferred upon it for a wholly different purpose,

carve a property right out of that which belongs under the laws of the country to some one else, the State or an individual, or both, and make it a subject of barter and sale; yet that is precisely what this bill assumes to do, and the fact that so many of these measures have already been enacted indicates how eager those exploiting these powers are to secure them through the agency of the Government of the United States under its exercise of the power conferred by the commerce clause of the Constitution.

It is said, Mr. President, and earnestly contended in fact, that those of us opposing this bill do so because of our ultra and extreme regard for the rights of the States. That is no doubt true to a very great extent. I believe as firmly as any Member of this body can believe in the preservation of the rights of the States, whatever those rights may be, but I do not have now and never had had, although affiliating all my life with the Democratic Party, any superstitious reverence for what in general terms is denominated "State rights."

My reading of history teaches me that the general principle has been advocated and repudiated by every political party in existence since the adoption of the Constitution, as the particular emergency or exigency seemed to demand, and, if I read history aright, I am also convinced that a power supposed to belong to the States absolutely to-day may be conceded to be one pertaining to the Federal Government to-morrow, and that some rights originally possessed exclusively by the States relate to subjects which have been affected by conditions expanding them into an area sufficiently large to justify their supervision and control by the National Government. I believe firmly with Mr. Bryan that there is no such thing as a twilight zone between the limitations and boundaries of national and State authority, but that both of them together cover—and cover completely—all powers of government which should exist, and which are, in fact, possessed by every country, whatever its form of government may be, which is sovereign in its character and in its capacity.

But, Mr. President, it seems to me that this is not a question of State rights, so much as it is a question of State property, or property of individuals who are citizens of the State, and of which the Federal power assumes the right to dispose; it is not so much a question as to whether some authority is being taken from the States, over which the States have exclusive control, as it is whether the General Government can engage in a deliberate seizure of a property right which belongs to the State in its proprietary capacity, or which belongs to the individuals owning the property bordering on the streams, or both. Hence, State reservations and State powers are only incidentally concerned in this discussion, if I properly understand it. They are concerned to this extent: If the Government can confer a right or a franchise like this upon the Connecticut River Co., that company may claim an exemption from State laws concerning taxation as to that property, whether it be a franchise or whether it be an asset in the strict sense of the term. Because it is a subject of franchise, Federal limitations are placed upon it; and the company could well, and I think successfully, appeal to the Federal courts to protect it against any attempt on the part of the State government to bring it within the jurisdiction of its revenue laws.

Consequently, in one respect at least, there is an element which makes the question of the rights of the States important. But if the State of Connecticut is the owner of this increased power, or if the company, which I suppose has long been a riparian owner, is entitled to this power, then the Government has no right and no authority to impose these conditions upon its exercise of authority to improve the navigation of the river. It is not a matter of obstruction. There is no pretense that anything that is going to be done will obstruct navigation. It is conceded that these improvements are necessary—not only necessary, but highly important and beneficial; that there has been a crying need for them for years; and that efforts have been made to secure action by the Government itself in the way of making them. That being the case, I deny unqualifiedly that the Government has any power or any authority to repeat the precedents of the past with reference to this matter, but that a halt should be called now and forever upon the attempted exercise of this sovereign right to control navigation as subordinate to the creation of property to be conferred upon citizens and corporations.

The legal phases of this matter have been discussed at length in this Chamber, with their usual exhaustive ability, by the Senator from Idaho [Mr. BORAH], and by my own lamented predecessor, Senator Hughes, of Colorado. As I have before stated, the question never would have arisen but for the tremendous value of water power as an agency for hydroelectric purposes.

But it is said that there is a necessity for Federal control over matters of this sort because of the supineness or indifference or lack of authority on the part of the States to prevent these combinations, and their consequent effects upon the public. This has been asserted by very high authority, not once but several times, and frequently by the extreme advocates of conservation.

In other words, it is proposed that the Government of the United States shall exercise a power of supervision, through the agency of legislation like this, because the States either can not or will not control these huge aggregations; necessity, in other words, being pleaded for the existence and the exercise of the authority.

I need only suggest that if the national authority can invade the domain of State power upon the assumption that it is necessary because of the supineness or indifference of the State itself to undesirable public conditions, then the State, per contra, may do the same thing, as against the Nation, within its own borders. As a result thereof, reprisals would be the order of the day; and instead of having a constitutional government, we would be confronted with repeated conflicts of authority and usurpations of power, necessarily leading to anarchy if not to revolution, or to both.

The assumption that a power not existing can be invoked and exercised because necessary has always been the most dangerous element in popular government, and its recognition and enforcement have always proven most calamitous. Such a basis for the exercise of such an authority certainly can not be seriously urged in this Chamber on this or on any other occasion.

But the argument is without merit, Mr. President. Let me say right here that the interest of the West in this question is due to its interest in a policy which, perhaps for want of a better name, is known as conservation. These acts of Congress, affecting navigable rivers in the humid States, are merely pieces or parts of legislation that are supposed to dovetail into a common scheme of universal national supervision of what are called public resources. It is because of the fact that they are part of such a policy that they become of such tremendous importance to the people living in the public-land States, and particularly in the arid States, of the West.

I say, and I do not believe it can be successfully disputed, that all of the evils from which conservation was born, or nearly all of them, and to correct which legislation of this kind is resorted to, were the outgrowth of national legislation and national administration; that there is not, and never has been, a monopoly in any of the natural resources of this country which had not its origin and source in the laws of Congress and in their administration by the national authorities. I state that broadly, because I am not aware of any exception.

The forest-reserve policy furnishes a good illustration of this truth. It has been the prolific cause of more monopoly in the public lands than all other causes, perhaps, put together. That may be too broad a statement. Certainly it has been the prolific source of many of them.

For example, many forest reserves created under the operation of the law authorizing them have been extended so as to include within their boundaries much worthless property owned in fee by private individuals or by railroad or other corporations. Under the laws of the United States the owners of these lands have been freely permitted to exchange them for what are popularly known as lieu lands, or lands taken in exchange therefor. One can at once perceive the enormous possibilities for wrongdoing involved in such a condition.

Mr. SMITH of Arizona. If the Senator will permit me the suggestion, scrip has been issued to be placed on similar lands.

Mr. THOMAS. Yes; I am coming to that also. In many instances lands have been taken to be afterwards included in forest reserves by the use of scrip, as the Senator from Arizona has suggested, for the sole and only purpose of thereafter exchanging those lands for the best timberlands in this or any other country.

I saw a statement the other day in one of the newspapers—I forget which—giving a list of the great timber owners of the country, with the Southern Pacific Co. at its head, owning, I think one hundred and twenty-two thousand millions of feet of standing timber, and Mr. Weyerhaeuser a very close second, with a number of other huge concerns bringing up in the rear. I assert, and I believe the record will show it, that the greater portion of that timber was acquired by these individuals and corporations through the manipulation by Federal authority of the law to create forest reserves. I know that in my own State individuals and corporations were active in securing an extension of the lines of so-called forest reserves so as to embrace lands upon which a tree never grew and never can grow, utterly worthless for forestry purposes but valuable for others, and which, after their inclusion in forest reserves, have been exchanged for magnificent acres of standing timber.

I am one of the advocates of the forest-reserve system, which, properly applied, must necessarily subserve a most beneficent purpose. But, Mr. President, forest reserves are the creation of national law, and their locations have been the result of national authority applied thereunder to the public domain, and manipulated for the creation of the greatest monopoly in timber that now exists anywhere in the civilized world.

Is it possible that the States, or any of them, can be accused of indifference or of neglect, or of want of power or of collusion with these interests, if you please, resulting in such tremendous consequences?

Take the coal lands: I can speak with some degree of personal knowledge with reference to some aspects of the so-called coal monopoly, for I well recall the summer in which the Union Pacific officials secured filings from almost every individual out of employment to be found on the streets of the city of Denver, which filings were immediately assigned to its officials, covering magnificent measures of virgin coal on the public domain of the United States, and near the line of the Union Pacific national highway.

Did this result from any inactivity on the part of the State? Can you tell me how the State of Colorado in any way could have prevented such conditions or such practices? These were carried on under the protection and through the medium of national law and administration. Of course, I do not pretend to say, nor do I want to be understood as meaning, that this conduct was even within the letter of the law, because I do not think it was, although it was claimed to be. I am merely stating a condition resulting from congressional legislation, and from the administration and application of the laws of the country by the Federal authorities over which the States could exercise no sort of restraint.

Take water power. The bills to which attention have been called, and the filings which have been made under the guise of securing land for agricultural and other purposes, have been the fruitful source of the monopoly in water power. After all these things have been accomplished, after these huge aggregations have acquired the very cream of the national resources, this policy of conservation has come to the front, justified very largely by them, but pressing in its application upon the innocent citizens of the West.

He who commits a crime sometimes suffers, but the weight of punishment falls upon others. The helpless wife and the innocent children bear the principal burden of his offending. By way of comparison I may say that we of the West, the helpless citizens of the country, are having these offenses against national law and national authority visited upon us and upon our children, I am afraid even to the third and the fourth generation. The reason given for it is that we, as a State, are either unable or unwilling to interfere with and to correct these monopolistic conditions, and by reason of that fact the doors of the stable must be locked after all the horses belonging to us, or all but two or three, have been stolen.

I assert broadly, therefore, that even if it were true that the national authority might be invoked because of inaction by the States without reference to the division of powers, the conditions here do not justify the taking of such action.

In this connection let me say that State administrations of the lands and resources of the States throughout the West at least have generally been in grateful and shining contrast to Federal administrations in the same section. The State of Texas perhaps does not realize how well off it has always been in that it owned its own public lands. We have an enormous area given to us by the largess of the Government for schools and kindred public or semipublic purposes. They have been administered ever since the admission of the State by a State land board wisely, prudently, economically, to the end that the purposes of the grant might be accomplished and the general welfare of all concerned in good administration might be promoted. We have sold much of that land to bona fide settlers. We have conveyed some of it at nominal prices to irrigation companies. But the bulk of it has been conserved in very truth, and the increment resulting from its use has been devoted to the purposes for which the grants were made.

When I describe this condition in my own State I am simply giving an example of that which, so far as I know, prevails generally throughout the West. We may say, therefore, that in handling these great public matters the administrations of the States have been far superior to the domestic administration of the General Government, and that the abuses which are now invoked as an excuse for our partial delimitation had their origin in Federal laws and in Federal administration. We therefore have some right, I think, to protest against this stretch of national power, only one aspect of which is involved in the bill now under consideration.

One test of the validity of an asserted power, I think, is found in ascertaining the extent to which it can be carried if its existence is admitted. If the Government of the United States has authority to enact this measure, it may enact many others concerning the subject matter of the grant. If it may be leased or disposed of for a term of years, it may be sold and conveyed outright. The Government may execute a deed of conveyance, or issue its patent for this asset, whatever it may be, just as well as to make a lease or a franchise of it for 50 years.

Do Senators believe it is possible that a patent of the Government may be issued to the Connecticut River Co. for the force or energy in the waters of the Connecticut River, or for the current, or for the structure, as is contended for by the Senator from Nevada [Mr. NEWLANDS]? Yet the one is quite as much within the authority of the Federal Government as the other. And if it may dispose of the surplus power for a revenue to be devoted to improving the river, why may it not be disposed of for a revenue to be used in improving the Missouri River, or, if you please, in paying the expenses of the Forest Reserve Bureau or the Pension Bureau? Or why may not the fund be turned into the Treasury on general account and utilized pro tanto for the payment of the expenses of the Government?

If the Government has the power to collect revenue by this method, you can place no limitations except those imposed by the Constitution upon the disposition to be made of the fund after it has been secured, and these may also be enlarged by construction.

I have already spoken of the exemption or the possible exemption of this property right from State taxation consequent upon the assertion of Federal control. If it is property, Mr. President, and we can grant to another the right to its use, why may not the Government use the power on its own account and operate it in competition with others in the same business? In other words, why may not the United States develop this power and become a manufacturer of and dealer in electric current, supplying power to the cities and citizens of Hartford, Springfield, and other communities in competition with those now engaged in the business? Being immune from State taxation, would it not have such an advantage over its competitors as ultimately to put them out of business if it were so disposed? And if it should find no market for the current thus produced, why may not the Government create one by invading the street railroad business, if you please, or by building establishments of its own for the manufacture of articles of merchandise, and so utilize the power as to bring the highest possible revenue? Why may it not go still further and develop power on its own account in all parts of the Nation to be used in its own pursuits, thus coming in competition with the people everywhere on every river in the country susceptible of such a pursuit?

Let me again say that I should much prefer that method of procedure to what is here proposed if the Government has the power to act at all. It would be far better for the people of this Nation, in my judgment, if this water power is a great national asset, that instead of conferring it on any terms upon private corporations the Government should utilize it directly and through its own agencies for the benefit and welfare of the masses of this country.

Another consequence which must flow from the exercise of this power or this authority or this property right, by whatever name it may be called, is that if it is a Government asset the latter may not only use it as it may determine, by sale or lease or operation on its own account, but it may refrain from using it at all and prohibit its use by anybody else. In other words, it may lay an embargo upon a great national asset by denying to others the right to develop it and by refusing to develop it on its own account. If it is property and owned by the Government in its proprietory capacity, then its ownership is without limitation as to power of disposition, of control, of operation, or of refusal to operate.

The Senator from Ohio [Mr. BURTON], in discussing this branch of the proposition and in asserting Federal ownership and control, referred to certain instances where the Government, in permitting bridges to be thrown over navigable waters, reserved the right to cross them with its troops free of charge, and also to the custom in some of the States, when they have surplus room not needed for public purposes in public buildings, of leasing them to attorneys and others, as analogies to this situation. In the instance of the bridge, if the Government imposed as a condition to its permit a percentage by way of rent or compensation upon the receipts of the bridge company, to be paid into the Treasury of the United States, it might be an analogous instance. But the mere fact that a reservation is made of the right to use the bridge for a governmental purpose is far different from the right to use an item of property created by

private capital as a source of revenue to itself and imposed under a claim of ownership thereof by the Government as contradistinguished from the State or the maker of the improvement, or both.

The analogy furnished by the Senator's illustration is parallel to that of reserving the right to generate power from the current or requiring the grantee to supply power to the Government free of charge for the operation of the improvement after it is made. While it may be true, and doubtless is true, that in many instances the State authorities lease superfluous rooms in public buildings and obtain a revenue thereby, I know of no instance in which the Government of the United States has done it, or in which it has been deemed permissible.

The Senator from Iowa [Mr. CUMMINS] inquired of the Senator from Ohio [Mr. BURTON], during the course of the discussion, what his opinion was with reference to the power of the Government of the United States, as I understood the question, in dealing with a corporation like the Connecticut River Co. to endow it with the right to exercise the power of eminent domain within the State, and I understood the reply to be that in some instances that could be done. But can it be done except that it may be exercised for the purpose of improving navigation? For example, can the Connecticut River Co., under the provisions of this bill, or under any provision that might be inserted in it, exercise the right to condemn property in the State of Connecticut which might be necessary for the purpose of enabling the company to carry out the purposes and objects of its existence, the generation of power and the sale of current? But if the company is dependent upon the United States and an act of Congress for its authority to do business and for the utilization of its property held by virtue of the laws of Connecticut, may it not be said to be equally within the power of the United States to confer upon it a general authority to exercise the right of eminent domain, notwithstanding such exercise might in the manner directed conflict with the requirements of the laws of Connecticut upon the same subject? When once we admit the existence of this Federal authority we can place no limitation upon the consequences that may flow from it. We arm the Government with a power so vast in its proportions as to be practically beyond the ken of man to predict the ultimate extent to which it may be carried.

I do not, of course, assert that it would be carried to an extreme. I do not believe it would. I know the composition of the body which I am now addressing would have to change very materially to make such a result possible. But the test of an authority asserted is the extent of its possible operation in the event its existence is conceded or established.

It seems to me, therefore, Mr. President, that when we consider what the Government may do, even were this authority conceded, we should hesitate to apply or exercise it except in some instance of the most urgent and exigent character.

Mr. President, I prefer to continue what I have to say, if the Senate will consent, some time after the order of business set for to-morrow has ended. I can continue to-day if desired, but I shall probably have to occupy the time of the Senate for about an hour longer.

Mr. BRANDEGEE. In view of what the Senator from Colorado has stated, and in view of the fact that there is an order upon the calendar as to the counting of the electoral votes, stating that the Senate has agreed to leave the Chamber "at 10 minutes before 1 o'clock on Wednesday, February 12, 1913," and "proceed to the Hall of the House of Representatives," unless there is some other Senator who desires to occupy more time this evening, I move that the Senate take a recess until to-morrow at 12.40 o'clock.

The PRESIDENT pro tempore. The Senator from Connecticut moves that the Senate now take a recess——

Mr. CRAWFORD. Will the Chair please withhold that motion for the introduction of a report? Will it be permissible to present a report?

The PRESIDENT pro tempore. The Chair is of the opinion that unless it relates to one of the excepted classes it can not be received. If it relates to an appropriation bill or if it is a conference report it will be in order.

Mr. CRAWFORD. It is desirable that it shall be presented if the rule will permit it.

The PRESIDENT pro tempore. Unless it relates to an appropriation bill or a conference report it can not be received.

Mr. CRAWFORD. Very well.

The PRESIDENT pro tempore. The Senator from Connecticut moves that the Senate now stand in recess until to-morrow at 12.40 p. m.

The motion was agreed to; and (at 5 o'clock and 6 minutes p. m., Tuesday, February 11) the Senate took a recess until Wednesday, February 12, 1913, at 12 o'clock and 40 minutes p. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 11, 1913.*

The House met at 10.30 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite spirit, God, our heavenly Father, we thank Thee that in the eternal fitness of things virtue is its own reward, while sin is its own condemnation; that defeat calls for explanation, while victory explains itself. Help us, therefore, to abhor that which is evil and cleave to that which is good, that Thy kingdom may come and Thy will be done on earth as it is in heaven, for Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

AGRICULTURE APPROPRIATION BILL.

Mr. LAMB. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 28283, the Agriculture appropriation bill.

The motion was agreed to; accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 28283, the Agriculture appropriation bill, with Mr. BEALL of Texas in the chair.

The CHAIRMAN. The Clerk will report the title of the bill.

The Clerk read the title, as follows:

A bill (H. R. 28283) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1914.

The Clerk read as follows:

For the investigation of soils and for indicating upon maps and plats, by coloring or otherwise, the results of such investigations, $175,000.

Mr. BURKE of South Dakota. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee if the item which appears on page 43, lines 1 to 3, is the appropriation for soil surveys?

Mr. LAMB. Yes.

Mr. BURKE of South Dakota. Now, I would like to ask the gentleman whether or not there is an increase in the appropriation over what it was for the present fiscal year, and if so, how much?

Mr. LAMB. Ten thousand dollars.

Mr. BURKE of South Dakota. I would like to ask the gentleman what the estimate for this purpose was?

Mr. LAMB. They asked $20,000 and we gave them half.

Mr. BURKE of South Dakota. Does the gentleman think $175,000 will be sufficient for the work that ought to be done in the next fiscal year?

Mr. LAMB. The committee were of the opinion that it is.

Mr. BURKE of South Dakota. That is all, and I withdraw the pro forma amendment.

The Clerk read as follows:

BUREAU OF ENTOMOLOGY.

Salaries, Bureau of Entomology: One entomologist, who shall be chief of bureau, $4,500; 1 executive assistant, $2,250; 1 chief clerk, $1,800; 1 clerk, class 4; 3 clerks, class 3; 6 clerks, class 2; 5 clerks, class 1; 6 clerks, at $1,000 each; 1 superintendent of moth work, $2,750; 1 entomological assistant, $1,800; 2 entomological draftsmen, at $1,400 each; 1 entomological draftsman, $1,080; 4 foremen, at $1,080 each; 2 entomological preparators, at $840 each; 1 entomological preparator, $720; 6 entomological preparators, at $600 each; 1 messenger, $840; 2 messengers or laborers, at $720 each; 1 mechanic, $840; 1 mechanic, $750; 1 laborer, $540; 2 charwomen, at $480 each; 1 charwoman, $240; in all, $59,910.

Mr. FOWLER. Mr. Chairman, I reserve a point of order against the paragraph, in lines 12 and 13, "one entomologist, who shall be chief of bureau, $4,500."

Mr. CANDLER. We can not hear the gentleman.

Mr. FOWLER. On lines 12 and 13, page 43, this paragraph provides "one entomologist, who shall be chief of bureau, $4,500." The statute provides for one entomologist in the Department of Agriculture at a salary of $2,000.

The CHAIRMAN. The Chair will ask the gentleman from Virginia and the gentleman from South Carolina if they know of any change in that statute?

Mr. LAMB. Nothing except what has been said on that subject.

The CHAIRMAN. The point of order is sustained.

Mr. FOWLER. That is all, Mr. Chairman.

The Clerk read as follows:

For the maintenance of the Montana National Bison Range and other reservations under supervision of the Biological Survey, including construction of fencing, wardens' quarters, shelters for animals, landings, roads, trails, bridges, ditches, telephone lines, rockwork, bulkheads, and other improvements necessary for the economical administration and protection of the reservations, and for the enforcement of section 84 of the act approved March 4, 1909, entitled "An act to codify,

revise, and amend the penal laws of the United States," $21,000, of which sum $2,500 shall be used for the purchase, capture, and transportation of game for national reservations.

Mr. MARTIN of South Dakota. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 47, by inserting, after line 12, the following:
"For protection and improvement of the Wind Cave National Game Preserve in South Dakota, $2,500."

Mr. MARTIN of South Dakota. Mr. Chairman——

Mr. LAMB. Mr. Chairman, I think a point of order would lie against that. I reserve it, if the gentleman wants to speak.

Mr. MARTIN of South Dakota. Mr. Chairman, a year ago a national game preserve was established in one of the national parks of South Dakota, embracing an area of some 10,000 acres, and the jurisdiction placed under the Department of Agriculture. I suppose that under this paragraph undoubtedly the Secretary will have funds and authority to administer that preserve, so far as the matter of the placing of game and their care is concerned. There is, however, another feature of that park which differs from the ordinary game preserve. The Wind Cave itself is a very remarkable cavern, of a very large extent, and some years ago was created into a park upon the requisition of the Department of the Interior, the Commissioner of the General Land Office, and other officials, and there is a superintendent employed there at a salary of $900, and a small hotel for the accommodation of visitors, a building over the entrance to the cave, and each year the sum of $2,500 has come in the usual estimates for the maintenance of this place. Against that there are certain revenues which come to the park by virtue of licenses for automobiles that bring visitors from near-by places. This $2,500 item appears in the estimates for the current year from the Department of the Interior, and in the sundry civil bill there has appeared this item at different times, but it occurred to me that inasmuch as the jurisdiction of the premises is now in the Department of Agriculture, we ought not to have this dual method of appropriating a part for the care of the game, which, of course, would include a warden and other necessary expenses, and a part for the convenience of visitors to the cavern itself, but that it ought to be carried under one jurisdiction.

Mr. COX. Will the gentleman yield for a question?

Mr. MARTIN of South Dakota. I will.

Mr. COX. I see that the act creating this Wind Cave National Park Reserve gave the power for purchase or condemnation of adjacent lands. Can the gentleman tell the committee whether any lands have been condemned for that purpose?

Mr. BURKE of South Dakota. There has been none condemned. There are two or three pieces that contain an additional water supply, on which the Secretary of Agriculture has taken options.

Mr. COX. What is the sum total of the land that has been purchased or that they contemplate purchasing?

Mr. MARTIN of South Dakota. None has been purchased, but the sum total is in the neighborhood of $8,000 or $10,000, or something like that.

Mr. COX. What does it cost per acre to purchase?

Mr. MARTIN of South Dakota. Very little, indeed. There is one option on 160 acres at $2,000.

Mr. COX. One hundred and sixty acres?

Mr. MARTIN of South Dakota. One hundred and sixty acres, and I may say the sole purpose of buying these small tracts is for increasing the water supply for the animals of the preserve.

Mr. LAMB. I think I can satisfy the gentleman about this matter. It is current law, and therefore it has been omitted here, but $25,000 will be available to be expended.

Mr. MARTIN of South Dakota. That is the item carried in that bill for the current year for the purpose of purchasing this additional land for water supply to which the gentleman from Indiana [Mr. Cox] has referred, and also for fencing the preserve, which is in process of construction now, or about to be constructed.

Mr. LAMB. I think it will all be taken care of under this appropriation bill.

Mr. MARTIN of South Dakota. I will remind the gentleman that the Secretary of the Interior has sent in with the estimates for the coming fiscal year the item which I have here offered, and it is only a question as to whether that part of the administration which has reference to the cave itself and the accommodation of visitors, some thousands of whom visit there every summer, should be carried in this bill or in another one, and I thought the whole subject ought to be taken care of under one administration.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAMB. I will say that the department did not ask for it.

Mr. COX. Mr. Chairman, I move to strike out the last word. I want to get a little information here. I see this item on page 47 provides for the construction of wardens' quarters. Is there any limitation on the amount of money that can be expended for that construction?

Mr. LAMB. Six hundred and fifty dollars.

Mr. COX. It can not exceed that?

Mr. LAMB. No.

Mr. COX. Another question. This item carries $2,500 for the purchase, capture, and transportation of game for national reservations. What kind of game is it that it is proposed to purchase for that $2,500? And what good is it proposed to do to the people of this country? Can the gentleman from South Dakota [Mr. MARTIN] answer that question as to what kind of game is proposed to be purchased with this item of $2,500, and what general good is to be subserved to the people of this country by it?

Mr. MARTIN of South Dakota. I will say to the gentleman that the committee probably have more information and more familiarity with that general proposition than I; but I may say with reference to this Montana National Bison Range that the American Bison Society has agreed to furnish free of any cost to the Government a herd of buffalo for that preserve, and there are abundant elk under the control of the Government now.

Mr. AKIN of New York. If the gentleman will permit, I can perhaps inform him on that point. It is political "game."

Mr. LAMB. I do not think the gentleman is correct about that. This is a project to preserve the game in this country. It is very important. This small amount of $2,500 is to provide such game as they need in this range. It is for the preservation of the species of such game.

Mr. COX. Now, Mr. Chairman, I ask unanimous consent to withdraw my pro forma amendment.

The CHAIRMAN. The gentleman from Indiana withdraws his pro forma amendment.

Mr. COX. I move, Mr. Chairman, to strike out on page 47, beginning with the word "of," the remainder of line 11 and all of line 12.

The CHAIRMAN. If the gentleman will withhold a moment, the amendment of the gentleman from South Dakota [Mr. MARTIN] should be first disposed of. The question is on agreeing to the amendment offered by the gentleman from South Dakota.

The question was taken, and the amendment was rejected.

Mr. COX. Now, Mr. Chairman, beginning with the word "of," in line 11, I move to strike out the remainder of line 11 and all of line 12.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Indiana [Mr. Cox].

The Clerk read as follows:

Amend, page 47, by striking out after the word "of," in line 11, the remainder of line 11 and all of line 12.

Mr. COX. Just a moment, Mr. Chairman. It seems I am unable to get any information that will satisfy my mind about this matter—anything showing it is a matter of necessity at all. I am unable to get information as to what kind of game they propose to buy and what general benefit is to inure to the people at large in consequence of this item.

Now, I am not opposed to any appropriation whatever in this bill which can plainly be seen to inure to the benefit of the people of this country. But here is an appropriation which appears, so far as I have been able to discover, for the first time it has ever occurred in this bill, and it is simply a beginning, an entering wedge, to further appropriations of this sort.

Mr. LAMB. The gentleman is mistaken about that.

Mr. COX. In a very few years this House will be called upon to appropriate countless thousands of dollars for the purpose of buying game, and no public benefit can come from it.

Mr. GARNER. Is it not subject to a point of order?

Mr. COX. I do not think it is. But I think my amendment ought to prevail. The item ought to go out of this bill.

Mr. LEVER. Mr. Chairman, I think I ought to be heard for a moment on this item.

The CHAIRMAN. The gentleman from South Carolina is recognized.

Mr. LEVER. The Bureau of Biological Survey is engaged in a number of lines of work. One of them is the preservation of the various species of game in this country, especially those species that are rapidly disappearing from this continent, and while we may not be able to trace any actual money benefit to the people from this appropriation, yet I think there is not a Member of Congress here who is not interested in the proposition of preserving the game species of this country. I think there is no man here who would object to a small appropriation for the purpose of buying bison or buffalo or some other species that is rapidly disappearing.

Mr. COX. I understood from the gentleman from South Dakota [Mr. MARTIN] that the friends of that species of game are willing to stand the entire expense of buying the bison.

Mr. MARTIN of South Dakota. I was simply speaking of that particular reserve that the gentleman was inquiring about. I have no doubt that this item is justified.

Mr. GARNER. The department did not request that a provision should be carried in the bill to the effect that $2,500 must be expended. Are you going to expend it whether it is advisable or not? Why not leave it to their discretion?

Mr. LEVER. Let me say to my friend from Texas that that is true. This item might better be worded by inserting the word "may" instead of "shall," but it has been carried in this way in the appropriation bill from year to year, and I am confident that the man at the head of this service will use it wisely and for the benefit of the Government.

Mr. COX. If the gentleman will permit an interruption right there, may I ask him if the man at the head of this bureau has expended the $2,500, and, if so, what kind of game has he bought with it?

Mr. LEVER. I can not put my hand on that information just at this moment, but——

Mr. LAMB. Let me say, Mr. Chairman, that when the gentleman from Indiana says that this is something new, he is mistaken. I hold in my hand a copy of last year's act and a copy of the act of the year before, and they both contain that item of appropriation.

Mr. COX. Then I withdraw my statement about that. Although this is a small item, it is simply calling upon Congress to maintain this practice.

Mr. LAMB. This is a legitimate line of work in the direction indicated.

Mr. GARNER. Mr. Chairman, will the gentleman from Virginia permit me?

Mr. LAMB. Certainly.

Mr. GARNER. If the gentleman from Virginia will permit, the Agricultural Department ought to furnish your committee with some information as to how the money was expended and the necessity for it in the future. It does seem a ridiculous proposition for the committee to come in here with an appropriation as simple as $2,500, when the department has not given any information to the committee as to how they have spent the money or the necessity for it in the future.

Mr. LAMB. Why, yes; it is only a part of the sum of $21,000 which may be used in the discretion of the Secretary——

Mr. COX. Oh, no; you say "shall be used."

Mr. LAMB. "Shall" means "may" and "may" means "shall."

Mr. MARTIN of South Dakota. Mr. Chairman, I have a preferential motion. I move to strike out from line 11, page 47, the word "shall."

Mr. LAMB. I have no objection to that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Indiana [Mr. Cox].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For investigating the food habits of North American birds and mammals in relation to agriculture, horticulture, and forestry, including experiments and demonstrations in destroying noxious animals, and for investigations and experiments in connection with rearing of fur-bearing animals, including mink and marten, $55,000, of which sum $15,000 shall be used for the destruction of ground squirrels on the national forests and public lands in California.

Mr. MANN. Mr. Chairman, I reserve a point of order to the paragraph. May I ask the gentleman from Virginia in reference to the proposition of authorizing the destruction of ground squirrels on public lands in California in addition to the national forests? Is it designed to have the Government enter upon the project of destroying squirrels on all of the public lands of the United States?

Mr. LAMB. Where they raid on farms and destroy the products of the farmer they are a great nuisance, a pest. The farmer can not go out into the forest reserves and destroy them, and somebody must do it.

Mr. MANN. We have for years, I believe, made some appropriation for the destruction of squirrels in the national forests. That is because we keep control of the national forests and do all the administrative work; but this proposition now is to go outside of the national forests and undertake the destruction of ground squirrels on public lands. If we do that in California, why not do it all over the country?

Mr. LAMB. I suppose private citizens would not be permitted to go into the forests.

Mr. MANN. I am not raising any question as to the destruction of squirrels in the national forests. That policy we entered upon, but why do you enlarge it now by undertaking to destroy squirrels on the public lands?

Mr. LAMB. I will read from the hearings on this subject:

Mr. LEVER. What is the principal necessity for $15,000 for the destruction of ground squirrels on the national forests in California?

Mr. HENSHAW. That has to do with the prevention of the plague, and is a very serious matter in California. Let me say that the State has passed a law compelling the landowners to free their lands of these ground squirrels; if they do not do the work then the county supervisor has the right to do it and charge it up against the land. Now, the complaint is made that while the farmers are willing to do their part of it they say the Government owns large areas of forest land and large areas of public land which are infested with ground squirrels, and they say it is not fair to compel them to kill off the ground squirrels on their lands if you kept a nursery right outside the boundaries which reinfests their lands.

Mr. MANN. That statement all relates to national forests, but here it is proposed at this time to enter upon the destruction of squirrels on the public lands. We have had this matter up before the House on repeated occasions. The provision has never got into the bill; I do not know whether it was kept out on a point of order or not, but I think the gentleman from Virginia ably opposed the provision last year, and other Members did. If we undertake to destroy the ground squirrels on all of the public lands of the Government throughout the country, why not also undertake to destroy other pests?

Mr. SIMS. If the gentleman will pardon me, as I understand, the object of destroying these squirrels in California is to prevent the spread of a very dangerous disease. Under our power to control the public health, would we not have a right to do that?

Mr. GARNER. It is not a question of right; it is a question of advisability.

Mr. SIMS. It would seem to be advisable to kill them in the States where they are likely to spread this disease.

Mr. HAMILTON of Michigan. What disease is it that they are likely to spread?

Mr. SIMS. The bubonic plague.

Mr. MANN. We have had this matter discussed by the week in times past.

Mr. GARNER. And the gentleman from Virginia was very much opposed to the amendment last year.

Mr. LAMB. We sometimes reverse ourselves; we may be a defender to-day and a prosecutor to-morrow.

Mr. MANN. Mr. Chairman, I make a point of order against the language in line 20, page 47, "and public land."

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

DIVISION OF ACCOUNTS AND DISBURSEMENTS.

Salaries, Division of Accounts and Disbursements: One chief of division and disbursing clerk, who shall be administrative officer of the fiscal affairs of the department, $4,000; 1 assistant chief of division, $2,750; 1 chief of office of accounts and fiscal agent, $2,500; 7 district fiscal agents, at $2,000 each; 1 supervising auditor, $2,250; 1 auditor, $2,000; 1 cashier and chief clerk, $2,250; 1 deputy disbursing clerk, $2,000; 2 accountants and bookkeepers, at $2,000 each; 2 clerks, class 4; 11 clerks, class 3; 18 clerks, class 2; 9 clerks, class 1; 4 clerks, at $1,000 each; 5 clerks, at $900 each; 1 custodian of records and files, $1,400; 1 messenger, $720; 1 messenger or messenger boy, $600.

Mr. FOWLER. Mr. Chairman, I reserve a point of order against the paragraph.

The CHAIRMAN. The gentleman will state his point of order.

Mr. FOWLER. In lines 9, 10, and 11, page 48, provision is made for a disbursing clerk at $4,000. The statute provides that such disbursing clerk shall receive a salary of $1,800. I make a point of order against that part of the paragraph. Also, in line 14 there is an increase, one cashier and chief clerk at $2,250, an increase of $250. I make a point of order against that increase.

Mr. LAMB. Mr. Chairman, just one remark. This increase of $250 is for an employee who has been in the Government service for about 15 years, who is under bond, and who is a very efficient man. During the absence of the chief of the division he looks after the work of the disbursing officer as assistant chief, and is detailed at the Weather Bureau. I concede the point of order in each case.

The CHAIRMAN. The point of order is sustained.

Mr. LAMB. I ask to return to line 14, and to insert the figures "$2,000" in place of the "$2,250" stricken out.

The CHAIRMAN. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 48, line 14, amend by inserting, after the word "clerk," the figures "$2,000."

The amendment was agreed to.

The Clerk read as follows:

DIVISION OF PUBLICATIONS.

Salaries, Division of Publications: One editor, who shall be chief of division, $3,250; 1 editor, who shall be assistant chief of division, $2,500; 1 chief clerk, $2,000; 2 assistant editors, at $2,000 each; 4 assistant editors, at $1,800 each; 1 assistant editor, $1,600; 1 assistant editor, $1,400; 1 assistant editor in charge of indexing, $2,000; 1 indexer, $1,400; 1 assistant in charge of illustrations, $2,000; 1 draftsman or photographer, $1,600; 1 draftsman or photographer, $1,500; 1 draftsman or photographer, $1,400; 1 draftsman or photographer, $1,300; 6 draftsmen or photographers, at $1,200 each; 1 assistant photographer, $900; 1 assistant in charge of document section, $2,000; 1 assistant in document section, $1,800; 1 foreman, miscellaneous distribution, $1,500; 1 forewoman, $1,400; 1 clerk, class 3; 7 clerks, class 1; 13 clerks, at $1,000 each; 41 clerks, at $900 each; 21 clerks, at $840 each; 1 skilled laborer, $900; 9 skilled laborers, at $840 each; 4 skilled laborers, at $780 each; 16 skilled laborers, at $720 each; 1 chief folder, $1,000; 2 folders, at $900 each; 1 skilled laborer, $1,100; 1 skilled laborer, $1,000; 2 messengers, at $840 each; 2 messengers, at $720 each; 3 messengers or messenger boys, at $600 each; 2 messengers or messenger boys, at $480 each; 2 messengers or messenger boys, at $420 each; 2 messengers or messenger boys, at $360 each; 1 laborer, $840; 1 laborer, $600; 4 charwomen, at $480 each; 3 charwomen, at $240 each; in all, $165,010.

Mr. FOWLER. I reserve a point of order against the paragraph.

The CHAIRMAN. The gentleman will state his point of order.

Mr. FOWLER. On page 49, lines 2 and 3, there is a provision for four assistant editors at $1,800 each, a change in the salaries of three of these editors from $1,600 to $1,800.

The CHAIRMAN. The point of order is sustained.

Mr. FOWLER. On the same page, in line 6, one draftsman or photographer at $1,600, a change from $1,500 to $1,600. A point of order against that change.

The CHAIRMAN. The Chair will ask the gentleman from Illinois if he is sure that this is an increase? It is not shown by the report.

Mr. LAMB. I concede the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. FOWLER. In line 13, at the beginning of the line, one forewoman, $1,400, an increase of $200, against which I do not desire to make any point of order.

The CHAIRMAN. The gentleman withdraws his point of order. The Clerk will read.

Mr. LAMB. Mr. Chairman, I ask unanimous consent to return to page 49 to correct the totals there.

The CHAIRMAN. The gentleman from Virginia will offer his amendment.

Mr. LAMB. In lines 2 and 3, page 49, amend by inserting "$1,800."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 49, line 2, by inserting: "three assistant editors at $1,800 each."

Mr. FOWLER. It ought to be three.

The CHAIRMAN. Will the gentleman from Virginia please repeat that amendment?

Mr. LAMB. In line 6, "one draftsman or photographer, $1,500."

The Clerk read as follows:

Amend, page 49, line 6, by inserting, after "$2,000," the words "one draftsman or photographer, $1,500."

The amendment was agreed to.

Mr. LAMB. There is another assistant editor in line 3. On page 49, lines 2 and 3, amend by inserting "four assistant editors, at $1,500 each."

Mr. FOWLER. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The Chair will ask the gentleman from Illinois if it is not $1,600?

Mr. FOWLER. Yes; $1,600. That is correct.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 49, lines 2 and 3, insert "4 assistant editors at $1,600 each."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was agreed to.

Mr. CULLOP. Mr. Chairman, in the same line, I desire to ask if the point of order was not sustained against one assistant editor at $1,600 because it was an increase of $100? That should be amended so as to be $1,500.

Mr. LAMB. Mr. Chairman, I offer the amendment on that.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 49, amend by inserting, in line 3, "1 assistant editor, $1,500."

Mr. FOWLER. Mr. Chairman, I make the point of order against that amendment.

The CHAIRMAN. What is the point of order?

Mr. FOWLER. Mr. Chairman, in lines 2 and 3 there is a change of three editors from $1,600 to $1,800.

Mr. LAMB. We have offered an amendment changing them back to $1,600 and it has been adopted.

Mr. FOWLER. I do not so understand.

The CHAIRMAN. That is the understanding of the Chair. They put back four assistant editors at $1,600.

Mr. FOWLER. Mr. Chairman, there ought to be three editors at $1,600 each.

The CHAIRMAN. Is that the point of order that the gentleman is making?

Mr. FOWLER. Yes.

The CHAIRMAN. The point of order is overruled.

Mr. HAWLEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HAWLEY. Did the Chair put the question on the amendment, in line 2, for two assistant editors at $1,800 each?

Mr. LAMB. Yes.

The CHAIRMAN. It is the recollection of the Chair that there is one assistant editor at $1,600, and the point of order was sustained to that, and the Chair has not yet put an amendment on that.

Mr. LAMB. Mr. Chairman, I ask to have that amendment voted on.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia to insert $1,500 in lieu of what now appears to be $1,600.

The question was taken, and the amendment was agreed to.

Mr. FOWLER. Mr. Chairman, on page 49, line 2, there is a provision for four assistant editors at $1,800 each. It ought to be one assistant editor at $1,800 and four assistant editors at $1,600.

Mr. LEVER. That is correct.

Mr. FOWLER. I do not so understand it. I understand that there has been only a correction of two editors at $1,600, whereas there ought to have been a correction of three assistant editors.

The CHAIRMAN. The Chair will state what he understands to be the situation. As the item appeared in the bill, it was four assistant editors at $1,800 each. The gentleman from Illinois directed a point of order against that because it was an increase of salary from $1,600 to $1,800.

Mr. FOWLER. For three editors.

The CHAIRMAN. That item went out. It appears in the bill as four editors. As the Chair understands the matter, under the rules the committee has the right to increase the number of assistant editors, but no right to increase the salary that heretofore prevailed for that place.

Mr. LAMB. That is correct.

The CHAIRMAN. The Chair sustained the point of order. Then the gentleman from Virginia offered an amendment to insert four assistant editors at $1,600 each. The gentleman from Illinois directed a point of order against that, which the Chair overruled, and the amendment was adopted.

Mr. LAMB. This provides for a promotion of three assistant editors from $1,600 to $1,800 each, an increase of $200 in each case.

Mr. FOWLER. If that amendment was offered and agreed to, I did not so understand, because the paragraph carries one assistant editor at $1,600 when it ought to be three.

The CHAIRMAN. The gentleman made the point of order against that because it was a raise of $100, from $1,500 to $1,600, and the Chair sustained the point of order.

Mr. FOWLER. The amendment ought to be for three assistant editors at $1,600 each.

Mr. LAMB. I move to amend:

Page 49, lines 2 and 3, strike out "four assistant editors, at $1,800 each," and insert "one assistant editor, $1,800."

Same page, line 3, strike out "one assistant editor, $1,600," and insert "four assistant editors, at $1,600 each."

Same page, at the end of line 6, strike out "$1,600" and insert "$1,500."

The CHAIRMAN. The Chair put the amendment for four. That was in order, and it was adopted.

Mr. LAMB. No; the Chair is mistaken. The amendment I have just offered is in keeping with the point of order made and sustained, and restores the language and salaries carried in the current law.

The Clerk read as follows:

BUREAU OF STATISTICS.

Salaries, Bureau of Statistics: One statistician, who shall be chief of bureau, $4,000; 1 assistant statistician, who shall be assistant chief of bureau, $2,500; 1 chief clerk, $1,800; 6 clerks, class 4; 9 clerks, class 3; 12 clerks, class 2; 2 clerks, at $1,300 each; 17 clerks, class 1; 17 clerks, at $1,000 each; 21 clerks, at $900 each; 2 messengers, at $840 each; 2 messengers or laborers, at $720 each; 2 messengers,

messenger boys, or laborers, at $660 each; 1 messenger or messenger boy, $480; 1 charwoman, $540; 2 charwomen, at $360 each; in all, $115,380.

Mr. FOWLER. Mr. Chairman, I make the point of order against the paragraph. In lines 23 and 24 there is a provision for one statistician who shall be chief of bureau, $4,000. The Revised Statutes provide for a statistician at $2,000, and I make the point of order against this provision.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

LIBRARY, DEPARTMENT OF AGRICULTURE.

Salaries, Library, Department of Agriculture: One librarian, $2,000; 1 clerk, class 3; 1 clerk, class 2; 2 clerks, class 1, one of whom shall be a translator; 6 clerks, at $1,000 each; 5 clerks, at $900 each; 1 clerk, $840; 2 cataloguers, at $1,200 each; 3 cataloguers, at $1,000 each; 1 messenger, $720; 2 messengers or messenger boys, at $600 each; 1 messenger, messenger boy, or laborer, $480; 1 charwoman, $480; in all, $27,020.

Mr. FOWLER. Mr. Chairman, I make a point of order against the paragraph, especially that portion in regard to one librarian, $2,000. The Revised Statutes provide for one librarian for this department at $1,800.

The CHAIRMAN. The point of order is sustained.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SLAYDEN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title in which the concurrence of the House of Representatives was requested:

S. 4043. An act divesting intoxicating liquors of their interstate character in certain cases.

AGRICULTURE APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Contingent expenses, Department of Agriculture: For stationery, blank books, twine, paper, gum, dry goods, soap, brushes, brooms, mats, oils, paints, glass, lumber, hardware, ice, fuel, water and gas pipes, heating apparatus, furniture, carpets, and matting; for lights, freight, express charges, advertising, telegraphing, telephoning, postage, washing towels, and necessary repairs and improvements to buildings, grounds, and heating apparatus; for the purchase, subsistence, and care of horses and the purchase and repair of harness and vehicles, for official purposes only; for the payment of duties on imported articles, and the Department of Agriculture's proportionate share of the expense of the dispatch agent in New York; for official traveling expenses; and for other miscellaneous supplies and expenses not otherwise provided for, and necessary for the practical and efficient work of the department, $106,066.

Mr. LEVER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 53, line 8, by striking out the period and inserting a semicolon and the following language: "*Provided*, That not exceeding $1,000 may be used for the purchase of an oil painting of James Wilson, late Secretary of Agriculture, for the Department of Agriculture."

Mr. COX. Mr. Chairman, I reserve a point of order on that.

Mr. LEVER. Mr. Chairman, in the first place I would rather the gentleman would make his point of order.

Mr. COX. I make the point of order.

Mr. LEVER. I would like to be heard on the point of order. The language of the amendment, I think, is so drawn as to make it distinctly and definitely a limitation upon this appropriation. It leaves it within the discretion of the Secretary of Agriculture to purchase an oil painting of the late Secretary of Agriculture. It does not direct the Secretary of Agriculture to do anything. It leaves it to his discretion, and I think the rule is pretty well established by the House that an amendment in the form of a limitation upon an appropriation bill is in order upon an appropriation bill.

Mr. SLAYDEN. Will the gentleman yield for a question?

Mr. LEVER. Certainly.

Mr. SLAYDEN. In point of fact, how can a proposition to buy something which we have not heretofore had be a limitation on an expenditure?

Mr. LEVER. It is not a direction, I will say to my friend from Texas, to do anything; it is leaving it to the discretion of the Secretary of Agriculture to buy something if he desires to exercise his discretion.

Mr. SLAYDEN. Then, amending the question, how can that conditional purchase, or authority to make a purchase of something we have not yet had, possibly be a limitation on expenditures?

Mr. LEVER. The fact is, Mr. Chairman, that in the Department of Agriculture we now have an oil painting of each of the Secretaries of Agriculture who have held that office heretofore. The purchase, I understand, was made out of the contingent expenses of the Department of Agriculture, but this committee thought that it was due to the Secretary of Agriculture that this Congress ought to recognize his 16 years of splendid service in the interest of the American people by distinctly saying that Congress wanted an oil painting made of him that it might be used in the Department of Agriculture. [Applause.] I want to say, Mr. Chairman, if the gentleman will reserve his point of order, because I have doubt it is in order myself——

The CHAIRMAN. Does the gentleman reserve his point of order?

Mr. COX. I will reserve the point of order as long as the gentleman wishes to be heard on it.

Mr. LEVER. I want to say, Mr. Chairman, this: The Federal Government was a long, long while in giving recognition to agriculture in this country, although the fathers of the country, including Washington, Jefferson, and Hamilton, in the very dawn of the Nation foresaw that agriculture was to be its chief asset. It was not until 1862 that any substantial recognition was given to this great occupation of mankind. In fact, up to that time agriculture was not considered a profession; it was considered an occupation in which anybody with a strong piece of land, a strong mule, and a strong pair of arms could do just about as well as anybody else; but in 1862 President Lincoln signed a bill which established the agricultural colleges of this country. Following that came the Hatch Act in 1887, and then, in 1887, too, the Department of Agriculture was created, and this great profession of so many of our people was given a seat at the Cabinet table of the President of the United States. We have had four Secretaries of Agriculture since the creation of the Department of Agriculture—Norman J. Colman, of Missouri; J. M. Rusk, of Wisconsin; J. Sterling Morton, of Nebraska; and James Wilson. Secretary Wilson has served as head of this department for 16 years—longer than any man has ever served in any Cabinet position in the history of our Government.

I have been intimately associated with him in his work for 10 years. He is a Republican from a rock-ribbed Republican State. I am from a rock-ribbed Democratic State, but in the administration of the affairs of that great department, which in 16 years he has built up to be one of the most useful in this country, Secretary Wilson has never known party or sectional lines. [Applause.] I believe it can be said with complete truthfulness that there is not a man in official life to-day who is more universally loved by the people that I have the honor to represent in part than is James Wilson. [Applause.] I wish every Member of Congress could have witnessed the scene I witnessed, along with the other members of the Committee on Agriculture last week, when Secretary Wilson rose before 800 boys and girls from the South—the Corn Club boys and the Tomato Club girls—the splendid ovation given the old man, and I wish you could have seen how deeply touched he was by it. This amendment of mine proposes to set aside the small sum of $1,000 to show the appreciation which I feel every Member of Congress feels, on this side and on that, for the splendid services rendered this country by James Wilson. His life, coming as he did from Scotland to this country a mere boy, and the work he has accomplished are an inspiration to every farm boy in America. You may walk through the corridors of every public building in Washington over which presides a Cabinet officer, and you will see oil paintings there of past Secretaries, of Jefferson, of all the great leaders that have gone before, and it does seem to me that this Congress ought to be willing to set aside this small sum to commemorate the services, the statesmanship, the broad-minded liberality of this great man who has presided over this great department and made it what it is during the past 16 years. [Applause.]

And I earnestly hope that my friend from Indiana [Mr. Cox], representing, as he does, a great agricultural constituency and a great State, who himself believes in the ultimate destiny of these people as an agricultural people, will not press this point of order against this little tribute to this great chieftain, this great leader of agricultural thought, this great man who is about to leave us.

Mr. ADAIR. Will the gentleman yield for just one question?

Mr. LEVER. Yes.

Mr. ADAIR. I just want to inquire if there ever has been an appropriation made for an oil painting for any of his predecessors?

Mr. LEVER. There never has been a distinct appropriation, but each one of these men—Mr. Colman, Mr. Morton, and Mr. Rusk—have their oil paintings in the office of the Secretary of Agriculture.

Mr. SLAYDEN. And have these paintings to which you refer been bought without authority?

Mr. LEVER. I so understand—without expressed authority. I have not been able to find any authority in the law, but they are there, and they were bought out of these funds. But we do

not want Secretary Wilson's picture bought in that way. We want this Congress to pay a just tribute to a great man. [Applause.]

Mr. SLAYDEN. The gentleman's statement is a rather serious indictment of previous administrations of the Department of Agriculture, and suggests that the Committee on Expenditures in the Department of Agriculture might well have done some work in the line of investigation.

Mr. MANN. Will the gentleman yield?

Mr. LEVER. In just one moment. I make the statement without having investigated the matter thoroughly. I have not gone back to all the acts.

Mr. SLAYDEN. And so this is the first time an attempt has ever been made to authorize it?

Mr. LEVER. That is my judgment, without a thorough investigation.

Mr. MANN. The gentleman knows that every department of the Government has adopted the same course through every party administration.

Mr. SLAYDEN. And the gentleman also knows it has resulted in the purchase of pictures here in the Capital and in the accumulation of a large number of portraits and paintings that reflect no credit on the country as works of art.

Mr. MANN. And the gentleman knows the same thing is true of the pictures of the Presidents in the White House.

Mr. SLAYDEN. I can not go that far.

Mr. MANN. I mean as to the purchase.

Mr. SLAYDEN. I mean as to the artistic excellence of the portraits.

Mr. MANN. The gentleman knows that the House of Representatives did the same thing as to ex-Speakers.

Mr. SLAYDEN. It authorized by a distinct act of Congress the purchase of a job lot of pictures, and bad enough they mostly were.

Mr. MANN. It was only recently that the gentleman's committee reported in a bill to repicture the Halls of the House—throw away the old pictures and put in new ones.

Mr. HAMILTON of Michigan. No; to paint the pictures of Speakers whose portraits had not already been painted.

Mr. SLAYDEN. And appropriated $9,500 for painting 19 pictures and naming the originals.

Mr. MANN. And threw away the old ones that we had, which were purchased in the same manner—out of the contingent fund.

Mr. SLAYDEN. That was a waste.

Mr. HAMILTON of Michigan. I do not think any painting was thrown away.

Mr. MANN. They were not paintings. They were lithographic pictures.

Mr. BURKE of South Dakota. Mr. Chairman, I will ask the gentleman if it is not better administration to make a specific appropriation for painting the portrait of the head of a great department than to have the picture made, as it was made in one instance that I know of, where the picture was paid for out of an appropriation for a miscellaneous fund for the particular department concerned and was itemized as "paint, oils, and canvas, $500"? [Laughter.]

Mr. HAMILTON of Michigan. In that case it was properly itemized, was it not?

Mr. MANN. I believe that was discussed in the House, but I think it is better to make a specific appropriation. That we shall have a picture in the end is inevitable. Why not give Secretary Wilson the proper tribute?

Mr. SLAYDEN. Does not the gentleman think there should be some condition stated in the statute that the portrait shall at least be made by some one capable of making a desirable portrait?

Mr. MANN. Oh, I shall be willing to trust the judgment of the next Secretary of Agriculture, Mr. BURLESON, in making appropriate arrangements for the work. [Applause.]

Mr. SLAYDEN. Of course, if you get a Texan at the head of that department, the work will be done properly. [Applause.]

Mr. COX. Mr. Chairman, I believe the author of the amendment practically concedes the point of order is well taken. I do not desire to detain the committee but for a very short time.

I do not care what Mr. Wilson's politics is, though he differs from me politically. I freely subscribe to everything that the gentleman from South Carolina [Mr. LEVER] has said about Mr. Wilson's greatness. If I recollect aright, he became the head of that great department when its expenditures were only about $2,000,000 a year. He has presided over its destinies and aided in its growth until the sum now carried in this bill, after he has carried on his great work for 16 years, amounts to something between $17,000,000 and $18,000,000.

Mr. Chairman, you could appropriate $100,000 or any other amount to have Mr. Wilson's picture painted and it would never add one iota to his greatness. He is already enthroned in the hearts of the farmers of this country, and there is no doubt in my mind but that he will live in the hearts of his countrymen, dear to each and every one of them, for countless ages yet to come. While I concede his greatness, Mr. Chairman, I object to appropriations being made in this way and in this manner.

We have a committee organized in this House, ably presided over by the gentleman from Texas [Mr. SLAYDEN], whose duty it is to report bills to this House, when he sees fit, covering the identical subject or subjects intended to be covered by the amendment of the gentleman from South Carolina [Mr. LEVER]. I hope that no man will feel for a moment that in urging this point I do it on any political grounds whatever.

Mr. MANN. We do, though.

Mr. COX. Oh, the gentleman from Illinois does not believe that for a minute, and he knows he does not believe it.

Mr. MANN. Yes; I do.

Mr. HAMILTON of Michigan. Yes. Mr. Chairman, will the gentleman yield to me for a question?

Mr. COX. And no other man who has known me for six years will believe that.

Mr. HAMILTON of Michigan. Mr. Chairman, will the gentleman yield to me for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. COX. Yes.

Mr. HAMILTON of Michigan. I wish to ask the gentleman if it is not particularly appropriate that this House in the consideration of the agricultural appropriation bill should make this appropriation for a portrait of James Wilson?

Mr. COX. No. If I did I would not make this point of order.

Mr. HAMILTON of Michigan. I should like to know why not?

Mr. COX. I will answer the gentleman and tell him why. A bill should be brought in here in the natural way and in the natural channnel for that purpose. It has been admitted here this morning that appropriations for contingent expenses have heretofore been used for this purpose without any authority of law whatever; but does any man believe for a moment that we would be justified, without any warrant of law, in appropriating this sum or any other sum——

Mr. SLAYDEN. That is what we are trying to do now.

Mr. COX (continuing). For the purpose of having a portrait painted of any Cabinet officer?

Mr. LAMB. Mr. Chairman, will the gentleman yield to me for a moment?

The CHAIRMAN. Does the gentleman yield?

Mr. COX. Yes; for a moment.

Mr. LAMB. I have sat here and listened to what my colleaugue on the committee [Mr. LEVER] has said, and I want to say frankly that I did not know anything about this amendment, because the matter was taken up in the committee when I was called out for one purpose or other, and I did not notice the record when I returned. But I want to say that this amendment does, in the open and in the presence of this House, exactly what has been done heretofore under this contingent-fund appropriation, as I am informed, with reference to the other Secretaries of Agriculture, and it will only pay to this worthy retiring officer a deserved tribute that has already been paid to his predecessors in office.

And, while I admit that the point of order lies, I hope the gentleman from Indiana, after what has been suggested here, will withdraw this point of order and allow this portrait of a worthy, noble, patriotic officer, whose heart is equal to his head, to hang in the Department of Agriculture when he has retired from office, loved and honored by his countrymen. [Applause.]

Mr. HAMILTON of Michigan. I suggest to the gentleman that he do not disarm the Chair in advance by admitting the point of order.

The CHAIRMAN. The Chair feels obliged to hold, under the rule, that the amendment offered by the gentleman from South Carolina [Mr. LEVER] is not a limitation, but affirmative legislation.

Mr. HAUGEN. I will ask the gentleman from Indiana to withhold his point of order for a minute.

Mr. COX. I only made it in the interest of time.

Mr. HAUGEN. May I have a minute?

Mr. COX. I will withhold it.

Mr. HAUGEN. Mr. Chairman, we all take a just and pardonable pride in our Nation's growth and greatness, and in the fact that we are living in this age of marvelous expansion. And no matter what one's political affiliation, creed, or occupation

may be, as has been stated by the gentleman from South Carolina [Mr. LEVER], our duty to give honest and thoughtful consideration to the development of our farm and natural resources, to see to it that every consideration is given to the development of mechanical appliances, the skill and genius of American labor—for the upbuilding of this great Nation. I wish to record the statement here that no man has contributed more to this Nation's growth and greatness, especially agriculture, than this great and grand man, James Wilson, of Iowa [applause], and I believe that Congress can well afford to spend a few thousand dollars in recognition of his great service. He needs no eulogy here. His popularity is not confined to the border lines of the State of Iowa or of the District of Columbia. No, it has gone far beyond the border lines of these; yes, even beyond those of our Nation, into the remotest parts of this world. I trust that the gentleman from Indiana will withdraw his point of order. [Applause.]

Mr. MARTIN of South Dakota. May I ask the gentleman a question?

SEVERAL MEMBERS. Regular order!

Mr. SLAYDEN. Does the gentleman renew the point of order?

Mr. COX. I make the point of order.

The CHAIRMAN. The Chair is compelled to sustain the point of order.

The Clerk read as follows:

For Forest Service, $25,075.

Mr. LEVY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment which the Clerk will read.

The Clerk read as follows:

Page 53, line 16, after "Forest Service," strike out "$25,075" and insert in lieu thereof "$20,000."

Mr. LAMB. Mr. Chairman, we have no information touching this particular item. Let me say here for the information of the committee that there is no change in the total amount of the appropriation for rent in the District of Columbia, although several changes have been made in the amounts specified for rent for the various bureaus. The total amount provided in this bill, $95,329, is the same as that carried in the act for the current fiscal year. If this item in line 16 is changed it will disarrange these other amounts apportioned for rent in other bureaus.

The amendment was rejected.

The Clerk read as follows:

For additional rent in cases of emergency for any bureau, division, or office of the department, $7,608.

Mr. AKIN of New York. Mr. Chairman, I should like to ask the chairman of the Committee on Agriculture as to this item—

For additional rent in cases of emergency for any bureau, division, or office of the department.

How does the committee get the amount of $608? Why is it not $8,000 or $7,000, when this is an emergency appropriation, the amount of which no one can determine? Why was it figured down to $7,608?

Mr. LAMB. So far as the fractional amount is concerned I can not tell the gentleman, but it is very wise to provide for any emergency that may arise by reason of accident, fire, or what not, such as comes to all business people everywhere. In proof of that, just a day or two ago they had a fire down there which will necessitate the renting of other quarters.

Mr. MANN. I think I can give the gentleman from New York the information he asks for. Each bureau figures up the amount that it is actually paying for rent and that is carried in the item, and then the committee, desiring not to make any increase in the total appropriation for the year, subtract the total of rent paid by the different bureaus from the total of the appropriation for the current year. In the current law this emergency appropriation was $10,000, and by this method of subtraction the amount left is $7,608.

Mr. HAWLEY. That is a very ingenious theory.

Mr. MANN. There is no theory about it at all. That is the fact.

The Clerk read as follows:

General expenses, Office of Experiment Stations: To carry into effect the provisions of an act approved March 2, 1887, entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," the sums apportioned to the several States and Territories to be paid quarterly in advance, $720,000.

Mr. STEPHENS of Texas. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by inserting at end of line 23, page 54, the following: "*Provided*, That $50,000 of said sum shall be used for the purpose of establishing one of said stations at Plainview, Tex."

Mr. LAMB. Mr. Chairman, I make a point of order to that.

Mr. STEPHENS of Texas. Will the gentleman withhold it for a moment?

Mr. LAMB. Out of reverence to my friend, I will.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to say that a bill for this purpose has passed the Senate. I have been diligently endeavoring to get the bill reported favorably by the Committee on Agriculture, and I know that it should be passed for the benefit of the plains of Texas. There are about 40 counties that this agricultural experimental station would serve by demonstrating to the people the benefits of improved agricultural methods. This is a new country, and an experiment station would be of great benefit to the agricultural interests in connection with the State work now being carried on there. It has been earnestly requested by the beautiful little city of Plainview and by the State authorities and also by the United States authorities to be located at this point. The Committee on Agriculture of this House has not as yet seen fit to report the bill, but has turned it down, and I now sincerely hope that they will accept this amendment. That part of the country is a semiarid country, consisting of level plains, and the soil is very rich and suitable for wheat and cereal crops and has developed into a fine farming and stock-raising country.

Mr. MANN. Will the gentleman yield?

Mr. STEPHENS of Texas. Certainly.

Mr. MANN. Is not Texas getting the $15,000 out of the $720,000?

Mr. STEPHENS of Texas. I think so.

Mr. MANN. If you take off $50,000 from this $720,000 which States would lose it?

Mr. STEPHENS of Texas. It would come out of the lump sum.

Mr. MANN. But some States would have to lose it.

Mr. STEPHENS of Texas. Each State, I suppose, would lose a proportional part.

Mr. MANN. Then the law could not be complied with.

Mr. STEPHENS of Texas. I understand that the department now has the authority to appropriate a sum of money for the purpose of establishing an experimental station at that point, but has declined to do so.

Mr. LAMB. I think my friend is mistaken. I want to say to the gentleman from Texas in regard to the committee being indifferent as to his bill and not acting upon it, the next day after he presented it to the committee I appointed a subcommittee and they had it under consideration. We did act upon it, and placed it in the hands of a subcommittee. We were not in a situation to create any new experimental station. We struggled hard to reduce the bill to the proper amount so that we thought it would receive the consideration and approval of the House. The proposition of the gentleman from Texas would mean taking so much away from some other State. This line of legislation must be taken up and considered by some future Congress, if at all.

Mr. STEPHENS of Texas. Is it not a fact that you have added a million dollars to this bill?

Mr. LAMB. No; about $800,000. That is on account of the increase in the work of the department as well as the creation of new laws which necessitated this increase.

Mr. STEPHENS of Texas. I hope the gentleman from Virginia will withdraw his point of order and give Plainview this small sum of $50,000 for this experimental station.

Mr. LAMB. Mr. Chairman, I feel constrained to make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. RAKER. Mr. Chairman, while that amendment and ruling applied to the State of Texas, I do not think it applies to California, and therefore I offer the following amendment.

The Clerk read as follows:

Provided, That $25,000 of said sum shall be used for the purpose of establishing one of said stations at Dorris, Siskiyou County, Cal.

Mr. LAMB. To that, Mr. Chairman, I make a point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

To enable the Secretary of Agriculture to establish and maintain agricultural experiment stations in Alaska, Hawaii, Porto Rico, and the island of Guam, including the erection of buildings, the preparation, illustration, and distribution of reports and bulletins, and all other necessary expenses, $105,000, as follows: Alaska, $30,000; Hawaii, $30,000; Porto Rico, $30,000; and Guam, $15,000; and the Secretary of Agriculture is authorized to sell such products as are obtained on the land belonging to the agricultural experiment stations in Alaska, Hawaii, Porto Rico, and the island of Guam, and to apply the money received from the sale of such products to the maintenance of said stations, and this fund shall be available until used.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph. May I ask the gentleman how much money was

received during the last fiscal year from the sale of products at these various farms?

Mr. LAMB. Mr. Chairman, I can not place my hand on the amount just now.

Mr. MANN. Here we are making an appropriation of $30,000 for the maintenance of a farm in Alaska, $30,000 for the maintenance of a farm in Hawaii, $30,000 for the maintenance of a farm in Porto Rico, and $15,000 for a farm in the island of Guam, and we are making those appropriations annually. Even a fancy kid farmer, a dress-suit farmer, could run a farm fairly well if he gets $30,000 annually in addition to the amount he realizes from the farm. He could run a farm that way and really have the champagne cost less than the milk. How much do they make on these farms? Do they turn the amount over again, if they get a bonus or subsidy of $15,000 a year for running a farm in Guam, where they do not raise anything to speak of except coconuts?

Mr. LAMB. Mr. Chairman, my friend knows as well as I do that the proceeds from these farms are nil. This is an experiment to teach these people. It is a part of the program of the country to extend this work and educate the people in farming.

Mr. MANN. Mr. Chairman, taking my distinguished friend at his word that the farms are only for educational purposes, and the proceeds are nil, I make the point of order against the language on page 56, in lines 4, 5, and 6, as follows:

And to apply the money received from the sale of such products to the maintenance of said stations.

Mr. LAMB. Mr. Chairman, I do not object to that.

Mr. COX. What is the purpose of making that point of order?

Mr. MANN. Then if they receive any proceeds they will be paid into the Treasury as miscellaneous receipts, and we will ascertain at some time in reference to what they do.

Mr. SLAYDEN. Mr. Chairman, does not the gentleman from Illinois fear that this transfer of earnings from their own coffers to the Public Treasury will dislocate the finances?

Mr. LAMB. No; not at all. I could answer that.

The CHAIRMAN. The Chair understands the gentleman from Illinois to make the point of order to the language on page 56, beginning on line 4:

And to apply the money received from the sale of such products to the maintenance of said stations.

Mr. MANN. Yes.

The CHAIRMAN. The point of order is sustained.

Mr. FOSTER. Mr. Chairman, what is to become of the language following:

And this fund shall be available until used.

Mr. MANN. Mr. Chairman, that has been carried for years, and I think properly so, because these farms do not operate by the fiscal year. The appropriation is by the fiscal year, but unfortunately the farm is not managed on the basis of the fiscal year.

Mr. FOSTER. But they get so much appropriation each year.

Mr. MANN. Yes; but take the appropriation this year, for instance. They make their plans accordingly. It is current law. That appropriation would cease to be available on the 1st of July unless this language were in the bill.

Mr. FOSTER. But another appropriation comes in at that time.

Mr. MANN. That is true; but they have made their plans on that appropriation, and this has been carried for years, so it is six of one and a half a dozen of the other.

Mr. FOSTER. If they do not use all their appropriation this gives it to them for other years.

Mr. LEVER. That is in keeping with the Hatch and other acts. They get $15,000 a year until used.

Mr. SLAYDEN. Mr. Chairman, I want to suggest to the gentleman from Illinois that in the case of Alaska, where the seasons are short and the crops have to be expedited if they are produced, conditions require that the appropriations shall go over.

I do not know how it is in that land of perpetual summer—Guam. I am not so certain about that; but I know that appropriations made in the military appropriation bill for work on roads and things of that kind in Alaska have to be made available for 15 months, otherwise they can not be used frequently.

Mr. MANN. Mr. Chairman, my colleague will understand the department has no authority in making its arrangements this spring in Alaska to assume that Congress is going to make an appropriation available after the 1st of July, and they are forbidden to assume that.

Mr. FOSTER. I see that. I think it is right.

The Clerk read as follows:

Irrigation investigations: To enable the Secretary of Agriculture to investigate and report upon the laws of the States and Territories as affecting irrigation and the rights of appropriators, and of riparian proprietors and institutions relating to irrigation, and upon the use of irrigation water at home and abroad, with especial suggestions of the best methods for the utilization of irrigation waters in agriculture, and upon the use of different kinds of power and appliances for irrigation, and for the preparation and illustration of reports and bulletins on irrigation, including the employment of labor in the city of Washington and elsewhere, rent outside of the District of Columbia, and all necessary expenses, $108,000.

Mr. COX. Mr. Chairman, I reserve a point of order on the paragraph. I want to call attention of the gentleman in charge of the bill to the language in line 8 in regard to an investigation of irrigation laws at home and abroad. Does the gentleman believe that that language is of any benefit there? How is it carried out? Do we actually send people abroad to investigate the irrigation laws of other countries?

Mr. LAMB. I do not know; I suppose we have sometimes. I do not see why they put "abroad" in there, unless at some time they send people to other countries.

Mr. COX. Is there any law now—I mean basic or organic law—which would empower the Agricultural Department to send representatives abroad for the purpose of acquiring a knowledge of foreign laws upon the subject of irrigation?

Mr. LAMB. I do not know; I do not think so.

Mr. COX. I make the point of order, Mr. Chairman, on the language "at home and abroad."

Mr. LAMB. I concede the point of order—no, I do not; it has been carried heretofore; it has been carried all the time, and I do not think it would be if there is not some good reason for it, but I can not lay my hands on it now.

Mr. RAKER. I want to call the attention of the committee to the fact that this has been in here for a good many years with a good deal of benefit. Now, I have not the statute before me to say whether or not this has been carried by act——

Mr. COX. I have no quarrel to make at all about the investigation at home, but it is about this investigation abroad.

Mr. RAKER. I am referring especially to abroad. You will observe from the works and pamphlets on irrigation relative to irrigation abroad that that has been done for 500 years, and there has been great use and benefit derived from it. It is one of the beneficial things, and it has given the department some of the ideas relative to their work here.

Mr. COX. Are not the laws obtainable at the Public Library without sending men abroad?

Mr. HAWLEY. It is not an investigation of the laws, but an investigation of the use of the water.

Mr. COX. The language is, "To enable the Secretary of Agriculture to investigate and report upon the laws of the States and Territories," and so forth.

Mr. HAWLEY. That is only a part; the gentleman will read after that.

Mr. RAKER. "And upon the use of irrigation water at home and abroad."

Mr. HAWLEY. It is not an investigation of the laws abroad, but the use of irrigation water abroad—the systems of irrigation.

Mr. COX. Does the gentleman believe that any representative of this country can go abroad and get facts so as to be able to tell our engineers how to handle irrigation projects?

Mr. RAKER. Yes; and these older countries can give these people some lessons on how to irrigate, as they have been irrigating there for centuries.

Mr. COX. I think they are making wonderful progress in this country, and I make the point of order on that language "and abroad." I do not want to cripple the service——

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Drainage investigations: To enable the Secretary of Agriculture to investigate and report upon the drainage of swamp and other wet lands which may be made available for agricultural purposes, and to prepare plans for the removal of surplus waters by drainage from such lands, and for the preparation and illustration of reports and bulletins on drainage, including the employment of labor in the city of Washington and elsewhere, rent outside of the District of Columbia, and all necessary expenses, $97,600.

Mr. HOBSON. Mr. Chairman, I ask unanimous consent to return to page 56, just passed. It is in line 17——

Mr. FOSTER. Reserving the right to object, I would like to know what it is for.

Mr. HOBSON. I will say to the gentleman it is for the purpose of asking that provision be made for having the information at the disposal of the Agriculture Department put in the form of courses equivalent to correspondence courses, as well as in the form of bulletins, so that it can be sent to the teachers in the public schools through the agency of the Office

of Experiment Stations; and I would like to read, if there is no objection and the gentleman will reserve the point of order, what is said about it——

Mr. FOSTER. The department now issues these bulletins of investigations of nutrition.

Mr. MANN. Does the gentleman from Alabama desire to return for the purpose of offering an amendment or for discussing it?

Mr. HOBSON. Yes; for the purpose of offering an amendment.

Mr. MANN. What is the amendment which the gentleman desires to offer?

Mr. HOBSON. It is not for nutrition, I will say to the gentleman from Illinois [Mr. FOSTER], but the paragraph before that. It is to change $23,000 to $33,000, to enable the Office of Experiment Stations to have two experts, with a limited additional clerical force, under which they estimate. They could then proceed with their existing machinery to have the experiment stations and the State agricultural colleges and State superintendents and county superintendents of education to reach the teachers in the rural schools——

Mr. MANN. I object, unless the gentleman will state what his amendment is.

Mr. HOBSON. It is to strike out $23,000 and insert $33,000.

Mr. MANN. Is that all the amendment?

Mr. HOBSON. That is all the amendment.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to return to page 56 of the bill for the purpose of offering an amendment as indicated by him. Is there objection?

Mr. FOSTER. Mr. Chairman, I object.

Mr. MANN. Mr. Chairman——

Mr. HOBSON. Mr. Chairman, if there is no objection, I would like to insert the letter of the chief of the bureau.

The CHAIRMAN. Is there objection to the gentleman from Alabama [Mr. HOBSON] extending his remarks in the manner indicated?

There was no objection.

The following is the letter referred to:

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF EXPERIMENT STATIONS,
Washington, D. C., January 30, 1913.

Hon. RICHMOND PEARSON HOBSON,
House of Representatives, Washington, D. C.

DEAR SIR: In accordance with your request upon Mr. Crosby at the conference in your office this morning, we have considered the question of extending the agricultural education work of the office so as to reach the teachers in public schools, and have come to the conclusion that no change is needed in the language of the appropriation bill as contained in the paragraph beginning with line 7 and ending with line 17, page 56, H. R. 28283, to enable the office to cooperate with the agricultural colleges and other State educational forces in preparing and disseminating material on agricultural subjects to be used in correspondence courses or reading courses for teachers in the public schools.

As Mr. Crosby explained to you this morning, we have already prepared quite a number of bulletins especially for the use of teachers, and it is our hope not only to add materially to the number of these publications but also to issue publications for teachers at frequent, regular intervals, so as to have a medium through which we can communicate with them regularly and frequently concerning the progress of agricultural education and the development of better methods of teaching.

In order to inaugurate this work and to put ourselves in a position to cooperate with the State agricultural colleges, as suggested above, we estimate that it would require the services of at least two additional experts, trained not only in the science of agriculture but also in pedagogy and the methods of the schoolroom. To secure the services of two such men, whose qualifications would command the respect of educators throughout the country, and to supply them with the necessary clerical help, office facilities, and means for a limited amount of travel, would require an addition of about $10,000 to the item in line 17 on page 56 of the appropriation bill referred to above.

I wish to thank you for the interest you have taken in this matter, because we think of the work in the rural public schools as being fundamental to the permanent advancement of agriculture, and, more important than that, to the advancement of the people living in the country and depending upon the land for subsistence and the means of educational and social development.

Very respectfully, yours, A. C. TRUE, *Director.*

Mr. MANN. Mr. Chairman, in reference to the matter that the gentleman from Alabama [Mr. HOBSON] just referred to, I should have supposed that that could be taken care of under the Lever bill when that becomes a law, as I hope it will. May I ask the gentleman in charge of the bill in reference to whether he has any information concerning the report that was ordered to be made at the beginning of this session of Congress upon the feasibility and economy of irrigation by the reservoir system in western Kansas and Oklahoma?

Mr. LAMB. I have not.

Mr. MANN. We carried an item in the bill last year requiring the Secretary to make a report at the opening of the "next session," which is this session, on that subject, and I await with anxiety a report from some of the gentlemen from western Kansas or Oklahoma in reference to this matter. They were very urgent last year to have the item inserted in the bill, and ought to be here to give us the information as to what is the result of that investigation.

Mr. LAMB. Mr. Chairman, I am sorry to say I have not the information.

Mr. CAMPBELL. We do not need it down in the southeastern part of the State, I will say to the gentleman.

Mr. MANN. I understand.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

OFFICE OF PUBLIC ROADS.

Salaries, Office of Public Roads: One director, who shall be a scientist and have charge of all scientific and technical work, $4,000; 1 chief clerk, $1,900; 1 clerk, class 4; 2 clerks, class 3; 1 clerk, $1,500; 1 clerk, $1,440; 1 clerk or instrument maker, $1,440; 1 clerk, $1,380; 2 clerks, at $1,320 each; 4 clerks, at $1,260 each; 3 clerks, class 1; 1 clerk or photographer, $1,200; 1 clerk or photographer, $1,000; 2 clerks, at $1,140 each; 1 clerk, $1,080; 1 clerk, $1,020; 4 clerks, at $1,000 each; 1 clerk, $900; 1 clerk or instrument maker, $1,200; 1 messenger or laboratory helper, $840; 2 messengers, laborers, or laboratory helpers, at $720 each; 1 messenger or laborer, $660; 4 messengers, laborers, or messenger boys, at $600 each; 2 messenger boys, at $480 each; 2 charwomen, at $240 each; in all, $47,400.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. I would like to ask one of the gentlemen in charge of the bill just what all this clerical force in the Good Roads Bureau in the Department of Agriculture does for a living?

Mr. LAMB. Will the gentleman state that again?

Mr. MADDEN. I would like to ask what this clerical force in the Good Roads Bureau of the Department of Agriculture does for a living.

Mr. LAMB. They work on the experimental part of good-road making. Here is what the chief of the bureau says:

At the last session of Congress an appropriation of $500,000 was passed in the Post Office bill for public roads in connection with the rural free delivery of mail, the States and local subdivisions to cooperate and apportion twice the amount. As there is no provision in the appropriation of $500,000 carried in the Post Office bill for clerical services in Washington, it will be necessary to materially increase the clerical force provided for public roads in the agricultural bill.

Mr. MADDEN. Everybody knows that there has been no part of this $500,000 expended. Everybody knows that no part of the $500,000 could be expended, and everybody ought to know, if they do not, that there is no reason why a large force of high-priced clerks should be added to the Good Roads Bureau of the Department of Agriculture just because it happened that $500,000 was appropriated to be used through the Post Office Department in the cooperation of the Federal Government with the States in the construction of good roads.

Mr. LAMB. Mr. Chairman——

Mr. MADDEN. The total amount of money appropriated for the Good Roads Bureau in this bill is $274,000. The total amount of money expended for clerical force is $47,400—20 per cent of the whole appropriation expended for salaries.

Mr. LAMB. This whole thing is for salaries, my friend. The whole business down there is salaries, or 90 per cent, anyway.

Mr. MADDEN. If it is all salaries, then it is of no use. If we do not do any practical work for the money we appropriate, except to pay salaries, we accomplish no purpose.

Mr. LAMB. How do you know they are accomplishing no purpose, my dear fellow?

Mr. MADDEN. I am just telling you that they are accomplishing no purpose. The supposition is that this bureau is to expend a part of the appropriation in the construction of sample roads. But the chairman of the Committee on Agriculture says that it is all salaries.

Mr. LAMB. A great portion of it is for salaries. I do not mean by that that every dollar is expended in that way.

Mr. MADDEN. I do not see why you should expect any practical results if nothing more practical than drawing salaries is done.

Mr. LAMB. I will say very frankly in answer to your first inquiry as to the $500,000, which, perhaps, has not been utilized, as we know, the work necessitates a great correspondence. I suppose hundreds of thousands of letters would not be an exaggeration of the amount that they are receiving. You have received a great many, I think, yourself as to this very bill. I know I have.

Now, that is only one of the reasons he gives here for asking an increase. I want to say that we did not allow half of what he asked for, both as to newer places and as to money.

Now, as to what the results are—and that is what the gentleman wants and what we all want—this good-roads proposition is educational. The officer in charge of that bureau ascertains what material will make good roads. He sends that information to the people in the States in pamphlets. He has hundreds, and I might say thousands, of letters every day to answer, and he is doing all the work he can do and the best

work he can do, and we are trying to confine it to experimental and instruction work alone.

Mr. MADDEN. Let me say to the gentleman in charge of the bill that there is a joint commission of the House and Senate now considering the question of cooperation with the States in the matter of road building, and I know of no reason on earth why any addition should be made to the force of the Bureau of Good Roads in the Department of Agriculture until there is some intention manifested by Congress to cooperate with the States in the construction of good roads.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. SHACKLEFORD. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. SHACKLEFORD. I would like to ask the gentleman from Illinois whether he does not believe that at this time to considerably increase the cost and expenses of bureaucracy can not but have an injurious effect on the good-roads movement, in which the people are now all very much interested? I want to ask him whether or not one of the fears that have been expressed by some of those who oppose roads legislation has not been that it might lead to a very extensive and expensive bureaucracy here at the seat of the Federal Government, and whether he does not think that if we were now to commence building up the bureau with additional help and additional expenditure it would have a serious detrimental effect upon the cause of good roads, which many of us are now trying to promote?

Mr. MADDEN. I certainly do, Mr. Chairman. I believe this, that, to begin with, the construction of roads ought to be left to the jurisdiction of the States. I believe the Federal Government, if it should cooperate at all with the States, should cooperate with them in the construction of good roads initiated by the States; and whatever may be the percentage of the cost of those roads, either for construction or maintenance, or both, as may be decided upon by the Congress as wise for the Government's share, should be turned over to the States only after legislation has been enacted by the States and by the Congress, so that there will be no bureaucratic government in the management of the roads to be constructed throughout the United States.

Mr. HOBSON. Mr. Chairman, will the gentleman yield for a question?

Mr. COX. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. To whom does the gentleman yield?

Mr. MADDEN. I yield to the gentleman from Alabama [Mr. HOBSON].

Mr. HOBSON. The question I desire to ask is simply to bring to the attention of the gentleman the interstate character of highways, and to ask if the gentleman does not approve the principle of the Federal Government coordinating and cooperating where such highways overlap from State to State, and in order to do that does he not think the Government, with its facilities, should establish and maintain what would be the equivalent of a survey for such roads, a highway survey, through this bureau or some other bureau?

Mr. MADDEN. I will say to the gentleman from Alabama that I believe if the Government of the United States is to cooperate with the States in the construction of good roads, the Congress should enact a fundamental law which should operate automatically, which would offer to the various States of the Union a certain percentage of the cost of any roads that might be constructed by the States when those roads are approved by the Government of the United States, and that any State desiring to come in under the provisions of the Federal law should be required to make uniform provisions for the construction of roads, as provided in the fundamental act passed by the Congress.

Mr. LAMB. Mr. Chairman, I move that all debate on this paragraph close in 10 minutes.

Mr. MADDEN. I do not believe, Mr. Chairman, that at this stage in the development of the good-roads question a large increase should be made in this bureau in the Department of Agriculture, because if the Congress finally does enact a law under which cooperation with the States shall become a fact, this matter of road construction and cooperation should be left with the Post Office Department. The Post Office Department has jurisdiction over the rural-mail routes of the country, and this institution is the proper institution to take jurisdiction of the subject.

And whether it be through the bureau that is now in existence in the Agricultural Department or through some other machinery, I am not in favor at the present time of increasing the number of men to be employed in this bureau.

Mr. COX. The gentleman propounded some interrogatories a moment ago of the gentleman in charge of the bill, making an inquiry as to what these clerks do.

Mr. MADDEN. Yes.

Mr. COX. If the gentleman will take the estimates, he will find that of the total of $272,400 estimated for 1914 the amount of $85,000 is estimated for traveling expenses.

Mr. MADDEN. That shows the extravagant way in which money is appropriated for this purpose. I move to strike out the paragraph.

Mr. LAMB. I renew my motion, and make it 5 minutes instead of 10.

The CHAIRMAN. The gentleman from Virginia [Mr. LAMB] moves that all debate on this paragraph and amendments thereto be closed in five minutes.

The motion was agreed to.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MADDEN] make a motion to strike out the paragraph?

Mr. MADDEN. I do.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 58, strike out the paragraph included between lines 1 and 17.

Mr. CANDLER. Mr. Chairman, I certainly hope that the motion of the gentleman from Illinois [Mr. MADDEN] to strike out this provision, which is in the interest of the building of good roads, will not prevail nor, indeed, be seriously considered.

Mr. WILLIS. It will not be.

Mr. CANDLER. Because of the fact that there is nothing to-day that is interesting the American people more than the construction of good roads, and the result shows that there is nothing which accomplishes more good than the money expended in the construction of good roads. These clerks in this bureau are used for the purpose of cooperating with the various States throughout this Union in reference to this great question.

Mr. MADDEN. Will the gentleman from Mississippi allow me to ask him a question?

Mr. CANDLER. Why, with pleasure.

Mr. MADDEN. Does the gentleman know any place where this bureau has ever started a road that has been finished, or does he know any place in Mississippi, for example, where any advantages have been gained by the expenditure of this vast sum of money by this Bureau of Good Roads in the Agricultural Department?

Mr. CANDLER. Not only in Mississippi, but throughout the country they have constructed object-lesson roads in almost all the States. These object-lesson roads have brought about marvelous results, because they have been taken as patterns from which other roads have been constructed. That is true not only in Mississippi, but in other States. We were down in the great State of South Carolina the other day——

Mr MADDEN. Where, for instance, in the State of Mississippi?

Mr. CANDLER. They have constructed sand-clay roads in a great many places.

Mr. MADDEN. Where?

Mr. CANDLER. I stated in South Carolina; and they have been built elsewhere, for that matter. These clerks in this bureau are used in cooperation with the work of the several States, and in 1911 the States of this Union expended or authorized the expenditure of $141,298,209 for the construction of good roads. My own State of Mississippi authorized an expenditure of $2,627,500.

Mr. MADDEN. I know; but what has that to do with this bureau?

Mr. CANDLER. This bureau cooperates with the States.

Mr. MADDEN. Oh, nonsense. They do not cooperate with them at all.

Mr. CANDLER. In that statement the gentleman is mistaken. The department sends these representatives of this Bureau of Good Roads throughout the country to confer with local authorities in reference to road material and to advise and consult with the State and local authorities in reference to the construction of good roads.

Mr. MADDEN. Not once has any representative of the Bureau of Good Roads communicated directly with anybody in Illinois concerning the expenditure of any money by the State, or any political subdivision of it.

Mr. CANDLER. Probably the gentleman has not asked for any cooperation.

Mr. MADDEN. We do not need them. We know more than they do about it.

Mr. CANDLER. If you had asked them, they would have been very glad to help you, as they have helped the people in other States. Of course, if you know more than they do, you do not need them and ought not to have them.

Mr. MADDEN. We do not want the help of people who do not know as much about it as we do.

Mr. CANDLER. Those who are so wise as not to need help ought not to have it; and the reason you did not get it is because you thought yourselves wise and therefore did not ask for aid; you did not want it, and it was not forced upon you. Sometimes there is no greater folly than to believe ourselves so wise as to refuse information when offered to us or to fail to avail ourselves of it when it is at our command. [Applause.]

Mr. MANN. Did not some one make the statement a moment ago that $70,000 or $80,000 or $90,000 was used for traveling expenses?

Mr. COX. I said the Book of Estimates for 1914 estimated $85,072 for traveling expenses.

Mr. MANN. That includes other items, because the amount expended for traveling expenses in the last fiscal year was only $7,000.

Mr. CANDLER. When they send their engineers throughout the country it costs money; but I feel sure the gentleman from Indiana is incorrect and the gentleman from Illinois is nearer the mark.

Mr. MANN. The department makes a report of the actual traveling expenses paid, which report I hold in my hand.

Mr. COX. I do not know anything about it except the Book of Estimates. I get my figures directly from that.

Mr. CANDLER. The Book of Estimates is what it purports to be, "a book of estimates," and, hence, does not show actual expenditures. It shows only estimates proposed. Expenditures are money actually expended, which is a very different proposition.

In view of the statement of the gentleman from Illinois, I submit the following record of achievements in the past 16 years of the Office of Public Roads, which I have secured from an authentic source:

RECORD, OFFICE OF PUBLIC ROADS, FOR 16 YEARS.

During the past 16 years the Office of Public Roads has grown from a small organization, with an annual appropriation of $8,000 and employing 7 persons, to a thoroughly developed organization, with 165 permanent and temporary employees, and an annual appropriation of $202,120. There is also an appropriation for the current year of $500,000, made by Congress, to be expended under the direction of this department on post roads. It is provided that in order to avail themselves of this appropriation the States or localities interested shall contribute $2 for every $1 contributed by the National Government. The Department of Agriculture, through its Office of Public Roads, will thus direct the expenditure of $1,702,120 this year.

During the fiscal year 1896–97 the office directed the construction of 7 object-lesson experimental roads, while during 1911–12 there were built 31 object-lesson roads, involving 400,775 square yards of surfacing. From 1897 to 1912, inclusive, 343 object-lesson and experimental roads have been constructed. It has been found that object-lesson roads built under the direction of engineers from the office are a most effective method of carrying information concerning standard construction to the various localities. The cost of construction is borne by the localities in which roads are built. The number of roads built each year by the office from 1897 to 1912, inclusive, is as follows:

	Roads.
1897	7
1898	10
1899	4
1900	7
1901	14
1902	15
1903	8
1904	17
1905	21
1906	17
1907	16
1908	18
1909	57
1910	49
1911	52
1912	31
Total	343

The activities of the office reflect in a measure the progress and present condition of the road movement in the United States. Sixteen years ago only four States had passed State-aid laws and established State highway departments to direct the work, viz: New Jersey, Massachusetts, Connecticut, and California. At the present time, however, the principle of State aid has been adopted in 40 States.

The Office of Public Roads was originally the Office of Road Inquiry in the Department of Agriculture, and was established under authority of an act of Congress of March 3, 1893, with an appropriation of $10,000. It was provided by law that the Secretary of Agriculture should make inquiries in regard to systems of road management throughout the United States, make investigations in regard to the best methods of road making, prepare publications, and assist agricultural colleges and experiment stations to disseminate information concerning roads.

During three fiscal years the appropriation and the wording of the original bill remained the same. The appropriation, however, for the year 1897 was reduced to $8,000, and a provision was added authorizing the investigation of road-making materials in the several States. The appropriation remained $8,000 annually during the years 1898, 1899, and 1900, and no change was made in the wording of the bill, although the name of the office was changed from Office of Road Inquiry to Office of Public Road Inquiries in 1899.

The Agriculture bill for 1901 carried an appropriation of $14,000, and provided for conducting experiments in the city of Washington and elsewhere and for collecting, reporting, and illustrating results of such experiments. The appropriation for 1902 was $20,000, and the bill provided for an investigation of the chemical and physical characteristics of road materials.

In 1903 the appropriation was increased to $30,000, in 1904 to $35,000, in 1906 to $50,000, in 1907 to $70,000, in 1909 to $87,390, in 1910 to $116,460, in 1912 to $160,720, and in 1913 to $202,120, making in all a total for the Office of Public Roads, from 1897 to 1913, inclusive, of $1,039,150. The bill approved March 3, 1903, changed the name of the office from Office of Road Inquiries to Office of Public Roads and established a statutory organization.

For the fiscal year 1912 Congress appropriated $10,000 to conduct field experiments in various methods of road construction and maintenance and to investigate various road materials and preparations. This appropriation has enabled the office to conduct a series of independent experiments along comprehensive lines.

In December, 1900, a laboratory was established in the Bureau of Chemistry for the testing of road materials. This laboratory was transferred in 1905 to the Office of Public Roads, where its present organization has been developed and perfected. From 1900 to June 1, 1912, 6,060 samples of road materials have been tested, including rock, gravel, sand, slag, clay, brick, cement, iron, steel, asphalt, oil, tar, rubber, and various other substances.

Much has been accomplished in the development of the physical tests of rock for road building, and the methods here adopted are now practically standard throughout the United States.

Research work in concrete has been productive of promising results. The properties of oil-mixed Portland cement concrete have been investigated and indicate this material to be one of merit for damp-proofing purposes. A public patent has been granted for this material, so that anyone may now use it without the payment of royalties. Measurements of the expansion and contraction of concrete while hardening which are of value to concrete engineers have aroused considerable interest and serve to explain certain phenomena in connection with concrete construction.

Experiments have been conducted to determine the efficiency of oils, tars, asphalt, and other preparations used for the purpose of preventing dust and preserving macadam roads under modern traffic conditions. Laboratory experiments have been accompanied by service tests and experiments in the field. The office has also conducted investigations to determine the feasibility of building sand-clay and burnt-clay roads in the Southern States and in the Mississippi Valley. Such construction has been found to be practicable for certain regions where materials are available and climatic conditions favorable.

Successful efforts are constantly made to bring about a more general use of the split-log drag in the maintenance of earth and gravel roads.

In order to demonstrate the fundamental principles of road construction better, the office has built a number of models of various standard types of roads and bridges and of road-building equipment, including road machines, rollers, and crushers. A set of models was first exhibited at the Alaska-Yukon-Pacific Exposition. Since that exposition closed similar exhibits have been shown in many parts of the United States through the medium of expositions and by means of exhibit trains operated by various railroad companies. The cost of making such demonstrations has been paid by the exposition or by the railroad companies interested. Lecturers and demonstrators from the office have accompanied exhibits and made them, to a large degree, schools in road building.

Realizing the need for trained highway engineers, the office inaugurated a plan in the year 1905 whereby a number of graduates in engineering are appointed each year from engineering schools and colleges after competitive examinations. These men are given a thorough training in road building, while they also render practical service to the Government. An efficient corps of highway engineers is thus prepared to carry out road building along correct lines. A number of engineers from the office are already connected with State and county highway departments in various parts of the United States, while several of them are constantly retained in the Government service.

The office has investigated the decomposition of rock powders under the action of water and discovered important facts with reference to their use as road materials. Investigations into the corrosion of iron and steel culverts and fences have also been productive of important results, and the matter of protective coatings has been extensively studied.

In May, 1907, the office inaugurated a project designed to introduce improved standard systems of construction, maintenance, and administration of roads into various counties throughout the United States. Under this plan experienced engineers are assigned to make thorough investigations on all phases of the road work of various counties, and to prepare exhaustive reports with plans, estimates, and recommendations. This method has already resulted in saving thousands of dollars to the counties where such model systems have been adopted.

Thorough and systematic methods of organization have been introduced into the administration of the office. Each employee is given specific duties to perform, and a careful system of reports and records is kept of work done and expenditures made on every project. The most approved system of filing is in use, and a library has been established containing a complete collection of periodicals, manuscripts, pamphlets, reports, and books on all phases of road work. This library is being added to constantly. Seventy-two periodicals are now regularly received, of which 41 are donated.

The office has in its files 8,237 photographic negatives and about 5,000 lantern slides illustrating nearly every item of road improvement. These slides are extensively used by representatives of the office in lecture work. During the year just closed 1,135 lectures were delivered by representatives of the office, nearly all of which were illustrated with lantern slides.

From 1897 to the present time the office has issued 28 bulletins, 73 circulars, 10 farmers' bulletins, 19 yearbook extracts, 15 annual reports, and 1 lecture syllabus, a total of 146 publications.

Investigations are now under way to determine the economic benefits resulting from road improvement and the particular relation of such improvement to agriculture. It is evident that when $142,000,000 constitutes the annual expenditure for road purposes in this country improved business management in our road work is imperative. Much statistical work is therefore carried on, particularly on the subjects of mileage, cost, and financing. The method of financing road construction by bond issues is becoming very common and is receiving considerable attention from the office, with the view to giving appropriate information to those who contemplate such methods of road financing. In order that the office may be kept in close touch with road work a collaborator is employed in each State to act as representative and to correspond monthly with the office.

An investigation was begun in 1904 to ascertain the mileage of improved and unimproved roads, rates of levy, and sources of revenue in every county in the United States. This work was finished in June, 1907, and shows that there were then over 2,150,000 miles of roads in the United States, of which only 7.14 per cent were improved. The expenditure in money and labor for that year amounted to nearly $80,000,000. A similar investigation begun in 1909 shows that there were in that year 2,199,645 miles of public roads in the United States, of which 190,476 miles, or 8.66 per cent, were improved. Information in regard to expenditures on all the public roads in the United States was collected during the year 1911. This investigation shows that the expenditures for that year amounted to approximately $142.000,000.

The Office of Public Roads is alive to the present problems of highway development, and its efforts are constantly and systematically directed toward their solution. The normal development of the office during the past 16 years has placed it in such a position that it may now be called a clearing house for all road questions.

The following is the approximate road expenditures and bond issues authorized in the several States during the year 1911, which are the last available statistics on the subject.

Approximate road expenditures and bond issues, 1911.

State.	State aid.	Local bond issues.	Local revenues.[1]	Total.
Alabama	$154,000	$1,260,000	$1,600,000	$3,014,000
Arizona			175,000	175,000
Arkansas		100,000	2,450,000	2,550,000
California	[2] 135,000	415,000	3,500,000	4,050,000
Colorado	162,000		1,000,000	1,162,000
Connecticut	[3] 1,500,000		2,275,000	3,775,000
Delaware	30,000	95,000	100,000	225,000
Florida		570,000	750,000	1,320,000
Georgia	[4] 1,285,400	335,000	2,500,000	4,120,400
Idaho	53,000	23,795	500,000	576,795
Illinois	[5] 155,000		5,000,000	5,155,000
Indiana		71,920	4,500,000	4,571,920
Iowa		100,000	3,500,000	3,600,000
Kansas	6,500		1,500,000	1,506,500
Kentucky			2,500,000	2,500,000
Louisiana	[6] 132,354	16,000	1,052,926	1,201,280
Maine	250,000		2,000,000	2,250,000
Maryland	[7] 1,250,000	1,562,000	1,000,000	3,812,000
Massachusetts	800,000		2,500,000	3,300,000
Michigan	250,000	2,365,000	3,500,000	6,115,000
Minnesota	150,000		2,000,000	2,150,000
Mississippi		627,500	2,000,000	2,627,500
Missouri	300,000	371,000	2,500,000	3,171,000
Montana			500,000	500,000
Nebraska			1,000,000	1,000,000
Nevada		10,000	50,000	60,000
New Hampshire	375,000		1,000,000	1,375,000
New Jersey	405,904	818,000	4,500,000	5,723,904
New Mexico	[1] 100,000		200,000	300,000
New York	[8] 11,000,000	1,512,156	7,000,000	19,512,156
North Carolina	5,000	765,000	2,000,000	2,770,000
North Dakota			1,000,000	1,000,000
Ohio	600,365	1,639,150	6,000,000	8,239,515
Oklahoma	[9] 5,000	760,000	1,500,000	2,265,000
Oregon			1,000,000	1,000,000
Pennsylvania	[10] 4,000,000	2,285,000	7,500,000	13,785,000
Rhode Island	97,000		500,000	597,000
South Carolina		85,000	1,000,000	1,085,000
South Dakota			500,000	500,000
Tennessee		3,175,000	1,500,000	4,675,000
Texas		8,915,500	6,000,000	14,915,500
Utah	355,750	200,000	500,000	1,055,750
Vermont	450,000		500,000	950,000
Virginia	300,000	2,734,000	1,250,000	4,284,000
Washington	[11] 900,000	325,000	2,000,000	3,225,000
West Virginia		440,000	1,000,000	1,440,000
Wisconsin	390,000		3,000,000	3,390,000
Wyoming	10,000		500,000	510,000
Total	25,607,273	31,576,021	99,902,926	157,086,220

[1] Estimated.
[2] Not including expenditures from $18,000,000 bond issue for trunk-line highways.
[3] $1,000,000 of which was expended on trunk-line highways.
[4] This is the estimated value of the labor of 4,618 State prisoners who were employed on the public roads.
[5] Includes $90,000, estimated value of 300 State prisoners used in crushing rock.
[6] Not including value of State prison labor and surplus revenues of oyster, fish, and game commissions.
[7] $1,050,000 of which was for trunk-line highways.
[8] $6,000,000 of which was for trunk-line highways.
[9] Estimated value of license fees from automobiles used by State highway department.
[10] Of which $3,000,000 was used for trunk-line system.
[11] Estimated value of 1-mill tax used for State highways.

TOTAL EXPENDITURES FOR THE YEAR 1911.

NOTE.—It is estimated that not over one-fourth of the amount shown in column 2 was expended during the year, and that about an equal sum derived from previous bond issues was expended, which makes the total estimated expenditure for the year 1911 $141,298,209.

Mr. Chairman, the above statistics demonstrate the interest in the subject of road building exhibited throughout the States. The Office of Public Roads has done a great work and accomplished great results with the amount of money which has been heretofore appropriated. I am greatly interested in the subject of good roads, and I believe that no money can be expended in a better way than to aid the people in the construction of good roads throughout the country. In this way benefit is derived not only in the distribution of money among the people, but no money expended brings greater material benefit to the people than the amount expended for the improvement of our public roads. It is estimated at the present time that the expense of transportation over the "dirt road" is 25 cents per ton per mile and that where the roads are improved it reduces this expense more than one-half. Statistics further show that the improvement of the roads increase the value of the land along these roads on an average of 25 to 50 per cent, and in some instances even more. It further benefits the people by giving them comfortable travel, which brings about closer association in the community and adds much to the comfort of rural life, and hence I earnestly favor the improvement of our public roads and hope the day may speedily come when this great Government will aid in this good work. [Applause.]

There is another provision in this Agriculture appropriation bill worthy of the highest consideration. It is as follows:

To enable the Secretary of Agriculture to acquire and diffuse among the people of the United States useful information on subjects con-

nected with the marketing and distributing of farm products, and for the employment of persons and means necessary in the city of Washington and elsewhere there is hereby appropriated the sum of $50,000.

Under the provision it is proposed to confer upon the Agricultural Department authority and power to investigate the subject of the marketing of farm products in the United States. At the present time there is too much difference in the value of farm products on the farm and to the producer and their cost on the table to the consumer. The statistics show that the crop for 1912 will yield to the producer $6,000,000,000, yet when these same crops reach the consumer they will have increased in cost to the enormous sum of $13,000,000,000. In other words, the producer gets $6,000,000,000 while the distributor gets $7,000,000,000, clearly showing that under the present system it is more profitable to distribute than to produce farm products. If the Government will take up the question of the distribution of farm products and deal with it with the same energy and enthusiasm as it has dealt with the production of farm products, the enormous waste now prevalent throughout the country will be turned into profit for the farmer and be added to the sum total of the Nation's wealth.

If this provision is enacted into law, it will bring the producer and consumer closer together and consequently reduce the difference between them now existing in the prices paid to the producer and the prices paid by the consumer, and the farmers will be furnished accurate information to enable them to find the best and the quickest market for their products. In the interest of the farmer and the producer in this great country I sincerely hope that this provision in this bill will become a law, and if it does it will contribute much to putting into the pockets of the farmers, who by their toil produce the products, their value and give to them the benefit of their labors, and in benefiting them aid the general prosperity of the whole country. I have often stated on the floor of this House, and I now repeat it, that when we help the farmers of this country we benefit and aid every other class of our citizenship, for at last it is upon the farmer that the prosperity and development of the country must stand; therefore help the farmers and thereby help everybody else in the country and thus bless and prosper all of our noble, liberty-loving, and patriotic citizenship. Let us as true servants of the people emblazon our banners with "America for Americans," and prosperity, if possible, for all our citizens. Give them help when we can and thus bless all our homes, the bulwark of American citizenship and free institutions. [Loud applause.]

Mr. MANN. The total traveling expenses for the whole thing amounts to less than $6,000 a year.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MADDEN] to strike out the paragraph.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For conducting field experiments and various methods of road construction and maintenance, and investigations concerning various road materials and preparations; for investigating and developing equipment intended for the preparation and application of bituminous and other binders; for the purchase of materials and equipment; for the employment of assistants and labor; for the erection of buildings; such experimental work to be confined as nearly as possible to one point during the fiscal year, $45,000.

Mr. BATHRICK. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman if this appropriation of $45,000 is not a duplication of two other appropriations, particularly the one in lines 7 to 9, inclusive, "for the investigation of the best methods of road making and the best kind of road-making materials and for furnishing expert advice on road building and maintenance"?

Mr. LAMB. I think not. This is an increase for conducting field experiments. One is information and the other is a test. This experiment work is of the greatest importance. They study the materials of different types for road construction, particularly those types calculated to eliminate the dust nuisance and provide a dustless road. Then it is extremely desirable to exercise some control and supervision over the roads after they are made in order to estimate the value and cost of the experiment. A large amount of this appropriation is to be used for the purchase of crude material.

Mr. BATHRICK. I wish to call attention, Mr. Chairman, to these various methods pursued in the Department of Agriculture to secure appropriations for the same purpose for larger amounts than they expect to get in one paragraph. This item might have been included under the same head with the $100,000 item in lines 7 to 9. It seems to be the same thing. It illustrates how the department has hitherto secured more money by these subterfuges in having appropriations made in different classes for the same purpose.

Mr. LAMB. I want to say to the gentleman that the Committee on Agriculture has carefully considered this particular part of the bill and endeavored to keep it down as low as possible. These appropriations we could not resist, as they are supported by public demand and public sentiment in this country for road improvement.

Mr. BATHRICK. I am not resisting the public demand or public sentiment, but I say that here are two items that could be well placed under the same head. It is quite apparent that it is a scheme to increase appropriations and escape the notice of the House.

The Clerk read as follows:

Enforcement of the insecticide act: To enable the Secretary of Agriculture to carry into effect the provisions of the act of April 26, 1910, entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded Paris greens, lead arsenates, and other insecticides, and also fungicides, and for regulating traffic therein, and for other purposes," in the city of Washington and elsewhere, including chemical apparatus, chemicals, and supplies, repairs to apparatus, gas, electric current, official traveling expenses, telegraph and telephone service, express and freight charges, and all other expenses, employing such assistants, clerks, and other persons as may be considered necessary for the purposes named, $95,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. This item when inserted in the bill was inserted on the floor of the House. It does not belong under the head of "Miscellaneous"; it is for ordinary work of the department, and ought to be inserted ahead of "Miscellaneous," because it is permanent law and the permanent policy of the Government.

Mr. LEVER. I think the gentleman from Illinois is right, and we will take care of it next time.

Mr. FOSTER. Mr. Chairman, there is another suggestion that I think might well be made, and that is that when it is made permanent law it ought not to be carried year after year in a lump sum, as it is here, but that these different salaries should be segregated.

Mr. MANN. I will say to my colleague that it is a little difficult to do that. They have not yet reached the point where they could segregate the operation under the pure-food law.

Mr. FOSTER. I thought that in one year they might be able to do it. A lump-sum appropriation is not a good appropriation to make if it can be made the other way.

Mr. MANN. It is not all expended under the Chemical Bureau, but it is expended in the Bureau of Animal Industry and, it may be, one or two other bureaus. It is apportioned by the Secretary.

Mr. LEVER. Yes; it goes to salaries of inspectors and others. I think both suggestions, however, are good.

Mr. MANN. I withdraw the pro forma amendment.

Mr. KNOWLAND. Mr. Chairman, I move to strike out the last two words. I would like to ask the gentleman in charge of the bill what has been done to carry out the provisions of this act? I feel somewhat interested, because I reported the bill out of the Committee on Interstate and Foreign Commerce.

Mr. LAMB. I can not go into the details of it, for I do not know, except that it is under the charge of the Secretary, and he is given a broad authority here to exercise his discretion.

Mr. KNOWLAND. Is there anything in the hearings as to what has been done?

Mr. LAMB. I do not recall that there is.

Mr. KNOWLAND. Mr. Chairman, a very large appropriation—$95,000—is asked for without any information at all as to whether anything has been done.

Mr. MANN. Mr. Chairman, there has been very little done under this paragraph in the current law up to date, except in reference to the Mediterranean fly and its importation from Hawaii into the United States. There is quite a full explanation relating to this item in the report of the Secretary of Agriculture for this year.

Mr. LEVER. Mr. Chairman, in addition to that, permit me to call the attention of the gentleman to the fact that we have the statement of Dr. Haywood, taken before the committee, who is in charge of the enforcement of this act, and he tells us in substance that the principal part of his work heretofore has been the organization of his work—gathering together the force with which to enforce the act—and if we had the time I would be very glad to read from his statement just what he has done.

Mr. KNOWLAND. Mr. Chairman, my attention is called to the fact that in the report of the Secretary of Agriculture for the year 1912 there are two references to this act, and if there is no objection I will ask to have them inserted in the RECORD.

Mr. LEVER. If the gentleman cares, he can insert the statement of Dr. Haywood.

Mr. MANN. Mr. Chairman, I desire to state that the reference I made a moment ago to the Mediterranean fly does not apply to this provision of the appropriation at all. That is another matter. The department, however, has made a number of investigations along the same line as pure-food investigations under this item, and the result has been that Paris green and other insecticides can now be purchased in the market, in the

main, quite safely, whereas before this law went into effect the chances were that the farmer who purchased an insecticide of that character purchased something that was worse than useless to him. It might have no strength, or if, perchance, it had strength it was usually so strong that if the farmer followed the formula he would destroy his trees instead of protecting them.

Mr. KNOWLAND. Mr. Chairman, was permission granted to insert these extracts from the report?

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The references referred to are as follows:

INSECTICIDE ACT.

The first apparent violation of the insecticide act of 1910 was reported for prosecution in December, 1911. In all, 58 cases under this statute were reported during the year. Six of these cases resulted in convictions, and in one a decree of condemnation and forfeiture was entered. The goods in the latter case were subsequently released to the claimants under bond after payment of the costs. The Insecticide and Fungicide Board has completed its organization for obtaining evidence of violations of this statute.

INSECTICIDE INVESTIGATIONS.

The chemical examination of insecticides and fungicides has been a potent factor in improving the purity of products now sold on the market. Some idea of the value of such work to the farmer is gained by consideration of the loss occasioned by the ravages of plant diseases and insects. Experts have estimated that there is a loss of 20 per cent from these two sources, which, when applied to the farm crops of 1911, valued at $5,367,000,000, would indicate a loss of about $1,000,000,000. Probably one-third of this enormous sum could be saved by the proper application of insecticides and fungicides of the requisite strength and purity. Any inferiority in the quality of these materials means the additional loss of the labor in applying them.

The early studies of this subject showed that many of the insecticides on the market were of practically no value whatever, owing to the fact that they contained little or no active ingredients. Other insecticides which contained some active ingredients were adulterated by the addition of inert substances for the purpose of increasing the bulk to such an extent that they were of no value whatever.

As a result of the data secured by these investigations an insecticide and fungicide law was passed and approved April 26, 1910, which has greatly improved the conditions. Now it is a violation of law to ship in interstate commerce for sale any insecticide or fungicide which is adulterated or misbranded in any particular. A farmer in buying a supply to protect his crops can be reasonably sure he is getting exactly what he asks for and what he pays for. The insecticide laboratory of this bureau does a large part of the analytical work on the samples collected for the enforcement of the law. This laboratory, which conducted the investigations previous to the enactment of the law, did valuable pioneer work in developing methods for the analysis of these products. No methods of analysis had ever been worked out for many of the insecticides.

STATEMENT OF DR. J. K. HAYWOOD, CHAIRMAN OF THE INSECTICIDE AND FUNGICIDE BOARD.

Dr. HAYWOOD. Mr. Chairman and gentlemen of the committee, I presume I had best start by telling you the reason for asking for an increase of $13,000 in the appropriation this year; that is, an increase from $87,000 to $100,000. The insecticide act of 1910 is, I believe, the most important act to the farming community now being enforced; it directly applies to the farmers of the country, because it is for the purpose of having pure insecticides and pure fungicides. Now, it has been estimated, and estimated on conservative figures, that the annual damage in this country from insect pests is over a billion dollars, the exact figures being about $1,152,000,000. Over half of these insect pests and diseases caused by fungi can be controlled by means of insecticides and fungicides. So you at once see how important it is to the farmer that these should be pure and up to standard. I think that this law more directly applies to the farmer and is of greater benefit to him than even the food and drugs act, because he has here something that actually saves him dollars and many dollars each year if his insecticides and fungicides are pure. In the case of the food and drugs act he is not protected very much by that, because he grows most of his food himself and does not have to be protected against the illegitimate manufacturer of foods. Now, in enforcing this law we have found, up to the present time, that it will take all of the appropriation that we have, and by the end of the year we will be spending at the rate of the total appropriation; that is, we will have claims against it that will cover the whole $87,000 for next year, and we need an increase for next year.

We only have three inspectors traveling around the United States collecting samples of insecticides and fungicides, so that we may test them in the laboratory and in the field to find out whether they are true to name and whether they are adulterated or misbranded, and we badly need a fourth inspector and the necessary scientists to examine the samples collected by such inspector. We can cover three sections of the country, and we need to cover a fourth section of the country. You see, we have the far West, the Middle West, the South, and East, and we need another inspector to cover one of those sections, and that is the reason why we ask for an increase of $13,000.

You will perhaps be interested in knowing just a few of the adulterations and misbrandings that would cause no end of trouble if allowed to go on. In the case of lead arsenates, for example, in the United States there are several hundreds of thousands of dollars' worth of lead arsenates sold each year, and it is very common to find excessive soluble arsenic in these lead arsenates. Soluble arsenic means the spoiling of a tree if sprayed upon it; it defoliates and the fruit is spoiled. It may even kill the tree. Such a sample of lead arsenate means that the farmer, instead of protecting his crop against insects, is ruining his crop. We have many cases of short weight, which I think is about the lowest form of deception that a man can practice. We have just seized two carloads of Paris green, which, instead of weighing 1 pound, as claimed on the label, weighed about nine-tenths of a pound.

Of course, that one-tenth of a pound did not mean very much on a single package, but on a total output it amounts to a great deal of gain for the manufacturer and a great deal of loss for the farming community. We constantly run across lice powders for poultry which consist of more than 50 per cent of road dust. A man has the right to put road dust in his insect powder, if he desires to do so, but our law makes him say that he has put it in, and under such circumstances the consumer knows exactly what he gets, i. e., that he is getting 50 per cent of road dust and 50 per cent of materials that are really of some value to him. Another very common form of adulteration is to adulterate with water. Take, for example, the lead arsenates on the market. They come in paste form, and the law allows 50 per cent of water in the lead arsenates, because that is the best form in which to give them to the farmers in that they can be stirred up easier for spraying purposes, but we have come across cases where we have found 60, 70, and even 80 per cent of water present. You can at once see that in such a case as this the farmer is paying for water at the price of lead arsenate. We have gone very slowly about the enforcement of this act; we wanted to be sure of our ground as we went along. It was a new act, and we have not appointed men rapidly, but have appointed them just as they were needed. At the present time, to take care of the samples that are being collected by inspectors, it is going to be necessary for us to appoint more scientists to make examinations of the samples, and that will be taken care of by the $87,000 appropriation; but to appoint a new inspector, which we need badly, that means the appointment of more scientists to examine the extra samples collected by the new inspector, and we can not take care of the United States certainly with less than four inspectors.

Mr. LEVER. What salaries do you pay the inspectors?

Dr. HAYWOOD. They get $1,400 a year and their expenses when traveling.

Mr. LEVER. Their expenses for traveling amount to about their salaries?

Dr. HAYWOOD. I should say that certainly their traveling expenses would equal their salaries, and by the time that they have purchased samples, the amount used by each inspector is considerably more than his salary. You see, they have to purchase all of the samples of insecticides and fungicides and pay for them out of this fund. There is nothing in the law that compels the dealer to give us a sample for nothing, and we have to purchase them. Some of them are quite expensive, and it means that usually an inspector costs us about $3,000 a year, in addition to his salary; that is, to purchase the samples, to pay traveling expenses, etc.

Mr. WHITACRE. Do you examine samples sent to you by individual farmers?

Dr. HAYWOOD. No, sir; because in order to prove a case under this insecticide act of 1910 we have to have the record showing interstate shipment and other facts in connection therewith, and we find that nobody except our inspectors, or somebody trained in that line of work, can give us the data necessary to show in court that an interstate shipment of the goods has been made.

Mr. WHITACRE. That is, if I buy a keg of lead arsenate and take out of it a can and send it to you, you would not tell me whether it was good or not?

Dr. HAYWOOD. No, sir.

Mr. WHITACRE. Then what good is that to me as a farmer?

Dr. HAYWOOD. The good to you is that we have improved and are improving straight along the lead arsenates and other insecticides that come on the market and the farmer is protected from buying lead arsenates that are not good, and the dishonest manufacturer is afraid to send out samples of lead arsenate that are adulterated or misbranded. He is afraid to send out such goods because he knows our inspectors are scouring the country for adulterated or misbranded insecticides or fungicides, and whenever we find that a manufacturer has sent out one that is adulterated or misbranded into interstate commerce, then the fact is reported to the Secretary of Agriculture, he refers it to the Department of Justice, and the man is prosecuted under the law, being given a fine. As soon as the courts have passed upon the matter the whole matter is published and sent all over the United States. The consequence is the manufacturers do not desire to pay the fines and do not desire the notoriety of their products being shown to be adulterated and misbranded, because it hurts the sale of them, and competitors use that against them. Therefore they prefer to send out pure insecticides and fungicides.

Mr. HOWELL. How many prosecutions have you instituted for violation of this act?

Dr. HAYWOOD. I have the figures here exactly, I think. We have referred to the Department of Justice for prosecution 101 cases, or perhaps I had better read the total number that we have collected. There are now undergoing examination in the various bureaus interested in this work 524 samples; we have placed 257 samples in permanent abeyance. That means that the samples were either found not adulterated or misbranded or that the adulteration or misbranding was not flagrant, that it was just technical in nature, and that we took it up by correspondence with the manufacturer in place of prosecuting him. We have referred to the Department of Justice for prosecution 101 cases; there are held in temporary abeyance, pending further information in the cases, 57; there are pending and awaiting hearing, after citation, 78; that means they have not been finally acted upon, but that the manufacturers have been cited and told their products were adulterated or misbranded, and we have notified them that if they have anything to say in regard to the findings—that is, that they were unjust—that they will be given an opportunity to be heard. And if they show that the findings are wrong we will not prosecute them, but if they can not show that the case then goes on to prosecution. Then we have referred to the Solicitor of the department 69 cases, making a total of 1,088 cases, out of which 101 have been sent to the Department of Justice for prosecution and 15 have been considered by the courts; and the decisions have been favorable to the department's contention in every case.

Mr. WHITACRE. Do you publish a list of those concerns whose products are found to be adulterated or misbranded?

Dr. HAYWOOD. No; we do not feel that we should publish a list of manufacturers whose products are, in our opinion, adulterated or misbranded unless the courts have decided that they are adulterated or misbranded. We may be wrong in our contention, and the courts are the ones to pass upon it. However, as soon as the courts have passed upon it and decided that we are right in our contention that the product is adulterated or misbranded, then it is published in the form of a notice of judgment, and these notices of judgment are sent broadcast and to anybody who asks for them.

Mr. RUBEY. How many cases have you had in which the courts rendered decisions?

Dr. HAYWOOD. Fifteen have been decided, and every one in favor of the Government.

Mr. HAUGEN. The Bureau of Chemistry has a number of inspectors doing practically the same thing that you inspectors do. Do you co-

operate with the Bureau of Chemistry in this work, because, it seems to me, the work is similar?

Dr. HAYWOOD. Yes; this work is being done in cooperation with the Bureau of Chemistry to a large extent. I will explain the formation of the board. The board consists of a member of the Bureau of Chemistry, a member of the Bureau of Plant Industry, a member of the Bureau of Animal Industry, and a member of the Bureau of Entomology. They work without additional compensation; that is, do this work in addition to their regular duties. All of the chemical examinations of what are termed "dips," and things of that character, are made in the Bureau of Animal Industry by the chemist or bacteriologist and paid for from board funds; in the same way the Bureau of Chemistry examines all insecticides and fungicides except dips, and the chemists necessary to do that work are paid from the board funds. In the Bureau of Entomology there are certain entomologists who test these goods and see if they will perform what are claimed for them on the labels, and in the Bureau of Plant Industry they do that same thing; that is, they do for fungi what the entomologists do for insecticides—all of these people being paid from board funds. However, they do their work in the four bureaus involved and do it in quarters furnished by those four bureaus. When the law first went into effect it was our idea that we could probably get along without any inspectors, so the Secretary of Agriculture wrote to each one of the four bureaus involved and said, "Have your field agents collect samples for the insecticide and fungicide board." It was a failure for the following reasons, I suppose: The men in the field felt that they had their regular duties to attend to and that it took all of their time to attend to such duties; therefore the insecticide and fungicide work was put aside as a purely secondary consideration in every case.

Mr. HAUGEN. Well, this made it as much their duty as any other duty that had been assigned to them, and it was natural to assume that they would perform one duty as well as they would any other duty.

Dr. HAYWOOD. The only way in which I can answer that question is that if a man is a food and drugs inspector, we will say, he has as much work as he can do as a food and drugs inspector, and it is only natural for him when it comes to neglecting anything, if he is obliged to neglect anything, to neglect the insecticide and fungicide work, in which he is not so directly interested. So we found, in the practical working out of the scheme, that we had to appoint these inspectors, and have only appointed three up to the present date, and those three inspectors have in the time that they have been appointed, which has been, well, I should say certainly less than a year, collected more insecticide and fungicide samples and have done more toward cleaning the market of adulterated and misbranded insecticides and fungicides than all of the inspectors of the bureaus together, and they consist of some 100 men.

Mr. HAUGEN. I have no doubt they have done good work, but if the work could be done by these other inspectors, thereby saving this expense to the Government, they ought to do it.

Dr. HAYWOOD. I think it ought to be done, if it could be done, but the field agents of the various bureaus have as much as they can attend to in their own line of work, and I do not suppose they feel they can take up such an extra line of work, which makes more work than they can perform. I was talking to the chief food and drugs inspector about it a short time ago, and he said his men were doing as much work as they could do along their own line, and that he needed a good many more inspectors, and that they could only take up this as a secondary consideration. If it is a secondary consideration, that always means that the work is not done.

Mr. TALCOTT. And the adulteration and misbranding of these insecticides and fungicides leads to the loss of many dollars?

Dr. HAYWOOD. It leads to the loss of millions of dollars to the farmer. Before this law went into effect it was the most common thing in the world to find a lead arsenate that had enough soluble arsenic in it to absolutely ruin a whole orchard on which it was sprayed. It was the most common thing to find a lice powder with 80 per cent of road dust in it. These conditions we have improved; that is, the market has greatly improved in regard to adulterated and misbranded insecticides and fungicides, and, not only that, but we have improved the conditions at the factories. The head selling agent of one of the large insecticide manufacturing companies said to me the other day, "Well, you have caught us two or three times, but I thank the Lord you did, because it means that now they will put on enough chemists in our factory to see that these things come out right." He said that before this time his company would not incur the expense of putting on additional chemists, but now they had added three or four chemists to their staff to see that these insecticides came out unadulterated in any way.

Mr. TALCOTT. Then it was not always due to fraudulent intentions but to careless methods?

Dr. HAYWOOD. A great deal of it was due to careless methods of manufacture, but due to intention when you had 80 per cent of road dust in a lice powder, or if you took Persian insect powder, and instead of using flower heads of pyrethrum to make the insecticide, you took 80 per cent of the stems of that plant and ground it in with the heads so that you could not tell whether it was all heads or all stems, then you could not attribute it to anything else but fraudulent intentions.

Mr. TALCOTT. But by analysis you could ascertain that fact?

Dr. HAYWOOD. Yes.

The CHAIRMAN. Have you anything else you wish to say?

Dr HAYWOOD. I do not think of anything else.

The Clerk read as follows:

Fighting and preventing forest fires in emergency: For fighting and preventing forest fires in cases of extraordinary emergency, $200,000, or so much thereof as may be necessary.

Mr. WEEKS. Mr. Chairman, I offer the following amendments. There are two of them applying to the same subject, and I would like to have them both read and pending.

The CHAIRMAN. Without objection, both amendments will be read and considered pending at this time.

There was no objection.

The Clerk read as follows:

In line 8, page 61, insert in place of "$200,000," "$400,000."

After the word "necessary," in line 9, page 61, insert the following: "*Provided*, That not to exceed $200,000 shall be used for preventing forest fires in those States which appropriate a similar amount for the same purpose, and which have organized a fire-protection system which meets the approval of the Department of Agriculture."

Mr. LAMB. Mr. Chairman, I make the point of order against the last amendment, or I will reserve it, if the gentleman desires.

Mr. BATHRICK. Mr. Chairman, a parliamentary inquiry. I desire to move to strike out this paragraph, and I want to know when such a motion will be in order?

The CHAIRMAN. It is in order first to perfect the paragraph, and then a motion to strike out would be in order.

Mr. WEEKS. Mr. Chairman, my purpose in increasing the appropriation provided in this paragraph is to renew an appropriation that was included in what was known as the Appalachian forestry bill. This proposed appropriation, as I understand it, is for emergency purposes on the public lands. The appropriation to which I refer was made for general fire purposes in the various States throughout the Union, and it had attached to it the proviso that money should only be expended in those States which appropriated the same amount for the same purpose. I am informed that the appropriation of $200,000 which was made for that purpose is practically exhausted, and also that the results obtained from that appropriation of $200,000 have been the means of saving tens of millions of dollars of forests in the various States.

I doubt if any appropriation made in recent times has brought a better result than the $200,000 appropriated in the Appalachian bill, and the appropriation should be continued not only in this bill but in all successive appropriation bills providing for the Agriculture Department.

Mr. MANN. Will the gentleman yield for a question?

Mr. WEEKS. Yes.

Mr. MANN. How was that $200,000 expended and to whom was it paid by the Government?

Mr. WEEKS. It has been expended through the fire-control systems established by the States, as I understand.

Mr. MANN. Yes; but what States got the money?

Mr. WEEKS. There were some 12 or 15 States which received a portion of the money.

Mr. MANN. I know, but can the gentleman tell us what States got the money?

Mr. WEEKS. I do not recall all of them. I know Minnesota, Wisconsin, New Hampshire, Vermont, and several other States did; but I do not remember all of them.

Mr. MANN. It seems to me, when the gentleman says this money has done more good than any other money appropriated, he or somebody else ought to be able to tell us what States got the money and how much and what was done with it.

Mr. WEEKS. Mr. Chairman, the reason I have not these statistics at hand is because I had in mind that the $200,000 carried in this bill was to renew the appropriation which I desire made until I came into the House to-day, and for that reason I have not the statistics at hand.

Mr. BATHRICK. Will the gentleman yield?

Mr. WEEKS. Yes.

Mr. BATHRICK. On page 34, lines 21 and 22 is an item—

For fighting and preventing forest fires and for other unforeseen emergencies, $150,000.

It seems the same language is included in this paragraph, but $200,000 is added. This is for the same purpose.

Mr. WEEKS. I shall have to ask the gentleman to ask the chairman of the committee in charge of the bill for an answer to that inquiry.

Mr. BATHRICK. The word "emergencies" is used in the item on page 34 and "emergency" on page 61.

Mr. LAMB. All of this amount is to be used as an emergency fund, and that is held in the Treasury, subject to the order of the Secretary of Agriculture, in case there is an outbreak of fire, an unusual outbreak of fire. Last year only $22,[illegible]00 of this $200,000 was used at all.

Mr. BATHRICK. In other words, you have a surplus of $178,000.

Mr. LAMB. Surely.

Mr. BATHRICK. Here is a $200,000 proposition in an emergency fund.

Mr. LAMB. Yes; the same appropriation as last year.

Mr. MANN. Will the gentleman yield?

Mr. LAMB. Certainly.

Mr. MANN. Is not this the fact, that for the first appropriation in the bill of $150,000, it is proposed to be used in the main for preventing forest fires held for an extraordinary emergency and the other carried under miscellaneous is not supposed to be used, except for the purpose of fighting forest fires?

Mr. BATHRICK. Why, the word "preventing" is used in both these items.

Mr. MANN. I understand that is to avoid trouble with the comptroller because, sometimes in fighting forest fires, you have to use preventive measures in advance of where the fire is

to head off the fire, and while that has been the purpose that course has been observed up to date by the department.

Mr. LAMB. I will say to the gentleman that this emergency fund was $1,000,000 previous to the past year, and we reduced it to $200,000, thinking this would be sufficient, and it has proven to be so.

Mr. BATHRICK. Does the gentleman favor the amendment of appropriating $200,000 more?

The CHAIRMAN. The time of the gentleman has expired.

Mr. WEEKS. I would like to have a couple of minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. WEEKS. I thought the chairman of the committee wished to ask me a question.

Mr. LAMB. No.

Mr. WEEKS. Then I do not desire the time.

The CHAIRMAN. The question is on the first motion of the gentleman from Massachusetts, to strike out $200,000 and substitute $400,000.

The question was taken, and the amendment was rejected.

Mr. LEVER. Mr. Chairman, I make the point of order against the next amendment.

The CHAIRMAN. The point of order is sustained. The Chair will recognize the gentleman from Ohio if he wants to offer an amendment.

Mr. BATHRICK. No, Mr. Chairman; I do not desire to do so now.

The Clerk read as follows:

To enable the Secretary of Agriculture to meet the emergency caused by the continuous spread of the chestnut-bark disease by continuing the study of the nature and habits of the parasitic fungus causing the disease, for the purpose of discovering new methods of control, and by putting into application methods of control already discovered, $80,000, and the Secretary of Agriculture is hereby authorized to expend said appropriation in such manner as he shall deem best, in cooperation with the authorities of the States concerned or with individuals, and to pay all necessary expenses for the employment of investigators, local and special agents, experts, assistants, and all labor and other necessary expenses, including rent, in the District of Columbia and elsewhere, as may be required: *Provided*, That of this sum not exceeding $10,000 shall be used in the study of the relation of insects to the chestnut-bark disease.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I desire to ask the chairman of the committee how extensive this chestnut-bark disease is and what classes of trees it attacks and affects?

Mr. LAMB. It has extended all through certain portions of Pennsylvania and all of West Virginia—nearly everywhere the chestnut is—and has destroyed very much, practically all, in Virginia and a great deal in New York, I understand.

Mr. MONDELL. Does it affect any tree except the chestnut?

Mr. LAMB. I do not know. I suppose it does, though.

Mr. MONDELL. How long has this appropriation been carried?

Mr. LAMB. Since just last year.

Mr. MONDELL. What progress has been made, if any, in checking the ravages of the disease? It seems to me rather a large amount of money to spend for checking the ravages of one particular disease affecting a particular kind of tree, and that a tree which does not enter into commerce to a very considerable extent.

Mr. LAMB. It is a very valuable tree. It is being destroyed all over the United States.

Mr. LEE of Georgia. It is very valuable for tanning purposes.

Mr. LAMB. The chestnut itself is valuable.

Mr. MONDELL. The chestnut is a nice nut, and I should regret if we should be deprived of chestnuts in their season, but this is a good deal of money to spend. What progress have we made?

Mr. LAMB. The same progress that we are making in regard to destroying the other pests in the forests. They did not tell us exactly what they had done.

Mr. MONDELL. The department started in a number of years ago to spend a large amount of money in an attempt to destroy the pine beetle in the western country, and, so far as I know, they have made little progress. They are now about where they started.

Mr. LAMB. They have not had a long time in which to experiment with this pest. We just put it in last year.

Mr. LEVER. Dr. Howard in his statement before the committee says that they have progressed so far under the appropriation carried in the current year that, with this appropriation in this bill available for the next current year, in one more year's time they ought to be able to complete the job.

Mr. MONDELL. They hope to entirely wipe out the disease?

Mr. LEVER. That is the statement; to get it under control and stop it from spreading.

Mr. MONDELL. How long will it be before it again breaks out and we must again expend $80,000 a year?

Mr. LEVER. The gentleman understands the only way to get rid of the chestnut-bark beetle is, as I understand, to cut the tree down and destroy it, burn it; but the proposition is here to prevent the rapid spread of the disease; to throw lines around it, and to stop it from going to other States and forests.

Mr. MONDELL. To protect private property?

Mr. LEVER. I guess so. You understand that the chestnut tree is one of the most valuable trees in this section of the country, both for the purpose of tanning and for telegraph and telephone poles and things of that kind. It is a very valuable forest product.

Mr. MONDELL. I presume all the chestnut trees would be diseased if it were not for this $80,000 expenditure by the Government?

Mr. LEVER. All the tree chestnuts.

Mr. MONDELL. There might be a few chestnuts left, but not the sort that are affected by the appropriation.

The CHAIRMAN. The time of the gentleman from Wyoming [Mr. MONDELL] has expired.

Mr. BOOHER. Mr. Chairman, I move to strike out the last two words in order to secure some information. I want to ask the chairman of the committee if this is not a duplication of this work?

Mr. LAMB. I think not.

Mr. BOOHER. On page 15 of the bill, a part already passed, I find this:

For the control of diseases of forest and ornamental trees and shrubs, $29,510.

Is not the investigation of the chestnut-tree disease covered under that appropriation?

Mr. LAMB. Twenty-nine thousand dollars would not go anywhere in controlling the chestnut-bark trouble. They wanted more money than this.

Mr. BOOHER. Is not that money enough to investigate and find out what causes it?

Mr. LAMB. You must go into the woods and destroy these pests, just as they did the moths in New England, and teach the people how to destroy them.

Mr. BOOHER. Have you got to go in the forests and destroy a hundred acres of trees in order to find the cause of the disease, or can you go to one tree and make a test on that tree and learn the cause?

Mr. LAMB. As to the modus operandi I can not tell you. I am not a scientist. I see here that we did not interrogate them closely as to this $80,000, because it is a new project, and we have every reason to trust scientists like Dr. Howard in matters like this.

Mr. HAWLEY. Will the gentleman from Missouri [Mr. BOOHER] yield to me?

Mr. BOOHER. With pleasure.

Mr. HAWLEY. Part of this money will be used, I understand, in making known to those who own the trees the nature of the disease and the remedy. The sending out of men to induce these people to destroy valuable forests is a work of considerable magnitude. The only way to check the ravages of the pest is to destroy the affected trees, and naturally men who have good forests dislike to cut them down unless they are entirely persuaded of the necessity of it.

Mr. BOOHER. I would like to ask the gentleman this question in reply: Is it necessary to go to each man who owns a forest of chestnut trees and ask him to cut them down personally, or is a general order to that effect sufficient?

Mr. HAWLEY. We can not make an order.

Mr. BOOHER. But you issue bulletins?

Mr. HAWLEY. Yes.

Mr. BOOHER. Will not these men who own the forests be governed by what is said to them in the bulletins, or must you pound it into them with a club?

Mr. HAWLEY. I am inclined to believe that men who have many thousands of dollars tied up in a forest would hesitate, after merely reading a bulletin, to do that.

Mr. BOOHER. He would not undertake to help himself unless you went to him and had a personal interview with him and convinced him that it was to his advantage to cut down his trees?

Mr. HAWLEY. I will say to the gentleman that the birds light on the trees and carry these spores that cause the blight on their feet, and thus spread the disease to many other men's chestnut trees, and in order to protect the entire forests on the Appalachian Mountains it is necessary to persuade the men whose forests are affected to get rid of the affected trees.

Mr. BOOHER. These are private forests, are they not?

Mr. HAWLEY. Yes. These are forests in the Appalachian Range, and the birds will go to other forests not yet affected and carry with them the infection.

Mr. BOOHER. The gentleman thinks this amount of money is necessary?

Mr. HAWLEY. Yes; I believe this is the least amount that would be adequate for the purpose, and I think it would be prudent to appropriate this amount.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

That on and after July 1, 1913, all publications issued by the Department of Agriculture shall be distributed under the direction and supervision of the Secretary of Agriculture, and the salaries or compensations of persons engaged in addressing, wrapping, mailing, or otherwise dispatching such publications, and necessary expenses for materials and supplies to be used in the work, shall be paid out of the appropriations for the Department of Agriculture. And the Public Printer shall return to the Department of Agriculture the machines, equipment, and unused materials, if any, transferred to the Government Printing Office in compliance with section 8 of the act of August 23, 1912 (37 Stat., p. 414).

Mr. FOSTER. Mr. Chairman, I make a point of order against the paragraph.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] makes a point of order against the paragraph.

Mr. LAMB. Mr. Chairman, will the gentleman reserve his point of order?

Mr. FOSTER. I will withhold it.

Mr. BORLAND. Then, Mr. Chairman, I make the point of order.

The CHAIRMAN. The gentleman from Missouri [Mr. BORLAND] makes a point of order. The point of order is sustained.

Mr. MANN. Will not the gentleman reserve it?

Mr. BORLAND. Yes; if requested to do so by the committee.

Mr. LAMB. I concede the point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

To enable the Secretary of Agriculture to effect an exchange of lands and indemnity rights with the State of Montana, $25,000, to be available until expended when the said State shall have appropriated a like amount to be used in cooperation with the Forest Service for the aforesaid purpose: *Provided*, That such exchanges shall be made on the basis of approximately equal area and value.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] moves to strike out the last word.

Mr. MONDELL. I do so for the purpose of asking the chairman of the committee what is proposed under this item which has just been read?

Mr. LAMB. This is a new item. Similar arrangements have been effected with other States where conditions are analogous—arrangements for the exchange of property in other States, just as in this instance, in North Dakota and Idaho. It is believed that these exchanges will subserve the best interests of both the Federal and State Governments. They want to exchange these lands where the State owns some land in a forest reserve for some land outside the forest reserve. It is an interchange of property. That is all it is.

Mr. MONDELL. Why does that interchange of lands entail such an expense as this?

Mr. LAMB. When the matter came up, I wrote to the Secretary and asked him to please fortify me with reasons along this line. I will read them.

Mr. BATHRICK. Mr. Chairman, I desire to reserve a point of order on that paragraph.

Mr. LEVER. The point of order comes too late.

Mr. LAMB. Mr. Chairman, I will read the following letter from Secretary Wilson on this subject:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, December 19, 1912.

Hon. JOHN LAMB,
Chairman Committee on Agriculture, House of Representatives.

DEAR CAPT. LAMB: Your letter of December 14 with inclosures is received.

The proposed amendment of Mr. PRAY, of Montana, which you inclose is to appropriate $25,000 to effect an exchange of lands and indemnity rights with the State of Montana; the money to be available until expended, when the State shall have appropriated a like amount to be used in cooperation with the Forest Service for the aforesaid purpose. The memorandum, which you also inclosed with your letter, setting forth the reasons why the money should be appropriated states the case, as I understand it.

The location of State lands within the boundaries of national forests has for some time been one not easy of satisfactory adjustment to the Federal Government nor to the States. Sections 16 and 36 scattered throughout the State boundaries belong to the States if the official surveys were extended to those regions prior to the creation of the national forests. If, however, the boundaries of the Federal reservation were established prior to the identification of these selections by survey, the lands remain under the jurisdiction of the Federal Government, but the State has the right to select other unappropriated, unsurveyed, public lands within the State boundaries under the act of February 28, 1891 (26 Stat., 796). The State officials have informed me, however, that most of the lands open to selection by this State are of values inferior to the lands within the forest boundaries which the State would have to surrender. For this reason an agreement has been submitted to me signed by the governor of Montana in which it is proposed to effect an exchange of these lands. The State is to take lands of approximately equal value and area, after an examination is made and an appraisal made of the lands surrendered and the lands to be selected, the State selections to be made just within the boundaries of the national forest, but along the boundary line. When the examination and appraisal are completed, is is proposed to ask the President to sign a proclamation authorizing the exclusion of the selected lands and reducing the national forest boundaries accordingly.

A similar arrangement was effected with the State of South Dakota. That State has surrendered all of its indemnity rights within the national forest boundaries, and has secured title to a block of land in exchange for its scattered holdings. A similar agreement is now in force with the State of Idaho, which will permit Idaho to relinquish its indemnity rights for national forest lands as was done in the South Dakota case.

An estimate has been made by forest officers that the Montana exchange will cost approximately $50,000. The State officials have informed me that they will contribute one-half of this amount if the Federal Government will appropriate $25,000 for its share of the work.

I believe that these exchanges are in the best interests of both the Federal and the State Governments, and that the States are entitled to lands of approximately equal areas and values to the lands or indemnity rights surrendered; whereas, under the present conditions, with most of the valuable unappropriated public lands disposed of, the State can not secure the same values except by effecting an exchange for lands within the boundaries of national forests.

I have the honor, therefore, to recommend that Mr. PRAY's amendment be given favorable consideration by your committee.

Very sincerely, yours,

JAMES WILSON, *Secretary.*

The committee gave the matter favorable consideration, and this is the result.

Mr. MONDELL. The Secretary's letter is very interesting, and it sets forth a state of facts with regard to which we are—some of us—quite familiar.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. I ask that I may have two minutes more. Most of my time was occupied by the gentleman from Virginia.

The CHAIRMAN. The gentleman from Wyoming asks that his time be extended two minutes. Is there objection?

There was no objection.

Mr. MONDELL. I do not think the Secretary makes it very clear that the Government ought to be called upon to make so large an appropriation as this in connection with these exchanges. That the exchanges ought to be made is, I think, clear beyond question, but it rather appears to me that the State is endeavoring to unload the cost of the exchanges upon the Federal Government very largely.

Mr. LAMB. It is simply a trade of lands, just such as would be proper to make between individuals.

Mr. MONDELL. Yes; and there is no reason on earth why the Forestry officials in the ordinary discharge of their duties can not perform every act which is necessary to be performed without additional expense or without so large an expenditure as this.

Mr. LAMB. I think it is in the interest of the State and Federal Government to exchange the lands.

Mr. MONDELL. I think so; but it does not necessarily follow that we should throw away money because we are doing a good thing. I will not move to reduce, but I think the item large.

The CHAIRMAN. The time of the gentleman has again expired.

The Clerk read as follows:

That nothing contained in the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes, approved June 26, 1912, shall be so construed as to prohibit the payment from the appropriations for the Department of Agriculture of expenses incidental to the delivery of lectures, the giving of instructions, or the acquiring of information at meetings by its employees on subjects relating to the work of the department authorized by law.

Mr. FITZGERALD and Mr. MANN reserved a point of order against the above paragraph.

Mr. LAMB. It is stated to the committee that the principal and most effective means of disseminating information by the Department of Agriculture is by lectures and addresses before organized bodies of farmers, such as farmers' institutes, grange meetings, lumbermen's associations, State and Federal chemists' associations, State agricultural societies, and the like, by officials in all branches and bureaus of the department; and unless some such proviso as the foregoing is enacted into law the work of the department will be greatly crippled or practically destroyed. This provision is to correct a mistake or error that was enacted into law last year at the suggestion of the Committee on Appropriations.

Mr. FITZGERALD. Mr. Chairman, there was no mistake or error or misunderstanding in enacting that provision. It was

enacted to eliminate one of the most vicious abuses in the entire governmental service, the practice of paying the expenses, membership fees, and other incidental expenses of various governmental employees attending meetings at various times. I do not say that the Department of Agriculture has no important work to do, and that the necessary expenses of certain employees of the department appearing before certain bodies to present their views by means of lectures should be paid. But this paragraph in the bill makes available every appropriation made for the Agricultural Department, without any limit, for this purpose. This department was one in which the greatest abuses existed. If I can prevent it, I do not propose that the same conditon shall be restored that existed prior to the enactment of the provision last year proposed to be repealed.

Last year three great reforms were instituted in connection with the governmental service. One was the consolidation of the distribution of public documents in the city of Washington, one was the elimination of the abuse connected with the payment of membership fees in societies and traveling expenses of Government employees attending meetings, and the third was prohibiting the increase of salaries in lump-sum appropriations, either by increase in the compensation or by transfers of persons upon the statutory roll at a fixed salary to the lump appropriation at a greater salary.

This bill proposes to take the Department of Agriculture from the operation of the three provisions of law enacted to obviate these abuses in the one department of the Government which was most notorious for abuses existing and one at which the provisions of law were aimed. I propose to take out this provision and the next provision, because they violate the rules of the House.

Mr. LEVER. Mr. Chairman, I presume that nothing I may say will induce either of the gentlemen who reserved the point of order from making it at the proper time. If I was absolutely sure of that fact, I would not take up the time to discuss the proposition, but I want to call the attention of these gentlemen and the members of the committee to this fact: The Department of Agriculture is a little differently constructed and situated to any other department of the Government. That is necessarily true. The law creating the Department of Agriculture directs it to collect and diffuse information relating to agriculture in the broadest and most comprehensive sense of that word.

The department must get its information not in its laboratories in Washington, not in its offices here, but it must go out into the field and get the information with which to educate the people in the field. It is necessary, therefore, in collecting the information, first of all, that the experts and scientists of the Department of Agriculture should attend from time to time the meetings of associations which involve membership of a character similar to theirs. For instance, it is a very important matter to have some gentleman from the Department of Agriculture attend the meetings of the Association of Agricultural Colleges and Experiment Stations of the United States. These men who are carrying on the great work of educating the youth of the country along agricultural lines impart much valuable information to representatives of the department, who have the opportunity of hearing these lectures and discussions, and in turn can make available a great mass of information to the agricultural people of the country in general.

Another thing, throughout the country we have associations, for example, the National Live Stock Association, the dairy associations, and associations of all descriptions touching agriculture in its various phases.

It is absolutely necessary for the Department of Agriculture, if it is to maintain its high standard of leadership in agriculture, that its experts should be allowed to attend the meetings of these associations, not only to get information which is valuable, but what perhaps is more valuable, to be able to give information to these various associations composed of men scattered throughout the United States in every State. To do that it is necessary that these men, whose salaries are not exorbitant, should be given their traveling expenses, incidentals, and such expenses necessary in the attendance at the meetings of these associations.

That is all we desire to do in the item we have submitted here. If there are any abuses, the Committee on Agriculture knows nothing about it. Probably there have been abuses. I would like to know what service there is in the Government into which there does not creep from time to time abuses and to which we might point the finger on the floor of the House. I do not believe that the Department of Agriculture is any more guilty of a violation of the law or direction or intent of Congress than any other department of the Government, and I resent the imputation of the gentleman from New York on that proposition. I do not believe that the Department of Agriculture will violate this section for one minute. I do not believe it will violate the sections we are trying to repeal. If the Department of Agriculture is to continue its great work, if it is going to collect and disseminate information on agricultural subjects, then some way must be provided by which the expenses of the men gathering the information and giving it out shall be borne by the General Government.

Mr. LAMB. Mr. Chairman, in regard to what has been said, I want to say that when Secretary Wilson was before our committee I asked him this question:

The CHAIRMAN. The next subject, Mr. Secretary, is one of considerable importance to us. It is the matter, you know, of traveling expenses, attending meetings, conventions, etc. You wrote me a long communication about it showing how it would touch the different bureaus, and I would like to have you express to the committee your frank and candid opinion about the matter.

Secretary WILSON. Well, you know our work is all outside of Washington. We keep the books in Washington, and things of that kind, but the actual work is out in the field among the people, and it is an educational work in nearly all respects. And when farmers want to hear from one of our people here we regard it as a good opportunity to give information, and so we always have been sending out some people. The privilege may have been abused, but nobody ever abused any of those privileges without being disciplined for doing it, and it is very rarely that I have ever been able to detect any abuses; very rarely. I think that my successor ought to have a pretty free hand in sending out men to give information. That is one of the ways by which the farmers get educated.

The CHAIRMAN. Well, the following language, it seems to me, which you suggest, will relieve the situation. I will read it for the benefit of the committee, that it may get into the record:

"Nothing contained in the act making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes, approved June 26, 1912, shall be construed so as to prohibit the payment from the appropriations for the Department of Agriculture of the expenses incidental to the delivery of lectures, the giving of instruction, or the acquiring of information as needed, by its employees, on subjects relating to the work of the department authorized by law."

That is what you suggest.

Secretary WILSON. That is intended to cure that. The matter is set forth fully in my letter to you under date of December 17, 1912, as follows:

DECEMBER 17, 1912.

Hon. JOHN LAMB,
Chairman Committee on Agriculture, House of Representatives.

DEAR CAPT. LAMB: The act making appropriations for the District of Columbia for the present fiscal year contains a provision reading as follows:

"SEC. 8. No money appropriated by this or any other act shall be expended for membership fees or dues of any officer or employee of the United States or of the District of Columbia in any society or association or for expenses of attendance of any person at any meeting or convention of members of any society or association, unless such fees, dues, or expenses are authorized to be paid by specific appropriations for such purposes or are provided for in express terms in some general appropriation."

You will recall that when the far-reaching effect of this provision became apparent that a section was included in the sundry civil act approved August 24, 1912, reading as follows:

"SEC. 10. That section 8 of the District of Columbia appropriation act, approved June 26, 1912, shall not take effect or be operative during the fiscal year 1913 except to the extent that it prohibits the payment of membership fees or dues in societies or associations: *Provided*, That during the fiscal year 1913 expenses of attendance of officers or employees of the Government at any meeting or convention of members of any society or association shall be incurred only on the written authority and direction of the heads of executive departments or other Government establishments or the government of the District of Columbia; and a detailed statement of all such expenses incurred from June 30 until December 1, 1912, shall be submitted to Congress on or before January 1, 1913."

It thus appears that unless remedial legislation is enacted, section 8 of the District bill as originally enacted will become operative on July 1, 1913. As this section prohibits the payment by the department of expenses of attendance of any person at any meeting or convention of any society or association, which has been construed to include farmers' meetings, the effect will be to practically paralyze some of the most important lines of work which the department is carrying on, as well as seriously interfere with many other phases of work.

Below is a summary of the manner in which the various bureaus, offices, and divisions of the department are affected by this legislation:

WEATHER BUREAU.

The Chief of the Weather Bureau, as well as the officers and employees of the bureau located in various parts of the country, is frequently called upon to explain to farmers' associations, commercial bodies of various kinds, and similar organizations the work of the Weather Bureau, and how the results of its investigations may be more fully utilized. The section in question will stop work of this nature entirely. It will also prevent the presentation of the work of the bureau before various scientific bodies except through publications.

BUREAU OF ANIMAL INDUSTRY.

The majority, if not all, of the lines of work conducted by the Bureau of Animal Industry are represented by associations, societies, etc. In order to secure efficient cooperation and keep in touch with the associations and societies conducting similar work it is essential that representatives of this bureau attend meetings of the associations; otherwise they will lose not only the opportunity to gain valuable information, but to explain, interest, and instruct those connected with various industries. A great deal of the work is also conducted in cooperation with city, county, and State governments. Cities are constantly asking the bureau for aid in securing pure milk; farmers want help in eradicating cattle ticks, sheep scabies, etc., in improving the stock of horses and cattle, and in many other lines of work.

The attendance of representatives of this bureau at county fairs, farmers' institutes, etc., affords the cheapest and most efficient way for the bureau to furnish the information desired.

BUREAU OF PLANT INDUSTRY.

One of the principal and most effective means by which the bureau is able to secure the practical application by the farmers of the country of the many important discoveries which have been made by its experts and investigators is through addresses before organized bodies of farmers, such as farmers' institutes, grange meetings, farmers' unions, and the like. The effect of section 8 is to entirely cut off this important medium for the dissemination of information of great value to the farmers of the country.

It will be impossible to do effective organization work in connection with the boys' and girls' club work which has had such a marked benefit upon agricultural conditions in the South and which the bureau is now planning to extend through the northern States. Unless the local commercial and agricultural organizations can be interested in this work its chances of success are very slight.

It will be impossible to effectively carry out important work which has recently been inaugurated with a view to improving the present methods of growing, handling, grading, and marketing cotton, the fundamental basis of this work being the organization of the farmers in various sections into cotton-growing associations.

It will be impossible to keep in touch with the grain trade, which has been done heretofore through the various grain dealers' associations, in order to secure their cooperation in connection with the grain-grading investigations.

FOREST SERVICE.

By the attendance of members of the Forest Service at meetings of lumbermen and timberland owners much valuable information is gained by the service regarding the proper conduct of timber sales and information imparted as to forestry methods.

In connection with section 2 of the Weeks Act of March 1, 1911, the attendance of a representative of the service at the meetings of an association known as the Northwestern Foresters, including the State foresters of practically all of the States of the Northeast, is essential for the cooperative protection of the navigable watersheds from fire as contemplated by the act.

The 25,000 grazing permittees of the national forests are represented almost exclusively through various associations, with which associations the service must deal in connection with matters relating to grazing regulations. A proper understanding of the situation by all parties concerned requires the attendance of representatives of the service at meetings of the various associations.

For the better protection of the forests from fires the timber owners in the West have organized themselves into fire-protective associations. These associations hold frequent meetings to devise and discuss means of protection. It is evident that the Forest Service has much to gain by sending representatives to these meetings.

The effect of the section in question will be to practically prohibit the attendance of its members at any meeting of the character indicated above.

BUREAU OF CHEMISTRY.

One of the most serious effects of the section in question will be to prevent the attendance of scientists of this bureau at the annual meetings of the Association of Official Agricultural Chemists, which is made up of State and Federal chemists. At this meeting technical methods for making chemical analyses are discussed and adopted. This is very important, for the reason that the regulations under the food and drugs act of June 30, 1906, require that the methods of analysis employed in the examination of samples in the enforcement of that act shall be those prescribed by the foregoing association.

Inability to attend meetings of the farmers' and trade organizations will not only stop one of the most effective ways of disseminating information obtained for the betterment of these industries but will greatly increase the cost of securing data necessary in many investigations. By attending a convention of the leading men of an industry it is frequently possible to secure information that would require travel to nearly every State in the Union if the information was obtained by visiting the individuals.

Some of the most important investigations are made in cooperation with semiofficial organizations, such as the United States Pharmacopœia Convention, and it is of great value to the men who are in charge of the investigations to get in touch with the workers in other organizations for the mutual exchange of ideas and reports of progress. This can best be done by attendance of the men at the conventions and meetings, which will be prevented by this section.

BUREAU OF SOILS.

The section in question will prevent the attendance of officers or employees of this bureau at meetings of technical societies, trade associations, meetings of farmers' associations, State agricultural societies, and county organizations. Experience has shown that attendance at such meetings is frequently the best and most effective way to disseminate information and data secured by the bureau, and very often discussion with groups of individuals at such meetings is the only practicable method and generally the cheapest method of obtaining information and data of inestimable value to the work of the bureau.

BUREAU OF ENTOMOLOGY.

Section 8 will prove a serious detriment to the work of this bureau by prohibiting attendance at meetings of owners of timber and manufacturers of forest products to explain the results of its investigations and demonstrate practical methods of control or prevention of depredations by insects or meetings of entomologists to discuss scientific questions relating to the habits of insects and methods for their control. It is exceedingly convenient and economical to meet farmers at agricultural gatherings and address them on subjects in which they are vitally interested. The enforcement of this section would prevent in a great measure the attainment of one of the primary objects of the bureau, namely, the dissemination of information and instruction on practical results secured from scientific investigations.

BUREAU OF BIOLOGICAL SURVEY.

Much of the work of this bureau is done in cooperation with numerous National, State, and local associations, such as National and State game associations, National and State Audubon societies, State experiment stations, and ornithological societies, whereby it is enabled to accomplish vastly more work than would otherwise be possible. In order to continue this mutually beneficial relationship it is frequently necessary that representatives of the bureau attend meetings of such associations where lines of work similar to those carried on by the bureau are discussed and future work of a like character planned. Attendance by representatives of the bureau at such meetings not only extends opportunities for cooperative work, but the bureau obtains valuable publicity for its own investigations, thereby greatly extending its usefulness to the public. To withdraw this privilege would seriously cripple some of the most effective and valuable work of the bureau.

OFFICE OF EXPERIMENT STATIONS.

This office has for many years worked in closest connection with and formed a very vital part of the Association of American Agricultural Colleges and Experiment Stations. The work with this association has been one of the largest features of the office's activity, and the meetings of the association have furnished the most valuable opportunity that could be presented for the discussion of matters pertaining to the experiment stations and the development of agricultural instruction.

The work of the office for the farmers' institutes of the country in their better organization and higher efficiency has been carried on effectively through the American Association of Farmers' Institute Workers. There is no means by which the department can as effectively prosecute its work for the advancement of the farmers' institutes as through this association.

In the conduct of its work in the interest of irrigation and drainage its men are constantly called upon to attend meetings of farmers' clubs, water users' associations, drainage associations, or other bodies who take an active interest in irrigation and drainage.

The attention which the National Education Association is now giving to matters pertaining to agricultural instruction has developed largely out of the work which representatives of this office have done in the association by attendance at its various meetings. All of the foregoing activities will be seriously checked, if not entirely stopped, by the section in question.

OFFICE OF PUBLIC ROADS.

During the fiscal year just ended the representatives of this office delivered over 700 lectures and addresses, most of these lectures being given at farmers' meetings, such as farmers' institutes, grange meetings, gatherings called especially for the purpose of discussing road problems, and at colleges, universities, and public schools, and before road conventions and associations.

This method of disseminating information has been productive of excellent results, and it is believed if this work is stopped that it will have a baneful effect upon the good-roads movement in the United States.

In order to secure relief from the difficulties set forth above it is suggested that a paragraph similar to the one below be embodied in the pending Agricultural bill:

"Nothing contained in the act making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes, approved June 26, 1912, shall be construed so as to prohibit the payment from the appropriations for the Department of Agriculture of expenses incidental to the delivery of lectures, the giving of instruction or the acquiring of information at meetings by its employees on subjects relating to the work of the department authorized by law."

Respectfully,

JAMES WILSON, *Secretary.*

Then follows the letter he refers to, which he sent me in reply to my inquiry. He states that of about 13,000 employees in the department there are only a small number in Washington. These people go out and get information, and if you fix the law so they can not go out you stop the operation. That is the sum total of this proposition, and it is for the House to say what it will do.

Mr. MONDELL. Mr. Chairman, a number of years ago I moved two amendments to the Agriculture appropriation bill, which are carried on page 36 of the bill, prohibiting the payment of certain traveling expenses, prohibiting payment for certain classes of publications, and so forth. At the time those amendments were adopted it was very apparent that the Agriculture Department, and particularly the Forestry Bureau, had expended a large amount of public money in sending men about over the country to influence local gatherings. At one meeting held in the far West there were over 100 representatives of the Agriculture Department, and what ought to have been a meeting expressing the sentiment of the locality, for it was called for that purpose, became a meeting largely controlled or influenced by Federal officials. The Forestry Bureau at one time kept men going about the country giving lectures. It paid, as the gentlemen from New York [Mr. FITZGERALD] has just said, for instruction in colleges and for traveling expenses of rangers, Federal officials attending, going back and forth to these schools. I heard an echo of that sort of practice the other day in a demand made on a former ranger in the service for the return to the Federal Government of the moneys advanced to pay for his transportation going to and returning from a forestry school.

I grant you, Mr. Chairman, that it would be perfectly lovely if some of us—of course we could not all enjoy that privilege—could invite into our districts gentlemen connected with the Agriculture Department, with beautiful lantern slides and fine lanterns, and have them edify and possibly instruct our people relative to the activities of the department. This sort of thing might be so worked as to be very valuable as an adjunct of a campaign, and far be it from me to refuse to any gentleman who ought to return to the House the opportunity of increasing his majorities in this way.

But the difficulty is that the departments have not been inclined to confine their activities to the dissemination of knowledge or to the entertainment of our constituencies, to our considerable benefit, alone, but they have gone about deliberately manufacturing public sentiment oftentimes contrary to the announced policy of Congress. This was formerly done by employees of the Forestry Service, of the Bureau of Good Roads; by employees of other bureaus.

We all ought to realize that the more active and forceful a man is in the discharge of his public duties in the bureaus the more necessary it sometimes becomes to prevent him, in the

exuberance of his enthusiasm, from attempting to use the money and the influence of the Government for the purpose of developing sentiment in lines and directions which Congress has not approved. And it seems to me that even should we go so far as to provide for illustrated lectures for the benefit of gentlemen fortunate enough to secure them for their constituents, we at least ought not to deliberately appropriate the people's money for the purpose of having it used to build up the bureaus rather than to disseminate information and to cultivate a sentiment favorable to the extension of Federal activities into questionable fields.

If this provision goes out, these gentlemen will still have abundant opportunities to appear at meetings. There are lawful and proper ways to accomplish that to a reasonable extent. The people expect it, and such appearances and the information and entertainment that Federal officials can and do furnish is very helpful and useful. The authority now asked would likely be abused.

The CHAIRMAN. Does the gentleman from New York insist upon the point of order?

Mr. FITZGERALD. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

That hereafter section 7 of the act approved August 26, 1912 (37 Stat., p. 262), shall not apply to the payment, out of moneys appropriated or which may be hereafter appropriated in lump sum for the Department of Agriculture, for personal services of employees engaged in scientific or technical work: *Provided*, That nothing contained herein shall be construed to authorize the transfer of any person employed at a specific salary and the payment of compensation from lump-sum appropriations at a rate greater than said specific salary.

Mr. FITZGERALD. Mr. Chairman, I make the point of order to the paragraph.

Mr. LAMB. Mr. Chairman, I will ask the gentleman to reserve the point of order.

Mr. FITZGERALD. Very well.

Mr. LAMB. Mr. Chairman, I would like the House to know what the Secretary said on this subject when we had him before us:

It is possible that the committee does not fully appreciate the extent of the department's annual loss due to the resignation of capable and trained employees, particularly scientific and technical employees, who are offered and accept more lucrative employment either in other branches of the Government service or the commercial world outside. Appreciating the fact that our losses on this account were considerable, and desiring specific and exact information on the subject, I recently requested the chiefs of the various bureaus of the department to submit to me a list of the scientific and technical employees under their supervision who had separated from the service during the preceding year for the purpose of bettering themselves financially elsewhere. I discovered that during the period of one year prior to last October the department had lost in this way not less than 203 efficient and valuable employees of this character.

The number itself is impressive. It should also be remembered that offers from the outside are always made to men of particular value to us. In addition, the department also loses many of the executive and clerical employees in the same way, but it is not so difficult to fill their places as it is in the case of scientific and technical employees. These losses will possibly continue, for men of scientific training command larger salaries in the commercial world than in the Government service, and it would seem to be a distinct gain to the Government by means of reasonable recognition of valuable service to check such losses as far as possible. So, Mr. Chairman, we will have to lift the salaries just a little bit to keep the educators of the department. That is what this provision is for. When we transferred from the lump sum to the statutory roll all of these people we brought along with us men who were receiving salaries from $1,200 to $1,500, and there is no opportunity for these people to get any increase now save by congressional action.

Mr. FOSTER. Let me ask the gentleman from Virginia, does not the gentleman think it is bad practice for men to be paid out of lump-sum appropriations?

Mr. LAMB. I will say to the gentleman that if we had at the head of every one of these bureaus men of iron will and nerve that perhaps it would be the best way possible. I know of instances here in other departments where men of that character have taken charge of bureaus and with two-thirds of the men have done more work than was before done in the bureau.

Mr. FOSTER. That may be so in some instances, but if you can do better with lump-sum appropriations why not appropriate for the Agriculture Department $17,000,000 and say to them, "Go and do what you will with it and show us the result"?

Mr. LAMB. My friend well knows that in the Agricultural Department, with all these bureaus and divisions, with the great Animal Industry, the Weather Bureau, the Plant Industry, and so forth, that it would be simply impossible to do it, hence we have a lump-sum fund and a statutory roll.

Mr. FOSTER. I agree with the gentleman, but I think that the Congress ought to fix the salary.

Mr. LAMB. Do not understand that I fail to appreciate the difficulty connected with it, but we encounter difficulties everywhere.

Mr. FOSTER. The gentleman will recall the abuses that have grown out of these matters have been where you have had lump-sum appropriations and the head of the department has been permitted to fix the salaries of men which have been out of proportion to what other men in the Government service have been receiving, men just as competent.

Mr. LAMB. I have made my statement, gentlemen, and I leave it to you.

Mr. FITZGERALD. Mr. Chairman, there is no doubt this provision stops a very gross abuse and this would permit it to be reestablished in this department which by this practice took away from every other department of the Government the most competent men. Nobody can prevent or stop men from leaving the Government service to better themselves outside. I insist on the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

To enable the Secretary of Agriculture to acquire and to diffuse among the people of the United States useful information on subjects connected with the marketing and distributing of farm products, and for the employment of persons and means necessary in the city of Washington and elsewhere, there is hereby appropriated the sum of $50,000.

Mr. BORLAND. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. LEVER. What is the point of order? We might as well dispose of it.

Mr. BORLAND. The point of order is that it is new legislation.

Mr. LEVER. I am willing to challenge that proposition.

Mr. MANN. It is not legislation at all, it is an appropriation.

Mr. BORLAND. I want to say further, Mr. Chairman, in discussing the point of order that there is a very grave question whether the marketing of crops or anything else is a part of the agricultural appropriation bill.

Mr. MANN. Will the gentleman from Missouri yield for a moment?

Mr. BORLAND. Yes.

Mr. MANN. We are met with a peculiar situation. Last year we directed the Secretary of Agriculture to make an investigation and report upon this subject matter, and he has reported in a volume that covers several hundred pages. I do not know whether the gentleman from Missouri has examined that volume or not. It has been rather difficult to obtain. I received a copy and read it through and sent it to another gentleman who was anxious to get it. The limit of the number published was 1,000, and it has been very difficult to obtain it. He went into this subject very fully. The Senate has passed a bill to create a division under the Bureau of Statistics in the Agricultural Department. That bill has been reported to the House by the Committee on Agriculture in the House.

In this report of the Secretary of Agriculture it clearly appears that to carry out the provisions of the bill that the Senate has passed, and which is now standing before the House, would involve untold sums of money. No one can dream how much it would cost, but my judgment leads me to believe that it would be from $200,000,000 to $1,000,000,000 a year.

Now, here is a proposition to undertake this work in a progressive and sensible manner, and see what it will cost and what can be done before it is enacted into law. The same item would be subject to a point of order another year. But if this Senate bill passes the House, and my judgment is it will pass the House, and this item goes out of the appropriation bill, then we have an organic law that will involve the expenditure there of hundreds of millions of dollars a year and a control by the Government of the market supplies throughout the United States on every agricultural product. With that view of it, is it not more sensible to try this experiment at a cost of $50,000 for one year? And if it works well undoubtedly it would be increased in the course of time to a larger sum, but never out of the control of the gentleman from Missouri [Mr. BORLAND], if he is here, on a point of order.

Mr. BORLAND. Does not the gentleman's argument reach necessarily in the direction of increasing these amounts from year to year? He says the purpose in view under the Senate bill would require an untold amount of money and perhaps involve the Federal Government in the marketing and distribution of all agricultural crops.

Mr. LEVER. Not at all.

Mr. BORLAND. Now, is not this the first step toward that sort of a plan?

Mr. MANN. I think this would prevent that sort of a plan. The adoption of this item in the bill would prevent the adoption of the plan proposed by the Senate bill. The Agricultural Department, in the report made by the Secretary, does not desire the passage of the Senate bill; and we will know more by this experiment, and yet will not have written into the organic law a provision authorizing the appropriation of untold sums which we will not wish to appropriate, but which will be appropriated if this authority is given.

Mr. LEVER. This language enables the Department of Agriculture to do nothing more than to acquire and diffuse among the people information on the subject of the marketing and distribution of farm products. It is not necessary to control the marketing or to gather information.

Mr. BORLAND. It must necessarily lead to the control of the marketing, else there would be no advantage in it. Market reports are sent out from live-stock agencies, from produce companies, and from elevator companies every day now. There is no lack of market reports.

Mr. CAMPBELL. We see them in the newspapers every day.

Mr. MANN. I think if the gentleman has read this book, issued by the Department of Agriculture, he will understand how they can profitably expend at once $50,000, and possibly $100,000, a year, without entering upon the proposition carried in the Senate bill. And the department does not wish to do it. For instance, this is a part of the general summing up of the book published by the department:

General market-news service is not recommended.

Although that would be covered by the Senate bill.

If such service were derived from telegraphic reports, the expense would be enormous.

That is not urged and not carried by this, although it would be carried by the Senate bill. All along the line it would be the same thing. I hope in the interests of economy the gentleman will withhold his point of order.

The CHAIRMAN. Will the gentleman withhold for just a question?

Mr. BORLAND. Certainly.

The CHAIRMAN. The Chair will read from the section of the statute creating the Department of Agriculture:

SEC. 520. There shall be at the seat of government a Department of Agriculture, the general design and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture, in the most general and comprehensive sense of that word, and to procure, propagate, and distribute among the people new and valuable seeds and plants.

Now, taking that definition of the purpose of the Department of Agriculture, and then looking at the language of this section, the Chair would like to have the gentleman from Missouri [Mr. BORLAND] indicate in what way he thinks this paragraph is not in order.

Mr. BORLAND. Mr. Chairman, there are two reasons why I think this paragraph is not in order. One is that it provides for a new branch of activity not contemplated by the fundamental act of the Department of Agriculture, and the other is that it provides for a branch of activity which is not within the jurisdiction of the Department of Agriculture or of the Federal Government. But I understand, Mr. Chairman, that this is an experimental appropriation.

Mr. LEVER. Mr. Chairman, I would like to hear what the gentleman from Missouri is saying.

The CHAIRMAN. The committee will be in order.

Mr. BORLAND. I say I have grave doubts whether this is in the power of the Department of Agriculture as it is created, or whether it is within the power of any department of the Government to collect and furnish these market reports. But I understand that this is an experimental appropriation. The amount is so small that necessarily it must be experimental, because very little information could be collected and disseminated for $50,000 over a country as large as this. It is to determine whether the thing is feasible and to what extent it can be carried. The point of order would be just as good against the renewal of this appropriation in succeeding years, and for that reason I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn.

Mr. HEFLIN. Mr. Chairman, I ask unanimous consent to address the House for 10 minutes.

The CHAIRMAN. The gentleman from Alabama [Mr. HEFLIN] asks unanimous consent to address the House for 10 minutes. Is there objection?

There was no objection.

Mr. HEFLIN. Mr. Chairman, I send to the Clerk's desk and ask to have read an editorial from the Louisville (Ky.) Courier Journal.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

LESTER BRYANT.

There will be general and profound sorrow in Kentucky because of the tragic end of Lester Bryant, the boy corn grower of Warren County. His death by asphyxiation in a Washington rooming house was a most pitiful and unexpected termination of what otherwise would have been one of the memorable events of his life. Lester Bryant's labor was worth much to his county and his example was worth much to his State. His untimely death is a loss not only to his parents, his friends, and his county, but, in some degree, a loss to the Commonwealth and to the country at large. Boys of his sturdy character and manly achievements are needed in State and in Nation.

Mr. HEFLIN. Mr. Chairman, last year young Kimbrough, a 15-year-old boy from my district, came to Washington to receive a prize for having produced more corn on 1 acre of ground than any other boy in the State of Alabama. He produced on 1 acre 224 bushels of corn. Well do I remember the impression he made upon me when I saw him in the gallery of this House, how I looked with admiration upon the manly little fellow and prophesied the time when he would become an ideal farmer in my State.

Mr. Chairman, a few days ago a Kentucky boy, Lester Bryant, came to Washington to receive a prize that he had won for producing more white corn on 1 acre of ground in Kentucky than any other boy produced on a like area in half a dozen States around him. He died in this city and now sleeps on the slope of a hill near the field where he wielded the hoe and guided the plow in producing that record-breaking yield. While we have under consideration the agricultural appropriation bill, as a member of the Committee on Agriculture, I want to lay a simple and deserved tribute upon the new-made grave of this little Kentucky boy who did so much for agriculture in the United States. I know, Mr. Chairman, that what I may say will not affect him now, but it may be of some comfort to his loved ones and friends and may be of some value to some farmer's boy somewhere.

He was born and reared on a Kentucky farm, and when the Secretary of Agriculture called for boy volunteers to help increase the corn supply of the United States he became a volunteer in the army of American corn growers. This army was composed of 75,000 American boys, and Lester Bryant was only a private in the ranks; but, Mr. Chairman, there was chance for promotion, and opportunity was given to become an honored captain in that industrial army. This youthful Kentucky farmer at the end of 12 months' service was one of 50 boys chosen from the ranks of 75,000 as a prize winner in a contest where industry and skill of a high order were essential to success. He won his promotion from the place of a private in the ranks to the office of a captain in this industrial army, and he came here to receive his commission at the hands of the Secretary of Agriculture, the commander in chief of the corn boys' army.

When his eyes beheld for the first time this glorious capital of our country, how beautiful the vision to his enraptured gaze. But, Mr. Chairman, within a few hours of the time when he would have heard the Secretary of Agriculture say, "Well done, my boy; you have won the prize," death touched him and he fell into that mysterious sleep that kisses down his eyelids still. The news of his sad and untimely death sent a pang of sorrow through this House and over the country. Plucked out of life when hope was high and the future seemed so bright—dead in the morning of a happy, buoyant youth time. And yet, Mr. Chairman, he did more in his brief time on earth to teach the art of intensive farming than thousands of men who have lived long and died of sheer old age. He has done more for his State and Nation in emphasizing the marvelous possibilities of 1 acre of ground than thousands of men who have lived their threescore years and ten. He was a little missionary carrying to the farmers of his State and Nation the gospel of intelligent, scientific farming, and the fact that he did accomplish so much by the intelligent cultivation of 1 acre of ground will stand out an example and beacon light to every farmer boy who aspires to become a successful farmer. He broke the soil deep, carefully prepared the ground, and selected the seed corn that he planted. He devoted time and labor to the careful cultivation of that 1 acre of ground, and when the harvest time came, amongst all those seeking the prize for the greatest yield of white corn on 1 acre of ground, his name led all the rest. The soil yielded her increase and gave to this farmer boy a record-breaking yield, and Lester Bryant in the sweat of his face became a hero on the field of agriculture.

Mr. Chairman, he was on the corn boys' firing line in the battle for bread. He had enlisted in a noble cause, and before he was 15 years of age surpassed all that had been accomplished on the British farm in the heyday of its production, when, as Goldsmith in his "Deserted Village" wrote, "Every rood of

ground maintained its man." He produced on 4 roods of ground, or 1 acre, enough corn to maintain not 4 but 11 men. He had overcome difficulties that stood in the way of generations of farmers before him. He had removed the barriers over which thousands of farmers had stumbled in their efforts to make the earth yield her increase. He wooed the soil and she told him her secrets. He touched the growing corn with the magic wand of his skill and genius and it responded with luxuriant growth to his intelligent touch. This young Kentucky farmer, this little wizard of the cornfield, has rendered his State and Nation a great service in showing the productive possibilities of the soil. He has made a splendid contribution to scientific agriculture. He has produced from 1 acre of ground six times as much as used to be considered a fair yield. Mr. Chairman, we are told that the man who makes two blades of grass to grow where only one grew before is a benefactor. How much greater, then, the service of this little boy who made 6 bushels of corn to grow where only 1 grew before. This little Kentucky boy bade fair to become an ideal farmer. The example of his sturdy life and the work that he has wrought will be of benefit to his fellows in the years to come. He did not lean upon his hoe and gaze upon the ground, as did the desponding peasant in Markham's "Man with the Hoe," but with head erect and light upon his face stood there on his father's farm a perfect little prince in the kingdom of agriculture. The father looks with affection and pride upon such an industrious, sturdy son, and the good mother blesses the day that he was born. Some boys despise work. John Ruskin has truly said:

There is an idle class among both rich and poor, weak, wicked, and miserable. There is a working class among both rich and poor, strong, healthy, and happy.

Lester Bryant belonged to the working class of which John Ruskin spoke. He had enlisted for life in the agricultural army of his country. Mr. Chairman, it is a sad thing to see a boy drifting aimlessly along, devoid of pluck and energy, lazy, and indolent; but how supremely refreshing and how pleasing to see a boy full of vim and energy, buoyant, industrious, and hopeful, doing what his hands find to do. This youthful Kentucky farmer was such a boy. He was a blessing to his parents and a distinct benefit to his day and generation. Peace to his ashes.

The hoe that he wielded will be covered with dust,
The plow that he guided be still;
The trace chains be red with rust,
While he sleeps on the slope of the hill.

But the things that he wrought on the old Kentucky farm will live long after he has passed into silence and pathetic dust. My heart goes out to his loved ones.

How sadly they miss him there now,
But God in his goodness will comfort the home
Where the little boy guided the plow.

[Loud applause.]

Mr. LEVY. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New York [Mr. LEVY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add, at the end of line 13, page 64, the following as a new paragraph: "*Provided*, That no part of this appropriation for rent of buildings used by the Agricultural Department in the District of Columbia shall exceed 6 per cent and taxes for the District of Columbia on a fair valuation of such buildings and grounds."

Mr. LAMB. I make the point of order against that.

Mr. LEVY. This is a limitation.

Mr. MANN. I make the point of order, Mr. Chairman, that it is not offered at the proper place in the bill.

The CHAIRMAN. The Chair sustains the point of order, that it is not germane to the portion of the bill to which it has been offered.

Mr. LEVY. I ask unanimous consent, Mr. Chairman, to return to page 53 of the bill for the purpose of offering the amendment.

Mr. LEVER. I object.

The CHAIRMAN. The gentleman from South Carolina objects.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

A few moments ago, in the discussion of a point of order raised by the gentleman from New York [Mr. FITZGERALD], the chairman of the Committee on Agriculture gave it as his opinion that the officials of the department could be depended upon not to abuse any discretion lodged in them. I agree with the gentleman that public officials generally—possibly the officials of the Department of Agriculture particularly—can quite generally be depended upon to keep within the purview of the law. There are, however, some possible exceptions. We must recall the ambition of men to extend their authority and jurisdiction, and we must remember that the best of men are sometimes prone to extend as far as possible their authority under the law.

Several years ago it came to the attention of the Committee on the Public Lands that at one time and another there had been reserved by Executive order and otherwise a number of so-called bird reserves, mostly along the Gulf of Mexico and the two coasts; and we were informed that there was no law under which the birds on those reserved lands could be protected, and therefore a bill was presented providing for the protection of those birds in the following language:

Whoever shall hunt, trap, capture, willfully disturb, or kill any bird of any kind whatever, or take the eggs of any such bird, on any lands of the United States which have been set apart or reserved as breeding grounds for birds, by any law, proclamation, or Executive order, except under such rules and regulations as the Secretary of Agriculture may, from time to time, prescribe, shall be fined not more than $500, or imprisoned not more than six months, or both.

In addition to what I have read, which is the law, there was a provision that the President should thereafter have authority to create such reserves. Those words were stricken out. The committee had some hesitation about passing the law, and thereby, by inference, either justifying what had been done or making lawful the reservations already made; but being assured that there were only a few of them, and being informed as to their locality and the character of the land embraced in them, the act was passed. It undoubtedly validated so far as we could the acts by which these reserves were created; but the committee declined to report, and the Congress did not grant authority to create so-called bird preserves.

Immediately after the passage of that bill there were created by Executive order many so-called bird preserves. At any rate there are 30 or 40 of them at this time; possibly more, for I have not kept track of the matter of late. My attention was called to the matter by reason of one of those reserves in my State, which was a rather peculiar proposition to say the least.

Application had been made for the right to flood certain lands and form a lake for irrigation storage purposes, and around the border of that proposed lake a bird preserve, I think 300 feet in width, was attempted to be created by Executive proclamation, and as the lake was to be of considerable size it formed a preserve, if it formed anything at all, some 300 feet in width, a complete circle around the lake some 5 miles in diameter, a gigantic doughnut. Well, the reservoir was never created. The land is still dry, and this ring around the rosy of a bird pasture is still there, so far as an Executive proclamation can place and keep it there. There have been some very interesting speculations as to just what would occur if some one stood off the reserve and shot on to it, or stood upon the reserve and fired a gun in the other direction, contrary to the rules and regulations made and established by the Department of Agriculture.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. I ask that I may have five minutes more.

Mr. LAMB. What is the gentleman's purpose?

Mr. MONDELL. I want to call attention to the excuse the department gave for doing this thing that I have referred to.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. Naturally I made inquiry as to the authority of the department to go within a State, create a bird pasture, and attempt to prohibit the control of the State over the game birds within its borders. I asked to be cited to the statute under which it was accomplished. This statute which I have just read was cited as authority; this statute in the enactment of which the committee and Congress refused to grant any authority to create these reserves; this statute, which did nothing else, and did that only at the earnest plea of the Bureau of Biology of the Department of Agriculture, that we validate, if we could, those Executive orders that had been issued, creating certain bird preserves, mostly on rocky and uninhabited and uninhabitable islands along the coast. This law, which by no possible reasonable construction, either on the basis of language or intent, can be held to grant such authority, is being invoked from time to time by the department as authority to do that which Congress refused to do.

We have many of these so-called reserves. We have them about all of the storage reservoirs of the Reclamation Service. We have them scattered in many places where men have asked for rights of way to impound water for agricultural reclamation purposes within the borders of States, without authority of law. In the bill before us is an appropriation for carrying out the provisions of that act I have referred to. That appropriation, if used for the care of the reserves established prior to the passage of the act which I have read, will be used legally and properly, but it will no doubt also be used in an attempt

to care for and protect birds on reserves attempted to be established without authority of Congress and contrary to the provisions of the Constitution of the United States.

I suppose, however, it is rather superfluous to refer to that feature of the situation, because what is the Constitution, anyway, in the face of the desire of a bureau to extend its authority and jurisdiction?

I simply refer to this as an illustration of the fact, somewhat doubted evidently by the gentleman from Virginia, that sometimes very good men in the bureaus, in their ambition to extend their jurisdiction, authority, and control, very curiously interpret acts of Congress.

The Clerk resumed and completed the reading of the bill.

Mr. MANN. Mr. Chairman, there was more or less said a little while ago in reference to the traveling expenses under the Department of Agriculture, on account of lectures, and so forth, and gentlemen might obtain the impression that the Department of Agriculture had been grossly extravagant in the past in the matter of traveling expenses. The present law forbidding the pay for traveling expenses for lectures, and so forth, only went into the current law last summer. I hold in my hand the report of the Secretary of Agriculture of the traveling expenses incurred by the Department of Agriculture for the fiscal year ending June 30, 1912.

It is a document of some 144 pages long, giving in detail all of the expenditures for travel. The total appropriation for the Department of Agriculture for that year, including permanent appropriations, amounted approximately to nineteen or twenty million dollars, and the total traveling expenses were about 1 per cent, or $190,105.31. That is not an extravagant amount, considering that the large share of the work of the Agricultural Department must necessarily be done by people going from one place to another. I ask unanimous consent that I may insert in the RECORD certain memoranda showing the total expenditures by the different divisions for that year for traveling expenses.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The memoranda referred to is as follows:

Expenditure for travel, Department of Agriculture, during fiscal year ending June 30, 1912.

General expenses, Weather Bureau, 1912	$2,551.65
General expenses, Bureau of Animal Industry, 1912:	
Inspection and quarantine	4,475.88
Eradicating cattle ticks	705.00
Dairy industry	9,600.21
Animal husbandry	7,229.48
Diseases of animals	2,577.05
Administrative expenses	1,118.24
Cooperative experiments in animal feeding and breeding, 1912	2,024.14
Meat inspection, Bureau of Animal Industry, 1912	5,880.60
General expenses, Bureau of Animal Industry, 1911–12	43.88
General expenses, Bureau of Plant Industry, 1912:	
Pathological laboratory	79.48
Fruit diseases	3,693.12
Forest pathology	2,859.07
Cotton and truck diseases	3,026.47
Crop physiology	2,189.31
Bacteriology and nutrition	1,704.41
Crop acclimatization	2,289.51
Drug and other plants	2,112.61
Crop technology	713.35
Cotton standardization	2,708.28
Grain standardization	1,763.54
Physical investigations	1,223.46
Special seeds and plants	391.16
Seed-testing laboratories	1,116.84
Grain investigations	9,411.93
Tobacco investigations	510.72
Forage crop investigations	2,591.73
Paper plant investigations	1,403.71
Alkali and drought resistant plants	1,859.02
Sugar plant investigations	2,586.85
Taxonomic and range investigations	1,768.56
Farm management	14,687.80
Farmers' cooperative demonstration work	972.21
Dry land agriculture	1,155.31
Western agricultural extension	2,339.00
Pomological investigations	12,297.94
Arlington farm and horticulture	3,412.43
South Texas Garden	505.74
Administrative and miscellaneous	656.07
Purchase and distribution of valuable seeds, 1912:	
Congressional seed distribution	1,705.52
Foreign seed and plant introduction	4,309.16
Investigating the chestnut-tree bark disease, 1911–12	216.99
General expenses, Forest Service, 1912:	
Maintenance and supplies	315.65
Forest products	1,832.71
National forest range investigations	908.24
Management of forests	6,325.51
Market and miscellaneous investigations	519.01
General administration	9,575.51
Cooperative work, forest investigations	123.76
Acquisition of lands for protection of watersheds of navigable streams, 1912	2,108.33
General expenses, Bureau of Chemistry, 1912:	
Laboratory, miscellaneous expenses	$5,362.83
Food and drugs act	13,001.26
General expenses, Bureau of Soils:	
Soil laboratory investigations	375.21
Soil survey	6.89
Administrative expenses	47.10
Investigations of fertilizer resources	1,054.90
General expenses, Bureau of Entomology, 1912:	
Citrus fruit insects	104.60
Miscellaneous insects	492.10
Preventing spread of moths, Bureau of Entomology, 1912	93.70
General expenses, Bureau of Biological Survey, 1912:	
Game preservation	1,562.16
Food habits of birds and mammals	4,176.30
Biological investigations	1,784.32
Administrative expenses	904.93
General expenses, Bureau of Statistics, 1912 (special investigations)	2,316.66
Library, Department of Agriculture, 1912	97.98
Contingent expenses, Department of Agriculture, 1912	842.41
Agricultural Experiment Stations, 1912	1,610.77
Farmers' institutes	1,777.48
Station at island of Guam	158.70
Nutrition investigations, 1912	291.25
Irrigation investigations, 1912	1,007.50
Drainage investigations, 1912	499.80
General expenses, Office of Public Roads, 1912:	
Road management	2,325.13
Investigating road building and maintenance	2,021.54
Road material	1,650.82
Enforcement of the insecticide act, 1912	362.82
Total	190,105.31

Mr. FOWLER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD upon the bill.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD upon the bill. Is there objection?

There was no objection.

Mr. AKIN of New York. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LAMB. Mr. Chairman, I ask unanimous consent that the Clerk be instructed to correct all the totals where necessary.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the Clerk change the totals where necessary. Is there objection?

There was no objection.

Mr. LAMB. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee determined to rise; and the Speaker having resumed the chair, Mr. BEALL of Texas, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 28283) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1914, and had directed him to report the same back with sundry amendments with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. LAMB. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

There was no demand for a separate vote.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. LAMB, a motion to reconsider the vote whereby the bill was passed was laid on the table.

PENSION APPROPRIATION BILL.

Mr. BARTLETT, from the Committee on Appropriations, by direction of that committee, reported the bill (H. R. 28730) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1914, and for other purposes, which was read the first and second times and, with the accompanying papers, was ordered printed and referred to the Committee of the Whole House on the state of the Union. (H. Rept. 1504.)

Mr. MANN reserved all points of order on the bill.

Mr. BARTLETT. Mr. Speaker, I give notice that immediately after the termination of the diplomatic and consular appropriation bill, I shall call up the pension bill for consideration.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 28094. An act to amend section 96, chapter 5, of the act of Congress of March 3, 1911, entitled "The Judicial Code."

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 14053) to increase the pensions of surviving soldiers of Indian wars in certain cases.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 8035) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24121) to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims.

INTERSTATE SHIPMENT OF LIQUORS.

Mr. CLAYTON. Mr. Speaker, by direction of the Committee on the Judiciary, I move to take from the Speaker's table for present consideration the bill S. 4043, and I desire to make an explanation.

Mr. FITZGERALD. I make a point of order that the motion is not in order.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 4043) divesting intoxicating liquors of their interstate character in certain cases.

Be it enacted, etc., That the shipment or transportation, in any manner or by any means whatsoever, of any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind, from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, into any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, which said spirituous, vinous, malted, fermented, or other intoxicating liquor is intended, by any person interested therein, to be received, possessed, sold, or in any manner used, either in the original package or otherwise, in violation of any law of such State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, is hereby prohibited.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that this motion is not a privileged motion, and I demand the regular order.

The SPEAKER. The Chair will hear the gentleman on that point of order.

Mr. FITZGERALD. Mr. Speaker, under the rule, Senate bills on the Speaker's table, substantially similar to House bills which have been favorably reported and which do not require consideration in the Committee of the Whole House on the state of the Union, may be laid before the House for consideration upon the request of the committee having jurisdiction. I wish to call the attention of the Speaker to the fact that the bill as passed by the Senate is not substantially the same as that reported by the House committee. The House committee reported a bill and proposed that certain amendments be adopted, but the text of the bill is substantially different from the form in which it passed.

The purpose of this rule, as appears from some of the Precedents, was to permit the House to consider certain classes of business which did not require consideration in Committee of the Whole House on the state of the Union under certain conditions. It has invariably been held that in order to consider a Senate bill the House bill must not only have been reported from the committee in advance of the passage of the Senate bill, but must actually be on the House Calendar.

There is no such House bill now in the House nor in any committee of the House. The bill which had been reported by the committee on this subject has been disposed of by the House, and the Chair will not find, in my opinion, any precedent, nor can he recall any instance, in which it has been held in order to call up a Senate bill under conditions where the House bill was not actually on the House Calendar.

There is no House bill upon the House Calendar. There is no House bill in the House at all. It has left the House. The purpose of the rule was to give an opportunity to consider a Senate bill in lieu of the House bill that was awaiting consideration. I have looked through the precedents. I have inquired of gentlemen of some service in the House. I have tried to recall instances in the House myself. It is possible that I have overlooked some such cases, but I have no knowledge of any ever having been considered. It is very apparent from the fact that there is no such instance that the rule and the practice under the rule does not operate to permit such a motion as this to be made, unless the bill is actually on the House Calendar awaiting consideration.

For instance, if a committee of the House has a bill under consideration and the Senate passes a bill which goes to the Speaker's table, if it is not of such a character as would require consideration in the Committee of the Whole House on the state of the Union, and subsequently, but prior to the disposition of the bill on the Speaker's table the House committee reports a bill substantially the same, it is not possible to consider the Senate bill from the Speaker's table. The Speaker's table is one of the calendars of the House. It is a calendar to which a certain class of business goes under the rule for disposition, and the theory of this rule is that a House bill not requiring consideration in the Committee of the Whole House on the state of the Union being on one particular calendar, the House Calendar, and a Senate bill, substantially the same, coming to the House and being upon another calendar, the Speaker's table, in order to facilitate the disposition of the bill it is in order to consider the bill on the calendar known as the Speaker's table rather than to await the day to call up the bill upon the House Calendar. I do not know of any precedent under which the motion is in order to proceed to consider this bill, in view of the fact that the House bill is no longer in the House. I do not wish to unduly delay the matter, but my investigation convinces me that this is a novel and unknown and unusual attempt to construe a rule far beyond what was intended or what has been the practice in the House.

Mr. CLAYTON rose.

Mr. MANN. Mr. Speaker, before the gentleman from Alabama proceeds, I suggest that he permit me to proceed, as undoubtedly he will desire to answer both the gentleman from New York [Mr. FITZGERALD] and myself.

Mr. CLAYTON. I will yield to the gentleman with great pleasure.

Mr. MANN. Mr. Speaker, the bill as reported to the House, which, it is claimed, would authorize the calling up of the Senate bill, is House bill 17593. That bill contains a number of provisions which are not in the Senate bill. One of those provisions, which went to the very essence of the House bill as reported to the House, is:

And any and all contracts pertaining to such transactions are hereby declared to be null and void, and no suit or action shall be maintained in any court of the United States upon such contract or contracts or for the enforcement or protection of any alleged right based upon or growing out of such contract or contracts, or for the protection in any manner whatsoever of such prohibited transactions.

That provision was an essential provision in the House bill as introduced. The Committee on the Judiciary in reporting the bill back to the House recommended various amendments to the House bill, including the striking out of the provision which I have read. It is quite clear, I take it, that if the House bill is to be considered as introduced into the House, then the present Senate bill is not substantially similar to the House bill, because in the Senate bill the provision which I have just read does not appear; but the Committee on the Judiciary of the House in reporting the bill back to the House recommends the striking out of that provision, and, I take it, the question is now before the Speaker whether, in determining if the Senate bill is substantially similar to the House bill, the Speaker shall consider that the amendments proposed by the Judiciary Committee have been adopted at the time the bill is reported back to the House.

I am aware of the ruling made by the Speaker, and the proper ruling, that if the committee had proposed to add new, substantive propositions, then the Senate bill must be similar to those, but the matter comes in the same way that it does in respect to the reference of a bill to the House Calendar or the Union Calendar. If this bill, as introduced into the House, was a House Calendar bill, carrying no appropriation when reported back, it would go to the House Calendar. If, however, the Committee on the Judiciary had proposed an amendment to the bill carrying an appropriation that amendment would carry the bill to the Union Calendar. On the other hand, if the bill as introduced had carried an appropriation, that would carry it to the Union Calendar, nor would a committee amendment to strike out the appropriation take it from the Union Calendar and refer it to the House Calendar. Either by way of committee amendment or by way of original provision in the bill, if an appropriation is involved, it must go to the Union Calendar.

I maintain that the same principle relates to Senate bills called up from the Speaker's table, that if there is a provision in the House bill which the committee proposes to strike out by way of amendment, or if the committee proposes to add by way of amendment a new provision, either one of which is substantially different from the provision in the Senate bill, then the bill can not be taken from the Speaker's table. The Speaker will notice the taking of a Senate bill from the Speaker's table is an exception to the general rule, and ought not to be permitted unless the rule is complied with. I do not think the Speaker can assume, when a bill is reported to the House from a committee, with amendments to strike out part of the language, that that language is to be excluded in considering the question as to whether the bill is similar. Any other ruling would lead to this: Suppose a House committee wishes to bring some matter before the House by way of a Senate bill entirely different from the provisions that they wish *enacted into* law. Some gentleman in the House introduces a bill containing very important propositions which have not been included in the Senate bill, and thereupon the committee reports the bill back with the recommendation that all of its provisions be stricken out and get the right to call up the Senate bill, and the right would at once exist to add to the Senate bill by amendment and other provisions which the committee has reported in favor of striking out and does not intend to have stricken out. A ruling of that kind, it seems to me, gives a much wider power to the committees in reference to the procedure of the House than they now have, and committees now absorb—I was going to say too much power in the House—certainly quite enough power in the House, and there is no pretense that this Senate bill as it comes over here is similar to the House bill, the Webb bill, as introduced into the House or as reported into the House, unless the Speaker considers that the amendments are agreed to when the bill is reported back to the House.

Mr. CLAYTON. Mr. Speaker, I would like to proceed with this discussion, so the matter may be terminated early, but the gentleman from Georgia [Mr. HARDWICK] desires to address the Chair in opposition to my motion, and I have no disposition to prevent him from speaking and giving his views, and I therefore yield to him.

Mr. HARDWICK. Mr. Speaker, I want to say I feel that the point of order is well taken on this motion. I think so for two reasons, both of which have been given by the gentlemen who have already addressed the Chair in support of the point of order; and yet I want to elaborate somewhat, if I can, on both of them. Section 2 of Rule XXIV provides, among other things:

> But House bills with Senate amendments which do not require consideration in a Committee of the Whole may be at once disposed of as the House may determine, as may also Senate bills substantially the same as House bills already favorably reported by a committee of the House, and not required to be considered in the Committee of the Whole, be disposed of in the same manner on motion directed to be made by such committee.

Now, Mr. Speaker, as the gentleman from New York [Mr. FITZGERALD], who made this point of order, called to the attention of the Chair in the beginning of his remarks, the practice has always been, without exception, as far as my investigation discloses—and I have endeavored to make some investigation—that these House bills, substantially similar in character, which are referred to by this rule must be pending on some House calendar when the effort is made to call up a Senate bill that is substantially the same from the Speaker's table.

The SPEAKER. The Chair would like to hear the gentleman from Georgia or the gentleman from New York or the gentleman from Illinois state if he can find a precedent for taking that position?

Mr. HARDWICK. I think I have one that comes very near to it, and I will read it to the Chair and then the Chair can judge.

The SPEAKER. The Chair will be obliged to the gentleman.

Mr. HARDWICK (reading):

> On May 11, 1898, Mr. Lorenzo Danford, of New York, called up from the Speaker's table, by direction of the Committee on Immigration, the bill (S. 112) to amend the immigration laws of the United States, and asked its consideration on the ground that it was substantially the same as a House bill already on the House Calendar.

Now, I do not say, Mr. Speaker, that that point has ever been precisely ruled that the bill must be at the time on the House Calendar—and the Chair sees in the case I cite the statement is that a substantially similar bill was pending on one of the House calendars.

I venture this assertion, and I do not think it can be successfully contradicted either now or later, here or elsewhere, that nowhere in the precedents will you find any case in which a bill has been called up from the Speaker's table under circumstances like these, when nowhere on any House calendar was it pending in the House of Representatives.

Now, Mr. Speaker, I can argue only from the reasoning that is back of this rule. The rule intends that the House may not be surprised. Of course it may be true, as gentlemen will doubtless urge in conclusion, that the House will not be surprised in this particular instance, at least. Of course not, as a matter of fact, so far as this particular matter is concerned.

Let us see to where that would lead the Chair and to what theory it would commit the House if this motion be held in order. If this can be done in the way that is proposed now, then if a House bill reported by any committee of the House were passed the first day of the first session, and went to the Senate and slumbered there, and everybody lost sight of it and forgot about the proposition, and it was not pending before any committee or on any House calendar, and on the last day of the session of the same Congress, if the Senate happened to pass a similar bill it could be called up without notice to anybody, without its being pending on any House calendar, even though the House calendars are for the admitted purpose of giving notice to Members of the matters that are pending and that may be called up.

It might be called up two years after the original proposition had passed the House and everybody had forgotten it. It seems to me on reason or principle it would be a most dangerous precedent. It seems to me it would be an unsafe thing. It seems to me it would be the liberalization of this rule to such an extent that it would be very dangerous and unsafe. We could not tell what position we would be in at any time if this procedure were adopted.

Now, Mr. Speaker, while the point has not been precisely ruled in any authority I can find, it seems to me when you consider the reasoning back of this rule, when you consider the principle on which this rule rests, when you consider the safeguards that were intended to be thrown around the House in order to keep it from being surprised, if the Speaker should rule this motion in order, although it would not work any injustice at all in the present case, yet as a matter of practice and parliamentary law it would be unsound and dangerous to a degree.

Now, I want to address myself briefly to the point raised by the gentleman from Illinois [Mr. MANN]. It seems to me that his position is absolutely sound. I do not believe it can be answered. The House bill referred to in this rule is a bill introduced into the House and not the bill reported by the committee. If the report of the committee could change the character of the bill and change it, as the gentleman from Illinois suggests, from one calendar to another, from the Union Calendar to the House Calendar or the Private Calendar, as the case might be, then you would see there would be absolutely no way in keeping out of inextricable confusion as to when this rule could be applied. The Senate bill that it is now proposed to call from the Speaker's table for immediate action of the House is substantially and materially different from the bill introduced by the gentleman from North Carolina [Mr. WEBB] and which was voted on Saturday.

I freely confess that in this particular instance no hardship would be worked on the House; but if this precedent be established—and I appeal to the Chair because of the precedent that would be established if he permits this motion to be entertained—if this precedent be established, it will rise up to plague us in the days yet to come. We can not tell when some bill that was lost in the scrap heap at the other end of the Capitol will come back, months and even years afterwards, like this, to an unsuspecting House, with no notice given to the House by any of its calendars.

Mr. Speaker, in no instance can gentlemen cite a case in which this motion was made where the bill was not pending in the House and on some one of its calendars, and I feel that the Speaker ought to conclude that a fair construction of the rule means that the House itself has to be in a position of having the bill on one of its calendars before this motion shall be entertained.

Mr. GARRETT. Mr. Speaker, I take it that it is always in order to apply good common sense to the construction of the rules in this House.

What have we here? This rule which has been read provides:

> But House bills with Senate amendments which do not require consideration in a Committee of the Whole may be at once disposed of as the House may determine, as may also Senate bills substantially the same as House bills already favorably reported by a committee of the House, and not required to be considered in Committee of the Whole.

Now, Mr. Speaker, the bill that has been taken from the Speaker's table and which has been read to the House is not only substantially the same as the bill which was reported from the Committee on the Judiciary and passed upon by the House, but it is precisely the same, with the exception of one word,

which in no respect changes its substance or its form, as that passed by the House and Senate, too.

The purpose of the rule is not to protect men who are not diligent in keeping up with the legislation of the House and the Senate, but the purpose is to enable the House in a logical, easy, orderly manner to work its will where it has demonstrated its will in regard to this legislation.

A bill precisely the same as that which passed the Senate and is now on the Speaker's table passed the House and was reported from the committee. It is true that the bill which was introduced in the House was not the same, but the bill that was reported from the committee with the committee amendments was precisely the same. I take it that the Speaker, in construing the rule, will apply common sense and look to the substance and not so much to the form.

That is all, Mr. Speaker.

Mr. CLAYTON. Mr. Speaker, I take issue with the statement of fact made by the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. The gentleman has said that twice before.

Mr. CLAYTON. When I made that statement a while ago the gentleman from Illinois [Mr. MANN] interrupted me, and I yielded to him. Therefore I desire to take up the thread of my discourse where, through courtesy, I left it off. Again, Mr. Speaker, I repeat it for the edification of the gentleman from New York, who uttered sotto voce the statement that twice I had said that. Perhaps, Mr. Speaker, in other instances the gentleman from New York has not been accurate in his statement of facts. Certainly he has not been accurate in this instance.

Now, Mr. Speaker, the bill that came from the Committee on the Judiciary is precisely the bill which is now on the Speaker's table. The bill as introduced by its author, Mr. WEBB, and which was reported by the Committee on the Judiciary, was reported in the precise words of its author, with one exception. Where the word "used" in a particular place was employed by the author, the committee struck out the word "used" and substituted the word "sold," in no wise interfering with the bill or with its intent or with its operation.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. CLAYTON. If the gentleman will permit me to conclude this statement, I was going to show another thing.

Mr. MANN. I wanted to point out an error in the gentleman's statement.

Mr. CLAYTON. I was about to say we had stricken from the Webb bill some other language.

Mr. MANN. I understood the gentleman to say that only one change had been made.

Mr. CLAYTON. I was completing my statement, and I did not have the opportunity to complete it.

Mr. MANN. The gentleman mentioned only one, and in that he was erroneous about what was done.

Mr. CLAYTON. Well, the Member who has at this time the privilege of addressing the Chair thinks he is accurate; and I again repeat, Mr. Speaker, that, with the exception I have noted, and with this other exception that I was about to explain, this bill as it came from the Senate is precisely the Webb bill as it was introduced by the author and precisely the bill as was reported. The Webb bill had other language in it before it passed the House. The committee amended that bill by striking out some words as being unnecessary, some of them as being superfluous, and some that the committee did not agree to. But the Webb bill was preserved in its primary purpose and intent from the time it was introduced by the gentleman from North Carolina [Mr. WEBB] until it was reported by the committee and as it was reported by the committee.

Now, Mr. Speaker, so much for the statement of fact made by the gentleman from New York [Mr. FITZGERALD] and the gentleman from Illinois [Mr. MANN].

I understand that the reason the gentleman from New York urges to sustain his point made against the motion is that the rule requires a bill to be on the calendar and that otherwise this motion to take up the Senate bill can not now be entertained.

Mr. Speaker, that brings us to the rule. Of course, everybody knows the twofold object of the rule. The first object is to expedite the business of the House. Now, no one will deny that this motion which I have made by direction of the Committee on the Judiciary has as its object the expediting of the business of the House.

The other reason for the rule is that the House may be informed of the subject matter covered by the motion, the nature of the bill, and the bill itself. Now, if that reason is complied with, if the House understands that, if the House can fairly infer from what has happened and from the previous action on the bill, together with reference to this bill, what is covered by the particular motion, the reason of the rule that the House should be informed has been complied with. If the reason for the rule ceases, the rule itself ceases. The complement of that is that if the reason for opposition to the rule ceases, the rule ought to be enforced.

Now, let us examine the text of this rule. It is Rule XXIV, subdivision 2:

> Business on the Speaker's table shall be disposed of as follows: Messages from the President shall be referred to the appropriate committees without debate. Reports and communications from heads of departments, and other communications addressed to the House, and bills, resolutions, and messages from the Senate may be referred to the appropriate committees in the same manner and with the same right of correction as public bills presented by Members; but House bills with Senate amendments which do not require consideration in a Committee of the Whole may be at once disposed of as the House may determine—

Now here is the part that is material—

> as may also Senate bills substantially the same as House bills already favorably reported by a committee of the House.

So the test is, Is this bill substantially the same as the House bill which has heretofore been favorably reported by the Committee on the Judiciary? If it is, then this objection will not lie. If it is not substantially the same bill, the objection is well taken.

That brings us to the consideration of the two measures. Gentlemen are mistaken in saying that the Senate bill is not precisely the same as the House bill. With my associate, the gentleman from North Carolina [Mr. WEBB], I have compared the text of the two, and we find that the text of these measures now on the Speaker's table and the bill passed by the House on last Saturday are identical in words, except that the Senate bill changes the caption and changes the number at the top of the bill. The title of the House bill was—

> An act to divest intoxicating liquors of their interstate-commerce character in certain cases.

The Senate bill, which we now have on the Speaker's table, is entitled—

> An act divesting intoxicating liquors of their interstate character in certain cases.

Almost, but not exactly, the same title—substantially the same.

Now, Mr. Speaker, it is useless for me even to suggest that the title of a bill is not a part of the law. The title of the bill is no more a part of the substance of the law than the Speaker's name is a part of his anatomy. So we can dispose of that question. And the mere numbering of the bill, the striking out of "H. R. 17593" and substituting "S. 4043," in no wise changes that feature of the bill.

Mr. Speaker, we know why the bill came to us in this particular shape. We know that when the Webb bill was offered somewhere else it required unanimous consent for it to be substituted. That unanimous consent was denied, and then another bill was amended by striking out all after the enacting clause and inserting in lieu of the language stricken out the language of the Webb bill.

The gentleman from Illinois [Mr. MANN] urges this point in opposition to my motion, that the House bill as it passed the House was not the bill that was introduced by its author originally in the House. Mr. Speaker, if you carry out that process of reasoning, if you split hairs to that extent, I dare say you would never find a bill here that would escape a point of order predicated upon that ground.

I do not recall in all my service here any bill in which there was not something changed by striking out and substituting or something added or something subtracted from it. So you see the absurd position we might be in hereafter if we should adopt what the gentleman from Illinois [Mr. MANN] believes to be ineluctable logic. I am glad to see the lawyers around me smile at my words. If they had read the decisions of a very high court carefully, they would find that I have appropriated the language used by a distinguished jurist.

Now, Mr. Speaker, I think the point made by the gentleman from New York [Mr. FITZGERALD] is not well taken for the reasons I have given, and the reasons given by the gentleman from Illinois, if adopted by the Chair, would lead us into an impossible position, and an embarrassing position. It would defeat the expedition of the business of the House. It would be putting a construction upon the rule which it does not bear. The House is fully informed after three hours' debate on this particular bill last Saturday, and after full consideration of the bill as it came from the committee. So nobody can doubt but what this bill is the bill which the Committee on the Judiciary reported to this House and the precise bill that this House considered and acted on last Saturday.

There is nothing in the rule which requires that the bill of the House should be on the calendar, for the language is "a bill substantially the same as House bill already favorably

reported by committee of the House." If a favorable report of the committee of the House can inform the House under this rule, how much more is the House informed by that favorable report followed by debate in the House and by action of the House? It is more than a mere report of the committee. The House has acted on it, and it is the identical bill.

Mr. CULLOP. Will the gentleman yield?

Mr. CLAYTON. Yes.

Mr. CULLOP. Is not the proper construction to be placed on the rule that the gentleman has just read that the bill which is the substance of the one that has come over from the Senate must be at the time either in the committee or pending in the House?

Mr. CLAYTON. I do not think so, Mr. Speaker. I have been endeavoring to show that I did not take that view of it, but perhaps I was unfortunate in my use of language.

Mr. CULLOP. Is not that the dispute arising over the construction of this rule? There is no bill now pending in the House, either in the committee or reported from the committee, because the bill that was here has been disposed of and there is no such a bill here now.

Mr. CLAYTON. Is the gentleman through with his question?

Mr. CULLOP. Yes.

Mr. CLAYTON. I answered in all frankness, Mr. Speaker, by recognizing the situation in the beginning, that this bill is not now on the calendar. It passed the House last Saturday, but I was not fortunate enough to impart to the gentleman from Indiana what I believed to be the determining consideration of the question. My contention is that the bill now on the Speaker's table is identically the same as the House bill already favorably reported on the subject and which passed the House last Saturday. I do not think it is necessary that the bill be now pending on the calendar. That is a question that the Chair is called upon to decide.

Mr. FITZGERALD. Will the gentleman allow me an interruption?

Mr. CLAYTON. Certainly.

Mr. FITZGERALD. Suppose there was a controversy as to whether the Senate bill is substantially the same as the House bill. The House bill has gone from the House. How is that matter to be determined? There is nothing in the House, either in the Journal or in the official record, by which the Speaker can ascertain what the House bill was or is, unless the bill is on the calendar and in the House.

In a controversy arising, how will the Speaker determine whether the bills are substantially the same or not? After the bill has left the House, he can not refer to anything, although perhaps he might assume to do so. I ask this question in good faith.

Mr. CLAYTON. I take it that the gentleman has put his question in good faith. The gentleman is well aware of the fact that in the law there is such a thing as judicial knowledge, and I take it that the Chair and the House has a right to know something without having the paper before them all the time. We have the RECORD of last Saturday, when the Webb bill was passed, now before us, and there are prints of that bill here in the House and in the document room. I shall not admit that either the Speaker or the House itself is ignorant of the bill which passed the House Saturday last. We knew then and we know now what it was, and no kind of refinement of parliamentary law can take away from us this information, which is actually in our possession.

Are we going to admit, and is the Speaker going to admit, that we do not know what we passed last Saturday, that we solemnly debated a bill for three hours, and each one of us voted on it on a roll call, and yet the Speaker and this House are utterly ignorant of the subject matter of the bill? The suggestion is an absurdity. The Speaker knows what the bill is and this House knows what the bill is, and if the gentleman has any doubt about the bill that we passed, I beg to refresh his memory by now handing him a copy of the bill that we passed on Saturday last.

Mr. FITZGERALD. Mr. Speaker, let me suggest that it is not necessary to inform me as to what passed through the House. This happens to be a bill of two pages. Perhaps the gentleman from Alabama would be able to determine if two bills were substantially the same, the bills consisting of 60 pages, but I doubt it.

Mr. CLAYTON. If it were an appropriation bill, I do not think I would.

Mr. FITZGERALD. It would not necessarily be an appropriation bill, but the only manner in which it can be determined whether the Senate bill, which is now before the House, and the House bill, which is not in the possession of the House, are the same or substantially the same would be by a comparison of the two bills, and that is of such an important character that if the original of a bill instead of being at the Clerk's desk be in the committee room, the House can not consider it.

Mr. CLAYTON. Mr. Speaker, the gentleman's suggestion that we do not know what the House passed, it seems to me, is begging the question, or, to use another expression that I have sometimes found in the lawbooks, it seems to me to be sticking in the bark here and not going to the real question. The Speaker knows and the House knows what the bill was that the committee favorably reported. I am not going to say that either the House or the Speaker is ignorant of events so recent as last Saturday and ignorant of measures now pending in Congress.

Mr. GARRETT. Mr. Chairman, will the gentleman permit me to make a suggestion?

Mr. CLAYTON. Certainly.

Mr. GARRETT. In the CONGRESSIONAL RECORD, which is the official record of Congress, the bill appears, showing upon its face that it is the House bill, appearing on page 2920 of the RECORD.

Mr. CULLOP. Mr. Speaker, will the gentleman from Alabama permit a question?

Mr. CLAYTON. Certainly.

Mr. CULLOP. When the Webb bill passed the House and was sent to the Senate, the House then lost jurisdiction. Members may individually know what was done, but they can not judicially or officially know it.

The SPEAKER. The Chair would like to ask the gentleman from Indiana one question. What is the reason the Chair has not as good a right to find out what is in a bill as any other Member of the House?

Mr. CLAYTON. It is his duty to do it if he is not informed.

Mr. CULLOP. I assume the Chair individually remembers what was in the bill, but the Chair has no right as a legal proposition to take official notice of what was in the bill in order to rule on this question, because the Chair lost jurisdiction of the measure when it passed here and went to the Senate. To know a thing individually is one proposition, but it is an entirely different one to know it officially.

Let me put a case to the Chair. Suppose this had been a lawsuit and judgment had been rendered and the record signed, the case ended, and supposing when another case came into court some lawyer who wanted to introduce that record in evidence should stand up and refer to the record of the former case and say the court knew what had been done in the case, the court could take no notice of such a procedure——

Mr. CLAYTON. Mr. Speaker, is this the question that the gentleman is asking?

Mr. CULLOP. I am answering the Speaker's question. The court would have no right to say that he judicially remembered what had been done and would consider that as evidence in the case, but the record itself would have to be introduced. This bill was passed and sent from the House to the Senate. That disposed of it here. This House lost jurisdiction. It passed into the records of the House.

The bill went out of the House, and under this rule there is no such bill pending here. Some one has suggested that it has come back. True; but when it came back, there was no such bill pending in this House, and under the rule it had to be referred to the committee, and it was no longer a pending measure here, which could be substituted for the bill that had been introduced in the House, and I take it that this is the same as the legal proposition I laid down would be in a court of record—that the court can take no judicial notice of a case that has been disposed of in court, though it is a part of a record of his court and the court remembers all about it. That would not suffice, and the fact that we can look at the CONGRESSIONAL RECORD to see what was done does not help the matter in the least for the purpose for which it is contended. Now, does the rule read here as authority give such power to the Speaker as is contended by those who invoke it for that purpose? I contend it does not, and if it does I assert it is a very dangerous rule and may be invoked as an instrument of great harm and injustice if expediency should require it. The proper construction of that rule, I contend, is that where a bill passes the Senate as a Senate bill, although it may contain the exact language of a bill that has passed the House, when the measure comes to this House, if no such bill is pending on any of the calendars of the House, it can not be taken from the Speaker's table and passed without suspending the rule which refers it to a committee, but must be referred to the proper committee and be reported out of the committee. This is required in order for the House to have jurisdiction of it.

Mr. CLAYTON. Mr. Speaker, the gentleman is in error in thinking that the rule requires that the bill shall be pending.

It is sufficient compliance with the rule if it be a bill substantially the same as the House bill that is favorably reported by a committee of the House, and when once you determine that question in the affirmative you answer all the arguments made by the gentleman from Indiana [Mr. CULLOP] in his criticism on this motion.

Mr. Speaker, some gentlemen on last Saturday urged constitutional objections against this bill, and some of them now invoke parliamentary law to delay or defeat its passage. I hope that common sense and a correct interpretation of parliamentary law will now enable the House to carry out its intention expressed last Saturday in behalf of the enactment of this legislation.

Mr. LENROOT. Mr. Speaker, regarding the suggestion made by the gentleman from Indiana [Mr. CULLOP] that the House has lost jurisdiction of the House bill and the Chair has lost jurisdiction to take notice of what has been done by this House with reference to that bill, while the House has lost jurisdiction of the bill, the Chair has jurisdiction to take notice of what has been done in reference to it in this House. There is not a day passes, not a session passes, that the Chair does not take notice and act upon what the House has done upon a previous day. So much for that argument. Now, Mr. Speaker, it is entirely clear, it must be clear, that this motion complies with the spirit and letter of this rule in every particular, unless the contention made by the gentleman from Illinois and some others be correct that because the original House bill differs from the bill as proposed to be amended by the House Judiciary Committee that makes it lose this privileged status. But, Mr. Speaker, I want to direct your attention to this proposition: That in determining the status of this bill at this time it is not the original text of the bill of the House that must be taken into consideration. The only question to comply with the rule is, What did the committee favorably report? And if the answer be that they did favorably report a bill substantially similar to the Senate bill the ruling is complied with in every respect. I desire to call the attention of the Speaker to a decision of former Speaker Reed, in 1890, where he construed this rule, and construed it very clearly. He says——

The SPEAKER. What section is the gentleman reading from?

Mr. LENROOT. Section 3100, last paragraph, volume 4, Hinds' Precedents, page 166. He says:

There are three safeguards. First, that it—

Namely, the Senate bill—

has been favorably reported in substance by a committee of the House.

Now, everyone must concede that has been complied with in this case and that the Judiciary Committee did report not only substantially the Senate bill but identically the Senate bill. That is one of the requisites to give the bill a privileged status.

Second, that it is not a bill that is required under our rules to be considered as in the Committee of the Whole.

It is conceded that that has been complied with.

And, third, that the committee asks for its consideration.

So, Mr. Speaker, with the proposition that it is the favorable recommendation of the committee that determines the status and not the original text of the bill, whether this rule be construed liberally or whether it be construed strictly, the motion is within the rule.

The SPEAKER. The Chair is ready to rule. This question divides itself into two parts. One is whether the status of this bill brings it within the rule, and the rule, which has been read three or four times, provides:

But House bills with Senate amendments which do not require consideration in a Committee of the Whole may be at once disposed of as the House may determine—

Of course that is not this case—

as may also Senate bills substantially the same as House bills already favorably reported by a committee of the House, and not required to be considered in the Committee of the Whole, be disposed of in the same manner on motion directed to be made by such committee.

The second division of this question is whether or not these two bills are substantially the same. The rules of the House are intended to expedite the transaction of business instead of being intended for the purpose of retarding the transaction of business. These two bills are not only substantially the same, but they are almost identical.

The gentleman from Illinois [Mr. MANN], for whose mental acumen, industry, and intelligence the Chair has a great deal of respect, contends to-day that the Senate bill must be substantially identical with the bill as originaly introduced. On the 9th day of August, 1912, a question a good deal like this arose, and Mr. MANN, on page 10604 of the CONGRESSIONAL RECORD, said:

Mr. Speaker, I make the point of order that the bill on the Speaker's table (S. 6453) is not similar to the House bill on the calendar, and that the House bill on the House Calendar is on the improper calendar, and should be on the Union Calendar, and hence it is not in order to take this bill from the Speaker's table at all.

Of course the last part does not apply.

The SPEAKER. The second objection could be very easily remedied, but the first, if it turns out to be correct, can not.

Mr. MANN. The second could not either, Mr. Speaker, if the bill is improperly on the House Calendar.

The SPEAKER. That could be very easily remedied, but the first objection can not be, if it turns out to be the fact.

Mr. MANN. The second objection might be remedied by transferring the bill from the House Calendar to the Union Calendar, but that would not permit this bill to be taken up.

The SPEAKER. Wherein does this bill differ from the House bill?

Mr. MANN. Mr. Speaker, I am about to call it to the attention of the Speaker. This bill coming from the Senate is similar to a bill which was introduced in the House and which was reported to the House with a number of amendments. This bill does not contain the amendments recommended by the Naval Committee on the House bill. I contend that, under the rule, if a bill is introduced in the House and the committee recommends a lot of amendments which changes to a large extent the bill, and that then the Senate passes a bill like the original bill, without the amendments, it is not a bill similar to the bill on the House Calendar.

And the Chair sustained the gentleman's contention that day.

Mr. MANN. Of course, the argument I just made was not made without the knowledge of the decision of the Chair, which has just been reread. But what I endeavored to point out awhile ago was that there was an amendment adding something to the bill, which would have sent the bill to the Union Calendar. Here is something endeavoring to detract from the original bill. My contention, then and now, is that if it is dissimilar as introduced or as proposed to be amended by the addition of new matter, then it is not a substantially similar bill.

The SPEAKER. The Chair will ask the gentleman from Illinois if this Senate bill is not verbatim, with the small difference in the title which the Chair pointed out, the very bill that was debated here on last Saturday for three mortal hours and no debate hinged on those amendments. Neither the gentleman from Illinois [Mr. MANN] nor the Chair has to quit exercising the faculty of memory to consider one of these points of order.

Mr. MANN. If the Chair asked me the question, I would say the bill is not substantially similar. I think the Chair has not examined the House bill, from which the gentleman form Alabama was endeavoring to quote one amendment, but quoted it erroneously, and did not give the other amendment to the Chair. I think the Chair has the right to examine the House bill and quote it.

The SPEAKER. The Chair did. On the second division on this question let us see if this bill is in a status justified by this rule:

As may also Senate bills substantially the same as House bills already reported by the committee of the House—

Was that bill favorably reported by a committee of the House or not? Of course, everybody knows that it was—

would not be required to be considered in the Committee of the Whole.

Of course, that does not apply.

Now, there are three things there. One is that the bills must be substantially alike. There must not be anything in them to refer to the Committee of the Whole; and there is not. It must be called up by the authority of the committee; and it is. Hence all the conditions precedent are complied with.

The contention of the gentleman from Indiana [Mr. CULLOP] that the Chair has no way of finding out what was in the bill last Saturday is untenable. In the first place, the Chair can remember what was in the House bill. We have the CONGRESSIONAL RECORD to see what that bill was. In addition to that, if the Chair had any cause to believe that the CONGRESSIONAL RECORD had been tampered with, he could send out and get the original bill. That is still within the jurisdiction of the House and the Speaker. We do not send an original bill over to the Senate. We send a certified copy.

Mr. MANN. We send the original engrossed copy, Mr. Speaker; the only engrossed copy.

The SPEAKER. There is no question but that anybody, especially if he is half as industrious as the gentleman from Illinois [Mr. MANN], can verify a bill that has been passed by this House.

The rule may now not be what the rule ought to be. If a majority of Members believe that the rule ought to read, "Bills already reported by a committee of the House and on the calendar," then I submit the Committee on Rules ought to put that amendment in when the rules are revised. It is the duty of the Chair to construe the rules as he finds them.

So the points of order are overruled. The gentleman from Alabama [Mr. CLAYTON] is recognized.

Mr. CLAYTON. Mr. Speaker, I desire to move the previous question on the motion which I submitted.

The previous question was ordered.

The SPEAKER. The question is on the third reading of the Senate bill.

Mr. FITZGERALD. There is 40 minutes' debate, I believe.

The SPEAKER. If anyone wants to debate it, yes. [Cries of "Vote!" "Vote!"]

Mr. CLAYTON. Mr. Speaker, I have no desire to debate this bill now. We debated it last Saturday. [Applause.]

The SPEAKER. If any gentlemen want to debate this bill on either side, there will be 20 minutes allowed to those against the bill and 20 minutes to those for it. The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is, Shall the bill pass?

The question was taken, and the bill was passed.

On motion of Mr. CLAYTON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26680) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, and further insisted upon its amendments disagreed to by the House of Representatives, asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. WETMORE, and Mr. OVERMAN as the conferees on the part of the Senate.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FERRIS, for 10 days, on account of important business.

To Mr. CARTER, for 10 days, on account of important business.

To Mr. TALBOTT of Maryland, indefinitely, on account of sickness in family.

INVESTIGATION OF FINANCIAL CONDITIONS.

Mr. LLOYD. Mr. Speaker, I present the following privileged resolution.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 519 (H. Rept. 1508).

Resolved, That all expenses that may be incurred by the Committee on Banking and Currency in making the investigation authorized by House resolution 429, as amended by House resolution 504, to an amount not exceeding $25,000, in addition to that heretofore authorized by House resolution 465, shall be paid out of the contingent fund of the House of Representatives on vouchers ordered by the said committee, signed by the chairman thereof and approved by the Committee on Accounts, evidenced by the signature of the chairman thereof.

Mr. LLOYD. Mr. Speaker, the purpose of this resolution is to authorize what is known as the Pujo committee to continue its investigation. By a resolution previously adopted that committee was authorized to make an expenditure of not exceeding $25,000. The purpose of this present resolution is to increase the amount of that expenditure.

Up to the present time there has been expended by that committee not quite $20,000. According to the estimates that have been submitted by the committee, it is necessary to have to complete their work an amount aggregating about $60,000, or $35,000 additional.

There is a committee amendment pending asking for an increase of this $25,000 to $35,000, making the total amount that will be authorized for expenditure by this committee $60,000.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield?

Mr. LLOYD. Yes.

Mr. FITZGERALD. Has any expense been incurred in excess of the $25,000?

Mr. LLOYD. No bills have been allowed by the Committee on Accounts in excess of the $25,000.

Mr. FITZGERALD. Has any expenditure or obligation been incurred in excess of the $25,000 authorized by the House?

Mr. LLOYD. That must be answered by the committee itself. I yield to the chairman of it [Mr. PUJO] to answer the question.

Mr. PUJO. The chairman of the committee is here present, and will be pleased to answer questions that may be propounded in reference to the work of the committee and the additional appropriation requested by this resolution.

Mr. LLOYD. In order that the gentleman from New York [Mr. FITZGERALD] may have an opportunity to propound the questions which he desires to propound to the chairman of that committee, I yield 10 minutes to the gentleman from Louisiana [Mr. PUJO], the chairman of the committee.

The SPEAKER. The gentleman from Louisiana [Mr. PUJO] is recognized for 10 minutes, in order to give the gentleman from New York [Mr. FITZGERALD] an opportunity to catechise him. [Laughter.]

Mr. FITZGERALD. I desire to inquire of the gentleman from Louisiana whether any obligations have been incurred in excess of the $25,000 authorized by the House.

Mr. PUJO. No legal obligation has been incurred in excess of the amount set aside to make this investigation authorized by the House of Representatives.

Mr. FITZGERALD. I know that no legal obligation has been incurred, because the gentleman's committee can not incur any obligation legally in excess of the $25,000.

Mr. PUJO. But obligations have been tentatively incurred for the purpose of making this investigation and reporting to Congress the result of the work of the committee during this session, in an amount approximating $29,000, in addition to the $22,000 already spent.

Mr. FITZGERALD. Does the gentleman mind stating to the House how the money expended has already been disbursed and what these tentative obligations are?

Mr. PUJO. Not in the slightest. The expenses incident to procuring bank returns, addressed to the various banks throughout the United States when the investigation was first authorized by this House, approximate $3,300, covering the preparation of forms, the mailing of them, the clerical force necessary to audit these returns, classify them, and such other work as is usually incident to assembling statistics of that nature. For supervising this general work, commencing last April and continuing until the present time, the expense of the clerical force is $3,300.

For supplies and equipment, $137.50.

For the work of experts in compiling statistics running through books of reference, authorized financial publications and publications of that kind, for the purpose of furnishing the committee with what is known as interlocking directorates, approximately $3,500.

The expenses of the committee for holding hearings in the city of New York last June, including railroad fare and other expenses, June 6, 7, 11, 12, and 13, were $1,051.60.

Expenses incident to serving subpœnas by the office of the Sergeant at Arms have been $1,061.

The expenses incident to the appearance of witnesses before the committee in Washington have been $2,119.25.

To Dr. Richardson, for a trip to Miami, Fla., to examine the condition of Mr. William Rockefeller, $2,561.16.

Expenses incident to mailing hearings, $42.50.

Expenses incident to indexing hearings, $160.

At the conclusion of this explanation I will file a tabulation, so that the itemized statement will appear in the RECORD.

The estimated expenses which the committee will have to pay in carrying out the instructions of this House to make an intelligent investigation and report the results of its work to the House of Representatives are as follows:

	April.	May.	June.	July.
Expenses incident to procuring bank returns, etc	$898.33	$1,929.08	$922.98	$243.00
Supervising and general	527.17	600.00	600.00	329.97
Supplies and equipment			137.50	
Interlocking directorates			600.00	800.00
Total	1,425.50	2,529.08	2,260.48	1,372.97

	August.	September.	October.	November.	December.
Supervising and general	$200.00	$200.00	$200.00	$100.00	$506.67
Interlocking directorates	733.32	700.00	400.00	246.67	56.00
Total	933.32	900.00	600.00	346.67	562.67

Itemized statement.

Total of office work	$10,930.69
Expenses incident to trips to New York, including hotel bills, railroad fares, and other expenses, June 6, 7, 11, 12, and 13 (expenses incurred by committee on account of hearings held in New York)	1,051.60
Expenses incident to serving subpœnas by office of Sergeant at Arms	1,061.24
Expenses incident to appearance of witnesses before committee in Washington	2,119.25

Expenses subcommittee No. 2 (Mr. GLASS)	$1,703.20
Dr. Richardson, trip to Miami to examine Mr. Rockefeller	2,561.15
Assistant counsel and special work	3,343.45
Expenses incident to mailing hearings	42.50
Expenses incident to indexing hearings	160.00
Total vouchers issued	22,973.08

Expenses to be met by additional appropriation of $35,000 asked for by the House Committee on Banking and Currency.

Samuel Untermyer, Esq., counsel for the committee	$15,000.00
Scudder Bros., expert statisticians	5,000.00
Subcommittee of Hon. CARTER GLASS	3,000.00
Stenographers to the committee	3,000.00
Balance due assistant counsel, Mr. Todd	2,500.00
Indexing hearings	490.00
Perley Morse & Co., expert witnesses before the committee	216.75
Mailing force	157.50
Harris & Ewing, enlargements of charts	180.00
Total	29,544.25

NOTE.—This estimate does not include expenses of trip incident to the taking of Mr. Rockefeller's testimony; expenses of Mr. Farrar, who was of counsel of the committee; expenses of Mr. Untermyer; and other minor expenses.

Now, if there are any further questions by the gentleman from New York or anyone else, I will give them such information as I may be possessed of.

Mr. O'SHAUNESSY. Will the gentleman yield?

Mr. PUJO. Certainly.

Mr. O'SHAUNESSY. I notice that the doctor's bill was $2,561. What service did he perform?

Mr. PUJO. Dr. C. W. Richardson, a throat specialist, of the city of Washington, by authority of the committee, was employed to go down and make an examination of Mr. Rockefeller as to his health. He charged $500 a day and his actual expenses. He reported to the committee and presented his bill, which was audited and the warrant issued.

Mr. O'SHAUNESSY. Did it take him five days to determine Mr. Rockefeller's condition?

Mr. PUJO. He had to go to Miami, Fla.

Mr. O'SHAUNESSY. And that would take him how long?

Mr. PUJO. It took him two days to go, and, I presume, two days to come back.

Mr. O'SHAUNESSY. Two days to go down?

Mr. PUJO. I think so; and two days to come back. That sum includes the railroad fare and hotel bills, and the bill is sworn to and is on file in the office of the Committee on Accounts.

Mr. O'SHAUNESSY. I want to say that I thought it was an excessive bill for an examination that would perhaps take half an hour or perhaps less.

Mr. PUJO. The examination proper took only one hour, but he had to go to Miami and there make the examination. In that connection I will say that a request was made that he should be sent to Nassau, Bahama Islands, but the chairman of the committee declined to accede to that request.

Mr. O'SHAUNESSY. Did the committee consider the employment of any other physician?

Mr. PUJO. No, sir; not to my knowledge.

Mr. RAKER. Will the gentleman yield for a question?

Mr. PUJO. Yes.

Mr. RAKER. I notice that there is $1,000 for the Sergeant at Arms' expenses—undoubtedly in summoning Mr. Rockefeller. There is also $2,500 for a doctor to go and see Mr. Rockefeller. How does it come that the Sergeant at Arms did not serve him with a subpœna?

Mr. PUJO. The subpœna issued last June for Mr. Rockefeller to appear as a witness, but service was not had upon him. As the time came near when it was desired to obtain his testimony the Sergeant at Arms was instructed to make service upon him, and finally service was accepted by counsel for Mr. Rockefeller in the city of New York. The subpœna upon which service had been accepted was returnable the 13th of January. It was claimed that Mr. Rockefeller could not report at that time, and so it was found necessary to send a physician to satisfy the committee as to his condition.

Mr. RAKER. As a matter of fact, the Sergeant at Arms did not have him corralled at his mansion in New York?

Mr. PUJO. That is a disputed fact. I think he was there at the time.

Mr. RAKER. It seems as though the House ought to know that if, as a matter of fact, a rich man, one with the wealth of that man, can come, through his attorney, and say they will accept service when the committee must have known and the attorney must know that the acceptance of service by an attorney amounted to absolutely nothing. The committee would not treat an ordinary man that way under ordinary circumstances. It seemed to me peculiar when I read it that this great committee with its attorneys would accept service on Mr. Rockefeller through an attorney for a witness bidding him to appear before them and then let him go to the South Seas and send a doctor down there at an expense of $2,500 to examine him. They would not do it to anybody else. I am not criticizing the committee or any of its members, but it just seems strange to me.

Mr. PUJO. Mr. Speaker, the gentleman is entirely in error in his premise as to the law, and he is entirely in error in his premise as to the fact. Acceptance of service could be made for any witness before the committee, be he rich or poor.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

Mr. PUJO. Wait a moment; not now. The committee, and, I dare say, its counsel did not know where Mr. Rockefeller was when service was accepted. I do not suppose the gentleman from California [Mr. RAKER] knew. If so, it was his duty to inform the committee.

Mr. RAKER. Would the gentleman yield there?

Mr. PUJO. Certainly.

Mr. RAKER. The gentleman does not intend to state that under the law of any State or of this House an attorney can accept service for a witness and the attorney can bind that witness to appear, which would give the House authority to punish him for contempt if he did not appear?

Mr. PUJO. Unquestionably I do.

Mr. RAKER. Absolutely the law is to the contrary. It requires personal service.

Mr. PUJO. Let the gentleman show me a decision to the contrary ever rendered in the United States.

Mr. RAKER. Mr. Speaker, it seems to me that to spend this money for the purpose of permitting this man to get out of the jurisdiction is not a very proper way to spend the people's money.

Mr. PUJO. The gentleman is drawing on his own imagination and attributing motives that never existed, either as to the members of the committee or the chairman of the committee, in saying that service was accepted to permit Mr. Rockefeller to get out of the jurisdiction of the committee, or of the United States. On the contrary, the chairman of this committee insisted that he should come back to the United States and obey the mandate of Congress in so far as submitting himself to examination.

The SPEAKER. The time of the gentleman from Louisiana has expired.

Mr. MANN. Mr. Speaker, I will ask the gentleman from Missouri to yield me some time.

Mr. LLOYD. Mr. Speaker, I yield one minute more to the gentleman from Louisiana.

Mr. PUJO. I will be glad to answer any question the gentleman from Illinois desires to ask me.

Mr. MANN. I did not desire to ask the gentleman any question.

Mr. PUJO. I do not want any more time myself.

Mr. LLOYD. How much time does the gentleman from Illinois want?

Mr. MANN. Ten minutes.

Mr. LLOYD. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois.

Mr. MANN. Mr. Speaker, I have no doubt that in the opinion of the gentleman from California [Mr. RAKER] and possibly the opinion of some other Members of the House, and probably of some other people in the country, the committee ought to have hanged Mr. Rockefeller offhand without any further consideration.

Mr. RAKER. Mr. Speaker, will the gentleman yield right there?

Mr. MANN. For what?

Mr. RAKER. For a question.

Mr. MANN. Yes.

Mr. RAKER. Would not the gentleman say that Mr. Rockefeller should be treated just like any other man when a subpœna was served on him?

Mr. MANN. Certainly; but he was not. If Mr. Rockefeller had not been Mr. Rockefeller—a rich man—neither the gentleman from California [Mr. RAKER] nor anyone else would have tried to take his testimony at the risk of his life. [Applause.] It was only because he was rich—richer than we are—that he we pursued through feelings of personal animosity.

Mr. Speaker, my recollection is that this committee was authorized to make investigations with a limit of cost of $25,000, to be paid out of the contingent fund. I will ask the gentleman from Missouri whether I am correct in that?

Mr. LLOYD. Yes; the limit was $25,000.

Mr. MANN. Mr. Speaker, we have a good many statutes on the books in reference to expenditures of appropriations by administrative officers and the incurring of obligations in addition to the appropriations. Only last year this House inserted two

provisions in a bill not wholly covering the question of appropriations, but partly covering the question of expenditures. One of them reads in this way:

Any person knowingly violating the provisions of this section shall be summarily removed from office, and may also, upon conviction thereof, be punished by a fine of not more than $1,000 or by imprisonment for not more than one year.

The next section of the bill, covering the same and similar matter, provides:

Any person violating section 4 of the legislative, executive, and judicial appropriation act approved August 5, 1882, shall be summarily removed from office, and may also, upon conviction thereof, be punished by a fine of not more than $1,000 or imprisonment for not more than one year.

We have a somewhat similar provision in reference to the expenditure of appropriations by the monthly theory. We are very careful in making laws and providing penalties for the violation thereof, as to what the executive departments shall do about incurring obligations contrary to law, and when our own committees do the very thing for which we would send a man to the penitentiary if he were an administrative officer, we condone the offense and pay the bill.

It is little enough that we do not apply a penalty to a committee which incurs an obligation and violates the law. This committee had no authority to incur a single obligation beyond the $25,000 authorized, and when it did that it violated the law, and instead of being punished, as it ought to be, it asks us to pay these exorbitant and outrageous bills, which ought never to have been incurred in the first place. Oh, we have heard a great deal about economy. We have heard a great deal about how a Democratic House—a Democratic Congress—was going to reduce appropriations. Here is an investigation of no value which cost, as gentlemen now say, $60,000. Sixty thousand dollars thrown away! Economy! Everywhere the appropriations are piling up. The naval appropriation bill will carry over a century and a half of money—a hundred and fifty-odd million dollars—every appropriation bill reaching over the limit! Economy, with no management on that side of the House [laughter]; with no organization on that side of the House; a disorganized mob [laughter and applause on the Republican side] in control of the legislation of this House, piling up the appropriation bills and condoning the offense of an investigating committee when it violates the law by incurring obligations which it had no right to incur. I hope we may have a return to economy, to some idea of proper legislation, and to the Members of Congress living up to the law themselves. [Applause.]

Mr. LLOYD. Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. GARNER], a member of the Committee on Accounts.

Mr. GARNER. Mr. Speaker, I want for just a moment to call the attention of the House to the attitude of the Committee on Accounts, or at least one member of it, with reference to the expenditures for investigating committees of this House. The Congress authorized an investigation of the so-called Money Trust, and the gentleman from Illinois [Mr. MANN] and his side of the House voted for it. Your Committee on Accounts understood that this limit of cost was to be $25,000. It is impossible, under the rules governing your instructions, for the Committee on Accounts to control that expenditure. For instance, if Mr. PUJO and his committee come to the conclusion that a certain amount of money is to be expended for a certain purpose, they immediately arrange to expend that money, and your Committee on Accounts does not know anything about it until the bills are sent in, and we must either pay them or repudiate what a committee of this House has already done. I myself am not in favor of these continuous expenditures allowed by the House, but when a committee comes into the Committee on Accounts and says, "We have spent the money you have allowed us; we have contracted these obligations on the part of the House of Representatives and the Congress under your direction," what is your Committee on Accounts to do? Either to repudiate what the committee has done or else bring in a resolution and ask the Congress to give the amount that has already been contracted for. When this matter was submitted to the Committee on Accounts Mr. PUJO gave the committee the information there that he has given this House this afternoon. There was nothing for us to do except to either repudiate what the committee had done or report a resolution into the House and ask the Congress to give him the $35,000.

Now, when you make your appropriations and authorizations, you must either give your Committee on Accounts the authority to veto every contract made by one of these investigating committees or we are absolutely helpless to protect the contingent fund, and it is impossible to do that unless we summons the committee of the House that is making the investigation before the Committee on Accounts, and instruct them by saying, "Gentlemen, before you enter into any contract, before you make any arrangement to make this investigation, you must submit your estimates, plans, and specifications to the Committee on Accounts." I undertook to do that in the first instance, and before I got far I had two or three gentlemen of this House passing by me without speaking [laughter], saying by such action, "I am going to take care of the Treasury, I am as capable of taking care of it as you are, and I do not want you or the Committee on Accounts viséing or auditing beforehand what I am going to do." The result was I concluded I had better wait, and I have waited. There have been only one or two instances in this House but what a committee on investigation has gone beyond what Congress originally permitted them to do. Now, that is the condition, and there ought to be, there is no question in my mind, some manner, some way by which when this House passes a resolution for investigation it may know the limit, and before a single dollar is contracted in excess of that limit they must come back to this House and say, "We have not got sufficient money, you must give us more money in order to complete the work you have placed in our hands," rather than complete the work and then come to your Committee on Accounts and put them in the attitude of either having to report a resolution or repudiate the debt.

Mr. MANN. Now, will the gentleman yield?

Mr. GARNER. I yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Is it not a fact that the Committee on Accounts recommended, and we passed, an authorization limiting the amount of expenses that the Committee on Banking and Currency could incur to $25,000?

Mr. GARNER. It is.

Mr. MANN. Did they have any authority under the law to incur any other obligation?

Mr. GARNER. I do not know, unless it would be to imply authority to the fact that Congress had commissioned them to do certain work.

Mr. MANN. Was it not commissioned under the limitation of $25,000?

Mr. GARNER. They were commissioned, and my only criticism is that when a committee is commissioned to do this specific work and the appropriation is not sufficient, it is the duty of the committee to come back to the House itself and ask the House to give them an additional appropriation to carry out what they are authorized to do.

Mr. MANN. Is it not the duty of the committee to do that and to come to the House and ask for it before they have incurred an indebtedness of over $25,000?

Mr. COOPER. Mr. Speaker——

Mr. GARNER. I yield to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER. Of course the gentleman knows the familiar rule of law that where an agent exceeds his authority and incurs obligations the obligations incurred do not bind the principal at all, but do bind the agent. And a person dealing with this committee knew that it got its authority from the House of Representatives and could very easily have ascertained under what authority it was acting.

Mr. GARNER. That simply emphasizes the thoughts that I have already indicated. In this particular instance I disagree with the gentleman from Illinois [Mr. MANN] as to the value of this work. I do not believe there was ever $60,000 spent by any Congress on the face of the earth that will do the good that has been done by this committee in investigating the Money Trust. I hear gentlemen say that no good has been accomplished. This much has been accomplished: We have put in form of affidavits testimony of men concerning conditions that have been existing in our minds for a number of years, and have got the information upon which we hope to pass intelligent legislation later on.

Mr. MANN. But you will not.

Mr. GARNER. I say, then, that no $60,000 could be spent for a better purpose. I am saying now what ought to be the future course of an investigating committee, and that is, when they have a limit placed upon them, they should come back to Congress before they exceed that limit; and we should require in the certificate not only the chairman's name, but it should be by authority of his committee, which means a majority of them. But any man who has ever been on that committee and has had any observation of its work knows that it is a physical impossibility for its members to meet there as a committee and audit each one of these items, and the result is that we trust to the chairman [Mr. LLOYD] to look after that matter.

I simply wanted to call the attention of the House at this time to the fact that in the future the chairmen of committees

conducting investigations ought to come back to the House and ask that they be given further funds with which to complete their work. [Applause.]

Mr. HUGHES of West Virginia. I ask that the gentleman from Missouri [Mr. LLOYD] give me two minutes.

Mr. LLOYD. I yield to the gentleman from West Virginia [Mr. HUGHES], a member of the committee, two minutes.

Mr. HUGHES of West Virginia. Mr. Speaker, as a member of the Committee on Accounts I voted against this resolution, and I did so because I thought the Committee on Banking and Currency was exceeding its authority by going over the country playing horse with William Rockefeller. I thought this was a needless expenditure of the people's money, and I thought it was not necessary to do this in order to get at the facts that this committee was appointed to ascertain, as an eminent physician had already given this information to the committee, and I still think so.

The only strong argument that was used for the passage of this resolution before the Committee on Accounts was that this expenditure was not half as much as what some other committees had expended in doing not as much work.

Now, I differ with my colleague on the committee [Mr. GARNER] in his idea that it was not within the power of the Committee on Accounts to have turned down this resolution. I think the Committee on Accounts should have turned down this resolution and should not have brought it in for the payment of this money, and thus teach the Members of this House and members of these junketing committees that they must keep within the limits of the amounts that are allowed by this House for their expenditure. [Applause.]

Mr. LLOYD. Mr. Speaker, how much time has been used?

The SPEAKER pro tempore (Mr. HAY). The gentleman has 22 minutes remaining.

Mr. LLOYD. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

The SPEAKER pro tempore. The gentleman from New York [Mr. FITZGERALD] is recognized for five minutes.

Mr. FITZGERALD. Mr. Speaker, I shall not vote for this resolution. It is useless for committees of this House to spend all the session in attempting to impress upon the administrative officers of the Government that when they are authorized to conduct a service within a certain sum they must do so and so arrange their service as to conduct it in that way when committees authorized by the House to do a specific service within a specific sum absolutely disregard the order of the House and make arrangements to spend such sums as they please.

I believe that there is in the contingent fund of the House to-day, or there was about a week ago, $100, and there are requests pending for $100,000 to supply the deficiencies for the balance of this fiscal year.

The gentleman from Illinois [Mr. MANN] has not overexaggerated the picture as to what is likely to happen at this session of Congress. No one can tell just how much the appropriations at this session will be, but I think it is a conservative estimate to say, Mr. Speaker, that they will far exceed the appropriations that have been made at any session in the history of the Government.

I have done my part and have done my best in some way to curtail the expenditures; not to interfere with the legitimate functions and services of the Government, but to stop the expenditure of public moneys to gratify every whim and to please every fancy, either of individuals or of Members. Everyone seems possessed, however, of a determination to obtain moneys to maintain and extend that particular branch of the public service in which he or his constituents is particularly interested and then to make fragmentary, spasmodic efforts to save in some other direction in which neither he nor his constituents will be affected.

Such a condition can not long continue. I understand that the bills reported at this session of Congress will probably provide for the expenditure of the $100,000,000 which it is anticipated will be raised by an income tax. It reminds me somewhat of an incident that occurred in the Committee on Appropriations when $27,000 was requested for a certain public service in anticipation of the enactment of some legislation at the next session of Congress.

I want to say, Mr. Speaker, that unless this side of the House wakes up to a sense of its responsibility, not only will the appropriations be grossly extravagant, but they will amount to so much that talk of a revision downward of the tariff will be the most hollow mockery. [Applause.]

Mr. LLOYD. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman from Missouri still has 17 minutes.

Mr. LLOYD. The Committee on Accounts, Mr. Speaker, has endeavored as faithfully as any committee in this House to discharge its duty, and anything that has been said this afternoon with reference to overlapping and extending beyond the authorization that is allowed to committees does not in any way apply to the Committee on Accounts. This committee has from time to time done all in its power to keep down the expenditures made from the contingent fund, and I think those of you who have watched the work of this committee must say that we have done more to curb the incidental expenses of this House than any committee has done which is connected with this House. Ours is a small work, but if you knew the number of propositions that we have turned down, the number of efforts that have been made to raid this fund, and if you stopped to consider what we have done in undertaking to curb the expenses of the House, you would feel like commending this committee.

I want to say this, with reference to the expenditures that have been made in investigations: In some instances they have gone beyond the authorization in making contracts. In this particular case it may be that they have gone beyond the limit of expenditure in authorizing contracts. But I am perfectly safe in making this statement: That never in the history of the American Congress has there been as much work done in the way of investigation for as little money as has been done during this Congress. Why, think of it, this money investigation, running into all manner of inquiries, necessitated much of expenditure that nobody could have supposed in advance was necessary to be made. Yet this total expenditure is not to exceed $60,000. Do you remember an immigration commission that we had a short time back? Do you remember the work that they did? I am safe in making the statement that this committee has accomplished as much for the American people as did the immigration commission, and it has only cost about one-tenth as much.

Mr. MANN. Will the gentleman yield for a question right there?

Mr. LLOYD. Yes.

Mr. MANN. Is it not a fact that immediately after this $25,000 was promised, this committee made an agreement of some sort with Mr. Untermyer which involved a large fee?

Mr. LLOYD. Do you mean the Banking and Currency Committee?

Mr. MANN. Yes.

Mr. LLOYD. I do not know. I suppose they did, because he has been at work for a considerable length of time; but the Accounts Committee did not do it.

Mr. MANN. Nobody is criticizing the Accounts Committee. We understand the position of that committee with reference to the matter.

Mr. LLOYD. As far as Mr. Untermyer is concerned, when it was first suggested that he be employed, I personally was opposed to it. I said time and again that I did not believe it was wise to employ Mr. Untermyer; but I do want to say that since he has been employed he has rendered a splendid service, and in my judgment has earned every dollar of the $15,000 that it is proposed to give him.

Mr. MANN. I regret that I can not agree with the gentleman.

Mr. CAMPBELL. Will the gentleman from Missouri yield?

Mr. LLOYD. Yes.

Mr. CAMPBELL. Much will depend, in my vote on this resolution, on whether or not Mr. Untermyer has had that $15,000 paid to him.

Mr. LLOYD. He has not had the $15,000 paid to him.

Mr. CAMPBELL. Then I shall vote against this resolution.

Mr. LLOYD. Mr. Speaker, unless somebody else wishes to be heard, I move to amend the resolution by striking out "twenty-five" in line 4, and inserting "thirty-five"; and I move the previous question on the resolution and the amendment to the final passage.

The SPEAKER. The gentleman from Missouri moves the previous question on the resolution and amendment to the final passage.

The previous question was ordered.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, line 4, by striking out the word "twenty-five" and inserting in lieu thereof "thirty-five."

The SPEAKER. If there be no objection, the amendment will be considered as agreed to.

Mr. MANN. Oh, well, Mr. Speaker, I object.

The question being taken, the Speaker announced that the noes appeared to have it.

Mr. LLOYD. Division!

The House divided; and there were—ayes 43, noes 54.

Mr. LLOYD. Mr. Speaker, I demand tellers.

Tellers were ordered, and the Speaker appointed Mr. LLOYD and Mr. MANN.

Mr. OLMSTED. Mr. Speaker, may we have the amendment reported?

The SPEAKER. If there be no objection the amendment will be again reported.

The amendment was again read.

The House again divided; and the tellers reported—ayes 60, noes 55.

Accordingly the amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. MANN. I make the point of order that there is no quorum present.

The SPEAKER (after counting). One hundred and forty-three Members, not a quorum, present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 130, nays 117, answered "present" 13, not voting 123, as follows:

YEAS—130.

Aiken, S. C.	Doughton	Heflin	Padgett
Alexander	Dupré	Helm	Pujo
Allen	Ellerbe	Henry, Tex.	Raker
Bathrick	Estopinal	Hensley	Ransdell, La.
Bell, Ga.	Faison	Hobson	Reilly
Blackmon	Fergusson	Howard	Rothermel
Booher	Fields	Humphreys, Miss.	Rucker, Colo.
Borland	Finley	Jacoway	Rucker, Mo.
Broussard	Flood, Va.	Kahn	Russell
Buchanan	Floyd, Ark.	Kendall	Sherley
Bulkley	Foster	Kindred	Sims
Burgess	Fowler	Kinkead, N. J.	Small
Burke, Wis.	French	Konop	Smith, J. M. C.
Burleson	Garner	Lamb	Smith, Tex.
Burnett	Garrett	Lee, Pa.	Stanley
Byrnes, S. C.	Gill	Lever	Stedman
Carter	Glass	Littlepage	Stephens, Cal.
Cary	Goodwin, Ark.	Lloyd	Stephens, Miss.
Clark, Fla.	Gould	McCoy	Stephens, Nebr.
Cline	Graham	McCreary	Stephens, Tex.
Collier	Gray	McDermott	Stone
Cooper	Gregg, Tex.	McGillicuddy	Sweet
Copley	Gudger	McGuire, Okla.	Talcott, N. Y.
Cravens	Guernsey	McKellar	Taylor, Ala.
Curley	Hamlin	McMorran	Taylor, Colo.
Daugherty	Hardwick	Maguire, Nebr.	Townsend
Davis, Minn.	Harrison, Miss.	Martin, Colo.	Turnbull
Dent	Hart	Moore, Tex.	Tuttle
Dickinson	Hay	Morgan, Okla.	Watkins
Difenderfer	Hayden	Mott	Webb
Donohoe	Hayes	Nye	Wilson, Pa.
Doremus	Heald	Oldfield	Witherspoon

NAYS—117.

Akin, N. Y.	Fairchild	McKenzie	Rees
Ames	Fitzgerald	McKinley	Roberts, Mass.
Anderson	Focht	McKinney	Roddenbery
Austin	Foss	McLaughlin	Rouse
Barnhart	Francis	Macon	Saunders
Bartholdt	Fuller	Madden	Scott
Bartlett	Gallagher	Maher	Sherwood
Bates	Godwin, N. C.	Martin, S. Dak.	Sisson
Beall, Tex.	Green, Iowa	Merritt	Slayden
Berger	Greene, Mass.	Miller	Sloan
Brantley	Greene, Vt.	Moon, Pa.	Steenerson
Burke, Pa.	Hamilton, Mich.	Moon, Tenn.	Sterling
Burke, S. Dak.	Hardy	Morrison	Sulloway
Butler	Haugen	Moss, Ind.	Switzer
Byrns, Tenn.	Henry, Conn.	Murdock	Taylor, Ark.
Callaway	Higgins	Nelson	Towner
Campbell	Hinds	Olmsted	Tribble
Candler	Howell	O'Shaunessy	Vare
Claypool	Howland	Page	Volstead
Clayton	Hughes, W. Va.	Patton, Pa.	White
Cox	Humphrey, Wash.	Payne	Wilder
Curry	Kennedy	Pepper	Willis
Dalzell	Kinkaid, Nebr.	Pickett	Wood, N. J.
De Forest	Kopp	Plumley	Woods, Iowa
Denver	La Follette	Post	Young, Kans.
Dodds	Langley	Pou	Young, Mich.
Driscoll, M. E.	Lawrence	Powers	Young, Tex.
Edwards	Lenroot	Pray	
Esch	Levy	Prouty	
Evans	Lindbergh	Redfield	

ANSWERED "PRESENT"—13.

Adamson	Cullop	Johnson, S. C.	Thistlewood
Ashbrook	Farr	Mann	
Bradley	Hawley	Murray	
Browning	Hill	Riordan	

NOT VOTING—123.

Adair	Ayres	Cannon	Crago
Ainey	Barchfeld	Cantrill	Crumpacker
Andrus	Boehne	Carlin	Currier
Ansberry	Brown	Conry	Danforth
Anthony	Calder	Covington	Davenport
Davidson	Hartman	McCall	Sells
Davis, W. Va.	Helgesen	Matthews	Shackleford
Dickson, Miss.	Holland	Mays	Sharp
Dies	Houston	Mondell	Simmons
Dixon, Ind.	Hughes, Ga.	Moore, Pa.	Slemp
Draper	Hull	Morgan, La.	Smith, Saml. W.
Driscoll, D. A.	Jackson	Morse, Wis.	Smith, N. Y.
Dwight	James	Needham	Sparkman
Dyer	Johnson, Ky.	Neeley	Speer
Ferris	Jones	Norris	Stack
Fordney	Kent	Palmer	Stevens, Minn.
Fornes	Kitchin	Parran	Taggart
Gardner, Mass.	Knowland	Patten, N. Y.	Talbott, Md.
Gardner, N. J.	Konig	Peters	Taylor, Ohio
George	Korbly	Porter	Thayer
Gillett	Lafean	Prince	Thomas
Goeke	Lafferty	Rainey	Tilson
Goldfogle	Langham	Randell, Tex.	Underhill
Good	Lee, Ga.	Rauch	Underwood
Gregg, Pa.	Lewis	Reyburn	Vreeland
Griest	Lindsay	Richardson	Warburton
Hamill	Linthicum	Roberts, Nev.	Weeks
Hamilton, W. Va.	Littleton	Rodenberg	Whitacre
Hammond	Lobeck	Rubey	Wilson, Ill.
Harris	Longworth	Sabath	Wilson, N. Y.
Harrison, N. Y.	Loud	Scully	

So the resolution was agreed to.

The following pairs were announced:

For the session:

Mr. UNDERWOOD with Mr. MANN.

Mr. LITTLETON with Mr. DWIGHT.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. RIORDAN with Mr. ANDRUS.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. FORNES with Mr. BRADLEY.

Mr. SCULLY with Mr. BROWNING.

Mr. PALMER with Mr. HILL, commencing January 8.

Until further notice:

Mr. WHITACRE with Mr. WILSON of Illinois.

Mr. WILSON of New York with Mr. WARBURTON.

Mr. THOMAS with Mr. VREELAND.

Mr. SMITH of New York with Mr. TAYLOR of Ohio.

Mr. SHARP with Mr. SPEER.

Mr. SHACKLEFORD with Mr. WEEKS.

Mr. SABATH with Mr. SAMUEL W. SMITH.

Mr. RUBEY with Mr. SLEMP.

Mr. PETERS with Mr. SIMMONS.

Mr. PATTEN of New York with Mr. SELLS.

Mr. NEELEY with Mr. RODENBERG.

Mr. LOBECK with Mr. ROBERTS of Nevada.

Mr. LINTHICUM with Mr. REYBURN.

Mr. LEWIS with Mr. PRINCE.

Mr. LEE of Georgia with Mr. PORTER.

Mr. KORBLY with Mr. NORRIS.

Mr. JOHNSON of Kentucky with Mr. MOORE of Pennsylvania.

Mr. HUGHES of Georgia with Mr. MONDELL.

Mr. HOUSTON with Mr. MATTHEWS.

Mr. HOLLAND with Mr. LOUD.

Mr. JAMES with Mr. LONGWORTH.

Mr. DAVENPORT with Mr. LAFFERTY.

Mr. HARRISON of New York with Mr. LANGHAM.

Mr. HAMILL with Mr. LAFEAN.

Mr. GOLDFOGLE with Mr. KNOWLAND.

Mr. GEORGE with Mr. JACKSON.

Mr. DANIEL A. DRISCOLL with Mr. HELGESEN.

Mr. DIXON of Indiana with Mr. GRIEST.

Mr. DIES with Mr. GARDNER of New Jersey.

Mr. DAVIS of West Virginia with Mr. CANNON.

Mr. COVINGTON with Mr. DRAPER.

Mr. CONRY with Mr. DYER.

Mr. CANTRILL with Mr. DANFORTH.

Mr. CARLIN with Mr. AINEY.

Mr. BOEHNE with Mr. ANTHONY.

Mr. AYRES with Mr. CALDER.

Mr. ANSBERRY with Mr. BARCHFELD.

Mr. MORGAN of Louisiana with Mr. GOOD.

Mr. RAINEY with Mr. MCCALL.

Mr. HULL with Mr. NEEDHAM.

Mr. RICHARDSON with Mr. THISTLEWOOD (from January 22, either to be released when the other would vote the same way).

Mr. FINLEY with Mr. CURRIER.

Mr. KITCHIN with Mr. FORDNEY.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. JOHNSON of South Carolina with Mr. GILLETT.

Mr. MURRAY with Mr. HARRIS.

Mr. UNDERHILL with Mr. FARR.

On this vote:

Mr. BROWN (for resolution) with Mr. CULLOP (against).

Mr. MANN. Mr. Speaker, I voted "no," but I am paired with the gentleman from Alabama, Mr. UNDERWOOD, and I wish to withdraw my vote and be recorded as present.

Mr. THISTLEWOOD. Mr. Speaker, I voted "no," but I am paired with Mr. RICHARDSON, and I wish to withdraw that vote and be recorded as present.

The result of the vote was then announced as above recorded.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 18425. An act for the relief of Simon Nager;

H. R. 16450. An act to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, the unlawful entering of such cars, the stealing of freight and express packages or baggage or articles in process of transportation in interstate shipment, and the felonious asportation of such freight or express packages or baggage or articles therefrom into another district of the United States, and the felonious possession or reception of the same; and

H. R. 28186. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 8035. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 28699) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1914, and for other purposes. Pending that, Mr. Speaker, I ask unanimous consent that general debate on the bill may be dispensed with.

The SPEAKER. The gentleman from Virginia moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Military Academy appropriation bill. Pending that he asks unanimous consent that general debate be dispensed with. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ascertain from the gentleman how late he intends to keep the House to-night?

Mr. HAY. I do not think it will be more than half an hour. I think we can get through the bill in that time.

Mr. MANN. I think that is likely, but can not we have some definite time set?

Mr. HAY. I would not stay after half past 6 o'clock.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the Military Academy appropriation bill, with Mr. GRAHAM in the chair.

Mr. HAY. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

For pay of one professor of law (lieutenant colonel), in addition to pay as major, $500.

Mr. MANN. Mr. Chairman, I move to strike out the last word. A good many gentlemen are making inquiries about to-morrow. I do not know just how long it is likely to take to count the electoral vote, but as I understand the resolution which was passed, it provides that the Senate shall come to the House to-morrow at 10 minutes to 1 o'clock, at which time every Member of the House in the city ought to be in the Chamber.

Mr. BURKE of Pennsylvania. Mr. Chairman, I would state that four years ago the counting of the electoral vote was concluded at 1 o'clock and 43 minutes, so that it took a little less than an hour.

The Clerk read as follows:

For extra pay of three teamsters (artillerymen), at 30 cents each per day, $383.25.

Mr. HAY. Mr. Chairman, I desire to amend by striking out the figures "30" and inserting in lieu thereof the figures "35." That was a typographical error.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 8, line 24, by striking out the figures "30" and inserting in lieu thereof the figures "35."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

PAY OF CIVILIANS.

For pay of one teacher of music, $1,700.

Mr. MILLER. Mr. Chairman, I move to strike out the last word. I notice this item is for pay of one teacher of music, $1,700. Is that the band instructor or the organist at the chapel?

Mr. HAY. He is not the organist. The organist is paid $1,200.

Mr. MILLER. Is that in a separate item?

Mr. HAY. That is in a separate item. The gentleman will find the item further along in the bill.

Mr. MILLER. I thought it was in a separate item in last year's bill, but I had not been able to discover it.

Mr. HAY. The gentleman will find that on page 11, line 12.

Mr. MILLER. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

For pay of chapel organist and choirmaster, $1,200.

Mr. MILLER. Mr. Chairman, I move to strike out the figures "$1,200" and insert in lieu thereof the figures "$1,800."

Mr. HAY. Mr. Chairman, on that I make the point of order.

Mr. MILLER. Mr. Chairman, I trust the gentleman will withhold his point of order for a moment.

Mr. HAY. How much time does the gentleman desire?

Mr. MILLER. Three or four minutes.

Mr. HAY. Very well. I will reserve the point of order for a moment or two.

Mr. MILLER. Mr. Chairman, I acknowledge that this is subject to a point of order, because this is an increase in the salary, but I very much hope that the gentleman in charge of the bill will not find it necessary to insist upon his point of order. The present organist at the chapel is undoubtedly one of the most skilled organists in this country who has ever touched his fingers to the keys of such an instrument.

He is there not because of the amount of the salary that he gets, but because of his liking to be in that part of the country and that particular place, and he is willing to stay, as I understand it, providing that he can have really enough to live on. I notice a clerk to treasurer and various subordinate employees carried in this bill are getting as high as $1,800. It does not seem to me that the Government of the United States ought to expect a man of his skill and standing to continue in the work that he is now doing at a salary not sufficient to enable him to live on.

Mr. KAHN. Does the gentleman know that the amount suggested by the commandant was only $1,700?

Mr. MILLER. Well, I am willing to make it $1,700, instead of $1,800. I will say, Mr. Chairman, further, that, as other Members have, I have visited the academy at West Point. I think the one thing about that institution that commends itself in the highest terms above all others is that beautiful chapel, not because it cost a large sum of money, but because of the exquisite taste of its architectural arrangement, and the finest feature of the chapel is the organ, and the finest part of the organ is the organist. It certainly is not an ornamental part of the course of instruction at West Point, but it is of the utmost importance that these cadets have good music, music of this character, in connection with their devotional exercises and in connection with their work at West Point. And, therefore, I certainly trust that the gentleman from Virginia will not insist upon his point of order.

Mr. HAY. Mr. Chairman, I will state to the gentleman from Minnesota that the committee considered this item very carefully, and we concluded that we ought not to raise the salary of this particular employee. I therefore am constrained to make the point of order.

The CHAIRMAN. The gentleman from Virginia insisting on the point of order, the point of order is sustained.

The Clerk read as follows:

For stationery, namely: Blank books, paper, envelopes, quills, steel pens, rubbers, erasers, pencils, mucilage, wax, wafers, folders, fasteners, rulers, files, ink, inkstands, typewriters, typewriting supplies, office furniture, penholders, tape, desk knives, blotting pads, and rubber bands, $2,500.

Mr. MURDOCK. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee what is the idea of including the word "quills" in this item?

Mr. HAY. I can only say to the gentleman that the word "quills" has been included in that item for a great many years, ever since I have known the item. If they do not buy any quills it does not cost any more.

Mr. MURDOCK. Does the gentleman understand they do not buy the quills?

Mr. HAY. I do not understand that they do.

Mr. SLAYDEN. If the chairman of the committee will permit me, the statement was made that they do not, that the word is preserved in the item as a tradition more than anything else. It is an old thing, dating from the beginning of the academy.

Mr. MURDOCK. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk resumed and concluded the reading of the bill.

Mr. HAY. Mr. Chairman, I move that the committee do now rise and report the bill and amendment to the House with the recommendation that the amendment be adopted and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GRAHAM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 28699, the Military Academy appropriation bill, and had directed him to report the same with an amendment with the recommendation that the amendment be agreed to and the bill as amended do pass.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HAY, a motion to reconsider the vote by which the bill was passed was laid on the table.

DISPENSING WITH PROCEEDINGS UNDER CALENDAR WEDNESDAY.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that the proceedings in order to-morrow, under the rule, be dispensed with.

The SPEAKER. The gentleman from New York asks unanimous consent that proceedings in order to-morrow be dispensed with.

Mr. KAHN. Mr. Speaker, I object to that.

Mr. HAY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. Will the gentleman withhold that for half a minute? The Chair will state that there are some Members who have not been here when the counting of the electoral vote takes place. The arrangement and rule is that a sufficient number of seats on the right-hand side of the Speaker be vacated and chairs are put around here to accommodate the Members. The Senate sits over here, and, as the gentleman from Illinois [Mr. MANN] suggested, they come over here at 10 minutes to 1 o'clock. The Vice President presides, the Speaker sitting by him. The gentleman from Virginia moves that the House do now adjourn.

ADJOURNMENT.

The motion was agreed to; accordingly the House (at 5 o'clock and 49 minutes p. m.) adjourned to meet to-morrow, Wednesday, February 12, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of examination and survey of Coal River, W. Va., from the mouth to Boone (H. Doc. No. 1384); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Elk River, W. Va., from the mouth to Clay (H. Doc. No. 1385); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

3. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of George P. Morrow, heir of Isaac Morrow, deceased, *v.* The United States (H. Doc. No. 1379); to the Committee on War Claims and ordered to be printed.

4. A letter from the chairman of the Interstate Commerce Commission, transmitting annual report of the District Electric Railway Commission respecting the enforcement of the act of Congress governing the street railways in the District of Columbia (Public, No. 134, approved May 23, 1908; S. Doc. No. 1068); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting, for the consideration of Congress, a list of judgments rendered by the Court of Claims, amounting to $16,361.62, which have been presented to this department and require an appropriation for their payment (H. Doc. No. 1378); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Secretary of the Treasury, transmitting a record of a judgment of the United States District Court of the Eastern District of Virginia, sitting as a court of admiralty in the case of claim of the owners of the British steamship *Maroa* (H. Doc. No. 1373); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Secretary of the Treasury, transmitting, pursuant to law, a list of judgments rendered against the United States by the circuit and district courts of the United States, and which require an appropriation for their payment (H. Doc. No. 1374); to the Committee on Appropriations and ordered to be printed.

8. A letter from the Secretary of the Treasury, transmitting, pursuant to law, schedules of claims amounting to $280,415.69, allowed by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under section 5 of the act of June 20, 1874 (H. Doc. No. 1372); to the Committee on Appropriations and ordered to be printed.

9. A letter from the Secretary of the Treasury, transmitting, for the consideration of Congress, a communication from the Attorney General, submitting a list of judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases, which require an appropriation for their payment (H. Doc. No. 1376); to the Committee on Appropriations and ordered to be printed.

10. A letter from the Secretary of the Treasury, transmitting, for the consideration of Congress, copy of a communication from the Secretary of State, submitting estimate of appropriation of $5,000 to enable the Government Printing Office to make an exhibit at the International Exhibition for the Book Industry and the Graphic Arts at Leipzig, Germany, May to October, 1914 (H. Doc. No. 1375); to the Committee on Appropriations and ordered to be printed.

11. A letter from the Secretary of the Treasury, transmitting for the consideration of Congress copy of a communication from the Secretary of the Interior, submitting an increase in his estimate for fees and expenses of examining surgeons, pensions, for the fiscal year ending June 30, 1914 (H. Doc. No. 1377); to the Committee on Appropriations and ordered to be printed.

12. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Deep Creek, N. C. (H. Doc. No. 1383); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

13. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Sturgeon Bay and Lake Michigan Ship Canal, Wis. (H. Doc. No. 1382); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

14. A letter from the Attorney General of the United States, transmitting information to the House of Representatives in response to resolution adopted February 7, 1913, relating to indictment returned in United States court, Texas, against Standard Oil Co. et al. (H. Doc. No. 1380); to the Committee on the Judiciary and ordered to be printed.

15. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Youngs Bay and River, Oreg. (H. Doc. No. 1386); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

16. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the Narrows of Lake Champlain, N. Y. and Vt. (H. Doc. No. 1387); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

17. A letter from the Secretary of War transmitting, pursuant to House resolution 790, information relative to the military record of each active officer of the Army with the rank above that of colonel (H. Doc. No. 1381); to the Committee on Military Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill

(H. R. 28022) authorizing the Minneapolis, St. Paul & Sault Ste. Marie Railway Co. to build a bridge across the Missouri River in sections 14 and 15, township 152 north, range 93 west of the fifth principal meridian, in the State of North Dakota, reported the same with amendment, accompanied by a report (No. 1505), which said bill and report were referred to the House Calendar.

Mr. BROUSSARD, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 28633) to amend the act approved January 27, 1912, entitled "An act to authorize the construction of a bridge across Caddo Lake, in Louisiana," reported the same without amendment, accompanied by a report (No. 1507), which said bill and report were referred to the House Calendar.

Mr. HENSLEY, from the Committee on Expenditures in the Interior Department, submitted a report (No. 1506) together with the views of the minority on the matter of the investigation of the Salt and Gilo Rivers Reservations and Reclamation Service, which report was referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. RUSSELL, from the Committee on Invalid Pensions, to which was referred the bill (S. 8314) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 1500), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 8274) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 1501), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 8178) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment accompanied by a report (No. 1502), which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill (S. 8275) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 1503), which said bill and report were referred to the Private Calendar.

Mr. McKELLAR, from the Committee on Military Affairs, to which was referred the bill (H. R. 28137) to correct the lineal and relative rank of First Lieut. Thomas J. Leary, Medical Corps, United States Army, reported the same without amendment, accompanied by a report (No. 1509), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 28625) granting a pension to Thomas M. Carew Birmingham, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LINTHICUM: A bill (H. R. 28727) to provide for the purchase of a suitable number of acres of land and the erection thereon of the necessary buildings for a modern sanitary dairy farm for the United States Naval Academy; to the Committee on Public Buildings and Grounds.

By Mr. HAY: A bill (H. R. 28728) to increase the efficiency of the aviation service of the Army, and for other purposes; to the Committee on Military Affairs.

By Mr. SPARKMAN: A bill (H. R. 28729) to establish a fish-cultural station at some suitable point on the Gulf coast of Florida; to the Committee on the Merchant Marine and Fisheries.

By Mr. BARTLETT: A bill (H. R. 28730) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1914, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. WICKERSHAM: A bill (H. R. 28731) to extend the time for the completion of the Alaska Northern Railway, and for other purposes; to the Committee on the Territories.

By Mr. SHERWOOD: Resolution (H. Res. 827) authorizing the payment of $1,200 to Allen D. Albert, for extra and expert services rendered to the Committee on Invalid Pensions; to the Committee on Accounts.

By Mr. CARTER: Resolution (H. Res. 828) requesting the President of the United States to furnish the House of Representatives with information about the civil service; to the Committee on Reform in the Civil Service.

By the SPEAKER (by request): Memorial from the Legislature of the State of Oregon, favoring the enactment of Senate bill 8003; to the Committee on the Post Office and Post Roads.

Also (by request), memorial from the Legislature of the State of Oregon, requesting that Congress amend section 5 of the act of June 17, 1902, known as the reclamation act; to the Committee on Irrigation of Arid Lands.

Also (by request), memorial from the Legislature of the State of Oregon, favoring an appropriation to preserve and improve the revetment at Independence on the Willamette River, to preserve navigation and protect adjoining lands; to the Committee on Rivers and Harbors.

Also (by request), memorial from the Legislature of the State of Oregon, urging Congress to continue Federal cooperation to the same end as provided in section 2 of the Weeks law; to the Committee on Agriculture.

By Mr. LAFFERTY: Memorial of the Legislative Assembly of the State of Oregon, favoring and urging appropriation sufficient to improve and preserve revetment of Willamette River near Independence; to the Committee on Rivers and Harbors.

Also, memorial of the Legislative Assembly of the State of Oregon, favoring the enactment of Senate bill 8003, for construction, maintenance, and improvement of post roads and rural-delivery routes through the cooperation and joint action of the National Government and the several States in which such routes or roads may be established; to the Committee on the Post Office and Post Roads.

Also, memorial of the Legislative Assembly of the State of Oregon, favoring the Weeks law for the protection of forested watersheds of navigable streams from fire and the continued appropriation to make the same effective; to the Committee on Agriculture.

Also, memorial of the Legislative Assembly of the State of Oregon, favoring an act to extend the time for payment under the reclamation law from 10 to 25 years; to the Committee on Irrigation of Arid Lands.

By Mr. ASHBROOK: Memorial of the Legislature of Ohio, urging upon Congress the need of examining into the necessity and feasibility of constructing levees, embankments, and flood walls for the protection of the towns and villages along the Ohio River; to the Committee on Rivers and Harbors.

By Mr. CURRY: Memorial from the Legislature of the State of New Mexico, protesting against the contemplated transfer of the public lands in New Mexico; to the Committee on Indian Affairs.

By Mr. LEVER: Memorial from the Legislature of the State of South Carolina, memorializing Congress to appropriate $100,000 to be used in the repair of public roads in South Carolina upon which free-delivery mail routes are established; to the Committee on Agriculture.

By Mr. RUCKER of Colorado: Memorial from the General Assembly of the State of Colorado, memorializing Congress to enact a law creating the Rocky Mountain National Park; to the Committee on the Public Lands.

By Mr. CARTER: Memorial from the Legislature of the State of Oklahoma, favoring the passage of the Page vocational education bill; to the Committee on Agriculture.

Also, memorial from the Legislature of the State of Oklahoma, favoring legislation for the regulation of trusts; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HULL: A bill (H. R. 28732) for the relief of W. H. Mohler; to the Committee on Military Affairs.

By Mr. O'SHAUNESSY: A bill (H. R. 28733) granting an increase of pension to Mary E. Davis; to the Committee on Invalid Pensions.

By Mr. PUJO: A bill (H. R. 28734) for the relief of Arthur J. Coney, sole heir of L. J. J. Coney, deceased; to the Committee on War Claims.

By Mr. SMITH of Texas: A bill (H. R. 28735) authorizing the payment of damages to persons for injuries inflicted by Mexican Federal or insurgent troops within the United States during the insurrection in Mexico in 1911, making appropriation therefor, and authorizing the Secretary of State to proceed, in conformity with diplomatic usage and international law, to secure reimbursement therefor from Mexico; to the Committee on Foreign Affairs.

By Mr. SPEER: A bill (H. R. 28736) granting an increase of pension to Richard M. Hovis; to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 28737) granting a pension to John A. McLaughlin; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the Worley Bible Class, Bethany Baptist Sunday School, Washington, D. C., extending their thanks to the House of Representatives for passing the Webb liquor bill, preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. FOSS: Petition of Charles M. Stewart and other citizens of the tenth congressional district of Illinois, favoring the passage of the Kenyon-Sheppard bill preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. KINDRED: Petition of the American Laundry Machinery Co., of Rochester, N. Y., favoring the passage of the Weeks bill (H. R. 27567) for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the National League of Government Employees, Washington, D. C., favoring the passage of House bill 20995, granting to certain employees of the United States the right of compensation for injuries sustained in the course of their employment; to the Committee on the Judiciary.

Also, petition of the Association of Eastern Foresters, Trenton, N. J., protesting against the passage of any legislation to transfer the control of the national forests to the States wherein they lie; to the Committee on Agriculture.

Also, petition of the Remington Typewriter Co., New York, protesting against the passage of the Oldfield patent law revision bill (H. R. 23417) making certain changes in the present patent laws; to the Committee on Patents.

Also, petition of the Thread Agency, New York, N. Y., favoring the passage of House bill 16663, permitting corporations, joint-stock companies, etc., to change the date of filing annual returns to the close of their fiscal year; to the Committee on Ways and Means.

Also, petition of the New York State Fruit Growers' Association, favoring the passage of the Nelson bill (S. 7208) proposing certain radical changes in the law of the United States relating to the carriage of cargo by sea; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of the State of New York, protesting against the passage of the Nelson bill (S. 7208) proposing radical changes in the law of the United States relative to the carriage of cargo by sea; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Philadelphia Coal Exchange, Philadelphia, Pa., favoring the passage of legislation to repeal the mercantile-tax bill; to the Committee on Ways and Means.

Also, petition of the New York State Legislative Board, Brotherhood of Locomotive Engineers, favoring the passage of the Federal workmen's compensation bill; to the Committee on the Judiciary.

By Mr. KINKAID of Nebraska: Petition of numerous citizens of Cherry County, Nebr., favoring the passage of the Kenyon-Sheppard bill preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. LAFFERTY: Petition of Albert Hart, of Leousi, Clonney & Co., favoring the passage of legislation repealing the tariff duty on sponges; to the Committee on Ways and Means.

Also, petition of the Astoria Retail Merchants' Association, favoring the passage of House bill 27567, for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

By Mr. LINDSAY: Petition of the Central Federated Union of Greater New York and vicinity, New York, N. Y., relative to the payment of the crews of the Panama Steamship Line and the special privileges granted to said company, which is controlled and owned by the United States Government; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Children's Aid Society, New York, favoring the passage of Senate bill 3 granting Federal aid for vocational education; to the Committee on Agriculture.

By Mr. O'SHAUNESSY: Petition of the Woman's Christian Temperance Union of Rhode Island, Providence, R. I., favoring the passage of the Kenyon "red-light" injunction bill for the cleaning up of Washington for the inauguration; to the Committee on the District of Columbia.

Also, petition of the League of Improvement Societies in Rhode Island, Providence, R. I., favoring the passage of the McLean bill granting Federal aid for the protection of all migratory birds; to the Committee on Agriculture.

Also, petition of the System Federation of the Harriman Lines, favoring the passage of legislation for enforcing the inspection of the locomotive boilers and safety appliances for railway equipment, and also an investigation by Congress relative to improving the condition of the American railway employees; to the Committee on Interstate and Foreign Commerce.

By Mr. PALMER: Petition of citizens of Berwick, Pa., favoring the passage of the Kenyon-Sheppard bill preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. PUJO: Papers to accompany bill for the relief of Arthur J. Coney, sole heir of L. J. J. Coney, deceased; to the Committee on War Claims.

By Mr. RUCKER of Colorado: Petition of the Farmers' Educational and Cooperative Union of America, Denver, Colo., protesting against the passage of legislation lowering the tariff duties on sugar and other farm products; to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *February 12, 1913.*

(Legislative day of Tuesday, February 11, 1913.)

The Senate reassembled at 12 o'clock and 40 minutes p. m. on the expiration of the recess.

Mr. CULLOM. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore (Mr. BACON). The Senator from Illinois suggests the absence of a quorum. The Secretary will proceed to call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	McCumber	Smith, Ga.
Bacon	Dillingham	McLean	Smith, Md.
Bankhead	Fletcher	Martine, N. J.	Smith, Mich.
Bourne	Foster	Myers	Smoot
Bradley	Gallinger	Nelson	Stephenson
Brady	Gamble	O'Gorman	Stone
Brandegee	Gardner	Oliver	Sutherland
Bristow	Gronna	Overman	Swanson
Brown	Guggenheim	Owen	Thomas
Bryan	Hitchcock	Page	Thornton
Burnham	Jackson	Paynter	Tillman
Burton	Johnson, Me.	Percy	Townsend
Catron	Johnston, Ala.	Perkins	Warren
Chamberlain	Jones	Pomerene	Webb
Clapp	Kavanaugh	Richardson	Wetmore
Clark, Wyo.	Kenyon	Root	Williams
Crane	La Follette	Sheppard	Works
Crawford	Lippitt	Simmons	
Cullom	Lodge	Smith, Ariz.	

Mr. WEBB. I wish to state that my colleague [Mr. LEA] is necessarily absent from the Senate.

The PRESIDENT pro tempore. Upon the call of the roll of the Senate 74 Senators have responded to their names, and a quorum of the Senate is present.

CONNECTICUT RIVER DAM.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8033) to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of Connecticut.

Mr. JONES. I desire to offer an amendment intended to be proposed to the bill. I ask that it may be read.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. After the word "otherwise," in line 18, page 2, insert the following additional proviso:

Provided further, That if at any time said Connecticut River Co. or its assigns shall be owned or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that it shall form a part of or in any way effect any combination or be in any wise controlled by any combination in the form of an unlawful trust, or enter into any contract or conspiracy in restraint of trade in the production, development, generation, transmission, or sale of any power or electrical energy, then the permit herein granted

may be forfeited and canceled by the Secretary of War through appropriate proceedings instituted for that purpose in the courts of the United States.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

COUNT OF ELECTORAL VOTES.

The PRESIDENT pro tempore. The hour of 12 o'clock and 50 minutes having arrived, the Senate, under the previous order made, will now proceed to the Hall of the House of Representatives to take part in the count of the electoral votes for President and Vice President of the United States.

The Senate, preceded by the President pro tempore, the Secretary, and the Sergeant at Arms, thereupon proceeded to the Hall of the House of Representatives for the purpose of participating in the count of the electoral votes for President and Vice President of the United States.

The Senate returned to its Chamber at 2 o'clock and 15 minutes p. m., and the President pro tempore resumed the chair.

Mr. DILLINGHAM, one of the tellers appointed on behalf of the Senate in pursuance of the concurrent resolution of the two Houses to ascertain the result of the election for President and Vice President of the United States, said:

Mr. President, the tellers on the part of the Senate submit the following report as the result of the ascertainment and counting of the electoral votes for President and Vice President of the United States for the term beginning March 4, 1913, and ask that the report may be entered upon the Journal of the Senate without reading.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

The state of the vote for President of the United States, as delivered to the President of the Senate pro tempore, is as follows:

The whole number of the electors appointed to vote for President of the United States is 531, of which a majority is 266.

Woodrow Wilson, of the State of New Jersey, has received for President of the United States 435 votes;

Theodore Roosevelt, of the State of New York, has received 88 votes;

William Howard Taft, of the State of Ohio, has received 8 votes.

The state of the vote for Vice President of the United States, as delivered to the President of the Senate pro tempore, is as follows:

The whole number of the electors appointed to vote for Vice President of the United States is 531, of which a majority is 266.

Thomas R. Marshall, of the State of Indiana, has received for Vice President of the United States 435 votes;

Hiram W. Johnson, of the State of California, has received 88 votes;

Nicholas Murray Butler, of the State of New York, has received 8 votes.

This announcement of the state of the vote by the President of the Senate pro tempore shall be deemed a sufficient declaration of the persons elected President and Vice President of the United States, each for the term beginning March 4, 1913, and shall be entered, together with a list of the votes, on the Journals of the Senate and House of Representatives.

The report of the tellers as entered on the Journal is as follows:

The undersigned, WILLIAM P. DILLINGHAM and JAMES E. MARTINE, tellers on the part of the Senate, and WILLIAM W. RUCKER and H. OLIN YOUNG, tellers on the part of the House of Representatives, report the following as the result of the ascertainment and counting of the electoral votes for President and Vice President of the United States for the term beginning March 4, 1913:

Number of electoral votes to which each State is entitled.	States.	For President.			For Vice President.		
		Woodrow Wilson, of New Jersey.	Theodore Roosevelt, of New York.	William Howard Taft, of Ohio.	Thomas R. Marshall, of Indiana.	Hiram W. Johnson, of California.	Nicholas Murray Butler, of New York.
12	Alabama	12			12		
3	Arizona	3			3		
9	Arkansas	9			9		
13	California	2	11		2	11	
6	Colorado	6			6		
7	Connecticut	7			7		
3	Delaware	3			3		
6	Florida	6			6		
14	Georgia	14			14		
4	Idaho	4			4		
29	Illinois	29			29		
15	Indiana	15			15		
13	Iowa	13			13		
10	Kansas	10			10		
13	Kentucky	13			13		
10	Louisiana	10			10		
6	Maine	6			6		
8	Maryland	8			8		
18	Massachusetts	18			18		
15	Michigan		15			15	
12	Minnesota		12			12	
10	Mississippi	10			10		
18	Missouri	18			18		
4	Montana	4			4		
8	Nebraska	8			8		
3	Nevada	3			3		
4	New Hampshire	4			4		
14	New Jersey	14			14		
3	New Mexico	3			3		
45	New York	45			45		
12	North Carolina	12			12		
5	North Dakota	5			5		
24	Ohio	24			24		
10	Oklahoma	10			10		
5	Oregon	5			5		
38	Pennsylvania		38			38	
5	Rhode Island	5			5		
9	South Carolina	9			9		
5	South Dakota		5			5	
12	Tennessee	12			12		
20	Texas	20			20		
4	Utah			4			4
4	Vermont			4			4
12	Virginia	12			12		
7	Washington		7			7	
8	West Virginia	8			8		
13	Wisconsin	13			13		
3	Wyoming	3			3		
531		435	88	8	435	88	8

WM. P. DILLINGHAM,
JAMES E. MARTINE,
Tellers on the part of the Senate.

W. W. RUCKER,
H. OLIN YOUNG,
Tellers on the part of the House of Representatives.

The PRESIDENT pro tempore. Unless there be objection, the Chair will direct that the certificates which have been read in the House of Representatives shall now be placed on the permanent files of the Senate.

Mr. OWEN. I wish to present a resolution of the House of Representatives of the State of Oklahoma, and ask that it be printed in the RECORD.

The PRESIDENT pro tempore. It is not in order. Under the unanimous-consent agreement nothing is in order except the pending bill. The Chair dislikes to make this suggestion to the Senator, but the unanimous-consent agreement confines the Senate strictly to the pending bill and to conference reports and appropriation bills.

Mr. OWEN. I was not aware of that.

INDIAN APPROPRIATION BILL.

Mr. GAMBLE. I am directed by the Committee on Indian Affairs, to which was referred the bill (H. R. 26874) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with the various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914, to report it with amendments. I desire to state that I will submit at a later day a report to accompany the bill.

The PRESIDENT pro tempore. The report presented by the Senator from South Dakota is within the terms of the unanimous-consent agreement. The bill will be placed on the calendar.

CONNECTICUT RIVER DAM.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8033) to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of Connecticut.

Mr. BRANDEGEE. When the Senate took a recess yesterday afternoon, the Senator from Colorado [Mr. THOMAS] was in the

midst of his address upon the pending bill, and gave notice that he would proceed upon the meeting of the Senate at this time. I do not see him upon the floor, and I do not know whether any other Senator would feel at liberty, in view of the notice he gave, to interrupt his address.

Mr. STONE. Mr. President, is the hour for morning business——

The PRESIDENT pro tempore. The Senate has been in recess and has reconvened as a part of the legislative day of yesterday. There is no morning business to-day until the pending measure shall be disposed of.

Mr. STONE. I ask unanimous consent——

The PRESIDENT pro tempore. That can not be done. The Senate is now operating under a unanimous-consent agreement, and nothing can be done which will vary that in any particular.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Utah suggests the absence of a quorum. The Secretary will proceed to call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dillingham	Newlands	Smoot
Bacon	Gallinger	Oliver	Stone
Bankhead	Gamble	Overman	Sutherland
Bourne	Gardner	Page	Swanson
Brady	Gore	Percy	Thomas
Brandegee	Gronna	Perkins	Tillman
Brown	Jones	Poindexter	Townsend
Bryan	Kavanaugh	Pomerene	Warren
Burton	Kenyon	Root	Webb
Catron	La Follette	Sheppard	Wetmore
Chamberlain	Lodge	Smith, Ariz.	
Clark, Wyo.	McLean	Smith, Ga.	
Crawford	Nelson	Smith, Md.	

Mr. WEBB. My colleague [Mr. LEA] is necessarily absent. I hope that this announcement may stand for the day.

Mr. STONE. I desire to state that my colleague [Mr. REED] is absent for two reasons—one because of the serious sickness of his wife, and the other because of very important business. I wish this announcement to stand for the day.

The PRESIDENT pro tempore. Upon the call of the roll of the Senate 49 Senators have responded to their names. A quorum of the Senate is present. The Senator from Colorado [Mr. THOMAS] is entitled to the floor.

Mr. THOMAS. Mr. President, up to the hour of adjournment yesterday I had discussed the pending measure from the general standpoint of the power of the Congress to enact it, and, at the same time, with reference to specific objections both fundamental in their character and practical in their operation. What I shall further say refers, as far as I am able to do so, to the application or the relation of the principle embodied in this measure to interests which are different from but which nevertheless are comprised within the general policy of conservation as that term is popularly understood and which is considered to be as broad and comprehensive as the material resources of the Nation. A process here involved and of interest to Connecticut finds its support largely in physical conditions wholly different from those characteristic of other parts of the country; yet they are defended by arguments and assertions identical with those which are employed to sustain a policy applied to the resources and the people of the West and without regard to our entirely dissimilar environment.

My active opposition to the measure is therefore prompted by my view of its effect upon the Western States and their interests. There is the danger to us in the use that will inevitably be made of this measure as a precedent for the exercise of similar authority under largely divergent conditions. In the far West conservation finds practical application on a very much larger scale than anywhere else, with the possible exception of Alaska. This is true by the very nature of things, because in the public-land States there is so much territory belonging to and under the control of the National Government.

Abundant provocation occurring in many parts of the country and covering a period of many years has been given and has justified the action of the Government in its commendable efforts to prevent monopoly of the public resources, and also to conserve those resources for the future. There can be no question, as I said yesterday, that in the practical operation of the national land laws and laws related to kindred subjects, abuses, various in their nature and enormous in their extent, have arisen, which abuses lie at the foundation of those enormous aggregations of property which have arrested public attention and which have aroused a very just and salutary public opinion, thereby spurring the Government to action designed for the protection of the people's heritage, preserving their resources, and administering the laws both in the letter and the spirit. I say the provocation has been abundant, and a wise policy of law, properly and lawfully, and I may say, popularly enforced—for such a thing is easy—would meet with the hearty support of all the people of the West, who realize more fully and as vividly as those of any other section of the country, the necessity for change in many features of our public-land laws and the abandonment of previous methods of applying them or permitting them to be applied by great interests upon their own account and without regard to the general welfare.

I am, and at all times have been, an advocate of conservation, not only as an expedient, but as essential policy. I have lived in the State which I have the honor in part to represent here for a period of more than 41 years. I have witnessed its expansion from a frontier Territory of 39,000 white inhabitants to a Commonwealth of 800,000 people, during which time many of the evils which gave birth to the conservation system—if system it may be called—have been evolved from the operation of the public-land laws and from the practices of men. Contemporaneously with the development of that great State have been the institution and the operation of abuses the absence of which would have redounded to our prosperity and to the good name of the Government. What is true, Mr. President, of my own State is doubtless true of those States which also contain within their boundaries large areas of the public lands. Hence the somewhat recent assertion by the Government of a new line of domestic policy and administration met with my enthusiastic commendation, because I recognized its necessity and applauded the fact that it had become generally recognized everywhere. I want, therefore, to disabuse the public mind of that impression, which is largely prevalent in the East, that the people of the West are radically and fundamentally opposed to all governmental regulation of its own property and resources or that it presents a solid front against all forms of conservation, desiring, on the other hand, the free and continued play of the old régime, without change or control or without regard to consequences.

It may be true, Mr. President, that this impression has for its basis a reasonable foundation, in that extremists everywhere are always loudest in their advocacy of or opposition to any given question or any given measure. For the words and the opinions of the extremists are those which furnish the basis for headlines and for exciting and attractive newspaper publications. They carry further than the more sober and less extravagant sentiments of the masses of the people, whose view is confounded with that of the radical few.

We of the West believe that we are the real conservationists of the country; we think so because, living where the abuses which the conservation policy is designed to correct or to mitigate have arisen and expanded, we can best determine their character as well as the remedies which should be applied for their extinction. It was very easy and natural for the people of the Atlantic seaboard to pass judgment upon western policy and opinion as affecting Indian affairs in the old frontier days, when there was constant strife with them upon the border. We believed then, and we still believe, that the men accustomed by contact with the Indian, familiar with his character, his requirements, and conditions, alive to the dangers ever menacing the pioneers, their wives and children, exposed to sudden and unprovoked attack, were the best judges of the traits, habits, conditions, and needs of the aboriginees. But those in authority generally thought otherwise, with results not always anticipated or desirable. It is that experience derived from contact and association, from observation in the immediate atmosphere of any given condition which, after all, furnishes the best basis of education, and furnishes an equipment capable of determining the best and wisest methods of procedure designed to promote a good cause or to destroy a bad one. Living in the midst of the national domain stretching in every direction from the range of the Rocky Mountains, knowing the necessities of the people there residing, and conscious of the abuses which have crept into the general administration of the land laws, we believe that we can as well—and perhaps better—determine what is necessary or expedient to our upbuilding and conservation as can those more fortunate portions of the people occupying Commonwealths whose domains are held by private ownership.

I am conscious of the fact that it may be retorted that my point of view condemns my presumption in criticizing or attempting to criticize the justice or policy of the pending measure, which relates to a water course in the oldest portion of the Nation, and which is in no sense related to the conditions which exist in the far West.

I concede freely the justice of this view, but unfortunately, as stated before, this and kindred measures are constantly used as active instances of the governmental authority over the general question of conservation, concluding our challenges both

of its legality or its wisdom, and as justifying similar or entirely different methods of procedure over all the public possessions from New England to the farther reaches of the continent. It is because of that fact that I have had the presumption to take any part whatever in this discussion. There can be no question but that the Senators from the four States directly interested in this proposed improvement are more conversant with conditions there existing than I possibly can be. There can be no question but that they can far better interpret the wants, the wishes, and the interests of their respective constituents than can I; but when a measure they advocate can be invoked to justify the enactment of one which applies to the people of my section which they and I oppose, it becomes essential to resist, because the ultimate evil is far more serious than the immediate good designed to be secured. Hence we must regard the pending bill as an integral part of a great governmental policy, comprehending and comprising universally every phase of what is called governmental conservation. If it rests upon the assumption of an authority, the exercise of which may involve serious consequences to any section of the Union, I would be remiss in the performance of a public duty if I remained passive because ignorant of the wishes or the welfare of the people of New England. The avowed purpose of all these measures of legislation, of all these enterprises, and of all these concessions is conservation of national resources for the prevention of monopoly, a term as broad as the territorial limits of the Republic and extending beyond the seas into and including our insular possessions thousands of miles away.

We of Colorado have no navigable streams either in a general or in a limited sense. The great rivers which find their way ultimately into the Mississippi Valley on the east and into the Gulf of California upon the west and southwest have their birth in the summits of the Rocky Mountains. The State of Colorado rests upon the crest of the continent. The melting snows of its mountains flow impartially toward the Pacific and the Atlantic seaboard. The streams are small in dimensions and turbulent in character. Therefore to call them, by the widest stretch of the imagination, "navigable streams" is to indulge in a poetic license that the gravity of this question would, if no other objection existed, prevent.

Notwithstanding the absence of any navigable streams within our borders, the national policy regards the waters of the State in some respects as it regards those of navigable streams; not, perhaps, in its requirements when used for the generation of electricity so much as in the direction of its use for reclamation purposes; which, of course, is one phase of the use of water for irrigation. As to hydro-electric purposes, the Government pursues in the West a method of procedure entirely opposite to that policy which prevails in the Eastern States. In the East it assumes to grant licenses for the use of the water, to which it asserts title of some sort; in the West it assumes to withdraw power sites from entry. In the one case it proposes to exact a revenue by the imposition of certain conditions upon the use of the energy in the stream under a claim of ownership, while in the other it proposes to derive a revenue by a grant of the right to use the land which it owns, the water being merely incident thereto, and justifies its conduct or policy in both instances by the same line of reasoning. So far as reclamation projects are concerned, it assumes to appropriate the water outright as a private user does, and then forbids any interference with its action on the part of later proprietors or previous ones who have not actually diverted the waters to a beneficial use.

Perhaps the most prominent and possibly the only contradiction involved in this situation is that the authority given to Congress to regulate commerce, sovereign in its character, is so applied through the interests and demands of conservation in the East that the Government must exercise power over navigation as though it was a proprietary right. Federal ownership of the national domain, on the other hand, is essentially proprietary in character, but the demands of conservation require the Government, in carrying out is policy, to regard and administer the trust as a sovereign attribute. For example, in the acquisition of water by the Government for purposes of reclamation—one of the most commendable and, in my opinion, the most commendable of all forms of conservation—the Government exercises a power which is analogous to, if indeed it is not, eminent domain, but without compensation; while in the East it never assumes authority to carry out and to enact a measure of this sort, except such as is derived from the commerce clause of the Constitution.

Something was said during the course of the discussion by the Senator from Ohio [Mr. BURTON]—I do not pretend to give his exact language upon the subject—which conveyed to my mind the idea that in his opinion the Government could not under the commerce clause of the Constitution extend its control of the waters of streams not navigable in character. I referred yesterday to a question of the Senator from Iowa [Mr. CUMMINS] to the Senator from Ohio as to the power of Congress to invest a corporation undertaking to improve a navigable stream under Federal law with power to condemn property within the limits of the State where the grant of Congress was to be carried into operation or exercised, and I think it was in that connection that the reference of the Senator from Ohio to which I refer was made.

I think he also stated that, in his opinion, the Government could, for the purpose of making effective an authority of this kind, confer upon the agency or the contracting party the right to condemn such property as might be necessary to make it effective, of course, upon the theory that such power was necessary to effectuate the project of improving navigation. I deny broadly the power of Congress to invest a corporation, whether a creature of the State in which its operations are to be conducted or a creature of some other State doing business in the State where the business is to be conducted through the comity and courtesy of the laws of the latter State, with the right to exercise any power of eminent domain whatever. Such corporation must derive such authority from the State in which it is to be exercised, unless the process of condemnation is invoked solely to acquire property absolutely essential to the public improvement as distinguished from the private enterprise. That is to say, the power of Congress to confer such an authority must be limited to the power which Congress itself could exercise if it, instead of the agency selected, was making the improvement on its own account and at its own expense; yet it has been contended that such a power may be given to companies operating in States where similar Federal concessions have been made to the use of the waters in nonnavigable rivers, and in the State of Iowa particularly.

Now, Mr. President, what is the situation in the West as regards the operation of the laws and policy of the Government of the United States upon certain of our natural resources? I have attempted—not very clearly perhaps—to illustrate the relation which governmental authority asserts between measures of the sort now pending and other measures which are also instituted and sought to be made effective through the so-called general policy of conservation. The waters of the natural streams of the arid States—it is so provided in the constitution of our State—belong to the people thereof, subject to appropriation for beneficial uses. They do not belong to the General Government, not even where the streams traverse the public domain, except in so far as they may not have been or may not be appropriated by the citizen. They belong to the people for appropriation for beneficial uses. That constitutional declaration, Mr. President, although it has received the sanction of the National Legislature and has been expressly recognized and approved by the Supreme Court of the United States, is not a grant from the Government to the people; it is merely declaratory of a condition preexisting. In the very nature of things the waters of the natural streams in an arid country must belong to the people, because otherwise it would not be habitable; otherwise there could be no population, no civilization, neither development nor conservation of natural resources.

In my school days, the geography which I studied pictured the continent west of the Missouri, almost to the Pacific Ocean, as "The Great American Desert." It was represented to the young mind of that generation as being as desolate and bleak as Sahara or the Desert of Gobi. It was uninhabited and uninhabitable, and must ever remain a space upon the map which thoroughfares might traverse, but in which human kind could not subsist. That was the natural result of the lack of complete knowledge and information as to the character of the soil and the climate of that region and the extent to which the land could be fertilized by irrigation.

But as population extended farther and farther to the west and pressed upon the resources of nature the desert disappeared and was made to blossom as the rose, through the application to its brown and bleak surfaces of the waters of the country. A common law sprang into existence, as it alway does in Anglo-Saxon communities, in harmony with the necessities of man, of the peculiarities of soil, and of climate and other conditions; and under the imperious requirements of these conditions the doctrine of riparian rights—I will not say "disappeared," because it never existed; it never could have obtained recognition under those conditions. Therefore the declarations of our constitution and of other States relating to waters were merely declaratory or confirmatory of a preexisting right as absolute and unquestioned and as necessary to human habitation as the breath of the air to human life.

Prior to the existence of an organized community, away back in the days of the administration of James Buchanan, before the Territory of Colorado had been organized, when society existed, if at all, in a fragmentary condition, without written laws, without any cohesive attributes; when every many stood for himself, and against only the common enemy, the waters were diverted from our streams and carried away from the riparian owner or occupant and utilized upon lands owned or in the possession of the man diverting the water for his essential requirements. Out in California, where the discovery of gold caused an enormous migration in 1849, the precious metal in the sands and on the mountainsides required the use of water for its separation from the other substances that it might be given to commerce and industry, thereby enriching the people everywhere. To do this required the diversion of water from the channels of the streams; and that diversion necessarily grew into a property right accruing to him who made the diversion and applied the water to a beneficial use, the latter being as absolutely essential to ownership as the act of diversion, and the two together constituting the basis of the property right.

So in 1866, on the occasion of the enactment of the first mining law, Congress expressly recognized this right, and the Supreme Court of the United States declared the statute to be a mere declaration or confirmation by Congress of a legal status already existing, and needing no such declaration for its creation or enforcement. So out of these conditions grew the necessity of ownership in the water, without reference to its origin or its natural flow, by the people of that section of the country.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. STONE in the chair). Does the Senator from Colorado yield to the Senator from Idaho?

Mr. THOMAS. Certainly.

Mr. BORAH. I desire to ask the Senator's opinion, in connection with the subject he is discussing, as to this proposition: Has the Senator any doubt but that a private individual may appropriate the water of a stream running by Government lands?

Mr. THOMAS. Not a particle.

Mr. BORAH. And thereby appropriate it to the individual's use, to the exclusion of the Government as a proprietor and a riparian owner?

Mr. THOMAS. I have no doubt whatever of it, Mr. President; the only limitation being that fixed by the Supreme Court of the United States in the Rio Grande case, in One hundred and seventy-fourth United States.

Mr. BORAH. I had in mind the Rio Grande case, where Mr. Justice Brewer uses some language which to me is a little bit difficult to understand.

Mr. THOMAS. I am coming to that later on, because unfortunately the phraseology employed by that court has been utilized as the basis of an authority to control the use of our waters which can not be reconciled with the right of the citizen to divert them, there being no riparian right in the country where the diversion is made.

Mr. BRANDEGEE. Mr. President, while the Senator is on that point, will he allow me to ask him a question?

Mr. THOMAS. Certainly.

Mr. BRANDEGEE. I do not know whether or not I correctly understood the Senator, and I wish to make sure. If a natural person is the riparian proprietor upon one side of a stream and the Government is the riparian proprietor of the land upon the other side, did I correctly understand the Senator to say that the Government does not have all the rights of ownership that the natural person has?

Mr. THOMAS. Not exactly that. There is no such thing as a riparian proprietor in Colorado, or in Idaho, or in Wyoming, or in Arizona in the sense that the term is used and applied here. What I said was that the Government had no title to the water running through the public domain, provided it had been or provided it should be appropriated by some user and diverted from the Government land to his own land and applied to a beneficial use.

Mr. BRANDEGEE. Of course, Mr. President, we are all aware of the doctrine of prior appropriation that obtains in some of the Western States, particularly the arid States. But if what the Senator has just said is his answer to the question of the Senator from Idaho [Mr. BORAH], then I did not understand the question asked by the Senator from Idaho. I thought I restated to the Senator from Colorado substantially the question asked by the Senator from Idaho.

Mr. THOMAS. No; no.

Mr. BRANDEGEE. It is my mistake, then, Mr. President.

Mr. THOMAS. The situation is well expressed by the Supreme Court in the case of Boquillas Co. against Curtis, a case arising in Arizona and reported in Two hundred and thirteenth United States, page 349. It sums up the law in that case with this sentence:

> The right to use water is not confined to riparian proprietors. Such a limitation would substitute accident for a rule based on economic considerations.

The ownership of the waters of the arid States, being in the people of the State and being absolute and unquestioned except in so far as the Government may interfere for purposes of controlling or improving navigation, is not subject to control, directly or indirectly, by national authority, save as decided in the case of United States *v.* Rio Grande Co. (174 U. S., p. 80). There the Supreme Court held, in substance, that this ownership of water is subject to two conditions. In the first place, it can not be so used as to impair the navigability of streams. The second condition is stated in the part of the opinion to which the Senator from Idaho referred. I had not intended to give the exact language, but perhaps I had better do it, as I have it here, so that there can be no question about the correctness of my statement.

I read from a document entitled "Federal Control of Water Power," on page 80. It is a citation from the Rio Grande case:

> Although this power of changing the common-law rule as to streams within its dominion undoubtedly belongs to each State, yet two limitations must be recognized: First, that in the absence of specific authority from Congress a State can not by its legislation destroy the right of the United States, as the owner of lands bordering on a stream, to the continued flow of its water, so far, at least, as may be necessary for the beneficial uses of the Government property. Second, that it is limited by the superior power of the General Government to secure the uninterrupted navigability of all navigable streams within the limits of the United States. In other words, the jurisdiction of the General Government over interstate commerce and its natural highways vests in that Government the right to take all needed measures to preserve the navigability of the navigable watercourses of the country even against any State action.

The first exception or condition I will repeat:

> That in the absence of specific authority from Congress a State can not by its legislation destroy the right of the United States, as the owner of lands bordering on a stream, to the continued flow of its water, so far at least as may be necessary for the beneficial uses of the Government property.

If we may concede, for the sake of argument, that this could not be done "in the absence of specific authority from Congress," the reply is that the act of 1866 and the act of 1870, the recitals of the constitution of the State of Colorado, sanctioned by the approval of the President and of Congress, and the recognition of its validity by the Supreme Court of the United States, give abundantly the specific authority from Congress which here is declared to be essential to the exercise of the right to divert this water from Government lands.

But there is another limitation upon the condition as it is here formulated:

> A State can not by its legislation destroy the right of the United States * * * to the continued flow of its water, so far at least as may be necessary for the beneficial uses of the Government property.

What is "a beneficial use of the Government property"? If the Senator from Idaho files upon a homestead which is intersected by a stream of running water and obtains a patent from the Government for his filing, he gets the land; but he gets the water only if he has appropriated it under the laws of the State. And if I, prior to the patent or after the patent, and before his appropriation, file upon the water so running through that quarter section and divert it to other territory for beneficial uses, the water becomes mine, and does not pass to the Senator from Idaho by virtue of his filing or by virtue of his patent.

Mr. WORKS. Mr. President, I should like to ask the Senator from Colorado whether he means to say that the holder of the property gets his title to the water by virtue of the patent?

Mr. THOMAS. No; that is quite the contrary of what I intended to say. What passes by the patent is the land. The water is acquired by appropriation, and whoever appropriates that water owns it if he applies it to a beneficial use. Hence, my impression is that what was meant by the learned justice who wrote this opinion, and who, perhaps, was better qualified to pass upon questions like this than any of his contemporaries, was that, as far as might be necessary for the beneficial uses of the Government in some scheme of reclamation, perhaps, or its devotion to the improvement, if you please, of the land bordering upon the stream through some method of its own and within its authority, that right could not be destroyed by State legislation in the absence of specific Federal authority.

Mr. SMITH of Arizona. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Arizona?

Mr. THOMAS. Certainly.

Mr. SMITH of Arizona. Did the court probably mean that the governmental use might be in those cases in which the Gov-

ernment has the absolute title by dedication of land to a governmental purpose?

Mr. THOMAS. It might be.

Mr. SMITH of Arizona. May not that very language mean that if the Government had such title, as in the case of a fort, for instance, or an arsenal, you might not divert from that; but could the Government itself obtain title to that water, even for its own governmental purposes, without first taking it from the stream?

Mr. THOMAS. Except by appropriation. That has been determined in a case, the name of which I can not now recall. It is mentioned in the document which I hold in my hand. The facts in the case, as I recollect them, were that the Government made an appropriation of water in connection with one of its western military posts. Afterwards the remaining water comprising the volume of the stream was appropriated and utilized by a citizen for his own purposes. The Government afterwards sought to use all the water of the stream for its own purposes, its post having outgrown the volume of its appropriation. The courts declared that it could not do this unless it condemned the right which had been acquired through the operation of the State laws by the citizen who had made and used the appropriation.

I may say that if this first exception to the extent of the title of the people to the waters of the State should be carried beyond the suggestions which I have made, and the suggestion which was also made by the Senator from Arizona [Mr. SMITH], its operation would come in direct conflict with a number of later decisions of the same court upon the same subject, and I think would also directly contradict the general doctrine in the Kansas-Colorado case, to which I shall refer later on. Perhaps I had better do it now, because it is germane to this part of the discussion.

The decision in the case of Kansas against Colorado is one of the great opinions of the Supreme Court of the United States. To my mind it easily ranks with the most notable judicial pronouncements of that great tribunal, and as time passes, I believe that fact will be more and more recognized; perhaps I should say particularly with reference to its definition of the powers of the Government and the distinction it so clearly draws between those powers and the reserved powers of the States.

The Arkansas River has its headwaters in that part of the Rocky Mountains included within the boundaries of the State of Colorado. It runs in a southeasterly direction, crossing the western boundary line of Kansas, which is the eastern boundary line of Colorado, and continues in its course southeasterly, traversing the southerly part of the State of Kansas. That section of the Arkansas Valley within the boundaries of Colorado is one of the most productive and fruitful regions in the world. It has been populated and cultivated within the past 25 or 30 years, prior to which time it contained comparatively few settlers. It depends entirely for its prosperity and productiveness upon the application of the waters of the river to the soil, and as a consequence these waters have been appropriated several times over and made to do duty as far as is possible to the end that the area of cultivation may be as large as conditions permit.

The State of Kansas filed this bill in the Supreme Court of the United States, declaring that the appropriations in the State of Colorado and the consequent diversions of the waters of the Arkansas River resulted in great damage and injury to the people of the State of Kansas and also to the State of Kansas as a proprietor of lands bordering on the stream. It asserted the old riparian doctrine as one of the bases of its action. It also declared its right to have the waters of the stream delivered at the State line in the same volume that would flow eastward if the river and the surrounding country were still in a state of nature; in other words, that the people of the State of Colorado could not diminish the volume of that stream to the injury of the State of Kansas. This presented an issue the success of which as against the people of the State of Colorado would have resulted in the practical depopulation of four or five great agricultural counties and would have practically restored to the desert the area which had been wrested from it. As a consequence it was the most important controversy in which the State or any of its people had been involved.

The Government of the United States asked to intervene in that case upon the ground that it was the owner of a large area of land in the Arkansas Valley and its tributaries, and that it was engaged in the work of reclamation under acts of Congress, in consequence of which it asserted an interest in the waters of the stream and of the tributaries to it of such a nature and of such a character as not only to justify but to require its intervention for the protection and preservation of its own property and also as a common sovereign interested in the outcome of a very serious question at issue between two of the States of the Union and which at the same time might affect its property interests.

Testimony was taken by the respective parties to the suit for a period of nearly two years. The case was heard in the Supreme Court under suspension of the rules, whereby the time of argument was largely extended. The decision was that the State of Kansas had not proved that it had suffered any injury; that the law of riparian ownership or proprietorship had no existence in Colorado; that the Government of the United States had no such property in the running streams of the State, as it asserted, and, as a consequence, was not a party in interest. It also declared that the reclamation act of Congress was invalid because ultra vires, except in so far as it was applicable to the Territories which were under the immediate dominion of Congress.

I might, if I had the time and the Senate had the patience, read at length from this opinion. But I will ask merely the privilege of inserting in the CONGRESSIONAL RECORD two or three pages of it.

The PRESIDING OFFICER (Mr. JOHNSON of Maine in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

But it is useless to pursue the inquiry further in this direction. It is enough for the purposes of this case that each State has full jurisdiction over the lands within its borders, including the beds of streams and other waters. (Martin *v.* Waddell, 16 Pet., 367; Pollard *v.* Hagan, 3 How., 212; Goodtitle *v.* Kibbe, 9 How., 471; Barney *v.* Keokuk, 94 U. S., 324; St. Louis *v.* Myers, 113 U. S., 566; Packer *v.* Bird, 137 U. S. 661; Hardin *v.* Jordan, 140 U. S., 371; Kaukauna Water Power Co. *v.* Green Bay & Mississippi Canal Co., 142 U. S., 254; Shively *v.* Bowlby, 152 U. S., 1; Water Power Co. *v.* Water Commissioners, 168 U. S., 349; Kean *v.* Calumet Canal Co., 190 U. S., 452.) In Barney *v.* Keokuk, supra, Mr. Justice Bradley said (p. 338):

"And since this court, in the case of *The Genesee Chief*, 12 id., 443, has declared that the Great Lakes and other navigable waters of the country, above as well as below the flow of the tide are, in the strictest sense, entitled to the denomination of navigable waters and amenable to the admiralty jurisdiction, there seems to be no sound reasons for adhering to the old rule as to the proprietorship of the beds and shores of such waters. It belongs to the States by their inherent sovereignty, and the United States has wisely abstained from extending (if it could extend) its survey and grants beyond the limits of high water."

In Hardin *v.* Jordan, supra, the same justice, after stating that the title to the shore and lands under water is in the State, added (pp. 381, 382):

"Such title being in the State, the lands are subject to State regulation and control, under the condition, however, of not interfering with the regulations which may be made by Congress with regard to public navigation and commerce. * * * Sometimes large areas so reclaimed are occupied by cities and are put to other public or private uses, State control and ownership therein being supreme, subject only to the paramount authority of Congress in making regulations of commerce and in subjecting the lands to the necessities and uses of commerce. * * * This right of the States to regulate and control the shores of its tidewaters and the land under them is the same as that which is exercised by the Crown of England. In this country the same rule has been extended to our great navigable lakes, which are treated as inland seas; and also in some of the States to navigable rivers, as the Mississippi, the Missouri, the Ohio, and in Pennsylvania to all the permanent rivers of the States; but it depends on the law of each State to what waters and to what extent this prerogative of the State over the lands under water shall be exercised."

It may determine for itself whether the common-law rule in respect to riparian rights or that doctrine which obtains in the arid regions of the West of the appropriation of waters for the purposes of irrigation shall control. Congress can not enforce either rule upon any State. It is undoubtedly true that the early settlers brought to this country the common law of England, and that that common law throws light on the meaning and scope of the Constitution of the United States, and is also in many States expressly recognized as of controlling force in the absence of express statute. As said by Mr. Justice Gray in United States *v.* Wong Kim Ark (169 U. S., 649, 654):

"In this, as in other respects, it must be interpreted in the light of the common law, the principles and history of which were familiarly known to the framers of the Constitution. (Minor *v.* Happersett, 21 Wall., 162; Ex parte Wilson, 114 U. S., 417, 422; Boyd *v.* United States, 116 U. S., 616, 624, 625; Smith *v.* Alabama, 124 U. S., 465.) The language of the Constitution, as has been well said, could not be understood without reference to the common law.

Mr. THOMAS. I may be pardoned for referring to the syllabus:

Kansas having brought in this court an original suit to restrain Colorado and certain corporations organized under its laws from diverting the water of the Arkansas River for the irrigation of lands in Colorado, thereby, as alleged, preventing the natural and customary flow of the river into Kansas and through its territory, the United States filed an intervening petition claiming a right to control the waters of the river to aid in the reclamation of arid lands. It was not claimed that the diversion of the waters tended to diminish the navigability of the river.

Held, that—

The Government of the United States is one of enumerated powers; that it has no inherent powers of sovereignty; that the enumeration of the powers granted is to be found in the Constitution of the United States, and in that alone; that the manifest purpose of the tenth amendment to the Constitution is to put beyond dispute the proposition that all powers not granted are reserved to the people; and that if in the changes of the years further powers ought to be possessed by Congress they must be obtained by a new grant from the people. While Congress has general legislative jurisdiction over the Territories and may control the flow of waters in their streams, it has no power to control a like flow within the limits of a State except to preserve or improve the navigability of the stream; that the full control over those

waters is, subject to the exception named, vested in the State. Hence the intervening petition of the United States is dismissed without prejudice to any action which it may see fit to take in respect to the use of the water for maintaining or improving the navigability of the river.

I think I have read perhaps enough of the syllabus to illustrate the scope of the decision as it relates to the two fundamental questions or propositions of present interest, one being that there is no control or ownership, although the word "control" is used—perhaps because it could not be very well contended that there was ownership of a character to give the United States any standing in the courts of the country—and the other being that the right of reclamation could not rest upon any expressed power delegated to the General Government in so far as the exercise of such right be made or attempted to be made applicable to the States of the Union.

It is perhaps interesting to refer, as it is emphasized in the opinion, to the argument of counsel for the Government in this case, for it is so similar to the assertions which the extreme advocates of conservation make to justify their invasion of the powers of the States for the conservation or preservation of the natural resources. The court says:

Appreciating the force of this—

That is, of the subjects which were covered by the syllabus that I have read, and I read from page 89 of the opinion—

counsel for the Government relies upon "the doctrine of sovereign and inherent power"—

That is, that it could reclaim lands and assert its domination over waters belonging to other people by virtue of a sovereign and inherent power—

Appreciating the force of this, counsel for the Government relies upon "the doctrine of sovereign and inherent power," adding, "I am aware that in advancing this doctrine I seem to challenge great decisions of the court, and I speak with deference." His argument runs substantially along this line: All legislative power must be vested in either the State or the National Government; no legislative powers belong to a State government other than those which affect solely the internal affairs of that State; consequently all powers which are national in their scope must be found vested in the Congress of the United States. But the proposition that there are legislative powers affecting the Nation, as a whole, which belong to, although not expressed in the grant of powers, is in direct conflict with the doctrine that this is a government of enumerated powers. That this is such a government clearly appears from the Constitution, independently of the amendments, for otherwise there would be an instrument granting certain specified things made operative to grant other and distinct things. This natural construction of the original body of the Constitution is made absolutely certain by the tenth amendment.

Then the court, in a series of statements which are absolutely incontrovertible, determines that the power asserted by the counsel for the Government of the United States does not and can not exist or be maintained upon any notion of sovereign and inherent authority, and then applies it to the facts in hand.

This very matter of the reclamation of arid lands illustrates this: At the time of the adoption of the Constitution within the known and conceded limits of the United States there were no large tracts of arid land, and nothing which called for any further action than that which might be taken by the legislature of the State in which any particular tract of such land was to be found, and the Constitution therefore makes no provision for a national control of the arid regions or their reclamation. But, as our national territory has been enlarged, we have within our borders extensive tracts of arid lands which ought to be reclaimed, and it may well be that no power is adequate for their reclamation other than that of the National Government. But if no such power has been granted, none can be exercised.

It does not follow from this that the National Government is entirely powerless in respect to this matter. These arid lands are largely within the Territories—

This decision was rendered before the admission of New Mexico and Arizona into the Union—

and over them, by virtue of the second paragraph of section 3 of Article IV, heretofore quoted, or by virtue of the power vested in the National Government to acquire territory by treaties. Congress has full power of legislation, subject to no restrictions other than those expressly named in the Constitution, and therefore it may legislate in respect to all arid lands within their limits. As to those lands within the limits of the States, at least of the Western States, the National Government is the most considerable owner and has power to dispose of and make all needful rules and regulations respecting its property. We do not mean that its legislation can override State laws in respect to the general subject of reclamation. While arid lands are to be found, mainly if not only in the Western and newer States, yet the powers of the National Government within the limits of those States are the same—no greater and no less than those within the limits of the original thirteen, and it would be strange if, in the absence of a definite grant of power, the National Government could enter the territory of the States along the Atlantic and legislate in respect to improving by irrigation or otherwise the lands within their borders. Nor do we understand that hitherto Congress has acted in disregard to this limitation.

In connection with the application of the principle of this decision to what I am about to discuss it may be well to refer to the eighth section of the reclamation act. That section was prepared, if I am correctly informed, by my distinguished predecessor in this body, Senator Teller, and was designed by him to meet a possible condition which soon developed in the application of the requirements and provisions of the statute to the objects which it was designed to accomplish. It reads:

That nothing in this act shall be construed as affecting or intending to affect or to in any way interfere with the laws of any State of Territory relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this act, shall proceed in conformity with such laws, and nothing herein shall in any way affect any right of any State or of the Federal Government or of any landowner, appropriator, or user of water in, to, or from any interstate stream or the waters thereof: *Provided*, That the right to the use of the water acquired under the provisions of this act shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure, and the limit of the right.

I can conceive of no language that could be more appropriately employed to safeguard any infraction of the laws of the State or any invasion, through the operation of the statute, of the property rights in water of the individual in the arid-land States of the West.

But let us come to the application of this law which finds justification by the same process of reasoning which is employed to justify the existence of governmental authority to enact a measure like the one under consideration.

I am told that some time ago a certain proposition relating to conservation was under discussion before the House Committee on Public Lands; that the proponents of conservation there present were confronted by this decision, and that their answer to it was that the Bureau of Forestry and the Reclamation Service had gotten far beyond this decision, as indeed they have.

Mr. SMITH of Arizona. The Senator did not doubt the correctness of the statement?

Mr. THOMAS. On the contrary, I perceived its correctness, and marveled that it should have been so candidly expressed.

I may say that the policy of control of water power in our section of the country is based upon the theory that the tributaries to the Rio Grande and the Arkansas and the Missouri Rivers in Colorado are under the jurisdiction of the General Government, under its power to control navigation, because the diversion of some of the little streamlets in the Rio Grande, for example, to these beneficial purposes might so affect the flow as to interfere with navigation somewhere between the mouth of the river and its actual head of navigation, a contingency quite as liable to occur in these days when river navigation has practically disappeared as is the possibility of supporting the exercise of such a power on such a line of reasoning.

Mr. President, I hesitate to adversely criticize the reclamation policy of the Government, because it is one of the most beneficent policies, properly administered, that the national authority has ever assumed to accomplish. It means the bringing under cultivation of large areas of land which unreclaimed are of no use whatever to human kind because of the lack of water to make them productive. They possess all the elements of fertility, moisture alone excepted, and vast sums of money must be expended, if water is secured, for the purpose of making them cultivable. The Government, and the Government alone, seems to be financially able to conduct and carry out these great enterprises.

There are several schemes now in an unfinished condition in my own State and in other parts of the West. I should feel very badly to see them abandoned or interfered with, especially where they have not thus far in any manner conflicted with the saving clauses of section 8 of the act.

But it is nevertheless apparent that in continuing the exercise of this power in the States by the General Government since the Kansas-Colorado decision it has been disregarded, and the Reclamation Bureau has proceeded, nothwithstanding the decision, as it did before then, probably upon the theory that the end justifies the means. I am candid enough to confess that I would not, if I could, gratuitously interfere with them in so far as these improvements are necessary and beneficial, as practically all of them are. But the Government, in carrying out and administering the law, has gone to an extent which can find no justification in my mind, even under the most liberal construction of it that could have been made by the Supreme Court in this case in the other direction had it been sustained.

The most notable instance of this I may be pardoned for referring to. The Government is and for some years past has been engaged in constructing an enormous dam and reservoir in the southeastern portion of the State of New Mexico. It is building a structure, called the Engel Dam and Reservoir, across the Rio Grande, near the point where it becomes an international boundary between the United States and Mexico. Its purpose is to reclaim 240,000 acres of land within the boundaries, respectively, of the United States and Mexico; that is to say, there are 60,000 acres of land in Mexico, the remainder of the 240,000 acres being located in the States of Texas and New Mexico.

It is the purpose of the Government, said to be due to some treaty relation and relating to some claim of the Republic of Mexico to participation in the waters of the Rio Grande for irrigation purposes, to furnish and supply the people of that Republic with water sufficient to irrigate 60,000 acres of land.

It is, as I said, a project commendable in itself, a desirable improvement, vast in extent and in possibilities, and one which must result in great benefit to that section of the country. But it has appropriated, as an individual might attempt to appropriate, from the waters of the Rio Grande and its tributaries 2,500,000 acre-feet of water for the purpose of the enterprise.

Now, 3 acre-feet of water in that section of the country is ample for every agricultural purpose; that is to say, a body of water an acre in extent and 3 feet thick furnishes sufficient moisture, climatic conditions being duly considered, to guarantee fertility. If you multiply 240,000 by 3 the result is 720,000 acre-feet, which are ample for the purposes of that enterprise. Yet the Government has seized and holds more than three times the quantity of water needed for the enterprise and which it could not use if it would.

In making these appropriations, however, the Government of the United States has invaded the property rights of the State of Colorado and filed its appropriations upon the waters of the Rio Grande and all its tributaries within the boundaries of that State upon the theory, I presume, first, that it is necessary to the enterprise; and, second, that it has the power to obtain this water as the general sovereign from any and all States which encompass the Rio Grande and its tributaries without reference to the local welfare, and also without reference, perhaps, to appropriations made by private individuals and corporations upon the same streams and the same sources of water supply which have not actually been diverted for beneficial uses.

As a consequence, it has laid an embargo upon the use of all the waters of the Rio Grande in the State of Colorado except those which had previously been appropriated and used, to the end that a dam to be constructed, if you consider the windings and meanderings of the stream, some six or seven hundred miles away and wholly within the jurisdiction of another State may be supplied with water for irrigation purposes.

Section 8 of the reclamation act has been ignored. The property of the people of the State of Colorado, guaranteed to it by the Constitution, has been practically confiscated, and some 200,000 acres of our land which could easily be made cultivable and habitable if we could use this water ourselves must continue to remain a part of the San Luis desert.

My assertion is that this is an exercise of a power wrongfully, even if it existed, and what makes it the more unbearable is that it seems to be so unnecessary, because, Mr. President, if we were permitted to conserve these waters by building reservoirs of our own and utilizing the reservoir spaces with which nature has supplied us, we could first use and then pass this volume of water farther down the reaches of the stream without serious diminution, and the amount necessary for the Eagle Reservoir enterprise would still be quite as available as it is now, this water not being, under present conditions, susceptible of use in my State at all.

What power has the Government to do this? What clause of the Constitution of the United States directly or by necessary or other implication confers upon the Reclamation Bureau the authority to invade the sovereign State of Colorado and seize upon waters belonging to it for use in a project away down in another part of the Union and entirely within the boundaries of two other States and designed, in part, for the citizens of a foreign republic? What power has the Government under any provision of the Constitution to take the waters of the State of Colorado in order that a supply may be utilized for the reclamation of 60,000 acres of land in a foreign country? What treaty stipulation between the two countries can be found to justify this course? I concede that great benefit to the good people of New Mexico and of Texas must come from the project, but I deny the right of the Government by any system of procedure that is known or recognized to be right or lawful to carry out and to effectuate such a condition at the expense and to the injury of the people of another Commonwealth without compensation or any thought of it.

We have appealed in vain to the Interior Department for relief. Under the statutes of the United States when the waters of a stream are appropriated for reservoir and irrigation or power purposes requiring the use of the public lands, a filing must be made in the office of the Secretary of the Interior, and that filing must be approved. This requirement is mandatory upon that department, as we contend, if the law itself is complied with and its purposes are to be subserved. Yet since these appropriations of the Government, since this improvement has begun, the embargo is so far extended that it is impossible to obtain the approval of any filing that may be made upon waters or on reservoir sites within the basin of the Rio Grande River inside the boundary lines of the State of Colorado, so that apart from previous appropriations there is some water everywhere, but not a drop for State development.

It was demonstrated in the Kansas-Colorado case that in the early days before the settlement of that section of country the Arkansas River disappeared in the sands some 150 miles east of the western boundary of Kansas and afterwards reappeared at the surface some distance below. It was known locally as a broken river. A remarkable phase of the testimony in that case demonstrated that as a result of irrigation, the taking of the waters out of the stream and utilizing them upon the sides of the valley, created a sort of subterranean reservoir of supply for the river, in consequence of which the waters of the stream were actually increased instead of diminished. The point where the waters of the stream sank out of sight into the sands had therefore traveled eastward, reversing the general practice of humankind to go West.

But with all these physical facts in our favor, with the law of the land for our protection, the people of the San Luis Valley, to use a western expression, are "up against it." They are practically without relief unless and until the attention of the country is concentrated upon these conditions and a halt be placed upon the march of what, in my judgment, in that particular case is the reverse of conservation.

Now, I contend that the logical result of these conditions is that if it should so happen that the appropriations of water made by the General Government for this purpose should, after the improvement is completed, for any reason be found insufficient, the reclamation bureau may confiscate the waters of the State theretofore appropriated by the citizen by a reappropriation thereof and add them to the appropriations already made under the guise of their necessity for the success of the Government enterprise. Why not? Such action differs in no material respect from the appropriations hitherto made, and both may be justified, if either can be, under a general power to do whatever the requirements of the Government project may demand, albeit the Supreme Court has otherwise declared.

Mr. FLETCHER. May I ask the Senator from Colorado a question?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Florida?

Mr. THOMAS. Certainly.

Mr. FLETCHER. I wish to inquire whether or not the river is navigable in Colorado where these waters are attempted to be appropriated by the Government?

Mr. THOMAS. I made the statement some time ago, when perhaps the Senator was out of the Chamber, that there was no such thing as a navigable stream anywhere within the limits of my State.

Mr. FLETCHER. Does the question of riparian ownership enter into consideration?

Mr. THOMAS. It never has prevailed in that section; it is excluded by the laws of man and of nature.

Mr. FLETCHER. The Government has not reserved the shores of the river?

Mr. THOMAS. On the contrary, the Government ownership in the water, if it ever had any, has passed to the people of the State by the practices and common law of the State and by the express provision of the Constitution.

Mr. WILLIAMS. I should like to ask the Senator from Colorado a question.

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Mississippi?

Mr. THOMAS. Certainly.

Mr. WILLIAMS. The Senator mentioned where a bureau of the Federal Government has recalled a decision of the Supreme Court. Is there no way of getting before the court the question as to the right of the Federal Government to stop the further appropriation of water from the Rio Grande up in Colorado? If, for example, somebody went to work and erected a dam, the Government would have to stop it in some way, and that would precipitate a lawsuit of some manner, and if the Government did not contend that what it was proposing to do was because of the desire to improve or to preserve the navigability of the river, the question could be brought up fairly in some way, it seems to me.

Mr. THOMAS. I will say to the Senator from Mississippi that is a subject to which a number of leading lawyers in my State have been giving close and careful attention for some time.

If they have reached a conclusion I have not been informed of it. I know that the present session of the general assembly has appropriated or proposes to appropriate a fund, among other things, for the purpose of testing that question to the full. Of course, if we can not obtain relief from the courts we must obtain it through national action or go without it.

Mr. WILLIAMS. Of course you can not sue the Government of the United States.

Mr. THOMAS. Of course we can not sue the Government.

Mr. WILLIAMS. But you can make the Government of the United States sue you, or take some process against you, by just violating these orders of the bureau.

Mr. THOMAS. The Government, of course, is not the subject of a direct action. The difficulty, I think, that has presented itself to the minds of the gentlemen who are investigating the question lies in the probability that the act of the Secretary of the Interior or his subordinates in refusing to accept filings for these appropriations and reservoir sites is so far discretionary as to be beyond judicial control, and that is one of the essential conditions for immediate action. They are also considering the serious question, however—and there are some authorities, and respectable ones, in support of it—as to whether the State of Colorado or its citizens may not condemn, notwithstanding the fact that they are located upon the public domain, reservoir sites and rights of way for ditches.

Mr. WILLIAMS. But back of that is the point that if these streams are nonnavigable the United States Government as a Government has nothing to do with them, and therefore a law which would require a permit to be gotten in order to put a dam upon a nonnavigable stream, it seems to me, would be itself invalid.

Mr. THOMAS. The Senator's premises are correct, but his conclusion is not in practice. The Government does assert its right to have something to do with them in many ways. For example, a statement of Mr. Justice Brewer, to which I called attention a few moments ago, has been used as the basis of treating all those streams, because they are tributaries to navigable streams, as largely within the control and under the domination of Federal power.

Mr. WILLIAMS. I understand if the Government were to come in and say we have issued these orders or we have refused these permits, which would render the Rio Grande lower down nonnavigable or might decrease its navigability, that would be all right; but if you could meet that by showing that it would not and that that was not the real object or the effect, which is the main thing, it seems to me that the decision, so far as the Senator has read it, would not apply.

Mr. THOMAS. I think so; and yet, in my judgment, the Government is quite as logical in saying that it can control these streams through the exercise of its power over navigation as in saying to the Connecticut River Co., "We will give you a franchise on the Connecticut River and the control over property in its waters that do not belong to us." The one is the outcome of the other, or rather it finds some support in the other, which, as I have previously stated, requires me to resist the passage of that measure to the extent of my ability.

There is another manner in which the Federal authorities invade this property right of the States in their waters and the right of their citizens to appropriate the same for beneficial uses, and that is by the withdrawal of power sites from entry and patent. The Government has made what I may term, perhaps with perfect justification, a wholesale withdrawal of everything that even looks like a power site bordering upon or near streams running through the public domain. Its purpose is—and from one standpoint it may be commendable; I have no doubt it is sincere and supposed to be necessary—to require those desiring to generate power to lease these sites for a term of years upon terms to be fixed by some governmental authority, and thereby derive a governmental revenue to be utilized as in its wisdom may be determined. This policy is inspired, as I understand it, not from the desire of gain, but to restrain the forces of monopolistic control, a purpose which has my entire approval.

The use of water varies. It is manifold. In our section of the Union it is absolutely essential for domestic and for irrigation purposes. These two uses are therefore placed ahead of and made superior to all others. Water may also be appropriated for mining and for manufacturing purposes, which include appropriations for power. These are not mere abstractions; they are rights created by law, which belong to all those who desire to utilize them, the primal and absolute condition to their permanency being beneficial use. One can not appropriate water and then hold it, so that others desiring to apply it beneficially may be prevented from doing so. There is only one power in the world that I know of that can do that, or which actually does do it, and that is the Government of the United States; in other words, the man who makes an appropriation of water must follow it by diversion and by application. If the Government holds a power site from entry and fixes terms for its lease, which terms must be complied with before the power that is latent in the body of the stream can be utilized and made effective, and the terms are not such as to address themselves to the business judgment or consent of the other contracting party, I contend that it is as much a deprivation of a property right existent and potential in the people as would be the actual seizure of visible property. It is conversion to a so-called public use followed by withdrawal without making due compensation. If we are entitled, under our Constitution, to make these appropriations, if the water belongs to the people of the State, and that fact is recognized, then the right to use it, when dependent upon the use of the land adjoining, is utterly destroyed just as soon as the right to use the land is withheld.

It may be said that the terms of the Government are easy to comply with, and I may concede it, but the Government reserves the right to change the condition imposed for its use whenever it sees fit; in other words, it exercises, or proposes to exercise, a power contingently, remittently at any time subject to the discretion, if you please, the prejudice, if you please, or both it may be, of some individual clothed with authority either by act of Congress or by an assertion of the right through so-called departmental regulations. The result is that the power sites of the West are practically nonusable. As a consequence the property which is potential in the stream and which may be made the subject of appropriation, as was stated by the Senator from Ohio the other day, is running to waste.

For my part, as I have said, I have no objection to the withdrawal in some respects, because my own opinion is that it is the State which should utilize and own these power sites, appropriate the power in the water, and furnish electric current as a public utility to the needs of the Commonwealth and of its people, but that can not be done by it or by anyone except under these terms and regulations, which may be as variable in time as the changes that occur in a revolving kaleidoscope. As a consequence it does not and can not attract; it necessarily must repel all business caution and foresight. Instead of conserving, Mr. President, it destroys or atrophies the resources of the Commonwealth.

Conservation certainly should not, as applied, result in confiscation. But some of the phases of its operation, as applied to the activities of the West, tends to that result, albeit its energizing principle is the same as that urged in the discussion of the Senator from Ohio—the prevention of monopoly.

I assert deliberately, Mr. President, that the methods to which I have called attention, instead of preventing, tend to promote and perpetuate monopolistic conditions in the West. Many of those who favor the continued policy of the Government in that section are precisely those who to some extent have acquired, or hope to acquire, a greater or less monopolistic control of the necessities of the day. The concern which has an enormous power plant is precisely the concern which wants to see all the power sites the use of which might create competition withdrawn from public use; the man who holds enormous stretches of splendid timber land is the loudest of all advocates of conservation as it is actually applied, not because he may believe in conservation, but because it confirms him in an advantage which he has, owing to the existing conditions when the law went into effect. I have heard of some of the largest live-stock dealers in the country who believe in the leasing system, if you please, because they are in such a position financially as to give them practically a monopoly of the leasing privilege when it shall have been extended. I know of no section of the West where monopoly has been prevented or diminished as a result of the operation in practice of the system of conservation. Believing in it as firmly as I do, Mr. President, I want to see it made operative in a proper, practical, effective, and satisfactory manner.

I spoke of the extension of timber reserves yesterday as sometimes made with the design of including an area of country where a tree never grew, and never will grow, and never can grow, and all those extensions in the interest of those owning barren stretches, whereby they were enabled to exchange them for some of the best timber land of the country. I do not charge the Forestry Bureau or anybody connected with it with being responsible for those conditions or with approving them; on the contrary, I believe that they are as sincere and as well deserving, from their standpoint, a class of men and women as exist anywhere in the country. And it is only fair to say that these extensions, for the most part, preceded the organization of the bureau. The difficulty lies in the fact that enthusiasm is con-

founded with practical conditions. The consequent result is a generally widespread and constantly increasing resentment against and the unpopularity of the system itself.

The Use-book, so called, of the Forestry Bureau is a book nearly as thick as the book which I hold in my hand [exhibiting]. I think it contains rules for the regulation and operation of the department covering almost every subject under the sun. Those who come in contact with these rules are those who entertain the most irritation and resentment against the policy.

I think it is a fact in human experience which can not be denied, Mr. President, that where a given policy comes in direct contact with a part of the people who unite in repudiating that policy, resent its existence, and deny its beneficial features, there is something radically wrong either with the policy itself or with the method of its operation, or with both. I hope in this instance it is the method of operation which makes it unpopular; but certain it is that the opinions of those who experience, through immediate contact, the consequences of the operation of any given policy, and the universal state of mind which is produced in consequence of it, ought to be a pretty good index of its success or the opposite. It is also the best test of the wisdom of its methods of procedure.

In the old days of carpetbagism and reconstruction the man who came in daily contact with its operation was the best judge of its character; I think that his opinion, as the result of his experiences, was worth more than that of all other men combined; and it was the collective resentment of the great people of that section of the country toward the reconstruction régime which finally aroused the national conscience, or at least so allayed its active sympathy with the system as to enable the South to rid itself of that horrible incubus. Far be it from me, Mr. President, to contrast conservation with those awful conditions, for they are as wide asunder as the poles. I merely use the illustration as applicable to the general proposition, that it is the experience of those coming into contact with and directly affected by any given policy that should ultimately determine its nature and its character, and which, if favorable, calls for its continuance, and if otherwise for its correction, either in substance or in practice. There must be, therefore, some radical defect either in the policy—and I do not think it is so much in that—or in its application—and I think there is the difficulty—which has caused the conviction everywhere throughout the public-land States that this is a policy directed against them; an unjust policy, which retards their development and interferes with their prosperity and continued growth.

I sometimes wonder how the people of Pennsylvania or of New York or of Illinois would feel if one-third of the area contained within their boundaries was segregated from occupancy, was practically controlled by a central authority substantially outside of their territory, and in the operation of which policy those intrusted with its administration came in daily contact with the people of the State, producing friction, irritation, resentment, hostility, and suspicion.

I think the people of these States by imagining such a condition can well understand, if they do not approve, that dislike, to use no harsher term, of a system which practically segregates one-third of the territory of the State from settlement and largely removes it from the operation of the local laws.

Local self-government doubtless had its origin, among other causes, in the necessity of determining from the experience of the people the benefit or injury flowing from the policies operating directly upon them, coming in daily contact with them, and touching them in their various walks of life. The Government of the United States in its so-called forest policy has segregated and withdrawn millions upon millions of acres of land, stretching from the borders of Mexico on the south to the Dominion of Canada on the north. A citizen of the United States can traverse his country through sovereign States of the Union an unbroken path, practically without any obstruction, upon reserved Government domain within the physical boundaries, but without the civil jurisdiction of the State, all of which has been done in the name and in the interest of conservation.

Of course, it is asserted that a man may go upon this territory and locate an agricultural claim, and that is true; or discover and locate a mine, and that is true; but the truth lies in the fact that such is the law, while the difficulty is that these express privileges of the statute are virtually neutralized by departmental regulation. It is not the judgment of the homesteader as to the value for agricultural purposes of his 160 acres he would file upon that governs; it is the judgment of somebody connected with the Bureau of Forestry, and whose word upon the subject is almost final.

It is not the prospector, Mr. President, who discovers a mine and locates it, who may determine whether it contains gold or silver sufficient to justify development, but an employee of the Forestry Bureau who visits it, and, after passing judgment upon it, permits or prevents the location. One can well understand what his own feelings as an American citizen would be if, with these express provisions of the law in his behalf, when he attempted to assert them, some employee of the Government should say, "By my leave, sir, alone can you make your location or perfect your entry. I will determine, and not yourself, whether the conditions exist which, under the law, give you the right to make this location."

It is the existence of these conditions which have largely modified my original views, Mr. President, upon the subject of conservation, and which I think require a halt in the direction of ultraconservation, to the end that the people of the West may continue to develop their resources and add wealth and population to the common country, and extend the area of their taxable wealth over all the territory comprised within their respective boundaries.

I have here an example of how conservation under present conditions sometimes operates. I refer to a clipping from the Saturday Evening Post, a paper published, as we all know, in the far East. It is from the issue of the 25th of January, 1913, and is so apt an illustration of conservation in practice, as contradistinguished from conservation in theory, that I shall read it into the RECORD:

SELLING GOVERNMENT TIMBER.

The Government's windmill battle against monopoly is admirably illustrated by its timber policy. Its own reports show a monopolistic situation with regard to standing timber.

An important part of the total supply, aside from that owned by the Government, is in few hands. A rise of more than 60 per cent in the price of lumber since 1897 indicates that owners of the commodity have had a leverage on the market.

Now the Government itself owns one-fifth of all the standing timber in the country, many billion feet of which are ripe for the ax and even deteriorating from overripeness. In offering this ripe timber for sale the Government "makes a close estimate of the cost of manufacturing it into boards and of the market price of the product." It then fixed a minimum selling price, based on the two foregoing factors, which will "give a fair operating profit to the purchaser on his investment, but no more."

In other words, the Government acts upon the theory that it will charge for its timber to the consumer practically all that the traffic will bear.

The words quoted are from the report of the Secretary of Agriculture.

Obviously, under this policy the Government's timber can never be sold on the market any cheaper than the monopolized timber in private hands is sold, because the Government's price is based on the market price; and the market price, of course, is fixed—or largely controlled—by private owners of timber.

That is to say, the monopolists, which the conservation policy is designed to destroy, actually fix the price at which the Government commodity is offered to the consumers of the country. It would seem to me that in practice, therefore, the Government has become a part of, instead of an opponent of, the existing monopoly in the timber lands of the great West.

Mr. SMITH of Arizona. Mr. President, if the Senator will permit me, that might help the Treasury a little, but what effect does it have on the consumers of that commodity? It takes from them an extra price and puts the money into the Treasury of the United States.

Mr. THOMAS. It does not help either, as I will proceed to show from this article:

If private owners boosted prices 50 per cent, the price of Government timber would automatically advance 50 per cent; and, though the public owns one-fifth—

The public, mind you, not the bureau—

of all the standing timber of the country, it can not get lumber any cheaper than private owners offer it.

Another effect of this policy is that the Government's ripe timber is not cut, but stands and decays.

That is why I say that neither party benefits by it.

The "fair profit on his investment, but no more," which the Government offers to the timber operator, does not attract him, as is shown by the fact that it is selling only one-tenth of the timber it should sell to keep the forests in a healthy condition.

Having adopted a policy that in fact amply protects monopoly at every point, the Government then goes through a great rigmarole of restrictions and conditions designed to prevent its timber from falling into the hands of monopolists.

The whole thing beautifully illustrates our antimonopoly policy, which consists in putting a lot of words on paper and ignoring essential facts.

I heard a statement the other day while riding from my hotel to the Capitol that falls in line with the general current of this discussion. The statement was made by one gentleman to another to the effect that the Government had hitherto followed a mistaken policy in opening the mineral domain to prospecting, discovery, location, and patent; that, if it had pursued a policy of conservation from the outset, the millions of gold, of silver, of lead, and other metals wrested from the mountains by private enterprise would have constituted a revenue almost suffi-

cient to have defrayed the expenses of the Government. Mr. President, success always attracts us; we forget misfortune as rapidly as we can, even when it is brought to our immediate notice. It is the successful mine which fixes public attention and gives to the unthinking the notion that all mining locations are valuable mining properties.

If the Government had pursued any other policy than the one which has been in existence since 1866, the result would have been few, if any, discoveries of the tremendous treasure houses of metal that have since been uncovered and utilized. That policy gave and should continue to give an incentive to the prospector, prompting him to make the search for these hidden deposits and to make locations and developments accordingly. As a consequence, it enabled the Government to sell millions upon millions of acres of domain worthless for any other purpose, and shown by development to be worthless even for that one, which it could not otherwise have disposed of; for I do not think I exaggerate, Mr. President, when I say that where one mining location becomes profitable four or five thousand remain utterly barren and worthless, bringing misfortune and disappointment instead of financial success to their owners and locators. Take, for instance, the Cripple Creek mining district. It embraces about 17,000 patented mining claims, upon which millions of dollars have been expended in the search, and the vain search, for gold. Out of 17,000 perhaps 250 have been profitable. In that small percentage were found all that constitutes that great mining district. When you consider the tremendous sums of money expended in the hope of finding gold and compare them with the yield of the few locations which have proved profitable, the balance is upon the debit side of the ledger, and the Government, not the citizen, is ahead in the process. The policy in this respect pursued in the past has been conservation, in my judgment, in the best and truest sense. It is a policy which has been practically destroyed by the regulations of the Forestry Bureau, for these have resulted, among other things, in the virtual disappearance of the prospector from the Rocky Mountain region.

This policy has practically extinguished one of the hardiest, most resolute, and daring class of citizens who ever contributed to the development and to the settlement of a mighty Nation. I think the present depression in mining circles in the Rocky Mountains is largely, if not entirely, due to the practical interdict that has been laid by a mistaken process of conservation upon the energy, the ability, the courage, and the daring of that splendid class of men who ask nothing of the country except the right to explore the public domain at their own expense and to take their chances on the result.

While upon this subject let me call attention to a kindred matter. I do it for the purpose of illustrating and enforcing the causes—and they are good ones—which lie at the basis of the opposition of the people whom I in part represent here to the general policy of the Government in this direction.

The cities of Manitou and Colorado Springs, together with the suburbs in their immediate vicinity, comprise something like fifty or sixty thousand people. They are great health resorts. In the summer season not less than 100,000 people are gathered in that section of the State. Their water supply comes from the melting snows of Pikes Peak and adjacent mountains. They are entirely dependent upon it for their supply and must guard it against all impurities affecting health, for the reputation of the two places as health resorts is one of their chief assets and one of the sources of their growth and prosperity.

Experience has proven the necessity, for sanitary reasons, to obtain jurisdiction in some method over a very considerable area of country embracing this source of water supply in order that sanitary conditions may be enforced and the purity of the water supply at all times maintained. That forms the Pikes Peak Forest Reserve, and is under the jurisdiction of that department of the Government.

I charge nothing against the sincerity and good faith of these gentlemen who are in charge and who are good citizens, who administer the law as they are required to, and who do their best to make that law effective. Yet a country which attracts consumptives necessarily must be very careful about sanitary conditions, particularly in view of the recent discoveries of medical science which have convinced us that the disease is contagious, to the end that no bad results may follow to the community. Yet a great many of these unfortunate people in the summer time go and plant their tents upon the mountain sides without hindrance from the authorities; and while these transient residences may be nothing but a menace, nevertheless they may become more than a menace to the well-being of the community unless controlled by regulations to be made and enforced by the local authorities for the common good.

A bill was presented in the House of Representatives some time ago, there passed, and afterwards reported here and passed, and is now in conference committee, giving the governments of the towns of Manitou and Colorado Springs joint jurisdiction with the Government authorities over a very considerable area of territory for the purpose, and only for the purpose, of conserving their water supply. They should have the title to this territory and exclusive control over it, but they are merely given concurrent jurisdiction for that purpose. The bill was threshed out in committees and every possible objection, substantial and otherwise, was presented to it. Finally it was enacted in such form as to meet, generally speaking, I will not say the wishes, but the consent, the passive consent, both of the governmental authorities and of the representatives of the cities mentioned. As I stated, it is now in conference as a result of the failure of the House to agree to one or two amendments that were here made to the bill.

Immediately after the conference committee was appointed this letter, written upon a letterhead of the American Forestry Association—a vice president of which is the honorable Secretary of the Interior and another the Hon. Gifford Pinchot—to the conference committee, as I suppose, was called to my attention:

AMERICAN FORESTRY ASSOCIATION,
Washington, D. C., February 5, 1913.

MY DEAR SIR: May I ask your consideration of the following facts regarding a bill which threatens the gradual disintegration of the national forests and the removal of jurisdiction over the national forests by the Federal Government?

The bill (H. R. 23293) "for the protection of the water supply of the city of Colorado Springs and the town of Manitou," as amended in the Senate, where it passed on February 3, 1913, will, if enacted, practically prevent the Secretary of Agriculture from administering that part of the Pike National Forest.

It embraces an area of many thousand acres of forest land and many improvements erected thereon by the Federal Government. In the last three years the experiment station alone has cost more than $30,000.

As shown by the reports on this bill, the arrangement to have the Secretary of Agriculture administer the areas in cooperation with the municipalities was entirely satisfactory to them.

The amendments in section 3 should be defeated.

Your consideration of the matter will be appreciated by the American Forestry Association.

Sincerely, yours,

P. S. RIDSDALE,
Executive Secretary.

No movement, however commendable, no measure, however necessary, even though it may affect the lives and health of 100,000 people, is permitted to stand for a moment against the determination of this bureau to absolutely control and administer in all their aspects the forest reserves of the great West. And here, upon the threshold of the enactment of a measure which has been pressed upon the attention of the National Congress for the past three years, comes this final protest, based upon the unsupported assertion that its enactment will threaten, if it passes, the gradual disintegration of the national forests.

I want to say, Mr. President, that even if it had that effect—which I absolutely deny—the bill should appeal to the conscience and the justice of every Member of Congress in both Houses, because it is designed to give to two great communities the means of preserving their own health and their own welfare by enabling them to preserve their water supply from contamination. It is just such interferences as these, just such protests as these, that cause many people of the West to hate and to loathe the very name of conservation.

The people who inhabit these two cities are among the best, most intelligent, highly educated, and wealthy of the State of Colorado. They have the best of reasons for insisting upon the enactment of this measure. One can readily understand, by bringing the lesson home to himself, what his own opinion would be of a system containing so much of good and so much of benefit, when its administration is accompanied by such petty interferences and tyrannies as result from or attend its practical operation in the various sections of the West.

Now, let me call attention to another illustration of the manner in which the conservation policy is administered.

Mr. SMITH of Arizona. If I may interrupt the Senator, by whom is the letter signed?

Mr. THOMAS. It is signed by P. S. Ridsdale, executive secretary.

I have spoken of the acts of 1866 and 1870, I think, recognizing and confirming rights of way for the diversion of water over the public domain. The Supreme Court has frequently had occasion to treat these rights and to confirm them expressly as vested rights, as property rights. The Roaring Fork Electric Water & Power Co.—I think that is the name of it—is a corporation organized many years ago for the purpose of supplying the city of Aspen, in Pitkin County, Colo., with water and with power, and supplying the mines in that section with power as

well. Its plant was completed in 1891, and consists of an appropriation of water and a flume or canal leading from the point of diversion to the reservoir of the company, about 2 miles of which now lie within the boundaries of the Mount Sopris Forest Reserve—a reserve created years after the right had been acquired. This company, like many others, raised the money necessary for the completion of the enterprise by an issue of bonds, secured upon the plant, including the reservoir and the right of way.

I think no one will deny that that company has an absolute, positive, vested, property interest in that right of way by availing itself of a privilege given by the laws of the United States, an easement the existence of which is so clearly recognized and safeguarded that every patent issued by the Government of the United States excepts it from the operation of the grant.

But 12 months ago the Forestry Bureau demanded of this company that it should take out a permit or lease from the Government for the use of its own vested right of way across an insignificant corner of the Mount Sopris Reserve, and in effect notified the company that failing to do so it might be ejected. Conferences developed the fact that the amount demanded was so nominal as to be almost ridiculous, always accompanied, however, by the condition that at any time the Government saw fit to do so—and by the Government I mean the bureau—these terms and conditions could be changed or the grant or privilege terminated absolutely.

Of course the company was advised that it could not afford to recognize this demand, because it necessarily involved an admission that the title to this vested interest, in so far as it was included within the boundaries of the forest reserve, belonged to the Government of the United States and not to the corporation. The company offered to submit the matter to the courts upon an agreed statement of facts, but the bureau has so far declined to accept the proposition. A few days before I left the city of Denver for the city of Washington I received in my mail a copy of a letter from the head of the department in Denver to the manager of the company notifying him, in effect, that unless this permit was taken out, and taken out at once, the Government would unloose its engines of legal war and invoke the court to enforce the demand of the Forest Bureau, which every man of ordinary intelligence knows to be as unjust as it is unlawful.

I might repeat instances ad nauseum of similar character. I appeal to Senators from other States whether, if these practices prevailed in their own Commonwealths, they would not, as we do, insist that some change should be made at least in the method of administration of this policy? I justify my opposition to this measure from the State of Connecticut, because it is a part and parcel of this same system of administration, claiming the right to exercise the same authority, and justified by the same appeal, to wit, that all of these things are necessary for the prevention of monopolistic conditions.

I shall not detain the Senate, Mr. President, by any further instances illustrating the unfortunate methods which are sometimes resorted to in the supposed administration of this great public trust.

Let me say, in conclusion, that if this policy had been adopted and adhered to from the beginning of the Government, there would have been neither population nor settlement to speak of west of the Allegheny Mountains. On the contrary, that region would have remained practically undeveloped and uninhabited, or developed and inhabited by an alien people. The tendency of the American people has been westward, obeying some great instinct or impulse of human nature driving them onward. The Government in other days, wisely recognizing that impulse, and encouraging instead of opposing it, opened wide the doors of opportunity, and said not only to Americans, but to all men, "Go out and occupy and possess the domain of the country and improve it, to the end that its latent wealth may be quickened into being and contribute to the greatness and the glory of the Republic."

Responding to that privilege and that impulse, the march of empire has always been westward, to the Mississippi River and across it, through the great States of Iowa and Missouri. It has traversed the plains of the Great American Desert, converting it into one of the most prosperous and happy sections of the country, covered with a teeming population of men and women and children, anchored to the soil, having a stake in the progress and welfare of the Nation—citizens constituting that great middle class which the President of the Republic of Mexico once told me was absolutely essential to the success of republican institutions everywhere, and without which popular government is impossible.

In the section known as the public-land area of the country there is a great population. It has overcome obstacles compared with which those of the Mississippi Valley were almost as nothing. It has traversed areas that were practically without water or the means of livelihood, and has settled up the valleys and slopes of that great mountain region. The products of those States are enormous, but their growth is arrested by a governmental policy which visits the sins of monopoly upon its own citizens and endeavors to correct the evils and abuses springing out of the laws of Congress and their methods of administration by denying opportunities to the hundreds of thousands of people who are anxious to improve and devote them to the common welfare. When a people like ours are face to face with these bureaucratic conditions you can well understand that their currents of resentment may sometimes overflow the confines of prudence and of moderation.

Let me say, Mr. President, that the greatest element of conservation in this country or anywhere else is the conservation of men and of women and of children. They constitute the great asset of the Nation. We must conserve them, to do which we must utilize the resources of the Nation now and wisely and honestly and for the common benefit.

No country in the world was ever possessed of the resources and the natural wealth that have blessed and have been so conspicuous in America. Yet all those resources were here before, just as they have been since, until the white man came. The Indian was your true conservationist. He was here long before we were here. No laws, conservative or otherwise, restrained him. He was a child of nature, and lived from hand to mouth, as barbarians always do. Natural resources made and could make no appeal to his untutored mind. It was but natural, therefore, that he should have retired before the advancing hosts of the white man, whose energy and capacity had been conserved through centuries of struggle and therefore of growth and development. When the white man came in contact with these forces of nature, the union of the two made possible the growth and the population and the development of this mighty Nation. And now, in this twentieth century of man's advancement, out in the solitudes of these great reserves we find the same conditions that confronted the Indian at the time this country was first populated, with the difference that the white man is there desiring to develop them, while the conserving hand of bureaucracy lays its interdict upon him.

Conservation that does not conserve both the man and the thing is not that conservation which, in my judgment, should be the policy of this great Nation.

If, therefore, we of the West permit, without protest, aggressions of this sort, beginning in the waters of the Connecticut River, we can not expect that the Government will halt in its continuation of that policy with us, notwithstanding the fact that the conditions of nature and of environment are so radically and essentially different.

Hence I oppose this measure, because of the so-called principle which is its underlying foundation and which seems to me in its consequences to be injurious to the people of the entire country.

Mr. BRANDEGEE. Mr. President, if I may have the attention of the Senator from Arizona [Mr. SMITH], I desire to ask him a question. I understood that the Senator from Arizona was going to submit some remarks upon the pending bill at some time, and I rose to ask him if it would be convenient for him to proceed this evening.

Mr. SMITH of Arizona. No; I can not proceed this evening, both on account of my throat and my head. I should prefer not to do so. I do not know that I will take the time of the Senate at all, but certainly I do not feel inclined to proceed this evening.

Mr. BRANDEGEE. Mr. President, I desire to submit a parliamentary inquiry before making a motion. We are proceeding upon the legislative day of Tuesday. I wish to inquire whether that fact involves any question about our right to take a recess until 12 o'clock to-morrow, which is the ordinary time for convening on a calendar day. I have been informed, I do not know whether correctly or not, that when the Senate is upon a legislative day it is the custom to recess to an hour just prior to the time of convening on a regular calendar day. If that has been the custom, it was broken yesterday when we took a recess until 12.40 p. m. to-day.

The PRESIDENT pro tempore. In the opinion of the Chair it is not necessary, although it is customary, simply to avoid all question. The Chair does not think it can be a matter of doubt as to the right of the Senate to take a recess to any hour it may see fit and prolong the legislative day.

Mr. BRANDEGEE. It would give rise to no complication if we took a recess until 12 o'clock to-morrow?

The PRESIDENT pro tempore. The Chair thinks not, though the Senator may name some other hour if he prefers it.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 28283. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1914; and

H. R. 28690. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1914, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 8035. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

H. R. 24121. An act to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims; and

H. R. 28094. An act to amend section 96, chapter 5, of the act of Congress of March 3, 1911, entitled "The Judicial Code."

HEALTH STATISTICS (S. DOC. NO. 1072).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 6th ultimo, certain information relative to the expense to the Government for the year 1912 of its departments, branches, or bureaus of the Health and Medical Service, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

ARMY APPROPRIATION BILL.

Mr. DU PONT. From the Committee on Military Affairs I report favorably with amendments the bill (H. R. 27941) making appropriations for the support of the Army for the fiscal year ending June 30, 1914, and I submit a report (No. 1207) thereon. I give notice that, if permitted to do so, I will call up the bill for consideration on Friday immediately after the routine morning business.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment proposing to amend section 6 of the act approved July 1, 1902, relative to household and other belongings not held for sale and owned by any person in the public service temporarily residing in the District of Columbia who is a citizen of any State or Territory, and who is taxed on such personal property in such State or Territory, intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BRISTOW submitted an amendment proposing to appropriate $9,000 for the completion of an addition to the post-office and courthouse building at Salina, Kans., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMITH of Maryland submitted an amendment authorizing the Postmaster General to admit to the mails and forward to the delivery office return-reply envelopes and post cards without stamps affixed, etc., intended to be proposed by him to the Post Office appropriation bill, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

OMNIBUS PUBLIC BUILDINGS BILL.

Mr. CRANE submitted an amendment proposing to appropriate $5,000 to enable the Secretary of the Treasury to procure and submit to Congress plans and estimates of cost of a pneumatic, electric, or other underground tube system of connection for the transmission of letters and messages, documents, etc., between the Capitol, office buildings of the Senate and House of Representatives, the executive departments, and other Government establishments in the city of Washington, etc., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

HOUSE BILLS REFERRED.

H. R. 28283. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1914, was read twice by its title and referred to the Committee on Agriculture and Forestry.

H. R. 28690. An act making appropriation for the support of the Military Academy for the fiscal year ending June 30, 1914, and for other purposes, was read twice by its title and referred to the Committee on Military Affairs.

Mr. BRANDEGEE. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 5 o'clock p. m., Wednesday, February 12) the Senate took a recess until Thursday, February 13, 1913, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 12, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

God of the ages, our fathers' God and our God, who hath never forsaken Thy children, continue to bless, guide, and protect us. We thank Thee that the name of Abraham Lincoln, the world's great commoner, will not only be hallowed to-day by the people of his country, but by all the liberty-loving people round the world. We can not exalt him, but we may exalt ourselves by keeping his memory green and by striving earnestly to follow his illustrious example. We thank Thee for the special order of the day, which illustrates in a preeminent degree the integrity of the American people in selecting a President and Vice President. Let Thy blessing, we beseech Thee, follow the outgoing President, that he may continue to be a faithful servant wherever he is called to serve. And we most fervently pray that the incoming President may be attended by Thy grace, mercy, justice, and truth; that the laws of the land may be faithfully executed and the affairs of state wisely administered; that the ties of peace between us and other peoples may be strengthened and peace and prosperity reign throughout our borders, and everlasting praise be Thine. In the spirit of Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday, and the unfinished business is the bill H. R. 27876.

LINCOLN'S BIRTHDAY.

Mr. RUSSELL. Mr. Speaker, this is the birthday of Abraham Lincoln, and I ask unanimous consent to have read at the desk his memorable speech made 50 years ago at Gettysburg.

The SPEAKER. The gentleman from Missouri [Mr. RUSSELL] asks unanimous consent to have read the Gettysburg speech of Abraham Lincoln. Is there objection?

Mr. HEFLIN. I reserve the right to object, for the purpose of making an inquiry. If the time is consumed between now and 1 o'clock in the reading of this address, it will not interfere with the order?

The SPEAKER. Not a particle. It will not take 10 minutes to read the address, anyway. Is there objection? [After a pause.] The Chair hears none. Without objection, the Chair will designate the gentleman from Missouri [Mr. RUSSELL] to read the address. [Applause.]

Mr. GRAHAM. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Illinois [Mr. GRAHAM] rise?

Mr. GRAHAM. As this is the anniversary of the birthday of Abraham Lincoln, and as I come from his old home and the district he once represented in this body, I ask unanimous consent that I may address the House on the subject of Abraham Lincoln after the reading of the Gettysburg speech.

The SPEAKER. For how long?

Mr. GRAHAM. Well, 30 minutes.

The SPEAKER. The gentleman from Illinois [Mr. GRAHAM] asks unanimous consent that after the Gettysburg address is read he may have 30 minutes in which to address the House. Is there objection?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I wish to give notice that when the proceedings by unanimous consent are finished I shall move to proceed with the regular order for to-day.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. GRAHAM], from the Springfield district,

where Abraham Lincoln is buried, to have 30 minutes in which to address the House after the gentleman from Missouri [Mr. RUSSELL] has read the Gettysburg oration? [After a pause.] The Chair hears none, and it is so ordered.

Mr. FITZGERALD. Mr. Speaker, I wish to give notice that I propose, when the unanimous-consent proceedings are over, to move to dispense with the regular order of the day.

Mr. MANN. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Missouri [Mr. RUSSELL] will proceed.

Mr. RUSSELL, from the Clerk's desk, read as follows:

LINCOLN'S GETTYSBURG ADDRESS.

ADDRESS DELIVERED AT THE DEDICATION OF THE CEMETERY AT GETTYSBURG, NOVEMBER 19, 1863.

"Four score and seven years ago our fathers brought forth on this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal.

"Now we are engaged in a great Civil War, testing whether that Nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battle field of that war. We have come to dedicate a portion of that field as a final resting place for those who here gave their lives that that Nation might live. It is altogether fitting and proper that we should do this.

"But in a larger sense we can not dedicate, we can not consecrate, we can not hallow this ground. The brave men, living and dead, who struggled here have consecrated it far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here. It is for us, the living, rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this Nation under God shall have a new birth of freedom, and that government of the people, by the people, for the people shall not perish from the earth."

[Prolonged applause.]

The SPEAKER. The gentleman from Illinois [Mr. GRAHAM] is recognized for 30 minutes.

ABRAHAM LINCOLN.

Mr. GRAHAM. Mr. Speaker, in the growth and development of a nation it would be difficult to overestimate the value of great examples, of high ideals, and one of the compensating benefits we derived from the Civil War is the long list of heroic actions of magnanimous and noble deeds performed by men on either side.

Never before in the history of the world did the vanquished exhibit greater valor, and never did the victor in a great war treat the vanquished with such splendid generosity as in that titanic struggle. No Roman triumph marked the final victory. Napoleon's standards waved at one time or another from the citadels of almost every capital in continental Europe. The Germans took literal possession of conquered Paris, but Grant turned from Richmond at its very gate. No humiliating terms were imposed at the surrender of the great Confederate commander. He received the courteous and chivalric treatment which brave men always accord to brave men. Perhaps the greatest moment in the life of the silent commander was when asked at Appomattox what disposition was to be made of the horses of the Confederate cavalry, which were mostly owned by the men who rode them, and he replied in his quiet way, "Let them keep them; they'll need them for the spring plowing."

Deeds of personal heroism were so numerous that it would be invidious to mention any particular ones. There were, indeed, giants in those days. That awful struggle was in truth a struggle of Titans. But out of it all one great gaunt figure rises and stands above the others like a cedar of Lebanon, towering beyond his fellows in massive grandeur, unique, alone, for in the whole field of profane history there is neither prototype nor parallel for Abraham Lincoln.

I was not always an admirer of President Lincoln. When a boy the first book I read about the Civil War was Pollard's Lost Cause, which was published in Richmond before the heat of the conflict had time to cool.

But later in life a number of circumstances conspired to attract me to a study of the career of this wonderful man, this first American, as Lowell called him.

For many years I have lived within a stone's throw of his old home in Springfield. He once represented in Congress the district I now have the honor to represent, and the fourteenth of April, the anniversary of his martyrdom, reminds me of the too frequent recurrence of my own birthday anniversary.

I have loved to talk of him with the few men still left in Springfield who knew him and admired him long before the general public appreciated him. I have marveled at a career which far outdistances romance. Many a time have I traveled with him in spirit over that long and weary journey from the Kentucky cabin to the White House. I have tried to understand him, to estimate his character, only with this result, that as my own vision broadened I saw in him new strength, new wisdom, new self-control, new elements of greatness, till he became to me, as Stanton said of him, "the most perfect ruler of men the world had ever seen," and I am forced to the conclusion that in the providence of God he was destined to be the savior of the Republic, the preserver of government of the people, by the people, for the people. [Applause.]

Having said this much, you are not surprised to hear me say that I regard Abraham Lincoln as one of the world's greatest men.

What is the real test of greatness? How is greatness to be weighed or measured? By what method is it to be determined?

If a man's greatness is to be measured by the service he rendered his fellow men, then indeed was Lincoln great.

If we accept the criterion that he that ruleth his own spirit is greater than he that taketh a city, still was Lincoln a great man.

If the ability to recognize and understand right principles and to stand for them and stand by them, in gloom and defeat as well as in sunshine and victory, is a sign of greatness, still was Lincoln great.

If absolute and abiding faith in the ultimate triumph of that which is right because it is right is a sign of greatness, he had it.

If the broadest charity, the greatest magnanimity, the most complete absence of the spirit of resentment is an evidence of greatness, then was Lincoln superlatively great.

If a deep, strong, boundless, active, and abiding sympathy for all those who labor and are heavy laden is an evidence of greatness, he had it in a degree approached by few other human beings.

Unbounded courage, unwavering determination, unlimited capacity to work and to suffer are essentials of greatness. Lincoln had them all in a remarkable degree.

Nor were these admirable qualities marred by any vice or weakness, barring a supposed weakness resulting from his excessive human sympathy.

He was absolutely unselfish; he had in him no element of cupidity; he was incapable of the feeling of mere revenge, and his greatest ambition was to be right and to be of service to his country and to humanity.

Who can be named who had all these qualities in such degree as this rail maker of the Sangamon? If we are to measure greatness by the power to accomplish, by the conquest of obstacles, by difficulties overcome, whom can you name fit to be compared with this untaught and unaided child of the forest and the prairie?

The so-called "ladder of fame" furnishes us with at least a figure of speech by which we are wont to measure and compare the achievements of the great. Let me use that rhetorical figure for the purpose of a brief comparison between Lincoln and some of the great ones of the earth whose names fill the pages of the histories and whose fame comes ringing down the ages.

I will not attempt more than mere suggestion, but I invite you at your leisure to go into the details and ascertain what each did for himself and what others did for him; where each began his individual career of accomplishment and where he ended it; in other words, how far he traveled, through his own efforts, on this strenuous and toilsome journey up fame's ladder.

Let me illustrate what I mean by citing just a few of the names of the world's great which at once occur to anyone—Alexander, Cæsar, Charlemagne, Napoleon.

Alexander was the son of a great monarch and heir to a kingdom. He had all the advantages position could give. He had as his private tutor the philosopher Aristotle, one of the greatest intellects the world has known. At the age of 20 his father's death placed him on the throne of Macedon. Thus, without any special personal effort, he found himself, before he reached his majority, far up fame's ladder.

Cæsar was of patrician birth and had both wealth and family influence behind him. He enjoyed the benefit of the best schools, and official preferment awaited his desire. His family connection and social position enabled him to begin life well up fame's ladder.

Charlemagne was a worthy descendent of the famous Charles Martel, a King of France. He was, in truth, a great empire builder, but he, too, was born well up the ladder of fame.

And Napoleon, that wonderful man of destiny, was the son of a general, a graduate of one of the greatest military schools of the time. Others prepared him for the opportunity he seized so promptly and utilized so completely.

Nor is our own land without illustrations. Washington had all the advantages that wealth and station could give, and Jefferson added to these advantages a thorough college training.

So that all these, through inherited advantage, began their life work well up fame's ladder. But what of Lincoln? What advantage of birth or wealth or environment had he? Absolutely none. He was born on the frontier in a log cabin 14 feet square. His parents were poor, shiftless, and ambitionless, and the father tried hard to repress his son's desire for knowledge. He lived till manhood amid the poorest and most depressing surroundings, away from schools and schoolmasters, enjoying only eight meager months of school opportunity in his entire life.

He did not start in the race halfway up fame's ladder, not even within sight of it. He had to clear away the brush and traverse the swamps and overcome innumerable difficulties to get within view of it; and these difficulties he overcame, not because of his surroundings, but in spite of them, till he finally planted his feet on the lowest round and, without influence or assistance, began the toilsome ascent.

And who will say that any of those favored sons of fortune climbed higher than he?

If my theory be sound, if we are to measure the greatness of the man by the distance covered from start to finish in life's journey, whom can you recall who began so low, and, of his own strength, rose as high as Abraham Lincoln?

The opinion is quite too prevalent that Lincoln's greatness developed after his election to the Presidency. That is a mistake. The truth is he was always great, but it was, of course, after his election that the people were convinced of his greatness.

While he was fond of office and was somewhat persistent in seeking it, he never sacrificed, or even modified, his opinions in order to gain it.

He was a real leader of public opinion; he never changed his views to be in accord with that opinion. When the public differed from him he set to work to win the public to his view.

As early as 1837 he filed a written protest against slavery in the Illinois Legislature, of which he was then a member, being joined by but one other member. Nothing could at that time be more unpopular, as he well knew.

Just prior to the debate with Douglas, when he prepared the Springfield speech in which he used the illustration that "a house divided against itself can not stand" he submitted it to a number of his personal and political friends and admirers. They were almost stunned at his rashness in using this biblical quotation. They felt that it would kill him politically, but in spite of protest, regardless of results, he used it, and time has surely vindicated his sagacity and his courage. The men who knew him in those days say that it was habitual with him to draw out the views of others on political subjects while he withheld his own. Even in those days he had supreme confidence in himself. But it was not mere pride of opinion that made him so self-confident, for he did not hesitate to adopt the views of others when it seemed wise to do so.

His supreme self-confidence and his intense patriotism are evidenced by his choice of a Cabinet. A smaller or less patriotic man would have hesitated to choose as his adviser one who almost held him in contempt or one who was generally supposed to so far outclass him as to cast him altogether in the shade.

I never heard of anyone who so grievously offended Lincoln as did Mr. Stanton, but that did not prevent him from making Stanton Secretary of War.

Few other men could have borne the conduct of Secretary Chase as Lincoln did under intolerable provocation, but he realized Chase's value to the country and made all else subservient to that; and later, in spite of his disloyalty to his chief, Lincoln appointed him to the highest place within his gift—Chief Justice of the Supreme Court. He placed at the head of his Cabinet his chief rival for the presidential nomination, Mr. Seward, and quietly tolerated Seward's assumption of superiority, confident that time would determine their relative positions, as indeed it soon did to the Secretary's complete discomfiture. Lincoln felt intuitively that he had nothing to fear from comparison with any man. He was, therefore, entirely devoid of envy or jealousy, first, because of this supreme and abiding confidence in himself, and, second, because he was ready at any time to adopt the views of others if they seemed sounder than his own.

The breadth and depth of Lincoln's charity passes ordinary comprehension. The sight of misery in man or beast touched him profoundly.

I believe he spoke with absolute sincerity and out of the fullness of his great heart when in his second inaugural he urged Congress to proceed "with malice toward none, with charity for all,"

His patience, his justice, his honesty, his sincerity conquered everyone who really knew him. Douglas, his rival in love, in the law, and in politics, pronounced him the honestest man he ever knew. Wendell Phillips, who bitterly assailed him because he was not an abolitionist, finally declared that he was "God given, God led, and God sustained." Seward, who at first thought lightly of him, lived to refer to him as "a man of destiny with character made and molded by divine power to save a nation," and Stanton, whose treatment of him when they first met was almost contemptuous, truly said, as the gentle spirit left the body, "Now he belongs to the ages." The rail splitter, the flatboat hand, had conquered them all, and the conquest was complete and enduring. [Applause.]

Our country has been abundantly blest in the fact that it owes everything to the common man, nothing to aristocracy or royalty. What an array of names—Columbus, Washington, Franklin, Jefferson, Jackson, Lincoln—all springing from the common people, but none of them quite so near the common clay as this child of the frontier, this—

> Kindly-earnest, brave, foreseeing man,
> Sagacious, patient, dreading praise, not blame,
> New birth of our new soil, this first American.

Truly does the poet say he was new birth of our new soil. Generations separated him from the ways and the amenities of cultivated society. He was so close to nature that, as another poet well says of him:

> The color of the ground was in him—the red earth;
> The tang and odor of the primal things;
> The rectitude and patience of the rocks;
> The gladness of the wind that shakes the corn;
> The courage of the bird that dares the sea;
> The justice of the rain that loves all leaves;
> The pity of the snow that hides all scars;
> The loving kindness of the wayside well;
> The tolerance and equity of light that gives as freely to
> The shrinking weed as to the great oak flaring in the wind—
> To the grave's low mound as to the Matterhorn
> That shoulders out the sky.
>
> * * * * * * *
>
> And when the step of Earthquake shook the house,
> Wrenching the rafters from their ancient hold,
> He held the ridgepole up and spiked again
> The rafters of the Home. He held his place—
> Held the long purpose like a growing tree—
> Held on through blame and faltered not at praise.
> And when he fell in whirlwind, he went down
> As when a kingly cedar green with boughs
> Goes down with a great shout upon the hill,
> And leaves a lonesome place against the sky.

Abraham Lincoln was the very incarnation of the spirit of democracy, of the rule of the common people. His thoughts were their thoughts, their joys were his joys, and their sorrows were his, too. His sad, deep-furrowed face was so marked with melancholy that he seemed to bear all the burdens of his people.

What a man, and what a career! Just look for a moment with the eyes of your imagination and behold this awkward, barefoot, backwoods boy at ten trying to do a man's part in the woods with his ax; living in a forest hut entirely open on one side; at night dragging his tired frame to his attic nest of leaves by climbing on pegs driven into the logs, to find himself ere morning sleeping under a coverlet of snow; walking miles to borrow a book and lying prone on the floor to read it by the light of the blazing pine knots; wading waist deep through the wintry waters of a creek to rescue a worthless dog; guiding a flatboat down the Mississippi; making rails to fence the little farm on the Sangamon for his father and stepmother before leaving them to make his own way in the world, before starting out at twenty-two on the quest for the road leading to that figurative ladder on which he was destined to climb so high. Again see him start from Springfield on a flatboat trip to New Orleans; see him find a way to extricate the stranded boat when older and more experienced men fail, just as later on, in affairs of greater moment, he always found a way; see him as grocer's clerk treating all with rigid, scrupulous honesty, walking three miles before breakfast to bring to a customer the modicum of tea which the accidental use of a wrong weight deprived her of the evening before; see him postmaster, with the mail in his hat, and see him laying away at the end of his term the very pennies which belonged to the Government, to be produced years afterwards when called on for a settlement. Step by step see

him progress on the toilsome way, now storekeeper, now surveyor, soldier, politician, and lawyer, but ever and always faithful student, good citizen, and honest man. [Applause.]

Then see him arrive in Springfield at the age of twenty-eight, bringing with him little credit, and less money, and riding a borrowed horse. See him gradually rise, gaining steadily in public estimation. See him in the State legislature and in Congress, and when the question of slavery extension becomes acute see him challenge for a joint discussion his opponent for senatorial honors, the ablest debater of his day, Stephen A. Douglas, the Little Giant of the Prairie State. The whole civilized world knows the result of that debate.

Like a skillful general Lincoln so directed the course of the contest that he lost a skirmish in order to win a battle. He was beaten for the Senatorship only to gain the Presidency.

On May 18, 1860, he was nominated by the national convention of his party at Chicago, and duly elected in November. On the 11th of the following February he departed from his Springfield home never to return alive.

I can see in imagination the parting scene. In a pouring rain he stood bareheaded on the coach platform at the old Wabash depot and bade good-by to his friends and neighbors. Listen to him:

My friends, no one not in my situation can appreciate my feeling of sadness at this parting. To this place and the kindness of these people I owe everything. Here I have lived a quarter of a century, and have passed from a young man to an old man. Here my children were born, and one is buried. I now leave, not knowing when or whether ever I may return, with a task before me greater than that which rested upon Washington. Without the assistance of that Divine Being who ever attended him I can not succeed. With that assistance I can not fail. Trusting in Him who can go with me and remain with you and be everywhere for good, let us confidently hope that all will yet be well. To His care commending you, as I hope in your prayers you will commend me, I bid you an affectionate farewell.

[Applause.]

How touching, how sincere, how full of faith in God. And the language itself—how rhythmic, how direct, how simple it is. Where did this man, who scarcely entered the schoolhouse and knew not the college or the university, get this magnificent, this perfect command of language? How and where and when did he master that elusive thing called style so thoroughly that some of his letters and speeches adorn the walls of great institutions of learning as specimens of perfect English? Let me read to you his letter to Mrs. Bixley, which both graces and adorns a wall of Oxford University as a specimen of perfect composition:

DEAR MADAM: I have been shown in the files of the War Department a statement of the adjutant general of Massachusetts that you are the mother of five sons who have died gloriously on the field of battle. I feel how weak and fruitless must be any words of mine which should attempt to beguile you from a loss so overwhelming, but I can not refrain from tendering you the consolation that may be found in the thanks of the Republic they died to save. I pray our Heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and lost and the solemn pride that must be yours to have laid so costly a sacrifice on the altar of freedom.

Yours, very sincerely and respectfully,

ABRAHAM LINCOLN.

[Applause.]

His Gettysburg address is conceded to be the best short speech in the language, but short as it is and excellent as it is, I shall not now ask you to listen to it. Indeed, were I to indulge in quoting specimens of his eloquence, I should find no reasonable stopping place. I can not, however, resist the impulse to quote the prophecy which concludes his first inaugural:

I am loath to close. We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection. The mystic chords of memory, stretching from every battle field and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature.

[Applause.]

And may I not also recite the hymn with which he closes his second inaugural?—

With malice toward none, with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the Nation's wounds; to care for him who shall have borne the battle, and for his widow and his orphan—to do all things which may achieve and cherish a just and a lasting peace among ourselves and with all nations.

[Applause.]

What rhythm, what majesty, what patriotism!

If we did not know that his spare moments from boyhood up were given to the study of the Bible and to the companionship of Æsop and Bunyan and Defoe and Burns and Shakespeare, we might well exclaim as did the doctors and the scribes of old concerning Him who spake as man never spake, "Whence hath this man letters, having never learned?" But we know that his mastery of his native tongue, the only one he knew, did not come unsought. It was acquired by persistent and resolute effort, and was tinged and tempered by the tenderness of a nature filled with love for God and man and country. It reflected his patience, his fortitude, his fidelity, his absolute fairness and sense of justice, as well as his courage, sincerity, and resolution. In short, with him, as with every master of diction, the style bespoke the man.

Almost forty-seven years have come and gone since the fateful night when the hand of a poor deluded lunatic, without a moment's notice or a word of warning, struck him down. What a shock he gave the world and what a cruel wound he thus inflicted on the torn and bleeding Southland! By that blow he struck down the only man who had the strength and the will to stay the ruthless hands of those greedy and unscrupulous adventurers who, at the close of the war, promptly proceeded to plunder the stricken South. I give it as the opinion of his lifelong friends in Springfield that Lincoln never lost his love and sympathy for his native Southland, and that had he lived he would never have permitted the reign of robbery and ruin which that fair land experienced in reconstruction days. The hand, the only hand, which had the strength to save them was paralyzed in death by one who vainly imagined he was aiding their cause.

As for Lincoln, it was far beyond the poor power of the assassin to rob him of one tittle of his fame. Indeed, he added the one thing needed, if anything were needed, to enshrine his memory forever in the hearts of the American people, and that was the martyr's crown. And for this he chose, most opportunely, the moment when his victim had reached the summit, nay, the very zenith of his fame.

The war was practically over. The dove of peace hovered over the land. The Union was saved. Government of the people, by the people, and for the people had not perished from the earth. The ship of state was safe at anchor. The shackles were struck from the limbs of four million slaves. And the people gave Lincoln credit for it all. The world was filled with the sound of his praises. His feet were on the topmost round of fame's ladder. Millions of his countrymen would cheerfully have laid down their lives to save his life. There was little glory left for him to gain, and then, lest he trip and stumble, fate closed and sealed the splendid record.

With what dramatic force Walt Whitman tells the pathetic story:

O Captain! my Captain! our fearful trip is won.
The ship has weathered every rack, the prize we sought is won.
The port is near, the bells I hear, the people all exulting.
But Oh heart! heart! heart!
  Oh the bleeding drops of red.
    Where on the deck my Captain lies,
      Fallen cold and dead.

O Captain! my Captain! rise up and hear the bells;
Rise up—for you the flag is flung—for you the bugle thrills,
For you bouquets and ribboned wreaths—for you the shore's acrowding,
For you they call, the swaying mass, their eager faces turning;
Here Captain! dear father!
  This arm beneath your head!
    It is some dream that on the deck
      You've fallen cold and dead.

My captain does not answer, his lips are pale and still,
My father does not feel my arm, he has no pulse nor will,
The ship is anchored safe and sound, its voyage closed and done,
From fearful trip the victor ship comes in with object won!
Exult, Oh, shores, and ring, Oh, bells!
  But I, with mournful tread,
    Walk the deck my Captain lies
      Fallen cold and dead.

In the very heyday of his fame he fell at the post of duty; and so we shall always think of him as he was at his best, not a single shadow, not a single blur, not a single flaw in the picture.

As the years file slowly past, as we get further and further away from his time and see him in clearer and truer perspective, his splendid moral and intellectual proportions, his patience, his fidelity, his sense of justice, his foresight, his charity, his patriotism—in a word his greatness—become more and more apparent.

In a spirit of patriotic devotion, imbued with a feeling of profound gratitude for the blessing of a reunited country under the old flag, let us reverently bless God that He vouchsafed us such a captain to direct the ship of state at such a time. [Prolonged applause.]

COUNTING THE ELECTORAL VOTE.

The SPEAKER. It is customary for the House to rise when the Senate comes into the Chamber. Gentlemen in the first four rows of seats at the right of the Speaker will please vacate their seats and accommodate themselves elsewhere.

At 1 o'clock the Doorkeeper announced the President pro tempore and the Senate of the United States.

The Senate entered the Hall, preceded by their Sergeant at Arms and headed by their President pro tempore (Mr. BACON) and the Secretary of the Senate, the Members and officers of the House rising to receive them.

The President of the Senate pro tempore took his seat as the presiding officer of the joint convention of the two Houses, the Speaker of the House occupying the chair on his left.

The PRESIDENT of the Senate pro tempore. Gentlemen of the Senate and House of Representatives, in obedience to the Constitution and laws of the United States, and in compliance with the concurrent resolution adopted pursuant thereto, the Senate and House of Representatives are now met in joint convention for opening the certificates and ascertaining and counting the electoral votes in the election for President and Vice President of the United States. The tellers previously selected on the part of the Senate and those selected on the part of the House will please take their places at the desk.

Senators DILLINGHAM, of Vermont, and MARTINE, of New Jersey, the tellers appointed on the part of the Senate, and Representatives RUCKER, of Missouri, and YOUNG, of Michigan, the tellers on the part of the House, took their places at the Clerk's desk.

The PRESIDENT of the Senate pro tempore. With proper respect for the high function which we now perform in the presence of the American people, and with due regard to the decorum which should mark so important and solemn an occasion, it is not deemed proper that there should be applause or manifestation of approval or disapproval during any stage of these proceedings. This has been the rule upon similar occasions in the past, and it is confidently expected that it will be scrupulously observed upon this occasion, both upon the floor and in the galleries.

The Chair will now open and place in the hands of the tellers the certificates in the alphabetical order of the States, showing the electoral vote of each State. Unless there be objection, the reading of the formal portions of these certificates will be dispensed with, and the tellers will read, count, and announce the vote as shown by the certificate from each State.

There was no objection.

The PRESIDENT of the Senate pro tempore. The tellers will now read, count, announce, and make a list of the electoral votes from the State of Alabama.

Mr. DILLINGHAM (one of the tellers). The certificate of the electoral vote of the State of Alabama seems to be regular in form and properly authenticated, and it appears therefrom that Woodrow Wilson has received 12 votes for President of the United States, and that Thomas R. Marshall has received 12 votes for Vice President of the United States.

The PRESIDENT of the Senate pro tempore. Is there objection to this certificate? None being offered, the tellers will proceed to read, count, and announce the vote of the State of Arizona.

The tellers then proceeded to read, count, and announce, as was done in the case of Alabama, the electoral votes of the several States in their alphabetical order; and in each case objections, if any, were called for by the presiding officer.

The PRESIDENT of the Senate pro tempore. All of the certificates having been opened and read and the votes counted, the tellers will make a list of the same and report the result to the presiding officer.

Mr. DILLINGHAM (one of the tellers). The undersigned, WILLIAM P. DILLINGHAM and JAMES E. MARTINE, tellers on the part of the Senate, and WILLIAM W. RUCKER and H. OLIN YOUNG, tellers on the part of the House of Representatives, report the following as the result of the ascertainment and counting of the electoral vote for President and Vice President of the United States for the term beginning March 4, 1913:

Number of electoral votes to which each State is entitled.	States.	For President.			For Vice President.		
		Woodrow Wilson, of New Jersey.	Theodore Roosevelt, of New York.	William Howard Taft, of Ohio.	Thomas R. Marshall, of Indiana.	Hiram W. Johnson, of California.	Nicholas Murray Butler, of New York.
12	Alabama	12			12		
3	Arizona	3			3		
9	Arkansas	9			9		
13	California	2	11		2	11	
6	Colorado	6			6		
7	Connecticut	7			7		
3	Delaware	3			3		
6	Florida	6			6		
14	Georgia	14			14		
4	Idaho	4			4		
29	Illinois	29			29		
15	Indiana	15			15		
13	Iowa	13			13		
10	Kansas	10			10		
13	Kentucky	13			13		
10	Louisiana	10			10		
6	Maine	6			6		
8	Maryland	8			8		
18	Massachusetts	18			18		
15	Michigan		15			15	
12	Minnesota		12			12	
10	Mississippi	10			10		
18	Missouri	18			18		
4	Montana	4			4		
8	Nebraska	8			8		
3	Nevada	3			3		
4	New Hampshire	4			4		
14	New Jersey	14			14		
3	New Mexico	3			3		
45	New York	45			45		
12	North Carolina	12			12		
5	North Dakota	5			5		
24	Ohio	24			24		
10	Oklahoma	10			10		
5	Oregon	5			5		
38	Pennsylvania		38			38	
5	Rhode Island	5			5		
9	South Carolina	9			9		
5	South Dakota		5			5	
12	Tennessee	12			12		
20	Texas	20			20		
4	Utah			4			4
4	Vermont			4			4
12	Virginia	12			12		
7	Washington		7			7	
8	West Virginia	8			8		
13	Wisconsin	13			13		
3	Wyoming	3			3		
531		435	88	8	435	88	8

WM. P. DILLINGHAM,
JAMES E. MARTINE,
Tellers on the part of the Senate.
W. W. RUCKER,
H. OLIN YOUNG,
Tellers on the part of the House of Representatives.

The PRESIDENT of the Senate pro tempore. By the report of the tellers and the list made by them of the electoral votes cast, as shown by the certificates from the several States, it appears that the state of the vote for President of the United States, as delivered to the President of the Senate pro tempore, is as follows:

The whole number of the electors appointed to vote for President of the United States is 531, of which a majority is 266.

Woodrow Wilson, of the State of New Jersey, has received for President of the United States 435 votes.

Theodore Roosevelt, of the State of New York, has received 88 votes.

William Howard Taft, of the State of Ohio, has received 8 votes.

The state of the vote for Vice President of the United States, as delivered to the President of the Senate pro tempore, is as follows:

The whole number of the electors appointed to vote for Vice President of the United States is 531, of which a majority is 266.

Thomas R. Marshall, of the State of Indiana, has received for Vice President of the United States 435 votes.

Hiram W. Johnson, of the State of California, has received 88 votes.

Nicholas Murray Butler, of the State of New York, has received 8 votes.

This announcement of the state of the vote by the President of the Senate pro tempore shall be deemed a sufficient declaration of the persons elected President and Vice President of the United States, each for the term beginning March 4, 1913, and shall be entered, together with a list of the votes, on the Journals of the Senate and House of Representatives.

Gentlemen of the Senate and House of Representatives, the purpose for which the convention assembled having been accomplished, the presiding officer dissolves this joint convention, and the Senate will retire to their Chamber.

The Senate retired from the Hall, and (at 2 o'clock and 13 minutes p. m.) the Speaker resumed the chair and called the House to order.

RECESS.

Mr. WEBB. Mr. Speaker, I ask unanimous consent that Senate bill 4043, as passed by the House yesterday afternoon, be printed for the use of Members and placed in the document room.

Mr. MANN. Mr. Speaker, four years ago the House, by unanimous consent, took a recess for five minutes in order that the chairs temporarily placed in the Hall for the seating of Senators might be removed and the Members' seats replaced.

The SPEAKER. Does the gentleman ask that that be done now?

Mr. MANN. I suggest that to the majority side of the House.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the House stand in recess for five minutes. Is there objection?

There was no objection.

Accordingly (at 2 o'clock and 14 minutes p. m.) the House took a recess until 2 o'clock and 19 minutes p. m.

AFTER THE RECESS.

The recess having expired, the House was called to order by the Speaker.

Mr. WEBB. Mr. Speaker, I now renew my request for unanimous consent that the bill "An act (S. 4043) divesting intoxicating liquors of their interstate character in certain cases," passed yesterday, be printed as a House document.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the bill S. 4043 be printed as a House document. Is there objecion?

Mr. HARDWICK. Mr. Speaker, reserving the right to object, I want to ask the gentleman if he has consulted with the gentleman from South Carolina [Mr. FINLEY], chairman of the Committee on Printing?

Mr. WEBB. I have not. I could not find him.

Mr. HARDWICK. Then I shall be forced to object.

Mr. MANN. Let me make a suggestion to the gentleman from North Carolina. What he wants is more copies of his bill, I suppose.

Mr. WEBB. I want it printed as a House document. They can be procured in the document room of the Senate, but not in the House document room.

The SPEAKER. Does the gentleman from Georgia object?

Mr. HARDWICK. I do.

THE PRIVATE CALENDAR.

Mr. POU. Mr. Speaker, I offer the following order and ask unanimous consent for its present consideration.

The Clerk read as follows:

Ordered, That on next Friday, February 14, the House shall stand in recess from the hour of 5 o'clock p. m. until the hour of 8 o'clock p. m., at which time it shall be in order to consider, only in the House as in the Committee of the Whole, bills on the Private Calendar which are not objected to, beginning with House resolution 643 (Private Calendar 225) and continuing until the end of the Private Calendar is reached, after which it shall be in order to consider the remainder of said calendar.

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I would like to ask the gentleman where this leads us in regard to the 36 bills that were objected to?

Mr. POU. The order provides that the calendar shall be taken up where the House left off last Monday night, and that the remainder of the bills on the calendar shall be called. After the calendar is disposed of, if the House desires to consider other bills, if there is no objection, it can do so.

Mr. MOORE of Pennsylvania. I object.

Mr. GARNER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. GARNER. Is this a continuing order, and will it take us over into Saturday in case the bills are not disposed of on Friday night?

The SPEAKER. The House would have a right to adjourn, but the gentleman from Pennsylvania objects.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 24121. An act to pay certain employees of the Government for injuries received while in the discharge of their duties and other claims; and

H. R. 28094. An act to amend section 96, chapter 5, of the act of Congress of March 3, 1911, entitled "The Judicial Code."

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 24121. An act to pay certain employees of the Government for injuries received while in the discharge of their duties and other claims; and

H. R. 28094. An act to amend section 96, chapter 5, of the act of Congress of March 3, 1911, entitled "The Judicial Code."

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 8089. An act permitting the building of a railroad bridge across the Yellowstone River from a point on the east bank in section 15 to a point on the west bank in section 16, township 151 north of range 104 west of the fifth principal meridian, in McKenzie County, N. Dak.; and

S. 8090. An act permitting the building of a railroad bridge across the Missouri River from a point on the east bank in section 14, Mountrail County, N. Dak., to a point on the west bank of said river in section 15, in McKenzie County, N. Dak., in township 152 north, range 93 west, of the fifth principal meridian.

ORDER OF BUSINESS.

Mr. FITZGERALD. Mr. Speaker, I move to dispense with the business of Calendar Wednesday to-day.

Mr. HEFLIN. Mr. Speaker, I make the point of order that the gentleman's motion comes too late. The Chair has announced that it was Calendar Wednesday and that the House would automatically resolve itself into Committee of the Whole House on the state of the Union.

The SPEAKER. That is the time for the gentleman to make his motion. There are five minutes' debate on each side.

Mr. MANN. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. Evidently no quorum is present.

Mr. FITZGERALD. Mr. Speaker, I move a call of the House.

The question was taken, and a call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Fuller	Lafferty	Prouty
Ames	Gardner, N. J.	Lamb	Pujo
Andrus	George	Langham	Randell, Tex.
Ansberry	Gill	Langley	Redfield
Anthony	Gillett	Lindbergh	Reyburn
Bathrick	Goeke	Lindsay	Richardson
Bradley	Goldfogle	Littlepage	Roberts, Nev.
Brown	Good	Littleton	Rubey
Butler	Gould	Longworth	Sharp
Campbell	Griest	McCall	Simmons
Carter	Gudger	McLaughlin	Slemp
Clark, Fla.	Hamill	McMorran	Smith, J. M. C.
Clayton	Hamilton, W. Va.	Madden	Smith, Saml. W.
Conry	Hammond	Martin, Colo.	Smith, N. Y.
Covington	Harris	Matthews	Speer
Cravens	Harrison, Miss.	Mays	Stack
Danforth	Harrison, N. Y.	Merritt	Stanley
Davenport	Hartman	Moon, Pa.	Stephens, Nebr.
Davidson	Hawley	Morgan, La.	Sterling
Davis, W. Va.	Heald	Morse, Wis.	Talbott, Md.
Dies	Higgins	Murdock	Taylor, Ohio
Dodds	Hobson	Neeley	Thomas
Donohoe	Howell	Norris	Tilson
Doremus	Hughes, Ga.	Nye	Townsend
Driscoll, D. A.	Hull	Parran	Vreeland
Dyer	Jackson	Patton, Pa.	Warburton
Fairchild	Jones	Peters	Wilson, Ill.
Ferris	Kinkead, N. J.	Pickett	Wilson, Pa.
Focht	Kopp	Pou	Wood, N. J.
Fordney	Korbly	Powers	Young, Mich.
Francis	Lafean	Pray	

The SPEAKER. On this call 256 Members have answered to their names—a quorum.

Mr. HEFLIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. FITZGERALD. Mr. Speaker, I move to dispense with proceedings in order to-day under the rule, so that we may facilitate the transaction of the public business.

The SPEAKER. The gentleman from New York moves to dispense with proceedings in order to-day under the Calendar Wednesday rule. The gentleman from New York has five minutes and the gentleman from Alabama [Mr. HEFLIN] has five minutes.

Mr. FITZGERALD. Mr. Speaker, last Wednesday I called the attention of the House to the condition of the public business, and it is quite apparent that it is necessary that we continue to consider the appropriation bills if they are to be enacted at this session of Congress. There are now on the calendar waiting to be taken up the diplomatic and consular appropriation bill and the pension appropriation bill, and there are still to be reported the naval appropriation bill, the sundry civil appropriation bill, and the general deficiency appropriation bill.

I wish to remind this side of the House that our opponents have at times charged that the Democratic Party has adopted certain changes in the rules of the House which make it impossible effectively to transact the public business. While I did not favor certain of the changes that were made, I believe it is possible for this side of the House promptly and efficiently to discharge the public duties devolving upon them under these present rules if they will undertake to do so. In order to do so, however, it is necessary to do what has always been contemplated, and that is, at a time like this, at this stage of the session, the important public business be given preference over all other business. If for any reason any of the general appropriation bills should fail at this session of Congress, our opponents will use it as an argument to criticize and denounce what they will term the inefficiency and incompetency of the Democratic Party. I have no desire to accomplish anything except to promote and facilitate the public business, and in view of the situation, of what happened last Wednesday, and from what I can gather is likely to happen to-day unless we proceed to consider the general appropriation bills, I am convinced that this day will be as fruitless in results, so far as the transaction of the public business is concerned, as was last Wednesday. I hope that this side of the House will determine to devote the balance of this day to the consideration of the diplomatic and consular appropriation bill.

Mr. HEFLIN. Mr. Speaker, I wish to say to the gentleman from New York [Mr. FITZGERALD] that in my judgment we could have completed the bill now on the calendar within the time consumed in the call of the House. On yesterday an appropriation bill passed through the House in one hour, and I congratulate the chairman of that committee and the committee itself on having that bill in such good shape when it came in to the House. The gentleman from New York [Mr. FITZGERALD] knows as well as I know that we are going to put these appropriation bills through before this Congress adjourns. Certainly we are. We are going to have night sessions, as we ought to have and will have. If gentlemen really want to oppose this measure, they will have the opportunity to do so, and I am perfectly willing to have them do so and the committee is willing to have them do so.

But this bill, I want to say to the gentleman, is a part of the public business. This Government, through its Congress, solemnly passed through this House and the Senate a resolution directing the President of the United States to invite the nations of the earth to an exposition to be given in honor of a great American project. That invitation has been extended, and 24 nations have accepted it and are waiting now to see what our Government will do about its own exhibit. My judgment is, Mr. Speaker, that if we do not provide for an exhibit the nations of the earth will not come with their exhibits. Would you blame them if they did not? This bill has already been discussed at length. We can go into the Committee of the Whole under the five-minute rule and finish the bill in a little while. It can be amended and perfected as gentlemen desire to see it amended and perfected. I want the House to take action and let the country and the world know what we are going to do. We ought to do that.

I want to say in conclusion, Mr. Speaker, we boast that this is the greatest country on the earth, and it is. [Applause.] We have invited the nations of the earth to come here and join us in celebrating the greatest engineering feat of all time, and I want the nations of the earth to come here and behold the blessings and benefits enjoyed by the greatest people in all the world. [Applause.]

Mr. Speaker, I trust that the motion of the gentleman from New York will not prevail. [Applause.]

I desire to print in the RECORD the committee report on this bill and a letter from the Louisiana delegation on this subject.

The report is as follows:

[House Report No. 1358, Sixty-second Congress, third session.]

PANAMA-PACIFIC INTERNATIONAL EXPOSITION.

Mr. CULLOP, from the Committee on Industrial Arts and Expositions, submitted the following report, to accompany H. R. 27876:

The Committee on Industrial Arts and Expositions, to whom was referred the bill (H. R. 27876) to provide for the participation of the United States in the Panama-Pacific International Exposition, having considered the same, report thereon with a recommendation that it do pass with the following amendments:

Page 4, in line 17, after the word "board," insert a colon and the words:

"*Provided*, That any one or all of the buildings hereby authorized to be erected shall be of a permanent and suitable character for the use of the Government on said military reservation."

Page 5, in line 5, after the word "States," insert a comma and the words "within 30 days after the passage of this act."

Page 5, in line 10, strike out the words "as soon as convenient" and insert in lieu thereof the words "within 30 days."

Page 6, in lines 1 and 2, strike out the words "or with foreign exhibitors regarding space, location, and the awarding of premiums; and" and insert in lieu thereof the words "the commissioners of foreign Governments and said Panama-Pacific International Exposition Co. whenever a formal request for such action is made by any foreign commissioner; and said commission."

Page 7, in line 2, after the word "premiums," insert the words "salaries and expenses herein provided for."

Amend the title so as to read: "An act to provide for the participation of the United States in the Panama-Pacific International Exposition, and for other purposes."

The President, in his message communicated to Congress on December 19, 1912, made the following reference to the Panama-Pacific International Exposition:

"In conformity with a joint resolution of Congress, an Executive proclamation was issued last February, inviting the nations of the world to participate in the Panama-Pacific International Exposition to be held at San Francisco to celebrate the construction of the Panama Canal. A sympathetic response was immediately forthcoming, and several nations have already selected the sites for their buildings. In furtherance of my invitation, a special commission visited European countries during the past summer and received assurances of hearty cooperation in the task of bringing together a universal industrial, military, and naval display on an unprecedented scale. It is evident that the exposition will be an accurate mirror of the world's activities as they appear 400 years after the date of the discovery of the Pacific Ocean.

"It is the duty of the United States to make the nations welcome at San Francisco and to facilitate such acquaintance between them and ourselves as will promote the expansion of commerce and familiarize the world with the new trade route through the Panama Canal. The action of the State governments and individuals assures a comprehensive exhibit of the resources of this country and of the progress of the people. This participation by States and individuals should be supplemented by an adequate showing of the varied and unique activities of the National Government. The United States can not with good grace invite foreign Governments to erect buildings and make expensixe exhibits while itself refusing to participate. Nor would it be wise to forego the opportunity to join with other nations in the inspiring interchange of ideas tending to promote intercourse, friendship, and commerce. It is the duty of the Government to foster and build up commerce through the canal, just as it was the duty of the Government to construct it.

"I earnestly recommend the appropriation at this session of such a sum as will enable the United States to construct a suitable building, install a governmental exhibit, and otherwise participate in the Panama-Pacific International Exposition in a manner commensurate with the dignity of a Nation whose guests are to be the peoples of the world. I recommend also such legislation as will facilitate the entry of material intended for exhibition and protect foreign exhibitors against infringement of patents and the unauthorized copying of patterns and designs. All aliens sent to San Francisco to construct and care for foreign buildings and exhibits should be admitted without restraint or embarrassment."

The exposition is to be a celebration of a national achievement of world-wide importance. The cost of the celebration, however, is not borne by the United States, but by the people of California. Of all the international expositions held in the United States the Panama-Pacific International Exposition is the only one that has not asked for aid from the Government, and the Panama-Pacific International Exposition Co. has pledged itself not to ask for such aid. The exposition is amply financed, over $20,000,000 having been provided by California and its people.

In response to the President's invitation 25 nations have already officially notified the Department of State of their intention to participate in the Panama-Pacific International Exposition. These countries are: Argentina, Bolivia, Canada, China, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, France, Great Britain (provisionally), Guatemala, Haiti, Honduras, Japan, Mexico, Netherlands, Nicaragua, Panama, Peru, Portugal, Salvador, Spain, Sweden, and Uruguay.

In September last, after the expiration of the period of mourning for the late Emperor of Japan, the commissioners from Japan appointed for that purpose selected the site of the Japanese buildings and gardens at San Francisco, within the grounds of the Presidio Military Reservation set apart for foreign exhibitions. The commissioners announced that the Japanese Government would expend more than $1,000,000, and that at the close of the exposition the buildings and gardens would be presented to the Government and people of the United States as a testimonial of good will.

The Governments of China, Canada, the Netherlands, Portugal, Spain, Brazil, and Sweden have sent commissioners to San Francisco to select sites for their buildings. Some of these sites have been chosen, and the work of preparing for construction and installation is in active progress. The French commissioners have asked for a reservation of 8 acres, and will arrive soon to confirm the selection. The Department of State is in receipt of communications from our representatives abroad, indicating that many other countries are preparing to accept the invitation to participate and to erect buildings.

Meanwhile, great interest is manifested in the exposition by the States of this Union. Thirty-five States have officially decided to make exhibits of their resources and activities, and the legislatures of the remaining States are now considering the subject. Many of the States have already selected the sites of their buildings and commissioners are at work arranging for construction.

Individual applications for exhibit space have been received from all parts of the world. The amount of space already applied for exceeds the allotment. Therefore, the process of selection and elimination has already begun, with the object of making the exposition a compact and complete epitome of the world's activity rather than a mere huge aggregation of exhibits.

The size and character of foreign government participation, as well as the extent of participation by the American States, will be affected largely by the attitude of this Government toward the exposition. It can not be expected that foreign nations will enter enthusiastically into this universal undertaking if its sponsor—the United States—is half-hearted or niggardly. Congress appropriated $1,579,000 for a Government exhibit at St. Louis, in addition to an outright gift of $5,000,000 and a loan amounting to $4,600,000, which loan was repaid. The pending bill provides for an appropriation of $2,000,000 for a Government exhibit at San Francisco, with a provision that the building or buildings shall be of a permanent character, suitable for the use of the military authorities at the Presidio Military Reservation, and with the further provision that the United States shall not be bound to extend any pecuniary aid or assistance to the Panama-Pacific International Exposition. This appropriation is regarded by your committee as moderate and suitable, and in accordance with the dignity of the United States as a host of the nations of the world.

The bill provides that the Government exhibit shall be in charge of a board of Government employees, appointed by the heads of the executive departments, the independent commissions and bureaus, the Smithsonian Institution, etc. The exhibit as a whole will illustrate the functions and activities of the National Government, showing the nature and growth of our institutions and their adaptation to the wants of the people, and the progress of the Nation in the arts of peace and war. Comparatively few citizens of the United Staes have an opportunity to visit the National Capital, and still fewer are able to gain a comprehensive idea of the manifold operations of their Government. By means of the exhibit at the Panama-Pacific International Exposition the people of the country will be enabled to obtain accurate information regarding the methods of government, the expenditure of the public funds, and the development of national institutions. In no other way could this desirable object be accomplished to such good advantage.

The bill provides that a commission shall be appointed by the President to act as a board of arbitration in case of differences arising between the exposition authorities and foreign Governments of exhibitors, and to require suitable provision to be made for the entertainment of the representatives of foreign nations who may visit the exposition in response to the invitation heretofore extended by the President by authority of Congress. The salaries and expenses of this commission are to be paid by the exposition company, and no expense whatever in this connection is to be borne by the National Government.

Your committee beg leave to commend the public spirit and generosity of the people of California in assuming the entire burden of financing and managing this universal exposition, and to emphasize the fact that the participation by the Government to the extent provided for in this bill is barely more than a formal recognition of its duty in the premises.

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HOUSE OF REPRESENTATIVES UNITED STATES,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Washington, D. C., February 10, 1913.

DEAR COLLEAGUE: The Louisiana delegation asks you to kindly read this short statement in regard to the Panama Exposition. New Orleans contested with San Francisco for the honor of being selected as the exposition city. San Francisco won.

New Orleans contended that an international exposition without foreign exhibits would not be a success and that foreign nations would not exhibit unless the United States had an exhibit of its own and a commission representing the authority of the Government. San Francisco believed that a successful exposition could be conducted without these provisions.

Recent developments have demonstrated that New Orleans was right and that San Francisco was wrong. Some of the leading foreign nations are hesitating about accepting our Government's invitation to participate until the United States provides for its own exhibit and appoints a Government commission with which foreign nations can deal.

Whether San Francisco erred when it stated that it would not ask for a national exhibit, or whether it used the argument for the purpose of obtaining a material advantage over its competitor, should not be considered at this time. It is essential that a national exhibit be authorized and adequate appropriation be made to secure the participation of foreign powers, without which the exposition must fail; and we urge that no right-thinking American will contribute to such humiliation.

The citizens of Louisiana and the entire country want the exposition to be a success. Our national prestige is at stake. We have invited foreign nations to be our guests, and we must not fail in our duty. New Orleans is anxious to help her late rival to make the exposition a success, and we urge upon Congress the absolute necessity for a Government exhibit and the creation of a Government commission.

The question is not local, but national. The mere fact that San Francisco made a mistake two years ago does not justify Congress in now making the mistake of refusing to do what is absolutely necessary to insure a successful exposition.

R. F. BROUSSARD.
JOS. E. RANSDELL.
A. P. PUJO.
J. T. WATKINS.
ALBERT ESTOPINAL.
H. GARLAND DUPRÉ.
LEWIS L. MORGAN.

The question was taken.

The SPEAKER. In the judgment of the Chair, two-thirds having failed to vote——

Mr. FITZGERALD. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 84, noes 72.

Mr. FITZGERALD. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Seventy-two gentlemen have risen—a sufficient number—and the yeas and nays are ordered.

The question was taken; and there were—yeas 134, nays 121, answered "present" 5, not voting 121, as follows:

YEAS—134.

Adamson	Candler	Fields	Hardy
Aiken, S. C.	Cannon	Finley	Hay
Ainey	Cline	Fitzgerald	Helm
Akin, N. Y.	Collier	Flood, Va.	Henry, Conn.
Alexander	Cox	Floyd, Ark.	Hensley
Allen	Curley	Fornes	Higgins
Ashbrook	Daugherty	Foster	Hill
Ayres	Denver	Fowler	Holland
Bartlett	Dickinson	Francis	Houston
Bathrick	Dickson, Miss.	Gardner, Mass.	Howard
Bell, Ga.	Difenderfer	Garner	Humphreys, Miss.
Boehne	Dixon, Ind.	Garrett	Jacoway
Booher	Doremus	Gill	Kinkead, N. J.
Borland	Doughton	Glass	Kitchin
Buchanan	Driscoll, M. E.	Goodwin, Ark.	Konop
Burgess	Edwards	Green, Iowa	Lawrence
Burleson	Evans	Gudger	Lee, Ga.
Byrnes, S. C.	Faison	Hamlin	Lever
Byrns, Tenn.	Fergusson	Hardwick	Littleton
Lloyd	Page	Sherley	Taylor, Ark.
McCreary	Patten, N. Y.	Sherwood	Taylor, Colo.
McKellar	Pepper	Sims	Tribble
Macon	Post	Sisson	Turnbull
Maguire, Nebr.	Pou	Slayden	Vare
Maher	Randell, Tex.	Small	Webb
Merritt	Redfield	Smith, Tex.	Wilder
Moon, Tenn.	Reilly	Stedman	Willis
Moore, Tex.	Roddenbery	Steenerson	Wilson, N. Y.
Morrison	Rouse	Stephens, Miss.	Wilson, Pa.
Moss, Ind.	Rucker, Mo.	Stephens, Nebr.	Witherspoon
Norris	Russell	Stephens, Tex.	Young, Mich.
Oldfield	Sabath	Sweet	Young, Tex.
Olmsted	Saunders	Taggart	
Padgett	Shackleford	Talcott, N. Y.	

NAYS—121.

Adair	Draper	Kendall	Pickett
Anderson	Dupré	Kennedy	Plumley
Austin	Dwight	Kent	Porter
Barchfeld	Esch	Kindred	Powers
Barnhart	Estopinal	Knowland	Pray
Bartholdt	Fairchild	Konig	Prince
Bates	Farr	La Follette	Raker
Berger	Foss	Langley	Ransdell, La.
Broussard	French	Lee, Pa.	Rees
Bulkley	Fuller	Lenroot	Roberts, Mass.
Burke, Pa.	Gallagher	Levy	Rodenberg
Burke, S. Dak.	Graham	Linthicum	Rothermel.
Burke, Wis.	Gray	Littlepage	Rucker, Colo.
Burnett	Greene, Mass.	Lobeck	Scott
Campbell	Greene, Vt.	Loud	Sells
Cantrill	Gregg, Pa.	McDermott	Sloan
Cary	Hamilton, Mich.	McGillicuddy	Smith, J. M. C.
Clark, Fla.	Haugen	McGuire, Okla.	Stephens, Cal.
Claypool	Hayden	McKenzie	Stevens, Minn.
Clayton	Hayes	McKinney	Stone
Cooper	Heflin	McLaughlin	Sulloway
Copley	Helgesen	McMorran	Switzer
Crago	Henry, Tex.	Madden	Thayer
Crumpacker	Howell	Martin, S. Dak.	Towner
Cullop	Howland	Mondell	Underhill
Currier	Hughes, W. Va.	Morgan, Okla.	Volstead
Curry	Humphrey, Wash.	Mott	Weeks
Dalzell	Jackson	Needham	Young, Kans.
Davis, Minn.	James	Nelson	
De Forest	Johnson, Ky.	Patton, Pa.	
Dodds	Kahn	Payne	

ANSWERED "PRESENT"—5.

Browning	Riordan	Sparkman	Thistlewood
Mann			

NOT VOTING—121.

Ames	George	Lamb	Roberts, Nev.
Andrus	Gillett	Langham	Rubey
Ansberry	Godwin, N. C.	Lewis	Scully
Anthony	Goeke	Lindbergh	Sharp
Beall, Tex.	Goldfogle	Lindsay	Simmons
Blackmon	Good	Longworth	Slemp
Bradley	Gould	McCall	Smith, Saml. W.
Brantley	Gregg, Tex.	McCoy	Smith, N. Y.
Brown	Griest	McKinley	Speer
Butler	Guernsey	Martin, Colo.	Stack
Calder	Hamill	Matthews	Stanley
Callaway	Hamilton, W. Va.	Mays	Sterling
Carlin	Hammond	Miller	Talbott, Md.
Carter	Harris	Moon, Pa.	Taylor, Ala.
Conry	Harrison, Miss.	Moore, Pa.	Taylor, Ohio
Covington	Harrison, N. Y.	Morgan, La.	Thomas
Cravens	Hart	Morse, Wis.	Tilson
Danforth	Hartman	Murdock	Townsend
Davenport	Hawley	Murray	Tuttle
Davidson	Heald	Neeley	Underwood
Davis, W. Va.	Hinds	Nye	Vreeland
Dent	Hobson	O'Shaunessy	Warburton
Dies	Hughes, Ga.	Palmer	Watkins
Donohoe	Hull	Parran	Whitacre
Driscoll, D. A.	Johnson, S. C.	Peters	White
Dyer	Jones	Prouty	Wilson, Ill.
Ellerbe	Kinkaid, Nebr.	Pujo	Wood, N. J.
Ferris	Kopp	Rainey	Woods, Iowa
Focht	Korbly	Rauch	
Fordney	Lafean	Reyburn	
Gardner, N. J.	Lafferty	Richardson	

So, two-thirds not having voted in favor thereof, the motion to dispense with proceedings under Calendar Wednesday was rejected.

The Clerk announced the following pairs:

For the session:

Mr. TALBOTT of Maryland with Mr. PARRAN.
Mr. RIORDAN with Mr. ANDRUS.
Mr. UNDERWOOD with Mr. MANN.
Mr. PALMER with Mr. HILL.
Mr. FORNES with Mr. BRADLEY.
Mr. HOBSON with Mr. FAIRCHILD.
Mr. SCULLY with Mr. BROWNING.

Until further notice:

Mr. BROWN with Mr. DYER.
Mr. BRANTLEY with Mr. AMES.
Mr. BLACKMON with Mr. ANTHONY.
Mr. BEALL of Texas with Mr. CALDER.
Mr. ANSBERRY with Mr. BUTLER.
Mr. RAINEY with Mr. MCCALL.
Mr. MORGAN of Louisiana with Mr. GOOD.
Mr. GOULD with Mr. HINDS.

Mr. MURRAY with Mr. HARRIS.
Mr. JOHNSON of South Carolina with Mr. GILLETT.
Mr. SPARKMAN with Mr. DAVIDSON.
Mr. KITCHIN with Mr. FORDNEY.
Mr. RICHARDSON with Mr. THISTLEWOOD (either to be released when the other would vote the same way).
Mr. CALLAWAY with Mr. DANFORTH.
Mr. CARLIN with Mr. FOCHT.
Mr. CARTER with Mr. GARDNER of New Jersey.
Mr. COVINGTON with Mr. HARTMAN.
Mr. DAVENPORT with Mr. HAWLEY.
Mr. DAVIS of West Virginia with Mr. HEALD.
Mr. DENT with Mr. KINKAID of Nebraska.
Mr. DIES with Mr. KOPP.
Mr. DONOHOE with Mr. LAFEAN.
Mr. DANIEL A. DRISCOLL with Mr. LAFFERTY.
Mr. FERRIS with Mr. LINDBERGH.
Mr. GOLDFOGLE with Mr. LONGWORTH.
Mr. GEORGE with Mr. MCKINLEY.
Mr. GREGG of Texas with Mr. MATTHEWS.
Mr. HARRISON of New York with Mr. MILLER.
Mr. HARRISON of Mississippi with Mr. MOON of Pennsylvania.
Mr. HUGHES of Georgia with Mr. MOORE of Pennsylvania.
Mr. HULL with Mr. MURDOCK.
Mr. KORBLY with Mr. NYE.
Mr. LEWIS with Mr. PROUTY.
Mr. MCCOY with Mr. REYBURN.
Mr. NEELEY with Mr. ROBERTS of Nevada.
Mr. O'SHAUNESSY with Mr. SIMMONS.
Mr. PETERS with Mr. STERLING.
Mr. PUJO with Mr. SLEMP.
Mr. RAUCH with Mr. SAMUEL W. SMITH.
Mr. RUBEY with Mr. SPEER.
Mr. SHARP with Mr. TAYLOR of Ohio.
Mr. SMITH of New York with Mr. TILSON.
Mr. STANLEY with Mr. VREELAND.
Mr. THOMAS with Mr. WARBURTON.
Mr. TOWNSEND with Mr. WILSON of Illinois.
Mr. TUTTLE with Mr. WOOD of New Jersey.
Mr. WATKINS with Mr. WOODS of Iowa.
Mr. WHITE with Mr. LANGHAM.

Mr. MANN. Mr. Speaker, I voted "yea," but I am paired with the gentleman from Alabama, Mr. UNDERWOOD, and I desire to withdraw my vote and be recorded as "present."

The SPEAKER. The Clerk will call the gentleman's name.

The name of Mr. MANN was called, and he voted "Present."

Mr. BROWNING. Mr. Speaker, I voted "nay." I am paired with my colleague, Mr. SCULLY, and I wish to withdraw my vote and be recorded as "present."

The SPEAKER. The Clerk will call the gentleman's name.

The name of Mr. BROWNING was called, and he voted "Present."

Mr. THISTLEWOOD. Mr. Speaker, I voted "nay." I have a general pair with the gentleman from Alabama, Mr. RICHARDSON, and if he has not voted I desire to withdraw my vote and vote "present."

The SPEAKER. The Clerk will call the gentleman's name.

The name of Mr. THISTLEWOOD was called, and he voted "Present."

The result of the vote was announced as above recorded.

The SPEAKER. Two-thirds not having voted in the affirmative, the motion to dispense with Calendar Wednesday is rejected, and the House resolves itself——

Mr. HEFLIN. Mr. Speaker, pending that I ask unanimous consent that general debate on this bill be considered as closed, and that we take the bill up immediately under the five-minute rule.

The SPEAKER. The gentleman from Alabama [Mr. HEFLIN] asks unanimous consent that general debate on this bill be considered as closed, and that when the House goes into the Committee of the Whole House it be taken up under the five-minute rule.

Mr. COLLIER, Mr. SISSON, and Mr. MANN objected.

Mr. HEFLIN. Mr. Speaker, I move that general debate upon this bill be considered as closed.

Mr. MANN. Mr. Speaker, I move as an amendment that further general debate on the bill be limited to two hours and a half.

Mr. SHERLEY. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SHERLEY. Is it in order, the House having refused to dispense with Calendar Wednesday, to do anything than to go into Committee of the Whole automatically for the consideration of business?

The SPEAKER. This is Calendar Wednesday, and, if the Chair ruled the other way, they never would get through with it.

Mr. SHERLEY. Does not the rule require it?

The SPEAKER. The rule requires that the House shall go into Committee of the Whole automatically, and it is in exactly the same position then as when a gentleman gets up ordinarily and moves to go into Committee of the Whole. The Chair has ruled that way three or four times, and he believes it is right.

Mr. MANN. On my amendment I ask for the previous question.

The SPEAKER. The gentleman from Illinois amends the motion, or offers to amend it.

Mr. GARDNER of Massachusetts. And, Mr. Speaker, I move to lay it on the table.

Mr. CANNON. Had you not better have the previous question apply to them both?

The SPEAKER. You must take them one at a time. The gentleman from Alabama [Mr. HEFLIN] moves that the debate be considered as closed.

Mr. SISSON. Mr. Speaker, I did not have an opportunity to speak four or five hours.

The SPEAKER. This question is not debatable, and the gentleman from Illinois [Mr. MANN] moves that the general debate close in two hours and a half, and on that he moves the previous question.

Mr. GARDNER of Massachusetts. And I make a preferential motion to lay that on the table.

Mr. CANNON. I suggest to the gentleman that he move the previous question on both the motion and the amendment.

Mr. MANN. I have moved the previous question on my amendment.

Mr. HEFLIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HEFLIN. I moved that the general debate be considered as closed. The gentleman from Illinois [Mr. MANN] moves to limit general debate to two hours and a half. The gentleman from Massachusetts [Mr. GARDNER] moved to lay that motion on the table.

Mr. MANN. Oh, no.

The SPEAKER. The gentleman from Illinois [Mr. MANN] moves the previous question——

Mr. MANN. On my amendment.

The SPEAKER. And on that the gentleman from Massachusetts moves to lay it on the table.

Mr. CANNON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANNON. If the previous question should be ordered, or whether it is ordered or not, does the previous question cover the amendment only?

Mr. MANN. That is all the previous question covers. I moved the previous question on my amendment.

The SPEAKER. The gentleman from Illinois [Mr. MANN] simply moves the previous question on his own amendment.

Mr. HEFLIN. Mr. Speaker, would it be in order to move the previous question on the previous question?

The SPEAKER. The Chair will decide that in a minute.

Mr. CANNON. It seems to me, Mr. Speaker, the gentleman from Alabama should have opportunity to move the previous question on both.

Mr. MANN. He had an opportunity to do that and did not do it.

The SPEAKER. The gentleman from Alabama had an opportunity to do that and did not do it, and the gentleman from Illinois [Mr. MANN] did it, as far as he wanted to do it. [Laughter.]

Mr. CANNON. Mr. Speaker, another parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANNON. If the previous question should be ordered and the amendment disposed of, then I will ask whether the gentleman from Alabama would be recognized to promptly move the previous question on his motion, and, if ordered, whether he would not thereby cut off an infinity of business?

The SPEAKER. He could if he were quick enough.

Mr. COOPER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER. As I understand it, the gentleman from Alabama made a motion, and the gentleman from Illinois [Mr. MANN] amended it. Would it not be in order now to move the previous question on the original motion and the amendments?

The SPEAKER. Not now. It would have been at one time, but it is now too late, and the gentleman from Massachusetts—to finish the statement of that situation—moved to lay the gentleman's motion on the table.

Mr. GARDNER of Massachusetts. To lay the amendment on the table.

Mr. COOPER. The motion of the gentleman from Massachusetts is a preferential motion and not an amendment to either of the other motions.

The SPEAKER. Of course, the motion of the gentleman from Massachusetts is preferential.

Mr. KAHN. Mr. Speaker——

Mr. HEFLIN rose.

The SPEAKER. For what purpose does the gentleman from Alabama rise?

Mr. HEFLIN. The gentleman from Massachusetts moves to lay the amendment of the gentleman from Illinois [Mr. MANN] on the table. If that motion prevails, what situation would the original motion be in?

The SPEAKER. That kills his amendment.

Mr. HEFLIN. And leaves the original motion as it was?

The SPEAKER. No. The original motion would go to the table with the amendment of the gentleman from Illinois.

Mr. COOPER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER. Under parliamentary law an amendment in the third degree is not permissible, but there is only one amendment before the House.

The SPEAKER. That is true.

Mr. COOPER. That is the amendment of the gentleman from Illinois [Mr. MANN], to have the general debate run two hours and a half, and on that he moves the previous question.

The SPEAKER. Yes.

Mr. COOPER. Why is it not in order to amend that still further and have the previous question apply to the original motion and to this amendment?

Mr. MANN. Because the previous question has been demanded on my motion.

The SPEAKER. What the gentleman from Wisconsin [Mr. COOPER] suggests could have been done at the proper time.

Mr. KAHN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KAHN. If the motion of the gentleman from Massachusetts to lay on the table should carry, would that take with it the bill and everything else connected with it?

The SPEAKER. It would not.

Mr. PAYNE. Mr. Speaker, I submit, as a part of the parliamentary inquiry, whether the motion to lay upon the table the amendment does not also take the motion of the gentleman from Alabama which is sought to be amended, and lay that upon the table?

Mr. WEBB. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from North Carolina rise?

Mr. WEBB. I move that the House do now adjourn.

Mr. PAYNE. I make the point of order that that is clearly dilatory.

Mr. MANN. That is dilatory.

Mr. WEBB. It is not dilatory.

Mr. MARTIN of South Dakota. It looks like it.

The SPEAKER. The question is on the motion of the gentleman from North Carolina to adjourn. That is the highest motion that can be made in this House.

The question being taken, the Speaker announced that the noes appeared to have it.

Mr. WEBB. I demand the yeas and nays, Mr. Speaker.

The question being taken on ordering the yeas and nays, the Speaker announced 41 ayes, not a sufficient number.

Mr. WEBB. I demand the other side.

The negative vote was taken.

The SPEAKER. On ordering the yeas and nays, the ayes are 41 and the noes are 115. More than one-fifth having voted in the affirmative, the yeas and nays are ordered. The question is on the motion of the gentleman from North Carolina that the House do now adjourn.

The question was taken; and there were—yeas 77, nays 183, answered "present" 6, not voting 115, as follows:

YEAS—77.

Adamson	Byrns, Tenn.	Fields	Helm
Akin, N. Y.	Cline	Flood, Va.	Henry, Conn.
Anderson	Collier	Floyd, Ark.	Hill
Ashbrook	Davis, W. Va.	Foster	Houston
Bartlett	Denver	Garner	Howard
Bathrick	Dickinson	Garrett	Humphreys, Miss.
Booher	Dickson, Miss.	Gregg, Tex.	Jacoway
Borland	Doremus	Gudger	Johnson, Ky.
Buchanan	Edwards	Hamlin	Kinkead, N. J.
Burgess	Evans	Hardwick	Lewis
Burleson	Faison	Hardy	McKellar
Byrnes, S. C.	Fergusson	Hay	Macon
Madden	Randell, Tex.	Small	Webb
Moon, Tenn.	Roddenbery	Smith, Tex.	Whitacre
Moore, Tex.	Rouse	Steenerson	Willis
Morrison	Saunders	Stephens, Miss.	Witherspoon
Oldfield	Sherwood	Stephens, Tex.	Young, Tex.
Padgett	Sims	Taylor, Ark.	
Page	Sisson	Tribble	
Pepper	Slayden	Turnbull	

NAYS—183.

Adair	Ellerbe	Kinkaid, Nebr.	Plumley
Aiken, S. C.	Esch	Knowland	Porter
Ainey	Estopinal	Konop	Post
Alexander	Fairchild	Kopp	Pou
Allen	Farr	La Follette	Powers
Austin	Fitzgerald	Langley	Pray
Barchfeld	Fornes	Lee, Ga.	Prince
Barnhart	Foss	Lee, Pa.	Raker
Bartholdt	Fowler	Lenroot	Redfield
Bates	Francis	Lever	Rees
Bell, Ga.	French	Levy	Roberts, Mass.
Blackmon	Fuller	Lindbergh	Rodenberg
Boehne	Gallagher	Linthicum	Rothermel
Brantley	Gardner, Mass.	Littlepage	Rucker, Colo.
Broussard	Gill	Littleton	Rucker, Mo.
Browning	Glass	Lloyd	Russell
Bulkley	Godwin, N. C.	Lobeck	Sabath
Burke, Pa.	Goodwin, Ark.	Loud	Scott
Burke, S. Dak.	Graham	McCoy	Scully
Burke, Wis.	Gray	McCreary	Sells
Campbell	Green, Iowa	McDermott	Sherley
Cannon	Greene, Mass.	McGillicuddy	Sloan
Cantrill	Greene, Vt.	McGuire, Okla.	Smith, J. M. C.
Cary	Gregg, Pa.	McKenzie	Stedman
Clark, Fla.	Hamill	McKinney	Stephens, Cal.
Claypool	Hamilton, Mich.	McLaughlin	Stone
Clayton	Hayden	McMorran	Sulloway
Cooper	Hayes	Maguire, Nebr.	Sweet
Copley	Heflin	Martin, S. Dak.	Switzer
Cox	Helgesen	Merritt	Taggart
Crago	Henry, Tex.	Miller	Talcott, N. Y.
Crumpacker	Hensley	Moore, Pa.	Taylor, Ohio
Cullop	Higgins	Morgan, Okla.	Thayer
Curley	Hinds	Moss, Ind.	Towner
Currier	Hobson	Mott	Tuttle
Dalzell	Howell	Murdock	Underhill
Davis, Minn.	Howland	Murray	Vare
De Forest	Hughes, W. Va.	Needham	Volstead
Dent	Humphrey, Wash.	Nelson	White
Difenderfer	Jackson	Norris	Wilder
Dodds	James	Olmsted	Wilson, N. Y.
Doughton	Kahn	O'Shaunessy	Wood, N. J.
Draper	Kendall	Patten, N. Y.	Woods, Iowa
Driscoll, M. E.	Kennedy	Patton, Pa.	Young, Kans.
Dupré	Kent	Payne	Young, Mich.
Dwight	Kindred	Pickett	

ANSWERED "PRESENT"—6.

Johnson, S. C.	Riordan	Stevens, Minn.	Thistlewood
Mann	Shackleford		

NOT VOTING—115.

Ames	Ferris	Korbly	Reyburn
Andrus	Finley	Lafean	Richardson
Ansberry	Focht	Lafferty	Roberts, Nev.
Anthony	Fordney	Lamb	Rubey
Ayres	Gardner, N. J.	Langham	Sharp
Beall, Tex.	George	Lawrence	Simmons
Berger	Gillett	Lindsay	Slemp
Bradley	Goeke	Longworth	Smith, Saml. W.
Brown	Goldfogle	McCall	Smith, N. Y.
Burnett	Good	McKinley	Sparkman
Butler	Gould	Maher	Speer
Calder	Griest	Martin, Colo.	Stack
Callaway	Guernsey	Matthews	Stanley
Candler	Hamilton, W. Va.	Mays	Stephens, Nebr.
Carlin	Hammond	Mondell	Sterling
Carter	Harris	Moon, Pa.	Talbott, Md.
Conry	Harrison, Miss.	Morgan, La.	Taylor, Ala.
Covington	Harrison, N. Y.	Morse, Wis.	Taylor, Colo.
Cravens	Hart	Neeley	Thomas
Curry	Hartman	Nye	Tilson
Danforth	Haugen	Palmer	Townsend
Daugherty	Hawley	Parran	Underwood
Davenport	Heald	Peters	Vreeland
Davidson	Holland	Prouty	Warburton
Dies	Hughes, Ga.	Pujo	Watkins
Dixon, Ind.	Hull	Rainey	Weeks
Donohoe	Jones	Ransdell, La.	Wilson, Ill.
Driscoll, D. A.	Kitchin	Rauch	Wilson, Pa.
Dyer	Konig	Reilly	

So the House refused to adjourn.

The following additional pairs were announced:

Until further notice:

Mr. BURNETT with Mr. ANTHONY.

Mr. DIXON of Indiana with Mr. HAUGEN.

Mr. FINLEY with Mr. LAWRENCE.

Mr. CANDLER with Mr. CURRY.

Mr. CONRY with Mr. GRIEST.

Mr. HAMILTON of West Virginia with Mr. GUERNSEY.

Mr. HULL with Mr. WEEKS.

Mr. HOLLAND with Mr. HAWLEY.

Mr. MOSS of Indiana with Mr. HARTMAN.

Mr. REILLY with Mr. DANFORTH.

Mr. MANN. Mr. Speaker, I voted "no," but I am paired with the gentleman from Alabama, Mr. UNDERWOOD, and I wish to withdraw my vote and answer "present."

The result of the vote was then announced as recorded.

The SPEAKER. When the gentleman from North Carolina swept everything out of the way temporarily by his motion to adjourn, there were three or four parliamentary inquiries pending, one by the gentleman from California [Mr. KAHN], one by the gentleman from New York [Mr. PAYNE], and one by the gentleman from Wisconsin [Mr. COOPER]. The Chair will answer them all at once. In the first place, if the motion of the gentleman from Massachusetts [Mr. GARDNER] to lay on the table, which comes first, carries, that carries the amendment offered by the gentleman from Illinois [Mr. MANN], and with it the proposition of the gentleman from Alabama to close the debate. It does not carry with it the bill. It has nothing to do with the bill. If the motion of the gentleman from Massachusetts fails, then the vote comes on the motion of the gentleman from Illinois [Mr. MANN] on ordering the previous question, and then the vote on the amendment offered by the gentleman from Illinois.

Mr. MANN. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. If the Gardner motion to lay on the table should be agreed to, thereby carrying the Heflin motion to limit debate, would it then be in order for the gentleman from Alabama to again be recognized to move to close debate at once?

The SPEAKER. No, not at once; but it would be to close it in one minute or three hours, or any time between. The question now is on the motion of the gentleman from Massachusetts [Mr. GARDNER] to lay the Mann amendment on the table.

Mr. MANN. And on that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Clerk will call the roll.

The question was taken; and there were—yeas 130, nays 111, answered "present" 6, not voting 134, as follows:

YEAS—130.

Ainey	Dwight	Kahn	Post
Akin, N. Y.	Esch	Kendall	Pou
Allen	Estopinal	Kennedy	Powers
Anderson	Fowler	Kent	Pray
Ashbrook	Francis	Kinkaid, Nebr.	Prince
Austin	French	Knowland	Raker
Ayres	Fuller	Konop	Randell, Tex.
Barchfeld	Gallagher	Lafferty	Rees
Blackmon	Gardner, Mass.	La Follette	Roberts, Mass.
Browning	Gill	Langley	Rodenberg
Bulkley	Glass	Lee, Pa.	Rucker, Colo.
Burke, Pa.	Godwin, N. C.	Levy	Russell
Burke, S. Dak.	Gould	Linthicum	Scott
Burke, Wis.	Graham	Littlepage	Sells
Campbell	Greene, Mass.	Lobeck	Sherley
Cantrill	Greene, Vt.	McGillicuddy	Sloan
Clark, Fla.	Gudger	McKenzie	Stephens, Cal.
Claypool	Hamill	McKinney	Stevens, Minn.
Cooper	Hamilton, Mich.	McMorran	Stone
Crago	Hayden	Madden	Sulloway
Crumpacker	Hayes	Martin, S. Dak.	Sweet
Cullop	Heflin	Merritt	Switzer
Currier	Helgesen	Miller	Taggart
Curry	Henry, Conn.	Morgan, Okla.	Thayer
Dalzell	Henry, Tex.	Mott	Towner
Davis, Minn.	Higgins	Murdock	Underhill
Davis, W. Va.	Hinds	Murray	Volstead
De Forest	Howell	Needham	Willis
Dent	Howland	Nelson	Wood, N. J.
Dodds	Hughes, W. Va.	Olmsted	Young, Kans.
Draper	Humphrey, Wash.	Payne	Young, Mich.
Driscoll, M. E.	Jackson	Pickett	
Dupré	James	Plumley	

NAYS—111.

Adair	Doremus	Humphreys, Miss.	Roddenbery
Adamson	Doughton	Jacoway	Rouse
Aiken, S. C.	Edwards	Kinkead, N. J.	Rucker, Mo.
Alexander	Ellerbe	Kopp	Sabath
Barnhart	Evans	Lamb	Saunders
Bartlett	Faison	Lee, Ga.	Scully
Bell, Ga.	Fergusson	Lever	Sherwood
Boehne	Fields	Lewis	Sims
Booher	Fitzgerald	Lindbergh	Sisson
Borland	Floyd, Ark.	Littleton	Slayden
Brantley	Foster	Lloyd	Small
Buchanan	Garner	McCoy	Smith, J. M. C.
Burgess	Garrett	McCreary	Smith, Tex.
Burleson	Goodwin, Ark.	McGuire, Okla.	Stedman
Byrnes, S. C.	Gray	McKellar	Steenerson
Byrns, Tenn.	Gregg, Tex.	Macon	Stephens, Miss.
Callaway	Hamlin	Maguire, Nebr.	Stephens, Tex.
Candler	Hardwick	Mondell	Talcott, N. Y.
Cary	Hardy	Moon, Tenn.	Taylor, Ark.
Cline	Harrison, Miss.	Morrison	Taylor, Colo.
Collier	Haugen	Moss, Ind.	Tribble
Cox	Hay	Norris	Turnbull
Curley	Helm	Oldfield	Whitacre
Daugherty	Hensley	O'Shaunessy	Wilder
Denver	Hill	Padgett	Wilson, N. Y.
Dickinson	Holland	Page	Witherspoon
Dickson, Miss.	Houston	Patten, N. Y.	Young, Tex.
Difenderfer	Howard	Pepper	

ANSWERED "PRESENT"—6.

Fornes	McDermott	Riordan	Shackleford
Johnson, S. C.	Mann		

NOT VOTING—134.

Ames	Finley	Lawrence	Rothermel
Andrus	Flood, Va.	Lenroot	Rubey
Ansberry	Focht	Lindsay	Sharp
Anthony	Fordney	Longworth	Simmons
Bartholdt	Foss	Loud	Slemp
Bates	Gardner, N. J.	McCall	Smith, Saml. W.
Bathrick	George	McKinley	Smith, N. Y.
Beall, Tex.	Gillett	McLaughlin	Sparkman
Berger	Goeke	Maher	Speer
Bradley	Goldfogle	Martin, Colo.	Stack
Broussard	Good	Matthews	Stanley
Brown	Green, Iowa	Mays	Stephens, Nebr.
Burnett	Gregg, Pa.	Moon, Pa.	Sterling
Butler	Griest	Moore, Pa.	Talbott, Md.
Calder	Guernsey	Moore, Tex.	Taylor, Ala.
Cannon	Hamilton, W. Va.	Morgan, La.	Taylor, Ohio
Carlin	Hammond	Morse, Wis.	Thistlewood
Carter	Harris	Neeley	Thomas
Clayton	Harrison, N. Y.	Nye	Tilson
Conry	Hart	Palmer	Townsend
Copley	Hartman	Parran	Tuttle
Covington	Hawley	Patton, Pa.	Underwood
Cravens	Heald	Peters	Vare
Danforth	Hobson	Porter	Vreeland
Davenport	Hughes, Ga.	Prouty	Warburton
Davidson	Hull	Pujo	Watkins
Dies	Johnson, Ky.	Rainey	Webb
Dixon, Ind.	Jones	Ransdell, La.	Weeks
Donohoe	Kindred	Rauch	White
Driscoll, D. A.	Kitchin	Redfield	Wilson, Ill.
Dyer	Konig	Reilly	Wilson, Pa.
Fairchild	Korbly	Reyburn	Woods, Iowa
Farr	Lafean	Richardson	
Ferris	Langham	Roberts, Nev.	

So the motion to lay on the table was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. BATHRICK with Mr. BARTHOLDT.

Mr. CLAYTON with Mr. CANNON.

Mr. JOHNSON of Kentucky with Mr. COPLEY.

Mr. JONES with Mr. FOSS.

Mr. MAHER with Mr. GREEN of Iowa.

Mr. PALMER with Mr. PORTER.

Mr. REDFIELD with Mr. LOUD.

Mr. ROTHERMEL with Mr. HARTMAN.

Mr. WEBB with Mr. MCLAUGHLIN.

Mr. TAYLOR of Alabama with Mr. VARE.

Mr. HART with Mr. TAYLOR of Ohio.

Mr. BERGER. Mr. Speaker, I did not hear my name called, though I was about here. I desire to vote.

The SPEAKER. Was the gentleman in the Hall, listening, when his name should have been called?

Mr. BERGER. Mr. Speaker, I believe I was in the Hall. I do not know whether I was in the Hall in time. I tried to get over in time from the House Office Building.

The SPEAKER. Was the gentleman in the Hall when his name was called?

Mr. BERGER. I do not know about that.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. MANN. Mr. Speaker, inadvertently I voted "yea" on this roll. I wish to withdraw that vote and vote "present," as I am paired with the gentleman from Alabama, Mr. UNDERWOOD.

The name of Mr. MANN was called, and he answered "Present."

The result of the vote was announced as above recorded.

Mr. GARDNER of Massachusetts. Mr. Speaker, I now move to close debate in three hours, and on that motion I demand the previous question.

Mr. MANN and Mr. COOPER rose.

Mr. HEFLIN. Mr. Speaker, I move to lay the motion of the gentleman from Massachusetts on the table.

Mr. MANN. That is right. I was just going to make that motion myself.

Mr. GARNER. Mr. Speaker, it must be clear to everyone in the House——

The SPEAKER. Debate is not in order on a motion to table.

Mr. GARNER. Then I desire to make a motion to adjourn.

The SPEAKER. The Chair will hold that motion to be dilatory.

Mr. GARNER. Mr. Speaker, do I understand the Speaker to hold, at 20 minutes of 5 o'clock, when a motion has been made that we have three hours of debate, and another motion to lay that motion on the table has been made, that a motion to adjourn is dilatory?

The SPEAKER. The Chair holds that at this stage of the session, with the business in the condition that it is, at 20 minutes of 5 o'clock in the evening a motion to adjourn is dilatory. [Applause.]

The gentleman from Massachusetts moves that debate close in three hours, and on that motion he demands the previous

question. The gentleman from Alabama [Mr. HEFLIN] moves to lay that motion on the table. The question is on the motion to lay on the table.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 119, noes 81.

Mr. MANN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 133, nays 113, answered "present" 3, not voting 132, as follows:

YEAS—133.

Adair	Dwight	Kent	Pickett
Ainey	Esch	Kinkaid, Nebr.	Plumley
Anderson	Estopinal	Knowland	Post
Austin	Farr	Konig	Pou
Barchfeld	Foss	Konop	Powers
Barnhart	Fowler	Kopp	Pray
Bell, Ga.	Francis	Lafferty	Raker
Berger	French	La Follette	Ransdell, La.
Broussard	Fuller	Langley	Rees
Browning	Gallagher	Lawrence	Roberts, Mass.
Bulkley	Godwin, N. C.	Lee, Pa.	Rodenberg
Burke, Pa.	Gould	Lenroot	Rucker, Mo.
Burke, S. Dak.	Graham	Levy	Russell
Burke, Wis.	Greene, Mass.	Lindbergh	Sabath
Calder	Gudger	Linthicum	Scott
Campbell	Hamill	Lobeck	Sells
Cantrill	Hamilton, Mich.	Loud	Sloan
Claypool	Hayden	McGuire, Okla.	Stanley
Cooper	Hayes	McKenzie	Stephens, Cal.
Crago	Heflin	McKinney	Stephens, Nebr.
Crumpacker	Helgesen	McLaughlin	Stone
Cullop	Henry, Conn.	McMorran	Sweet
Curley	Higgins	Madden	Switzer
Currier	Hinds	Martin, S. Dak.	Talcott, N. Y.
Curry	Hobson	Miller	Thayer
Dalzell	Howard	Morgan, Okla.	Towner
Davenport	Howell	Mott	Vare
Davis, Minn.	Howland	Murdock	Volstead
De Forest	Hughes, W. Va.	Needham	Wood, N. J.
Dent	Humphrey, Wash.	Nelson	Young, Kans.
Dodds	James	Norris	Young, Mich.
Draper	Kahn	Olmsted	
Driscoll, M. E.	Kendall	Patton, Pa.	
Dupré	Kennedy	Payne	

NAYS—113.

Adamson	Evans	Kinkead, N. J.	Sisson
Aiken, S. C.	Faison	Lee, Ga.	Slayden
Akin, N. Y.	Fergusson	Lever	Small
Alexander	Fields	Lewis	Smith, J. M. C.
Allen	Fitzgerald	Littlepage	Smith, Tex.
Ashbrook	Flood, Va.	McCoy	Stedman
Bartlett	Floyd, Ark.	McCreary	Steenerson
Bathrick	Foster	McKellar	Stephens, Miss.
Booher	Gardner, Mass.	Macon	Stephens, Tex.
Borland	Garner	Maguire, Nebr.	Taggart
Buchanan	Garrett	Moon, Tenn.	Taylor, Ark.
Burgess	Gill	Moore, Tex.	Taylor, Colo.
Burleson	Glass	Morrison	Tribble
Byrnes, S. C.	Goodwin, Ark.	Moss, Ind.	Turnbull
Byrns, Tenn.	Gray	Murray	Tuttle
Callaway	Green, Iowa	Oldfield	Underhill
Candler	Gregg, Tex.	O'Shaunessy	Webb
Cary	Hamlin	Padgett	Whitacre
Cline	Hardy	Page	White
Collier	Harrison, Miss.	Patten, N. Y.	Wilder
Cox	Hay	Pepper	Willis
Daugherty	Helm	Roddenbery	Wilson, N. Y.
Denver	Henry, Tex.	Rothermel	Wilson, Pa.
Dickinson	Hensley	Rouse	Witherspoon
Difenderfer	Hill	Saunders	Woods, Iowa
Doremus	Holland	Shackleford	Young, Tex.
Doughton	Houston	Sherley	
Edwards	Humphreys, Miss.	Sherwood	
Ellerbe	Jacoway	Sims	

ANSWERED "PRESENT"—3.

Fornes	McDermott	Mann

NOT VOTING—132.

Ames	Dickson, Miss.	Hartman	Merritt
Andrus	Dies	Haugen	Mondell
Ansberry	Dixon, Ind.	Hawley	Moon, Pa.
Anthony	Donohoe	Heald	Moore, Pa.
Ayres	Driscoll, D. A.	Hughes, Ga.	Morgan, La.
Bartholdt	Dyer	Hull	Morse, Wis.
Bates	Fairchild	Jackson	Neeley
Beall, Tex.	Ferris	Johnson, Ky.	Nye
Blackmon	Finley	Johnson, S. C.	Palmer
Bochne	Focht	Jones	Farran
Bradley	Fordney	Kindred	Peters
Brantley	Gardner, N. J.	Kitchin	Porter
Brown	George	Korbly	Prince
Burnett	Gillett	Lafean	Prouty
Butler	Goeke	Lamb	Pujo
Cannon	Goldfogle	Langham	Rainey
Carlin	Good	Lindsay	Randell, Tex.
Carter	Greene, Vt.	Littleton	Rauch
Clark, Fla.	Gregg, Pa.	Lloyd	Redfield
Clayton	Griest	Longworth	Reilly
Conry	Guernsey	McCall	Reyburn
Copley	Hamilton, W. Va.	McGillicuddy	Richardson
Covington	Hammond	McKinley	Riordan
Cravens	Hardwick	Maher	Roberts, Nev.
Danforth	Harris	Martin, Colo.	Rubey
Davidson	Harrison, N. Y.	Matthews	Rucker, Colo.
Davis, W. Va.	Hart	Mays	Scully
Sharp	Speer	Taylor, Ala.	Underwood
Simmons	Stack	Taylor, Ohio	Vreeland
Slemp	Sterling	Thistlewood	Warburton
Smith, Saml. W.	Stevens, Minn.	Thomas	Watkins
Smith, N. Y.	Sulloway	Tilson	Weeks
Sparkman	Talbott, Md.	Townsend	Wilson, Ill.

So the motion to lay on the table was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. LINDSAY with Mr. MCLAUGHLIN.

Mr. MARTIN of Colorado with Mr. TAYLOR of Ohio.

Mr. RUCKER of Colorado with Mr. SULLOWAY.

Mr. DICKSON of Mississippi with Mr. VREELAND.

Mr. GOEKE with Mr. PRINCE.

Mr. SHARP with Mr. MERRITT.

Mr. AYRES with Mr. BARTHOLDT.

Mr. KINDRED with Mr. PROUTY.

Mr. CLARK of Florida with Mr. GREENE of Vermont.

Mr. BRANTLEY with Mr. DANFORTH.

Mr. HARDWICK with Mr. JACKSON.

Mr. MANN. Mr. Speaker, I voted "no." I desire to withdraw my vote, because I am paired, and ask to be recorded as answering "present."

The SPEAKER. Call the gentleman's name.

The name of Mr. MANN was called, and he answered "Present."

The result of the vote was announced as above recorded.

Mr. HEFLIN. Mr. Speaker, I move that general debate close in five minutes, and on that I demand the previous question.

Mr. MANN. Mr. Speaker, I move to lay that motion on the table.

Mr. LENROOT. Mr. Speaker, I make the point of order that the motion is dilatory.

Mr. MANN. I wish to be heard upon that.

The SPEAKER. Upon what?

Mr. MANN. Upon the point of order which the gentleman has made.

The SPEAKER. What is it the gentleman desires to be heard on?

Mr. MANN. The gentleman from Wisconsin made a point of order that some motion was dilatory—I suppose the motion which I made to lay on the table. Now, Mr. Speaker, the House has just laid on the table two motions, and to say that a proposition to lay a third on the table is dilatory is wild imagination. If the House had refused to lay on the table a former motion, it might with some justice be claimed that a motion to lay on the table a third time was dilatory; but when the House has laid two of these propositions—one to close debate instantly, one to close debate in three hours—on the table, it seems to me that the House has shown its disposition to not endeavor to close debate at all.

Mr. LAFFERTY. Will the gentleman yield to me for a question?

Mr. MANN. If it is a parliamentary question.

Mr. LAFFERTY. It is a question touching the argument of the gentleman. Is it not a fact that the House has twice shown that it wants to vote on the main question involved and that——

Mr. MANN. It has not, because if it had even the gentleman from Oregon would not have voted to lay the main question on the table if he wanted to vote on it, and he so voted twice.

Mr. LAFFERTY. The parliamentary skirmish here is to avoid voting on the main question.

The SPEAKER. The Chair thinks the motion is dilatory, and every man in the House believes the same. [Applause.] The question is on ordering the previous question.

The question was taken, and the Speaker announced the noes seemed to have it.

Mr. CULLOP. Division, Mr. Speaker.

The SPEAKER. The gentleman from Indiana demands a division.

The House divided; and there were—ayes 86, noes 89.

Mr. HEFLIN. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman demands the yeas and nays. Those in favor of ordering the yeas and nays on the previous question will rise and stand until they are counted. [After counting.] Eighty-five gentlemen have risen, a sufficient number, and the Clerk will call the roll.

The question was taken; and there were—yeas 114, nays 117, answered "present" 1, not voting 149, as follows:

YEAS—114.

Ainey	Browning	Cantrill	Cullop
Anderson	Bulkley	Cary	Curley
Austin	Burke, Pa.	Clayton	Currier
Bates	Burke, S. Dak.	Cooper	Dalzell
Bell, Ga.	Calder	Crago	Davis, Minn.
Broussard	Cannon	Crumpacker	De Forest

Dent	Helgesen	McGuire, Okla.	Rodenberg
Dodds	Higgins	McKinney	Rothermel
Dupré	Hinds	McLaughlin	Russell
Dwight	Hobson	Martin, S. Dak.	Scott
Esch	Howell	Merritt	Slemp
Estopinal	Howland	Miller	Sloan
Farr	Humphrey, Wash.	Morgan, Okla.	Smith, J. M. C.
Foss	Kahn	Murdock	Stephens, Cal.
Fowler	Kendall	Murray	Stevens, Minn.
Francis	Kennedy	Needham	Stone
French	Kent	Nelson	Switzer
Gallagher	Kinkaid, Nebr.	Norris	Thayer
Gill	Knowland	Patton, Pa.	Towner
Godwin, N. C.	Konig	Payne	Underhill
Gould	Konop	Pickett	Vare
Greene, Mass.	Kopp	Plumley	Volstead
Hamill	Lafferty	Porter	Weeks
Hamilton, Mich.	La Follette	Pou	White
Harrison, N. Y.	Lee, Pa.	Pray	Woods, Iowa
Hart	Lenroot	Raker	Young, Kans.
Hayden	Levy	Ransdell, La.	Young, Mich.
Hayes	Lobeck	Rees	
Heflin	McDermott	Roberts, Mass.	

NAYS—117.

Adair	Faison	Lee, Ga.	Sims
Adamson	Fergusson	Lever	Sisson
Aiken, S. C.	Fields	Lewis	Slayden
Akin, N. Y.	Fitzgerald	Lindbergh	Small
Alexander	Floyd, Ark.	McCoy	Smith, Tex.
Allen	Foster	McCreary	Stanley
Ayres	Gardner, Mass.	McKellar	Stedman
Barnhart	Garner	Macon	Steenerson
Bartlett	Garrett	Maguire, Nebr.	Stephens, Miss.
Bathrick	Glass	Mann	Stephens, Nebr.
Beall, Tex.	Goodwin, Ark.	Moon, Tenn.	Stephens, Tex.
Booher	Gray	Moore, Tex.	Sweet
Borland	Green, Iowa	Morrison	Taggart
Buchanan	Gregg, Tex.	Moss, Ind.	Talcott, N. Y.
Burgess	Gudger	Oldfield	Taylor, Ark.
Byrnes, S. C.	Hamlin	O'Shaunessy	Taylor, Colo.
Byrns, Tenn.	Hardwick	Padgett	Tribble
Callaway	Hardy	Page	Turnbull
Candler	Harrison, Miss.	Pepper	Tuttle
Cline	Hay	Post	Webb
Collier	Helm	Powers	Whitacre
Cox	Hensley	Prouty	Wilder
Denver	Hill	Redfield	Willis
Dickson, Miss.	Holland	Roddenbery	Wilson, N. Y.
Difenderfer	Houston	Rouse	Wilson, Pa.
Doremus	Humphreys, Miss.	Sabath	Witherspoon
Doughton	Jacoway	Saunders	Young, Tex.
Edwards	Johnson, S. C.	Scully	
Ellerbe	Kinkead, N. J.	Shackleford	
Evans	Lawrence	Sherwood	

ANSWERED "PRESENT"—1.

Olmsted

NOT VOTING—149.

Ames	Driscoll, M. E.	Kindred	Rainey
Andrus	Dyer	Kitchin	Randell, Tex.
Ansberry	Fairchild	Korbly	Rauch
Anthony	Ferris	Lafean	Reilly
Ashbrook	Finley	Lamb	Reyburn
Barchfeld	Flood, Va.	Langham	Richardson
Bartholdt	Focht	Langley	Riordan
Berger	Fordney	Lindsay	Roberts, Nev.
Blackmon	Fornes	Linthicum	Rubey
Boehne	Fuller	Littlepage	Rucker, Colo.
Bradley	Gardner, N. J.	Littleton	Rucker, Mo.
Brantley	George	Lloyd	Sells
Brown	Gillett	Longworth	Sharp
Burke, Wis.	Goeke	Loud	Sherley
Burleson	Goldfogle	McCall	Simmons
Burnett	Good	McGillicuddy	Smith, Saml. W.
Butler	Graham	McKenzie	Smith, N. Y.
Campbell	Greene, Vt.	McKinley	Sparkman
Carlin	Gregg, Pa.	McMorran	Speer
Carter	Griest	Madden	Stack
Clark, Fla.	Guernsey	Maher	Sterling
Claypool	Hamilton, W. Va.	Martin, Colo.	Sulloway
Conry	Hammond	Matthews	Talbott, Md.
Copley	Harris	Mays	Taylor, Ala.
Covington	Hartman	Mondell	Taylor, Ohio
Cravens	Haugen	Moon, Pa.	Thistlewood
Curry	Hawley	Moore, Pa.	Thomas
Danforth	Heald	Morgan, La.	Tilson
Daugherty	Henry, Conn.	Morse, Wis.	Townsend
Davenport	Henry, Tex.	Mott	Underwood
Davidson	Howard	Neeley	Vreeland
Davis, W. Va.	Hughes, Ga.	Nye	Warburton
Dickinson	Hughes, W. Va.	Palmer	Watkins
Dies	Hull	Parran	Wilson, Ill.
Dixon, Ind.	Jackson	Patten, N. Y.	Wood, N. J.
Donohoe	James	Peters	
Draper	Johnson, Ky.	Prince	
Driscoll, D. A.	Jones	Pujo	

So the previous question was rejected.

The Clerk announced the following additional pairs:

On the vote:

Mr. CAMPBELL (for the previous question) with Mr. BURLESON (against).

Mr. STERLING (for the previous question) with Mr. PATTEN of New York (against).

Until further notice:

Mr. SHERLEY with Mr. OLMSTED.

Mr. BLACKMON with Mr. VREELAND.

Mr. ASHBROOK with Mr. MICHAEL E. DRISCOLL.

Mr. CLAYPOOL with Mr. FULLER.

Mr. HOWARD with Mr. JACKSON.

Mr. UNDERWOOD with Mr. TAYLOR of Ohio.

Mr. JAMES with Mr. LANGLEY.

Mr. OLMSTED. Mr. Speaker. I voted "yea," but I am paired with the gentleman from Kentucky, Mr. SHERLEY, and, finding he did not vote, I desire to withdraw my vote and vote "present."

The name of Mr. OLMSTED was called, and he voted "Present."

The result of the vote was announced as above recorded.

Mr. HEFLIN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The Chair wishes the gentleman would withhold that motion for a moment, until the House can transact some routine business.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to—

Mr. DIES, for 3 days, on account of illness.

Mr. DANFORTH, indefinitely, on account of illness.

Mr. DONOHOE, for 10 days, on account of illness.

RESIGNATION FROM A CONFERENCE COMMITTEE.

The SPEAKER. The Chair lays before the House a letter he has received from Hon. SCOTT FERRIS, of Oklahoma, which the Clerk will report.

The Clerk read as follows:

FEBRUARY 12, 1913.

To the Hon. CHAMP CLARK,
Speaker House of Representatives,
Washington, D. C.

SIR: Owing to the necessity of my being absent from the House of Representatives on important business during the next 10 days, I respectfully ask to be relieved from serving on the conference committee on the part of the House of Representatives on H. R. 23203, and ask you to substitute in my place Hon. EDWARD T. TAYLOR, of Colorado, the next ranking member on the committee, and oblige,

Yours, respectfully,

SCOTT FERRIS.

The SPEAKER. Without objection, the gentleman from Oklahoma [Mr. FERRIS] will be excused from service on the conference committee, and the Chair will appoint Mr. TAYLOR of Colorado in his place.

There was no objection.

BILLS ON THE PRIVATE CALENDAR.

Mr. POU. Mr. Speaker, I ask unanimous consent for the present consideration of the following order, which I send to the desk.

The SPEAKER. The gentleman from North Carolina [Mr. POU] asks unanimous consent for the present consideration of the following order, which the Clerk will report.

The Clerk read as follows:

Ordered, That on Friday next, February 14, the House shall stand in recess from the hour of 5 o'clock p. m. until the hour of 8 o'clock p. m., at which time it shall be in order to consider only, in the House or in Committee of the Whole, bills on the Private Calendar which were not considered and objected to on Monday, February 10, after which it shall be in order to consider the remainder of said calendar.

Mr. MANN. Reserving the right to object, Mr. Speaker, I thought the gentleman from North Carolina desired to ask that bills which were not objected to on Friday night should be considered with a view to giving every Member with a bill on the Private Calendar an opportunity to bring it before the House on a kind of unanimous-consent private calendar.

Mr. POU. Mr. Speaker, I ask leave to modify the order.

The SPEAKER. The gentleman from North Carolina asks leave to modify the order.

Mr. POU. I submit the order in a modified form.

The SPEAKER. The Clerk will report the order as modified.

The Clerk read as follows:

Ordered, That on Friday next, February 14, the House shall stand in recess from the hour of 5 o'clock p. m. until the hour of 8 o'clock p. m., at which time it shall be in order to consider, by unanimous consent only, in the House as in Committee of the Whole bills on the Private Calendar which were not considered or objected to on Monday, February 10, after which it shall be in order to consider the remainder of said calendar.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Under that order, as I understand, bills on the Private Calendar will be called and the question raised whether objection has been made to them, as it has been made heretofore.

Mr. POU. That is the object of the order. It was intended that it should be drawn that way.

The SPEAKER. The intention or this order is to enable the House to proceed exactly as the House proceeded on Monday night, beginning where it left off then. Is there objection?

There was no objection.

HOUR OF MEETING TO-MORROW.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn until 10.30 o'clock to-morrow morning.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent that when the House adjourns to-day it adjourn until 10.30 o'clock to-morrow morning. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, is it the understanding that the diplomatic and consular bill shall come up the first thing to-morrow?

Mr. FOSTER. Yes.

Mr. MANN. Why not make it 11 o'clock to-morrow?

Mr. FOSTER. Well, I will make it 11 o'clock a. m.

The SPEAKER. Is there objection?

There was no objection.

REPRINT OF SENATE BILL 4043 RELATING TO INTERSTATE SHIPMENT OF LIQUORS.

Mr. WEBB. Mr. Speaker, at the request of the gentleman from South Carolina [Mr. FINLEY], chairman of the Committee on Printing, I renew the request that there be printed as a document Senate bill 4043 as it passed the House. There is not a copy to be had in the document room of this House or of the Senate.

Mr. MANN. Does the gentleman mean to have it printed in bill form?

Mr. WEBB. Yes.

The SPEAKER. Is there objection?

There was no objection.

EXCHANGE OF LANDS FOR SCHOOL SECTIONS IN GOVERNMENT RESERVATIONS.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a letter from Hon. Walter L. Fisher, Secretary of the Interior, relating to the bill (S. 5068) to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes. The Committee on Public Lands have made a report, and this is an important letter relating to that bill.

The SPEAKER. The gentleman from California asks unanimous consent to have printed in the RECORD a letter from the Secretary of the Interior in relation to Senate bill 5068. Is there objection?

There was no objection.

Following is the letter referred to:

DEPARTMENT OF THE INTERIOR,
Washington, February 11, 1913.

Mr. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

SIR: My attention has been recently called to S. 5068, being a bill "to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes."

The general purpose of this bill is similar to H. R. 19344. The Senate bill as amended was passed by the Senate August 15, 1912. The matter of exchange, the subject of these bills, has been the subject of several previous reports from this department addressed to your committee. The bill as passed by the Senate seems to safeguard the public interests, and I would recommend its passage if the last proviso is stricken from the bill. Thereby it is provided: "That the provisions of this act shall not apply to the State of Idaho."

This is a general exchange measure authorizing the Secretary of the Interior, in his discretion, to make exchanges of lands within the several States for those portions of the land granted in aid of common schools, whether surveyed or unsurveyed, which lie within the exterior limits of any Indian, military, national forest, or other reservation, the exchange to be made in the manner and form and subject to the limitations and conditions of sections 2275 and 2276 of the Revised Statutes, as amended by the act of February 28, 1891 (36 Stat., 796). The department has heretofore made exchanges of this sort under sections 2275 and 2276, as amended, and, as before stated, believes the sections above quoted ample authority therefor, even though this legislation should fail.

The necessity for the bill results from an opinion by Judge Wellborn in the case of Hibbard *v.* Slack (84 Fed. Rep., 571), in which it is held that an act of February 28, 1891, amending sections 2275 and 2276, Revised Statutes, does not contemplate an exchange of lands between the State and the United States, but only indemnity for loss to a State because of inclusion of school lands within a forest or other reservation prior to their identification by the Government survey. Although this decision has never been followed by the Land Department in the administration of the school grants to the several States, it has nevertheless been thought by interested parties that the passage of this legislation would greatly relieve the situation. When it is remembered that the department has heretofore made these exchanges under the sections above quoted and has exchanged with the State of Idaho already about 350,000 acres, that there are at least that many additional selections pending unacted upon, and that the present bill merely authorizes exchanges in the manner and subject to the conditions and limitations of those sections, the effect of the last proviso to the bill as passed by the Senate can readily be appreciated. Assuming that it may not affect exchanges heretofore made—that is, carried into effect by final approval and acceptance by the Secretary of the Interior—it would certainly raise the question as to whether further exchanges of this sort were permissible with the State of Idaho.

The State, by its legislature, in 1911 authorized its officers to make exchanges of this sort with the United States and ratified and approved all previous exchanges made or applied for. The purpose in including this proviso, therefore, can not be understood; but should the bill be passed retaining the proviso, I would not feel free to make further exchanges of this sort with the State. I therefore earnestly recommend to the consideration of your committee the advisability of eliminating this proviso. With its exclusion, however, as hereinbefore stated, I think the public interest will be preserved, and I should recommend its early enactment.

Very respectfully, WALTER L. FISHER, *Secretary.*

ADJOURNMENT.

Mr. HEFLIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 38 minutes p. m.) the House adjourned, in accordance with the order previously made, until to-morrow, Thursday, February 13, 1913, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Galveston Harbor and adjacent waterways, Texas (H. Doc. No. 1390); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Savannah River at North Augusta, S. C. (H. Doc. No. 1389); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Terrys Creek and Back River from the mouth to its junction with Mackeys River, tributary to Brunswick Harbor, Ga. (H. Doc. No. 1391); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

4. A letter from the Acting Secretary of Commerce and Labor, referring to Senate bill 8369 to donate the Old Exchange Building in Charleston, S. C., to the Daughters of the American Revolution and advising Congress that the building is now used by the Lighthouse Service (H. Doc. No. 1388); to the Committee on Public Buildings and Grounds and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (H. R. 26189) granting certain coal lands to the city of Grand Junction, Colo., reported the same without amendment, accompanied by a report (No. 1511), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SWEET, from the Committee on Military Affairs, to which was referred the bill (H. R. 26648) for the relief of David Crowther, reported the same without amendment, accompanied by a report (No. 1510), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CULLOP: A bill (H. R. 28738) for the erection of a public building at Washington, Ind.; to the Committee on Public Buildings and Grounds.

By Mr. COX: A bill (H. R. 28739) to purchase a post-office site at French Lick, Ind.; to the Committee on Public Buildings and Grounds.

By Mr. LANGLEY: A bill (H. R. 28740) for the appointment of a commission with the view of providing a reservation in Oklahoma for the Five Civilized Tribes; to the Committee on Indian Affairs.

By Mr. FARR: A bill (H. R. 28741) to authorize the Secretary of War to donate two condemned brass or bronze cannon and cannon balls to Lieutenant Ezra S. Griffin Post, No. 139, Grand Army of the Republic, Scranton, Pa.; to the Committee on Military Affairs.

By Mr. LOBECK: A bill (H. R. 28742) authorizing the Shoshone Tribe of Indians residing on the Wind River Reservation in Wyoming to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. GARDNER of Massachusetts: Resolution (H. Res. 829) directing the Secretary of the Treasury to furnish the House of Representatives with certain information; to the Committee on Ways and Means.

By the SPEAKER (by request): Memorial from the Legislature of the State of Idaho, asking that the three-year homestead bill, approved June 6, 1912, be amended so as to not require cultivation of homesteads; to the Committee on the Public Lands.

Also (by request), memorial from the Legislature of the State of California, praying for the passage of the Newlands bill to create a board of river regulation and to provide a fund for the regulation and control of the flow of navigable rivers; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. EDWARDS: A bill (H. R. 28743) for the relief of the heirs of Andrew D. Kent, deceased; to the Committee on War Claims.

By Mr. LAWRENCE: A bill (H. R. 28744) granting an increase of pension to Margaret Kelley; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 28745) to remove the charge of desertion from the military record of Jacob Snyder; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of H. D. Arnot and 90 other citizens of Newark and Hanover, Ohio, asking that Congress investigate the conduct of the Interior Department with reference to the Uncle Sam Oil Co.; to the Committee on the Public Lands.

By Mr. AYRES: Petition of the New York State Conference on Taxation, Binghamton, N. Y., favoring the passage of legislation for the extension of the work of the Census Department; to the Committee on the Census.

By Mr. BROWNING: Petition of James Milton Conover, Carlisle, Pa., favoring the passage of legislation placing the Military and Naval Academies in the classified civil service; to the Committee on Reform in the Civil Service.

By Mr. DICKINSON: Papers to accompany bill (H. R. 27596) granting an increase of pension to George W. Wade; to the Committee on Invalid Pensions.

Also, petition of citizens of Rich Hill, Worland, Butler, Foster, Adrain, Archie, Eldorado Springs, Montrose, Rockville, Drexel, Amsterdam, Merwin, Amoret, and Hume, all in the sixth congressional district of Missouri, favoring the passage of legislation for the regulation of express rates and express classifications; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Leeton, Blairston, Windsor, Belton, Harrisonville, Holden, Calhoun, Centerview, and Warrensburg, all in the sixth congressional district of Missouri, favoring the passage of legislation compelling concerns selling direct to the consumer by mail to pay their portions of the funds for the development of the local community, county, and State; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Petition of citizens of Lime Ridge and vicinity, Wisconsin, favoring the passage of the Kenyon-Sheppard bill, preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. FORNES: Petition of the Children's Aid Society, New York, N. Y., favoring the passage of the Page bill (S. 3), granting Federal aid for vocational education; to the Committee on Agriculture.

Also, petition of the New York State Conference on Taxation, Binghamton, N. Y., favoring the passage of legislation for the extension of the work of the Census Department; to the Committee on the Census.

By Mr. LAFEAN: Petition of Ladies' Auxiliary No. 49, National Association of Letter Carriers, Braddock, Pa., favoring the passage of the Hamill retirement bill, providing for pensioning Government clerks; to the Committee on Pensions.

By Mr. LA FOLLETTE: Petition of the System Federation of Harriman Railroads, favoring passage of legislation for making investigation of the condition of equipment of the railroads and for the improvement of the condition of the American railway employees; to the Committee on Interstate and Foreign Commerce.

By Mr. LANGLEY: Petition of members of Company I, First Regiment Kentucky State Guard, favoring the passage of the Langley-Russell bill, for extending the provisions of the Sherwood bill to include the State militia; to the Committee on Invalid Pensions.

Also, petition of veterans of the Civil War of Auburn, Me.; Josiah Whipley, Newell, W. Va.; John Otterbacker, Charlottesville, Va.; W. M. Sterent, Beaver Dam, Pa.; George Shange, Wesley, Pa.; and Wesley J. Knaggs, Bay City, Mich., favoring the passage of House bill 1339, granting an increase of pension to veterans of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of the New York State Conference on Taxation, Binghamton, N. Y., favoring the passage of legislation for the extension of the work of the Census Department; to the Committee on the Census.

Also, petition of the Pratt Institute, Brooklyn, N. Y., and Clarence E. Meleney, associate city superintendent department of education, New York, N. Y., favoring the passage of the Page bill (S. 3), granting Federal aid for vocational education; to the Committee on Agriculture.

Also, petition of the Central Labor Union of Brooklyn, N. Y., favoring the insertion of a clause in this year's naval appropriation bill providing for the building of one of the new battleships in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. OLMSTED: Petition of citizens of Shippensburg, Pa., favoring the passage of the Kenyon-Sheppard bill, preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. O'SHAUNESSY: Petition of Anne Langworthy Waite, Westerly, R. I., favoring the passage of the Prouty "red-light" bill for the cleaning up of Washington for the inauguration; to the Committee on the District of Columbia.

Also, petition of the Rhode Island Field Naturalist Club, Providence, R. I., favoring the passage of the McLean bill granting Federal aid for the protection of all migratory birds; to the Committee on Agriculture.

By Mr. PATTEN of New York: Petition of the New York State Conference on Taxation, Binghamton, N. Y., favoring the passage of legislation for the extension of the work of the Census Department; to the Committee on the Census.

By Mr. PETERS: Petition of the American Academy of Arts and Sciences, Boston, Mass., protesting against the use of the "American Academy of Arts" by the American Academy of Arts and Letters, now seeking incorporation in the House of Representatives and Senate; to the Committee on the Library.

By Mr. RAKER: Petition of the citrus growers of southern California, favoring the passage of legislation making an appropriation of $100,000 for assistance and protection of fruit and citrus growers of California; to the Committee on Agriculture.

Also, petition of the National Association of Shellfish Commissioners, Boston, Mass., favoring the passage of legislation making appropriations for investigations for the development of the shell fisheries; to the Committee on the Merchant Marine and Fisheries.

By Mr. WEEKS: Petition of the Outlook Class of the Central Congregational Church, Newtonville, Mass., and the Men's Class, Phillips Church, Watertown, Mass., favoring the passage of the Kenyon-Sheppard bill preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

Also, petition of the Men's Class, Phillips Church, Watertown, Mass., favoring the passage of the Kenyon "red-light" injunction bill for the cleaning up of Washington for the inauguration; to the Committee on the District of Columbia.